

STATE OF TENNESSEE

Office of the Attorney General



**JONATHAN SKRMETTI**  
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202  
TELEPHONE (615)741-3491  
FACSIMILE (615)741-2009

September 25, 2025

Mayor Gary Chesney  
P.O. Box 1499  
100 W. First North St.  
Morristown, TN 37816

*Via U.S. Mail and Electronic Mail*

Dear Mayor Chesney:

Tennessee law prohibits denying a person the full and equal enjoyment of a public accommodation on the grounds of religion. Tenn. Code Ann. § 4-21-501. Section 9-204 of the Morristown Code of Ordinances explicitly excludes the use of the Farmer's Market and Downtown Green for religious purposes. Should Morristown enforce Section 9-204 as written, the City would be treating activities differently on the basis of religion and would therefore be in violation of Tennessee's Human Rights Act.

My office's Civil Rights Enforcement Division has the authority and the responsibility to enforce the Human Rights Act and to protect Tennesseans against religious discrimination. If it comes to it, we will file suit and fight hard to vindicate Tennesseans' religious liberty.

That said, litigation can be expensive and time-consuming and sometimes common sense can get us to the right place faster. If Morristown is willing to forego enforcement of the religiously-discriminatory part of this ordinance and to stand by that decision in good faith going forward, that would assuage my enforcement concerns. I understand that in addition to the Tennessee Human Rights Act, there may be significant First Amendment issues at stake as well, but those are outside the scope of my enforcement authority under Tennessee law. I have no doubt that if you are willing to work this out, our respective teams will be able to formalize language

quickly that resolves the Tennessee Human Rights Act issue to our mutual satisfaction.

In the meantime, as you consider that option, the City should take immediate action to preserve all documents and information that may be relevant, including, but not limited to, the City's enforcement of Section 9-204(6) of its Code of Ordinances, prior and pending requests to use the Green, documents reflecting the approval or denial of any such request to use the Green, and any written or electronic communications related to any such requests, approvals, or denials. The City must take steps to prevent the deletion, destruction, corruption, and alteration of all relevant physical and electronically stored documents and information. The relevant period for this preservation demand is the effective date of the ordinance—May 4, 2021—to the present. This request is made pursuant to § 4-21-205 of the Tennessee Code Annotated because I have reason to believe that Morristown has engaged in, is engaging in, and is about to engage in a violation of the Tennessee Human Rights Act.

I have to further convey that failure to preserve relevant documents and communications may result in penalties under Tenn. Code Ann. § 4-21-205(e), sanctions for spoliation, including an adverse inference, or other remedies otherwise allowed by law. Please forward a copy of this letter to all elected and appointed officials, records custodians, department managers, and anyone else who may have possession, custody, or control of relevant information.

If you are interested in talking this out, please contact me by Monday, September 29. My team will be glad to work with you to get this figured out, and I expect we could both use one less issue on our respective plates these days.

Respectfully,



Jonathan Skrmetti  
Attorney General and Reporter

cc:

Andrew Ellard, City Administrator  
P.O. Box 1499  
100 West First North Street  
Morristown, TN 37816  
[REDACTED]

Lauren Carroll, City Attorney  
918 W. 1st North Street  
Morristown, TN 37814  
[REDACTED]