



Written by [Dennis Behrendt](#) on March 16, 2020

Your Papers Please: State Forces Kentucky Man Into Home Quarantine

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A 53-year-old man in the Nelson County, Kentucky, [has been forcibly confined to his home](#) with a police guard posted outside after testing positive for the coronavirus, according to the *Lexington Herald-Leader*.



“The patient from Nelson County is a 53-year-old man who tested positive at the University of Louisville, then left against medical advice,” the paper reported. “The Lincoln Trail District Health Department asked him to self-quarantine, but he refused.”

The paper also reported that “a law enforcement officer has been posted outside the man’s home.”

Kentucky Governor Andy Beshear told the paper the forcible quarantine of the man was necessary.

“It’s a step I hoped I’d never have to take, but we can’t allow one person who we know has the virus to refuse to protect their neighbors,” Beshear said according to the paper.

The move came after Nelson County Judge Executive Dean Watts declared a state of emergency “for an undetermined period” in the county on March 13. The [order directs](#) “all divisions and departments of Nelson County Government to coordinate and cooperate with the Lincoln Trail Health Department, the Commonwealth of Kentucky, and any federal agencies to respond to the public health threat posed by COVID-19.”

The emergency declaration invokes [KRS 39A](#), the law that enables emergency powers for the governor and local chief executive officers. Provisions of the law enable officials to engage in all manner of dictatorial activities. Under the measure, officials are empowered:

- “To declare curfews and establish their limits.”
- “To seize, take, or condemn property..., including: All means of transportation and communication; All stocks of fuel of whatever nature; Food, clothing, equipment, materials, medicines, and all supplies; and Facilities, including buildings and plants.”
- “To prohibit or limit the sale or consumption of goods.”

The existence of such measures is obnoxious, their activation in the present situation dubious at best. In fact, forcibly confining non-compliant citizens is one sure way to make certain that other citizens will not seek out healthcare if they are sick. After all, who would risk it?

Writing for life science news portal STAT, Wendy K. Mariner, professor of health law at the Boston University School of Public Health and the Center for Health Law, Ethics & Human Rights, pointed out that involuntary quarantines are likely to be counterproductive.



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“Fear of being quarantined itself can create resistance,” [Mariner wrote](#). “If you’re afraid you’re going to get locked up somewhere, you may not want to admit you have an illness. You may not want to go to the doctor for fear of being reported. If you are told you can’t leave your city, you might flee. That’s what happened in China during the SARS outbreak. A rumor that the government was planning a large-scale involuntary quarantine caused nearly 250,000 people to leave Beijing.”

Statists, though, at every level, always opt for more control for themselves and less freedom for others. This only works out for the rulers, and never for the ruled. History is replete with examples of the dangers of out-of-control statists.

Fighting any disease outbreak successfully requires just the opposite of the types of action taken by Nelson County, Kentucky. People should be free to seek out medical care without fear of forcible confinement. People should be able to work if they can, be able to shop and purchase supplies if they are able, and be trusted to use their own faculties to pursue their own interests. No one wants to get sick and die from the coronavirus or any other illness, and the vast majority of people will act responsibly in their own self-interest, to the vast benefit of everyone. Knee-jerk totalitarianism will compound the health crisis with severe economic disruption at best, and lead to social disintegration and discord at worst. In fact, one look at the markets will tell you that this is already happening.

As a postscript, it should be noted that Nelson County, Kentucky, was formed in 1784 and was named after [Thomas Nelson, Jr.](#), a signer of the Declaration of Independence who ordered his men to fire canons at his own house when it was occupied by Cornwallis during the American Revolution.

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