



**Thinking Critically**

# **Thinking Critically: The COVID-19 Pandemic**

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# Contents

<b>Foreword</b>	4
<b>Overview: The COVID-19 Pandemic</b>	6
<b>Chapter One: Do Pandemic Mandates Violate Individual Rights?</b>	
The Debate at a Glance	12
Pandemic Mandates Violate Individual Rights	13
Pandemic Mandates Protect Public Health	19
<b>Chapter Two: Have Lockdowns Been Worth the Economic and Social Harm?</b>	
The Debate at a Glance	25
Lockdowns Saved Lives and Communities Bounced Back	26
Lockdowns Did More Harm than Good	32
<b>Chapter Three: Has Vaccine Distribution Failed?</b>	
The Debate at a Glance	38
Vaccine Distribution Has Failed	39
Vaccines Reached Billions and Saved Lives	45
<b>Source Notes</b>	51
<b>COVID-19 Facts</b>	55
<b>Related Organizations and Websites</b>	57
<b>For Further Research</b>	59
<b>Index</b>	61
<b>Picture Credits</b>	64
<b>About the Author</b>	64

# Chapter One

## Do Pandemic Mandates Violate Individual Rights?

### Pandemic Mandates Violate Individual Rights

- Health care decisions are personal, private choices that should not be dictated by authorities.
- Mask and vaccine mandates are classic examples of government overreach.
- Mandates are not the best way to change people's behavior.
- Mandates can lead to discrimination and inequality.



### The Debate at a Glance

### Pandemic Mandates Protect Public Health

- A public health crisis outweighs individual rights.
- Some vulnerable people cannot make the choice to protect themselves.
- Mask and vaccine mandates save lives.

# Pandemic Mandates Violate Individual Rights

“We’re going to make sure people are able to make their own choices. We’re not going to discriminate against people based on those choices, and you’re going to have a right to operate in society.”

—Ron DeSantis, governor of Florida

Quoted in Alana Wise, “The Political Fight Over Vaccine Mandates Deepens Despite Their Effectiveness,” *Coronavirus Crisis*, National Public Radio, October 17, 2021. [www.npr.org](http://www.npr.org).

## Consider these questions as you read:

1. Do you agree that vaccine mandates violate the right to bodily autonomy? Why or why not?
2. How persuasive is the argument that allowing the government to issue mandates during a pandemic will lead to even more restrictions on freedom or privacy after the pandemic ends?
3. How could vaccine passports divide society? Do you think vaccine passports should be against the law? Why or why not?

Editor’s note: The discussion that follows presents common arguments made in support of this perspective, reinforced by facts, quotes, and examples taken from various sources.

To try to limit the impact of the COVID-19 pandemic, many governments, businesses, and organizations have ordered people to wear masks, prohibited large indoor gatherings, restricted people’s travel, or required proof of vaccination. Although it is indeed important for people to protect themselves and others from this deadly contagious disease, no one should mandate these protections. “If you want to wear a mask, great. I will never look down on you, have anything bad to say to you, do what you want. But the mandates are what I disagree with and I don’t think are right, especially now,”<sup>3</sup> Gina, a real estate agent in Pennsylvania, told Vox in 2020. Gina wore a mask at work, but

she disagreed with the idea of mask mandates. Many people feel the same way.

Pandemic-related mandates are an attack on people's personal freedom and a classic case of government overreach. The COVID-19 pandemic can be managed effectively without bureaucratic requirements and rules. People should not be penalized or prevented from participating in society over health decisions that should be personal and private.

## An Attack on Personal Freedom and Bodily Autonomy

Individualism, or the idea that every adult deserves to be treated as a self-sufficient person, is a core value in American culture. An individual should not be controlled by family, community, or any other group. Individualism is a cornerstone of democracy. Citizens in a free and democratic society should not to be told what to do—they should be given all the information they need to make their own decisions. The freedom to make decisions is especially important when it comes to personal health and bodily autonomy. Adults are responsible enough to educate themselves on how to best protect themselves and their families from COVID-19. Mandating protections violates their individual rights.

The US Constitution protects many individual rights under the Fourteenth Amendment, which says that states may not “deprive any person of life, liberty, or property, without due process of law.”<sup>4</sup> The US Supreme Court has repeatedly interpreted this

passage as protecting a person's right to privacy and bodily autonomy. In other words, people have the right to decide what happens to their own bodies. This has been a key issue in the fight for abortion rights and gay rights. A person also has the right to refuse unwanted medical treatment. In a 1990 decision, the Supreme Court said, “The forcible injection of medication into a noncon-

**“The forcible injection of medication into a nonconsenting person's body represents a substantial interference with that person's liberty.”<sup>5</sup>**

—US Supreme Court

senting person's body represents a substantial interference with that person's liberty."<sup>5</sup>

COVID-19 vaccination involves injection with a needle. So, requiring someone to get injected amounts to a breach of that person's rights. Despite this issue, many employers began requiring proof of vaccination for all workers in the summer and fall of 2021. Protesters took to the streets to defend their rights. Many used the phrase "my body, my choice."<sup>6</sup> Olivia Ravadge was one of dozens who turned out to protest her company's vaccine mandate in October 2021. She said, "We should not be forced to put something in our body that we don't want to and we're going to stand behind that."<sup>7</sup> Another protester, Garth Bonbargen, said, "We're not anti-vax. . . . We're just pro-choice."<sup>8</sup>

## Government Overreach

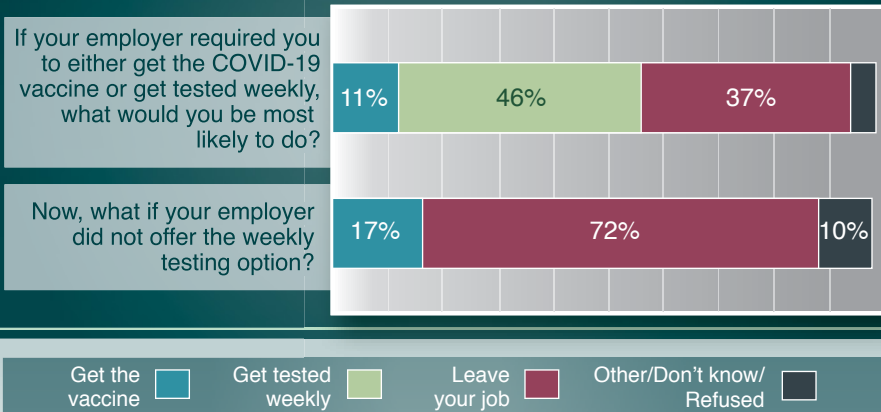
Many protesters argue that mandates are a slippery slope. If the government is allowed to mandate masks or vaccines now, then after the pandemic is over it may require people to surrender personal rights for other reasons. Michael Drones was at the same protest with Ravadge and Bonbargen. He said, "I feel mandates in general upon free citizens of this country is unconstitutional and if it starts here, when does it end?"<sup>9</sup>

To help prevent government overreach, the US Constitution limits the powers of the federal government. States have something called police powers, which allow them to pass laws to protect the health and safety of the public, but the federal government does not. Despite this history, President Joe Biden tried to put several different vaccine mandates in place during 2021. One would require most businesses to make their employees show proof of vaccination or get tested regularly. The Supreme Court blocked this mandate in January 2022, decreeing that the federal government could not use its powers in this way.

States have taken very different stances on mandates. As of December 2021, twenty-five states and thirty-nine cities had required vaccination for some workers, often health care workers

## Some Workers Would Rather Quit than Get Vaccinated

In October 2021 the Kaiser Family Foundation surveyed unvaccinated, employed Americans about what they would do if their employer mandated vaccination. Thirty-seven percent said they would leave their job rather than get the shot or get tested weekly. If weekly testing was not going to be an option, 72 percent said they would quit.



Source: Liz Hamel et al., "KFF COVID-19 Vaccine Monitor: October 2021," Kaiser Family Foundation, October 28, 2021. [www.kff.org](http://www.kff.org).

or public employees. However, two states had banned private employers from requiring their workers to get vaccinated. In addition, at least a dozen states had passed laws to stop local health officials from issuing other types of mandates. In Arkansas and Ohio, health officials are not allowed to mandate mask wearing. In Tennessee, health officials cannot close schools.

**“The American people should have the freedom to make the best decisions for their families, not be forced to comply with illegal mandates from a power hungry government.”<sup>10</sup>**

—Elise Stefanik, US representative from New York

Clearly, many Americans do not want the government meddling in their health decisions. Elise Stefanik, a representative from New York, said in a statement, “The American people should have the freedom to make the best decisions for their families, not be forced to comply with illegal mandates from a power hungry government.”<sup>10</sup> Jim Banks, a repre-

# Source Notes

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2. World Health Organization, “WHO Director-General’s Opening Remarks at the Media Briefing on COVID-19—11 March 2020,” March 11, 2020. [www.who.int](http://www.who.int).

## Chapter One: Do Pandemic Mandates Violate Individual Rights?

3. Quoted in Emily Stewart, “Anti-Maskers Explain Themselves,” Vox, August 7, 2020. [www.vox.com](http://www.vox.com).
4. Quoted in Nathan S. Chapman and Kenji Yoshino, “The Fourteenth Amendment Due Process Clause,” National Constitution Center, 2021. <https://constitutioncenter.org>.
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12. Quoted in Andrea Hsu, “Thousands of Workers Are Opting to Get Fired, Rather than Take the Vaccine,” *Morning Edition*, National Public Radio, October 24, 2021. [www.npr.org](http://www.npr.org).
13. Quoted in Sarah Maslin Nir, “Their Jobs Made Them Get Vaccinated. They Refused,” *New York Times*, October 24, 2021. [www.nytimes.com](http://www.nytimes.com).
14. Quoted in Eric Katz, “Meet the Federal Employees Who Will Refuse the COVID-19 Vaccine,” *Government Executive*, October 18, 2021. [www.govexec.com](http://www.govexec.com).



# COVID-19 Pandemic Facts

## How the Pandemic Started

- The first cases of COVID-19 emerged in Wuhan, China, during December 2019.
- The coronavirus SARS-CoV-2 causes the disease COVID-19.
- Most scientists agreed that SARS-CoV-2 most likely arose naturally, when a disease that could only infect animals mutated and began infecting humans.
- The first confirmed case of COVID-19 in the United States was a man from Washington State who was tested on January 18, 2020.
- WHO declared a pandemic on March 11, 2020.

## The Impact of the Pandemic

- Over 5.7 million people had died worldwide from COVID-19 as of February 2022, according to *Our World in Data*.
- The United States has had more confirmed cases and deaths than any other country worldwide, according to Statista.
- During 2020, one in three Americans caught COVID-19, according to a study published in *Nature*.
- Life expectancy in the United States dropped from 78.8 years in 2019 down to 77 years in 2020, according to the CDC.
- In December 2020 and January 2021, COVID-19 was the leading cause of death in the United States, passing cancer and heart disease, according to the Kaiser Family Foundation.

## COVID-19 Disease and Prevention

- COVID-19 symptoms include fever, chills, cough, shortness of breath, tiredness, body aches, headache, loss of taste or smell, sore throat, congestion, nausea, and diarrhea.
- An infected person who has no symptoms can still spread the virus to others. It spreads through the air when an infected person coughs, sneezes, talks, or sings.
- Anyone may get seriously sick or die of COVID-19, though the risk is greater for elderly people or people with certain health conditions.

# Related Organizations and Websites

## **Centers for Disease Control and Prevention (CDC)**

[www.cdc.gov](http://www.cdc.gov)

The CDC is the US government agency responsible for protecting the health of Americans. It is the source of up-to-date guidelines, scientific research, and information on all things related to the COVID-19 pandemic in the United States.

## **Coalition for Epidemic Preparedness Innovations (CEPI)**

<https://cepi.net>

An international organization, CEPI was launched in 2017 with the goal of developing vaccines that could help the world respond to future epidemics and pandemics.

## **COVAX**

[www.who.int/initiatives/act-accelerator/covax](http://www.who.int/initiatives/act-accelerator/covax)

COVAX is a project managed by WHO, along with partner organizations CEPI, Gavi, and the United Nations Children's Fund, to help distribute COVID-19 vaccines fairly among the countries of the world. Its motto is, "With a fast-moving pandemic, no one is safe, unless everyone is safe."

## **Gavi: The Vaccine Alliance**

[www.gavi.org](http://www.gavi.org)

This international organization was set up in 2000. It aims to save lives and protect health by bringing vaccines to children around the world.

## **Johns Hopkins University & Medicine, Coronavirus Resource Center**

<https://coronavirus.jhu.edu>

The Johns Hopkins University School of Medicine runs this website to keep the public, health care professionals, and policymakers informed about COVID-19. They provide the latest data on the pandemic and expert guidance to help guide preventive practices.

# For Further Research

## Books

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Debora MacKenzie, *COVID-19: The Pandemic That Never Should Have Happened and How to Stop the Next One*. New York: Hachette, 2020.

Andy Slavitt, *Preventable: The Inside Story of How Leadership Failures, Politics, and Selfishness Doomed the U.S. Coronavirus Response*. New York: St. Martin's, 2021.

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# Index

*Note: Boldface page numbers indicate illustrations.*

- ACLU, 22
- Adams, Kathleen, 50
- age and disease risk, 6
- anti-vaccination (anti-vax) movement, 43–44
- anxiety, 34
- Aon, 31
- Assefi, Nassim, 48
- Association of American Medical Colleges, 41
- Australia, 29
  
- Ballotpedia, 32–33
- Banks, Jim, 16–17
- Barouch, Dan, 46–47
- Bhandari, Esha, 18
- Bhatt, Samir, 27
- Biden, Joe
  - on responsibility that accompanies freedom, 19
  - on vaccination as best protection against COVID-19, 20
  - vaccine mandates and, 15
- BioNTech, 46
- Black people
  - efforts made to vaccinate, 48–49
  - fear and distrust of medical system by, 42–43
  - high exposure rate of, 22–23
  - loss of employment, 33, **35**
  - percentage vaccinated, 41
- Bohnak, Karl, 17
- Bonbargen, Garth, 15
- breakthrough infections, 9, 44
- Brogan, Karleigh Frisbie, 36
- Brookings Institution, 31, 43
- Business Insider (website), 28–29
- Butcher, Karen, 34
- Butcher, Matthew, 34
  
- Canada, 24, 40, **42**
- Cannon, Clare, 34
- Carl XVI Gustaf (king of Sweden), 29
- Case, Anne, 34–35
- Centers for Disease Control and Prevention (CDC), 9, 10–11
- China, lockdowns in, 28
- Cole, David, 22
- Commonwealth Fund, 45
- Congressional Research Service, 33
- COVAX program, 40, 50
- COVID-19
  - consequences of overcrowding in hospitals by unvaccinated, 20, 22
  - declared pandemic, 7
  - droplet spread of, 9
  - ease of spread by people without symptoms, 20
  - exponential growth of, 27
  - first reported to WHO, 7
  - mutations of
    - into more contagious variants, 8–9, 23
    - vaccinations and, 44
  - testing for, 37
  
- Dearden, Nick, 44
- deaths
  - American (by February 2022), 8
  - “deaths of despair,” 34–35
  - from drug overdoses, 34
  - global (by February 2022), 6
  - number of, prevented by vaccines, 45
  - preventable, of unvaccinated people, 44
  - Sweden compared to Norway, 28–29
- “deaths of despair,” 34–35
- del Rio, Carlos, 46
- Delta variant, 8–9, 44
- democracy, individualism as cornerstone of, 13
- depression, 34
- disease risk, 6–7
- domestic violence, 34
  
- Eberl, Jason T., 23
- education
  - during lockdowns, 31, 33–34, 36
  - spread of COVID-19 and, 34
- employment
  - age and race and loss of, 33, **35**
  - essential workers as victims, 36
  - lockdowns and, 29, 33, **35**
  - remote work, 22–23, 31
  - vaccine mandates and, 15, **16**, 17, 24
  
- Fauci, Anthony, 46
- “flattening the curve,” 27
- Food and Drug Administration (FDA), 10
- Fourteenth Amendment of US Constitution, 14
  
- Germany, **30**
- Ghebreyesus, Tedros Adhanom, 39–40
- Gounder, Celine, 47
- Government Executive* (digital publication), 17
- government overreach
  - mandates are, 15–18
  - US Constitution limits powers of federal government, 15
- Guo Jing, 32