



Written by [Bob Adelman](#) on October 12, 2020

Attorney Tells Michiganders to “Burn Your Masks” Following State Supreme Court Ruling

The New American [reported last week](#) that Michigan Governor Gretchen Whitmer had no intention of following a ruling by the state’s Supreme Court that her COVID edicts were grossly unconstitutional. She said, “This ruling does not take place for at least 21 days, and until then, my emergency declaration and orders retain the force of law.”

Constitutional attorney Katherine Henry [begs to differ](#). The founder of Restore Freedom Initiative — a movement to amend the Michigan state’s constitution to keep another gubernatorial overreach from occurring in the future — said, “The Governor does not possess the authority to exercise powers under the Emergency Powers of the Governor Act (EPGA) because that act is an unlawful delegation of legislative power to the executive branch.... Accordingly, the executive orders issued by the Governor in response to the COVID-19 pandemic now lack any basis under Michigan law.”

This means that Michiganders are now free:

That means burn your masks right now if you didn’t already. Open your gym, and movie theatres and open whatever business you have.

Go on and frequent whatever business you would like to go to, if you have a church that’s limited your services because of how you’re reading the EOs, forget that.

All of those executive orders, based on COVID-19 circumstances, from 2020, they’re out, they’re gone, they’re done.

In addition, wrote Henry, the governor cannot appeal the court’s decision to the Supreme Court: “Our United States Supreme Court doesn’t have jurisdiction to hear those kinds of cases. They can only answer issues about if our state law or our state constitution violated the federal law or federal constitution.”

Whitmer is stuck, said Henry: “So she can try and whine and complain all she wants. She’s not going to get anywhere.”



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The court's conclusion is clear:

We conclude 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 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 question remains open: How many Michiganders will burn their masks, go to the gym, or worship without worry? One thing is certain: When a citizen does decide to violate Whitmer's now-declared illegal mandates and is challenged by the state for doing so, he knows where to turn for legal assistance. Henry is the senior partner in the Katherine Henry PC law firm, and she would no doubt relish the opportunity to prove the point.

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