

The Virus Claims Another Victim – Common Sense

The coronavirus has claimed yet another victim, one that isn't counted in the daily casualty reports. The victim this time is good old-fashioned common sense.

Convicts in some states are being set free because the virus can spread quickly inside a prison. Okay – but a Texas hairdresser with no criminal record whatsoever is sent to jail for opening her salon when she was supposed to keep it closed.

Does this make sense?

I'm not advocating for breaking the law, but sending Shelley Luther to the pokey because she was desperate, because she was trying to feed her family and help her hairdressers do the same, is a tad harsh, reasonable people might think.

Ms. Luther got sprung when Texas's governor issued a revised executive order and said that "Throwing Texans in jail who have had their businesses shut down through no fault of their own is nonsensical, and I will not allow it to happen."

Good for Governor Gregg Abbott. As for the judge: He may have been following the letter of the law, but maybe His Honor should have taken into account, before sentencing her to jail time, that the woman standing before him was a hard-working, law-abiding citizen who's only real crime is that she needed to work.

The judge had discretion; he could have said something like, "I understand your situation. Just don't do it again." But he didn't. Instead he wanted her to say she was "selfish" for opening her shop. She wouldn't do it. Good for her, too.

And then there's the battle in California between Tesla CEO

Elon Musk and Alameda County, where the car company employs thousands of workers who assemble Tesla's battery-operated vehicles.

Gov. Gavin Newsom recently allowed some non-essential businesses to open up but Alameda County, where Tesla makes most of its electric cars, maintained its lockdown.

So Tesla had to remain closed – while pot shops in the county were allowed to remain open.

So you might sympathize with Musk, who said he's had enough and may move his headquarters to business-friendly Texas or Nevada.

Perhaps county officials got Musk's message, or maybe it was something else, but they finally came to an agreement with him and Tesla has officially re-opened its plant in Alameda County.

And then there's Kentucky, where in March Gov. Andy Beshear issued an order barring "mass gatherings." Offices could stay open, and so could factories – as long as they adhered to rules regarding "appropriate social distancing." Enterprises deemed "life-sustaining" also could stay open. And what might they be? Well, they included laundromats and liquor stores – but not churches.

When one church, Maryville Baptist in Louisville, held an Easter service, some parishioners challenged the governor's edict and went inside – but others sequestered themselves outside, in their cars, and listened to the service thanks to loudspeakers that the church set up in the parking lot.

Here's where the death of common sense comes in: State police swooped in and placed notices on the vehicles – including cars with the faithful sitting inside – telling them they were breaking the law. The cops even took license plate numbers, to make sure no one got away with committing such a heinous crime

as praying on Easter Sunday – inside their cars!

Maryville Baptist sued. And, on May 2, the Sixth Circuit Court of Appeals unanimously ruled for the church, saying: “The Governor has offered no good reason so far for refusing to trust the congregants who promise to use care in worship in just the same way it trusts accountants, lawyers, and laundromat workers to do the same. Are they not often the same people, going to work on one day and attending worship on another?”

Let’s acknowledge that the executive orders were issued to protect people from contracting the virus. But let’s also remember that the authorities who issue these executive orders are people who still have their jobs and are still receiving their paychecks – and, too often, come off not so much as concerned elected officials but as callous authoritarians dictating mandates to helpless subjects, mandates that don’t always seem to make sense.

And while the virus may be hard on major corporations such as Tesla, it’s catastrophic for small businesses such as Salon a la Mode, Shelley Luther’s business in Dallas. These are enterprises that operate on tight margins. More than a few that have been forced to shut down will never open back up.

None of this is intended as an argument for or against opening up the economy sooner rather than later. I’ll leave that to the experts. And small business owners, like everyone else, have an obligation to obey the law.

But the authorities also have an obligation – an obligation to employ a little common sense and not to turn decent Americans into criminals if they fail to adhere to zero-tolerance rules and regulations that sometimes seem capricious, even ridiculous.

If the authorities can show empathy and allow convicted felons out of prison during this pandemic, they can do the same for

law-abiding citizens who are desperate and need to go back to work