

Michigan Attorney Says 'Burn Your Masks' After Governor Whitmer's COVID Orders Overturned

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Attorney Katherine Henry, who argued before the Michigan Supreme Court against Governor Gretchen Whitmer's executive emergency orders regarding the coronavirus pandemic, social distancing and masks, has urged Michigan residents to "burn your masks."

The Michigan Supreme Court ruled this past Friday that Whitmer, a Democrat, had no lawful authority to extend the state of emergency and require social distancing measures beyond April 30. Henry, who founded the Restore Freedom Initiative, told WJBK (Fox 2 Detroit) that this meant the executive orders were overturned as of Friday afternoon.

"That means burn your masks right now if you didn't already. Open your gym and movie theater and open whatever business you have," Henry said. "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."

Henry had argued before the state's Supreme Court that under Michigan's constitution, Whitmer had no authority to repeatedly extend her emergency declarations every 28 days.

The court agreed and said, "The Governor does not possess the authority to exercise emergency powers under the Emergency Powers of the Governor Act of 1945 (the EPGA), MCL 10.31 et seq., because that act is an unlawful delegation of legislative power to the executive branch in violation of the Michigan Constitution. Accordingly, the executive orders issued by the Governor in response to the COVID-19 pandemic now lack any basis under Michigan law."

The court's ruling also said the Democratic governor had illegally used the 1945 law.

Newsweek reached out to Whitmer's office for further comment, but she did not respond in time for publication. In a Friday statement, Whitmer called the ruling "deeply disappointing."

"I vehemently disagree with the court's interpretation of the Michigan Constitution. Right now, every state and the federal government have some form of declared emergency," the governor said. "With this decision, Michigan will become the sole outlier at a time when the Upper Peninsula is experiencing rates of COVID infection not seen in our state since April."

Michigan has seen a wave of protests and criticisms from right-wing and libertarian activists over Whitmer's executive orders, which they argue violate individual freedoms. The Democratic governor faced death threats in the spring as armed activists demonstrated in the state's capital. Some protesters described Whitmer as a Nazi and the "spawn of the devil."

Meanwhile, new coronavirus infections have been trending upward in Michigan since the summer. According to a *New York Times* tracker, the state has a seven-day average of nearly 1,000 daily new infections. About 12 people have continued to die daily in the state from COVID-19 over the past week. Overall, Michigan has reported more than 140,000 confirmed cases and 7,125 deaths as of Monday morning.

Public health experts and doctors have said repeatedly that mask wearing is one of the most effective ways to prevent the spread of the virus. Assistant Secretary for Health at the Department of Health and Human Services Brett Giroir said in early August that wearing masks was "incredibly important."

"We have to have, like, 85 or 90 percent of individuals wearing a mask and avoiding crowds. That is essentially—gives you the same outcome as a complete shutdown," Giroir explained.