



Written by [Bob Adelman](#) on July 22, 2021

Michigan Legislators Repeal Law Governor Whitmer Abused During Pandemic

Members of the Michigan House of Representatives [voted 60-48 on Wednesday](#) to end permanently the odious and unconstitutional 76-year-old law that Michigan Governor Gretchen Whitmer used and abused to inflict untold damage on her citizens during and after the COVID pandemic.

The Senate had already passed the measure ending the law — the Emergency Powers of the Governor Act, or EPGA — which dates back to 1945. The Michigan Supreme Court had previously ruled that the law was unconstitutional:



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The Governor did not possess the authority to exercise emergency powers under the EPGA because the act unlawfully delegates legislative power to the executive branch in violation of the Michigan Constitution.

Whitmer unconstitutionally implemented draconian measures on her citizenry, including applying criminal charges for operating a motorboat, visiting a secondary home, and banning stores from selling gardening supplies. Pushback was almost immediate, with lawsuits being filed and public protests arising over those measures.

Her mandates resulted in the creation of Unlock Michigan, a citizen campaign that forced the issue when it gathered more than 540,000 signatures on a petition to repeal the law. It wasn't sufficient for the state's high court to declare it unconstitutional; citizens wanted to repeal the law entirely to keep it from being resurrected some time in the future. As one state legislator said, "Bad ideas never die in Lansing, they just take naps. And this one could wake back up."

Whitmer is powerless to veto the measure, as it was a citizen petition rather than a bill offered by the state legislature. Previous attempts to repeal the unconstitutional law were passed but then vetoed by Whitmer and her veto couldn't be overridden. This way she is powerless to keep the law in place.

State Representative Andrew Fink, a Republican, said that the law "is discordant with the principles of American government, which are designed to prevent a single part of the government from acting unilaterally."

Said House Speaker Jason Wentworth: "Hundreds of thousands of our families, friends and neighbors changed Michigan forever when they decided they had enough and stood up to make a difference."

State Representative Matt Hall added:

Our action today helps reestablish needed balance between the executive and legislative



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branches during an emergency, something that has been so desperately missing during this pandemic.

This is the essence of the unique American experiment: that citizens are sovereign over their government, and not the other way around. The lesson from history is that governments, given the opportunity, will shortly become oppressive and destructive of citizens' liberties. Unless bound down from such mischief by the chains of a constitution, governments will become tyrannical.

Another lesson from the victory in Michigan is that it is repeatable. California Governor Gavin Newsom is shortly to face a recall election by unhappy citizens over the same excessive use of government force, using COVID as the excuse.

Unlock Michigan is far from done. It shortly will begin circulating petitions to revise another law that Whitmer's executive branch abused, which allowed the state health department to continue to promulgate and enforce Whitmer's directives even after the Supreme Court ruled the 1945 law unconstitutional. If successful, the new petition will rein in the Michigan Department of Health and Human Services, making its orders such as masking and capacity restrictions unenforceable after 28 days unless extended by the legislature.

Tyrants can have their wings clipped and their overreach reined in only if an aroused citizenry takes action. As Thomas Jefferson said, "they are the only sure reliance for the preservation of our liberty."

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