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Governor's attempt to extend state of emergency

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Good afternoon. I write you today to ask that once session convenes tomorrow, a roll call vote is taken. There needs to be accountability. The state of emergency should not be extended, as the police powers being exercised by the governor via executive orders have already gone way too far. This is a serious matter. And not just one of medical consequences. Under MCL 10.32, "It is hereby declared to be the legislative intent to invest the governor with sufficiently **broad power** of action in the exercise of the **police power** of the state to provide adequate **control over persons** and conditions during such periods of impending or actual public crisis or disaster. The provisions of this act shall be **broadly** construed to effectuate this purpose." Governor Whitmer has used her new police powers via emergency executive orders to curtail many of our essential, fundamental, constitutional rights.

Nowhere in the United States Constitution or Michigan Constitution of 1963 does it allow for our right to peaceably assemble, our right to religious worship and religious freedom, or our right to petition our government for a redress of grievances to be abrogated, diminished, or reduced in any way, shape or form. Furthermore, nowhere in the Michigan Constitution of 1963 does it allow for our right to consult for the common good or instruct our representatives to be abrogated, diminished, or reduced in any way, shape or form.

Because of these executive orders, there are police and sheriff's deputies in certain jurisdictions within Michigan sitting outside of stores like Walmart or Menards who stop customers upon them leaving the store. The officers then look through the items the customers have bought or demand to see the receipt, and if the officer has determined the customer has bought something of a "non-essential" nature, a citation is written for them. We do not live in a police state and these kinds of actions by law enforcement are completely unacceptable! There are also many instances of people leaving their house to go for a walk or enjoy some time out at a park with their children when they are stopped by a law enforcement officer and told that they need to go back home. That is not what the executive order even says, but now coupled with the recent "Emergency Order" from MDHHS Director, that is the mentality that some law enforcement officers in our state now hold. Citizens are being told that if they leave their homes at all or have bought what an individual officer has deemed "non-essential," they will be given criminal misdemeanor charges, civil infractions, and possible licensing (LARA) consequences. (The language of the recent "Emergency Order" alone is quite alarming.)

However, even in a more "heightened state of alert" (such as when acts of terrorism may be committed in this state or against a vital resource), the governor is warned that the "exercise of [the governor's emergency] powers **shall be consistent** with the provisions of the state constitution of 1963 and the federal constitution" MCL 30.421(1). Furthermore, even though the statute specifically declares willful disobedience of executive orders of this nature a misdemeanor, it also specifically prohibits "prosecuting agenc[ies] [from] prosecut[ing] any person or seiz[ing] any property for conduct presumptively **protected by the first amendment to the constitution of the United States** in a manner that violates any constitutional provision." MCL 30.421(2). Yet, the language of several of Whitmer's 2020 Executive Orders is **quite inconsistent** with **several** provisions of the Michigan Constitution of 1963 and the US Constitution.

More importantly, the First Amendment to the United States Constitution provides that "Congress shall make **no** law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The 14th Amendment to United States Constitution extends these limitations

on government to *state* governments: "**No State** shall make or enforce **any law** which shall abridge the privileges or immunities of citizens of the United States . . ." Thus, state governments simply cannot make or enforce laws, executive orders, etc. which impair our Constitutional rights, and there is NO exception for times of disease or pandemic, etc.

I urge you all to do the right thing and vote against **any** extension of the state of emergency specific only to Michigan. There are plenty of other things happening at the federal level to bridge gaps for medical supplies and personnel and other needed things. But extending the state of emergency here in Michigan under our state statutes only serves to expand Governor Whitmer's police powers, thereby directly infringing upon our fundamental constitutional rights. I also urge you to do a roll call vote to ensure accountability for the decisions made tomorrow.

If any of you have not fully read each of the statutes regarding these state of emergency powers (sections 10.31 to 10.33 and 30.401 to 30.421), I implore you to do so today. I was astonished and disgusted to see how broad the governor's powers are under the current statutory language. It's no wonder *she thinks* she has the right to create executive orders erasing our constitutional rights.

You each obviously have many people with whom you can consult on these topics, but I again offer myself up for such a purpose. Given the timely nature of this situation, even if it is in the late hours of the night, I would be more than happy to discuss the contents of the statutes involved, the constitutional provisions involved, and the real world implications of each.

The bottom line is that NONE of our Constitutional rights can be modified, diminished, abrogated or changed in ANY way - by any Executive Order of the Governor, Emergency Order of the Director of MDHHS, act of legislature, etc. Law enforcement officers do NOT have the right to stop individuals without probable cause, a right which is guaranteed to us in both the Michigan and US Constitutions. We have the right to peaceably assemble, consult for the common good, instruct our representatives, petition our government for a redress of grievances, and to practice our religious freedoms - as guaranteed in the Michigan and US Constitutions. Everyone is trying to do what they think is best to combat COVID19, but infringing upon our fundamental rights is simply NOT an option, and it must be stopped immediately!

Respectfully,

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