

TESTIMONY BEFORE THE UNITED STATES CONGRESS

House Committee on Oversight & Reform

NO WORKER LEFT BEHIND

Bringing All Americans Back to Work While the Pandemic Endures

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INTRODUCTION

Since March, 43 million U.S. residents have filed for unemployment benefits. Some of these workers have been deemed "essential"—but others have not. State and local governments have, by definition and by law, left tens of millions of workers behind.

All Americans are grateful for the risks that hospital staff and other first responders have taken to care for those who have fallen ill. As of June 9, of the 100,000 Americans who have died of COVID-19, the Centers for Disease Control and Prevention count 379 deaths among health care personnel.¹ Each of these deaths is tragic.



0.6% of Americans live in long-term care facilities that account for 42% of all COVID-19 deaths. In some states, this tragedy was compounded by policies that forced nursing homes to accept patients infected with the novel coronavirus SARS-CoV-2. (*Source: G. Girvan and A. Roy, FREOPP.org*)

¹ Centers for Disease Control and Prevention, COVID-19: Cases in the U.S. 2020 Jun 9: <u>https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html</u>; accessed June 9, 2020.

But it is also tragic that more than 40,000 vulnerable seniors have died of COVID-19 in nursing homes and assisted living facilities. Indeed, residents of long-term care facilities only represent 0.6% of the U.S. population, but they represent 42% of the deaths from COVID-19.



COVID-19 deaths in nursing home and assisted living facilities are concentrated in the Northeast. In New Jersey, nearly one in ten long-term care facility residents have died of the novel coronavirus. (*Source: G. Girvan and A. Roy, FREOPP.org*)

In New York, New Jersey, and Michigan, among other states, government officials forced nursing homes to accept patients with active COVID-19 infections who were being discharged from hospitals.² This catastrophic policy helped spread COVID-19 in long-term care facilities, leading to needless deaths and additional hospitalizations that we then asked our health care personnel to take on.

² A. Roy, The Most Important Coronavirus Statistic: 42% of U.S. Deaths Are From 0.6% Of The Population. *Forbes*. 2020 May 26: <u>https://www.forbes.com/sites/theapothecary/2020/05/26/nursing-homes-assisted-living-facilities-0-6-of-the-u-s-population-43-of-u-s-covid-19-deaths/#232a01f074cd</u>; accessed June 9, 2020.

The best way to protect our first responders is to move away from one-size-fits-all economic lockdowns, and focus our attention on those who are truly at risk for illness and death from COVID-19. This focus has the additional virtue of enabling us to leave fewer workers behind.



COVID-19 mortality is heavily skewed toward those over 65. 81 percent of all deaths from COVID-19 have occurred among those 65 and older. Those under 35 years of age represent 0.8 percent of deaths.. (*Sources: CDC, FREOPP analysis*)

WHO IS AT RISK FOR DEATH FROM COVID-19?

There are several key categories of high-risk individuals to whom we must be most concerned:

- *Residents of long-term care facilities.* As noted above, vulnerable seniors who live in nursing homes and assisted living facilities represent 0.6% of the U.S. population and 42% of its COVID-19 fatalities.
- Americans over 65. Elderly Americans represent 81% of all deaths from COVID-19. Those under 35, by contrast, represent only 0.8% of all COVID-19 fatalities.³
- *Middle-aged and older Americans with underlying cardiovascular or metabolic disease.* In some studies, over 90 percent of those dying of COVID-19 have an underlying chronic cardiovascular or metabolic disease, such as diabetes, heart disease, high blood pressure, or obesity.
- Americans living in dense urban environments where the pandemic is already severe. In particular, the stretch of the East Coast from Virginia to New Hampshire has been hard hit.

In A New Strategy for Bringing People Back to Work During COVID-19, a paper published by The Foundation for Research on Equal Opportunity in April, I and my co-authors provide a detailed roadmap for protecting these vulnerable populations while reopening the economy for those for whom the risk of severe illness or death is very low.⁴

For example, we recommend a surge of testing, tracing, and personal protective equipment in long-term care facilities and other places where at-risk or elderly populations congregate. At the same time, we recommend reopening schools and most workplaces, with certain precautions, because children and working-age adults are at low risk of severe illness from the novel coronavirus.

ECONOMIC LOCKDOWNS HAVE WORSENED RACIAL DISPARITIES

Prior to the pandemic, unemployment rates for all racial and ethnic groups reached record lows. In August of last year, black unemployment fell to 5.4 percent: the lowest rate ever recorded. The following month, Hispanic unemployment hit a record low of 3.9 percent. And in June of that year, Asian unemployment hit a record low of 2.1 percent.

The economic lockdowns have destroyed those gains. Today, the unemployment rates for whites, blacks, Hispanics, and Asians are 12.4, 16.8, 17.6, and 15.0 percent, respectively.

Notably, last fall, the disparities between white and black unemployment, and between white and Hispanic unemployment, also fell to record lows. Over the last five decades, the association is clear: a strong economy most benefits minorities, and a worsening economy most harms them.

For most of the 21st century, Asian-Americans have enjoyed a lower unemployment rate than whites. But since the lockdown, Asians have faced record unemployment.

These disparities are in part caused by the fact that racial and ethnic minorities make up a disproportionate share of hourly wage earners; 25% are Hispanic, 15% are black, and 5% are

³ G. Girvan and A. Roy, Nursing Homes & Assisted Living Facilities Account for 42% of COVID-19 Deaths. The Foundation for Research on Equal Opportunity. 2020 May 7: <u>https://freopp.org/the-covid-19-nursing-home-crisis-by-the-numbers-3a47433c3f70?source=collection_home--1-----</u>; accessed June 9, 2020.

⁴ L. Chen, B. Kocher, A. Roy, & B. Wachter, A New Strategy for Bringing People Back to Work During COVID-19. The Foundation for Research on Equal Opportunity. 2020 Apr 14: <u>https://freopp.org/a-new-strategy-for-bringing-people-back-to-work-during-covid-19-a912247f1ab5</u>; accessed June 9, 2020.

Asian. In contrast, for the overall workforce, 17% are Hispanic, 13% are black, and 6% are Asian. $^{5\,6}$





Racial and ethnic minorities have been disproportionately harmed by economic lockdowns. Blue-shaded curves represent work reductions for those in lockdown states; red and orange curves represent reopening and open states, respectively. (*Source: A. Bartik et al., University of Chicago*)

This matters because hourly-wage workers have been badly damaged by the economic lockdowns. While many white workers are in white collar professions in which remote work is possible, blacks and Hispanics often work in hourly-wage jobs where in-person attendance is essential.

⁵ M. Ross and N. Bateman, Meet the Low-Wage Workforce. The Brookings Institution. 2019 Nov: <u>https://www.brookings.edu/wp-content/uploads/2019/11/201911_Brookings-Metro_low-wage-workforce_Ross-Bateman.pdf</u>; accessed June 9, 2020.

⁶ Bureau of Labor Statistics, Labor force characteristics by race and ethnicity, 2018. 2019 Oct: <u>https://www.bls.gov/opub/reports/race-and-ethnicity/2018/home.htm</u>; accessed June 9, 2020.



Figure 5a. Black Unemployment Rate Minus White Unemployment Rate, 1972-2020





Lockdowns have dramatically increased black and Hispanic unemployment. Hourly-wage workers, who are disproportionately non-white, were most harmed by economic lockdowns that forced small businesses to close. (*Source: Bureau of Labor Statistics; Graphics: A. Roy / FREOPP*)

Researchers at the University of Chicago's Rustandy Center for Social Sector Innovation have found that hourly-wage workers have seen their hours cut by 50 percent in states that

have continued to lock down their economies. In states that have reopened their economies, by contrast, hourly work is recovering.⁷ Racial and ethnic minorities, unfortunately, live in many states where lockdowns have continued.



Figure 6. Asian Unemployment Rate Minus White Unemployment Rate, 2000-2020

The disparity between the Asian and white unemployment rates has reached a record high. For most of the 21st century, Asians have enjoyed a lower unemployment rate than whites. That changed during the COVID-19 pandemic. (*Source: Bureau of Labor Statistics; Graphics: A. Roy / FREOPP*)

Small businesses have also been hammered by the policy response to COVID-19. A new working paper by Robert Fairlie of the University of California, Santa Cruz, estimates that "the number of active business owners in the United States plummeted by 3.3 million or 22 percent over the crucial two-month window from February to April 2020." Black-owned businesses fell 41 percent, Hispanic-owned businesses 32, percent, and Asian-owned businesses 26 percent. Immigrant-owned businesses dropped by 36 percent.⁸

None of this is to minimize the damaging effects of economic lockdowns on white Americans. Indeed, economically vulnerable people of all races and ethnicities have

⁷ A. Bartik, M. Bertrand, F. Lin, J. Rothstein, & M. Unrath, Week 7 and 8: Labor Market Impacts of COVID-19 on Businesses: Update with Homebase Data Through May 23. University of Chicago: <u>https://www.chicagobooth.edu/research/rustandy/blog/2020/week-7-labor-market-impacts-from-covid19</u>; accessed June 9, 2020.

⁸ R. Fairlie, The Impact of Covid-19 on Small Business Owners: Evidence of Early-Stage Losses from the April 2020 Current Population Survey. National Bureau of Economic Research. 2020 Jun: https://www.nber.org/papers/w27309.pdf; accessed June 9, 2020.

struggled during the lockdown. Most Americans consider their own jobs to be essential-to them and those they support.



Figure 7. Reduction in Small Business Activity, by Ownership, February-April 2020

Minority-owned businesses have been disproportionately harmed by the COVID-19 lockdowns.

In particular, businesses owned by African-Americans have seen substantial losses. (Source: R. Fairlie, National Bureau of Economic Research)

Health care workers have not been spared from layoffs. Indeed, the lockdowns have dramatically reduced utilization of hospitals and other health care services, leading tens of thousands of such workers to receive layoffs, furloughs, and reduced pay.

POLICY SOLUTIONS

Appended to this brief is a summary of FREOPP's proposal to safely reopen the economy in ways that helps all workers while concentrating our attention on those most at risk for severe illness and death from COVID-19.9

Rep. Carolyn Maloney, Chair of the House Oversight & Reform Committee, has introduced a bill, the Pandemic Heroes Compensation Act of 2020, that would establish a "COVID-19

⁹ A. Roy, Reopening the U.S. Economy Even if the Pandemic Endures. The Wall Street Journal. 2020 Apr 24: https://www.wsj.com/articles/reopening-the-u-s-economy-even-if-the-pandemic-endures-11587740529; accessed June 9, 2020.

compensation fund" of unlimited size to benefit those who any state or local government has deemed "essential." The bill would require federal taxpayers to pay both economic and noneconomic damages for any harm that beneficiaries' attorneys can demonstrate.

Congress has already spent more than \$3 trillion in order to mitigate the damage caused by economic lockdowns. At this point, a major concern is that further federal spending will incentivize states to keep their economies closed, even though a prudent reopening is warranted. The specific form of relief described in the Pandemic Heroes Compensation Act may largely accrue to trial lawyers, and the Act would provide federal compensation to people who may have experienced harm due to poor state policy, such as forcing nursing homes to accept COVID-19 patients. A more defined and targeted approach would be better suited to addressing gaps in CARES Act funding.

Furthermore, we should lift stay-at-home orders for most non-elderly individuals, reopen safe but "non-essential" businesses, rescind mandatory discharges of COVID-19 patients to nursing homes, and prioritize testing in long-term care facilities. Ultimately, the most sustainable way to help first responders is to protect those most at risk from COVID-19, and to let low-risk individuals return to school and work.



Reopening the U.S. Economy Even if the **Pandemic Endures**

It's not true that the only way to improve public health is by shutting down the economy and the only way to improve the economy is by sacrificing public health. By Avik Roy

s the Covid-19 shutdown enters its second month, policy makers and commentators have emphasized that we're not yet out of the woods. Deaths and hospitalizations are continuing to rise, albeit more slowly than before. The flattening curves have encouraged some people to talk about reopening the economy, and others to rise in protest against ongoing restrictions, but most Americans remain cautious.

We've been willing to endure the staggering economic damage because we're convinced that it's necessary for public health—and that the lockdowns won't last too long.

Indeed, a kind of conven-tional wisdom has emerged and policy expects. Were told and policy expects. Were told that field will go back to policy were and the set of the set of the the set of the set of the set of the were and the set of the set of the the set of the set of the set of the the set of the set of the set of the the set of the the set of the set of the set of the set of the the set of the set of the set of the set of the the set of the the set of the the set of the s

tions, a terrible truth become clear: The scenario in which we neet all the public health milestones, and then return to our regularly scheduled economic programming, is highly optimistic. A more re-alistic scenario: is that we will fail to reach one or more of the milestones. If that hap-pens, do we prolong the eco-nomic shutdown for six months or longer? Do we im-pose a series of on-and-off stay-at-home orders that

What if it takes us years to develop a vaccine for Covid-19?

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is even thinner. The good news is that there are ways to get America back to

Please turn to the next page

Predescurito Unenexy page Mr. Roy is president of the Foundation for Research on Equal Opportunity and the co-author (with Lambee Chen, Bob Kocher and Bob Wachter) of the foundation's "A New Strategy for Bringing People Back to Work During Covid-19," from which this essay is partially adapted.



Geraldine Brooks wrote a Geraldine Brooks wrote a novel on the self-sacrifice of English villagers facing a plague in 1665 and now wonders if we can follow their example. **C4**



Data-security expert Harri Hursti says U.S. voting is far too easy to hack. **C6**

WEEKEND CONFIDENTIAL



For ex-spouses, raising children in a pandemic requires overcoming old divisions. **C5**

TOGO



REVIEW

The Unique Catastrophe Unfolding A In New York City EDITOR AT LARGE

is counting thousands of peo-ple who died outside hospitals

ple who died outside hospitals who weren't diagnosed with Covid-19.) But even allowing for some margin of error, the numbers amount to one death in New York City for every 500 people. Not-remember-one death for

Not-remember-one death for every 500 people with Covid-19 but one death for every 500 residents of the city. Think about that. That might be a handful of parents or grandpar-ents at your average high school, or one or two co-work-ers on your office floor. Not only is this multiples bicher than other maior non-

IT ISN'T AN EXAGGERATION IT ISMT AN EXAGGERATION to state that the coronavirus crisis in the U.S. is, in many ways, a New York public health crisis. This is not in any way to helittle the suffering across the nation, but it is hard to overstate the dispro-portionate role that the Em-pire State has played in Amer-ica's current wees. According to the latest esti-

terrible death toll is difficult to explain just by the fact that 'a lot of

GERARD BAKER

The

people live here. pire State has played in Amer-ica's current woes. According to the latest esti-mates by the University of Washington's Institute for Health Metrics and Evaluation, by August, 67,000 Americans spandemic. The number of deaths in New York is expected to be over 23,000-more than a third of the national total, in a state with less than 6% of the U.S. population. New York City alone—a city of eight million—currently ac-counts for between 50% and

Not only is this multiples higher than other major popu-lation centers in the U.S., it is way more than any compara-ble city in the world. London, with a similar population, has recorded a little over 4,000 deaths, about a third of New York's third of eight million—currently ac-counts for between 50% and 60% of Covid-19 deaths in the state and for perhaps a quar-ter of national fatalities. On current trends, the likely final death toll in the city may be deaths, about a third of New York's taily. If New York City didn't exist, the likely number of total deaths in the U.S. from this vi-rus would be about one for ev-ery 7,000 Americans. This would make it about as lethal as the average annual influenza, above 15,000. (The latest data are fuzzy since New York City



* * * *

as critics of the pol-New York subway icy response to the crisis have said. In passengers wearing protective masks on Monday.

rrisis have said. In wearing American terms, it masks of can be said that it is New York alone that makes this pandemic... a pandemic. This might change, and of course the total number of deaths everywhere so far has probably been held down by the social-distancing measures in place across the country. But whichever way you look at it, New York is finisenably unique. There is much hand-wring-ing by state and city officials

ing by state and city officials ing by state and city officials and others that all this is some sort of act of God, an unavoid-able catastrophe as a result of the particular characteristics of New York, driven mainly by high population density. There is clearly much to this. But it's unlikely to be the whole expla-

nation. Density alone doesn't to account for the scale of the differ

Monday. scale of the differ-ential between New York's fatality rates and those of other cities. New York has twice the density of London but three times the deaths, and the differential is even higher for cities such as San Prancisco and Los Angeles. Deaths have occurred dis-proportionately in poorer ar-eas, where the incidence of long untrated morbidities such as heart disease and dia-betes have contributed signifi-betes have contributed signifi-

betes have contributed signifi-cantly. But the same is true in

all other cities. The high dependence on mass transit also seems to be a factor. In other major cities, car commutes are much more

plain the extent of New York's unique catastrophe. Around the world, the highest death rates have occurred where hospital systems were over-whelmed in the early stages of the crisis. This is especially true in northern Italy. Anec-dotally, at least, it seems that the came homened in New dotally, at least, it seems that the same happened in New York: Large numbers of sick people never got to hospitals, arrived too late or, in the im-possible circumstances that medical personnel were con-fronted with, were given inef-fective treatment

fronted with, were given inef-fective treatment. Policy may bear some re-sponsibility too. It's fair to ask if the city's mayor and the state's governor were slower to respond to the spread of the virus than officials elsewhere.

A Realistic Plan for Going Back to Work

Continued from the prior page work while we control the spread of SARS-GoV-2, the novel coronavirus that causes Govid-19. We need to es-cape from the false dichotomy which insists that the only way to improve public health is by shutting down the economy and the only way to im-prove the economy is by sacrificing mublic health

prove the economy is by sacrificing public health. How hard will it be to achieve the conventional public health mile-stones? Harder than it looks. Consider testing. There are two principal kinds of tests: those that detect if a patient has developed an-tibudies to the usivue and there thet detect if a patient has developed an-tibodies to the virus and those that measure viral RNA levels in a pa-tient's nasal secretions. Both have significant technical limitations. An-tibody tests often suffer from accu-racy problems and can fail to detect an active infection. Viral RNA tests an active infection. Viral RNA tests are highly accurate, but most ver-sions must be administered in a clinical setting like a doctor's office or a hospital, making them difficult to scale up. To match the modestly high level

To match the modestly high level of coronavirus testing for which South Korea has been praised, the U.S. would need to administer 7 mil-lion tests a week. We'll be fortunate if we reach half that number by

September. There's good reason to be confi-dent that we'll eventually find an effective treatment against Covid-19. According to the Milken Institute, According to the minister institute, there are more han 150 drugs being actively tested against the disease. Some of them are likely to work. But when will we know? The first drug to get some posi-tive buzz was hydroxychloroquine, but in the latest published clinical trial. more patients on the drug

tive buzz was nycrosycnoroquine, but in the latest published clinical trial, more patients on the drug dide relative those taking as gener-ating excitement because of positive amedotal data out of Chicago. On Thursday, however, the World Health Organization inadver tently posted preliminary find-ings from a larger, randomized study, in which patients on remdesivin a cually fared worse than those on a placeho. Gilead Sciences, rendesi-tiv's manufacturer, insists that "trends in the data suggest a potential benefit." But If fu-ture studies produce similary negative results, we may be waiting several more months

waiting several more months to find an effective therapy.

to find an effective therapy. We'd be less dependent on treatments if more Americans could become immune to SARS-COV-2. Most people who re-cover from Covid-19 develop antibodies set to evirus, epide-miologists hope that these anti-bodies will confer protection from future reinfection. If more people can gain immunity, the virus will have a harder time spreading.eventually dying out. But what if antibodies don't

confer immunity or if the protection doesn't last very long? This is a very very long: This is a very real possibility, based on our experience with other coronaviruses, like the original SARS from 2003 and even the common cold cold.

cold. The same issue may make it hard for biotech companies to develop an effective vaccine. Vaccines are hard enough to de-velop in normal circum-stances. After decades of traing we cill don't have stances. After decades of trying, we still don't have vaccines against HIV or hepatitis C. The fastest vaccine ever developed for a viral infection is the Ebola vac-cine, which took five years. And yet many commentators talk about de-

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veloping a SARS-CoV-2 vaccine within 12 to 18 months, as if it were a piece of cake. For these reasons, it's essential for the U.S. to move rapidly away from an unrealistic checklist of pub-lic health milestones and to focus

Age Discrimination The novel coronavirus has hit the elderly the hardest



1,000 2,000 3,000 4,000 5,000 6,00 Note: Deaths recorded and causes attributed as of April 23; data is incomplete because of lag times in reporting. Source: National Center for Health Statisticr

high blood cardiovascular disease, diabetes and kidney failure. Men appear to have nearly twice the fatality rate of women.

Still, the much lower incidence of

fatality rate of women. Still, the much lower incidence of death among young repople war-rants a reconsideration of our one-size-fits-all approach to stay-it-tiome policies, especially outside the bard-lut tri-state region of New York, New Jersey and Connecticut. To start, states and localities bodie work a quickly as possible to those parts and K-12 schooli-to school this cademic year. Swit-regeners howing that school clo-ures and the to Cond-19 and the school work as cademic year. Swit-regeners school work with the di-school this cademic years. Wildren who live with the di-school this school the school with school the school with the dischers and staff form vulnerable populations shool tasty home as well, with paid leave. School dis-trachers and staff form vulnerable populations shool gave, based on teachers and staff form vulnerable populations shool gave, based on teachers and staff form vulnerable populations shool gave, based on the school with the school dis-trachers may terminin home. Similiarly, we should reogene

e who must remain home. Similarly, we should reopen workplaces to healthy, non-el-derly individuals who don't live with vulnerable people. At-risk individuals with jobs should continue to have opportunities to work from home or to re-ceive paid medical leave. And use chould prozen busi-fand the should prozen busi-ties and the should prozen busi-ties of the should busi-ties of the should busi-ties of t

ceive paid medical leave. And we should reopen busi-nesses that may not be "essen-tial" but can be safely oper-ated while maintaining appropriate physical distance between workers and custom-ers. We should offer a fixed-dular per-worker to cordit to dollar per-worker tax credit to employers who test their em-ployees, thereby giving busi-nesses an incentive to scale up testing and increase consumer confidence.

Nursing homes are at espe Nursing homes are at espe-cially high risk for Covid-19. Indeed, in many European countries, roughly half of all deaths due to Covid-19 have taken place in assisted living facilities. In the U.S., the share

People wait in line for help with unemployment benefits in Las Vegas, March 19. of nursing home deaths

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All of us can see the

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local officials should interview the patient to see who he or she has spent time with in previous weeks. The officials can then work backward to talk to those contacts, and their contacts, and so on—to ensure that those at risk get

nin so n - to ensure that those at the source of the sourc

As Joel Kotkin, a scholar of cities at Chapman University in California, says, it may be the lethal convergence of all three factors. 'If you put to-gether density, levels of pov-erty and reliance on a mass-transit system, you have a hat trick,' he told me. But even that may not ex-plain the extent of New York's unime cratastronbe Around

virus than officials elsewhere. It will be a while before we get a proper understanding of what went so tragically wrong—for New York and, by extension, the U.S. But we will probably have to do better than, "A lot of people live here."

prehensive testing, effective treatment and herd immunity as absolute pre-requisites for action. Still, the Trump plan is overly cautious about reopening the economy and espe-cially schools. The presicially schools. The presi-dent's team recommends that schools only reopen in "states and regions with no evidence of a re-bound" in infections and hospitalizations. Reopening the schools is invector for the weak

is important for the wel-fare of children, especially those in low-income com-munities, but it's also im-portant for their parents. Think of the pharmacist single mother who can't

single mother who can't go to work because the schools are closed and her children would be left alone at home. We might even consider extending school into the summer, so that chil-dren and parents can make up for lost time, and camps and summer programs also should be released from bed/wom restrictions from lockdown restrictions

from lockdown restrictions. There are more things that we can do to help improve our econ-omy. We should expand the role t telemedicine for those who cannot see their physicians in person. We should accelerate highway construc-tion projects while road traffic is meaningfully raduced and and

tion projects while road trains is meaningfully reduced. And we should do more to restore consumer confidence in air travel. But most of all, we have to com-pletely change our mind-set. Instead of thinking up creative ways to force propula to catw home we

of thinking up creative ways to force people to stay home, we should think hard every day about how to bring more people back to work. That doesn't mean the choices are easy. Minority communities are the ones most harmed by school clo-

high and hig