

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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DANA NESSEL
ATTORNEY GENERAL

May 11, 2020

Honorable Christine Greig
Michigan House of Representatives
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Delivered electronically via email only

Re: Request for Attorney General Opinion

Dear Representative Greig,

I've received your May 9, 2020, letter requesting my opinion about the Michigan State Capitol Commission's authority to prohibit firearms in areas under its control, including the State Capitol building. Thank you for your inquiry about this important matter.

Let me begin by saying that I firmly believe in the right to protest, the right to demonstrate, and the right to loudly and strongly object to those causes that move us. These rights are so fundamental to our democracy that they are enshrined in the First Amendment of our Constitution. But it is also important to remember that the right to protest does not encompass the right to violence, or the right to harm those individuals with whom you disagree. Our Constitution provides no shelter for those who threaten the life of another. That is not to say that everyone who carries a firearm into the State Capitol building is intent on harm, but others in the building should not have to fear for their safety.

That's why I was so deeply troubled by recent images of crowds flooding the State Capitol, armed with assault rifles, while members of the Legislature debated and deliberated the critical issues of the day. Members of our Legislature should not have to wear bullet proof vests or be escorted by armed guards in order to serve the People of this State. Quite the opposite. You are as deserving of safety as the teachers in our schools, the nurses in our hospitals, those who use or work in our courts, and those who attend our houses of worship.

Against that backdrop, I have carefully considered the question you presented. Enclosed with this letter is a copy of a formal opinion of the Attorney General (Opinion No. 7311, issued May 11, 2020) concluding that the Michigan State Capitol

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Commission *has* the authority to prohibit firearms in the areas under its control, which include the inside of the Capitol building, pursuant to 2013 PA 240, MCL 4.1941 *et seq.* With this opinion, it is my fervent hope that the Commission acts responsibly and takes meaningful steps to protect the safety of those at our State Capitol because the wheels of democracy cannot freely turn under the threat of violence.

Sincerely,

A handwritten signature in blue ink that reads "Dana Nessel". The signature is written in a cursive, flowing style.

Dana Nessel
Attorney General

Enclosure (OAG, No. 7311 (May 11, 2020))
cc: Michigan State Capitol Commission (w/encl.)