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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: MARLA UCELLI-KASHYAP

Tuesday, June 20, 2023

Washington, D.C.

The interview in the above matter was held in Room 3400, O'Neill House Office Building, commencing at 10:57 a.m.

1 Appearances:

2

3

4 For the SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC:

5

6 MITCH BENZINE, STAFF DIRECTOR.

7 MADELINE BREWER, COUNSEL

8 PETER SPECTRE, PROFESSIONAL STAFF MEMBER

9 ██████████, MINORITY STAFF DIRECTOR

10 ██████████████████ MINORITY CHIEF COUNSEL

11 ██████████, MINORITY FELLOW

12

13

14 For MARLA UCELLI-KASHYAP:

15

16 MICHAEL BROMWICH, ESQ.

17 WILLIAM FLETCHER, ESQ.

18 Steptoe & Johnson

1

2 Ms. Brewer. Okay. This is a transcribed interview of Ms. Marla Ucelli-Kashyap.
3 Is that correct?

4 Ms. Ucelli-Kashyap. That's good.

5 Ms. Brewer. Okay. Conducted by the House Select Subcommittee on the
6 Coronavirus Pandemic under the authority granted to it by House resolution 5 and the
7 rules of the Committee on Oversight and Accountability.

8 This interview was requested by Chairman Brad Wenstrup as part of the select
9 subcommittee's Oversight of the Federal Government's response to the Coronavirus
10 Pandemic.

11 Further, pursuant to House resolution 5, the select subcommittee has
12 wide-ranging jurisdiction, but specifically to investigate the societal impact of decisions to
13 school closures, how those decisions were made, and whether there's evidence of
14 widespread learning loss, and executive branch policies, deliberations, decisions,
15 activities, and internal or external communications related to the coronavirus pandemic.

16 Could the witness please state her name and spell her last name for the record?

17 Ms. Ucelli-Kashyap. My name is Marla Ucelli-Kashyap. That's spelled U-c-e-l-l-i,
18 hyphen, K-a-s-h-y-a-p.

19 Ms. Brewer. Thank you. Ms. Ucelli-Kashyap, my name is Madeline Brewer.
20 I'm counsel for majority staff from select subcommittee. We want to thank you for
21 coming in today for this interview. The select subcommittee recognizes that you are
22 here voluntarily, and we really appreciate that.

23 Under the select subcommittee and Committee of Oversight and Accountability's
24 rules, you are allowed to have an attorney present to advise you during this interview.

25 Do you have an attorney representing you in your personal capacity here today?

1 Ms. Ucelli-Kashyap. Yes, I do.

2 Ms. Brewer. Will counsel please identify themselves for the record?

3 Mr. Bromwich. Michael Bromwich, Steptoe & Johnson.

4 Ms. Brewer. Will -- there we go. We did that.

5 Okay. And then do we have counsel present for your work?

6 Mr. Bromwich. No. Mr. Fletcher, Bill Fletcher, is with me at Steptoe &
7 Johnson.

8 Ms. Brewer. Okay.

9 Mr. Bromwich. We both represent Ms. Ucelli-Kashyap.

10 Ms. Brewer. Wonderful. Thank you.

11 Now, for the record -- sorry -- the majority staff, can the additional staff members
12 please introduce themselves with names, title, and affiliation.

13 Mr. Spectre. Peter Spectre. I'm professional staff member with majority staff.

14 Mr. Benzine. Mitch Benzine. I'm the staff director of the majority staff.

15 [REDACTED]. [REDACTED], chief minority counsel.

16 [REDACTED]. [REDACTED], counsel to the minority.

17 [REDACTED]. [REDACTED], Democratic staff director.

18 Ms. Brewer. Thank you all.

19 Okay. Ms. Ucelli-Kashyap, before we begin, I'd like to go over the ground rules
20 for this interview.

21 The way it's going to go, as follows: Majority and minority staff will be
22 alternating questions, half hour per side for the first round, and then one hour per side
23 until we're finished questioning. Majority staff will begin and proceed for the half hour.
24 Minority will have the next half hour, and then we'll alternate back and forth.

25 Either side, in the middle of a line of questioning, they may choose to end a few

1 minutes past the hour, a little bit early. A little fluid.

2 In this interview, while one member is going to lead the questions, additional staff
3 may ask questions.

4 There's a court reporter taking down everything I say and everything you say and
5 may be written for the interview.

6 For the record to be clear, please wait for the staff who are questioning you to
7 finish their questions before you begin, and staff will wait until you finish before we
8 proceed to the next.

9 Further, to ensure our court reporter can properly record this interview, please
10 speak clearly, concisely, and slowly. Also, the court reporter cannot record any
11 nonverbal answers, such as nodding or shaking your head, so it's important that you
12 answer each question with an audible, verbal answer.

13 Exhibits may be entered into the record. Majority exhibits will be identified
14 numerically. Minority exhibits will be identified alphabetically.

15 Do you have any questions?

16 Ms. Ucelli-Kashyap. No.

17 Ms. Brewer. We want you to answer in the most complete and truthful manner
18 possible, so we'll take our time. If you have any questions or do not fully understand
19 the question, please let us know. We'll attempt to clarify, add context, or rephrase the
20 question. Do you understand?

21 Ms. Ucelli-Kashyap. Yes.

22 Ms. Brewer. If we ask specifics about conversations or events in the past that
23 you are unable to recall the exact words or details, please testify to the substance of
24 those conversations or events the best of your recollection. If you recall only a part of
25 the conversation or event, you should give us the best of your recollection to those

1 events or part of the conversations that you can recall.

2 Do you understand?

3 Ms. Ucelli-Kashyap. Yes.

4 Ms. Brewer. Although you're here voluntarily and we will not swear you in, you
5 are, pursuant to title 18, section 1001, of the United States Code, to answer questions
6 from Congress truthfully. This also applies to questions posed by congressional staff in
7 this interview.

8 Do you understand?

9 Ms. Ucelli-Kashyap. Yes, I do.

10 Ms. Brewer. If at any time you knowingly make false statements, you could be
11 subject to criminal prosecution.

12 Do you understand?

13 Ms. Ucelli-Kashyap. Yes.

14 Ms. Brewer. Is there any reason you're unable to provide truthful testimony in
15 today's interview?

16 Ms. Ucelli-Kashyap. There is not.

17 Ms. Brewer. The select subcommittee follows the rules of the Committee on
18 Oversight and Accountability. Please note that, if you wish to assert privilege over any
19 statement today, that assertion must comply with the rules of the Committee of
20 Oversight and Accountability. Pursuant to that, committee rule 16(C)(1) states, For the
21 chair to consider assertions of privilege over testimony or statement, witnesses or
22 entities must clearly state the specific privilege being asserted and the reason for the
23 assertion on or before the scheduled date of testimony or appearance.

24 Do you understand?

25 Ms. Ucelli-Kashyap. Yes.

1 Ms. Brewer. Ordinarily, we'll take a 5-minute break at the end of each hour or
2 half hour. But, if you need a longer break or a break before that, please let us know.
3 We're happy to accommodate. However, to the extent that there is a pending question,
4 we'd ask that you finish the question before taking the break.

5 Do you understand?

6 Ms. Ucelli-Kashyap. Yes.

7 Ms. Brewer. Do you have any questions before we begin?

8 Ms. Ucelli-Kashyap. Not at this time. Thank you.

9 Ms. Brewer. Okay. Thank you so much.

10 All right. So now we are going to start the 30 minutes timing. Yeah?

11 Mr. Spectre. All right.

12 EXAMINATION

13 BY MS. BREWER:

14 Q Okay. So we want to start by thanking you for your very long career in
15 education. And we want to start briefly with your education and your experience.

16 A Uh-huh.

17 Q So where did you attend undergraduate, and what degrees did you receive?

18 A My undergraduate degree was from NYU. It was in journalism.

19 Q Did you receive any further degrees? And, if so, in what?

20 A Yes. I have a master's in public administration from Rutgers University.

21 Q Who is your current employer, and what is your current job title?

22 A My current employer is AFT, the American Federation of Teachers, and my
23 title is senior director for educational issues.

24 Q Okay. And then, briefly, if you can run through your overarching career up
25 until now. Bullet points is fine.

1 A Great. It's been a while. Sure.

2 I started my career in a combination of communications and policy. I worked for
3 an organization called the Carnegie Foundation for the Advancement of Teaching, which
4 got me into the issues of education as a policy area. And there was -- it was a time -- it
5 was actually the Reagan administration, where there was a lot of attention to education
6 reform. And many consider it the beginning of the education reform movement.

7 From there, I worked in Washington for the Foundation. Then I moved up for
8 the work for the Foundation in Princeton. I was then recruited to work for the
9 then-Governor of New Jersey as his education adviser, a gentleman by the name of
10 Tom Kean.

11 And, following my work for Governor Kean, I went to the Rockefeller Foundation,
12 where I started out as a senior adviser working on school reform issues, and ended up
13 there, I think about 9 years later, as associate director for equal opportunity. And I had
14 done a lot of work in -- related to the role of the teaching profession, and also to
15 improving schools that serve foreign minority kids, particularly in urban areas.

16 From there, I went to the Annenberg Institute for School Reform, which is based
17 at Brown University, and I was director of district redesign and eventually district redesign
18 and leadership, where we worked on the national level on policy issues and in a number
19 of district communities around the country, again, trying to work on school improvement
20 from a system level.

21 That's going through all that rather quickly.

22 And, while I was at Annenberg, I was recruited by a headhunter to consider AFT,
23 and I have been there now for -- well, I have to count, but since 2011.

24 Q Okay. That's very impressive.

25 Do you currently hold or have you held any honorary positions?

1 A I have been board chair of a number of organizations.

2 Q Okay.

3 A The organization that publishes Education Week, I was chair of that board.
4 I'm currently a member of the Learning First Alliance. I have been on a number of other
5 organizational boards and advisory boards. I was a member of one gubernatorial
6 transition and one Presidential transition.

7 Q Which Presidential transition?

8 A The Biden.

9 Q Okay. That's -- okay. Okay. Next big bullet point question, do you think
10 you could run through your career path as it pertains to AFT?

11 A Sure. So the time period --

12 Q Yes. At AFT.

13 A Yes. So, as I said, I joined in 2011 to run a department called educational
14 issues. The main mission of that department is to do everything we can to support our
15 pre-K-12 educator members to do their jobs better, and to advocate for themselves, their
16 profession, and those they serve in their classes.

17 So it's -- as of now -- it was a bit bigger early -- it's a group of about 30 people with
18 expertise in everything from curriculum and instruction to policy to teacher preparation
19 in the teaching profession, to school improvement, building community schools, things
20 like that.

21 So what we -- the arc of my tenure at AFT, consistent with the directives of our
22 leaders, our elected leaders -- we have three national elected leaders -- was to be less
23 about the -- what's the word I want to use -- the ivory tower --

24 Mr. Bromwich. Academic.

25 Ms. Ucelli-Kashyap. -- academic position paper kind of work and do more to

1 support our members, to improve their practice through things like professional learning,
2 to actually work in labor management collaboration to improve schools and to try
3 methods that seem to be working, and also to bring educators to technology that would
4 support their work. And so we developed a national platform called General Lesson that
5 has more than 400,000 free resources for educators, and it's a platform for professional
6 learning.

7 And then -- so that was something we brought in during my tenure.

8 And then all along the way, of course, we work on policy issues as they arise, and
9 we support our affiliates who are at the State and local level in policy and practice issues
10 that arise for them.

11 BY MS. BREWER:

12 Q And have you been -- has your title remained the same the entire time?

13 A No. When I started out, it was assistant to the President --

14 Q Okay.

15 A -- for educational issues. And then, a few years later, it was changed
16 to -- well, midway through somewhere, to senior director to reflect some expansion in
17 responsibilities.

18 Q So those two --

19 A A promotion.

20 Q -- mostly, and just bouncing back and forth?

21 A Yeah. Mostly those two.

22 Q And then has -- did really your title change, or did your role change within
23 the title change?

24 A I think, as often happens, the title change and the so-called promotion to a
25 different title level, right, to -- as a -- I've always been in senior management of the

1 organization -- was to reflect responsibilities that had evolved. And so, the title then
2 better reflected what I was actually doing.

3 Q Can you talk a little bit more about your -- the responsibility addition when
4 you became assistant to the President?

5 A So moving from assistant to the President to senior director. I think just a
6 reflection of the fact that we had, you know, taken in new responsibilities. As I
7 mentioned, we created the online learning, the Share My Lesson website, an actual online
8 learning platform, so that we weren't only delivering face-to-face professional
9 development, which is often what was the case, but that we are actually providing more
10 online. That was, of course, pre-pandemic that we began that shift.

11 And also reflecting the fact that there's both an inward and an outward focus of
12 the work. So one of my jobs is to represent AFT in the field, whether it be to
13 philanthropic organizations, to policy organizations, to organizations of elected officials.

14 Q And then this may be a hard question, but do you think you could talk about
15 a day-to-day, what your day-to-day looks like, if that's even, you know --

16 Mr. Bromwich. An average day --

17 Ms. Brewer. Yeah.

18 Mr. Bromwich. -- I guess, is what she --

19 Ms. Ucelli-Kashyap. Okay. So of course every day is different, but --

20 Ms. Brewer. Of course.

21 Ms. Ucelli-Kashyap. -- an average day is very busy and usually includes a
22 combination of internal meetings, sort of directional meetings with senior staff of the
23 organization; meetings with members of my own staff; and different ways of moving
24 projects along.

25 It would include some often not direct analysis of policy issues, but reviewing the

1 analysis that my staff had done. It might include a presentation on our educational
2 strategy, such as community schools or career and technical education or our literacy
3 focus.

4 So it's -- it's quite varied.

5 BY MS. BREWER:

6 Q Of course. That makes sense.

7 How many senior staff would you say there are?

8 A At AFT?

9 Q Yes.

10 A I can't tell you from a, like, look at the organizational chart and this is how
11 many there are --

12 Q Yeah.

13 A -- but, I would say that there are -- I don't know. It's probably somewhere
14 between a dozen and 15 or 16 of the senior-most staff.

15 Q And does each of those senior staff have their own team, or how does the
16 grouping of AFT work?

17 A So AFT is organized into kind of constituency departments and operational
18 departments. And, in the areas of health and education, they're both. So I support the
19 educator constituency and all of the policy supports and advocacy and research and
20 training that go along with that.

21 That's -- the same is true in health issues. It's parallel that way. Healthcare
22 workers and all the things that they need to be supported with.

23 And we have our other constituencies, which are paraprofessionals and
24 school-related personnel, higher education personnel and public employees. So we're
25 organized that way, and those are headed by department directors. And, in a few cases,

1 health issues and education, they're also senior managers.

2 And then we have other big areas. So, for example, you would expect you would
3 have an organizing department, so the head of that department is a senior staff member;
4 the head of the communications department, et cetera. So the teams are of different
5 sizes depending on the work. And there are -- of course, there are subteams and things
6 like that.

7 Q And then you have senior staff meetings to communicate everything going
8 on to everyone?

9 A Uh-huh.

10 Q And how many senior staff meetings do you have regularly?

11 A There's not really a fixed pattern other than we do have a -- a daily check-in
12 for a large number of managers, but senior manager meetings are as needed.

13 Q How many of these teams are medical-based or scientific in nature?

14 A So our health issues team, of course, has health-related personnel. The
15 director of that department can speak better to it than I can, but they have health and
16 safety personnel as well as people with medical backgrounds.

17 My department tends to be people who, as I said, have curriculum construction
18 expertise, policy expertise, and also children's public health expertise.

19 Q Off the top of your head, do you happen to know if the head -- the senior
20 staff member of the health and safety has a M.D. or scientific degree?

21 A I don't believe she does, but I know you're going to be interviewing her.

22 Q Perfect. There we go.

23 A Sure.

24 Q Perfect. Okay. Let me see.

25 Then, just clarifying, the entire -- your entire tenure at AFT, the President was

1 Randi Weingarten?

2 A That's correct.

3 Q Okay. Okay. Would you consider yourself an expert in educational
4 issues?

5 A Yes, I would.

6 Q Would you consider yourself an expert in any other area?

7 A No. I think my expertise is related to education policy, practice. And,
8 also, I've spent a good deal of time in philanthropy, so I know a lot about that, and
9 systems change in education. So that's -- that's my general area, education policy.

10 Q Okay. This is kind of another brief bullet point question: Could you
11 explain how AFT previously handled something that was of outside influence, such as, for
12 example, like swine flu? How did they navigate those waters?

13 A So, to be honest, I don't recall specifically swine flu. My recollection of
14 other sort of emerging healthcare issues would be that we would always do our best to
15 get the most up-to-date information and provide that to our members, particularly based
16 on their constituency, so teachers would -- might need something different than bus
17 drivers, for example.

18 Q First follow-up: Can you -- who would be providing this information, the up
19 to date?

20 Mr. Bromwich. To whom?

21 Ms. Brewer. To the staff that -- to AFT.

22 Ms. Ucelli-Kashyap. So our staff would work with external experts or
23 authoritative government sources to get the information that we would share --

24 BY MS. BREWER:

25 Q Do you know how they would be --

1 A -- just in general.

2 Q -- sourced?

3 A It's hard for me to think about that in kind of a hypothetical case, so --

4 Q That's okay.

5 A -- you know.

6 Q Yeah. That's fine.

7 And then how does the data change of providing to teachers versus bus drivers?

8 A So, for example, if you're talking about a virus transmission context, right,
9 the bus drivers would need to know a lot about what -- what would be appropriate
10 cleaning products to use that would be safe but would actually have the desired effect,
11 whereas educators would need to know more about how children should be positioned in
12 the classroom or what protective equipment they or the children might need in the case
13 of transmission of something.

14 Q Okay.

15 Mr. Spectre. Fifteen minutes.

16 Ms. Brewer. Okay.

17 BY MS. BREWER:

18 Q Okay. Shifting gears a little bit, now I'd like to ask some questions about
19 kind of the beginning of coronavirus pandemic.

20 A Uh-huh.

21 Q So, at the beginning of all of this, what was the AFT's first response? What
22 was the AFT's overall mission, like day one?

23 Mr. Bromwich. Can you be more specific as to time?

24 Ms. Brewer. Let's -- March, like -- not March. Let's go even -- yeah, let's go
25 March 2020. Like, once the beginnings -- let's go March 2020, roughly, you know, those

1 beginning days.

2 Mr. Bromwich. If you recall.

3 Ms. Brewer. Yeah. If you recall, of course.

4 Ms. Ucelli-Kashyap. So I -- I recall the -- the sort of sense of unease that
5 everyone felt trying to figure out what the thing was to do, and so, I think what we did
6 from the beginning was to seek information, and particularly to ask government and
7 public health authorities for information, and just to sort of monitor what we were
8 hearing. I -- you know, I -- I would like to tell you that there was a concerted plan from
9 moment one, but I -- we -- I think we were all flying a little bit by the seat of our pants.

10 So we were extremely concerned. I believe we held our first press conference
11 about our concerns, and particularly in relation to students and educators and healthcare
12 workers, in February, actually. I believe it was before March. But I -- I'm sorry. I
13 can't recall exactly.

14 BY MS. BREWER:

15 Q That's okay.

16 Do you recall which -- so you just said you recall you tried to get sources of
17 information. Do you recall which sources you pulled from or asked about?

18 A I mean, anywhere we could get it. And I think that that would be
19 more -- on the healthcare side initially, more of the focus was there before it was, Well,
20 how do schools operate in that context? We were more concerned about what do we
21 know about the virus, which is not my direct area of responsibility.

22 Q So, as things progressed -- and not necessarily a specific timeline, just
23 continuously -- was senior staff provided with updates about the status of COVID-19?

24 A I'm not sure I understand what --

25 Q Were there --

1 A Your question. Like by whom?

2 Q Yeah. How was -- how was senior staff of AFT briefed? How were you
3 learning about these updates from the sources you were just discussing? How did you
4 learn about them?

5 A So we had to create that for ourselves, in essence, and reach out to
6 authorities as we could; reach out to seek information from, as I said, governmental
7 entities, and also, to start to think about experts in medicine and health and safety that
8 could support us in thinking about that.

9 Q And then just what systems did you create? Like, would you have daily
10 briefings? What does your internal communication look like?

11 A Yeah, it varied at different points during the pandemic, but we -- there were
12 very close and frequent communications early on, because information was coming
13 quickly. I -- I can't recall that there were set schedules, but senior staff and others and
14 partner organizations talked to share information.

15 Q Was all senior staff on all updates?

16 Mr. Bromwich. If you know.

17 Ms. Ucelli-Kashyap. I -- I don't know. But, since I wasn't on all updates, I can
18 only assume all senior staff were not on all the updates.

19 Ms. Brewer. Okay.

20 Ms. Ucelli-Kashyap. There was a lot of information flying, and we're a decent
21 size organization, so --

22 BY MS. BREWER:

23 Q When you created this internal briefing policy for you guys -- for AFT, was
24 one person in charge of disseminating the information?

25 A Do you mean internally, or externally?

1 Q Internally.

2 A No. I mean, in -- you know, in the context of real-time information, it just
3 would be impossible to have that responsibility on one person, I think.

4 Q So just kind of like collective knowledge as we learned maybe?

5 A So we tried to at least make -- make a delineation between the health side
6 and the educational side particularly, and so, you know, as -- as senior director on the
7 education side, I was one of the people who was certainly trying to make sure we were
8 communicating and amassing information and sharing it. But it was a much bigger task
9 than any one individual.

10 Q Of course. And then would you focus -- of course you'd focus on your own
11 side. Would you -- were you -- you were specific on sharing with the education -- your
12 education staff?

13 A I'm sorry?

14 Q I'm sorry. The priority was sharing what you learned with your education
15 staff and your team?

16 A The priority was making sure that as many people internally who were trying
17 to make decisions or provide information outward to our members would have
18 information, so --

19 Q Okay. I would like to just introduce majority exhibit 1.

20 [Majority Exhibit No. 1

21 Was marked for identification.]

22 Ms. Brewer. Mitch, you have stickers?

23 Mr. Benzine. No. Just write it -- just write it on there.

24 Ms. Brewer. Okay. Okay. Here. I'll just give these to you and maybe you
25 can hand them out.

1 Ms. Ucelli-Kashyap. Uh-huh.

2 BY MS. BREWER:

3 Q Okay. This is a CDC morbidity and mortality weekly report published
4 August 14, 2020, titled, "Hospitalization Rates and Characteristics of Children Aged Under
5 18 Years Hospitalized with Laboratory-Confirmed COVID-19 -- COVID-NET, 14 States,
6 March 1-July 25, 2020."

7 Okay.

8 Mr. Bromwich. Where were you seeing that on the document?

9 Ms. Brewer. It's the top -- the very top title.

10 Mr. Bromwich. Okay. Not all of what you said --

11 Ms. Ucelli-Kashyap. I don't know where you are.

12 Mr. Bromwich. -- is there.

13 Ms. Ucelli-Kashyap. Okay.

14 Mr. Bromwich. I'm not following it.

15 Ms. Brewer. Maybe that's what I got online when I printed it.

16 Mr. Bromwich. Okay. But you're going to ask her --

17 Ms. Brewer. Yeah.

18 Mr. Bromwich. -- questions about this document?

19 Ms. Brewer. No. No. I'm not going to ask specific -- I'm just going to ask if
20 you're familiar with it. I'm not going to ask specific questions, don't worry.

21 Mr. Bromwich. Have you ever seen this before?

22 Ms. Ucelli-Kashyap. Well, I actually can't tell if I'm familiar with it, because the
23 only morbidity and mortality weekly report that I've reviewed, again, not being a
24 healthcare person, was the Wisconsin study, and I can't yet tell if this is the Wisconsin
25 study --

1 Ms. Brewer. It's not.

2 Ms. Ucelli-Kashyap. -- by looking at it.

3 Ms. Brewer. That's okay.

4 Ms. Ucelli-Kashyap. So I might not have reviewed this.

5 Ms. Brewer. Okay. That is fine. That's my first question, and then
6 that -- there we go. That takes out a lot of questioning.

7 BY MS. BREWER:

8 Q So you're not -- you're not familiar with this board?

9 A I am not.

10 Q Okay. Well, then -- okay. That's fine.

11 So you said you were familiar with the Wisconsin report?

12 A I have seen that, yeah.

13 Q Okay. Is that the only other, like, report you dug into?

14 A So we -- I and my staff read countless reports in preparation for our
15 reopening plans that -- the first one of which we issued in April --

16 Mr. Bromwich. April of 2020?

17 Ms. Ucelli-Kashyap. -- of 2020.

18 But -- so -- yeah. So I read a lot of reports.

19 Most of our focus was on sort of what is the educational response, how do we
20 provide education to kids during this time? So usually, we relied on our healthcare staff
21 to draw us to the most important things on that side as they would rely on us to talk
22 about things like how do you actually deploy kids in the classroom in a safe way?

23 BY MS. BREWER:

24 Q And then how were they -- so you were relying on the healthcare staff, of
25 course, mutuals talking to each other. Were they providing these in memos, or briefs,

1 or just kind of chatting?

2 A So there were many different ways that we communicated in our -- the daily
3 calls that I mentioned when there was a new report or perhaps when, in conversation
4 with an outside expert, they might reference a report, so then a staff member would
5 review that report, and the -- usually the results would be shared, either in memo form,
6 or there might be a roll-up every few weeks of the latest information.

7 It was a lot of real-time, nondefinitive research that was going on.

8 Q Okay.

9 Mr. Spectre. Just 5-1/2 minutes.

10 Ms. Brewer. I can come to a natural stop of 5 minutes.

11 Mr. Bromwich. Okay.

12 . So we'll take a break?

13 Ms. Brewer. Yeah.

14 Mr. Bromwich. A brief break? Like a 2, 3-minute break, and then your turn,

15 [REDACTED] Is that right?

16 [REDACTED]. If we can roll in 5, if that's okay with you?

17 Mr. Bromwich. You want to do five? Okay. Yep. That's fine. Yep.

18 [Recess.]

19 [REDACTED]. Ms. Ucelli-Kashyap, thank you for coming in today. We
20 appreciate it.

21 My name is [REDACTED]. I'm the Democratic chief counsel. I'd like to
22 ask you a few questions if that's okay. All the same guidelines you discussed with my
23 colleague will apply to our conversation as well.

24 Ms. Ucelli-Kashyap. Yes. Uh-huh.

25 BY [REDACTED]:

1 Q So I'd like to talk about the -- the events that have brought us here mostly
2 relate to the beginning of 2021, January and February of 2021. And so I'd like to focus
3 on that period of time, starting with, if you could, describe any context that comes to
4 mind about the situation in January of 2021. And that could be the pandemic. It could
5 be vaccines, which I think were relatively new; schools; the Trump -- whatever it is that
6 comes to mind for you in terms of the situation at the beginning of that year.

7 A In January 2021, we were still in a situation where nearly half of schools, I
8 think, had not been reopened, and we were seeking guidance, particularly from the
9 appropriate Federal authorities, about how to support that reopening.

10 By that point, AFT had issued two reports on our research, suggestions, and
11 information from our members regarding how to safely reopen schools particularly, and
12 had done some case studies to share best practices. And we were just getting to a point
13 where we knew vaccines would hopefully be more available soon, and we were about to
14 change administrations.

15 So a lot was going on at that time. And, from AFT's perspectives, we had
16 been -- perspective, we had been calling for more detailed guidance from the Federal
17 Government for several months, really almost since the beginning of the pandemic.

18 So that was where we were in January and going into February 2021 --

19 Q Great.

20 A -- to my recollection.

21 Q Thank you.

22 And, on February 12th of 2021, the CDC put out an operational strategy for K-12
23 schools through phased mitigation.

24 Do you generally recall that document -- recall the existence of that document?

25 A Yes, I do.

1 Q All right. Great.

2 I'd like to introduce minority exhibit A, which will just be a copy of that CDC
3 guidance, just so we have it in front of us.

4 [REDACTED]. I'll give you that one, and I'll give you one as well, and then we'll
5 pass the rest around.

6 Mr. Bromwich. Sure. Thanks.

7 [Minority Exhibit No. A

8 Was marked for identification.]

9 BY [REDACTED]:

10 Q So that's a long document. I will not ask you to read the whole thing, nor
11 will I be asking you about the whole thing. I presume, though, that you have at least
12 seen it at some point in your life. Is that right?

13 A Yes, I have.

14 Q Okay. So I just want to read part of the executive summary, which is right
15 here. And the document, for the record, is Bates labeled AFT97. And I'm going to read
16 just one sentence out of the executive summary of the document, and that be will the
17 second sentence. And that reads: It is critical for schools to open as safely and as soon
18 as possible, and remain open, to achieve the benefits of in-person learning and key
19 support services.

20 So I know that you did not write this document, but is it your understanding -- and
21 it's mine when I read it -- that the premise of the document is to try to reopen schools?

22 A Absolutely.

23 Q Okay. So my understanding is that AFT made two discrete suggestions for
24 language that could be included in the operational strategy that the CDC ended up more
25 or less agreeing to. I'd like to talk about those two suggestions if I could. And I'll

1 introduce minority exhibit B, and you can look at those.

2 [Minority Exhibit No. B

3 Was marked for identification.]

4 BY [REDACTED]

5 Q So that's an email chain with yourself and a few of your colleagues. I'll give
6 you a moment to just glance it over if you'd like. This document is Bates labeled
7 AFT_EXT229.

8 Mr. Bromwich. So ours says 227, [REDACTED]

9 [REDACTED]. Pardon me. You're absolutely right. 227. I was looking at
10 229. Thank you.

11 Mr. Bromwich. Uh-huh.

12 BY [REDACTED]:

13 Q If I could bring you to the bottom of page 229, which is, I think, the third
14 page of --

15 A Uh-huh.

16 Q -- the chain.

17 So this is a February 1st email from Kelly Trautner, who is a colleague of yours, I
18 think. Is that right?

19 A Yes.

20 Q Great. And, down at the bottom of page 229, running into page 230, next
21 to the bullet point there, I think, is the first suggestion that has been described. And it
22 relates to teachers or staff who have documented high-risk conditions, increased risk for
23 severe illness.

24 Could you talk a little bit about your recollection, to the extent you recall, of this
25 suggestion, why it made sense, why it was important?

1 A Yes. We wanted to make sure that educators and school staff had the
2 opportunity to work and continue to fill -- fulfill their responsibilities and to do so in a way
3 that would not endanger them, endanger members of their household, and, frankly,
4 create potentially other problems within the school setting itself should they become ill
5 as a result of their own significant potential for illness or that of their family members or
6 those for whom they were caring.

7 So that seemed to us to be a notable omission in the document, which was far
8 more comprehensive than what we had seen previously, that was produced previously in
9 the previous administration.

10 Q That makes sense. Thank you.

11 And then, if I could ask you about the second suggestion to the operational
12 strategy -- and you can find that on the first page of this document labeled 227. And
13 this is another email from Ms. Trautner 10 days later, so it's February 11th. And I think
14 it's her third paragraph here in her email says -- and I'll just read it out loud: "It would
15 be great to see the insertion, some variation of the following, quote, 'In the event
16 high-community transmission results from a new variant of SARS-CoV-2, a new update of
17 these guidelines may be necessary.'"

18 Could you just sketch for us what that is saying and the logic of it? I know that
19 you're on the education team, not the health team, but to the extent that you recall.

20 A I can certainly try, yes, because this is something that was incredibly
21 important.

22 So one of the things we had seen in the pandemic was that there were new
23 variants and changes. And the thought that one would issue guidance, not necessarily
24 stating that that this is the definitive for all time, but, in essence, not implying that there
25 might be future changes could lead people to -- to not be as careful as they might be, to

1 continue to be vigilant, and recognize that circumstances may come up that might require
2 changes in the guidance and, thus, changes in the practices.

3 So it was really to be very practical and not to be caught having a document that
4 anyone could take to mean that we know everything we could possibly know and nothing
5 will change.

6 Q That makes sense. And it's -- we all, I think, know that viruses change and
7 mutate. And, at this time, I think there was able to be a common understanding of risk,
8 right? There was a certain amount of data that said, here are the rates of severe illness
9 for people in this age bracket or vaccinated or not.

10 If, hypothetically, you had a variant of the virus that was much more deadly for
11 teachers or staff or, God forbid, for kids, would it make sense to you that one might need
12 to re-evaluate the way that in-person learning is happening?

13 A It would make sense to me. While not being a healthcare expert, it would
14 certainly make sense to me on its face.

15 Q Okay. And it feels like -- but I'd appreciate your point of view -- that both
16 those suggestions we just described -- immunocompromised teacher or staff, new
17 variants -- seem to both be premised on the idea that schools are reopening. Everybody
18 involved agrees on that premise, and it's a question of how to do that safely.

19 Was that your general understanding of the context at the time?

20 A Yes, it is.

21 Q Yeah. Okay. If I could talk about a third piece of this email chain -- and it
22 goes to this larger question. It has been suggested that the CDC, in the context of the
23 strategy, more or less did what AFT wanted them to do. And I'd like talk a little bit
24 about that concept, specifically in the context of a closure trigger threshold. And I'll just
25 read a relevant couple of sentences from this email, and then we can talk about that.

1 There are two sentences I'm going to read out loud. One is from the fifth
2 paragraph down in Ms. Trautner's email on the first page, and that sentence reads, In
3 light of the new variants of the virus, we are concerned the absence of a closure
4 threshold might put safety of adults and kids in school settings.

5 There might be a couple of words missing in that sentence.

6 And then --

7 A Uh-huh.

8 Q -- in the last paragraph of Ms. Trautner's email, the second sentence there
9 towards the bottom reads, We must, however, urge the inclusion of clear closure triggers
10 in the imminent guidance.

11 If you recall or are able to describe just generally, what is a closure trigger?

12 A That would be a measure of viral prevalence or spread that would cause or
13 trigger a decision to not operate fully in person.

14 Q Okay. And it looks here as if Ms. Trautner is urging the inclusion of clear
15 closure triggers in the guidance.

16 Do you happen to recall whether the guidance ultimately included closure
17 triggers?

18 A To my recollection, the guidance did not include closure triggers.

19 Q Okay. So I think some of the confusion for us is the essential premise of
20 influence over the CDC document, we have here AFT urging the inclusion of a discrete
21 policy piece, and it looks as if the CDC, more or less, ignores you, certainly doesn't give
22 what it is that you're asking for. I just wonder, does that seem like something the CDC
23 would do if they were overly deferential to you at AFT?

24 A I feel like that's asking me to speculate --

25 Q Sure.

1 A -- on something that I can't have knowledge of.

2 Q Great.

3 If we could look at a couple of the documents that go to the question of how,
4 internally at AFT, the draft CDC guidance was being framed. And so, I'm going to
5 introduce minority exhibit C.

6 [Minority Exhibit No. C

7 Was marked for identification.]

8 BY [REDACTED]:

9 Q So this is an internal email chain Bates stamped AFT_EXT292. I'm only
10 going to ask you about a part from the first page. You're welcome to glance at the
11 whole thing if it's helpful.

12 So in the middle of that first page is an email from Ms. Trautner, and it's an
13 internal email, it looks like. And it's discussing the CDC draft guidance. And it's broken
14 out into sections. There's a good news section, and there's a challenges section.

15 And, in the challenges section, Ms. Trautner writes, It seems very unlikely any of
16 our changes will be incorporated because the document is mostly through their internal
17 review process.

18 I know you didn't write the email, but as a reader of it, does it seem like, at this
19 point, you all internally -- at the very least, Ms. Trautner -- expected the CDC to take these
20 suggestions that AFT was making?

21 A I can only speak for myself --

22 Q Certainly.

23 A -- and say that I did not have an expectation that they would be accepted,
24 because while I thought they were excellent ideas, as my colleague noted, it was far along
25 in the process, and internal review had occurred. And so it was hard to know to what

1 extent our ability to review was courtesy and awareness versus their actual opportunity
2 to say you may have missed something. But obviously, we considered it our
3 responsibility to -- our goal was to have as strong guidance as possible, so we made the
4 recommendations that we made.

5 Q Great. So I'm going to show another email that's along the same lines.
6 It's minority exhibit D.

7 [Minority Exhibit No. D
8 Was marked for identification.]

9 BY [REDACTED]:

10 Q This is another internal email chain Bates numbered AFT_EXT304. Again,
11 it's a few pages long. And again, I'm only going to focus on the first page. And there
12 are just a couple of lines in that first page I wanted to highlight.

13 In the middle of that page is an email from Darryl Alexander, and I think we see
14 you in the cc line here. It's an email about the CDC guidance. And, in his last
15 paragraph, he says, quote, "I would not recommend that we aggressively pan the
16 document. I think it is bad but we probably will not be able to go in with demands for
17 full scale revisions before the Wednesday release. It will be a victory if they entertain a
18 few tweaks."

19 And then, right above that, Chelsea Prax says, Hmm... it's not clear that CDC
20 wanted feedback despite their "we're listening" opening comments.

21 Does it seem as if your colleagues, just as a reader, shared a sentiment similar to
22 the one that you just described that you also felt at the time? In other words, that it
23 was not altogether clear the extent to which the CDC actually wanted substantive
24 feedback that they would respond to versus we're just sort of providing a courtesy of
25 listening?

1 Does it seem as if, just reading the email -- I know it's not your email, but --

2 A Uh-huh.

3 Q -- as a reader, as if your colleagues seemed to share that sentiment at the
4 time?

5 A I believe they did, uh-huh.

6 Q I'd like to explore for a moment the extent to which AFT's role was or was
7 not unique in the context of the CDC guidance, and I'd like to introduce minority exhibit E.

8 [Minority Exhibit No. E

9 Was marked for identification.]

10 BY [REDACTED]:

11 Q So this is a recent letter that HHS sent to Chairman Wenstrup of the select
12 subcommittee, and it relates to the CDC's operational strategy that we've been
13 discussing.

14 I would just like to bring your attention toward the back of the letter, and you'll
15 see there, in bold, a quote, "List of Agencies and Impacted Groups CDC Engaged."

16 And I don't know whether anything jumps out to you about that list. To me, it's
17 the fact that it's long, and I see a few different groups here. For example, we have
18 other -- I'm just going to point out a few highlights.

19 A Uh-huh.

20 Q We have other education groups, like National Association of Secondary
21 School Principals. We appear to have a parents group on here, the National Parent
22 Teacher Association; and some government-facing organizations, like the National
23 Governors Association; medical organizations, like the American Academy of Pediatrics.

24 I guess from your point of view, and you'd have to speculate a little bit here, but
25 does the idea that the CDC had to consult, I don't know, 40 or 50 other organizations in

1 putting together the operational strategy make it seem like AFT specifically had some
2 kind of special role to play with respect to the guidance?

3 A Well, if you're asking me to speculate, it looks like they tried to think of all
4 the legitimate organizations that might have some stake in and role in making sure that
5 schools reopened safely. And certainly AFT and NEA, the other major teachers union,
6 were among those, and they included things like groups that are particularly impacted,
7 such as National Indian Education Association, et cetera. So this seems like they
8 consulted with the groups they should have consulted with who were stakeholders in
9 States reopening schools.

10 Q I agree with you.

11 I'm going to show a few documents here that would presumably be unfamiliar to
12 you. They relate to a group other than your own. This is minority exhibit F.

13 [Minority Exhibit No. F

14 Was marked for identification.]

15 BY [REDACTED]:

16 Q And this is Bates stamped SSCP APHL2, and it's a calendar entry dated
17 January 22nd, 2021, and it's from an individual, Parul Parikh, with a CDC email address.

18 And the thing that I want to draw your attention to is, in the attachments line on
19 the first page towards the top, there appears to be an attachment, Draft K-12 Schools
20 Operational Strategy 2021-1-21.

21 And so APHL may or may not be familiar to you, but that's the Association of
22 Public Health Laboratories, that -- the thing I want to note about this is it appears from
23 the document that that organization, APHL, by this date, January 22nd, had been
24 provided by the CDC with a draft of the operational strategy.

25 I'm just confirming that, when you look at the document, you tend to read it the

1 same way?

2 A I do.

3 Q Great. So I'd like to look at that in tandem with a second document that
4 may be more familiar to you, and that is minority exhibit G.

5 [Minority Exhibit No. G

6 Was marked for identification.]

7 BY [REDACTED]:

8 Q And so, this document is Bates stamped AFT_EXT -- and it's a small number
9 there, but I believe it's 289. And this has been produced by AFT. What I think it is, is a
10 text message from your colleague, Ms. Trautner, to somebody, dated January 27th of
11 2021. So that is 6 days after the document we just looked at.

12 And Ms. Trautner says, "Hi! Seems CDC is expected to release new reopening
13 guidance for schools. Who can we talk to about an advance copy?"

14 So, again, just as a reader, do you get the impression from those two documents
15 that, on the one hand, by January 21st, the Association of Public Health Laboratories had
16 been given a copy of the draft guidance, while 6 days later, it seems as if AFT -- at the very
17 least, Ms. Trautner, who seems to have been sort of the point person -- if somebody
18 would have a copy, it seems as if she would likely be a person, and Ms. Trautner, at that
19 time, not only didn't have a copy, was trying to figure out who might have a copy, and
20 almost -- this is speculative, but it almost seems as if the draft guidance was sort of news
21 to her at this point.

22 Do you tend to read those two emails together in the same way?

23 A So I certainly know that we did not have a copy of the draft guidance at that
24 time, because that's something we would have been in contact about.

25 And, interestingly, the person -- this other organization that I'm completely

1 unfamiliar with, the person who wrote to them, I think, is the same person who did
2 outreach to us more than a week later or a week later to do the same kind of
3 constituency engagement. I don't -- I can't speak to the timing, but we certainly did not
4 have the guidance when Kelly wrote this email.

5 Q But, at the very least, in that other person's rubric of time and priorities, it
6 appears that you all fell somewhere beneath the Association of Public Health
7 Laboratories, at least in terms of strict timing? Does that seem right?

8 A Looking at the data, it seemed that way.

9 Q Okay.

10 [REDACTED]. I think that's an okay place to pause and then pick back up after
11 the next majority round, so we can go back off the record, please.

12 [Discussion off the record.]

1 [12:02 p.m.]

2 BY MS. BREWER:

3 Q Okay. I would like to introduce majority Exhibit 2, which is actually the
4 exact thing you were just talking about.

5 [Majority Exhibit No. 2

6 Was marked for identification.]

7 BY MS. BREWER:

8 Q This is a text message, as you have seen. AFT 289. Screenshot of a text
9 from Kelly, assuming Kelly Trautner, from January 27, '21, 11:04. It reads, Hi. Seems
10 CDC is expected to release new reopening guidance for schools. Who can we talk to
11 about a advanced copy? We asked our contact at NIOSH and they are completing out of
12 it, it seems.

13 If it seems that the CDC has this is commonplace that they share guidance with
14 shareholders before, why would AFT be asking for a guidance or seeking it out?

15 A We were seeking it out because we heard, as Kelly's email indicated -- text
16 message indicated, that it was coming but we had not seen it.

17 Q Would you be anticipating a copy of it otherwise?

18 A I had no prior experience with the CDC on guidance, so I did not have an
19 expectation.

20 [Majority Exhibit No. 3

21 Was marked for identification.]

22 BY MS. BREWER:

23 Q Majority Exhibit 3, which is AFT 1. It is a screenshot of the text thread
24 between KT, JM and M. Likely Kelly Trautner, Jane Meroney, Marla respectively. Is
25 that safe to assume?

1 A Yes.

2 Q It is January 31, 2021, at 1:16 p.m. The message begins with Ms. Meroney
3 stating, Do we need to tell Randi we have the guidance, not volunteering. And then it
4 goes what time did AFT receive the CDC guidance?

5 Mr. Bromwich. If you know.

6 Ms. Ucelli-Kashyap. I don't recall the exact time, but just -- I do recall this chain.
7 And so it would look like we had received it about that time. I am sure that my
8 colleagues, like I, would have shared once we had information. So I assume it was that,
9 it looks like an afternoon. As I recall, it was a Friday.

10 BY MS. BREWER:

11 Q It's actually a Sunday.

12 A Oh, Sunday. Yeah, sorry.

13 Q Do you think -- is it common to do -- we would work on the weekends all the
14 time? Do you commonly do weekend work?

15 A In the pandemic it was commonplace to do work 24/7 if it was needed.

16 Q I completely understand.

17 Why would Ms. Meroney not want to volunteer to tell Ms. Weingarten the
18 guidance was in?

19 A So thank you for correcting my recollection that this was a Sunday. Quite
20 honestly, we didn't want to tell Randi -- I think what Jane was saying and certainly what I
21 felt was that I didn't want Randi to know we had the guidance until we had read it well
22 enough to look at what it contained. So it was kind of -- if I might, a little bit of humor
23 amongst us that we would get a question, So what does it say. And it was many pages
24 and we had not had an opportunity to review it, or have any staff review.

25 Q So that leads to my next question, I am guessing the same. If we haven't

1 told her, we shouldn't, saying follow-up. Yeah.

2 A Sorry. Where?

3 Q Your follow-up is --

4 A Oh, if it's not, it seems like we should. Is that what you are referring to?

5 Q Yes. So, Jane says we are not volunteering, but I understand, it's --

6 A Right.

7 Q We have a lot of work to do.

8 A So I was suggesting - "I was guessing Kelly had the misfortune of talking to
9 Randi about it already? If not, seems like we should." I was surmising that Kelly might
10 have already let Randi know about it, since she was usually in the lead in those situations.
11 But as we have discussed, everything was happening in real time, so we were kind of
12 asking each other status.

13 BY MR. BENZINE:

14 Q I have one or two follow-ups, if you can remember, you didn't recall exactly
15 when you got it. Is it fair to say it was around January 31st?

16 A I believe it was I think to the best of my recollection that it was on
17 January 31. But I am not 100 percent certain, but I believe that was the case.

18 Q Do you recall who shared it with you, not necessarily the individual but
19 which group you got it from.

20 A So I am not sure about that either because I was not the internal recipient
21 from the outside group. Now I know we did get it officially from Ms. Parikh, who was
22 mentioned earlier. And I am not sure if this was what were being referred to here -- is
23 being referred to here or not.

24 Q Do you recall -- so you insinuated to us directly, did you receive a copy of the
25 guidance unofficially from a group outside of the CDC?

1 A So I did not, but -- you know, I don't think anyone would have received
2 anything from outside of the CDC.

3 Q Did you ever receive a copy from NIOSH?

4 A I honestly can't -- I didn't want to misspeak because I was not party to that.
5 So I think that we did obtain a copy from NIOSH, but I am not sure. I know there
6 was -- you saw in the previous note that there was, you know, NIOSH doesn't seem to
7 know about it. So yeah, so I am sorry, I really can't speak to that.

8 Q And then if you can recall, either yourself personally or if you ever heard talk
9 around the office, did the CDC or NIOSH ever send an email recall notice on the guidance?

10 A No. I mean the CDC sent us the community intervention team, Ms. Parikh
11 sent us the invitation to discuss the guidance with a copy of it. And that was never
12 recalled. It was asked to be close hold because it was prerelease, post review, prelease
13 guidance.

14 Mr. Benzine. Thank you.

15 BY MS. BREWER:

16 Q I would like to introduce majority exhibit 4 --

17 [Majority Exhibit No. 4

18 Was marked for identification.]

19 BY MS. BREWER:

20 Q -- labeled AFT 4 through 5. This is an email chain that's February 1st, 2021,
21 approximately 3:45. The chain is centered around scheduling a meeting between Ms.
22 Weingarten and CDC director. It appears to have happened over Zoom on February 1,
23 2021.

24 Mr. Bromwich. Where do you see the date February 1?

25 Ms. Brewer. Yes, sorry. The -- okay, January 29. Oh, sorry, very top. Oh,

1 no. That was -- my mistake. It's January 29, 2021. Yes.

2 So scheduling this, I would like to point your direction to the top of page 5, and
3 then the bottom of page 4, the top of the email from --

4 Mr. Bromwich. I have only got -- you may have given us the wrong exhibit. Our
5 exhibit only has two pages.

6 Ms. Brewer. Yeah, 4 and 5.

7 Mr. Bromwich. Oh, the Bates number.

8 Ms. Brewer. So this is from Monica Lucas with the subject, My meeting with
9 COVID team as CDC director. And then you flip to the actual body of the email. Good
10 morning all, this meeting is now confirmed for today, January 29, 3:45, 4:15 p.m. Looks
11 like external participants include Carole Johnson and CDC director, Dr. Walensky. Please
12 let me know if you are available to staff.

13 Are there backup materials Randi should have for meeting? This was sent at
14 10:08 a.m. And then you were looped in after Kelly Trautner sent an email at 10:10, you
15 have to flip back to the top of the email, saying should we get started on some quick
16 notes. So are you following?

17 A Yes.

18 Mr. Fletcher. I am sorry. Where is the CDC director on this?

19 Ms. Brewer. She is -- she might not be in it yet because this is the initial trying to
20 get everyone together.

21 Mr. Bromwich. Thank you.

22 BY MS. BREWER:

23 Q Okay. So are the individuals listed on the email the regular staff that would
24 brief Ms. Weingarten for a meeting such as this?

25 Mr. Bromwich. Can you point out the specific email?

1 Ms. Ucelli-Kashyap. Which email?

2 BY MS. BREWER:

3 Q Yes. So on the one that you are ultimately looped in, we have Jane
4 Meroney, yourself, Calvin MacDowell, Marcus Wyche, and then Monica Lucas, Beth
5 Antunez. Yes, those are all the cc'd people.

6 A So three of those people are people who help for scheduling for various
7 senior staff.

8 Q Can you point those ones out, please?

9 A That would be Ms. Lucas, Mr. MacDowell and Mr. Wyche.

10 Q Okay.

11 A And the others are all policy staff.

12 Q Okay. So that leaves Antunez, Meroney, and yourself.

13 A And Trautner.

14 Q Of course. And these are all senior staff members?

15 A They are all managers or senior staff, correct.

16 Q Okay.

17 A Correct.

18 Q Do you happen to know if any of them have medical degrees or public health
19 or any kind of scientific degree, to the best of your knowledge?

20 A I do not know.

21 Q Okay. Did you end up providing notes or background materials for Ms.
22 Weingarten for this meeting?

23 A I believe that we did, but it's hard for me to tell from this communication
24 because there were so many meetings, but I believe -- I know we provided notes for a
25 meeting so this could be that one.

1 Q I believe this was the first one, if that helps.

2 A Yeah, I am sorry, I can't say for certain.

3 Q That's okay.

4 So kind of generally then, in terms of staffing and prepping Ms. Weingarten for a
5 meeting such as this, where would you get your information and/or resources from to
6 help staff her?

7 A So we would -- so I want to make sure I understand your question. Where
8 would we get information for any kind of meeting or this specific meeting?

9 Q Yes, both. How would you prepare her for a meeting such as this?

10 A So we would generally suggest some talking points based on our prior work
11 in that area. So if she were going to be meeting with a member of the COVID team and
12 the CDC director, we would think about our own reopening plans and work and thank
13 that we were concerned about and we would make notes based on those.

14 Q Did anyone else -- so generally, since you don't know exactly, would anyone
15 else help prepare these talking points or staff, staffing paper?

16 A So any staff preparing any kind of briefing for our President would be
17 informed by the appropriate expertise, whether that's internal to staff or external, but
18 usually it would not be a committee of people writing for her, it would be one or two --

19 Q Okay.

20 A -- who would provide the information.

21 Q And then who -- do these notes get finalized or approved?

22 A If you are talking about notes for a phone call, not necessarily.

23 Q How about -- would any notes get approved, what kind of meeting would
24 notes --

25 A Approved by whom?

1 Q I don't know if they need to be ever run up the chain. Let's say there's any
2 scientific studies that any -- anything that needs to be double-checked.

3 A The assumption by our president or one of our officers would be that the
4 staff presenting them to her would have the appropriate information.

5 Q Okay.

6 [Majority Exhibit No. 5
7 Was marked for identification.]

8 BY MS. BREWER:

9 Q This is AFT 180, email from you on January 28, 2021, at 9:59 a.m. It reads,
10 New guidance out soon from CDC. I would like you three to be the rapid reviewers.
11 You know what to look for. We will need a quick summary of what it does and doesn't
12 say, and how that purports with what our must haves, et cetera. This email is addressed
13 to Robin Vitucci, Chelsea Prax and Justin Stone. Who are these three individuals and
14 what is their capacity at AFT?

15 A All three of them are members of my staff. Ms. Vitucci is a policy and
16 research generalist who does a lot of work on teaching profession issues, and a lot of
17 international comparative work. Ms. Prax is -- has a public health degree and
18 focuses -- her expertise is in children's health and safety. And Justin Stone, also
19 education policy generalist and works on labor management collaboration issues, and
20 support for our school improvement work.

21 Q Okay. Why were these three chosen?

22 A To get a quick and accurate review of the what the guidance stated from the
23 educational and children's health and safety perspectives.

24 Q Was there any specific reason?

25 Mr. Bromwich. She just gave you the reason.

1 Ms. Brewer. Okay.

2 So did -- okay.

3 BY MS. BREWER:

4 Q What were they looking for?

5 A So again, they were looking for alignment with things that we were
6 concerned about and that we had expressed in our various reopening reports, whether it
7 be layered mitigation, access to vaccination, they were specifically also looking again
8 because we are the education team for what guidance might be provided as to the
9 operational how of opening schools with distancing, masking, cleaning protocols. So
10 they were doing a comprehensive review, each from their own perspective and we would
11 put that information together.

12 Q And then what are the must haves?

13 A I will just look at where it says.

14 So some of that relates to, again, the things that we have been calling for all along.
15 For example, there was a great deal of evidence that masking was very important part of
16 layered mitigation, previous guidance had not indicated that masking should be
17 mandatory. It was a little, I don't want to say wishy-washy, but whatever word I am
18 looking for on that. So that would be an example of a must have. I can't recall all of
19 our must haves at this moment but that was certainly one of them.

20 Q And then are these three senior staff?

21 A No, they are not senior staff.

22 Q Do they have -- what titles are they generally?

23 A Let's see, they are -- all three, I believe, are the level of that we would call
24 associate director. So that's mid- to senior level, but it's not senior staff and it's not
25 management. It's qualified professional staff with quite a bit of experience.

1 Q And then, I am guessing you did the final approval or read-through of their
2 report. Did they report to you?

3 A Yes. This was of course before we had anything for them to look at, it was
4 in anticipation. But when we did and they reviewed it and Kelly's team reviewed it, then
5 we put our information together.

6 Q Okay. So you said that you didn't have it yet, but you were anticipating
7 getting to make changes on CDC guidance?

8 A No. We were anticipating that guidance was coming and we didn't know
9 exactly when, and we knew it would be very important to interpret it for our members so
10 that they could make sense of it and use it in their daily work and to get schools open.

11 Q Well, what about the wording of "must haves"?

12 A "Must haves," from our perspective, meaning things that are really
13 important to us, not that we expected anyone agreed with us that we must have them.
14 But, for example, again, early access to vaccination for teachers would seem to be an
15 effective mechanism for helping to keep schools open, right? So those kinds of things
16 that we stated in our public documents. There was nothing secret about it.

17 Q Is it standard practice to anticipate, and then kind of pre-comb through
18 something in anticipation, put a team on something like that?

19 A Well, standard practice would be if something is coming out that needs to be
20 reviewed and shared with our membership, whether that be NAEP data, or in the case of
21 a pandemic, CDC guidance, then to the extent that we could be prepared we would like to
22 be. It did not always work that way but we would like to try.

23 [Majority Exhibit No. 6

24 Was marked for identification.]

25 BY MS. BREWER:

1 Q This is AFT 292 through 294, Bates stamp we are working on.

2 First, I would like to go to the email on 293, please, the one from Kelly. This is
3 one question on the first line. Hi Randi, we have two items, re: The forthcoming CDC
4 reopening document, one follow-up to your call on Friday. Do you know what the call
5 on Friday was -- if you can remember, Sunday is the 31st. I'm just wondering if you
6 happen to know what the Friday call was.

7 A Right, I could only speculate. I don't know specifically what the call on
8 Friday was.

9 Q Okay. Do you want to speculate?

10 Mr. Bromwich. If you don't feel comfortable speculating.

11 Ms. Ucelli-Kashyap. Yeah, with so many calls happening in general, I just feel like
12 I don't want to misspeak. But it certainly seems to be referring back to all that took
13 place.

14 BY MS. BREWER:

15 Q Okay. Now let's flip back please to the front page of 292. This is the
16 February 1st, 2021, 6:27 email from Kelly Trautner, with the subject line, CDC calls and
17 follow-ups. This is obviously the follow-up email with the overview of the CDC call.
18 And then in the challenges section, it seems very unlikely any of our changes will be
19 incorporated because the document is mostly through their internal review process. It
20 is not likely the document will provide the kind of guidance that would have helped avert
21 situations like Chicago and D.C. We may be expected to praise the administration for
22 this document, which is not going to be what we need in areas that are most challenging
23 in the field right now. What kind of guidance would have helped avert situations like
24 Chicago and D.C.?

25 A So while I can't recall the specifics of Chicago and D.C., there were a lot of

1 things happening and a lot of affiliates in cities at that time. It's pretty clear that one of
2 the things that was a big challenge was the availability of widespread testing. So I
3 believe that's a reference to concerns that if you are not doing at least some kind of
4 testing to figure out the prevalence, that it is more difficult for people to feel comfortable
5 in school settings. And if we had widespread testing as we later had, it was much easier
6 to identify possible problems, or to deal with situations.

7 Q And then what is meant by the phrase, "expected to praise the
8 administration for this document"?

9 Mr. Bromwich. So you are going to have this witness later this week, that's the
10 person who wrote it. Why are you asking for --

11 Ms. Brewer. I was just wondering. She is on the email team, she is senior staff,
12 it's AFT policy. I am sure she had a conversation about it.

13 Mr. Bromwich. What makes you so sure?

14 Ms. Brewer. She's cc'd on the email and it seems that she was involved in much
15 of the conversations.

16 Ms. Ucelli-Kashyap. I mean, I can't -- I certainly can't speak to what Kelly was
17 thinking, but it's certainly reasonable to think that since we have been calling and calling
18 for guidance, and finally we are getting guidance that had more substance to it than
19 anything that had come out previously from the previous administration that there might
20 be a sense that we would want to react to that. I think that's what -- I would guess
21 that's what Kelly's referring to, but it probably would be better to ask her directly.

22 BY MS. BREWER:

23 Q To the best of your knowledge, had the administration asked to praise on
24 more than one occasion before -- had this ever -- had they ever asked overtly before?

25 A To praise?

1 Q To ask for ATF's praise for a document or something.

2 Mr. Bromwich. Just for -- you might want to note for the record that the
3 administration had been in existence for about 12 days at this point. But if you want to
4 ask a question based on that, go ahead.

5 BY MS. BREWER:

6 Q Still, yeah.

7 A At that point in time, I -- I was, as Mr. Bromwich indicated, it was very early
8 in the administration. We barely made the shift, and this was coming out really quickly.
9 So not that I am aware of.

10 Q You have been on the transition team up to then, right?

11 A The transition team offboarded everybody before the end of January, so I
12 was offboarded before anything related to the guidance happened. When you are on
13 the transition team, you can't connect with, you know, people from certain organizations.
14 So I wouldn't have been able to be on an email with Donna Harris-Aikens from the
15 Education Department, because I had reviewed the Education Department. So that's
16 how I know in addition to I remember the date vaguely, it was in the teens of January
17 when we were offboarded.

18 Q That makes sense.

19 Okay. Later down, NIOSH reached out to us right after the meeting, letting us do
20 line by line on the guidance, we asked CDC to put towards the front of the new guidance.
21 Dot, dot, dot, sent to Ellie and Jacki on the lowdown. They can help with how we talk
22 about. How many people at AFT got to work on these line-by-line edits, to the best of
23 your knowledge?

24 A So to my recollection, there's a difference between reviewing and working
25 on line-by-line edits. There was very little that was of a line by line edit nature. My

1 staff did not do that, they provided comments. And I believe we provided language on
2 the one area that we were very concerned about regarding accommodations. So
3 that's -- that is not a line-by-line edit, it's an addition and that language was, again,
4 language from another part of the CDC that we were suggesting. So I don't know how
5 to answer your question more than that.

6 Q Okay. Who are Ellie and Jacki?

7 A Ellie Engler, and I can't think of Jacki's last name. Ellie is a health and safety
8 expert on the staff of the United Federation of Teachers, the largest AFT affiliate. I think
9 Jacki is a health practitioner from Northwell Health who consulted and advised us, but
10 you would, again, have to confirm that with Kelly on -- I am not certain about Jacki. I
11 think that's who it is.

12 Q And why would they need to be sent this on the lowdown, the down low.
13 Mr. Bromwich. If you know.

14 Ms. Ucelli-Kashyap. I don't, I don't know.

15 [Majority Exhibit No. 7

16 Was marked for identification.]

17 BY MS. BREWER:

18 Q Actually Bates stamped AFT 7 and 8. Okay, this is an email from
19 February 5th, 2021. It is from you with the subject line, Stakeholder feedback on
20 reopening schools. And the one I am looking at is at the 3:06 p.m. email.

21 A Okay.

22 Q You write --

23 Mr. Bromwich. Do you want a moment to look at the whole thing?

24 Ms. Brewer. I'm sorry, yeah.

25 Ms. Ucelli-Kashyap. I will just take a moment. Okay, I think I recall this.

1 BY MS. BREWER:

2 Q So the 3:06 p.m. one you write, Hey, ladies, Kelly and I were just on a call
3 with Lauren and a few others regarding the call we had with the CDC Foundation about
4 their data collection on implementation on migration strategy in schools. To the best of
5 your recollection, what did you learn on that call?

6 A So notice the reference to the CDC Foundation. So there was a -- I couldn't
7 begin to tell you the organizational structure, but there was a group that gets seconded, I
8 guess, from the sort of day-to-day work of the CDC to do different kinds of data
9 collection. And this group wanted to share information that they were collecting from
10 schools about -- schools and -- collected from principals or administrators, but it was
11 about schools and how they were handling certain kinds of implementation strategy. So
12 it was an effort to say if we collect some information about how schools are doing things,
13 doing their layered mitigation, doing their alternate day schedules, doing you name it, is
14 that useful to you. So they were sharing this.

15 I actually don't know whatever happened with that data. I think it rolled up into
16 something else that the Education Department was doing. So that is kind of unrelated
17 to the rest of this, which was more about the Department and the CDC would do, kind of
18 off to the side.

19 Q So they offered this collection --

20 A They shared some of what they were learning and they asked us what kind
21 of questions might be useful to know about if they continued to collect that data.

22 Q And this is the CDC Foundation?

23 A Right.

24 Q Okay, okay, okay.

25 And then further down, Kimberly Watkins-Foote sends at 6:25 an email with the

1 same subject line, which is in the original email. Can you explain, you can take a minute
2 to read it, if you want to, but can you explain what this email is?

3 Mr. Bromwich. Do you know who she is?

4 Ms. Ucelli-Kashyap. I believe -- I don't know her personally. This is related to
5 the Education Department work, which I do remember, but I don't know who she is.

6 Mr. Bromwich. She is not in AFT?

7 Ms. Ucelli-Kashyap. No, no.

8 BY MS. BREWER:

9 Q Do you know who she is generally? Does she work for the education
10 department?

11 A I would only guess that from this document, but I don't -- I have no idea who
12 she is.

13 Q Okay.

14 A That would -- yeah, that would be a good guess based on the content of the
15 email.

16 Q So this was not sent internally to AFT?

17 A So just again looking at this chain, it came to -- it looks like it went to Beth
18 Antunez who shared it. Beth was our liaison to the Education Department so that's
19 what leads me to believe it was from someone on the staff of the Education Department,
20 plus the content of it.

21 Q Okay. That actually -- clears some stuff up for me. Thank you.

22 [Majority Exhibit No. 8

23 Was marked for identification.]

24 BY MS. BREWER:

25 Q I'd like to introduce majority exhibit 8, which is AFT 38 through 40, these are

1 emails from November 12, 2021. These appear to be conversations about proposed
2 edits to the CDC guidelines, including the addition of the 6 feet physical distancing, and a
3 question about what to say about the ventilations.

4 So we have mentioned that senior staffers were kind of compiling all of these --

5 A I am sorry. I don't think that's correct.

6 Q Oh, okay.

7 A This is -- this document is related to us sharing about the CDC guidance after
8 it came out.

9 Q Oh, okay.

10 A So I believe that's the date of release, February 12th, if I am not mistaken.
11 And this is referring to how -- what we advocate for differed from the guidance and how
12 we would explain that to our members when we shared. Because you can see there's a
13 link at the bottom of the second page to the actual guidance.

14 Q So this was going to be a side by side for your members versus what the
15 guidance came out?

16 A It was going to tell our members what the guidance included and where we
17 might have hoped for more or differed. Yeah, it was -- exactly, that's a good way to put
18 it. It is a comparison for them.

19 Q Okay. And the two that were -- that deviated were the -- so, now I need to
20 re-orient myself as well. So the question of -- sorry, the second page, third down,
21 Emily's email. Already in my list. Do you want to add 6 feet to the first mention of
22 physical distancing? Do you think that would be adding on your guy's saying that was
23 not added?

24 Mr. Bromwich. Do you understand the question?

25 Ms. Ucelli-Kashyap. It's hard to tell because there's not much context in here.

1 You are asking whether that relates to our document or to the CDC document? I am
2 sorry, is that your question?

3 BY MS. BREWER:

4 Q Yeah. I think I am confusing myself as well.

5 Yeah, we can actually --

6 A That is hard to tell what that relates to --

7 Q That's fine.

8 A Without context.

9 [Majority Exhibit No. 9
10 Was marked for identification.]

11 BY MS. BREWER:

12 Q Majority Exhibit 9, and this is AFT 77 through 84. You know, my first
13 question, and I bet I know the answer. So is this the document that you were discussing
14 in those emails in exhibit 8 potentially?

15 A This is some version of the document that we prepared to share with our
16 leaders and members.

17 Q Okay. So this is the CDC's released guidelines, here's ATF's debrief of it. Is
18 that a general breakdown of what the document is?

19 A It's our explainer, if you will, to go along with the guidance.

20 Q And who were the ultimate authors of this?

21 A A lot of staff members had various words in it, but -- so all of -- my staff
22 members that you asked about earlier, and I think my recollection is that Emily Kopilow,
23 who did a lot of our reopening report work, was involved in writing this. So, you know,
24 the staff came together. And I don't remember who took the lead in drafting, but then,
25 of course, Kelly and I and Jane reviewed it all.

1 Q So you, Kelly and Jane --

2 A And I can't even tell if this is the final version. We tend to sometimes have
3 versions of things. It looks pretty close to it, though. Yeah, this was staff-authored,
4 that's the best explanation, best answer I can give you.

5 Q But with you, Kelly and Jane being, to the best of your recollection, senior
6 staff?

7 A Yes.

8 Q Do you know how you three ended up being the senior staff on the
9 Document?

10 A Well, as I think I mentioned earlier, Kelly is the lead -- was the lead during
11 the pandemic on healthcare related kind of our work, and really, the most senior lead
12 other than our officers on our response, and I was on the education side. So we would
13 be involved in everything. And because it comes out of the Federal Government, in this
14 case this relates to items from the CDC and the Department of Education, then someone
15 from the government relations department would also be involved. And that would be
16 in this case. I believe it was Jane, it might have been Jane and Beth.

17 Q And who is this distributed to?

18 A This was distributed to our executive counsel, our pre-K-12 educator leaders,
19 actually I think all of our affiliate leaders. We have had more than 4,000 affiliates. And
20 it was distributed to various councils that we have, such as a program and policy council
21 that I run. So it was for all AFT audiences we wanted to share this information with
22 them. They were waiting for it.

23 Q And Bates stamp page 78, second to last bullet point, it is titled "temporary
24 closures." And we talked about this a little bit, but I would like to retouch it. What is a
25 closure trigger -- trigger closure?

1 BY MS. BREWER:

2 Q This is Bates AFT 87. And the top line is Notes: Dr. Walensky and COVID
3 call 1/29/21.

4 A Um-hmm.

5 Q Do you know who wrote this, if you do?

6 A Yes, this is actually very helpful, because I was -- the date that I was trying to
7 remember which meeting was which. So Kelly and I drafted these notes. These were
8 the notes you were asking about earlier in relation to preparing Randi for a call.

9 Q Okay.

10 A I believe this is responsive to that, these were the notes we put together for
11 Randi.

12 Q Okay. So this is pre prior to the call with Dr. Walensky?

13 A That's what it appears to be. Let me just make sure I am correct.

14 Q Okay.

15 A Yes. These are pre meeting notes, uh-huh.

16 Q Okay. And then I know we have touched on this a little bit, but these are
17 six pretty solid points. Where specifically did these come from?

18 A So this came from all of our prior work, our consultation with the experts
19 that we provided a list of, our prior reopening reports that were based on the best
20 available science, our surveys of our members, et cetera. So this kind of rolls up our
21 most important priorities.

22 Q Do you think somewhere you had a list of the citations and scientific
23 resources you used to create this, or the personnel that they came from?

24 A So I'm not sure. Do we have references for these notes?

25 Q Yeah.

1 A Well, we would not have made references for this specific set of notes, it's
2 based on the prior work we did. So we have three different reports where we have
3 citations, including things, you know, why recommendations are made. And when we
4 didn't know, you know, when we wrote our first report 6 feet wasn't a thing yet. We
5 didn't know quite what the amount should be. So this was based on our internal and
6 external expertise, and what we believed to be the concerns of our members and what
7 we knew about the science. So no, it's not cited, but it's based on a ton of ongoing
8 work.

9 Q I would like to point to point 5. You say it is a contentious issue in the field.

10 A Uh-huh.

11 Q What is contentious about it?

12 A So this is the trigger question again, right? In a different guise. Provided
13 recommended positive -- it is another way of saying that we were asking them to
14 recommend a metric for around which it would no longer be safe to operate. And the
15 CDC chose not to do that.

16 Q But this is before the call and before you knew it was not going to do it. So
17 how --

18 A Right. I was not on the call, so I don't know how much -- how many things
19 Randi verbally emphasized on the call.

20 Q Okay. Fair enough.

21 A Obviously, these notes were for her. She didn't share them directly to
22 them.

23 Q Yeah. If this is so contentious, what was ATF's objective in focusing on the
24 triggers, to pull the triggers?

25 Mr. Bromwich. You have asked the question at least twice before.

1 Ms. Brewer. That's fine.

2 [Majority Exhibit No. 11

3 Was marked for identification.]

4 BY MS. BREWER:

5 Q Majority 11, Bates AFT 1991.

6 This seems similar to the other one. Would you say this is a draft? Do you
7 know who authored this one?

8 A It's largely the same content. So it's just a different version. It looks
9 maybe like this was before the one that seems more official looking that we provided to
10 Randi.

11 Q Okay. I do want to point to the first line. We have been trying to
12 back-channel the CDC's through NIOSH on the forthcoming guidance. We were told
13 yesterday evening that someone from the CDC Community Intervention and Critical
14 Population Task Force will reach out about scheduling a call to update you about the
15 status of the CDC's school guidance. Some of NIOSH work safety and health, WSH will
16 be on the call. Do you know what it means that we have been trying to back-channel to
17 CDC through NIOSH with forthcoming guidance?

18 A I can only speculate that it means what it says, that we were trying -- we
19 wanted to see the guidance, and we were told, and this is the meeting that we have
20 already discussed that someone from the CDC Community Intervention and Critical
21 Population team would reach out. That is Ms. Parikh, and she did. And then we
22 received an official copy of the draft guidance and we did our work based on that so --

23 Q Okay.

24 [Majority Exhibit No. 12

25 Was marked for identification.]

- 1 Ms. Brewer. I think this is a good stopping point. We can go off the record.
- 2 [Discussion off the record.]

1 [1:19 p.m.]

2 [REDACTED] Okay. We can go back on the record.

3 BY [REDACTED]

4 Q I just have a couple more questions if I could.

5 So I'd like to talk a little bit about how AFT felt about the broad question of
6 schools reopening or not reopening. And so, to facilitate that, I'll just show a couple of
7 documents from around that time, starting with minority exhibit H.

8 [Minority Exhibit No. H

9 Was marked for identification.]

10 BY [REDACTED]:

11 Q I'll give you a second to look that over. It might be familiar to you.

12 My interest will be in the top half of the page.

13 And this document is Bates stamped AFT_EXT176.

14 So I'm just going to focus on an excerpt of it towards the top. This is a set of
15 notes dated February 1st, 2020, and I'll just read the first sentence, because I think it sets
16 the context for what this is.

17 Ed Issues -- Chelsea, Robin, and Justin -- had a chance to review the latest addition
18 to CDC guidance regarding school reopening.

19 I think it's fair to assume that that is a reference to the CDC guidance that we've
20 been discussing here today. Does that sound fair?

21 A It seems so, yes.

22 Q All right. And the first and second sentences of the next paragraph, I'll read
23 out loud.

24 It reads, "Its," meaning the guidance, "primary strength for local affiliates
25 struggling with decision matrices around in-person schooling is a rationale and

1 assumptions that undergird the guidance," page 14. "These include that nonessential
2 place-based and activity-based vectors of transmission in the community be contained to
3 prioritized, in-person schooling above all else."

4 It is just a pretty straightforward question: Does it seem as if whoever wrote
5 these notes within AFT, their perception was, A, the draft guidance at this point wanted
6 to prioritize in-person schooling above all else, and B, you all at AFT viewed that as a
7 strength of the document?

8 A Absolutely.

9 Q Okay.

10 Mr. Spectre. [REDACTED]

11 [REDACTED]. Yeah.

12 Mr. Spectre. Is this 2020, or 2021?

13 [REDACTED]. That's a good question. It says 2020 at the top. I would
14 presume that it is 2021.

15 Ms. Ucelli-Kashyap. 2021, yeah.

16 [REDACTED]. And that that's a mistake. But that's a great question. That
17 would be my assumption.

18 BY [REDACTED]:

19 Q I don't know whether you would feel similarly?

20 A It seems like a good assumption.

21 Q Okay.

22 A Certainly it couldn't have been February 1st, 2020.

23 Q Okay. Next document I'd like to show is minority exhibit I.

24 [Minority Exhibit No. I

25 Was marked for identification.]

1 BY [REDACTED]:

2 Q So I'll give you a moment to look this over as well. It's Bates stamped
3 AFT_EXT140.

4 A Yes.

5 Q All right. And so, this email on the first page, I think, is from yourself, and I
6 think is to maybe an internal listserv. Is that right?

7 A Yes, it is to my staff.

8 Q To your staff.

9 A That's the -- Ed Issues refers to my staff.

10 Q Great.

11 A Uh-huh.

12 Q And I think we have the attachment to the email here on page 141, the
13 second page of the document. And if you wouldn't mind, maybe -- could you just read
14 out loud for me the title of this attachment document?

15 A Roadmap to Safely Reopening Our Schools.

16 Q Great. Does it seem as if this document and at least your efforts at this
17 moment in time, were aimed at, in the words of the document, safely reopening our
18 schools?

19 A Yes.

20 Q Great.

21 A It had been for the prior year, yes.

22 Q Well, that's important. As you said, that is consistent with, I think you've
23 said, AFT's point of view for some significant period of time before this moment. Is that
24 right?

25 A That's correct.

1 Q Okay. I'd like to introduce minority exhibit J.

2 [Minority Exhibit No. J

3 Was marked for identification.]

4 BY [REDACTED]:

5 Q It looks like a lot of paper. It's not as much as it looks like, I promise you.

6 This document is Bates stamped AFT_EXT318. It's sort of a long document. I

7 will not be asking you about the whole thing, but you're welcome to flip through it and

8 just see if it is familiar to you.

9 A Yes, I recall this document.

10 Q All right. Great.

11 So my perception of what this is as a reader is it seems as if it's the Biden

12 administration transition team maybe responding to materials that AFT had sent them at

13 some point before the new administration came into office.

14 Does that seem right?

15 A That is what it appears to be, yes.

16 Q It's -- yeah. I agree.

17 And the document has, it looks like, two different attachments. On page 319, we

18 have recommendations from the American Federation of Teachers. And then, all the

19 way back on page 330, we have a shorter document called AFT Priorities/Biden's First

20 100 Days.

21 So I just wanted to pick out a couple of parts of these documents that I think are

22 pertinent to what we're talking about here today.

23 Starting on page 320, in the bottom third of that page, there's a paragraph -- and

24 I'll just read it out loud. It starts with, We have advocated. And I'll read that.

25 It says, We have advocated for safely reopening schools, including providing

1 blueprints for districts to use to establish safety standards and guidelines, hybrid models
2 for public education, securing PPE for students and school staff, working to ensure
3 schools offer essential wraparound services for the mental, social, and emotional health
4 of our students.

5 And then I'll focus on a few other excerpts which are shorter. The next page,
6 321, right underneath the header Day One: Back to School, I'll read -- in the first
7 paragraph, it says, All over the country, educators yearn to be back in the classroom and
8 on campus to provide the education and support services their students need.

9 And, a few paragraphs below that, it says, Our members and educators all over
10 the Nation know that remote instruction is no substitute for in-person learning.

11 So I'll just pause there. It seems as if -- but is this consistent with your
12 recollection -- that, before the Biden administration even came in office, AFT was taking
13 the position that schools needed to reopen quickly and safely.

14 Does that seem fair based on at least what we just read here?

15 A That is absolutely fair and accurate, yes.

16 Q Great. And, if I could point you to the second attachment on page 330, and
17 the title of that document, as we saw, is AFT Priorities/Biden's First 100 Days.

18 And the second header down below that is, Safe and Resourced Reopening of
19 Schools.

20 Is that consistent with what we just read from the first attachment?

21 A I would say that it is.

22 Q I would say it as well. Great.

23 [Minority Exhibit No. K

24 Was marked for identification.]

25 BY [REDACTED]:

1 Q I'd like to show you minority exhibit K. And that is Bates numbered
2 AFT_EXT393. And I'll give you a moment to look it over.

3 So it appears to be a letter from AFT to Secretary of Education Betsy DeVos on
4 March 5th of 2020. And it seems like -- and, as we all know, this is right at the beginning
5 of the pandemic, and you all are writing about some of the upcoming issues related to the
6 virus.

7 I just wanted to look on the second page, 394. In that first paragraph under
8 preparedness, a few different sentences of note. You first say -- you being the
9 organization, say, We hope school closures that last for days or weeks don't happen.

10 And then, in the middle of that paragraph, you say, On the academic end of the
11 needs spectrum, it is crucial to remember that online resources are a stopgap measure.

12 It seems as if, putting all those documents together, that AFT took a consistent
13 position from the beginning of the pandemic when engaging with the Trump
14 administration, all the way through the beginning of 2021, engaging with the incoming
15 Biden-Harris administration, that it was important to reopen schools, to reopen them
16 safely, and that online learning was really just a stopgap measure.

17 Do you share that impression of AFT's position?

18 A That is an absolutely accurate portrayal of AFT's position, and we provided
19 as many resources as we possibly could for educators when they had to do things like
20 online instruction. But we knew that the faster we could get out of that, the better it
21 would be for everyone.

22 Q Great. I'd like to share minority exhibit L.

23 [Minority Exhibit No. L

24 Was marked for identification.]

25 BY [REDACTED]:

1 Q This document would presumably not be familiar to you. It's another one
2 that involves an organization other than your own. And it is Bates labeled SSCP
3 NACCHO, which is spelled N-A-C-C-H-O, 119. There's nobody from AFT on this email
4 chain. It's pretty short. You can glance at it.

5 But the reason I wanted to quickly look at this one is, over on the CDC side of
6 things, there has been some discussion about the extent to which the CDC's guidance was
7 intended to reopen schools or not to reopen schools. You will be nothing more than a
8 reader of this email. But in that middle of the page, we have an email from somebody
9 or some sort of listserv associated with the CDC to different individuals at this
10 organization, which, by the way, stands for the National Association of County and City
11 Health Officials.

12 And the email says in the middle of the page, We wanted to share some important
13 changes that were made to the guidance.

14 And the first bullet says, Significant revisions to the structure and framing of the
15 document to place an emphasis on safe school reopening through mitigation strategies.

16 The guidance emphasizing school reopening as it appears here in the email, is that
17 consistent with how you understood the aim of the guidance to be?

18 A Yes. Certainly what a reader of that would understand, I believe.

19 [Minority Exhibit No. M

20 Was marked for identification.]

21 Q I'd like to show you minority exhibit M, and I think this is the last one we'll
22 show you.

23 Mr. Bromwich. Yay.

24 [REDACTED]. Uh-huh.

25 BY [REDACTED]:

1 Q This is yet another one that would not be familiar to you. Bates
2 number here is SSCP NACCHO 63. And really, I'll just be describing that first page of the
3 document.

4 What I wanted -- it is actually -- you're right -- helpful to flip through it just to see
5 the context of it.

6 So this chain appears to relate to a meeting between CDC and the organization I
7 just described, National Association of County and City Health Officials. And this first
8 page has an email or appears to be a calendar entry dated January 25th. And you can
9 see there towards the top in the attachments line, it reads, attachments, Draft K-12
10 Schools Operational Strategy 2021-1-21.pdf.

11 It appears to me, and you can see whether it also appears to you as a reader that
12 this shows that by January 25th, another organization -- call it NACCHO -- had also
13 received a copy of the draft CDC operational strategy.

14 Does that seem like a fair reading of the email?

15 A That would certainly appear to be the case from reading the email.

16 Q So, at least here in our conversation, we have looked at two examples of
17 organizations other than AFT being given copies of the draft operational guidance in the
18 early twenties of January -- what we've looked at is ranged from January 21st to
19 January 25th, and I think, as we've discussed previously, on January 27th, AFT was still
20 hunting for a copy, and I think ultimately ended up receiving a copy, maybe on or around
21 the 31st of January.

22 Does that seem like an accurate telling of the various facts at play?

23 A That does seem so to me, yes.

24 Q Okay. I'd like to ask one clarifying question, and it may involve shuffling
25 papers for a moment. It relates to majority exhibit No. 8, if you do happen to have that

1 handy.

2 A Okay. I don't know if I have the numbers, so --

3 Mr. Bromwich. Yeah. If you can tell the Bates numbers.

4 ██████████ And I can tell you the Bates number if that would help.

5 Ms. Ucelli-Kashyap. Okay.

6 Mr. Bromwich. Yeah, that would help.

7 ██████████. That number is AFT_EXT38.

8 Ms. Ucelli-Kashyap. Okay.

9 Mr. Bromwich. Okay.

10 Ms. Ucelli-Kashyap. I think I have it.

11 Mr. Bromwich. I got it. I got it. You got it?

12 ██████████. Take your time.

13 Ms. Ucelli-Kashyap. Yes.

14 BY ██████████:

15 Q So there was some discussion about the context of this email chain. You
16 and some colleagues have been discussing, I think, editing an AFT summary, or press
17 release of some kind, about the CDC guidance. The things I wanted to be really sure
18 about are on page 39.

19 A Uh-huh.

20 Q In the middle of that page, an email from Emily Kopilow, or Kopilow, reads,
21 Do you want to add 6 feet to the first mention of physical distancing?

22 I think we covered this, but I just want to be clear. That could not possibly be
23 about editing the CDC guidance, because as we see two emails below that, the CDC
24 guidance was already out at that time. So we would think it must relate to whatever
25 internal document you at AFT were working on.

1 Does that seem fair?

2 A That is absolutely fair. It would appear -- in fact, I know this to be the
3 case -- that what Emily was raising up was, should we note, as we made sense of this for
4 our members, that the guidance does include the actual 6 feet as the preferred distance?

5 That was the question I believe she was raising there.

6 Q Great.

7 [REDACTED]. I think, with that, we can go off the record.

8 [Discussion off the record.]

9 BY MR. BENZINE:

10 Q On February 3rd, 2023, recently confirmed or -- excuse me -- February 3rd,
11 2021, CDC Director Walensky stated, Vaccinations for teachers is not a prerequisite for
12 reopening schools.

13 To your knowledge, did AFT ever advocate for a mandatory vaccination of
14 teachers or other school staff prior to reopening schools?

15 A So we advocated for -- for educators and other frontline workers to be in the
16 earliest access groups, and we did, through our governing process, pass a couple of
17 different resolutions that addressed vaccination.

18 But I do not believe -- I would not want to misspeak, but I do not believe that we
19 ever endorsed a mandate. We strongly encouraged vaccination.

20 And the only reason I'm equivocating is that I think we tried to be very thoughtful
21 in the language about things that might impact vaccination, including health-related and
22 religious objections. So I don't want to misspeak and state an absolute when I can't.

23 Q Did AFT ever advocate a school district going on strike if a school pushed
24 reopening prior to vaccinations?

25 A So, again, you are making me think of resolution language, but we did

1 indicate that when all other possibilities were not being used -- so when appropriate
2 mitigation strategies were not in place, when guidance was not being followed when
3 there was reason to suspect harm, that when there was an issue of student and teacher
4 safety, that that might -- there might be situations in which a safety strike would be
5 appropriate. We did not encourage those or call for them, but we indicated that there
6 may be situations in which they would be appropriate.

7 Q All right. During Ms. Weingarten's testimony on April 26th, when asked if
8 she had a direct number for CDC Director Walensky, prior to saying yes, she testified, I do
9 not talk to representatives of the government.

10 To your knowledge, has Ms. Weingarten ever spoken to representatives of the
11 Federal Government?

12 A Yes, of course.

13 Q Okay.

14 A Uh-huh.

15 Q And then, in a recent letter --

16 Mr. Bromwich. That's already three.

17 Mr. Benzine. I'm sorry?

18 Mr. Bromwich. You said you had three questions.

19 Mr. Benzine. Sorry. Four.

20 Mr. Bromwich. Okay.

21 Mr. Benzine. Some were follow-ups.

22 Mr. Bromwich. Okay.

23 BY MR. BENZINE:

24 Q In a recent letter on June 8th, 2023, from AFT counsel to the select
25 subcommittee, they stated, quoting, "However, the collection is limited to materials that

1 AFT staff saved and archived, consistent with AFT's records retention and removal policy
2 and practice. In particular, the practice of automatically deleting emails older than
3 90 days has been in place since January 1st, 2023."

4 Were you involved at all in that policy change?

5 A No, I was not.

6 Mr. Benzine. All right. Thank you.

7 We can go off the record.

8 [Whereupon, at 1:42 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date