

Yes, the Governor's Selective Mask Mandate is Unconstitutional (in several ways). Here's what you need to know:

1. The Director of the Ohio Department of Health cannot criminalize otherwise-lawful conduct, especially irrespective of intent. Nor may it do so in a non-uniform manner. After our victory in *State v. Brearley*, no person has been successfully prosecuted for violating a health director's order in 134 years.
2. Practically nobody is forced to wear a mask: there are 13 exceptions, which, cumulatively, are broad enough to exempt anyone at anytime and anyplace. **Bottom line: if you don't want to wear a mask, you don't have to. And if you're wearing a mask, it's because you're choosing to do so.**
3. The Order contains no enforcement mechanisms: it designates no state or local agency to enforce the order. And this failure to designate local enforcement agencies *intentional*: the Governor wants all lawsuit be filed against ODH alone and thus venued in Franklin County, where he is certain to win.
4. Because everyone is exempt and there is no enforcement mechanism, lawsuits against this mandate will fail if you do not have a written warning, threat, or citation from a local governmental authority.
5. Lawsuits against this mandate will also fail if you attempt them in counties with unfit judicial systems, such as Cuyahoga, Lorain, Franklin, Montgomery, or Hamilton.
6. To challenge the mandate, email us at Info@OhioConstitution.org ONLY if you are in a regulated county *not* listed above and are able to attach a written warning, threat, or citation.
7. In the interim, **you're entitled to disobey these orders, and we will defend those who are prosecuted.**

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The 1851 Center for Constitutional Law is a nonprofit, nonpartisan legal center dedicated to protecting the constitutional rights of Ohioans from government abuse. The 1851 Center litigates constitutional issues related to property rights, regulation, taxation, and searches and seizure