

Who's to Blame?

My Students Hold a People's Tribunal on the Coronavirus Pandemic

BY A DCPS MIDDLE SCHOOL TEACHER



Peter Kneffel/dpa via AP

An artist prepares his graffiti with the inscription on a wall in the slaughterhouse district in Munich, Germany.

BY MARCH 14, THE LAST DAY OF IN-PERSON classes in Washington, D.C., I had moved all desks in my classroom six feet apart and encouraged students to remain calm, use hand sanitizer, have empathy for other teachers and students, but to take precautions. It was clear to my students, who live in every region of the city and are overwhelmingly students of color, other teachers, and the entire staff at Hardy Middle School, that the coronavirus, coupled with a lack of response or preparation, would change our lives for the unforeseeable future.

As my students and I entered spring break, President Donald Trump stated on March 19, "I would view [the coronavirus] as something that just surprised the whole world." I knew this was false.

Based on updates from Italy, the U.K., and China, I knew the United States was unprepared. Capitalism, racism, and the U.S. government left us to die. Every day, it became clearer to me that powerful elites in the United States were interested only in profit. The capitalist system in pandemic mode facilitated a lopsided transfer of wealth to the already-wealthy worth billions of dollars. But I, like most families, would receive only \$1,200. And even this was up for debate. I kept watching other countries' governments mobilize workers to clean cities or pass out masks; here, I had to find a way to buy my own personal protection. I would have a mask only if I bought one. I would have hand sanitizer only if I already had it. The U.S. government had no intention of ensuring that I was safe. Grocery store workers, truck drivers, day

laborers, and others were called “essential,” but the government refused to pay them accordingly. The U.S. government said “thank you” in one breath and “work or starve” in the next. And then Dr. Anthony Fauci and other health experts began to highlight the exponentially more disastrous effect the coronavirus was having on Black communities. But most of this country’s leaders refused to admit that this was a direct result of inadequate health care and pre-existing conditions caused by institutionalized racism. And I knew my students were at home, left to process the information with their families, but not with a community. School was not serving its true purpose.

During the first few weeks of distance learning, my students completed projects on reparations for Native Americans based on Westward Expansion. Did the government owe anything to those forced to suffer American expansion? I knew my students were juxtaposing the past with the present. Millions of people were applying for unemployment, and yet the transfer of wealth to companies such as Amazon was clear. Did the government owe anything to those forced to suffer in the midst of a pandemic?

I originally planned to complete a culminating group discussion on the Indian Removal Act, using the Cherokee/Seminole Removal Role Play at the Zinn Education Project. But I also knew my students were being inundated with more articles, graphs, and research on the pandemic. Xenophobia was also on the rise as people across the country used racist language to describe the coronavirus. I wanted to do whatever my students wanted to do.

So I asked them.

I had students take a survey during the first week of April on whether we should talk in more detail about the Indian Removal Act or hold a tribunal on the coronavirus. Fifty-four out of the 60 students in class that day said let’s have a tribunal on who’s to blame for the crisis in the United States.

I chose to write a tribunal, rather than a mixer lesson or research-based activity as the students had already mentioned that the [tribunal on Columbus](#) found in the Rethinking Schools book *Rethinking Columbus*, was one of their favorite



lessons of the school year. In addition, by March, I knew that my students’ generation was being blamed for something they were not responsible for — their own death and oppression. So I wanted to write a lesson to help them formulate their own language to fight back.

Students commented that information about the coronavirus was everywhere, and they felt overwhelmed. But were they overwhelmed with the same information? Was the information accurate? Was the information racist? I wanted to consider the fact that my students come from 13 different elementary schools and live in every ward in the District of Columbia. I could not just tell the story with different news items. I wanted to create a lesson to empower them to tell their story to me and to others. What did they know? What had they read? And how was it affecting their understanding of this crisis? What was wrong in society and how should we change it?

And that was the most important part of this lesson: students writing a 10-point program — inspired by the Black Panthers’ 10-point program, adopted in 1966 — on how to prevent crises like this in the future.

Teaching the People's Tribunal on the Coronavirus

This people's tribunal begins with the premise that a heinous crime is being committed as tens of millions of people's lives are in danger due to the outbreak of the novel coronavirus — COVID-19. But who — and/or what — was responsible for this crime? Who should be held accountable for the spread of the virus and its devastating impact?

Materials Needed

- Online conferencing tool (preferably one with breakout groups so students can work collaboratively on different pieces)

Time Required

The time needed for this activity can vary considerably depending on the preparation and defenses mounted by students. Also, it is important not to rush through discussion of the activity as it is happening at a moment when students are worried, distressed, and angry. Their feelings are the same as adults and compounded by the fact that the major decisions in their lives about their future are determined by others.

Suggested Procedure

1. In preparation for class, list the names of all the “defendants” on a slide: Mother Nature, Gen Z/Millennials, the Healthcare Industry, Racism, the Chinese Government, the U.S. Government, and the Capitalist System. I listed the names for my students in a Power-Point slide.
2. Tell students that each of these defendants is charged with murder — the murder of the hundreds of thousands and potentially millions of people in the United States. Tell them that, in groups, students will portray the defendants and that you, the teacher, will be the prosecutor.

3. Explain the order of the activity:

- In their defendant groups, students will prepare a defense against the charges contained in the indictments. It's a good idea for students to write these up, as they will present these verbally and may want to read a statement. (I initially planned for one day of research and indictment writing. However, students asked for two days to read the sources I provided and conduct their own research for the writing of their defense.)
- Before the trial begins, choose several students who will be sworn to neutrality. These people will be the jury. (I suggest choosing individuals to serve on the jury *only after* they have helped their groups write their defense.)
- As prosecutor, begin by arguing the guilt of a particular group.
- Those in the group accused by the prosecutor will then defend themselves and accuse one or more groups.
- The jury will then question the accused group, and others may also question the group and offer rebuttals.
- This process is repeated until all the groups have been accused and have defended themselves. The jury then decides guilt and innocence.

4. Ask students to count off into five groups of roughly equal numbers. Send each of the groups the appropriate “indictment” sheets. Remind students to read the indictment against them carefully and discuss possible arguments in their defense. Students may want to see the indictments against the other groups. Also, students may want to use other “evidence.” This could be an extension activity to discuss with them which evidence is trustworthy. I encourage initiating a larger discussion with them about how even normally reliable websites may also include inaccurate information. This will increase the time needed for the activity, and you may

want to review the outside sources they use.

*One rule: Members of a group may plead guilty if they wish, but they cannot claim sole responsibility; they must accuse at least one other defendant.

Students sometimes protest that it's ridiculous to charge individuals for their own deaths — as in the case of the indictment of Gen Z/Millennials — or they may show some confusion about the “capitalist system” or “racism” as defendants. Tell them not to worry, that it's your job as prosecutor to explain the charges. Many of my students wanted to accuse the system of capitalism, but wanted more information. I shared textbook and encyclopedia definitions of capitalism with them that we had read earlier in the year, and I also reminded them of videos we had watched on the profits of Amazon, harm to workers in Amazon factories, and Michael Moore's film *Capitalism: A Love Story*, along with Matthew Desmond's “American Capitalism Is Brutal,” a piece in the 1619 Project.

5. When each group appears ready, choose a jury — one member from each group (in a big class), or a total of three students in a smaller class. Publicly swear them to neutrality; they no longer represent the U.S. government, Gen Z/Millennials, or anyone else.
6. The order of prosecution is up to you. I used Mother Nature, Gen Z/Millennials, the Chinese Government, the U.S. Government, and the Capitalist System. However, after completing the tribunal with my students, and consulting other teachers, I added the Healthcare Industry, Racism and White Supremacy. I save the Capitalist System for last as it's the most difficult to prosecute, and depends on having heard the other groups' presentations. As mentioned, the teacher argues the indictment for each group, the group defends, the jury questions, and other groups may then question. Then, the process repeats itself for each indictment. The written

indictments should be an adequate outline for prosecution, but I feel free to embellish.

For example, many students questioned blaming Mother Nature for the exponential spread of the coronavirus during the tribunal. Specifically, they wondered why the Earth was being blamed for the choices humans were making not to physically distance themselves and wear masks. Students representing Gen-Z/Millennials responded by highlighting other natural disasters caused by Mother Nature, or they blamed the U.S. government. The students were clear in their judgment: Humans living in the United States, although they were not completely sure which ones, were responsible for the rising cases within the country.

7. On Zoom, each group presented their defense to the entire class. At the conclusion, I asked the jury to step out of the classroom and deliberate. On Zoom, I set up a separate breakout room for the jury so they could deliberate and return to the whole group once they reached a verdict. They also need to offer clear explanations for why they decided as they did. As the jury deliberates, I asked the rest of the class to step out of their roles and to do in writing the same thing the jury was doing. When I took a poll at the end of the first day of writing group defenses, an overwhelming majority — about 80 percent — asked for at least another day to review their writing.

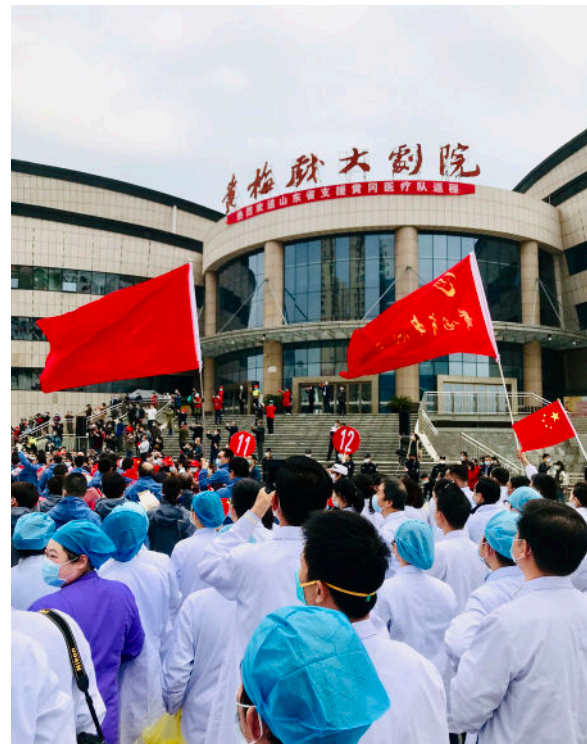
Many groups asked me to look over their defense. From the beginning, it was clear that most blamed the U.S. government. Even the group defending the U.S. government wrote, “The United States government did not take action soon enough, therefore leading to the virus from continuous spreading once it was in the U.S. We, the United States government, do take partial credit for the spread of the virus. . . . While Wuhan, China, was in the early stages of the coronavirus, they took no precautions to stop the virus from

spreading. Since [the U.S. government has] known since December [2019] about this threat and didn't [spread] the knowledge about how deadly the illness is, by doing nothing, they put more people at risk. The United States government was unprepared for a crisis like this since they didn't take the virus seriously even after China sent warnings out."

After deliberating, the jury sent a message to me via a chat message saying they reached a verdict. I brought them back to the whole group. When I asked about the verdict for both capitalism and the Chinese government, they responded "partially guilty." This was interesting. Prior to joining the jury, it seemed to me that students thought that both the U.S. government and the Chinese government were guilty. But after listening to the defense presented by groups they changed their mind.

They knew the Chinese government built hospitals in days. They knew the Chinese government alerted the World Health Organization of the pending global pandemic. But they refused to *not* blame the Chinese government. They were willing to assign partial guilt to Mother Nature and capitalism. But in my students' minds, the U.S. government was the main culprit. They said the U.S. government had time to prepare, but did nothing. This brought them back to earlier discussions in the class: They wanted time to discuss how to alter or abolish the government. But they had trouble separating the government from the economic system within which the government operates.

The aim, of course, was not to get students to come to a particular verdict, but to encourage them to try to make explanations for what is at the root of the devastation caused by the COVID-19 pandemic. Still, next time, I will ask them to write more on the reasons for their verdict — both those exonerated and those guilty — so they are ready to articulate



Walter Grassroot

Chinese medics in the city of Huanggang, Hubei on March 20, 2020.

their reasoning when they announce the verdicts.

8. The jury returns and explains its verdict and then we discuss. Here are some questions and issues to raise:

- Was anyone entirely not guilty? (My students thought Gen Z was not responsible at all. They commented that older people always want to blame the young for their mistakes.)
- Did the prosecutor convince you that Gen Z/Millennials were in part responsible for their own deaths?
- Why do you think people are so quick to blame the young for the problems in society?
- How has racism impacted people's understanding of the spread of the coronavirus in the United States?
- How would the spread of the coronavirus be different if the U.S. government had taken stronger measures in February of 2020?

- Describe how a national healthcare system would change the coronavirus pandemic in the United States.
 - If the U.S. capitalist system is guilty, how can we change society or make a difference?
9. After students present their defense as a group, it is important to have a discussion and short writing or think-aloud reflection.
10. Finally, in small groups, give students the task of [writing a 10-point program](#) — a set of demands to address the problems we currently face due to this pandemic. (This, of course, is borrowed from the famous 10-point program of the Black Panther Party, in the 1960s.)

I told my students, “Tell me how we should change the United States. Remember, one of the key principles we discussed in the Declaration of Independence: If a government is corrupt, we the people have the right . . .” To which they responded out loud or in the chat, “to alter or abolish it.” And then I continued, “OK, if you believe the U.S. government is corrupt, how would you change it? How would you change society for the better? In your groups, try to decide on what we, the people, need. Immediate access to health care? More money from the government so we can stay home?” One student mentioned the need for free Wi-Fi since we are all using the internet. Others were concerned with the lack of access to groceries and basic necessities.

The point of this assignment was to not leave them simply with who or what was to blame for the coronavirus crisis, but for them to imagine the kind of society that could address the issues we had been discussing. Still, they struggled with writing a 10-point program. In hindsight, I should have given them several days to finish this piece. Their initial responses made it clear that they wanted a new system with guaranteed health

care for coronavirus treatment. But they did not believe that the U.S. government would provide it. I wanted the final reflection to empower them to dream and create, but they were disenchanted. Creation takes time and a certain removal from the trauma they are facing, as well as more discussion. Most student groups did not create a completed 10-point program. But what they produced was thoughtful and important.

One student group wrote:

- All employees should receive paid leave for the time when a crisis strikes.
- If you go outside you should wear a face mask and gloves to leave the house.
- Free health care.
- Cancel international travel.
- Free coronavirus testing for all.
- Free Wi-Fi for distance learning.
- Food stamps weekly.
- Education of the virus so they know how to stop the spread.

And here are some of the suggestions of another student group:

- Start a committee in the United Nations specializing in pandemics to prepare if this situation occurs again.
- End, or lower the amount of, capitalism so no secrets are present and all the countries are aware of the situation.
- Build more factories to specialize in producing medical equipment.
- Increase the pay wage for nurses and medical professionals to reward them for their hard work and inspire others to become involved in the medical field.
- Normalize delivered groceries.
- Add a health check for passengers before boarding on any type of transportation.

Like most teachers, I was nervous about what would happen if I waited for 100 percent completion of the assignment. So, after a day and half I moved on. In hindsight, this was a mistake.

Students wrote that they were enjoying the lesson and asked for more time, but the “teacher pressure” to keep going, over what my students needed, got to me.

profound social injustice. And that I offer them opportunities to imagine a profoundly different and better society. As a teacher, it was a joy to watch. ❖

Who knows what they would have written, changed, or suggested if each group had presented their suggestions to the class, as was my original idea. Who knows what my next groups of students will say after reading their peers’ suggestions.

The important thing I want to emphasize is that the aim of the lesson was not for students to arrive at some predetermined “correct” verdict and then some neat 10-point program to address the injustice of the coronavirus. What is essential is that students grapple with making explanations for

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Mother Nature

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- People call COVID-19 a war, and it is. It is a war waged by Mother Nature against human beings. Nature has created a virus that attacks human beings in the cruelest way imaginable — destroying their lungs, leading to unimaginable suffering. People are not doing this to each other: Mother Nature is doing this to people.
- Already there are new variants of COVID-19 that are more contagious than earlier variants.
- How insidious Mother Nature is to create an illness that can be spread by seemingly healthy people. People are infectious long before they are even aware that they are sick. So seemingly healthy people can infect people at much greater risk — immune-compromised people, people with asthma, people exposed to other pollutants, people with diabetes, people who are elderly.
- Mother Nature has conspired to turn animals against people. They say that this virus began with bats. Other viruses began with pigs or birds. This is not people's fault. It is Mother Nature's fault. Mother Nature has created a system whereby one species infects another, with deadly consequences.
- Mother Nature has created a deadly disease with no known cure. Why? Because Mother Nature has created a virus that needs to destroy in order for the virus to live.

Possible Defenses of Mother Nature

- Yes, viruses are part of nature. But whether or not viruses lead to pandemics depends on the human response. This indictment focuses on mass death. Nature is not responsible for this. For this, you must instead blame the other defendants in this trial.
- Mother Nature was poisoned by all the greenhouse gases and pollution released into the atmosphere, by the people who inhabit the world. The destruction of animal habitat, created by climate change, has made it more likely for viruses to jump from animals to human beings. Human greed is the true culprit; humans' pollution and negligence caused this crisis. All the defendants are guilty of destroying the Earth with greenhouse gases.
- Similarly, humans have invaded animals' habitats for "development" — again, not to make the world a better place, but for profit. Humans cause the loss of forests, not Mother Nature. The drastic changes and new viruses people face are caused by other defendants here.

Gen Z/Millennials

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- You are the technology generation, and your lack of concern for others is putting everyone's life in danger.
- Most of you don't vote and just operate based on a sense of entitlement and immediate gratification. For example, according to Tufts University's Center for Information & Research on Civic Learning and Engagement, only [28 percent of eligible voters between the ages of 18 and 29 cast a ballot in the 2018 election](#). And that was an increase! It is clear you do not care about politics, nor the world around you. No other age group is so uninvolved, so uncaring, so apathetic.
- "If I get Corona, I get Corona" is what you all touted proudly to the media during your 2020 spring break. You are unconcerned with how your decisions affect others.
- As the pandemic spread, you were more concerned with spring break than with the harmful disease that is killing people every day. And after spring break, you went home and spread it to others. You apologize now that you have spread this contagious virus from Miami to Ohio to Texas, but now it's too late. [There was even a "Booze Cruise" that went to the Bahamas](#); your generation filled this cruise, knowing that you were putting people there at risk.
- One of you, Brianna Leeder, told CBS News, "It's [really](#) messing up with my spring break. What is there to do here other than go to the bars or the beach? And they're closing all of it. I think they're blowing it way out of proportion. I think it's doing way too much." Another Gen Z-er, Atlantis Walker, agreed: "This virus ain't that serious. There's more serious things out there like hunger and poverty, and we need to address that."
- Even as numbers began to [climb](#), young people partied and dined out in cities from Los Angeles to Seattle to Boston; you all completely ignored the directions of government officials. Here is one report from the *Atlantic*. A bartender, in Washington, D.C., Andrew, "witnessed hundreds of patrons — many of them just over 21 — stream in, social distancing be damned. 'They were out, and they didn't really care,'" he said.
- When cities and state municipalities instituted policies such as social distancing and stay-at-home orders, you often refused to follow them. Since many in your age group do not show symptoms, you decided that only others should be concerned. You were worried only about yourself. Some of you held parties and later apologized once one or more of you became infected. The arrogance of your generation is astounding
- Washington state was one of the country's early hot spots for COVID-19. Still, people there had "innocent gatherings" despite a continuation of the state stay-at-home order into May 2020. Why would you gather despite a national crisis? What could be so urgent, so important?
- Months into the pandemic, Gen Z and millennials were also involved in the "Reopen the Economy" protests. You encouraged people to defy stay-at-home orders so

you could get a haircut, manicure, or eat out. Protests took place in Utah, Illinois, Pennsylvania, Minnesota, Michigan, and other states across the country. You wanted your “freedom” — the freedom to infect.

Possible Defense of Gen Z/Millennials

- Only a small percentage of Gen Z/millennials went outside during stay-at-home orders. All of the so-called evidence in this indictment is just anecdotal — just stories that could be told about people from any age group. Many older people went outside to walk their dogs. And they go outside way more than necessary. If anyone is helping, it is millennials. They have a better understanding of technology than Gen X or boomers, and are sharing this

knowledge widely. This helps normal life proceed virtually.

- Without the ingenuity and willingness to serve others of our generation, many people would have died. Millennials created the rapid access to information. Volunteers for food drives and dropping off medicine to those indoors: millennials and Gen Z. We are even teaching your children for free [online](#). We are the reason society is still surviving, albeit virtually. Give us credit for our hard work and desire to help others even in a crisis.
- Frankly, this is a ridiculous indictment. There are real culprits for the crime of COVID-19 pandemic deaths and misery. Go after the actual perpetrators, rather than trying to blame an entire generation for the actions of a few.

Healthcare Industry

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- You are the insurance companies, for-profit hospitals, and pharmaceutical corporations that make up the so-called “healthcare system” in the United States. But rather than a system, what you have provided is deadly chaos — too few hospital beds and ventilators for COVID-19 patients, too few face masks and gowns to protect the nurses, doctors, and aides treating them, and state, city, and the national governments in a bidding war against each other for vital equipment.
- This chaos is not because there is not enough money. People in the United States spend \$3.6 trillion on health care every year. But you make sure that as little of that money as possible goes to patient care and as much as possible is returned to you and your shareholders as profit. This, in spite of predictions by experts that an outbreak just like the one we are facing today was imminent.
- It is simply inaccurate to call what you provide “health care” since your insatiable drive for profit leaves Americans neither healthy nor cared for. It has been your money and powerful lobbyists that have made sure that health care in the United States is not only the worst and most expensive among rich countries, but a privilege of only those who can afford it rather than a right for all.
- There are at least 28 million people in the United States without health insurance. These people cannot risk seeking care because of the enormous costs associated with it. Without care, this population will not only get sicker, they are also more likely to spread the illness in their communities, making the pandemic even worse, the death toll even higher.
- The idea of universal healthcare coverage is popular. But you have blocked efforts at every turn. Most recently, you created a group called Partnership for America’s Health Care Future to defeat the Medicare for All plan promoted by Sen. Bernie Sanders and others. You spent hundreds of millions of dollars to stop Medicare for All by lobbying Congress and advertising directly to the American people. Your television ads and social media campaigns scaremonger that national health care would mean a loss of “choice” and “control.” But what “choice” and “control” do Americans have under the current system? Millions of Americans have developed fevers, coughs, and body aches — the symptoms of COVID-19 — and have “chosen” to seek testing to find out whether they have contracted the disease. But they have been turned away amidst a test kit shortage that ranks among the worst in the world. This is not choice. This is a nightmare you created.
- Why do you condemn millions of Americans to a system that leaves them sick and poor? Because it has made you rich. While Americans are crushed by high drug prices and premiums, your companies’ CEOs take home tens of millions of dollars each year.
- You killed universal health care in the United States and you have blood on your hands. Not every COVID-19 death was preventable, but universal care would have minimized the death and suffering by providing widespread testing and care to every person who needed it.

Possible Defense of Healthcare Industry

- Universal health care is not a cure-all. Look at Italy, where more than 18,000 people died of the virus, and hospitals were overrun by the pandemic.
- If there is a problem with a profit-driven system, don't blame us, blame capitalism. You are *incentivized* and *rewarded* for making the choices you do. Yes, maybe the sicker Americans are, the richer you get, but you didn't invent capitalism. You just play by its rules.
- It is ridiculous to blame you for the lack of universal health. You are private businesses and corporations. You have no power to pass legislation! Blame the government for the lack of a national healthcare system.
- Your businesses would fail if the people didn't support the current healthcare system. The fact that they do indicates they don't really want health care for *everyone*. Why? Racism. White Americans have always resisted sharing resources with people of color — whom they believe are less deserving of a share in the nation's wealth. From public schools to the government-backed loans, white supremacists have always tried to keep the biggest pieces of the pie for themselves.

Racism & White Supremacy

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- You are not a person, institution, or part of society, yet your presence is felt, breathed, and lived everywhere. Unlike an industry or business, we cannot point to where you are located, except to say everywhere.
- From the moment many enter school, work, the doctor's office, the voting booth you are there. You twist and turn every part of people's lives to dehumanize them and claim they are indeed inferior to everything and anyone considered "white." Since the foundation of this country, you have used race as a way to establish that Asians, Latinos, African Americans and the Indigenous were less than their colonizers and exploiters.
- People could not talk about the coronavirus without trying to change the name to the "Chinese virus" or "Wuhan virus." And the president justified his use of this terminology, which is indeed [racism](#). It presupposes that Asians are definitely going to spread a virus more than others, as if their immune systems are weaker than "white" people's. Or it presupposes that discrimination against Asian Americans is the right thing to do. The president did not start this, it is because of you.
- One New York woman, [Jeni Erbes-Chan](#), recounted her experience: "A man sort of lurched at me and shouted, 'You people brought the virus. Go back to China.'"
- In addition, you, racism, determines who gets health care and who does not. People of color are far more likely to be uninsured in the United States than white people, according to the [Brookings Institution](#).
- The *New York Times* had to sue the Centers for Disease Control and Prevention to get data on race and the coronavirus. In July 2020, [the New York Times reported](#) that throughout the United States, African Americans and Latinos are three times more likely to be infected with COVID-19 as whites, and almost twice as likely to die from the virus than white people.
- From Chicago to Washington, D.C., to Milwaukee, African Americans account for more than 50 percent of deaths from [coronavirus](#). In Michigan, African Americans have a 133 percent higher chance of contracting the coronavirus than people of other races.
- These statistics do not represent anything other than the health disparities that have plagued this nation for centuries. Dr. Fauci, director of the National Institute of Allergy and Infectious Diseases since 1984, stated, "Health disparities have always existed for the African American community . . . [COVID-19 is] shining a bright light on how unacceptable that is because, yet again, when you have a situation like the coronavirus, they are suffering disproportionately." It is clear to everyone that you are the culprit. These disparities extend beyond access to a doctor, hospital for prenatal care. Racism is in the structural fabric of this nation.
- These policies are not just codified in law, they are everywhere, from the medical instruments used to test individuals for respiratory problems, to the way patients receive treatment. Since the time when Thomas Jefferson wrote in the *Notes on the State of Virginia* that African Americans

were inferior “including a lack of lung capacity,” it has been drilled into people’s brains that people of color are somehow less deserving, less capable, or less human.

- In fact, a “2016 [survey](#) of 222 white medical students and residents published in *Proceedings of the National Academy of Sciences of the United States of America* showed that half of them endorsed at least one myth about physiological differences between Black people and white people, including that Black people’s nerve endings are less sensitive than white people’s.”
- Myths about the physical, social, and intellectual differences of African Americans and all people of color are not relegated to one race. [A 2013 study](#) found that present-day doctors, irrespective of race, distributed fewer and inadequate treatment to African Americans for pain management.
- Even the instruments used to measure lung capacity, the spirometer, was created by someone with racist philosophies. According to [Linda Villarosa in a piece for the 1619 Project](#), “Today most commercially available spirometers, used around the world to diagnose and monitor respiratory illness, have a “race correction” built into the software, which controls for the assumption that Blacks have less lung capacity than whites. In her 2014 book, [Breathing Race into the Machine: The Surprising Career of the Spirometer from Plantation to Genetics](#), Lundy Braun, a Brown University professor of medical science and Africana studies, notes that ‘race correction’ is still taught to medical students and described in textbooks as scientific fact and standard practice.”

Possible Defense of White Supremacy

- You cannot blame a system or an idea for a crime. If the problem is indeed “white supremacy,” then blame particular white supremacists for their actions. White supremacy is not a person or group.
- It is not our fault that the coronavirus is affecting some more than others. It is because the U.S. healthcare system is flawed. Many other industrialized nations, also built on chattel slavery, have a national health-care system. It is the doctors, hospitals, and insurance companies in the United States that cause these deaths and suffering. They are not equipped to handle a national pandemic and it is affecting everyone, regardless of race.
- African Americans, Asian Americans, and all people of color suffer from COVID-19 disproportionately not because of some vague idea or system, but because of the policies of the U.S. government. Everyone knows that it is the Trump administration that is guilty of this crime.

Chinese Government

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- Let's get this straight. This is not an indictment of Chinese people or Asian Americans. It is the Chinese government that is responsible for this crisis. COVID-19 began in China, but fewer than 5,000 people died in China. China sent this misery to the United States, where more than 120,000 had died by the beginning of July 2020.
- In suppressing information about the virus, doing little to contain it, and allowing it to spread unchecked in the crucial early days and weeks, the Chinese government imperiled not only its own country and its own citizens, but also every person in the world.
- The Chinese government censored and detained those brave doctors and whistle-blowers who attempted to sound the alarm and warn their fellow citizens when they understood the gravity of what was to come.
- But Chinese leaders' negligence in December 2019 and January 2020 — for well over a month after the first outbreak in Wuhan — far surpasses those bungled responses. The end of last year was the time for authorities to act, and, as Nicholas D. Krist of the *New York Times* [has noted](#), "act decisively they did — not against the virus, but against whistle-blowers who were trying to call attention to the public health threat."
- Because the Chinese Communist Party pretended that there was little to be concerned about, Wuhan was a porous purveyor of the virus. The government only instituted a lockdown in Wuhan on Jan. 23 — seven weeks after the virus first appeared. As events in Italy, the United States, Spain, and France have shown, quite a lot can happen in a week, much less seven. By then, Mayor Zhou Xianwang admitted that more than 5 million people had already left Wuhan.
- In a 2019 article, Chinese experts [warned](#) it was "highly likely that future SARS- or MERS-like coronavirus outbreaks will originate from bats, and there is an increased probability that this will occur in China." In a 2007 journal article, infectious disease specialists published a study [arguing](#) that "the presence of a large reservoir of SARS-CoV-like viruses in horseshoe bats, together with the culture of eating exotic mammals in southern China, is a time bomb. The possibility of the reemergence of SARS and other novel viruses from animals or laboratories and therefore the need for preparedness should not be ignored." It was ignored.
- The *New York Times* reported that Dr. Li Wenliang, an early identifier of the novel coronavirus, was arrested by Chinese authorities in the middle of the night for "whistle-blowing." But Li was simply sending the message to colleagues on a message server. Ultimately, he wasn't fired but merely reprimanded and allowed to return to work. But, still, this shows that the Chinese government tried to cover up COVID-19.
- The Chinese government and foundations have donated tons of medical supplies, including masks, ventilators, and testing kits to the United States, several European countries (including Italy and France), Venezuela, Iran, Cambodia, and elsewhere. Your government has also sent thousands of doctors and medical experts to Italy, Iran,

Iraq, and other countries. But this is just a public relations campaign to make up for your early mistakes.

- Face it. This virus originated in your country. You are guilty for the deaths and misery it has caused.

Possible Defense of Chinese Government

- China offered free and speedy testing for all, put provinces and cities (especially Wuhan) in lockdowns and quarantines, and shifted people's jobs during the outbreak. These are exactly the measures that a government should take in times of a crisis.
- China, in the spirit of international cooperation, informed the World Health Organization about the impending crisis. In early January, China shared the virus sequencing with the WHO. In fact, China wanted to prevent millions of people from contracting the virus. The WHO congratulated China, saying that China showed a "unique and unprecedented public health response [that] reversed the escalating cases."
- China quickly controlled the virus, taking strong measures. Fewer than 5,000 people died. The fact that the United States has responded so poorly is not the responsibility of the Chinese government.

The U.S. Government

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- From the very beginning, the president and entire government did not take the spread of the coronavirus seriously. In fact, they knew — both Democrats and Republicans — of the coming crisis.
- On Jan. 22, 2020, after China sent warnings and information to the World Health Organization and Centers for Disease Control and Prevention, Donald Trump stated that “We have it totally under control. It’s one person coming in from China. . . . It’s going to be just fine.”
- Trump, Feb. 27: “It’s going to disappear. One day — it’s like a miracle — it will disappear.”
- It was not until mid-March that the federal government openly acknowledged the impending danger for Americans. Although President Trump still said, “It will go away. Just stay calm.”
- While most people were worried about food, employment, and basic necessities, key government officials like Sen. Richard Burr (Republican), Sen. Dianne Feinstein (Democrat), and others sold stocks to make a profit. These U.S. government officials knew what was about to happen, and yet did nothing to protect people.
- Medical professionals are working around the clock to assist those in need, and yet they are not being provided with ventilators, masks, gloves and other necessary medical equipment. As early as March, New York doctors and medical professionals requested

at least 18,000 ventilators. And yet, where are they?

- The Coronavirus Aid, Relief, and Economic Security (CARES) Act gives one-time direct payments of up to \$1,200 for individuals and \$500 per child. This is incredibly insufficient, especially when, according to the *Guardian*, at least \$500 billion is being given to private corporations.
- Instead of taking responsibility for your failures, President Trump and others continually tried to deflect blame onto China. As Jeff Goodell wrote in *Rolling Stone*: “Instead of pushing for testing or to prepare hospitals for what was to come, Trump’s only move was to ban Chinese foreign nationals from entering the U.S.”
- Doctors and healthcare workers have been fired by hospitals for revealing conditions in hospitals. Others have received letters warning that they will be fired if they do so. You have failed to intervene to stop this from happening.

Possible Defense of U.S. Government

- The U.S. government is trying to help people. Specifically, the federal government has freed states and individuals from waiting on the federal government to protect them. Unlike other countries where people waited for a national response, we put our trust in the people of America.
- The federal government created a special task force to inform the public of best practices and all we are doing to protect the American people. We are not causing a spread to the virus, we are trying to save you from yourselves.

The Capitalist System

The Indictment: You are charged with the murder of thousands, perhaps millions of people in the United States, the disruption of lives, the worst unemployment crisis since the Great Depression, and unknown suffering.

- It might seem odd to charge the capitalist system with these crimes. Capitalism is not a person. Think of capitalism as the rules of the game. Every game has rules. And every game has different individuals who “play” their role — players, referees or umpires, coaches, etc. Each has a role to play in the game. But what is most important about the game are the rules. No matter how much power an individual has in playing the game, they cannot change the game itself. Same with capitalism: The main rule in the capitalist “game” is that the goal is to make the most profit possible.
- In capitalism, health care is a commodity, something people have to buy. It is not a human right. The capitalist system cares only about what makes the most profit. Tens of millions of people in the United States do not have healthcare coverage. Without insurance, getting a hospital bill for treatment for the coronavirus could cost thousands of dollars. This would mean low-income people in the United States will not seek treatment when it is urgently needed. And the virus will spread.
- Capitalism puts healthcare industry profits over human life. When this pandemic hit, 70 percent of low-income U.S. workers did not have any sick days — they had to come to work if they felt sick, even with coronavirus symptoms. If a low-wage worker chose not to come to work, they would be fired. They would lose their income and possibly be evicted from their apartment or home. This contributed to the spread of coronavirus cases. That means tens of millions of people potentially spread the virus when they come to work even though they are sick.
- Hospitals need ventilators for the most seriously ill patients. Who produces ventilators? Capitalist companies, hoping to profit. They charge between \$20,000 and \$50,000 per ventilator; most hospitals cannot afford to purchase ventilators that could be stored, for use in an emergency. Doctors face heartbreaking choices of who gets a ventilator and who does not — who lives and who dies. It’s not the doctor’s fault. Blame the system of profit: capitalism.
- And why aren’t there drugs that can respond to the coronavirus? Because of the capitalist system, where medicines are developed only if they make a profit. According to Mike Davis, who has written extensively on epidemics: “Of the 18 largest pharmaceutical companies, 15 have totally abandoned the field. Heart medicines, addictive tranquilizers, and treatments for male impotence are profit leaders, not the defenses against hospital infections, emergent diseases, and traditional tropical killers.”
- And why aren’t there more beds for people stricken with COVID-19? Because, increasingly, hospitals use capitalist business practices. This dates back to the Reagan era. According to the American Hospital Association, in-patient hospital beds declined by almost 40 percent between 1981 and 1999. Why? To raise hospitals’ profits by increasing the “census” — the number of occupied beds. And this trend continued. Hospital managers wanted 90 percent occupancy; this meant that when the pandemic hit, they wouldn’t have enough beds. Today, there are only 45,000

ICU beds in U.S. hospitals. Compare that to South Korea, which has three times the number of beds available per 1,000 people.

- The main culprit of the COVID-19 crisis is the capitalist system that puts profit over human life.
- While corporations are receiving billions and the major focus of the federal government has been on ensuring that business can reopen, hospitals are being shortchanged.
- Capitalism is not the problem; it's the solution. Who makes N-95 masks, hospital beds, ventilators, protective gear for health professionals, and so forth? Of course, capitalist companies.
- There are many capitalist countries in the world. If capitalism is the culprit, how come other countries are doing better in the pandemic than the United States? Look at South Korea, for example.

Possible Defense of Capitalist System

- This entire indictment is absurd. People commit crimes, not systems. Go after the real people making decisions, like the healthcare industry, not an invisible system.

People's Tribunal Reflections

PART A

Write your verdict and your reasoning on the paper below. Who do you think is most responsible for the crisis in the United States due to the spread of the coronavirus. Are they guilty, partially guilty, or not guilty? Explain your reasoning.

Would you consider Mother Earth guilty, partially guilty, or not guilty? Explain your reasoning.

Would you consider the U.S. government guilty, partially guilty, or not guilty? Explain your reasoning.

Would you consider the capitalist system guilty, partially guilty, or not guilty? Explain your reasoning.

PART B

Evaluate our tribunal and who holds the most power? What are the power dynamics in this country?

How does capitalism in the United States cause crises like the coronavirus and the flu pandemic in 1918?

If the government and capitalist system are guilty, what should be the “sentence”? You cannot put a system in prison.

PART C

Now, take a moment with your group to write a 10-point list of suggestions for how a crisis such as the one we are currently facing can be avoided in the future. What should government responsibility and systemic change look like for future generations in the United States?

Examples include:

- a) Full sick pay and 100 percent unemployment insurance
- b) Free health care for all
- c) International cooperation; listen to and take the advice of other countries in a crisis