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April 10, 2023

By Email and Hand Delivery

Speaker Cameron Sexton
Tennessee House of Representatives
425 Rep. John Lewis Way N.
Suite 600
Cordell Hull Bldg.
Nashville, TN 37243
Email: speaker.cameron.sexton@capitol.tn.gov

Mr. Speaker:

We write on behalf of former Representatives Justin Jones and Justin J. Pearson.

One week ago, Tennessee House Republicans introduced House Resolution 63 and House Resolution 65 seeking to expel two of their members pursuant to Article II, Section 12 of the Tennessee Constitution. A mere three days later, on April 6, 2023, the House, in a partisan vote, passed both Resolutions and expelled the two Representatives, not for any criminal or unethical act, but for merely exercising their constitutional rights. In so acting, the House Republicans not only wrongfully stripped these Representatives of their rights as duly-elected legislators but also disenfranchised the voters they were elected to represent. Their partisan expulsion was extraordinary, illegal and without any historical or legal precedent. We are reviewing these unconstitutional actions to understand how best to remedy them.

We write today not to address these violations of the Representatives' rights, the subversion of due process, the suppression of their freedoms of assembly and speech, the oppression of their liberty to dissent, nor their unequal and discriminatory treatment. Rather, we write to emphasize that the House must not now compound its errors by taking any further retributive actions against Representatives Jones and Pearson or their constituents in violation of Article II of the Tennessee Constitution, the very constitutional basis wrongly used to expel the Representatives.

As you are likely aware, both the Nashville Metropolitan Council and the Shelby County Commission have indicated their intent to meet this week to address whether to reappoint Representatives Jones and Pearson, respectively, to the vacancies in Districts 52 and 86. Should those bodies reappoint these duly-elected Representatives under Article II, Section 15(b) of the Tennessee Constitution, such reappointment must lead to

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the full and immediate restoration of their rights as members of the House. Representatives Jones and Pearson, if reappointed, should be promptly sworn back in as members of the General Assembly and granted the same benefits, rights, duties, and liberties as any other member. That includes, but is not limited to, returning their parking and badge access to the State Capitol, which was cut off before their expulsion, restoring their benefits, including healthcare, which was immediately cut off upon expulsion, returning their status on committees and being allowed to, in all manners, conduct legislative business the same as any other member.

The world is watching Tennessee. Any partisan retributive action, such as the discriminatory treatment of elected officials, or threats or actions to withhold funding for government programs, would constitute further unconstitutional action that would require redress. On behalf of Representatives Jones and Pearson, should they be reappointed, we expect that these Representatives will return immediately to full status as members of the Tennessee General Assembly and that the House will follow the Tennessee Constitution and the spirit of our democracy.

Please contact us immediately if you have any questions or wish to discuss this matter.

Respectfully,



Eric H. Holder, Jr.
C. William Phillips
R. Gregory Rubio
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Cc (by Email only): Doug Himes, House Ethics Counsel, Tennessee General Assembly
Hon. Jonathan Skrmetti, Tennessee Attorney General & Reporter
Democratic Leader Karen D. Camper