

1-5-2021

Biological Threats Are National Security Risks: Why COVID-19 Should Be a Wake up Call for Policy Makers

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Recommended Citation

Rep. Eric M. Swalwell & R. Kyle Alagood, *Biological Threats Are National Security Risks: Why COVID-19 Should Be a Wake up Call for Policy Makers*, 77 WASH. & LEE L. REV. ONLINE 217 (2021), <https://scholarlycommons.law.wlu.edu/wlulr-online/vol77/iss2/1>

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Biological Threats Are National Security Risks: Why COVID-19 Should Be a Wake-up Call for Policy Makers

Representative Eric M. Swalwell*
R. Kyle Alagood**

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I. Introduction

COVID-19 demonstrates that a naturally occurring, communicable disease can threaten U.S. national security with deadly consequences. Upwards of 227,000 lives were lost in the United States due to COVID-19 between March and October 2020. Another 8.8 million people in the United States contracted the disease during the same time span. Those numbers continue to grow.¹ At the start of the pandemic, hospitals ran out of personal protective equipment for health care workers and life-saving ventilators for patients. The USS *Theodore Roosevelt* was almost entirely evacuated because sailors contracted the disease. Supply chains from toilet paper to pork were disrupted. For months, the nation's attention and resources were consumed by the disease. The U.S. president was hospitalized for three days due to COVID-19. And the country's highest-ranking military officers, the Joint Chiefs of Staff, were quarantined for two weeks in October after being exposed. COVID-19 revealed weaknesses in U.S. national security strategy, and the executive branch's response compounded the risks.

A national security strategy is the “nation's plan for the coordinated use of all the instruments of state power—nonmilitary as well as military—to pursue objectives that defend and advance its national interest.”² Perhaps the most straightforward national security objective is to protect the country from foreign invasion, but national security involves other objectives that aim to protect people in the United States as well as their values. For example, protecting U.S. elections from foreign interference is a security objective that advances the nation's interest in democratic governance. The outbreak of a highly contagious disease like COVID-19 strikes at the core of national security and the nation's interest in protecting its citizens from unnecessary harm.

National security experts have warned that infectious diseases could result in human suffering, economic losses, and

1. *Covid in the U.S.: Latest Map and Case Count*, N.Y. TIMES, <https://perma.cc/J9RU-HTCX> (last updated Nov. 23, 2020, 12:46 PM).

2. Terry L. Deibel, *Strategy, National Security*, in 5 INTERNATIONAL MILITARY AND DEFENSE ENCYCLOPEDIA 2577, 2577–78 (Trevor N. Dupuy et al. eds., 1993).

political instability.³ They have explained that a pandemic or large-scale bioterrorist attack could cause mass casualties, overwhelm the health care system, quickly deplete medical supplies needed for treatment and to protect health care workers,⁴ drain the workforce, and interrupt supply chains,⁵ leaving the United States susceptible to other security risks while resources are focused on mitigating the biological threat. COVID-19 affirmed their warnings.

This article begins with an overview of U.S. national security strategy: what it is and why it is necessary. Part II describes the *National Security Strategy of the United States* and the *National Biodefense Strategy*: what they do and how they should work together. In Part III, the article compares and contrasts two presidents' development and execution of strategies in response to national security crises: how President John F. Kennedy's handling of the Cuban Missile Crisis and President Donald J. Trump's response to the COVID-19 pandemic differed. Part IV explores the COVID-19 pandemic's immediate and long-term effects on U.S. national security. And Part V suggests ways to ensure policy makers are prepared to combat biological threats in the future.

II. Understanding National Security Strategy

Defense and national security strategy have existed throughout history, but rapid scientific and technological development during the twentieth century fundamentally

3. See HEALTH & MED. DIV., NAT'L ACADS. OF SCI., ENG'G & MED., GLOBAL HEALTH AND THE FUTURE ROLE OF THE UNITED STATES 59 (2017), <https://perma.cc/T8U4-8V4V> (PDF) ("Infectious disease outbreaks clearly impose terrible costs in terms of human suffering and mortality, as well as economic costs that threaten progress and stability in countries around the world, and that greatly exceed the costs of prevention and preparedness measures" (citations omitted)). See also *Milley: COVID-19 Will Have Lasting Impact on Military*, ASS'N U.S. ARMY (Apr. 16, 2020), <https://perma.cc/5U96-YM8K> [hereinafter ASS'N U.S. ARMY], for a U.S. military leader's description of how COVID-19 could affect economic and political stability.

4. See Roger Roffey et al., *Biological Weapons and Bioterrorism Preparedness: Importance of Public-Health Awareness and International Cooperation*, 8 CLINICAL MICROBIOLOGY & INFECTION 522, 525 (2002), <https://perma.cc/4HGV-XQLJ> (PDF) (noting the effect on the health care system of a bioweapon outbreak).

5. HEALTH & MED. DIV., *supra* note 3, at 53–55.

shifted security dynamics. In the past, national security strategy primarily focused on military threats abroad. Today, it broadly encompasses domestic and international threats, whether of a military or nonmilitary nature, including the threats posed by a naturally occurring communicable disease. Despite these advances, the core question for national security strategy now is fundamentally the same as it was centuries ago: how does a nation best utilize its resources to achieve desired security objectives?⁶

When the United States emerged from World War II as the global power, its military, intelligence, and foreign affairs capabilities were spread across numerous executive branch agencies. President Harry S. Truman and Congress recognized the need for a coordinated national security apparatus to ensure the United States could effectively respond to threats at home and around the world. After more than a year of negotiation with the Truman administration and military leaders, Congress passed the National Security Act of 1947⁷ to centralize the federal government's national security divisions and ensure the United States would have comprehensive, integrated policies for the protection of its people.⁸ Through the National Security Act, Congress reorganized the executive branch's military, intelligence, and foreign affairs operations; created the Central Intelligence Agency (CIA); and established the National Security Council. Over time, Congress has amended the National Security Act to reflect evolving threats and compel presidents to annually submit to Congress a comprehensive set of goals, objectives, and tactics for securing the country's interests at home and abroad.⁹

6. See DENNIS M. DREW & DONALD M. SNOW, MAKING TWENTY-FIRST-CENTURY STRATEGY: AN INTRODUCTION TO MODERN NATIONAL SECURITY PROCESSES & PROBLEMS 3–4 (2006), <https://perma.cc/4Z4Z-SHSL> (PDF) (describing the fundamentals of national security strategy in the modern military context).

7. Ch. 343, Pub. L. No. 80-253, 61 Stat. 495 (codified as amended at 50 U.S.C. §§ 3001–3238).

8. See Charles A. Stevenson, *The Story Behind the National Security Act of 1947*, MIL. REV., May–June 2008, at 13, 13 (overviewing negotiations relating to the National Security Act).

9. See, e.g., Goldwater-Nichols Department of Defense Reorganization Act of 1986, Pub. L. No. 99-433, 100 Stat. 992 (codified as amended in scattered sections of 10 U.S.C.).

The National Security Act did not spring forth fully formed from the head of a god, like Athena. It was born out of the United States' new role as world leader during an era defined by rapid scientific and technological change. That law and its progeny recognize that national security strategy is no longer synonymous with military strategy and foreign affairs. Threats are increasingly technological, complex, or diffuse, which magnifies the roles of data collection, subject matter expertise, and information sharing. The federal government needs the best-available data—including, in some instances, covert intelligence—in order to analyze and respond to potential threats. People with subject matter expertise must analyze the data to assess potential threats. And government officials must work together to develop a comprehensive national security strategy that lays out how the nation can efficiently utilize its resources to achieve desired outcomes in light of data and threat assessments.

As new threats emerged during and after World War II, the evolution of the United States' national security strategy, formalized under the National Security Act, explains how a naturally occurring novel virus like COVID-19 fits under the expanding umbrella of security strategy. Technological advancements emerging from the Industrial Revolution allowed countries to develop long-range weapons such as military aircraft, the atomic bomb, ballistic missiles, unmanned aerial vehicles, and other innovations that shattered the illusion of invulnerability of the United States' domestic facilities, which had been sheltered from conflict by two oceans.¹⁰ Scientific progression in the field of microbiology led countries to explore the weaponization of biological agents—bacteria, viruses, and fungi in particular—and to develop countermeasures for a biological attack.¹¹ And environmental degradation, easy travel among countries, and climate change increase the likelihood that naturally occurring pathogens will quickly spread around the world, making countries more susceptible to other security

10. DREW & SNOW, *supra* note 6, at 6–10; Roger Roffey et al., *Biological Warfare in a Historical Perspective*, 8 CLINICAL MICROBIOLOGY & INFECTION 450, 450 (2002), <https://perma.cc/VJ94-3ZTP> (PDF).

11. Roffey et al., *supra* note 4, at 523; Friedrich Frischknecht, *The History of Biological Warfare*, 4 EMBO REP. S47, S48 (2003), <https://perma.cc/A9GU-UGTM> (PDF).

threats as they focus resources on combatting disease outbreaks.¹²

III. Developing the National Security Strategy of the United States and National Biodefense Strategy

In 1986, Congress modified the National Security Act to require that the U.S. president issue a yearly report laying out the national security strategy of the United States.¹³ Although no president since Ronald Reagan has issued a yearly report, each president has produced at least one *National Security Strategy of the United States (NSS)* during each term in office.¹⁴ NSS reports reflect national and global realities, but they historically center on occurrences in nation-states. For example, the 1991 NSS came on the heels of the Gulf War, collapse of the Soviet Union, and a U.S. economic recession, so it focused on diplomatic cooperation among countries, democracy building in former Soviet states, and economic security at home.¹⁵ Then, following the 9/11 attacks, the United States shifted its focus from nation-states to non-state actors.

The 1990 NSS and successive reports had mentioned the national security threat posed by foreign nations' possession of biological weapons, but the threat posed by disease outside the military context was unmentioned until 1993. NSS reports from 1993 to 1997 treated disease predominantly as a threat to economic health. The 1999 NSS was the first to explain that an overseas outbreak of a naturally occurring disease could have "important implications for American security."¹⁶ Then, in 2001,

12. See Jim Robbins, *The Ecology of Disease*, N.Y. TIMES (July 14, 2012), <https://perma.cc/C62A-FGPD> (explaining the relationship between the environment and disease); JOSHUA W. BUSBY, CLIMATE CHANGE AND NATIONAL SECURITY 5–6 (2007), <https://perma.cc/W5TY-4AAP> (PDF) (describing the effects of climate change on national security).

13. 50 U.S.C. § 3043.

14. CATHERINE DALE, CONG. RSCH. SERV., R43174, NATIONAL SECURITY STRATEGY: MANDATES, EXECUTION TO DATE, AND ISSUES FOR CONGRESS 3 (2013), <https://perma.cc/XE5T-U9Z7> (PDF).

15. See generally WHITE HOUSE, NATIONAL SECURITY STRATEGY OF THE UNITED STATES (1991), <https://perma.cc/BY63-LNF5> (PDF).

16. See WHITE HOUSE, A NATIONAL SECURITY STRATEGY FOR A NEW CENTURY 1 (1999), <https://perma.cc/URV5-M85D> (PDF) ("Other problems

a series of anthrax attacks targeted national media and Congress, reshaping the threat dynamic to reflect the domestic threat posed by biological agents. During the month following the 9/11 terror attacks, an individual mailed letters containing anthrax to news outlets and two U.S. senators. The anthrax attacks killed five people and infected twenty-two others, sparking changes to federal law and prompting the George W. Bush administration to issue a directive laying out a national security strategy for future biotreats.¹⁷ President Barack Obama's administration expanded and built upon the Bush directive, emphasizing the need to protect global health security and track the emergence of communicable disease, whether naturally occurring or bioengineered.¹⁸

In 2015, a panel of national security experts convened the Blue Ribbon Study Panel on Biodefense, which found that “[t]he United States is underprepared for biological threats. Nation states and unaffiliated terrorists (via biological terrorism) and nature itself (via emerging and reemerging infectious diseases) threaten us.”¹⁹ The Blue Ribbon Study Panel found that the United States had no comprehensive national strategy for responding to biological threats, and responsibility was spread across more than a dozen federal agencies or departments, with more than four dozen federal officials in charge of biopreparedness.²⁰ The Blue Ribbon Study Panel's findings

originating overseas—such as resource depletion, rapid population growth, environmental damage, *new infectious diseases*, pervasive corruption, and uncontrolled refugee migration—have increasingly important implications for American security.” (emphasis added).

17. Rachel Long, *Bioterrorism in the 21st Century*, GLOB. AFFS. REV. (Apr. 11, 2018), <https://perma.cc/A6KG-3HMR>.

18. Gregory D. Koblentz, *From Biodefense to Biosecurity: The Obama Administration's Strategy for Countering Biological Threats*, 88 INT'L AFF. 131, 131–33 (2012), <https://perma.cc/U3FN-3XFV> (PDF).

19. Joseph I. Lieberman & Thomas J. Ridge, *Preface* to BLUE RIBBON STUDY PANEL ON BIODEFENSE, BIPARTISAN COMM'N ON BIODEFENSE, A NATIONAL BLUEPRINT FOR BIODEFENSE: LEADERSHIP AND MAJOR REFORM NEEDED TO OPTIMIZE EFFORTS, at iv (2015), <https://perma.cc/6LSB-6HST> (PDF).

20. *Id.*; Rachel Bartholomew & Kristin Omberg, *Making Sense of the 2018 National Biodefense Strategy*, BULL. ATOMIC SCIENTISTS (Jan. 18, 2019), <https://perma.cc/F6A7-X8FM> (“[T]he 2015 bipartisan report of the Blue Ribbon Study Panel on Biodefense warned that despite ‘a decade of profusion of policy directives,’ the United States had failed to produce a *comprehensive* biodefense strategy spanning prevention to recovery.” (emphasis added)).

spurred Congress to include a provision in the National Defense Authorization Act for Fiscal Year 2017 requiring the secretaries of Defense, Health and Human Services, Homeland Security, and Agriculture to develop a comprehensive national biodefense strategy.²¹

The Trump administration issued both an updated *NSS* and a *National Biodefense Strategy (NBS)*. The *NSS* explicitly addresses natural disease outbreaks such as COVID-19:

Biological threats to the U.S. homeland—whether as the result of deliberate attack, accident, or a natural outbreak—are growing and require actions to address them at their source At home, we will strengthen our emergency response and unified coordination systems to rapidly characterize outbreaks, implement public health containment measures to limit the spread of disease, and provide surge medical care—including life-saving treatments.²²

The *NBS* extends beyond a purely governmental approach to protecting against a biological threat. It lays out a plan for the federal government to work alongside state, local, tribal, medical, and industry leaders to prevent and mitigate biological risks.²³ It makes key assumptions about biological threats, whether naturally occurring, including that “[b]iological [t]hreats are [p]ersistent,” “[o]riginate from [m]ultiple [s]ources,” and “[d]o [n]ot [r]espect [b]orders.”²⁴ Among other prescriptions for responding to biological threats, the *NBS* calls for the federal government to “[d]evelop, exercise, and update prevention, response, and recovery plans and capabilities”; “[e]stablish capability to provide surge staffing, resources, and supplies” to state, local, and tribal governments’ public health departments; coordinate with all levels of government to develop clinical guidance for triage and management of disease outbreaks; conduct pre-incident planning for the distribution of federal medical countermeasures stockpiles, including personal

21. *Id.*; National Defense Reauthorization Act for Fiscal Year 2017, Pub. L. No. 114-328, 130 Stat. 2000.

22. WHITE HOUSE, NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA 9 (2017), <https://perma.cc/2VZ2-3ZK4> (PDF).

23. WHITE HOUSE, NATIONAL BIODEFENSE STRATEGY, at i (2018), <https://perma.cc/47X2-GFJD> (PDF).

24. *Id.* at 3–4.

protective equipment; and “provide clear, consistent, and coordinated information” to the public.²⁵

IV. *Executing the Strategy*

National security strategies can be effective only if decision makers have clear objectives and are capable of listening to diverse perspectives, digesting information, revising courses of action based on new data, and following through with the strategic plan. In contrast, a decision maker who distrusts experts, rejects intelligence, acts according to gut instincts, and rejects strategy can endanger national security. President John F. Kennedy’s handling of the Cuban Missile Crisis in 1962 is a case study in effective national security leadership. President Donald J. Trump’s response to COVID-19 illustrates how a capricious and disinterested decision maker can derail evidence-based strategy and endanger national security.

A. *The Cuban Missile Crisis*

Throughout 1962, the Soviet Union had increased its military presence in Cuba, leading President John F. Kennedy to issue a statement on September 4, laying out the United States’ national security objective vis-à-vis Cuba’s growing military relationship with the Soviet Union: “It continues to be the policy of the [U.S.] that the Castro regime will not be allowed to export its aggressive purposes by force or the threat of force. It will be prevented by whatever means may be necessary from taking action against any part of the Western Hemisphere.”²⁶ To put it succinctly, it was the policy of the United States that Cuba not acquire offensive or nuclear weapons capabilities. A month later, however, the world was on the brink of nuclear war, and the post-World War II national security reorganization passed by Congress would be put to the test.

On October 14, 1962, a U.S. Air Force reconnaissance flight captured photographs of what appeared to be Soviet nuclear

25. *Id.* at 16–18.

26. John F. Kennedy, President, U.S. Reaffirms Policy on Prevention of Aggressive Actions by Cuba, Statement Read to News Correspondents by Pierre Salinger, the White House Press Secretary (Sept. 4, 1962), in DEP’T ST. BULL., Sept. 1962, at 450.

missile installations in Cuba, which would mean Cuba had access to offensive weapons in violation of Kennedy's policy to keep such weapons out of the Castro regime's hands. Before sounding the alarm, military intelligence verified the images, then consulted with the CIA to ensure the data and analysis from the photographs were accurate. After verifying what the photographs showed, the CIA shared the information with National Security Advisor McGeorge Bundy. Bundy then presented the data and expert analysis to Kennedy.²⁷ The centralized and coordinated national security apparatus envisioned by Congress in the National Security Act of 1947 had worked. The military and CIA had worked together to gather and analyze data, then passed it along to the White House through the National Security Advisor. It was up to Kennedy to develop and execute a strategy that would achieve the United States' objective to keep offensive weapons out of Cuba.

Upon receiving a briefing from Bundy, Kennedy immediately assembled a group of advisers with expertise in national security, foreign affairs, and domestic affairs to assess the United States' resources and craft strategies to remove the missiles from Cuba. That group, known as ExComm (short for Executive Committee of the National Security Council), was comprised of cabinet members, military brass, diplomats, and intelligence officials, as well as trusted advisers who understood the potential political fallout in the United States. ExComm was tasked with reviewing data, including ongoing surveillance, and developing options for dealing with the missile threat. During ExComm meetings, Kennedy took charge. He engaged with maps, intelligence, and military tactics; challenged his advisers' ideas and pushed them to think through geopolitical repercussions of potential U.S. actions; and never stopped asking questions.²⁸

ExComm presented Kennedy with three main responses to remove the missiles from Cuba: Military action, diplomacy, or a blockade. Military action included air strikes against the missile

27. THE CUBAN MISSILE CRISIS, 1962: A NATIONAL SECURITY ARCHIVE DOCUMENTS READER 358–59 (Laurence Chang & Peter Kornbluh eds., 1992).

28. See McGeorge Bundy & James G. Blight, *October 27, 1962: Transcripts of the Meetings of the ExComm*, 12 INT'L SEC. 30 (1987), <https://perma.cc/XUD6-Q85Y> (PDF) (transcribing and annotating presidential recordings of ExComm meetings).

sites, wider air strikes against the missile sites and military targets, invasion, or some combination thereof. Diplomatic efforts centered on offering to remove U.S. nuclear missiles from Turkey in exchange for the removal of Soviet nuclear missiles in Cuba. And a blockade would involve either preventing arms from reaching Cuba or cutting off all supplies from reaching the island.²⁹ On October 24, before settling on a course of action, Kennedy consulted with congressional leaders representing both parties in the House and Senate to get their input on responding to the crisis. Like many ExComm members including all Joint Chiefs of Staff, congressional leaders favored strong military intervention and thought a blockade would be the weakest response.³⁰

Throughout the crisis, Kennedy was reticent about military intervention, and a blockade under international law would presume the existence of armed conflict. After days of deliberating with experts and consulting with Congress, Kennedy settled on a strategic plan to get the missiles out of Cuba. He would publicly announce a blockade (euphemistically referred to as a “quarantine” to avoid the international law implications) to prevent Soviet weapons from entering Cuba and privately enter into a diplomatic deal to remove U.S. Jupiter missiles from Turkey in exchange for the removal of Soviet missiles from Cuba. Congress and the public would know about the quarantine, but the diplomatic exchange would remain secret to all but a few individuals inside the Kennedy administration. Kennedy followed through with his two-pronged plan, despite pressure from military leaders and high-ranking members of Congress to pursue a more aggressive strategy. His strategy worked. The Soviet Union withdrew its missiles from Cuba, the United States later withdrew its missiles from Turkey, and the immediate threat of nuclear war dissipated.

29. *Id.*

30. 2 THE PRESIDENTIAL RECORDINGS: JOHN F. KENNEDY 52–81 (Timothy Naftali & Philip Zelikow eds., 2001).

B. *The COVID-19 Pandemic*

President Donald J. Trump's response to COVID-19, the global pandemic that shut down much of the United States for most of 2020, demonstrates how national security threats can cripple the country if left unmitigated. On December 31, 2019, Wuhan Municipal Health Center in China reported a cluster outbreak of pneumonia with an unknown cause. During the first week of January 2020, the cause was identified as a novel coronavirus, which was labeled SARS-CoV-2. Shortly after SARS-CoV-2 was identified, the disease it caused, referred to as COVID-19, spread to Thailand, Japan, South Korea, Europe, and the United States. On January 20, the first identified case of COVID-19 appeared in the United States, and on January 30, the U.S. Centers for Disease Control and Prevention (CDC) reported the first case of human-to-human transmission of COVID-19 in the country.³¹

The Trump administration was not without a plan for dealing with a national-security threat in the form of a contagious disease. It was without leadership. Despite his own administration having released a *National Biodefense Strategy*, Trump's plan for COVID-19 was to "Just stay calm. It will go away."³² The *NBS* called for the federal government to develop, practice, and revise a biothreat response plan, but a year and a half before COVID-19 began spreading around the world, the Trump administration dismantled the National Security Council's pandemic response team.³³ Trump would not appoint a centralized COVID-19 response team until the disease had infected at least sixty people in the United States. And unlike Kennedy, who took an active leadership role in ExComm

31. *A Timeline of COVID-19 Developments in 2020*, AM. J. MANAGED CARE (July 3, 2020), <https://perma.cc/7EFW-L9TK>.

32. President Donald J. Trump, *Remarks by President Trump After Meeting with Republican Senators*, WHITE HOUSE (Mar. 10, 2020, 1:57 PM), <https://perma.cc/2LFU-ZELB>.

33. Deb Reichmann, *Trump Disbanded NSC Pandemic Unit That Experts Had Praised*, U.S. NEWS & WORLD REP. (Mar. 14, 2020), <https://perma.cc/QX79-UHHX>.

meetings, Trump only sporadically attended meetings of the response team.³⁴

The *NBS* called for the federal government to plan in advance for the distribution of federal medical countermeasures stockpiles, including personal protective equipment, and to provide resources and supplies to state, local, and tribal governments, but the Strategic National Stockpile ran out of N-95 respirators and other medical equipment direly needed by health care providers during the COVID-19 pandemic. A senior advisor to Trump contradicted the *NBS* and said that the stockpile was “not supposed to be states’ stockpiles that they then use,” then the Trump administration revised the Strategic National Stockpile’s website to downplay the federal government’s role regarding the provision of resources and supplies to states during a disease outbreak.³⁵ And the *NBS* emphasized the need for clear, consistent, and coordinated information from the federal government during a biological event, a strategy President Trump ignored as he openly contradicted his own experts’ assessments and publicly floated unscientific (and sometimes life-threatening) ideas for treating COVID-19.³⁶

Throughout his tenure in office, Trump had attacked the intelligence community, going as far as describing his own intelligence officials as “passive and naive” and telling them to “go back to school” while they testified in Congress about threats emanating from Iran.³⁷ Trump’s distrust of the intelligence community helps explain, in part, his slow response to COVID-19. Whereas Kennedy relied heavily on data and

34. Ashley Parker, Yasmeen Abutaleb & Josh Dawsey, *Trump Administration Has Many Task Forces—But Still No Plan for Beating COVID-19*, WASH. POST (Apr. 11, 2020, 8:45 PM), <https://perma.cc/9EQP-K47G>.

35. Adam Clark Estes, *America’s Emergency Medical Stockpile is Almost Empty. Nobody Knows What Happens Next.*, VOX, <https://perma.cc/DXH9-KTCR> (last updated Apr. 7, 2020, 11:20 AM).

36. See Libby Cathey, *Trump Versus the Doctors: When the President and His Experts Contradict Each Other*, ABC NEWS (Apr. 24, 2020, 6:55PM), <https://perma.cc/S6VW-W2H3>.

37. Donald J. Trump (@realdonaldtrump), TWITTER (Jan. 30, 2019, 7:50 AM), <https://twitter.com/realdonaldtrump/status/1090608298343190528>; Donald J. Trump (@realdonaldtrump), TWITTER (Jan. 30, 2019, 7:56 AM), <https://twitter.com/realdonaldtrump/status/1090609577006112769>.

intelligence to inform his plans to mitigate the Cuban Missile Crisis, Trump ignored warnings from intelligence officials, epidemiologists, and global health experts about COVID-19. By mid-January 2020, U.S. national security intelligence was clear that COVID-19 was a pandemic risk that could reach the United States. According to *Washington Post* reporting, COVID-19 comprised a majority of the intelligence data in the President's Daily Brief,³⁸ which is a daily summary of the most pressing high-level intelligence produced for and presented to the president. Intelligence reports presented to the president became an "insistent drumbeat" warning about the danger of COVID-19 in the United States, according to administration officials.³⁹ In a February 7 phone call with journalist Bob Woodward, Trump privately said that COVID-19 "goes through air. . . . You just breathe the air and that's how it's passed. . . . It's also more deadly than your strenuous flus. . . . This is deadly stuff."⁴⁰ In public, Trump downplayed the risk. On February 19, he proclaimed, "I think it's going to work out fine. I think when we get into April, in the warmer weather, that has a very negative effect on [COVID-19]."⁴¹ Without evidence, he told the country, "the Coronavirus is very much under control in the USA."⁴² On February 26, he stated, again without evidence, that "within a couple of days[, COVID-19] is going to be down to close to zero."⁴³ During a *Fox News* interview on March 4, Trump called COVID-19 the

38. Greg Miller & Ellen Nakashima, *President's Intelligence Briefing Book Repeatedly Cited Virus Threat*, WASH. POST (Apr. 27, 2020, 4:22 PM), <https://perma.cc/3WRU-HJMA>.

39. *Id.*

40. Robert Costa & Philip Rucker, *Woodward Book: Trump Says He Knew Coronavirus was 'Deadly' and Worse Than the Flu While Intentionally Misleading Americans*, WASH. POST (Sept. 9, 2020, 10:55 AM), <https://perma.cc/QGD2-YBL6> (interview with President Donald J. Trump available in audio player captioned, "Listen: In a Feb. 7 interview, when asked what Chinese President Xi Jinping told him about the virus, Trump says, 'This is deadly stuff.'").

41. Interview by Kari Lake, Fox 10 Phoenix, with President Donald J. Trump (Feb. 19, 2020), <https://perma.cc/XU4Y-TFBK>.

42. Donald J. Trump (@realdonaldtrump), TWITTER (Feb. 24, 2020, 3:42 PM), <https://twitter.com/realdonaldtrump/status/1232058127740174339>.

43. Jonathan Chait, *Trump: I Was Right, Coronavirus Cases 'Will Go Down to Zero, Ultimately'*, N.Y. MAG. INTELLIGENCER (Apr. 28, 2020), <https://perma.cc/R8YY-BGBE>.

“corona flu” then implied that COVID-19 was less lethal than influenza.⁴⁴ Unlike Kennedy, who digested intelligence reports on the Soviet threat in Cuba and took the matter seriously, Trump appears not to have trusted the intelligence and data on COVID-19, which delayed the federal response to the disease and foreclosed the possibility of containment.

It is not just Trump’s distrust of data and delayed action on COVID-19 that contrasts with Kennedy’s response to Soviet missiles in Cuba. Kennedy actively engaged with data and respected the role of experts, even those who did not agree with him. He assembled an expert advisory group within hours of receiving intelligence assessments about the Soviet missiles in Cuba. He included the Joint Chiefs of Staff in that group, even though Kennedy distrusted them after the failed Bay of Pigs invasion. Trump and his administration, on the other hand, showed disdain for expertise. Only after COVID-19 had begun to spread in the United States did Trump begin to take the disease seriously and appoint a task force on COVID-19. The task force was comprised of preeminent infectious disease experts including Dr. Anthony Fauci, head of the National Institute of Allergy and Infectious Diseases; Dr. Deborah Birx, who is a leading expert on HIV/AIDS and global health; Surgeon General Jerome Adams; and other administration officials; but Trump publicly contradicted his own experts’ assessments when they did not fit with his worldview. For example, at an April 21 briefing, CDC Director Dr. Robert Redfield warned that a second wave of COVID-19 could be deadlier than the first wave, then Trump claimed the opposite: “[W]e will not go through what we went through for the last two months . . . It might not come back at all.”⁴⁵ Dr. Fauci had to correct the president, saying, “We will have coronavirus in the fall. I am convinced of that because of the degree of transmissibility that it has, the global nature.”⁴⁶ Perhaps most tellingly, Trump, who is not a doctor, began promoting the untested, off-label use of a prescription drug called hydroxychloroquine to treat COVID-19,

44. Aaron Rupar, “*This Is Just My Hunch*”: *Trump Goes on Fox News and Spreads Misinformation About the Coronavirus*, VOX (Mar. 5, 2020, 10:45 AM), <https://perma.cc/3U8V-NNFV>.

45. Cathey, *supra* note 36.

46. *Id.*

despite experts' warnings that the drug could have dangerous complications and had not been shown to affect COVID-19.⁴⁷

Starting in March, while Trump was still downplaying the virus's risk, states began issuing shelter-in-place orders, shutting down non-essential businesses, travel, and gatherings to slow the spread of COVID-19. On April 19, after the United States had been at a standstill for more than a month, Trump, in consultation with the task force and public health officials, released a strategy to safely reopen the country in phases as states meet certain criteria with regard to COVID-19 cases. The strategy's first phase would allow for states to begin opening certain sectors, excluding schools and other areas where social distancing is difficult, provided that a state had seen a decline of documented COVID-19 cases over a two-week period or a decline in positive tests as a percent of total COVID-19 tests over a two-week period.⁴⁸ A week later, Trump seemed to abandon his own reopening strategy and the advice of public health experts, telling governors to "start thinking about school openings."⁴⁹ By May, he had entirely abandoned his own strategy and was commending states for reopening even though

47. Jordan Culver & Rebecca Morin, *He's Answered That Question: Trump Interrupts When Reporter Asks Fauci About Hydroxychloroquine*, USA TODAY (Apr. 6, 2020, 11:23 AM), <https://perma.cc/3USR-QFD6>. On May 18, 2020, Trump announced that he was taking hydroxychloroquine as a prophylactic, despite the Food and Drug Administration having warned against the use of hydroxychloroquine for COVID-19 treatment outside a hospital setting due to the drug increasing a person's risk of heart problems. Trump suffers from heart disease. In October, he contracted COVID-19 and was hospitalized. Annie Karni & Katie Thomas, *Trump Says He's Taking Hydroxychloroquine, Prompting Warning from Health Experts*, N.Y. TIMES (May 18, 2020), <https://perma.cc/6C3C-BZ6E>; Sanjay Gupta, *President Trump Has Common Form of Heart Disease*, CNN (Feb. 1, 2018, 3:03 PM), <https://perma.cc/W5C5-S26G>; Kevin Liptak, *Trump Taken to Walter Reed Medical Center and Will Be Hospitalized 'For the Next Few Days'*, CNN (Oct. 3, 2020, 1:19 AM), <https://perma.cc/FYB8-EVPV>.

48. WHITE HOUSE & CTRS. FOR DISEASE CONTROL & PREVENTION, GUIDELINES FOR OPENING UP AMERICA AGAIN (2020), <https://perma.cc/P4H7-KQG3> (PDF).

49. Katherine Faulders & Ben Gittleson, *Trump Encourages Governors to 'Seriously Consider' Reopening Schools*, ABC NEWS (Apr. 27, 2020, 3:25 PM), <https://perma.cc/P6SF-JJVU>.

they had not met the phase-one criteria,⁵⁰ a move Dr. Fauci said may cause “suffering and death that could be avoided.”⁵¹ In the seven months following Dr. Fauci’s warning, COVID-19 cases spiked, killing more than 180,000 Americans.⁵²

V. *Immediate and Long-Term Effects of COVID-19 on National Security*

COVID-19’s effects on U.S. national security evolved as the country sporadically emerged from months of social distancing and local shelter-in-place orders; however, it is clear that the pandemic harmed military readiness, laid bare to all that the United States is susceptible to biological threats, and helped cultivate violent extremism.

A. *Immediate Effects on Military Readiness and Security*

The nature of military readiness requires large groups of service members to live, train, and work together in proximity. Starting in March 2020, the U.S. military reported that between 100 and 200 service members each day were testing positive for COVID-19.⁵³ By late May, the U.S. Department of Defense reported 6,168 cumulative cases of COVID-19 in the military, with more than 3,000 additional cases among military dependents, contractors, and civilian workers.⁵⁴ The cumulative number of Department of Defense COVID-19 cases in early October exceeded 47,500 military service members, 10,000

50. Toluse Olorunnipa, Griff Witte & Lenny Bernstein, *Trump Cheers on Governors Even as They Ignore White House Coronavirus Guidelines in Race to Reopen*, WASH. POST (May 4, 2020, 9:10 PM), <https://perma.cc/9RY8-UFGW>.

51. John Wagner et al., *Fauci Warns Senate That Reopening U.S. Too Quickly Could Lead to Avoidable ‘Suffering and Death’*, WASH. POST (May 12, 2020, 2:36 PM), <https://perma.cc/NMK5-R5X7>.

52. *Compare COVID-19 United States Cases by County*, JOHNS HOPKINS UNIV. (2020), <https://perma.cc/7SC5-VLCT> (totaling 259,900 deaths as of November 24, 2020), *with US Historical Data*, COVID TRACKING PROJECT, ATLANTIC, <https://perma.cc/9HLH-WXR7> (last updated Dec. 21, 2020) (totaling 79,040 deaths as of May 12, 2020).

53. Meghann Myers, *The Military Continues to Diagnose More Than 100 New COVID-19 Cases a Day*, MIL. TIMES (Apr. 20, 2020), <https://perma.cc/T3BP-K53V>.

54. Jennifer-Leigh Oprihory, *Snapshot: DOD and COVID-19*, AIR FORCE MAG. (May 27, 2020), <https://perma.cc/Z7XH-CCLM>.

civilian workers, 6,000 military dependents, and 4,000 contractors, with nearly 100 deaths recorded.⁵⁵

On March 24, the USS *Theodore Roosevelt* (*TR*) reported that three service members had contracted COVID-19. The Department of Defense evacuated those service members but did not remove other sailors or sanitize the ship. The *TR*'s captain, Brett Crozier, sent a letter to his superiors and other Navy officials, complaining that the Navy was not adequately responding to the threat COVID-19 posed for sailors. Crozier wrote that the *TR* was unable to implement social-distancing guidelines recommended by the CDC and U.S. Navy, and urged evacuation of all service members except a small crew to maintain the ship's reactor. In his letter, Crozier said, "Decisive action is required now in order to comply with CDC and [Navy] guidance and prevent tragic outcomes."⁵⁶ Following the letter, the Navy began evacuating sailors from the *TR* to quarantine in Guam, then relieved the captain of duty, ostensibly for exercising poor judgment.⁵⁷ By April 3, the aircraft carrier had reported more than 100 positive cases.⁵⁸ Nearly 1,200 sailors out of 4,865 onboard ultimately tested positive for COVID-19.⁵⁹ After two months of quarantine, the *TR* reentered service with precautions against COVID-19, including mandatory face masks, but thirteen sailors retested positive weeks later.⁶⁰ The *TR*'s struggle to contain and mitigate COVID-19 is a microcosm

55. Jennifer-Leigh Oprihory, *Snapshot: DOD and COVID-19*, AIR FORCE MAG. (Oct. 7, 2020), <https://perma.cc/JH3F-W4C3>.

56. Matthias Gafni & Joe Garofoli, *Exclusive: Captain of Aircraft Carrier with Growing Coronavirus Outbreak Pleads for Help from Navy*, S.F. CHRON. (Mar. 31, 2020), <https://perma.cc/2JRN-VLQY> (last updated June 8, 2020).

57. Bradley Peniston & Kevin Baron, *Aircraft Carrier Captain Fired for 'Poor Judgement' in Sending Coronavirus Letter*, DEF. ONE (Apr. 2, 2020, 7:18 PM), <https://perma.cc/7ZX9-5F7B>.

58. Lindsay Cohn, Alice Friend & Jim Golby, *This Is What Was So Unusual About the U.S. Navy Making Captain Brett Crozier Step Down*, WASH. POST (Apr. 5, 2020, 6:00 AM), <https://perma.cc/PN69-PPVJ>.

59. Luis Martinez, *USS Theodore Roosevelt Captain Confident Ship Can Deal With New COVID-19 Cases*, ABC NEWS (May 23, 2020, 1:36 PM), <https://perma.cc/5RTB-PYTJ>.

60. Sarah McCammon, *13 USS Roosevelt Sailors Test Positive for COVID-19, Again*, NPR (May 16, 2020, 11:46 AM), <https://perma.cc/4XBH-83GE>.

of how a communicable disease can damage military readiness on a larger scale.

COVID-19 did more than hamper immediate military readiness. Its disruptions may have long-lasting consequences for the nation's armed forces. The pandemic forced the military to postpone exercises that are critical for ensuring U.S. service members and allied forces can quickly respond to military threats.⁶¹ Social-distancing measures, necessary for mitigating the spread of COVID-19, interrupted military recruitment, leading to a decrease in the number of people entering military training and creating a gap that is likely to cause the military to fall short of its end-strength goals.⁶² At the same time, according to General Mark Milley, Chairman of the Joint Chiefs of Staff, "There's significant stress as a result of this COVID-19 virus on the internal politics in other countries, on their economies, on resources. There is an increased probability or at least a risk of instability, significant instability, in some countries,"⁶³ which heightens the need for U.S. military forces to be at peak operational performance in a post-COVID-19 world.

Above COVID-19's direct impact on military readiness, the pandemic showed the United States' susceptibility to a targeted biological attack, which likely would involve pathogens, perhaps bioengineered, that could be deadlier and more easily transmittable than COVID-19; and failure of governments, even in high-income nations, to contain the virus

61. See Ryan Browne & Zachary Cohen, *US Military Curtails Another Major Exercise Due to Coronavirus Pandemic*, CNN (Mar. 16, 2020, 1:29 PM), <https://perma.cc/R95J-ENX2> (covering the curtailment of U.S. military exercises); Barbara Starr, *US-South Korea Military Exercises Expected to be Scaled Back Due to Coronavirus*, CNN (Feb. 25, 2020, 2:31 PM), <https://perma.cc/TJ9H-3HH8> (describing the cancellation of US-South Korea joint exercises and effects on long-term security); see also *Exercises and Training*, SUPREME HEADQUARTERS ALLIED POWERS IN EUR., N. ATL. TREATY ORG., <https://perma.cc/Z4UP-SLVB> (explaining why joint military exercises are necessary).

62. Jennifer Steinhauer, *No More 'Kneecap to Kneecap' Talks: Coronavirus Hinders Military Recruiting*, N.Y. TIMES (May 20, 2020), <https://perma.cc/R93K-L4UV>; Brian W. Everstine, *DOD's End Strength Takes Hit Because of Coronavirus*, AIR FORCE MAG. (Apr. 28, 2020), <https://perma.cc/NHT9-86JM>.

63. ASS'N U.S. ARMY, *supra* note 3.

likely made biological attacks more attractive to terrorists.⁶⁴ At its height in the spring of 2020, COVID-19 overwhelmed hospitals in cities across the United States, which put lives at risk and made the nation susceptible to other threats as health care resources quickly dried up across the country. The Trump administration had allowed the National Strategic Stockpile to become so woefully depleted that the federal government initially distributed only 11.7 million N-95 respirators, which accounted for 90 percent of the nation's reserves—even though the Trump administration estimated the United States would need 3.5 billion masks.⁶⁵ Facing a critical shortage of ventilators needed to help patients with severe COVID-19 symptoms breathe, hospitals were forced to modify ventilators to serve more than one patient and consider do-not-resuscitate orders for some patients in order to ensure those most likely to recover had access to the life-saving devices.⁶⁶ And COVID-19 hotspots quickly ran short on health care professionals, which required tens of thousands of doctors and nurses from areas with low rates of COVID-19, even those trained in fields unrelated to the

64. See ANDREW SILKE, POOL RE SOLS., COVID-19 AND TERRORISM: ASSESSING THE SHORT- AND LONG-TERM IMPACTS 7 (2020), <https://perma.cc/3K4X-87QW> (PDF) (“One genuine concern is that COVID-19 may lead to a resurgence in interest among terrorists for using [Chemical, Biological, Radiological, and Nuclear] weapons.”); Gary Ackerman & Hayley Peterson, *Terrorism and COVID-19: Actual and Potential Impacts*, 14 PERSPS. ON TERRORISM 59, 64 (2020), <https://perma.cc/35QW-5EP2>

The inability of even highly developed countries to stop the spread of the virus and the often incoherent and delayed responses of authorities at all levels have exposed the myriad weaknesses present in global public health systems. Such outcomes will not go unnoticed by terrorist groups, who will remember these impacts when seeking new means to achieve their goals. It must be remembered that a key strategy of terrorism is to inflict psychological damage on populations as a means of coercion The societal disruption, economic damage, and deaths caused by COVID-19 are a perfect script for the theatre of terrorism.

65. Press Release, Comm. on Oversight & Gov't Reform, House of Representatives, New Document Shows Inadequate Distribution of Personal Protective Equipment and Critical Medical Supplies to States (Apr. 8, 2020), <https://perma.cc/7PNB-M3HD>.

66. *Amid Grave Shortage of Ventilators, Some Hospitals Start Sharing Between Patients, Searching for Alternatives*, KAISER HEALTH NEWS (Mar. 26, 2020), <https://perma.cc/5DRM-HYMK>.

disease, to voluntarily travel to alleviate the shortage of medical staff in hard-hit areas.⁶⁷

By March 31, the outbreak's epicenter had shifted from the West Coast to New York City, where COVID-19 cases numbered 38,000. Hospitals, overwhelmed with COVID-19 patients and resultant deaths, set up makeshift morgues in refrigerated trucks. Hospitals ran out of personal protective equipment, such as N-95 respirators and gowns, and ventilators. Health care professionals were left to improvise, wearing homemade cloth masks, using trash bags as gowns, and modifying ventilators to serve two patients at a time.⁶⁸ Within a few months of COVID-19 entering the United States, thousands of health care workers had contracted the disease, and hundreds of them died.⁶⁹ COVID-19 overwhelmed the country's health care system, resulting in deaths that might have been prevented had the executive branch followed its own national security and biodefense strategies, but the effects of a health care system stretched beyond its capacity did not end there. More than 259,000 lives in the United States were lost to COVID-19 in just eight months,⁷⁰ demonstrating to bad actors that a biological event could efficiently cause deaths on a scale greater than the detonation of a 150 kiloton W-80 thermonuclear warhead in San Francisco.⁷¹

67. Christina Farr, *Doctors and Nurses Are Signing Up for the Coronavirus Fight in Hotspots Like New York, but Many Fear They'll Be Needed Back Home*, CNBC (Apr. 9, 2020, 4:07 PM), <https://perma.cc/E7NE-QRZR>.

68. Michael Rothfeld et al., *13 Deaths in a Day: An 'Apocalyptic' Coronavirus Surge at an N.Y.C. Hospital*, N.Y. TIMES (Mar. 25, 2020), <https://perma.cc/KXX8-CSR7> (last updated Apr. 14, 2020).

69. Will Stone & Carrie Feibel, *COVID-19 Has Killed Close to 300 Health Care Workers, New Data from CDC Shows*, NPR (May 28, 2020, 6:00 AM), <https://perma.cc/GR25-HUDG>.

70. See *supra* note 52 and accompanying text.

71. See NUKEMAP, NUCLEAR SECRECY BLOG, <https://perma.cc/8MKY-PFJM>. NUKEMAP is an educational resource created by Alex Wallerstein, an Assistant Professor of Science and Technology Studies at Stevens Institute of Technology, for evocative modeling. *Frequently Asked Questions About the NUKEMAP*, NUCLEAR SECRECY BLOG, <https://perma.cc/ZYD5-UDAH> (last updated June 2019).

B. *Long-Term Effects on Race-Based and Anti-Government Violence*

The long-term effects of COVID-19 on national security will not be known until long after the pandemic has ended, but the disease itself and the Trump administration's bungled response have made the United States more susceptible to violent extremism.

As COVID-19 spread across the globe, governments sought to contain the deadly virus by restricting public gatherings and social interaction. Many countries, including the United States, shut down all but the most essential businesses and limited public interactions.⁷² Much of the retail, food, and drink industries in the United States, which employ 26 million people, shuttered almost overnight.⁷³ Schools closed. Courts went online. COVID-19 disrupted people's lives and destroyed their livelihoods. As discussed in Part IV.B. above, President Donald J. Trump refused to implement a national strategy for combatting the pandemic, leaving mayors and governors to apply a patchwork of public health policies, including business closures and stay-at-home orders, in their own jurisdictions. And the president sowed distrust in government by attacking public health experts, media, and other elected officials who criticized his inaction. Public confusion about COVID-19, their fear of an unknown disease, social isolation, and economic turmoil fueled anxiety and depression in the United States, which has increased as shutdowns continued⁷⁴—conditions that “arguably make a greater number of people more susceptible to radicalizing narratives that seek to scapegoat various ‘others’ and promise simple solutions.”⁷⁵

72. Daniel Dunford et al., *Coronavirus: The World in Lockdown in Maps and Charts*, BBC (Apr. 6, 2020), <https://perma.cc/NC3B-4LTJ>.

73. Rakesh Kochhar & Amanda Barroso, *Young Workers Likely to Be Hard Hit As COVID-19 Strikes a Blow to Restaurants and Other Service Sector Jobs*, PEW RSCH. CTR. (Mar. 27, 2020), <https://perma.cc/GA3U-N3MC>.

74. Anita Raj et al., *Time from COVID-19 Shutdown, Gender-Based Violence Exposure, and Mental Health Outcomes Among a State Representative Sample of California Residents*, 26 *ECLINICALMEDICINE*, Sept. 2020, at 4–7, <https://perma.cc/4CHG-RTAE> (PDF).

75. Ackerman & Peterson, *supra* note 64, at 61 (citations omitted).

Social media has been the tool for extremists to prey on people and promote violence.⁷⁶ American University Professor Cynthia Miller-Idriss described COVID-19 and the necessary public health shutdown measures as having presented a “perfect storm for extremist recruitment” because of the “vast and evolving ecosystem of toxic online spaces, combined with potentially unprecedented amounts of time online and increasing anxiety and isolation for some,” especially young people.⁷⁷ According to the Institute for Strategic Dialogue, “COVID-19 has been seized by far-right groups as an opportunity to call for extreme violence. This includes mobilisation by white supremacist communities as well as the increased prevalence of memes which semi-ironically promote insurrectional violence across a range of social media platforms.”⁷⁸ By disrupting people’s routines and fostering anxiety on a mass scale, COVID-19 increased the likelihood that extremist propaganda would find an audience. Security experts at the State University of New York at Albany have reported “widespread attempts by various extremists, including terrorists, to prey on the uncertainties, anxieties, and disruptions caused by the pandemic—as well as a newly captive online audience—in order to feed into and, they hope, broaden the appeal of their narratives.”⁷⁹

One white supremacist social media channel grew its user base by 800 percent in March of 2020.⁸⁰ During the first week of COVID-19 shutdowns across the United States, white supremacist content on Google saw a 13 percent increase in

76. See INST. FOR STRATEGIC DIALOGUE, COVID-19 DISINFORMATION BRIEFING NO. 2: FAR-RIGHT MOBILISATION 1, 2 (2020), <https://perma.cc/4XJU-VCAR> (PDF).

77. Cynthia Miller-Idriss, Opinion, *We’re Living in a Perfect Storm for Extremist Recruitment. Here’s What We Can Do to Stop It*, CNN (July 19, 2020, 6:57 AM), <https://perma.cc/B764-W3V7>.

78. INST. FOR STRATEGIC DIALOGUE, *supra* note 76, at 2.

79. Ackerman & Peterson, *supra* note 64, at 61.

80. Billy Perrigo, *White Supremacist Groups Are Recruiting with Help from Coronavirus—And a Popular Messaging App*, TIME (Apr. 8, 2020, 4:42 PM), <https://perma.cc/M8AV-8CPA> (“One white supremacist channel specifically focused on messaging related to COVID-19 grew its user base from just 300 to 2,700 in that month alone—a growth of 800 [percent].”).

engagement.⁸¹ Reports of anti-Asian hatred, harassment, and violence rose throughout the United States.⁸² A study by the Asian Pacific Policy and Planning Council and Chinese for Affirmative Action found more than 2,000 anti-Asian incidents in the first three months of COVID-19 alone.⁸³ An Asian woman in California was spit on by a man who also yelled for a bus to run her over.⁸⁴ In Wisconsin, police arrested a man who allegedly harassed Asian customers for wearing protective masks while shopping.⁸⁵ And a study of Twitter hashtags between February and April of 2020 found a 300 percent increase in tweets encouraging or inciting violence against China or Chinese people.⁸⁶ Forty-three percent of those tweets originated in the United States.⁸⁷

COVID-19 also breathed new life into anti-government conspiracies and anti-government violence. The U.S. Department of Homeland Security warned that “anti-government and anti-authority violent extremists could be motivated to conduct attacks in response to perceived infringement of liberties and government overreach as all levels of government seek to limit the spread of the coronavirus that

81. MOONSHOT, COVID-19: THE IMPACT OF SOCIAL DISTANCING ON ENGAGEMENT WITH VIOLENT EXTREMIST CONTENT ONLINE IN THE UNITED STATES 1 (2020), <https://perma.cc/MDZ9-R7D6> (PDF) (“There is a shift in white supremacist search traffic across the United States the week commencing March 30th, 2020, which aligns with the implementation of ‘stay at home’ directives for most states.”).

82. *Reports of Anti-Asian Assaults, Harassment and Hate Crimes Rise as Coronavirus Spreads*, ANTI-DEFAMATION LEAGUE (June 18, 2020), <https://perma.cc/8L8D-F6W8>.

83. Erin Donaghue, *2,120 Hate Incidents Against Asian Americans Reported During Coronavirus Pandemic*, CBS NEWS (July 2, 2020, 1:57 PM), <https://perma.cc/NK78-C76M>.

84. Sabrina Tavernise & Richard A. Oppel, Jr., *Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety*, N.Y. TIMES (Mar. 23, 2020), <https://perma.cc/A7GC-5KPG> (updated June 2, 2020).

85. Kristine Phillips, *‘We Just Want to Be Safe’: Hate Crimes, Harassment of Asian Americans Rise Amid Coronavirus Pandemic*, USA TODAY (May 20, 2020, 5:17 PM), <https://perma.cc/P27F-WUYV> (last updated May 21, 2020).

86. MOONSHOT, FROM #CORONAVIRUSCOVERUP TO #NUKECHINA: AN ANALYSIS OF CONSPIRACY THEORIES, HATE SPEECH AND INCITEMENTS TO VIOLENCE ACROSS TWITTER RELATED TO COVID-19, at 2, 4 (2020), <https://perma.cc/7VWZ-N73U> (PDF).

87. *Id.* at 3.

has caused a worldwide pandemic.”⁸⁸ The “boogaloo” ideology is a prescient example. Boogaloo is an evolving far-right movement whose followers believe a coming civil war is necessary to overthrow what they believe is a tyrannical U.S. government.⁸⁹ The movement gained traction on social media following government implementation of COVID-19 public health restrictions.⁹⁰ A central narrative of the boogaloo movement has been “[t]he function of COVID-19 as a tool, used by the U.S. government and law enforcement, to further infringe public freedoms under the guise of emergency response.”⁹¹ With people stuck at home during COVID-19, the boogaloo movement found a captive audience and shifted focus from extreme gun rights to COVID-19 restrictions as examples of government tyranny.⁹² One boogaloo follower allegedly shot two security officers during a protest against police violence at a California courthouse, killing one of the officers. According to law enforcement, a week later, the boogaloo follower ambushed police who were executing a search warrant at his home, killing one police officer and injuring another.⁹³

Then, in October, federal and state police in Michigan arrested thirteen men for plotting to storm the Michigan state capitol and kidnap Governor Gretchen Whitmer.⁹⁴ Seven of the men appeared to be boogaloo adherents who organized into a militia called the “Wolverine Watchmen” under the leadership of a person whose online persona was “Boogaloo Bunyan.” Law enforcement alleged that the

Wolverine Watchmen ha[d] called on members to identify law enforcement officers['] home addresses in order to target

88. U.S. DEPT OF HOMELAND SEC., HOMELAND THREAT ASSESSMENT: OCTOBER 2020, at 19 (2020), <https://perma.cc/6PYE-Y9RV> (PDF).

89. Lois Beckett, *White Supremacists or Anti-Police Libertarians? What We Know About the ‘Boogaloo’*, GUARDIAN (July 8, 2020, 2:44 PM), <https://perma.cc/RC2K-ADXP>.

90. INST. FOR STRATEGIC DIALOGUE, *supra* note 76, at 5–6.

91. *Id.* at 6.

92. Alex Goldenberg, Joel Finkelstein & John Farmer, Jr., *How the Boogaloo Movement Is Turning Memes into Violent Action*, BROOKINGS INST. (June 29, 2020), <https://perma.cc/5386-C9WC>.

93. *Id.*

94. Kelly Weill, *Sixteen ‘Boogaloo’ Followers Have Been Busted in 7 Days*, DAILY BEAST (Oct. 9, 2020, 4:48 PM), <https://perma.cc/6WQ7-LK6L>.

the officers, ha[d] made threats of violence to instigate a civil war leading to societal collapse, and ha[d] engaged in planning and training for an operation to attack the Capitol of Michigan, and kidnap Government officials including the Governor of Michigan.⁹⁵

In a short period of time, boogaloo followers and anti-government extremists had moved from the internet to the real world, with violent consequences.

Although the QAnon conspiracy predates COVID-19, the pandemic supercharged the conspiracy theory and its violent effects. Tweets about the QAnon conspiracy theory, which “purports that America is run by a cabal of pedophiles and Satan-worshippers who run a global child sex-trafficking operation and that President Trump is the only person who can stop them,”⁹⁶ nearly doubled after COVID-19 entered the United States.⁹⁷ By March, COVID-19 was spreading through the country’s third largest city, Los Angeles. To relieve the burden on local hospitals, the U.S. Navy sent USNS *Mercy* to the Port of Los Angeles to treat non-COVID-19 patients who otherwise would have been admitted to local hospitals.⁹⁸ The *Mercy* began accepting patients on March 30. Then, on March 31, a forty-four-year-old train engineer allegedly derailed a train delivering supplies to the *Mercy*.⁹⁹ According to law enforcement, the train engineer was “suspicious of the U.S.N.S. [*Mercy*] and believe[d] it had an alternate purpose

95. Affidavit in Support of Complaint at 1, *State v. Musico*, No. 2003273FY-FY (Mich. Cir. Ct. Oct. 7, 2020), <https://perma.cc/67YS-FA7C> (PDF).

96. *What Is the QAnon Conspiracy Theory?*, CBS NEWS (Aug. 2, 2018, 6:00 AM), <https://perma.cc/8FU3-V2JN> (last updated Oct. 18, 2020).

97. Ali Breland & Sinduja Rangarajan, *How the Coronavirus Spread QAnon*, MOTHER JONES (June 23, 2020), <https://perma.cc/TK3J-THB6> (“The highest daily number of QAnon tweets documented by [a Twitter account tracking ‘#QAnon’ tweets, ‘@conspiratoro,’] in 2019 was 75,349. After the onset of the US’s coronavirus crisis, that figure nearly doubled, reaching a high of 147,748 tweets on April 4, 2020.”).

98. Natalie Byers, *USNS Mercy Begins Treating Patients in Los Angeles*, DEP’T DEF. (Mar. 30, 2020), <https://perma.cc/7EHD-UMZ6>.

99. Ivan Pereira, *Engineer Tried to Crash Train into USNS Mercy in Los Angeles: Feds*, ABC NEWS (Apr. 1, 2020, 6:35 PM), <https://perma.cc/J8G4-NVVB>.

related to . . . COVID-19 or a government takeover.”¹⁰⁰ Although it remains unclear if the engineer followed QAnon conspiracy theories, his beliefs, statements, and actions align with QAnon. For example, QAnon believers had “celebrat[ed] the [U.S.] Navy’s deployment of hospital ships as a sign that the Trump administration [wa]s clawing America back from the grip of Satanic pedophile elites,”¹⁰¹ and the engineer told police, “People don’t know what’s going on here. Now they will. At night, they turn off the lights and don’t let anyone in. I’m going to expose this to the world.”¹⁰² Moreover, a central theme of QAnon conspiracies is “the promise of a Great Awakening, in which the elites will be routed and the truth will be revealed.”¹⁰³ The anonymous social media user behind QAnon, known only as Q, posted about the “Great Awakening” only three days before the engineer’s attempted attack on the *Mercy*.¹⁰⁴ Following his arrest, the engineer told the FBI that he derailed the train “out of the desire to ‘wake people up.’”¹⁰⁵ The engineer also claimed that “the whole world is watching” his actions, parroting a March 28 Q post that began by saying “the entire world is watching.”¹⁰⁶

In late April, a thirty-seven-year-old woman in Illinois loaded her car with eighteen knives and drove for two days, allegedly trying reach the U.S. Navy’s USNS *Comfort*, which was docked in New York City to assist with COVID-19 relief. The woman had become radicalized by QAnon conspiracy theories on social media.¹⁰⁷ During her drive to New York City,

100. Criminal Complaint at 6–7, *United States v. Moreno*, No. 20-mj-01480 (C.D. Ca. Apr. 1, 2020), ECF No. 1, <https://perma.cc/EH32-TKWQ> (PDF).

101. Brendan Thomas-Noone & James Holloway, *Conspiracy in the Time of Coronavirus*, U.S. STUD. CTR. (Apr. 8, 2020), <https://perma.cc/TZH5-6ZXY>.

102. Criminal Complaint, *supra* note 100, at 5.

103. Adrienne LaFrance, *The Prophecies of Q*, ATLANTIC (May 14, 2020), <https://perma.cc/H9HV-S6V9>.

104. Amarnath Amarasingam & Marc-André Argentino, *The QAnon Conspiracy Theory: A Security Threat in the Making?*, CTC SENTINEL 37, 40 (2020), <https://perma.cc/W8MY-RUZF> (PDF).

105. Press Release, U.S. Att’y, C.D. Ca., Train Operator at Port of Los Angeles Charged with Derailing Locomotive Near U.S. Navy’s Hospital Ship *Mercy* (Apr. 1, 2020), <https://perma.cc/N2BY-NB74>.

106. Amarasingam & Argentino, *supra* note 104, at 40.

107. *Id.* at 40–41.

the woman threatened to murder former Vice President Joe Biden, who she believed was part of a non-existent cabal of Democrats engaged in pedophilia—one of many baseless QAnon conspiracies.¹⁰⁸ The woman arrived at the USS *Intrepid*, apparently mistaking it for the *Comfort*, and was arrested. According to reports following her arrest, the woman’s Facebook page was “filled with references to QAnon,” and she had fumed about *Frazzledrip*, a non-existent video that “QAnon believers claim features [former Secretary of State Hillary] Clinton and former Clinton aide Huma Abedin murdering a child.”¹⁰⁹ The woman variously believed a QAnon conspiracy theory that the USNS *Comfort* was being used by the Trump administration to rescue abused children from the non-existent pedophilia cabal and her own theory that the *Comfort* was being used by the non-existent cabal to hold children hostage.¹¹⁰ According to researchers at the Combatting Terrorism Center at West Point, only twenty days passed between the woman’s first contact with the QAnon conspiracy and her commitment to engage in violence: “It is highly likely that QAnon conspiracy theories radicalized her to an apparent desire to commit violence, in light of [past] trauma that made her vulnerable.”¹¹¹

In essence, COVID-19 has been a boon for violent extremists, white supremacists, and conspiracy theorists, who have used COVID-19 as a rallying call for followers. White supremacists had a non-white “other” to blame for the pandemic—China and people of Chinese descent. Their racism was bolstered by President Trump, who alternated between calling COVID-19 the “Chinese virus” and “kung flu.”¹¹² Anti-government extremists simultaneously pointed to the government’s inability to mitigate COVID-19 and restrictions

108. Thomas Tracy & John Annese, *Unhinged Woman Whose Facebook Posts Threatened Biden Caught With Knives Near USS Intrepid*, N.Y. DAILY NEWS (Apr. 29, 2020, 10:47 PM), <https://perma.cc/F5CB-YXSK>.

109. Will Sommer, *A QAnon Devotee Live-Streamed Her Trip to N.Y. to ‘Take Out’ Biden*, DAILY BEAST (Apr. 30, 2020, 6:46 PM), <https://perma.cc/E5LU-DGU9>.

110. *Id.*

111. Amarasingam & Argentino, *supra* note 104, at 41.

112. David Nakamura, *With ‘Kung Flu,’ Trump Sparks Backlash Over Racist Language—And a Rallying Cry for Supporters*, WASH. POST (June 24, 2020, 6:13 PM), <https://perma.cc/K6DX-WBCC>.

on public interactions as evidence for their cause. The Trump administration's refusal to implement a national strategy for combatting the virus and attacks on COVID-19 restrictions in Democrat-led jurisdictions nurtured anti-government extremists' belief that a civil war is necessary to protect liberty. Conspiracy theories found a population of people isolated at home, seeking a sense of community, and hungry for information to bring order to the sudden disarray caused by COVID-19. And extremist ideology egged on by national leaders opened social fissures in the United States, which have been exploited by foreign adversaries to sow fear and hatred among Americans, undermine the U.S. government, weaken the United States' credibility abroad, and influence U.S. elections.¹¹³

VI. *Looking Forward*

As threats continue to evolve, the United States government must reevaluate its national security preparedness strategies to ensure biological and non-military threats are treated with the same urgency as military and intelligence threats, regardless of who leads the executive branch.

Protecting national security from biological threats begins by rebuilding U.S. diplomatic relations. Changes in population, urbanization, and climate have increased the likelihood that zoonotic diseases will emerge, particularly in regions where those changes are most acute.¹¹⁴ As the spread of COVID-19 has demonstrated, naturally occurring biological threats do not respect national boundaries. The world is increasingly interconnected, and the United States should take the lead in biopreparedness and bioresponse. That means retracting the Trump administration's intent to withdraw from the World Health Organization, developing partnerships between U.S. researchers and their international counterparts, and rebuilding global alliances centered on transparency and

113. U.S. DEP'T OF HOMELAND SEC., *supra* note 88, at 11–12; *How Russia Targets U.S. Elections, Black Workers and COVID-19, Tik-Tok: RAND Weekly Recap*, RAND BLOG (Oct. 2, 2020), <https://perma.cc/9JLN-USJV>.

114. Suresh V. Kuchipudi, *Why So Many Epidemics Originate in Asia and Africa*, U.S. NEWS & WORLD REP. (Mar. 4, 2020, 11:02 AM), <https://perma.cc/NE6A-9TDC>.

cooperation. Better diplomacy means that when the next infectious disease emerges, the United States will be prepared to work with nations around the world to contain, mitigate, or eradicate the threat.

Moreover, the federal government should reevaluate the National Security Council's role in pandemic surveillance and response planning. Health experts should have a dedicated role in setting and carrying out national security policy with regard to biothreats. One option would be to reestablish NSC's Directorate of Global Health Security and Biodefense, commonly referred to as the pandemic response team, which was created by the Obama administration and disbanded under the Trump administration.¹¹⁵ Alternatively, a president could appoint a National Security Council staff member to serve as a pandemic coordinator, whose job would be to monitor federal agencies' assessments of biological threats, report emerging biological threats to the National Security Council, and coordinate agencies' plans in the event a disease becomes an epidemic or pandemic.

Protecting the nation and its people is a core government function, but national security is achievable only if the federal government develops coordinated, comprehensive plans and has decision makers who are capable of executing those plans. President Kennedy largely got it right during the Cuban Missile Crisis. He gathered relevant data, assembled expert advisers, listened to his advisers and to Congress, settled on a strategy, and followed through with it. President Trump largely got it wrong during the COVID-19 pandemic. He ignored data and intelligence, assembled then contradicted expert advisers, sidestepped Congress, eschewed an already existing strategy, and lied to the public about the public health threat. The result—no national strategy for mitigating the effects of a pandemic, a jurisdiction-by-jurisdiction patchwork of public health policies that struggled to contain the virus, and mass anxiety that made people more susceptible to violent ideology—compounded COVID-19's danger to U.S. national security. These proposals, whether enacted through legislation or policy making, are in no way a panacea, but they will serve as guardrails to ensure the federal government is prepared to

115. Reichmann, *supra* note 33.

follow its own national security and biodefense strategies in the event of another deadly pandemic.