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COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: KELLY NEDROW

FRIDAY, JUNE 23, 2023

The interview in this matter was held at O'Neill House  
Office Building, 200 C Street, S.W., Room 3400, Washington,  
D.C., commencing at 10:03 a.m.

20 APPEARANCES:

21

22 HOUSE OVERSIGHT AND REFORM COMMITTEE:

23 FOR THE MAJORITY:

24 MITCHELL BENZINE

25 PETER SPECTRE

26 MADELINE BREWER

27 ANNA-BLAKE LANGLEY

28

29 FOR THE MINORITY:

30 [REDACTED]

31 [REDACTED]

32 [REDACTED]

33

34 FOR THE WITNESS:

35 MICHAEL BROMICH

36 WILLIAM FLETCHER

37 OLIVIA SNYDER

38 Steptoe & Johnson

39 1330 Connecticut Avenue, N.W.

40 Washington, D.C. 20036

41 (202) 429-3000

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93 P R O C E E D I N G S

94 MR. BENZINE: This is a transcribed interview of  
95 Ms. Kelly Nedrow conducted by the House Select Subcommittee on  
96 the Coronavirus Pandemic under the authority granted to it by  
97 House Resolution 5 and the rules of the Committee on Oversight  
98 and Accountability.

99 This interview was requested by Chairman Brad Wenstrup  
100 as part of the Select Subcommittee's oversight of the Federal  
101 Government's response to the Coronavirus Pandemic. Further,  
102 pursuant to House Resolution 5, the Select Subcommittee has  
103 wide-ranging jurisdiction, but specifically to investigate the  
104 societal impact of decisions to close schools, how the decisions  
105 were made, and whether there is evidence of widespread learning  
106 loss and Executive Branch policies, deliberations, decisions,  
107 activities, and internal and external communications related to  
108 the Coronavirus Pandemic.

109 Can the witness please state her name and spell her  
110 last name for the record.

111 THE WITNESS: Kelly Nedrow, N-E-D-R-O-W.

112 MR. BENZINE: Thank you.

113 Ms. Nedrow, my name is Mitch Benzine and I am the  
114 staff director for the Majority staff of the Select  
115 Subcommittee. I want to thank you for coming today for this  
116 interview. The Select Subcommittee recognizes that you are here  
117 voluntarily and we appreciate that.

118 Under the Select Subcommittee and Committee on  
119 Oversight and Accountability's rules, you are allowed to have an  
120 attorney present to advise you during this interview. Do you  
121 have an attorney representing you in a personal capacity with  
122 you today?

123 THE WITNESS: I do.

124 MR. BENZINE: Will counsel please identify themselves  
125 for the record.

126 MR. BROMWICH: Michael Bromwich, Steptoe & Johnson.

127 MR. FLETCHER: Bill Fletcher, Steptoe & Johnson.

128 MS. SNYDER: Olivia Snyder, Steptoe & Johnson.

129 MR. BENZINE: Is there also an attorney present  
130 representing your employer or is that the same attorney as is  
131 representing you personally?

132 THE WITNESS: That is the same attorney.

133 MR. BENZINE: Thank you. For the record, starting  
134 with the remainder of the Majority staff, can the additional  
135 staff members please introduce themselves with their name,  
136 title, and affiliation.

137 MR. SPECTRE: I'm Peter Spectre. I'm a professional  
138 staff member of the Majority staff.

139 MS. BREWER: Madeline Brewer, counsel with the  
140 Majority.

141 MS. LANGLEY: Anna-Blake Langley, research assistant  
142 with the Majority.

143 [REDACTED], Democratic  
144 chief counsel.

145 [REDACTED]: [REDACTED], counsel.

146 [REDACTED], Democratic staff  
147 director.

148 MR. BENZINE: Thank you all.

149 Ms. Nedrow, before we begin, I would like to go over  
150 the ground rules for this interview. The way this interview  
151 will proceed is as follows: The Majority and Minority staff  
152 will alternate asking you questions, one hour or half-hour per  
153 side per round until each side is finished with their  
154 questioning. The Majority staff will begin and proceed for an  
155 hour or half-hour and then the Minority staff will have an hour  
156 or half-hour to ask questions. We will then alternate back and  
157 forth in this manner until both sides have no more questions.  
158 If either side is in the middle of a specific line of questions,  
159 they may choose to end a few minutes past an hour to ensure  
160 completion of that specific line of questioning, including any  
161 pertinent followups.

162 In this interview, while one member of the staff for  
163 each side may lead the questioning, additional staff may ask  
164 questions.

165 There is a court reporter taking down everything I say  
166 and everything you say to make a written record of the  
167 interview. For the record to be clear, please wait until the



168 staffer questioning you finishes each question before you begin  
169 your answer and the staffer will wait until you finish your  
170 response before proceeding to the next question.

171 Further, to ensure the court reporter can properly  
172 record this interview, please speak clearly, concisely, and  
173 slowly. Also, the court reporter cannot record nonverbal  
174 answers such as nodding or shaking your head. So it is  
175 important that you answer each question with an audible verbal  
176 answer.

177 Exhibits may be entered into the record. Majority  
178 exhibits will be identified numerically. Minority exhibits will  
179 be identified alphabetically.

180 Do you understand?

181 THE WITNESS: I do.

182 MR. BENZINE: We want you to answer our questions in  
183 the most complete and truthful manner. So we will take our  
184 time. If you have any questions or do not fully understand a  
185 question, please let us know. We will attempt to clarify, add  
186 context to, or rephrase our questions.

187 Do you understand?

188 THE WITNESS: I do.

189 MR. BENZINE: If we ask you about specific  
190 conversations or events in the past and you are unable to recall  
191 the exact words or details, you should testify to the substance  
192 of those conversations or events to the best of your

193 recollection. If you recall only a part of a conversation or  
194 event, you should give us your best recollection of those events  
195 or parts of conversations that you do recall.

196 Do you understand?

197 THE WITNESS: I do.

198 MR. BENZINE: Although you are here voluntarily and we  
199 will not swear you in, you are required pursuant to Title 18,  
200 Section 1001 of the United States Code to answer questions from  
201 Congress truthfully. This also applies to questions posed by  
202 Congressional staff in this interview.

203 Do you understand?

204 THE WITNESS: Yes.

205 MR. BENZINE: If, at any time, you knowingly make  
206 false statements, you could be subject to criminal prosecution.

207 Do you understand?

208 THE WITNESS: Yes.

209 MR. BENZINE: Is there any reason you are unable to  
210 provide truthful testimony in today's interview?

211 THE WITNESS: No.

212 MR. BENZINE: The Select Subcommittee follows the  
213 rules of the Committee on Oversight and Accountability. Please  
214 note that if you wish to assert a privilege over any statement  
215 today, that assertion must comply with the rules of the  
216 Committee on Oversight and Accountability. Pursuant to that,  
217 Committee Rule 16(C) (1) states for the chair to consider

218 assertions or privilege over testimony or statements, witnesses  
219 or entities must clearly state the specific privilege being  
220 asserted and the reason for the assertion on or before the  
221 scheduled date of testimony or appearance.

222 Do you understand?

223 THE WITNESS: Yes.

224 MR. BENZINE: Ordinarily, we take a five-minute break  
225 at the end of each hour or half-hour of questioning, but if you  
226 need a longer break or a break before that, please let us know  
227 and we will be happy to accommodate; however, to the extent that  
228 there is a pending question, we would ask that you finish  
229 answering the question before we take that break.

230 Do you understand?

231 THE WITNESS: Yes.

232 MR. BENZINE: Do you have any other questions before  
233 we begin?

234 THE WITNESS: No questions.

235 MR. BENZINE: Thank you. We can begin.

236 EXAMINATION BY THE MAJORITY

237 BY MR. BENZINE:

238 Q. Before I get into specific questions, some of the  
239 exhibits today I think that will be introduced were prior to you  
240 getting married. So for the record, can you state your maiden  
241 name?

242 A. My maiden name is Childers, C-H-I-L-D-E-R-S.

243 Q. Can you state any other names that you've used prior  
244 to Nedrow?

245 A. Trautner, T-R-A-U-T-N-E-R.

246 Q. All right. Thank you.

247 A. Yes.

248 Q. Where did you attend undergraduate school?

249 A. Marshall University.

250 Q. And what degree did you graduate with?

251 A. Political science.

252 Q. Do you have any other advanced degrees?

253 A. Yes. I have a juris doctor from Capital University  
254 Law School.

255 Q. Do you have any degrees in medicine or healthcare?

256 A. I do not.

257 Q. Who is your current employer?

258 A. The American Federation of Teachers.

259 Q. And your current job title?

260 A. Senior director, health issues.

261 Q. Can you elaborate more on what kind of the standard  
262 day looks like or what your standard responsibilities are?

263 A. I don't really have a standard day. It's different  
264 every day.

265 My responsibilities include oversight of the AFT's  
266 Healthcare Division which consists of about 200,000 -- more than  
267 200,000 healthcare members as of this week, and I also oversee

268 the AFT's occupational safety and health program. Additionally,  
269 I serve as a senior adviser to President Randi Weingarten.

270 Q. Can you go through your career experiences up until  
271 beginning with AFT and then if, at AFT, you had positions other  
272 than the one you currently hold.

273 A. I have worked for the AFT twice. So the first time I  
274 started employment with the AFT was 2014. I was hired in as a  
275 director for the Healthcare Division. I worked at the AFT in  
276 that capacity for about three and a half years.

277 I left the AFT to be the president and CEO of a  
278 substance abuse and eating disorder treatment facility called  
279 the Center for Balanced Living. I was there for almost two  
280 years, also served on a contract basis as the interim chief  
281 executive officer for the Ohio Nurses Association and then  
282 returned back to the AFT in November of 2019.

283 Q. Okay. Thank you.

284 Do you currently hold or have you previously held any  
285 honorary positions?

286 A. I don't understand what that means.

287 MR. BROMWICH: Are you a member of a board?

288 BY MR. BENZINE:

289 Q. Yeah. Any positions that you weren't paid for, any  
290 like special nonprofits you advised, those kinds of things?

291 A. I worked on a policy committee for an organization  
292 that deals with food insecurity in Columbus, Ohio. I think it's

293 called Local Matters.

294 I'm trying to think.

295 MR. BROMWICH: Nothing comes to mind right now?

296 THE WITNESS: Nothing comes to mind, no.

297 BY MR. BENZINE:

298 Q. I'm sure it will be a similar answer, but do you  
299 currently hold or have you previously held any positions on  
300 boards of nonprofits or other companies?

301 A. As a board member, no.

302 Q. Thank you.

303 I want to talk a little about AFT's structure. You  
304 talked a little about your role. Underneath you, as the senior  
305 director for health policy, what different subject matter  
306 experts does AFT hire and how is that structured?

307 A. When you say under me, do you mean people who I  
308 supervise?

309 Q. Yes.

310 A. I supervise policy specialists directly. I have two  
311 managers who report to me -- three managers who report to me. I  
312 supervise industrial hygienists, administrative support staff,  
313 and a director for healthcare organizing.

314 Q. And what does your reporting structure look like?

315 Who do you report to?

316 A. I report to Randi Weingarten.

317 Q. Does AFT have any medical doctors on staff?

318 A. I don't know.

319 Q. What about Ph.D.s in a healthcare specialty?

320 A. I don't know.

321 MR. BROMWICH: You're asking about on staff as opposed  
322 to consultants?

323 MR. BENZINE: Correct.

324 THE WITNESS: I don't know.

325 MR. BENZINE: Let me go through -- I'll go ahead and  
326 introduce what we'll make Majority Exhibit 1.

327 [Majority Exhibit No. 1 was  
328 marked for identification.]

329 BY MR. BENZINE:

330 Q. So this is a list of individuals AFT consulted with on  
331 COVID-related issues and Bates marked AFT\_379 through 381. Have  
332 you seen this list prior to today?

333 A. Yes.

334 Q. Does it encompass, in your knowledge and experience,  
335 everyone that AFT consulted with on COVID issues throughout the  
336 pandemic?

337 A. Do you mean on a paid basis?

338 MR. BENZINE: I guess that would be a question for  
339 counsel. What does "consulted with" mean in your production?

340 MR. BROMWICH: I think it could mean both.

341 So, ma'am, you may notice that there are names missing  
342 that we didn't pick up, and if so, you can say so.

343           Certainly with respect to the document production, we  
344           provided all the names that we were aware of.

345           MR. BENZINE: I know. "Consulted" has multiple  
346           definitions.

347           MR. BROMWICH: Sure. Yeah.

348           THE WITNESS: The way I understand "consulted" means  
349           asked for opinions, advice, information, etc., and the AFT is  
350           part of multiple committees and coalitions which we don't pay.  
351           We don't pay for the advice or recommendations or information  
352           contained in those forums.

353           These, to my recollection, are the people we formally  
354           consulted notwithstanding the other work in coalitions.

355           BY MR. BENZINE:

356           Q. And notwithstanding internal work. Right?

357           A. Correct.

358           Q. So going through the list, and you're welcome to take  
359           time if you want to go through to confirm what I'm going to ask  
360           you, it appears there's only one individual that is a permanent  
361           employee of AFT and it's Darryl Alexander, the second name on  
362           the first page.

363           A. Darryl Alexander is not an employee of the AFT. She's  
364           retired.

365           Q. When did she retire?

366           A. I don't know when she retired, because I was not at  
367           the AFT, but we brought her back as a contract -- [pause].



368 MR. BROMWICH: Consultant?

369 THE WITNESS: I don't remember whether she was a  
370 consultant or a contract employee, but I know we had her on  
371 contract.

372 BY MR. BENZINE:

373 Q. So I'm just trying to clarify the label next to her  
374 name. She was paid -- she was retired prior to the pandemic,  
375 brought back during the pandemic on a contract basis and paid  
376 out of AFT?

377 A. No. She was on a contract basis at the outset of the  
378 pandemic. She was conducting OSHA series trainings for the AFT.

379 Q. All right. Were there any other individuals similarly  
380 situated to Ms. Alexander?

381 A. On this list?

382 Q. Or in general.

383 MR. BROMWICH: When you say "similarly situated", can  
384 you clarify what you mean?

385 MR. BENZINE: Brought back on a -- like paid out of  
386 AFT on a contract basis.

387 THE WITNESS: Well, many of these people were paid by  
388 AFT on a contract basis or have been or I don't know because a  
389 lot of them aren't people whose contracts I would be responsible  
390 for managing.

391 BY MR. BENZINE:

392 Q. All right. I want to go through a couple of names,

393 and if you know or recall what that consultation looked like,  
394 can -- at the bottom of the first page, Laurie Garret, were you  
395 involved at all in her consultation?

396 A. Yes.

397 Q. What did that look like?

398 A. We had a couple of -- you mean with respect to COVID  
399 specifically?

400 Q. Correct.

401 A. We had -- we, being Randi Weingarten and myself, had a  
402 conversation with Laurie about her view on COVID in general,  
403 community mitigation strategies, and school closures.

404 Q. What was the school closure conversation?

405 A. I don't remember.

406 Q. All right. Flipping to the second page, Bates marked  
407 380, the second name down, Governor Grisham of New Mexico, were  
408 you involved in that consultation?

409 A. I was not.

410 Q. Going down a little bit further, Senator Jeff Merkley,  
411 were you involved in that consultation?

412 A. I was not.

413 Q. Going to the bottom, Former Speaker Pelosi, were you  
414 involved in that consultation?

415 A. I don't recall being involved in consultation with  
416 Speaker Pelosi; however, I do remember attending one of her  
417 in-district town hall virtual meetings.

418 Q. Was that the only interaction you had with the  
419 Speaker's Office during the pandemic?

420 A. As far as I recall, yes.

421 Q. Going to the last page, 381, Governor Pritzker, were  
422 you involved in that consultation?

423 A. No.

424 Q. Former Secretary Shalala, were you involved in that  
425 consultation?

426 A. No.

427 Q. Senator Warren, were you involved in that  
428 consultation?

429 A. With the senator herself, not that I remember.

430 Q. Were you involved with Senator Warren's staff at any  
431 time?

432 A. Yes.

433 Q. Can you explain what that was.

434 A. I remember being on a couple of phone calls with the  
435 senator's staff. I don't remember the content.

436 Q. Okay. Then Governor Whitmer, were you involved at all  
437 in that consultation?

438 A. No.

439 Q. You've been at AFT twice and for a number of years.

440 Would you categorize AFT as a scientific or medical  
441 organization?

442 A. AFT is a labor union.

443 MR. BENZINE: Thank you. I want to introduce Majority  
444 Exhibit 2.

445 [Majority Exhibit No. 2 was  
446 marked for identification.]

447 MR. BENZINE: This is a press release from August 12,  
448 2020 from the Trump Administration archived on the White House  
449 website. I just want to go through a couple of statements and  
450 get your perspective.

451 MR. BROMWICH: First, have you ever seen this before?

452 THE WITNESS: I have not.

453 MR. BENZINE: Then we can take our time and go through  
454 it. If you want a minute to read through it, you can.

455 THE WITNESS: Please.

456 [Witness peruses exhibit.]

457 THE WITNESS: I do believe I've seen this before.

458 BY MR. BENZINE:

459 Q. You have seen this before?

460 A. Yes.

461 Q. Okay. The first statement, it's got a big quotation  
462 on top of it. It reads: "We believe many school districts can  
463 now safely reopen provided they implement mitigation measures  
464 and health protocols to protect families, to protect teachers,  
465 and protect students."

466 Would that also fairly characterize AFT's position at  
467 the time?

468 A. Yes.

469 Q. Staying on the first page, there is another bold  
470 heading and then three main bullets.

471 Reading the second one: "Children are at extremely  
472 low risk for serious illness or death from COVID-19, far less  
473 than adults and even less than from season influenza."

474 Would you agree with that statement?

475 A. I don't know.

476 Q. All right. What is the -- what are you worried about  
477 in that statement?

478 A. I'm not worried about anything in the statement.  
479 There's conflicting research around COVID and I would have to  
480 say that I have not been studying in recent times the research  
481 on seasonal influenza.

482 Q. The third bullet, "The social cost to children and  
483 families of keeping schools closed in terms of harm to  
484 children's wellbeing outweigh the risks presented by the safe  
485 reopening of in-person classes", would you agree with that  
486 statement?

487 MR. BROMWICH: And this is August 12th of 2020.

488 THE WITNESS: To clarify, do you mean this statement  
489 as of August 12, 2020 or the statement as of today?

490 BY MR. BENZINE:

491 Q. August 12th of 2020.

492 A. It would depend on the locality and the positivity

493 rates of COVID in the locality where the children and families  
494 were located.

495 Q. Okay. Flipping to the second page, there's another  
496 bolded headline and I'm going to ask the same question.

497 For Bullet 1 under the middle of the page: "The  
498 unintended consequences of keeping schools closed could damage  
499 our children's education for years to come and hinder our  
500 nation's economic comeback."

501 Would you agree with that statement?

502 A. Absolutely.

503 Q. The next bullet: "Cancelling in-person classes and  
504 allowing only virtual learning disproportionately harms the  
505 education of lower-income children."

506 Would you agree with that statement?

507 A. I think it depends on where the lower-income children  
508 are located.

509 Q. Can you explain that a little bit more?

510 A. The resources of the school district, the social  
511 support in the community, there are a lot of factors.

512 Q. Are minority and lower socioeconomic children further  
513 behind as of today than they were in 2019?

514 A. I'm not an expert in education.

515 Q. All right. Flipping to the last page -- excuse me.

516 Staying on the second page and going to the bottom two  
517 bullets: "Peer countries have sufficiently reopened schools to

518 better educate their children while the United States has fallen  
519 behind with continued closures, potentially leaving our country  
520 and our children with a competitive disadvantage."

521 Would you agree with that statement?

522 A. As of August 2020 or today?

523 Q. August 2020.

524 A. I can't speak to how other countries educate their  
525 children.

526 Q. By August 2020, were other countries operating  
527 in-person schools?

528 A. Some were and some were opening and re-closing  
529 schools.

530 MR. BROMWICH: Do you understand what peer countries  
531 even means in this context?

532 THE WITNESS: No.

533 BY MR. BENZINE:

534 Q. Going to the final bullet: "The education of children  
535 is more than an essential business. It's a top national  
536 priority to ensure America can continue to aggressively compete  
537 with the rest of the world."

538 Would you agree with that statement?

539 A. I can't speak to President Trump's top national  
540 priority.

541 Q. Would you agree that education is a top national  
542 priority?

543 A. Who establishes national -- I don't know who  
544 establishes national priorities.

545 Q. Is the education of children important?

546 A. It is.

547 Q. All right. Is the education of children helpful in  
548 competition or earning power?

549 A. Essential.

550 Q. Thank you.

551 We can move on from that one and start getting into, I  
552 guess, the late fall of 2020. After the 2020 election, were you  
553 on the Biden transition team?

554 A. No.

555 Q. Did AFT work with the Biden transition team?

556 A. Can you explain what you mean by "work with"?

557 Q. Were there -- I'll parse it into two questions.

558 Were AFT employees on the Biden transition team?

559 A. Yes.

560 Q. Did the AFT employees that were not on the transition  
561 team collaborate or otherwise work with the transition team on  
562 COVID or educational issues?

563 A. Yes, but not the people who were AFT employees who  
564 were on the transition team. We did not communicate with them.

565 Q. What did the collaboration with the -- well, first,  
566 who did you work with on the transition team?

567 A. I don't remember. That's not -- I'm not on our



568 government relations team. So I don't remember who all the  
569 people were.

570 I was scheduled for calls with groups of people from  
571 the transition team.

572 Q. Jeff Zients at all?

573 A. I don't remember.

574 Q. Susan Rice?

575 A. I don't remember.

576 Q. What did the consultation and collaboration look like?

577 A. They were Zoom calls.

578 MR. BROMWICH: You're asking here about her direct  
579 involvement; is that right?

580 MR. BENZINE: Yes.

581 THE WITNESS: There were Zoom calls, usually organized  
582 by topic. The first call and the calls at the beginning in  
583 which I was most heavily involved were related to healthcare  
584 workers, because we're a healthcare union.

585 Some of them were myself and other AFT staff sharing  
586 anecdotal information from the field. Some were bringing some  
587 of our members to have conversations with members of the  
588 transition team so they could hear directly from the people who  
589 were doing the work or, you know, not able to do the work.

590 BY MR. BENZINE:

591 Q. To the amount that you can recall or have direct  
592 knowledge of, what were the specific topics that you were

593 working on?

594 So you said healthcare workers. Were you working on  
595 pending legislation? Were you working on any guidance? Like  
596 can we get a little bit more specific?

597 A. With respect to healthcare workers, we were sharing  
598 information about our members dying because they didn't have  
599 adequate protective gear. They didn't have direction from their  
600 employers. The employers didn't have direction from the state  
601 or the Federal Government.

602 We were hearing about or sharing with the transition  
603 team our members' experiences holding up iPads while their  
604 patients were dying and saying their last goodbyes to family  
605 members. We were hearing about our members not being able to  
606 stay at home, sleeping in campers or hotels or our members who  
607 had a pregnant household member or elderly parent living with  
608 them and how the work was affecting them.

609 We were hearing about hand sanitizer dispensers being  
610 removed from walls because people were stealing it because there  
611 was widespread panic in communities, a lot of tears from our  
612 members.

613 We were talking about our views about the strategic  
614 stockpile reserve and how woefully unprepared the Federal  
615 Government was. We were talking about the inability of our  
616 members and ourselves to follow the CDC guidance because there  
617 was either deficient gaps in the guidance, conflicting

618 information on the CDC website, lack of funding, lack of  
619 availability of testing kits, all of the issues that were making  
620 it problematic, if not impossible, for our members to take care  
621 of their patients in healthcare.

622 With respect to education, we were talking about the  
623 trouble that our members were having in conducting virtual  
624 education. They hated it, all of the -- some of the traumatic  
625 things that they experienced and classrooms experiencing things  
626 like witnessing domestic violence incidents or parents, you  
627 know, walking through the screen without clothes on, you know,  
628 those kinds of things that were really problematic.

629 We talked about reports of food insecurity in some of  
630 the communities where our members worked and how our members  
631 were preparing meals and either taking them on school buses or  
632 having tables outside of schools in places where there were  
633 schools open.

634 We were talking about the transmission rates and the  
635 rates of positivity that went up when the adequate medication  
636 strategies were not in place, which was almost everywhere at  
637 that point, and then just the general angst and anger of our  
638 members, and, of course, we were trying to give the transition  
639 committee ideas about the policies that we would like to see  
640 based upon the failure of the Federal Government.

641 Q. Sticking to the education side of things, what were  
642 those ideas? Was there any proposed legislation, proposed

643 regulations, proposed guidances at that point in time prior to  
644 inauguration day?

645 A. The things -- I can only speak to the things that I  
646 worked on because that's what I remember.

647 The things that I worked on were ideas for calibrating  
648 ventilation systems in buildings, you know, how to educate  
649 parents within the school context, how to educate parents and  
650 teachers about cleaning and disinfection, not needing to have  
651 bleach and ultraviolet lights and all of those things. The  
652 needs for cleaning were not as much as people thought they would  
653 be, how to handle teachers who either themselves were immune  
654 compromised or had someone in the household who were immune  
655 compromised and not put them in a situation where they were,  
656 literally, risking their life to go to school for the salaries  
657 that they earned.

658 I'm trying to think of the other things that -- we did  
659 talk about the need for test kits. We had been hearing about  
660 different strategies that districts had used to employ testing  
661 in the facilities, some that had worked, some that hadn't, some  
662 that created fear because perhaps people were unmasked and  
663 clustered in an area and being asked to take tests, those sorts  
664 of things, the turnaround time of test kits and the need to have  
665 rapid response test kits.

666 I'm trying to think of what else.

667 That's all I can remember right now.

668 Q. All right. At that time, so after election, before  
669 inauguration, were there any discussions with the transition  
670 team employees for the CDC?

671 A. Yes. We talked about the guidance on -- the CDC  
672 website was impossible to navigate. It was -- there were things  
673 that you would have a document -- actually, I think there was  
674 one document that was in it for physical distancing and they  
675 both recommended three feet and six feet in the same document,  
676 telling people to wear bandannas over their faces to go to work,  
677 those kinds of things.

678 We did give suggestions about how our members could  
679 better digest and their employers could better digest guidance  
680 and receive information. We did emphasize the need to try to  
681 convey the information in a way that would help calm people down  
682 so they would be willing to go back into work in person.

683 There was still a lot of panic. We were trying to  
684 allay fears. Randi was really trying to allay fears of our  
685 members to kind of coax them back into the buildings. We really  
686 wanted the Federal Government to hear what that would take.

687 Also, we shared some of the conversations and  
688 information that we had heard from affiliates about their work  
689 with their state and local public health officials and how  
690 disjointed those officials had conveyed to affiliates or  
691 directly to us about the Federal Government's response and their  
692 inability to do their job because the Federal Government was so

693 inept, to be frank.

694 That's what I remember.

695 MR. BENZINE: I'm getting close to the end of the 30  
696 minutes. Before we go off the record, I think everyone in the  
697 room will stipulate that CDC guidances are like impossible to  
698 follow.

699 So thank you. We can go off the record.

700 [Recess.]

701 [REDACTED] We can go back on the record.

702 EXAMINATION BY THE MINORITY

703 BY [REDACTED]:

704 Q. Ms. Nedrow, my name is [REDACTED]. I'm  
705 chief Minority counsel. Thank you for coming in today. I'm  
706 just going to ask you a few questions.

707 All the same guidelines that you discussed with my  
708 colleague about that round will also apply to the questions I  
709 ask you.

710 Before we get into some of the questions I wanted to  
711 ask you, I did want to just ask one clarifying question about a  
712 discussion in the previous round. We were looking at a  
713 statement from former President Trump in August 2020, I think.  
714 To the extent that you recall, were vaccines available in August  
715 of 2020?

716 A. No.

717 Q. Great.

718 All right. So I would like to sort of fast forward in  
719 the chronology to January and February of 2021, because I think  
720 those are the events. That's the time period that sort of  
721 brings us all here today, and if I could start just by asking a  
722 little bit about context at that time.

723 So anything that you might recall about the situation  
724 at the beginning of 2021?

725 And that might be pandemic related, school closures,  
726 the Federal Government's response up until that time in the  
727 former Administration which you've talked a little bit about,  
728 any of that context as you headed into 2021.

729 A. Beyond what I've already said?

730 Q. And you're welcome to repeat what you said, because I  
731 thought it was quite articulate. I thought that perhaps you  
732 used the word "inept" at one point.

733 Anything you recall about the state of the attempt to  
734 reopen schools, the availability or not of vaccines for  
735 educators, and the general state of affairs at that time?

736 A. We worked really closely with the American Academy of  
737 Pediatrics and the National Association of School Nurses. The  
738 AAP relationship was somewhat new, at least to me. The school  
739 nurses, we've always worked very closely with, because we  
740 represent a lot of school nurses.

741 There was a lot of the concern about, in addition to  
742 the lack of testing infrastructure and lack of the disease

743 surveillance in our public health system at large, there was a  
744 lot of angst in schools about who would be doing contact  
745 tracing, how would symptomatic students and staff be treated,  
746 who would care for those staff, how would they be separated from  
747 the general population in the building.

748 I had numerous conversations with school nurses all  
749 across the country. Like that was one of the constituencies  
750 that I heard from the most about their lack of training for  
751 doing contact tracing, the lack of space for isolation and  
752 implementing, you know, precautions needed if there were someone  
753 who was symptomatic or if they had testing available and  
754 confirmed positive for COVID.

755 There was a lot of concern about, at least on the part  
756 of nurses, the inability of -- and this isn't new. This is  
757 always a concern, but in COVID, it was certainly amplified, the  
758 inability of school districts and school buildings to understand  
759 and to adhere to the requirements of the state nurse practice  
760 acts as they applied to school nurses.

761 So there was a lot of concerns by school nurses and  
762 other people in health professions who work in schools about  
763 their licenses and whether and how they could do the right thing  
764 under their Codes of Professional Responsibility. There was --  
765 and that same concern was shared by administrators too, because  
766 they didn't understand, and a lot of administrators wanted to  
767 engage with us and talk with us because they knew that we were



768 studying these things.

769 One really, really dire concern of the school nurses  
770 was there's a shortage of school nurses in this country, and on  
771 a given day outside of the pandemic, they are unable to manage  
772 appropriately and adequately all of the health needs of student  
773 populations. They have to monitor and maintain medications.  
774 They have to maintain contact with parents for kids who have --  
775 maybe they need an EpiPen or maybe they have attention deficit  
776 and have to go to the nurse's office for medication and who  
777 administers that medication, all of those things.

778 All of those things didn't go away when COVID  
779 happened. So with not enough people and not enough direction  
780 and not enough information and not enough testing, it was  
781 impossible for the school health people to meet the needs of the  
782 buildings in which they worked, and some of those people work in  
783 multiple buildings. They don't work in just one building. They  
784 can be responsible for a high school that has 1200 students plus  
785 a middle school with 500 students plus two middle schools or  
786 whatever.

787 So that was probably -- that stands out for me quite a  
788 lot.

789 I know that in the underresourced districts, so not  
790 just inner city where the population was, you know,  
791 socioeconomically disadvantaged and high minority populations,  
792 but also in rural areas, they didn't have the resources to

793 implement the type of testing programs that like New York City  
794 was able to do. They didn't have the personnel to devote to  
795 reading all the current research and implementing best  
796 practices.

797 They were really kind of -- those people were kind of  
798 really left hanging the bag when schools were forced to be open,  
799 because they didn't have anything and they felt defenseless.  
800 They felt scared. Parents weren't wanting to send their kids  
801 back to school.

802 It was complicated. It was intense and there was a  
803 lot of panic.

804 Q. That's very helpful. I appreciate all of that  
805 context.

806 So on February 12, 2021, the CDC put out an  
807 operational strategy for K through 12 schools. I imagine at  
808 this point you are generally familiar with that document.

809 A. Somewhat, yes.

810 [REDACTED]: I'm going to introduce the document  
811 as Minority Exhibit A just so we have it in front of us.

812 [Minority Exhibit A was  
813 marked for identification.

814 BY [REDACTED]:

815 Q. I promise this is less paper than it actually appears  
816 to be.

817 So it's a rather long document. You do not need to

818 sit here and read the whole thing. I won't be asking you much  
819 about its content, but what I did want to do, from the executive  
820 summary there on the first page, I'm just going to read a  
821 particular sentence in that executive summary and I'll read it  
822 out loud.

823 The sentence I'm interested in is, quote: It is  
824 critical for schools to open as safely and as soon as possible  
825 and remain open to achieve the benefits of in-person learning  
826 and key support services.

827 It is at least my impression, reading that and then  
828 reading the document as a whole, that the premise of this  
829 document is to reopen schools. Is that your general  
830 understanding as well?

831 A. Yes.

832 Q. Great. And to do so safely, of course; that's also  
833 your understanding?

834 A. Yes.

835 [REDACTED]: Okay. So as I understand it, AFT  
836 made a few suggestions for language that might be included or  
837 incorporated into the operational strategy and I would like to  
838 talk about those suggestions for a moment. So I'm going to  
839 introduce Minority Exhibit B.

840 [Minority Exhibit B was  
841 marked for identification.]

842 MR. BENZINE: I'll give you a moment to look over that

843 email chain if you would like to. This document is Bates  
844 labeled AFT\_EXT227.

845 MR. BROMWICH: Which aspect of this are you going to  
846 ask her about?

847 [REDACTED]: So we're going to pick out a few  
848 different pieces starting at the bottom of page 229, the third  
849 page of the document.

850 So this is an email from yourself that you may recall  
851 it or may be familiar with it. I'm happy to give you a moment  
852 to glance through it if you would like to.

853 I specifically wanted to look at the bullet point  
854 there at the bottom of 229 which then flows into page 230, and  
855 at the very beginning of that bullet point, I'll just read the  
856 first few words because I think it gives the flavor: "Employers  
857 should provide reassignment, remote work, or other options for  
858 staff who have documented high-risk conditions."

859 BY [REDACTED]:

860 Q. So I think -- am I correct that this is the first  
861 suggestion that was made for the CDC operation strategy?

862 MR. BROMWICH: By AFT, to your knowledge.

863 THE WITNESS: By AFT?

864 [REDACTED] By AFT.

865 [Witness peruses document.]

866 THE WITNESS: I think so, but I'm not 100 percent  
867 sure.

868 MR. BROMWICH: Whether it's the first one?

869 THE WITNESS: Yes.

870 MR. BROMWICH: Not that it wasn't made. Correct?

871 THE WITNESS: Yes.

872 BY [REDACTED]:

873 Q. Right. If you recall, could you give me a little bit  
874 of a sense of what this suggestion is all about, the concept of  
875 staff who have high-risk conditions or increased risk for severe  
876 illness, why those folks are in a more difficult situation when  
877 reopening and why it might be important to make accommodations  
878 for them?

879 A. Yes. We knew from the research at the time that  
880 people who were immune compromised were at higher risk not only  
881 for severe illness from COVID-19, but also for death. We had  
882 thousands of members who were terrified of going back in the  
883 buildings at that time.

884 It was -- I can remember a period of probably in the  
885 months preceding this email where it felt like almost daily, we  
886 had a report of a member who had died from COVID-19. Those  
887 things were publicized in local newspapers. We had a wall  
888 outside of our -- we still have it, the wall outside of our  
889 building with a list of our members who died from COVID.

890 For the people who -- even people who didn't have  
891 high-risk conditions, that made it very scary to them, because  
892 we still didn't have all of the answers about COVID. There

893 wasn't -- vaccines weren't available. Test kits were hard to  
894 come by and people didn't want to go into work and die. They  
895 didn't.

896 So we had a lot of discussion internally, Randi and  
897 our team at the AFT, about how we could find ways to help ease  
898 the fears of people who at least were high risk and getting them  
899 back to school, and this was what we came up with.

900 Q. That's great. I appreciate. Thank you.

901 If I could flip forward through that document to the  
902 very first page numbered 227, I'm going to focus on that third  
903 paragraph. It starts with the words "it would be great". I'm  
904 just going to read that because I think that's the second  
905 suggestion, and I'll read what's in quotations there, quote: In  
906 the event high community transition results from a new variant  
907 of SARS-CoV-2, a new update of these guidelines may be  
908 necessary.

909 Would you mind describing that concept a little bit?

910 A. Yes. As I mentioned earlier, the public health  
911 response to COVID-19 was lackluster at best across the country  
912 and there was a huge variability in the ability of local and  
913 state health departments, governors, in their ability to control  
914 transition in the communities. We believed that -- first,  
915 candidly, we weren't super thrilled with the guidance when we  
916 saw it and we knew that our members would not be super thrilled  
917 when they saw it. It didn't give the solid assurances of safety

918 that we had been hoping for and it was way better than anything  
919 we had seen before.

920 So we wanted to be able to tell our members that the  
921 CDC acknowledged that they may need to revise the guidance if  
922 certain conditions were to occur, and high community transition  
923 is the most sensical thing that we could come up with and, you  
924 know, not only to give our members some assurance, but also, you  
925 know, getting the CDC to say, you know, we may need to modify  
926 this. This is pushing people back into buildings when they're  
927 afraid to go back into buildings. They need to know that if  
928 conditions get worse, then we're going to go back and revise  
929 this.

930 Q. And the idea of a new variant, specifically, so as I  
931 understand it, you can make certain judgments about risk with  
932 respect to the virus. You can look at different age groups and  
933 gauge who is at what kind of risk, but given that viruses mutate  
934 and evolve, if -- God forbid -- you saw a variant of the virus  
935 that was much more deadly to teachers or staff or, in the  
936 worst-case scenario, kids, would it have made sense to say that  
937 might be a scenario where we need to re-evaluate how we're doing  
938 in person?

939 A. Absolutely. Absolutely.

940 Q. Okay. I did want to note one sort of process  
941 question. In the first paragraph of this email, starting with  
942 "Thank you for your continued openness", I'm just going to read

943 that second sentence there and I want to ask one question about  
944 it: "We would like to share some thoughts regarding the  
945 paragraph below which was apparently leaked from the imminent  
946 guidance on reopening schools."

947 Is it your recollection, if I'm reading this  
948 correctly, the language that you were working off of here for  
949 the purpose of the new variant suggestion, it was language that  
950 you got not from the CDC, but somewhere else?

951 A. Yes.

952 Q. I think it may have been from a reporter. There may  
953 be a document somewhere for that. Is that your general  
954 recollection?

955 A. Yes.

956 Q. I suppose I should ask for both of those suggestions  
957 that we just discussed, folks who were at a higher risk of  
958 severe illness and a hypothetical new variant, it feels as if  
959 the premise of both of those suggestions is schools are  
960 reopening and we all share that view; we're now just describing  
961 how to do that safely. Is that your general recollection as  
962 well?

963 A. Yes. For us, it was how to do it safely first and  
964 also how to help our members feel comfortable going back into  
965 schools.

966 Q. If I could ask about one last part of this email, down  
967 -- still on the first page, the last sort of big paragraph of



968 the email starting with "We really want to lend", and the second  
969 sentence of that paragraph, I'll read out loud: "We must,  
970 however, urge the inclusion of clear closure triggers in the  
971 imminent guidance."

972 Could you just explain for us a little bit what are  
973 the closure triggers?

974 A. Closure triggers are -- in the AFT's usage of the  
975 closure triggers and mine in this email refers to a threshold  
976 that would be used to say schools need to be closed now. So if  
977 the community COVID positivity rates were 10 percent, for  
978 example -- I'm just making that up -- I believe the CDC at one  
979 point used a color-coded grid in the guidance. That would be a  
980 closure trigger, acknowledging, of course, the CDC guidance is  
981 advisory. It's not compulsory.

982 But we wanted to make sure that superintendents and  
983 administrators in school districts had some sort of metric to  
984 refer to, because we knew in our conversations with them and  
985 their organizations, they didn't know what to do and there was  
986 no one from the Federal Government telling them.

987 Q. I was just going to ask without a metric, what would  
988 the situation look like at a local level as people tried to  
989 figure out what to do?

990 A. It was all over the map. It was all over the map. It  
991 was anything from if you feel like school should close or we're  
992 not closing schools no matter what to, you know, a three

993 percent, a five percent positivity rate. In some cases, it was  
994 a number of cases in a classroom or a number of cases in a  
995 building. It was all over the map. There was no consistent  
996 standard.

997 Q. If you recall, did the CDC end up including a closure  
998 trigger in its operational strategy document?

999 A. I don't remember whether it was in this version or a  
1000 subsequent one, but they did have a red, yellow, green grid that  
1001 they used.

1002 Q. In the February 12th document, I think, though I will  
1003 defer to your recollection, that they did not adopt a closure  
1004 trigger metric in the way that it seemed AFT was asking. I  
1005 don't know if you recall similarly.

1006 A. I remember that we were disappointed. So yes. That's  
1007 correct. You're correct.

1008 [REDACTED]: Okay. I think part of the discussion  
1009 or theme of this whole topic has been the extent to which AFT is  
1010 able to get what it wants from the CDC or not. I think it might  
1011 be helpful to look a little bit at the way you all internally  
1012 were discussing the CDC guidance. So I'm just going to  
1013 introduce a couple of emails on that front.

1014 I would like to introduce Minority Exhibit C.

1015 [Minority Exhibit C was  
1016 marked for identification.]

1017 [REDACTED]: This is Document AFT\_292. It's sort

1018 of a lengthy chain. I'm only going to ask you about your own  
1019 email on the first page. So you're welcome to glance that over.

1020 [Witness peruses exhibit.]

1021 BY ■■■■■■■■■■:

1022 Q. So I think as a reader, my impression is, but you  
1023 correct me if needed, that this is an email where you all are  
1024 discussing internally a meeting that you had with CDC staff.  
1025 The CDC guidance isn't out yet. You're just sort of talking  
1026 about your impressions of it, and I wanted to focus on the bold  
1027 in the middle of the page that says "Our challenges".

1028 A. Okay.

1029 Q. I'll just read that first sentence, which reads: "It  
1030 seems very unlikely any of our changes will be incorporated  
1031 because the document is mostly through their internal review  
1032 process."

1033 Am I reading that right, that you, yourself, did not  
1034 feel as if there was a very good chance the CDC would do  
1035 whatever it was you were asking them to do?

1036 A. That's correct. I did not feel we were going to get  
1037 the changes we had asked for.

1038 Q. Is that consistent with sort of how you recall feeling  
1039 at the time?

1040 A. Yes.

1041 MR. BROMWICH: Anything else on that document?

1042 ■■■■■■■■■■: No, nothing else on that document.

1043 I'm going to introduce Minority Exhibit D. It will be  
1044 a similar sort of idea.

1045 [Minority Exhibit D was  
1046 marked for identification.]

1047 [REDACTED]: This is another one where we're  
1048 really only looking at the first page of the document, and this  
1049 is Bates labelled AFT\_EXT304.

1050 I'll give you a moment to look it over. I want to  
1051 look at the very bottom of the page, which is an email from  
1052 Darryl Alexander.

1053 [Witness peruses exhibit.]

1054 BY [REDACTED]

1055 Q. On the last paragraph on this page, I'll just read the  
1056 first few sentences there. I think that we're discussing in  
1057 this case the CDC document.

1058 Mr. Alexander -- sorry -- Mrs. Alexander says: "I  
1059 would not recommend that we aggressively pan the document. I  
1060 think it is bad, but we probably will not be able to go in with  
1061 demands for full-scale revisions before the Wednesday release.  
1062 It will be a victory if they entertain a few tweaks."

1063 Is that consistent to you with sort of how you felt at  
1064 the time as we saw in the last email?

1065 A. That's a little more optimistic than I was.

1066 Q. Is that right?

1067 A. Yes.

1068 Q. So you felt like they might not even entertain a few  
1069 tweaks; they might simply give you a blanket no?

1070 A. We were told on a call with the CDC, and I can't  
1071 remember who from the CDC said it, that it was very unlikely we  
1072 would be able to -- any suggestions we would make would be  
1073 incorporated because the document had already made its way  
1074 mostly through their internal review process.

1075 [REDACTED]: Got it. Great. You can put that one  
1076 away as well.

1077 I think that that is a logical breaking point. So we  
1078 can go off the record.

1079 [Recess.]

1080 MR. BENZINE: We can go back on the record.

1081 FURTHER EXAMINATION BY THE MAJORITY

1082 BY MR. BENZINE:

1083 Q. I want to pick up a little bit where I left off on the  
1084 transition team and then forward. To your knowledge, prior to  
1085 the election or after the election, prior to inauguration, did  
1086 Ms. Weingarten ever speak to Dr. Walensky?

1087 A. I'm sorry. Can you repeat the question?

1088 Q. In between the election and the inauguration, did  
1089 Ms. Weingarten ever have a conversation with Director Walensky,  
1090 Dr. Walensky, at that time?

1091 A. Yes.

1092 MR. BENZINE: I want to introduce Majority Exhibit 3.

1093 [Majority Exhibit No. 3 was  
1094 marked for identification.]

1095 BY MR. BENZINE:

1096 Q. It is Bates numbered AFT\_EXT382 and appears to be a  
1097 meeting invitation. It has Call, Dr. Rochelle Walensky/Randi  
1098 Weingarten in the subject line. The start time is December 29,  
1099 2020 at 9:00 and runs for 30 minutes to 9:30.

1100 To your recollection, were there any more phone calls  
1101 between Ms. Weingarten and Dr. Walensky other than this one?

1102 MR. BROMWICH: To your knowledge.

1103 THE WITNESS: I think, yes. Yes.

1104 BY MR. BENZINE:

1105 Q. There were?

1106 A. Phone calls?

1107 Q. Phone calls.

1108 MR. BROMWICH: Were there other phone calls other than  
1109 this one?

1110 THE WITNESS: Well, we were on a call with  
1111 Dr. Walensky, but that was after the inauguration.

1112 MR. BROMWICH: That was later?

1113 THE WITNESS: Yeah. I don't know.

1114 BY MR. BENZINE:

1115 Q. Were you on this call?

1116 A. No.

1117 Q. Were you aware of this call when it was scheduled?

1118 A. I can't remember.

1119 Q. Shifting to the post -- well, we'll stay in the same  
1120 time frame. During the transition, was AFT aware of any  
1121 forthcoming guidance from the CDC on school reopenings?

1122 A. I don't remember. As I said earlier, we had  
1123 discussions with the transition team about the need for  
1124 guidance, but I honestly cannot remember whether there were --  
1125 whether the CDC or the Administration said or the transition  
1126 team said we're going to do guidance. I don't remember.

1127 Q. Do you recall when you first learned that they were  
1128 going to be publishing guidance?

1129 We can shift to after the inauguration now if it's --

1130 A. I don't remember the day.

1131 MR. BROMWICH: How far in advance of when it was  
1132 actually issued, which was February 12th? A couple of weeks?

1133 THE WITNESS: Probably. We heard that there would be  
1134 guidance.

1135 BY MR. BENZINE:

1136 Q. A couple of weeks in advance?

1137 A. Yes.

1138 Q. Okay. So probably like -- we can get to it, but the  
1139 late January time frame?

1140 A. Yes. That sounds right. Yes.

1141 Q. Do you recall when CDC was originally scheduled to  
1142 publish that guidance?

1143 A. No. I don't.

1144 MR. BENZINE: I want to introduce Majority Exhibit 4.

1145 [Majority Exhibit No. 4 was  
1146 marked for identification.]

1147 BY MR. BENZINE:

1148 Q. This is an email chain, and for clarity, I don't  
1149 believe you are on it, but I'm just going to ask if your  
1150 recollection is similar to what's in here. It's Bates numbered  
1151 AFT\_EXT295 through 303. The email from Ms. Ucelli-Kashyap on  
1152 the first page is dated Thursday, January 28, 2021 and her first  
1153 line is: "Note the story reopening out soon, maybe as soon as  
1154 Friday."

1155 So that would have been January 29th. Does that help  
1156 refresh your recollection of when they were originally supposed  
1157 to publish the guidance?

1158 A. I mean, it --

1159 MR. BROMWICH: According to the news story.

1160 THE WITNESS: According to Politico, yes, but I don't  
1161 remember hearing from the CDC that they would be publishing the  
1162 guidance on Friday after January 28th.

1163 BY MR. BENZINE:

1164 Q. Do you recall if February 12th was the original  
1165 scheduled date for the guidance?

1166 A. No.

1167 Q. We can put this aside.



1168                   When were you first provided a draft of the CDC school  
1169 reopening guidance?

1170                   A.    I don't remember the date.  There was an email that  
1171 came in from NIOSH to Darryl Alexander and Amy Berruth, who was  
1172 on my team, saying that there was draft guidance.  I believe  
1173 they were provided a copy of it.

1174                   MR. BROMWICH:  As an attachment to the email?

1175                   THE WITNESS:  As an attachment to an email, yes, but I  
1176 don't remember the date.

1177 BY MR. BENZINE:

1178                   Q.    All right.  It came from NIOSH, not from the CDC front  
1179 office?

1180                   A.    No.  It was NIOSH people that we had a relationship  
1181 with.

1182                   Q.    Do you remember the individuals at NIOSH?

1183                   A.    Rebecca Garin was one of the people.  She works  
1184 closely with my staff on occasion on workplace safety research.  
1185 I can't remember the other person's name.

1186                   Q.    Do you recall when you got it from the CDC officially  
1187 versus NIOSH?

1188                   A.    No.

1189                   Q.    Was the guidance proactively sent to AFT or did you  
1190 request it?

1191                   A.    I can't remember.

1192                   Q.    To the best that you can recall hearing conversations

1193 or direct knowledge, did anyone at AFT receive an email recall  
1194 notice from the CDC regarding the transition of the draft  
1195 guidance?

1196 A. I don't remember.

1197 MR. BENZINE: I want to go to Exhibit 5. It's the  
1198 email that you've already seen and I believe, for the record,  
1199 the highlighting was not in the production. It was done on our  
1200 end.

1201 [Majority Exhibit No. 5 was  
1202 marked for identification.]

1203 MR. BENZINE: It's an email chain and Bates numbered  
1204 AFT\_EXT304 through 307, and I want to turn your attention to  
1205 page 306. Kind of two-thirds down the way of the document,  
1206 there's an email from you to from January 31, 2021 and --

1207 MR. BROMWICH: I'm not seeing that, Mitch. 306?

1208 MR. BENZINE: 306. It's a really tiny email.

1209 THE WITNESS: It's right here.

1210 MR. BROMWICH: Oh, okay.

1211 BY MR. BENZINE:

1212 Q. And you write "this is the new document that they just  
1213 drafted", meaning, I believe, your team or are you referring to  
1214 the CDC guidance in that?

1215 MR. BROMWICH: Read as much as you need to to answer  
1216 the question.

1217 MR. BENZINE: Yeah.

1218 [Witness peruses exhibit.]

1219 THE WITNESS: It appears as though I was referring to  
1220 the CDC, but I don't remember.

1221 BY MR. BENZINE:

1222 Q. You write: "This document will not be super helpful  
1223 or clarifying on the ground. It feels like they just felt  
1224 pressured to release something, and this will just add to the  
1225 disjointed collection of documents."

1226 Then you say: "Can we ask them to hold it for another  
1227 week to work on it?"

1228 I want to unpack it a little bit. To the best of your  
1229 recollection, the first draft you saw on about January 31st or  
1230 within a couple of days of that, why wasn't it helpful or  
1231 clarifying?

1232 A. I don't know. I don't know what version of the  
1233 document I was looking at when I wrote this email. I don't even  
1234 know if I was -- for sure that I was referring to the CDC  
1235 document.

1236 MR. BROMWICH: But your general view of the guidance  
1237 was that it was not super helpful, in your phrase; is that  
1238 right?

1239 THE WITNESS: Yes.

1240 MR. BROMWICH: So that's consistent with your overall  
1241 view?

1242 THE WITNESS: Correct.

1243 MR. BROMWICH: Assuming it was the CDC document?

1244 THE WITNESS: Yes.

1245 BY MR. BENZINE:

1246 Q. You testified earlier a little about your first blush  
1247 of the first CDC guidance. Can you go into a little bit more  
1248 detail, what it was missing, why it wasn't -- if we can operate  
1249 under the assumption that this is talking about the CDC  
1250 guidance, why it wasn't clarifying?

1251 A. If I remember correctly, we were not happy that  
1252 ventilation-related mitigation factors were -- I don't believe  
1253 they were prominent in the document when we first received it.

1254 MR. BROMWICH: And that was a front burner issue for  
1255 your members?

1256 THE WITNESS: It was. It was.

1257 We were working with the sheet metal workers. We had  
1258 a whole program on ventilation and recommendations for buildings  
1259 rooted in work we had done well before the pandemic.

1260 I would have to see the document. I'm sorry.

1261 BY MR. BENZINE:

1262 Q. Okay. We can talk about ventilation specifically.  
1263 What were AFT's recommendations for school ventilation specific  
1264 to COVID?

1265 A. Acknowledging that the schools didn't have the funding  
1266 and the funding from the Federal Government was not adequate for  
1267 schools to sort of retrofit entire new HVAC systems, we -- I'm

1268 simplifying this, but we really wanted the schools to be -- we  
1269 wanted the guidance to say that schools should hire a certified  
1270 ventilation technician who would check the -- I'm not a  
1271 ventilation expert. So I'm probably not getting the  
1272 nomenclature right, but that they would check the settings on  
1273 the ventilation to make sure that the intake and the flow of the  
1274 ventilation was appropriate for spaces where there may be  
1275 contagions in a room, particularly understanding that in a lot  
1276 of cases, classrooms were probably overcrowded and could not  
1277 adhere to a six-foot physical distancing recommendation in most  
1278 cases, in most school districts and even in school districts  
1279 that are, you know, better resourced than in poor school  
1280 districts. They have, you know, a janitor who is not trained in  
1281 HVAC systems who's charged with maintaining them.

1282           So we wanted to make sure that there was someone who  
1283 was an expert in ventilation whose job it was to look at the  
1284 status of the ventilation system, to check the filtration that  
1285 was in place, depending on what the ventilation system was, and  
1286 make adjustments accordingly.

1287           Q. And an adjustment could end up being a complete  
1288 retrofit of an entire HVAC system?

1289           A. No. We knew that that wasn't possible for the school  
1290 districts.

1291           Q. Were there more practical mitigation measures that  
1292 were recommended other than hiring a brand new person and

1293 checking all the ventilation systems?

1294 A. I don't recall saying that they would need to hire  
1295 someone on staff, having someone who is on contract to come in  
1296 and do a two-hour check or whatever.

1297 MR. BROMWICH: Like an inspector?

1298 THE WITNESS: An inspector, yes.

1299 I don't know how much more practical you can get than  
1300 that.

1301 BY MR. BENZINE:

1302 Q. That's fair.

1303 Going back to the email, just as much as you can  
1304 recall, you wrote: "It feels like they -- meaning the CDC --  
1305 "just felt pressured to release something."

1306 Do you recall what you thought or why you made that  
1307 statement?

1308 A. Yes. Everyone knew that the CDC under the Trump  
1309 Administration was hindered in their ability to put together  
1310 meaningful, understandable guidance that -- and clear guidance  
1311 that people could use, and I know that the Administration coming  
1312 in from discussions with the transition team felt pressured to  
1313 get it right and to correct some of the things that had been  
1314 done wrong and poorly for so long.

1315 Q. You said everyone knew. Can you elaborate more on who  
1316 everyone is?

1317 A. Sure. All of the people in all of the groups that we

1318 were talking with. So, for example, we were on -- we were in a  
1319 committee or coalition, for lack of a better word, that was  
1320 convened by Harvard that had industrial hygienists, school  
1321 administrators, the head of the health department or whatever  
1322 the Florida public health department was. He was on it.

1323 AFT was on it. NEA was on it. Learning experts were  
1324 on it. It was -- you know, that's one area where I remember the  
1325 discussion and the Health and Safety Committee with the AFL-CIO  
1326 where it was mostly unions and also professional industrial  
1327 hygienists who work with the unions. There is an industrial  
1328 hygienist association that isn't just industrial hygienists, but  
1329 experts on like how far particulate matter can travel under  
1330 certain conditions in a room.

1331 Those groups all were very dismayed with the CDC  
1332 guidance and, finally, everyone includes our affiliates who were  
1333 unable to discern what they should talk to their employers about  
1334 and their employers, you know, echoing the same thing to our  
1335 people about not knowing what they should do because the CDC  
1336 guidance was crap.

1337 Q. Did you ever hear directly from anyone at the CDC  
1338 expressing dismay about the guidance in 2020?

1339 A. Did I directly hear?

1340 Q. Um-hum.

1341 A. Which guidance?

1342 MR. BROMWICH: The inadequate and woeful guidance that

1343 existed before.

1344 THE WITNESS: There were various inadequate and  
1345 woefully --

1346 BY MR. BROMWICH:

1347 Q. From the beginning of the public health emergency,  
1348 January 31, 2020 to Inauguration Day January 20, 2021, did you  
1349 hear from anybody currently employed by the CDC at that time,  
1350 employed during that year, that expressed dismay over the CDC's  
1351 guidance regarding schools?

1352 A. I did not directly, no.

1353 MR. BROMWICH: For context, did you have extensive  
1354 dealings with the CDC before January 2021?

1355 THE WITNESS: Me, personally?

1356 MR. BROMWICH: Yeah, you personally.

1357 THE WITNESS: I did not, because I had just assumed  
1358 the responsibility for the occupational safety and health  
1359 program other than, you know, weighing in on things like  
1360 bloodborne pathogens and matters that were specific to clinical  
1361 settings in healthcare.

1362 BY MR. BENZINE:

1363 Q. Did AFT have a relationship with the CDC in 2014 when  
1364 you were there previously?

1365 A. Yes.

1366 Q. What did that look like?

1367 A. Primarily, we worked with NIOSH, which is, as you



1368 know, a component of the CDC. I can't really speak to other  
1369 teams.

1370 Q. All right. Going back to if you heard anything  
1371 directly from a CDC employee, you said you personally didn't.  
1372 Was there watercooler conversation about CDC employees  
1373 expressing dismay over the administration's guidance?

1374 A. Yes.

1375 Q. Can you elaborate a little bit?

1376 A. I know from other AFT staff and I can't recall who  
1377 specifically, but it was kind of an ongoing theme throughout  
1378 2020 that career CDC staff were embarrassed, that they were very  
1379 disappointed. They felt silenced and censored, and there were  
1380 -- this is all hearsay, of course, but there were directives  
1381 given from the White House that a lot of the scientific  
1382 conclusions should not be unveiled and communicated to the  
1383 public because -- I don't know why.

1384 Q. Do you recall the names of the CDC employees?

1385 A. I do not.

1386 Q. Going back to the email, the last line of your email  
1387 is: "Can we ask them to hold it for another week to work on  
1388 it?"

1389 To your recollection, did AFT ever ask the CDC to hold  
1390 or delay school reopening guidance?

1391 A. I can't remember. I can't remember.

1392 MR. BENZINE: I want to shift to six, Majority Exhibit

1393 6.

1394 [Majority Exhibit No. 6 was  
1395 marked for identification.]

1396 BY MR. BENZINE:

1397 Q. Again, there might be highlighting in it. It wasn't  
1398 in the production.

1399 This is an email chain again and Bates numbered  
1400 AFT\_EXT292 through 294, and I want to go to the email that  
1401 begins on 293 from you to Ms. Weingarten and a couple of others  
1402 from January 31, 2021. First, a clarifying question on the  
1403 email, in the "to" line, there's just the initials DRW. Do you  
1404 know who that is?

1405 A. That's Randi.

1406 Q. You say in the email in the first line: "We have two  
1407 items regarding the forthcoming CDC reopening document, number  
1408 one, followup to your call Friday and, number two, prep for the  
1409 staff call reactions to the draft document."

1410 What's number one, the followup to your call Friday?

1411 A. I don't remember.

1412 Q. Would it have been referring, possibly, to a call  
1413 between Ms. Weingarten and Director Walensky?

1414 A. I can't speculate.

1415 Q. Further down the paragraph that starts with the bold  
1416 line, it reads: "Hold the Friday call followup to Walensky  
1417 until after tomorrow's 1 p.m. call with the CDC staff."

1418 Does that help refresh your recollection?

1419 A. I'm sorry. Where? Oh, sorry.

1420 [Witness peruses document.]

1421 THE WITNESS: I don't know. It appears to be the  
1422 same, but I don't remember. I'm sorry.

1423 BY MR. BENZINE:

1424 Q. Okay. And then "after tomorrow's 1 p.m. call with CDC  
1425 staff", I assume that was a call, or correct me if I'm wrong, a  
1426 call between AFT staff and CDC staff that took place on February  
1427 1st.

1428 A. Probably.

1429 Q. The rest of that paragraph reads: "This will give us  
1430 the space to make a more definitive statement that the guidance  
1431 is a problem if we need to, also space to try to resolve as much  
1432 outside White House-level communications. We may need to  
1433 reconvene with you quickly after for direction, depending how  
1434 hot the Chicago and D.C. situation is for you."

1435 We've touched on this a little bit. So I won't get  
1436 into a lot. Obviously, it was your perspective and maybe AFT's  
1437 perspective as a whole that at the point in time, the CDC  
1438 guidance was inadequate or didn't live up to expectations?

1439 A. Yes.

1440 Q. What were the outside White House-level conversations  
1441 that you refer to in that paragraph?

1442 A. I don't remember. I don't remember.

1443 Q. You don't remember having any conversations with the  
1444 White House during this time?

1445 A. During this time? What do you mean by "this time"?

1446 Q. We'll say late January into early February regarding  
1447 the reopening guidance.

1448 A. I don't remember having any myself.

1449 MR. BROMWICH: So you wrote this on Sunday, January  
1450 31, 2021, more than two years ago. So he's asking you about  
1451 White House-level conversations. As you sit here today, do you  
1452 know what those refer to?

1453 THE WITNESS: No.

1454 BY MR. BENZINE:

1455 Q. Okay. Do you recall what the Chicago and D.C.  
1456 situation was?

1457 A. On January 31, 2021, I do not.

1458 Q. I want to do -- we'll use them together. It will be  
1459 Majority Exhibits 7 and 8.

1460 [Exhibit Nos. 7 and 8 were  
1461 marked for identification.]

1462 MR. BENZINE: If you want to take a minute to read  
1463 through while I describe them briefly, seven is an article from  
1464 Reuters dated February 5, 2021 entitled "Chicago Teachers  
1465 District Talk in Stalemate over COVID Reopening Plan", and  
1466 Exhibit 8 is a "Washington Post" article from February 1, 2021  
1467 titled "D.C. Seek a Temporary Restraining Order Against Teachers

1468 Union to Order that Teachers Stop Discussing a Strike".

1469 [Witness peruses exhibits.]

1470 MR. BENZINE: Once you flip through, let me know.

1471 [Witness further peruses exhibits.]

1472 THE WITNESS: Okay.

1473 BY MR. BENZINE:

1474 Q. Could these have been the Chicago and D.C. situations  
1475 that you were referencing?

1476 A. Yes. They could be.

1477 Q. Okay. Do you recall what these situations were about,  
1478 generally?

1479 A. What I recall about Chicago is that there was not warm  
1480 water in many of the districts and there was soap in -- there  
1481 was not soap in most of the school buildings and -- there was  
1482 not soap in most of the school buildings. There were a lot of  
1483 safety concerns of the members.

1484 I remember Randi trying to work with Jesse Sharkey,  
1485 who was the president of the Chicago Teachers Union at that  
1486 time, similar to my comments earlier, to try to help allay fears  
1487 and try to help move people back into the schools, but the AFT  
1488 is a federation of locals, and under our constitution, we do not  
1489 have authority to compel or force any of our locals to do  
1490 anything or take any action. Their members drive what they do.

1491 Q. Did Ms. Weingarten work with Mayor Lightfoot at all?  
1492 Do you recall?

1493 A. I don't.

1494 Q. What about Mayor Bowser?

1495 A. I don't remember.

1496 Q. Okay. We can flip back to the Exhibit marked 292  
1497 through 294 and go to the page marked 292. So it's the front  
1498 page of the document.

1499 A. Okay.

1500 Q. In here -- let me find it so I can point you in the  
1501 right direction.

1502 It's the single-sentence paragraph halfway-ish through  
1503 your email. It starts "One interesting note".

1504 So you write: "One interesting note on the  
1505 vaccinations: They alluded to the fact that they were very  
1506 conscious of not forcing anyone to take the vaccine."

1507 Is the "they" you're referring to the CDC?

1508 A. It appears to be.

1509 Q. Okay. On February 3, 2021, so two days after this  
1510 email, Director Walensky said vaccinations for teachers is not a  
1511 prerequisite for reopening schools. Do you recall that  
1512 statement?

1513 A. I remember hearing about it in her recent hearing.

1514 Q. Do you agree with that statement?

1515 A. Can you say it again?

1516 Q. Vaccinations for teachers is not a prerequisite for  
1517 reopening schools.

1518 A. I'm assuming you're referring to COVID vaccinations.

1519 Q. Yes.

1520 A. During what time?

1521 Q. It was -- she said it February 3, 2021.

1522 A. Are you talking about my personal view?

1523 Q. Sure. I'll rephrase the question.

1524 Do you believe that vaccinations should -- COVID  
1525 vaccinations should have been a prerequisite for reopening  
1526 schools?

1527 A. I don't -- I don't know that I can say. Are you  
1528 talking about mandatory vaccination?

1529 MR. BROMWICH: And for which populations? For  
1530 teachers? For families?

1531 MR. BENZINE: Vaccination for teachers.

1532 THE WITNESS: All teachers? Some people can't take  
1533 vaccinations. I mean, I don't understand like what exactly --  
1534 are you wanting me to say everybody should be vaccinated before  
1535 schools open?

1536 BY MR. BENZINE:

1537 Q. There's nothing I want you to say. I'm just asking in  
1538 your personal -- in your professional capacity as the senior  
1539 director for healthcare at AFT if you believe that COVID  
1540 vaccinations for teachers should have been a prerequisite for  
1541 reopening schools.

1542 MR. BROMWICH: Mitch, her personal views are

1543 irrelevant. It's whether she gave advice in that vein.

1544 MR. BENZINE: All right.

1545 MR. BROMWICH: Did you ever give advice in that vein,  
1546 that all teachers needed to be vaccinated before schools should  
1547 reopen?

1548 THE WITNESS: No.

1549 BY MR. BENZINE:

1550 Q. To your knowledge, did AFT ever advocate for a  
1551 mandatory vaccination for teachers or other school support staff  
1552 prior to reopening schools?

1553 A. The AFT took a policy position, I believe it was in  
1554 September of 2020, though, I'm not a hundred percent certain on  
1555 the date. Our executive council voted on a resolution that  
1556 stated we would work with employers on vaccine policies.

1557 President Weingarten did not want to take a position  
1558 against mandatory vaccine policies even though that had been the  
1559 union positions with respect to like flu vaccine in the past for  
1560 the healthcare workers, because she wanted schools to be open  
1561 and she knew that vaccination was one part of a multiprong  
1562 approach to get people back into the school buildings.

1563 Q. So AFT's position would agree with Director Walensky,  
1564 that vaccinations for teachers are not the prerequisite for  
1565 reopening schools?

1566 A. It's a very general statement, but yes.

1567 Q. All right. To your knowledge, did AFT ever advocate,



1568 understanding that you said you can't force it, for a school  
1569 district to go on strike if a school advocated for reopening  
1570 prior to vaccinations being available?

1571 A. Can you repeat the question? I'm sorry.

1572 Q. To your knowledge or recollection, did AFT ever  
1573 advocate for a local school district to go on strike if a school  
1574 reopened prior to vaccinations?

1575 A. It's not the place of the AFT to advocate with locals  
1576 that they should go on strike. That's a decision that rests  
1577 solely in the hands of the members.

1578 Q. So AFT never discussed with a local school district  
1579 whether or not they should strike?

1580 MR. BROMWICH: That was a different question than you  
1581 asked before.

1582 BY MR. BENZINE:

1583 Q. To your knowledge, then, did AFT ever have discussions  
1584 with local school districts about going on strike if a school  
1585 wanted to open prior to vaccinations?

1586 A. Have discussions with the school district?

1587 Q. With your local affiliates.

1588 A. Oh, with our local. I --

1589 MR. FLETCHER: I'm sorry. What do you mean by  
1590 vaccinations? It's not clear.

1591 MR. BENZINE: Can we stipulate that vaccinations were  
1592 widely available for teachers like January-February 2021-ish?

1593 Does that sound right?

1594 MR. BROMWICH: I don't know.

1595 BY MR. BENZINE:

1596 Q. Does that sound right to you?

1597 A. I don't remember.

1598 Q. Okay. So let's say prior to December 31, 2020, then,  
1599 when vaccinations were not widely available, did the AFT ever  
1600 have any discussion, talk, consultancy, anything with any local  
1601 affiliate about going on strike if that school district wanted  
1602 to reopen prior to a vaccination being available?

1603 MR. BROMWICH: Did you ever have any discussions like  
1604 that?

1605 THE WITNESS: I'm trying to remember. We had a lot of  
1606 discussions with locals about strikes, but I can't remember the  
1607 specific issues in any one of them.

1608 BY MR. BENZINE:

1609 Q. Okay. Same parameters around the question: To your  
1610 knowledge, did AFT ever have discussions, consultancy, or any  
1611 other type of work with a local affiliate to use means other  
1612 than striking to avoid in-person teaching prior to vaccinations?

1613 A. To avoid in-person teaching?

1614 Q. So using sick days or vacation days instead of  
1615 strikes?

1616 A. To use sick days or vacation days instead of strikes?  
1617 That's illegal, no.

1618 Q. Going back to the document, staying on page 292, in  
1619 the paragraph with the header "Our challenges" right in the  
1620 middle, you say: "We may be expected to praise the  
1621 Administration for this document."

1622 What did you mean by that?

1623 A. That we might have been expected to praise the  
1624 Administration for the document. I mean, aside from that, I  
1625 don't know. I can't remember.

1626 Q. Even though you thought it was inadequate, but the  
1627 expectation on AFT would be to praise an inadequate document?

1628 A. I don't know that the CDC knew what our feelings were  
1629 about the document when I made the statement, but I just made  
1630 the statement that we might be expected to praise the  
1631 Administration.

1632 Q. Where was the expectation coming from?

1633 A. I don't know.

1634 MR. BENZINE: I want to go to Majority Exhibit 9.

1635 [Majority Exhibit No. 9 was  
1636 marked for identification.]

1637 MR. BENZINE: These are text messages between  
1638 Ms. Weingarten and Director Walensky produced via FOIA to the  
1639 Fairfax County Parents Association, also produced by the CDC to  
1640 the Select Subcommittee.

1641 MR. BROMWICH: Mitch, what's the date on the top of  
1642 this document?

1643 MR. BENZINE: It is very, very hard to read, but I  
1644 believe it is February 11, 2021 at 10-ish a.m.

1645 BY MR. BENZINE:

1646 Q. So the first text message, so Director Walensky is  
1647 blue because this was produced by the CDC. So it's her  
1648 cellphone.

1649 Ms. Weingarten references a "New York Times" leak.

1650 She says: "This was leaked by someone in agency to  
1651 'New York Times'. They are running with a full speed ahead  
1652 angle."

1653 And then she quotes a line from the CDC guidance on  
1654 the next page that reads: "At any level of community  
1655 transition, all schools can provide in-person, either full or  
1656 hybrid, through strict adherence to mitigation strategies."

1657 And it goes on to explain some of the mitigation  
1658 strategies. Do you agree with how I characterized that message?

1659 A. Can you repeat your characterization, please?

1660 Q. That someone -- the "New York Times" published a story  
1661 that the CDC was running full speed ahead and included in that  
1662 story a line from the CDC guidance that at any level of  
1663 community transition, all schools can provide in-person  
1664 instruction, either full or hybrid, through strict adherence to  
1665 mitigation strategies.

1666 A. I would have to see the "New York Times" story, but  
1667 that's what the texts say.

1668 Q. Okay. I'm going to, for the sake of not having so  
1669 much paper in front of us, refer you to Minority Exhibit B.  
1670 It's the one Bates marked 227.

1671 So the email from you on 227 is also from February  
1672 11th at 4:25 p.m., a few hours after Ms. Weingarten texted  
1673 Director Walensky, and you start: "Dr. Walensky: Thank you for  
1674 your continued openness to our suggestions and input. We would  
1675 like to share some thoughts regarding the paragraph below which  
1676 was apparently leaked from the imminent guidance on reopening  
1677 schools and that begins at any level of community transmission,  
1678 all schools can provide in-person instruction, either full or  
1679 hybrid, through strict adherence to mitigation strategies."

1680 Can we stipulate that both Ms. Weingarten and you are  
1681 talking about the same leak?

1682 A. Yes.

1683 Q. Okay. First, in between -- in this six-ish hour gap  
1684 of time, if you remember, did Ms. Weingarten raise any concerns  
1685 to you about that language that the "New York Times" leaked?

1686 A. I don't remember.

1687 Q. Generally, why did AFT disagree with this language?

1688 [Witness peruses document.]

1689 THE WITNESS: There was a new variant circulating at  
1690 that point. I can't remember which one it was, and I believe  
1691 the "at any level community transition" clause in that first  
1692 sentence was concerning to -- certainly concerning to our

1693 industrial hygiene folks. Definitely, we knew that it would be  
1694 concerning to many of our members.

1695 So as I stated earlier, we wanted to make sure that  
1696 our members would feel comfortable going back into schools and  
1697 we felt that this statement of a new update of these guidelines  
1698 may be necessary would be helpful in hearing from members who  
1699 were pretty scared going back in.

1700 Q. So can you elaborate a little more as to like why the  
1701 "at any level of community transition", why that entire sentence  
1702 was problematic? Because it qualifies it with "while at any  
1703 level of community transmission, all schools can provide  
1704 in-person instruction, full or hybrid, so not a hundred percent  
1705 in-person instruction, through strict adherence to mitigation  
1706 strategies?

1707 Did the mitigation strategies change with the new  
1708 variant?

1709 A. Well, there were multiple variants that the CDC and  
1710 the WHO were tracking at that time. At any given time, they  
1711 would be tracking over 20 different variants -- right -- all  
1712 around the globe.

1713 When a new variant surfaces and they start to  
1714 evaluate, but don't yet know how infectious it is, how -- the  
1715 mode of transition, we were concerned just like at the beginning  
1716 when people didn't know how the virus was transmitted. As the  
1717 virus mutated and new variants, we also didn't know what mode of

1718 transition may happen. If two people touch an iPad, for  
1719 example, the cleaning, you know, protocol would need to be  
1720 adjusted. We wanted to make sure that there was a caveat for  
1721 our members that if those circumstances were to change, the CDC  
1722 acknowledged that they may need to change their guidance.

1723 Q. I'm just wondering why that is necessary with the  
1724 qualifiers already in that sentence.

1725 A. "At any level of community transition"?

1726 Q. Why your suggested change was necessary considering  
1727 the CDC was already qualifying that schools could go to hybrid  
1728 learning if they needed to and had to follow all the mitigation  
1729 strategies that CDC was advocating for, which at that time and  
1730 throughout the pandemic has been masking and social distancing  
1731 and the other things that you've talked about.

1732 So I just don't understand why adding the qualifier  
1733 was scientifically necessary.

1734 A. So as I mentioned earlier, we had two top priorities.  
1735 One was making sure that the environment was safe. The other  
1736 was making sure that our members felt safe, which isn't  
1737 necessarily rooted in science, but, practically speaking, was  
1738 necessary to get people to be willing to go back into buildings,  
1739 and that was the thrust of this sentence that we recommended.

1740 Q. So there was no science supporting that sentence; it  
1741 was strictly to persuade your members to go back to school?

1742 A. We knew that the CDC -- we were pretty certain the CDC

1743 would update guidance if it needed to update guidance.

1744 Q. They had been for 15 months?

1745 A. Well, and they have done it for, you know, however  
1746 many years they've been an agency, but our members don't know  
1747 that and our members don't look at CDC guidance routinely. Some  
1748 of them had never even visited -- most of them had never even  
1749 visited the CDC website.

1750 So looking at CDC guidance and developments in CDC  
1751 guidance was relatively new and something that we were walking  
1752 our members through. We had webinars. We had calls. We had  
1753 resource bulletins.

1754 We had all the things to help try to explain and  
1755 dissect what was in the CDC guidance and translate that into  
1756 what it meant on the ground and give them advice on just how you  
1757 can talk to your employers about X, Y, and Z.

1758 MR. BROMWICH: So this was to provide comfort that if  
1759 the world changes, the guidance could change?

1760 THE WITNESS: Correct.

1761 BY MR. BENZINE:

1762 Q. But to be clear, there was no scientific rationale for  
1763 it; it was -- the reason you proposed that statement was to  
1764 comfort your members, not because AFT had a specific scientific  
1765 study that said mitigation measures were going to need to change  
1766 if a new variant arose?

1767 MR. BROMWICH: How can you have a scientific study



1768 about something that hasn't happened yet?

1769 THE WITNESS: Yeah. I mean, we had evidence from the  
1770 previous year that that was precisely the case.

1771 BY MR. BENZINE:

1772 Q. Did mitigation measures ever change with new variants?

1773 It was always masking, social distancing, washing your  
1774 hands, not going to work when you're sick.

1775 A. That's actually incorrect. At one point, there was  
1776 guidance saying that people didn't need to wear masks in the  
1777 general public and then there was guidance that said we do need  
1778 to wear masks. There was guidance that said that we could wear  
1779 a bandanna on our faces.

1780 That actually -- it actually did evolve over the  
1781 course of the pandemic.

1782 Q. All right. One more question: If it was, like you  
1783 said, understanding science can change, to provide that level of  
1784 comfort to your members, why did it have to be in the CDC  
1785 guidance and not your internal discussions with your members?

1786 A. Well, it was in our internal discussions with our  
1787 members. We wanted the CDC guidance to be a reliable and  
1788 credible source of information that our members would trust.

1789 Q. Did CDC end up taking that edit?

1790 A. I can't remember.

1791 Q. All right. Also in this email, and you talked about  
1792 it a little bit -- we can talk about it a little bit more -- is

1793 the mention of an absence of a closure threshold. Director  
1794 Walensky testified that they didn't accept the closure threshold  
1795 because CDC's goal was to open schools, not close schools. So  
1796 she certainly interpreted that as inserting a closure threshold  
1797 would be with the goal of maybe closing schools.

1798 MR. BROMWICH: Not necessarily with a goal, but that  
1799 it may have been the result.

1800 BY MR. BENZINE:

1801 Q. Can you explain again, maybe in a little bit more  
1802 detail, AFT's rationale for a closure threshold?

1803 A. More than I explained it earlier?

1804 Q. Yeah. Restate what you said earlier.

1805 A. Sure. So we have over 3,000 locals. So, you know, we  
1806 had a lot of anecdotal information by which we use to formulate  
1807 our positions, requests, all of the information that we put  
1808 together. Like everything we did was informed by what was  
1809 actually happening in reality in the field, in our urban  
1810 districts, small rural districts, you know, inner city core  
1811 districts, urban, you know, well-resourced districts; and one  
1812 thing that was consistent at this point in time is that  
1813 superintendents and administrators did not know when to say when  
1814 on whether to close schools or keep schools open or reopen  
1815 schools.

1816 We heard it in the Harvard group that we were in. We  
1817 heard it from our locals from their discussions with

1818 administrators. Randi even had conversations with the  
1819 superintendent of Cleveland Schools, who expressed that to her  
1820 directly, from governors who didn't know.

1821 We felt like that was an important piece of  
1822 information or guidance for people who were making decisions  
1823 about schools to have in light of the fear, the uncertainty, all  
1824 of the things that people were feeling at that moment in time  
1825 about it. We wanted people to go back to school. Randi wanted  
1826 schools open.

1827 Our members need to have, you know, jobs in order to,  
1828 you know, be members of our union, and that's how we survive, to  
1829 be kind of crude about it; but that's what was needed. They  
1830 wanted it.

1831 You know, it wasn't just our members. It wasn't just  
1832 officials in the union. It was superintendents. It was  
1833 something that was missing across the board.

1834 Q. And you testified earlier that it was -- I don't  
1835 remember if it was school guidance or if it was masking  
1836 guidance, but at some point, the CDC had the green, yellow, red  
1837 kind of like community transition levels. Would that have  
1838 qualified as a closure threshold to you or was it a fine bright  
1839 line at five percent, everybody has got to close?

1840 A. I can't remember, but I would have to look at the  
1841 color-coded thing, because I can't remember exactly what it was  
1842 and what it said, and we, the AFT, knew that there was no bright

1843 line like in every community, it's five percent, three percent,  
1844 whatever, or it's the community rate of infection versus in a  
1845 building versus, you know, where transition is occurring. We  
1846 didn't -- there was no bright line metric for it. We just  
1847 wanted a metric.

1848 Q. Who were -- was AFT going to develop the metric or did  
1849 you want the CDC to develop the metric?

1850 A. We weren't developing a metric. We were tracking what  
1851 metrics were across the country where they were being used, but  
1852 we didn't suggest it should be this or that.

1853 Q. And it wasn't going to be -- what you had in your mind  
1854 at the time when you were typing this out was not a bright line  
1855 across the United States. It was going to be based off local  
1856 school conditions, local school decisionmakers?

1857 Like can you explain a little bit more what you  
1858 envisioned the closer threshold to be?

1859 A. We didn't have a prescriptive idea in mind.

1860 MR. BROMWICH: So you weren't advocating a national  
1861 closure threshold?

1862 THE WITNESS: Oh, no. No, no, no.

1863 BY MR. BENZINE:

1864 Q. So a more well-resourced district, their threshold  
1865 might have been higher versus a less-resourced district might  
1866 have had a lower threshold?

1867 A. I don't -- that may have been how it was worked out in

1868 the field, but I don't know. We didn't have anything like that.

1869 Q. All right. Did you ever have a conversation with  
1870 Ms. Weingarten about a closure threshold or a closure trigger?

1871 A. About -- with respect to the CDC guidance?

1872 Q. Um-hum.

1873 A. I mean, we discussed it. Everything that was in the  
1874 emails in the record was discussed with our president. There  
1875 was no position that we took that was not okayed by our  
1876 president.

1877 Q. Do you recall if Director Walensky responded to this  
1878 email?

1879 A. No. I don't remember.

1880 Q. Prior to this email chain, which begins with an email  
1881 from you on February 1, 2021, had you ever communicated directly  
1882 with Dr. Walensky?

1883 A. I don't know if this was the first time I communicated  
1884 with Dr. Walensky directly.

1885 Q. All right. Do you recall if you ever got an  
1886 explanation from the CDC as to why they didn't do a closure  
1887 threshold in the February guidance?

1888 A. No. I don't remember I have.

1889 MR. BENZINE: I have a few -- just so other counsel  
1890 are aware, I have a few closing questions. Then that will  
1891 probably complete our hour, pending any followups after the  
1892 Minority's next round.

1893 BY MR. BENZINE:

1894 Q. During Ms. Weingarten's testimony on April 26th, when  
1895 asked by a member if she had the direct number for CDC Director  
1896 Walensky, prior to saying yes, she testified: "I do not talk to  
1897 representatives of the government."

1898 To your knowledge and experience, has Ms. Weingarten  
1899 spoken to representatives of the Federal Government?

1900 A. I'm sorry. That was a little -- can you say it again?

1901 Q. During Ms. Weingarten's testimony in front of the  
1902 committee on April 26th, she was asked if she had CDC Director  
1903 Walensky's direct phone number.

1904 A. Okay.

1905 Q. She said yes, but prior to saying yes, she said: "I  
1906 do not talk to representatives of the government."

1907 To your knowledge, has Ms. Weingarten spoken, had  
1908 conversations with, or otherwise talked to representatives of  
1909 the Federal Government?

1910 MR. BROMWICH: Do you know what was in Ms.  
1911 Weingarten's mind when she gave that answer?

1912 THE WITNESS: No. I have no way of knowing what she  
1913 meant.

1914 BY MR. BENZINE:

1915 Q. On its face, taking the testimony --

1916 MR. BROMWICH: We can stipulate that Ms. Weingarten  
1917 has spoken with representatives of the government at various

1918 times.

1919 MR. BENZINE: Thank you.

1920 BY MR. BENZINE:

1921 Q. And then in another -- in a recent letter on June 8,  
1922 2023 from AFT's counsel to the Select Subcommittee, the letter  
1923 said -- it was regarding document production. The letter said,  
1924 and I'm quoting: "However, the collection is limited to  
1925 materials that AFT staff saved and archived consistent with  
1926 AFT's records retention and removal policy and practice. In  
1927 particular, the practice of automatically deleting emails older  
1928 than 90 days has been in place since January 1, 2023."

1929 Were you involved at all in that policy change?

1930 A. No.

1931 MR. BENZINE: All right. Thank you.

1932 We can go off the record.

1933 [Recess.]

1934 FURTHER EXAMINATION BY THE MINORITY

1935 BY [REDACTED]

1936 Q. Ms. Nedrow, I just had a couple more questions. The  
1937 first few were about a few of the topics we were just  
1938 discussing, and if it helps to look at that email chain that we  
1939 were all just looking at with the Bates No. 227 on the bottom  
1940 right-hand corner, it's really more of the concepts that I was  
1941 focused on.

1942 When we were talking a bit about variants, possible

1943 variants, possible future variants that are not yet known, I  
1944 just want to clarify. To the extent that there is a risk of  
1945 future variants that are more dangerous or more lethal to  
1946 teachers, staff, or kids, is it right that you in this moment,  
1947 nor anybody else in the world for that matter, would have known  
1948 what levels of risk might end up emerging from future variants;  
1949 is that fair?

1950 A. That's fair.

1951 Q. Is it right to you that there is a hypothetical level  
1952 of risk at which point mitigation strategies might not in and of  
1953 themselves be enough?

1954 I'm using an extreme example, but if you saw a variant  
1955 with a 100 percent fatality rate, just an example, I would  
1956 imagine you would agree that in that case, ventilation would not  
1957 really make anybody feel better; is that fair?

1958 A. That's fair.

1959 Q. Based on that and on the uncertainty of future  
1960 variants, in that sense, is it not right to say that there is a  
1961 very real scientific basis to suggest simply what was suggested  
1962 here, which is nothing more than in the event high community  
1963 transmissions results from a new variant of SARS-CoV-2, a new  
1964 update of these guidelines may be necessary?

1965 There is no real scientific argument for that based on  
1966 what I just described, i.e., the danger and risk posed by  
1967 hypothetical future variants; does that seem fair?



1968 A. Based on what we were hearing from the scientific  
1969 experts, yes. That is correct.

1970 Q. Okay. I also wanted to ask about closure triggers. I  
1971 think the name "closure trigger" can be a little bit misleading.  
1972 Is it correct to say that closure triggers, the purpose of that  
1973 is not to affirmatively go out and close down schools; is that  
1974 right?

1975 A. That's correct.

1976 Q. When we think about a metric, I know you said that it  
1977 was not necessarily a nationwide metric, but when we think about  
1978 metrics in general, you described a little earlier how in the  
1979 absence of a metric, you could see different districts say,  
1980 Well, we're going to close at, I think you said, three percent  
1981 or five percent or, hypothetically, one percent or ten percent.  
1982 I just want to be clear that to the extent that you set a clear  
1983 metric as compared to a situation where there is no metric, you  
1984 could end up with situations where some school districts might  
1985 be closing under the metric and they might not otherwise close;  
1986 you'd also have some districts that might be staying open when  
1987 they might otherwise have closed.

1988 In other words, there would be districts on either  
1989 side of that new band; does that seem fair?

1990 A. Yes, and, in fact, because the CDC guidance is just  
1991 that, guidance, districts could implement a completely different  
1992 closure threshold.

1993                   ■■■■■■■■■■: Great. I would like to just touch on  
1994 a few documents which go to the question of whether AFT's role  
1995 in the CDC document was really unique or not, and so I think  
1996 what I'll do is introduce Minority Exhibit E.

1997                                           [Minority Exhibit E was  
1998                                           marked for identification.]

1999                   ■■■■■■■■■■: I'll give you a second to look that  
2000 over. It's not from AFT. It's a letter that was sent by HHS to  
2001 the chairman of our subcommittee recently, and I don't whether  
2002 you've seen it or not, but I will direct you to -- I think it's  
2003 the fourth page of this letter. It's got in the bold header at  
2004 the top, quote, List of Agencies and Impacted Groups CDC  
2005 Engaged.

2006                   I don't know whether you've seen this list before or  
2007 not. You may not have. If not, I'll give you a second to just  
2008 scan it.

2009                   THE WITNESS: Thank you. I haven't seen it.

2010                   ■■■■■■■■■■: Sure.

2011                                           [Witness peruses exhibit.]

2012                   THE WITNESS: Okay.

2013 BY ■■■■■■■■■■:

2014                   Q. So this is a speculative question, but is there  
2015 anything about this list that immediately jumps out to you?

2016                                           I might off to you that it's long.

2017                   A. It is long.

2018 Q. It appears to be a long list, and I'll pick out a few  
2019 highlights of what I see on the list. I see other educational  
2020 groups, such as the National Association of Secondary School  
2021 Principals. I see a parents group on here, the National  
2022 Parent-Teacher Association. There is a government-facing group,  
2023 the National Governors Association, as well as medical  
2024 organizations, the American Academy of Pediatrics.

2025 I guess my question to you is from your point of view,  
2026 does the idea that the CDC consulted -- I don't know -- 40 or 50  
2027 other organizations make it seem as if AFT had some sort of  
2028 unique status with respect to the CDC guidance?

2029 A. No.

2030 [REDACTED]: I'll show you another document,  
2031 Minority Exhibit F.

2032 [Minority Exhibit F was  
2033 marked for identification.]

2034 [REDACTED]: You would not be familiar with this  
2035 document because it's from an organization other than your own.  
2036 The Bates number in the bottom right-hand corner is SSCP APHL 2.  
2037 So knowing that this document is unfamiliar to you, I'm happy to  
2038 give a moment to scan it. I'll only be asking you about that  
2039 first page, but feel free to take a look.

2040 [Witness peruses exhibit.]

2041 BY [REDACTED]:

2042 Q. So the thing I just wanted to point to is this appears

2043 to be an email from Parul Parikh at the CDC and it appears to be  
2044 a calendar entry and it relates to a CDC listening session for  
2045 the updated operational strategy, but what I really wanted to  
2046 focus on is the attachment line, which says "Draft K through 12  
2047 schools operational strategy".

2048 So this document, as you can see from the Bates  
2049 numbers, is from APHL, which is the Association of Public Health  
2050 Laboratories. It's dated January 25th.

2051 Does it seem fair to you as a reader to read this  
2052 document to indicate that -- pardon me. The document was sent  
2053 on January 22nd, a little bit earlier than that, and so does it  
2054 seem fair to you to read this to indicate that APHL had a copy  
2055 of the draft CDC guidance from the CDC as of January 22nd?

2056 A. Yes.

2057 [REDACTED]: Okay. So that's it for that  
2058 document. I want to look at it in conjunction with another one  
2059 which I'll label Minority Exhibit G.

2060 [Minority Exhibit G was  
2061 marked for identification.]

2062 BY [REDACTED]:

2063 Q. This one may be familiar to you. So this document is  
2064 Bates labeled -- it's very small in the corner there, but it's  
2065 AFT\_EXT289, and it appears to be a text message from yourself;  
2066 is that right?

2067 A. Yes.

2068 Q. And's it dated January 27, 2021. I'll read it. It  
2069 has an unknown recipient, but your side of the message says:  
2070 "Hi. It seems CDC is expected to release new reopening guidance  
2071 for schools. Who can we talk to about an advanced copy?"

2072 I'll just pause there. To the extent that you recall  
2073 or sitting here reading it, am I reading this right that on  
2074 January 27th, certainly, you did not have a draft of the CDC  
2075 guidance? Is that right?

2076 A. That's right.

2077 Q. Do you recall whether AFT, just as an organization at  
2078 this point, had a draft?

2079 I would assume that they did not. In other words, if  
2080 anybody had it, it seems like it probably would be you. Is that  
2081 your recollection?

2082 A. That's correct.

2083 Q. So putting those two documents together, is it right  
2084 to say that on January 22nd, five days earlier, the American  
2085 Association -- I'm sorry -- the Association of Public Health  
2086 Laboratories had a draft, and five days later, on the 27th, you  
2087 did not?

2088 A. Correct.

2089 Q. And it almost seems as if the news of the draft  
2090 guidance might have been new to you at this point; is that  
2091 right?

2092 A. Yes.

2093 [REDACTED]: Let me show one more which is in a  
2094 similar vein, Minority Exhibit H.

2095 [Minority Exhibit H was  
2096 marked for identification.]

2097 [REDACTED]: This is Bates numbered SSCP NACCHO  
2098 63. This document would also be unfamiliar to you, because it  
2099 came from an organization other than your own. I'll give you a  
2100 second to glance at it. I'll just be mentioning the first page.

2101 [Witness peruses exhibit.]

2102 THE WITNESS: Okay.

2103 BY [REDACTED]:

2104 Q. So I think, although we're reading it together, that  
2105 this is another example of what we just looked at. In other  
2106 words, this is dated January 25, 2021. The organization in  
2107 question here is the National Association of County and City  
2108 Health Officials, which I like to call Nacho, and it appears  
2109 that on the 25th, we have a calendar entry relating to another  
2110 CDC listening session, and from the attachment line, you can see  
2111 Draft K through 12 Schools Operational Strategy.

2112 So when you look at that, do you read the same way I  
2113 am, in other words, that NACCHO on the 25th of January had a  
2114 copy of the draft operational strategy?

2115 A. Yes. That's how I read it.

2116 Q. And as a reminder, two days after this, on the 27th,  
2117 the news of the guidance seemed to be relatively new to you and

2118 you, yourself, did not have a copy of the operational strategy;  
2119 is that right?

2120 A. That's right.

2121 [REDACTED]: You can put that one away.

2122 I would like to just run through a few documents  
2123 briefly that go to the question of how AFT felt about the topic  
2124 of school reopening broadly. So I'll introduce Minority Exhibit  
2125 I.

2126 [Minority Exhibit I was  
2127 marked for identification.]

2128 BY [REDACTED]:

2129 Q. This document is Bates number AFT\_EXT176. I'll give a  
2130 second to look it over. I do want to note on the top left-hand  
2131 corner, this document is dated February 1, 2020. As we can see,  
2132 it's discussing the CDC guidance regarding school opening. So I  
2133 think it's fair to assume that that is a mistake and that 2020  
2134 should, in fact, read 2021.

2135 A. Yes.

2136 Q. Having said that, I just wanted to look at the second  
2137 paragraph of this document. It looks like -- you tell me if you  
2138 have the same impression -- that it's sort of an internal AFT  
2139 discussion having reviewed a draft of the CDC guidance at that  
2140 point. Does that seem right to you as well?

2141 And I'm looking at that top paragraph.

2142 A. Yes. Yes.

2143 Q. Okay. So I just wanted to read out loud an excerpt to  
2144 that second paragraph, and that says -- with respect to the CDC  
2145 draft, it says: "Its primary strength for local affiliates  
2146 struggling with decision matrices around in-person schooling is  
2147 a rationale and assumption under guidance. These include that  
2148 nonessential place-based and activity-based vectors of  
2149 transmission in the community be contained to prioritize  
2150 in-person schooling above all else."

2151 So when I read that, and I would like to know if you  
2152 have the same impression, it looks like AFT viewed it as a  
2153 strength, at least of the CDC document, that was it prioritizing  
2154 in-person schooling. Do you read that the same way?

2155 A. Yes.

2156 Q. Is that consistent with your recollection of how you  
2157 or your colleagues felt at the time?

2158 A. Yes.

2159 [REDACTED]: I'm going to introduce another  
2160 document here, Minority Exhibit J.

2161 [Minority Exhibit J was  
2162 marked for identification.]

2163 BY [REDACTED]:

2164 Q. I'll give you a second to look this over. It's Bates  
2165 labeled AFT\_EXT1140. I was just really interested in the third  
2166 page here. The appears to be a document and the subject is  
2167 Final Reopening Overview Documents, and on page 141, I think is



2168 the attachment to the email.

2169 A. Okay.

2170 Q. And I'll just read from it. Towards the top, its  
2171 title is "Roadmap to Safely Reopening Our Schools", and the  
2172 first paragraph says: "In-person schooling has always been  
2173 foundational. It's what make great public schools central to  
2174 every community. Educators know that to thrive, children need  
2175 in-person learning, and that's why the AFT has been working hard  
2176 since April 2020, when we issued our first roadmap to safely  
2177 reopen our schools, to get them back in classrooms."

2178 Does that sound to you as if AFT wanted to reopen our  
2179 schools?

2180 A. Yes.

2181 Q. Does it sound to you as if AFT wanted to keep schools  
2182 closed?

2183 A. No.

2184 Q. Is the idea that AFT wanted to reopen our schools  
2185 safely consistent with what you recall about how the  
2186 organization felt at this or around a similar time?

2187 A. Yes.

2188 [REDACTED]: I'm going to introduce Minority  
2189 Exhibit K.

2190 [Minority Exhibit K was  
2191 marked for identification.]

2192 BY [REDACTED]

2193 Q. This document is Bates labeled AFT\_EXT318. I don't  
2194 know whether or not you have actually seen it, because you're  
2195 not on the CC line or the "to" line. So you may not have.  
2196 You're welcome to flip through it. I'm not going to ask you  
2197 sort of detailed questions about it even though it's long. You  
2198 don't need to sit there and read the whole thing, but the first  
2199 page, I think, does sort of set up what this document appears to  
2200 be, and so we have an email from somebody named Julissa Reynoso  
2201 to Michelle Ringuette, Office of the President.

2202 Am I right that that is somebody at AFT?

2203 A. Yes.

2204 Q. And the initial email is "Dear Michelle". Down below,  
2205 she's asking to please forward the below message to Randi  
2206 Weingarten and Dr. Mona Hanna-Attisha, and that message says:  
2207 "Dear Randi and Mona: We are in receipt of your letter to Dr.  
2208 Jill Biden and Vice President Elect Kamala Harris."

2209 Looking at that and then looking at the attachment on  
2210 the next page, which is a document reading Recommendations from  
2211 the American Federation of Teachers, I take that to be these are  
2212 materials that AFT at some point in the transition sent to the  
2213 Biden-Harris team and those folks are now acknowledging receipt.  
2214 Does that seem fair?

2215 A. Yes.

2216 Q. All right. And I just wanted pick out a few parts of  
2217 this first attachment. So the name of that is A New

2218 Administration, A New Course, Recommendations from the American  
2219 Federation of Teachers, November 2020. I'm just going to read a  
2220 few little excerpts on the page 320.

2221 In the middle of that page, there is a paragraph that  
2222 says "We have advocated for."

2223 I'm just going to read that: "We have advocated for  
2224 safely reopening schools, including providing blueprints for  
2225 districts to use to establish safety standards and guidelines,  
2226 hybrid models for public education, securing PPE for students  
2227 and school staff, working to ensure schools offer essential  
2228 wraparound services for the mental, social, and emotional health  
2229 of our students."

2230 And then on the next page, 321, I'll just read a few  
2231 small snippets. Under the header "Day One Back to School",  
2232 there's a sentence that reads: "All over the country, educators  
2233 yearn to be back in the classroom and on campus to provide the  
2234 education and support services their students need."

2235 And then two paragraphs below that, there's a sentence  
2236 that says: "Our members and educators all over the nation know  
2237 that remote instruction is no substitute for in-person  
2238 learning."

2239 So based on all of that, does it seem as if AFT was  
2240 pressing the incoming Administration to reopen schools from  
2241 November of 2020?

2242 A. Yes.

2243 Q. Okay. There is a second attachment to this document  
2244 which starts on the page 330 and the title of that document is  
2245 AFT Priorities/Biden's First 100 days. I'll just read the  
2246 header in the middle of page there, which reads "Safe and  
2247 Resourced Reopening of Schools.

2248 Is that consistent with the view you just expressed,  
2249 which is that AFT was pressing the incoming Administration to  
2250 reopen schools?

2251 A. Yes.

2252 [REDACTED]: Okay. I'm just going to show you one  
2253 more document. This is the last one, Minority Exhibit L.

2254 [Minority Exhibit L was  
2255 marked for identification.]

2256 [REDACTED]: This document is Bates labeled  
2257 AFT\_EXT393. You may be familiar with it. I'll give you a  
2258 moment just to sort of glance over it. I'm just going to focus  
2259 on a few particular sentences.

2260 MR. BROMWICH: Which page?

2261 BY [REDACTED]:

2262 Q. Well, the part I'm going to focus on is on page 394,  
2263 but just to establish what the document is, is it right that it  
2264 is what it appears to be, which is a letter from an AFT dated  
2265 March 5, 2020 to Secretary of Education Betsy DeVos?

2266 A. Yes.

2267 Q. Okay. On page 394, the second page of that letter, in

2268 the paragraph titled Preparedness, I'll just read a few  
2269 excerpts. The first sentence reads: "We hope school closures  
2270 that last for days or weeks don't happen."

2271 And in the middle of that paragraph, we see: "On the  
2272 academic end of the needs spectrum, it is crucial to remember  
2273 that online resources are a stopgap measure."

2274 Am I reading this correctly to suggest that AFT was  
2275 pushing the importance of in-person learning all the way back to  
2276 the beginning of the pandemic?

2277 A. Yes. That's true.

2278 [REDACTED]: I will turn it over to my colleague,  
2279 [REDACTED], for a few questions.

2280 THE WITNESS: Okay.

2281 FURTHER EXAMINATION BY THE MINORITY

2282 BY [REDACTED]

2283 Q. Thank you for being here. I would like to take just a  
2284 quick minute to revisit the period of time that was preceding  
2285 the issuance of the February 2021 school reopening guidance.  
2286 Specifically, I would like to look at the summer of 2020, prior  
2287 to the authorization of the COVID-19 vaccine.

2288 At that point in time, there was a suggestion that  
2289 federal funding could or should be withheld from schools that  
2290 were not open. Then President Trump suggested in a July 8th  
2291 tweet that if in-person person had not resumed at the beginning  
2292 of the 2020 to 2021 academic year, he, quote, may cut off

2293 federal funding if not open.

2294 Later that day, the President also suggested that he  
2295 disagreed with the CDC's, quote, very tough and expensive  
2296 guidelines for reopening schools.

2297 And, finally, less than a week later, then Secretary  
2298 of Education Betsy DeVos stated in an interview with Fox News  
2299 Sunday that, quote: If schools aren't going to reopen and  
2300 fulfill that promise, they shouldn't get the funds.

2301 What impact would the possibility of withholding  
2302 federal funding from our nation's schools have had on the  
2303 feasibility of safely and swiftly reopening them?

2304 A. Schools already didn't have the resources that they  
2305 needed to stay open or to reopen safely. It would have probably  
2306 resulted in total collapse in education systems across the  
2307 country.

2308 Q. And it certainly would not have moved us in the  
2309 direction of safely and swiftly reopening schools. Correct?

2310 A. No.

2311 Q. I would also like to quickly return to Minority  
2312 Exhibit B, specifically, Bates No. 227. This is an email from  
2313 you, Ms. Trautner.

2314 A. Give me just a moment. I'm digging through the trees.

2315 MR. BROMWICH: There it is. We got it.

2316 BY ■■■■■■■■■■:

2317 Q. Perfect. Toward the end of page 227, there is a

2318 paragraph that begins with, and this is the relevant quote: We  
2319 really want to lend our efforts to helping restore faith in the  
2320 CDC."

2321 Do you see the paragraph I'm talking about?

2322 A. I do.

2323 Q. Did the kind of disorganization and political  
2324 interference I just described from President Trump and Then  
2325 Secretary DeVos contribute to this loss of faith in the CDC as  
2326 well as the dismay that you discussed with my Republic colleague  
2327 in the previous round?

2328 A. Yes, it is.

2329 Q. And did this kind of uncertainty, particularly the  
2330 potential that federal funds could be withheld from schools if  
2331 they did not resume in-person learning, even if it was not yet  
2332 safe to do so, inform AFT's perspective on the importance of  
2333 language to memorialize the potential of updating guidelines in  
2334 the event of a new COVID variant?

2335 A. I'm sorry. Can you repeat that?

2336 Q. Sure. Did the kind of uncertainty that I just  
2337 discussed, the suggestion that federal funds could be withheld  
2338 from schools if they not immediately resume in-person learning  
2339 inform your perspective or AFT's perspective on the importance  
2340 of language to memorialize the potential of updating guidelines  
2341 in the event of a new variant?

2342 A. Yes, absolutely.

2343                   ■■■■■■■■■■: I think with that, we can go off the  
2344                   record.

2345                   MR. BENZINE: And we can adjourn.

2346                   [Whereupon, at 12:51 p.m., the interview concluded.]