

# **Iosco County Board of Commissioners**

## **RESOLUTION RECOMMENDING THE IMPEACHMENT OF GOVERNOR WHITMER**

DATE:

TO: The Speaker of the Michigan House of Representatives.

WHEREAS THE BOARD OF COMMISSIONERS OF THE COUNTY OF IOSCO, STATE OF MICHIGAN STATES:

WHEREAS, The Michigan Supreme Court declared that Governor Whitmer's Executive Orders concerning COVID-19 violate the Michigan Constitution.

WHEREAS, the Michigan Supreme Court ruled that the Emergency Powers of the Governor Act (EPGA) of 1945 is a violation of the Michigan Constitution.

WHEREAS, Governor Whitmer still insists that she has twenty one more days to enforce these unconstitutional Executive Orders.

WHEREAS, The Constitution for the State of Michigan, and its statutes cannot be in conflict with the Constitution for the United States of America.

WHEREAS, 16 Am Jur 2d, § 98, A State of Emergency cannot supersede the Constitution or abridge the Rights of the People.

WHEREAS, Governor Whitmer's Executive Orders issued as a result of a declared State of Emergency, did supersede the U.S. Constitution and abridge the Rights of the People of Michigan.

WHEREAS, Governor Whitmer's Executive Orders did usurp the authority of the Michigan Legislature in violation of the separation of powers clause in Article III §2 of the Constitution for Michigan.

WHEREAS, 16 Am Jur 2d, §98 asserts that a declared State of Emergency does not justify any violations of the U.S. Constitution.

WHEREAS, 16 Am Jur 2d, §256 asserts that an unconstitutional official act though having the form of law, is in reality no law; wholly void and ineffective for any purpose. No one is bound to obey an unconstitutional official act and no Court is bound to enforce it. Persons fined and penalized under an unconstitutional act may seek relief.

WHEREAS, Ex Parte Young, 209, U.S. 123 (1908) The attempt of a State officer to enforce an unconstitutional statute is a proceeding without authority of, and does not affect, the State in its sovereign or governmental capacity, and is an illegal act, and the officer is stripped of his official character and is subjected in his person to the consequences of his

individual conduct. The State has no power to impart to its officer immunity from responsibility to the supreme authority of the United States.

WHEREAS, Title 18 U.S.C. § 241, "Conspiracy Against Rights" states that Government Officials who conspire to deprive the people of their Rights are subject to criminal prosecution.

WHEREAS, Title 18 U.S.C. §242, "Deprivation of Rights under the Color of Law" state that Government Officials who deprive the People of their Rights under the color of Law are subject to criminal prosecution.

WHEREAS, Governor Whitmer, working with: Attorney General Nessel, Secretary of State Benson, the Directors of the Michigan Health Department and the Michigan Licensing and Regulatory Affairs, did conspire to violate the Rights of the People of Michigan to assemble, practice their Religion, engage in commerce, and move about freely to conduct the business of their daily lives.

WHEREAS, Governor Whitmer, working with: Attorney General Nessel, Secretary of State Benson, the Directors of the Michigan Health Department and the Michigan Licensing and Regulatory Affairs, did engage in fining, penalizing, and revoking the licenses of businesses for failure to obey and enforce the unconstitutional Executive Orders.

WHEREAS, the Executive Orders issued by Governor Whitmer are the primary cause of the financial crisis Iosco County is experiencing.

WHEREAS, the Executive Orders issued by Governor Whitmer in response to the declared State of Emergency are criminal acts of coercion and extortion against the People of Michigan.

WHEREAS, the Executive Orders issued by Governor Whitmer in response to a declared State of emergency represent High Crimes and Misdemeanors.

WHEREAS, *Owen v. City of Independence*, 445 U.S. 622 (1980) and *Maine v. Thiboutot*, 448 U.S. 1 (1980): The Governor and all Government officials are deemed to be Officers of the Law. Government Officials cannot claim that they acted in good faith for the willful deprivation of the Law and they certainly cannot claim ignorance. Therefore, Ignorance of the Law is not an excuse.

WHEREAS, the United States of America is a Republic under the Law. Political ideologies and Special Interests must not take precedence over the Rule of Law.

WHEREAS, Impeachment proceedings initiated by the State Legislature will send a clear message to future Governors, that the Constitution is the supreme law of the land, the integrity of the State Legislature shall not be challenged, and that the Rights of the People to Life, Liberty, and the Pursuit of Happiness shall not be infringed under any circumstances.

NOW THEREFORE, IT IS HEREBY RESOLVED, by the Iosco County Board of Commissioners, that the Speaker of the Michigan House of Representatives, in order to fulfill his duty to the Michigan Constitution and the People of Michigan, begin Impeachment proceedings against Governor Whitmer for violating Title 18 U.S.C. 241, Conspiracy Against Rights, and Title 18 U.S.C. 242 Deprivation of Rights under the Color of Law.

THAT, a roll call vote be taken to identify those House Members opposed to initiating Impeachment proceedings.

BE IT FURTHER RESOLVED, that the Board of Commissioners directs its Staff to forward this resolution to the Boards of Commissioners of the several Counties of Michigan, the Michigan State Legislature, the Governor of Michigan, the Congress of the United States of America, and to the President of the United States of America.

Move: Huebel

Support: Dutcher

Roll Call: Ayes 4    Nays 1    Absent 0

STATE OF MICHIGAN }  
County of Iosco

NANCY J. HUEBEL, Clerk of the County of Iosco,  
do hereby certify the above and foregoing to be true and  
correct copy of the original record now remaining in my office.  
IN TESTIMONY WHEREOF, I have hereunto set my hand  
and official seal at the City of Tawas City, in said County.

Date: 10-21-2020

NANCY J. HUEBEL, Clerk  
By: Nancy J. Huebel BW