

Sept 20, 2022

Ex-Governor Cuomo's Executive Chamber False Narrative & Lies

QUOTES, ACTIONS, BOOK DEAL & LINKS

It has been proven, and is now widely accepted, that Governor Cuomo and his administration deliberately under-represented the number of deaths resulting from his March 25th order mandating that COVID positive patients be admitted to nursing homes. The following timeline demonstrates that this consistent under-reporting of deaths wasn't errors, miscommunications, or about focusing on the saving of lives during a global pandemic. It was about Cuomo using governmental resources and power to protect his false narrative and to glorify his leadership for his impending multimillion-dollar book deal.

One only needs to look at the events detailed below, especially those that occurred in the first ten days of July 2020 to come to this conclusion. On July 1, Cuomo's literary agent said about 200 pages of the book were written; before any contract had been signed. Then, on July 6th, the DOH released its infamous report with false and inaccurate data relating to Nursing Home deaths. This was subsequently revised in February 11, 2021 with details on how aides rewrote and manipulated the data to follow the book's narrative. Then, from July 8th – 10th three publishing houses had a bidding war to publish the book, resulting in a \$5.2 million contract for Cuomo.

"Rather than providing accurate and reliable information during a public health emergency, the department instead conformed its presentation to the **executive's narrative**, often presenting data in a manner that misled the public," NY Comptroller [Audit](#), released March 2022

"The public misled at the highest levels of State government and given a distorted version of reality that suppressed facts when they deserved the truth"
NY Comptroller [OpEd](#), released March 2022

Furthermore, according to [this report](#), it is clear that JCOPE's role went from being a watchdog agency to a puppet service granting the Cuomo Administration's every wish. There were several ethical quandaries that were deliberately ignored in favor of the Executive Chamber's Narrative.

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- **March 19, 2020**: a Penguin Random House representative [reached](#) out to a Cuomo literary agent to discuss a book deal.

- **March 25, 2020:** The governor and the state Department of Health issued a [statewide advisory](#) barring nursing homes from denying admission to patients solely on the basis of a suspected or confirmed Covid-19 diagnosis. Nursing homes were not given advance notice of this order, and it is now [confirmed](#) that the Executive Chamber, not DOH, wrote this advisory.
- **April 3, 2020:** The governor [signed the 2021 fiscal year state budget into law](#) that included an added [blanket immunity](#) for hospitals and nursing homes from COVID lawsuits. [Link](#).
- **May 10, 2020:** Cuomo [rescinds](#) March 25th Guidance and prohibited hospitals from discharging a patient to a nursing home unless the patient first tests negative for COVID-19 and requires nursing homes to test all staff twice weekly and authorizes the Commissioner to revoke an operating license for failure to comply and establishes penalties.

In the May 10th section of Cuomo's book, he (falsely) states:

"New York was number forty-six out of fifty in the nation when it came to percentage of deaths in nursing homes. There were only four states with a lower percentage of nursing home deaths, and New York had a much worse situation to manage."

- **July 1, 2020:** "[Cuomo's] literary agent told a Penguin Random House representative that then-Governor Cuomo had been writing a book about his experiences during the first six months of the pandemic" [Source](#). They said they had about 70,000 words completed. (page 28)

- **July 6, 2020:** The DOH [releases its report](#) analyzing COVID deaths in nursing homes, which concluded that Covid-19 fatalities in nursing homes were related to staff.
*The report was revised on [February 11, 2021](#) following the AG's [January 28, 2021](#) nursing home report.

*Articles detailing how aides [rewrote and manipulated](#) data to follow the [book's narrative](#) Cuomo personally directed officials from the Executive Chamber, Task Force, and DOH to prepare the report in order to combat criticism for the March 25th order (pages 7 and 43 of the [NYS Assembly Report](#)).

It is important to note the following inaccuracies present in both versions of this report:

- It states that the New York Times released an article claiming New York was 46th in the nation in terms of nursing home deaths. Cuomo continued using this number repeatedly. What kind of government official uses a newspaper article instead of their own Department of Health for data? (page 7)
 - Claiming the total of nursing home deaths to be 6,432 when it is now known its over [15,000](#)
 - Stating that the total admissions resulting from the March 25th order was 6,326; when the true number is above [9,056](#).
 - The claim that NYS was the 46th state in terms of nursing home deaths. This is based on the false death count above.
 - The insinuation that the March 25 guidance was not responsible for any fatalities. This is virtually impossible when it is known that 9,056 Covid positive patients were transferred into nursing homes during the 6 weeks the guidance was in effect for.
 - The lack of mention of the March 6th guidance; that insinuated that staff that had received the flu vaccine was exempted from wearing masks while working.
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- **July 8-10, 2020:** [Auction](#) process for the book between 3 publishing houses. PRH ultimately won the Cuomo book contract with a \$5.2 million bid.
 - **July 10, 2020:** The Cuomo administration sends a [letter](#) to JCOPE asking for approval to write a book.
In an interview with WAMC radio, he [stated](#): "...I am now thinking about writing a book about what we went through, lessons learned, the entire experience because if we don't learn from this then it will really compound the whole crisis that we've gone through...". See [July 1, 2020](#) for how much progress he had already completed in the book.
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- **July 16, 2020:** JCOPE [gave](#) final [approval](#) for the book & listed 9 requirements, none of which were communicated to PRH by the Cuomo administration. The first two were:
 1. The book must be written on the Governor's own time and not on State time;
 2. No State property, personnel or other resources may be utilized for activities associated with the book;

On this same day, the Cuomo team officially entered into a contract with PRH and sent a rough draft manuscript. [Source](#)

From this day until the book's publishing in October, there were ongoing communications and meetings between PRH and the Cuomo Staff in regards to the book. [Source](#).

- **August 26, 2020:** DOJ inquiry [letter](#) is sent to the Cuomo administration asking for information about nursing homes.
- **End of August 2020:** An aide to Cuomo, Gareth Rhodes, completed an audit on nursing home deaths, but the administration refused to share information or data for an additional 6 months. [Source](#).
- **October 7, 2020:** Executive Chamber employee spoke to representatives from a daytime talk show about interviewing Cuomo and how to use this interview to drive sales. [Source](#)
- **October 13, 2020:** Cuomo's book is released.
- **October 27, 2020:** The DOJ sends an additional [letter](#) requesting more nursing home fatality data stating New York is the only state in the country, which does not include those residents transferred to hospitals in nursing home COVID-19 fatality totals.
- **January 28, 2021:** The New York attorney general [issued a report](#) that found that Cuomo's state health department undercounted Covid-19 deaths among residents of nursing homes by approximately 50%, essentially by leaving out deaths of residents who had been transferred to hospitals. The New York Times reported the overall number of deaths did not change.
This prompted Dr. Zucker to [confirm](#) a total of 9,786 deaths (about 3,000 additional)
- **January 29, 2021:** When confronted about the nursing home death report (above), Cuomo callously [stated](#) "who cares [where they died]? They died!". He also [stated](#):", "When I say 'experts' in air quotes, it sounds like I'm saying I don't really trust the experts . . . because I don't. Because I don't". Press briefing [here](#).
- **February 3, 2021:** A state Supreme Court judge [ruled](#) in favor of the Empire Center's FOIL suit and ordered the DOH to release the requested data by Feb. 10. That [data](#) showed a total of more than 15,000 resident deaths, or 6,000 more than previously reported. The ruling concluded that the DOH's actions were illegal.

- **February 6, 2021:** The DOH's website is [updated](#) to reflect total nursing home deaths including those residents transferred to hospitals as 13,163.
- **February 10, 2021:** Ms. DeRosa [says](#), that she and other Cuomo aides "froze" because of the DOJ request back on August 26, 2020. She later issued a [response](#) to that. The Cuomo administration meets with Democratic lawmakers in a closed-door meeting regarding unanswered questions following the August hearings. Democratic lawmakers release a letter from the administration with answers to questions from the August hearings. The letter raised the total COVID-19 nursing home death total to 15,059 as of February 9th. [Partial transcript was released](#).

The DOH report on Nursing homes is [revised](#). Comparison of this version versus the original version [here](#). ([Click here](#) to go back to July 6, 2020)

- **March 4, 2021:** NYT [reports](#) that Cuomo's executive aides rewrote, manipulated and falsified information on the DOH July 6, 2020 report.
- **March 31, 2021:** NY Times releases an [article](#) about Cuomo's multi-million dollar book deal and how his aides hid a damaging death toll.
- **June 11, 2021:** A [report](#) by the New York State Bar Association's Task Force on Nursing Homes and Long-Term Care concluded: "Although the Governor would later describe the March 25th directive as in accordance with CDC guidance, there appears to be significant difference between then-current CDC guidance and the March 25th directive."
- **August 17, 2021:** The Empire Center released a summary of the Cuomo administration's cover up of the pandemic in nursing homes titled '[Like fire through dry grass](#).'
- **November 22, 2021:** Assembly releases [report](#) on Cuomo including sexual harassment, book deal, nursing homes and the Cuomo Bridge. It did not include anything regarding preferential COVID testing, see Cuomo's [letter](#) to the Assembly warning them not to investigate this.
- **March 15, 2022:** NYS Comptroller releases an [audit](#) on the nursing home fiasco.
- **July 1, 2022:** Hogan Lovells releases its [Investigative report on JCOPE's Approval of Governor Cuomo's July 10, 2020 Outside Activity Request](#). Some key findings:
 - They agree with JCOPE's conclusion that Governor Cuomo "misused the power and authority of his office to create, market and promote for enormous personal profit a work that not only was derivative of his official duties but could only have

been brought into existence and completed on schedule through the . . . assistance of a group of Executive Chamber and other State officials”

- “The Executive Chamber then exerted pressure on JCOPE to expedite the approval of the [book] request...”
- The arrangement the Governor had, “created financial incentives – or, at a minimum, the appearance of such incentives – for the Governor to tailor his policies and actions to generate material for his book and/or to secure a lucrative publishing contract”
- It must have been obvious for JCOPE to know that the Governor had to use State resources to write this book while also leading the State’s response.
- The Executive Chamber clearly overpowered and controlled JCOPE, and JCOPE failed to assert its authority as a watchdog agency. Cuomo’s administration was able to easily and quickly push an ethically questionable agenda.

Sources:

- [Attorney General Report](#)
- [Empire Center: Like Fire through Dry Grass](#)
- [NYSBA Report on the COVID Task Force on Nursing Homes and Long Term Care](#)
- [Assembly report](#)
- [New York State Comptroller Audit](#)
- [Hogan Lovel report on JCOPE](#)