

August 16, 2010

The Honorable Mike Cox  
Attorney General, State of Michigan  
G. Mennen Williams Building, 7th Floor  
525 W. Ottawa  
Lansing, MI 48909

Subject: Unconstitutionality of Smoking and Texting ban

Dear Attorney General Cox:

I am not an attorney, however, I am one of the original drafters of the Headlee Amendments of 1978.

One of the amendments; Art. IX, S29 Michigan Constitution 1963 has clear and plain language. It requires the State of Michigan or any state agency to fund (upfront) any and all statutes that require local units of government to enforce. In other words; in clear language, I believe the anti-smoking and texting ban are unconstitutional since neither statute have funded or re-imbursed local units of government for their expenses in enforcing both of the statutes.

Your attention is invited to Sundays Free Press, August 15th particularly "Veterans fight on for right to smoke" subtitled "VFW Post in Baraga defies states new ban files lawsuit". You are also invited to peruse the article on page 5A titled "Smoke looks like freedom on a Baraga afternoon," Also "Fears go poof as few complaints follow ban." According to the articles, monies have been expended by local units of government to enforce a state ban on smoking.

To the best of my knowledge and belief, none of the local units of government have been re-imbursed by the state or a state agency for their efforts in complying with state law.

Action must be taken. We cannot allow the sitting governor to sign laws that are unconstitutional and as of this writing, the governor does so with impunity. Thanks for your time.

Sincerely,



Michael C. Sessa

Chairman, Macomb County Taxpayers Ass'n.  
29559 Riverside Bay Ct., Harrison Twp., MI 48045  
Phone: Home and fax 586-463-1950