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## Governors who reject stay-at-home orders place ‘small government’ above lives

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Ultra-Orthodox Jews are committed to rigidly following religious rules, but they have a saying about the commandments of the Torah: “You shall live by them, but not die by them.”

And yet, some conservatives won’t make the same exception to their own first commandment: Thou shalt never expand the role of government. Although all have closed at least some places, such as schools and hair salons, where covid-19 is especially likely to spread, seven “red-state” governors have refused to issue broad stay-at-home orders.

A few Republican governors, such as Texas’s Greg Abbott, have belatedly and grudgingly accepted the need to shut down all public gathering spaces after citing commitment to small-government principles as a reason for dragging their feet. But in Arkansas, Iowa, Nebraska, North Dakota, South Dakota, Utah and Wyoming, GOP governors are still holding out. Several have expressed an aversion to government mandates in general.

The most notorious example is South Dakota Gov. Kristi L. Noem, who dismissed other states’ imposition of shelter-in-place rules as a “herd mentality.” “South Dakota is not New York City,” Noem said, and it’s up to South Dakotans “to exercise their right to work, to worship and to play. Or to even stay at home.” On April 3, the South Dakota State Medical Association called on Noem to order South Dakotans to stay at home, as has Sioux Falls Mayor Paul Ten Haken, the Democratic leader of South Dakota’s largest city. As of Wednesday evening, the state had over 1,100 confirmed covid-19 cases, including more than 500 workers at one Sioux Falls pork-processing plant. Still, Noem is unmoved.

Neighboring Nebraska had 1,094 cases as of this writing, and its governor, Pete Ricketts, has taken a similar hands-off approach, asking Nebraskans to voluntarily distance: “We’re calling on people to exercise their freedom to do the right thing, that individual responsibility, that civic duty, to do the right thing here in our state.”

In Wyoming, during a heated news conference on April 3, Gov. Mark Gordon threw printed copies of other states’ shelter-in-place orders on the floor, arguing that his constituents didn’t need a mandate to follow his advice and practice social distancing. “Our Wyoming values say to talk less and say more,” the governor declared. “Our orders talk less and say more.”

When these governors argue that their constituents are free to stay inside — encouraged even, but without any legal obligation — they’re ignoring the fact that those who accept the risk and get sick may eventually pass the virus onto vulnerable people who had no choice in the matter. Older and disabled nursing home residents have been infected in their own home by staff or neighbors and died in horrifying waves nationwide.

This preference for voluntary action and emphasizing the responsibility of the individual, is a common trope in conservative rhetoric. It finds expression in opposition to social safety-net programs, for instance, and the encouragement of charity as a substitute. But just as historians and social scientists have found that charitable donations never have housed all the homeless or fed all the hungry, public health experts warn that only collective compulsory action can ensure that covid-19 doesn't break out more severely. Personal choice — even if most Americans make responsible ones — can't substitute for government action in states of emergency.

A politically “blue” city in a blue state went through its own version of this realization: Weeks after social distancing regulations went into effect, New York City's playgrounds were left open, with signs asking visitors to only play sports such as basketball alone. Can you guess what happened next? People incorrigibly played group games despite warnings from the mayor and governor. Eventually Gov. Andrew M. Cuomo closed the playgrounds.

That's not the only mistake of New York these governors could try to avoid. The Western states with the first wave of covid-19 cases have shown that swift, decisive action to enforce social distancing is the best way to slow the novel coronavirus's spread. California's earlier adoption of measures, such as closing schools and nonessential businesses, is the main reason that it has been spared the mass casualties that are decimating New York, according to experts. Tom Frieden, former director of the Centers for Disease Control and Prevention, estimates that New York's fatalities could have been reduced by as much as 80 percent if school closures and stay-at-home orders had been imposed four days earlier.

This is where conservative ideology butts heads with stubborn reality. The example of nursing homes is particularly apt. Abstract notions about freedom and personal responsibility struggle when confronted with people — children, older people, the disabled — who cannot fairly be blamed if they fail to fend for themselves.

Republican reluctance to boss around the public has always been selective. They've never hesitated to stop constituents from exercising the freedom to terminate an unwanted pregnancy, for example. (Indeed, states including Texas and Arkansas moved to ban abortion during the pandemic.) Of course, conservatives maintain that the prospective mother's rights bump up against, and are ultimately outweighed by, the fetus's right to life. In this case, it's the right to shop of the average South Dakotan bumping up against the right to life of older people, the immuno-compromised and front-line workers. Shouldn't the latter outweigh the former? Even by their own standards — in which life trumps liberty — these conservatives aren't making sense.

That the government's primary responsibility is to protect life is one of the oldest widely accepted concepts in Anglo-American democracy; it's enshrined in multiple state constitutions. Sensible conservative thought has always carved out this exception to a general preference for small government. That's why Republicans typically agree that fighting wars against foreign enemies and policing the streets for violent criminals are government functions, not individual responsibilities. And amid the pandemic, even the premier libertarian think tank, the Cato Institute, doesn't oppose stay-at-home orders. Instead, it argues that policymakers should “commit to lifting them upon reaching prespecified targets.”

The pandemic illustrates a basic truth — and, with it, the limits of this ideology — in especially stark terms: Individuals aren't islands unto themselves. Their actions inevitably affect others. But some conservatives have learned the catechism of limited government too well. As they insist on

keeping the faith, the GOP governors who keep delaying the inevitable — and that's all they're really achieving, as Abbott could tell them — are playing Russian roulette with their constituents' lives.