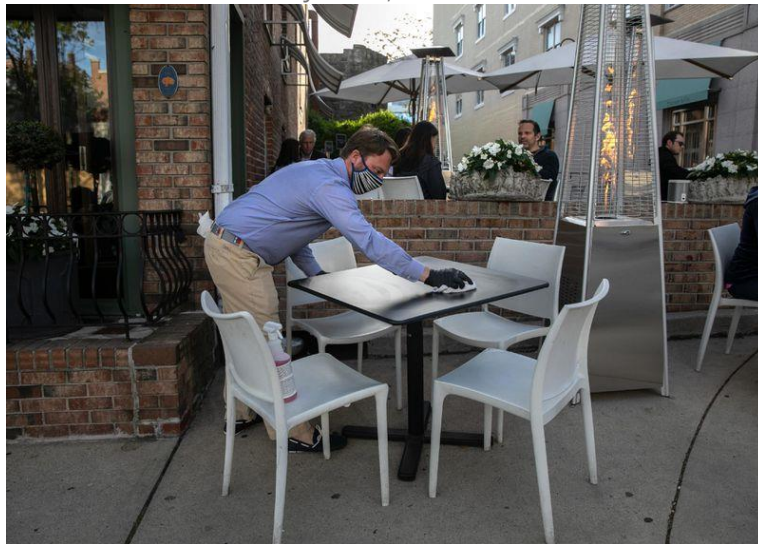


<https://www.courant.com/opinion/op-ed/hc-op-marcus-executive-orders-0723-20200723-5o6e44xkxjd77gcmeupr3cqadu-story.html>



Too many executive orders lead to abuse of power

By **EDWARD L. MARCUS**
SPECIAL TO HARTFORD COURANT |
JUL 23, 2020



Gov. Ned Lamont issued an executive order effective on April 20 that required residents to wear a face mask in public. (John Moore // Getty Images)

An executive order can be issued by a mayor, a governor or the president. It is a legal directive and typically not questioned in a courtroom as to its authority.

In plain English, it is an act by the head of the executive branch of government without any legislative or judicial backup or approval. It is the closest you can get to dictatorship in a democratic form of government.

The theory behind it is that it this is a way to handle an immediate crisis faced by government, a crisis developing so rapidly that taking time to obtain legislative or judicial approval is just not sufficiently expedient. Normally, it is supposed to be only used when there is no other reasonable way of properly governing — but it should never be used for too long.

COVID-19 has resulted in nearly a perpetual state of crisis. It has resulted in the unusual situation in Connecticut where the governor has run his own show for about the last five months. While Gov. Ned Lamont has done a fairly good job of it, the legislature has not met and has not formally weighed in on his actions. When it does meet, the governor sets the agenda. At the same time, it is noteworthy that as the pandemic continues seemingly unabated, in Connecticut, three of the four legislative leaders are not seeking reelection.

House Speaker Themis Klarides pointed out in a recent commentary that Lamont has made many difficult decisions in the midst of the pandemic. At the same time, she notes, he has not objected to the second 5.5 percent pay increase for state employees, which may well be justified in normal times but currently simply is not affordable.

In 2017, George Jepsen, the state attorney general at the time, said, “in the most extreme circumstances, the state could take action to amend labor contracts” because of the high cost. If we are not living in the most extreme circumstances, where are we?

The state’s government labor unions are the governor’s base of support, so it is easy to understand why he would want to avoid waking a new tiger of a problem, breathing a sigh of relief that he got through this year on the perpetual union negotiations. Would that be the case if we were not governing by executive orders?

The problem with running government by executive order is that there is no real debate on the issues, at least not with a co-equal branch of government, making it all too easy to slough off a really tough decision.

We need to get back to normal governing as fast as we can. Executive orders give too much power to, and put too much pressure on, any one person, regardless of how honest and well-meaning the individual.

Aside from President Donald Trump, who indeed is a special case, I believe that most everyone in government leadership tries to do the right thing for all citizens, although we certainly can have different points of view.

When used as intended, executive orders can help mitigate a crisis, as Gov. Lamont has clearly demonstrated. However, democracy is the best answer, and ongoing ruling by executive order is not democracy.

For the best example of the extremes that become possible, we need only look at what just happened in Portland, Ore. Peaceful protesters were grabbed by well-armed, camouflaged individuals with no badges and no official insignia and were hauled away in unmarked vans. They were federal troops.

An “outrageous kidnapping,” some called it. While it is now somewhat unclear how the order to grab people off the streets originated, I believe it will eventually be traced to some type of executive order emanating from the Oval Office.

Executive orders gone awry are a clear abuse of power.

Atty. Edward L. Marcus is former chairman of the Democratic State Central Committee in Connecticut and former State Senate majority leader. His office is in North Branford.