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From presidential debate to Trump hospitalized with COVID-19 to Michigan Supreme Court taking away governor's emergency powers

By Steve Horton

Wow! What a week it was!

The national news a week ago was largely focused on Tuesday night's impending debate in Cleveland between President Donald Trump, the Republican nominee, and former Vice President Joe Biden, the Democratic Party standard-bearer.

On Wednesday morning the airwaves, social media sites, and newspaper pages were filled with reaction to what's generally been labeled "the worst presidential debate in history," with Trump behaving (on purpose) like a "bull in a china shop." His constant interruptions and disruptive behavior finally caused a frustrated Biden to tell the leader of the free world "to shut up" and amongst other things call him "a clown."

A high-minded, civil discourse on the issues and challenges facing the American people it was not.

Then, on the turn of a dime, we're notified that President Trump, the First Lady, and others in their inner circle of friends and advisors have tested positive for COVID-19 and shortly after that, in what was called "a precautionary measure," the President is flown to the Walter Reed Medical Center and put under a doctor's care.

Of course, how all of this impacts, or will impact, the upcoming election was very much the topic of news stories and accompanying commentary.

And speaking of COVID-19, here in Michigan the state Supreme Court ruled by a narrow 4-3 margin that the 1945 law used by Gov. Gretchen Whitmer as a legal justification for maintaining a state-of-emergency without the approval of the Legislature was, in their opinion, unconstitutional. This was a blow to the governor who has said that the law gave her authority

to issue numerous executive orders on such matters as wearing facemasks, social distancing, and business closures.

The majority opinion is a long document, but it essentially stated that the law—which was passed in the aftermath of the Detroit Riot in 1945—gave powers to the executive that rightly belonged to the legislative branch, violating the balance-of-power that serves as the foundation of American government.

Governor Whitmer, who felt having a free rein was necessary in the midst of a global pandemic that hit the state hard, blasted the decision and pointed out that the four justices who voted to overturn the law were Republicans.

This criticism despite the Michigan Supreme Court having gotten praise of late for being more legally-oriented, with less obvious partisan bias, and having in that spirit of co-operation elected Bridget McCormick, a Democrat, as the chief justice.

Well, it's hard to resist blaming the other side “for playing politics” regardless of which side you're on.

Understandably, the Republican legislative leaders who have objected to Whitmer's manner in dealing with the COVID-19 crises, which included ignoring their input, declared this court ruling a victory for the people of Michigan—or, at least, those people who oppose the governor—and a proper restoration of the balance of power.

“This ruling is great news for Michigan,” said Mike Shirkey, the Senate Majority Leader. “The courts have ruled in favor of a government system of checks and balances and citizens will benefit the most.”

Then, as an apparent olive branch, he added. “This ruling does not alter our collective responsibility to protect ourselves and others by wearing masks, social distancing, and washing our hands. The virus still presents a threat to our health and we must be vigilant in our actions.

“The Senate stands ready to work with the Governor to do what is necessary for Michigan to lead by example by informing, inspiring, and enabling citizens to do what's necessary and responsible,” Shirkey continued. “Now is the time for bipartisan action to transition from government operating in fear of the virus to government managing life in the presence of the virus. Our communities, businesses, and organizations have an opportunity to continue to prove that they can operate responsibly, and state government has an opportunity to demonstrate trust in our citizenry.”

That latter statement is a code for being less restrictive.

Shirkey, I would point out, had ridden roughshod over Whitmer the previous year (her first in office) in the battle over the budget and other matters and, up until last spring and the start of the emergency orders, appeared to be in the driver's seat when it came to the balance of power. Since then it's been mainly Whitmer's show.

This ruling gets him back at the negotiating table.

Perhaps that earlier behavior by the senator was a reason Whitmer did not consult him on how best to respond to the pandemic. In fairness, though, while I applaud Gov. Whitmer for taking firm and decisive measures to protect public safety, she doesn't seem to like "to share."

A more bipartisan approach might have mitigated some of the rancor that emerged over the various public-safety orders she issued. But this might be wishful thinking.

Still, like it or not, whether convenient or not, we have three branches of government and each plays a part. The Supreme Court made a decision, the Legislature at some point needs to be brought back into the decision making, and the Governor works with both to administer the state's business.

As I said, it was quite a week.

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