

Rory Belcher

PSC 401D 1001

Professor Phelps

May 15, 2020

Federalism Combats COVID-19

COVID-19 has changed the way the United States exists. Federalism is forever changed because of the pandemic. State governments and the Federal Government have had vastly different approaches on dealing with the virus. States have been left to their own devices, giving governors and state legislatures free rein on protecting their state. The decision by the federal government to downplay the severity of the pandemic and not taken steps fast enough to help the entire country has had a negative impact. COVID-19 has advanced a process of creating a new stage of federalism, exposing the changing relationship between the states and federal governments. experiences on a personal level have varied just as much as the symptoms of COVID-19.

Federalism has been around since the inception of the nation. After multiple contentious debates among the founding fathers, federalism won out against a unicameralism system. it was one of the main arguments between the Founding Fathers. Federalism is defined as, “A political system in which national and regional governments share power and are considered independent equals” (Smith et Greenblatt 23). In a lay person’s term, federalism is the division between the federal government and the state government. Another understanding of the term can also be seen in the tenth amendment. It states, “Powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively...” (Madison). The fundamental belief of federalism is that there are shared powers between the

federal government and the states. Any power not given to the federal government in the Constitution is given to the states. Some examples of the separation of powers are marijuana being legal in some states, abortion rights and access to clinics, state-level Supreme Court. Federalism is an essential element fought for when the Constitution was written, but federalism now is not the same as it was in 1789.

Over the lifetime of the United States, there have been different versions of federalism that best fit with the era. The five recognized stages of federalism are: Dual Federalism (1789-1933), Cooperative Federalism (1933-1964), Centralized Federalism (1964-1980), New Federalism (1980-2002), and Ad Hoc Federalism (2002-present) (Smith et Greenblatt 34-41). For almost 150 years, the United States operated under a Dual Federalism system. The state and federal governments were thought of as separate entities that “separate jurisdictions and responsibilities” (Smith et Greenblatt 34). an example of a problem with that ideology was the south’s ability to succeed during the Civil War. Positive impacts of federalism include the states having equal representation in Congress and a voice in political decisions. During the early 20th century, one change that became common was the states to turning to the federal government to provide aid. Aid came in the form of protection and support during two World Wars and getting through the Great Depression. Since the 1940s, change has been rapid and unprecedented the states are turning away from being dependent on the federal government and become influential players. This has led to today’s version of federalism.

COVID-19 pushed to center stage a new version of federalism being created; the federal government cannot always provide for the states. Western coastal states govern differently than the eastern and southern govern, as well as the federal government. States like Washington and California took immediate action to prevent and combat COVID-19. The governors took

executive action such as closing schools and issuing stay-at-home orders, even without the consent of the federal government. That is an example of “States [having] the ability to use their police powers to enforce any declarations during emergencies (Blake et Arianina). Other states, especially those in the southeastern part of the United States, remained open for business and did not adhere to any CDC recommendations. While all this is happening, the federal government did not declare a state of emergency until March 13th, 2020 (Galston). COVID-19 has pushed individual states to take on the responsibility to protect their citizens—even if the manner is different from the federal government.

Interactions between the states and the federal government are being tested during this pandemic. States, especially in the west, are operating differently than how the federal government is. For example, “Washington, Oregon, and California will work together to decide when to reopen their economies” (Browning et Malcolm). This is a plan the governors of the western seaboard are making without the interference of the president or federal government. While the governors of the states are making the decisions about when to open the economy again, Donald Trump makes a persistent claim he holds the power. Trump “assert[s] “he has the authority to order the states to reopen the economy” (Selin). This is a clear example of the contentious interactions between the state and federal governments. Trump fights to have the power that may not be the president’s, while each the governors is taking control of their state and doing what they think is best. To say, all states are going against the president’s orders would be at its core, false. in fact, republican states unabashedly following Trump’s orders. Interactions across the nation are tumultuous and varied. This new relationship between states and the federal government has created a new stage of federalism.

A new stage of federalism has come to pass in the wake of COVID-19, it is something similar to New Federalism but with hints of Cooperative Federalism. For most of the United States history, the states have had less power than the federal government, but in the last hundred years, that has been changing. States are become just as powerful and independent as the federal government and should have equal power. In fact, during COVID-19, the federal government has been “pushing authority and responsibility for the response onto the states” (Cook et Diamond). This federalism would be called Equality Federalism. There is still a demand for separate governing bodies with equal representation and power between the two levels. With this new federalism model, states can make their own decisions separate from federal government control. During this pandemic, Trump has continuously tried to reopen the country. In contrast, many governors, like Jay Inslee (D. -WA), continues to renew the stay-at-home orders (Epstein) (O’Sullivan). There is a new era of federalism in 2020, where the governors are making decisions that often contradict what the president is telling Americans.

During this pandemic, I have experienced things I never thought I would. Some bad things but also some good. Like many American college students right now I am home from university and trying to get through this pandemic. The first and biggest concern I have is that I am more susceptible to getting COVID-19 because I have Asthma. Respiratory infections and viruses can have a deadly effect on me. While that is my most prominent negative aspect of this pandemic, others apply to daily life. I have been living at home in Washington since March taking all my classes online while working a full-time job. After returning to Bothell, I quickly got a job working at a local grocery store. They immediately gave me 30 hours a week of work while still doing homework and attending classes. Something else I do not enjoy about COVID-19 is that I have not seen my friends for a long time, and most of my belongings are in Las

Vegas. Every day I think of something I wish I had, but remember it is in Las Vegas. I have to be in Vegas at the beginning of June to get some legal papers for a campus job. If I do not pick up the papers in a certain amount of time, I have to restart my application process. I have already started to worry about the time I have to take off work, and the possibility of canceled flights.

However, there have been several rays of sunshine during this dark period. At work, people are kinder than usual because of what we are all going through, and I qualify for hero pay. One of my sisters came home for a month, and my family was together for my 20th birthday and my dad's birthday. Also, since this pandemic started, my family now has group chats over Zoom. The calls span Washington to California. In those conversations, my sisters keep us up to date on the pandemic in California and how it is being dealt with. One brother and sister are lawyers, and they tell us all about doing trials over Zoom calls. I also have a sister and brother who are doctors and on the front lines every day. My sister, the doctor, has become the medical representative for public communication in Contra Costa County, as she is the leading internalist in that county. There is always something new to tell us. Those calls are with my dad's side of my family, with all my sisters. Whereas when we do calls with my mom's family, they are big and at weird hours. These calls span from South Carolina to Iowa, Idaho, Nevada, Washington, California, Hawaii, Alaska, and finally Australia. There is always something new to share. Sometimes news comes from my aunt, who keeps us up to date on how the medical field is taking care of cancer patients during the pandemic in Seattle. Sometimes it is my cousin telling us how Australia is fairing. Other times it is my uncles telling us what Alaska or South Carolina is doing. These calls have become more regular so that we can keep up and see each other. We plan to continue the calls after the pandemic as we are all so far apart. Overall, the positive greatly outweighs the negative, and I could not be more blessed for the fortune given to my family.

Federalism is like glue, but every so often, the type of glue needs to be changed; Federalism is the United States' glue. This country can operate with a balance of power between the state and the federal government. Federalism today is not the same as it was in 1789; in fact, it is not the same as it was in the 1950s. COVID-19 is one factor that has forced the country to change the type of federalism into something new that works equally for both the states as well as the federal government. Equality Federalism is the answer to 21st-century federalism. COVID-19 has dramatically affected the entire country, but it affects each person differently. Each person will come out of COVID-19 with a new perspective and be a different person than they were before 2020. The same is true for our state and national governments.

Work Cited

- Blake, David, and Kristina Arianina. "Potential Federal Vs. State Conflicts Due To COVID-19." *Law360*, 9 Apr. 2020, 2:21 PM EDT, www.law360.com/articles/1262048/potential-federal-vs-state-conflicts-due-to-covid-19.
- Browning, Paige, and Kim Malcolm. "Western States Band Together. And No, You Can't Just Visit One Friend." *KUOW*, NPR, 15 Apr. 2020, www.kuow.org/stories/plans-for-a-western-states-playbook-and-no-you-can-t-just-visit-one-friend.
- Cook, Nancy, and Dan Diamond. "A Darwinian Approach to Federalism': States Confront New Reality under Trump." *POLITICO*, 31 Mar. 2020, 4:30 AM EDT, www.politico.com/news/2020/03/31/governors-trump-coronavirus-156875.
- Epstein, Kayla. "Trump Tweets That Reopening the Country from Coronavirus Lockdowns 'Is the Decision of the President,' but It's Actually up to the States." *Business Insider*, Business Insider, 13 Apr. 2020, www.businessinsider.com/trump-tweets-reopening-the-country-decision-of-the-president-2020-4.
- Galston, William A. "Americans Give President Trump Poor Ratings in Handling COVID-19 Crisis." *Brookings*, Brookings, 20 Apr. 2020, www.brookings.edu/blog/fixgov/2020/04/17/americans-give-president-trump-poor-ratings-in-handling-covid-19-crisis/.
- Madison, James. "The Constitution of the United States." *National Archives and Records Administration*, National Archives and Records Administration, May 2020, www.archives.gov/founding-docs/constitution.
- O'Sullivan, Joseph. "Inslee Extends Coronavirus Stay-Home Order through May 31, Outlines Plan to Reopen Washington in Phases." *The Seattle Times*, The Seattle Times Company, 1 May 2020, www.seattletimes.com/seattle-news/politics/inslee-announces-extended-stay-home-order-outlines-plan-to-reopen-washington-in-phases/.
- Selin, Jennifer, and Kinder Institute Assistant Professor of Constitutional Democracy. "Trump versus the States: What Federalism Means for the Coronavirus Response." *The Conversation*, 7 May 2020, theconversation.com/trump-versus-the-states-what-federalism-means-for-the-coronavirus-response-136361.