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## States: Laboratories of Pandemic Recovery

By Steve Bakke  May 9, 2020



*Associate Supreme Court Justice  
Louis Brandeis  
Served from 1916 to 1939*

We're coming out of our caves as politicians jockey for position about who's in charge and who's to blame. We're learning about federalism and dual sovereignty the hard way, i.e. is Trump the boss, or are the governors in charge?

Trump is providing guidance for states opening their economies, rather than calling all the shots like he's so famously inclined. He wisely climbed onto his bully pulpit where he can influence the process, applying his trademark bluster of course, as our economy awakens.

There's anxiety about this decentralized process with states setting their own priorities and choosing their individual initiatives. So, who's in charge? Perhaps nobody. But let me explain. Our Founders set up our government with power originating with the citizens. Only specified powers are delegated to the federal government, with all other power residing with the states or the people. What seems like "chaos" to some might be a properly working system.

Governors and citizens alike have personal requirements for feeling safe. Lockdowns create feelings of control, while opening the economy forfeits that control. Some plead, "just follow the science," but it goes way beyond that. Paraphrasing Rich Lowry, "outside of the lab, in the real world, we must deal with public policy, economies, questions of values and striking a balance between competing priorities."

Scientists and modelers can't answer every question that must be considered. Opening the economy doesn't prioritize the stock market over lives and values. It doesn't indicate willingness to sacrifice health and lives to create profits. It doesn't trivialize all that front-line health and other essential workers have done. Rather, it means we refuse to trivialize other, more obscure dangers that threaten different groups and nations.

"Flattening the curve" comes with its own costs. "Body counts" are associated with lockdown-related mental health issues, economies being wiped out, and personal bankruptcies. A rise in unemployment increases suicides, homicides, domestic violence, substance abuse and eating disorders. And what's the cost of delaying elective medical care

like knee replacements, annual checkups, glaucoma tests, and proven vaccinations for other diseases?

We can't risk waking up some day, calling upon our economy and receiving no answer. We dare not minimize or ignore the potential tragedy of our struggling economy and others around the globe. The United Nations World Food Programme (WFP) predicts over 260,000,000 people will face starvation by year end, double 2019. In April, WFP's director stated: "More people could potentially die from the economic impact of COVID-19 than from the virus itself." Decimated U.S. food supply chains will add to the number of starvation deaths worldwide.

It's folly to employ uniform recovery policies while facing vastly different situations across the country. I repeat, vastly different! At this writing, just 10 states account for 77% of deaths, and most counties in the U.S. have had no deaths. New York has over 330,000 infections and a death rate of 136 per 100,000 citizens. The New York City metro area numbers are significantly higher. Florida's numbers are approximately 40,000 infections and 8 deaths per 100,000, despite its aging population and spring break crowds in March.

Our Founders understood the value of state and local authority in situations like this. An inefficient "one size fits all" philosophy prevails whenever the federal government is pushing the buttons. I'm glad states are setting their own course. We'll see successes and failures while restarting America, and we'll learn from those.

Supreme Court Justice Louis Brandeis channeled our Founders when he popularized reference to states as "laboratories of democracy." He recognized that states can try social and economic experiments that other states can learn from. In 2020, it's becoming clear our states will be our "laboratories of pandemic recovery."

I thank God we have leaders willing to make impossibly difficult choices. Scientists, economists and social scientists will learn much from these "laboratories." We'll learn about how and when we should come out of our caves, or maybe we'll find out hiding in caves isn't the answer.

I've no idea what will be the sustaining memory from 2020? Will it be the economic crisis or the health crisis? I do know we'll better understand what economist Thomas Sowell meant by: "There are no perfect solutions, only tradeoffs."