



## Judge Napolitano: Governments ‘Do Not Have The Authority’ To Mandate Mask-Wearing

Scott Morefield, June 29, 2020



Judge Andrew Napolitano said Monday that federal and state governments “do not have the authority” to mandate the wearing of face masks.

Prominent Democrats, including House Speaker [Nancy Pelosi](#) and presumptive Democratic presidential nominee [Joe Biden](#), have in some form supported a federal mask-wearing mandate as a measure to fight the spread of [coronavirus](#).

The Fox News judicial analyst discussed the issue during the network’s “America’s Newsroom” program. He said that the 10th Amendment to the Constitution reserves matters of public health and safety to the states, but even they lack the authority to mandate masks anywhere but state property.

“The federal government certainly can’t do it because the federal government is not charged with public health or public safety,” Napolitano told Fox News’ Melissa Francis. “That is an area that is reserved by the Tenth Amendment to the Constitution for the states.”

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