

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE XI, SECTION 7 OF THE CONSTITUTION OF THE STATE OF MICHIGAN OF 1963.

HOUSE RESOLUTION NO. 324

Reps. LaFave, Maddock and Rendon offered the following resolution:

1 A resolution directing the impeachment of Gretchen E. Whitmer,
2 Governor of the state of Michigan, for corrupt conduct in office
3 and crimes and misdemeanors.

4 Whereas, Article XI, Section 7 of the *Constitution of the*
5 *State of Michigan of 1963* states, in part:

6 The house of representatives shall have the sole power of
7 impeaching civil officers for corrupt conduct in office or
8 for crimes or misdemeanors, but a majority of the members
9 elected thereto and serving therein shall be necessary to
10 direct an impeachment.

11 ; and

12 Whereas, In responding to the COVID-19 Pandemic, Gretchen E.

1 Whitmer has acted in conflict with her constitutional duties as
 2 Governor. She has exceeded her constitutional authority, violated
 3 the constitutional rights of the people of Michigan, issued orders
 4 that are not in the best interests of the people of this state, and
 5 used the Pandemic as an opportunity to reward political allies.
 6 These actions are a matter of public record, primarily in the form
 7 of executive orders and the enforcement thereof; now, therefore, be
 8 it

9 Resolved by the House of Representatives, That Gretchen E.
 10 Whitmer, Governor of the state of Michigan, is impeached for
 11 corrupt conduct in office and for crimes and misdemeanors. The
 12 following Articles of Impeachment are adopted by the House of
 13 Representatives and shall be exhibited to the Senate:

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15 ARTICLES OF IMPEACHMENT EXHIBITED BY THE HOUSE OF
 16 REPRESENTATIVES OF THE STATE OF MICHIGAN IN THE NAME OF
 17 ITSELF AND OF THE PEOPLE OF THE STATE OF MICHIGAN AGAINST
 18 GRETCHEN E. WHITMER, GOVERNOR OF THE STATE OF MICHIGAN, IN
 19 MAINTENANCE AND SUPPORT OF ITS IMPEACHMENT AGAINST HER FOR
 20 CORRUPT CONDUCT IN OFFICE AND FOR CRIMES AND MISDEMEANORS.

21

22

ARTICLE I

23

24 Gretchen E. Whitmer, Governor of the state of
 25 Michigan, has violated her constitutional oath of office
 26 by failing to respect the separation of powers and by
 27 exercising powers expressly granted to the legislative
 28 branch in the *Constitution of the State of Michigan of*
 29 *1963*. Governor Whitmer, through numerous executive orders,

1 has bypassed the legislative process, refusing to work with
2 the Legislature even when the Legislature has been in
3 session, opting to effectively enact, amend, and repeal
4 laws on her own.

5 Article III, Section 2 of the *Constitution of the*
6 *State of Michigan of 1963* provides, "The powers of
7 government are divided into three branches: legislative,
8 executive and judicial. No person exercising powers of one
9 branch shall exercise powers properly belonging to another
10 branch except as expressly provided in this constitution."

11 Article IV, Section 1 of the *Constitution of the State*
12 *of Michigan of 1963* provides, in part, "... the legislative
13 power of the State of Michigan is vested in a senate and a
14 house of representatives."

15 Article V, Section 1 of the *Constitution of the State*
16 *of Michigan of 1963* provides, in part, "... the executive
17 power is vested in the governor."

18 Article IV, Section 51 of the *Constitution of the*
19 *State of Michigan of 1963* provides, in part, "The
20 legislature shall pass suitable laws for the protection
21 and promotion of the public health."

22 Article XI, Section 1 of the *Constitution of the State*
23 *of Michigan of 1963* provides, in part, "All officers,
24 legislative, executive and judicial, before entering upon
25 the duties of their respective offices, shall take and
26 subscribe the following oath or affirmation: I do solemnly
27 swear (or affirm) that I will support the Constitution of
28 the United States and the constitution of this state, and
29 that I will faithfully discharge the duties of the office

1 of according to the best of my ability."

2 Governor Whitmer's actions during the COVID-19
3 Pandemic have exceeded the executive powers granted to the
4 Governor in the state constitution, and she has exercised
5 powers properly belonging to the legislative branch.
6 Governor Whitmer has issued dozens of executive orders
7 which have been expansive in scope and have reordered life
8 for every person in the state. The orders include, but are
9 not limited, to: prohibiting evictions (Executive Order
10 No. 2020-19 and Executive Order No. 2020-54); banning non-
11 essential medical procedures (Executive Order No. 2020-
12 17); permitting public bodies to meet electronically
13 (Executive Order No. 2020-15, Executive Order No. 2020-48,
14 and Executive Order No. 2020-75); permitting public bodies
15 to delay fulfilment of public records requests (Executive
16 Order No. 2020-38); closing businesses (Executive Order
17 No. 2020-09, Executive Order No. 2020-20, Executive Order
18 No. 2020-43, and Executive Order No. 2020-69); and
19 requiring residents to stay in their homes with limited
20 exceptions (Executive Order No. 2020-21, Executive Order
21 No. 2020-42, Executive Order No. 2020-59, Executive Order
22 No. 2020-70, Executive Order No. 2020-77, Executive Order
23 No. 2020-92, and Executive Order No. 2020-96). Through
24 these orders, Governor Whitmer has unilaterally overridden
25 legislatively enacted laws – including, but not limited,
26 to the Revised Judicature Act, the Open Meetings Act, and
27 the Freedom of Information Act – and created new laws in
28 violation of the separation of powers guaranteed in the
29 state constitution.

1 State law grants emergency powers to the Governor for
2 the purpose of responding to immediate crises, but the
3 Governor may only act in a manner that is consistent with
4 the constitutionally mandated separation of powers. The
5 state constitution does not permit the Governor to bypass
6 the legislative process nor does it empower her to
7 unilaterally make or amend laws for the protection of
8 public health.

9 Governor Whitmer has repeatedly stated that she
10 does not need further legislative authorization for any of
11 her actions and continues to violate the separation of
12 powers even when the Legislature has been in session
13 passing bills in the response to the Pandemic. Her efforts
14 to circumvent the Legislature and the state constitution
15 are violations of her constitutional oath of office.

16 Wherefore, Gretchen E. Whitmer, by such conduct,
17 warrants impeachment and trial, and removal from office.
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19 ARTICLE II
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21 Gretchen E. Whitmer, Governor of the state of
22 Michigan, has failed to uphold her constitutional oath of
23 office by violating rights guaranteed in the *Constitution*
24 *of the United States* and the *Constitution of the State of*
25 *Michigan of 1963*. Governor Whitmer, through executive
26 orders, has restricted and effectively banned the free
27 exercise of religion in the state of Michigan in violation
28 of the First Amendment of the U.S. Constitution and Article
29 I, Section 4 of the *Constitution of the State of Michigan*

1 of 1963.

2 The First Amendment to the *Constitution of the United*
3 *States* provides, in part, "Congress shall make no law
4 respecting an establishment of religion, or prohibiting
5 the free exercise thereof..."

6 Article I, Section 4 of the *Constitution of the State*
7 *of Michigan of 1963* provides, in part, "Every person shall
8 be at liberty to worship God according to the dictates of
9 his own conscience."

10 Article XI, Section 1 of the *Constitution of the State*
11 *of Michigan of 1963* provides, in part, "All officers,
12 legislative, executive and judicial, before entering upon
13 the duties of their respective offices, shall take and
14 subscribe the following oath or affirmation: I do solemnly
15 swear (or affirm) that I will support the Constitution of
16 the United States and the constitution of this state, and
17 that I will faithfully discharge the duties of the office
18 of according to the best of my ability."

19 During the course of the COVID-19 Pandemic, Governor
20 Whitmer has issued the following executive orders which
21 have restricted the free exercise of religion in the state
22 of Michigan: Executive Order No. 2020-05, Executive Order
23 No. 2020-11, Executive Order No. 2020-21, Executive Order
24 No. 2020-42, Executive Order No. 2020-59, Executive Order
25 No. 2020-70, Executive Order No. 2020-77, Executive Order
26 No. 2020-92, and Executive Order No. 2020-96. These orders
27 have limited the number of people who may gather in one
28 place and restricted individuals' ability to leave their
29 homes to participate in religious worship and events.

1 dental, and veterinary procedures under Executive Order
2 No. 2020-17, Executive Order No. 2020-32, and Executive
3 Order No. 2020-34. Similarly, Governor Whitmer's stay-at-
4 home orders – Executive Order No. 2020-21, Executive Order
5 No. 2020-42, Executive Order No. 2020-59, Executive Order
6 No. 2020-70, and Executive Order No. 2020-77 – have only
7 granted exceptions for people leaving their residences to
8 seek medical or dental care to treat a medical emergency
9 or when necessary to preserve a person's health or safety.

10 This universal, state-wide prohibition on medical,
11 dental, and veterinary care that the Governor has deemed
12 "non-essential" has had significant consequences for the
13 people of Michigan and for health care providers across
14 our state. While postponing some elective procedures may
15 not pose an immediate health risk to patients, many
16 procedures have been banned even though they are still
17 needed to preserve patients' quality of life and long-term
18 well-being.

19 Closing down significant portions of the health care
20 system has had destructive effects on hospitals, clinics,
21 and other providers. Health care providers rely on revenue
22 from procedures and treatment of all kinds to remain in
23 business and banning them from providing a full range of
24 services to their patients has led to layoffs and
25 furloughs. Providers in areas of the state with fewer cases
26 have faced particularly negative consequences, as their
27 facilities sit empty, unable to treat patients in need
28 despite the capacity to do so.

29 Health and hospital organizations, such as the

1 American Hospital Association, have issued standards to
2 guide the safe resumption of elective surgeries and other
3 procedures. Numerous other states have determined it is
4 safe and appropriate to ease their restrictions on elective
5 medical treatments as the stress on their healthcare
6 systems from COVID-19 abated, but Governor Whitmer
7 continued to impose onerous limitations on important health
8 care on a state-wide basis with no considerations made for
9 regional differences in the spread of COVID-19 or the
10 enormous economic impact the health care prohibitions have
11 caused.

12 Governor Whitmer further acted against the interest
13 of the people of Michigan with no connection to public
14 safety in temporarily banning the use of motorized boats
15 under Executive Order No. 2020-42. Under the order, as
16 interpreted by the Department of Natural Resources, the
17 use of a motorboat, jet ski, or similar watercraft was
18 prohibited even though non-motorized boating, such as
19 canoeing, kayaking, and sailing were permitted under the
20 order.

21 While Governor Whitmer ultimately eliminated the
22 prohibition on the use of motorized boats through Executive
23 Order No. 2020-59 after a massive public outcry, the lack
24 of consistency and clear justification for certain
25 prohibitions was arbitrary and not necessary for the
26 protection of public health. Utilizing the emergency powers
27 of the Governor to take arbitrary and needless actions is
28 a direct violation of the constitutional oath of office
29 which requires Governor Whitmer to "faithfully discharge

1 the duties of the office of Governor..." The inability or
2 unwillingness of Governor Whitmer to apply the law in a
3 fair and reasonable manner has caused needless confusion
4 and hardship for the people of this state.

5 Governor Whitmer's arbitrary actions have caused
6 avoidable harm, do not protect the public health, and
7 demonstrate her failure to uphold the duties of her office.

8 Wherefore, Gretchen E. Whitmer, by such conduct,
9 warrants impeachment and trial, and removal from office.

10
11 Article IV

12
13 Gretchen E. Whitmer, Governor of the state of
14 Michigan, sought to direct a no-bid contract for COVID-19
15 contact tracing to a partisan political firm, utilizing
16 state resources to reward political allies.

17 The state announced in April 2020 that it had approved
18 a contract to use the platform EveryAction VAN to help
19 track information and contacts and to help organize phone
20 banking for the purposes of contact tracing. EveryAction
21 VAN has direct ties to people and organizations that
22 perform political work for political parties,
23 organizations, and candidates in Michigan.

24 While the Governor and members of the administration
25 disputed the extent to which political considerations were
26 part of the decision to choose this platform, there is no
27 dispute that EveryAction VAN's leadership also does
28 political work through its other companies.

29 The contract was cancelled after it became public and

1 faced backlash, but the attempt to award a no-bid contract
2 to a partisan firm that would have granted access to
3 extremely personal and sensitive information of Michigan's
4 citizens is a clear abuse of power. Using the urgency of a
5 public health crisis to attempt to reward partisan allies
6 is a violation of the public trust.

7 Wherefore, Gretchen E. Whitmer, by such conduct,
8 warrants impeachment and trial, and removal from office.

9

10 ; and be it further

11 Resolved, That in accordance with Article XI, Section 7 of the
12 *Constitution of the State of Michigan of 1963*, the House of
13 Representatives will proceed with the election of three members
14 from its own body whose duty it shall be to prosecute such
15 impeachment and that these members are authorized and empowered to
16 prepare and present the Articles of Impeachment adopted by this
17 resolution.