

CHAPTER FOUR

Self-Promotional

“#PresidentNewsom” – hashtag briefly trending on Twitter on April 8, 2020

In the early stages of COVID-19, Gavin Newsom’s press conferences were must-see TV. Or at least he imagined them to be. Official social media posts would breathlessly advertise his briefings, with liberal use of all caps (“TUNE IN”). To build anticipation, his media advisories would tease a “major announcement,” such as when the initial stay-at-home order came down.

And Newsom was indeed getting a lot of Californians to tune in. After all, he literally had a captive audience and was telling people what daily activities were no longer allowed, something of inherent interest to the public. Newsom’s pressers in March garnered hundreds of thousands of views on social media, in addition to everyone watching or listening on TV or radio. Personally, I watched them closely at the time; nowadays, most of the public has tuned them out and I just read summaries. Our trial against Newsom on October 21 was watched on Facebook by several times more people than watched the Governor’s press conference that day.

Newsom also became “a fixture on cable TV,” hitting the daytime and late-night talk show circuit. David McCuan, a veteran California political analyst, said that in the early months of 2020 Newsom was

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“interested in being on national network shows, on having a national profile, on building that sizzle.” He appeared on the Daily Show, the View, the Ellen Show, ExtraTV, TODAY, Late Night with Seth Meyers, the View (again), and Late Night with James Corden. Meyers mentioned on the air that when he asked Newsom to appear on the show, “you said yes right away.” The Governor could hardly contain his delight in getting to partner with celebrities like Shaquille O’Neil, Kim Kardashian, and Larry David on Public Service Announcements (full disclosure: I enjoyed the David clip). On Late Night with Seth Meyers, he giddily explained how he got in touch with Shaq through “a friend of a friend.” “It makes me feel good about our celebrities in the State of California,” Newsom said.

But it wasn’t all fun and games. During the Seth Meyers appearance, Newsom described COVID-19 as an existential threat to the entire state that only he could defeat. “I’m trying to save 40 million Californians,” he said.

A VIRAL CAMPAIGN

Newsom should not be blamed for going on television to educate the public about a novel virus. But it soon became clear that getting publicity was an end in itself that was undermining California’s COVID response.

In an April 29 story headlined, “Criticism grows over Gov. Gavin Newsom’s management of the coronavirus crisis,” the Los Angeles Times noted that “Newsom has revealed new policy initiatives at almost all of his daily news conferences.” This “quick pace,” the article said, “has led to premature introductions of some of his plans.” For instance, on April 22, Newsom had announced California would begin to “pull back and lean in” (however that’s possible) to resume elective surgeries. In fact, surgeries could not yet resume, as new

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guidelines did not exist and wouldn't be issued for several days. This created frustration among hospitals over Newsom's "mixed message," according to the California Hospital Association's president, Carmela Coyle. When new guidelines appeared the following week, Coyle acknowledged they'd had to be developed "rapidly" because of the Governor's hasty announcement.

In another splashy announcement, Newsom unveiled a "Californians for All" volunteering initiative. CalNonprofits, VolunteerMatch, and CalVolunteers, representing nearly 10,000 charitable organizations in California, had all offered to partner with the Administration and "suggested a better way to roll out the initiative," but their "advice was ignored." The Director of CalNonprofits said, "The fact is that we in the nonprofit community know how to recruit volunteers, so why not ask us? Why not use the mechanisms that are in place to already do that?" She answered her own question: "They were in a hurry to do something, and it doesn't seem that they gave it the thought that a project like that needs." The LA Times noted that a week after Newsom unveiled the initiative, "the state changed course and is now working with VolunteerMatch."

At another press conference, the Governor made news when he "touted an executive order" on scope-of-practice reforms for nurse practitioners. But, the Times reported, "it was unclear precisely what the order would do, and it did not take effect immediately." It wasn't until two weeks later that any actual policy affecting nurse practitioners materialized, "without the scope of practice changes advocates had expected." Similarly, the Associated Press reported that Newsom's "initial claims on plans to house the homeless...haven't matched reality." Newsom not only quietly revised a promise of 51,000 hotel rooms down to 15,000, but falsely claimed the state was "in real time, quite literally" negotiating with hotels when counties did the negotiating. The head of the California Hotel and Lodging Association

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said he wanted to help but “the ground keeps shifting under us and the priorities change on a regular basis.”

In the early days, I gave Newsom the benefit of the doubt. But as these episodes piled up, the pattern became clear. The mistakes were not an inevitable byproduct of urgent actions. They were an avoidable consequence of urgent announcements. Newsom was offering the media something new every day to keep himself front and center in the news cycle. It was a strategy entirely extraneous to—in fact, at odds with—what would help the state respond to COVID-19. Newsom’s performance began to feel less like a coordinated pandemic response and more like a political campaign, with a different plank of the Governor’s “platform” released each day.

An April 19 column in the New York Times—a paper Newsom would cater to with the first question at press conferences—noted that Newsom’s “youthful face and bold pronouncements have become a familiar feature on national television.” But, the piece continued, in his “flurry of recent news releases, details have been fuzzy and substance often fallen short of hype,” citing examples like an overhyped eviction moratorium and a “heralded” school district agreement that didn’t do what he claimed. The Times column concluded that while Newsom had “delivered fanfare,” if he didn’t “follow through” his “national stature” would be “fleeting.”

One consequence of Newsom’s rush to make news was he had little use for the Legislature. “The problem that my members have is the lack of lead time,” Democrat Speaker of the Assembly, Anthony Rendon, said in late April. “They feel like they are being told just before the public is told, but without enough time to provide any meaningful feedback.” After one major announcement, Democrat Assemblyman Phil Ting of San Francisco said it “would be great to get a heads-up directly from the governor’s office rather than watching it on national TV.” I raised similar concerns repeatedly. Yet Newsom dismissed all of

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us with what the Los Angeles Times called a “familiar defense,” saying, “Some are consumed by process, personality, intrigue, who’s up, who’s down? We are for actually solving a major, major problem.” He also suggested that he couldn’t let collaboration with the Legislature keep him away from the cameras, saying on April 21, “I recognize my unique responsibility to them but also to you members of the press.”

IN CUOMO’S SHADOW

Even as he reveled in this newfound attention, something was rankling Newsom. Another governor across the country was getting much more of it. While Newsom had a California audience for his press conferences, Andrew Cuomo’s routinely got carried live on CNN and other national networks. (Cuomo was recently awarded an Emmy for these performances.) With the Democratic Presidential Primary in disarray, some were even suggesting Cuomo ride in as a White Knight.

The rivalry between Newsom and Cuomo was not subtle. A March 27 LA Times story described the two as “well-known Democrats with presidential ambitions who could someday face each other as rivals.” As Newsom wore out the phrase “meet this moment”—using it up to 20 times in the same press conference—one could sense he feared he was missing his own moment, with Cuomo continuing to overshadow him. An article in the New York Times noted, “While Mr. Newsom has emulated his New York counterpart with daily #Newsomatnoon briefings,” he “has yet to achieve the authenticity and gravitas that has earned Mr. Cuomo a cultlike following.”

The Newsom operation tried in vain to seed a counter-narrative: California had fewer COVID cases at the time than New York, so why was Cuomo getting all the attention? In one self-congratulatory statement, Newsom’s spokesman proclaimed that “Gov. Newsom has moved swiftly to protect human life, and he has taken aggressive and

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urgent actions to help Californians get through these challenging times. Because of those efforts and the actions of millions of Californians who are staying home, California has both flattened the curve and helped millions of its most vulnerable residents.”

Newsom’s attempts to claim the spotlight became increasingly desperate, as his tendency to make premature announcements graduated to a penchant for outright fabrications. On April 30, the Sacramento Bee published a scathing editorial headlined “Gavin Newsom’s half-baked announcements harm credibility, raise troubling questions.” The Editorial Board revived its “Gov. Gaslight” moniker as it blasted Newsom for a press conference he held with the owner of the Sacramento Kings outside the team’s old arena, which was to be converted to a COVID treatment facility. Newsom had praised the Kings’ “philanthropy,” suggesting he had procured the facility at no cost. But the Bee later discovered it was actually costing taxpayers \$1.5 for three months. The editorial invoked Churchill’s aphorism that a “a lie gets halfway around the world before the truth has a chance to get its pants on.”

The Bee also cited Newsom’s “dramatic” March 23 announcement that “Tesla founder Elon Musk was donating over 1,000 ventilators to California.” As it turned out, the Bee reported, “not a single unit was ever actually delivered to hospitals.” Because Newsom so often “hurried to get in front of the TV cameras without worrying about the details,” he was giving “reporters a reason to be much more skeptical of what he says.” By December, the Bee was still referring to Newsom’s “weakness for flashy press announcements that later turn out to be flimsy on substance.”

Newsom even managed to offend Capitol reporters, when he thanked them “for staying on message.” That’s “not exactly how we’d put it, I think” quipped Jeremy White of Politico. Dan Walters, a respected reporter of 60 years, said the comment “implies that our job

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is to help Newsom peddle his message.” He called it “insulting” and said Newsom “owes our profession an apology.” For a Governor who had consolidated so much power, any suggestion of conscripting the press into his service was alarming. Added Walters: “in the political world ‘on message’ has a very specific meaning.”

THE PRESIDENT OF CALIFORNIA

Despite all of these machinations, Newsom’s national presence was still a small shadow of Cuomo’s. In an April 2 Los Angeles Times column, “Dean of the Capitol” George Skelton wrote that “Andrew Cuomo has been drawing lots of speculation about maybe becoming an upgraded Democratic presidential nominee, pushing aside bland Joe Biden. But there hasn’t been a peep about California Gov. Gavin Newsom.” So Newsom tried playing another card: perhaps he could assume the status of something more than a governor by making California something more than a state. On April 9 a Bloomberg News headline read, “Gavin Newsom Declares California a ‘Nation State.’” Surely Cuomo couldn’t compete with *that*.

One supportive column actually likened Newsom’s declaration to the outbreak of the Civil War at Fort Sumter and the Civil-Rights-era defiance of Little Rock and Montgomery. “There is no reason that states can’t adopt a racist playbook for other ends,” the columnist reasoned. Newsom himself explained the term as a reference not just to California’s “scale and scope,” but to a “narrative of punching above our weight.” Now, I cherish our state’s uniqueness as much as anyone. But California’s large size doesn’t make us a Nation State, any more than Jupiter’s makes it a solar system. We can take pride in being Californians without diminishing our place as Americans. It is our leading role in *advancing* American ideals, not setting ourselves apart from them, that gives California its singular place in U.S. history.

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Newsom used the term Nation State sporadically in March, but it truly made its debut on April 7 in a national TV appearance. That night, Newsom put all of his chips on the table, hoping for a breakthrough moment where he would enter the American consciousness in the way Governor Cuomo had. In an extraordinary three-minute segment on the Rachel Maddow Show, “Newsom’s political career peaked,” Gil Duran would write. Then, the dust settled to reveal one of the biggest scandals in California history.

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The Maddow appearance took place during MSNBC’s 6 PM hour the night of April 7. Newsom came on the air towards the beginning of the show. After briefly describing California’s touch-and-go PPE acquisition efforts, Newsom proceeds with an air of high drama.

“We’re not waiting around any longer,” he says. “In the last 48 hours we have secured through a consortia of non-profits and a manufacturer here in the state of California, upwards of 200 million masks, on a monthly basis, that we’re confident we can supply the needs of the state of California, potentially the needs of other western states.” Newsom continues, “We decided, enough’s enough, let’s use the purchasing power of the state of California as a Nation State.” Moments later he reiterates, “We decided, enough of the small ball, let’s use our purchasing power.”

The following morning, one could almost hear the sound of champagne corks popping in the Governor’s Office. #PresidentNewsom had started trending on Twitter.

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In peeling back the layers of the BYD China scandal, it is hard to

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know where to start. Perhaps the best place is with the fact that Rachel Maddow caught Newsom lying in the moment.

Thirty-four seconds into the appearance, Newsom announces he's secured the 200 million masks through a "manufacturer here in the State of California." A surprised Maddow interpreted this claim the way Newsom hoped viewers would: "Those masks will be manufactured in California?" Newsom, clearly rattled, concedes: "No they'll be manufactured overseas but we were able to source them through a California manufacturer." What Newsom meant is that the Chinese company he signed the contract with, BYD (short for "Build Your Dreams), has a California affiliate with a lobbyist in Sacramento. The head of that subsidiary, incidentally, contributed \$40,000 to Newsom's campaign for Governor. When Newsom mentions the manufacturer of the masks a third time in the interview, he still carefully avoids saying *China*, stammering as he alludes to "a large manufacturer with appropriate contacts in Asia."

Maddow's other on-air comments are also revealing. Twice in this brief segment she mentions the newsworthiness of the deal. "You are making significant news here Governor," she reassures him, to which Newsom gratefully nods and says "yeah." She later says, "I think you are going to make national news with this." Newsom's team had clearly gone to great lengths to convince Maddow to have him on the show because this had the potential to be a national news story.

It would soon become obvious that getting the TV segment and generating that national story was the main impetus for the deal, and there's a hint of this in Newsom's on-air comments as well. After announcing 200 million masks would be coming in and California could even become a PPE exporter, Newsom reports that "we just inked a number of contracts in the last few days that give me confidence in being able to say that." What we would later learn is that other deals for a similar volume of masks were reached and jettisoned. Newsom

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wired \$457 million to “Blue Flame,” a company started by a pair of political operatives just three days earlier. A CalMatters investigation uncovered that the state had to claw back the money when bankers flagged the transaction as “suspicious.” A \$800 million contract with a company started up by a retired politician and represented by a top Sacramento lobbyist was also cancelled, though the timing is less clear. Finally, the \$1 billion no-bid deal with BYD China—with half of the money paid upfront, something unheard of in state contracting—provided Newsom with the “confidence to be able to say” what he did on the Maddow show.

I learned about the BYD deal when California journalists picked it up. I was not alone. The Sacramento Bee reported, “Newsom made national headlines when he announced the plan on The Rachel Maddow Show last week. He also surprised his counterparts in the Legislature, most of whom learned of the deal from MSNBC”—even though he was supposedly acting pursuant to spending authority we as a Legislature had granted him. As Miriam Pawel reported in the New York Times: “Lawmakers, informed only minutes before Mr. Newsom’s announcement on national TV, were told emergency approval was essential because a \$495 million check had to be cut within 48 hours. They were not given copies of contracts, details about costs and quality controls or plans to distribute and allocate the protective gear.”

As we learned incredible details about the deal in the days and weeks that followed, Newsom still refused to answer questions about it. BYD was actually an electric vehicle manufacturer and had only two months earlier started making masks in Shenzhen. An LA Times investigation had found the company’s buses had “mechanical and performance issues” among other quality problems. The City of Albuquerque sued BYD because its \$133 million in buses were “riddled with defects,” including “batteries that could go up in flames ‘with little possibility of putting out the fire.’”

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Congress had banned BYD from receiving federal contracts because of national security concerns that the company would spy on Americans. When Democrat Congressman John Garamendi, who drafted the federal ban, learned BYD was making masks he exclaimed, “What the hell? What is our government doing? They may very well flood the market with substandard devices.” He added, “We believe BYD is controlled by the Chinese government and quite probably by the People’s Liberation Army.”

An exposé by *Vice News*, published four days after Newsom’s Maddow appearance, highlighted not only the company’s control by the Chinese government and history of defective products, but also “ties to forced labor” and fines for not paying minimum wage to Chinese workers at its California electronics plant. In explaining how BYD had “no history of making personal protective equipment, and yet days after the FDA approval, it secured a \$1 billion deal to supply masks to California,” *Vice* cited an LA Times investigation describing BYD as a “skilled political operator.” That investigation found that the “company’s business model involves hiring lobbyists and grant writers to secure no-bid purchases by public agencies, and it has invited public officials on foreign junkets and employed their close associates.” The company’s Sacramento lobbyist, Mark Weideman, also represented two other companies to which Newsom had awarded COVID-related contracts. After the *Vice* exposé, BYD filed a defamation lawsuit but only took issue with two specific claims.

In light of all of this, I along with many lawmakers on both sides of the aisle raised urgent questions about quality, timely delivery, and other concerns. We repeatedly asked to see the contract and were rebuffed. “I care about producing a big result,” Newsom condescendingly said. “Others again are going to consume themselves around process. We’re going to consume ourselves around saving lives.” The Los Angeles Times—apparently also consumed by “process” and not “saving lives”

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and other “big results” like Newsom was—submitted a public records request to obtain the contract. Newsom absurdly denied it on the basis of “attorney-client privilege.” A Senate hearing lasted four hours yet “yielded only generalities and evasive responses from Newsom administration officials.” Newsom’s only given reason for continuing to hide the contract—that disclosure would “imperil delivery”—implied he was afraid BYD would break the deal even though he’d already paid the company \$495 million. Observing that Newsom had “blatantly stonewalled,” the Sacramento Bee editorialized that “the administration’s shifting excuses for hiding the contract don’t add up.” It was a month before Newsom finally relented and released it.

The revelations kept getting worse. We learned Newsom had paid BYD \$3.30 per mask, while Los Angeles Mayor Eric Garcetti paid Honeywell \$0.79 per mask. An expert with Raymond Associates told the LA Times that at the time Newsom made the deal, California could have made large quantities of masks for “easily under a dollar,” adding that the state “could have propped up its own factories and employed Californians out of work.” While Newsom had confidently said on Maddow that the PPE would be in California in “a few weeks,” a month went by without any sign of the promised N-95 masks.

The deal appeared to be falling apart, and Newsom even suggested we could live without it. On May 4, our doubts were confirmed: BYD’s masks had failed the required safety test by the National Institute for Occupational Safety and Health. Newsom claimed the masks had only “been delayed a little bit,” so the agency clarified: “certification of the masks was denied, not delayed, contradicting comments Gov. Gavin Newsom made last week,” reported the Bee. An on-site assessment found the masks “not acceptable,” and a review of “the design, manufacturing and quality inspection of the device was concerning.”

BYD was forced to give California a partial refund, having missed the April 30 deadline. Then, a month later on May 31, the deal officially

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collapsed when BYD's masks were failed for a second time by the federal regulator. At this point, the contract was null and void; the silver lining was California had gotten out of paying an inflated price and could instead pay much less to an American manufacturer. Yet inexplicably, Newsom interceded to resurrect the voided contract. While he'd acknowledged that California was overpaying—blaming the “Wild West” PPE market of early April—he declined the chance to nix the deal and put out a new bid. By the time BYD finally received approval on the third try and masks began arriving, it had been three months, not a “few weeks,” since Newsom had wired the company \$495 million and taken to the Rachel Maddow Show to tell the world of his heroics on behalf of the Nation State of California.

If a recall were modeled after an impeachment, the BYD affair might be the first article. On a matter of vital importance, personal protective equipment for our frontline healthcare workers, Newsom leveraged their safety to land a segment on primetime cable news. He threw around hundreds of millions of dollars without the slightest vetting so that he'd have the “confidence” to produce a moment of high-stakes political theater. He acted behind the back of the Legislature and for weeks denied any attempt at oversight of this vast expenditure of questionable legality. He misled if not outright lied to lawmakers and the public repeatedly. His overall handling of the matter showed a governor at best in over his head, and at worst unfit to lead.

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It's no secret why Newsom tried so hard to use COVID-19 to build his national profile. It's the same reason he put out the inane Mario Kart video intended for national consumption. It's the same reason he spends his time trolling United States Senators and Supreme Court Justices on matters that have nothing to do with California. In an April

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1 interview on CNN, Newsom said, unprompted, “I don’t care who’s up and down, who’s polls are looking better than someone else’s, or who wants to run for president or who doesn’t.” No one believed it. Even in the early stages of the crisis, lawmakers told me privately they could see every decision Newsom made was based on what would play best with future Iowa caucusgoers. Noting that Newsom was “touted as a future presidential candidate at the start of his term,” Politico quoted veteran state political analyst David McCuan as saying he revealed a “fatal personality flaw” in trying to use the pandemic to build “sizzle.”

After Kamala Harris was selected to be Joe Biden’s running mate, I posted what became Politico’s Tweet of the Day: “Now that Kamala Harris has elbowed Gavin Newsom out of running for president any time soon, perhaps he can give his full attention to the parochial matter of governing California.” Gil Duran, the former press secretary for Jerry Brown, made a similar point. In an August 20 op-ed headlined “Coronavirus failures—and Kamala’s rise—thwart Gov. Newsom’s presidential dreams,” Duran marked Newsom’s “transition from a potential future president to a likely future has-been.” He said, “Once Newsom accepts that he will never be president, he’ll be free to govern California...instead of attempting to triangulate his way to 1600 Pennsylvania Ave.”

Gavin Newsom is hardly the first politician, or first California Governor, to aspire to higher office. Nor is he the first to be accused of politically motivated decisions. But this was a moment of trauma and uncertainty like we had never seen. All of our lives had been upended. With so many people sacrificing so much, our Governor was cashing in that shared sacrifice for self-promotion, as California began a slow-motion descent towards the worst outcomes of the COVID era. The most troubling consequence, however, was felt almost immediately: one-man rule.