



Written by [Bob Adelman](#) on October 4, 2020

Michigan Supreme Court Slaps Down Governor's Mandates; Whitmer Says They Will Continue Regardless

The majority opinion of the Michigan Supreme Court released on Friday [said it best](#): “The sheer magnitude of the authority in dispute, as well as its concentration in a single individual [Michigan’s Governor Gretchen Whitmer], simply cannot be sustained within our constitutional system of separated powers.”

Her sheer audacity was expressed by the governor in response:



AP Images

Today’s Supreme Court ruling ... is deeply disappointing, and I vehemently disagree with the court’s interpretation of the Michigan Constitution.

This ruling does not take place for at least 21 days, and until then, my emergency declaration and orders retain the force of law.

Furthermore, after 21 days, many of the responsive measures I have put in place to control the spread of the virus will continue under alternative sources of authority that were not at issue in today’s ruling.

In other words, Whitmer doesn’t care that the 1945 law — the Emergency Powers of Governor Act (EPGA) — and the 1976 law — the Emergency Management Act (EMA) — were both tossed as bases for her tyrannical and persistent violation of citizens’ rights. She will continue to use COVID as cover for her tyranny. They will only end when the virus ends, or she is removed from office.

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A petition to repeal both of those laws has already garnered more than 500,000 signatures by Michigan residents who are fed up with the unconstitutional extensions of Whitmer’s mandates.

The court concluded

that the Governor lacked the authority to declare a “state of emergency” or a “state of disaster” under the EMA after April 30, 2020, on the basis of the COVID-19 pandemic.

Furthermore, we conclude that the EPGA is in violation of the Constitution of our state



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because it purports to delegate to the executive branch the legislative powers of state government — including its plenary police powers — and to allow the exercise of such powers indefinitely.

As a consequence, the EPGA cannot continue to provide a basis for the Governor to exercise emergency powers.

The ruling came in response to a request by a lower court judge for the high court to rule on the laws so that he could continue to hear the lower court's case.

The 1945 law was ruled unconstitutional, and the 1976 law was abused by Whitmer when she failed to abide by it. Under the EMA she did not have any authority to continue the state's lockdown after April 30 when the state legislature refused to grant her an extension.

But she continued to declare the lockdown was necessary, extending her rules regarding business operations, gathering sizes, mask mandates and more. On September 29 she again unilaterally and illegally extended her authority, which ended on April 30, for another 30 days.

The court made it clear to Whitmer that she had exceeded her authority: "No individual in the history of this state has ever been vested with such concentrated and standardless power to regulate the lives of our people, free of the inconvenience of having to act in accord with other accountable branches of government and free of any need to subject her decisions to the ordinary interplay of our system of checks and balances.... Even the ending date of this exercise of power repos[ed] exclusively in her own judgment and discretion."

Michigan's Republican House Speaker Lee Chatfield praised the ruling:

The Supreme Court ruled today in agreement with the legislature that the 1945 law is unconstitutional. The governor had no right to extend the state of emergency over the Legislature's objection. Our constitution matters, and this was a big win for our democratic process.

But it's only a win for the constitution and the rule of law if Whitmer follows the ruling and rescinds the draconian measures she unilaterally put in place to fight the virus. But she has declared that those measures will remain in place.

The battle between freedom and tyranny rages on in Michigan and won't end until either the virus dies or Whitmer is removed from office. That's how tyranny ends.



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