

Will the Political Class be Held Liable for What They've Done?

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Politically-dictated lockdowns and prohibitions have recently destroyed tens of millions of American jobs. Politicians have effectively claimed a right to inflict unlimited economic damage in pursuit of zero COVID-19 contagion. The perverse incentives driving the policy have multiplied the harm far beyond the original peril.

[Almost 40% of households earning less than \\$40,000 per year](#) have someone who lost their job in recent months, according to the Federal Reserve. The Disaster Distress Helpline, a federal crisis hotline, [received almost 900% more phone calls in March](#) compared to a year ago. A recent *JAMA Psychiatry* analysis warned that stay-at-home orders and rising unemployment are [a "perfect storm" for higher suicide](#) rates. A California health organization recently estimated that up to 75,000 Americans could [die from "despair"](#) as a result of the pandemic, unemployment, and government restrictions.

In the name of saving lives, politicians have entitled themselves to destroy an unlimited number of livelihoods. Politicians in many states responded to COVID-19 by dropping the equivalent of a Reverse [Neutron Bomb](#) - something which destroys the economy while supposedly leaving human beings unharmed. But the only way to assume people were uninjured is to believe their existence is totally detached from their jobs, bank accounts, and mortgage and rent payments.

Politicians have vaccinated themselves against any blame for the economic carnage by touting experts who said it was all necessary. Over the past 90 days, government bureaucrats have become a new priesthood that can sanctify unlimited sacrifices in the name of the public health.

COVID policymakers have written themselves the same letter that Cardinal Richelieu, the 17th century French statesman, purportedly gave to his agents: "The Bearer of This Letter Has Acted Under My Orders and for the Good of the State." This carte blanche was sufficient to place murders and other crimes above the law and beyond reproach in France. In contemporary America, the same exoneration is achieved by invoking "science" and "data."

Oregon Governor Kate Brown [banned residents from leaving their homes](#) except for essential work, buying food, and other narrow exemptions, and also banned all recreational travel. Six Oregon counties [have only one confirmed COVID case](#), and most of the state has minimal infections. But schools, businesses, and other activities were slammed shut by government command.

Michigan Governor Gretchen Whitmer imposed some of the most severe restrictions,

[prohibiting anyone from leaving their home](#) to visit family or friends. COVID infections were concentrated in the Detroit metropolitan area, but Whitmer shut down the entire state – [including northern counties with near-zero infections and zero fatalities](#), boosting [unemployment to 24% statewide](#). Her repression provoked fierce protests, and Whitmer responded by claiming that [her dictates saved 3,500 lives](#). Whitmer exonerated herself with a statistical formula that was painfully ethereal compared to the stark physical devastation in Michigan.

Kentucky Governor Andy Beshear’s shutdown order resulted in the highest rate [of unemployment in the nation – 33%](#). But according to Sen. Rand Paul, COVID’s impact in Kentucky “[has not been worse than an average flu season](#).” But that did not stop Beshear from banning people from attending church services and [sending Kentucky State Police](#) to attach notices to car windshields ordering church attendees to self-quarantine for 14 days and reporting them to local health departments.

Shutting down entire states, including vast uninfected rural swaths, is the economic equivalent of burning witches or sacrificing virgins to appease angry viral gods. Because politicians have no liability for the economic damage they inflict, they have no incentive to minimize the disruptions they decree. Trillions of dollars of new deficit spending will be vexing American workers for many years.

The state of Missouri has [sued the government of China](#), claiming it is liable for the losses inflicted by the virus that apparently originated in Wuhan, China. Most observers predict that lawsuit will go nowhere. But, thanks to sovereign immunity, it would be even more hopeless for American citizens to sue American politicians for the damage that their shutdown orders have inflicted on their businesses, paychecks, and lives.

Sovereign immunity creates a two-tiered society: those above the law and those below it; those whom the law fails to bind and those whom the law fails to protect. This legal doctrine almost guarantees that no politician will face any personal liability for their shutdown dictates.

Even New York Governor Andrew Cuomo, who [callously compelled nursing homes to accept COVID patients](#), will have no legal culpability for a policy that contributed to more than 5,000 nursing home deaths in his state. Pennsylvania [Health Czar Rachel Levine issued a similar order](#), contributing to thousands of nursing home deaths, and then [removed her own 95-year-old mother](#) from a nursing home to keep her safe.

Politicians presume they are blameless for destroying jobs as long as the victims receive temporary unemployment compensation. Actually, it is worse than that: politicians claim a right to seize a slice of the paychecks of people still working to recompense people whose jobs they destroyed. Would a private corporation be able to escape punishment for breaking people’s legs by giving free crutches to its victims?

“Better safe than sorry” is damned risky when politicians have no liability for what they ravage. There is no way that politicians can compensate American citizens for all the damage they have inflicted in this pandemic. This COVID shutdown catastrophe should be a permanent black mark against the political class and the experts who sanctified each and every sacrifice.

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