

Good morning. Many wonder why we're here today. I am here because I will NOT stand by idly while our Governor, Attorney General and several local prosecutors and law enforcement officers continually break the law.

I am NOT advocating for civil disobedience. That is where you think the law is one that shouldn't be enforced. I am advocating for civil obedience, because the law is very clear - none of the Governor's Executive Orders have any legal authority after April 30th. Thus, I advocate for Michigan residents to exercise all of their rights (to open their businesses, go in public without a mask if they choose, participate in social functions without a "social distancing" requirement - like birthday parties, funerals, AA meetings, etc.). I am also advocating for people to have discussions with their local law enforcement, prosecuting attorneys and public officials - to encourage them to follow the law as written, allowing people to exercise all of their constitutional and statutory rights without interference.

All of the Governor's 2020 executive orders are based upon her emergency powers. However, the state of emergency and state of disaster ended, as a matter of state law, on April 30th. While there are other legal provisions involved, the main point is that BOTH the 1945 Emergency Powers of Governor Act AND the 1976 Emergency Management Act MUST be read together, as required by the statutes themselves, as well as the Michigan Supreme Court. As required by MCL 30.403, Legislative approval is needed in order to extend the governor's emergency powers, but they did NOT extend those powers beyond April 30th. Therefore, ALL of her executive orders lost their legal authority on April 30th. By attempting to continue exercising these emergency powers after April 30th, Governor Whitmer is breaking the law (MCL 30.403) and violating constitutional provisions restraining her exercise of authority. Specifically, Art III, Sec 2 of the MI Constitution prohibits the Governor from exercising authority properly belonging to the legislature. (In other words, she is not allowed to enact laws on her own, which is what she's doing through these executive orders.)

The governor and AG Nessel have told us that the governor is allowed to just terminate one state of emergency and keep reissuing a state of emergency as long as she wants to...but that is not allowed under either the 1945 Act nor the 1976 Act. And as we all know, the governor, or any government official, cannot act without a legal authority to do so.

Moreover, many of these executive order provisions clearly violate rights guaranteed to us in both the Michigan and US Constitutions. MCL 30.421 requires executive orders and other emergency actions by the government to be done "consistent with the provisions of the state constitution of 1963 AND the federal constitution." Additionally, MCL 30.421 prohibits prosecutors from prosecuting any violations of the EOs in any "manner that violates any constitutional provision." Prosecutors are further prohibited, in the prosecution of violations of EOs, from prosecuting "conduct presumptively protected by the first amendment to the constitution of the United States." This isn't a carveout for certain individual behaviors; this is a stern reminder to prosecutors of the *restraints placed upon the government* in regulating the people, *even in the most heightened state of alert* our state could ever experience.

AG Nessel blames "legislator commentary" for "creat[ing] confusion among law enforcement officials tasked with enforcing the orders," and claims the orders' legality is based on their reasonableness. But it is not reasonable to issue executive orders like they're going out of style (80 of them in just over 2 month's time), treating statutory emergencies like a mere term of art instead of the actual urgent situations these emergency powers were meant to address. It is not reasonable for a governor to exercise powers properly belonging to the legislature, especially for longer than the statute specifically allows. It is not reasonable to interpret MCL 30.403 to allow a governor to circumvent the 28-day time limit by simply issuing new orders that address the same emergency conditions of the original order. It is not reasonable to think this particular governor gets to unilaterally extend the state of emergency/disaster when none of the 87 prior

such declarations were extended without the legislature. It is not reasonable for EOs to be issued based on selective compliance with statutory provisions. It is not reasonable to assume that the legislature enacted the EMA with the sole purpose of deferring to the EPGA. It is not reasonable to issue emergency declarations and terminations like a light switch being turned on and off. It is not reasonable to issue or enforce EOs that infringe upon constitutional rights, especially when those rights are explicitly preserved in the language of the EMA itself. Nor is it reasonable to enforce EOs explicitly focused on "keeping people away from each other," when those same people are *guaranteed* the right to assemble, collectively worship, express their speech, and petition the government.

ALL executive orders issued by Governor Whitmer in 2020 are based on emergency powers. With the emergency lawfully ending on April 30th, all of those emergency powers came to an immediate end. Without such emergency powers, ALL executive orders became UNENFORCEABLE as a matter of law. This includes the stay-at-home order, the order restricting "non-essential" medical and dental services, the order releasing prisoners early, the order cancelling the rest of the school year, the order extending FOIA deadlines, the order restricting access to loved ones at care facilities, the order cutting off kids in juvenile detention centers from their families and support services, the order closing movie theaters and gyms, the order limiting restaurants to take-out service, the order amending the OMA, the order allowing restricted access to governmental services, the order restricting access to places of public accommodation, and every other order that has been issued. All individuals are, therefore, now lawfully allowed to travel, assemble, worship, conduct business, go to places of public accommodation, and exercise all of their other rights *without* any attempt by law enforcement, prosecuting attorneys, or places of public accommodation to infringe upon those rights.

ALL attorneys, law enforcement officers, and public officials took an oath to uphold the US Constitution and Michigan Constitution, and faithfully support the laws in Michigan. Therefore, any such person who attempts to enforce these executive orders now is directly violating their oath of office, acting outside the scope of their governmental authority, and engaging in malicious prosecution and abuse of process. As I've shared this with prosecuting attorneys across the state, a few have actually said things like "this is only an opinion," these statements are threats against the prosecutors, and "only a judge's opinion matters" about things like this. But the very words of our statutes, and of our US and Michigan constitutions are NOT opinions. And this is only a threat to those attempting to violate our laws and constitution.

You can wait "for a court to sort it all out" if you want, but I won't. I did NOT get my rights from a court. I got them from the Almighty God. Our US Constitution was written to "secure [those] Blessings of Liberty" (US Const Preamble). And here, "we, the people of the State of Michigan, grateful to Almighty God for the blessings of freedom and earnestly desiring to secure these blessings undiminished to ourselves and our posterity," established our state Constitution of 1963. (Const 1963 Preamble.) These liberties are to be exercised by all people *unabridged* and *undiminished*, during times of emergency or not. So, I am going to follow the law, the MI Constitution, and the US Constitution and exercise my rights now without waiting for "permission" to do so. I urge you to do the same.