

# Opinion: Lawmakers should OK extension of emergency authority for Murphy

CARL GOLDEN | JANUARY 5, 2022 | [OPINION](#), [CORONAVIRUS IN NJ](#)

Amid omicron surge and big rise in case and hospitalization numbers, it's the responsible thing to do and in the best interests of the state



Carl Golden

The Legislature on Monday is scheduled to consider Gov. Phil Murphy's request for a 90-day extension of his emergency authority to deal with the unprecedented and historic rise in COVID-19 infections and hospitalizations.

It would be prudent, responsible, wise and in the state's best interest for the Legislature to grant it.

The broad powers the governor exercised at the outset of the pandemic nearly two years ago were trimmed back considerably last June and those that remained in effect will expire Tuesday.

Chief among them permits the governor to mandate the wearing of masks in schools, child-care facilities, mass transit, health-care settings and state government buildings. It also gives the administration the authority to oversee vaccination distribution and testing.

The rate of infections — largely the impact of the wildly contagious omicron variant — has set records daily for more than a week while hospitalizations have exceeded 5,000, including a significant rise in patients in intensive-care units and on ventilators.

Underscoring the impact of the rapid omicron variant spread, state Health Commissioner Judy Persichilli announced she intended to seek help from a

federal strike force as well as the National Guard to head off overcrowding in hospitals and health-care facilities and ease the growing pressures on medical personnel.

## **Not ‘nanny state’ thinking**

Pushback on the governor’s request for an extension was quick in coming from a few Republicans who characterized it as an overreach, including one Assembly member who derided it as an example of a nanny state.

The overwhelming wave of new infections sent all trend lines in the wrong direction, a rapid reversal of the summer and fall seasons when caseload and fatalities had fallen dramatically, creating a sense that the worst had passed and normal life had returned.

Murphy, while continuing to insist that “everything is on the table,” has made it clear that he has no intention of restoring the widespread lockdowns and burdensome restrictions of the past year.

Looming over his pledge, however, is the growing number of school districts that have opted for remote learning — albeit temporarily — to deal with staff shortages and the potential for an upsurge in infections among the student population.

Blocking the administration’s continued emergency authority to order mask wearing, for instance, and to administer vaccine and testing protocols, would likely prompt additional school districts to follow suit in a “better safe than sorry” response.

Murphy has encountered legislative opposition at various points during the pandemic, from accusations of autocratic rule by failing to consult with or seek approval from the Legislature to resistance to vaccinations.

## **‘Embarrassing episode’**

It reached a low point last month when a number of Republican Assembly members refused to provide proof of vaccination to enter the Statehouse chamber, confronting State Police responsible for enforcing the directive before pushing their way through. It was an embarrassing episode, made more so by shouts of “tyranny” and “treason” in return for a 30-second spot on Fox News.

Through it all, Murphy has maintained public support for his handling of the pandemic, despite restiveness and frustration on the part of the populace chafing under unprecedented government-imposed restrictions on virtually every aspect of personal life.

He did so successfully by maintaining a focus on the compelling imperative to protect a vulnerable citizenry from a deadly pathogen which, for a time, had no medical preventive. He played to the public understanding that the choice was between dealing with inconvenience and upheaval or illness and death.

To be sure, the omicron variant, while much more contagious, is generally less severe and debilitating particularly to those who’ve been fully vaccinated. Breakthrough infections remain, however, but overwhelmingly the ill and hospitalized population is among the unprotected.

And, while Murphy has pleaded at every opportunity for increased vaccination levels, there remains stubborn refusal by as much as 30% of the eligible population. Odds are that, even after a year of concerted government and public health profession efforts, the hesitancy will not change significantly.

## **Common-sense approach**

The extension of authority he seeks is neither drastic, life-altering, economically damaging nor constitutionally flawed.

Rather, it represents a carefully crafted common-sense approach, an acknowledgement that it is government’s solemn obligation to assure as high a level of public safety as possible.

He may very well be playing for time, hoping that the predictions of public-health experts that the omicron surge will run its course by the end of the month come to pass.

Many of those same experts foresee COVID-19 as being here to stay, becoming an endemic with which the nation must deal every year rather than stamping it out entirely.

In considering Murphy's request to extend his emergency authority, the Legislature should join him in playing for time and put aside their misgivings, whatever they may be.

For another 90 days, there is nothing to lose and very much to gain.