

2020: The American Revolution that Wasn't

by Anthony Gregory

ABSTRACT

In response to the COVID-19 pandemic, government at all levels in the United States undertook significant short-term interventions – lockdowns, subsidies, and economic regulation. But throughout 2020 the question arose as to what the long-term implications would be for the relationship between society and the state. In the past, enduring transformations in this relationship relied on changes in federalism and liberalism, typically around a political realignment driven by a new coherent narrative of American solidarity. Initially in the spring of 2020, the instability in these structural and ideological contours of governance showed some potential for lasting change in the spring. But by the summer and fall, partisanship and tribalism reasserted themselves, and political polarization rendered unlikely any enduring transformation of the relationship between society and the state.

*United States | Coronavirus | Health | US domestic policy | Political parties
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keywords

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Introduction

While global in scale, the COVID-19 crisis presents particular problems for America. Dr. Anthony Fauci, the Director of the National Institute of Allergy and Infectious Disease, enjoys international acclaim as a dispassionate practitioner of medicine – an undertaking of universal principles. Yet on policy questions, he has given American exceptionalism a nod. On *The Daily Show* Fauci explained: “Things are implemented at a state and local level. That’s the way this country works so well.” Although the federal government served as “a facilitator,” “a supplier”, and “a supporter”, the system relied on a “marriage” between the different levels of government – and “private industry”, rather than government, would produce the tests.¹

Although the media have depicted Fauci and President Trump as governing opposites² – deliberate and technocratic vs. ad hoc and populist – in early 2020 they both acknowledged the structural and ideological limits of federal action.³ In the short term, these factors would constrain policy responses, which roughly fit into three categories: First is the provisioning of health care resources – testing, personal protective equipment (PPE), vaccines, ventilators, labour – for COVID-19

¹ “Dr. Fauci Answers Trevor’s Questions About Coronavirus”, in *The Daily Show*, 26 March 2020, <https://www.youtube.com/watch?v=8A3jiM2FNR8>.

² See, for example, Maureen Dowd, “The Doctor Versus the Denier”, in *The New York Times*, 18 July 2020, <https://nyti.ms/30sDbKH>; Ramesh Ponnuru, “Trump vs. Fauci”, in *National Review*, 16 July 2020, <https://wp.me/pcv7X9-3uyz>; “Coronavirus: Trump’s Signals ‘Not Helpful’, Says Fauci”, in *BBC News*, 29 July 2020, <https://www.bbc.com/news/world-us-canada-53587527>.

³ See Tobias Hoonhout, “‘Not Helpful’: Fauci Calls Out Media for ‘Pitting’ Him Against Trump”, in *National Review*, 24 March 2020, <https://wp.me/pcv7X9-3kj3>. On Trump and federalism in spring, see Peter Nicholas and Kathy Gilsinan, “The End of the Imperial Presidency”, in *The Atlantic*, 2 May 2020, <https://wp.me/pcv7X9-3kj3>.

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patients and the general medical sector. Second are mandates to impose “social distancing” – shelter-in-place orders, government building closures, quarantines, limits on public gatherings, mask requirements, and so forth.⁴ Third are attempts to mitigate the economic harm caused by the virus and by the spontaneous and mandated social distancing – unemployment benefits, direct aid to businesses and institutions, moratoria on taxes, loan repayments, and living expenses, and the like. American federalism and ideology have restrained all these short-term policies somewhat, and yet overall the government response in 2020 has been rather dramatic in historical context. In qualitative terms, the lockdowns have shut down economic activity like nothing in modern history. The Trump administration has issued orders with far economic reach. And in quantitative terms, the fiscal impact alone has been staggering. By April the United States committed a breathtaking 6 trillion US dollars to combatting the crisis.⁵ By August the federal deficit was projected at 3 trillion US Dollars.⁶

America's particular structural and ideological limits are even more important in the long term. Their interaction become especially salient in the United States's rare combination of political centralism and decentralism. One seeming parallel exists in the relationship between state and society in the European Union, the possible changes of which Hans Kundnani considers, although the EU comprises nations each more sovereign than America's fifty states.⁷ Tellingly, the United States' response has differed greatly from that of other presidential federal republics like Brazil and Mexico.⁸ Possible explanations reside in its particular political structure, two-party system, and ideological legacies – factors that invite a look at the larger historical arc, leading up to COVID-19 with an eye toward the long-term consequences of policy. Analysts have hoped (or worried) that the coronavirus crisis would enduringly transform the relationship between American society and the state. For the state's crisis management to persist beyond 2020, or leave a permanent imprint, Fauci's admonitions become even more relevant. The constitutional strength of federalism and the bipartisan endurance of individualist liberalism have long reinforced each other across institutions and history,

⁴ The Center for Disease Control defines “Social distancing, also called ‘physical distancing,’” as “keeping a safe space between yourself and other people who are not from your household”. See CDC website: *Social Distancing*, updated 15 July 2020, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

⁵ Andrew Van Dam, “The U.S. Has Thrown More than \$6 Trillion at the Coronavirus Crisis”, in *The Washington Post*, 15 April 2020, <https://wapo.st/2VbTp9r>.

⁶ Drew Desilver, “The U.S. Budget Deficit Is Rising Amid COVID-19, But Public Concern About It Is Falling”, in *Fact Tank*, 13 August 2020, <https://www.pewresearch.org/?p=371511>.

⁷ See Hans Kundnani, “Europe after Coronavirus: A ‘Return of the State?’”, in *IAI Papers*, No. 20|32 (November 2020), <https://www.iai.it/en/node/12348>.

⁸ Cyril Bennouna et al., *Policy Coordination in Presidential Federations During the Pandemic: Explaining the Subnational Responses to COVID-19 in Brazil, Mexico and the United States*, unpublished manuscript, 1 October 2020. The authors argue that in all three countries, “populist presidents skeptical of scientific expertise [...] effectively” relegated “COVID-19 policymaking to state governments”, in and yet the three nations varied. The United States features “a complicated relationship between political incentives and institutional constraints”, in which this paper attempts to address.

rendering the nation more libertarian in form and ethos in domestic governance than most nations. In modern American parlance, the term *liberalism* indeed carries connotations about federalism. Every enduring shift in the relationship between state and society has coincided with a modification of liberalism and federalism, typically through mutual transformation. Never have the structural and ideological foundations been altogether supplanted. Instead, from the Civil War to the New Deal and World War II through the Civil Rights movement, lasting changes in the relationship between state and society corresponded to a stable and coherent national narrative about the triumph of a new kind of liberalism and federalism.

The COVID-19 policy battles are a proxy in the larger struggle over the meaning of liberalism, both as ideology and as governance. Paul Krugman, a Keynesian liberal, has framed the crisis as a synecdoche of the greater conflict. Opposing a liberalism sufficiently activist to combat the virus are the conservative Republicans – conspiratorial, anti-scientific, willing to see “thousands of Americans [...] die for the Dow”. They do not “like experts” and “may actually believe that the gun-waving, red-hatted anti-social-distancing demonstrators represent the ‘real America’”. Krugman hoped that politics would break in favour of activist and scientific liberalism, that voters would reward politicians for their “tough measures to control the pandemic” and punish those who “minimized the threat” and sought to reopen the economy.⁹ While those in the New Deal tradition have championed state mobilization guided by science, others have blamed overbearing government for retreating from a classical strain of liberalism. Writing for *Foreign Policy*, Matt Warner and Tom G. Palmer have suggested that “Decentralized liberalism is a prudent strategy for navigating this time of great uncertainty.” Citing the failures of the Center for Disease Control, the Internal Revenue Service, the Food and Drug Administration, and the World Health Organization, Warner and Palmer suggest these stumbles reveal “the limits of centralized models at work”. They applaud the investments by billionaire Bill Gates into vaccines, knowing “what a big mistake it can be to place all your bets on one unproven solution”.¹⁰

As 2020 approaches its end, we might ask about the trajectory of state and society. Given our training and expertise, historians should hesitate in confidently assessing the current moment. Nevertheless, historians of the state can bring some insight. We can search the year for indications of a new stable and coherent national narrative to sustain transformations in federalism and liberalism. This paper serves as a limited history of 2020 as it has unfolded, emphasizing the long-term question of the structural and ideological changes that have driven and constrained American state-building. In the winter, spring, summer, and autumn

⁹ Paul Krugman, “COVID-19 Reality Has a Liberal Bias”, in *The New York Times*, 14 May 2020, <https://nyti.ms/2Wx9nvB>.

¹⁰ Matt Warner and Tom G. Palmer, “The Pandemic Could Be the Crisis Liberalism Needed”, in *Foreign Policy*, 13 July 2020, <https://foreignpolicy.com/2020/07/13/the-pandemic-could-be-the-crisis-liberalism-needed>.

of 2020, we have witnessed the potential for transformation rise and recede.

1. Winter of disregard

An analysis of the COVID-19 era might ask which challenges to governance are deeply structural and which are contingent upon fleeting political dynamics. The federal response in the first months of 2020 were mild. In late January, Trump created a Coronavirus Task Force, led by Alex Azar, Secretary of Health and Human Services, and including Anthony Fauci and other nonpartisan experts.¹¹ About a month later Trump named as chair Vice President Mike Pence and as response coordinator Deborah Brix, an immunologist who had led President George W. Bush's international HIV-AIDS efforts.¹² Trump expressed confidence that China and the United States were effectively cooperating to "have it totally under control".¹³ Although he repeatedly praised China's management, at the end of January he shut off most travel from the country.¹⁴

Beyond this the winter mostly saw policy failures. They might have, perhaps ironically, encouraged the ideological humility necessary if not sufficient for political realignment. Because these failures did not belong to any singular governing approach, they provided an opening for partisan opponents to share credit for activist measures. On the one hand, the lag in taking COVID-19 seriously began with the presidency. The Trump White House, known for its friction with the intelligence community and administrative state, contributed a particular flavour to failure, which solicited accusations of insufficient seriousness about governance. Trump's immediate predecessors had a mixed record on pandemic preparation. Federal intelligence funding has approximately doubled from 40 billion to 80 billion US dollars a year, some of which has been charged with pandemic response. President George W. Bush took pandemics seriously and warned his successors to be vigilant.¹⁵ President Barack Obama, moved by his own early experiences with H1N1, left behind a 69-page National Security Council document on dealing with pandemics.¹⁶ The Obama administration did however fail to replenish the Strategic

¹¹ Allison Quinn, "Trump Launches Coronavirus Task Force", in *The Daily Beast*, 30 January 2020, <https://www.thedailybeast.com/trump-launches-coronavirus-task-force>.

¹² Jeanine Santucci, "What We Know about the White House Coronavirus Task Force Now That Mike Pence Is in Charge", in *USA Today*, 27 February 2020, <https://amp.usatoday.com/amp/4891905002>.

¹³ Jennifer Hansler, Curt Merrill and Isaac Yee, "The Many Times Trump Has Praised China's Handling of the Coronavirus Pandemic", in *CNN*, 19 May 2020, <https://www.cnn.com/2020/04/21/politics/trump-china-praise-coronavirus-timeline>.

¹⁴ Michael Corkery and Annie Karni, "Trump Administration Restricts Entry into U.S. from China", in *The New York Times*, 31 January 2020, <https://nyti.ms/2vzWnu1>.

¹⁵ Paul Biasco, "All the Things George W. Bush Said We Should Do to Prepare for a Pandemic that Donald Trump Ignored", in *Business Insider*, 31 May 2020, <https://www.businessinsider.com/george-bush-said-prepare-for-a-pandemic-that-trump-ignored-2020-5>.

¹⁶ Dan Diamond and Nahal Toosi, "Trump Team Failed to Follow NSC's Pandemic Playbook", in *Politico*, 25 March 2020, <https://politi.co/3bvtLSj>.

National Stockpile of N95 masks it used for various crises.¹⁷

In Trump's first two years in office, intelligence agencies warned of a devastating epidemic, and of the "pandemic potential" from a coronavirus in particular. One ominous warning diagnosed a vulnerability to "the next flu pandemic or large-scale outbreak of a contagious disease that could lead to massive rates of death and disability, severely affect the world economy, strain international resources, and increase calls on the United States for support".¹⁸ The alarms multiplied in the months before the COVID-19 outbreak. Official reports from Health and Human Services Secretary Alex Azar indicated that the Center for Disease Control and Prevention issued alerts at a meeting on 3 January. After a Senate Intelligence Committee meeting, a flustered Senator Richard Burr sold his stocks. The head of the White House Domestic Policy Council fretted the nation's lack of tests.¹⁹ In January, 2020 Democratic presidential candidate Joe Biden, Obama's former Vice President, wrote an op-ed criticizing Trump for lack of preparation toward the coronavirus.²⁰

From January through March, Trump repeatedly assured the public the problem was managed. By late March journalists were criticizing Trump for ignoring the warnings. In a *Foreign Policy* article headlined "The Coronavirus Is the Worst Intelligence Failure in U.S. History", Micah Zenko said that Trump's "unprecedented indifference, even willful negligence" produced a failure worse than well-known predecessors "Pearl Harbor, the Iranian revolution of 1979, or especially 9/11". While several administrations from the 1980s onward had contributed to the failure of 9/11, COVID-19 was solely Trump's fault.²¹

But, on the other hand, early failures at adequate testing implicated the bureaucratic state, not only in its particular orientation under Trump and also in the more permanent posture of the Food and Drug Administration and the Center for Disease Control, two of America's most popular public institutions. Despite its laissez-faire reputation, the United States government has a particularly onerous pharmaceutical regulatory regime, whose red tape slowed testing more than in other countries. The FDA claimed it allowed authorization of two tests within 24 hours. At first, the CDC denied University of California, Davis, the right to do testing. Indeed, an early testing success in late January, under Dr. Helen

¹⁷ Matthew Brown, "Fact Check: Did the Obama Administration Deplete the Federal Stockpile of N95 Masks?", in *USA Today*, 4 April 2020, <https://amp.usatoday.com/amp/5114319002>.

¹⁸ Ken Dilanian, "U.S. Intel Agencies Warned of Rising Risk of Outbreak Like Coronavirus", in *NBC News*, 28 February 2020, <https://www.nbcnews.com/politics/national-security/-n1144891>.

¹⁹ Shane Harris et al., "U.S. Intelligence Reports from January and February Warned About a Likely Pandemic", in *The Washington Post*, 21 March 2020, <https://wapo.st/3bdAjF9>.

²⁰ Joe Biden, "Trump Is the Worst Possible Leader to Deal With Coronavirus Outbreak", in *USA Today*, 27 January 2020 (updated 29 September 2020), <https://amp.usatoday.com/amp/4581710002>.

²¹ Micah Zenko, "The Coronavirus Is the Worst Intelligence Failure in U.S. History", in *Foreign Policy*, 25 March 2020, <https://foreignpolicy.com/2020/03/25/coronavirus-worst-intelligence-failure-us-history-covid-19>.

Chu in Washington state, occurred in defiance of federal mandates and the state legislature. In late February, the APHL asked the FDA for “enforcement discretion” to allow APHL members to do their own tests. FDA Commissioner Stephen Hahn responded that the CDC’s own tests would suffice, and faulty kits slowed down the American response. Such delays in testing allowed viral spread.²²

2. Springtime for the state?

The winter failures of the permanent administrative state and the political executive state could have allowed a new realignment around a COVID-19, a policy synthesis that accommodated both the progressive critiques of government impotence and conservative critiques of governmental inflexibility. In the immediacy an opening did allow all three kinds of government responses – appropriating health resources, social distancing requirements, and economic relief measures. Trump, leading the Republican coalition, could have shepherded his movement toward activism, with short-term electoral and long-term significance to American state building.

March was the month the United States truly mobilized. The administration’s public face appeared newly serious. Having downplayed the virus for nearly two months, the White House launched daily coronavirus task force meetings.²³ On 11 March, Trump soberly addressed the nation from the Oval Office.²⁴

Crucially, local and state governments and the private sector led the first dramatic moves toward social distancing – affirming Fauci’s emphasis on subsidiarity and suggesting the potential for a new participatory federalism. On 6 March, Stanford University announced going online²⁵ and the City of Austin, Texas, cancelled the annual South by Southwest Festival, one of the country’s largest and most celebrated musical gatherings.²⁶ The University of California System announced its cancellation of in-person classes several days later.²⁷ Harvard did as well,²⁸ and most universities went online soon after. On 12 March, the National Basketball

²² Sheri Fink and Mike Baker, ‘It’s Just Everywhere Already’: How Delays in Testing Set Back the U.S. Coronavirus Response”, in *The New York Times*, 10 March 2020, <https://nyti.ms/39SdV3K>.

²³ Jan Wolfe, “Trump Brags About High TV Viewership of Coronavirus Briefings”, in *Reuters*, 29 March 2020, <https://reut.rs/2WTU7K2>.

²⁴ White House, *Remarks by President Trump in Address to the Nation*, 11 March 2020, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-address-nation>.

²⁵ “Letter from Provost Drell with COVID-19 Updates: Online Classes; Admit Weekend”, in *Stanford News*, 6 March 2020, <https://news.stanford.edu/?p=32693>.

²⁶ Ben Sisario and Julia Jacobs, “South by Southwest Is Canceled as Coronavirus Fears Scuttle Festival”, in *The New York Times*, 6 March 2020, <https://nyti.ms/2VSu45a>.

²⁷ Teresa Watanabe et al., “USC, UCLA and Other UC Campuses Announce Transition to Online Learning to Protect Against Coronavirus”, in *Los Angeles Times*, 10 March 2020, <https://www.latimes.com/california/story/2020-03-10/ucla-to-cancel-most-in-person-classes-until-early-april-to-protect-against-coronavirus>.

²⁸ “COVID-19 – Moving Classes Online, Other Updates”, in *Harvard Updates & Community Messages*, 10 March 2020, <https://www.harvard.edu/covid-19-moving-classes-online-other-updates>.

Association suspended its season until further notice.²⁹ On 22 March, Broadway shows in New York City went dark.³⁰ The spontaneous institutional social distancing defied a uniform national formula, avoiding the taint of partisanship and showing promise for a sustainable realignment within federalism.

Then the state governments shut down much of their economies. The first state and municipal shelter-in-place orders came in Democratic strangleholds. The San Francisco Bay Area of California started the national trend with mandates in six counties – Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara – going into effect around 16 March.³¹ On 19 March, Governor Gavin Newsom ordered all of California to shelter in place.³² After a struggle over New York City policy between mayor Bill DiBlasio and Governor Andrew Cuomo, who initially opposed a city-wide lockdown, the governor announced a state-wide shelter-in-place order.³³ Soon most states, under both Democratic and Republican governors, followed suit. From March through late April, similar orders were imposed in forty-two states along with specific localities in Utah, Wyoming, and Oklahoma. Only North Dakota, South Dakota, Nebraska, Iowa, and Arkansas remained mostly free of such orders.³⁴

Trump maintained ambivalence toward the orders. This was potentially politically advantageous, as the administration could claim the successes and disown the failures under federalism, while leveraging support toward popular national mobilization. Trump's ambivalence was perhaps informed by his diverse counsel. His White House indulged voices demanding policy restraint, and circulated predictions from economist Richard Epstein suggesting that only 500 Americans would die of COVID-19.³⁵ But the administration's policy was influenced by the "Imperial College Model" framed by epidemiologist Neil Ferguson, who advocated extreme lockdowns and predicted an upper estimate of 2.2 million

²⁹ Steve Aschburner, "Coronavirus Pandemic Causes NBA to Suspend Season After Player Tests Positive", in *NBA News*, 12 March 2020, <https://www.nba.com/article/2020/03/11/coronavirus-pandemic-causes-nba-suspend-season>.

³⁰ Michael Paulson, "Broadway, Symbol of New York Resilience, Shuts Down Amid Virus Threat", in *The New York Times*, 12 March 2020, <https://nyti.ms/2W5RCnc>.

³¹ See, for example, Alameda County, *Order of the County Health Officer to Shelter in Place*, 16 March 2020, <https://www.acgov.org/documents/Final-Order-to-Shelter-In-Place.pdf>; Rebecca Robbins, "In Strictest U.S. Coronavirus Response So Far, Six Bay Area Counties Order 'Shelter in Place'", in *STAT News*, 16 March 2020, <https://www.statnews.com/?p=496770>.

³² California, *Executive Order N-33-20*, 19 March 2020, <https://covid19.ca.gov/img/N-33-20.pdf>.

³³ Chandelis Duster and Paul LeBlanc, "New York Governor Dismisses Possibility of Shelter in Place Order After Mayor Urged New Yorkers to Prepare for It", in *CNN*, 18 March 2020, <https://edition.cnn.com/2020/03/17/politics/bill-de-blasio-andrew-cuomo-new-york-shelter-in-place-coronavirus-cnntv>; Kwame Opam, "It's Not 'Shelter in Place': What the New Coronavirus Restrictions Mean", in *The New York Times*, 24 March 2020, <https://nyti.ms/2vGlmwk>.

³⁴ Sarah Mervosh, Denise Lu and Vanessa Swales, "See Which States and Cities Have Told Residents to Stay at Home", in *The New York Times*, updated 20 April 2020, <https://nyti.ms/2y5j9LN>.

³⁵ Isaac Chotiner, "The Contrarian Coronavirus Theory that Informed the Trump Administration", in *The New Yorker*, 30 March 2020, <https://www.newyorker.com/news/q-and-a/the-contrarian-coronavirus-theory-that-informed-the-trump-administration>.

deaths nationwide if Americans did not change behaviour.³⁶ Trump's ambivalence coincided with nuanced national guidelines for reopening.³⁷ The White House lacked a consistent voice. In late March Trump suggested a possible national reopening by Easter.³⁸ In early April, Trump said the United States should brace for "a lot of death", and the federal government urged Americans to stay home entirely for two weeks.³⁹ For the following months Trump both took credit for saving a million lives and downplayed the severity of the crisis.

As for direct federal measures, the winter stumbles gave way to dramatic action. The economic toll was staggering. In the six weeks after the crisis came in earnest, 30 million Americans filed unemployment claims.⁴⁰ Trump's executive actions received premature praise from an unlikely source. Ilhan Omar, Minnesota congresswoman and member of the leftwing contingent known as "the squad" – a Somali-American Muslim woman whom Trump said should go back to her country in summer 2019 – heaped praise on the administration's use of the Defense Production Act and Mortgage Foreclosures. She called this a "great start", "incredible and the right response in this critical time". Omar stressed that "we should never let politics get in the way of good policy".⁴¹ A realignment seemed possible. Briefly, left-of-centre media chided Nancy Pelosi's House Democrats for stalling on a rescue package and portrayed Republicans as more urgent and generous.⁴² Indeed, polls indicated that Trump's nationalist determination offset Biden's gains in the polls.⁴³ In March Congress passed and Trump signed the Coronavirus Aid, Relief, and Economic Security Act. The CARES Act, primarily a 2.2 trillion US dollars stimulus and relief package, comprised one-time disbursements to individual Americans, extra unemployment benefits, funding for small businesses to keep paycheques going, half a trillion for large corporations and 339.8 billion US dollars for state and

³⁶ David Adam, "Special Report: The Simulations Driving the World's Response to COVID-19", in *Nature*, Vol. 580, No. 7803 (16 April 2020), p. 316-318, <https://doi.org/10.1038/d41586-020-01003-6>.

³⁷ Kayla Tauchse and Kevin Breuninger, "Trump Issues Guidelines to Open Up Parts of US Where Coronavirus Cases Are in Decline, Testing Ramping Up", in *CNBC*, 16 April 2020, <https://www.cnn.com/2020/04/16/coronavirus-trump-issuing-guidelines-on-reopening-parts-of-us-amid-outbreak.html>.

³⁸ Kevin Liptak et al., "Trump Says He Wants the Country 'Opened Up and Just Raring to Go by Easter,' Despite Health Experts' Warnings", in *CNN*, 24 March 2020, <https://www.cnn.com/2020/03/24/politics/trump-easter-economy-coronavirus>.

³⁹ Jason Slotkin and Barbara Sprunt, "Trump Warns 'One of the Toughest Weeks' Is Ahead, Says to Brace for 'a Lot of Death'", in *NPR*, 4 April 2020, <https://www.npr.org/826741317>.

⁴⁰ Anneken Tappe, "30 Million Americans Have Filed Initial Unemployment Claims Since Mid-March", in *CNN*, 30 April 2020, <https://www.cnn.com/2020/04/30/economy/unemployment-benefits-coronavirus>.

⁴¹ Emily Jacobs, "Ilhan Omar Offers Trump Rare Praise for Coronavirus Response", in *New York Post*, 19 March 2020, <https://wp.me/pb3Qpq-12l7s>.

⁴² Julia Conley, "Pelosi's Coronavirus Compromise Has Left Even Tom Cotton Saying this Bill 'Doesn't Go Far Enough and Fast Enough'", in *Common Dreams*, 16 March 2020, <https://www.commondreams.org/node/135620>.

⁴³ Chris Kahn, "Biden's Edge Evaporates As Trump Seen As Better Suited for Economy, Coronavirus Response, Poll Shows", in *Reuters*, 6 May 2020, <https://reut.rs/3b5bE55>.

local governments.⁴⁴

But soon political polarization reasserted itself twofold: First, on the question of lockdowns, and second, on the virus itself. On the state-level shelter-in-place orders, Trump's ambivalence did not materialize into consistent mobilization. Easter came and went, most states remained closed, and the political parties polarized into disagreement. Americans protested the lockdowns in half the states by the end of April.⁴⁵ These protests became associated with Trump, who expressed his support.⁴⁶ Yet, as if to betray the incoherence of his narrative, Trump also chided Republican governor Brian Kemp for opening too early in April.⁴⁷

Orbiting Trump's inconsistency, the nation became split ideologically and by party by the end of Spring. Polls revealed that conservatives worried about the economic costs of shutting down and liberals worried about the virus. Sixty-one percent of conservatives feared the restrictions "won't be lifted quickly enough, while 91 percent of liberals worr[ie]d they'll be lifted too quickly".⁴⁸ In May, 70 per cent of Democrats as opposed to 37 per cent of Republicans wore masks in public, and only 48 per cent of Republicans thought Trump should don a mask.⁴⁹

As Spring closed, polarization frustrated any enduring transformation of American liberalism, despite significant action taken by Republicans and Democrats at all levels of government. The ideological divide would only sharpen in the summer, and American federalism faced heightened barriers in its prospects for transformation.

3. Summer of fracture

In the summer heat partisan and ideological polarization hardened and the hope for a new federalism waned. This became clear in controversies arising not from COVID-19, but from policing and race relations. In the last week of May the nation awoke to footage of a white police officer in Minneapolis, Minnesota, kneeling on the neck of George Floyd, a black man, for more than eight minutes as three other officers and onlookers watched him die. Protests engulfed the city and country,

⁴⁴ Kelsey Snell, "What's Inside the Senate's \$2 Trillion Coronavirus Aid Package", in *NPR*, 26 March 2020, <https://www.npr.org/821457551>.

⁴⁵ Zack Budruk, "Governors, Experts Await Results of Reopening States As Protests Continue", in *The Hill*, 3 May 2020, <https://thehill.com/node/495877>.

⁴⁶ Anne Gearan and John Wagner, "Trump Expresses Support for Angry Anti-Shutdown Protesters As More States Lift Coronavirus Lockdowns", in *The Washington Post*, 2 May 2020, <https://wapo.st/3c7S0GU>.

⁴⁷ Rick Rojas, "Trump Criticizes Georgia Governor for Decision to Reopen State", in *The New York Times*, 22 April 2020, <https://nyti.ms/34WSn4x>.

⁴⁸ Ezra Klein, "Why Are Liberals More Afraid of the Coronavirus than Conservatives?", in *Vox*, 21 May 2020, <https://www.vox.com/2020/5/21/21262329/coronavirus-liberals-conservatives-polls-afraid-psychology-distancing>.

⁴⁹ Stephanie Soucheray, "US Polls Show Partisan Divide in Attitudes to COVID-19", in *CIDRAP News*, 22 May 2020, <https://www.cidrap.umn.edu/node/186336>.

as did looting and riots. As with COVID-19 in March, there initially appeared the possibility for realignment.⁵⁰ But before long both federalism and ideological tribalism thwarted a nationally cohesive response. In general, opposition to police power makes government mobilization difficult, although a legitimacy crisis offers opportunities for realignment. But now the partisan distribution of power within American federalism, in which robust Democratic-run state policies contrasted with a more hands-off federal approach, were yielding to the particular indeterminacy of criminal justice. After Trump dispatched federal troops contrary to local Democratic officials in Washington, DC, and state governments, liberals rediscovered their loyalties to local law enforcement against federal intervention.⁵¹

Even as political polarization followed criminal justice controversy, COVID-19 policies more directly frustrated any realignment in federalism or liberalism. In order for federalism to transform effectively in the short term, or sustainably in the long term, both state and federal governments had to appear successful in their collaboration. Ideally, policy responses would accommodate different approaches while the flexible decentralist system itself could claim credit. Instead, the summer saw policy failures sufficiently ubiquitous and diffuse, and no triumphant consensus narrative could emerge. The failures instead worsened partisanship.

California was hailed as the paragon of blue-state liberal competence, and indeed in late April, despite assumptions that Governor Gavin Newsom's approach differed radically from the president's, Newsom issued a four-phase plan for reopening the state. By June the state was reopening bars, but in late June as cases increased, Newsom closed the bars again for three weeks.⁵² California began a staggered policy with some localities on a "watch list" for high case surges. Nineteen counties appeared on the list in early July. By late August, California had 700,000 diagnosed cases.⁵³

New York, applauded throughout 2020 as a model of COVID-19, won sympathy and accolades in the Spring. Governor Andrew Cuomo's daily briefings made him a prominent leader and prompted a campaign to draft him to run for president. His reputation wilted in the summer. On 25 March, Cuomo's Department of Health had ordered nursing homes to readmit patients infected with COVID-19, and in April he signed legislation shielding them from liability. By July, 6,400 died in the state's nursing homes. A New York government report attributed the spread to workers,

⁵⁰ Kim Parker, Juliana Menasce Horowitz and Monica Anderson, "Amid Protests, Majorities Across Racial and Ethnic Groups Express Support for the Black Lives Matter Movement", in *Pew Social Trends*, 12 June 2020, <https://www.pewsocialtrends.org/?p=28672>.

⁵¹ Phil Stewart, "Trump Wanted to Deploy 10,000 Troops in Washington D.C., Official Says", in *Reuters*, 7 June 2020, <https://reut.rs/3gVlpHg>; Marty Johnson, "DHS Deploying New Task Force to Protect Monuments ahead of July 4", in *The Hill*, 1 July 2020, <https://thehill.com/node/505381>.

⁵² Associated Press, "Timeline of Events During California's Coronavirus Outbreak", in *AP News*, 1 July 2020, <https://apnews.com/article/ad28f59dbebc94cd80868cb5761a7702>.

⁵³ Kate Eby, "Coronavirus Timeline: Tracking Major Moments of COVID-19 Pandemic in San Francisco Bay Area", in *ABC News*, November 2020, <https://abc7news.com/6047519>.

not patients, and blamed the CDC, which had declared asymptomatic individuals unlikely to spread the disease. Summer reporting revealed that 21 per cent of New York state deaths occurred in nursing homes or long-term facilities.⁵⁴

The nursing home cataclysm went far beyond New York, and indeed demonstrated the multifaceted nature of failure. The omen came in March, when the most well-publicized early deaths occurred in Washington State nursing homes. Yet nursing home protection received very little attention from anyone across the political spectrum. By the end of October, 87,000 residents and workers died in nursing homes, which accounted for 38 per cent of American deaths, and 23,000 facilities revealed 581,000 infections. The homes had a median case fatality rate of 16 per cent.⁵⁵

If California and New York revealed the limitations of blue-state vigilance, cases and deaths rose in the more relaxed red states. Correlations between deaths and restrictions remained elusive. Texas suffered a high death rate with relatively severe restrictions. New York now had very low death count, but had already endured the worst. Wyoming had very few restrictions and very few deaths.⁵⁶ According to researchers at Oxford, "State responses have varied significantly, nearly as much as countries' responses have varied globally".⁵⁷ The variation in stringency did not cleanly follow partisan lines. States that seemed vigilant, like California, New York, and Washington, had actually adopted measures much later in the context of their own internal spread.⁵⁸ The Oxford stringency index identified measures in terms of both rapid response and duration. Some states like Rhode Island, New Mexico, and Illinois, locked down early and "maintained robust contain[ment]s and testing and contact tracing systems". Other states, like Arkansas and Idaho, locked down quickly in response to their conditions, then eased up. Nine states "never adopted particularly restrictive containment measures or robust testing and contact tracing systems".⁵⁹ According to some political scientists, partisan and political factors seemed to explain any correlation.⁶⁰ The summer bore no coherent narrative about state policy that would aid in a realigned federalism. In July Fauci was non-committal. Discussing the question with Stanford Medicine, Fauci asked, "Should [...] the federal government, provide resources, direction, guidance, and then pull back and let the states do it? Or should they direct it federally? You know, you can

⁵⁴ Luis Ferré-Sadurní and Amy Julia Harris, "Does Cuomo Share Blame for 6,200 Virus Deaths in N.Y. Nursing Homes?", in *The New York Times*, 8 July 2020, <https://nyti.ms/3iLPqdt>.

⁵⁵ Matthew Conlen et al., "About 38% of U.S. Coronavirus Deaths Are Linked to Nursing Homes", in *The New York Times*, updated 30 October 2020, <https://nyti.ms/31mkr1B>.

⁵⁶ Adam McCann, "States with the Fewest Coronavirus Restrictions", in *WalletHub*, 6 October 2020, <https://wallethub.com/edu/states-coronavirus-restrictions/73818>.

⁵⁷ Thomas Hale et al., "Variation in US States' Responses to COVID-19", in *BSG Working Paper Series*, No. 2020/034 (August 2020), p. 13, <https://www.bsg.ox.ac.uk/research/publications/variation-us-states-responses-covid-19>.

⁵⁸ *Ibid.*, p. 9.

⁵⁹ *Ibid.*, p. 13.

⁶⁰ Cyril Bennouna et al., *Policy Coordination in Presidential Federations During the Pandemic*, cit.

get arguments on both sides.”⁶¹

Trump’s charismatic influence over Republicans highlighted partisan differences, including within states where Democratic governors managed large Republican populations. In Wisconsin, the state supreme court nullified Governor Tony Evers’s stay-at-home orders and in Michigan Trump threw his support behind largely Republican dissent against Democratic Governor Gretchen Whitmer’s emergency powers, culminating in an effective lawsuit. Political scientists have noted this “presidential coordination” as effectively undermining Democratic Party control at the state level.⁶²

In July, Republicans began sounding more serious about the virus. Republican leaders were now pushing masks in public.⁶³ Trump resumed the daily briefings.⁶⁴ In late July Trump began wearing a mask, calling the act “patriotic”, and 58 per cent of Republicans supported mask mandates.⁶⁵ Amidst his changes in posture, Republican approval of Trump’s COVID-19 response remained stable from March through July, whereas Democratic approval dropped from 19.7 to 8.7 per cent.⁶⁶ The summer ended with more ambivalence from Trump. Two major interviews with conservative media appeared hostile. At the normally friendly Fox News, Chris Wallace repeatedly contradicted Trump’s claims.⁶⁷ Trump faced an even more uncomfortable interview on 3 August, with Axios’s Jonathan Swan, who Trump’s metrics on success and took aim at failure to use charismatic leadership:

I’ve talked to your people. They love you. [...] They hang on your every word. They don’t listen to me or the media or Fauci. They think we’re fake news. They want to get their advice from you. And so, when they hear you say, everything’s under control, don’t worry about wearing masks. I mean, these are people, many of them are older people, Mr. President.⁶⁸

⁶¹ Hanae Armitage, “Anthony Fauci Discusses Challenges of COVID-19, Reasons for Hope during Stanford Medicine Event”, in *Stanford Medicine News*, 14 July 2020, <https://med.stanford.edu/news/all-news/2020/07/anthony-fauci-in-conversation-with-lloyd-minor.html>.

⁶² See Cyril Bennouna et al., *Policy Coordination in Presidential Federations During the Pandemic*, cit.

⁶³ Aamer Madhani and Lauri Kellman, “Republicans, with Exception of Trump, Now Push Mask-Wearing”, in *APNews*, 30 June 2020, <https://apnews.com/article/d0fa04c2c2ba164d6c43eef228c1b99>.

⁶⁴ Brett Samuels, “Trump to Resume COVID-19 Briefings”, in *The Hill*, 20 July 2020, <https://thehill.com/node/508106>.

⁶⁵ Kaelan Deese, “Poll: Majority of Republicans Favor Requiring Face Masks In Public”, in *The Hill*, 23 July 2020, <https://thehill.com/node/508709>.

⁶⁶ Aaron Bycoffe, Christopher Groskopf and Dhruvil Mehta, “How Americans View the Coronavirus Crisis and Trump’s Response”, in *FiveThirtyEight*, updated 12 November 2020, <https://projects.fivethirtyeight.com/coronavirus-polls>.

⁶⁷ “Transcript: ‘Fox News Sunday’ Interview with President Trump”, in *Fox News*, 19 July 2020, <https://fxn.ws/3fK6nmS>.

⁶⁸ “Donald Trump Interview Transcript with Jonathan Swan of Axios on HBO”, in *Rev Transcript Library*, 3 August 2020, <https://www.rev.com/blog/?p=15471>.

Trump issued arguably unprecedented expansions of federal power in the last month of summer. In the midst of gridlock with Congress, he issued unilateral executive orders: an extension of 400 US dollars per week of unemployment insurance; and suspensions on federal housing evictions, federal payroll taxes, and federal student loan payments until the end of the year.⁶⁹ On 1 September, the CDC under Trump's direction issued a moratorium on all evictions nationwide until the end of the year.⁷⁰ The integration of the different sorts of policy responses – health care resources, social distancing measures, and economic relief – would help in a coherent narrative for the transformation of the relationship between state and society. As September began, voters split on their trust of the candidates – depending on the policy question. Biden led on questions of COVID-19 and law and order. But Trump led on questions of the economy, which a slight majority of Americans prioritized.⁷¹ Because the transformation of the relationship between the state and society would presumably occur along different dimensions of policy, and voters divided on which party could be trusted, coherence would prove elusive.

4. The fall of Democratic hopes

The months leading to the November election demonstrated a vulnerability in American democracy unimaginable in past generations. Both Republicans and Democrats accused the other side of electoral dishonesty, and anticipated that their opponents would deny the legitimacy of their victory, unleashing mayhem in the streets and federal court system. Trump warned his side of mass voter fraud due to mass mail-in ballots, in some states mass-mailed unsolicited to homes. Democrats braced themselves for administration attempts to suppress voter turnout and cast doubt about the legitimacy of any loss. These tensions only escalated which each week before the election.⁷²

In September, journalist Bob Woodward revealed that Trump had admitted to him that he “downplayed” the virus to avoid a “panic”.⁷³ An ABC/IPSOS poll soon revealed only 35 per cent support for Trump on handling the virus, but it was unclear how

⁶⁹ “Summary of President Donald Trump’s Four COVID-19 Executive Orders Signed on August 8, 2020”, in *UAW*, 13 August 2020, <https://uaw.org/summary-president-donald-trumps-four-covid-19-executive-orders-signed-august-8-2020>.

⁷⁰ Chris Arnold, “CDC Issues Sweeping Temporary Halt on Evictions Nationwide amid Pandemic”, in *NPR*, 1 September 2020, <https://www.npr.org/908581048>.

⁷¹ Jonathan Easley, “Biden Leads Trump on Law and Order, Coronavirus: Poll”, in *The Hill*, 4 September 2020, <https://thehill.com/node/515192>; Katie Glueck, Annie Karni and Alexander Burns, “Rival Themes Emerge as Race Enters Final Weeks: COVID vs. Law and Order”, in *The New York Times*, 28 August 2020, <https://nyti.ms/31DHVis>.

⁷² David Nakamura, Matt Zapotosky and Colby Itkowitz, “After Trump’s Remarks, Election Officials Warn that Trying to Vote Twice Is a Crime and Could Undermine the System”, in *The Washington Post*, 4 September 2020, <https://wapo.st/3gUjcdX>.

⁷³ “Trump Deliberately Played Down Virus, Woodward Book Says”, in *BBC News*, 10 September 2020, <https://www.bbc.com/news/world-us-canada-54094559>.

much this mattered.⁷⁴ Trump's overall performance in the polls hovered around where they had for most of the year. They were stable through the summer and would likely remain that way.⁷⁵ Underlying partisan dynamics reasserted themselves as the presidential election approached. The death of Supreme Court justice Ruth Bader Ginsburg opened up a seat, for which Trump quickly nominated conservative judge Amy Coney Barrett. Trump's third Supreme Court nomination, coming after the Republican Senate had refused to give Obama's last nominee Merrick Garland a hearing during the election year of 2016, reinvigorated old accusations of hypocrisy. At the end of September, Trump and Biden faced off in a heated debate, widely panned for Trump's interruptions and the general disorder. Trump took credit for saving millions of lives by locking down early, which he said Biden would not have done, but also attacked Biden for not wanting to open the economy back up.⁷⁶

The events of October further suggested that a coherent narrative and political realignment were as elusive as ever. In the first week of the month, COVID-19 reached the White House. The President and First Lady Melania Trump tested positive on 1 October, after news broke that Hope Hicks, a former adviser, had tested positive. Over a dozen others in Trump's circle tested positive, eight of them having attended a well-attended gathering at the Rose Garden to celebrate the nomination of Amy Coney Barrett on 26 September, which appeared to be a super-spreader event – including White House Press Secretary Kayleigh McEnany, former counsellor Kellyanne Conway, Republican Senators Mike Lee and Thom Tillis, and Governor Chris Christie.⁷⁷ At Walter Reed Hospital Trump was treated with dexamethasone, a steroid, and Remdesivir.⁷⁸ Upon being released Trump tweeted, "Don't be afraid of Covid. Don't let it dominate your life. We have developed, under the Trump administration, some really great drugs & knowledge. I feel better than I did 20 years ago!"⁷⁹

⁷⁴ "Two-third of Americans Distrust Trump's COVID-19 Response; Say He Acted Too Slowly to Quell Pandemic: Poll", in *ABC7 New York*, 14 September 2020, <https://abc7ny.com/6420950>.

⁷⁵ Ezra Klein, "Can Anything Change Americans' Minds about Donald Trump?", in *Vox*, 2 September 2020, <https://www.vox.com/2020/9/2/21409364/trump-approval-rating-2020-election-voters-coronavirus-convention-polls>.

⁷⁶ "Donald Trump & Joe Biden 1st Presidential Debate Transcript 2020", in *Rev Transcript Library*, 29 September 2020, <https://www.rev.com/blog/?p=17243>.

⁷⁷ George Petras et al., "President Trump Has COVID-19: A Timeline of His Travels Leading Up to a Positive Coronavirus Test", in *USA Today*, 5 October 2020, <https://amp.usatoday.com/amp/3592164001>; Christina Morales, Allyson Waller and Marie Fazio, "A Timeline of Trump's Symptoms and Treatments", in *The New York Times*, 4 October 2020, <https://nyti.ms/2GnRfyU>.

⁷⁸ Barbara Sprunt, "'Don't Be Afraid of It': Trump Dismisses Virus Threat as He Returns to White House", in *NPR*, 5 October 2020, <https://www.npr.org/920412187>.

⁷⁹ Nicole Lyn Pesce, "Trump Tweets, 'Don't Be Afraid of COVID,' Sparking Heated Twitter Exchanges", in *MarketWatch*, 6 October 2020, <https://www.marketwatch.com/story/trump-tweets-dont-be-afraid-of-covid-americans-tell-him-why-theyre-still-scared-2020-10-05>.

At the Vice Presidential Debate on 7 October, Democratic candidate Senator Kamala Harris focused on the administration's failures of leadership, while Vice President Mike Pence took credit for closing travel from China and locking down the economy and saving two million American lives. He also championed opening the economy back up, while Harris remained ambiguous on the questions of mask mandates and shutdowns. Pence accused Harris of undercutting public confidence in a forthcoming vaccine.⁸⁰

Partisanship was triumphing over national solidarity. Even after the FBI uncovered a plot among lockdown opponents to kidnap the Democratic governor of Michigan, Trump hardly moderated his rhetoric against her.⁸¹ Whereas in March the stylistic disagreements between Trump and Fauci obscured their agreements over federalism, by October their postures were overtly combative. The president, despite questionable using Fauci in a campaign ad, reportedly now referred to the scientist as a "disaster".⁸² The scientist, said he was not surprised that Trump had contracted the virus given his lackadaisical precautions, and late in the month contradicted the president's assurance that the nation was "rounding the corner" on the virus.⁸³

On 3 November, Americans went to the polls, many more having already submitted their ballots through the mail. The polls forecasting a landslide victory had been mistaken, and the election proved rather close. On 7 November, after days of counting, Biden's vote total in battleground states surpassed Trump's by thin margins, and major media organs projected the former vice president as the winner of the election. Trump did not immediately concede the election and instead made accusations of voter fraud, launching lawsuits in Pennsylvania, Arizona, Georgia, and Nevada, all of which he was projected to barely lose to Biden.⁸⁴

By the beginning of November, there appeared little prospect of an enduring transformation in federalism and liberalism, a lasting dominant narrative about the role of state and society. The nearly unprecedented political divisions carried over

⁸⁰ "Full Transcript of Vice Presidential Debate between Mike Pence and Kamala Harris", in *USA Today*, 8 October 2020, <https://amp.usatoday.com/amp/5920773002>.

⁸¹ Blake Montgomery, "Trump Rally Crowd Chants 'Lock Her Up' About Michigan Gov. Gretchen Whitmer, Target of Kidnapping Plot", in *The Daily Beast*, 17 October 2020, <https://www.thedailybeast.com/trump-rally-crowd-chants-lock-her-up-about-michigan-gov-whitmer-target-of-kidnapping-plot>.

⁸² John L. Dorman, "Trump Reportedly Slammed Anthony Fauci as 'a Disaster' on a Campaign Phone Call", in *Business Insider*, 19 October 2020, <https://www.businessinsider.com/anthony-fauci-donald-trump-coronavirus-restrictions-election-2020-10>.

⁸³ Thomas Colson, "Fauci Said He Was 'Absolutely Not' Surprised Trump Caught the Coronavirus after Shunning Social Distancing and Masks", in *Business Insider*, 19 October 2020, <https://www.businessinsider.com/dr-fauci-absolutely-not-surprised-that-trump-contracted-coronavirus-2020-10>; Sophia Ankel, "Dr. Fauci Contradicted Trump's Repeated Claims that the US Is 'Rounding the Corner' on COVID-19", in *Business Insider*, 25 October 2020, <https://www.businessinsider.com/fauci-slaps-down-trump-us-wrong-direction-covid-2020-10>.

⁸⁴ Miles Parks, "Trump Election Lawsuits Have Mostly Failed. Here's What They Tried", in *NPR*, 10 November 2020, <https://www.npr.org/933112418>.

to the discussion about COVID-19. On Monday, Pfizer pharmaceuticals announced they would release a vaccine with 90 per cent efficacy. Vice President Pence broke his near silence after the election to take some credit for the progress, although Pfizer was not one of the six companies directly involved in the administration's "Project Warp Speed" vaccine initiative.⁸⁵ New York Governor Cuomo lamented that the vaccine was arriving before Biden took office. Partisanship appeared as entrenched as ever.⁸⁶

A political realignment around a new activist liberalism and new cooperative federalism appeared very distant, and no coherent narrative emerged that could bring Americans across the spectrum and institutions together being a new pandemic-fighting solidarity. The Democrats had not achieved their down-ballot victories they anticipated, and Republican performance in the state legislatures and Congress suggested a very divided government moving forward. Perhaps in that fate lay the prospect for governing imbalances to yield to a realignment within the Biden administration. But as winter approach, for all the crisis and state-building in 2020, there appeared little sign of a revolutionary year.

Updated 13 November 2020

⁸⁵ Bess Levin, "Mike Pence Falsely Takes Credit for Pfizer Vaccine, Is Promptly Told to F--k Off", in *Vanity Fair*, 9 November 2020, <https://www.vanityfair.com/news/2020/11/mike-pence-pfizer-vaccine>.

⁸⁶ Ronn Blitzer, "Cuomo Says It's 'Bad News' that Pfizer Coronavirus Vaccine Progress Came During Trump Administration", in *Fox News*, 10 November 2020, <https://www.foxnews.com/politics/cuomo-bad-news-pfizer-coronavirus-vaccine-trump-administration>.

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