Texas attorney general sues local officials for refusing to lift mask mandates

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On Thursday, Texas Attorney General Ken Paxton sued leading officials in Travis County and Austin for refusing to rescind their local mask mandates, after Governor Greg Abbott lifted Texas's statewide mask mandate along with other coronavirus restrictions on Wednesday. Announcing that Texas was "100 percent open," Abbott allowed businesses, including bars, restaurants, shopping centers and stadiums, to operate at full capacity.

The governor claimed Texas is in "a completely different position" than it was last year. However, the end of restrictions comes less than a month after a devastating winter storm, from which residents are still recovering. Abbott announced his decision as Houston reported the presence of every COVID-19 variant of concern. The Centers for Disease Control and Prevention (CDC) has determined the variants spread more easily and quickly than the wild type.

The executive order lifted nearly all coronavirus restrictions. It stated that "no jurisdiction" could enforce mask requirements in public areas unless the area was experiencing a certain hospitalization rate. Currently, masks can only be mandated in localities where the proportion of those with COVID-19 who are hospitalized exceeds 15 percent.

Public health officials in Travis County and Austin said they will continue to enforce safety measures. They were joined by officials in Round Rock, which reinstated a mask mandate until April 29. Other cities, including Houston and San Antonio, have continued to require masks in city buildings and public transportation hubs.

In a tweet, Paxton said, "I told Travis County & The City of Austin to comply with state mask law. They blew me off. So, once again, I'm dragging them to court. [Austin Mayor Steve] Adler will never do the right thing on his own. His obstruction won't stop me from keeping TX free & open!"

Paxton issued a letter Wednesday to Travis County Judge Andy Brown and Adler, giving the pair an ultimatum. Paxton threatened to sue if restrictions were not lifted by 6:00 p.m. that day.

"We have already taken you to court under similar circumstances. You lost. If you continue to flout the law in this manner, we'll take you to court again and you will lose again," Paxton said.

Local officials refused to comply, stating mask mandates were a critical public health policy during the pandemic.

"[Travis County] Judge Brown and I will fight to defend and enforce our local health officials' rules for as long as possible using all the power and tools available to us," the Austin mayor said Thursday in a statement. "We promised to be guided by the doctors, science and data as concerns the pandemic and we do everything we can to keep that promise."

Judge Brown stated that Paxton was failing to make public health and safety a priority.

"I will continue to listen to our public health authority, medical professionals and the CDC who have consistently said masks save lives," Brown said in a statement. Brown told the *Texas Tribune* that the decision to continue the local mask mandate came from the county's health authority.

"I listen to doctors, not to politicians like our attorney general," Brown said.

Paxton's lawsuit is the latest in a series of legal challenges Texas has brought against local officials. In January, Paxton blocked an effort by Travis County and Austin to restrict in-person dining around the New Year. Paxton also prevented El Paso County Judge Ricardo Samaniego from closing nonessential

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workplaces during a surge of infections.

Abbott and Paxton's actions are reprehensible and socially criminal. Eager to show corporations that Texas is "business friendly," Texas state officials have led other states in relaxing coronavirus restrictions. Texas was among the first states to reopen nonessential workplaces last summer. Hospitalizations increased dramatically afterward. Such policies caught the attention of billionaire Elon Musk, who threated to move Tesla production to Texas if California officials didn't allow his factories to stay open.

Texas has reported more than 2.3 million confirmed COVID-19 cases and approximately 45,000 deaths. As of March 10, only 9 percent of Texans have been fully vaccinated. Texas ranks among the lowest in the US for vaccinations, and the average weekly number of doses administered decreased from last month.

Health experts warn lifting the mask mandate could lead to another surge, threatening what little vaccination progress has been made, particularly with the presence of more-infectious variants. Because none of the vaccines available have been approved for children under 16, almost a quarter of the population, nearly 100 percent of Texas adults—approximately 22 million people—would have to be vaccinated to achieve herd immunity.

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