

Governor Gretchen Whitmer
and, Lt. Governor Garlin Gilchrist
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DATE: August 31, 2020

IMMEDIATE DEMAND TO CEASE AND DESIST

THIS DEMAND, DIRECTED TO MICHIGAN GOVERNOR GRETCHEN WHITMER AND LT. GOVERNOR GARLIN GILCHRIST, JOINTLY AND INDIVIDUALLY, SHALL SERVE AS OFFICIAL NOTICE OF DEMAND TO IMMEDIATELY CEASE AND DESIST ALL ILLEGAL AND UNCONSTITUTIONAL ACTS COMMITTED UNDER THE COLOR OF LAW, SPECIFICALLY THE MORE THAN 170 EXECUTIVE ORDERS CONCERNING THE EXECUTIVE BRANCH MISMANAGEMENT OF THE COVID19 EVENT, WHICH ARE IN DIRECT VIOLATION OF THE LAWS OF MICHIGAN, THE MICHIGAN STATE CONSTITUTION U.S. CONSTITUTION AND FEDERAL LAW.

WHEREAS, all political powers are inherent in the People of Michigan, under Article I, Section 1 of the Michigan State Constitution;

WHEREAS, all limited Executive Powers of the office of Governor are derived from the People, as a specific set of powers limited to executing the Laws of the State, the State Constitution and the Federal Constitution, a power "of" the people, not a power "over" the people;

WHEREAS, both the Governor and Lt. Governor have individually, collectively, and voluntarily accepted and taken, an oath of their offices respectively, to execute the duties and responsibilities of their offices, under equal access, application and benefit under the Laws of Michigan and the United States;

WHEREAS, while acting under "the color of law" as Governor and Lt. Governor of Michigan, and beyond the lawful authority of your offices granted by the Michigan Constitution, by issuing "executive orders" which are not laws, and are in direct violation of Michigan State Law, the Michigan State Constitution, the U.S. Constitution and the most basic rights and liberties of the good People of Michigan;

WHEREAS, you have engaged in acts designed to threaten, intimidate, terrorize, penalize and punish law-abiding Michigan citizens and business owners, including but not limited to, closing their businesses, stripping them of their licenses to operate, eliminating jobs, preventing medical professionals from providing the best care available to patients under their Hippocratic Oaths, including the threat to strip them of their medical licenses to practice, potentially rising to the level of "high crimes,"

WHEREAS, the Governor and Lt. Governor of Michigan have acted through numerous extreme and abusive Executive Orders in the mismanagement of COVID19, which are in nature, repugnant to and in violation of the fundamental rights and liberties of the good People of Michigan, as well as the State Constitution, Federal Constitution and State statutes governing the powers of the office, including under alleged “emergency powers” during an alleged “State of Emergency;”

WHEREAS, both the Governor and Lt. Governor have directly violated your oaths of office, subverting the State and Federal Constitutions and Michigan State statutes governing the proper use of “emergency powers;”

WHEREAS, through your actions, you may be directly responsible for the total destruction of the Michigan economy, millions of jobs and personal finances, thousands of businesses and employers, the rights and liberties of the People, and even loss of life for thousands of citizens of the Great State of Michigan, rising to the level of “high crimes” against the People of Michigan;

WHEREAS, you have taken upon yourself, acting under the color of law, to issue orders which amount to medical, scientific and health practices, without a license to practice, at the expense of human lives within the State of Michigan;

WHEREAS, your actions denying confirmed COVID (SARScv2) patients’ access to known productive medical treatments are a direct violation of the Michigan Right to Try Act 345 of 2014, resulting in the unnecessary death or extended illness of hundreds if not thousands of Michigan citizens;

WHEREAS, your illegal orders denied family members access to the care and well-being of family members under your unreasonable mandatory quarantine orders, resulting in the unnecessary death of hundreds or thousands of Michigan citizens;

WHEREAS, your illegal orders resulted in confirmed COVID (SARScv2) patients being placed or quarantined in nursing homes, among the most vulnerable citizens in society, constitutes an act of gross negligence under State and Federal statutes, resulting in the unnecessary death of hundreds if not thousands of elder Michigan citizens;

WHEREAS, through these actions, you unlawfully ordered numerous individuals and agencies operating under the Executive Branch of Michigan, to violate their oaths of office, the Laws of Michigan, the State and Federal Constitutions, in so doing, forcing them to act under the color of law, in direct violation of the law, in a manner which places their offices, careers, employment by the State and potentially even their personal assets, at grave risk;

WHEREAS, these acts constitute a direct, overt and intentional effort to subvert and usurp the Laws of Michigan, the State and Federal Constitutions, and the inalienable rights and liberties of the People of Michigan;

WHEREAS, a CDC Report dated August 26, 2020, confirms that only 6% Covid 19 labeled deaths were actually from Covid 19, while 94% were deaths involving on average, 2-3 unrelated causes of death;

WHEREAS, we find that these actions are also in direct violation of, but not limited to, the Michigan Constitution, Article XI, § 1 Oath of public officers, abuses of The Emergency Powers Act of 1945, Section 30.403 EMERGENCY MANAGEMENT ACT Act 390 of 1976, governing your use of “emergency powers”

within the State, the Michigan State Constitution and Federal Constitution, in both textual meaning and intent, and the inalienable rights and liberties of the good People of Michigan;

WHEREAS, your actions are also in direct violation of the Laws of the United States and numerous decisions by the **U.S. Supreme Court**, greatly limiting the use of “emergency state executive powers” –

The U.S. Supreme Court has established three key requirements for civil commitment or confinement:

Individualized risk assessment “An individual risk assessment means that before a state may confine a person, it must make the determination that the particular individual presents a risk to the public. As Justice Souter has explained succinctly, “Due process calls for an individual determination before someone is locked away.” *Demore v. Hyung Joon Kim*, 538 U.S. 510, 551 (2003)

“As quarantines constitute a major infringement of liberty, it would be unconstitutional to quarantine a generalized class of people absent a determination that the particular individual poses a public health risk. It is not enough, for example, that a person has tuberculosis; the state must also demonstrate that the individual will not voluntarily comply with treatment.”
Best Least restrictive means

“Curtailing a person’s fundamental personal liberties, if justified by a sufficiently strong state interest, must be narrowly tailored. The U.S. Supreme Court has stated, “Even [when] the governmental purpose [is] legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved.” *Shelton v. Tucker*, 364 U.S. 479, 488.”

“The Court determined that “[a] statute sanctioning such a drastic curtailment of the rights of citizens must be narrowly, even grudgingly, construed in order to avoid deprivations of liberty without due process of law.” *Covington v. Harris*, 419 F. 2d 617, 623 (1969).
Procedural due process

“As the Supreme Court has stated plainly: “The Constitution requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). Civil confinement is such an interest. See, e.g., *O'Connor v. Donaldson*, 422 U.S. 563, 580 (1975) (Berger, C.J., concurring) (“There can be no doubt that involuntary commitment to a mental hospital, like involuntary confinement of an individual for any reason, is a deprivation of liberty which the State cannot accomplish without due process of law.”). See also *Lessard v. Schmidt*, 349 F. Supp. 1078, 1091 (E.D. Wis. 1972)”

WHEREAS, your actions are also in direct violation of **U.S. Criminal Code 18 U.S. Code § 241. Conspiracy against rights** –

“If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section

