

Supreme Court Shifts Responsibility for Pandemic onto Legislature

Written by Citizen Action of Wisconsin Press

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What the state now must do to save lives and successfully open the economy is clear: will the GOP Legislature start doing its job?

Statewide: GOP legislative leaders may think they won a victory in their campaign to strip powers from Governor Evers, but they have actually shifted an immense burden of moral responsibility to themselves. The moral of the story for one Aesop's fables encapsulates the moment: Be careful what you wish for, less it comes true.

The scientific consensus is overwhelming on how to best save lives, and restore the level of public confidence necessary to safely re-open the economy. Now the leaders of the Legislature have a choice: actually cooperate with Governor Evers to do the hard work of quickly implementing an effective response, or continue their campaign of obstruction and face the moral and political consequences for the human and economic toll.



By their very acts of publicly undermining the Governor's popular emergency measures, and inducing the Wisconsin Supreme Court majority to render [one of the most divisive and nakedly partisan decisions in Wisconsin history](#), they have made the task harder by prematurely ending state-wide social distancing without any back up plan, and undermining the social unity and commitment to norms necessary to contain a pandemic.

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Because the Evers Administration took bold necessary action, and the millions of Wisconsinites who followed the directives voluntarily, no matter what the personal and economic sacrifice, Wisconsin made tremendous progress over the last 6 weeks in reducing the rate of infection. According to the [CEO of the Medical College](#), Wisconsin has the reproduction rate (the number of additional people each Covid positive person infects) down to 1.0, the minimum for moving to more targeted virus containment strategies. But if the [reproduction rate increases even slightly](#), to 1.1 or higher, the virus will within a few weeks begin spreading out of control.



We are in danger of losing all these hard won gains if the Legislature does not immediately fund, to whatever scale is necessary, a robust targeted containment strategy. There is an overwhelming scientific consensus, being pursued by the most effective pandemic responses around the globe, on what must be done to contain the pandemic and safely re-open the economy. There is no choice between public health and the economy. The economy will not bounce back until Wisconsinites feel safe, regardless of what politicians tell them to do.

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Fill the containment gap created by the sudden and premature ending of mandated social distancing with a well resourced and targeted approach that is capable of identifying and isolating new pockets of infection as soon as they emerge. This includes:

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Universal and rapid testing that reaches asymptomatic Wisconsinites and is immediately available in all at risk public and business locations.

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A massive ramp up in contract tracing which means hiring thousands of new public health workers.

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A medical surveillance system capable of rapidly intervening and isolating all of the new hotspots identified through testing and contact tracing.

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Free testing and treatment are a necessity because of cost barriers which are unique to the unique profit-centered American health care system. Without an enforced guarantee of no out of pocket costs, [hundreds of thousands of Wisconites will avoid testing and treatment, even if they have COVID-19 symptoms](#)

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Reinforce the norm of social distancing in all public interactions. In Wisconsin, there is much damage to repair. The mixed messages and the divide and conquer politics must end. GOP leaders must join Governor Evers in reinforcing this social ethic and dispense with their divisive rhetoric of oppression and liberation. The Supreme Court majority did the opposite in their [divisive and dog-whistle racism oral arguments](#)

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Create enforceable safety requirements for all workplaces. Workers cannot be forced to choose between their health and their livelihoods. (The WMC's preferred voluntary standards will not work, and were immediately violated by some taverns the evening of the Supreme Court ruling)

These core elements of effective and effective pandemic containment are not just Citizen Action's position, this is an overwhelming consensus of public health experts and responsible elected leaders across the globe. Some of these items will cost money, and if the majority of the

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Legislature will not invest the necessary resources, whatever it takes, the costs of inaction will be astronomical. The stakes could not be higher as Dr. Rick Bright, the former Director of Biomedical Advanced Research and Development Authority [testified in Congress today](#) : "Without clear planning and implementation of the steps that I and other experts have outlined, 2020 will be the darkest winter in modern history."

Wisconsin has done it before. In 1918, when there were three major parties and as much partisan contention as today, [Wisconsinites pulled together](#) to take unified action on the worst pandemic in our history. "Wisconsin was the only state in the nation to meet the crisis with uniform, statewide measures that were unusual both for their aggressiveness and the public's willingness to comply with them."

"We have entered a season of consequences. In a pandemic success depends on elected leaders putting aside the divisions of normal politics and pulling together to take effective and decisive action," said Robert Kraig, Executive Director of Citizen Action of Wisconsin. "The GOP leadership of the Legislature got what it wanted, and stripped the Governor of much of his power to lead in this crisis. The onus of responsibility now falls squarely on their shoulders. It is our hope that they will elevate their leadership to the demands of the challenge we face, and work in concert with Governor Evers to do not what is politically convenient but what is required to save lives."

See Citizen Action response to Wisconsin Supreme Court decision [here](#) .

Citizen Action case for free COVID 19 testing and treatment [here](#) .

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"One cannot make clear division between the innocent and the guilty. We are all involved, more or less, in the human, especially social, wrongs of our time." James Luther Adams