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Factors Influencing the State of Texas's Policies Toward Business Activity in the COVID-19 Pandemic: A Case Study.

Gregory E. Parker
Walden University

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Walden University

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Gregory E. Parker

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Walden University
2022

Abstract

Factors Influencing the State of Texas's Policies Toward Business Activity in the
COVID-19 Pandemic: A Case Study

by

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M.P.A., Walden University, 2009

B.S., Columbia Southern University, 2003

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy & Administration

Walden University

May 2022

Abstract

The novel coronavirus, also known as Severe Acute Respiratory Syndrome Coronavirus 2 and causing a disease called COVID-19, reached the United States in January 2020. In the United States, some state and local governments-imposed lockdowns on citizens and businesses in the name of public safety and health, while other governments prioritized avoiding disruptions to economic activity in their states and localities. The purpose of this qualitative case study was to explore the factors that influenced the State of Texas's policies toward business activity during the COVID-19 pandemic. Guided by the theory of regime values, a nonintrusive approach was employed to thematically analyze a condensed sample size of official court case records, government documents, official meetings, press conferences, and interview transcripts to answer the research question. An analysis of these documents revealed three central themes: prioritizing public health and safety, the constitutionality of the executive orders, and the executive orders were informed by the national government and health experts. Overall, this study suggests Texas policymakers prioritized the health and safety of citizens as one factor that influenced policies towards business activity during the COVID-19 pandemic. Furthermore, this study also suggests the federal government and health experts were an influential factor in Texas's initial response to the COVID-19 pandemic. Open debate and discussion around the need for updated emergency management approaches that protect property rights and protecting public health were recommendations found to benefit society at large which may result in positive social change.

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Dedication

I am thankful to God, who bestows wisdom and provides insight that aids understanding. This is dedicated to my mom, Lois; my brother, Chris; my sister, LaShawn; my son, Jean-Luc; and my wonderful wife, Tasha, for believing in me. Additionally, I want to thank my two great mentors, Dr. Boris Bruk, Dr. Amin Asfari, and Dr. Glenn Starks for their encouragement and insight!

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Tasha Parker

Dr. Amin Asfari

Lois Parker

Dr. Glenn Starks

Christopher Parker

Jean-Luc Parker

Lashawn Parker

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Chapter 1: Introduction to the Study

Higgs and Twight (1987) noted that the U.S. government continually erodes constitutional rights during national emergencies such as pandemics and natural disasters. This erosion of constitutional rights occurs because citizens insist that the government, at all levels, collectively do something to diminish the threat. Governments, in turn, use the opportunity to further their economic or political aims (Higgs & Twight, 1987). This lends credence to the panic thesis that holds that citizens' fears cause decision makers to exaggerate threats and neglect civil liberties and constitutional limitations, resulting in lousy policy implementation (Posner & Vermeule, 2006).

The novel coronavirus, also known as Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV-2) and causing a disease called COVID-19, reached the United States in January 2020 (Pradhan et al., 2020). A consequence of the COVID-19 pandemic was conflicting views about the best practices for balancing public and economic health at the state level (Barrios & Hockberg, 2020; Makridis & Rothwell, 2020). A great deal of literature examined the impact of COVID-19 quarantines on the economy and the spread of the virus and found that while national guidelines played a role in mandate decisions, state officials held considerably more power in establishing and enforcing public health policies (Brzezinski et al., 2020; Grossman et al., 2020; Gupta et al., 2020).

As in other states, decision makers in the state of Texas were faced with the dilemma of balancing private rights with health and safety concerns during the COVID-

19 pandemic. However, it is unknown what factors influenced Texas's policies towards business activity during the COVID-19 pandemic. The results of this study may provide insight into the decision-making process of state officials when the key tradeoff is between public health and the economy. This chapter includes a discussion of the problem statement, purpose of the study, research questions, theoretical framework, significance of the study, nature of the study, assumptions, limitations, delimitations, definitions of terms, and a summary.

Background

During the current COVID-19 public health pandemic, the Texas governor, through Executive Order No. GA08, closed businesses, declaring that COVID-19 posed an imminent threat of disaster to the state (Texas Office of the Governor, 2020). On March 13, 2020, the governor, through updates to the executive order, restricted eating or drinking at bars or restaurants unless drive-thru, pickup, or delivery options were provided by the business owners (Texas Office of the Governor, 2020). That same order limited Texas citizens' ability to assemble by restricting the use of food courts or visiting gyms or massage parlors. On March 31, 2020, Governor Abbott again updated his executive order to implement and classify businesses into essential services. The updated order allowed grocery stores, gas stations, financial institutions, information technology companies, and others to operate along with hunting, fishing, and outdoor physical activity. The updated order also continued the restricted operations of bars, restaurants,

barbers, salons, food courts, gyms, and massage parlors (Texas Office of the Governor, 2020).

Soon after, citizens' protests began to arise in support of allowing all businesses to open, and amid these protests, Texans were being arrested for noncompliance with the executive order (Fox Television Stations Channel 6, 2020). For example, a Texas woman was arrested and sentenced to 7 days in jail and fined for reopening her salon business in direct violation of the governor's executive order and the Dallas County Judge's order to shutter her business immediately (Fox Television Stations Channel 6, 2020).

The governor and other local officials' actions to curtail business operations have caused the state's business failures and job losses. According to data from the Texas Lawbook, Texas companies filing for protection under Chapter 11 of the U.S. Bankruptcy Code increased 133% over the same time in 2019 (Curriden, 2020). Moreover, the governor's executive order and its updates have resulted in some 800,000 jobs lost in the Texas bar industry alone (Oxner, 2020).

Lawsuits in Texas have increased due to businesses resorting to legal action for relief from the closure orders. In *Tonia Allen Parker et al. v. Governor Greg Abbott et al.*, the plaintiffs argued that by destroying their economic viability, the State of Texas violated the state constitution and the Fifth Amendment to the U.S. Constitution. The plaintiffs also argued they were deprived of due process by the state and discrimination in the executive order's application, claiming that the state could not provide a persuasive rationale for the seemingly arbitrary and capricious distinctions of "essential" business

and “non-essential” business (Oxner, 2020, para. 2). Steven Hotze, a Houston activist and physician, stated: “Abbott’s Executive Orders seek to determine which people, services, and groups are essential and which are non-essential based on vague or arbitrary criteria, that have no rational relationship to the governmental interest of stopping the spread of COVID-19” (Weinberg, 2020, para. 4). This was significant because business operation regulations during emergencies are decided upon and implemented at the state level, resulting in substantial differences in mandates across states (Makridis & Rothwell, 2020). Because public health decisions fall on state officials, citizens become concerned that policy decisions will be biased by political affiliation or other motives (Adolph et al., 2021; Barrios & Hockberg, 2020).

Research has shown an evolution of the conflict between the government and its citizenry concerning restrictions placed on business activities that occur on private property for public use with or without compensation (Atchison et al., 2005; Murtazashvili & Murtazashvili, 2016). However, little research has been done to explore the delicate balance between public health and economic activity during the COVID-19 pandemic or why state officials select certain policies to maintain the delicate balance over others. Furthermore, no research has been published about the policies towards business activity enacted by the State of Texas during the COVID-19 pandemic.

Problem Statement

The problem addressed in this study was that it was not known what factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic. The 2020 COVID-19 pandemic highlighted the state and local government's willingness to enact disaster declarations that effectively shut down the U.S. economy and confined its citizens in their homes (Grossman et al., 2020). Local government-imposed lockdowns on citizens and businesses in the name of public safety and health gave rise to protests over the massive unemployment and business failures (Brzezinski et al., 2020). However, there is a gap in the literature regarding the factors that influenced state-level economic activity policies during the COVID-19 pandemic. Specifically, published research results are inconsistent. Barrios and Hockberg (2020) suggested that risk perceptions and subsequent decisions made by state officials during the COVID-19 pandemic may have been formed under the lens of politics. Similarly, Makridis and Rothwell (2020) found that political affiliation and partisanship were significant drivers of state-level economic activity policies during the COVID-19 pandemic, explaining the differences in extreme and relaxed state policies.

Conversely, Lin and Meissner (2020) suggested that state officials make nonpharmaceutical policy intervention (NPI) decisions based on public health policies and the NPIs of neighboring states. Although Adolph et al. (2021) found politics to be the strongest predictor of COVID-19-related economic decisions, the authors supported the notion that politics was not the sole motivator behind governors' social distancing

decisions. Specifically, they found that factors, such as gross state product per capita, the state-level caseload of COVID-19 cases, and neighboring state actions, influenced governors' NPI decisions (Adolph et al., 2021). To the degree, then, that it is not just politics that determine a state's response, further exploration was merited to determine what other factors predict a state's response to a global pandemic. The results of this study may provide insight into the decision-making process of state officials when the key tradeoff is between public health and the economy.

Purpose of the Study

The purpose of this qualitative case study was to explore the factors that influenced the State of Texas's policies towards business activity during the COVID-19 pandemic, starting March 2020 and ending July 2021. The phenomenon of interest were the underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. The case in this case study was the State of Texas. Data were collected from a purposive sample of official court case records, government documents, official meetings, press conferences, and interview transcripts. I analyzed the collected data using qualitative document analysis. Rohr's (1978) theory of regime values provided the theoretical lens for this study. The results of this study provided an expanded understanding of the factors that affect maintaining a balance between public health and economic activity and why state officials select certain policies to maintain the delicate balance.

Research Question

A good research question is essential to guiding successful research and helps narrow researchers' concepts about the area of interest that will be answered by collecting and analyzing the data (Plano Clark & Ivankova, 2015).

The following central research question guided this study: What factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic?

Theoretical Framework

The theoretical framework guiding this study was the concept of regime values pioneered by Rohr (1986). In the normative theory, Rohr considered the constitutional duty of administrators to uphold the salient regime values of freedom, property, and equality. Moreover, public officials within the government should "maintain the constitutional balance of power in support of individual rights" (Rohr, 1986, p. 181).

On the surface, Rohr's overall work focused on appointed officials, civil servants, and bureaucrats. Rohr (1978) made a clear distinction between bureaucrats and elected officials by stating, "the bureaucrat is exempt from the discipline at the ballot box" (p. 58). However, it can be argued that within the modern complexity of the current administrative state of government, elected officials are counted among the civil servant ranks (Green, 2016). Politics are an expression of the will of the people through their elected leaders, and civil servants carry out the execution of that will under the delegation of the elected officials. Nothing alleviates elected leaders from said responsibility under the constitution. Rohr stated as much, saying, "he or she [the bureaucrat] shares

governing power with the elected official” (p. 2). Moreover, such constitutional responsibility and adherence to the regime values that are born out of the politically highest values to which the regime aspires, leads elected leaders and civil servants to agree on the process of political will.

While all three regime values (i.e., freedom, property, and equality) first identified by Rohr are connected and are widely recognized as deriving from the U.S. Constitution, in this study I emphasized the regime value of property. Rohr’s (1978) definition of property, which is in line with the definition used in this study, is that its value is either in the common good (i.e., old property) or the connection to individualism (p. 191). The purpose of regime values is not to make government officials march in lockstep but to impart a moral obligation to put themselves in touch with the citizenry (Rohr, 1978, p. 74). Therefore, I used this theory to analyze the State of Texas’s current legal and political policies used to manage the nexus between public safety and constitutional private property.

Nature of the Study

I employed a qualitative case study design to understand what factors influenced the State of Texas’s policies towards business activity during the COVID-19 pandemic. A qualitative methodology was chosen to answer the research question because it aligns with the study’s goal, and a qualitative methodology is best suited for research that seeks to explore or understand the meaning of individuals, groups, or human social problems (see Creswell, 2014). I chose a nonintrusive, qualitative, case study design because it asks

what and how questions and aligns with this research (see Yin, 2013). Yin (2013) noted that a case study design approach is best for exploring a phenomenon in real life. The case study design is used to examine phenomena from a nonobjective perspective (Glogowska, 2011). This well-established research design follows the standard procedures for a basic, exploratory, deductive research design.

The phenomenon of interest was underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. The case in this case study is the State of Texas. I collected data from a purposive sample of official court case records, government documents, official meetings, press conferences, and interview transcripts. An in-depth search of relevant Texas Supreme Court case opinions and related documents was also conducted using a combination of the following keywords: *Texas, public health, policies, emergency response, business activity, pandemic, COVID-19, non-pharmaceutical policy intervention (NPI), and social distancing decisions*. The resulting data were analyzed using qualitative document analysis.

Definition of Terms

Constitutional rights: Limits upon the power of a government (whether at the local, state, or federal level). Within the course of this research, Constitutional rights have been limited to those spelled out in the U.S. Constitutional Amendments and reduced to the ones in the common lexicon.

Disaster declaration: A formal proclamation by any government jurisdiction's chief public official (i.e., mayor, county judge, governor, or president) that the disaster or emergency event exceeds that jurisdiction's governmental response capabilities (4 Tex Gov. Code §418).

Isolation: The separation of infected individuals from those who are not infected (42 U.S.C. 6A Part G §264).

National disaster/National emergency: An event such as a major flood, tornado, hurricane, or other natural acts of destruction; a major pandemic or other biological weapons release; a large-scale environmental catastrophe; a large-scale war; or military invasion taking place on U.S. soil and or any other federally-declared disaster (Sternt, 2018).

Quarantine: The separation of individuals who have been exposed to an infection but are not yet ill from others who have not been exposed to the transmissible infection (42 U.S.C. 6A Part G §264).

Regime values: A normative theory of values considered ideal and established by the ratification of the U.S. Constitution. Rohr (1978) identified three salient values: freedom, property, and equality (p. 67).

Assumptions

I made several assumptions in this study. First, the critical assumption is that John Rohr's Regime Values is an unquestionably suitable lens for this study. It is also assumed that the documents and information collected from government sources for this study are

accurate and reliable. Another assumption is that the sources of information included in this study are sufficient for answering the research question. Finally, it is assumed that there were a set of factors that influenced the State of Texas' policies towards business activity during the COVID-19 pandemic.

Scope and Delimitations

The scope of this study was to answer the research question. Based on the boundaries of this scope, this study was delimited to data about the policies within the state of Texas. Furthermore, this study was delimited to the mandates that influenced business activity within the state of Texas. Finally, this study was delimited to the secondary data that could be drawn from publicly available documents.

Limitations

The generalizability of this study was limited by the use of a qualitative research design because qualitative designs do not use the quantifiable data required for making inferences about a population (see Merriam & Tisdell, 2016). This study was also limited by my use of documents as the sole source of data. Atkinson and Coffey (1997) suggested that this limitation stems from the notion that researchers “cannot treat records—however ‘official’—as firm evidence of what they report” (p. 47).

Significance

The results of this study may advance knowledge in the field of public administration by addressing a gap in the literature regarding the factors that influenced state-level economic activity policies during the COVID-19 pandemic. Specifically,

published research results on this topic are inconsistent. The results of this study may also provide insight into the decision-making process of state officials when the key tradeoff is between public health and the economy. This study may provide an expanded understanding of the factors that affect maintaining a balance between public health and economic activity and why state officials select certain policies to maintain the delicate balance.

Another way in which this study may contribute to the field of public administration is by providing information and analysis regarding the State of Texas policies towards business activity and the promotion of public safety during the COVID-19 pandemic. By focusing on what policies the State of Texas used to maintain the delicate balance between public safety and business activity and declaring which businesses are essential or nonessential to operate during the COVID-19 pandemic, the study provides an expanded understanding of what the challenges are in maintaining that said balance and how it can be improved. This research may have a significant impact and result in positive social change by increasing the visibility of the advancement of public safety during the COVID-19 public health pandemic in the state of Texas. This study can bring about positive social change through increasing public administration practitioners' knowledge and helping the State of Texas tailor emergency management policy and disaster responses appropriately.

Summary

The problem addressed in this qualitative case study was that it was not known what factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic. The phenomenon of interest was the underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. The case in this case study was the state of Texas. I collected data from a purposive sample of official court case records, government documents, official meetings, press conferences, and interview transcripts. Data were analyzed using qualitative document analysis. In Chapter 2, I will provide a comprehensive review of the literature on the topic.

Chapter 2: Literature Review

The problem addressed in this study was that it was not known what factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic. There is a current gap in the literature regarding the factors that influenced state-level economic activity policies during the COVID-19 pandemic. Researchers have noted the need for exploration of the current policy problem in the United States regarding the rights of business owners with public safety in the United States, primarily related to the context of pandemics and natural disasters (Capano et al., 2020; Greer et al., 2020; Neelon et al., 2021). Research has shown that different states in the United States acted varyingly during the COVID-19 pandemic (Capano et al., 2020; Migone et al., 2020). Different states imposed different restrictions on business owners, which restricted economic activity in the name of public health (Capano et al., 2020; Maor et al., 2020; Neelon et al., 2021). As such, the purpose of this qualitative case study was to explore the factors that influenced the State of Texas's policies towards business activity during the COVID-19 pandemic.

There has been an evolution of the conflict between the government and its citizenry regarding mandated limitations and closures on business activities that occur on private property for public use with or without compensation (Murtazashvili & Murtazashvili, 2016). However, little research has been conducted exploring the delicate balance between public health and economic activity during the COVID-19 pandemic or why state officials select certain policies to maintain the delicate balance over others

(Gostin & Wiley, 2020; Kosnik & Bellas, 2020). Furthermore, no research has been published about the policies towards business activity enacted by the State of Texas, a state where lawsuits significantly increased due to businesses resorting to legal action for relief from the closure orders (Maor & Howlett, 2020; Weinberg, 2020).

It is unknown why certain states imposed greater restrictions on business than others during the COVID-19 pandemic. As such, there was a need to examine the reasons and factors that influenced certain policies towards businesses during the COVID-19 pandemic that restricted economic activity in the name of public health as opposed to other mandates (Capano et al., 2020; Kim et al., 2020; Kosnik & Bellas, 2020; Maor & Howlett, 2020). This topic was important to address given the need for more effective policies that protect public health and safety without infringing on private property rights in the United States (Gostin & Wiley, 2020; Kosnik & Bellas, 2020). Understanding the differences in governance responses to the pandemic could help develop better responses, policies, and controls for future emergencies, such as a pandemic, especially examining why state governments like Texas imposed certain policies towards business activity during the COVID-19 pandemic. This includes examining factors that influenced the State of Texas's policies towards business activity during the COVID-19 pandemic, such as institutional and strategic factors in policy and governance (Maor & Howlett, 2020).

The purpose of this literature review was to examine the existing research related to the factors that influence state policies towards business activity during the COVID-19 pandemic using Rohr's (1986) normative theory as the theoretical framework. In this

chapter, I provide the process and strategy used to identify relevant literature, the theoretical framework for this study, and a review of literature related to the COVID-19 pandemic in the United States and the U.S. government's responses to the pandemic. Chapter 2 concludes with a synthesis of the most relevant literature related to the topic and key points to consider for this study.

Literature Search Strategy

To conduct this literature review, I used multiple sources of data, such as textual analyses of records or written accounts, primary archival data, and journal articles. With the objective of building a robust literature search, Walden University Library was accessed to conduct Thoreau multidatabase queries and searches of individual, relevant databases, including Educational Resource Information Center, Global Health, Ingenta Connect, JSTOR: Journal Storage, EBSCOhost Online Research Databases, and Journal Seek. The Google Scholar search engine was also used. This strategy allowed for more control over the literature search, resulting in finding more appropriate articles and sources in relation to the topic.

I used the following keyword search terms and phrases: *businesses during COVID-19 pandemic, concept of regime values, economic impact of COVID-19 pandemic, federal policies on COVID-19 pandemic, policies during COVID-19 pandemic, policies during SARS-CoV-2 pandemic, policies toward business activity in the COVID-19 pandemic, private property rights, public health policies, Rohr's normative*

theory, state policies on COVID-19 pandemic, and United States government responses to the COVID-19 pandemic.

In addition to the previously outlined databases, I also searched other relevant resources, such as websites related to the policies during the COVID-19 pandemic in the United States, the government responses to the pandemic in the United States, and Texas business owners in the United States during the pandemic. This allowed for a more comprehensive literature search strategy, including a broader range of relevant sources of credible information in relation to the topic of the COVID-19 pandemic in the United States.

To ensure reliability, I also validated that all resources were peer reviewed to assure scholarly rigor. To achieve this objective, I searched for journals and articles in Ulrich's Periodical Directory (Ulrich's Web, 2019). Most of the sources that were searched and included were studies published between 2017 through 2021. A total of 67 sources were included in this review of the literature.

Theoretical Framework

I used Rohr's (1986) concept of regime values as the theoretical framework of this study. Rohr's normative theory helped guide this study in understanding what factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic because the objective of regime values is not to make government officials march in lockstep but rather to impart a moral obligation to put themselves in touch with the citizenry (see Rohr, 1978). Developed by Rohr in 1986, the concept of regime values

was initially focused on appointed officials, civil servants, and bureaucrats.

Recognized as more than an expert on the U.S. Constitution, Rohr noted that there is a clear distinction between bureaucrats and elected officials, saying, “the bureaucrat is exempt from the discipline at the ballot box” (Rohr, 1978, p. 2). However, Rohr (1978) also stated that “he or she [the bureaucrat] shares governing power with the elected official” (p. 2). Overall, there is a set of constitutional responsibilities and adherence to the regime values stemming from the politically highest values to which the regime aspires. Ultimately, elected leaders and civil servants both take part in the process of political will.

Searching for new approaches to examine the nature of administrative responsibility and accountability, Rohr (1978) added to the tradition of individual rights and natural law (Ulvi-Ahmad, 2007). That is, Rohr coined the concept of *regime* and put forward an application of regime values (Uhr, 2014). Rohr found a new approach, noting that there is an inevitably changing balance between administrative responsibility and accountability. This approach can be found through the concept of regime values, proposing the need for administrators of the state to refer to the constitutional values (Uhr, 2014; Ulvi-Ahmad, 2007). According to Rohr, paramount among these are the values of freedom, property, and equality. In the normative theory, Rohr (1986) considered the constitutional duty of administrators to uphold the salient regime values of freedom, property, and equality. According to Rohr (1978), public government officials should “maintain the constitutional balance of power in support of individual rights” (p.

181). Rohr (1986) noted that it is possible to integrate administrative governing power with the purpose of the state. Using the Constitution is a foundational guideline for administrators (Ulvi-Ahmad, 2007).

In the early 1980s, Rohr recommended scholars apply the regime values framework to local governments in the United States (Green & Morgan, 2014; Potter, 2020). Ulvi-Ahmad (2007) used Rohr's framework in examining the legitimacy of the USA Patriot Act of 2001, specifically regarding the administrative configuration within the contemporary administrative state. The author noted that Rohr's framework is helpful in examining power within the government and the balance between the constitutional values.

Per Rohr (1978) and in line with the definition used in the current study, the value of property is either in the common good (i.e., old property) or the connection to individualism (i.e., new property; p. 191). In this qualitative case study, I emphasized the regime value of property in analyzing the State of Texas's current legal and political policies used to manage the nexus between public safety and constitutional private property. Given this emphasis, the lenses of Rohr's (1986) normative theory helped address the study's main research question and guided this review of the literature.

Literature Review Related to Key Concepts

In this section, I present articles and journals that are related to key concepts of the COVID-19 pandemic in the United States. Articles related specifically to SARS-COV-2 and the COVID-19 pandemic in the United States, U.S. government response to

the pandemic, and the effects of government responses on society and economy are reviewed, discussed, and synthesized.

SARS-COV-2 and COVID-19 Pandemic

In December 2019, an epidemic of SARS-COV-2 appeared in Wuhan, China (World Health Organization, 2020; Zhang et al., 2020). The SARS-COV-2 is responsible for COVID-19 worldwide (Acter et al., 2020). Through human-to-human transmission, the COVID-19 pandemic progressed to a global health emergency in a short period of fewer than 3 months (Acter et al., 2020; Imtyaz et al., 2020). Acter et al. (2020) noted how the COVID-19 pandemic has negatively impacted the lives of people in the United States as well as every other country in the world, disrupting every aspect of daily life. The COVID-19 pandemic severely and negatively impacted public health and the economy globally, which necessitated government mandates as drastic measures to curb the spread of the virus (Acter et al., 2020; Adolph et al., 2021; Imtyaz et al., 2020). In the U.S. outbreak's early epicenter, New York, more than 416,000 individuals tested positive for COVID-19, with more cases than any other country in the world until the first half of June 2020 (Gharehgozli et al., 2020). By the end of June 2020, the United States had nearly 2.6 million confirmed COVID-19 cases, significantly surpassing other countries in the world (Gharehgozli et al., 2020).

Various factors led to the significant number of COVID-19 cases in the United States. Several researchers explored this topic and found that specific population groups also reported higher rates of COVID-19 cases in the United States (Barrett et al., 2020;

Kalish et al., 2021). In a more recent study, Kalish et al. (2021) conducted research on the first 6 months of the COVID-19 pandemic in the United States and reported that due to asymptomatic patients who tested positive for COVID-19 and delays in implementing diagnostics, the United States experienced an increase of individuals diagnosed with COVID-19. Further examining this topic, the authors administered a probability-based national survey capturing 11,382 respondents' race, age, sex, ethnicity, and urban or rural subgroup as well as their medical, geographic, demographic, and socioeconomic data (Kalish et al., 2021). Their findings revealed that due to asymptomatic individuals and delays in diagnostics, "there were 4.8 undiagnosed SARS-CoV-2 infections for every diagnosed case of COVID-19, and an estimated 16.8 million infections were undiagnosed by mid-July 2020 in the United States" (Kalish et al., 2021, p. eabh3826). Their results further indicated that many of these undiagnosed individuals were African American, Hispanic, younger in age, and lived in urban areas in the United States.

Further research by Barrett et al. (2020) has shown that health care workers were most especially at risk of getting the SARS-COV-2 infection due to occupational hazards. Like Kalish et al. (2021), Barrett et al. noted how undiagnosed and asymptomatic individuals were prevalent of SARS-COV-2 infection at the onset of the COVID-19 pandemic in the United States. Barrett et al. delved into this topic further and conducted a prospective cohort study among non-health care workers and health care workers in New Jersey, and their results revealed that the prevalence of SARS-COV-2 infection was

significantly higher among health care workers (7.3%) than in non-health care workers (0.4%), infecting nurses in the majority. Overall, the COVID-19 pandemic in the United States was exacerbated due to delays in screening and monitoring infection rates, especially among asymptomatic individuals at the onset of the COVID-19 pandemic. This is one of the factors that led to the increase of SARS-COV-2 infection and transmission in surrounding counties in the United States.

Research has also indicated how specific geographic areas are associated with higher risks of COVID-19 transmission. Several authors have noted the need to explore the geographical characteristics in the United States and how these characteristics are connected to the incidence of COVID-19 cases (Brandtner et al., 2021; Wang et al., 2021). For instance, Wang et al. (2021) explored spatiotemporal characteristics of the COVID-19 epidemic in the United States with the aim to identify the dynamics of the COVID-19 epidemic by examining trends of COVID-19 cases and identifying county characteristics. Using a variety of nearly real-time, online/mobile mapping applications, the authors investigated 11,386,050 positive COVID-19 cases confirmed in the United States from January 22 to May 13, 2020. The findings of their study showed that the incidence of COVID-19 cases significantly decreased in the Northeast by early April; however, the incidence of COVID-19 cases continued to increase in the Midwest, South, and West areas of the United States significantly. It was further identified that metropolitan counties had more risks of clustering and COVID-19 cases than rural areas. Additionally, counties and areas with nearby airports had more reports of COVID-19

cases as well as those with higher populations and significant proportions of racial/ethnic minorities. Similarly, the findings of Brandtner et al. (2021) also indicated that large, more urban areas have higher risks of developing and spreading COVID-19 due to factors of density in high population and socioeconomic networks.

This body of findings presents the geographic differences in the incidence of COVID-19 cases in the United States, identifying counties and areas with more risks than others (Brandtner et al., 2021; Wang et al., 2021). As such, these spatiotemporal characteristics and recent COVID-19 trends must be considered in the efforts to develop effective public health policy and social distancing measures, as well as in the policies to resume businesses in different states (Brandtner et al., 2021; Wang et al., 2021). Understanding the characteristics of the COVID-19 pandemic in the United States could help decrease the incidence of COVID-19, specifically in geographic areas with higher risks (Brandtner et al., 2021; Wang et al., 2021).

The majority of research on SARS-COV-2 and COVID-19 pandemic characteristics in the United States has focused on the differences of COVID-19 incidences in the country. However, researchers have focused mainly on reporting but not on analysis of the characteristics per state or area in the country. Furthermore, there is a gap in the literature regarding the link between state government responses in the United States and the characteristics of each state in the country. Therefore, it is not determined whether the characteristics of each state are considered in the development and implementation of government responses to the pandemic, especially across the 50 states

in the United States. This gap in literature necessitates the importance of further exploring this topic, which merits the need for the current study. Nonetheless, the body of literature within this section provides an overview regarding the SARS-COV-2 and COVID-19 pandemic in the United States, as well as the varying characteristics of the pandemic in the United States and different states in terms of COVID-19 incidences (Adolph et al., 2021; Imtyaz et al., 2020).

Federal Government Responses to the Pandemic

In the United States, the combination of both containment and mitigation strategies reduced the peak attack rates and mortality of patients who tested positive for COVID-19. However, various researchers have noted the different responses of the U.S. government to the COVID-19 pandemic (Acter et al., 2020; Walensky & Del Rio, 2020). The United States also implemented mitigation measures with different states implementing at differing paces (Acter et al., 2020; Imtyaz et al., 2020; Walensky & Del Rio, 2020). Containment strategies were implemented across the country to contain the COVID-19 pandemic. According to Walensky and Del Rio (2020), containment strategies are developed to prevent community transmission. Additionally, the United States also implemented mitigation measures with different states implementing at differing paces (Acter et al., 2020; Walensky & Del Rio, 2020). Such measures of mitigation focus on nonpharmaceutical interventions, including hand washing and hygiene, travel limitations and protocols, school closures, and social distancing (Acter et al., 2020; Walensky & Del Rio, 2020).

In addition to containment strategies, contact tracing is also deemed necessary in curbing the spread of the COVID-19 in the United States. Acter et al. (2020), and Zhang et al. (2020) underscored this in their studies while exploring the COVID-19 pandemic in the United States. For instance, Zhang et al. explored the COVID-19 pandemic in the United States by comparing patients with reverse transcription-polymerase chain reaction test results positive for COVID-19 from various states. The researchers included data from 192 patients who were from New York, Washington state, and Los Angeles, California, from March 22 to April 15, 2020 (Zhang et al., 2020). The findings of their study indicated that genetic characterization of SARS-COV-2 isolates in one area (California) could be found in other areas (New York and Washington state; Zhang et al., 2020). Their results underscore the relevance and importance of contact tracing and detecting person-to-person transmission, specifically by SARS-COV-2 genome isolation and sequencing (Zhang et al., 2020). These findings show that different populations from varying states in the United States have significant connections of COVID-19 clusters throughout the country. However, it is not known whether how and when the mandates of contact tracing were implemented in the U.S. government as a response to the COVID-19 pandemic (Acter et al., 2020; Zhang et al., 2020). Acter et al. also noted this in their study, as they examined the evolution of SARS-COV-2 as a COVID-19 pandemic.

Researchers have thus called out the need to analyze U.S. governmental response to the COVID-19 pandemic. Researchers have noted that the key to effective response in

future emergencies is to examine and understand how the government responded to past crises such as the COVID-19 pandemic (Acter et al., 2020; Imtyaz et al., 2020). As such, Imtyaz et al. (2020) conducted data analysis operations on this topic, including clustering and bivariate analysis to organize, visualize, and analyze data on governmental response to the COVID-19 pandemic. The findings of their study showed that areas with more testing capacity and facilities reported lower mortality rates (Imtyaz et al., 2020). Furthermore, statewide lockdowns were identified as effective measures to curb the spread of the virus (Imtyaz et al., 2020). As such, there is a need for further exploration of preventive measures in the United States for future global health emergencies such as the COVID-19 pandemic (Acter et al., 2020; Zhang et al., 2020).

Additionally, there are several factors that are identified as crucial in understanding the U.S. policy responses to the pandemic. Researchers have identified these factors that are influential in the policy responses to the pandemic: the nature of U.S. leadership nationwide, organization of government and civil society, population demographics, and vulnerabilities of certain population subgroups (Capano et al., 2020; Maor & Howlett, 2020). Other factors include the combination of psychological, institutional, and strategic factors, which had a significant influence on policy development and public health implementation across various states in the United States (Maor & Howlett, 2020; Migone, 2020). It is crucial to explore the differences in government responses to the pandemic, as it threatens the durability of response measures and outcomes of a pandemic (Carter & May, 2020; Xu & Basu, 2020).

Federal Government Response

U.S. government responses to the pandemic are significantly characterized by its federalist, decentralized nature. Researchers have noted how the federalist, decentralized nature in the U.S. government has led to shortfalls in the COVID-19 pandemic response (Bergquist et al., 2020; Rocco et al., 2020). Rocco et al. (2020), for one, noted the role of federalism in how the U.S. government responded to the COVID-19 pandemic. The federal government focused on supplying “critical counter-cyclical measures to stabilize the economy” and to compensate for revenue losses in the 50 states (Rocco et al., 2020, p. 458).

Further to this topic, the U.S. government response is decentralized in nature. Several researchers have examined this topic of U.S. federal government response to the COVID-19 pandemic and noted how the decentralized nature of U.S. government response to the pandemic resulted in challenging situations and decision-making of local states (Bergquist et al., 2020; Brandtner et al., 2021; Rocco et al., 2020). Bergquist et al. (2020) and Brandtner et al. (2021) noted how state governments could respond to pandemics for systemic resilience and recovery, especially when the federal government fails to do so. Adolph et al. (2021) reached similar findings as the authors reported how the federal government of the United States “left to the states the difficult and consequential decisions about when to cancel events, close schools, and businesses, and issue stay-at-home orders” during early 2020 (p. 211). While the national government has focused on the economic and fiscal response by increasing scientific research funding for

vaccines, state governments' responses focused on the containment, testing, and treatment responses, “often with little federal government support” (Bergquist et al., 2020, p. 623). Furthermore, Bergquist et al. found that COVID-19 testing and monitoring have been restrained and “impeded by unclear federal policies” (p. 623).

For example, issues in data reporting and data collection at the state level have been identified as one of the significant shortfalls of the U.S. government's response to the COVID-19 pandemic. Several researchers have underscored how different states in the United States have varying levels of COVID-19 data collection and reporting, in addition to infection rates (Bergquist et al., 2020; Brandtner et al., 2021; Xu & Basu, 2020). However, state responses are significantly influenced by federal government response and support in managing and curbing the COVID-19 spread in the United States (Bergquist et al., 2020; Brandtner et al., 2021; Rocco et al., 2020). Bergquist et al. (2020), for one, conducted a review of primary data sources in the U.S. regarding national and state-level policy responses to the COVID-19 pandemic. The authors included examining U.S. health policy and technology responses to the COVID-19 pandemic from January 1 to August 9 of 2020 (Bergquist et al., 2020). Their results showed that U.S. government responses to the pandemic are significantly characterized by its federalist, decentralized nature (Bergquist et al., 2020). This pool of findings underscores the difference between the federal government and state-specific responses, as well as how the federal government response impacts U.S. state governments (Bergquist et al., 2020; Brandtner et al., 2021; Rocco et al., 2020).

In addition, researchers have explored the pandemic response of the U.S. federal government topic. Gostin and Wiley (2020) and Rocco et al. (2020) reported how federal government responses to close businesses, and economic activities are limited. For instance, according to Gostin and Wiley (2020), the president of the United States could mandate a limitation on transportation companies and operators regarding acceptable travel across state and territorial lines. However, federal government responses and restrictions on businesses operating solely within a given state would be challenging (Gostin & Wiley, 2020). This underscores the limitation of federal government power to impose policies and mandates as a response to the pandemic, as well as the lack of federal government response during the onset of the pandemic (Adolph et al., 2021; Gostin & Wiley, 2020). Overall, this body of knowledge presents empirical information regarding the U.S. policy response, which is decentralized with state-specific limitations and restriction measures (Adolph et al., 2021; Bergquist et al., 2020; Gostin & Wiley, 2020).

This topic is essential to explore and examine further, specifically identifying factors that influence the development of policies during the COVID-19 pandemic across U.S. states. This is especially important because research has shown that the federal government's response to the COVID-19 pandemic was muddled and confused (Carter & May, 2020). According to several authors, the U.S. COVID-19 pandemic response was uncoordinated and deficient due to the lack of political commitment, unclear objectives, bureaucratic silos, and partisan and economic interests (Carter & May, 2020; Xu & Basu,

2020). This is essential to explore further, given that the COVID-19 pandemic response has engendered negative perceptions in the country with grave consequences (Carter & May, 2020; Xu & Basu, 2020).

Additionally, federalist intergovernmental relations and the lack of public health care policy have contributed to the shortfall of the U.S. government's response to the COVID-19 pandemic. Specifically, there were several issues apparent during the decision-making and government response in the COVID-19 pandemic: strained relations between federal and state government in emergency response and management, inadequate data collection and reporting for disease monitoring and control, politicization, lack of science-based evidence in decision-making processes, and inadequate funding of public health programs especially in minority health (Carter & May, 2020; Xu & Basu, 2020). Like Carter and May (2020), Xu and Basu (2020) noted the importance of examining the past COVID-19 pandemic response of the federal government in order to learn from it and develop better emergency response and management guidelines for the future.

State Government Responses

The state government plays a critical role in addressing the pandemic at the national level. As such, various researchers have underscored the critical role of state governments in pandemic-related events, specifically focusing on governing authority in responding to and addressing the health needs of society (Rocco et al., 2020; Xu & Basu, 2020). The pandemic started to spread locally and within state communities when the

state governments failed to contain and curb the spread of the COVID-19 disease nationally (Xu & Basu, 2020).

In March 2020, many governors in states across the country mandated stay-at-home orders (Kaiser Family Foundation, 2020; Kosnik & Bellas, 2020). That is, a number of states implemented containment strategies within their areas to respond to the pandemic. For example, the local government of Dare County, North Carolina, responded swiftly and effectively to the onset of the pandemic, as it was the first government to impose travel limitations on March 16, 2020 (Kaiser Family Foundation, 2020). It was not until March 30, 2020, that the state government imposed a statewide stay-at-home order (North Carolina Office of Governor, 2020; WNCT, 2020). However, the mandate and duration of these stay-at-home orders differed, while eight states never mandated COVID-19 orders at all (Kosnik & Bellas, 2020). Some states, such as Arkansas, chose to mandate alternatives to stay-at-home executive orders related to COVID-19 (Kosnik & Bellas, 2020). Other states like Oklahoma had orders issued by mayors at the city level (Kosnik & Bellas, 2020). Overall, this body of findings underscores the variation of mandates across U.S. states, as some of the local governments responded to the pandemic by issuing stay-at-home mandates to curb the infection and transmission rates of COVID-19 (Kaiser Family Foundation, 2020; Kosnik & Bellas, 2020).

One of the state government responses to the pandemic in the United States was also to isolate people who have the symptoms of COVID-19. However, according to Chen et al. (2020) and White and Hébert-Dufresne (2020), state government responses to

the COVID-19 pandemic in the United States needed to consider geographic variation, as each state had different rates of inflows and outflows of interstate travelers, including COVID-19 cases and mortality rates. Chen et al. examined this topic further and developed a mathematical model that incorporated the COVID-19 cases per state while also considering the rate of inflows and outflows of interstate travelers. The findings of their study showed that decreasing interstate travel with restrictions was negligible to the objective of curbing the COVID-19 (Chen et al., 2020). Instead, Chen et al. noted that more testing capacity for early identification of COVID-19 cases and quick isolation, strict social-distancing, and self-quarantine orders were more effective in curbing the outbreak. The researchers also identified different states that needed to mandate varying policies given state-specific information: New York and Michigan (Chen et al., 2020). Some examples of varying policies given state-specific information include the isolation of potential COVID-19 cases who are exposed to the virus need to be imposed within two days to prevent further transmission (Chen et al., 2020).

Meanwhile, in other states, the period can be 3.6 days instead of two days to prevent further transmission (Chen et al., 2020). White and Hébert-Dufresne (2020) concluded similarly, as the authors noted that characteristics such as transmission rate and time, as well as case fatality rates, were essential in developing effective public health policies to curb the COVID-19 pandemic. These findings underscore the need to have public health policies that consider state-specific characteristics, especially based on

the area's inflows and outflows of interstate travelers, including COVID-19 cases (Chen et al., 2020; White & Hébert-Dufresne, 2020).

Similar to Chen et al. (2020), White and Hébert-Dufresne (2020) also noted the need to examine state-specific characteristics in the United States during the COVID-19 outbreak. White and Hébert-Dufresne explored this topic further, exploring the state-level variation of initial COVID-19 dynamics in the United States. The authors of the study found that the rate of COVID-19 cases and the trajectory of early detected cases varied significantly among states (White & Hébert-Dufresne, 2020). Exploring the reasons behind such variations, the authors examined the mandates per state, correlating the rate of transmissions with state-specific testing protocols, interventions, and population characteristics (White & Hébert-Dufresne, 2020). The findings of their research indicated that state government responses with early non-pharmaceutical interventions were crucial to the early phase of the epidemic (White & Hébert-Dufresne, 2020). That is, early social distancing state mandates were significantly correlated with an increase in doubling times, especially in restaurants (White & Hébert-Dufresne, 2020). The findings also revealed that states with less nonconformity tolerance from enforced protocols reported more rapid epidemic growth, especially during the onset of the pandemic (White & Hébert-Dufresne, 2020). The authors concluded that other state-specific characteristics such as population density were significant in the early spread of COVID-19 in the United States, which further highlights the need to implement state-specific protocols and mandates in line with demographic patterns, population density,

and rates of transmission (Chen et al., 2020; White & Hébert-Dufresne, 2020).

Brandtner et al. (2021) concurred with these findings and noted the importance of considering population density in the efforts to contain COVID-19. The authors of the study aimed to examine counties and the initial government response to the COVID-19 pandemic within different counties in the United States (Brandtner et al., 2021). Further to this, Brandtner et al. (2021) found that factors such as county size and timing of orders were significant variables in the decision-making and implementation of public health protocols to curb the spread of the COVID-19 pandemic. This finding underscores the importance of factors such as county size and timing of orders as responses to COVID-19 while also highlighting the importance of state government responses in stepping up the action to curb the rise of COVID-19 cases (Brandtner et al., 2021; Chen et al., 2020; White & Hébert-Dufresne, 2020).

However, it is still unknown whether factors such as geographic characteristics, variation, and location were considered and influenced the decision-making of state governments in developing safety and public health policies during the COVID-19 pandemic. This gap in literature merits the need for further research and for the current study (Chen et al., 2020; White & Hébert-Dufresne, 2020). Other state-specific characteristics such as population density are significant in the early spread of COVID-19 in the United States, which further underscores the need to examine the development and implementation of state-specific protocols and mandates in line with state demographic

patterns, population density, and rates of transmission (Chen et al., 2020; White & Hébert-Dufresne, 2020).

While state-specific variations such as population density are significant in the spread of the COVID-19 pandemic, there were other variations in state COVID-19 responses, especially in policy and public health protocols. Several researchers have noted the need to investigate the drivers of COVID-19 stay-at-home orders per state, as many factors influenced the government response to the COVID-19 pandemic across different states (Kosnik & Bellas, 2020; Maor & Howlett, 2020). Kosnik and Bellas (2020) examined this topic further, aiming to investigate the drivers of COVID-19 stay-at-home orders. The authors explored and tested various epidemiological, economic, and political factors and how they impacted the U.S. state governors' decisions regarding COVID-19 across the 50 U.S. states (Kosnik & Bellas, 2020). The findings of their study showed that epidemiologic and economic factors had significant influences on the state government responses to initiate and mandate the duration of stay-at-home orders across states (Kosnik & Bellas, 2020). Similarly, Capano et al. (2020) and Maor and Howlett (2020) also examined the differences in government responses to the COVID-19 pandemic. The authors underscored the need to understand variations in state responses in order to mobilize effective policy to curb the pandemic (Capano et al., 2020; Maor & Howlett, 2020). Capano et al. thus conducted a review of databases of policy tools in relation to the pandemic and found several similarities and differences found in specific state-level responses. The findings of their study showed that several factors such as the

nature of U.S. leadership nationwide, organization of government and civil society, population demographics, and vulnerabilities of certain population subgroups were influential in the policy responses to the pandemic (Capano et al., 2020).

Other scholars have also noted the importance of combining factors to understand policy development and public health implementation in the US. In recent studies, Maor and Howlett (2020) and Migone (2020) concurred with the findings by Capano et al. (2020). Maor and Howlett gathered and analyzed secondary sources, as well as media interviews with government leaders. The findings of their research showed that the combination of psychological, institutional, and strategic factors had a significant influence on policy development and public health implementation (such as social distancing and stay-at-home mandates) across various states in the U.S. (Maor & Howlett, 2020). The identified psychological factors that impacted policy responses to the pandemic included elite panic and limited government attention spans (Maor & Howlett, 2020). Additionally, the identified institutional factors included the extent of government effectiveness, the level of freedom to strategize, societal trust, established political parties, state governors' actual power related to the federal government, social policy, and existing universalistic social programs (Maor & Howlett, 2020). Lastly, the identified strategic factors that impacted the policy responses to the pandemic included political influence on policy and governance decisions (Maor & Howlett, 2020). In another recent study, Migone noted similarly in a comparative analysis study wherein the author noted how a variety and combination of institutional, political, and procedural

factors impacted the outcomes of the COVID-19 pandemic and policy response. This body of findings provides further empirical information regarding variations in state COVID-19 responses and the underlying psychological, institutional, and strategic factors that influenced governance and public policy design in the U.S. (Kosnik & Bellas, 2020; Maor & Howlett, 2020; Migone, 2020).

Politics and State Government Response

Politics is crucial in understanding state government response in the United States. Political factors have been identified as the most dominating force to impact the differences in the state government response to initiate and mandate the length of stay-at-home orders across 50 U.S. states (Adolph et al., 2021; Kosnik & Bellas, 2020). Kerr et al. (2021), for instance, noted the political polarization on the COVID-19 pandemic in the United States. Another researcher noted this in their study, as they noted how political factors have significantly driven government responses to the COVID-19 pandemic (Adolph et al., 2021). Adolph et al. (2021) studied this topic in March 2021 and analyzed five types of state-wide policy responses to the pandemic, including school closures, social distancing, and stay-at-home mandates. The authors of the study concluded that political factors were the most influential variables of state-wide policy responses, which is consistent with the findings of Kosnik and Bellas (2020). As such, this body of literature underscores the variable of politics and how political factors significantly steered the decisions of government officials and responses to the pandemic (Adolph et al., 2021; Kosnik & Bellas, 2020).

According to Kerr et al. (2021) and Neelon et al. (2021), the political affiliation of state leaders contributed to the decisions and policies for COVID-19 in the United States. Neelon et al. examined this topic further and explored differences in rates of COVID-19 infection, death, and testing by governor party affiliation across 50 states and the District of Columbia in the United States (Neelon et al., 2021). Neelon et al. conducted a longitudinal analysis on data from March 15 to December 15, 2020, wherein their findings showed that states with Republican leaders reported lower COVID-19 incidence rates than states with Democratic leaders at the onset of the pandemic. However, by June 3, 2020, Republican-led states had a higher incidence than Democratic-led states, which is consistent with other studies by Greer et al. (2020) and Brandtner et al. (2021); (Neelon et al., 2021). That is, democratic areas were more than twice as likely to adopt a public health policy and protocols to curb the spread of the virus than republican areas (Brandtner et al., 2021; Greer et al., 2020; Neelon et al., 2021). This was further corroborated by death rate trends found by Neelon et al. as Republican-led states had lower rates early in the pandemic but higher rates from July 4 to mid-December of 2020. The same trend was found in measuring and evaluating COVID-19 test positivity rates (Neelon et al., 2021). This body of literature underscores the characteristics of the pandemic in the U.S. and different states, highlighting the prevalence of political affiliations that impacted the outcomes of the COVID-19 pandemic across states in the U.S. (Adolph et al., 2021; Brandtner et al., 2021; Greer et al., 2020; Neelon et al., 2021).

More research has justified the political polarization in the U.S., especially in responding to the pandemic. Greer et al. (2020) and Kerr et al. (2021) also noted the political polarization on the COVID-19 pandemic in the United States. Delving further into this topic, Kerr et al. analyzed the extent to which the political polarization in the U.S. public impacted COVID-19 pandemic outcomes. The authors of the study first examined a representative U.S. sample of 699 respondents, wherein their results showed that Democrats were more likely to perceive higher risk regarding the COVID-19 pandemic as compared to Republicans (Kerr et al., 2021). Replicating the initial results in a pre-registered study that considers partisanship rather than political ideology, the results showed similar evidence of political factors that influenced the COVID-19 pandemic in the United States (Kerr et al., 2021). Democrats were more likely to engage in protective behaviors such as social distancing as compared to Republicans (Kerr et al., 2021). Adding further to this, Greer et al. also conducted a comparative analysis of the differences in government responses and concluded similar results in their study. Greer et al. aimed to investigate the response of U.S. governors to the COVID-19 pandemic, including the characteristics of governors in each state. The findings of their study showed that being a Democratic governor had 50% more chances of having and implementing stay-at-home mandates than being a Republican governor (Greer et al., 2020). Furthermore, Greer et al. also found 40% more chances of having and implementing statewide stay-at-home mandates for governors without term limits than those with term limits.

Overall, states led by Democratic governors and governors without term limits had significantly faster rates of implementing statewide orders than Republican governors and governors with term limits. Researchers have noted that democratic areas were more than twice as likely to adopt a public health policy and implement policies on the onset of the COVID-19 pandemic (Brandtner et al., 2021; Greer et al., 2020). In another study, Adolph et al. (2021) explored this topic further and investigated how 50 different states reacted to the pandemic, applying event history analysis for the implementation of five social distancing policies. The findings of their study showed that the most significant predictor of when states adopted social distancing policies was political, as also concluded by several researchers (Adolph et al., 2021; Brandtner et al., 2021; Greer et al., 2020; Neelon et al., 2021). Consistent with past research, Adolph et al. noted how states that were led by Republican leaders were slow to implement public health and social distancing policies during the window of early COVID-19 response. This body of knowledge further justifies the presence of political factors that were apparent in the different government responses to the pandemic, even at the state level (Brandtner et al., 2021; Greer et al., 2020; Kerr et al., 2021; Neelon et al., 2021). This finding is in line with other studies, noting not only the relevance of politics in the outcome of the COVID-19 pandemic but also the differences between Democratic states and Republican states in the United States (Kerr et al., 2021; Neelon et al., 2021).

The majority of scholarly research has focused on the political factors that were identified as the most dominating force to impact the differences in the state government

response to initiate and mandate the length of stay-at-home orders across 50 U.S. states (Adolph et al., 2021; Kosnik & Bellas, 2020). That is, states that were led by Democratic governors and governors without term limits had significantly faster rates of implementing statewide orders than Republican governors and governors with term limits (Brandtner et al., 2021; Greer et al., 2020; Kerr et al., 2021; Neelon et al., 2021). Additionally, democratic areas were more than twice as likely to adopt a public health policy and implement policies on the onset of the pandemic (Brandtner et al., 2021; Greer et al., 2020; Kerr et al., 2021; Neelon et al., 2021). However, researchers have not examined the factors that influence the politicization of the COVID-19 responses across various parts of the United States. That is, as highlighted, research has not focused on examining the reasons why certain states imposed more significant restrictions on business others during the COVID-19 pandemic.

Past research has also focused on reporting and outlining the measures of COVID-19 mitigation across different states in the United States. These measures of COVID-19 mitigation include containment, identification, and monitoring strategies, which varied per state. However, past researchers have not examined what factors influence the decisions of each state leader in determining their strategies and measures of COVID-19 mitigation (Chen et al., 2020; Maor & Howlett, 2020; Migone, 2020). This gap in literature underscores the need to explore this topic further, primarily focusing on the state of Texas, where balancing private rights with health and safety concerns during

the COVID-19 pandemic posed a significant dilemma (Curriden, 2020, Texas Office of the Governor, 2020).

Support Needed

In relation to government response for businesses, some states issued the closures of non-essential businesses, also known as “Healthy at Home” order with restrictions. For example, Kentucky issued the closures of public schools and restaurant dining rooms on the 16th of March 2020 prior to issuing the closures of other non-essential businesses (Dave et al., 2020; Thunstrom et al., 2020). Some states, such as Kentucky, also issued and adopted shelter-in-place orders later on in order to curb the spread of the COVID-19 pandemic (Dave et al., 2020). According to quantifying research by Dave et al. (2020), Kentucky would have reported 44,482 positive COVID-19 cases if they had not issued non-pharmaceutical interventions such as social distancing and the closures of businesses as opposed to the 3,857 reported.

The benefits of social distancing measures, as well as state-wide stay-at-home orders across all states in the US, despite the economic costs (Greenstone & Nigam, 2020; Thunstrom et al., 2020). Nonetheless, despite the benefits of the mandated social distancing and non-essential business closures, as discussed, the COVID-19 pandemic has yielded significant and negative impacts on businesses in the U.S. (Balla-Elliott et al., 2020; Couch et al., 2020; Dua et al., 2020). In the state of Texas, business failures and job losses have significantly increased due to the local government's actions to curtail business operations. According to a report from the Texas Lawbook, Texas companies

filing for protection under Chapter 11 of the U.S. Bankruptcy Code have increased 133% compared to the same period in the last year 2019 (Curriden, 2020). Furthermore, the rate at which Texas businesses have filed for bankruptcy has been higher than that of the Great Recession (Curriden, 2020). In terms of the number of jobs, the Texas governor's Executive Order GA #08 has yielded a total of approximately 800,000 jobs in the bar industry alone (Oxner, 2020).

As such, there is a need for government support to be extended for businesses facing closure and economic setbacks. Bartik et al. (2020), Fairlie (2020a), and Alekseev et al. (2020) underscored the importance of helping U.S. small businesses to mitigate the effects of the COVID-19 pandemic. Alekseev et al. explored this topic by gathering and analyzing data from a large-scale survey of over 66,000 business owners, managers, and employees (Alekseev et al., 2020). The findings of their study showed that small businesses and their employees faced significant challenges in sustaining their businesses during the pandemic (Alekseev et al., 2020). The majority of the identified challenges included adverse financial conditions, including the lack of capital and funding, as identified by 39% of the respondents (Alekseev et al., 2020). In addition, 46.9% of the businesses were reluctant to borrow money or to take loans, as they knew they could not return the money (Alekseev et al., 2020). Other major challenges included the government interventions and mandates, which imposed strict closures of nonessential businesses (30.5%) (Alekseev et al., 2020). Due to the lack of support and major challenges faced due to the pandemic, Balla-Elliott et al. (2020) reported a significant

likelihood of businesses remaining closed for at least one month after the end of government-imposed restrictions and closures. These findings present more in-depth knowledge regarding the challenges faced by U.S. small businesses to continue to operate and survive the pandemic, which calls out for more effective policy interventions (Alekseev et al., 2020; Balla-Elliott et al., 2020).

U.S. small businesses are a key contributor to the U.S. economy. Thus, U.S. small business owners should have been provided better support and policy interventions during the pandemic (Alekseev et al., 2020; Fairlie, 2020a). Bartik et al. (2020) argued this in their study, as the researchers underscored the need to allocate funds and loans to small businesses in the U.S. Bartik et al. explored this topic in their study by examining the Paycheck Protection Program (PPP), which are the loans disbursement of private banks to help small businesses during the pandemic. The authors gathered and analyzed firm-level information to evaluate the effect of PPP through an instrumental variable methodology (Bartik et al., 2020). The findings of their study showed that the impact of loans to small businesses through PPP significantly increased business survival rates during the pandemic by 9% to 22% while also increasing employment rates (Bartik et al., 2020). As such, this body of findings underscores the importance of providing loans and financial aid for small businesses, whether through private banks or by the government, in order for U.S. businesses to survive during the pandemic (Bartik et al., 2020; Fairlie & Fossen, 2021).

Research has shown an evolution of the conflict between the government and its citizenry concerning restrictions placed on business activities that occur on private property for public use with or without compensation (Atchison et al., 2005; Murtazashvili & Murtazashvili, 2016). Past researchers have primarily focused on the support needed by business owners in the United States in general (Alekseev et al., 2020; Balla-Elliott et al., 2020; Bartik et al., 2020; Fairlie & Fossen, 2021). However, no findings are specific to the population of Texan business owners. Furthermore, little research has been done to examine the delicate balance between public health and economic activity during the COVID-19 pandemic or why state officials selected certain policies to maintain the delicate balance over others. Furthermore, no research has been published about the policies towards business activity enacted by the State of Texas.

Existing empirical studies are also lacking regarding the factors that influenced state-level economic activity policies during the COVID-19 pandemic in the state of Texas (Adolph et al., 2021; Makridis & Rothwell, 2020). Barrios and Hockberg (2020) suggested that risk perceptions and subsequent decisions made by state officials during the COVID-19 pandemic may be formed under the lens of politics. Additionally, Adolph et al. (2021) and Makridis and Rothwell (2020) reported that political affiliation and partisanship were significant factors that influenced state-level economic activity policies during the COVID-19 pandemic, explaining the differences in extreme and relaxed state policies. However, past research studies have not focused on the state of Texas, the state officials in Texas, and the factors that influenced their decision-making in the COVID-19

pandemic policies. Given the significance of meeting the needs of business owners to ensure their overall livelihood, there is a need for a more rigorous examination of the factors that impact and drive state-level economic activity policies during the COVID-19 pandemic in the state of Texas (Alekseev et al., 2020; Bartik et al., 2020; Curriden, 2020; Fairlie & Fossen, 2021).

State of Texas Government Response

In the state of Texas, the Texas Governor shut down businesses, declaring that the current COVID-19 public health pandemic posed an imminent threat of disaster to the state. Through Executive Order GA #08, the Texas Governor ordered restrictions in eating or drinking at bars or restaurants on March 13, 2020. The only exceptions were restaurants that provided drive-thru, pickup, or delivery options (Texas Office of the Governor, 2020). Furthermore, through Executive Order GA #08, the Texas governor also restricted Texas citizens from gathering and assembling, closing food courts, gyms, and massage parlors.

By the end of March 2020, the Texas Governor, Abbott, classified businesses into essential services. The updated executive order GA #08 thus only allowed grocery stores, gas stations, financial institutions, information technology companies, and other essential services to operate, including hunting, fishing, and outdoor physical activities (Texas Office of the Governor, 2020). The updated Executive Order GA #08, however, continued the restrictions and closures on operations of bars, restaurants, barbers, salons, food courts, gyms, and massage parlors (Texas Office of the Governor, 2020).

The majority of research on Texas government responses to the pandemic has focused on reporting the different classifications of businesses into essential services (Texas Office of the Governor, 2020). However, researchers have not explored the factors that influenced the COVID-19 responses in the state of Texas, such as politicization. That is, past research has not focused on examining the reasons why the state of Texas imposed certain restrictions on business others during the COVID-19 pandemic as compared to other states across the U.S.

Effects of Government Responses on Society and Economy

The U.S. government implemented social distancing as a way to curb the spread of COVID-19. However, due to decreases in economic activity, social distancing was also detrimental to the economy of the U.S. (Greenstone & Nigam, 2020; Thunstrom et al., 2020). Gostin and Wiley (2020) added that social distancing orders needed to be in place for at least 3 months in order to decrease the peak effects of COVID-19 cases on the public health system of the United States. Furthermore, Plagg et al. (2020) also cautioned that the limitations of social distancing and isolation were detrimental to the health of people. Especially when prolonged, the authors noted that social distancing and isolation are preventative measures that are best implemented as acute emergencies and within limited periods of time (Plagg et al., 2020). As such, Plagg et al. argued the need to have a holistic strategy on curbing public health risk due to the COVID-19 pandemic.

However, some researchers have noted the positive impacts of implementing social distancing to battle COVID-19. Examining this topic further, Greenstone and

Nigam (2020) conducted research on the net benefits of social distancing to battle COVID-19, as social distancing has a significant cost on the economy. The authors of the study employed epidemiological and economic forecasting to conduct a rapid benefit-cost analysis of the COVID-19 outbreak in light of social distancing measures (Greenstone & Nigam, 2020). The authors found that with social distancing measures, the United States is estimated to yield and reap approximately \$5.2 trillion, according to the results of Greenstone and Nigam's (2020) benchmark case. In another study, Thunstrom et al. (2020) also conducted a benefit-cost analysis of the mandate of social distancing in the U.S. The findings of their study showed that the benefits of social distancing are estimated to be significantly higher than the costs to the economy (Thunstrom et al., 2020).

As such, past analyses and research conclude the benefits of social distancing measures, as well as state-wide stay-at-home orders across all states in the United States. Researchers, have noted the importance of enforcing social distancing mandates despite the economic costs (Thunstrom et al., 2020; Greenstone & Nigam, 2020). However, these two research studies did not take into consideration the health of the public and communities (Thunstrom et al., 2020; Greenstone & Nigam, 2020). That is, past researchers' benefit-cost analyses only consider the net benefits of social distancing in terms of monetary value but not in terms of mortality risk and public health outcomes (Thunstrom et al., 2020; Greenstone & Nigam, 2020). Hence, more research is needed to examine the decisions of governors and government leaders during the COVID-19

pandemic with integral consideration of citizens' health, economic activity, job losses, and business bankruptcies (Thunstrom et al., 2020; Greenstone & Nigam, 2020). This is especially important given that the U.S. government responses yielded various negative effects on both society and its economy.

Decreased Mobility, Unemployment, and Social Inequalities

Restrictions on daily movements have deteriorated every sector in the U.S. economy while also decreasing mobility across states. Various researchers have noted the decrease in public movements and mobility after the declaration of a national emergency in the U.S. (Lee et al., 2020; Gharehgozli et al., 2020). Lee et al. (2020) examined this topic further and investigated large-scale public mobility trends during the early stage of the COVID-19 pandemic in the United States using mobile device data. Lee et al. found that overall, after the national emergency declaration, public movements and mobility significantly decreased. The stay-at-home population had overall increased in all 50 states even before statewide mandates were taken into effect (Lee et al., 2020).

In line with social distancing measures and stay-at-home mandates, Jay et al. (2020) and Garnier et al. (2021) also found socioeconomic disparities in social distancing and mobility during the COVID-19 pandemic in the United States. According to Garnier et al. and Jay et al. the mobility patterns of different socio-economic groups and subgroups widely differ. Social distancing policies were found to be slower and less intense in states and areas with more population groups of essential workers and individuals in the poverty level (Garnier et al., 2021; Lee et al., 2020). In a recent study,

Garnier et al. explored this topic further and aimed to examine the inequalities in social distancing in the COVID-19 pandemic. Using and gathering mobility data from more than tens of millions of devices during February and May 2020, the findings of their study showed that socioeconomic variables, especially individuals under the poverty level, were less likely to follow social distancing guidelines (Garnier et al., 2021). On the other hand, social distancing was significantly adopted among Black individuals, including those living in dense areas (Garnier et al., 2021). Similar to the assertions of Garnier et al. Jay et al. found these findings in their study, as they examined neighborhood income and social distancing/mobility during the COVID-19 pandemic in the United States. The authors of the study also used mobility data from a large sample of smartphone users to examine this topic (Jay et al., 2020). The researchers found a significant correlation between neighborhood income and social distancing/mobility, which is consistent with the findings of Garnier et al. (2021); (Jay et al., 2020). That is, people living in high-income neighborhoods stayed at home more than individuals in low-income neighborhoods (Jay et al., 2020). Furthermore, state government mandates to stay at home were not significantly complied with in low-income neighborhoods, as individuals in low-income neighborhoods were mostly essential workers that needed to work outside the home (Jay et al., 2020).

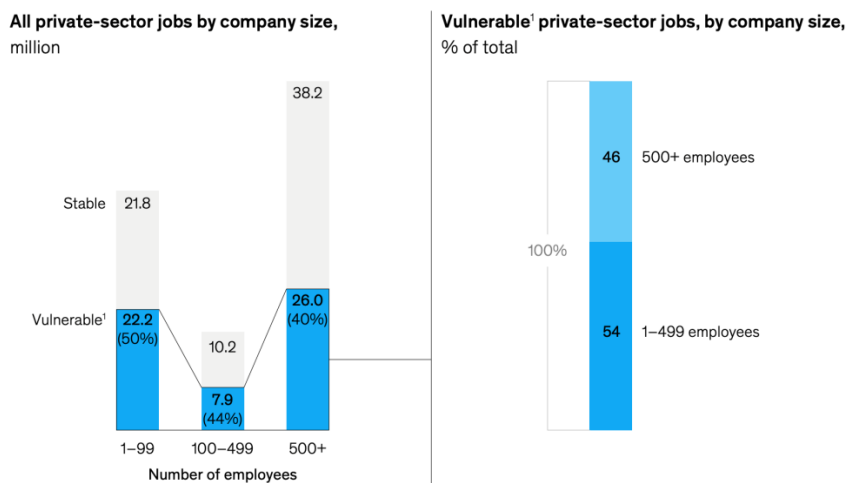
Differences in adopting social distancing are relevant to the topic of the COVID-19 pandemic. This is because socioeconomic inequalities were apparent even during the height of the COVID-19 pandemic in communities across the United States (Garnier et

al., 2021; Jay et al., 2020; Lee et al., 2020). That is, state government mandates and policies have not mitigated these disparities (Garnier et al., 2021; Jay et al., 2020). Such socioeconomic inequalities are also prone to exacerbating the existing health disparities and thus need to be addressed by the U.S. government to ensure the success of ongoing pandemic mitigation efforts (Garnier et al., 2021; Lee et al., 2020).

The U.S. government's response to the pandemic has also yielded negative impacts on the country's unemployment rate. According to various researchers, limitations on mobility and social distancing during the COVID-19 pandemic has caused a significant and negative impact on the U.S. labor market as the unemployment rate increased to 14.7% in less than 2 months after state governments implemented social distancing mandates (Couch et al., 2020; Dua et al., 2020; Jay et al., 2020; Lund et al., 2020). Couch et al. (2020) reported that this unemployment rate had not been this high since the Great Depression in the US. A report by McKinsey (2020) noted that 300 million jobs had been identified as vulnerable, with small businesses being the hardest hit (Figure 1). Examining this topic further, Couch et al. examined the impacts of COVID-19 on minority unemployment using April 2020 microdata. Overall, the results indicated that the national unemployment rate was 26.5%, which is higher than the peak unemployment rate during the Great Depression (Couch et al., 2020).

Figure 1.*Jobs Impact of COVID-19 on U.S. Workers*

Thirty million small-business jobs are vulnerable, and firms with fewer than 100 employees are the hardest hit.



Note. From McKinsey (2020).

While socioeconomic inequalities are prevalent in the adoption of social distancing, researchers have also noted the prevalence of socioeconomic inequalities on unemployment rates. With the overall U.S. unemployment rate was 14.4% in April 2020, Black and Latinx population groups were disproportionately the hardest hit by the COVID-19 pandemic in terms of income and unemployment (Couch et al., 2020; Dua et al., 2020). More specifically, Couch et al. (2020) reported that the Black population group experienced increased rates of unemployment to 31.8%, while the Latinx population group had an unemployment rate of 31.4%. These findings underscore the negative and early effects of the COVID-19 pandemic on unemployment rates in the US,

which has significant implications on the long-term economic effects for minority population groups (Couch et al., 2020; Dua et al., 2020).

Business Revenues and Closures

The number of active business owners in the United States significantly decreased during the pandemic. From February to April 2020, in a span of 2 months, the number of active business owners declined by 3.3 million or 22% nationwide (Fairlie, 2020b). More specifically, the number of active business owners in the United States decreased from 15 million in February 2020 to 11.7 million in April 2020 (Fairlie, 2020a). Fairlie and Fossen (2021) explored this topic further and examined the early impacts of the COVID-19 pandemic on business revenues in the United States. The authors gathered and analyzed data estimates from the Current Population Survey (February to April 2020) and found that the number of active business owners decreased by 22% (Fairlie & Fossen, 2021). The authors further identified that accommodation businesses were the most negatively impacted by the mandatory lockdowns and social isolation mandates, losing 91% of revenues in the state of California, for example (Fairlie & Fossen, 2021). Kim et al. (2020) added businesses in the travel, restaurant, and personal services sector also significantly declined.

Minority-owned businesses were also among the hardest impacted by the U.S. government's response to the pandemic. Similar to the unemployment rate, the decline in the number of businesses was the largest on record in every U.S. industry (Couch et al., 2020; Fairlie, 2020b). Further examining this topic, Fairlie (2020b) conducted an analysis

on the impact of COVID-19 on small businesses in the United States, utilizing and analyzing nationally representative data from the April 2020. Fairlie (2020b) added that Black-owned businesses decreased by 41%, Latinx-owned businesses decreased by 32%, and Asian-owned businesses decreased by 26% (Fairlie, 2020b). As such, minority business owners faced a higher risk of losses than White business owners (Fairlie, 2020b). This pool of knowledge presents further empirical knowledge regarding the negative impacts and losses absorbed by small business owners in the United States, which have significant implications for policy, job stability, and economic inequality (Couch et al., 2020; Fairlie, 2020b; Mills et al., 2020).

Unfortunately, only a handful of businesses were able to bounce back and operate again by June. Researchers have reported significant losses in revenue due to the statewide COVID-19 mandates across the United States (Fairlie, 2020a; Mills et al., 2020). That is, the total losses in revenue were already at 1.2 million by June 2020 (Fairlie, 2020a). As such, the mandated shutdowns and restrictions in work activity have substantially decreased the income for business owners while increasing the risk of permanent closures (Fairlie, 2020a; Mills et al., 2020). Additionally, Bartik et al. (2020) conducted a survey in late March of approximately 6,000 small businesses in the United States, wherein their findings showed that 43% of businesses were temporarily closed. Moreover, significant layoffs of employees were implemented, as business owners had less than 1 month of cash flow (Bartik et al., 2020).

Businesses across the United States suffered significant challenges and setbacks. Overall, U.S. Census Small Business Pulse Survey reported that more than 50% of U.S. businesses had a significant and negative impact from the COVID-19 pandemic (U.S. Census Bureau, 2020; Bohn et al., 2020). Recently, Kim et al. (2020) conducted another study on the impact of the pandemic on small businesses in the United States. The authors used and analyzed transaction-level information from the financial accounts of businesses (Kim et al., 2020). Their findings showed that the revenues of small businesses and the consumption spending of their owners significantly decreased by 40% after the national emergency declaration in March 2020 (Kim et al., 2020). Furthermore, their results showed that each dollar of revenue decline resulted in a 1.6% decline in the consumption of the owner (Kim et al., 2020). Interestingly, the findings of Kim et al. also revealed that the majority of the business revenue declines were due to national factors rather than local/state policies and the rate of COVID-19 cases (Kim et al., 2020). This finding presents more in-depth empirical knowledge regarding the effects of government responses to the pandemic, specifically linking business revenue declines and local government and state policies (Kim et al., 2020; U.S. Census Bureau, 2020).

Taxes

The U.S. government response to the COVID-19 pandemic yielded negative implications for state government sales and income tax revenues. Various researchers have noted that in addition to the loss of revenues, the U.S. economy suffered considerably, as found in the second quarter of 2020 (Clemens & Veuger, 2020; Fairlie &

Fossen, 2021). Clemens and Veuger (2020) estimated the negative implications of the COVID-19 pandemic for state government tax revenues, amounting to approximately “\$106 billion in states’ sales and income tax revenues for the third quarter of 2020 through the second quarter of 2021” (p. 619). This amount is tantamount to 11.5% of the revenues and income tax projection before the pandemic and 0.5% of the gross domestic product (Clemens & Veuger, 2020). During the second quarter of 2020, the average losses in taxable sales were 17% (Fairlie & Fossen, 2021). This is significant information given that the annual revenues are positive in growth by 3% to 4% (Fairlie & Fossen, 2021). These findings highlight the negative impacts of the COVID-19 pandemic on the U.S. economy and business revenues. It should be noted that the research by Fairlie and Fossen (2021) focused on the counties in California. There is a need to explore further the economic and business impacts of lockdown restrictions as safety measures for public health in the United States. Nonetheless; these findings provide initial justification regarding the need for businesses in the United States to receive government support to mitigate the negative impacts of the COVID-19 pandemic on their revenues and business continuity (Bartik et al., 2020; Fairlie & Fossen, 2021).

Summary and Conclusions

Across the literature, I found that different states in the United States act varyingly during the COVID-19 pandemic (Capano et al., 2020; Migone et al., 2020). That is, different states imposed different restrictions on business owners, which restricted economic activity in the name of public health (Capano et al., 2020; Maor et

al., 2020; Neelon et al., 2021). However, the use of Rohr's normative theory remains largely unexplored regarding the topic of factors that influence decision-making and policies during the pandemic in the United States, creating a significant gap in knowledge, given that the concept of regime values with the foundations based on Rohr (1986) provides a robust framework for understanding legal and political policies regarding public safety and constitutional private property. This topic is important to address, given the need for more effective policies that protect public health and safety without infringing on private property rights in the United States (Gostin & Wiley, 2020; Kosnik & Bellas, 2020).

Researchers have also noted that states with less nonconformity tolerance from enforced protocols reported more rapid epidemic growth, especially during the onset of the pandemic (Chen et al., 2020; White & Hébert-Dufresne, 2020). Furthermore, political factors were identified as the most dominating force to impact the differences in the state government response to initiate and mandate the length of stay-at-home orders across 50 U.S. states (Adolph et al., 2021; Kosnik & Bellas, 2020). However, research focusing on U.S. government responses to the pandemic, especially examining why certain states such as Texas imposed more significant restrictions on business others during the COVID-19 pandemic, is extremely limited. In fact, there are limited existing empirical studies, either quantitative or qualitative, in which past scholars examined the factors that influenced certain policies towards businesses during the COVID-19 pandemic that restricted economic activity in the name of public health as opposed to other mandates

(Capano et al., 2020; Kim et al., 2020; Kosnik & Bellas, 2020; Maor & Howlett, 2020). This is essential to address and examine further, given that understanding the differences in governance responses to the pandemic could help provide better policies for future emergencies, considering institutional and strategic factors in policy and governance (Maor & Howlett, 2020)

Chapter 3 includes a discussion of this qualitative research study and systematic steps to address the research question on this topic of factors influencing the state of Texas's policies toward business activity in the COVID-19 pandemic. In the next chapter, there is an outline of the research design, which aligns with the purpose of the study, population, and sampling method. Chapter 3 includes a detailed discussion of the methodology for data collection data analysis, as well as discussions on the issues of trustworthiness of the findings of this case study.

Chapter 3: Research Method

The problem addressed in this study was that it was not known what factors influenced the state of Texas' policies towards business activity during the COVID-19 pandemic. The phenomenon of interest was the underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. In this chapter, I provide the rationale for the chosen research method and design, the role of the researcher, sampling procedures, instrumentation, data collection procedures, the data analysis plan, issues of trustworthiness, ethical procedures, and a summary.

Research Design and Rationale

The central research question that guided this study was: What factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic? I chose a qualitative methodology to answer the research question because it aligns with the study's goal, and a qualitative methodology is best suited for research that seeks to explore or understand the meaning of individuals, groups, or human social problems (see Creswell, 2014). Moreover, a qualitative research methodology is used to study phenomena or events without abstract or prejudice (Glogowska, 2011).

I chose a nonintrusive, qualitative, case study design because it asks what and how questions and aligns with this research (see Yin, 2013). Furthermore, Yin (2013) noted that a case study design approach is best for exploring a phenomenon in real life. The case study design is used to examine phenomena from a nonobjective perspective

(Glogowska, 2011). This well-established research design follows the standard procedures for a basic, exploratory, deductive research design.

Role of the Researcher

The role of the researcher in qualitative research is to collect data and implement analysis (Creswell, 2014). Therefore, my role as the researcher in this study was that of an observer-as-participant. I was the primary instrument of data collection and analysis for this study to uncover the emerging concepts and patterns. While only secondary data were collected from official government sources, there was the potential for bias in interpretation that could have impacted the outcomes of the study. Some degree of bias is nearly always present in a published study; therefore, to mitigate bias, I avoided sharing personal opinions and cross-checked the findings with colleagues.

Methodology

Participant Selection Logic

The phenomenon of interest was the underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. The case in this case study was the State of Texas. I collected data from a purposive sample of official court case records, government documents, official meetings, press conferences, and interview transcripts. An in-depth search of relevant Texas Supreme Court case opinions and related documents was conducted using a combination of the following keywords: *Texas, public health, policies, emergency response, business activity, pandemic, COVID-19, non-pharmaceutical policy intervention (NPI), and social*

distancing decisions. The number of documents included in the study depended on reaching saturation, which is the point where no new information is being found (see Dalglish et al., 2020). Information regarding policies outside the State of Texas was not included in this study. Furthermore, information in this study reflected the mandates that influenced business activity within the state of Texas.

Instrumentation

In qualitative research, the researcher is considered an instrument (Creswell, 2014). In this study, I used secondary data drawn from publicly available documents as the instrumentation. The sources of information used in this case study included official Texas district or appellate court documents, governor of Texas executive orders and declarations concerning the COVID-19 pandemic, governor of Texas interview transcripts, official State of Texas disaster declarations, recently passed laws concerning the COVID-19 pandemic, local government official interview transcripts, and state and local government statutes. I collected all the data and examined all the documents included in this study.

Procedures for Recruitment, Participation, and Data Collection

I collected the data for this study from state and local government organizations within Texas. The documents included in this study were readily available to the public on the internet or in local libraries. The secondary data consisted of official Texas Supreme Court, district court, and appellate court documents; governor of Texas executive orders and declarations concerning the COVID-19 pandemic; governor of

Texas interview transcripts; official State of Texas disaster declarations; recently passed laws concerning the COVID-19 pandemic; local government official interview transcripts; and state and local government statutes were collected from the relevant government agency. I conducted an in-depth search of relevant Texas Supreme Court case opinions and related documents using a combination of the following keywords: *Texas, public health, policies, emergency response, business activity, pandemic, COVID-19, non-pharmaceutical policy intervention (NPI), and social distancing decisions.*

According to Patton (2014) and Ravitch and Carl (2016), a good analysis of the existing documents aids the researcher in understanding multidimensional issues. Therefore, I needed to ascertain the relevance and importance of the information in the collected documents to develop a deeper understanding of the phenomenon. A critical analysis of the collected documents was completed to determine their relevance to the research question. I continued to collect documents until saturation occurred.

Data Analysis Plan

I analyzed the collected data using qualitative document analysis. Specifically, the ready, extract, analyze, distill (READ) approach to document analysis, proposed by Dalglish et al. (2020), was followed. The steps in the READ approach are: “(1) ready your materials, (2) extract data, (3) analyze data, and (4) distill your findings” (Dalglish et al., 2020, p. 1424). In the first step, I searched for documents that were relevant to the research question, devised a file naming system for the documents, and created a list or

table of the types of documents that were analyzed (e.g., official statements, meeting reports, newspaper or magazine articles; see Dalglish et al., 2020). In the second step, I developed a spreadsheet where each row represents a document, and each column represents a category of information sought (see Dalglish et al., 2020). I then read each document thoroughly, extracting relevant information throughout the process. In the third step, I analyzed data by creating initial codes for relevant pieces of information and using pattern coding to group similar content (see Dalglish et al., 2020). The result of this step was the identification of central themes that were used to answer the research question. In the fourth and final step, I organized the themes into a narrative that addressed the research question (see Dalglish et al., 2020).

Issues of Trustworthiness

Ensuring trustworthiness in research and data collection is critical in qualitative research. Qualitative researchers should consider strategies to enhance the rigor and trustworthiness of their studies by establishing credibility, transferability, dependability, and confirmability (Patton, 2014). To increase the credibility and dependability of the study, I used multiple sources of documented evidence. Bowen (2009) suggested triangulating data through three or more sources to enhance credibility and dependability. Additionally, credibility was enhanced in this study by collecting data until the point of saturation (see Dalglish et al., 2020). Furthermore, I did not collect data for this exploratory study through in-person interviews; therefore, the threat to internal validity by relying on inferences drawn through in-person interviews was not a factor (see Yin,

2013). Both the transferability and dependability of this study was enhanced by providing a thick description of the steps taken and decisions made throughout the research process (see Merriam & Tisdell, 2016). To enhance confirmability, I engaged in *reflexivity*, which involves documenting and setting aside any biases, assumptions, experiences, or worldviews that may influence the research process (see Korstjens & Moser, 2018).

Ethical Procedures

I obtained approval from Walden University's Institutional Review Board (10-25-21-0093406) before collecting any data. This study did not involve participants; therefore, the ethical considerations related to research with human subjects did not apply. Additionally, I did not record or include any personally identifiable information regarding the organizations or persons representing the organizations involved in the study; therefore, privacy was not a concern. Furthermore, there were no conflicts of interest noted.

Summary

The phenomenon of interest in this study was the underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. I used a qualitative case study design to explore this phenomenon. The case in this case study was the State of Texas. Data were collected from a purposive sample of official court case records, government documents, official meetings, press conferences, and interview transcripts. I analyzed the data using qualitative document analysis using

the READ approach to document analysis, proposed by Dalglish et al. (2020).

In Chapter 4, I will provide the results of the document analysis.

Chapter 4: Results

The purpose of this qualitative case study was to explore the factors that influenced the State of Texas's policies towards business activity during the COVID-19 pandemic. The case in this case study was the State of Texas. Official court case records, government documents, press conferences, and interview transcripts that pertained to the State of Texas's response to the COVID-19 pandemic were collected and analyzed to address the following research question: What factors influenced the State of Texas's policies towards business activity during the COVID-19 pandemic?

This chapter contains the findings of this study. The setting and sample of the study are provided to highlight the context of the State of Texas during the ongoing COVID-19 pandemic. The data collection and analysis processes are also described. I provide the results of the analysis in the form of common themes across the data set. A summary concludes this chapter.

Setting

The setting of this study was the state of Texas during the COVID-19 pandemic. During this time period, the Governor of Texas was Gregory Wayne Abbott, a member of the Republican Party. The Governor declared that all 254 counties in the state faced the imminent threat of the ongoing pandemic in March 2020 (Texas Office of the Governor, 2020). As of October 11, 2021, Texas had reported a total of 4,129,695 COVID-19 cases, second only to California's 4,774, 445 (Elflein, 2021). From March 19, 2020 to

December 1, 2021, Governor Abbott issued 33 executive orders related to the COVID-19 pandemic.

Sample of the Study

The number of documents included in this study was 26. The documents consisted of the State of Texas official court case records, government documents, press conferences, and interview transcripts that pertained to the State of Texas's reactions to the COVID-19 pandemic. The attributes of the documents are shown in Table 1.

Table 1.

Sample of the Study

File Name	Document Title	Date Published	Type of Document
P01	Governor Abbott Holds Press Conference on Coronavirus, Declares State of Disaster for All Texas Counties	March 13, 2020	Press conference
O01	County Judge Order No. 2020-5: Relating the Declaration regard COVID-19	March 24, 2020	Official court case record
O02	No. 20-0249	March 31, 2020	Official court case record
P02	Governor Abbott Issues Executive Order, Implements Statewide Essential Services and Activities Protocols	March 31, 2020	Press conference
G01	Executive Order No. GA-15	April 17, 2020	Government document
G02	Executive Order No. GA- 16	April 17, 2020	Government document
G03	Executive Order No. GA-18	April 27, 2020	Government document
O03	Trial Court Cause No. DC-20-06131	April 28, 2020	Official court case record
O04	City of Dallas vs. Luther Cause No. DC-20-06131	May 7, 2020	Official court case record

File Name	Document Title	Date Published	Type of Document
G04	Proclamation No. 2 Renewing March 30, 2020 disaster proclamation of COVID-19 as imminent threat in Texas	May 12, 2020	Government document
G05	Executive Order No. GA-23	May 18, 2020	Government document
G06	Expanding the enumerated list of covered services in Executive Order GA-23	May 26, 2020	Government document
G07	Executive Order No. GA-26	June 3, 2020	Government document
G08	Executive Order No. GA-25	June 26, 2020	Government document
I01	Remarks by Vice President Pence in a Briefing on COVID-19	June 28, 2020	Interview transcript
O05	Trial Court Cause No. 2020-40714	July 10, 2020	Official court case record
O06	NO. 20-0430	July 17, 2020	Official court case record
O07	No. 2020-38804	July 22, 2020	Official court case record
G09	Executive Order No. GA-38	July 29, 2020	Government document
O08	No. 20-0363	November 2, 2020	Official court case record
O09	No. 20-0903	November 2, 2020	Official court case record
O10	State of Texas vs. City of Austin	January 4, 2021	Official court case record
G10	Governor Abbott's Proactive Response to the Coronavirus Threat	August 9, 2021	Government document
O11	Cause No. 21-0720	August 24, 2021	Official court case record
G11	Forty-Second Emergency Order Regarding The COVID-19 State of Disaster	September 21, 2021	Government document
G12	Forty-Third Emergency Order Regarding The COVID-19 State of Disaster	September 21, 2021	Government document

Data Collection

The data collection method involved a strategic search of relevant Texas Supreme Court case opinions and related documents. I used purposive sampling to select the sample secondary sources. The following keywords served as the search terms: *Texas*, *public health*, *policies*, *emergency response*, *business activity*, *pandemic*, *COVID-19*, *non-pharmaceutical policy intervention (NPI)*, and *social distancing decisions*. Each document was screened for the inclusion criteria of the sampling technique such that only documents pertaining to the State of Texas were included. Duplicates were omitted. The search and screening process yielded 26 documents to be used in the analysis. I considered this sample size sufficient, given the systematic approach used to gather sources; the comprehensive keyword search, and the screening of data to remove sources that did not meet inclusion criteria.

Data Analysis

The data analysis procedures involved the READ approach proposed by Dalglish et al. (2020). The READ approach consists of the following steps: “(1) ready your materials, (2) extract data, (3) analyze data, and (4) distill your findings” (Dalglish et al., 2020, p. 1424). I conducted a thematic analysis to generate common themes across the data set. NVivo 12 qualitative data analysis software was used to complete the analysis.

During the first step of the READ approach, I compiled all electronic copies of the 26 data sources in one folder and renamed them based on a specific file naming system I had developed. The system involved arranging the files from the earliest to the

latest publication date rather than categorizing according to the type of document because the phenomenon of interest in this study, the underlying factors that influenced Texas state officials' decisions regarding business activity during COVID-19, was influenced by the time-bound developments of the ongoing pandemic. The file with the earliest publication date was numbered "01." However, the type of document was also included in the naming system. Official court case records were represented by "O," government documents by "G," press conferences by "P," and interview transcripts by "I." Therefore, the file names of the documents were: P01, O01, O02, P02, G01, G02, G03, O03, O04, G04, G05, G06, G07, G08, I01, O05, O06, O07, G09, O08, O09, G10, O10, G11, and G12. After renaming the files, I imported the documents into NVivo 12.

The second step involved repeatedly reading each line of the data to extract units of meaning. I first utilized the automatic coding feature in NVivo 12 to get a grasp of the general patterns in the data. The general patterns were services, order, public, health, facilities, operations, state, emergency, disaster, areas, workers, business, officials, executive, care, food, requirements, and living. I kept these patterns in a spreadsheet and referred to the spreadsheet during a close reading of each document; the extraction of units of meaning involved the identification of statements that were relevant to these general patterns. The units of meaning represented the codes.

During the third step, I grouped together codes with similar meanings. Because the codes represented the smallest units of meaning, clustering similar meanings together

resulted in a broader pattern in the data bound by the same concept. The process resulted in the development of the themes.

Not all the themes were central to answering the research question. The fourth step of the READ approach involved refining the results. I reviewed the themes in comparison with the coded text and the number of occurrences in the data so that only the themes evidenced in the data were considered answers to the research question. The central themes are reported in the Results section. The list of general patterns, codes, and central themes is provided in Table 2.

Table 2.

General Patterns, Codes, and Central Themes

General Patterns	Codes	Central Themes
		Public health and safety be prioritized
Areas, state, emergency	all 254 counties alerted of the imminent COVID-19 threat	
Emergency	number of cases and deaths reported	
Emergency	government responding to the most recent situation	
Facilities	ensuring adequate hospital capacity	
Food	ensuring adequate supplies	
Operations	Governor Abbott stated that the actions were proactive	
Care	sufficient health care	
Care	increased testing capabilities	
Health	waive testing cost	
Living	homeless individuals	
Facilities	government urged to provide shelter	
Public, health	reduce exposure to the virus	
Businesses, operations	closure of nonessential business	
Businesses, operations	minimum basic operations	

General Patterns	Codes	Central Themes
Businesses, operations	alcoholic beverages	
Businesses, operations	bars	
Businesses, operations	parks	
Businesses, operations	sporting events	
Businesses, operations	modified operations	
Businesses, operations	outdoor areas have reopened	
Public, health	minimize group settings	
Public, health	gatherings are allowed provided that social distancing is maintained	
Public, health	limited capacity	
Operations, services, health	remote operations	
Operations, services	court proceedings	
Operations, services	provide advance notice	
Health, services	telemedicine	
Public, health, operations, emergency	school closure	
Food, services	continued school lunch program	
Operations, emergency	remote learning	
Public, health, executive Order	stay at home	
Public, businesses, executive order	avoid non-essential business establishments	
Operations, services	can only go out for essential activities	
Executive order, public, health, emergency	stay at home order signed at the beginning of the pandemic	
Executive order, public, state, emergency	travel is prohibited	
Operations, executive order	suspension of deadlines	
Health, care	report symptoms	
		the constitutionality of the executive orders
State, executive orders, operations, businesses, disaster	Orders do not suppress constitutional rights	
Operations, businesses,	businesses are still allowed to operate when following social distancing protocols	

General Patterns	Codes	Central Themes
State, executive orders	does not violate religious freedom	
State, executive orders	gun shops are considered essential businesses	
State, executive orders, disaster	cease and desist in line with Texas Disaster Act of 1975 Govt Code ch 418	
Business, operations	follow proper proceedings	
Business, operations	local leaders are heard	
Business, operations	no irreparable harm	
Business, operations, disaster	Order GA 38 impedes efforts to curb the pandemic	
Business, operations, disaster	goes against the Texas Disaster Act, as public health and safety are jeopardized	
Executive order, care, disaster, public	public officials cannot mandate masks and vaccination	
Executive order, care, disaster, public	nonmandatory wearing of face mask	
Executive order, care, disaster, public	vaccination is voluntary	
Executive order, care, disaster, public	vice president 'strongly recommend' wearing of face mask	
Business, operation	reopening establishments	
Executive order, care, disaster, public	Orders are temporary	
Executive order, care, disaster, public	necessary for public health and safety	
Executive order, operation, business	reopening guidelines	
Executive order, operation, business	impact of holidays	
Executive order, operation, business	reopening	
Executive order, operation, service	school reopening	
Operation, public, health	targeted guidelines depending on the increase in the number of cases	
Operation, public, health	follow hygiene and social distancing protocols	
Executive order, public, health, state	publicly posting the order	

General Patterns	Codes	Central Themes
Executive order, public, health, state	punishment for order violation	
Executive order, public, health, state		fine
Executive order, public, health, state		jail
Executive order, public, health, state		eliminated
Operations, executive orders	relators are allowed to dispute the orders	
Executive orders	Court overriding the orders due to the Delta variant	
Executive orders, requirements		must go through lower courts
Executive orders, requirements		must prioritize public health and safety
Operations, executive orders	temporary closure of nonessential businesses to ensure public health and safety is not unconstitutional	
Public, health		wearing a mask is encouraged, not mandatory
Operations, executive orders	Texans disputing that the constitutionality of the orders	
Operations, executive orders		A judge cannot make a law based on orders
Operations, executive orders	Harris County's Judge Hidalgo's executive orders are unconstitutional based on misleading data	
Operations, executive orders		suppressing freedom
Operations, executive orders		suspension of constitutional laws
Operations, executive orders		orders are contradictory
Operations, executive orders		latest executive order supersedes previous executive orders
Operations, executive orders		state allowed 50% capacity operation, local county total shutdown
Operations, executive orders		vague verbiage
Operations, executive orders		clearly prohibits

General Patterns	Codes	Central Themes
Operations, executive orders	passing legislative authority to the governor or the executive branch	
Operations, executive orders	permitted during 'disasters'	
Operations, executive orders	relying on one person, the governor	
Operations, executive orders	the deadline for the orders keep extending	
Operations, executive orders	Republican Party accusing Mayor Turner, a Democrat, of violating their constitutional rights	
Operations, executive orders	abusing power	
Operations, executive orders	cancelled in-person gatherings	
Operations, executive orders	selective	
Operations, executive orders	violating constitutional rights	
Emergency, operations, executive orders	unemployment	
Operations, executive orders	violating nonessential business owners' right to operate	
		State policies are informed by the national government and health experts
State, emergency, disaster, officials	Centers for Disease Control and Prevention and the White House	
Emergency, care, food, living, facilities, health	leveraging national resources	
State, emergency, business, operation	list of essential businesses based on DHS	
State, emergency, disaster, officials	local government follows state and national government orders, no inconsistency	
State, emergency, disaster, health, officials	Orders informed by health experts	
State, emergency, disaster, health, officials	Harris county health authority	
State, emergency, disaster, health, officials, care, food, living, facilities,	support from national government	

Evidence of Trustworthiness

In this section, I provide evidence to show how the issues of trustworthiness were resolved during data collection and analysis. The four components of trustworthiness are addressed: credibility, transferability, dependability, and confirmability (see Patton, 2014).

Credibility pertains to the accuracy of the study findings in representing the reality of the phenomenon of interest (Merriam & Tisdell, 2016). To establish credibility, I used critical words based on existing literature during purposive sampling of the sources. The keywords generated search results that were relevant to the phenomenon of underlying factors that influenced Texas state officials' decisions regarding business activity during the COVID-19 pandemic. Additionally, I collected official court case records, government documents, press conferences, and interview transcripts in order to accomplish data triangulation, during which the codes from one data source were cross-checked with the data from other sources (see Bowen, 2009). Lastly, data saturation was reached through the collection and analysis of 26 secondary data (see Dalglish et al., 2020).

The component of transferability refers to the extent to which the study findings are applicable to another context (Merriam & Tisdell, 2016). Dependability refers to the degree to which the study findings remain consistent over time (Merriam & Tisdell, 2016). Transferability and dependability rely on the readers being able to make their own inferences about the study findings (Yin, 2013). Therefore, I provided thick descriptions

of the research materials and procedures so that readers could verify the findings, replicate the study, and draw their conclusions.

Confirmability refers to the extent to which readers can corroborate the study findings (Merriam & Tisdell, 2016). Establishing confirmability involved minimizing bias (Korstjens & Moser, 2018). I kept a reflexivity journal to document how the research process was informed by literature rather than by personal judgment. While planning the study and conducting data collection, I strictly based all the decisions on Yin's (2013) nonintrusive qualitative case study design. Data analysis was based on Dalglish et al.'s (2020) READ approach. All the findings were firmly grounded in the data.

Results

This section contains the results that answered the primary research question, What factors influenced the State of Texas' policies towards business activity during the COVID-19 pandemic? Three central themes emerged as influences towards policies regarding business activity during the ongoing pandemic in the State of Texas. The themes were: (a) public health and safety be prioritized, (b) the constitutionality of executive orders, and (c) state policies are informed by the national government and health experts. An overview of the central themes is provided in Table 3. Each theme is described in the following sub-sections.

Table 3.*Overview of the Central Themes*

Themes	Number of supporting documents	Number of occurrences in the data
Public health and safety be prioritized	10	77
The constitutionality of executive orders	19	91
State policies are informed by the national government and health experts	12	20

Public Health and Safety be Prioritized

One of the factors that influenced the State of Texas’s policies towards business activity during the COVID-19 pandemic was the priority for public health and safety. This urgency was evidenced in 10 data sources with 77 references. The references from the data referred to policies that declare COVID-19 as an imminent threat in all 254 counties in the State of Texas, policies that showed how the state government responded accordingly based on the rise and fall of the number of COVID-19 cases, and policies that highlighted the State government’s attempt to reduce the public’s exposure to the virus.

Generally, policies declared through executive orders contained the following statement to announce the danger of COVID-19 in the state:

Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic.

This Order is issued pursuant to Section 22.0035(b) of the Texas Government

Code. (G12 Forty-Third Emergency Order Regarding The COVID-19 State of Disaster, 2021)

In addition, the number of COVID-19 cases and deaths were tracked and reported to make the general public aware of the situation in their community:

WHEREAS, as of December 28, 2020, Travis County has experienced 48,951 confirmed cases of COVID-19 and 542 deaths as a result of the disease;

WHEREAS, as of December 28, 2020, Williamson County has experienced 19,519 confirmed cases of COVID-19 and 198 deaths as a result of the disease.

(O10 State of Texas vs. City of Austin, 2021)

Depending on the number of cases, the state government adjusted the policies. At the onset of the pandemic in March 2020, the state government immediately announced the stay-at-home order in accordance with the declaration of the World Health Organization and the national government. The state government declared that Texas had adequate supplies and sufficient equipment to sustain the needs of the public (P01, O10, G01, G09, and G10). The plans and proposed budgets were made publicly known (G10). G10 document also contained statements about continued support for SNAP beneficiaries, small business owners, homeless people, and unemployed individuals. O10 document contained statements about increased medical supplies and services such as improved treatment for COVID-19 patients and increased capacity for testing. In the P01 document, it states:

From the very beginning, our number one objective has been to implement preventative strategies that build on our state’s existing public health capabilities so that no matter how this situation unfolds, Texas will be ready,” said Governor Abbott. “That is exactly what our state agencies have done. The State of Texas is prepared, and we continue to take proactive measures along with the support of our federal and local partners to contain this virus and keep Texans safe. Declaring a State of Disaster is a key component of these efforts because it allows the state to effectively serve the people of Texas without hindrance or delay. When Texans come together, there is nothing we can’t overcome—and it is up to all of us to work proactively and collaboratively to respond to this challenge and protect public health. (P01 Governor Abbott Holds Press Conference on Coronavirus, Declares State of Disaster for All Texas Counties, 2020)

Proactive measures included the priority of reducing the spread of the virus initially through the stay-at-home order during which the general public was only allowed to leave their homes for “essential business.” Essential versus nonessential business was determined by the list provided by the White House through the Centers for Disease Control and Prevention and Department of Homeland Security. For instance, document O02 published on March 31, 2020, Harris County declared:

As the third largest county in the United States, and a densely populated urban area, Harris County has joined most of the nation in signing a “Stay Home, Work Safe” Order that complies with the Centers for Disease Control and Prevention

guidelines by limiting high density gatherings and closing non-essential businesses. (O02 Case No. 20-0249, 2020)

The orders were modified to stimulate economic and business activity while ensuring public health and safety. Later in 2020, nonessential businesses were allowed minimum basic operations. An example was reopening outdoor dining and activity areas without limits:

Except as provided below by paragraph No. 5, there is no occupancy limit for outdoor areas, events, and establishments, with the exception of the following outdoor areas, events, or establishments that may operate at no more than 75 or 50 percent, as applicable, of the normal operating limits as determined by the owner:

- a. amusement parks; b. water parks; c. swimming pools; d. museums and libraries; and e. zoos, aquariums, natural caverns, and similar facilities. (O10 State of Texas vs. City of Austin, 2021)

Group settings were initially prohibited, but this order was modified to allow gatherings of groups provided that social distancing protocols were followed. Schools were closed, and remote learning was implemented, but schools were reopened with specific guidelines. However, court proceedings were conducted remotely, and telemedicine was encouraged.

As part of the initiatives to protect the general public from the virus, the State of Texas also declared continuous services for homeless individuals. Homeless shelters

were exempted from the executive orders about prohibiting shared spaces, provided that social distancing protocols were observed. O01 document indicated:

Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they shall, to the greatest extent feasible, maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements, as defined in Exhibit B. Individuals experiencing homelessness are strongly urged to obtain shelter.

The Constitutionality of Executive Orders

Eight documents contained arguments that policies towards business activity during the COVID-19 pandemic declared through executive orders in the State of Texas do not suppress the citizens' constitutional rights to freedom, property, and equality. The policies were argued to be part of the emergency response to keep Texans safe and healthy. However, 14 documents contained disputes that the executive orders were unconstitutional due to suppressing the citizens' freedom to operate a nonessential business.

As evidenced by court proceedings documents, anyone had the right to dispute the executive orders and that sufficient evidence was provided to support the validity of the orders. The official court documents collected and analyzed in this study also showed that proper procedures were followed. In O02, Harris County Response to Emergency Petition for Writ of Mandamus, the court concluded that the relators' petition "lacked"

the proper court proceedings and was not approved. Relators disputed all the executive orders in Texas related to the pandemic. Relators “dismiss this pandemic by comparing it to the flu” (O02, 2020, p. 2) and wanted to have the freedom to buy guns and practice their religion through gathering in churches. Harris County responded by emphasizing that gun sales were not limited and gun stores remained operational. Worship and religious activities were also not restricted as long as social distancing protocols were followed and that large gathering were conducted remotely. The resolution in the policy contained in the court document was:

Without even attempting to file suit in any lower court, and without any jurisdictional basis, Relators seek to vacate Harris County’s Order (and presumably every similar order in Texas) and risk exposing 29 million Texans and 4.6 million residents of Harris County to a deadly virus. This Court should find that it lacks jurisdiction to consider Relators’ Emergency Petition for Writ of Mandamus. In the alternative, it should deny Relators’ Emergency Petition for Writ of Mandamus on the merits.

However, in the case of City of San Antonio vs. Governor of Texas, the Appellees (Bexar County and City of San Antonio) won the favor of the court over Governor Abbott and Executive Order GA-38. The appellees disputed lifting the prohibition on mask mandates indicated in Executive Order GA-38 and chose to preserve the District Court’s ruling to temporarily impose mask mandates. This ruling was concluded by the Texas Supreme Court in view of the spread of the COVID-19 Delta variant in the area. The conclusion of

the case (O11) was that the Governor has utterly failed to rebut Appellees'

showing that GA-38

poses an imminent, irreparable harm to public health and public health services in San Antonio and Bexar County. Given the Governor and Attorney General's insistence on endangering the public health in Appellees' jurisdictions, it is up to this Court to prevent that harm. Therefore, Appellees move that this Court to enter an order pursuant to Rule 29.3, Tex. R. App. P., providing that the District Court's temporary injunction entered August 18, 2021, remains in effect until final disposition of this appeal, and for such other and further relief to which Appellees may be entitled.

Furthermore, Governor Abbott's response to the threat of the pandemic involved the opinions of local leaders. "Texas legislators, mayors, county judges, and other local elected officials as well as the Texas congressional delegation" were included in briefings as representatives of the community (G10). All the orders were publicly posted (O01).

The orders and the courts' decisions favoring the implementation of the orders were aligned with the "Texas Disaster Act of 1975, Government Code chapter 418," including cease and desist orders for private businesses not complying with the executive orders (O08 No. 20-0363, 2020). A Harris County judge also ruled:

The Order is not "draconian" or unconstitutional, and it does not create irreparable harm that is "impossible to undo." While Chapter 81 of the Health and Safety Code does provide fines for violating a quarantine, no fines have been

imposed, and no one has been arrested in Harris County under this Order. (O02 No. 20-0249, 2020)

In a briefing on COVID-19 held in Texas with Vice President Pence on June 28, 2020, the vice president stated that Governor Abbott's initiatives to curb the spread of the virus were supported by the national government. The vice president also commented that wearing masks and maintaining social distancing was encouraged for protection. Executive Order No. 38 contained the declaration that the government cannot coerce anyone to wear masks and get vaccinated against COVID-19. These findings showed that freedom was maintained provided that public health and safety were not jeopardized.

Additionally, document O02 Case No. 20-0249 (2020) contained statements allowing the continuous operation of business establishments and religious institutions. Gun shops were considered essential business establishments. Document O02 described:

Harris County's Order is narrowly tailored and does not violate any religious freedoms. The free exercise of religion includes the right to believe and profess whatever religious doctrine one desires. However, that does not permit a person to flaunt public health and safety regulations and jeopardize the lives of others under the guise of religion. (O02 Case No. 20-0249, 2020)

On the contrary, opinions and arguments were made with the belief that the executive orders passed legislative authority to the governor or the executive branch (G04, G05, O06, O07, O08, O10, & P02). In Executive Order GA-32 (O10) issued on October 7, 2020, the progression of loosening restrictions from GA-08 to GA-31, in

which the most recent order supersedes the older one, was stated. Most of the amendments were made in view of the decreasing number of COVID-19 cases in Texas along with the increasing capacity of testing and compliance with DSHS, CDC, and White House protocols. EO GA-38 (O10) specifically contained:

I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, other medical advisors, the White House, and the CDC

However, complaints were issued to state that the EOs issued by the governor restricted Texans' freedom to operate and generate profits. One dispute was made by the Republican Party against a mayor who was a member of the Democratic Party. The members of the Republican Party accused Houston Mayor Turner of amending the executive orders "selectively" to prevent in-person gatherings of their party. The complaint was that the mayor "abused" his power and "violated constitutional rights" (O05 Trial Court Cause No. 2020-40714, 2020).

In document O07 Case No. 2020-38804, a complaint was filed against Governor Abbott due to assuming sole authority during the pandemic. However, the outcome of the proceedings was that the governor's authority was constitutional at the time of a "disaster." In a case filed by salon operators, the ruling was:

At all times relevant to the proceedings in the trial court, state and local emergency regulations prohibited cosmetology salons from opening. Due to the COVID-19 pandemic, Governor Greg Abbott invoked his authority under the Texas Disaster Act of 1975 (the “Disaster Act” or the “Act”), Tex. Gov’t Code ch. 418, and declared a state of disaster for all counties in the state on March 13, 2020. (OPR 158.) The Act authorizes the governor to issue executive orders having the “force and effect of law” during times of disaster, Tex. Gov’t Code § 418.012, and on March 19, 2020, the governor issued his first executive order aimed at mitigating the spread of COVID-19, Executive Order GA-08. Additional executive orders followed. As relevant here, four on April 27, 2020, the governor issued Executive Order GA-18, which “[r]elat[ed] to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.” (O08 No. 20-0363, 2020)

In Harris County, a complaint was filed due to the belief that the judge provided “misleading” information, suppressed freedom, and violated constitutional laws (O07 Case No. 2020-38804, 2020). Some appellees questioned the verbiage used in the Executive Order that caused misinterpretation. For instance, the executive orders contained “shall avoid” instead of “shall not” (O07 Case No. 2020-38804, 2020). The vagueness in the terminology led some business owners to believe that they could operate. However, some executive orders clearly stated that operating nonessential

businesses were prohibited. Some business owners believed that the state was violating their rights to operate their business (O06 Case NO. 20-0430, 2020).

Earlier executive orders (O01 & O08) specified that failure to comply with the executive orders was “punishable by a fine not to exceed \$1,000 or confinement in jail for a term not to exceed 180 days, or both fine and confinement” (O01, 2020, p.7). However, following the disputes such as the Petition for Writ of Mandamus to the Third Court of Appeals, Austin (O10) and the case of City of Dallas vs. Luther 2 (O08), the State responded by improving the “statewide uniformity” (G09, 2021, p. 4). EO GA-38 was issued to “supersede any conflicting order issued by local officials in response to the COVTD-19 disaster” (G09, 2021, p. 4). Only local restrictions aligned with the state-issued restrictions were allowed. The order of confinement in jail as the consequence to failure in complying with local restrictions was eliminated.

State Policies are Informed by the National Government and Health Experts

The final factor that influenced the State of Texas’ policies towards business activity during the COVID-19 pandemic was that the policies were based on the guidelines provided by the national government and health experts, particularly from the CDC, as well as the local county health authorities (O02). The State of Texas followed CDC guidelines for limited capacity restrictions (O10) and temporary closure of the non-essential business (P02).

The tightening and loosening of the maximum capacity of public spaces were informed by the CDC. The policies on the reopening of non-essential businesses were

ted with the changes in the maximum allowable capacity. In O10, City of Austin vs. State of Texas, EO GA-32 was cited as Exhibit A, in which the DSHS and DHS eased the restrictions and allowed 75% maximum capacity in a specified list of non-essential businesses and 100% maximum capacity in several essential, government, religious, sporting, and recreational places. The EO was based on the recommendations of DSHS on tight restrictions applicable only to “areas with high hospitalization” defined as:

"Areas with high hospitalizations" means any Trauma Service Area that has had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity exceeds 15 percent, until such time as the Trauma Service Area has seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total hospital capacity is 15 percent or less. A current list of areas with high hospitalizations will be maintained at www.dshs.texas.gov/ga3031. (O10 State of Texas vs. City of Austin, 2020).

Initially, Governor Abbott’s EO GA-09, cited in EO GA-15, was implemented in contrast to the recommendations of the CDC in which surgery for non-life-threatening conditions were temporarily postponed to allow the hospital resources to be allocated to COVID-19 cases. The order was superseded in EO GA-15 in which the Texas Health and Human Services Commission recommended reserving at least 25% of hospital capacity to COVID-19 cases. In EO GA-30 and GA-31 cited in O10, all nonessential surgeries and

procedures were re-opened in areas with low hospitalization rates as recommended by the CDC.

Most of the amendments contained in the EOs were about the reopening of non-essential businesses. The DHS was tasked with providing guidelines about essential and non-essential businesses (G02, G03, G05, G07, & G08). In G03, it was indicated that “Essential services” shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship.” Furthermore, G03 contained, “The conditions and limitations set forth above for reopened services shall not apply to essential services.”

The exception to the statements from the national government was:

The governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor’s sole discretion, based on the governor’s determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVTD-1 9 or in the amount of COVID- 19-related hospitalizations or fatalities (G03 Executive Order No. GA-18, 2020).

After about a month on May 18, 2020, with the guidance of DHS, Executive Order GA-23 (G05) was released to allow the operation of some non-essential businesses or “covered services.” The list included:

“Covered Services” shall consist of everything listed by the U.S.

Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. These covered services are not subject to the conditions and limitations, including occupancy or operating limits, set forth below for other covered services. “Covered Services” shall also consist of the following to the extent they are not already CISA services or religious services, subject to the conditions and limitations set forth below:

1. Retail services that may be provided through pick-up, delivery by mail, or delivery to the customer’s doorstep.
2. In-store, non-CISA retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
3. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant, effective until 12:01 a.m. on Friday, May 22, 2020, when this provision is superseded by the provision set forth below for expanded dine-in restaurant services; provided, however, that a. this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages; and

b. any components of the restaurants that have interactive functions or exhibits, including child play areas, interactive games, and video arcades must remain closed.

4. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening; provided, however, that components of the movie theaters that have video arcades or interactive games must remain closed.

5. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall (G05 Executive Order GA-23, 2020).

In addition, Governor Abbott declared in G10 (Governor Abbott's Proactive Response to the Coronavirus Threat, 2021) document that the state leveraged national resources to stimulate business activity during the pandemic. Business activity in Texas generally relied on the available resources from the national government, such as the Strategic National Stockpile, SNAP benefits, and the U.S. Small Business Administration. Moreover, in I01, a briefing with Vice President Pence, it was reiterated that the national government fully supported the initiatives of Texas in terms of curbing the spread of the virus. In the documentation of the briefing with U.S. Vice President Pence (I01, 2020), Pence stated:

We know we're all in this together. And, Governor, you know I'm a phone call away. This team stands ready to work with you, to work with Senator Cornyn,

and your great delegation in Washington, D.C. We're going to make sure Texas has what you need when you need it.

Summary

The purpose of this qualitative case study was to explore the factors that influenced the State of Texas' policies towards business activity during the COVID-19 pandemic. Twenty-six official court case records, government documents, press conferences, and interview transcripts that pertained to the State of Texas's reaction to the 2020 COVID-19 pandemic were purposively selected from public databases. The secondary data were processed through the READ approach (Dalglish et al., 2020) and analyzed thematically (Yin, 2013). The themes that emerged as the factors that influenced the State of Texas' policies towards business activity during the COVID-19 pandemic were: (a) public health and safety be prioritized, (b) the constitutionality of executive orders, and (c) state policies are informed by the national government and health experts.

Generally, the first theme that emerged in this study revealed that the purpose of the policies issued in Texas during the COVID-19 pandemic was to prioritize public health and safety. All the temporary closures of business establishments and institutions, remote work, capacity limits, mask mandates, social distancing protocols, and other health and safety orders were issued to prevent the spread of the SARS-COV-2 virus. All the executive orders were adjusted depending on the spread of the virus determined through the number of cases. For instance, the mask mandate was dropped upon issuance of Executive Order no. 38 on July 29, 2021. Therefore, the second theme revealed that

the policies that affected business activity during the COVID-19 pandemic did not suppress constitutional rights. All the executive orders were temporary, and the most recent one supersedes the existing one depending on the situation.

However, official court documents showed some civilians filing disputes against the policies, with some individuals referring to the executive orders as “unconstitutional.” Some relators and appellants reported that their rights to operate a business were violated and that their freedom was suppressed. The Republican Party of Texas filed a petition for writ of mandamus against Houston Mayor Sylvester Turner, a member of the Democratic Party. The members of the Republican Party believed that Mayor Turner’s policies were selectively against Republicans. Nonetheless, the majority of the documents collected in this study contained data that the policies issued in Texas during the pandemic were informed by the White House, the CDC, and the DHS.

The discussion of how the results of this study answered the research question is provided in the next chapter. The discussion will be supported by existing literature, particularly on Rohr’s concept of regime values of freedom, property, and equality. The implications, limitations, recommendations, and conclusions of the study are also provided in the next chapter.

Chapter 5: Discussion, Conclusions, and Recommendations

The problem addressed in this study was that it was not known what factors influenced the state of Texas's policies towards business activity during the COVID-19 pandemic. Currently, researchers are calling for an exploration of policy issues within the United States related to the rights of business owners and public safety. Specifically, varied state responses to the COVID-19 pandemic included different mandates imposed on business owners restricting economic activity in the name of public health. The purpose of this qualitative case study was to identify what factors influenced policymakers so that more effective policies can be developed to protect public health and safety without infringing on private property rights in the United States.

I used a nonintrusive, qualitative case study design to elicit themes from 26 documents related to policies enacted by the State of Texas in response to the COVID-19 pandemic. Three central themes emerged from the data: (a) public health and safety be prioritized, (b) the constitutionality of executive orders, and (c) state policies are informed by the national government and health experts.

In this chapter, I discuss the findings of this study concerning the current literature pertaining to the topic of interest. An interpretation of the findings within the context of Rohr's (1978) normative theory, the theoretical framework for this study, is also offered. In addition, limitations and recommendations are discussed. Finally, I present implications for individuals, families, organizations, and society.

Discussion

Data analysis of 26 documents related to policy and procedures regarding the COVID-19 pandemic in the state of Texas revealed three central factors influencing decision makers: included prioritizing public health and safety, the constitutionality of the orders, and orders were informed by the national government and health experts. In this section, I provide a discussion of how these findings relate to the current literature surrounding factors influencing policy-making decisions in the context of a global pandemic. Additionally, the findings are interpreted within Rohr's (1986) normative theoretical framework.

Theme 1: Public Health and Safety Were Prioritized

The first theme emerging from the data analysis was prioritizing public health and safety. In total, 77 references to public health and safety were mentioned from 10 data sources. In a matter of months, the SARS-COV-2 virus, originating in Wuhan, China, in December of 2019 (World Health Organization, 2020), spread through human-to-human transmission and ignited a global pandemic (Acter et al., 2020; Imtyaz et al., 2020). On March 19th, 2020, Governor Greg Abbott of Texas declared a state of disaster for all 254 counties by issuing Executive Order GA-08 (2020), placing restrictions on eating or drinking inside restaurants, bars, and food courts as well as closing gyms and massage parlors.

However, it was not until April 2, 2020 that Texas enacted a stay-at-home mandate requiring citizens to only leave their homes for essential business, becoming the

36th state to do so (Kosnik & Bellas, 2020). The timing of the stay-at-home order issued by Governor Abbott followed the World Health Organization's declaration that COVID-19 was a global pandemic and over 1,800 policy announcements made by governments around the world occurred the week of March 15th, 2020 (Capano et al., 2020). This evidence supports research by Chen et al. (2020), who suggested different states needed to mandate varying policies given state-specific information.

The findings presented in this case study indicate that policymakers' decisions in the State of Texas were not influenced by neighboring states. For example, Oklahoma, a state that shares a border with Texas, relied on local governments to issue city mandates (Kosnik & Bellas, 2020), while in Texas, state officials led the response to the pandemic. Another neighboring state, Arkansas, never implemented stay-at-home orders at all (Kosnik & Bellas, 2020). This contradicts research by Adolph et al. (2021), who reported NPIs were influenced by neighboring states' actions. Additionally, this evidence underscores findings from Capano et al. (2020) and Migone et al. (2020) who reported a varied response to the pandemic by states within the United States. Overall, this theme suggests Texas policymakers prioritized the health and safety of citizens by implementing measures to curb the spread of the virus.

Theme 2: The Constitutionality of Executive Orders

As defined earlier, constitutional rights are limits upon the power of a government (whether at the local, state, or federal level). Official court documents revealed sufficient evidence was provided to support the validity of Governor Abbott's executive orders

issued during a state of disaster. Furthermore, several documents substantiated that the executive orders issued by Governor Abbott were temporary and replaced by newer orders as circumstances evolved. This evidence contradicts Higgs and Twight's (1987) claim that government erodes constitutional rights during a national emergency.

I did not find additional studies in the literature review that identified the upholding of constitutional rights as a factor influencing pandemic responses. Instead, many studies cited political motives as the most dominating force impacting state-government-led responses (Adolph et al., 2021; Brandtner et al., 2021; Greer et al., 2020; Kerr et al., 2021; Kosnik & Bellas, 2020; Neelon et al., 2021). These studies analyzed the political affiliations of state governors with several different variables. Neelon et al. (2021), for instance, found a correlation between state governors' political affiliations and reported COVID-19 incidence rates. Adolph et al. (2021) found that political factors were the most influential factors in state-led responses to the pandemic, including school closures, social distancing, and stay-at-home orders.

Evidence was found in the literature that suggests political affiliation influenced policymakers' responses to the pandemic (Adolph et al., 2021; Brandtner et al., 2021; Greer et al., 2020; Kerr et al., 2021; Kosnik & Bellas, 2020; Neelon et al., 2021). While political influences did not emerge as a dominant factor of the current study, some evidence did surface suggesting political partisanship played a role in shaping the pandemic response within the state of Texas. For example, Document O05, *Republican Party of Texas v. City of Houston* (2020) disclosed a dispute between the Republican

Party of Texas and the Democratic Mayor of Houston in which the Republican Party of Texas accused the mayor of amending the executive orders “selectively” by creating a city-wide pandemic policy that prevented in-person gatherings that blocked the Republican convention from taking place in the city of Houston. Therefore, political affiliation should not be discounted as a factor influencing the pandemic response within the state of Texas.

Furthermore, Texans disputing the constitutionality of the orders was evidenced by Document O08, Cause No. 20-0363 (2020), in which salon operators complained that Governor Abbott had assumed sole authority during the pandemic. Another case questioned the verbiage used in the executive order, in which vague wording led some business owners to believe they were allowed to operate (O07 Cause No. 2020-38804, 2020). It cannot be known within the scope of this case study whether these court cases had any influence on Governor Abbott’s decision to ease the aforementioned mandates; in both cases, the executive orders were found to be valid. Additionally, Executive Order GA-18 was issued on April 27, 2020, to strategically begin the reopening of nonessential businesses several months before the conclusion of these cases; therefore, it is unlikely these court cases influenced the governor’s decision to ease mandates requiring nonessential businesses to close.

The economic impact to business owners did not emerge in this case study as a predetermining factor impacting policymakers’ decisions to initially impose mandates restricting public movement (P02 Executive Order No. GA-14, 2020). Instead, economic

concerns emerged once Texans began to challenge the constitutionality of Abbott's executive orders. This finding supports several studies that enumerated the financial impact the pandemic had on the U.S. economy (Bartik et al., 2020; Clemens & Veuger, 2020; Couch et al., 2020; Fairlie, 2020; Fairlie & Fossen, 2021; Kim et al., 2020; Mills et al., 2020; U.S. Census Bureau, 2020). Revenue loss to businesses in the United States during the first 2 months of the pandemic was estimated to reach \$1.2 million (Fairlie, 2020a), and unemployment rates reached numbers higher than those reported at the peak of the Great Depression (Couch et al., 2020). As such, the severe economic impact of the pandemic may have contributed to Governor Abbott's decision to reopen the state more so than the court cases brought by Texans to challenge the constitutionality of executive orders.

Theme 3: State Policies Were Informed by the National Government and Health Experts

The third factor that influenced the State of Texas's policies towards business activity during the COVID-19 pandemic was that the policies were based on the guidelines provided by the national government and health experts. Executive Order GA-08, for example, included recommendations by the CDC, President Trump, and the White House Coronavirus Task Force as partial justification for this mandate. This evidence contradicts research offered by Bergquist et al. (2020) who suggested that state and local governments were provided little federal government support or were impeded by unclear federal policies. Additionally, the White House, through the DHS and the CDC, provided

guidelines for classifying businesses as essential or nonessential (G02, G03, G05, G07, & G08). This further contradicts research that reported the federal government's response to the pandemic was muddled and confused (Carter & May, 2020).

Document G10 enumerates the many ways in which the State of Texas received assistance from the federal government throughout the pandemic. In addition to medical and pharmaceutical assets, Texas received \$36.9 million from emergency congressional funding (G10). The Department of Defense activated medical teams from the U.S. Army and U.S. Navy to assist in response to COVID-19 hotspots in Texas, such as the Rio Grande Valley (G10). This evidence further contradicts Bergquist et al. (2020), who reported that the federal government response to the pandemic was primarily focused on increasing funding for scientific research for vaccines. Overall, this theme suggests that recommendations from the federal government and health experts were an influential factor in Texas's initial response to the COVID-19 pandemic.

Theoretical Foundation

Rohr's (1978) concept of regime values provided the theoretical foundation for this case study. Rohr (1986) believed it the primary duty of public officials to uphold the constitutional values of freedom, property, and equality. In the current study, I specifically focused on the regime value of property. Rohr (1978) defined the value of property as serving the common good or benefiting the individual. The policy mandates

enacted by the State of Texas in response to the COVID-19 pandemic impacted property rights at both the individual and societal levels.

Mandates restricting the opening of businesses impacted individuals financially. This is evident when Texas business owners contested the governor's right to assume sole authority to close businesses and restrict the movement of people (O07 Cause No. 2020-38804). The financial impact on individuals is also supported by numerous researchers who reported limitations to mobility and social distancing during the COVID-19 pandemic caused a significant and negative impact on the U.S. labor market and the economy (Fairlie, 2020b). The U.S. unemployment rate increased to 14.7% within 2 months of state governments implementing social distancing mandates (Couch et al., 2020; Dua et al., 2020; Jay et al., 2020; Lund et al., 2020).

The impact on property at the societal level was recounted in the literature review but not supported by findings in the current study. Clemens and Veuger (2020) highlighted the negative impact of mandates restricting movement to the U.S. economy; state government sales and income tax revenue losses reached \$106 billion in just one fiscal quarter of 2020. The absence of evidence in the current study identifying the negative impact of policy responses to common property is likely due to delimiting the data collection to official court case records, government documents, official meetings, press conferences, and interview transcripts. These documents did not elucidate financial information that could have chronicled the impact on the State of Texas.

While Rohr's (1978) property regime value provided the focus for this study, the evidence provided here demonstrates that the values of freedom and equality cannot be discounted. Specifically, the theme of constitutionality of executive orders emerged from documents that protected individual freedoms and equality. Document O02, Case Number 20-0249 (2020), for instance, emphasized the right to practice the religion of one's choosing as long as doing so did not endanger the lives of others. This theme also demonstrates the challenge of balancing all three of Rohr's regime values. For example, Document O02, Cause Number 20-0249 (2020), categorized gun shops as an essential business protecting citizens' Second Amendment right to keep and bear arms. The findings of this study highlight the difficulties of protecting all three of Rohr's regime values during a time of disaster. Policymakers must make difficult decisions, often very quickly. It is imperative that effective emergency management plans are in place to balance freedom, property, and equality.

Limitations

This qualitative case study was limited by the nature of the study design. A case study design is best for exploring phenomena in real life (Yin, 2013). However, the findings of this study are not generalizable due to the qualitative nature of the study design. Unlike experimental designs in which tightly controlled conditions enhance the predictive nature of the study, a case study aims to provide rich details and characteristics of the phenomenon of interest (Yin, 2013). In addition, case studies are helpful in

structuring future research and can inform policy by providing insight and meaning to past events (Yin, 2013).

Another limitation of this study was the potential for researcher bias. The researcher is the primary instrument of data collection (Creswell, 2014) and could, theoretically, choose only documents that support their perception of events. To mitigate researcher bias, the researcher engaged in reflexivity, which involved documenting and setting aside any biases, assumptions, experiences, or worldviews that may have influenced the research process (Korstjens & Moser, 2018). Further, document selection was based on saturation, meaning the point to where no new information was found (Dalglish et al., 2020). All documents reviewed up to the point of saturation were included in the data analysis. Of note, at the time of this research, the COVID-19 pandemic was, and is, an evolving situation in which policies are still being enacted and challenged. It may be possible that documents created post-data collection will reveal new factors of influence regarding policy makers' decisions as circumstances change.

Recommendations for Future Research

After this research concluded, the COVID-19 pandemic was still underway. Responses to the pandemic continue to evolve as circumstances change. Therefore, it is recommended that future research continues to build on this case study to deliver a complete and accurate account of events. Further, since the presidency has changed political hands, future research should be conducted to confirm or reject evidence presented here and in other studies (Adolph et al., 2021; Brandtner et al., 2021; Greer et

al., 2020; Kerr et al., 2021; Kosnik & Bellas, 2020; Neelon et al., 2021) that political affiliation was an influential factor in policy makers' responses to the pandemic. An event history analysis would be helpful in establishing a causal relationship between the political affiliations of state governors with pandemic responses throughout the event. Finally, the documents chosen for inclusion in this case study did not elucidate the financial impact state mandates had in Texas on individual or collective property in Texas. Therefore, it is recommended that a quantitative study be undertaken to analyze the financial impact policy responses to the pandemic had on the Texas economy.

Implications

Over 76,000 deaths attributed to COVID-19 have occurred in Texas since the onset of the pandemic (Centers for Disease Control and Prevention, 2021). Unemployment rates (Couch et al., 2020; Dua et al., 2020; Jay et al., 2020; Lund et al., 2020) and bankruptcies (Curriden, 2020) have skyrocketed to levels not seen since the Great Depression and Great Recession, respectively. If the findings presented in this qualitative case study can help improve government responses to future emergencies that threaten the balance between public and economic health, they may have serious implications at individual, family, organizational, and societal levels.

Future Implications to Individuals Based on Potential Changes to Policy Making for Pandemics or Major Health Emergencies

The findings of this study can be used to shape future emergency response procedures that will save lives while protecting livelihoods. The total personal toll of the

pandemic in lives and property loss is yet unknown. However, significant loss of life and property has already occurred (Centers for Disease Control and Prevention, 2021; Curriden, 2020). In addition, all individuals within the United States have been impacted by mandates restricting movement, as well as school and business closures. A coordinated response by local, state, and federal governments is vital to protecting U.S. citizens during times of unprecedented disaster. Identifying the factors that influenced policy makers' responses to the COVID-19 pandemic in Texas will inform future emergency management planning and ensure lives and property are protected. This study has particularly relevant implications for Black and Latinx individuals. In April of 2020, Black and Latinx individuals experienced increased rates of unemployment that were more than twice the overall U.S. unemployment rate of 14.4% (Couch et al., 2020). Policy makers that are informed by details from the COVID-19 pandemic response, like the identification of at-risk individuals or populations, can create a balanced response that offers additional protections for these individuals.

Future Implications to Families Based on Potential Changes to Policy Making for Pandemics or Major Health Emergencies

Similarly, potential changes to policy making for pandemics or other major health emergencies have implications at the family level that surround protecting lives and property. Over 76,000 families in Texas are potentially grieving the loss of one or more loved ones. Moreover, these families may experience financial stress due to the loss of a deceased family member's income, as well as medical and funeral expenses.

Additionally, many families have been impacted by school and business closures. Parents have had to balance online school with working from home. Identifying the factors that influenced policy makers' responses to the COVID-19 pandemic in Texas will inform future emergency management planning and ensure families are protected physically, mentally, and financially.

Future Implications to Organizations Based on Potential Changes to Policy Making for Pandemics or Major Health Emergencies

The impact of the pandemic response to businesses operating in the United States has been well documented. From February 2020 to April 2020, the number of active business owners nationwide decreased by 22% (Fairlie, 2020b). In Texas alone, business filings for bankruptcy protection in 2020 increased 133% compared to the same period in 2019 (Curriden, 2020). The findings of this study indicate that public health was prioritized over property rights and that the executive orders negatively impacting businesses were found to be constitutional. If the factors influencing COVID-19 pandemic responses identified here help shape future emergency responses in which both public health and property rights were protected, this case study would have a significant, positive impact on organizations.

Future Implications to Society Based on Potential Changes to Policy Making for Pandemics or Major Health Emergencies

This case study offers several implications for society. Primarily, this study highlights the need for updated emergency management approaches that protect property

rights in addition to protecting public health. The U.S. response to the COVID-19 pandemic caused severe financial consequences to the economy in lost sales and tax revenue (Clemens & Veuger, 2020; Fairlie & Fossen, 2021). Tax revenue is used to pay for essential services that benefit all citizens. Therefore, protecting communal property rights would be beneficial to society.

This study also encourages debate and discussion of which values Americans still hold as fundamental. The evidence provided here and, in the literature, review shows that Americans hold differing opinions regarding appropriate responses to the pandemic. Some business owners and politicians felt strongly enough to challenge mandates in court (O08, Cause No. 20-0363, 2020; O07, Cause No. 2020-38804, 2020). This study highlights the importance of continuing this discussion.

Conclusion

The novel coronavirus that brought the COVID-19 pandemic to the United States in January 2020 (Pradhan et al., 2020) forced governments at all levels to respond to the threat. The federalist nature of the U.S. democratic system produced varied responses from federal, state, and local governments and contributed to conflicting views about how best to protect public health while also protecting the property rights of Americans (Barrios & Hockberg, 2020). In the State of Texas, the response to the pandemic included NPI, including the restriction of movement and business closures (Texas Office of the Governor, 2020).

This qualitative case study attempted to identify factors influencing the State of Texas' policies towards businesses in response to the COVID-19 pandemic. Three themes were elicited from 26 documents offering insight into what influential factors played a role in developing the COVID-19 pandemic response in Texas. These themes included (a) public health and safety be prioritized, (b) disputes about the constitutionality of the executive orders, and (c) state policies are informed by the national government and health experts. These findings underscore the difficulties policymakers face when attempting to balance the rights of freedom, property, and equality during a public health crisis.

Additionally, this case study provides introductory evidence upon which future research can build. The ongoing nature of the pandemic, in addition to limitations associated with case study design, makes future research necessary. Further, implications to individuals, families, organizations, and society merit ongoing discussion and debate on this topic. Finally, while policymakers cannot account for all contingencies, they can, and should, work together to improve emergency response procedures so that the constitutional rights of U.S. citizens are maintained.

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