



IDAHO FREEDOM FOUNDATION

The Honorable Brad Little
Governor of Idaho
PO Box 83720
Boise, Idaho 83720

March 25, 2020

Dear Gov. Brad Little,

Since your inauguration to office, you've dedicated your time to freeing Idahoans from undue, counterproductive government burdens that hurt individual rights and hamper economic growth. The Idaho Freedom Foundation has cheered your work every step of the way and lauded your efforts to reduce occupational licensure, remove barriers to market entry, and commitment to slowing state spending growth. We've been pleased to see your administration's acceptance of some of our policy recommendations in response to COVID-19.

Unfortunately, I write today to express deep disappointment in your three-week statewide stay-at-home order, and urge you to make swift changes to the declaration so the COVID-19 pandemic does not do sustained economic damage to Idaho residents and businesses. We also worry about the harm the order does to individual rights, which still must receive protection in times of crisis.

Below are several criticisms of today's order, along with possible remedies that would aid Idahoans in this trying time:

1. **Too sudden.** Residents of Idaho were given less than 24 hours notice before this order went into effect. Worse, the order's language was not available immediately after the press conference — meaning residents and businesses were given even less notice.

IFF suggests you postpone the enforcement of this order, so Idahoans have at least 48 hours to prepare. Ask Idahoans to help out in this emergency; don't impose a mandate. Free people to make good decisions on their own.

2. **Too vague.** Shutting down non-essential services will force many businesses to close operations — businesses that at other times are considered essential. "Non-essential services" is a vague term, which can include religious gatherings, nonprofits that provide essential services for at-risk populations, and more. Every business is essential, or it wouldn't exist, and such existence usually means a lot to the people who patronize it, as well as those employed by it.

Rather than have the government decide what businesses or activities are "essential," treat all businesses and activities the same.

3. **Too sweeping.** The stay-at-home order will affect every resident of the state. Some may be forced to work from home, or shut down their business. Some may have to choose between going to their essential job (nurses, doctors, ambulance drivers) or watching their children. All residents will have to make sacrifices in some component of their life, and very suddenly.

Some jurisdictions recognize, though everyone is at risk, it makes no sense

to limit the movement of all people, all ages, when some age brackets are at greater risk.

- 4. No exit strategy.** Businesses affected by this stay-at-home order need to know what they can do to re-open, or when they will be able to. Businesses and other organizations need some sort of exit strategy to work towards, or else all they are faced with is indefinite closure.

IFF suggests you establish some criteria that businesses can meet to re-open, such as heightened cleanliness standards.

- 5. It overrides local control during emergencies.** Local action in response to emergencies is more considerate of the differences between urban and rural needs. Just yesterday, [IFF distributed a list of actions local officials can take in response](#) to the spread of the COVID-19 virus, while still respecting businesses and individual liberties. A statewide order cannot account for local economic complexities, and cannot adequately consider the impact of emergency actions on individuals and businesses.

IFF suggests you give local officials the authority to control the situation on the ground and rescind your order on a case-by-case basis, so that businesses can reopen as local conditions warrant.

In the 11 years IFF has been researching and advocating for conservative policy solutions, we have consistently maintained that free market principles work and have served our state and country well. We maintain that our God-given rights, protected under the state and U.S. Constitutions, matter — especially during a crisis. We believe it is important to note for posterity our strong objections to your actions today. Your order appears disproportionate to the need, and out of line with what governors facing similar situations are doing.

It is wrong, and we at IFF assert, unconstitutional, for the government to take away people's right to earn a living, to assemble, and to move about freely. You correctly noted a couple of weeks ago, "history will remember our reaction" to this virus. It is worrisome that what people will remember is how people were forced to surrender their freedom for the notion of security. No doubt, COVID-19 will be used again to justify some future lockdown of entire populations of Americans.

We understand this is a difficult situation. You are bound to face criticism no matter what you do. But you don't need to make Rachel Maddow happy. Today, in addition to offering our sincere objections to your order, we are hopeful that you will consider the suggestions outlined in this letter.

Yours for Freedom,



Wayne Hoffman
President