



The Vigilance Committee

GCIC, Inc. 414 West Soledad Avenue, Hagåtña, GU. 96910

August 24, 2020

Transmitted via Electronic Mail

communications@guam.gov; krystal.paco@guam.gov;
eliza.dames@guam.gov

The Honorable Lourdes A. Leon Guerrero

Ref: TVC 20-052

I Maga'hågan Guåhan [Governor of Guam]

Office of the Governor

Ricardo J. Bordallo Governor's Complex

Adelup, Guam 96910

Subject: Demand of Public Records pursuant to the Sunshine Reform Act

Hafa Adai Governor Leon Guerrero:

According to the editorial in the Guam Daily Post printed on August 24, set below, the editor brought attention to you, the governor, holding "meetings with this council [Physicians Advisory Council] that have not been made accessible to the public via videoconferencing...There are secrecy and conflict issues that have come up."

Pursuant to the authority granted by the Freedom of Information Act (Sunshine Reform Act of 1999), I hereby demand the following:

- 1.) any and all public records of the roster of members who attended the aforementioned meetings;
- 2.) any and all public records of your operating rules, especially those rules regarding the use of various types of communication mediums, such as: video-conferencing; various electronic forms of communications for face-to-face conferencing, or the like; and
- 3.) any and all minutes of meetings held by the Physicians Advisory Council and its advisors since its inception.

I hereby request that any and all public records requested herein be transmitted via electronic mail to stayvigilantgu@gmail.com.

Respectfully submitted,

Lee P. Webber

President, The Vigilance Committee, Inc.

Attached: August 24, 2020 Guam Daily Post Editorial

www.stayvigilant.org

Email: stayvigilantgu@gmail.com

https://www.postguam.com/forum/editorial/are-we-ok-with-an-absent-legislature-and-a-lack-of-transparency-on-covid-19/article_1fd89e7c-e4ee-11ea-add9-ab7384a007d5.html

EDITORIAL

Are we OK with an absent Legislature and a lack of transparency on COVID-19 decisions?

THE GUAM DAILY POST

AUG 24, 2020



'NO CONGREGATING': A sign in Tumon by the Guam Visitors Bureau office and Proa restaurant states "No congregating," as shown Friday. Nick Delgado/The Guam Daily Post

A quick glance at some of the more heavily frequented places on the island Sunday showed that many of us who call Guam home are complying with the governor's stay-at-home order.

Streets were nearly empty of motorists and pedestrians. A number of restaurants that are exempt from the stay-at-home order with curbside to-go service chose to close temporarily. People stayed away from beaches and parks that were being patrolled to keep watch over stay-at-home-order violators.

Hopefully, the few who are still out on the streets are truly essential workers at the front line of this pandemic.

On Thursday and Friday, we collectively heard from the governor that we are on near-total lockdown – again – at least for a week.

Stay home, she ordered, unless your job is deemed "essential."

Gov. Lou Leon Guerrero's decision was prompted by the recent spike in COVID-19 cases.

On July 23, we had: 332 confirmed cases of COVID-19; five deaths; and 83 active cases.

On Sunday, Aug. 23, we had: 820 confirmed cases of COVID-19; seven deaths; and 419 active cases.

Numbers-wise, the surge has been dramatic.

Surge in cases followed surge in testing

But the surge in confirmed cases also stemmed from the increase in testing over the past few weeks.

A month ago, Guam saw test numbers that ranged from fewer than 200 to around 500, even when the public clamored for more testing.

In the past two weeks, testing has been ramped up, including 1,400 tested in one day two Saturdays ago.

What has also contributed to a heightened level of public concern in this pandemic was the confirmation that Gov. Leon Guerrero; Joaquin Leon Guerrero, her son and CEO of the Bank of Guam; Lt. Gov. Joshua Tenorio; and congressional delegate candidate William Castro, a sitting senator, were among the high-profile COVID-19 cases in recent days.

With the recent COVID-19 developments in our community, many people have agreed with the governor on the near-total lockdown.

Many have a sense of fear of this disease and don't mind being told to stay home and put their livelihoods on hold.

But not everyone agrees.

A number of people in our community worry about the setbacks our small businesses continue to struggle with. Not all of our small businesses have been able to keep going. Some have closed or have indicated they will close. And the jobs they supported are gone.



There are also members of our community who question whether a near-total lockdown was the best approach. They've argued that targeting pockets of the COVID-19 spread should have been the focus of enforcement without shutting down the entire island.

What about our freedoms?

We have been asked, by multiple people who don't buy the all-or-nothing approach: To what extent are we willing to give up our constitutionally guaranteed freedom to be out in public and to talk and mingle with others, especially in public spaces?

In an open letter to federal officials, more than 450 public health, human rights and legal experts and organizations, including the American Civil Liberties Union, cautioned that "(i)nfringements on liberties" due to mandatory lockdowns must be "proportional to the risk presented by those affected," using the "least restrictive means to protect public health," and must be "regularly revisited to ensure that they are still needed as the epidemic evolves," according to a nonpartisan report by the Congressional Research Service.

The Guam Legislature, which holds the power to be the advocate for us as residents – when there's a question on whether the governor has sole authority in this pandemic without legislative permission in the implementation of some of her powers – has been largely absent, distracted or silent.

Based on the past few months' gubernatorial decision-making, a group of physicians and others on the governor's Physicians Advisory Council has had more say than the senators.

There are many problems with the power of persuasion held by the governor's advisory group of private sector doctors and others.



Some of their decisions have resulted in direct or indirect benefits to their private practice in private hospitals or clinics. This conflict-of-interest issue has been raised before, and the Legislature has been silent.

The governor holds meetings with this council that have not been made accessible to the public via videoconferencing.

There are secrecy and conflict issues that have come up.

Again, the Legislature has been quiet.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

August 28, 2020

VIA ELECTRONIC MAIL: stayvigilantgu@gmail.com

Lee P. Webber
President
The Vigilance Committee, Inc.
414 West Soledad Avenue
Hagåtña, GU 96910

Dear Mr. Webber:

I am writing in response to your request for information dated August 24, 2020, addressed to Governor Lourdes A. Leon Guerrero, in which you seek:

- 1.) any and all public records of the roster of members who attended the aforementioned meetings;
- 2.) any and all public records of your operating rules, especially those rules regarding the use of various types of communication mediums, such as: video-conferencing; various electronic forms of communications for face-to-face conferencing, or the like; and
- 3.) any and all minutes of meetings held by the Physicians Advisory Council and its advisors since its inception.

Pursuant to the Sunshine Reform Act of 1999, the Office of the Governor has no responsive documents relative to your request.

Please let me know if you have any questions or concerns.

Sincerely,

/s/
Lynette O. Muña
Executive Management Director