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Four Months of Unprecedented Government Malfeasance

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The following is adapted from a lecture delivered on June 18, 2020, for a Hillsdale College online symposium, "The Coronavirus and Public Policy."

Over the last four months, Americans have lived through what is arguably the most consequential period of government malfeasance in U.S. history. Public officials' overreaction to the novel coronavirus put American cities into a coma; those same officials' passivity in the face of widespread rioting threatens to deliver the *coup de grâce*. Together, these back-to-back governmental failures will transform the American polity and cripple urban life for decades.

Before store windows started shattering in the name of racial justice, urban existence was already on life support, thanks to the coronavirus lockdowns. Small

businesses—the restaurants and shops that are the lifeblood of cities—were shuttered, many for good, leaving desolate rows of “For Rent” signs on street after street in New York City and elsewhere. Americans huddled in their homes for months on end, believing that if they went outside, death awaited them.

This panic was occasioned by epidemiological models predicting wildly unlikely fatalities from the coronavirus.

On March 30, the infamous Imperial College London model predicted 2.2 million deaths in the U.S. by September 1, absent government action. That prediction was absurd on its face, given the dispersal of the U.S. population and the fact that China’s coronavirus death toll had already levelled off at a few thousand. The authors of that study soon revised it radically downwards.

Too late. It had already become the basis for the exercise of unprecedented government power. California was the first state to lock down its economy and confine its citizens to their homes; eventually almost every other state would follow suit, under enormous media pressure to do so.

Never before had public officials required millions of lawful businesses to shut their doors, throwing tens of millions of people out of work. They did so at the command of one particular group of experts—those in the medical and public health fields—who viewed their mandate as eliminating one particular health risk with every means put at their disposal.

If the politicians who followed their advice weighed a greater set of considerations, balancing the potential harm

from the virus against the harm from the shutdowns, they showed no sign of it. Instead, governors and mayors started rolling out one emergency decree after another to terminate economic activity, seemingly heedless of the consequences.

The lockdown mandates employed mind-numbingly arbitrary distinctions. Wine stores and pot dispensaries were deemed “essential” and thus allowed to stay open; medical offices were required to close. Large grocery stores got the green light; small retail establishments with only a few customers each day were out of luck. Michigan Governor Gretchen Whitmer notoriously used her red pen *within* megastores to bar the sale of seeds, gardening supplies, and paint.

It was already clear when these crushing mandates started pouring forth that shutting down every corner of the country was a reckless overreaction. By mid-March, two weeks before the Imperial College model was published, Italian health data showed that the coronavirus was terribly lethal to a very small subset of the population—the elderly infirm—and a minor health problem to nearly everyone else who was

not already severely ill. The median age of coronavirus decedents in Italy was 80, and they died with a median of nearly three comorbidities, such as heart disease and diabetes. The lead author of the Imperial College model has admitted that up to two-thirds of all coronavirus fatalities would have died from their comorbidities by the end of 2020 anyway.

Three months later, this profile of coronavirus casualties still holds true. Public health interventions could have been targeted at that highly

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vulnerable population without forcing the American economy into a death spiral.

DISINFORMATION

By now it is impossible to attribute the media's failure to publicize the facts about the coronavirus to mere oversight.

Every story that does not mention, preferably at the top, the vast overrepresentation of nursing home deaths in the coronavirus death count—above 50 percent in many countries and 80 percent in several of our states—is a story that is deliberately concealing the truth. Casual readers and viewers have been left with the false impression that everyone is equally at risk, and thus that draconian measures are justified.

The politicians' ignorance about the complexity of economic life was stunning, as was their hypocrisy. Every elected official, public health expert, and media pundit who lectured Americans about the need for an indefinite lockdown had a secure ("essential") job. Not one of them feared his employer would go bankrupt.

The media have been equally uninterested in the scientific evidence regarding outdoor transmission. Coronavirus infections require what Japan calls the three Cs: confined spaces, crowded places, and close contact. The fleeting encounters on sidewalks and public parks that characterize much of city life simply do not result in transmission. And yet if you briskly approach someone on one of Manhattan's broad and now empty sidewalks, the oncoming pedestrian may lunge into the street or press up against the closest wall in abject fear if you are not wearing a mask. You may be cursed at.

The public health establishment has been equally complicitous in creating this widespread ignorance. It has failed to stress at every opportunity that for the vast majority of the public,

the coronavirus is at most an inconvenience. The public health experts did not disclose that outdoors was the safest place to be and that people should get out of their homes and into the fresh air.

Not coincidentally, the experts' newfound power over nearly every aspect of American life was dependent on the maintenance of fear.

While the U.S. death toll from the coronavirus has been demographically circumscribed and lower than the previous flu pandemics of 1968, 1956, and 1918 when adjusted for population, the economic toll has cut across every sector of the country and every population group. Whole industries have seen their capital wiped out overnight.

Despite a better than expected employment report in early June, the long-term effects of the shutdowns and the continuing mandates to socially distance will prevent a full economic recovery for years to come. Forty-four million Americans are still out of work. Supply chains have

been thrown into chaos. Fresh fruits and vegetables are being plowed under and livestock burned uneaten for lack of access to processing plants and markets. Small businessmen who have put their life savings into creating a service that customers want have seen their hard work go up in smoke. Without rent from their retail tenants, commercial landlords can't pay their taxes. City budgets have been decimated. The additional \$8 trillion in public debt taken on to try to substitute for the private economy will depress opportunity for generations.

And what has been the response to this economic carnage on the part of our ruling class? Branding strategies! Politicians have put cute names on what has been a taking of private property on an unprecedented scale. New York Governor Andrew Cuomo calls the

state lockdowns “New York on Pause,” as if commerce can be indefinitely suspended and then magically resuscitated with the flick of a switch.

The politicians’ ignorance about the complexity of economic life was stunning, as was their hypocrisy. To a person, every elected official, every public health expert, and every media pundit who lectured Americans about the need to stay in indefinite lockdown had a secure (“essential”) job. Not one of them feared his employer would go bankrupt. Anyone who warned that the effects of the lockdowns would be more devastating than anything the coronavirus could inflict was accused of being a heartless capitalist who only cared about profits.

Blue state officials invoked “science” to justify yet another arbitrary set of guidelines as to which businesses could start up again and when. But even with official reopenings, many customers will be long reluctant to resume their normal habits thanks to uninterrupted fearmongering on the part of the media, the experts, and elected leaders.

But to care about the economy *is* to care about human life, since the economy is how life is sustained. It is a source of meaning, as well as sustenance, binding humans to each other in a web of voluntary exchange. To its workers, *every* business is essential, and to many of its customers as well. Even judged by the narrowest possible definition of public health—lives lost—the toll from the lockdowns will exceed that of the virus, due to the cancellation of elective medical procedures, patients’ unnecessary fear of seeking medical treatment, and the psychological effects of unemployment.

In May, politicians started inviting a few scattered sectors of their state economies to reopen, with blue state governors and mayors being particularly parsimonious with their *noblesse oblige*. These blue state officials invoked “science” to justify yet another arbitrary

set of guidelines to determine which businesses would be allowed to start up again and when. “Science,” we were told, dictated the timetable for reopening, based on rates of hospital bed vacancies and new infections.

In fact, the numerical benchmarks, enforced with draconian punctiliousness, seem to have been drawn out of a hat—they certainly had no evidence behind them. But even with official reopenings, many customers will be long reluctant to resume their normal habits of consumption and travel thanks to the uninterrupted fearmongering on the part of the media, the experts, and elected leaders.

Being fantastically risk averse is now a badge of honor, at least among the

professional elites. A young tech columnist for *The New York Times* wrote an op-ed in May about cancelling a restaurant reservation in Missoula, Montana. Missoula County had been virus-free for weeks, and

Montana’s case load had been negligible. Nevertheless, the columnist experienced a panic attack after booking a table, contemplating the allegedly lethal risk that awaited him in the reopened restaurant. Rather than being ashamed of his cowardice, the columnist was proud, he wrote, to have bailed out of his reservation in order to continue sheltering in place.

The absurd social distancing protocols make operating many businesses and much of city life virtually impossible. The six-foot rule is as arbitrary as the “metrics” for reopening. (The World Health Organization recommends three feet of social distance, and many countries have adopted that recommendation.) Keeping customers and employees six feet apart will render a city’s basic institutions unworkable, from restaurants to concert halls. The Metropolitan Opera has cancelled the first half of its

2020-2021 season while it figures out how to maintain social distancing among audience members and on the stage. Every other performing arts organization will face the same almost insuperable dilemma.

My 34-story apartment building in Manhattan, like many others, has imposed a one person per elevator ride rule, even though the elevator interiors are more than six feet across. I invite anyone who may also be waiting for an elevator to share my ride up; no one has ever accepted the offer, even though both I and my invitee are masked. Nor has anyone ever extended such an offer to me. Now translate this hysteria to Manhattan's massive office towers. If New York City ever fully reopens, a similar social distancing rule for office elevators will lead to lines of workers around every midtown block each morning. As long as this fear lasts, city life is not possible.

FROM COLD WAR TO HOT

Then the cities started burning. What had been a cold war on the economy and civic life became a hot war.

Government officials, having shut down commerce due to unblemished ignorance of how markets work, now enabled the torching and looting of thousands of businesses due to the shirking of their most profound responsibility: protecting civil peace.

On Monday, May 25, a video of the horrific arrest and death of a black man suspected of passing a forged \$20 bill in Minneapolis went viral. A police officer kept his knee on George Floyd's neck for nearly nine minutes as Floyd begged for help breathing. Floyd was already handcuffed and thus posed a minimal risk. The officer ignored Floyd's distress even as Floyd stopped talking or moving.

The officer's behavior was grotesquely callous and contrary to sound tactics, and the officer will be prosecuted and punished under the law. His behavior was not, however, representative of the overwhelming majority of the ten million

arrests that the police make each year. Indeed, there is no government agency more dedicated to the proposition that black lives matter than the police. Nevertheless, within 24 hours, the violence had begun.

On the night of Thursday, May 28, Minneapolis Mayor Jacob Frey ordered the city's Third Police Precinct evacuated as the forces of anarchy descended upon it for a third day in a row. The building was promptly torched, sending a powerful sign that society would not defend its most fundamental institutions of law and order.

Soon cities across the country became scenes of feral savagery. The human lust for violence, the sheer joy of plunder and destruction, were unleashed without check. Police officers were shot at, run over, slashed with knives, and clubbed; two current and former law enforcement officers were killed in cold blood. Police cruisers and station houses were firebombed; courthouses were trashed. Looters drove trucks through storefronts and emptied the stores' contents into the back of these newly repurposed vehicles of civil war. ATMs were ripped out of walls; pharmacies plundered for drugs.

Blue state governors and mayors ordered law enforcement to stand down or use at most (in New York City Mayor Bill de Blasio's words) a "light touch" with the rioters. By the time these progressive public leaders realized that something more forceful needed to be done, it was too late. The fire of sadism and hatred could not be contained, but would have to burn itself out. Belatedly imposed curfews were universally ignored: why should anyone obey an edict from a government that refused to protect human life and livelihoods?

Perversely, the rioting exhibited features of the coronavirus shutdowns in even more literal form. If before, businesses were boarded up due to bankruptcy, now they were boarded up to prevent further theft. Small businesses, lacking the resources to outlast the shutdowns, now saw the final depletion

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of their inventories. The fortress mentality in residential buildings from coronavirus hysteria was replaced by an actual fortress, as building managers hastily erected plywood barriers over lobby windows and doors. The hyped-up fear of going outside into allegedly virus-infected public spaces became a justified fear of leaving one’s fortress and being sacrificed to the mob. Shelter-in-place became a necessity, not a product of government overreach. The fall of night became a source of terror for ordinary citizens and business owners.

Previously, securely-employed public officials breezily dismissed their constituents’ anguish over unemployment and growing business failures. Now those same officials, safe behind their security details and publicly-owned mansions, foreswore the activation of the National Guard and military. None of those officials owned businesses, so they faced no loss either from economic quarantine or from physical rampage.

DOUBLE STANDARDS

One thing did change markedly between the coronavirus lockdowns and the riot lockdowns, however: elite

wisdom regarding social distancing. The politicians, pundits, and health experts who had condescendingly rebuked business owners for reopening without official permission, who had banned funerals and church services of more than ten people, and who had heaped scorn on protesters who had gathered in state capitols to express their economic distress, suddenly became avid cheerleaders for screaming crowds numbering in the thousands.

Most remarkably, public officials overtly admitted to choosing the forms of assembly that would be allowed based on the content of the protesters’ speech. Mayor de Blasio explained that protests over “400 years of American racism” are not the same as a “store owner or the devout religious person who wants to go back to services.” While the store owner or worshipper may be “understandably aggrieved,” he conceded, their grievances must still be suppressed in the name of coronavirus safety. Not the grievances of the protesters and rioters, however. New Jersey Governor Phil Murphy congratulated the Black Lives Matter activists and distinguished them from mere “nail salon” entrepreneurs protesting their ongoing business stasis. The two are in “different orbits,” Murphy said.

The politicians' hypocrisy was a mere warm-up for that of the public health establishment. These were the people whose diktats had inspired the lockdowns and whose allegedly supreme knowledge of medical risk was allowed to cancel all other considerations in maintaining a functioning society. Nearly 1,200 of these same experts, including from the CDC, signed a public letter supporting the unsocially distanced protests on the grounds that "white supremacy is a lethal public health issue that predates and contributes to COVID-19."

One could just as easily argue that a global depression, induced by the gratuitous crushing of trade and the hollowing out of capital, is a lethal public health issue of at least equal magnitude. But it turns out that public health is as much about politics as it is about science.

This shameless reversal should have torpedoed the lockdowns once and for all. If it turns out that mass gatherings were now not just allowable but to be encouraged, no rationale remained for preventing restaurants and stores from reopening. But instead, once media attention became a little less monomaniacally focused on the anti-police agitation, the familiar chorus rose up again, directed at everyone else: Stay socially distanced! Wear your outdoor masks! No gatherings of more than a few dozen! No entering "non-essential" stores! The same arbitrary "metrics" for business reopenings were still in place and still being enforced.

By now, the collapse of government legitimacy is complete. For three months, public officials abdicated their responsibility to balance the costs and benefits of any given policy. They put the future of hundreds of millions of Americans in the hands of a narrow set of experts who lack all awareness of the workings of economic and social systems, and whose "science" was built on the ever-shifting sand of speculative models and on extreme risk aversion regarding only one kind of risk.

The public officials who ceded their authority to the so-called experts

were deaf to the pleas of law-abiding business owners who saw their life's efforts snuffed out. They engineered the destruction of trillions of dollars of wealth, through thoroughly arbitrary decision making. And then they stood by as billions more dollars of work burned down. Public order and safety, equal treatment under the law, stability of expectations—all the prerequisites for robust investment have been decimated. The failure to quell the riots means that more are inevitable. Any future business faces possible destruction by another lockdown or by looting—which it will be is anyone's guess.

The coronavirus lockdowns demonstrated our leaders' ignorance of economic interdependence. After the riots, that ignorance has been shown to run far deeper. It is an ignorance about government's most fundamental obligation: to safeguard life, liberty, and property. It is an ignorance about human nature and human striving.

Property and capital are not soulless abstractions, easily replaced by an insurance payout, as the rioters and their apologists maintain. (The Massachusetts Attorney General noted that burning is "how forests grow.") Capital is accumulated effort and innovation, the sum of human achievement and imagination. Its creation is the aim of civilization. But civilization is everywhere and at all times vulnerable to the darkest human impulses. Government exists to rein in those impulses so that individual initiative can flourish. America's Founders, schooled in a profound philosophical and literary tradition dating back to classical antiquity, understood the fragility of civil peace and the danger of the lustful, vengeful mob.

Our present leaders, the products of a politicized and failing education system, seem to know nothing of those truths. Pulling the country back from the abyss will require a recalling of our civilizational inheritance. ■