



Covid-19: state governors assert control over US response as Trump struggles for a role

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A constitutional showdown between US states and the federal government over control of social distancing measures has ended in defeat for President Trump, whose claim this week to “total” authority was unceremoniously dismissed by governors, constitutional experts, and even some of his staunchest Republican allies.

On reopening the economy, “the president of the United States calls the shots,” Trump said at his daily briefing on 13 April. “When somebody’s the president of the United States, the authority is total,” he added.

But after a chorus of criticism and derision, he told a virtual meeting with governors on 16 April, “You are going to call your own shots.”

The week was marked by the formation of state coalitions, each representing over 50 million people, who will plan their response together. A western coalition includes California, Oregon, and Washington state. The north eastern coalition comprises New York, New Jersey, Connecticut, Pennsylvania, Delaware, and Rhode Island, and was later joined by the first Republican governed state, Massachusetts, which anticipates a difficult fortnight ahead.

On Thursday, a vast new collective formed, comprising Michigan, Wisconsin, Minnesota, Illinois, Kentucky, and Republican-governed Ohio and Indiana.

Before his meeting with the governors, Trump announced a face saving formula in which he would “be authorising each individual governor” to implement a “very powerful reopening plan of their state in a time and in a manner which is most appropriate.”

But the federal guidelines released at the meeting’s end were advisory only, the governors made clear, and Trump’s proposed 1 May deadline for “reopening the country” has gone the way of a previous 12 April deadline as governors said they would be guided by science. “I’m not going to allow anything bad to happen to the people I represent,” New York’s governor Andrew Cuomo said.

Trump’s leverage over the states has faded as his national stockpiles of ventilators and personal protective equipment (PPE) have dwindled. He had earlier suggested that governors who criticised his response might get less federal help. “They have to treat us well, also,” he said on 24 March.

Several governors accused him of favouring Republican states and those vital to his re-election, such as Florida, which received

more PPE than it requested while others saw only a fraction of their needs met.

The PPE stockpile is now empty, and thousands of the federally held ventilators turned out not to work as their maintenance contract was allowed to lapse in 2018.¹ California’s governor Gavin Newsom said that 200 ventilators dispatched to his state all had to be sent for repairs.

Trump has also undermined his own role by claiming that testing is the states’ job, as the US continues to struggle to achieve high per capita testing rates. “We want them to do it,” Trump said, “the states are much better equipped to do it.”

He may find that position untenable. At a virtual round table with business leaders on Wednesday, Trump’s claim that testing was “under control” met with scepticism from chief executives who told him that national testing infrastructure was not equal to the task of reopening workplaces.

Trump retains support from governors in the most conservative “red states.” These more rural states typically have fewer covid-19 cases and are likely to ease restrictions first. Many of them never locked down, a decision that may already be backfiring in Iowa, Arkansas, and both Dakotas.

Such disparities could exacerbate a new American phenomenon of untested legality: state police and National Guard checkpoints at state lines. No state has yet turned non-residents away—though some localities have—but several require visiting outsiders to sign promises to self-quarantine.

The country’s fragmented power structure has left some governors open to challenge in their own states. In Pennsylvania, the Republican controlled state senate passed bills reopening car dealerships and other businesses and challenged Democratic governor Tom Wolf to sign them.

Crowds sporting Trump merchandise and Confederate flags descended on state capitals in Kentucky, Pennsylvania, Michigan, and Ohio this week as conservative groups organised demonstrations against social distancing rules. In Kentucky they chanted “we want to work” and “facts over fear” during a speech by Democratic governor Andy Beshear.

In Lansing, Michigan, “Operation Gridlock” targeted governor Gretchen Whitmer, a frequent Trump critic. Organisers had asked for protesters to remain in their cars for safety, but many people crowded the pavement to chant “lock her up.”

- 1 Sanger D, Kanno-Youngs Z, Kulish N. A ventilator stockpile, with one hitch: thousands do not work. *New York Times*. 1 April 2020. www.nytimes.com/2020/04/01/us/politics/coronavirus-ventilators.html.

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