

Judge rejects request for injunction preventing enforcement of gov's mask mandate

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A St. Croix County judge has rejected a request for a temporary restraining order preventing enforcement of Gov. Tony Evers' statewide mask mandate.

Judge Michael Waterman rejected arguments from the conservative Wisconsin Institute for Law & Liberty and GOP lawmakers that Evers had exceeded his authority in issuing the mandate.

State law allows guvs to declare public health emergencies for up to 60 days unless extended by the Legislature. WILL and GOP lawmakers argued the three public health emergencies Evers called each relate to the same crisis and thus are beyond his powers.

But Waterman ruled that interpretation is incorrect. He also wrote in today's decision that the Legislature has the power to terminate Evers' order but has declined to do so.

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"The 60-day limit provides an important check against run-away executive power, but it does not prevent the governor from issuing a new executive order when the emergency conditions continue to exist," Waterman ruled.

Water noted in his decision the request for a restraining order was filed by three private citizens, who are represented by WILL. He wrote their request goes "well beyond private interests" and a restraining order would impact every person in Wisconsin "by a judicial act that usurps the governor's power." He added the Legislature has the power to end the order, but has so far declined to exercise it.

“As the statewide representative body of the citizens of Wisconsin, the legislature’s inaction is relevant and it weighs against judicial intervention, especially when the requested intervention will have statewide impact,” he wrote.