

STATE OF MISSOURI, et. al. vs. JOSEPH R.
BIDEN, JR., et. al.



Case Number: 3:22-cv-01213-TAD-KDM

Date: November 23, 2022

Deponent: DR. ANTHONY FAUCI

Abstract

The deposition of Dr. Anthony Fauci took place on November 23, 2022, at the National Institutes of Health in Bethesda, Maryland. The deposition was part of Case No. 3:22-cv-01213-TAD-KDM, with attorneys representing the states of Missouri and Louisiana, as well as the New Civil Liberties Alliance, present for the plaintiffs. The United States Department of Justice was represented by attorneys for the defendant, Dr. Fauci, in his official capacity as Director of the National Institute of Allergy and Infectious Diseases.

Dr. Fauci's testimony covered a range of topics related to the COVID-19 pandemic, including the origins of the virus, gain-of-function research, his communications with other scientists, and his public statements about the virus and the pandemic. The deposition also addressed the spread of misinformation about COVID-19 on social media and Dr. Fauci's interactions with social media companies.

A significant portion of the deposition focused on gain-of-function research, which involves manipulating viruses to make them more transmissible or deadly. Dr. Fauci was questioned about NIAID's funding of such research, particularly a grant awarded to EcoHealth Alliance, which subsequently provided funding to the Wuhan Institute of Virology. He discussed the NIH's policies on gain-of-function research, emphasizing the safety protocols in place and his limited role in approving individual grants.

Dr. Fauci was also questioned about his communications with other scientists about the origins of the COVID-19 virus, including early concerns that the virus may have originated in a lab. He described his interactions with scientists like Christian Anderson and Jeremy Farrar and their efforts to investigate the virus's origins. Further discussion focused on his knowledge of research conducted at the Wuhan Institute of Virology and his assessment of the likelihood of a lab leak.

Finally, the deposition delved into Dr. Fauci's role in addressing misinformation about COVID-19 on social media. He was asked about his interactions with social media companies and his views on the government's role in regulating content related to the pandemic. Dr. Fauci explained his efforts to combat misinformation by providing accurate information to the public, emphasizing the importance of clear and consistent messaging from public health officials.

Overview

Dr. Anthony Fauci's November 23, 2022 deposition at the NIH in Bethesda involved Case No. 3:22-cv-01213-TAD-KDM in the U.S. District Court for the Western District of Louisiana. Conducted by Stephanie Barnes, it covered Fauci's NIAID role, EcoHealth Alliance's gain-of-function research, individuals like Francis Collins, Robert Redfield, and WHO-related matters. Fauci responded to plaintiffs from Missouri and Louisiana, addressing queries about Ralph Baric, Christian Anderson, CDC, Facebook misinformation during Hong Kong protests, and COVID-19 origins.

Dr. Fauci condemned Alex Berenson's vaccine comments on CNN, labeling them horrifying and highlighting the pernicious effects of misinformation. The document discusses government deliberations, social media's interference in lifesaving measures, President Biden's pertinent remarks, remdesivir's role in public health, Twitter interactions, and Scott Gottlieb's mention of Fauci requiring a security detail.

Key Topics

Dr. Anthony Fauci's deposition discusses his interactions with various scientists, funding by NIAID, policies on COVID-19, reactions to the Great Barrington Declaration, and social media communication. Fauci emphasizes misinformation's impacts. Addressed are Alex Berenson's CPAC remarks, Biden's statements on social media misinformation, Fauci's talks with Scott Gottlieb and Zeke Emanuel on vaccine misinformation, Berenson's Twitter ban, security concerns, New York Times reports, remdesivir's approval, booster promotion, herd immunity, disinformation, and CNN State of the Union.

Injuries

Involved Parties

- **Overview of Involved Parties and Participants:** The deposition transcript involves several key participants including Dr. Anthony Fauci, a notable witness, and various legal representatives from the United States Department of Justice, the Department of Health and Human Services, the National Institute of Health, as well as representatives for the plaintiffs comprising individuals and states. Key organizations mentioned include the National Institute of Allergy and Infectious Diseases (NIAID) and EcoHealth Alliance.

Gains of Function Research

- **Details of Gains of Function Research:** Dr. Fauci clarifies the terminological confusion around 'gain-of-function' research. He discusses an op-ed coauthored with Francis Collins in 2011 that refers to generating potentially dangerous viruses under strict laboratory conditions. Fauci distinguishes between broad terms like 'gain of function' and more specific research practices that have overseen regulatory pause periods like the one initiated in 2014.

- **Funding and Research Collaborations:** EcoHealth Alliance, led by Peter Daszak, and collaborations with the Wuhan Institute of Virology are discussed in multiple contexts. The transcript touches upon NIAID's funding of projects such as 'Understanding the Risk of Bat Coronavirus Emergence'. Fauci confirms that such grants undergo multiple levels of peer review and he individually doesn't approve them. The nature of collaborations involving grants to EcoHealth which further grants to Shi Zhengli at the Wuhan Institute is elaborated upon.

- **Specific Research Papers:** Specific articles and research papers related to SARS-CoV-2's origin and gain-of-function research are addressed. This includes an article in Nature Medicine co-authored by Baric and Shi Zhengli, and the discussions surrounding its implications. Fauci questions the manipulations involved in such studies while discussing the broad applications under 'reverse genetics'.

- **Initial Concern on Virus Origin:** Dr. Fauci details the timeline when he first became aware of concerns about the COVID-19 virus being potentially genetically engineered. A significant call in late January 2020 involving Christian Anderson and Jeremy Farrar is specified. Fauci conveys that initial analysis on virus manipulation concerns led to further investigative discussions with evolutionary virologists.

Communications and Public Statements

- **Public and Internal Communications:** Internal communication threads within Fauci's office and with other health officials are frequent, addressing safety measures of virus research and public misinformation. Specific Emails and memos involved, as well as key stakeholders such as Hugh Auchincloss, Christian Anderson, and Jeremy Farrar are noted for their participation in guiding the early pandemic responses and discussing appropriate countermeasures against misinformation.

- **Inter-agency and Public Statements:** Deposition uncovers inter-agency communications and

public statements addressing various aspects of pandemic management. Fauci's engagements in public venues and media outlets, including discussions on hydroxychloroquine's efficacy, and the Great Barrington Declaration regarding herd immunity, are revisited. Fauci's and the agency's responses to criticism and misinformation are detailed.

Misinformation and Public Health

- **Treatment Providers:** Much of the discussion involves key figures including Alex Berenson, Anthony Fauci, and Scott Gottlieb with frequent mentions of interactions and communications about COVID-19 misinformation and public health responses. Specific mentions include Gottlieb's forwarding of a critical post about Fauci to Twitter, highlighting concerns about misinformation's impact on public safety.
- **Opinions on Misinformation:** Fauci repeatedly emphasized the deadly consequences of misinformation, particularly when it discourages lifesaving interventions such as vaccines. He supported countering misinformation through providing accurate information rather than suppression.
- **Specific Episodes and Statements:** Fauci recalled specific instances where misinformation was harmful, such as misleading statements on social media, and highlighted ongoing public health messaging to mitigate these impacts.
- **Public Reactions and Security Concerns:** Fauci acknowledged the strong public and personal reactions his statements elicited, including threats to his safety necessitating a security detail.
- **Relation to General Public Health:** Throughout the deposition, there is a clear link made between misinformation, particularly on social media, and its perceived harmful effects on public health outcomes.
- **Interactions with Other Public Figures:** Interactions and communications with other public figures like President Biden and Scott Gottlieb were noted, especially regarding their shared concerns about misinformation's role in public health.

General Public Health

- **Relation to General Public Health:** Throughout the deposition, there is a clear link made between misinformation, particularly on social media, and its perceived harmful effects on public health outcomes.

Liability

Dr. Fauci's Career and Experience

- **Dr. Fauci's Career and Experience:** Dr. Fauci has been the Director of NIAID for 38 years and the Chief Medical Advisor to President Biden since his inauguration. He has previously given a deposition about 15 to 20 years ago.

Gain-of-Function Research

- **Gain-of-Function Research:** Dr. Fauci discussed gain-of-function research, particularly its risks and benefits. He mentioned the policy pause in 2014 and the subsequent exceptions for critical research. He was not able to recall specifics about invoking exceptions during the pause.

COVID-19 Origin and Early Response

- **COVID-19 Origin and Early Response:** The deposition included discussions about Dr. Fauci's awareness of the origins of COVID-19, including initial concerns about the virus being genetically engineered. Mentioned were interactions with scientists like Christian Anderson and Jeremy Farrar, and conversations about the virus's unusual features.

Social Media Interactions and Misinformation

- **Impact of Misinformation:** Dr. Fauci discussed the prevalence of misinformation and disinformation related to COVID-19 and emphasized that it is contrary to public health. He noted the deadly consequences of encouraging people to avoid life-saving interventions.

- **Interactions with Public Figures:** Dr. Fauci acknowledged that he had communicated with various individuals, including Scott Gottlieb, about vaccine-related topics and the spread of misinformation. Specific discussions about the exact content or context of these interactions were not vividly recalled.

- **Combating Misinformation through Accurate Information:** Dr. Fauci mentioned his strategy of countering misinformation by flooding the system with the correct information. He emphasized his active role in media and public communications to advocate for vaccinations and preventive measures.

- **Social Media Regulation Stance:** Dr. Fauci refrained from stating explicit legal or regulatory opinions on whether social media platforms should take down misinformation, deferring to experts in those areas.

- **Social Media Interactions and Misinformation:** Discussions highlighted Dr. Fauci's interactions with social media platforms like Facebook, Twitter, and YouTube regarding misinformation. Instances included impersonation accounts, false information affecting public health, and efforts to curb misinformation about COVID-19 and treatments like hydroxychloroquine.

Hydroxychloroquine Controversy

- **Hydroxychloroquine Controversy:** Dr. Fauci's stance on hydroxychloroquine's inefficacy in treating COVID-19 was covered, along with his public statements and discussions within NIAID about the drug.

Great Barrington Declaration

- **Great Barrington Declaration:** The deposition covered Dr. Fauci's and others' criticisms of the Great Barrington Declaration. Dr. Fauci described the declaration's strategy as 'nonsense' and 'dangerous,' aligning with the majority scientific opinion.

Response to Criticism from Alex Berenson

- **Response to Criticism from Alex Berenson:** Dr. Fauci responded to comments made by Alex Berenson and others at CPAC who criticized the government's vaccination efforts. He described such remarks as horrifying and contrary to public health principles.

- **Response to Alex Berenson's Comments:** Dr. Fauci responded to a video clip of Alex Berenson speaking at CPAC by criticizing Berenson's remarks on CNN. He agreed that he called the comments horrifying and underscored that misinformation and disinformation, especially those dismissing vaccinations, are harmful to public health. Fauci highlighted the overwhelming evidence showing higher hospitalization and death rates among unvaccinated individuals.

Public Health and Misinformation

- **Public Health and Misinformation:** Dr. Fauci detailed his stance on misinformation, explaining its dangers to public health and its role in causing avoidable deaths. He discussed the implications of allowing false information to spread, drawing a line between free expression and public safety. Fauci stressed misinformation as a public health threat and declared his approach of providing accurate information to mitigate it.

Damages

Economic Damages

- **Funding Cuts or Project Delays:** Due to FOIA requests and public scrutiny, it's implied Dr. Fauci and his team may have faced distractions or delays in their work, which might have had economic repercussions on their research funding or project timelines.

- **Lost Wages:** Dr. Fauci mentions that his life has been threatened multiple times, creating a possibility that he has incurred costs related to enhanced security measures, potentially impacting his ability to work efficiently. However, there is no direct evidence of lost wages presented in the deposition.

Pain and Suffering

- **Emotional Distress:** Dr. Fauci has stated that his life has been threatened multiple times, necessitating a security detail. This indicates substantial emotional distress and a potential loss of enjoyment of life due to continuous threats.

Opportunity Costs

- **Work Delays and Distractions:** The significant amount of time spent responding to FOIA requests, media inquiries, and public scrutiny could have taken away from valuable time that could have been used for research and advising on the pandemic response.
- **Public Health Efforts:** Dr. Fauci discusses the continuous misinformation and disinformation related to COVID-19 treatments and vaccines. This misinformation likely forced him to spend a significant amount of time countering false claims rather than focusing on other public health initiatives.

Expert Witnesses

Dr. Anthony Fauci

- **Opinions:** Dr. Anthony Fauci provided testimony regarding gain-of-function research, the origins of the COVID-19 virus, and public health responses. He discussed the balance between the benefits and risks of gain-of-function research and the protocols involved. Dr. Fauci also addressed the theories about the virus's origins, emphasizing the importance of scientific evidence in these discussions. Dr. Fauci emphasized the dangers of misinformation and disinformation related to COVID-19 and their impact on public health. He supported the efficacy of vaccines and the use of masks, and he countered misinformation by providing accurate information.
- **Supporting Arguments:** Dr. Fauci supported his opinions by referencing specific research articles, grants, and government policies related to gain-of-function research. He cited protocols like the 2014 U.S. Government policy pausing gain-of-function research and explained the exceptions to this policy. Regarding the origins of the COVID-19 virus, he referred to specific communications and studies, such as the Nature Medicine article titled 'Proximal Origin of SARS-CoV-2,' to support his stance against the lab-leak theory. Dr. Fauci referred to data showing higher hospitalizations and deaths among unvaccinated individuals compared to vaccinated ones. He highlighted the modest but clear benefits of treatments like remdesivir in managing COVID-19, and consistently focused on spreading accurate health information as a means to combat misinformation.
- **Qualifications:** Dr. Anthony Fauci is a highly esteemed immunologist who has served as the director of the National Institute of Allergy and Infectious Diseases (NIAID) for several decades. He has been a leading figure in the fight against various infectious diseases including HIV/AIDS and COVID-19.

Examination

Research and Funding

- **Research and Funding:** Dr. Fauci was questioned about gain-of-function research, funding provided to EcoHealth Alliance, and his knowledge of research conducted by Dr. Ralph Baric and Shi Zhengli at the Wuhan Institute of Virology.
- **Gain-of-Function Research:** Dr. Fauci clarified the NIH's stance on gain-of-function research, his limited role in approving specific grants, and the oversight mechanisms in place to ensure research safety.

Communication with Scientists

- **Communication with Scientists:** Dr. Fauci discussed his communications with various scientists like Christian Anderson, Jeremy Farrar, and Francis Collins, particularly focusing on the early concerns about the origins of the virus and the subsequent investigation into its origins.
- **Early COVID-19 Origins Investigation:** Dr. Fauci recounted the initial communications with scientists regarding the possibility of the virus originating from a lab, the organization of conference calls, and the international collaboration to investigate the virus's origins.

Social Media and Misinformation

- **Social Media and Misinformation:** Dr. Fauci was asked about his interactions with social media platforms and the extent of his role in addressing misinformation regarding COVID-19, including communications with Facebook, Twitter, and other platforms.
- **Efforts to Combat Misinformation:** The cross-examination delved into Dr. Fauci's knowledge of efforts by the government and his institute to address misinformation on social media, specifically related to COVID-19, vaccines, and public health measures.
- **Public Health Communications:** Discussions included Dr. Fauci's public health communications and collaborations with platforms like Facebook and Google to disseminate accurate information and counteract misleading claims.
- **Misinformation on Social Media:** Dr. Fauci discussed the spread of misinformation and disinformation on social media, detailing its potential dangers to public health. When asked about whether social media platforms should regulate such content, he deferred to legal and social media experts.

Hydroxychloroquine Controversy

- **Hydroxychloroquine Controversy:** Dr. Fauci provided his views on the efficacy of hydroxychloroquine in treating COVID-19, his discussions with other scientists, and his public statements against its use.

Great Barrington Declaration

- **Great Barrington Declaration:** Dr. Fauci's stance on the Great Barrington Declaration was explored, including his and Francis Collins's efforts to counter its premises. Emails discussing strategies to refute the declaration were also reviewed.

Mask Usage Recommendations

- **Mask Usage Recommendations:** The examination covered Dr. Fauci's initial recommendations against mask usage in early 2020 and the subsequent shift to advocating for masks, detailing the evolution of scientific understanding and recommendations.

- **Evolving Mask Guidelines:** Dr. Fauci explained the reasons behind the initial guidance against mask usage and the subsequent change in guidelines as more information about the virus and its transmission emerged.

Interactions with Government and Public Figures

- **Interactions with Government and Public Figures:** Dr. Fauci was questioned about his interactions with government officials and public figures like President Biden and Scott Gottlieb. The inquiries particularly focused on whether these interactions involved discussions about addressing misinformation and its impact on public health.

Public Statements and Media Engagements

- **Public Statements and Media Engagements:** Throughout the deposition, Dr. Fauci explained his approach to countering misinformation by providing accurate information through media engagements and public statements.

Response to Criticism on Vaccination

- **Response to Criticism on Vaccination:** Dr. Fauci responded to remarks made by Alex Berenson, clarifying that his statements were in context of public health data demonstrating the effectiveness of vaccines. He emphasized the dangers of discouraging vaccinations.

Witness Impression

- **Credibility:** Dr. Fauci's credibility is somewhat mixed throughout the deposition. He repeatedly claims to not recall specific details about events and communications but demonstrates a clear understanding of the topics being discussed. His claims of not recalling specific events are questionable given the magnitude and importance of the topics.

- **Credibility:** The witness's credibility is not directly addressed in this deposition excerpt. However, it is worth noting that he frequently states that he does not recall specific details and often relies on others' accounts (e.g., CNN, The New York Times) when recounting events or

statements. This suggests a reliance on external sources rather than personal recollection, which could be interpreted in various ways regarding his credibility.

- **Demeanor:** Dr. Fauci presents as a very confident and self-assured individual throughout the deposition. He is very comfortable using his experience and expertise to explain scientific concepts.

- **Demeanor:** The witness maintains a generally calm and composed demeanor throughout the deposition. He engages respectfully with the questioning attorney, even when expressing disagreement or pushing back on the line of questioning. He occasionally interrupts to clarify questions or provide context for his answers, indicating attentiveness and a desire for accurate communication.

- **Likability:** Dr. Fauci's likability is subjective. At times, he is personable and even humorous, while at other times, he is evasive and condescending.

- **Sympathy:** Dr. Fauci evokes little sympathy throughout the deposition. While he stresses the importance of his work, his demeanor detracts from any feelings of sympathy.

Event chronology

DATE	SUMMARY
12/30/2011	Dr. Fauci co-authors an op-ed with Francis Collins in the Washington Post titled "A Flu Virus Risk Worth Taking"
Between 2011 and 2014	Gain-of-function research is paused
06/01/2014	EcoHealth Alliance project 'Understanding the Risk of Bat Coronavirus Emergence' begins
05/31/2019	EcoHealth Alliance project 'Understanding the Risk of Bat Coronavirus Emergence' ends
11/2015	Nature Medicine article 'A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence' is published
09/2019	Genomic sequences of viruses were removed from publicly available databases in the Wuhan Institute of Virology
12/31/2019	Dr. Fauci becomes aware of new coronavirus outbreak in China

DATE	SUMMARY
01/2020	Dr. Fauci officially becomes President Biden's Chief Medical Advisor
Late 01/2020	Dr. Fauci receives phone call from Jeremy Farrar and Christian Anderson concerning possibility of virus manipulation
01/27/2020	Dr. Fauci receives talking points about COVID-19 from his chief of staff
01/30/2020	Dr. Fauci has a phone call with Jeremy Farrar and Patrick Vallance
01/31/2020	Dr. Fauci sends Jeremy Farrar and Christian Anderson a Science Magazine article by Jon Cohen about coronavirus genomes
02/01/2020	Dr. Fauci participates in a conference call with a group of scientists to discuss the origins of the virus
02/02/2020	Dr. Fauci suggests to Jeremy Farrar and Francis Collins that WHO should convene a group to study the virus' origins
02/04/2020	Dr. Fauci receives an e-mail from Jeremy Farrar with an attached "rough first draft" of the 'Proximal Origin of SARS-CoV-2' paper
02/05/2020	Dr. Fauci receives a third draft of the 'Proximal Origin of SARS-CoV-2' paper from Jeremy Farrar
02/07/2020	Dr. Fauci receives a 'revised draft' of a paper from Jeremy Farrar
02/09/2020	Dr. Fauci participates in a podcast with Newt Gingrich and Peter Daszak
02/11/2020	Dr. Fauci has a meeting with Dr. Ralph Baric
02/17/2020	The preprint version of the 'Proximal Origin of SARS-CoV-2' is released
02/22/2020	Cliff Lane sends an e-mail stating 'China has demonstrated this infection can be controlled, albeit at great cost'

DATE	SUMMARY
03/06/2020	Dr. Fauci receives an e-mail from Christian Anderson thanking him for his 'advice and leadership' on the 'Proximal Origin of SARS-CoV-2' paper
03/14/2020	An employee at the NIH requests Twitter to remove an imposter account
03/15/2020	Mark Zuckerberg offers Dr. Fauci millions of dollars in free ad credits
03/17/2020	The 'Proximal Origin of SARS-CoV-2' is published online in Nature Medicine
03/26/2020	Francis Collins publishes a blog about the Nature Medicine article, 'Proximal Origin of SARS-CoV-2'
03/27/2020	ABC News publishes an article titled: 'Sorry, conspiracy theorists. Study concludes COVID-19 is not a laboratory construct
04/14/2020	Dr. Fauci receives an e-mail from Francis Collins about the Nature Medicine article 'Proximal Origin of SARS-CoV-2'
04/17/2020	Dr. Fauci makes a statement about the origins of the virus at a Coronavirus Task Force press briefing
04/18/2020	Peter Daszak sends an e-mail to Dr. Fauci thanking him for his public comments
04/19/2020	Dr. Fauci replies to Peter Daszak's e-mail
04/2020	Judith Lavelle, an NIAID employee, flags several fake Dr. Fauci accounts on Facebook and Instagram
05/22/2020	The Lancet retracts a study of 96,000 patients that concluded hydroxychloroquine has no effect on COVID-19
05/27/2020	Politico publishes an article titled: 'Fauci: Hydroxychloroquine not effective against coronavirus'
Late 07/2020	A group of doctors calling themselves America's Frontline Doctors post a video touting the benefits of hydroxychloroquine

DATE	SUMMARY
07/27/2020	Breitbart News posts an article titled: 'Facebook/Google/YouTube/Twitter censor viral video of doctors, Capitol Hill Coronavirus press conference'
07/28/2020	Dr. Fauci makes a statement on Good Morning America about the efficacy of hydroxychloroquine
08/01/2020	The Washington Standard publishes an article titled: 'America's Frontline Doctors Website Shut Down'
10/04/2020	The Great Barrington Declaration is published
10/08/2020	Francis Collins sends Dr. Fauci an e-mail about the Great Barrington Declaration
10/13/2020	Francis Collins sends an e-mail stating his quotes in the Washington Post article 'are accurate but will not be appreciated in the White House'
10/14/2020	The Washington Post publishes an article titled: 'Proposal to hasten herd immunity to the coronavirus grabs White House attention but appalls top scientists'
10/15/2020	NBC News publishes an article about Dr. Fauci's views on the Great Barrington Declaration
10/2020	YouTube updates its COVID-19 medical misinformation policies
10/30/2020	An NIAID employee attempts to arrange a call between Dr. Fauci's communications team and Google regarding 'vaccine communications, specifically misinformation'
11/01/2020	Greg Folkers sends Dr. Fauci a list of articles critical of the Great Barrington Declaration
07/2021	The White House requests Facebook to remove an Instagram account impersonating Dr. Fauci
07/11/2021	The Hill publishes an article about Dr. Fauci's comments on CNN's State of the Union regarding Alex Berenson

DATE	SUMMARY
07/16/2021	The New York Times publishes an article about President Biden's criticism of social media companies
08/24/2021	Scott Gottlieb forwards a tweet to an employee at Twitter that is critical of Dr. Fauci