

Faith In Federalism: Can the States Be Trusted During Covid-19?

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Nationwide, mask mandates and lockdowns started in March in response to Covid-19. We have recently passed the one year anniversary of “Two weeks to slow the spread”. Conflict between the Federal government, states and the people, the assorted responses and lockdowns, and policy clashes has been the highlight of the news cycle for months, and was likely the deciding issue in the 2020 Presidential election. The long-term practical, economic and psychological effects of lockdowns and mask mandates have strained our nation even further. Suicides, overdoses and mental illness have spiked. People are turning on their families, friends and neighbors over whether to mask or not to mask, to distance or not to distance, and to vaccinate or not to vaccinate. The problems and issues tie not back to the virus, but to Federal, State and Local government response. The violation of American rights has been brutally disproportionate for ineffective policies, and the long-term effects are frightening to comprehend.

Any national crisis will naturally involve all levels of government. Covid-19 is no exception to the rule. The Federal government has mostly spearheaded the development and distribution of vaccines and vaccine policy (for better or worse) and the states have mostly managed the lockdowns, mask mandates and hospitals (for better or worse). Especially in the high profile states like New York, California, Texas and Florida, the Federal government and states clashed. What rules need to be followed? Who pays for what? What controls can the state

set or not set? These questions and situations exposed many of the deeper cracks in our Federal system which must be addressed or they will simply get worse.

Definitions

There are several components and political players that must be adequately introduced. The most crucial components are the lockdowns, mask mandates, and vaccines. The important political players are the states and their officials, Congress, the President, and the agencies under him in the Executive Branch.

Lockdowns encompass stay-at-home orders, essential worker policy and mask mandates. “Stay at home, save lives” has been echoed across the globe in one form or another. The basic premise has been to keep ICUs and the medical system from being overwhelmed. Thus, most venues and “non-essential” businesses have been heavily restricted or shut-down entirely.

Masks have been the other major policy of the pandemic response. Wearing a mask, staying six feet apart and staying home when possible have been the recommendations, and in some cases law across the world (CDC 2021). Asymptomatic spread must be discussed. This is the primary justification for lockdown policy and mask mandates. If people do not know they are sick, they cannot take the standard precautions of staying at home. Thus, the default assumption by policy makers has been to consider everyone infected, or at high enough risk of being affected to be under the same restrictions. In terms of the effect, cause and scope of asymptomatic carriers, the jury is still out. Researchers have so far added another category, pre-symptomatic carriers, who, along with never-symptomatic carriers, according to some research, contribute to

nearly 60% of the spread of Coronavirus, although there are major methodology issues to be considered¹.

This is absolutely crucial. If asymptomatic carriers are not an issue, then the lockdowns, and the associated costs², may not have been worth it. Multiple studies analyze infection and symptom data. However, there is no scientific literature actually present to prove the crucial point: Can asymptomatic and presymptomatic carriers actually spread the virus?² This question has massive implications for how the States and Federal government has acted within the last year.

The vaccine is a major, major factor in the response and especially to the Federal government. Former President Trump and Current President Biden went back and forth during the election cycle on who did or did not have a plan, could we produce enough doses, could everyone get them, and so on. As it stands, the Pfizer, Moderna and Johnson & Johnson vaccines are the three currently available to the United States population, with two of them requiring two separate shots (CDC 2021).

There is currently discussion over mandatory vaccines and “vaccine passports”. As it stands, the Federal government will not be making vaccine passports, leaving it to the states (White House, 2021). Many companies and policy makers are discussing simply using them for businesses, at a state or business level. Some states are taking aggressive measures to prevent

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² A number of frightening stats, such as record-breaking overdose, suicide and mental health diagnoses, have been results of the lockdowns. Hunger, job loss, poverty, major education disruption and social consequences are some of the other problems emerging (AIER Staff, 2020).

them at any level, like Governor DeSantis banning Florida businesses from using vaccine passports (DeSantis EO 21-81). Others, like New York, are rapidly implementing an Excelsior Pass, which can show vaccination or recent test results (NY Health, 2021).

There are many who are staunchly opposed to mandatory vaccination and the vaccine passports, citing low risk factors, personal choice and that them not being vaccinated will have no effect on vaccinated people, with new estimates saying risk is reduced by up to 90% (English, 2021). Many also state they have little trust in Big Tech, Federal and State governments to not abuse the power a vaccine passport system could give³. This could be the source of just another divide in Federalism policy. The Federal government seems to be leaving this one to states and businesses. So can the states be trusted to implement these policies? Many would say absolutely not, others would say it is necessary to reopen safely. Importantly, it is another fault line for our Federal system to be strained even more.

Many states have varied broadly in their approach to Covid-19 (USA Today, 2021). Some states, like New York and California, locked down hard initially, and would quickly go back into lockdowns. Others, like South Dakota, never had a lockdown, with only light mask mandates and similar requirements. And then others, like Florida (DeSantis EO 20-244) and Texas (EO GA-34) , recently announced they would open completely, as well as preventing localities and businesses from enforcing low-capacity and similar practices. Opinions and judgement aside, these radically different approaches have been a major abrasion between the states and Federal government.

³ “Over the past decade we’ve had all of these institutions sell our data, spy on us and lie to us. The concept of a ‘vaxport’ also demands that we trust our medical data will remain secure, which is a joke. All of our information has been spilled all over the internet by some of the most ‘secure’ companies online” (Phetasy 2021). This sums up pretty well many of the concerns of the anti-vax-passport community.

The state level has been by far the most visible clash through Federalism during Covid. Some states, like California and New York, went into lockdowns hard and fast, with tough enforcement and strict guidelines. In Los Angeles, Mayor Eric Garcetti ordered unauthorized house parties and gatherings were to have their utilities cut (CBS, 2020). Others, like Florida and Texas, have done more or less the opposite, at least in recent months. Lockdowns have, in some cases, been gone for months or never existed to start with, enforcement on such situations was lax or not there at all. Governor Cuomo, Governor DeSantis, Governor Noem, Governor Newsome and others have made quite a name for themselves, in a time when few government officials get attention outside of Washington. By their examples of overseeing major lockdowns or major openings, the accusations of tyranny and cruelty fly back and forth.

One of the most important things Congress has done in the last year is pass two gigantic stimulus bills. Direct checks, unemployment assistance, tax cuts, wage assistance and many other programs have been implemented. One worrying factor is that nearly 20% of all dollars printed came into existence over the last year (Robinson 2020). While it has barely been noticed, monetary policy and the effects of bringing trillions into existence suddenly will have major policy implications in the future.

The executive branch has been heavily involved with the Covid response from day one. Agencies, like the FDA (Federal Drug Administration) and the CDC (Center for Disease prevention and Control) cannot be left out of the discussion. Covid was also likely the deciding factor in the 2020 Presidential election, and the actions of the Presidents have been the causes of or solutions to the Federalism problems currently faced by the United States. Whether President Biden (and previously President Trump) is or did a good job is almost entirely partisan. That is

another important implication for Federalism, a massive over-emphasis on the President and the powers and duties of his office.

Harms And Trust In Government

The biggest implication and major danger so far with the Covid-19 response has been the lockdowns. Economically, socially, and mentally, the effects have been brutal on the people, institutions and networks of the United States.

While numbers are beginning to recover, unemployment numbers generally hovered over 15% for the last several months (Boghani 2020). Hospitality, leisure and travel workers were especially affected, considering nearly every stay-at-home and non-essential job limitations shut down or heavily limited restaurants and travel (and thus hotels). Not everyone became worse off, with many corporations making huge gains during the lockdowns (Thorbecke 2020). Small businesses have not fared as well, many halting business or shutting down forever. Hopefully, as states and cities begin to reopen, this may change.

Being stuck inside with too much time on social media (Auxier 2020) has helped no one so far over the last several months. Last summer's riots across the country, with over two dozen people killed (Beckett 2020)⁴ and billions of dollars in damage, not only caused more divide and accusations across political discourse, but was a symptom of it. When people begin to take to violence over political topics, justified or not, it is a very bad sign for healthy discourse in the country (Bolter 2019). Institutions have also been hit hard. Faith in law enforcement is at an all

⁴ The blame for riots, murders and other damages is hard to pin down, and definitely partisan. Those on the left of the political spectrum will likely point to President Trump's divisive rhetoric, anger (justified or no) at the death of George Floyd, commonly cited as the metaphorical match, and such. Those on the right will point at Antifa and BLM as being responsible, taking advantage of protests (justified or no) to cause damage. It was an example of just how deep some of America's partisan divides go.

time low (Gallup 2020), with the military, the President and Congress joining them with low numbers.

Likely the most important negative affect so far is the mental health crisis. Suicidal thoughts (CDC 2020), drug overdoses and abuse have accelerated (CDC 2020) to record levels. Humans are social, and long periods isolated can lead to horrible problems (Singer 2018). Other things directly mandated in many cases, such as masks, have direct harms. “We suffer a strong psychological tendency to see faces, and facial features, in otherwise random features around us. Our perceptual system shapes what we perceive, and often "fills in" unclear scenes, revealing something that may not actually be there”(Raj 2020).

Implications Going Forward

Trust is a major part of a stable civilization. If individuals and institutions cannot trust each other or be trusted to keep their word or be honest to their missions and goals, large complex societies cannot form or stay together. So, can the states be trusted? Can the states be trusted with protecting both the rights and well-being of the people? The disproportionate lockdowns and mask mandates, with the ensuing collapse of mental health, loss of small businesses and local culture, plus the decline in general health have shown many state governments cannot be trusted. So who can take over? Can the Federal government be trusted with protecting both the rights and well-being of the people? I would say no. Gigantic stimulus packages involving recklessly high spending(Cage 2020), with mere trickles going back to the actual taxpayers as well as their major power grabs have proven they cannot be trusted either.

New Avenues For Research Going Forward

One reason this paper was written was because there have only been a few papers researching the effects of Federalism and Covid-19. To be fair, the situation is barely a year old, and many aspects of it evolve by the day. “We cannot systematically chronicle the federalism implications of an ongoing crisis” (Goelhauzr, Konisky (2020). This is not merely unique to Covid-19, but has been evolving over a few years. Social media must be recognized for what it is. Twitter, Instagram and Facebook have power. And more than the factors of algorithmic manipulation/radicalization, communication is happening. A lot of information can be spread extremely fast on these networks, and trying to treat it as separate from genuine discourse through more traditional media and traditional polling (specifically political discourse) simply cannot happen for much longer.

Closing Thoughts

As America begins to reopen, the cracks and tensions that emerged during the pandemic cannot be happily ignored. Our differences must be reconciled, because it will happen, whether we want it or not. Partisan divide has been especially worsened, and must also be addressed. Different levels of Federalism being able or not able to manage the delicate balance between public health and individual rights cannot be ignored. Can we have faith in the states? Can we have faith in the Federal government? “I am not going to talk about religious beliefs but about matters so obvious that it has gone out of style to mention them. I believe in my neighbors. I know their faults, and I know that their virtues far outweigh their faults”(Heinlein).

Notes

1. A number of frightening stats, such as record-breaking overdose, suicide and mental health diagnoses, have been results of the lockdowns. Hunger, job loss, poverty, major education disruption and social consequences are some of the other problems emerging (AIER Staff, 2020).
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3. “Over the past decade we’ve had all of these institutions sell our data, spy on us and lie to us. The concept of a ‘vaxport’ also demands that we trust our medical data will remain secure, which is a joke. All of our information has been spilled all over the internet by some of the most ‘secure’ companies online” (Phetasy 2021). This sums up pretty well many of the concerns of the anti-vax-passport community.
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