



# Federalism crisis

**U.S. and German Responses  
to the COVID-19 Pandemic**

Bertelsmann  
FOUNDATION

# Federalism in Crisis

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to the COVID-19 Pandemic**

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## About the Bertelsmann Foundation

The Bertelsmann Foundation (North America), Inc., established in 2008, was created to promote and strengthen the transatlantic relationship. Through research, analysis, forums, and audiovisual and multimedia content, we seek to educate and engage our audience on the most pressing economic, political, and social challenges facing the United States and Europe. We are the U.S. arm of the Germany-based Bertelsmann Stiftung.

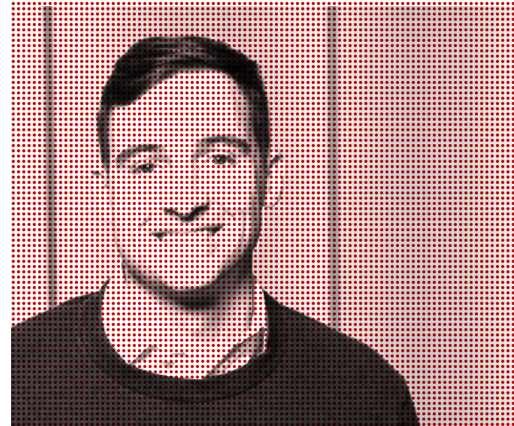
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**Irene Braam**  
Executive Director  
Bertelsmann Foundation



# Introduction

**T**he COVID-19 pandemic has greatly challenged governments and their leaders around the world. But the crisis may have tested one particular form of government more than any other – **federalism**. The key characteristic of a federal state is the decentralized nature of power, divided between a central government and several subnational units. In times of peace and security, decentralization creates leadership opportunities, fosters competition, and preserves diverse interests. But in times of crisis, like the COVID-19 pandemic, the devolved nature of authority and multitude of decision-makers challenges unity and collective action, creating a complex battleground with potentially deadly consequences. Of the 23 federations around the world today, no two systems are alike.<sup>1</sup> And of these systems, two in particular have had very different pandemic experiences: the United States and Germany.

In the United States, competing constitutional interpretations and stark political divisions have undermined most cooperative efforts and hopes of a coordinated nationwide response to the crisis. Indeed, conflictual, combative, and even dysfunctional are the words experts have used to describe American federalism in the COVID-19 era. National, state, and local leaders have repeatedly sparred over appropriate courses of action, jurisdiction, financial support, and the procurement of medical supplies. While many of the challenges stem from the Trumpian era of the pandemic response, several problems – mainly political polarization – remain on full display as power has transitioned to the Biden administration.

In Germany, despite similarly competing authorities, the same degree of tension and dysfunction has failed to surface. On the contrary, relations among German federal, state, and

local actors have largely been cooperative and unified – especially during the worst phases of the crisis. Despite periods of slow and disjointed action, federal and state governments have worked together to design and implement a series of nationwide pandemic response measures. The country's strategy has evolved based on the trajectory of infections, the advice of epidemiological experts, and continued federal-state dialogue, coordination, and cooperation.

Naturally, these contrasting developments spark the question: Why has federalism in the United States and Germany played out so differently during the COVID-19 pandemic? This publication aims to answer that question by elucidating the key characteristics of both systems and exploring how they have impacted responses to the crisis.

This report consists of two main sections: one on the United States and one on Germany. Each section consists of two parts. The first part pro-

vides background on the cultural, structural, and political factors that influence each country's federal system. The second part explains how these factors have impacted its pandemic response, especially the interplay among federal, state, and local levels of government. Both sections conclude with an analysis of the current state of the country's social and political landscape and its potential future impact.

***Federalism in Crisis*** is part of the Bertelsmann Foundation's Newpolitik project, devoted to exploring the most pressing challenges facing the United States and Germany and presenting analysis to policymakers, professors, teachers, and students on both sides of the Atlantic. This edition of Newpolitik provides readers with a better understanding of how the U.S. and Germany, through their different forms of federalism, have navigated this once-in-a-century public health crisis.



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# American Federalism

**A Culture  
of Division**



**If the founding fathers could see the state of **American federalism** today, they would be “rubbing their eyes,” wrote Supreme Court Chief Justice John Roberts in 2013.<sup>2</sup>**



**Indeed, federalism in the United States has been constantly evolving since the ratification of the Constitution. At the heart of this evolution has been a consistent theme: **a tug-of-war over the balance of power between the federal and state governments.****



# Entrenched Tension

**T**he United States was born out of distrust of central authority. The original 13 colonies waged war against an out-of-touch, tyrannous monarchy located thousands of miles away.<sup>3</sup> The deficiencies associated with a virtually absent national government under the Articles of Confederation paved the way for the Constitutional Convention. To build state support for the new constitution, the founders struck a balance of power by ensuring a capable central government, while maintaining the authority and interests of the individual states.<sup>4</sup>

Although the Federalists, the proponents of the Constitution, led by James Madison and Alexander Hamilton, prevailed, the Anti-Federalist movement also had its say.<sup>5</sup> These competing visions of the role of central authority influenced the composition of the Constitution. Fear of a strong central government overpowering the states laid the foundation of a dualistic federal system, in which the power of state and national governments remained largely independent. That system continues to impact federal-state relations to this day.



# Federalism (Un)defined

**T**he Tenth Amendment is the embodiment of American federalism. It deems the powers not given specifically to the federal government fall to the states. While the federal government is responsible for affairs that impact the country as a whole – currency, foreign affairs, war – states have the power to establish and enforce laws protecting the morals, welfare, safety, and health of their citizens. These are known as the police powers.<sup>6</sup>

However, despite the straightforward language of the Tenth Amendment, interpretation of clauses within the Constitution – such as the spending, commerce, necessary and

proper, and supremacy clauses – have repeatedly challenged this arrangement.

The lack of definitions and imprecise language of each clause – what is commerce? – by the founding fathers was intentional. On one hand, such vagueness provided flexibility – the necessary and proper clause is even commonly referred to as the elastic clause.<sup>7</sup> On the other hand, this flexibility left room for endless debate, contention, and confusion. Indeed, citizens have fought in the courtroom – and on the battlefield – about the purview of federal authority ever since.

## Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.<sup>8</sup>

## Spending Clause

### Article 1, Section 8, Clause 1

The Congress shall have Power [...] to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and the general Welfare of the United States.<sup>9</sup>

## Commerce Clause

### Article 1, Section 8, Clause 3

The Congress shall have the power [...] to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.<sup>10</sup>

## Necessary and Proper Clause

### Article 1, Section 8, Clause 18

The Congress shall have Power [...] to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.<sup>11</sup>

## Supremacy Clause

### Article 6, Clause 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every States should be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.<sup>12</sup>



# Dueling Visions

The United States differs from other federations around the world. It is considered the quintessential “dual” federal state – a system with a clear division of power between the federal and state governments.

U.S. federalism, however, waxes and wanes depending on the composition of the judicial, legislative, and executive branches. Competing interpretations of the Constitution and arguments over the authority of the federal government have created confusion and fueled conflict throughout American history.

As a result of the events that precipitated the American experiment and ratification of the Constitution, **dual federalism** best characterized the nature of federalism in the United States from the starting blocks.<sup>13</sup> But over the past two centuries, power has shifted in most cases toward a stronger federal government.

While the U.S. Civil War challenged dualism, the Great Depression delivered its proverbial death blow. The New Deal – the economic recovery program of the Roosevelt administration – significantly expanded the scope and scale of the federal government. Broad interpretations of the commerce clause and a supportive Supreme Court allowed the federal government to regulate most sectors of the economy.<sup>14</sup> Despite the police powers granted to the states, the federal

government created social welfare programs under the Social Security Act.<sup>15</sup> This marked the transition to **cooperative federalism**, in which federal, state, and local governments worked hand-in-hand on many issues.<sup>16</sup> In the 1960s, the Johnson administration expanded cooperative federalism with its Great Society initiative, the largest social reform plan in U.S. history.<sup>17</sup>

The trend toward a strong federal government, however, has experienced pushback. In the 1980s, the Reagan administration shifted power back to the states. **New federalism** – an attempt to return to dualism – aimed at reducing the size and scope of the federal government by giving authority and decision-making power back to the states.<sup>18</sup>

These back-and-forths over the balance of power continue to spark tension between the states and federal government. They also repeatedly cause confusion about who is in charge of what. This plays out in various sectors of society, mainly in education, immigration, and health care. But the most recent, and dramatic, example is in the U.S. coronavirus response.



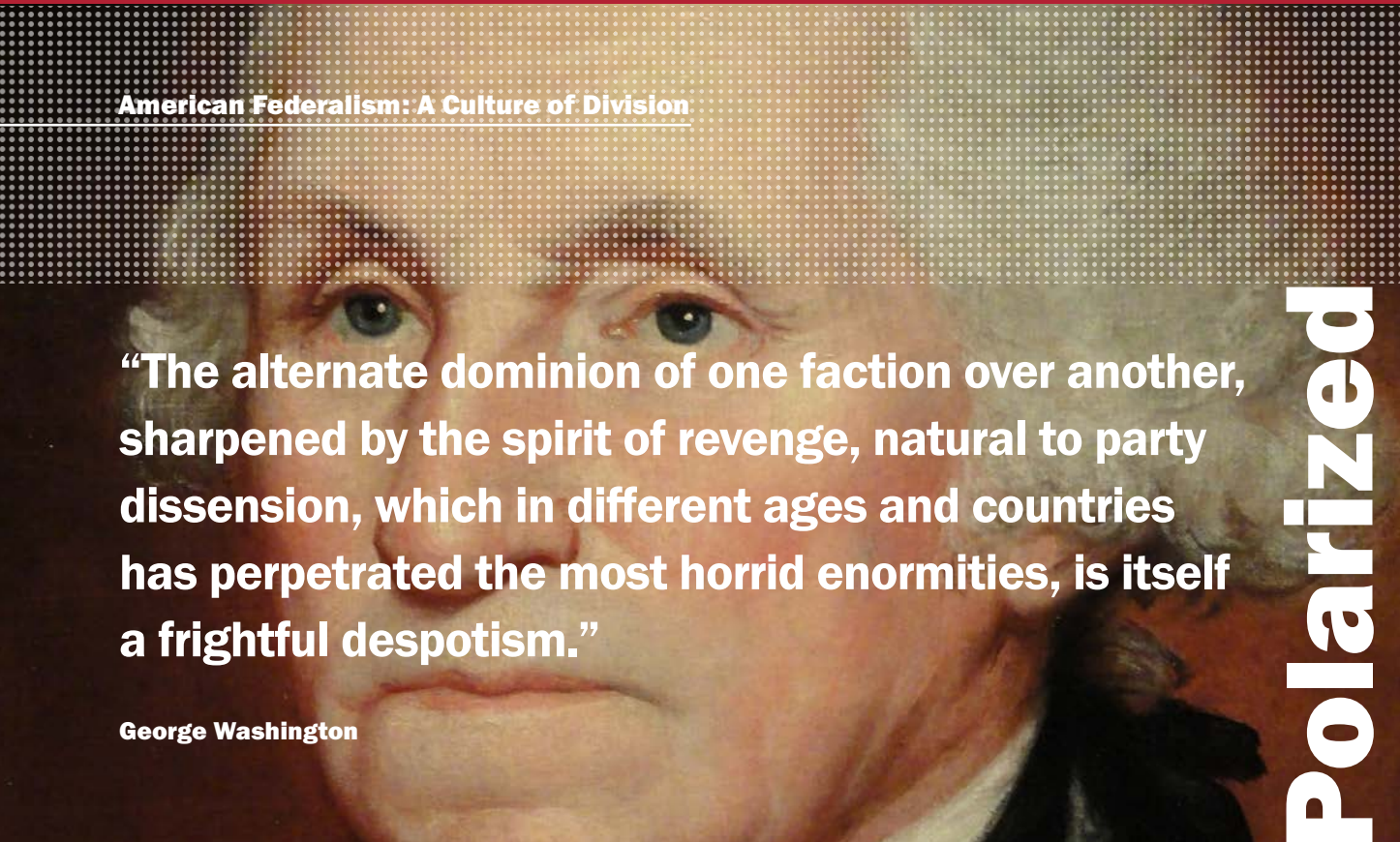
# Power of the Purse

**A**s American federalism gradually transitioned from a purely dualistic toward a cooperative system, the federal government worked closely with states to implement national policy initiatives. Cooperation is best exemplified through grants-in-aid, in which the federal government supplies funds to state and local governments for specific purposes. However, over time, this cooperation has taken a different form. Specifically, the federal government uses grants as a bargaining tool to influence state policymaking and implementation. This form of federalism is known as **coercive** or **punitive federalism**, in which the federal government tries to influence states by withholding financial resources.<sup>19</sup>



The Reagan administration implemented a type of coercive federalism in 1984, when it threatened to withhold money for highway construction from states that did not raise the legal drinking age to 21.<sup>20</sup> Although the strategy was successful, such coercion exemplifies weak intergovernmental cooperation and often breeds conflict. Virtually every administration – of both parties – has used coercive federalism strategies since the Great Depression. For example, the Obama administration used coercive measures to implement health care regulations, and the Trump administration repeatedly punished states over climate change initiatives and immigration policies.<sup>21/22</sup> The same tactics have been on full display during the coronavirus pandemic.





**“The alternate dominion of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.”**

George Washington

**Polarized**

**E**xperts group the evolution of American federalism into three distinct eras – dual, cooperative, and new – but recent political polarization has created another type of federalism. The increasing entrenchment of the American winner-takes-all, two-party system has led to a new era of **polarized federalism**.<sup>23</sup>

Over the past 30 years, demographic shifts, a growing class divide, sensationalist news organizations, and social media echo chambers have generated an us-versus-them culture that has ripped the American political arena in half. These divisions have not only played out hori-

zontally at the federal level, demonstrated by a gridlocked Congress, they have also played out vertically through all three levels of government.

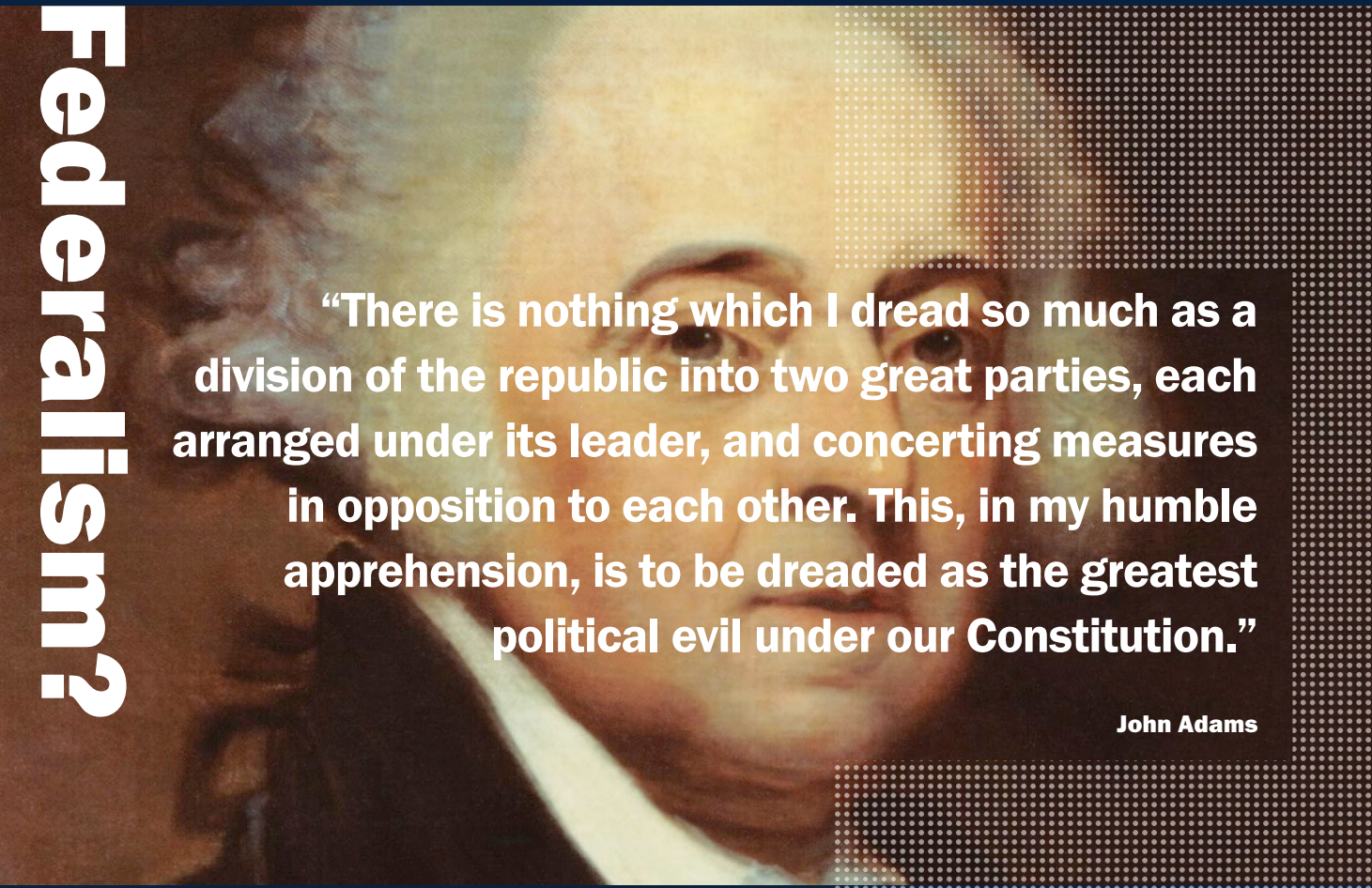
During the 2008 financial crisis, Republican governors refused funds from the federal National Recovery Act, an economic stimulus program meant to rebuild the U.S. economy.<sup>24</sup> Similarly, after Congress passed the Affordable Care Act (ACA) in 2010, 26 Republican state attorneys general sued the federal government over perceived infringement of states’ rights.<sup>25</sup> Over the past decade, this trend has played out on both sides of the aisle. States that traditionally lean Republican have

fought for state sovereignty on issues such as abortion, welfare, and unions. States that traditionally lean Democratic have challenged the federal government on issues like immigration, climate change, and police reform.<sup>26</sup>

Political polarization has also impacted organizations that aim to cultivate stronger connections among federal, state, and local actors. Supposedly non-partisan organizations like the National Governors Association (NGA), a body intended to coordinate activities among gover-

nors and act as their voice at the national level, have been hampered by political polarization. Instead, governors have turned to organizations affiliated with their respective parties, like the Democratic or Republican Governors Associations.<sup>27</sup> The U.S. Advisory Commission on Intergovernmental Relations, established in the 1950s as a permanent, independent, bipartisan body to connect leaders at the local, state, and national level, was defunded in 1996, in part because of political division.<sup>28</sup>

**Federalism?**



**“There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.”**

John Adams



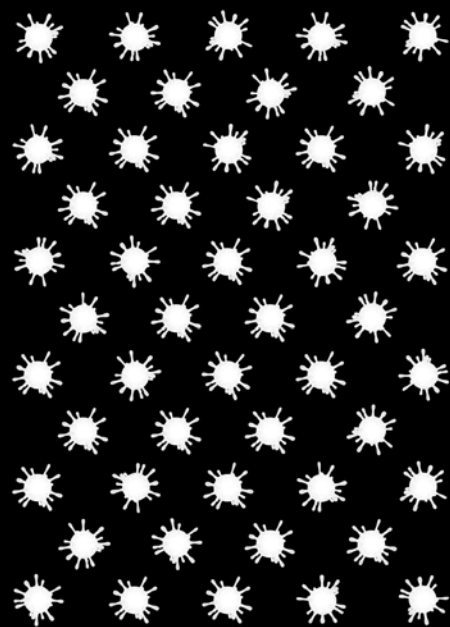
# Enter Coronavirus

Since the start of the American experiment, tension over the relationship between the central and state governments has been at the forefront of political and constitutional debate. The divisions present at the time of ratification have persisted over the past 230 years, and remain particularly relevant during the coronavirus crisis.

While the past century has seen an increase in federal-state cooperation, at times, it has been rooted in transaction and coercion. Institutionalized links between governors and mayors have progressively become destabilized or disappeared altogether. Furthermore, some of the worst fears of the founders have come true, and are the source of further conflict in the American federal system today. In the past decade, the contentious tribalism stemming from the Democrat-Republican divide has ushered in a new era of federalism, one split vertically along party lines. These historic and cultural developments are crucial to understanding how federalism has unfolded on the front lines of the COVID-19 pandemic.

While Chief Justice Roberts stated that the founding fathers would be rubbing their eyes if they could see the state of American federalism back in 2013, many Americans have been rubbing their eyes at the state of federalism in the coronavirus era.





**T**he official motto of the United States – E Pluribus Unum – is a salute to federalism. The translation – “out of many (states), one (nation)” – suggests that the whole of the country benefits from the diversity of its states.

Since the outbreak of the COVID-19 pandemic, the di-

versity of the states has remained, but the unified nature of the country has largely deteriorated. From the moment the coronavirus reached American shores, strategies to contain its spread have varied widely. The dualistic nature of American federalism and severe political polarization have brought federal-state relations to an extreme low. A devolvement of public health authority; a gridlocked Congress; and a largely absent, divisive, and punitive federal executive branch generated conflict and dysfunction, making it virtually impossible to develop a common national strategy. Instead, a contradictory and ineffective patchwork of responses has

surfaced, prompting many to question the practicality of federalism in a time of national crisis.

Historically, national hardship has united Americans in common cause. But the coronavirus has exacerbated political divisiveness and fueled conflict between Washington, state capitals, and thousands of cities across the country. As a result, the U.S. motto in the coronavirus era reads more along the lines of “out of many, chaos.”

---

**American**

**Federalism and COVID-19**

**E**  
**PLURIBUS**  
**CHAO**



# Competing Authorities and Visions

The coronavirus brought the dualistic nature of the U.S. federal system quickly to the forefront, especially in regard to public health authority. Leaders at all three levels of government sparred over jurisdiction and health policy. Complicating matters further, the federal executive branch – which historically guides and supports states and localities in times of national crisis – took an uncharacteristic backseat approach, fueling dysfunction and undermining hopes of a comprehensive national strategy.



# Police Powers

Constitutionally, the states retain the so-called police powers enshrined within the Tenth Amendment: the power to legislate for the health, welfare, safety, and morals of citizens.<sup>29</sup> Most states then devolve power further down to the municipal level. Thus, following the COVID-19 outbreak, states and localities took the main responsibility for pandemic policies. Governors and mayors – not the U.S. president – issued stay-at-home orders, closed schools, shuttered nonessential businesses, and restricted travel.

Normally, public health crises affect only a specific region or city, like a flood in North Dakota or an E. coli outbreak in a small town in Arizona. But the COVID-19 pandemic is a completely different beast, a once-in-a-century public health crisis of global proportion that fails to respect municipal or state borders.

What has this meant for the coronavirus strategy in the United States? For one, as the virus manifested from Seattle to Savannah, and gradually to every corner of the country, 2,684 separate state and local public health leaders – rather than a single national agency – designed and administered crisis responses.<sup>30</sup>

Competing visions over jurisdiction have remained a source of great tension. While debates over authority between President Donald Trump and state governors were the most widely publicized, hundreds of similar debates have taken place between governors and mayors across the United States – often, but not always, along political lines.

Arizona Governor Doug Ducey (R), a staunch ally of President Trump, preempted several mayors, including Phoenix Mayor Kate Gallego (D), from imposing facemask mandates at the local level.<sup>31</sup> By January 2021, Arizona had become the coronavirus hotspot of the world.<sup>32</sup> Similarly, New York Governor Andrew Cuomo (D) – whose handling of the pandemic first received international praise, and later sparked calls for his resignation – has frequently sparred with New York City Mayor Bill de Blasio (D) over COVID-19 policies as well.<sup>33/34</sup>

Competing visions have made devising a national strategy difficult. In turn, separate strategies, and methods of testing, contact tracing, and reporting created a contradictory, ineffective patchwork of responses, fueling tension among federal, state, and local actors on how – or even whether – to combat the virus.

However, in the face of competing authorities and visions, especially in a time of national crisis, normally, the federal government, with its wealth of expertise and colossal financial resources, would step in to help coordinate responses and unite the country in common cause – at least, that is what traditionally happens.

**Majorities say hospitals, health officials and state and local officials have done well responding to COVID-19**

% who rate \_\_\_ as doing an excellent/good job responding to the coronavirus outbreak



Source: Pew Research Center, May 2020



# Strong Initial Response

The federal government's response to the COVID-19 crisis was on track to become the most cooperative federal venture in American history. However, the trend did not last. Instead, the government made an abrupt, unprecedented course reversal.

On Jan. 31, 2020, former Health Secretary Alex Azar declared COVID-19 a public health emergency.<sup>35</sup> On the same day, the Trump administration banned U.S. entry of foreign nationals who had traveled to Wuhan, China – the source of the viral outbreak – in the previous 14 days.<sup>36</sup> Subsequent travel bans on the European Union (EU) and other impacted areas soon followed. These directives, highly criticized by political opponents at the time, were effective and preceded similar policies implemented across the Atlantic.<sup>37</sup> On March 13, President Trump invoked the Stafford Act, officially recognizing the outbreak as a national emergency.<sup>38</sup> This move threw the full weight of the Federal Emergency Management Agency (FEMA) into action to support states and localities.

President Trump appointed Vice President Mike Pence as head of a coronavirus task force, consisting of Health Secretary Azar, Surgeon General Jerome Adams, and several representatives of the federal scientific community, most notably Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases (NIAID).<sup>39</sup>

In March, the U.S. Congress enacted the largest stimulus package in U.S. history.<sup>40</sup> The \$2.2 trillion CARES Act (Coronavirus Aid, Relief, and Economic Security) provided nearly \$400 billion to subnational units (states, localities, territories, Native American reservations) for personal protective equipment (PPE), virtual education, and childcare, as well as \$1,200 checks for most Americans.<sup>41</sup> Through a federal-state unemployment scheme, the federal government also contributed \$600 a week to workers who had lost their jobs due to the pandemic.<sup>42</sup> The Federal Reserve, the U.S. equivalent of a central bank, eased borrowing measures, cut interest rates, and provided \$500 billion to help state and local governments cover shortfalls due to depleted tax revenues.<sup>43</sup>



# Missing in Action

**“The operations of the federal government will be most extensive and important in times of war and danger; those of the state governments, in times of peace and security.”**

James Madison

**D**espite major evolutions within the U.S. federal system, the expectations of James Madison have largely held true over time.

During the Great Depression, the New Deal programs helped states overcome economic hardship. The federal executive branch buttressed the move with strong, unifying political messaging. In his historic ‘fireside chats,’ President Franklin D. Roosevelt delivered timeless reassurances to the American public.

Such a centralization of power in times of national crisis has continued under both Republican and Democratic administrations. Following the 9/11 attacks, the Bush administration (initially) united the country, and expanded the power of the federal government by establishing the Department of Homeland Security (DHS), which has become one of the largest U.S. federal agencies.<sup>44</sup> After the 2008 financial crisis, the Obama administration also expanded the federal government’s reach into economic and regulatory affairs to help alleviate the impact of the crisis and prevent such an event from occurring again.<sup>45</sup>

At the beginning of the coronavirus outbreak, the Trump administration’s messaging was

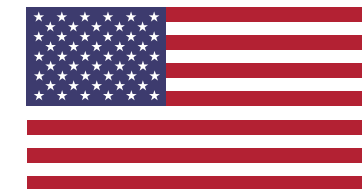
at times similar to Roosevelt’s during the Great Depression. Just as Roosevelt had compared the economic crisis of the 1930s to a war, Trump declared himself a wartime president, referring to COVID-19 as an invisible enemy invading the United States from foreign shores.<sup>46/47</sup>

But the Trump administration subsequently seasawed over its role and responsibilities, predominantly passing the proverbial ‘buck’ to the states. A comprehen-

sive plan in case of a pandemic, prepared by the Bush and Obama administrations, that relied on direct messaging, scientific expertise, and the complete removal of politics, fell to the wayside.<sup>48</sup>

President Trump’s COVID-19 task force, responsible for guiding states, localities, and the American public, was quickly undermined by infighting, demonstrated by contradictory nationwide briefings in which members of the task force openly challenged one another’s positions and deflected questions from the press. In July 2020, Peter Navarro, a top adviser of the administration’s coronavirus response plan, lambasted Dr. Fauci, expressing doubts about the seriousness of the virus.<sup>49</sup> In place of the often-contentious White House COVID-19 briefings, many media organizations turned to Governor Cuomo’s daily briefings.<sup>50</sup> The dissonance between President Trump’s White House and federal epidemiological experts shaped rival views of the virus nationwide, ultimately producing different strategies across the country.

In late-March, President Trump – in a conference call with state governors – said the role of the national government was to serve as “backup” to the states and localities, sparking bipartisan reproach.<sup>51</sup> In the absence of federal leadership, governors, public health administrators, and economic officials formed regional unions to coordinate crisis responses. As New York quickly became the epicenter of the pandemic, Governor Cuomo created a council with the governors of New Jersey and Connecticut to coordinate collective measures.<sup>52</sup> Pennsylvania, Rhode Island, Delaware, and Massachusetts also joined.<sup>53</sup> In the West, the governors of California, Oregon, and Washington formed a Western States Pact to ensure a coordinated approach to the virus.<sup>54</sup> Just weeks later, Colorado and Nevada joined.<sup>55</sup>





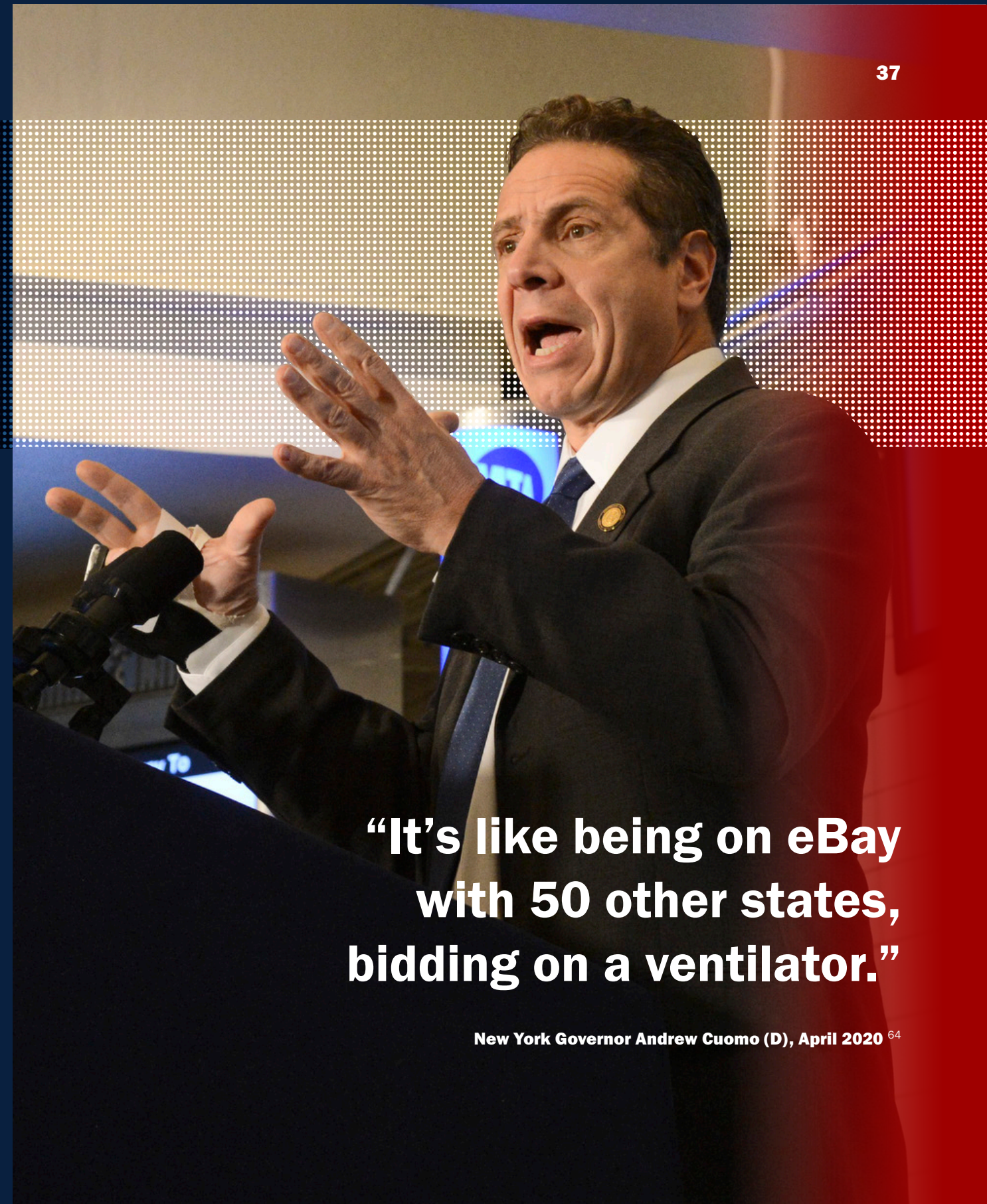
# Bidding Wars

**S**hortly after the outbreak of the pandemic, state and local authorities madly scrambled for medical supplies. A bidding war erupted over ventilators, respirators, and PPE, pitting states against each other, and the states against the federal government, mainly FEMA.<sup>56/57</sup> Consequently, prices for such equipment and materials skyrocketed. Governor Cuomo compared the state of affairs to bidding on eBay.<sup>58</sup>

Despite calling the pandemic a war, the Trump administration never used the full weight of the Defense Production Act (DPA), a wartime measure meant to nationalize the production of critical goods.<sup>59</sup> As the fight over medical supplies continued, Trump said that the federal government was not a “shipping clerk,” and that states and localities should acquire the supplies themselves.<sup>60</sup> Furthermore, Jared Kushner, a special adviser to the president, said that the national stockpile of medical supplies was for the federal government, not the states, prompting the Democratic governor of Illinois, J.B. Pritzker, to remark that the president did not understand the word “federal.”<sup>61</sup>

Unable to rely on the federal government for help, the bidding wars forced states to take extraordinary measures. Governor Larry Hogan of Maryland, a Republican, bought a supply of PPE from South Korea, transported it to an undisclosed location, and secured it with Maryland National Guard units.<sup>62</sup> The governor of Massachusetts, Charlie Baker, also a Republican, turned to the New England Patriots football team for help. The team used its plane to bring medical supplies from China.<sup>63</sup>

In times of peace and security, competition is a positive characteristic of the U.S. federal system. But during this crisis, the Trump administration’s alternative view of the role of the federal government – and of the virus itself – fueled the wrong type of competition, igniting a war on a second front over essential resources. The absent federal leadership and ensuing competition among various levels of government over medical supplies and coronavirus strategies caused conflict and dysfunction within the U.S. federal system.



**“It’s like being on eBay with 50 other states, bidding on a ventilator.”**

New York Governor Andrew Cuomo (D), April 2020 <sup>64</sup>

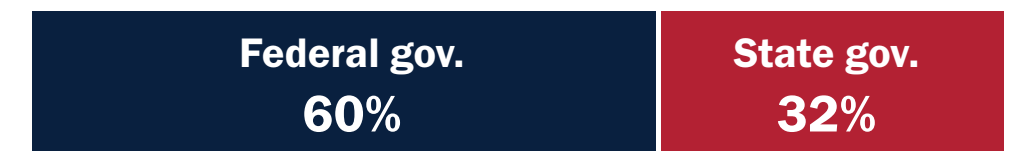


**“Governors are supposed to be doing a lot of this work. The federal government is not supposed to be out there buying vast amounts of items and then shipping. You know, we’re not a shipping clerk.”**

President Donald Trump (R), April 2020<sup>65</sup>

## Who Americans say is responsible for responding to COVID-19

Who do you think should be primarily responsible for the response to the coronavirus outbreak?



Who do you think is currently leading the response for the outbreak?



Source: KFF, March 2020



# PANDEMIC POLITICS



**Aside from the decentralized nature of the public health system in the United States and lacking federal response, political polarization has been at the heart of the conflictual federalism seen throughout the coronavirus era – and has impeded cooperation at all levels of government.**

**The partisan divide, which had gradually widened over the past few decades, became a chasm after the COVID-19 outbreak.**



# Federal Blockade

**F**rom the first days of the pandemic, political polarization has been on full display. President Trump, emboldened by a Senate acquittal in an historic impeachment trial just weeks prior, initially suggested the virus was another “hoax” spread by the Democrats.<sup>66</sup> Conservative media outlets and other Republican politicians loyal to the president adopted the same position.<sup>67</sup> But the virus was not a hoax, and once the full impact of the crisis took hold of the American public, that tune changed.

For a few fleeting moments, the partisan divide was bridged. Congress and Trump set political differences aside. The \$2.2 trillion CARES Act helped limit economic and health impacts on states and localities. It represented an opportunity for the federal and state governments to overcome the crisis together.

**Meanwhile, states and cities, unable to rely on the support of the federal government, have struggled to keep their economies afloat.**

But, once again, the trend did not last for long. After the CARES Act left the Oval Office, Congress once again became gridlocked, leaving state and local governments without federal support. On May 15, 2020 the House passed the HEROES Act (Health and Economic Recovery Omnibus Emergency Solutions), a \$3 trillion stimulus package.<sup>68</sup> But the Senate refused to consider it. On Aug. 8, after months of fruitless congressional negotiation, Trump signed an executive order extending federal support of state-level unemployment measures, albeit reducing the former \$600 per week benefit to \$300.<sup>69</sup> Subsequently, several months of stalemate and political warfare leading up to the November 2020 U.S. elections

blocked aid from reaching the public. Finally, on Dec. 27, Congress passed a \$900 billion stimulus package, although critics stated the bill came far too late and failed to provide enough support.<sup>70</sup>

While the federal government’s power is limited in a public health crisis, the power it does have is of paramount importance to states and localities. In addition to providing expertise and coordinating strategies, the federal government uses its economy of scale to provide financial resources to subnational units that lack the same economic clout. Partisan gridlock in Washington has forced state and local governments to fend for themselves throughout much of the crisis.



**P**olitical polarization is traditionally associated with gridlock at the national level. For example, Republican Senate Minority Leader Mitch McConnell has continuously sparred with Democratic Senate Majority Leader Chuck Schumer. President Trump, a Republican, maintained a widely publicized feud with Speaker of the House Nancy Pelosi, a Democrat. Over time, however, the same polarization has filtered down to state and local governments. Consequently, this development has undermined a coordinated pandemic strategy among federal, state, and local leaders.

Besides Maryland Governor Larry Hogan and Ohio Governor Mike DeWine, both of whom openly criticized the federal response, most Republican governors followed the lead of President Trump, delaying or not imposing lockdown measures.<sup>71</sup>

Thus, an American citizen's experience of the response to COVID-19 largely depended on the political party of their state or local leaders. Someone living in a state or city governed by a Republican – on average – either locked down late or reopened early. Some states – mostly rural ones with small populations – never closed at all. And many suffered consequences. As of December 2020, North and South Dakota, both of which failed to implement lockdowns and facemask mandates, logged the highest infection rates in the entire country.<sup>72</sup>

In contrast, most Democratic governors locked down earlier than their Republican counterparts. In fact, of the first 10 states to lock down, nine were governed by Democrats.<sup>73</sup>

In the wake of the first phase of the COVID-19 outbreak, several studies showed that states governed by Republicans were slower to adopt social distancing measures than states governed by Democrats.<sup>74</sup> Other studies, based on GPS tracking, found that citizens of those same states socially distanced less and traveled more than those in states governed by Democrats.<sup>75/76</sup> Many of these states also failed to impose facemask mandates. By the end of 2020, 11 of the 12 states that had not imposed facemask mandates were home to Republican governors.<sup>77</sup>

A Pew Research Center poll captured the starkness of the division. In May 2020, Trump's overall approval ratings dropped to 41 percent as a result of his response to the crisis. But broken down along party lines, 77 percent of Republicans approved of his response, compared with just 11 percent of Democrats.<sup>78</sup>

Such political polarization has meant that American state-level coronavirus strategies have been implemented largely based on political affiliation, in turn making a common national strategy – already complicated by competing authorities – more difficult. Most Democratic governors shut down their states early based on the threat of the virus. On the other hand, Republican governors of states where support for President Trump was highest, modeled their coronavirus policies according to the wishes of the administration, not the recommendations provided by nonpartisan epidemiological experts.





# Reopen, or Else

**D**espite the Trump administration's initial "backup" approach, the position changed once the full impact of the virus hit the U.S. economy. With his chances for re-election resting on a strong economy, President Trump repeatedly downplayed the virus to avoid shocking the market. However, in the last week of March, 6.6 million Americans filed for unemployment, more than nine times the previous worst week of 695,000 in 1982.<sup>79</sup> By mid-April, unemployment hit 14.7 percent, the worst since the Great Depression.<sup>80</sup>

As the virus continued to take its toll on the U.S. economy, and election season intensified, the Trump administration's push to reopen the country became increasingly frantic and combative. Trump had pushed for a reopening on Easter Sunday 2020, contradicting the advice of epidemiological experts on the coronavirus task force.<sup>81</sup> When that failed to occur, Trump made global headlines by stating the president "calls the shots" and that the authority of the presidency is "total."<sup>82</sup> The remarks provided a field day for career politicians, constitutional scholars, and informed Americans alike. By the end of the day, #tenthamendment was trending on Twitter.<sup>83</sup>

Around the same time, the Trump administration, along with the Centers for Disease Control and Prevention (CDC), published a set of national guidelines, guidelines that many experts had recommended from the very beginning of the crisis.

The title of the initiative? "Opening Up America Again."<sup>84</sup> But as is the case with most federal systems of government, implementation of such guidelines by states rests on a culture of trust and cooperation, one that has remained virtually absent in the coronavirus era.

As the name of the plan suggested, the wishes of the administration were quite clear: states should get back to normal as quickly as possible. The day after releasing the guidelines, Trump called several Democratic governors "mutineers" on Twitter.<sup>85</sup> The next day, he called on the citizens of Minnesota, Michigan, and Virginia – all with Democratic governors – to "liberate" their states.<sup>86</sup>

In July, Trump began pushing to reopen schools, referring to schools in Europe, Germany included.<sup>87</sup> But education, like public health, falls largely within the jurisdiction of the states. Trump's wishes ushered in a case of punitive federalism. He, along with former Secretary of Education Betsy DeVos, threatened to revoke education funding if schools did not reopen – even though the federal government accounts for only 8 percent of education funding in the U.S. and the majority of those funds are for students with special needs.<sup>88/89</sup> The threat sparked outrage from Democratic and Republican governors alike, especially as the hardline approach came during a surge in COVID-19 cases nationwide. In the end, the tactic backfired. Most schools remained closed and transitioned to online learning in the fall.

**"When somebody's president of the United States, the authority is total. And that's the way it is going to be. It's total. It's total. And the governors know that."**

President Donald Trump (R), April 2020<sup>90</sup>





# Friend or Foe

**“Not having a national strategy where there is one policy for the country, as opposed to patchwork, based on whomever the governor is, is something that I think is creating a more porous situation where COVID-19 will go longer [...] and sadly, more lives will get lost.”**

Michigan Governor Gretchen Whitmer (D), April 2020<sup>97</sup>

**P**unitive federalism is traditionally associated with coercive tactics implemented by the federal government to influence policy action at the state and local levels. In addition to classic examples of coercive strategies, President Trump put a slightly different spin on the concept, using a mix of political clientelism and punitiveness to reward allies and punish critics.

Early in the pandemic, then-Senate Majority Leader McConnell expressed hesitation to provide further relief to states, instead calling on them to file for bankruptcy, a constitutionally inviable move that sparked bipartisan admonition.<sup>91</sup> Trump was more blunt, saying that relief “[was] not fair to the Republicans because all the states that [needed] help [were] run by Democrats.”<sup>92</sup>

In the midst of the bidding wars over medical supplies, Trump remarked that states had to “treat [the administration] well” if they wanted federal support.<sup>93</sup> Republican Gov. Ron DeSantis of Florida, a staunch Trump ally, publicly supported the federal government’s position that states should acquire medical supplies themselves. Notably, however, his state received all medical supplies requested from the national stockpile.<sup>94</sup>

Trump blocked aid to states with Democratic governors critical of his approach. For example, he told Pence not to call “that woman in Michigan,” referring to Michigan Governor Gretchen Whitmer, a Democrat and vocal critic of the administration.<sup>95</sup> Whitmer responded by criticizing the U.S. coronavirus strategy, calling it a “patchwork based on whomever the governor is.”<sup>96</sup>

In some cases, these coercive measures were effective. Republican allies of Trump, scared of retribution from him and their constituents, toed the line. But by and large, coercive strategies failed to force Democrats to embrace the administration’s policies. Trump’s brand of punitive federalism – implemented along political lines – only fueled further division, and in turn squashed any chance of a coordinated nationwide coronavirus strategy.



# A New Hope?

**“This crisis demands a robust and immediate federal response which has been woefully lacking.”**

President Joe Biden (D), November 2020<sup>98</sup>

**P**resident Joe Biden’s accession to the White House has ushered in a 180-degree pivot in the U.S. federal approach to COVID-19. The week after the Nov. 3 election, Biden assembled a new coronavirus task force, filled with medical professionals whose mutual belief in the severity of the disease has reinstated its credibility and effectiveness in influencing policy. Facemask mandates on federal properties and mandatory testing for U.S. arrivals signal an immediate course reversal in the White House’s approach.<sup>99/100</sup> Furthermore, the trifecta of the 2020 U.S. election, which gave Democrats control of the presidency and both chambers of Congress, has the potential to ease the process by which states, localities, and citizens receive federal aid. However, despite the swap at 1600 Pennsylvania Avenue, and the switch on Capitol Hill, the rosy image of what American federalism will become as the new administration takes its first steps is perhaps too

optimistic. Indeed, the changes will likely not resolve many of the disputes that have sparked the conflictual nature of American federalism witnessed throughout the coronavirus era.

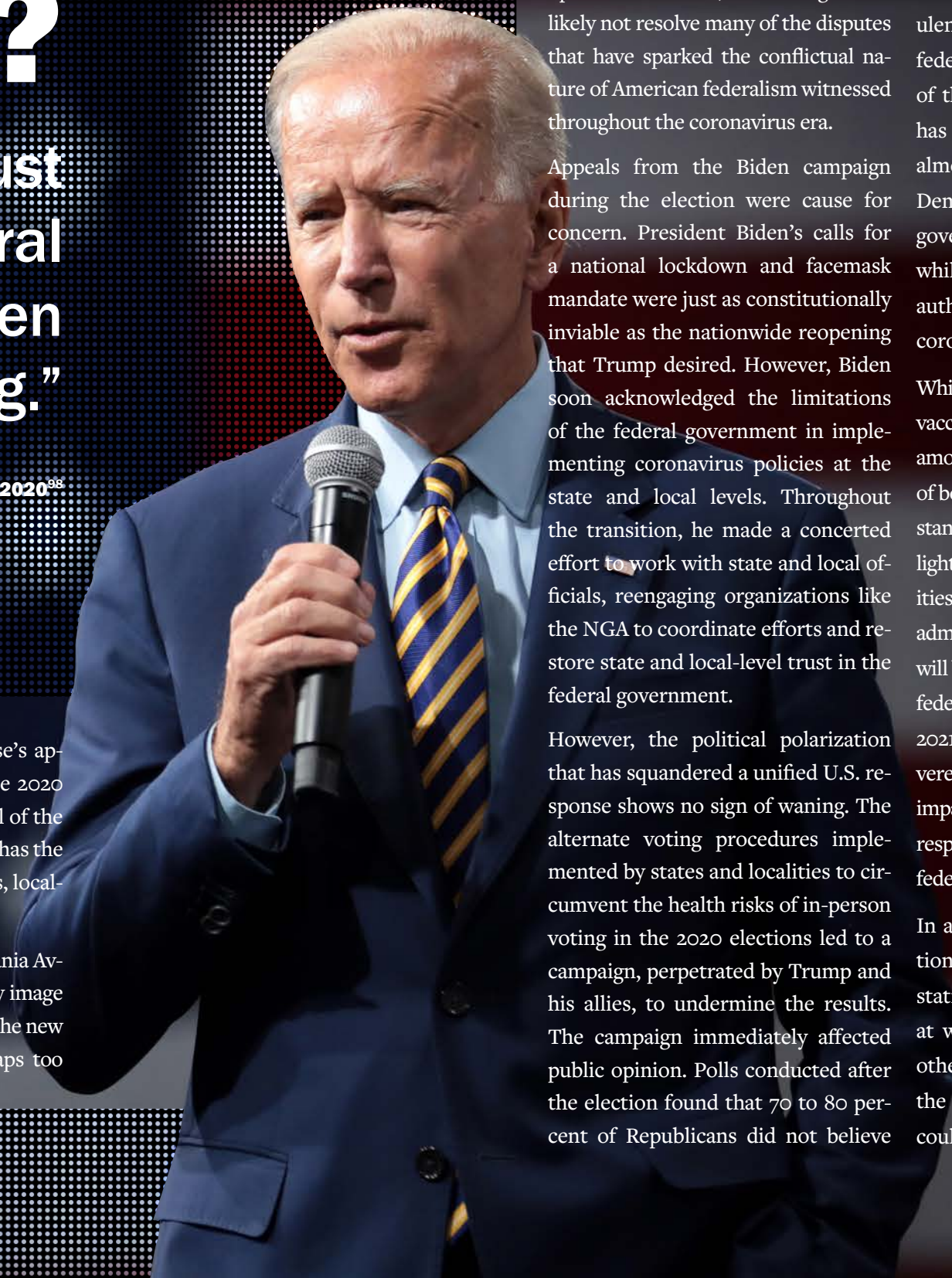
Appeals from the Biden campaign during the election were cause for concern. President Biden’s calls for a national lockdown and facemask mandate were just as constitutionally inviable as the nationwide reopening that Trump desired. However, Biden soon acknowledged the limitations of the federal government in implementing coronavirus policies at the state and local levels. Throughout the transition, he made a concerted effort to work with state and local officials, reengaging organizations like the NGA to coordinate efforts and restore state and local-level trust in the federal government.

However, the political polarization that has squandered a unified U.S. response shows no sign of waning. The alternate voting procedures implemented by states and localities to circumvent the health risks of in-person voting in the 2020 elections led to a campaign, perpetrated by Trump and his allies, to undermine the results. The campaign immediately affected public opinion. Polls conducted after the election found that 70 to 80 percent of Republicans did not believe

the election results, alleging fraudulent voting behavior.<sup>101</sup> Polarized federalism also persists. The support of the federal government’s position has now switched among governors, almost exclusively along party lines. Democratic and moderate Republican governors are following Biden’s lead, while Trump allies are defying federal authority and maintaining their own coronavirus policies – or lack thereof.

While the several approved COVID-19 vaccines provide a universal interest among federal, state, and local leaders of both parties, distribution and rollout standardization have once again highlighted the pitfalls of competing authorities and visions. The role of the Biden administration in vaccine procurement will be vital to restoring trust in the U.S. federal government over the course of 2021. Still, competing authorities, severe political division, and the residual impacts of the Trump administration’s response will likely continue hindering federal-state coordination.

In a Thanksgiving address to the nation, Biden called for national unity, stating: “We need to remember: we’re at war with a virus – not with each other.”<sup>102</sup> The uphill battle that faces the Biden administration, however, could be a war already lost.





# German Federalism

A Cooperative  
Outlier



Federalism in Germany is different to say the least. In fact, it is unique in many ways. **From its one-of-a-kind institutions to its distinct functional division of power, it strongly tends toward cooperation and uniformity between the states and federal government.**<sup>103</sup> An extreme degree of shared rule puts Germany on the opposite end of the federalist spectrum from the United States.

**At its heart, German federalism is based on consensus-building, multi-level bargaining, and cooperation.**





# POSTWAR RESTART

After World War II, Germany was split into four sectors governed by the Allied Powers – the United States, France, the United Kingdom, and the Soviet Union.<sup>106</sup> The fate of Germany was initially unclear, but following the onset of the Cold War, the western occupation forces called on the states (*Länder*), which were reestablished after the war, to write a constitution and establish a West German state.<sup>107</sup> The mandated form of government? A federation.<sup>108</sup>

For one, this kept in tradition with Germany's federal past. The origins of German federalism date back hundreds of

years before the U.S. founders put pen to paper. From the time of the Holy Roman Empire to the first German Reich, the various kingdoms, principalities, and Hanseatic cities generated distinct regional identities and institutions that represented state interests at

## Article 20, Section 1

The Federal Republic of Germany is a democratic and social federal state.<sup>104</sup>

## Article 79, Section 3

Amendments [...] affecting the division of the Federation into *Länder*, their participation in principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible.<sup>105</sup>

the national level.<sup>109</sup> A far more salient reason to mandate a new German federation, however, stemmed from the legacy of the Nazi regime. The bitter

experience of the Third Reich's oppressive central authority, which abolished the states and consolidated power, fueled the push for decentralization.<sup>110</sup>

With this history fresh in their minds, members of the Parliamentary Council, the body entrusted by the western Allies to write a new German constitution – the Basic Law (*Grundgesetz*) – provided necessary safeguards for human rights (Article 1) and democratic federalism (Article 20).<sup>111/112/113</sup> Both of these articles are protected under the eternity clause, or *Ewigkeitsgarantie* (Article 79, Section 3) meaning they are exempt from constitutional amendments.<sup>114</sup> In other words, Germany will always be a federal state.

## But just what type of federalism would it be?

Given the historically strong state identities and confederal foundations of Germany, German federalism appeared to follow a similar path to the

United States. The ultimate trajectory, however, varied considerably. Based on its historically unique institutions and the various economic,

social, and security challenges threatening Germany following the war, a trend toward a centralized federal system prevailed.



# An Institution Like No Other

First and foremost, Germany's main federative institution – the Federal Council (*Bundesrat*) – sets the country apart from other federations around the world. The *Bundesrat* is one of the five main constitutional organs of Germany's federation. Along with German parliament (*Bundestag*), the *Bundesrat* makes up the legislative branch of the federal government. But it is not your typical second chamber. Some even scoff at the mere identifier, pointing to its separate constitutional status and distinctive role in federal-state relations. German political scientist Theodor Eschenburg claimed it is “a specifically German, unique body in the world.”<sup>115</sup> Indeed, it is an institution like no other.

The *Bundesrat* differs from other legislative bodies worldwide in its composition and function. Its 69 members are not directly elected. Instead, they are representatives of the state governments, with each of the 16 states holding between three and six votes according to population size.<sup>116</sup> Through the *Bundesrat*, the states represent their interests within Germany and the EU, and participate directly in national policymaking.<sup>117</sup> The direct link between the states and federation, as well as the states' contribution in federal policymaking is the bedrock of German **cooperative federalism**.

In contrast to the United States, the German brand of cooperative federalism is built on direct state-level participation. The states influence national

legislation and objectives, which in turn, cultivates stronger federal-state relations. Of course, Germany's smaller population – about a quarter of that of the United States – and total geographic area – about the size of Montana – aids this high degree of federal-state cooperation.<sup>118</sup>

The tradeoff for stronger state influence in national-level policymaking is the centralization of legislation at the national level. Going back to the time of Bismarck, the states have retained the authority to administer the law.<sup>119</sup> This characteristic, known as **administrative federalism**, is unique to Germany. Unlike the United States, where powers are largely divided according to policy area, power in Germany is divided according to function. For the most part, the federal government makes the law, and the states execute it.<sup>120</sup> This functional division of power requires the federal government to communicate more with state governments, because it relies on the states to apply the law accordingly.<sup>121</sup>

Throughout the pandemic, the influence of state governments at the national level through institutions like the *Bundesrat* has facilitated a high degree of federal-state cooperation. This has been instrumental in organizing financial and medical aid as well as updating emergency legislation to combat the COVID-19 crisis more effectively.



# Hour of the Executive

The Bundesrat is far more than a legislative body. It represents the ruling state governments at the national policymaking table in Berlin. The ability to influence legislation at the national level and administer it at the state level empowers Germany's state executives. This high degree of executive influence within the German system has generated the term, **executive federalism**.

Outside of the Bundesrat, there are also the ministerial conferences (*Fachministerkonferenzen*). These bodies, most notably the Conference of Ministers-President (*Ministerpräsidentenkonferenz*), consist of the heads of each ministry at the state level. In total, there are 20 such organizations covering most fields of domestic policy, ranging from finance and agriculture to environment and transportation.<sup>122</sup> Along with the states, some of these organizations existed before the establishment of postwar Germany in 1949, the oldest being the Conference of the Ministers of Education and Cultural Affairs (*Kultusministerkonferenz*).<sup>123</sup> After the war, these executive organizations met regularly to negotiate policymaking and national objectives as a collective body, strengthening interstate relations. Since 1949, they have coordinated activities among the states themselves, and between the states and federal government. The meetings of state executives through the various ministerial conferences provide a forum to harmonize state-level policies and pass resolutions.

The high degree of state-level participation and influence at the national level is engrained in the German federal structure and culture. It provides an institutional push toward compromise that has proven vital as Germany's COVID-19 strategy has developed.



**"We Germans seek security in local and regional diversity on the one hand. On the other hand, however, we are constantly demanding central, uniform solutions."**

President of the Bundestag Wolfgang Schäuble (CDU)<sup>124</sup>

## Unitary Federalism?

In addition to being described as cooperative, administrative, and executive, federalism in Germany is also commonly referred to as unitary.<sup>125</sup> Unitary federalism, come again? This oxymoron has fueled questions over Germany's federal status in the post-war era. The gradual centralization of legislation at the federal level has progressively undermined Article 70 of the Basic Law – that states retain lawmaking rights unless otherwise granted to the federation.<sup>126</sup> It has also undermined the principle of subsidiarity: that, if possible, decisions should be made at the lowest level of government. Article 70 reads similar to the U.S. Tenth Amendment, but over time, states have given up their legislative autonomy – and tax-raising powers – for stronger influence in national policymaking.<sup>127</sup> This trend is part of a larger German cultural trait.

### Article 70, Section 1

The Länder shall have the right to legislate insofar as this Basic Law does not confer legislative power on the Federation.<sup>132</sup>

The same constitution that declares Germany a democratic federal state also declares it a social federal state – a reflection of its strong welfare system dating back to the time of Bismarck. Germany is, after all, the birthplace of the social welfare state.<sup>128</sup> Indeed, there has been a steady push for uniform and equal living standards for Germans since the late 19th century, which con-

tinues to impact Germany's federal system today.<sup>129</sup>

Additionally, in contrast to the rivalrous U.S. two-party system, German federalism is anchored in a con-

tinental European parliamentary system, in which consensus-building, in part demonstrated by the need for coalition building, is a chief characteristic.<sup>130</sup>

Furthermore, most key members of the federal executive branch are also members of the Bundestag, which partly weakens the separation of powers, but also increases the potential for cooperation.<sup>131</sup>

The propensity of Germany's federal actors toward uniform solutions has helped create a common, overarching national strategy during the coronavirus pandemic.



# Asymmetric Disruptions

**F**or years, Germany consistently tended toward a unitary, cooperative federal state. The events following World War II accelerated this trend.

After the war, the economic miracle (*Wirtschaftswunder*) yielded steady tax revenues that were distributed among the states.<sup>133</sup> Meanwhile, the strong regionalism that defined Germany for centuries diminished significantly. Prussia, historically Germany's most influential state, was disbanded, and Saxony was integrated into communist East Germany. Many postwar states that we know today – such as North Rhine-Westphalia (NRW) and Baden-Württemberg – are simply fabricated collections of former principalities.<sup>134</sup> Bavaria is one of the only states whose historic roots run deep, which explains the many cases of Bavarian exceptionalism that still exist today – like the Christian Socialist Union (CSU), the sister party of the Christian Democrats (CDU). Finally, the political landscape in Germany



was slow to develop.<sup>135</sup> Konrad Adenauer, Germany's first post-war chancellor, and the CDU dominated national politics until the Social Democrats (SPD) entered government in 1966, and eventually reached the Chancellery in 1969, almost 25 years after the war.<sup>136</sup> The lack of political diversity reduced the potential for disagreement, and in turn fostered more cooperation between the federal government and states.<sup>137</sup>

But since the 1990s, societal developments have disrupted Germany's system. First, the fall of the Berlin Wall in 1989 and reunification of Germany just a year later created new social and economic disparities.<sup>138</sup> Although the East-West divide has improved over the last 30 years, residual differences persist. Attempts at fiscal equalization, in which richer states have been forced to distribute funds to poorer ones, have created tension. Some states, including the southern states of Hesse, Baden-Württemberg, and Bavaria, have begun to push back against centralization and call for greater state autonomy.<sup>139</sup> This criticism led to federalism reforms in the early 2000s, although their impact was limited.<sup>140</sup>

Second, Germany's political spectrum has become more diverse and fragmented since reunification. The big tent parties, the CDU and SPD, have lost ground to parties on both ends of the political spectrum, and have been hampered by competing intraparty factions. The results of regional elections since 2016 show how interests of the federal government and states have diverged.<sup>141</sup> The growing regional diversity, economic inequality, and political variety has challenged the cooperative nature of Germany's federal system.

While cooperation has been at the heart of Germany's coronavirus response, regional demographic, political, and economic diversity has hampered unified federal-state coronavirus initiatives, especially as the crisis has continued into the 2021 election cycle.



# Pandemic Partnership

Despite asymmetric disruptions like political fragmentation and the residual East-West divide, Germany's strong sense of cooperation sets it apart from other federations around the world. The high degree of structural and cultural interconnectedness between Germany's federal and state governments – anchored in the Basic Law, and fostered through the Bundesrat and ministerial conferences – has nurtured a robust federal-state relationship.

In addition to structural and institutional strengths of German federalism, the country has a deep cultural appreciation for efficiency and standardization. This has pushed states to turn to each other and the federal government to coordinate most domestic policies. The various links created by its unique institutions and forums of negotiation, along with its history of centralized, uniform solutions to national problems, has fostered a high degree of cooperation and coordination in its response to the COVID-19 pandemic.



## German Federalism and COVID-19

# UNITY IN ADV ERSITY

Cooperation, multilateral bargaining, and consensus-seeking are cultural, institutional, and structural features intertwined in the fabric of Germany's federal system.<sup>142</sup> The public health emergency sparked by COVID-19 has pushed German federalism to its limits. Yet, in many ways, the challenge has not fundamentally changed its character. At first, the functional division of power – the administrative authority of the states – created a fissure like that in the United States, where federal power was limited and state power seemed boundless. Mainstream media, elected officials, and citizens disparaged federalism, pointing to Germany's slow, disjointed, and confusing strategies at

the start of the pandemic. However, ultimately, a cooperative, coordinated response prevailed. Close intergovernmental dialogue has produced uniform standards as Germany has worked its way through the crisis.

Distinct state-level administrative rule, limited emergency powers, an increasingly fragmented political spectrum, and 2021 elections on the horizon have challenged Germany's cooperative and coordinated approach. Still, continuous federal-state dialogue, strong federal leadership, and a normative appreciation for uniform solutions has largely united the country in the face of its greatest challenge in the postwar era.



# COMMON AND UNITED ACTION

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In the early days of the pandemic, Germany's policies to combat the virus varied considerably from state to state. As in the U.S., public health administration in Germany is reserved for the states, then delegated to hundreds of local public health authorities. But the need for more standardization became apparent as the virus took hold of the country. In a move typical of German federalism, the country shifted to a more uniform and cooperative approach. Conferences between federal and state executives, a unified Corona Cabinet, clear and consistent leadership from the Chancellery, and extended emergency powers led to common and united action throughout the first phase of the crisis.



# Flickenteppich?

Despite international praise for Germany's initial response in spring 2020, there were uncoordinated, contradictory, and perplexing strategies in the early days of the pandemic. In the first stages, the virus was a "slow-moving catastrophe" that spread at varying rates, ostensibly concentrated in a few rural communities.<sup>143</sup>

Germany recorded its first COVID-19 case in Bavaria on Jan. 27, 2020, prompting an outbreak in a car part manufacturing facility when a worker returned from a plant in Wuhan, China.<sup>144</sup> Further outbreaks occurred in small communities in Bavaria, NRW, and Baden-Württemberg, the country's most populated states. In NRW, an outbreak in the small district of Heinsberg, just west of Cologne stemmed from annual Karneval celebrations. Outbreaks in Bavaria and Baden-Württemberg were linked to an annual beer festival in Tirschenreuth on the Czech border and returning travelers from ski resorts in Austria.<sup>145/146</sup>



Individual approaches made sense in the early days of singular, concentrated outbreaks. But once single instances gave way to major outbreaks across the country, a coordinated approach became vital. On the same day Germany recorded its first official COVID-19-related death – on March 9 – it also recorded 136 new cases.<sup>147</sup> Just a week later, the daily number of infections reached nearly 1,500, eventually spiking to a high of 6,174 in the first wave of the crisis.<sup>148</sup>

The federal government established temporary checks and partially closed national borders.<sup>149</sup> But as in the U.S., German state governments – not the federal government – oversee health policies.<sup>150</sup> There-

fore, as cases spread from Warnemünde to Wanne-Eickel, 16 separate response plans, administered by 400 local public health authorities, arose.<sup>151</sup> A glaring lack of consistency and coordination sparked reproach from many sectors of German society. Soon, "*Flickenteppich*", or patchwork quilt, became the word synonymous with Germany's COVID-19 response. The derogatory term has resurfaced at various stages of the crisis from critics of federalism in times of national hardship.<sup>152</sup>

As officials witnessed the spread and severity of the disease, state executives and the federal government began working together to harmonize approaches to combat the virus.



# Executive Roundtable

**Betretungsverbot!**  
Zur Eindämmung  
des Corona-Virus sind  
ab sofort alle Spiel- und  
Bolzplätze gesperrt!  
Stadt Hamm:  
Der Oberbürgermeister

While the first COVID-19 outbreak in Bavaria was contained through efficient federal-state collaboration in contact tracing and testing, subsequent outbreaks across the country made finding patient zero, the original carrier of the disease, impossible.<sup>153</sup> On Feb. 26, 2020, Federal Health Minister Jens Spahn (CDU) announced that a nationwide epidemic was imminent.<sup>154</sup>

The crisis forced state-level leaders to increase coordination and align strategies toward the common goal of defeating the virus. Germany's federal and state actors used one of the country's unique structures, the Conference of Ministers-President, a supreme executive body consisting of its 16 state premiers, whose purpose is to harmonize policies among the states.<sup>155</sup>

Frequent meetings throughout the pandemic helped federal and state governments resolve the dilemma of competing authorities. Between March 12 and June 17, the conference met eight times, while normally, only one meeting would occur in the same period.<sup>156</sup> The group negotiated a series of nationwide restrictions to combat surging cases across the country. On March 16, the state executives agreed on resolutions to close schools and universities, impose strict rules on social contact in nursing homes, and shut down public areas of entertainment including bars, clubs, and theaters.<sup>157/158</sup> One week later, as cases continued to surge, they tightened restrictions even more. Dining in restaurants ceased, public gatherings of more than two people outside of families and households ended, and strict social distancing orders went into effect.<sup>159/160</sup>

In addition to the various coordinating efforts of the Conference of Ministers-President, federal-state dialogue and coordination filtered down into other policy areas. Early in the crisis, Federal Transportation Minister Andreas Scheuer (CDU) and state transpor-

tation ministers agreed to harmonize policies for truck drivers crossing state lines despite interstate travel restrictions.<sup>161</sup> In July, Spahn coordinated with state health ministers on mandatory testing for travelers returning to Germany.<sup>162</sup> Throughout the crisis, Federal Education Minister Anja Karliczek (CDU) and the 16 state education ministers have remained in constant dialogue over closing and reopening schools.

Despite competing authorities and interests among federal, state, and local actors, increased dialogue and the common goal of mitigating the virus harmonized policies across the country. Each meeting led to agreements that gave states the freedom to implement policy based on epidemiological developments in their areas. These agreements had no legal binding, yet the high degree of federal-state dialogue ensured that most states complied and implemented policies as intended.<sup>163</sup> Throughout the crisis, federal-state dialogue through the ministerial conferences has continued, and proven vital to adapting Germany's nationwide pandemic strategy.



**"The situation is serious. Take it seriously. Since German unification, no, since the Second World War, there has been no challenge to our nation that has demanded such a degree of common and united action."**

Chancellor Angela Merkel (CDU), March 2020<sup>164</sup>

## Scientist-in-Chief

Since Angela Merkel became Germany's chancellor in 2005, she has distinguished herself as a crisis manager. From the eurozone crisis to the Syrian refugee crisis, Merkel's ability to guide the country through times of adversity has prompted Germans to grant her the good-natured moniker, "*Mutti*" – the mother of the nation.<sup>165</sup>

Yet her influence and popularity had waned considerably in recent years because of unpopular immigration policies, internal party conflicts, and the rise of Germany's far right. As early as June 2019, political pundits suggested that Germany seemed to be "stuck with a lame duck."<sup>166</sup>

But typical of the coronavirus era, the crisis changed everything – and very quickly.

As the need for a calm, cool, and collected leader arose, Merkel was there once again to guide the ship and unite the country. On March 18, she delivered perhaps one of the most momen-

tous addresses of her 16-year tenure in a rare televised speech to the nation, with the Reichstag as her backdrop.<sup>167</sup> Describing the pandemic as Germany's greatest challenge since World War II, she called for "common and united action" to combat the spread of the virus.<sup>168</sup>

In addition to her compelling leadership style and extensive crisis management experience, Merkel possesses another set of skills of incalculable worth to Germany's pandemic response: She is a trained scientist. Merkel earned a doctorate in quantum chemistry in the former East Germany and later worked as a research scientist.<sup>169</sup> Her training in scientific method enabled clear and decisive action in the darkest days of Germany's pandemic.

She delegated responsibility to the appropriate authorities, consistently deferring to medical experts when determining appropriate policy recommendations. Her government relied on Germany's top medical

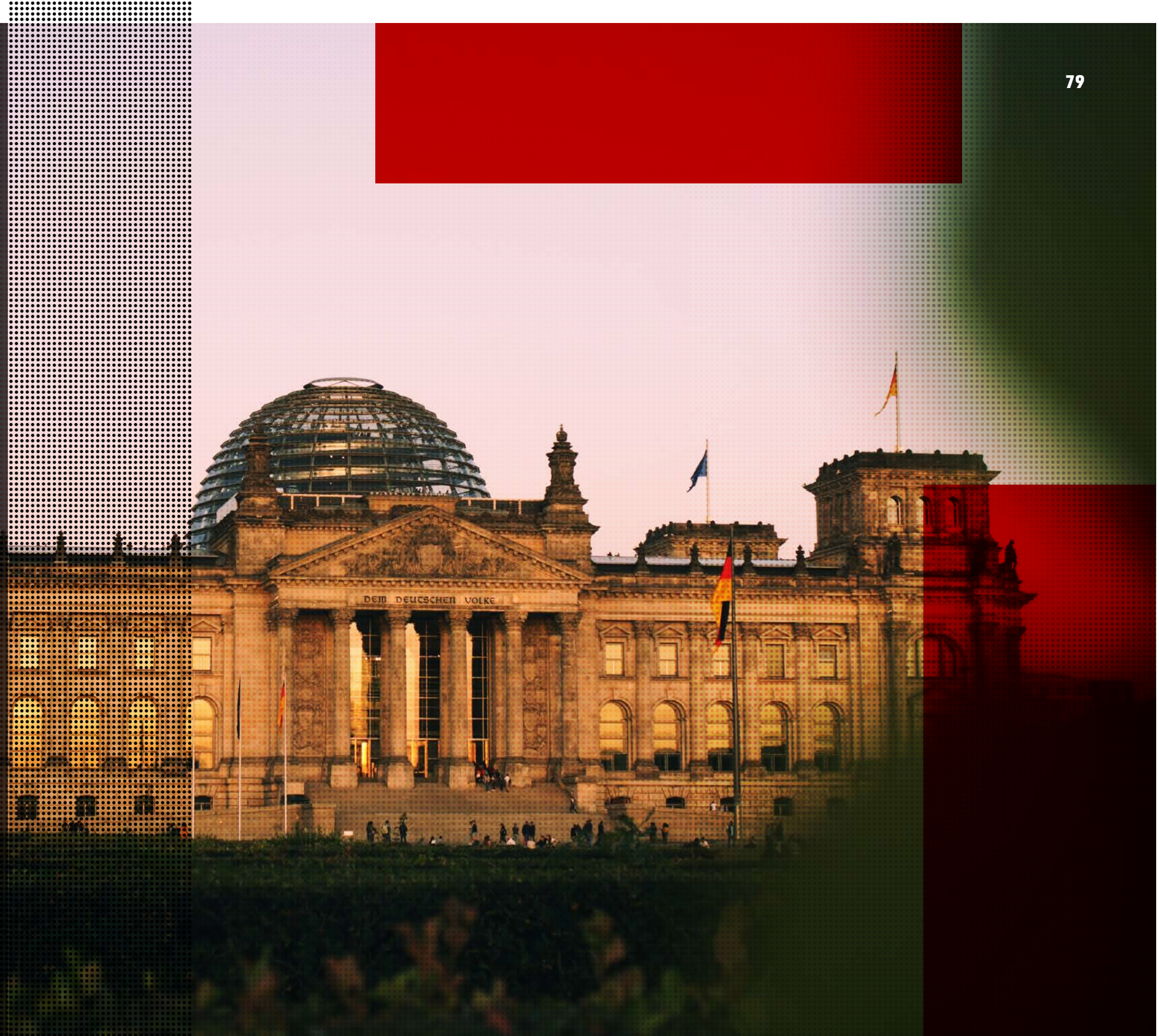


research institutions, including the Robert Koch Institute (RKI), the U.S. equivalent of the CDC, and Charité Hospital in Berlin, to establish nationwide systems of research on the coronavirus. She created a coronavirus task force, later called the “Corona Cabinet,” consisting of Germany’s leading scientific minds, including Dr. Christian Drosten, whose team developed the world’s first diagnostic COVID-19 test.<sup>170</sup>

The Chancellor’s success in pulling together Germany’s 16 state executives was – and has remained – instrumental in implementing nationwide lockdown restrictions. Following executive conference meetings, Merkel delivered clear and concise press briefings to the German public, typically with Bavarian Prime Minister Markus Söder (CSU) and Hamburg’s First Mayor Peter Tschentscher (SPD) by her side to show unity between the federal and state governments, but also to improve transparency in the resolutions passed.<sup>171</sup>

Merkel’s efforts did not go unnoticed. In addition to widespread international praise of her leadership, her domestic approval ratings increased by double digits in the weeks following Germany’s trajectory change in the pandemic.<sup>172</sup> Positive views of her party also increased, as did those of cabinet members to whom she delegated responsibility and showed unequivocal trust.<sup>173</sup>

Merkel’s leadership has been vital in shaping public approval of COVID-19 restrictions and coordinating state-level policies throughout the pandemic.





# Federal Front

balanced budget.<sup>175</sup> During the pandemic, however, Germany's strict adherence to austerity measures provided a safety net through which it stimulated the economy, increased its support of public health measures, and softened the economic impacts on its citizenry.

One of the strengths of Germany's pandemic response in the first stages was a supportive, unified federal government. While limited in on-the-ground health policy implementation, Merkel and her cabinet were instrumental in coordinating state-level policies, communicating clearly to the German public, and providing medical and financial support to states, localities, businesses, and citizens.

On March 27, 2020, the Bundesrat approved an historic aid package, passed ultimately by German President Frank-Walter Steinmeier (SPD), consisting of 750 billion euros – the largest stimulus package in German history.<sup>174</sup> For years, Germany was renowned – and in many circles criticized – for its “black zero” (*Schwarze Null*) fiscal policy, a political commitment to a

As the virus gripped the German economy, Finance Minister Olaf Scholz (SPD) and Economic Minister Peter Altmaier (CDU) unveiled their so-called “bazooka,” providing unlimited financial assistance to businesses impacted by the pandemic.<sup>176</sup> Largely a cooperative venture, the federal government provided funds that were then accessed and distributed by the states accordingly.<sup>177</sup> Later in the pandemic, criticism from states filtered up to the economic and finance ministries over bureaucratic hurdles in accessing such aid, but the overall federal approach has remained superior to the United States.<sup>178</sup>

The Bundestag also expanded Germany's short-time work scheme (*Kurzarbeit*). The program allows employers to retain their work force – in which they have invested time, training,



45%

Which level of government is playing the most important role during the coronavirus pandemic?

26%

12%

9%

8%

Federal

State

European Union

Do not know

Local

Source: Civey/Der Spiegel, March 2020

and resources – by reducing employees’ working hours in return for partially subsidized salaries.<sup>179</sup> Consequently, Germany’s unemployment figures rose only slightly to 5.8 percent in May – compared with 13.3 percent in the United States.<sup>180</sup> Even before Germany registered its first COVID-19 case, the federal government had decided to cover the cost of diagnostic tests for individuals displaying symptoms or returning from hotspots. By early April, 350,000 people were being tested per week.<sup>181</sup> The federal and state governments worked together to double available intensive care unit (ICU) capacity, a move so effective that Germany admitted patients from nearby Italy and France during the first wave.<sup>182/183</sup> The Federal Crisis Committee also coordinated with several federal agencies to procure medical supplies like PPE, ventilators, and respirators. This move avoided creating competition among the states, as seen on the other side of the Atlantic.<sup>184</sup> The response of the federal government – especially the deployment of tests – was credited with keeping Germany’s death rate much lower than its European partners.<sup>185</sup> The federal government also expanded its public health emergency authority, the lack of which had limited its power at the onset of the pandemic. Such emergency powers were originally not included in the Basic Law (due to Germany’s controversial history with such powers), and then included only under very specific parameters in the 1960s.<sup>186</sup> Following federal-state dialogue, amendments to the Infectious Diseases Protection Act (*Infektionsschutzgesetz*, or *IfSG*) increased the mandate of the Federal Ministry of Health.<sup>187/188</sup> Under the updated emergency powers, the reach of the Health Ministry expanded from mainly consultative affairs to on-the-ground operations in support of state and local health offices.<sup>189</sup> Further amendments over the course of 2020 to the IfSG expanded federal-level powers to increase laboratory capacities, prepare vaccination centers, and standardize legal definitions like “risk area.”<sup>190</sup> By March, a poll from *Der Spiegel* found that aside from the Bavarians – who experienced the earliest and most comprehensive COVID-19 restrictions – a near majority of German citizens thought that the federal government was playing the chief role in the pandemic response.<sup>191</sup>



# CRISIS AVERTED?

Despite Germany's lackluster start to the pandemic, increased federal-state coordination paved the way for far-reaching COVID-19 restrictions. By early May, the country's common and united approach had helped it overcome the first wave. However, once the common threat weakened, so too did the common interest that prompted such cooperation. A higher degree of political fragmentation resurfaced, and residual economic and social differences returned, generating deviations in state-level coronavirus policies. Nonetheless, a federal-state negotiated framework and continued cooperation helped to maintain the initial success – for a time.



# Structured Reopening

**A** month after the first lockdown measures took effect in March 2020, Germany's infection rate began dropping. The coordinated response in lockdown measures had paid off. As infection rates continued to drop, federal-state dialogue led to a gradual lifting of restrictions. In late April, shops with 800 square meters of space reopened, albeit with limitations on the number of customers allowed inside.<sup>192</sup>

On May 6, as the infection curve had nearly rounded, Merkel announced the country's exiting the first phase of the pandemic. The 16 state executives agreed to a gradual, structured

reopening of public life.<sup>193</sup> However, Merkel was cautious in her congratulations to the German public. The threat of the virus in March and April had pushed states and localities toward uniform solutions. As infection rates dropped, Germany's pandemic response shifted from national solutions back to state and local-level measures – in line with the principle of subsidiarity.

The increased decentralization of pandemic responses stoked fears over how Germany would maintain the gains from its successful handling of the first phase. However, in stark contrast to the U.S., states administered their responses within the parameters of a federal-state negoti-

ated framework based on RKI recommendations. For example, if cases reached 50 new infections per 100,000 inhabitants over a one-week period, states and localities had to reinstate lockdown measures.<sup>194</sup> The success of the first phase of the response, based on federal-state negotiations and recommendations from Germany's leading scientific experts, established trust in measures moving forward. It also ensured that states would follow the framework for reopening – and reclosing in the case of an outbreak.

Despite concerns over increased subsidiarity, states and localities demonstrated resolve and even ingenuity in their approaches. For example, Berlin in-

troduced a traffic light warning system, known as the *Corona-Ampel*. It consists of three indicators: the reproduction number, or R number; the number of available ICU beds; and the number of new infections per 100,000 inhabitants over a week-long period.<sup>195</sup> The online report shows Berlin lawmakers and citizens how individual districts are handling the virus. The green, yellow, and red colors represent different thresholds per indicator, and a mixture of red lights requires action from local governments. In fall 2020, state executives from other corners of the country, praised Berlin's system, and some ultimately adopted it.<sup>196</sup> Despite increased subsidiarity, Germany's cooperative, coordinated reopening proved resilient as new cases remained low throughout summer 2020.







# Political Pushback

**T**he initial threat of the virus forced Germany's political parties to holster their differences and rally in common cause. Merkel and her government moved the once fragmented electorate back to the center. Leaders of the opposition parties, even the far-right, populist Alternative for Germany (AfD), backed the nationwide lockdown restrictions.<sup>197</sup> By

the time Germany graduated from the first phase of the pandemic in May 2020, the CDU's popularity had jumped to 40 percent nationwide, and the Grand Coalition's (*GroKo*) popularity reached an all-time high of 70 percent.<sup>198</sup>

But by summer, the common threat had waned, and the rallying point effectively vanished. The high approval ratings of the CDU came at the expense of

other political parties. Approval figures for Germany's formerly-trending Greens, Free Democratic Party (FDP), AfD, and die Linke had all dropped.<sup>199</sup> In turn, Germany's political diversity revealed itself once again, sparked, in part, by each party's need to reassert itself ahead of the 2021 election cycle. Parties like the FDP and AfD – and even sections of the state-level CDU – have openly opposed Germany's

continued lockdown measures, citing federal overreach and economic hardship. In October, FDP Leader Christian Lindner, whose party's support dropped nearly below the Bundestag threshold of five percent, said that the pandemic should not be “overdramatized.”<sup>200</sup> AfD Parliamentary Group Leader Alexander Gauland, initially complimentary of Merkel and her cabinet's approach, later

called her government a “corona dictatorship.”<sup>201</sup> Factions of Gauland's party have supported groups of anti-vaccination, anti-lockdown conspiracy theorists that have organized demonstrations across the country.<sup>202</sup>

Merkel, her party, and her cabinet enjoyed high public approval ratings throughout 2020. However, shortcomings in vaccine procurement and coronavirus aid in early

2021 have hurt the once glowing appraisals of the federal government's response. Indeed, opposition parties have accused the government of failing the German public in a time of need.<sup>203</sup>

As the 2021 election season ramps up, divergent political interests have the potential to undermine Germany's unified approach.

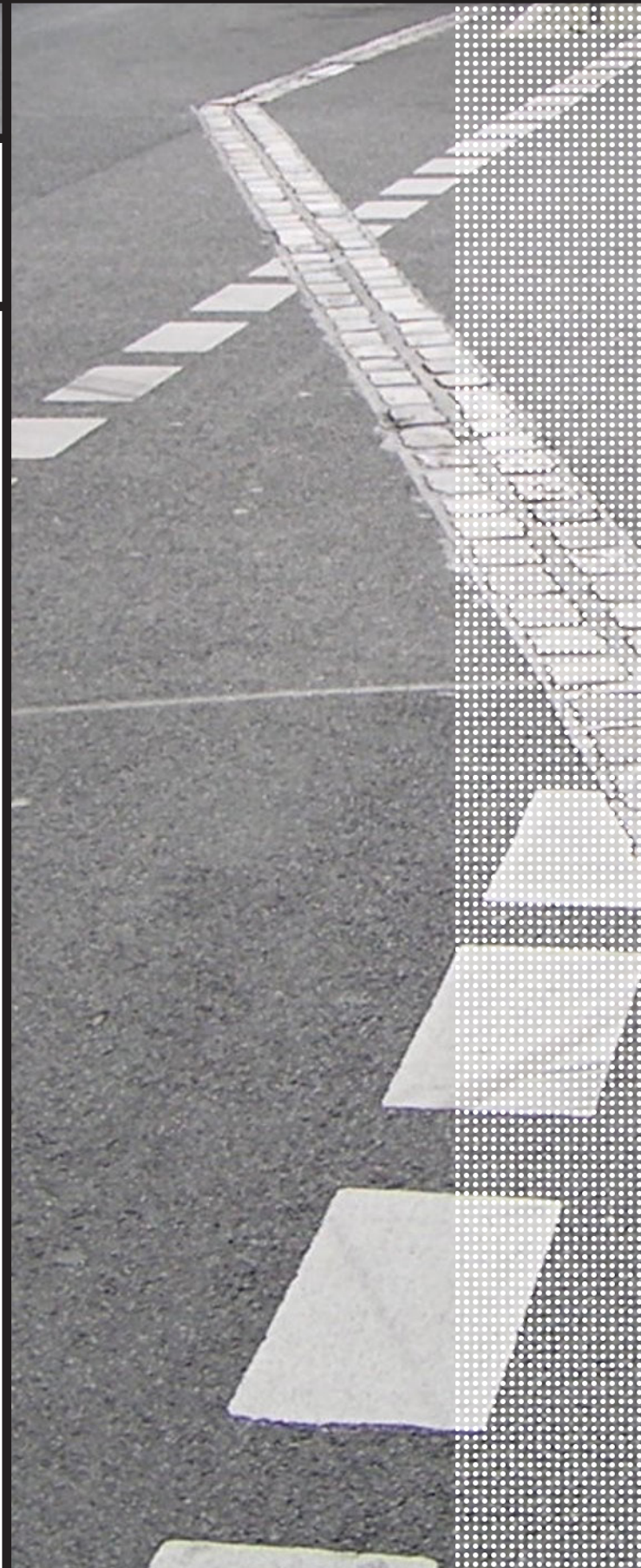


# East-West

**C**hancellor Merkel was initially apprehensive about the extensive COVID-19 restrictions. Her angst over the measures stemmed from her time living under the German Democratic Republic's communist regime (GDR).<sup>204</sup> The reverberations of the former East, however, have resurfaced beyond Germany's COVID-19 lockdowns.

Germany celebrated 30 years of reunification on Oct. 3, 2020. In that time, the country has made progress in bridging the East-West divide, but disparities endure. Normally, these differences have spelled bad news for the “new” states: Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, and Thuringia (East Berlin is a special case). In the COVID-19 era, however, these gaps have, in many ways, provided an advantage for Germany's eastern regions.

The eastern states were the last to feel the impact of the virus. In late April, Bavaria had an incidence rate of 324 cases per 100,000 inhabitants, compared with just 43 in Mecklenburg-Western Pomerania;<sup>205</sup> Saxony-Anhalt was the last state to record a COVID-19 case;<sup>206</sup> and as of October 2020, Schwerin, the capital of Mecklenburg-Western Pomerania, had not recorded a single COVID-19 death.<sup>207</sup>



# Divide



Why? For one, the former East's population is older, and therefore less mobile, which reduces the spread of the virus.<sup>208</sup> It is also less populated than the West. From 1990 to 2019, 2.2 million East Germans migrated westward. Besides (East) Berlin, only two of Germany's 20 most populated cities (Saxony's Leipzig and Dresden) are in the former GDR.<sup>209</sup> Furthermore, average incomes are lower in the East. In 2019, the gross domestic product (GDP) per person in the East was 79 percent of the national average.<sup>210</sup> Richer populations in NRW and Bavaria traveled and congregated more, exacerbating early outbreaks.

While the coronavirus manifested slower and to a lesser extent in the East, the economic and social difficulties associated with the crisis have still impacted the region. The federal government has taken extra steps to help the new states overcome these challenges. It has provided exemptions and increased support in several fiscal areas. Marco Wanderwitz (CDU), federal commissioner for the new federal states, has been at the forefront of cooperative relations between the former East and Berlin.<sup>211</sup> While Merkel has met dozens of times with the heads of Germany's 16 states, she also met on at least two occasions with the “new” federal state executives to discuss the social, economic, and health challenges facing their communities.<sup>212</sup>

The residual disparities in the East have caused disruptions to Germany's unified coronavirus policies. The economic and social differences between the East and West have generated a far more diverse political landscape than in other areas of the country. Die Linke is a political force in Thuringia, while the AfD has established a major foothold across the region. Throughout the crisis, some of the most contentious demonstrations against lockdown measures and facemask mandates have taken place in the East.<sup>213</sup> This political diversity and civil unrest has, at times, hindered Germany's unified response, demonstrated first by Thuringia Prime Minister Bodo Ramelow (die Linke) reducing most COVID-19 restrictions – at the disapproval of the federal government and most other states – in early June.<sup>214</sup> Throughout 2020, further pushback over coronavirus policies appeared to have negative consequences. By early 2021, Germany's highest infection rates were concentrated in its eastern states.<sup>215</sup>




# Continued Support

**W**hile states and localities directed the main share of on-the-ground pandemic responses, the federal government continued utilizing its economy of scale to support states, municipalities, businesses, and citizens through summer 2020.

A month after Merkel's cautious congratulations to the German public in May, the Grand Coalition agreed on another 130-billion-euro stimulus package.<sup>216</sup> Under the Employment Protection Act (*Arbeitsschutzgesetz*), the Bundestag extended Germany's Kurzarbeit system through the end of 2021, securing Germany's work force and hindering mass unemployment.<sup>217</sup> On average, workers are receiving between 60 and 87 percent of their former salaries.<sup>218</sup> Throughout the summer, the federal government expanded its support in other areas, including additional payments to families with children, nurses on the front lines, and cultural centers across the country.<sup>219</sup> The Federal Ministry of Health also rolled out its official *Corona-Warn-App*, the product of a public-private partnership with SAP and Deutsche

Telekom.<sup>220</sup> The app traces infections, warns users in case of exposure, and helps prevent outbreaks from occurring.<sup>221</sup>

However, despite the active role of Chancellor Merkel's government throughout 2020, it has experienced increased criticism in the later stages of the pandemic. While the Corona-Warn-App exemplifies the hands-on approach of the Health Ministry, insufficient participation has undermined its effectiveness. In the first quarter of 2021, states and businesses have criticized the Ministry of Finance and Ministry for Economic Affairs for a winter slowdown in coronavirus aid.<sup>222</sup> And despite the several coronavirus vaccines, procurement and distribution plans have largely missed the mark. The collective approach of the German federal government outmatches the U.S., where stimulus failed to reach states, localities, and individual citizens for several months of 2020. However, these recent shortcomings in support could undermine the trust of the federal government that has been vital to Germany's cooperative approach throughout the pandemic.

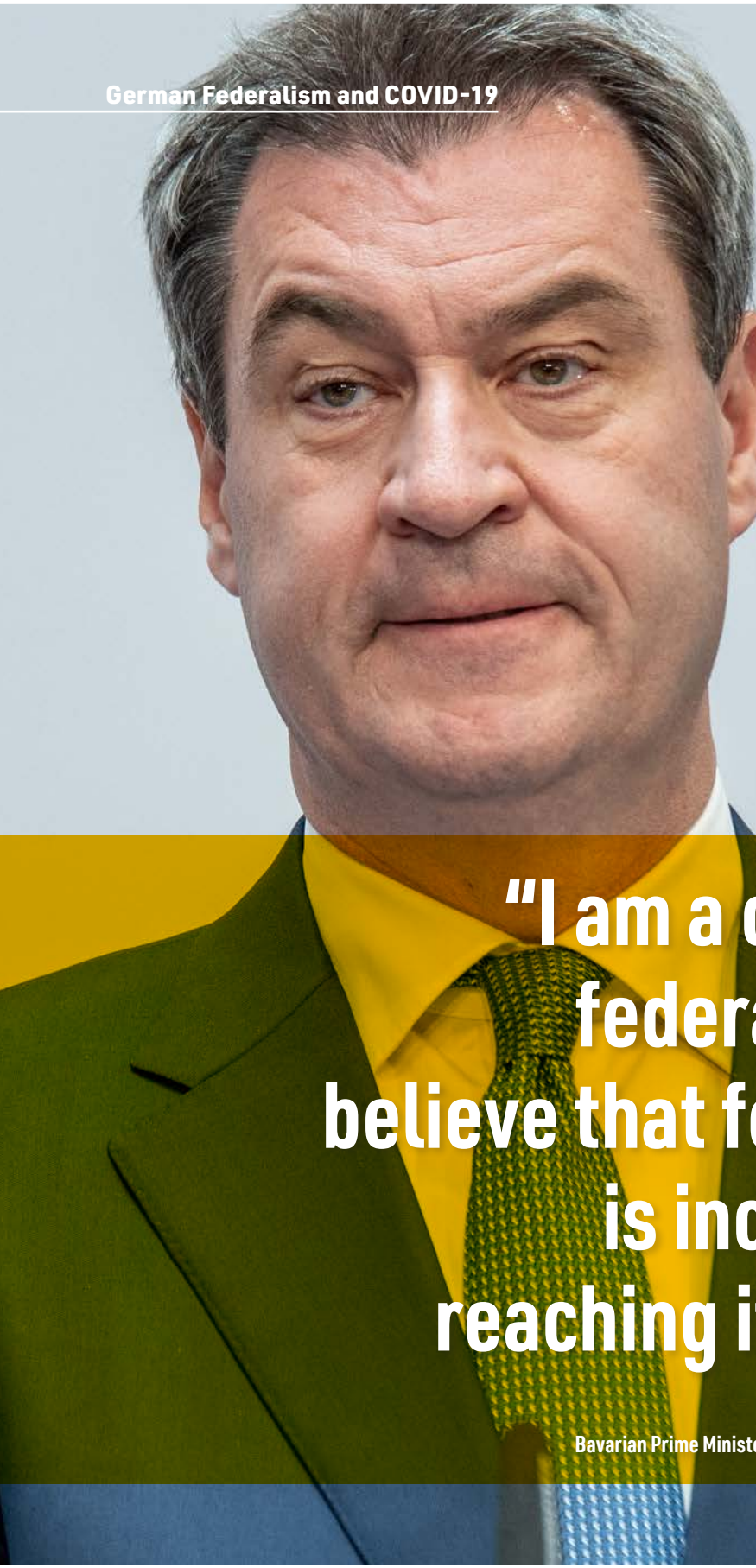
A close-up portrait of Angela Merkel, the German Chancellor, with her characteristic short blonde hair. She is wearing a grey jacket and a necklace. The background is dark and textured.

**"Federalism is not there so people can push away responsibility. It is there so that everyone takes responsibility in their area."**

Chancellor Angela Merkel (CDU), March 2020<sup>223</sup>



# Resurgent Threat

A portrait of Markus Söder, Bavarian Prime Minister, wearing a dark suit, white shirt, and a patterned tie. He is looking directly at the camera with a neutral expression. The background is a light blue wall.

**"I am a convinced federalist, but I believe that federalism is increasingly reaching its limits."**

Bavarian Prime Minister Markus Söder (CSU), October 2020<sup>224</sup>

As autumn 2020 approached, cases in Germany began rising – and rapidly. By the end of September, the country had recorded more infections than at any time during the first wave.<sup>225</sup> Although Germany's policies had kept infection rates low as it gradually reopened starting in May, the fully-anticipated second wave had arrived.

On Aug. 27, the conference of federal-state executives met to update restrictions in an effort to control the rising infections. But similar to the first days of the pandemic, state-level foot-dragging and pushback hindered widespread lockdown measures. One case in particular received extensive media coverage. Saxony-Anhalt Prime Minister Reiner Haselhoff (CDU) rejected a federal-state resolution to a 50-euro fine for violators of mask-wearing policies, the only prime minister to do so.<sup>226</sup> In a state in which the AfD won nearly 25 percent of the vote in the 2016 election, and with state elections scheduled for June 2021, the example shows how political fragmentation has sometimes undermined Germany's unified approach.<sup>227</sup>

Furthermore, as cases continued to surge throughout October, Berlin and the 16 states agreed to implement only a light lockdown during November, a measure that failed to reduce the rapidly rising number of infections.<sup>228</sup>

As Germany began losing its COVID-19 role model status on the world stage, calls of Flickenteppich returned. Even Prime Minister Söder, whose state of Bavaria arguably benefited the most from state-level authority in the early days of the pandemic, expressed concern over the limitations of Germany's federal system.

But still, negotiations led to several rounds of increased lockdown measures, unlike anything seen across the Atlantic. Further restrictions extended through December into early January, ending most interstate travel – and shutting Germany's famed holiday markets.<sup>229/230</sup> Throughout 2021, state executives have repeatedly imposed additional, far-reaching lockdown measures.<sup>231</sup>

These revised lockdown are a testament to the cooperative nature of German federalism. The success in containing the virus in the first stage of the crisis bolstered agree-



ment on Germany's renewed winter restrictions. Specifically, the spring 2020 lockdowns reduced the spread of the virus and enabled the country to gradually reopen safely throughout the summer. The international praise bolstered German politicians' and citizens' trust of the RKI's recommendations and lockdown measures.

In early 2021, the federal government's shortcomings in vaccine procurement and coronavirus aid have sparked political pushback and criticism from the wider German public. In the face of such criticism, Merkel and her government have acknowledged the deficiencies and convened conferences with state executives to improve Germany's nationwide strategy throughout 2021. A response is necessary to preserve federal-state cohesion and public trust moving forward. Politically-influenced obstruction to the federal government and COVID-19 policies is also cause for concern as Germany enters its "super election year" (*Superwahljahr*) with seven major elections scheduled from March to September. However, a strong public health system, federal support of state and local measures, and federal-state dialogue will likely continue to underpin Germany's cooperative and coordinated approach throughout the remainder of the pandemic.

**"I don't see where federalism has reached its limits. On the contrary, we are quicker [to react] as a result."**

Baden-Württemberg Prime Minister  
Winfried Kretschmann (Greens), October 2020<sup>232</sup>





# Conclusion

The COVID-19 pandemic has proven to be one of the greatest challenges ever posed to the U.S. and German federal systems. On both sides of the Atlantic, appraisals of federalism's performance have varied. In the U.S., media coverage has ranged from "When Confronting the Coronavirus, Federalism Is part of the Problem" to "How Federalism Can Protect Democracy From Pandemics."<sup>233/234</sup> Similarly, German headlines have seesawed between "*Föderalismus kann tödlich sein*" (Federalism can be deadly) and "*Ein Hoch auf den Föderalismus in der Coronakrise*" (A Toast to Federalism in the Corona-Crisis).<sup>235/236</sup>

In the United States, competing authorities, dueling visions, absent federal leadership, and extreme political polarization embedded along vertical and horizontal lines led to a disunified pandemic response. At a time when the federal government

should have coordinated state and municipal-level strategies, it often fell short, and was sometimes even counterproductive. The Trump administration's backseat approach spread division in an already divided federal system and political landscape. Furthermore, a gridlocked Congress obstructed federal-state cooperation. The immediate politicization of the crisis undermined trust in public health authorities. The polarization trickled down and split state and local responses along party lines, creating inconsistent COVID-19 strategies from coast to coast.<sup>237</sup>

And yet, the increased autonomy of American federalism also benefited state and local leaders. In the absence of federal action, governors and mayors could take the lead. Federalism allowed for quicker responses and inter-state coordination. The first lockdown measures were not introduced

by the federal government nor state governments. The city of San Francisco implemented the first stay-at-home orders, followed by the state of California, and later, most states across the Union.<sup>238</sup> Regional partnerships in New England and the Pacific Northwest empowered states to respond more effectively to the pandemic. These examples are a testament to the "laboratories of democracy" concept coined by U.S. Supreme Court Chief Justice Louis Brandeis, specifically that states can develop and test policies, that if successful, can filter across state lines.<sup>239</sup>

Biden's election has changed the U.S. federal response to the COVID-19 pandemic. The federal government – now held by the Democrats – has the potential to ensure financial support and sound medical guidance reaches states and localities. Nevertheless, the United States is unlikely to reach a common and united approach as seen in Germany.

The emergence of COVID-19 vaccines, such as the joint German-American Pfizer-BioNTech vaccine, has the potential to foster closer cooperation in distribution and rollout standardization on both sides of the Atlantic.<sup>240</sup> However, the first stumbles in the U.S. and Germany are a testament to the importance of a nationwide strategy, designed and implemented through close federal-state cooperation. In the U.S., such a nationwide strategy seems unlikely. Biden is dealing with residual impacts of Trump's response, as uncooperative governors and mayors of the opposing political party have pushed back against his pandemic policies. Political polarization and conflicting views of the virus will continue to hinder U.S. strategy in the many months ahead.

In Germany, institutionalized links between the federal and state governments, a largely supportive federal executive branch, and a normative predisposition toward uniform solutions and consen-





sus-building have contributed to its (predominantly) unified approach. However, competing authorities have at times created a Flickenteppich that hinders collective action. Demographic, economic, and social differences, especially in the former East Germany, have produced disunified COVID-19 strategies, albeit to a far less extent than the U.S. Furthermore, Germany's fragmented political spectrum, exacerbated by elections in 2021, has impeded its otherwise common and united approach.

Nevertheless, German federalism has proven itself time and time again. In contrast to the dualistic U.S. COVID-19 response, the federal, state, and local governments in Germany have worked closely to-

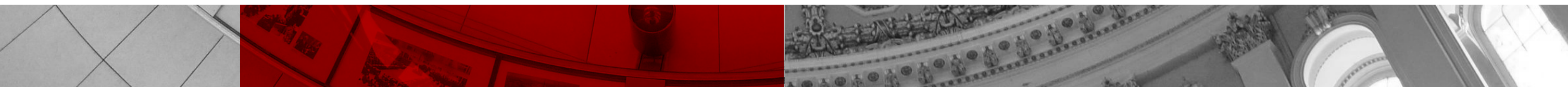
gether to coordinate lockdown measures and overcome the economic impacts of the crisis. Forums of federal-state dialogue and participation like the Conference of Ministers-President and Bundesrat have facilitated the design and implementation of lockdown measures and helped secure aid to states and localities in dire need of financial support. While the expanded role of the executive branch at the expense of the legislative – on both sides of the Atlantic – has caused concern over transparency and potential democratic backsliding, the role of these institutions has been vital to Germany's pandemic strategy.

The decentralized nature of administrative rule has, at times, created loopholes in Germany's common approach. But it has also given states

and municipalities the power to respond quickly to epidemiological developments on the ground. Like the U.S., the first lockdowns were not imposed by the federal government nor states, but rather by the small district of Heinsberg in NRW. In line with the laboratories of democracy concept, the decentralization of authority has facilitated resilient – and even innovative – responses. The early lockdowns imposed by Bavarian Prime Minister Söder set the tone for Germany's increased nationwide restrictions, and Berlin's Corona-Ampel system later filtered across state lines. Despite critiques of a Flickenteppich, differences in policies are not the problem at hand. The issue is a diversity of policies without a North Star, a standard set of parameters

to guide states and localities. Unlike the 2,600 public health authorities in the U.S., Germany's 400 public health authorities are operating under such a national framework.

Political fragmentation, exacerbated by the 2021 election cycle, and recent federal shortcomings have the potential to challenge Germany's unified pandemic strategy. However, the efforts of the Merkel government from the first days of the crisis in shaping public opinion and managing expectations, a capable public health system, various institutionalized links of federal-state communication, and a federal culture of uniformity will likely preserve Germany's cooperative approach to the COVID-19 pandemic over the next year.





- 1 Arthur B. Gunlicks, *The Länder and German federalism*, (Manchester: Manchester University Press, 2003), 3.
- 2 John Roberts, “Arlington vs. FCC.” U.S. Supreme Court, May 20, 2013, [https://www.supremecourt.gov/opinions/12pdf/11-1545\\_1b7d.pdf](https://www.supremecourt.gov/opinions/12pdf/11-1545_1b7d.pdf)
- 3 Center for the Study of Federalism, “American Federalism Timeline: 1754-Present,” <https://federalism.org/resources/federalism-timeline/>.
- 4 Ibid.
- 5 Mitzi Ramos, “Anti-Federalists,” Middle Tennessee State University, The First Amendment Encyclopedia, 2009, <https://www.mtsu.edu/first-amendment/article/1175/anti-federalists>.
- 6 Cornell Legal Information Institute, “Police powers,” [https://www.law.cornell.edu/wex/police\\_powers](https://www.law.cornell.edu/wex/police_powers).
- 7 Cornell Legal Information Institute, “Necessary and Proper Clause,” <https://www.law.cornell.edu/constitution-conan/article-1/section-8/clause-18/necessary-and-proper-clause>.
- 8 U.S. Const. amend. X.
- 9 U.S. Const. art. 1. sec. 8. cl. 1.
- 10 U.S. Const. art. 1. sec. 8. cl. 3.
- 11 U.S. Const. art. 1. sec. 8. cl. 18.
- 12 U.S. Const. art. 6. cl. 2.
- 13 Edward S. Corwin, “The Passing of Dual Federalism,” *Virginia Law Review*, February 1950.
- 14 National Constitution Center, Randy E. Barnett and Heather Gerken, “Article I, Section 8: Federalism and the overall scope of federal power,” <https://constitutioncenter.org/blog/article-i-section-8-federalism-and-the-overall-scope-of-federal-power/>.
- 15 Center for the Study of Federalism, “American Federalism Timeline: 1754-Present,” <https://federalism.org/resources/federalism-timeline/>.
- 16 Ibid.
- 17 History.com, “Great Society,” <https://www.history.com/topics/1960s/great-society>.
- 18 Center for the Study of Federalism, “American Federalism Timeline: 1754-Present,” <https://federalism.org/resources/federalism-timeline/>.
- 19 Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.
- 20 Steven R. Weisman, “Reagan Signs Law Linking Federal Aid to Drinking Age,” *The New York Times*, July 18, 1984, <https://www.nytimes.com/1984/07/18/us/reagan-signs-law-linking-federal-aid-to-drinking-age.html>.
- 21 Timothy J. Conlan and Paul L. Posner, “Inflection Point? Federalism and the Obama Administration,” *Publius: The Journal of Federalism*, June 7, 2011, <https://www.deepdyve.com/lp/oxford-university-press/inflection-point-federalism-and-the-obama-administration-wth1tcOwUl?key=OUP>.
- 22 Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.
- 23 Ibid.
- 24 Timothy Conlan, “Why we need to change the way we think about federalism,” *London School of Economics, US Centre*, December 8, 2017, <https://blogs.lse.ac.uk/usappblog/2017/12/06/why-we-need-to-change-the-way-we-think-about-federalism/>
- 25 Ibid.
- 26 Ibid.
- 27 Alan Greenblatt, “Meet The New Governor: Sharply Partisan And Upwardly Mobile,” NPR, June 19, 2013, <https://www.npr.org/sections/itsallpolitics/2013/06/19/193463227/meet-the-new-governor-sharply-partisan-and-upwardly-mobile>.
- 28 John Kincaid, “The U.S. Advisory Commission on Intergovernmental Relations: Unique Artifact of a Bygone Era,” *Public Administration Review*, 2011, <http://faculty.cbpp.uaa.alaska.edu/afgjp/PADM601%20Fall%202011/ACIR%20and%20IGR.pdf>.
- 29 Cornell Legal Information Institute, “Police powers,” [https://www.law.cornell.edu/wex/police\\_powers](https://www.law.cornell.edu/wex/police_powers).
- 30 Polly J. Price, “A Coronavirus Quarantine in America Could Be a Giant Legal Mess,” *The Atlantic*, February 16, 2020, <https://www.theatlantic.com/ideas/archive/2020/02/coronavirus-quarantine-america-could-be-giant-legal-mess/606595/>.
- 31 Jessica Boehm, “Phoenix, Tucson mayors say governor’s stay-at-home order doesn’t go far enough,” *Arizona Republic*, March 30, 2020, <https://www.azcentral.com/story/news/local/arizona-health/2020/03/30/phoenix-mayor-others-ask-governor-issue-shelter-place-order/5089754002/>.
- 32 Vivan Ho, “Arizona becomes COVID hotspot of the world as governor resists restrictions,” *The Guardian*, January 7, 2021, <https://www.theguardian.com/us-news/2021/jan/07/arizona-covid-19-world-hotspot-restrictions-doug-ducey>.
- 33 David Giambusso, Sally Goldenberg, and Amanda Eisenberg, “‘It is not acceptable’: Cuomo, de Blasio at odds as Covid surges in New York,” *Politico*, October 5, 2020, <https://www.politico.com/states/new-york/albany/story/2020/10/05/as-covid-surges-in-nyc-so-does-conflict-between-de-blasio-and-cuomo-1321450>.
- 34 Andrew Cuomo faces a reckoning for a pandemic-related cover-up,” *The Economist*, February 20, 2021, <https://www.economist.com/united-states/2021/02/20/andrew-cuomo-faces-a-reckoning-for-a-pandemic-related-cover-up>.
- 35 “Secretary Azar Declares Public Health Emergency for United States for 2019 Novel Coronavirus,” *U.S. Department of Health and Human Services*, January 31, 2020, <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>.
- 36 “Proclamation on Suspension of Entry as Immigrants and Nonimmigrants of Persons who Pose a Risk of Transmitting 2019 Novel Coronavirus,” *The White House*, January 31, 2020.
- 37 Saim Saeed, “Trump’s Europe travel ban explained,” *Politico*, March 12, 2020, <https://www.politico.eu/article/coronavirus-donald-trump-europe-travel-ban-explained/>.
- 38 “Proclamation on Declaring a National Emergency Concerning the

Novel Coronavirus Disease (COVID-19) Outbreak,” *The White House*, March 13, 2020.

- 39 “Who’s on the U.S. Coronavirus Task Force,” *The New York Times*, May 7, 2020, <https://www.nytimes.com/2020/02/29/health/Trump-coronavirus-taskforce.html>.

- 40 Jordan Fabian and Justin Sink, “Trump Signs \$2 Trillion Virus Bill, Largest Ever U.S. Stimulus,” *Bloomberg*, March 27, 2020, <https://www.bloomberg.com/news/articles/2020-03-27/trump-signs-2-trillion-virus-bill-largest-ever-u-s-stimulus>.

- 41 Committee for a Responsible Federal Budget, “What’s in the \$2 Trillion Coronavirus Relief Package?,” March 25, 2020, <http://www.crfb.org/blogs/whats-2-trillion-coronavirus-relief-package>.

- 42 U.S. Department of Labor, “Unemployment Insurance Relief During COVID-19 Outbreak,” March 27, 2020, <https://www.dol.gov/coronavirus/unemployment-insurance>.

- 43 Jeffrey Cheng, Tyler Powell, Dave Skidmore, and David Wessel, “What’s the Fed doing in response to the COVID-19 crisis? What more could it do?,” *Brookings Institution*, December 11, 2020, <https://www.brookings.edu/research/fed-response-to-covid19/>.

- 44 Andrew Glass, “Bush creates Office of Homeland Security, Oct. 8, 2001,” *Politico*, October 8, 2016, <https://www.politico.com/story/2016/10/bush-creates-office-of-homeland-security-oct-8-2001-229212>.

- 45 Charlie Anderson, “In Review: Why President Obama Reformed Wall Street and What Reform has Accomplished,” *The White House*, January 9, 2017, <https://obamawhitehouse.archives.gov/blog/2017/01/09/review-why-president-obama-reformed-wall-street-and-what-reform-has-accomplished>.

- 46 History.com, “New Deal,” <https://www.history.com/topics/great-depression/new-deal>.

- 47 Caitlin Oprysko and Susannah Luthi, “Trump labels himself ‘a wartime president’ combating coronavirus,” *Politico*, March 18, 2020, <https://www.politico.com/news/2020/03/18/trump-administration-self-swab-coronavirus-tests-135590>.

- 48 John Lange, “Pandemic preparedness and response under a different president,” *The Hill*, August 10, 2020, <https://thehill.com/opinion/white-house/511320-pandemic-preparedness-and-response-under-a-different-president>.

- 49 Matthew Choi, “Peter Navarro blasts Fauci in op-ed,” *Politico*, July 14, 2020, <https://www.politico.com/news/2020/07/14/navarro-blasts-fauci-in-op-ed-362416>.

- 50 “Trump’s Wasted Briefings,” *The Wall Street Journal*, April 8, 2020, <https://www.wsj.com/articles/trumps-wasted-briefings-11586389028>.

- 51 David Nakamura, Josh Dawsey, Laura Vozzella, and Robert Costa, “Governors frustrated with Trump’s offer of ‘backup’,” *The Seattle Times*, March 26, 2020, <https://www.seattletimes.com/nation-world/inslee-clashes-with-trump-over-his-leadership-on-federal-coronavirus-aid/>.

- 52 “Northeast Governors From Connecticut, New York, New Jersey Announce Collective Measures to Combat Spread of COVID-19,” *The Office of Governor Ned Lamont*, March 16, 2020, [\[Collective-Measures\]\(#\).](https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2020/03-2020/Northeast-Governors-From-Connecticut-New-York-New-Jersey-Announce-</a></li></ol></div><div data-bbox=)

- 53 “Massachusetts Joins New York, New Jersey, Connecticut, Pennsylvania, Delaware and Rhode Island’s Multi-State Council to Get People Back to Work and Restore the Economy,” *New York State*, April 13, 2020, <https://www.governor.ny.gov/news/massachusetts-joins-new-york-new-jersey-connecticut-pennsylvania-delaware-and-rhode-islands>.

- 54 “California, Oregon & Washington Announce Western States Pact,” *Office of Governor Gavin Newsom*, April 13, 2020, <https://www.gov.ca.gov/2020/04/13/california-oregon-washington-announce-western-states-pact/>.

- 55 “Inslee announces Colorado & Nevada will join Washington, Oregon & California in Western States Pact,” *Washington Governor Jay Inslee*, April 27, 2020, <https://www.governor.wa.gov/news-media/inslee-announces-colorado-nevada-will-join-washington-oregon-california-western-states>.

- 56 Clary Estes, “States Are Being Forced Into Bidding Wars To Get Medical Equipment To Combat Coronavirus,” *Forbes*, March 28, 2020, <https://www.forbes.com/sites/claryestes/2020/03/28/states-have-are-being-forced-into-bidding-wars-to-get-medical-equipment-to-combat-coronavirus/>.

- 57 Joel Rose, “A ‘War’ For Medical Supplies: States Say FEMA Wins By Poaching Orders,” NPR, April 15, 2020, <https://www.npr.org/2020/04/15/835308133/governors-say-fema-is-outbidding-redirecting-or-poaching-their-medical-supply-or>.

- 58 Jonathan Allen, “Trump’s war between the states creates eBay-like fight for aid,” *NBC News*, March 31, 2020, <https://www.nbcnews.com/politics/white-house/trump-s-war-between-states-creates-ebay-fight-aid-n1173116>.

- 59 Andrew Jacobs, “Despite Claims, Trump Rarely Uses Wartime Law in Battle Against Covid,” *The New York Times*, September 22, 2020, <https://www.nytimes.com/2020/09/22/health/Covid-Trump-Defense-Production-Act.html>.

- 60 Quint Forgey, “‘We’re not a shipping clerk’: Trump tells governors to step up efforts to get medical supplies,” *Politico*, March 19, 2020, <https://www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658>.

- 61 Jacob Knutson, “Illinois governor: ‘The president does not understand the word ‘federal,’” *Axios*, April 5, 2020, <https://www.axios.com/illinois-pritzker-federal-stockpile-trump-80d8259c-bcda-4e1c-8dfa-4e33fbc5a0b8.html>.

- 62 Orion Rummier, “Hogan says National Guard is protecting coronavirus tests sent from South Korea,” *Axios*, April 30, 2020, <https://www.axios.com/larry-hogan-maryland-coronavirus-tests-national-guard-10750734-7c9b-4bbe-8f9c-3d8ffcd236bf.html>.

- 63 Kristen Holmes, Carma Hassan and David Williams, “New England Patriots team plane with 1.2 million N95 masks arrives from China to help ease shortages,” *CNN*, April 3, 2020, <https://www.cnn.com/2020/04/02/us/coronavirus-patriots-plane-masks-spt-trnd/index.html>.

- 64 Ibid

- 65 Quint Forgey, “‘We’re not a shipping clerk’: Trump tells governors to step up efforts to get medical supplies,” *Politico*, March 19, 2020, <https://www.politico.com/news/2020/03/19/trump-governors-coronavirus-medical-supplies-137658>



66 Lauren Egan, “Trump calls coronavirus Democrats’ new hoax,” *NBC News*, February 28, 2020, <https://www.nbcnews.com/politics/donald-trump/trump-calls-coronavirus-democrats-new-foax-n1145721>.

67 Jeremy W. Peters, “Alarm, Denial, Blame: The Pro-Trump Media’s Coronavirus Distortion,” *The New York Times*, April 1, 2020, <https://www.nytimes.com/2020/04/01/us/politics/hannity-limbaugh-trump-coronavirus.html>.

68 Claudia Grisales, Kelsey Snell, and Susan Davis, “House Passes \$3 Trillion Coronavirus Relief Bill That Has Dim Future,” *NPR*, May 15, 2020, <https://www.npr.org/2020/05/15/856095507/house-passes-3-trillion-coronavirus-relief-bill-that-has-dim-future>.

69 Oma Seddiq, “Americans haven’t received another round of COVID-19 stimulus because negotiations have dragged on for 6 months,” *Business Insider*, October 14, 2020, <https://www.businessinsider.com/timeline-covid-19-stimulus-talks-have-gone-for-6-months-2020-10>.

70 Barbara Sprunt, “Trump Signs COVID-19 Relief Deal After His Criticism Threatened To Derail It,” *NPR*, December 27, 2020, <https://www.npr.org/2020/12/27/950133658/trump-signs-covid-19-relief-package-after-threatening-to-derail-it>.

71 Larry Hogan, “Fighting Alone,” *The Washington Post*, July 16 2020, <https://www.washingtonpost.com/outlook/2020/07/16/larry-hogan-trump-coronavirus/?arc404=true>.

72 Frank Bruni, “Death Came for the Dakotas,” *The New York Times*, December 5, 2020, <https://www.nytimes.com/2020/12/05/opinion/sunday/covid-north-south-dakota.html>.

73 John Kincaid and J. Wesley Leckrone, “Federalism and the COVID-19 Crisis in the United States of America,” *Forum of Federations*, April 23, 2020, <http://www.forumfed.org/wp-content/uploads/2020/04/USACOV19.pdf>.

74 Christopher Adolph et al, “Pandemic Politics: Timing State-Level Social Distancing Responses to COVID-19,” *MedRxiv*, March 31, 2020, <https://www.medrxiv.org/content/10.1101/2020.03.30.20046326v1>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

75 Hunt Allcott et al, “Polarization and Public Health: Partisan Differences in Social Distancing During the Coronavirus Pandemic,” *National Bureau of Economic Research*, April 17, 2020, <https://www.nber.org/papers/w26946>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

76 John Barrios and Yael V. Hochberg, “Risk Perception Through the Lens of Politics in the Time of the COVID-19 Pandemic,” *National Bureau of Economic Research*, August 2020, <https://www.nber.org/papers/w27008>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020. <https://academic.oup.com/publius/article/50/3/311/5870265>.

77 Leah Asmelash, Nakia McNabb and Amanda Watts, “Most states now require face masks to reduce the spread of Covid-19. These are the ones

that don’t,” *CNN*, December 8, 2020, <https://www.cnn.com/2020/11/09/us/biden-mask-mandate-nationwide-trnd/index.html>.

78 Gregory Smith, “White evangelicals among groups with slipping confidence in Trump’s handling of COVID-19,” *Pew Research Center*, May 14, 2020, <https://www.pewresearch.org/fact-tank/2020/05/14/white-evangelicals-among-groups-with-slipping-confidence-in-trumps-handling-of-covid-19/>.

79 Derrick Bryson Taylor, “A Timeline of the Coronavirus Pandemic,” *The New York Times*, August 6, 2020, <https://www.nytimes.com/article/coronavirus-timeline.html>.

80 Heather Long and Andrew van Dam, “U.S. unemployment rate soars to 14.7 percent, the worst since the Depression era,” *The Washington Post*, May 8, 2020, <https://www.washingtonpost.com/business/2020/05/08/april-2020-jobs-report/>.

81 “Coronavirus: Trump hopes US will shake off pandemic by Easter,” *BBC News*, March 25, 2020, <https://www.bbc.com/news/world-us-canada-52029546>.

82 Jeremy B. White, “Trump claims ‘total authority’ over state decisions,” *Politico*, April 13, 2020, <https://www.politico.com/states/california/story/2020/04/13/trump-claims-total-authority-over-state-decisions-1275506>.

83 John Dinan, “What Good is Federalism in a Pandemic? A Conversation between John Dinan and Ben Kleinerman,” webinar delivered at the Jack Miller Center, May 22, 2020, <https://www.youtube.com/watch?v=OqNOZ9JeZyo>.

84 “Opening Up America Again,” White House, 2020.

85 David Wharton, “‘We don’t have a king’: Governors in states slammed by coronavirus hit back at Trump,” *The Los Angeles Times*, April 14, 2020, <https://www.latimes.com/world-nation/story/2020-04-14/coronavirus-trump-governors-reopen-covid-deaths>.

86 Mary McCord, “Trump’s ‘LIBERATE MICHIGAN!’ tweets incite insurrection. That’s illegal,” *The Washington Post*, April 17, 2020, <https://www.washingtonpost.com/outlook/2020/04/17/liberate-michigan-trump-constitution/>.

87 Will Feuer, “Trump pushes to reopen schools, says closures will probably cause ‘more death’,” *CNBC*, July 30, 2020, <https://www.cnn.com/2020/07/30/trump-pushes-to-reopen-schools-says-closures-will-probably-cause-more-death.html>.

88 J. Edwards Moreno, “DeVos ‘very seriously’ considering withholding funding from schools that don’t reopen,” *The Hill*, July 8, 2020, <https://thehill.com/homenews/administration/506427-devos-very-seriously-considering-withholding-funding-from-schools>.

89 U.S. Department of Education, “The Federal Role in Education,” 2017, <https://www2.ed.gov/about/overview/fed/role.html#:~:text=That%20means%20the%20Federal%20contribution,Department%20of%20Agriculture's%20School%20Lunch>.

90 Jeremy B. White, “Trump claims ‘total authority’ over state decisions,” *Politico*, April 13, 2020, <https://www.politico.com/states/california/story/2020/04/13/trump-claims-total-authority-over-state-decisions-1275506>.

91 Carl Hulse, “McConnell Says States Should Consider Bankruptcy, Rebuffing

Calls for Aid,” *The New York Times*, April 22, 2020, <https://www.nytimes.com/2020/04/22/us/coronavirus-mcconnell-states-bankruptcy.html>.

92 Sarah Hansen, “States Scramble For More Cash to Cover Soaring Unemployment Claims,” *Forbes*, May 5, 2020, <https://www.forbes.com/sites/sarahhansen/2020/05/05/states-scramble-for-more-cash-to-cover-soaring-unemployment-claims/?sh=6952316a7bbe>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

93 Robert Costa and Philip Rucker, “Inside Trump’s Risky Push to Reopen the Country Amid the Coronavirus Crisis,” *The Washington Post*, March 28, 2020, [https://www.washingtonpost.com/politics/inside-trumps-risky-push-to-reopen-the-country-amid-the-coronavirus-crisis/2020/03/28/b87fff62-6ee2-11ea-a3ec-70d7479d83fo\\_story.html](https://www.washingtonpost.com/politics/inside-trumps-risky-push-to-reopen-the-country-amid-the-coronavirus-crisis/2020/03/28/b87fff62-6ee2-11ea-a3ec-70d7479d83fo_story.html), as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

94 Toluse Olorunnipa et. al., “Governors Plead for Medical Equipment from Federal Stockpile Plagued by Shortages and Confusion,” *The Washington Post*, March 31, 2020, <http://www.msn.com/en-us/news/us/governors-plead-for-medical-equipment-from-federal-stockpile-plagued-by-shortages-and-confusion/ar-BB11YBJB?getstaticpage=true&automatedTracking=staticview>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

95 Christina Wilkie and Kevin Breuninger, “Trump Says He Told Pence Not to Call Governors Who Aren’t ‘Appreciative’ of White House Coronavirus Efforts,” *CNBC*, March 27, 2020. <https://www.cnn.com/2020/03/27/coronavirus-trump-told-pence-not-to-call-washington-michigan-governors.html>, as cited in Greg Goelzhauser and David M Konsiky, “The State of American Federalism 2019–2020: Polarized and Punitive Intergovernmental Relations,” *Publius: The Journal of Federalism*, July 11, 2020, <https://academic.oup.com/publius/article/50/3/311/5870265>.

96 Alisa Wiersema, “Trump’s election-year tangles with swing-state governors unfold amid COVID-19 confusion,” *ABC News*, April 7, 2020., <https://abcnews.go.com/Politics/trumps-election-year-tangles-swing-state-governors-unfolds/story?id=69879408>.

97 Ibid.

98 Jesse Burns, “Biden calls for ‘urgent action’ from Trump amid COVID-19 surge,” *The Hill*, November 13, 2020, <https://thehill.com/homenews/administration/525957-biden-calls-for-urgent-action-from-trump-amid-covid-surge>.

99 The White House, “Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing,” January 20, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-the-federal-workforce-and-requiring-mask-wearing/>.

100 TheWhiteHouse, “ExecutiveOrderonPromotingCOVID-19Safety in Domestic and International Travel,” January 21, 2020, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-promoting-covid-19-safety-in-domestic-and-international-travel/>.

101 Emily Badger, “Most Republicans Say They Doubt the Election. How Many Really Mean It?,” *The New York Times*, November 30, 2020, <https://www.nytimes.com/2020/11/30/upshot/republican-voters-election-doubts.html>.

102 Biden Thanksgiving speech: We’re at war with the virus, not each other,” *BBC*, November 26, 2020, <https://www.bbc.com/news/election-us-2020-55078066>.

103 Arthur Benz, “From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 Years,” *Publius: The Journal of Federalism*, January 1, 1999, <https://doi.org/10.1093/oxfordjournals.pubjof.a030052>.

104 Art. 20. Sek. 1. GG.

105 Art. 79. Sek. 3. GG.

106 CVCE.eu, “The division of Germany,” <https://www.cvce.eu/en/education/unit-content/-/unit/55c09dcc-a9f2-45e9-b240-eaef64452cae/5d3b421b-9a4b-46fc-ao41-fab64325d6a6>.

107 The words Länder and states are used interchangeably in the Germany sections.

108 Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius: The Journal of Federalism*, January 1, 1989, <https://doi.org/10.1093/oxfordjournals.pubjof.a037817>.

109 Jutta Klaeren, “Föderalismus in Deutschland,” *Bundeszentrale für politische Bildung*, May 3, 2013, <https://www.bpb.de/izpb/159330/editorial?rl=0.8401249860557027>.

110 Harald Fuhr, Julia Fleischer, and Sabine Kuhlmann, “Federalism and Decentralization in Germany,” *Deutsche Gesellschaft für Internationale Zusammenarbeit*, 2018, [https://www.reformgestaltung.de/fileadmin/user\\_upload/Dokumente/GIZ\\_Standard\\_A4\\_hoch\\_en\\_UniPotsdam\\_web.pdf](https://www.reformgestaltung.de/fileadmin/user_upload/Dokumente/GIZ_Standard_A4_hoch_en_UniPotsdam_web.pdf).

111 Art. 1. GG.

112 Art. 20. Sek. 1. GG.

113 Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius: The Journal of Federalism*, January 1, 1989, <https://doi.org/10.1093/oxfordjournals.pubjof.a037817>.

114 Art. 79. Sek. 3. GG.

115 Wolfgang Rudzio, Das politische System der Bundesrepublik Deutschlands, (Berlin: Springer VS, 2019).

116 Bundesrat.de, “A constitutional body within a federal system,” <https://www.bundesrat.de/EN/funktionen-en/funktion-en/funktion-en-node.html>.

117 Ibid.

118 “How the German Government Works,” *Bertelsmann Foundation*, October 6, 2016, <https://www.youtube.com/watch?v=LqVqzEiutKw>.

119 Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius: The Journal of Federalism*, January 1, 1989, <https://doi.org/10.1093/oxfordjournals.pubjof.a037817>.



120 Constanze Stelzenmüller and Sam Denney, “COVID-19 Is a Severe Test for Germany’s Postwar Constitution,” *Lawfare*, April 16, 2020, <https://www.lawfareblog.com/covid-19-severe-test-germanys-postwar-constitution>.

121 Bundesrat.de, “A constitutional body within a federal system,” <https://www.bundesrat.de/EN/funktionen-en/funktion-en/funktion-en-node.html>.

122 Presseausweis.de, “Fachministerkonferenzen,” <https://www.presseausweis.de/service/fachministerkonferenzen>.

123 Kultusministerkonferenz, “The Standing Conference of the Ministers of Education and Cultural Affairs (KMK),” <https://www.kmk.org/kmk/information-in-english/standing-conference.html>.

124 Wolfgang Schäuble, “Vortrag „Reform oder Niedergang? Zur Entwicklung des Föderalismus unter dem Grundgesetz,” Speech delivered in Bundestag, November 18, 2018, <https://www.bundestag.de/parlament/praesidium/reden/o19-578542>.

125 Arthur Benz, “From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 years,” Publius: *The Journal of Federalism*, January 1, 1999, <https://doi.org/10.1093/oxfordjournals.pubjof.a030052>.

126 Art. 70, Sek. 1. GG

127 Fritz W. Scharpf, “German Federalism: A reform that misses its mark,” *Max Planck Gesellschaft*, February 2007, <https://www.mpg.de/207429/federalism>.

128 Britannica.com, “Germany: Health and welfare,” <https://www.britannica.com/place/Germany/Health-and-welfare#:~:text=A%20pioneer%20in%20establishing%20social,pensions%2C%20and%20miners%20insurance.&text=The%20German%20welfare%20system-%20has,similar%20programs%20in%20other%20countries>.

129 Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius: The Journal of Federalism*, January 1, 1989, <https://doi.org/10.1093/oxfordjournals.pubjof.a037817>.

130 Arthur B. Gunlicks, *The Länder and German federalism*, (Manchester: Manchester University Press, 2003), 3.

131 Ibid, 3-4.

132 Art. 70, Sek. 1. GG.

133 Arthur Benz, “From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 Years,” *Publius: The Journal of Federalism*, January 1, 1999, <https://doi.org/10.1093/oxfordjournals.pubjof.a030052>.

134 Wolfgang Renzsch, “German Federalism in Historical Perspective: Federalism as a Substitute for a National State,” *Publius: The Journal of Federalism*, January 1, 1989, <https://doi.org/10.1093/oxfordjournals.pubjof.a037817>.

135 Arthur Benz, “From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 Years,” *Publius: The Journal of Federalism*, January 1, 1999, <https://doi.org/10.1093/oxfordjournals.pubjof.a030052>.

136 Britannica.com, “List of chancellors of Germany,” <https://www.britannica.com/topic/list-of-chancellors-of-Germany-2066807>.

137 Arthur Benz, “From Unitary to Asymmetric Federalism in Germany: Taking Stock after 50 Years,” *Publius: The Journal of Federalism*, January 1, 1999, <https://doi.org/10.1093/oxfordjournals.pubjof.a030052>.

138 Ibid.

139 Ibid.

140 Fritz W. Scharpf, “German Federalism: A reform that misses its mark,” *Max Planck Gesellschaft*, February 2007, <https://www.mpg.de/207429/federalism>.

141 Brandon Bohrn, “Germany’s Political Shake-Up,” *Bertelsmann Foundation*, February 27, 2020, <https://www.bfna.org/politics-society/germanys-political-shake-up-3vs5iv8vhn/>.

142 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

143 Constanze Stelzenmüller and Sam Denney, “COVID-19 Is a Severe Test for Germany’s Postwar Constitution,” *Lawfare*, April 16, 2020, <https://www.lawfareblog.com/covid-19-severe-test-germanys-postwar-constitution>.

144 Megan Specia, Constant Méheut, and Christopher F. Schuetze, “In Europe, Fear Spreads Faster Than the Coronavirus Itself,” *The New York Times*, February 18, 2020, <https://www.nytimes.com/2020/02/18/world/europe/coronavirus-stigma-europe.html>.

145 Christina Hohmann-Jeddi, “Excess mortality and regional differences,” *Pharmazeutische Zeitung*, April 30, 2020, <https://www.pharmazeutische-zeitung.de/testkapazitaeten-auf-rekordhoch-117308/seite/2/>.

146 Nathalie Behnke, “Föderalismus in der (Corona-)Krise? Föderale Funktionen, Kompetenzen und Entscheidungsprozesse,” *Bundeszentrale für politische Bildung*, August 21, 2020, <https://www.bpb.de/apuz/314343/foederalismus-in-der-corona-krise>.

147 Daniel Schaefer, “Germany Reports First Two Deaths From Coronavirus Outbreak,” *Bloomberg*, March 9, 2020, <https://www.bloomberg.com/news/articles/2020-03-09/germany-reports-first-death-from-coronavirus-outbreak-dpa-says>.

148 “Germany Coronavirus Map and Case Count,” *The New York Times*, April 3, 2020, <https://www.nytimes.com/interactive/2020/world/europe/germany-coronavirus-cases.html>.

149 “Deutschland schränkt Grenzverkehr mit Österreich, Frankreich und der Schweiz stark ein,” *Süddeutsche Zeitung*, March 15, 2020, <https://www.sueddeutsche.de/politik/coronavirus-pandemie-deutschland-schraenkt-grenzverkehr-mit-oesterreich-frankreich-und-der-schweiz-stark-ein-14845436>.

150 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

151 Constanze Stelzenmüller and Sam Denney, “COVID-19 Is a Severe Test for Germany’s Postwar Constitution,” *Lawfare*, April 16, 2020, <https://www.lawfareblog.com/covid-19-severe-test-germanys-postwar-constitution>.

152 Christian Rath, “Flickenteppich Deutschland,” *TAZ*, March 11, 2020, <https://taz.de/Foederalismus-bei-Corona-Bekaempfung!/5671298/>.

153 Jörn Poltz and Paul Carrel, “Pass the salt: The minute details that helped Germany build virus defences,” *Reuters*, April 9, 2020, <https://www.reuters.com/article/us-health-coronavirus-germany-defences-i/pass-the-salt-the-minute-details-that-helped-germany-build-virus-defenses-idUSKCN21RtDB>.

154 “Germany is at start of coronavirus epidemic: health minister,” *Reuters*, February 26, 2020, <https://www.reuters.com/article/us-china-health-coronavirus-germany/germany-is-at-start-of-coronavirus-epidemic-health-minister-idUSKCN2oK2MG>.

155 Presseausweis.de, “Ministerpräsidentenkonferenz,” <https://www.presseausweis.de/service/fachministerkonferenzen/ministerpraesidentenkonferenz>.

156 Nathalie Behnke, “Föderalismus in der (Corona-)Krise? Föderale Funktionen, Kompetenzen und Entscheidungsprozesse,” *Bundeszentrale für politische Bildung*, August 21, 2020, <https://www.bpb.de/apuz/314343/foederalismus-in-der-corona-krise>.

157 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

158 Constanze Stelzenmüller and Sam Denney, “Reopening the World: Reopening Germany,” *Brookings Institution*, June 16, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/06/16/reopening-the-world-reopening-germany/>.

159 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

160 Constanze Stelzenmüller and Sam Denney, “Reopening the World: Reopening Germany,” *Brookings Institution*, June 16, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/06/16/reopening-the-world-reopening-germany/>.

161 “The Federal Government informs about the Corona crisis,” *Deutschland.de*, March 29, 2020, <https://www.deutschland.de/en/news/german-federal-government-informs-about-the-corona-crisis>.

162 “The Federal Government informs about the Corona crisis,” *Deutschland.de*, March 23, 2020, <https://www.deutschland.de/en/news/german-federal-government-informs-about-the-corona-crisis>.

163 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

164 “Merkel: Coronavirus is Germany’s greatest challenge since World War II,” *Deutsche Welle*, March 18, 2020, <https://www.dw.com/en/merkel-coronavirus-is-germanys-greatest-challenge-since-world-war-ii/a-52830797>.

165 Ivo Oliveira and Cynthia Kroet, “Angela Merkel’s journey from ‘Mädchen’ to ‘Mutti’,” *Politico*, September 6, 2017, <https://www.politico.eu/article/germany-election-angela-merkel-journey-from-madchen-to-mutti/>.

166 Konstantin Richter, “Germany’s stuck with a lame duck,” *Politico*, June 26, 2019, <https://www.politico.eu/blogs/berlin-calling/2019/06/germany-next-chancellor-stuck-lame-duck/>.

167 Timothy Jones, “Germany: Angela Merkel’s coronavirus address honored as ‘Speech of the Year’,” *Deutsche Welle*, December 18, 2020, <https://www.dw.com/en/germany-angela-merkels-coronavirus-address-honored-as-speech-of-the-year/a-55984728>.

168 Brandon Bohrn, “COVID-19 and Germany’s Political Transformation,” *Bertelsmann Foundation*, June 11, 2020, <https://www.bfna.org/politics-society/covid-19-and-germanys-political-transformation-2pfjohyios/>.

169 Saskia Miller, “The Secret to Germany’s COVID-19 Success: Angela Merkel Is a Scientist,” *Politico*, April 20, 2020, <https://www.theatlantic.com/international/archive/2020/04/angela-merkel-germany-coronavirus-pandemic/610225/>.

170 Joint Press Release by Charité and the DZIF,” *Charité*, 2020, [https://www.charite.de/en/service/press\\_reports/artikel/detail/researchers-develop\\_first\\_diagnostic\\_test\\_for\\_novel\\_coronavirus\\_in\\_china/](https://www.charite.de/en/service/press_reports/artikel/detail/researchers-develop_first_diagnostic_test_for_novel_coronavirus_in_china/).

171 Michael Schlieben, “Wer Verantwortung trägt, verdient Unterstützung,” *Die Zeit*, March 13, 2020, [https://www.zeit.de/politik/deutschland/2020-03/angela-merkel-markus-soeder-corona-krise-politik-utm\\_referrer=https%3A%2F%2Fwww.google.com%2F](https://www.zeit.de/politik/deutschland/2020-03/angela-merkel-markus-soeder-corona-krise-politik-utm_referrer=https%3A%2F%2Fwww.google.com%2F).

172 Brandon Bohrn, “COVID-19 and Germany’s Political Transformation,” *Bertelsmann Foundation*, June 11, 2020, <https://www.bfna.org/politics-society/covid-19-and-germanys-political-transformation-2pfjohyios/>.

173 Ibid.

174 “Coronavirus: German aid package gets final approval,” *Deutsche Welle*, March 27, 2020, <https://www.dw.com/en/coronavirus-german-aid-package-gets-final-approval/a-52941219>.

175 Elizabeth Schumacher, “The black zero: Germany’s love affair with austerity,” *Deutsche Welle*, September 16, 2019, <https://www.dw.com/en/the-black-zero-germanys-love-affair-with-austerity/g-50438659>.

176 Guy Chazan and Sam Fleming, “Germany wields ‘bazooka’ in fight against coronavirus,” *Financial Times*, March 13, 2020, <https://www.ft.com/content/1bofo324-6530-11ea-b3f3-fe4680ea68b5>.

177 “The Federal Government informs about the Corona crisis,” *Deutschland.de*, December 23, 2020, <https://www.deutschland.de/en/news/german-federal-government-informs-about-the-corona-crisis>.

178 Cerstin Gammelin, “Massive Kritik am Ausbleiben der Wirtschaftshilfen,” *die Süddeutsche Zeitung*, January 12, 2021. <https://www.sueddeutsche.de/politik/corona-hilfe-bundesregierung-kritik-1.5172425>

179 Carolyn Look, “Explaining Kurzarbeit, or Saving Jobs the German Way,” *Bloomberg*, April 3, 2020, <https://www.bloomberg.com/news/articles/2020-04-03/how-germany-pays-workers-when-their-work-dries-up-quicktake>.

180 Eli Rosenberg and Heather Long, “Unemployment rate drops and 2.5 million jobs added, after states reopen,” *The Washington Post*, June 6, 2020, <https://www.washingtonpost.com/business/2020/06/05/may-2020-jobs-report/>.

181 Katrin Bennhold, “A German Exception? Why the Country’s Coronavirus Death Rate is Low,” *The New York Times*, May 6, 2020, <https://www.nytimes.com/2020/04/04/world/europe/germany-coronavirus-death-rate.html>.

182 Frank Jordans, “Mass testing, empty ICUs: Germany scores early against virus,” *AP News*, April 1, 2020, <https://apnews.com/article/03d48eb93fa6cb66262de6f7d57f2fd>.

183 Fabian Hattke and Helge Martin, “Collective action during the Covid-19 pandemic: The case of Germany’s fragmented authority,”



Administrative Theory and Practice, September 1, 2020, <https://doi.org/10.1080/10841806.2020.1805273>.

184 Ibid.

185 Katrin Bennhold, “A German Exception? Why the Country’s Coronavirus Death Rate is Low,” *The New York Times*, May 6, 2020, <https://www.nytimes.com/2020/04/04/world/europe/germany-coronavirus-death-rate.html>.

186 Constanze Stelzenmüller and Sam Denney, “COVID-19 Is a Severe Test for Germany’s Postwar Constitution,” *Lawfare*, April 16, 2020, <https://www.lawfareblog.com/covid-19-severe-test-germanys-postwar-constitution>.

187 Ibid.

188 Johannes Saurer, “COVID-19 and Cooperative Administrative Federalism in Germany,” *The Regulatory Review*, May 13, 2020, <https://www.theregreview.org/2020/05/13/saurer-covid-19-cooperative-administrative-federalism-germany/>.

189 Constanze Stelzenmüller and Sam Denney, “COVID-19 Is a Severe Test for Germany’s Postwar Constitution,” *Lawfare*, April 16, 2020, <https://www.lawfareblog.com/covid-19-severe-test-germanys-postwar-constitution>.

190 “Germany: Amendments to Infectious Diseases Protection Act Enter into Force,” *Library of Congress*, November 24, 2020, <https://www.loc.gov/law/foreign-news/article/germany-amendments-to-infectious-diseases-protection-act-enter-into-force/>.

191 “Deutsche setzen zuerst auf den Bund - außer die Bayern,” *Der Spiegel*, March 30, 2020, <https://www.spiegel.de/politik/deutschland/umfrage-deutsche-setzen-in-coronakrise-vor-allem-auf-den-bund-ausser-die-bayern-a-29d6a59e-b9d4-4dd6-8858-8cb49a587077>.

192 Luke Harding, “Germany opens some shops as Merkel warns of second wave of coronavirus,” *The Guardian*, April 20, 2020, <https://www.theguardian.com/world/2020/apr/20/german-shops-open-angela-merkel-warns-second-wave-coronavirus>.

193 Elizabeth Schumacher, “Merkel cautiously optimistic as she announces lockdown rollback,” *Deutsche Welle*, May 6, 2020, <https://www.dw.com/en/merkel-cautiously-optimistic-as-she-announces-lockdown-rollback/a-53346427>.

194 Constanze Stelzenmüller and Sam Denney, “Reopening the World: Reopening Germany,” *Brookings Institution*, June 16, 2020, <https://www.brookings.edu/blog/order-from-chaos/2020/06/16/reopening-the-world-reopening-germany/>.

195 Berlin, “Corona-Lagebericht,” <https://www.berlin.de/corona/lagebericht/>.

196 “Müller: Berliner Corona-Ampelsystem wird Vorbild für andere Länder,” *Berlin.de*, 2020, <https://www.berlin.de/aktuelles/berlin/6309378-958092-mueller-berliner-coronaampelsystem-wird.html>.

197 Simon Schütz, “How The Pandemic Dented The Popularity Of Germany’s Far-Right AfD Party,” *NPR*, December 29, 2020, <https://www.npr.org/2020/12/29/950860206/how-the-pandemic-dented-the-popularity-of-germanys-far-right-afd-party>.

198 Brandon Bohrn, “COVID-19 and Germany’s Political Transformation,” *Bertelsmann Foundation*, June 11, 2020, <https://www.bfna.org/politics-society/covid-19-and-germanys-political-transformation-2pfjohyios/>.

199 Ibid.

200 “Stößt der Föderalismus an seine Grenzen?,” *Tagesschau*, October 19, 2020, <https://www.tagesschau.de/inland/corona-foederalismus-103.html>.

201 Simon Schütz, “How The Pandemic Dented The Popularity Of Germany’s Far-Right AfD Party,” *NPR*, December 29, 2020, <https://www.npr.org/2020/12/29/950860206/how-the-pandemic-dented-the-popularity-of-germanys-far-right-afd-party>.

202 Brandon Bohrn, “The Steady Decline of Alternative for Germany: Incitement, Infighting, and Inquiries,” *Bertelsmann Foundation*, February 10, 2020, <https://www.bfna.org/politics-society/the-steady-decline-of-alternative-for-germany-1oidjohvwy/>.

203 Cerstin Gammelin, “Massive Kritik am Ausbleiben der Wirtschaftshilfen,” *Süddeutsche Zeitung*, January 12, 2021, <https://www.sueddeutsche.de/politik/corona-hilfe-bundesregierung-kritik-1.5172425>.

204 “Coronavirus curbs evoked East Germany memories: Merkel,” *ctvnews*, October 2, 2020, <https://www.ctvnews.ca/health/coronavirus/coronavirus-curbs-evoked-east-germany-memories-merkel-1.5130140>.

205 Christina Hohmann-Jeddi, “Excess mortality and regional differences,” *Pharmazeutische Zeitung*, April 30, 2020, <https://www.pharmazeutische-zeitung.de/testkapazitaeten-auf-rekordhoch-117308/seite/2/>.

206 “Sachsen-Anhalt wappnet sich für Corona,” *Volksstimme*, February 29, 2020, <https://www.volksstimme.de/sachsen-anhalt/coronavirus-sachsen-anhalt-wappnet-sich-fuer-corona>.

207 Ruth Bender, “Covid-19 Sparks New East-West Divide in Germany—30 Years After Reunification,” *The Wall Street Journal*, October 3, 2020, <https://www.wsj.com/articles/covid-19-sparks-new-east-west-divide-in-germany30-years-after-reunification-11601717400>.

208 Ibid.

209 Statista, “Einwohnerzahl der größten Städte in Deutschland am 31. Dezember 2019,” <https://de.statista.com/statistik/daten/studie/1353/umfrage/einwohnerzahlen-der-grossstaedte-deutschlands/>.

210 Ruth Bender, “Covid-19 Sparks New East-West Divide in Germany—30 Years After Reunification,” *The Wall Street Journal*, October 3, 2020, <https://www.wsj.com/articles/covid-19-sparks-new-east-west-divide-in-germany30-years-after-reunification-11601717400>.

211 Philipp Grill, “Economic weaknesses become strengths in East Germany during COVID-19,” *Euractiv*, September 8, 2020, <https://www.euractiv.com/section/economy-jobs/news/economic-weaknesses-became-strengths-in-east-germany-during-covid19/>.

212 Die Bundeskanzlerin, “Terminkalender,” 2020, <https://www.bundeskanzlerin.de/bkin-de/angela-merkel/terminkalender>.

213 “Germany: Leipzig coronavirus protest triggers heated debate on policing,” *Deutsche Welle*, November 9, 2020, <https://www.dw.com/en/germany-leipzig-coronavirus-protest-triggers-heated-debate-on-policing/a-55545139>.

214 Kate Brady, “Thuringia: Germany’s coronavirus guinea pigs,” *Deutsche Welle*, May 25, 2020, <https://www.dw.com/en/thuringia-germanys-coronavirus-guinea-pigs/a-53559295>.

215 Haluka Maier-Borst, “Corona-Hotspots haben sich von Westen nach Osten verschoben - für den Moment,” *rbb24*, <https://www.rbb24.de/panorama/thema/corona/beitraege/2021/01/berlin-brandenburg-corona-inzidenz-hotspots-bezirke-westen-osten.html>.

216 “Germany announces €130 billion stimulus package as unemployment rises in Europe,” *Euronews*, June 4, 2020, <https://www.euronews.com/2020/06/04/germany-announces-130-billion-stimulus-package-as-unemployment-rises-in-europe>.

217 Bertrand Benoit and Tom Fairless, “Germany Boosts Already Hefty Coronavirus Stimulus,” *The Wall Street Journal*, August 26, 2020, <https://www.wsj.com/articles/germany-boosts-already-hefty-coronavirus-stimulus-11598440184>.

218 “Germany spends big to save jobs,” *The Economist*, June 20, 2020, <https://www.economist.com/europe/2020/06/18/germany-spends-big-to-save-jobs>.

219 “The Federal Government informs about the Corona crisis,” *Deutschland.de*, September 3, 2020, <https://www.deutschland.de/en/news/german-federal-government-informs-about-the-corona-crisis>.

220 Zhijiang Zhao, “Corona-Warn-App and Germany’s Efforts to Tame COVID-19,” *AICGS*, October 28, 2020, <https://www.aicgs.org/2020/10/corona-warn-app-and-germanys-efforts-to-tame-covid-19/>.

221 Sarah Syed and Arne Dyels, “Germany Rolls Out Coronavirus-Tracing App to Fight Second Wave,” *Bloomberg*, June 16, 2020, <https://www.bloomberg.com/news/articles/2020-06-16/germany-rejects-criticism-as-covid-tracing-app-finally-goes-live>.

222 “Altmaier entschuligt sich,” *Der Spiegel*, February 8, 2021, <https://www.spiegel.de/wirtschaft/soziales/altmaier-entschuldigt-sich-a-13231416-af68-4d1d-bf6d-7d2b69938a2a>.

223 Frederik Pleitgen, “What Trump could learn from Angela Merkel about dealing with coronavirus,” *CNN*, April 16, 2020, <https://www.cnn.com/2020/04/16/europe/merkel-trump-germany-federalism-analysis-intl/index.html>.

224 “Stößt der Föderalismus an seine Grenzen?,” *Tagesschau*, October 19, 2020, <https://www.tagesschau.de/inland/corona-foederalismus-103.html>.

225 “Coronavirus digest: Germany sees highest daily infection rate since April,” *Deutsche Welle*, September 19, 2020, <https://www.dw.com/en/coronavirus-digest-germany-sees-highest-daily-infection-rate-since-april/a-54984329>.

226 Mark Hallam, “Coronavirus in Germany: How the federal system hampers the fight against the pandemic,” *Deutsche Welle*, October 12, 2020, <https://www.dw.com/en/coronavirus-in-germany-how-the-federal-system-hampers-the-fight-against-the-pandemic/a-55241135>.

227 “German state elections: Success for right-wing AfD, losses for Merkel’s CDU,” *Deutsche Welle*, March 13, 2016, <https://www.dw.com/en/german-state-elections-success-for-right-wing-afd-losses-for-merkels-cdu/a-19113604>.

228 Geir Moulson and Frank Jordans, “Germany heads into November ‘lockdown light’ to slow virus,” *Associated Press*, October 28, 2020, <https://apnews.com/article/international-news-virus-outbreak-angela-merkel-germany-a071c4750cbee07a586640c297032bd1>.

229 Jaclyn Diaz, “Germany Extends Strict Lockdown Measures with Eye Towards Reopening Ski Slopes,” *NPR*, November 26, 2020, <https://www.npr.org/sections/coronavirus-live-updates/2020/11/26/939255432/germany-extends-strict-lockdown-measures-with-eye-towards-reopening-ski-slopes>.

230 Melissa Eddy, “An Unwelcome Silent Night: Germany Without Christmas Markets,” *The New York Times*, December 10, 2020, <https://www.nytimes.com/2020/12/10/world/europe/germany-christmas-markets-coronavirus.html>.

231 Emma Beswick, “Germany extends and tightens COVID-19 lockdown restrictions to January 31,” *Euronews*, January 5, 2021, <https://www.euronews.com/2021/01/05/coronavirus-germany-poised-to-extend-nationwide-lockdown-amid-high-infections-and-deaths>.

232 “Durch Föderalismus sind wir so schnell,” *DPA*, October 20, 2020, [https://www.zvw.de/baden-w%C3%BCrttemberg/kretschmann-durch-f%C3%B6deralismus-sind-wir-so-schnell\\_arid-271028](https://www.zvw.de/baden-w%C3%BCrttemberg/kretschmann-durch-f%C3%B6deralismus-sind-wir-so-schnell_arid-271028).

233 Richard Kreitner, “When Confronting the Coronavirus, Federalism is Part of the Problem,” *The Nation*, April 1, 2020, <https://www.thenation.com/article/politics/federalism-coronavirus-problem-government/>.

234 Danielle Allen, “A More Resilient Union: How Federalism Can Protect Democracy From Pandemics,” *Foreign Affairs*, August 2020, <https://www.foreignaffairs.com/articles/united-states/2020-06-01/more-resilient-union>.

235 Alexander Kissler, “Föderalismus kann tödlich sein,” *Cicero*, March 11, 2020, <https://www.cicero.de/innenpolitik/coronavirus-krise-foederalismus-spahn-gesundheitsaemter/plus>.

236 Carla Bleiker, “Kommentar: Ein Hoch auf den Föderalismus in der Corona-Krise!,” *Deutsche Welle*, April 17, 2020, <https://www.dw.com/de/kommentar-ein-hoch-auf-den-f%C3%B6deralismus-in-der-corona-krise/a-53156463>.

237 Fabian Hattke and Helge Martin, “Collective action during the Covid-19 pandemic: The case of Germany’s fragmented authority,” *Administrative Theory and Practice*, September 1, 2020, <https://doi.org/10.1080/10841806.2020.1805273>.

238 John Kincaid and J. Wesley Leckrone, “Federalism and the COVID-19 Crisis in the United States of America,” *Forum of Federations*, April 23, 2020, <http://www.forumfed.org/wp-content/uploads/2020/04/USACOVId1.pdf>.

239 Bradley A. Blakeman, “States are the laboratories of democracy,” *The Hill*, May 7, 2020, <https://thehill.com/opinion/judiciary/496524-states-are-the-laboratories-of-democracy>.

240 “Coronavirus vaccine: Pfizer, BioNTech seek emergency use in US,” *Deutsche Welle*, November 21, 2020, <https://www.dw.com/en/coronavirus-vaccine-pfizer-biontech-seek-emergency-use-in-us/a-55682861>.



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# Federalism

## U.S and German Responses to the COVID-19 Pandemic

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