

April 22, 2020

_____ School District

VIA OVERNIGHT MAIL, E-MAIL, AND FACSIMILE

Re: Legal-Medical Opinion On Possible Changes to 2020-2021 School Year due to COVID

Dear all:

I write today to highlight certain factors that will hopefully serve to inform what are likely ongoing embryonic conversations at the District level, relating to COVID and the 2020-21 school year – and further – to urge a particular path of restraint during such conversations based on abundant scientific, medical, neuro-cognitive and legal considerations which have now emerged.

At the beginning of this letter, I want to acknowledge that it is quite obvious that there is a virus, which can be sometimes fatal, particularly to certain demographics. That said, there are also a federal and state constitution – which have been to some degree overlooked by certain states in their rush to contain the virus – as well as data in the form of hard math and hard science, which is now emerging in the context of COVID, and which bears review.

The study that precipitated the lockdown of more than 95% of America’s population (and indeed, the planet’s population) was authored by Neil Ferguson, out of the UK. It predicted deaths in the millions. This alarming conclusion was taken into account by leaders of most nations, and acted on accordingly. America acted by quarantining – not the sick – but the approximately 311 million Americans who were not sick, and putting them under the functional equivalent of house arrest, for an indefinite period of time. Interestingly, after a mere one day of himself being under lockdown in the UK, the study’s author walked back his math a shocking ninety-six percent (96%): his revision of deaths in his own country went from a predicted 500,000 down to 20,000.

At this juncture, allow me to point out the obvious, using an analogy involving my daughter: if my daughter Katya routinely said the answer to a math problem this year was 100, when it was indeed only 4 – and Katya continued to get her math problems wrong by 96% – she would receive a failing grade in math from Foothill High. And rightly so: with such incompetence in basic arithmetic reflected on her transcript, I would hope that she not be hired by anyone, anywhere, in any serious job that required basic math, as such degree of error – in engineering, statistics, or any job – would have fatal consequences (imagine if the degree of slope in a freeway overpass were 96% wrong).

Why Neil Ferguson’s model was adopted in the first place is curious, as this was not his first such major error: witness Ferguson’s 2001 model of mad cow disease – which predicted horrible fatalities including up to 150,000 deaths in England – which was subsequently deemed “not fit for purpose” when in fact only 177 people died (and that’s through 2020).¹

¹ <https://principia-scientific.org/shock-israeli-study-reveals-covid19-lockdown-was-pointless/>

Indeed, what current actual data evinces is that the mortality rate is nowhere near the initial projections, as concluded by a study out of Stanford on Sunday, followed by one out of USC yesterday. The Stanford study, led by Professor Eran Bendavid, “concluded that the mortality rate in Santa Clara County is between 0.12% and 0.2%.”² Less than 1% fatal. And 50 to 85 *times* more people had been infected than originally thought in northern California (2.5%-4.2%), while in southern California – where most flights from Asia land into LAX – the infection rate was found to range from 2.8%-5.6% (which experts believe is due to earlier-than-thought exposure to COVID dating back to last Fall).

In addition to having a LESS THAN ONE PERCENT fatality rate overall, the fatality rate for children – who appear to be essentially immune (likely due to their contraction of endless common colds most of which are from Corona virus strains) – is ZERO.

You read that right: worldwide, ZERO children under 10 have died. And in the US? Zero individual under age 20 have died.³

Yet further, the number of deaths for all people in the US to date is proving this virus to be no more deadly than a bad flu.⁴ And that is even with the number of deaths being radically over-inflated due to the CDC’s order that all deaths be counted as COVID deaths – including e.g., a man who dies by crashing his motorcycle or heart attack, if he tests positive for COVID (even though he was not SICK from COVID at the time of his death, and the actual proximal cause of his fatal injury was vehicular fatality or heart attack). Sweden is actually doing the math correctly: counting people who die *with* COVID separately from people who die *from* COVID. But the U.S. to date is refusing to do correct math, and thus it must be noted that even the math showing COVID to be no worse than the flu is likely still artificially north of where it should be – COVID may well be far *less fatal* than the flu (and we know it is less fatal than SARS or MERS).⁵ Finally, it should be noted that countries and states who’ve gone into lockdown actually have no better outcomes, and in some cases, MORE fatalities than those who did not employ lockdown.⁶ Frankly, this is not shocking: in the 1918 flu pandemic, it was rapidly discovered that outdoor hospitals with no roofs – where patients were exposed to sunlight and fresh air – had lower death rates and better recovery rates (due to the incontrovertible science that shows better immune response with Vitamin D, and of course, the ability to breathe non-contaminated air that is not re-circulating with a heavy virus load).⁷

² <https://paloaltoonline.com/news/2020/04/21/los-angeles-study-backs-stanford-researchers-conclusion-about-high-prevalence-of-covid-19>

³ <https://www.vox.com/2020/3/23/21190033/coronavirus-covid-19-deaths-by-age>

⁴ <https://reason.com/2020/04/17/covid-19-lethality-not-much-different-than-flu-says-new-study/>. See also CDC website numbers comparing 61,000 flu deaths two years ago to current number of deaths for COVID.

⁵ <https://www.nbcnews.com/health/health-news/coronavirus-diseases-comparing-covid-19-sars-mers-numbers-n1150321>

⁶ <https://www.dailywire.com/news/israeli-study-suggests-lockdown-has-no-effect-on-coronavirus-timeline-say-israeli-space-agency-chair>. See also Mark Meuser, Esq. analysis of five states with lockdown compared to five states of comparable size with NO lockdown and concluding locked down states have substantially worse mortality rates.

⁷ <https://medium.com/@ra.hobday/coronavirus-and-the-sun-a-lesson-from-the-1918-influenza-pandemic-509151dc8065> (noting that “put simply, medics found that severely ill flu patients nursed outdoors recovered better than those treated indoors. A combination of fresh air and sunlight seems to have prevented deaths among patients; and infections among medical staff.[1] There is scientific support for this. Research shows that outdoor air is a natural disinfectant. Fresh air can kill the flu virus and other harmful germs. Equally, sunlight is germicidal and there is now evidence it can kill the flu virus).

Now that we have reviewed the math, I want to turn to a governmental analysis, followed by a review of legal points.

Governors are not kings. While they can issue orders, those orders are not always constitutional. Courts – which are currently closed state-wide – are the final arbiter of whether any decree, order, or law is actually lawful. As educators, I doubt I have to point out here the rather obvious fact that we have three branches of government, precisely to avoid the end that is occurring right now: the three branches are to act as a system of checks and balances on each other. Currently, in California and most states, only one branch of government is in session. This is a set-up for abuse, and something our forefathers took great pains to avoid. There is a name for countries whose countries function with only one branch in session: they are called dictatorships. Put simply: due to the current closure of the courts, many executive branches are accomplishing by fiat what would never be allowed in any other setting, and which decrees are likely exceedingly unconstitutional.

And turning to the legal analysis: governments may, in times of crises, curtail First Amendment rights, as well as other rights guaranteed by our Constitution. Phrased differently, our right to speech, to assemble, to pray, our freedom of movement (a derivative First Amendment right) may be encroached upon and are not absolute. That said, any order that burdens a First Amendment right must pass strict scrutiny: it must be “narrowly tailored” to achieving a “compelling state interest.”

Applying this standard in reverse to the facts at hand, safeguarding public health is likely going to be considered a compelling state interest – although that prong is harder to meet with every passing day that yields a new study showing COVID to be no more fatal than the flu. But more to the point, an order that indefinitely prevents normal assembly or speech – as many governors’ orders do – is never going to be able to be shown to be “narrowly tailored” to addressing the problem of the virus. An example of a “narrowly tailored” solution designed to achieving virus containment and public health concerns would be confining sick people to home or hospital – which is a true quarantine – as opposed to locking down 95% of Americans who are neither sick nor carriers and putting us under house arrest for an indefinite period of time.

Moreover, what may – at one very discrete point in time – be a prudent action that errs on the side of caution (ordering people to stay home during the first 4-6 weeks of the virus) – and which many would concede appears narrowly *enough* tailored at the front side – will NOT continue to be deemed narrowly tailored if said solution is applied indefinitely. Stated differently: house arrest to control a pandemic spread for one month seems narrowly tailored and justified, but house arrest forever – particularly when the facts show that the virus is NOT a pandemic and is no more fatal than the annual flu – cannot be justified in a free society, and would never meet the legal standard.⁸

California’s recent order has major other issues which I won’t belabor here, as they are not particularly relevant, other than to point out the rather obvious fact that if a person can be trusted to stand six feet apart from his neighbor while buying marijuana (pot stores are considered “essential” under California’s current order), then it begs the question of why Ma and Pa Smith cannot be

⁸ <https://www.latimes.com/opinion/story/2020-03-25/gavin-newsom-stay-at-home-order-quarantine-coronavirus-covid-19>. See also <https://www.dailysignal.com/2020/04/15/barr-even-in-times-of-emergency-federal-law-prohibits-religious-discrimination/?fbclid=IwAR2IROhCBP3gyBCpYYRAQkRagpPY7m3Fc1d3nv4Bz4CO08FbFPZq2jsliWI>. See also https://rewire.news/abc/2016/04/01/boom-lawyered-levels-judicial-scrutiny-edition/?fbclid=IwAR3lokkqXPVqAj0fe5Gp6-j8lYWdUYGZcxyFfH-Qw82_albitXxxleiyr.

trusted to remain six feet apart from their neighbors while praying in the pews of their local church this Sunday.

While the governor has to my knowledge issued no official guidance to educational institutions of which I'm aware (other than shutting everything down through the end of this particular school year), he has been loudly telegraphing in interviews that he believes there will be no mass gatherings and no sports for at least 18-24 months, and that schools should endeavor to engage in some costly and scientifically unsound re-arrangements prior to Fall 2020.

On that front: the State is about to be hit with a deluge of lawsuits, as both the existing stay-at-home order is unconstitutional (not just from a First Amendment standpoint, but from a 13th Amendment/slavery standpoint, and from a Takings Clause standpoint re small businesses), as are the verbalized but not-yet-written statements about California's future (should they be enacted). These lawsuits the State will lose: it is not constitutional to continue house arrest indefinitely, nor to require masks on healthy people at all (let alone indefinitely), nor to prohibit adults or children from gathering normally at church, work, sports, or school for 1-2 years.

Moreover, the Department of Justice has clearly and correctly indicated it will be intervening as a party of interest in such federal court lawsuits, and siding *with* the people and *against* the State. To wit, as reported by both NPR and Bloomberg⁹ yesterday:

Attorney General Barr called some current stay-at-home orders “burdens on civil liberties” and said that if they continued and lawsuits were brought, his department would side against the state.

“The idea that you have to stay in your house is disturbingly close to house arrest. I'm not saying it wasn't justified. I'm not saying in some places it might still be justified. But it's very onerous, as is shutting down your livelihood,” Barr said.

Barr was asked what he would do with any governors who are “indifferent” to easing restrictions in their states. “We're looking carefully at a number of these rules that are being put into place,” Barr said. “And if we think one goes too far, we initially try to jawbone the governors into rolling them back or adjusting them. And if they're not and people bring lawsuits, we file a statement of interest and side with the plaintiffs.”

“These are very, very burdensome impingements on liberty. And we adopted them, we have to remember, for the limited purpose of slowing down the spread, that is bending the curve. We didn't adopt them as the comprehensive way of dealing with this disease.”

“You can't just keep on feeding the patient chemotherapy and say ‘Well, we're killing the cancer, because we were getting to the point where we're killing the patient,’” Barr said.

⁹ <https://www.npr.org/sections/coronavirus-live-updates/2020/04/21/840262570/barr-open-to-legal-action-if-governors-restrictions-go-too-far> and see also <https://www.bloomberg.com/news/articles/2020-04-21/barr-says-doj-may-act-against-governors-with-strict-virus-limits>

“Now is the time that we have to start looking ahead and adjusting to more targeted therapies.”

Before I turn to the issue of schools in the time of COVID, a brief recap of the points in this letter thus far: the mathematical predictions on which 95% of the planet’s population was placed under house arrest were flawed by 96%, the death rate from COVID is on par with a bad flu season, the mortality rate is way less than 1% for all people while the death rate for children under age 20 in the US is *zero* percent, some governors’ actions in continuing the draconian restrictions and lockdowns are unconstitutional, lawsuits are commencing, the Department of Justice has indicated it will intervene and side *against* the state and *against* municipal authorities (translation: school districts) which are executing these unconstitutional orders, I have been approached by a cross-section of individuals who are committed to funding and commencing such legal challenges, I have the track record and skill and desire to succeed in this area, and school districts NOT in Orange County have as of yesterday begun releasing unscientific and unconstitutional proposed changes to their education programs for 2020-21 (bootstrapped to, or otherwise derivative of, State orders or insinuations which are themselves unconstitutional).

On the point of school alterations, let me preface the discussion with a scientific review of social distancing. Social distancing is a euphemism which is not only inaccurate, but like many euphemisms, hides a more pernicious truth. Social distancing is, in fact, social isolation. One can argue that distance is not the same as isolation, and only becomes isolation after a certain yardstick of measurement has been reached between persons, but the reality is that such is not the case. If you doubt this, take a walk down the aisle at Vons, and try to initiate a smile or simple “hello” to someone six feet away. Though this is theoretically possible, as voices and visual cues carry across a distance of six feet, nine out of ten people will not respond (and yes, I conducted this little test just last week – I studied psych/soc before becoming an attorney). Medical journals agree: social distance is social isolation. And social isolation is thus the term I will use for the duration.

To lead with the conclusion: social isolation is a human rights violation – which is on par with torture and other war crimes. Indeed, social isolation is the *primary* protocol deployed against enemies in times of war, regardless of time period or country in question. This is due in large part to the fact that it is so successful in psychologically destroying the individual, without need of more bloody and difficult physical interventions. The studies of social isolation against enemies of state began in the 1950’s and 1960’s by the CIA: “In 1960, one of the agency’s most active contractors, Lawrence Hinkle of Cornell, confirmed the significance of Hebb’s research for the CIA mind-control effort. Through a comprehensive review ... ‘for the purposes of intelligence,’ Hinkle found Hebb’s work [on social isolation], in light of the neurological literature, the most promising of all known techniques.”

To wit:

It has long been the custom of captors, police, and inquisitors, to isolate their prisoners. But which of these methods, Hinkle asked, is most effective? All the standard interrogation techniques have varying... impacts on the brain’s functioning.... [But] of all the possible techniques, **isolation is the ideal way of “breaking down” a prisoner....**

Hebb’s work found that “the effect of isolation on the brain function of the prisoner is much like that which occurs if he is beaten, starved, or deprived of sleep.” A Question of Torture: CIA Interrogation, From the Cold War to the War on Terror, p. 41-42, by Alfred McCoy.

The power of social isolation in contexts of war and hostage-taking was reviewed in an earth-shaking expose released by the New Yorker some years back. In the article, the author reviewed journalist Terry Lyons' ordeal, who was held hostage back in the 1980's, in Lebanon, over a period of years:

Anderson was the chief Middle East correspondent for the Associated Press when, on March 16, 1985, three bearded men forced him from his car in Beirut at gunpoint. He was pushed into a Mercedes sedan, covered head to toe with a heavy blanket, and made to crouch head down in the footwell behind the front seat.

A month into his confinement, he recalled in his memoir, "The mind is a blank. Jesus, I always thought I was smart. Where are all the things I learned, the books I read, the poems I memorized? There's nothing there, just a formless, gray-black misery. My mind's gone dead. God, help me."

He dozed off and on constantly, sleeping twelve hours a day. He craved activity of almost any kind.... He had a Bible and tried to read, but he often found that he lacked the concentration to do so. He observed himself becoming neurotically possessive.... flying into a rage at guards.... He brooded incessantly, thinking back on all the mistakes he'd made in life, his regrets, his offenses against God and family.¹⁰

Anderson was given a reprieve from social isolation in the middle of 1986, but then made to return to full-time social isolation in September of that year. After a few weeks of isolation, he again felt his mind slipping away:

"I find myself trembling sometimes for no reason," he wrote. "I'm afraid I'm beginning to lose my mind, to lose control completely."

One day, he snapped. **He walked over to a wall and began beating his forehead against it, dozens of times. His head was smashed and bleeding before the guards were able to stop him.**

Some hostages fared worse. Frank Reed was – like those reading my letter – an educator: a fifty-four-year-old American private-school director, who was taken hostage at the same time as journalist Anderson, and also socially isolated.

He lay motionless for hours facing a wall, semi-catatonic. He could not follow the guards' simplest instructions. This invited abuse from them. Released after three and a half years, **Reed ultimately required admission to a psychiatric hospital.**

Before the New Yorker author went on to describe the experience of Senator John McCain, he took pains to describe both why and how social isolation is so devastatingly effective, noting that "human beings are social creatures" and that we are social "not just in the trivial sense that we like

¹⁰ <https://www.newyorker.com/magazine/2009/03/30/hellhole>. Note all subsequent references are from this citation, unless otherwise noted.

company, and not just in the obvious sense that we each depend on others [but that we] are social in a more elemental way: simply to exist as a normal human being requires interaction with other people.” The author noted that “children provide the clearest demonstration of this fact [that we are social creatures], although it was slow to be accepted” as – well into the 1950’s – psychologists were “encouraging parents to give children less attention and affection, in order to encourage independence.”

That was before the discoveries made by Harry Harlow, a professor of psychology at the University of Wisconsin at Madison, who produced a series of influential studies involving baby rhesus monkeys. Harlow was using monkeys for other research, but because Harlow

didn’t know how to raise infant monkeys, he cared for them the way hospitals of the era cared for human infants—in nurseries, with plenty of food, warm blankets, some toys, and in isolation from other infants to prevent the spread of infection. The monkeys grew up sturdy, disease-free, and larger than those from the wild.

Yet they were also profoundly disturbed, given to staring blankly and rocking in place for long periods, circling their cages repetitively, and mutilating themselves.

Harlow and his graduate students could not at first discern what the problem was. They considered and eventually ruled out factors such as diet, patterns of light exposure, and even the antibiotics used. But then one of Harlow’s researchers noticed how tightly the monkeys clung to their soft blankets. Harlow wondered whether what the monkeys were missing in their Isolettes was a mother. So, in an odd experiment, he gave them an artificial mother:

In the studies, one artificial mother was a doll made of terry cloth; the other was made of wire. He placed a warming device inside the dolls to make them seem more comforting. The babies, Harlow discovered, largely ignored the wire mother. But they became deeply attached to the cloth mother. They caressed it. They slept curled up on it. They ran to it when frightened. They refused replacements: they wanted only “their” mother.

So starved for social interaction were these babies, that when “**sharp spikes were made to randomly thrust out of the mother’s body when the rhesus babies held it**, they waited patiently for the spikes to recede, **and returned to clutching it.**”

Such is the powerful – and indefatigable – need for social interaction and bonding.

But sadly, because cloth mothers are no substitute for the real thing – and even with the baby rhesus monkeys clinging wildly to the cloth surrogates – “no matter how tightly they clung to the surrogate mothers, the monkeys **remained psychologically abnormal**”:

In a later study on the effect of total isolation from birth, the researchers found that the test monkeys, upon being released into a group of ordinary monkeys, “usually go into a state of emotional shock, characterized by . . . autistic self-clutching and rocking.”

Social isolation was so devastating that some monkeys began refusing food, and even after release, “**died five days later.**”

While any social isolation had profound consequences, a year of social isolation had irretrievable and abominable effects:

“Twelve months of isolation almost obliterated the animals socially.”

“They became permanently withdrawn.... **They lived as outcasts**—regularly set upon, as if inviting abuse.”

I would pray that a review of such basic psychological effects by the reader would give pause to any educator considering adopting a program that socially distances children during their formative years. To the extent my point has not yet been well-made, let me drive it home further with the words of Senator John McCain:

“It’s an awful thing,” John McCain wrote of his five and a half years as a prisoner of war in Vietnam—more than two years of it spent in social isolation.... **“It crushes your spirit more effectively than any other form of mistreatment.”**

Mind you, this statement comes from a man who was beaten regularly, denied adequate medical treatment for two broken arms and a broken leg, who endured chronic dysentery, and who – in the final days – was further tortured by having more limbs broken. According to McCain, social isolation was worse than ALL of that. A U.S. military study of almost 150 naval aviators returning from Vietnam where they had endured weeks or more of social deprivation and distancing – “many of whom were treated even worse than McCain” – reported **that they too found social isolation “to be as torturous and agonizing as any physical abuse they suffered.”**

Indeed, so barbaric is the simple act of social isolation that even our US Supreme Court has analogized it to a severe human rights violation – given its propensity to put prisoners who are socially isolated into a “condition, from which it was next to impossible to arouse them” and from which they often then become “violently insane” or “commit[] suicide...while [even] those who stood the ordeal better ... did not recover sufficient mental activity to be of any subsequent service to the community.”¹¹

The always devastating and often fatal effects of social isolation – which bode well for its use as a war-time technique against enemies of State, but which poses grave concerns that invite thorough review before deploying on America’s schoolchildren – are not simply subjective: social isolation affects organic brain development, and the human body, length of life, cardiovascular health, and so on. Indeed, so bad is social isolation that it **doubles the risk of death in Blacks while increasing the risk of early death in Caucasians by 60-84%**, while other studies show that it is **safer to smoke 15 cigarettes a day – or be an alcoholic – than to be socially isolated:**

- “Meta-analysis co-authored by Julianne Holt-Lunstad, PhD, a professor of psychology and neuroscience at Brigham Young University, [found that] **lack of social connection heightens health risks as much as smoking 15 cigarettes a day or having alcohol use disorder.** [Holt-Lunstandt] also found that **social isolation is twice as harmful to physical and mental health as obesity....** ‘There is robust evidence that social isolation significantly increases risk for premature mortality, and

¹¹ <https://www.newyorker.com/magazine/2009/03/30/hellhole>

the magnitude of the risk exceeds that of many leading health indicators.””

<https://www.apa.org/monitor/2019/05/ce-corner-isolation>

- “As demonstrated by a review of the effects of social isolation across the life span, [social isolation] ... can wreak havoc on an individual’s physical, mental and cognitive health. Hawkley points to evidence linking social isolation with adverse health consequences including **depression, poor sleep quality, impaired executive function, accelerated cognitive decline, poor cardiovascular function and impaired immunity at every stage of life.**” Philosophical Transactions of the Royal Society B, Vol. 370, No. 1669, 2015.
- “A 2019 study led by Kassandra Alcaraz, PhD, MPH, a public health researcher with the American Cancer Society, analyzed data from more than 580,000 adults and found that social isolation increases the risk of premature death from every cause for every race. According to Alcaraz, among black participants, **social isolation doubled the risk of early death, while it increased the risk among white participants by 60 to 84 percent.** ‘Our research really shows that the magnitude of risk presented by social isolation is very similar in magnitude to that of obesity, smoking, lack of access to care and physical inactivity,’ she says. American Journal of Epidemiology, Vol. 188, No. 1, 2019.
- JAMA study finding poor cardiovascular, obesity and other health results among populations of youth who experienced social isolation: “First, whereas clinical and research interest in the association between social isolation and poor health has been generated by studies of adults, the findings from this study provide, to our knowledge, the first evidence linking childhood social isolation to poor adult health. Our findings are consistent with a handful of retrospective studies.”
<https://jamanetwork.com/journals/jamapediatrics/fullarticle/205331>

In addition to social isolation shortening life span and more than doubling the risk of early death, while also creating obesity, cardiovascular and other major physical impairments – which to point a very fine point on it, **prove that TUSD would be better off feeding their school children 15 cigarettes a day or handing them a shot of vodka at the start of each period than attempting to keep them socially distanced** – there are also profound, debilitating and often fatal psychological effects from attempting to keep developing children distant from each other. In terms of psychological effects: schoolchildren exposed to social isolation and distance learning as a result of severe health conditions such a e.g., a cancer diagnosis that requires such draconian restrictions, end up having such “social isolation... often correlate[] with mental disorders, including depressive disorders.”¹²

Yet worse, the psychological effects of isolation do not appear to wear off after the period of isolation ends, as studies with prisoners who underwent brief periods of solitary confinement elucidate. One researcher explains his work with such individuals:

Some people make it out, and if they’re fortunate enough to get into a warm and caring environment [with significant human interaction] they begin to regain their social skills. Even then I’ve had conversations with people who take me aside and tell me, “You know, I

¹² <https://www.noisolation.com/global/research/consequences-of-social-isolation-for-children-and-adolescents/>

may look like I'm doing OK but I'm really not. I have problems all the time. I'm anxious, I don't feel comfortable around people."

I've had more extreme cases. A couple years ago, a former prisoner's wife called me, she was crying, she said, "My husband just got out of prison and won't come out of the bathroom. Every day he gets up in the morning and locks himself in the bathroom. Sometimes he won't even sleep in the bed." So I went to see him — he doesn't live far from here — and he told me, "I never told my wife this, but I'm not just locked in the bathroom, **I sit in the bathtub.... It's the only place I feel comfortable.** My wife wants me to sleep in the big bedroom we have, but [it's] ... disorienting. So I go in the bathroom and it calms me down."¹³

Already, we are seeing the effect of just a few weeks of social isolation on students: teen suicides have risen, and last week, OC Sheriff's reported a 25% increase in domestic violence calls, a 24% increase in family disputes, and a 30% increase in child custody calls.¹⁴

So deleterious are these effects that in recent years the United Nations promulgated what have come to be called the Mandela rules. These rules prohibit social isolation for longer than 15 days, **noting that any longer period of social isolation "constitutes cruel, degrading and inhumane treatment, or torture."** Other organizations, like the American Psychiatric Association, have held similarly. Id.

Perhaps most ironic, what cold hard science shows is that social isolation employed continuously — as California is suggesting doing — *will actually undermine the alleged health goals because such isolation depresses the immune system.* A 2015 study led by Steven Cole, M.D. and professor of medicine at UCLA, yielded hard data in the form of how social isolation harms overall health. Cole and his colleagues examined gene expressions in leukocytes — which are the white blood cells that play a pivotal role in the immune system's response to infections. What they found was startling:

The leukocytes of socially isolated "participants—both humans and rhesus macaques—showed an increased expression of genes involved in inflammation and a decreased expression of genes involved in antiviral responses.... [Social isolation] leads to long-term 'fight-or-flight' stress signaling, which negatively affects immune system functioning. **Simply put, people who feel lonely have less immunity and more inflammation than people who don't.**"¹⁵

Historically speaking, social isolation as a protocol got its start in June of 1951, when a "group of psychologists and doctors with ties to US, UK and Canadian military forces held a secret meeting at the Ritz-Carlton hotel in Montreal."¹⁶ The minutes from the meeting revealed that the discussion centered on the question of "brainwashing" and focused much on social deprivation and isolation as means to achieving that end, or otherwise "elicit[ing] false confession or manipul[at]ing behaviour." The doctors "considered various artificial conditions that could be used to create states of

¹³ <https://www.knowablemagazine.org/article/society/2018/hidden-damage-solitary-confinement>

¹⁴ <https://nypost.com/2020/04/12/teen-commits-suicide-likely-over-stress-from-coronavirus-lockdown>, and see also OC Register.com.

¹⁵ (PNAS, Vol. 112, No. 49, 2015).<https://www.apa.org/monitor/2019/05/ce-corner-isolation>

¹⁶ <https://wellcomecollection.org/articles/W1bwkyYAACUAqy10>

helplessness and extreme suggestibility” – of which social isolation and permutations thereof topped the list.

Researcher Hebb was given \$30,000 – which was a tidy sum back in 1951 – to study “isolation and solitary confinement, which can have acute and lasting effects on mental health, and has a long history as a form of punishment and as a mode of philosophical inquiry.” Social isolation was found to be a quite promising technique for the military to deploy, regardless of the fact that it was torture – or perhaps because of the fact that it was torture – in terms of aiding brainwashing. The exact mechanics of which neuroscientist John Lilly explained thoroughly in a paper delivered to a group of military and intelligence officials in the late 1950s:

When a person is isolated for long enough, Lilly wrote, they tend to absorb signal data on demand. Under these conditions there can be an “injection of outside data” into the “inside generators,” with re-programming developing.¹⁷

Put simply? **One can turn human beings into brain-washed robots simply by socially isolating them for short periods of time.**

The mechanics behind this are more well understood through today’s world of functional magnetic resonance imaging. Recent studies using fMRI show that people who are shunted into social isolation have a less active part of the brain known as the ventral striatum. The ventral striatum part of the brain – which is hurt by social isolation – is **absolutely “critical to learning”** and is a “key portion of the brain” that is “activated through primary rewards such as food and secondary rewards.... **Social rewards and feelings of love also may activate the region.**”¹⁸ The researchers in this study – like many above – concluded that social isolation is as detrimental as smoking.

Not only does social distancing and social isolation – as visually proven by way of MRI – shut off the very part of the brain children need in order to learn while at school, another study shows that “social isolation causes the build-up of a particular chemical in the brain.” While the study was conducted on mice, humans have the same have an analogous brain signaling structure. The build-up of the protein in the brains of mice exposed to social isolation was once again devastating:

Confirming and extending previous observations, the researchers showed that social isolation leads to a broad array of behavioral changes in mice. These include **increased aggressiveness** towards unfamiliar mice, **persistent fear**, and **hypersensitivity to threatening stimuli**. For example, when encountering a threatening stimulus, mice that have been socially isolated remain frozen in place long after the threat has passed, whereas normal mice stop freezing soon after the threat is removed.

Unless we are looking to create paranoid children living in an adrenalized PTSD world that become prey for predators, or double their risk of death while giving them the functional equivalent of a 15-cigarette-a-day bad alky habit – we would do well to take heed of the vast amount of medical studies on this point – *before* implementing socially isolating or distancing protocols in the classrooms.

¹⁷ <https://wellcomecollection.org/articles/W1bwkyYAACUAqy10>

¹⁸ <https://www.sciencedaily.com/releases/2009/02/090215151800.htm>

At this point, I'd like to further examine the physical changes to the brain which occur with social isolation by turning back to the New Yorker article, and its examination of the physical reasons underlying why John McCain and other POW's subjectively experienced social isolation as identical to (or worse than) physical torture. The author of the New Yorker article aptly noted that "what happened to them" in terms of social isolation actually **was "physical"** – as "EEG studies going back to the nineteen-sixties have shown diffuse slowing of brain waves in prisoners" who are socially isolated for more than a week.

Indeed, as recently as 1992, fifty-seven prisoners of war, released after an average of six months in detention camps in the former Yugoslavia, were examined using EEG-like tests. What those recordings revealed is "**brain abnormalities for months afterward.**" The article went on to note that the most severe EEG results were found in prisoners who had endured either head trauma sufficient to render them unconscious ... or social isolation. It concluded:

Without sustained social interaction, the human brain may become as impaired as one that has incurred a traumatic injury.

To wrap up the harmful neurological, cognitive, physical, emotional and social fall-out from socially-isolating mechanisms, it is worth noting what one author determined after concluding all of his POW interviews:

Whether in Walpole or Beirut or Hanoi, **all human beings experienced isolation as torture.**

And now, to wrap this letter up: we are currently undergoing the single largest planetary-wide social experiment ever conducted on human beings. Social distancing is social isolation. It is a well-documented war-time technique deployed for the better part of the last century by the CIA against our worst enemies. For the victims who have endured social isolation – to a man and to a woman – they experience it as torture: a torture so inhumane that they refuse to endorse its use against even their own enemies. Id; see also, New Yorker article which described a prisoner who was confined to solitary for 8 years who – upon his release and finding out his State Prison Director had been jailed – stated he would let the Prison Director "out of solitary" as he wouldn't wish that social isolation on anyone... "not even him."

Moreover, a plethora of studies show that social distancing and isolation can be fatal, and when not fatal, are yet still a fate from which people do not EVER fully recover. The brain is irretrievably structurally altered, and the part that is most vulnerable and necessary to learning – not only in children but in ourselves – is gutted beyond repair.

I implore you to take heed of these studies. And as educators yourselves, who are not doubt familiar with genocides and atrocities of yesteryear, I also implore you to not simply accept suggestions – or even orders – which are unconstitutional. I do much work in countries where War Crimes Tribunals are active, and with lawyers who prosecute crimes against humanity, and I tell you true: it is no defense to have taken part in even a minor human rights violation, and then attempt to justify one's actions later on down the line with the pabulum that one was "required to do so" by virtue of one's post, one's title, one's uniform, or one's orders.

I further implore you to reject – out of hand and without exception – any suggestions that would force TUSD children to have classrooms requiring large distances of physical space between

students, to have schedules that would reduce attendance by 20% or 50% on a rotating basis, that would seek to carve up the student body so that only ½ or 1/3 were present at any given time, that would enforce mask wearing (a separate issue, which medical studies I won't cite here), and I would ask you to reject as well any plans that would prohibit recess and outdoor breaks or sunlight, or physical education.

Such plans are neither required nor even logically related to containment of a virus that is less fatal than SARS, MERS and the flu, and whose mortality rate for children is non-existent. Yet more striking, such plans will make children (or anyone) less physically healthy through immunosuppression secondary to social isolation and lack of physical activity/sunlight. Yet further, such plans infringe on *many* constitutional rights – not to mention literally tearing at the very fibers of the minds of the children whose future you hold in your hands.

I recognize that I have given you an abundance of legal, scientific, and medical information. I did this because I firmly believe that people make better decisions when they have the relevant facts at hand. And I did this because – at base – I know what the end of the road looks like, for those who embark on even the tiniest violations of civil liberties, with the best of intentions. I would not wish the things I have seen in Cambodia, in Africa, in speaking to survivors of social isolation, of war, of human rights atrocities – I would not wish these ends on my worst enemy.

Because these people? These people ... do not EVER recover: it is a harm from which there is **NO ROAD BACK**.

You are the guardians of our children's minds, their hearts, their very humanity. My child – and yours – they are not rhesus monkeys. They are not hostages in Lebanon. They are not POWs in Hanoi.

But if we do *not* do the right thing here? They will be.

With more warmth, love and prayers than I could ever convey in words,

Leigh Dundas, Esq.