

HIDDEN TRUTH SHOW WITH JIM BRESLO



ROBERT MUIISE

1
00:00:04,809 --> 00:00:01,550
you know we filed a lawsuit in the city

2
00:00:07,490 --> 00:00:04,819
of New York late last week challenging

3
00:00:10,339 --> 00:00:07,500
mayor de Blasio's latest edict that

4
00:00:11,900 --> 00:00:10,349
all-out or you know protest activity

5
00:00:14,360 --> 00:00:11,910
First Amendment fundamental first

6
00:00:16,400 --> 00:00:14,370
mentality is banned in the city of New

7
00:00:18,769 --> 00:00:16,410
York yet he's got this open streets

8
00:00:21,140 --> 00:00:18,779
initiative where you know groups of

9
00:00:22,929 --> 00:00:21,150
people can cycle and and walk and do

10
00:00:25,250 --> 00:00:22,939
other things on these public streets

11
00:00:27,560 --> 00:00:25,260
that aren't constitutionally protected

12
00:00:30,140 --> 00:00:27,570
but yet if you're if you're a protester

13
00:00:32,150 --> 00:00:30,150

with a sign and you're even maintaining

14

00:00:34,790 --> 00:00:32,160

social distancing it's forbidden

15

00:00:37,010 --> 00:00:34,800

I mean they've essentially suspended the

16

00:00:39,110 --> 00:00:37,020

First Amendment in the city of New York

17

00:00:40,970 --> 00:00:39,120

and when you have all these exceptions

18

00:00:42,350 --> 00:00:40,980

and that's one of things when you look

19

00:00:43,580 --> 00:00:42,360

at so many of these lawsuits and Arce

20

00:00:46,479 --> 00:00:43,590

lawsuits as well one of the things we

21

00:00:49,729 --> 00:00:46,489

highlight typically is how irrational

22

00:00:51,529 --> 00:00:49,739

these decisions are in michigan for

23

00:00:53,299 --> 00:00:51,539

example you you have this random

24

00:00:54,740 --> 00:00:53,309

selection of which businesses are going

25

00:00:57,069 --> 00:00:54,750

to be open which ones aren't going to be

26

00:00:59,420 --> 00:00:57,079

open and I saw some one of the

27

00:01:01,279 --> 00:00:59,430

legislators made a comment in the news

28

00:01:02,299 --> 00:01:01,289

of the effect that you know you show up

29

00:01:03,799 --> 00:01:02,309

at one of the governor's press

30

00:01:05,359 --> 00:01:03,809

conferences and you wait for her to call

31

00:01:07,670 --> 00:01:05,369

your name that your business is open and

32

00:01:09,590 --> 00:01:07,680

okay now we're magically open it doesn't

33

00:01:11,690 --> 00:01:09,600

explain the decision-making that's going

34

00:01:13,310 --> 00:01:11,700

into this you know and we know that

35

00:01:14,810 --> 00:01:13,320

Tesla just filed you know filed a

36

00:01:17,030 --> 00:01:14,820

lawsuit in California and it's really

37

00:01:19,910 --> 00:01:17,040

going to that point you have different

38

00:01:24,469 --> 00:01:19,920

counties who are issuing different

39

00:01:26,359 --> 00:01:24,479

orders based on what it's it's just

40

00:01:29,179 --> 00:01:26,369

irrational how this is all being played

41

00:01:31,760 --> 00:01:29,189

out why one business and why one car

42

00:01:34,700 --> 00:01:31,770

factory in one County can operate

43

00:01:37,039 --> 00:01:34,710

successfully and safely but then you

44

00:01:38,660 --> 00:01:37,049

know in another County it can't white

45

00:01:41,469 --> 00:01:38,670

what was that what was the justification

46

00:01:43,969 --> 00:01:41,479

why'd these two counties have different

47

00:01:45,560 --> 00:01:43,979

different rules when when actually it's

48

00:01:47,330 --> 00:01:45,570

the governor's executive order that was

49

00:01:50,120 --> 00:01:47,340

issued that that you know should Trump

50

00:01:53,780 --> 00:01:50,130

over everything so it's just irrational

51
00:01:56,389 --> 00:01:53,790
way that all this is being handled is

52
00:01:58,209 --> 00:01:56,399
what I think is very upsetting to to

53
00:02:01,280 --> 00:01:58,219
most people and quite frankly is also

54
00:02:02,719 --> 00:02:01,290
the strongest position we have as a

55
00:02:03,920 --> 00:02:02,729
marital law challenging all these

56
00:02:05,539 --> 00:02:03,930
provisions whether they restrict

57
00:02:07,760 --> 00:02:05,549
fundamental liberties or whether they

58
00:02:09,199 --> 00:02:07,770
restrict property interests or any other

59
00:02:11,869 --> 00:02:09,209
liberty interests that we might have and

60
00:02:13,670 --> 00:02:11,879
what about these emergency orders that

61
00:02:15,349 --> 00:02:13,680
are giving these governors

62
00:02:18,289 --> 00:02:15,359
mayor's County officials this carte

63
00:02:20,599 --> 00:02:18,299

blanche to be making the decisions I

64

00:02:24,020 --> 00:02:20,609

looked into it here in California and it

65

00:02:26,030 --> 00:02:24,030

appears that there's no time limits to

66

00:02:28,059 --> 00:02:26,040

the governor's declaration of a state of

67

00:02:31,190 --> 00:02:28,069

emergency you would think at some point

68

00:02:32,990 --> 00:02:31,200

legislature comes in and can weigh in on

69

00:02:34,640 --> 00:02:33,000

it but as far as I can tell and talking

70

00:02:36,530 --> 00:02:34,650

to a couple of California attorneys

71

00:02:38,539 --> 00:02:36,540

about it and in me doing a little bit of

72

00:02:40,490 --> 00:02:38,549

my own research couldn't find any limit

73

00:02:43,849 --> 00:02:40,500

in California now in Michigan I think

74

00:02:45,500 --> 00:02:43,859

you guys did have a limit there and tell

75

00:02:47,270 --> 00:02:45,510

us about the battle between the state

76
00:02:49,699 --> 00:02:47,280
legislature and the governor there where

77
00:02:52,699 --> 00:02:49,709
they're trying to put checks on her

78
00:02:54,979 --> 00:02:52,709
yeah that's Michigan's and interesting

79
00:02:56,270 --> 00:02:54,989
an interesting example and I agree with

80
00:02:57,979 --> 00:02:56,280
your concern about in California like

81
00:03:00,110 --> 00:02:57,989
when do these emergency powers ending

82
00:03:02,899 --> 00:03:00,120
even like in Michigan there was a of a

83
00:03:04,399 --> 00:03:02,909
28 day you know state of her declaration

84
00:03:06,709 --> 00:03:04,409
of a state of emergency but then can you

85
00:03:07,640 --> 00:03:06,719
renew that on you know they 27 for

86
00:03:09,289 --> 00:03:07,650
another 28 days

87
00:03:10,909 --> 00:03:09,299
what's various thing about Michigan and

88
00:03:12,500 --> 00:03:10,919

you know we had this conversation the

89

00:03:15,920 --> 00:03:12,510

last time that we spoke that Michigan

90

00:03:17,990 --> 00:03:15,930

has in place a measure for legislative

91

00:03:19,789 --> 00:03:18,000

oversight for the governor as there

92

00:03:21,890 --> 00:03:19,799

should be and every way and hopefully if

93

00:03:23,599 --> 00:03:21,900

there's one of the after action items at

94

00:03:25,490 --> 00:03:23,609

the end of all this is every state

95

00:03:27,800 --> 00:03:25,500

legislature needs to go back and look at

96

00:03:29,000 --> 00:03:27,810

what their emergency orders are and

97

00:03:30,979 --> 00:03:29,010

whether or not they put in place

98

00:03:33,259 --> 00:03:30,989

provisions that there is legislative

99

00:03:34,699 --> 00:03:33,269

oversight there has to be one person we

100

00:03:36,920 --> 00:03:34,709

don't have a king or a queen one person

101
00:03:38,420 --> 00:03:36,930
cannot be the one that's the sole had

102
00:03:40,429 --> 00:03:38,430
the sole discretion of whether it should

103
00:03:42,559 --> 00:03:40,439
be it should not be open when when this

104
00:03:43,219 --> 00:03:42,569
blue and this you know erupted and here

105
00:03:44,899 --> 00:03:43,229
in Michigan

106
00:03:46,849 --> 00:03:44,909
the governor was principally relying on

107
00:03:49,670 --> 00:03:46,859
the Emergency Management Act which was a

108
00:03:52,129 --> 00:03:49,680
1976 Act which gives her authority she

109
00:03:54,229 --> 00:03:52,139
declares a state of emergency has 28

110
00:03:55,819 --> 00:03:54,239
days after 28 days she has to go back to

111
00:03:57,080 --> 00:03:55,829
the legislature and get an extension

112
00:03:58,819 --> 00:03:57,090
which that makes a lot of sense to be

113
00:04:00,649 --> 00:03:58,829

able to do and so she did in the

114

00:04:02,719 --> 00:04:00,659

legislature gave an extension for 23

115

00:04:04,280 --> 00:04:02,729

days and this is what we then we had

116

00:04:05,990 --> 00:04:04,290

talked about it and it was interesting

117

00:04:07,280 --> 00:04:06,000

to see that Michigan had a provision for

118

00:04:08,780 --> 00:04:07,290

legislative oversight but I said you

119

00:04:10,490 --> 00:04:08,790

know there's gonna be a constitutional

120

00:04:12,289 --> 00:04:10,500

crisis that's gonna be happening real

121

00:04:14,539 --> 00:04:12,299

soon when that second when that

122

00:04:16,699 --> 00:04:14,549

extension runs out and lo and behold we

123

00:04:20,020 --> 00:04:16,709

are now in a crisis because now the

124

00:04:22,969 --> 00:04:20,030

governor's relying on a 1945 order which

125

00:04:25,909 --> 00:04:22,979

statute which is the emergency powers of

126
00:04:26,810 --> 00:04:25,919
governor act and so she's claiming that

127
00:04:29,210 --> 00:04:26,820
she had now

128
00:04:31,340 --> 00:04:29,220
as authority independent of the

129
00:04:33,800 --> 00:04:31,350
legislature virtue by virtue of this

130
00:04:36,020 --> 00:04:33,810
emergency governor's powers act as

131
00:04:38,210 --> 00:04:36,030
opposed to the Emergency Management Act

132
00:04:40,880 --> 00:04:38,220
and it's gotten so bad that actually

133
00:04:42,260 --> 00:04:40,890
many of the local County prosecutors and

134
00:04:44,120 --> 00:04:42,270
even law enforcement saying the

135
00:04:45,770 --> 00:04:44,130
governor's orders are invalid our

136
00:04:47,540 --> 00:04:45,780
Michigan Attorney General who is in the

137
00:04:49,910 --> 00:04:47,550
same camp as our governor she's a

138
00:04:53,030 --> 00:04:49,920

left-wing progressive had to issue

139

00:04:55,340 --> 00:04:53,040

guidance on May 4th saying that look

140

00:04:57,650 --> 00:04:55,350

under under the emergency governor's

141

00:05:00,050 --> 00:04:57,660

prevent governor's powers act these

142

00:05:01,520 --> 00:05:00,060

orders are lawful and she expects them

143

00:05:03,530 --> 00:05:01,530

to be enforced as the top law

144

00:05:05,840 --> 00:05:03,540

enforcement officer of the state

145

00:05:07,790 --> 00:05:05,850

well the legislators have now sued the

146

00:05:09,890 --> 00:05:07,800

governor and so this is in the court of

147

00:05:11,120 --> 00:05:09,900

claims they've got a lawsuit going with

148

00:05:13,040 --> 00:05:11,130

as a battle going on between our

149

00:05:15,080 --> 00:05:13,050

legislature a legislative branch and the

150

00:05:17,090 --> 00:05:15,090

executive branch of whether or not which

151
00:05:19,610 --> 00:05:17,100
is the act that's actually going to that

152
00:05:21,290 --> 00:05:19,620
controls the and when you read the

153
00:05:22,640 --> 00:05:21,300
language of the two acts the Emergency

154
00:05:24,980 --> 00:05:22,650
Management Act the one that gives the

155
00:05:28,130 --> 00:05:24,990
legislative oversight gives broader plot

156
00:05:29,750 --> 00:05:28,140
powers and by its plain language it it

157
00:05:33,230 --> 00:05:29,760
would apply to a situation presented

158
00:05:35,000 --> 00:05:33,240
here a large public health crisis where

159
00:05:36,590 --> 00:05:35,010
you know extraordinary measures need to

160
00:05:38,270 --> 00:05:36,600
be taken by understanding you're gonna

161
00:05:40,520 --> 00:05:38,280
take these extraordinary measures you

162
00:05:43,400 --> 00:05:40,530
have legislative oversight the emergency

163
00:05:45,380 --> 00:05:43,410

governor's powers act of 1945 when you

164

00:05:48,200 --> 00:05:45,390

read it it was it was designed to be

165

00:05:50,510 --> 00:05:48,210

focused on really limited civil unrest

166

00:05:52,430 --> 00:05:50,520

right you have a riot that breaks out in

167

00:05:54,080 --> 00:05:52,440

Flint Michigan or Detroit Michigan or

168

00:05:55,630 --> 00:05:54,090

somewhere and there's a limited you know

169

00:05:58,070 --> 00:05:55,640

a short period of time a short duration

170

00:06:00,710 --> 00:05:58,080

public crisis that the governor needs to

171

00:06:03,050 --> 00:06:00,720

act and there's the john resources may

172

00:06:04,220 --> 00:06:03,060

be shut down roads shutdown travel do

173

00:06:06,050 --> 00:06:04,230

different things that might be strict

174

00:06:08,150 --> 00:06:06,060

Liberty but it was certainly for a short

175

00:06:09,440 --> 00:06:08,160

duration now we've reached the point

176

00:06:10,850 --> 00:06:09,450

that she said well it's not the

177

00:06:12,650 --> 00:06:10,860

Emergency Management Act I'm relying on

178

00:06:14,360 --> 00:06:12,660

it's the governor's Powers Act and it's

179

00:06:16,370 --> 00:06:14,370

unlimited I don't have this legislative

180

00:06:18,860 --> 00:06:16,380

oversight I'm in control I'm gonna do

181

00:06:20,330 --> 00:06:18,870

what I want to do and Michigan compared

182

00:06:22,760 --> 00:06:20,340

to the other three states we mentioned

183

00:06:24,670 --> 00:06:22,770

you've got some check on power there

184

00:06:26,840 --> 00:06:24,680

because you've got a Republican

185

00:06:29,180 --> 00:06:26,850

legislature do they does the Republicans

186

00:06:30,320 --> 00:06:29,190

that have both houses yes right so in

187

00:06:33,200 --> 00:06:30,330

the other three states you don't even

188

00:06:35,090 --> 00:06:33,210

have that but but but you wouldn't you

189

00:06:37,490 --> 00:06:35,100

would think that why is the governor

190

00:06:39,680 --> 00:06:37,500

fighting the legislature over this don't

191

00:06:40,580 --> 00:06:39,690

you want the legislature the legislature

192

00:06:41,900 --> 00:06:40,590

is the one that

193

00:06:45,350 --> 00:06:41,910

since the people in all the different

194

00:06:47,150 --> 00:06:45,360

districts why is she so invested in her

195

00:06:49,610 --> 00:06:47,160

wanting it to be her alone making the

196

00:06:50,690 --> 00:06:49,620

decisions why not allow the legislature

197

00:06:54,260 --> 00:06:50,700

to decide it those are the ones that

198

00:06:56,930 --> 00:06:54,270

represent the people it makes it makes

199

00:06:59,000 --> 00:06:56,940

zero sense to me even politically right

200

00:07:00,530 --> 00:06:59,010

because it she's certainly taken a lot

201
00:07:02,540 --> 00:07:00,540
of hits here in Michigan whoever's

202
00:07:05,240 --> 00:07:02,550
advising her politically this isn't this

203
00:07:07,130 --> 00:07:05,250
isn't helping the Rising Star at all as

204
00:07:08,600 --> 00:07:07,140
you you know your listeners and viewers

205
00:07:10,580 --> 00:07:08,610
may recall she's the one that gave the

206
00:07:12,530 --> 00:07:10,590
response to the Trump State of the Union

207
00:07:14,900 --> 00:07:12,540
address so she's was considered a rising

208
00:07:17,840 --> 00:07:14,910
star in the Democrat Party but she's

209
00:07:20,030 --> 00:07:17,850
she's taken a lot of hits here and there

210
00:07:21,860 --> 00:07:20,040
was an online I think it was a petition

211
00:07:23,300 --> 00:07:21,870
for recall and they had like 300

212
00:07:24,350 --> 00:07:23,310
thousand online signatures not granted

213
00:07:26,660 --> 00:07:24,360

they're gonna have to go out and canvass

214

00:07:29,450 --> 00:07:26,670

and get those in fact I also saw

215

00:07:31,940 --> 00:07:29,460

somebody sent they a post where she has

216

00:07:34,370 --> 00:07:31,950

a fundraiser going called stop the

217

00:07:35,690 --> 00:07:34,380

recall so in Michigan has a way to you

218

00:07:37,610 --> 00:07:35,700

know to recall a governor so that could

219

00:07:39,620 --> 00:07:37,620

very well be taking place but it makes

220

00:07:41,060 --> 00:07:39,630

it makes zero sense to me if you look at

221

00:07:42,710 --> 00:07:41,070

the national level we discussed this a

222

00:07:44,180 --> 00:07:42,720

little bit before as well you know

223

00:07:45,230 --> 00:07:44,190

there's always the the conflict when

224

00:07:46,610 --> 00:07:45,240

you're dealing with use of the military

225

00:07:48,500 --> 00:07:46,620

the president's the commander in chief

226

00:07:51,200 --> 00:07:48,510

the Congress is one that declares war

227

00:07:53,180 --> 00:07:51,210

they created this you know this War

228

00:07:54,800 --> 00:07:53,190

Powers Act that you got to go to

229

00:07:57,500 --> 00:07:54,810

Congress after a certain amount of time

230

00:07:59,870 --> 00:07:57,510

and in that way it's you know at that

231

00:08:02,540 --> 00:07:59,880

point you can get the the approval of

232

00:08:05,090 --> 00:08:02,550

Congress and for many for many of the

233

00:08:06,980 --> 00:08:05,100

you know for the presidents they do that

234

00:08:08,150 --> 00:08:06,990

because it makes it make sense in some

235

00:08:10,580 --> 00:08:08,160

respect cuz you're getting now the

236

00:08:12,530 --> 00:08:10,590

Congress to be vested in this and and to

237

00:08:13,340 --> 00:08:12,540

kind of be on the same team whereas it

238

00:08:15,050 --> 00:08:13,350

doesn't it doesn't even make sense

239

00:08:17,810 --> 00:08:15,060

politically while you would why you

240

00:08:20,030 --> 00:08:17,820

would shun that the legislators and all

241

00:08:21,860 --> 00:08:20,040

the people that they represent Michigan

242

00:08:23,090 --> 00:08:21,870

is a very very diverse state in so many

243

00:08:25,550 --> 00:08:23,100

ways it's kind it's a very interesting

244

00:08:26,870 --> 00:08:25,560

state politically because we have all

245

00:08:29,330 --> 00:08:26,880

the unions you know the automotive

246

00:08:31,070 --> 00:08:29,340

unions in Detroit and so nationally

247

00:08:33,520 --> 00:08:31,080

there's a lot of money that comes in on

248

00:08:35,600 --> 00:08:33,530

the national level and tend to our

249

00:08:38,060 --> 00:08:35,610

national level politicians the state

250

00:08:40,880 --> 00:08:38,070

senators and the congressmen tend to be

251
00:08:42,620 --> 00:08:40,890
more liberal and from the Democrat side

252
00:08:44,030 --> 00:08:42,630
and I think that's largely from again

253
00:08:46,520 --> 00:08:44,040
from the unions and the likes

254
00:08:49,100 --> 00:08:46,530
whereas locally and at the state level

255
00:08:51,130 --> 00:08:49,110
aside from our governor now it's it's

256
00:08:53,450 --> 00:08:51,140
been for a long time

257
00:08:54,050 --> 00:08:53,460
conservative in the in the legislature

258
00:08:56,420 --> 00:08:54,060
and why

259
00:08:59,360 --> 00:08:56,430
would should just be so dismissive of

260
00:09:01,280 --> 00:08:59,370
them and the way she the way she is it

261
00:09:02,960 --> 00:09:01,290
doesn't make sense in terms of how the

262
00:09:03,980 --> 00:09:02,970
government should run and how it should

263
00:09:06,560 --> 00:09:03,990

function and it doesn't make sense

264

00:09:08,300 --> 00:09:06,570

politically and now we've got a you know

265

00:09:09,440 --> 00:09:08,310

the the legislators have sued her and

266

00:09:11,810 --> 00:09:09,450

we've got the third branch of government

267

00:09:16,430 --> 00:09:11,820

the judiciary that's going to be

268

00:09:19,510 --> 00:09:16,440

weighing in on the and it's a mess

269

00:09:22,130 --> 00:09:19,520

has she restated what the objective is

270

00:09:23,870 --> 00:09:22,140

because I'm not sure I've seen any of

271

00:09:26,150 --> 00:09:23,880

these governor's who told us that this

272

00:09:27,620 --> 00:09:26,160

was about flatten the curve don't

273

00:09:29,750 --> 00:09:27,630

overwhelm the hospital's they got us all

274

00:09:31,040 --> 00:09:29,760

to buy in on the idea of flattening the

275

00:09:32,690 --> 00:09:31,050

curve so we don't overwhelm the

276

00:09:35,960 --> 00:09:32,700

hospitals none of us wanted to see

277

00:09:39,050 --> 00:09:35,970

people outside and lying in sidewalks

278

00:09:41,870 --> 00:09:39,060

and so on without beds available to them

279

00:09:43,430 --> 00:09:41,880

but as we talked about before the

280

00:09:45,530 --> 00:09:43,440

hospital's clearly are not overwhelmed

281

00:09:48,620 --> 00:09:45,540

in fact they're laying off employees and

282

00:09:51,800 --> 00:09:48,630

so on so what is the new standard

283

00:09:53,510 --> 00:09:51,810

clearly the standard is no longer not

284

00:09:55,880 --> 00:09:53,520

overwhelming the hospital's otherwise

285

00:09:57,530 --> 00:09:55,890

you would have started getting people

286

00:09:59,120 --> 00:09:57,540

back a lot sooner it would have happened

287

00:10:02,870 --> 00:09:59,130

weeks ago and certainly would be

288

00:10:06,140 --> 00:10:02,880

happening in a big big time now so has

289

00:10:08,380 --> 00:10:06,150

she announced any new standard no it's

290

00:10:10,880 --> 00:10:08,390

it's totally unclear to me it's it's

291

00:10:14,090 --> 00:10:10,890

there's no rational basis for the

292

00:10:17,030 --> 00:10:14,100

decisions that that she's making and I

293

00:10:18,950 --> 00:10:17,040

know you wrote an article recently about

294

00:10:21,380 --> 00:10:18,960

Governor Cuomo making the comment about

295

00:10:24,650 --> 00:10:21,390

you know it's every life is precious

296

00:10:26,720 --> 00:10:24,660

precious and and intimate value and so

297

00:10:28,160 --> 00:10:26,730

so now I guess the standard is you know

298

00:10:30,230 --> 00:10:28,170

not we don't want to lose one life

299

00:10:33,230 --> 00:10:30,240

because of kovat 19 which is I mean

300

00:10:34,880 --> 00:10:33,240

that's it's granted I you know I totally

301
00:10:36,500 --> 00:10:34,890
respect life I'm pro-life and Governor

302
00:10:38,270 --> 00:10:36,510
Cuomo's pro-abortion so it's kind of an

303
00:10:39,949 --> 00:10:38,280
interesting the economy but you can't

304
00:10:41,420 --> 00:10:39,959
use that as a standard if that's the

305
00:10:43,130 --> 00:10:41,430
case and this thing's never going to end

306
00:10:44,449 --> 00:10:43,140
I've had I haven't heard the governor

307
00:10:45,790 --> 00:10:44,459
say this but I've seen others saying it

308
00:10:47,840 --> 00:10:45,800
that we shouldn't have a full open

309
00:10:50,120 --> 00:10:47,850
backup of the economy until we have a

310
00:10:51,230 --> 00:10:50,130
vaccine for this right we don't always

311
00:10:52,880 --> 00:10:51,240
have vaccines we don't have a vaccine

312
00:10:54,829 --> 00:10:52,890
for AIDS you don't have a vaccine for

313
00:10:58,310 --> 00:10:54,839

the regular flu right you know it means

314

00:10:59,990 --> 00:10:58,320

not a you know I a cure you can you can

315

00:11:01,340 --> 00:11:00,000

get the flu shot but it's not a so I

316

00:11:03,230 --> 00:11:01,350

kind of guarantee that you're not going

317

00:11:04,760 --> 00:11:03,240

to get the flu that the standards that

318

00:11:07,369 --> 00:11:04,770

the goalposts you mentioned the

319

00:11:08,929 --> 00:11:07,379

goalposts and I they just keep

320

00:11:10,699 --> 00:11:08,939

moving when I do interviews about

321

00:11:11,989 --> 00:11:10,709

governor Wigner I got to get a scorecard

322

00:11:14,779 --> 00:11:11,999

to keep track of where we are on

323

00:11:16,699 --> 00:11:14,789

executive order number 77 since this

324

00:11:17,929 --> 00:11:16,709

started out they've amazing they've

325

00:11:20,299 --> 00:11:17,939

moved and we don't know where they've

326

00:11:22,549 --> 00:11:20,309

moved to that's the problem

327

00:11:23,719 --> 00:11:22,559

you know it give us okay that's fine if

328

00:11:25,369 --> 00:11:23,729

you decided it's no longer about

329

00:11:27,259 --> 00:11:25,379

overwhelming the hospital's then what is

330

00:11:29,269 --> 00:11:27,269

it now about because it seems to me

331

00:11:31,249 --> 00:11:29,279

there's only three ways this thing gets

332

00:11:34,549 --> 00:11:31,259

resolved you could get it down to

333

00:11:36,739 --> 00:11:34,559

absolutely zero cases and also turn off

334

00:11:38,799 --> 00:11:36,749

all travel so that no new cases could

335

00:11:41,149 --> 00:11:38,809

come in okay then the things

336

00:11:43,009 --> 00:11:41,159

theoretically done that doesn't seem

337

00:11:45,229 --> 00:11:43,019

practical that America could get down to

338

00:11:48,799 --> 00:11:45,239

zero cases and cut off all travel right

339

00:11:51,379 --> 00:11:48,809

the other is you can stay lockdown until

340

00:11:54,229 --> 00:11:51,389

there's a vaccine that's 12 to 18 months

341

00:11:56,749 --> 00:11:54,239

away no certainty that'll ever be found

342

00:12:00,349 --> 00:11:56,759

no certainty as to how effective the

343

00:12:03,019 --> 00:12:00,359

vaccine will be or you can go with herd

344

00:12:04,339 --> 00:12:03,029

immunity Sweden appears to be going with

345

00:12:06,409 --> 00:12:04,349

herd immunity they think that they're

346

00:12:09,049 --> 00:12:06,419

very close to it that means that sorry

347

00:12:11,449 --> 00:12:09,059

but this thing is ultimately going to

348

00:12:13,009 --> 00:12:11,459

sweep the country let's make sure it

349

00:12:16,279 --> 00:12:13,019

doesn't do it so quickly so that we

350

00:12:18,649 --> 00:12:16,289

overwhelm the hospitals but otherwise

351
00:12:20,059 --> 00:12:18,659
that's the plan is hurting me that does

352
00:12:22,309 --> 00:12:20,069
appear to have been what we originally

353
00:12:23,840 --> 00:12:22,319
was the plan was again looking at those

354
00:12:26,449 --> 00:12:23,850
charts that they showed us showed us

355
00:12:27,769 --> 00:12:26,459
tons of people getting it over an

356
00:12:31,399 --> 00:12:27,779
extended period of time

357
00:12:33,739 --> 00:12:31,409
so governor's tell us what are you

358
00:12:35,299 --> 00:12:33,749
trying to achieve now with your orders

359
00:12:38,629 --> 00:12:35,309
are you trying to get us down to zero

360
00:12:40,789 --> 00:12:38,639
cases and cutting off all travel are you

361
00:12:42,529 --> 00:12:40,799
waiting you want us to wait 18 months

362
00:12:47,899 --> 00:12:42,539
and stay locked down until we get this

363
00:12:49,669 --> 00:12:47,909

possible vaccine or is the objective

364

00:12:50,779 --> 00:12:49,679

herd immunity because I think those are

365

00:12:52,579 --> 00:12:50,789

the only three options and if the

366

00:12:56,349 --> 00:12:52,589

objectives hurt immunity then we need to

367

00:12:59,569 --> 00:12:56,359

start letting people out yesterday I

368

00:13:01,369 --> 00:12:59,579

totally agree with you and and then once

369

00:13:04,339 --> 00:13:01,379

we could figure out where those goal

370

00:13:05,479 --> 00:13:04,349

posts are then I think the reason why

371

00:13:07,519 --> 00:13:05,489

they don't want to they don't want to

372

00:13:09,889 --> 00:13:07,529

cement those goal posts in is because

373

00:13:12,139 --> 00:13:09,899

then now they have to justify how their

374

00:13:14,179 --> 00:13:12,149

restrictions are gonna you know put that

375

00:13:16,340 --> 00:13:14,189

football through the post as it were

376

00:13:17,929 --> 00:13:16,350

saying with this this analogy but they

377

00:13:19,549 --> 00:13:17,939

keep moving the goalposts so their

378

00:13:21,110 --> 00:13:19,559

restrictions are as random is what

379

00:13:22,610 --> 00:13:21,120

they're they're you know they're

380

00:13:24,950 --> 00:13:22,620

objectives are I don't know if they even

381

00:13:26,960 --> 00:13:24,960

know I mean it's just well I hope

382

00:13:28,430 --> 00:13:26,970

leaders there they're just the harmony

383

00:13:30,769 --> 00:13:28,440

ders I don't know what to say they just

384

00:13:32,870 --> 00:13:30,779

they they don't they don't certainly

385

00:13:35,060 --> 00:13:32,880

exude confidence in the end the people I

386

00:13:37,880 --> 00:13:35,070

think people when you see Tesla suing

387

00:13:39,950 --> 00:13:37,890

government officials in California you

388

00:13:43,130 --> 00:13:39,960

know there's a problem going on well I

389

00:13:44,510 --> 00:13:43,140

hope that your cases somehow can help

390

00:13:46,760 --> 00:13:44,520

try to root that out I hope that you

391

00:13:50,180 --> 00:13:46,770

really pressed them to basically say hey

392

00:13:52,700 --> 00:13:50,190

you need a fundamental compelling

393

00:13:55,519 --> 00:13:52,710

government interest and don't just tell

394

00:13:57,500 --> 00:13:55,529

me it's health you know or don't just

395

00:14:00,320 --> 00:13:57,510

tell me all life is priceless and we

396

00:14:03,230 --> 00:14:00,330

want to save all lives tell me precisely

397

00:14:04,490 --> 00:14:03,240

what is your objective here so let me

398

00:14:06,800 --> 00:14:04,500

ask you from a legal perspective I mean

399

00:14:08,360 --> 00:14:06,810

is that a fair question to ask them in

400

00:14:11,930 --> 00:14:08,370

court and require these states to come

401
00:14:15,110 --> 00:14:11,940
back and tell us what exactly precisely

402
00:14:22,250 --> 00:14:15,120
are you trying to achieve not just

403
00:14:24,800 --> 00:14:22,260
broadly public health yeah and it blends

404
00:14:26,720 --> 00:14:24,810
with not only stating the interest but

405
00:14:28,190 --> 00:14:26,730
how what it is the restriction they have

406
00:14:29,750 --> 00:14:28,200
how it promotes that interest was then

407
00:14:30,980 --> 00:14:29,760
requires them to narrow down

408
00:14:32,720 --> 00:14:30,990
specifically what it is that they're

409
00:14:34,670 --> 00:14:32,730
trying to accomplish and that the goal

410
00:14:36,560 --> 00:14:34,680
that they that they put in place is a

411
00:14:38,949 --> 00:14:36,570
least restrictive means of doing so and

412
00:14:41,210 --> 00:14:38,959
I mean it's long-standing in

413
00:14:42,350 --> 00:14:41,220

constitutional jurisprudence that when

414

00:14:43,519 --> 00:14:42,360

you're applying strict scrutiny in

415

00:14:44,810 --> 00:14:43,529

particular and when you like for example

416

00:14:47,090 --> 00:14:44,820

in New York when you're shutting down

417

00:14:50,150 --> 00:14:47,100

all first lemon outdoor up to our First

418

00:14:51,650 --> 00:14:50,160

Amendment activity you're you're now in

419

00:14:53,930 --> 00:14:51,660

strict scrutiny standard it's the

420

00:14:55,940 --> 00:14:53,940

highest level of scrutiny that the

421

00:14:58,970 --> 00:14:55,950

government has to satisfy and it's their

422

00:15:01,610 --> 00:14:58,980

burden their burden alone to convince

423

00:15:04,490 --> 00:15:01,620

the court that not only is the interest

424

00:15:08,120 --> 00:15:04,500

compelling and but that the that their

425

00:15:09,949 --> 00:15:08,130

means of achieving that also satisfy the

426

00:15:12,170 --> 00:15:09,959

the least restrictive measure

427

00:15:13,730 --> 00:15:12,180

requirement and and that's it's very

428

00:15:15,170 --> 00:15:13,740

high there's a reason why when usually

429

00:15:17,240 --> 00:15:15,180

if you're applying strict scrutiny it's

430

00:15:19,160 --> 00:15:17,250

almost fatal in fact to begin with

431

00:15:22,490 --> 00:15:19,170

because the government has a very very

432

00:15:24,949 --> 00:15:22,500

heavy burden to satisfy and whenever you

433

00:15:27,620 --> 00:15:24,959

have these exemptions and the numerous

434

00:15:28,490 --> 00:15:27,630

exceptions that that are in place and

435

00:15:30,350 --> 00:15:28,500

you're dealing with the fundamental

436

00:15:32,240 --> 00:15:30,360

Liberty you lose you lose strict

437

00:15:34,130 --> 00:15:32,250

scrutiny almost as a matter of law and

438

00:15:35,240 --> 00:15:34,140

that's what we have here like in New

439

00:15:37,670 --> 00:15:35,250

York you you

440

00:15:41,780 --> 00:15:37,680

engaging group you know First Amendment

441

00:15:43,820 --> 00:15:41,790

activity protesting mayor de Blasio's

442

00:15:45,500 --> 00:15:43,830

policies on the on the streets outside

443

00:15:47,030 --> 00:15:45,510

of City Hall but you can you know ride

444

00:15:49,070 --> 00:15:47,040

your bikes and do any other things out

445

00:15:49,460 --> 00:15:49,080

there let me just there's just those two

446

00:15:52,670 --> 00:15:49,470

things

447

00:15:54,080 --> 00:15:52,680

don't come don't don't comport and and

448

00:15:57,410 --> 00:15:54,090

it is I don't see how this is gonna

449

00:16:00,620 --> 00:15:57,420

survive five screws so let's talk about

450

00:16:02,570 --> 00:16:00,630

what court rulings there are so far out

451
00:16:04,010 --> 00:16:02,580
there I know you've got brought some

452
00:16:07,040 --> 00:16:04,020
cases that resolved in some very

453
00:16:09,710 --> 00:16:07,050
favorable settlements in Michigan but

454
00:16:12,950 --> 00:16:09,720
what about actual Court rulings thus far

455
00:16:14,930 --> 00:16:12,960
about this pandemic yeah I you know I'd

456
00:16:17,000 --> 00:16:14,940
have to do a survey so much of these

457
00:16:18,950 --> 00:16:17,010
things are so quick they're usually in t

458
00:16:20,570 --> 00:16:18,960
arrows and the two cases that we have we

459
00:16:22,910 --> 00:16:20,580
got stipulated court orders the first

460
00:16:27,100 --> 00:16:22,920
one totally resolved itself on behalf of

461
00:16:29,990 --> 00:16:27,110
a pro-life demonstrator when she had to

462
00:16:31,610 --> 00:16:30,000
concede that her order has to permit

463
00:16:33,980 --> 00:16:31,620

outdoor force women activity and the

464

00:16:36,110 --> 00:16:33,990

criminal complaint against was dismissed

465

00:16:37,370 --> 00:16:36,120

yeah let's let's talk about that one

466

00:16:39,410 --> 00:16:37,380

just for a second because it ties to New

467

00:16:41,780 --> 00:16:39,420

York when so bottom line governor

468

00:16:43,220 --> 00:16:41,790

basically back down and said I get it

469

00:16:45,590 --> 00:16:43,230

you gotta allow First Amendment

470

00:16:49,850 --> 00:16:45,600

protesting it wasn't a court ruling it

471

00:16:53,450 --> 00:16:49,860

was the governor stepping away from that

472

00:16:55,010 --> 00:16:53,460

right well but we to make sure there

473

00:16:57,110 --> 00:16:55,020

wasn't going to be any waffling in

474

00:16:59,180 --> 00:16:57,120

moving of the goalposts on this we put

475

00:17:00,950 --> 00:16:59,190

it into a stipulated order between the

476

00:17:04,100 --> 00:17:00,960

parties signed by the order signed by

477

00:17:05,990 --> 00:17:04,110

the parties and signed by the judge so

478

00:17:09,230 --> 00:17:06,000

that it would be an order that was

479

00:17:10,670 --> 00:17:09,240

enforceable and not just you know so

480

00:17:14,210 --> 00:17:10,680

your case against DeBlasio is very

481

00:17:15,860 --> 00:17:14,220

similar to that it is but same thing

482

00:17:17,390 --> 00:17:15,870

with de Blasio because when you're suing

483

00:17:20,929 --> 00:17:17,400

a governor they have Eleventh Amendment

484

00:17:22,819 --> 00:17:20,939

immunity in in federal courts and so all

485

00:17:24,590 --> 00:17:22,829

you can get is prospective and in Joe

486

00:17:27,079 --> 00:17:24,600

spective relief an injunction or a

487

00:17:29,480 --> 00:17:27,089

declaration sometimes these cases can be

488

00:17:31,550 --> 00:17:29,490

mooted you know what the goal posts keep

489

00:17:33,440 --> 00:17:31,560

moving and then they'll you know they'll

490

00:17:35,930 --> 00:17:33,450

try to dismiss it on mootness grounds

491

00:17:38,240 --> 00:17:35,940

the issue with DeBlasio he's a city

492

00:17:40,400 --> 00:17:38,250

official he did this as his authority as

493

00:17:41,660 --> 00:17:40,410

the as the mayor he doesn't have

494

00:17:43,610 --> 00:17:41,670

Eleventh Amendment immunity we have a

495

00:17:46,490 --> 00:17:43,620

nominal damage claim so we're gonna get

496

00:17:47,780 --> 00:17:46,500

a final resolution on this on this one

497

00:17:49,370 --> 00:17:47,790

way or the other he's not going to be

498

00:17:50,930 --> 00:17:49,380

able to moot it out by

499

00:17:52,640 --> 00:17:50,940

by backing away from it because that