



Brian Peters, Executive Director
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Dear Mr. Peters

We, the undersigned members of the Minnesota House of Representatives and Senate, are writing you today to encourage you to communicate the following message to your members: consider carefully the position you have been placed in by the Governor of Minnesota and Attorney General Keith Ellison.

We want to alert you that Governor Walz's actions, while lawful, are constitutionally questionable. He has put county sheriffs, police, and peace officers in a position where the law, as decreed by himself in Executive Orders, is in direct conflict with the Constitution, which you took an oath to uphold.

The Governor's Executive Orders conflict with our founding principles, including the freedom to be secure in your home and property and the freedom of assembly - all free from government interference.

The Minnesota Constitution makes it clear that the state's legislature is the body that enacts the laws and the governor vetoes or affirms.

We believe that he exceeded his authority under the Minnesota Constitution's separation of powers principle. Simply put, one branch of government cannot exercise the powers of another. He denied the legislature its rights regarding his orders, and he invoked emergency powers for a public health emergency, an authority he had no right to exercise. The only means of exiting the peacetime emergency is for both bodies of the legislature to exercise a veto by agreeing to terminate it. The Minnesota Constitution does not provide for legislative veto powers, so this provision is unconstitutional

The Governor is correct when he says, "To date, every Minnesota state and federal court presented with a challenge to the Governor's authority has upheld that authority." What he leaves out is that this is an ongoing situation. There are cases under appeal. The objective and underlying facts that his argument relies on are changing in terms of the scope, the duration of the crisis, the progress and treatment of the disease, and the government's ability to handle it.

You should also understand that the Governor has, up to this point, relied on threats rather than the assertion of raw governmental power. But he is now shutting down the economy with "pauses" and "stay at home" orders much longer than either the data show or the common sense of the people will allow.

An example of this is his reluctance to allow churches to reopen even when they were compliant with all health and safety regulations and when other businesses were allowed to operate. The churches threatened to sue, asserting their constitutional rights. The Governor backed off. In that moment, it was apparent that the foundations of the Governor's authority were based not on the Constitution but on the much thinner ice of what he could defend in court and in the court of public opinion.

You are seeing the result of this unreasonable exercise of governmental authority, in that businesses are suffering, jobs are being lost, and people's incomes have been devastated. Main Street businesses, the pillar of our communities, and the state's economic backbone are an essential part of our quality of life in Minnesota. They are fighting for their very survival!

We believe that he is willing to push the public to the breaking point on these Executive Orders. That means you will be the ones caught in the middle of a test of his authority. You are being asked to enforce laws against law-abiding leaders in your communities. That is the position he has placed you in.

We are not asking you not to do your job; we are simply asking you to enforce the laws according to your oath of office.

Sincerely,



Rep. Steve Drazkowski District 21-B (R- Mazeppa)



Rep. Tim Miller District 17-A (R-Prinsburg)



Rep. Cal Bahr District 31-B (R-East Bethel)



Rep. Jeremy Munson District 23-B (R-Lake Crystal)



Senator Scott Jensen District 47 (R-Chaska)