

Public Comment on COVID-19 Public Health Enforcement Rules

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Wed 11/4/2020 3:18 PM

To: DRT publichealth <publichealth@dphss.guam.gov>;

Dear Director San Agustin:

Although I doubt anything I say will change the proposed COVID Public Health Enforcement Rules, as they seem to be a done deal, I do believe they are unwise, unconstitutional and tyrannical.

The fact that we have a case here of the Executive Branch promulgating laws—and penalties—apart from the Legislature is concerning. We live in a Constitutional Republic where law making is vested in the legislative body alone. On these grounds alone I believe the people of Guam have cause to question these rules, even in the face of 10 Guam GCA, Chapter 19, Section 19802.

Paragraph 428105 is a HUGE problem. "DPHSS shall use EVERY AVAILABLE MEANS to prevent the transmission of COVID-19 and to ensure that all cases of COVID-19 are subject to proper control and treatment, including ENTRY INTO AND INSPECTION OF public and PRIVATE PREMISES for the purpose of ensuring compliance with DPHSS Guidances and directives." The first phrase is tyranny. You will use **any means** available to prevent the transmission of COVID-19? First of all, you are not being clear. People transmit the VIRUS, which is SARS-CoV2. They do not transmit the disease. The people who get it may or may not develop the disease called COVID-19. (A positive test does not a "case" make.) And honestly, you can do NOTHING to prevent the transmission of the virus. Viruses spread. That's what they do. Masks are worthless. Social distancing in public places, such as stores, is worthless. According to an article in the New England Journal of Medicine in April 2020, in order to get the virus, you'd have to be in an infected person's face for 10 to 30 minutes to catch it. The authors said contracting the Wuhan virus in public settings is very difficult.

If man cannot—and we can't—stop a virus from spreading, then if you really want to stop it, you'll have to shoot everyone on Guam, which apparently you are allowed to do under this rule, since it would fall under the words "any means." As for entering houses, I think you have a problem with the Constitution there—see the fourth amendment under "unreasonable searches and seizures."

As for the penalties, you are being unreasonable. Right now, Guam is suffering... some people who may be in violation of the rules issued many months ago (Exec. Order 2020-03-- who remembers what that said?-- everything keeps changing) are people who have been out of work and can't afford groceries, let alone \$100, \$250 or \$1000. And then you'd put them in JAIL?! The AG left the crooks out of jail because of COVID 19... so now you're going to put poor people in JAIL just because they've broken the Governor's capricious rules? Explain how you are going to actually get money from these people. Or from businesses that are struggling because the Governor closed them out of fear and a lack of sound science.

And why does DPHSS get all the money??? Talk about an incentive to be harsh. The more people you fine, the more money you make. (What a great plan for DPHSS!) The money should go to GMH if anywhere, but that would take legislative action no doubt, and we do not have much of a legislature.

These rules need to be put through the shredder, along with all the masks and social distancing marks, and thermometers at public places. It's a virus. We need to deal with it, not fear it. These rules—and almost all of the Governor's executive orders—are based in fear.

Kindest regards,
Helen Middlebrooke