

Foreword

As lawyers, one of the most concerning aspects of the COVID-19 pandemic is the worsening of existing disparities among our most vulnerable citizens and clients. Many people were already hanging by a thread when the world abruptly shut down in March 2020. The pandemic's impact—and that of others that could follow—will likely reverberate for decades to come. Examining how the pandemic affected civil rights and civil liberties can help us restore rights and freedoms lost and improve protections for all of us.

COVID-19 threw the world off balance. Shutdowns interrupted commerce and threatened the livelihoods of billions of people. The shutdowns happened during a time of polarized politics in the United States and across the globe, and arguably widened inequalities and the chasms among citizens.

However, the pandemic has also led to some positive developments. We learned that humans and some of the systems that support them are resilient and adaptable. For some groups of workers, for example, working from home became more of a norm, and some data suggest that such flexibility has led to more efficiencies. Drastic reductions in driving and manufacturing significantly reduced greenhouse gas emissions. It seemed for a short time that we could possibly slow the pace of climate change. Food stamps and unemployment compensation were extended, eviction moratoriums slowed the ousting of people into homelessness, and data helped prove that even the minimum amount of tax assistance can help pull children out of poverty.

What the pandemic also exposed is that in times of great stress, the tension between civil rights and civil liberties can tighten. The past three years have brought to the surface that we are a country greatly divided and, in times of strain, the most vulnerable of people often bear the brunt when resources are scarce. The good news is that the COVID-19 pandemic provided a lens to examine the disparate impacts that the pandemic produced. Having seen and understood just how important rights and liberties are can help us find ways to better protect our clients and the foundations of our democratic system.

This book is divided into three sections. Thirty attorney experts from across the United States agreed to examine eighteen areas where the COVID-19 pandemic affected various

populations and ways of life. Each chapter describes the challenges faced by particularly vulnerable communities and suggests solutions as we move into the future.

In the first major section, the authors explore how our most fundamental rights were challenged by the pandemic. Housing insecurity—while so many were sequestered—was brought to the fore. The deadly virus also exposed the inadequacies of American health care, including reproductive health care for people of color and low-income communities and the LGBTQ community. The pandemic also sparked changes in how we vote and how we were able to practice our religions.

The book's next section looks beyond how COVID-19 challenged basic needs, including health care, housing, and the right to vote. Experts explore how the virus heightened threats to immigrants, people with disabilities, and historically disadvantaged students. Authors also examine the chronic underfunding of the Native American health system, the impact of the virus on Asian Americans, and the role that climate change played in the pandemic.

The third and final section describes ways forward including how lawyers and governments can work to alleviate the worst effects of the pandemic. A judge reimagines the courts after COVID-19 and explores ways we might increase access to justice. Another author explains how the pandemic has hurt incarcerated people and how we might minimize such harms. Others ponder how privacy rights and sharing information were complicated by the pandemic. Finally, we are told how the tax system became a conduit for delivering some economic relief during the first two years of shutdown and how the future of public health mandates may change to better protect us all.

What all the chapters point out is that the pandemic has brought us to a crossroads. We can take the same path we were on before March 2020, or we can learn from the past three years and carefully examine how making exceptions to long-standing norms can threaten other rights. We must work hard to understand how the unintended consequences of shutdowns and governmental mandates can exacerbate the inequities among us.

While we are at a crossroads, we also may be poised atop the proverbial slippery slope. We can and must find our footing together so that we do not fall. We hope you will find that this book provides some ideas for a good way forward.

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