

Congress of the United States  
House of Representatives  
Washington, DC 20515-0550

January 28, 2021

The Honorable Gavin Newsom  
Governor of California  
State Capitol  
Sacramento, CA 95814

Dear Governor Newsom,

Despite their widespread and repeated use, there is no evidence that mandatory lockdowns in any way significantly stop, or even mitigate, the spread of COVID-19.<sup>1</sup> At your direction – and with scant public warning or disclosure – our California communities have been dragged open and closed for much of the last year. Yet, the critical data utilized to justify these restrictions remains hidden from public review.

Fundamentally, Californians have a right to know the science and data underlying the State's COVID-19 restrictions. I write today to call on the State to immediately release to the public all studies, data, formulas, models, and scientific evidence considered by state officials regarding COVID-19 policy, and to continue to do so regularly and for the duration of the pandemic response.

While the Newsom Administration long ago pledged to prioritize transparency, the State has instead relied on closed door meetings, occasional public declarations via Zoom and superficial press releases to convey selective COVID-19 data, which has offered, at best, murky conclusions. This pattern of secrecy has caused an erosion of trust between the public and the State, and it has negatively impacted the ability of communities to mitigate, plan and adjust to required safety protocols.

State health officials recently defended this secrecy and limited release of information, explaining that the state uses “a very complex set of measurements that would confuse and potentially mislead the public.” In addition, California Health and Human Services Agency spokeswoman Kate Folmar said, “These fluid, on-the-ground conditions cannot be boiled down

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<sup>1</sup> Natalie Colarossi, *COVID Lockdowns May Have No Clear Benefit vs Other Voluntary Measures, International Study Shows*, Newsweek (Jan. 14, 2021), <https://www.newsweek.com/covid-lockdowns-have-no-clear-benefit-vs-other-voluntary-measures-international-study-shows-1561656>.

to a single data point – and to do so would mislead and create greater uncertainty for Californians.”<sup>2</sup>

The Los Angeles Times labeled your office’s COVID-19 Governor’s Task Force on Business and Jobs Recovery a “mystery” that “operated almost entirely behind closed doors.”<sup>3</sup> Attempting to summarize its stealth work in December 2020, the Task Force report concluded that “leading with the science”<sup>4</sup> was critical to the State’s response. This has clearly not occurred.

Following recent repeated calls for any acceptable degree of disclosure, the State released additional previously secret COVID health information regarding the recent rescindment of the stay-at-home orders for Sacramento’s neighboring counties.<sup>5</sup> While the release of this data is a necessary step in the right direction, a Sunday evening information dump and selected news leaks will not restore public confidence.

The absence of public discourse coupled with the apparent hidden nature of source information provided to state and local leaders is extremely concerning and problematic. A January 22 Associated Press story highlighted the lack of data-sharing: “San Bernardino County spokesman David Wert said officials there aren’t aware of the models the state is using. ‘If they do exist, the county would find them helpful,’ he said.” Politico California reported California State Senator Susan Rubio shared that it is “frustrating and disappointing that we keep learning about COVID policy changes by press release.”<sup>6</sup> California Assemblymember Laura Friedman is quoted as saying, “If you think state legislators were blindsided by, and confused about, the shifting and confusing public health directives, you’d be correct.”<sup>7</sup>

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<sup>2</sup> Don Thompson, *California keeps key virus data out of public sight*, The Associated Press (Jan. 22, 2021), <https://apnews.com/article/sacramento-california-coronavirus-pandemic-gavin-newsom-38bb44ea7cb39eab9f6f6c621daeaf10>.

<sup>3</sup> Phil Willon, *The all-star economic task force advising Newsom during the pandemic remains a mystery*, Los Angeles Times (Aug. 10, 2020), <https://www.latimes.com/california/story/2020-08-10/newsom-coronavirus-economic-task-force>.

<sup>4</sup> Ann O’Leary & Tom Steyer, *California Governor’s Task Force on Business & Jobs Recovery Issues: ‘Recovery for All – Final Report’*, InsuranceNewsNet.com (Dec. 29, 2020), <https://insurancenewsnet.com/oarticle/california-governors-task-force-on-business-recovery-for-all-final-report>.

<sup>5</sup> Don Thompson, *California discloses math behind easing stay-at-home order*, The Associated Press (Jan. 27, 2021), <https://apnews.com/article/business-sacramento-coronavirus-pandemic-california-gavin-newsom-3d0578c26b5c2de1471bb90c57187bf8>.

<sup>6</sup> Laura Friedman [laurafriedman43], “If you think state legislators were blindsided by, and confused about, the shifting & confusing public health directives, you’d be correct. If you think we have been quiet about it in Sacramento, you’d be wrong.” Twitter (Jan. 25, 2021), <https://twitter.com/laurafriedman43/status/1353773182054932480>.

<sup>7</sup> Laura Friedman [laurafriedman43], “If you think state legislators were blindsided by, and confused about, the shifting & confusing public health directives, you’d be correct. If you think we have been quiet about it in Sacramento, you’d be wrong.” Twitter (Jan. 25, 2021), <https://twitter.com/laurafriedman43/status/1353773182054932480>.

While press conferences and media releases are useful in sharing summation information, they are wholly insufficient to convey the details necessary to understand the State's science-based decisions.

The State's unfocused approach has further added to the uncertainty of the times and caused harm to local decision makers. Following this week's lifting of stay-at-home orders, California Restaurant Association CEO Jot Condie is quoted as saying, "It was a good surprise, but we just didn't see it coming. We just don't know what happens behind the curtain. It's created logistical difficulties for the industry."<sup>8</sup>

Local decision makers rely on the State's data for crucial decision making. Students are kept out of classrooms. Small businesses shuttered. Seniors isolated from their grandchildren. Criminals allowed to walk out of jail. The significance of true, full transparency should be self-evident given the importance of these decisions.

Rather than sharing the conclusion only, the Administration should show the public the data used to reach it, so they can reach the same conclusion. I look forward to hearing back from you regarding your commitment to release the data and underlying information regularly and without prompting.

Despite our differences, there is absolutely no reason why we can't work together and meaningfully advance all aspects of COVID-19 mitigation policy, as well as the people's right to know. I stand ready to assist the state in this essential public service.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell Issa", with a stylized, flowing script.

Darrell Issa  
Member of Congress

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<sup>8</sup> Don Thompson, *California discloses math behind easing stay-at-home order*, The Associated Press (Jan. 27, 2021), <https://apnews.com/article/business-sacramento-coronavirus-pandemic-california-gavin-newsom-3d0578c26b5c2de1471bb90c57187bf8>.