

Dear Governor Newsom,

I hope you and your family are well. I live in Los Angeles, my name is William James Herath, and I am the founder of ReadySetQuestion.com... and yes, I have some questions. I am writing you a letter in order to ask for clarity on a few things.

This past March 4th, 2020 you declared a State of Emergency¹ in California due to the rapid spread of COVID-19. You did so based on the authority vested in you by the California State Constitution & statutes. In particular, you cited Government Codes 8567², 8627³, and 8665⁴. I will come back to these codes and explore if they were relevant & applicable on March 4th, 2020 and/or if they are still relevant & applicable months later.

Thankfully, you didn't leave us wondering why a State of Emergency was declared. You ordered it with hopes of preserving the "public health and safety, and to ensure the healthcare delivery system is capable of serving all." Of which, your plan to achieve this was to "order all individuals living in the State of California to stay home." Citing code 8665, you wanted to be clear that during a State of Emergency, if any person "refuses or willfully neglects to obey" they will be "guilty of a misdemeanor" and be punished by a fine of \$1,000 and/or face up to six months of imprisonment.

There is no doubt that you, as the Governor of California, have the legal right to declare a State of Emergency and that you are serious about the obedience of the citizens. Yet, I have two questions.

1. *What is the legal definition for a California State of Emergency?*
2. *Is COVID-19 an epidemic/disease that would necessitate a declaration of such?*

According to California General Definition Code 8558, a State of Emergency is the existence "of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease."⁵

Webster defines a pandemic as "an outbreak of a disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population,"⁶ and yes, COVID-19 is a pandemic, but so is the flu and the common cold. I am hopeful that you would not have declared a State of Emergency unless you believed the pandemic truly would have caused "extreme peril to the safety of persons" within California. Yet, is your right to declare a State of Emergency legally expressed preemptively? Code 8558, states there must be "existence of conditions" in order for said declaration to be justified. I understand that with a disease, it is prudent to get ahead of it in order to save lives, but so is with any extreme peril. We will experience another earthquake, so why wait? Using your logic with this current State of Emergency, shouldn't you be preemptive about the next "Big One" or the next riot, fire, flood, or storm? In regard to COVID-19, your preemptive declaration of a State of Emergency was outside of the law for there was no existence of peril at the time of declaration.

¹ <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>

² https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8567

³ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8627

⁴ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8665

⁵ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8558

⁶ <https://www.merriam-webster.com/dictionary/pandemic>

Now that we have months of data, we must ask ourselves if COVID-19 is indeed causing extreme peril and is necessitating a State of Emergency. At the writing of this letter, almost four thousand Californians have died from COVID-19.⁷ If you have lost a loved one during this time my heart goes out to you and I truly am sorry for your loss.

By no means am I attempting to trivialize death. It is a real concern, and as an elected official you must make wise decisions to protect the safety of the people. Yet, you also must protect the freedom and liberties of the people. There is a balance that you are required to keep between the acceptance of death and the temporary loss of freedom during a State of emergency. So, when it comes to death, let's look at the accepted rate of mortality during the old normal. Based on the latest 2017 data from the CDC, these are the top ten causes of death in the State of California each year.⁸

1. Heart Disease - 62,797
 2. Cancer - 59,516
 3. Stroke - 16,355
 4. Alzheimer's Disease - 16,238
 5. Chronic Lower Respiratory Diseases - 13,881
 6. Accidents - 13,840
 7. Diabetes - 9,595
 8. Influenza/Pneumonia - 6,340
 9. Hypertension - 5,596
 10. Chronic Liver Disease/Cirrhosis - 5,325
- TOTAL - 209,483**

Since you still have a job and you are the highest paid governor in the United States⁹, you may not feel the stress of the people. We are stressed. According to the U.S. Bureau of Labor Statistics, unemployment in California jumped to 15.5% for the month of April¹⁰ and when the data comes in for May, it could be over 20%. Stress and suicide have also skyrocketed which may have caused more deaths than COVID-19, we will see when the data comes in. Domestic violence and sexual abuse of children has increased while quality of education, healthcare, and social services have decreased.¹¹

Governor Newsom, I understand the panic surrounding COVID-19 back in February of 2020 and I understand why you felt the need to preemptively declare a State of Emergency in the absence of extreme peril. I forgive you and do not fault you for that. Yet, why are you still keeping California under a State of Emergency?

I am impatiently awaiting your reply and thank you for your time.

Sincerely & Godspeed,



William James Herath
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⁷ <https://www.worldometers.info/coronavirus/usa/california/>

⁸ <https://www.cdc.gov/nchs/pressroom/states/california/california.htm>

⁹ <http://knowledgecenter.csg.org/kc/content/book-states-2019-chapter-4-state-executive-branch>

¹⁰ <https://www.bls.gov/eag/eag.ca.htm>

¹¹ <https://www.reuters.com/investigates/special-report/health-coronavirus-usa-cost>