



Pandemic Anti-Rights Syndrome

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Last month, not long after Florida federal judge Kathryn Kimball Mizelle ruled that the transportation mask mandate was illegal, I flew from New York City to Miami. Videos of airplane passengers in midflight ripping off their masks and cheering with joy had already gone viral following the judge's ruling.

I've traveled domestically and internationally many times since the start of the pandemic and I hate the mask as much as anyone. It makes me sneeze and it tickles. After 10 hours on long hauls, I can indeed feel like I'm suffocating. It can be almost unbearable. But after two years of obediently masking up to enter airports and planes around the world, I found my first unmasked travel experience jarring indeed, even though I kept mine on. I was not the only masked person on that American Airlines flight, but I was definitely in the minority.

Writing a book, *Virus: Vaccinations, the CDC, and the Hijacking of America's Response to the Pandemic*, about the politics and science of our Covid-19 experience, I came to know and trust public-health policy experts and vaccine scientists. I learned enough about the mRNA vaccines so many (but not enough) of us have received that I regard them as a major medical milestone well worth celebrating. I also accept that scientific understanding is based on uncertainty and the advice of our health authorities is only as good as the latest peer-reviewed article.

So I've maintained faith in science, even while understanding its limits. And I also understand the frustration of so many Americans. Who among us didn't chafe at the pandemic restrictions? Who wasn't going mad trying to work from a home or apartment reverberating with restless children locked out of their schools?

In March 2020, at the beginning of the pandemic, I thought the crisis might provoke wider support for a more universal health-care system. Nothing of the sort materialized, of course, although the rapid, government-financed development and delivery of free and effective vaccines — to those who wanted them — was indeed a success story.

Now, in the pandemic's third year, people are ripping off their masks everywhere as Greek-letter Covid mutations continue to waft through the air.

The viral joy of that unmasking, the giving of the proverbial finger to the Centers for Disease Control and Prevention (CDC), begs the question: Did the pandemic make average Americans more anti-government? Did it bring us closer to what decades of rightwing propaganda had not quite succeeded in doing — generating widespread public support for the “deconstruction of the administrative state” (a phrase avored by Trump crony Steve Bannon)?

Government activity during the first two pandemic years was certainly intense. Trillions of dollars in business loans and unemployment money washed through the economy. At different points, the government even activated the military and the Federal Emergency Management Agency (FEMA). States also instituted widespread lockdowns and closed schools. The panic, the isolation, and the quotidian inconveniences made some people barking mad.

Of course, a lot of us listened to Dr. Anthony Fauci. We trusted our public health authorities and their recommendations. To many of us, their intentions seemed good, their asks reasonable.

Federal judge Kathryn Kimball Mizelle, however, thought otherwise. Just 35 when Donald Trump appointed her a district judge, she had never actually tried a case. The American Bar Association had rejected her confirmation due to her inexperience, but like many Trump judges, she was a Federalist Society-approved ideologue and the Republican Senate confirmed her anyway to a district that, by design, has become a nest of extreme antigovernment judges.

The anti-maskers could have brought their case in any jurisdiction. Choosing Tampa was a clear case of legal venue shopping. Other judges in the district had consistently ruled against government Covid restrictions on cruise ships and against mandatory vaccinations. The plaintiffs couldn't actually select Judge Mizelle, but their chances of getting an antigovernment ruling in Tampa were high indeed.

As it happened, the plaintiffs got her and she relied on definitions of “sanitation” in mid-twentieth century English dictionaries to overturn the statute that allowed the mask mandate. None of them explicitly included the word “mask” in their definitions. So, she revoked it.

The ruling horrified public-health policy experts, although the Biden administration — probably with the coming midterm elections and those viral videos of mask-free joy in mind — decided not to challenge the decision directly. “The continuing concern throughout the pandemic has been the politicization of these public-health measures,” Dr. Bruce Lee, a public-health policy expert at the City University of New York, told me. “We know that throughout history during public-health crises there has been a need to enact regulations. The big concern with this mask decision is you basically have a scientific or public-health decision made by a single judge.”

It took that judge just 18 days after arguments — a nanosecond in judicial time — to side with two women who said airplane masks gave them panic attacks and anxiety and so unlawfully prevented them from traveling. They were joined by an organization called the Health Freedom Defense Fund.

Using the Virus to Seed Fresh Political Astroturf

The Fund, based in Sandpoint, Idaho, is run by Leslie Manookian, a wellness blogger and antivaccine activist who, after having a child in 2003, left a career in international finance with Goldman Sachs to become, as she describes herself, “a qualified homeopath, nutrition and wellbeing junky” and “a health freedom advocate.”

Manookian has declined to provide information about the sources of funding for her organization, to which the Internal Revenue Service granted nonprofit status in 2021. It’s likely, however, to be just another green swath on the great field of rightwing Astroturf. While social democrats like me imagined that the pandemic might provoke a more equitable health-care system, the crew on the right had other plans for how to manipulate the crisis.

Politicians, strategists, and chaos agents ranging from Donald Trump to Sean Hannity and Alex Jones, sometimes backed by dark money, have used the public-health restrictions to fuel their demands for more “freedom” from government. The definition of freedom among this crowd is primarily understood to be low or no taxes, with access to guns thrown in for good measure. In the spring of 2020, for instance, the billionaire Koch Brothers, who once funded the Tea Party largely to crush Obamacare, were among the conservative megadonors who helped activate the network behind the lockdown “drive-bys” of state capitols. Those initial lockdown protests would later devolve into Y’all-Qaeda-style pro-Trump pickup convoys. In Lansing, Michigan, a protest even ended with armed men entering the State Capitol. Among the intruders were members of a clan of gun-loving militiamen who would eventually plot to kidnap the governor of Michigan for restricting their freedom.

The pandemic seeded new Astroturf for the right. America’s Frontline Doctors (AFLDS), for example, was formed during the early months of the pandemic to challenge public-health policy in favor of keeping the economy rolling. Besides promoting antivaccine misinformation, AFLDS referred more than 255,000 people to a website created by Jerome Corsi, an author and longtime political agitator, called SpeakwithanMD.com. The site charged for consultations with “AFLDS-approved physicians” about the Covid “cures” ivermectin and hydroxychloroquine that President Trump and his fans so loved.

The messages of such groups (eventually including just about the whole Republican Party) were, of course, amplified by the usual rightwing media outlets — One America News Network, Newsmax, and above all Fox News — that started out by calling the pandemic virus a hoax. When Covid-19 was undeniably killing hundreds of thousands of Americans, the messaging shifted to equating lockdowns, vaccines, and mask mandates with totalitarianism.

Globally, there's no doubt that the pandemic did indeed release the worst instincts of authoritarian governments. Real autocracies unleashed real abuses of power on vulnerable people in the name of Covid-19. Some of these were catalogued early in the pandemic by the democracy and human-rights organization Freedom House. In October 2020, it found that, in 59 of 192 countries, violence or abuses of power took place in the name of pandemic safety. It reported, for example, that the government of Zimbabwe was using "Covid-19 restrictions as an excuse for a widespread campaign of threats, harassment, and physical assault" on the political opposition there.

In terms of hubris and scale, though, the totalitarian dystopia to beat has been China. Exiled Chinese writer Liao Wiyu published a vivid book earlier this year describing how the authorities there disappeared doctors, silenced the citizenry; and in a harrowing fashion nailed the doors of homes and apartment buildings shut, marking them with red banners to identify contagious inhabitants. The images were straight out of Daniel Defoe's novel about the bubonic plague in seventeenth-century London, *A Journal of the Plague Year*, updated with modern gadgetry like biosurveillance.

China's "zero Covid" response has included epic crackdowns on freedom of movement. Forty-six cities and 343 million residents have recently been under strict lockdown. Some residents of Shanghai, forbidden to leave their apartments, have been running short of food and medicine. Videos of dogs being lowered by ropes and pulleys from apartment windows for daily walks only added an element of macabre hilarity to the scene.

In the U.S., rather than increasing trust in government, the relatively mild pandemic public-health measures instituted by the CDC and state governments only inflamed America's "freedom" fetish. Claiming that mask and vaccine mandates were the slippery slope to Chinese totalitarianism was certainly a stretch, but one that many on the right have been all too eager to promote. For years, the right-wing echo chamber has been priming the info-siloed and mentally vulnerable with warnings about "FEMA camps" for Christians and conservatives (and, of course, while they were at it, the feds were always coming to get your guns, too).

As it happened, though, the pandemic also triggered anti-government sentiment outside the usual quarters. Take Jennifer Sey, a self-described Elizabeth Warren Democrat and San Francisco liberal, who was forced out of her job at Levi Strauss & Co., when she started advocating against restrictive school closings. The mother of four and the company's chief marketing officer, she found it increasingly hard to understand why her children couldn't go back to school after the first Covid surge in 2020. Irritation and frustration led to public outrage, which led (of course!) to a social-media following. She became an online leader of parents for reopening schools. Her employer didn't like it and soon banished her.

The Anti-Government Infection as a Symptom of "Long Covid"

Public-health policy expert Dr. Lee finds it less than surprising that even Americans like Sey rebelled. He mostly blames the way science was miscommunicated and politicized in public debate in this increasingly Trumpified country. “There needed to be consistency. Once you start straying from science and becoming inconsistent, people get confused. We saw people talking about school closures, and many of them were off in different directions. School closings were not a long-term solution. The increased politicization of science and public-health policy is largely a result of certain political leaders and certain TV personalities and anonymous social media accounts. What it does is, it damages — it causes chaos. You hear people saying, oh, they don’t know what to believe anymore.”

The question is: Where are we now? Along with the ongoing pandemic, are we experiencing a full-blown anti-government infection and is that, too, a symptom of “long Covid”? Or is the resistance to government mandates and vaccines simply a response to the Astroturfing of the rightwing echo chamber?

Or, in fact, both?

Conservatives have been smacking their lips over what they regard as signs of a resurgence of the flinty libertarian. “A funny thing happened on our way to democratic socialism: *America pushed back*,” a Cato Institute commentary proclaimed earlier this year. “Across the country, in all sorts of ways, Americans reacted to the state’s activism, overreach, incoherence, and incompetence and... kinda, sorta, embraced libertarianism.” (Of course, that’s putting it in an all too kindly fashion. Substitute, say, *fascism* and that statement feels quite different.)

Conservative commentator Sam Goldman, writing in the Week, hit the same note:

“As the pandemic has continued, opposition to restrictions on personal conduct, suspicion of expert authority, and free speech for controversial opinions have become dominant themes in center-right argument and activism. The symbolic villain of the new libertarian moment is Anthony Fauci.”

It’s not clear that this represents a lasting trend. An October 2021 Gallup poll found that American’s attitudes reverted from a desire for more government intervention at the outset of the pandemic in 2020 to essentially where they had been when Donald Trump was elected in 2016. Since the 1990s, Gallup has been polling American preferences when it comes to the role of government in our lives. The long-term graph shows regular mood swings, although those between 2020 and 2021 were unusually steep.

Note as well that the American response to pandemic regulations differed strikingly from the European one. A study published earlier this year in the *European Journal of Political Research* explored attitudes in Austria, France, Germany, Italy, and the United Kingdom,

specifically the role of emotions in the way people responded to restricted civil liberties during the pandemic years (including restricted movement through Covid phone apps and army-patrolled curfews). Fear of contagion, not surprisingly, was the chief emotion and that fear led to a striking willingness to accept more government restrictions on civil liberties.

In Europe, safety won. In this country, it seems not. I haven't seen similar research here (though there has been some suggesting that, in the Trump era, fear has been the driving emotion in individuals who lean right). It certainly seems as if the American response to the pandemic wasn't to accept more restrictions on civil liberties, not at least when it came to masks and vaccine mandates.

But look more closely and you'll see something else, something far more deeply unnerving. In these last months, even as masks have come off and booster shots have gone in all too few arms, there has been an unprecedented assault on *other* civil liberties. Red-state lawmakers are attacking the civil rights of women, gays, and minorities with unprecedented ferocity. In its landmark upcoming ruling that will, it seems, overturn *Roe v. Wade*, a Supreme Court driven rightward by three Trump appointees has now apparently agreed that there is no right to privacy either.

As political journalist Ron Brownstein pointed out recently, conservative statehouses in red states “are remaking the American civil liberties landscape at breathtaking speed — and with little national attention to their cumulative effect.” In the process, they are setting back the civil-liberties clock in America to the years before what legal scholars called the “rights revolution” of the 1960s.

The speed and urgency with which right-wing judges and legislators are embracing a historic anti-liberty enterprise suggests panic and fear. This anti-freedom movement, ultimately, is not a response to the actions of the federal government or the CDC. It emanates from the frightened souls of the very people who have been shrieking about totalitarianism whenever they see a mask.

Now, excuse me for a moment, while I put my mask on and face an American world in which the dangers, both pandemic and political, are rising once again.