

Letter To The Editor: Why I Voted Yes To Reopen Madison County May 12

by Phil Chapman
May 27 2020 10:14 AM





After voting to 'Re –Open Madison County' I received numerous messages in support and some questioning my decision. Some thought I defied the Governor. I thought I represented my constituents' wishes.

The Governor's Stay at Home Order under the Illinois Emergency Management Act appears an overreach of power impacting the Bill of Rights of travel, commerce, assembly, and the exercise of religion. Governors don't have the right to craft regulations with the power of law. Two recent events, (1) downstate representative Darren Baily's lawsuit, and, (2) the refusal of the Joint Committee on Administrative Rules (JCAR) may show the limits on the Governor's power.

The 'Baily Suit' posits the Governor overstepped his powers. The Feds noted; "...the Plaintiff (Bailey) has set forth a strong case that the orders exceed authority, granted to the Governor by the Illinois Legislature." The Feds went on to say. "...the case should be sent back to the state as it raises claims under state law, not the US Constitution." Nevertheless, the Federal system, represented by Attorney General Barr, raises the constitutional rights issue. Mr. Barr stated; "Your civil liberties are protected during a pandemic. Protecting public health is an interest but does not justify cutting restrictions without legal authority. Should the violation of citizens' rights continue concerning travel, assembly, commerce, and religious beliefs the Federal Government may have to intercede."

Many think the Governor's current closings are inherently unfair to small business. Large retailers remain open while small retailers remain closed. When the County sought to ease restrictions, the Governor responded with controversial rules imposing criminal penalties, up to a \$24500 fine, and a year in jail. The Governor sought support from the State Legislature's Joint Committee on Administrative Rules (JCAR) for support. Amid public outcry, JCAR failed to back him. Governor Pritzker called JCAR's action a 'complete abdication of responsibility'. Could it be JCAR chose not to act knowing the consequence of defying the people? According to a recent poll, 3 of 4 Illinoisians believe small businesses should be open.

Governors are finding Executive Emergency Orders can't be made in a vacuum. The courts overturned Oregon Governor Kate Brown's order restricting churches and businesses. Courts overturned Wisconsin Governor Tony Evans stay at home order finding it usurped legislative power. In NC a Federal Judge blocked enforcement of Governor Ray Cooper's orders vs. religious services.

Why is this important? On Memorial Day Americans honor those who gave the ultimate sacrifice to free us. I don't question the Governor's motive. The Governors' overreach seems a sincere mistake, but if people don't counter Governor's overreaches we may find our governments system of check and balances and Bill of Rights erode slowly

away. The revolutionaries of 1776, unions, minorities, and soldiers of each generation fought to ensure the blessings of liberty. People say; ‘the loss of liberty can’t happen here.’ Look across the world. “The price of liberty, and even of common humanity, is eternal vigilance.” – Aldous Huxley

Phil Chapman

Highland, IL.

Opinions expressed in this section are solely those of the individual authors and do not represent the views of RiverBender.com or its affiliates. We provide a platform for community voices, but the responsibility for opinions rests with their authors.