UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHT FIRST AMENDMENT INSTITUTE AT COLUMBIA UNIVERSITY,

Plaintiff,

-against-

CENTERS FOR DISEASE CONTROL AND PREVENTION AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES,

Defendants.

20 Civ. 2761 (AT)

DECLARATION OF MICHELLE BONDS

Pursuant to 28 U.S.C. § 1746, I, Michelle Bonds, declare the following to be a true and correct statement of facts to the best of my knowledge and belief:

1. I was the Acting Associate Director for Communications for the Centers for Disease Control and Prevention ("CDC"), an agency within the U.S. Department of Health and Human Services ("HHS"). I held this position from November 10, 2019 to May 2, 2020. I am currently in my position of record, Director for the Division of Public Affairs, Office of the Associate Director for Communication, CDC. I make this declaration based upon my personal knowledge and upon information available to me in my official capacity, and if called and sworn as a witness, I could and would testify as set forth herein.

2. I submit this declaration in response to the Court's September 17, 2021 Order, which directed CDC and HHS to submit either an affidavit or revised Vaughn index describing whether a document titled "CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response" (and referred to as "Document 12" on the CDC's Vaughn Index) or any iteration of this document was ever operative.

3. As the Acting Associate Director of Communications, I provided leadership and counsel to CDC senior leaders and communication professionals that required involvement in substantive public affairs matters, as well as public affairs policy and program development.

4. Due to the nature of my official duties, I was and continue to be responsible for overseeing the development and implementation of CDC's media policies and procedures, which includes agency level communication and media strategies more broadly

5. The development of the CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response was handled by the Joint Information Center (JIC) within the incident management structure of the COVID-19 response and the Office of the Associate Director for Communication leadership in news and digital media, public affairs, and communication strategy. There were numerous drafts of the CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response that were revised and circulated within CDC to help frame ongoing deliberative discussions within CDC for anticipated consideration by CDC decisionmakers. The initial authors were Lynn Sokler, Sara Bedrosian, Molly Gaines-McCollom, Amy Heldman, Ben Haynes, and me. Other contributors included John O'Connor, Dagny Olivares, Brad Myers, Kate Galatas, Carol Williams, Peter Jenkins, Carrie Harmon, and Carol Crawford. There were several rounds of review by the aforementioned CDC staff and Bill Hall, in the HHS Office of the Assistant Secretary for Public Affairs (ASPA).

6. I understand that CDC previously informed the Court that the CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response was never finalized because the size, scope, and complexity of the coronavirus pandemic evolved and grew so rapidly that it was impossible for the agency ever to develop a static, "final" strategy. In addition to the CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response never being

finalized, this document—as well as the contents of it—were never operative or implemented by CDC or its employees. Because of the rapidly evolving nature of the pandemic, the strategic approach was dynamic and driven by and in collaboration with many communicators at multiple levels of government. CDC communicators relied on their experience in managing past emergency responses, their training in emergency and risk communication, and routine strategy discussions.

7. The numerous drafts of the CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response reflected internal deliberations about how to formulate objectives, principles, and a framework for messaging in connection with the COVID-19 response. But because the facts and understanding of COVID-19 were constantly changing and evolving, the agency's approach and policies were too, making it impossible for CDC to adopt the draft CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response. The draft CDC Communication and Media Strategy for the Coronavirus Disease 2019 Response was never functional or used as protocol by CDC. At that time, CDC's approach to media relations was focused on three areas: 1) communicating scientific and medical developments; 2) explaining our response processes and how we are addressing COVID-19; and 3) providing the public with actions to protect themselves against COVID-19.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of October 2021, in Decatur, Georgia.

Michelle Bonds
Director, Division of Public Affairs
Former Acting Associate Director for Communications
Centers for Disease Control and Prevention
United States Department of Health and
Human Services