CASEUP

Deposition *Summary*

Dr. Anthony Fauci

November 23, 2022

CASE:	Dr. Anthony Fauci
QUESTIONING:	D. John Sauer, Eric S. Schmitt, Justin D. Smith, Jeffrey M. Landry, Tracy Short, Wilbur Stiles, Jenin Younes, John J. Vecchione, Jonathan C. Burns
DEFENDING:	Adam Kirschner, Josh Gardner, Kyla Snow, Indraneel Sur, Anant Kumar, Christopher Hammond
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» Overview

Dr. Anthony Fauci, the Director of the National Institute of Allergy and Infectious Diseases (NIAID) and Chief Medical Advisor to President Biden, has held the director position for 38 years and became the Chief Medical Advisor shortly after President Biden's inauguration. His testimony covered various topics, including his coauthored op-ed on virus research, the funding and grant approval process for EcoHealth Alliance's bat coronavirus research, and his initial awareness and response to the COVID-19 outbreak. Dr. Fauci discussed the scientific collaborations and funding involving NIAID, EcoHealth, and the Wuhan Institute of Virology, as well as concerns about the virus's origin and the importance of notifying global health leaders. He also addressed the evolution of his stance on mask efficacy during the pandemic, emphasizing the role of emerging scientific evidence in shaping public health guidance.

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» Key Admissions

- Fauci agrees that important information and insights can come from generating a potentially dangerous virus in a laboratory, but only under very strict conditions. (14:22-15:19)
- Fauci is familiar with the U.S. Government policy adopted in 2014 pausing gain-of-function research on certain viruses and acknowledges that there was an exception clause allowing exceptions if the research was urgently needed to protect public health or national security. (27:2-27:6, 27:23-28:7)
- Fauci confirms that exceptions to the gain-of-function research pause were given to a couple of experiments, though he does not recall personally signing off on any exceptions, and acknowledges that it is possible, though he doubts it, that a piece of paper for an exception signoff came to his desk, but he does not specifically recall it. (28:24-29:12)
- Fauci recalls a phone call in late January 2020 from Jeremy Farrar and Christian Anderson expressing concern about the possibility of manipulation of the virus based on its molecular configuration. (34:18-35:1)
- Fauci acknowledges that EcoHealth has a subaward from their original grant that goes to Shi Zhengli at the Wuhan Institute of Virology and states that it would not be unusual and probably likely for Peter Daszak to have access to Shi Zhengli's data, given the norms of scientific collaboration and the subaward relationship. (36:3-36:7, 37:5-37:18)
- Fauci confirmed that the call on February 1st did occur, with scientific back and forth among participants discussing and debating whether the virus had originated from a laboratory as opposed to in nature, and the consensus was that they needed more time to investigate the possibility of the virus's origin. (77:4-77:14, 80:18-81:4)
- Fauci agrees that misinformation and disinformation can lead to loss of life, particularly when it discourages people from getting vaccinated. (150:8-151:12)
- Fauci confirmed he responded to an email on April 17, 2022, stating, "I would not do anything about this right now. It is a shiny object that will go away." (192:4-192:19)

- Fauci agreed that the theory of the virus originating from a lab could be considered misinformation, as there was no evidence supporting it at the time. (194:4-194:21)
- Fauci disagreed with claims that hydroxychloroquine was effective against coronavirus, stating there was a lack of evidence supported by clinical studies and guidelines, and acknowledged making public statements about the lack of definitive proof, including at a White House press conference and on Good Morning America. (214:4-214:15, 217:21-218:3, 227:8-227:13)
- Fauci confirms that his view remains that there is still no evidence of the efficacy of hydroxychloroquine. (243:20-243:25)
- Fauci stated "Absolutely not" when asked if there was any reason to think he might be working on a refutation of the Great Barrington Declaration and agrees that the premise of the Declaration is "ill-founded and incorrect," joined by the overwhelming majority of physicians, public health officials, and epidemiologists in this view. (259:17-263:6, 277:5-277:10)
- Fauci confirms he described the idea of letting the coronavirus spread to achieve herd immunity as "nonsense" and "dangerous," and still believes this premise is "nonsense" and "dangerous." (277:17-280:10)
- Fauci acknowledges that the articles sent by Greg Folkers were critical of the herd immunity approach of the Great Barrington Declaration. (295:4-295:8)
- Fauci acknowledges that in the early months of the COVID-19 pandemic, he, the surgeon general, and the CDC were not recommending masks for people due to mask shortages, lack of evidence of mask efficacy outside medical settings, and unawareness of asymptomatic transmission, but confirms that he became a vocal proponent of wearing masks after the understanding of the virus and its transmission changed. (315:19-317:14)
- Fauci's opinion on masking changed based on new information and scientific evidence, and he recommended against masking in February partly to avoid a shortage of masks for healthcare providers. (318:16-321:6)
- Fauci acknowledges that there is no evidence to support the claim that he put a chip in the vaccine, and he considers this claim to be disinformation. (339:14-339:20)
- Fauci believes that misinformation and disinformation, particularly when propagated on social media and leading people to avoid lifesaving

interventions, is contrary to public health and can contribute to the death of individuals. (345:7-346:13)

» Key Denials

- Fauci does not recall anyone raising concerns to him before the late January 2020 phone call about the virus being genetically engineered or originating in a laboratory. (35:2-35:5)
- Fauci does not recall Robert Redfield calling him in mid-January 2020 to raise concerns about the virus's origin. (35:9-35:16)
- Fauci stated he does not recall any discussion from the call about concerns that expressions on social media that the virus originated in a lab might discredit scientific funding projects. (78:25-79:6)
- Fauci stated that the theory that the virus escaped from a lab was not considered a distraction from the response to the virus's spread. (79:20-80:9)
- Fauci states he has never contacted a social media company to ask them to remove misinformation from their platforms. (151:22-151:25)
- Fauci denies discussing with Mark Zuckerberg the removal of misinformation, stating their conversations were focused on encouraging vaccinations through a Facebook podcast. (151:25-152:7)
- Fauci is not aware of anyone on his staff at NIAID reaching out to social media platforms to ask them to take down or block content. (152:7-152:16)
- Fauci does not recall any U.S. Government communication with social media platforms about content moderation. (239:1-239:8)
- Fauci was not aware of Google or YouTube removing a video about hydroxychloroquine. (239:14-240:4)
- Fauci was not aware of Twitter removing Breitbart News's Periscope Livestream. (240:20-241:10)
- Fauci does not pay attention to social media content moderation policies or terms of service. (241:14-242:2)
- Fauci does not recall Dr. Collins discussing whether the White House would appreciate his quotes about the Great Barrington Declaration. (276:2-276:7)
- Fauci is not aware of the Great Barrington Declaration being censored on social media and does not follow social media censoring. (280:2-280:8)

- Fauci does not recall ever taking any steps to influence online criticism of the Great Barrington Declaration. (297:2-297:5)
- Fauci denies being involved in any discussions about stopping the spread of disinformation, stating he does not recall being involved in such discussions. (339:25-340:22)

» COMPLETE SUMMARY

Dr. Anthony Fauci is being deposed in the case of the State of Missouri, et al, v. Joseph R. Biden, Jr., et al. He confirms his name and current positions as the Director of the National Institute of Allergy and Infectious Diseases (NIAID) and Chief Medical Advisor to President Biden. Fauci states he became the Chief Medical Advisor shortly after President Biden's inauguration and has been the director of NIAID for 38 years. He acknowledges having given a deposition once before, approximately 15 to 20 years ago.
(9:1-11:4)

Dr. Fauci stated that he has given a deposition once before, approximately 15 to 20 years ago. He agreed to follow ground rules for the deposition, including not interrupting, asking for clarification if needed, providing verbal answers, and speaking slowly for transcription accuracy. Dr. Fauci was presented with a document marked as Exhibit 1, which he recognized as an op-ed he coauthored with Francis Collins in the Washington Post titled "A Flu Virus Risk Worth Taking," dated December 30, 2011. When asked if he reviewed any documents in preparation for the deposition, Dr. Fauci confirmed reviewing a few documents but was instructed not to answer further on work product grounds.
(11:5-13:20)

Dr. Fauci vaguely remembers coauthoring an op-ed with Francis Collins in 2011, titled "A Flu Virus Risk Worth Taking," which discusses generating potentially dangerous viruses in laboratories. He explains that such research, when conducted under strict conditions, can provide important insights into virus transmission, aiding in outbreak prediction, prevention, and treatment. Dr. Fauci emphasizes the risk-benefit analysis of this research, stating it is "a risk worth taking if the benefit is the protection of the American and global public." He clarifies that the term "gain of function" is misleading and was replaced with more specific guidelines for oversight, known as P3CO, due to its potential for confusion. This change occurred between 2011 and 2014, during a pause on certain types of research to establish clearer guidelines.
(13:21-17:17)

Exhibit 2, a document titled "Understanding the Risk of Bat Coronavirus Emergence" from the NIH website, is introduced. Dr. Fauci acknowledges

being vaguely familiar with EcoHealth Alliance's research on bat coronavirus emergence but does not recall the project's initiation in 2014. He clarifies that he does not individually approve grants, as they undergo multiple levels of peer review, and he has no recollection of this specific grant's initiation. Dr. Fauci confirms that EcoHealth Alliance has received funding from NIAID but cannot specifically link it to this grant, as it is the first time he has seen the document. He mentions having met Peter Daszak, associated with the project, once or twice but does not consider him an acquaintance.
(17:18-20:24)

Dr. Fauci recalls meeting Dr. Peter Daszak at a scientific meeting, as evidenced by a photograph, but does not have a significant relationship with him. Dr. Fauci mentions an email from Daszak but does not remember its content, indicating limited interaction. The discussion then shifts to the NIAID funding for a project titled "Understanding the Risk of Bat Coronavirus Emergence," which ran from June 1, 2014, to May 31, 2019. Dr. Fauci became aware of this project after it gained attention in early 2020, but he does not recall being aware of the grant at the time it was initially funded.
(20:25-22:23)

Dr. Fauci is questioned about a section in a document discussing "reverse genetics" in the context of testing predictions of coronavirus interspecies transmission. He explains that "reverse genetics" is a broad term that can involve virus manipulation, recombination, and other processes. Dr. Fauci acknowledges that reverse genetics can be used to create an attenuated influenza virus and potentially to amplify a virus's function, but he is not certain about the specific application in the document. He emphasizes that reverse genetics can refer to various manipulations, including those that might make a virus more transmissible or virulent.
(22:24-25:1)

Dr. Fauci was presented with Exhibit 3, which he did not recognize as a document he had seen before, but he acknowledged familiarity with the concept of the gain-of-function research pause involving influenza, MERS, and SARS viruses. He confirmed awareness of the U.S. Government policy adopted in 2014 that paused gain-of-function research on certain viruses. Dr. Fauci acknowledged that there was an exception in the policy allowing research to continue if deemed urgently necessary for public health or national security. He stated that exceptions were granted for a couple of

experiments during the pause, but he did not recall personally authorizing any exceptions, as such decisions were typically handled at the staff or deputy level. Dr. Fauci's memory was vague regarding whether anyone at NIAID authorized research under the pause, but he understood that there may have been exceptions for research necessary for public health or national security.
(25:2-30:2)

Dr. Fauci was questioned about whether any projects related to research on viruses conducted by EcoHealth Alliance were exceptions to the gain-of-function research pause. He stated that he was not certain and did not recall specific details about the exceptions. When asked who in the agency might have authorized such exceptions if not him, Fauci indicated it could have been individuals at the program level, his deputy, program managers, or division directors. He identified Dr. Hugh Auchincloss as his deputy, spelling out Auchincloss's last name and confirming his title as Principal Deputy Director.
(30:3-30:25)

Dr. Fauci was presented with Exhibit 4, a Nature Medicine article titled "A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence." He was not familiar with the article when it was published in 2015 and became aware of it after the COVID-19 outbreak, likely several months into the pandemic. Dr. Fauci identified Ralph Baric, a scientist at the University of North Carolina and a long-term grantee of NIAID, as one of the authors. He acknowledged knowing who Baric is but did not recall meeting him personally. Dr. Fauci also identified Zhengli Shi, believed to be a scientist at the Wuhan Institute of Virology, as another author. He was aware of Shi's media description as the "bat woman" but did not recall meeting her personally.
(31:1-34:2)

Dr. Fauci recalls becoming aware of the coronavirus outbreak in China around December 31, 2019, or early January 2020. In late January 2020, Jeremy Farrar and Christian Anderson raised concerns to him about the virus's molecular configuration, suggesting possible manipulation. Dr. Fauci does not recall Robert Redfield raising similar concerns in January 2020. He acknowledges that EcoHealth, led by Peter Daszak, has a subaward from NIAID that funds Shi Zhengli at the Wuhan Institute of Virology. Dr. Fauci believes it is likely that Daszak, as a collaborator, would have access to

data generated by Shi Zhengli, including coronavirus genomes, as it aligns with scientific collaboration norms.
(34:3-37:18)

Dr. Fauci discusses an email from Greg Folkers, his chief of staff, sent on January 27, 2020, which included talking points for Dr. Fauci. The email was addressed to Dr. Fauci and Jennifer Routh, a member of the communications staff, and Courtney Billet, the director of the Office of Communication, Legislative Affairs, and Government Outreach. Folkers mentioned that their team included experts on nonhuman coronaviruses, such as Peter Daszak, Ralph Baric, and Ian Lipkin. Dr. Fauci speculated that Folkers was referring to people in their group or colleagues, such as Peter Daszak, Ralph Baric, and Ian Lipkin, as experts on nonhuman coronaviruses. The email also noted that NIAID had funded Daszak's group for coronavirus research in China for the past five years, under a grant titled "Understanding the risk of bat coronavirus emergence," which Dr. Fauci confirmed matched the title and grant number in Exhibit 2.
(37:19-41:17)

Dr. Fauci confirms that the grant mentioned in the email from Mr. Folkers on January 27, 2020, matches the grant discussed in Exhibit 2, titled "Understanding the risk of bat coronavirus emergence." He acknowledges that Mr. Folkers mentioned the grant, but does not consider it as having been prominently placed on his radar. The email indicates that the grant was renewed with a focus on identifying cohorts of people exposed to bats in China to determine if they were getting sick from COVID. The program officer for the grant is Erik Stemmy, and collaborators include the Wuhan Institute and Ralph Baric. Dr. Fauci believes the intent of the briefing was to inform him about the potential spillover of bat viruses to humans, which might or might not be related to SARS-CoV-2.
(41:18-43:6)

Dr. Fauci is presented with Exhibit 6 and recalls a call with Christian Anderson and Jeremy Farrar, where concerns about the virus's origin were first raised. During the call, it was suggested that a group of international evolutionary virologists be convened to discuss the possibility of virus manipulation. Dr. Fauci identifies Jeremy Farrar, Christian Anderson, and possibly Eddie Holmes as participants in the call. He describes Holmes as a respected evolutionary virologist from Australia but is unsure if Holmes receives funding from his agency. Dr. Fauci acknowledges knowing Christian Anderson, though not well, and speculates that Anderson and

Farrar contacted him due to his reputation as a leading infectious disease expert. Dr. Fauci emphasizes the importance of gathering a diverse group of scientists for the discussion, including Sir Patrick Vallance. He agrees to focus on answering questions directly during the deposition.
(43:7-47:23)

Dr. Fauci is directed to an e-mail he wrote on January 31, 2020, at 18:47, to Jeremy and Christian, stating, "this came out today. You may have seen it. If not, it is of interest to the current discussion." Dr. Fauci acknowledges the e-mail and is asked if it refers to an article by Jon Cohen in Science Magazine. He does not specifically recall the article but notes that the article on mining coronavirus genomes for clues in the outbreak is juxtaposed with the e-mail in Exhibit 6. Dr. Fauci speculates that the article's relevance to the genomic makeup of the virus, which was a topic of discussion with Christian and Jeremy, might have been why he considered it of interest.
(47:24-50:13)

Dr. Fauci is questioned about an email from Dr. Anderson, which is part of Exhibit 6. Dr. Anderson's email mentions that after discussions with colleagues, including Eddie Holmes and possibly Bob Garry and Mike Laribee, they found the virus genome inconsistent with evolutionary theory. Dr. Anderson notes that the unusual features of the virus are small and require close examination, suggesting some features might appear engineered. Dr. Fauci confirms that these concerns were raised during a call on January 31, 2020. He describes the concern as "interesting and important," prompting the decision to involve more evolutionary virologists to examine the virus over several days to determine if the concerns were justified or if there was another explanation.
(50:14-52:19)

Dr. Fauci was questioned about an email he sent to Hugh Auchincloss, his principal deputy, at 12:29 a.m. on February 1st, 2020. The email, part of Exhibit 6, included an attachment titled "Shi, et al., Nature Medicine -- SARS Gain of Function," which Dr. Fauci suggested might be consistent with Exhibit 4, a 2015 Nature Medicine article coauthored by Ralph Baric and Shi Zhengli. Dr. Fauci did not recall who was CC'd on the email or if he had ever CC'd his personal email on work matters. He also did not specifically recall attaching the article but acknowledged that the attachment's title was consistent with the article discussed.
(52:20-56:25)

Dr. Fauci acknowledged that an article was described as a "SARS gain-of-function" article, but he did not recall if he was the one who wrote that title. He speculated that it might have been mentioned by Baric but did not remember the specifics. Dr. Fauci did not recall why he attached the article to an email to his principal deputy, Hugh Auchincloss, but believed it was related to funding research in China, particularly surveillance research. He wanted to discuss the scope of what was being funded to be informed for a call with evolutionary virologists. Dr. Fauci emphasized the urgency of speaking with Hugh, instructing him to keep his cell phone on, as he needed to understand the collaborations and funding activities involving EcoHealth and other scientists.
(57:1-58:25)

Dr. Fauci was questioned about whether he called or spoke to Hugh on a specific day, but he did not recall. He confirmed instructing Hugh to read a paper and an email he would forward. Dr. Fauci wanted to be briefed on the collaborations and funding in China to understand the nature of the work. He was not concerned that the funded work might have led to the creation of the coronavirus but was uneasy about being uninformed. Dr. Fauci did not recall if Christian Anderson or Jeremy Farrar mentioned a 2015 Nature Medicine paper during a call or how it came to his attention. He confirmed sending an email to Hugh at 12:29 a.m. on February 1, 2020, forwarding a Jon Cohen article previously sent to Christian Anderson and Jeremy Farrar.
(59:1-61:21)

Dr. Fauci was questioned about forwarding two articles, the Baric, Shi Nature Medicine article and the Jon Cohen Science article, to Hugh Auchincloss at 12:29 a.m. He did not recall the specific reason for forwarding these articles but indicated a desire to understand the scope of work being done in China, as there was concern about a virus. Dr. Fauci mentioned that he was preparing for a call with a group of scientists and wanted to be informed about the grants related to China. He did not recall discussing these grants during the call, which involved evolutionary virologists discussing the possibility of virus manipulation. Dr. Fauci stated he was mostly silent during the call, listening to the experts' discussions.
(61:22-64:20)

Dr. Fauci was questioned about an email sent to Lawrence Tabak, who was the deputy director of the National Institutes of Health at the time and is currently the acting director. Dr. Fauci confirmed forwarding the Nature

Medicine article to Tabak on February 1st, 2020, but did not recall the specific reason for doing so, suggesting it was likely to ensure awareness of ongoing discussions. Dr. Fauci mentioned that Francis Collins, the NIH director at the time, was on a related phone call that morning, but he did not recall if Tabak was present. Dr. Fauci also did not remember discussing with Collins the possibility of NIAID funding coronavirus-related research in China. Additionally, Dr. Fauci reviewed an email exchange with Hugh Auchincloss, noting an email from Auchincloss sent at 11:47 a.m. on February 1st, 2020.
(64:21-69:4)

Dr. Fauci was asked about an email from Hugh Auchincloss, which mentioned that certain experiments were conducted before a gain-of-function pause and had been reviewed and approved by the NIH. Dr. Fauci explained that he wanted to understand the scope of their involvement in funding research in China and had asked Hugh for information. Hugh's response indicated that Emily Erbelding, the director of the Division of Microbiology and Infectious Diseases, confirmed that no coronavirus work had gone through the P3 framework, meaning it did not require additional approval. Dr. Fauci acknowledged the possibility that he raised concerns with Hugh about whether the research in the Baric, Shi Nature Medicine paper was inconsistent with the gain-of-function moratorium from 2014. He emphasized the need to understand the scope of their funded research in China, noting the relatively small size of the grant in question compared to the overall portfolio.
(69:5-72:2)

Dr. Fauci was asked about a follow-up communication with Hugh regarding an email where Dr. Fauci responded, "Okay, stay tuned." Dr. Fauci did not recall any further communications with Hugh or discussions with Emily Erbelding about the matter, although he believed Hugh communicated with Emily. Emily is identified as the director of the Division of Microbiology and Infectious Diseases at NIAID. The discussion then shifted to an email from Jeremy Farrar dated February 1, 2020, at 1524, which mentioned "1st February, 2nd Feb for Eddie," referring to Eddie Holmes in Australia. The email emphasized that the information and discussion were to be kept in total confidence until agreement on next steps.
(72:3-73:19)

Dr. Fauci does not recall specific discussions with Jeremy Farrar about maintaining confidentiality regarding a call, but speculates that Farrar

likely wanted to ensure sensitive information was not shared prematurely. Dr. Fauci does not remember if he personally emphasized confidentiality. The selection of call participants was primarily made by Christian and Jeremy, with Dr. Fauci suggesting Francis Collins' inclusion due to his role as NIH director. Dr. Fauci connected Collins to the call. Patrick Vallance, identified as the chief scientific officer reporting to the UK Prime Minister, was also a participant. Dr. Fauci is unsure if any participants were affiliated with a government. Jeremy Farrar was identified as the head of the Wellcome Trust, which funds scientific research, though Dr. Fauci is unsure of the exact amount awarded annually.
(73:20-76:25)

Dr. Fauci confirmed that a call took place on February 1, 2020, where participants discussed whether the virus originated from a laboratory or naturally. He recalled that the discussion was conducted in good faith among evolutionary virologists who respected each other's opinions. The participants debated the possibility of manipulation versus natural evolution, ultimately concluding that more time was needed to examine the sequences carefully. Dr. Fauci did not recall any specific concerns about media or social media conspiracy theories being discussed during the call. He mentioned a general concern about avoiding speculation not based on data, which could distract from the scientific investigation. The consensus was to spend more time investigating the virus's origins to reach a conclusion based on evidence and facts.
(77:1-81:4)

Dr. Fauci confirmed that Christian and others examined the virus's molecular basis and concluded that their initial concerns were unwarranted, suggesting a natural evolution. After the February 1st call, a preprint and subsequent manuscript were published, supporting this conclusion. Dr. Fauci recalled receiving a preprint of the article, which he and Francis Collins reviewed, indicating the virus's natural occurrence. He did not specifically recall further communications with Jeremy Farrar but acknowledged the possibility due to their professional relationship. The session paused for a break before resuming.
(81:5-83:22)

Dr. Fauci is presented with Exhibit 7, a collection of emails obtained through FOIA. The first email is from Dr. Fauci to Jeremy Farrar and Christian Anderson, but the content is heavily redacted. Dr. Fauci does not recall the details of this email. Another email from January 30, 2020, shows

Jeremy Farrar thanking Dr. Fauci for a timely conversation, to which Dr. Fauci responded positively, mentioning a discussion with Jeremy and Patrick. Dr. Fauci does not recall the specifics of this conversation or why he mentioned staying in close touch. The exhibit also includes an email from Jeremy Farrar on February 1, inviting Dr. Fauci to a conference call later that day.
(83:23-86:10)

Dr. Fauci confirms that an email from Jeremy Farrar appears to be an invitation to a conference call on February 1st, as the names listed were those on the call. Farrar expressed a preference for a "really tight group," but Dr. Fauci does not know the specific reason for this preference. He speculates that smaller groups are more effective for serious discussions. Farrar also requested confidentiality, which Dr. Fauci believes was to prevent premature dissemination of unverified information. Dr. Fauci does not know if Farrar wanted Dr. Anderson to refrain from sharing concerns about the virus's origins but suggests the call aimed to have qualified virologists discuss the matter before public speculation.
(86:11-89:17)

Dr. Fauci was questioned about an email from Jeremy Farrar to him and Francis Collins regarding a conference call. Farrar responded "Excellent" to an email from Dr. Fauci indicating that Collins would be on the call and was trying to contact Farrar. Dr. Fauci did not specifically recall discussing the call with Collins but confirmed it was his intention to ensure the NIH director's participation. He acknowledged that his email was consistent with having spoken to Collins about joining the call. Dr. Fauci did not know if Collins and Farrar actually spoke to each other.
(89:18-91:15)

Dr. Fauci confirms an email he sent on February 1, 2020, at 20:30, regarding a teleconference. Below this email, Jeremy Farrar sent a message to Dr. Fauci, Francis Collins, Patrick Vallance, and Mike Ferguson, suggesting they "shut down the call and then redial just for five to ten minutes." Dr. Fauci responded affirmatively to this suggestion but does not recall if the call was actually shut down or the reason for the suggestion. He also does not remember any specific conversations with Jeremy Farrar or Dr. Collins during the call. Dr. Fauci is unsure if Dr. Collins responded to the email about shutting down the call and does not recall any details about the conference call being paused.
(91:16-94:6)

Dr. Fauci confirms an email chain involving himself, Jeremy Farrar, and Francis Collins. In the email, Collins expresses his availability for a call with Tedros, the Director General of the World Health Organization. Dr. Fauci acknowledges the plan to contact Tedros, stating that it was discussed during a call. He clarifies that the responsibility to reach out to Tedros was likely assigned to Jeremy Farrar, not himself. Dr. Fauci recalls the importance of notifying relevant individuals, such as the WHO Director General, about ongoing deliberations.
(94:7-96:7)

Dr. Fauci was asked if he recalled any communication with Dr. Tedros regarding concerns raised, to which he responded that he did not recall any direct or indirect communications with Tedros. He mentioned that during a phone call on February 9th, it was discussed that it would be important to alert or include important individuals, including the director general of WHO, in the discussions. Exhibit 8 was introduced, and Dr. Fauci was asked to review it. He identified participants in a call from the cc line of an email, including Jeremy Farrar. Dr. Fauci acknowledged a paragraph in Farrar's email mentioning "papers being prepared" and media interest, including on Twitter and WeChat. Dr. Fauci admitted to not being familiar with WeChat and stated he does not engage with social media. He confirmed having communicated with Mark Zuckerberg in the past but did not discuss social media content with his daughter, who previously worked as a software engineer for Twitter. Dr. Fauci stated he does not know anyone else working at a social media platform.
(96:8-101:8)

Dr. Fauci reviews an email from Jeremy Farrar in Exhibit 8, where Farrar expresses concerns about speculation and blame regarding the virus's origins, which could increase tensions and reduce cooperation. Farrar suggests that a respected body should consider the virus's evolutionary origins in a neutral and transparent manner to prevent "wild claims" on social and mainstream media. Dr. Fauci acknowledges the potential for misinformation and disinformation to interfere with public health efforts, emphasizing that such false claims can lead to loss of life. He clarifies that his concerns are not specifically about social media but about misinformation in general.
(101:9-105:3)

Dr. Fauci acknowledges an email he sent on February 2, 2020, expressing concern about "further distortions on social media" regarding the virus's

origins. He was worried about "wild speculations and accusations," particularly those blaming the Chinese without evidence. Dr. Fauci emphasized the importance of quickly establishing facts to counter misinformation, suggesting that the World Health Organization (WHO) should convene an unbiased group to examine the information. He was unsure if the WHO convened such a group and noted that the WHO is the appropriate organization for international issues. Dr. Fauci's involvement in the suggestion to involve the WHO was limited, as he believed it was a collective sentiment to engage the organization.
(105:4-107:25)

Dr. Fauci is questioned about an email mentioning "Tedros and Bernard" going into "conclave." He identifies Tedros as the director general of the WHO and Bernard as a high-ranking official at WHO, though he cannot recall Bernard's last name. Dr. Fauci expresses uncertainty about the meaning of "going into conclave" and does not know what decisions were to be made that day. He comments on Jeremy's use of language, noting unfamiliarity with terms like "conclave" and "prevaricate." Dr. Fauci states that he does not recall any follow-up call with Jeremy Farrar and Francis Collins regarding WHO's involvement in studying the virus's origins, indicating that Jeremy was primarily responsible for engaging the WHO.
(108:1-110:8)

Dr. Fauci is asked to review an email from Jeremy Farrar, which includes recipients such as Dr. Tedros, Francis Collins, and Bernard Shortlander. The email contains bullet points, one of which mentions "gathering interest evidence in the science literature and in mainstream and social media to questions of the origins of the virus." Dr. Fauci states that he has no recollection or information about any discussions Jeremy Farrar may have had with the WHO regarding social media or the origins of the virus. He acknowledges seeing the email but has no further information about Jeremy's activities related to gathering evidence in the scientific literature.
(110:9-111:8)

Dr. Fauci is presented with Exhibit 9, which includes an email he sent to Francis Collins and Jeremy Farrar, stating, "Agree. Very thoughtful summary and analysis. We really need to get WHO moving on getting the convening started." Dr. Fauci does not recall the specific summary and analysis he was referring to in the email. The document also contains an email from Eddie Holmes to Jeremy Farrar, mentioning a summary that would be edited further. Dr. Fauci is unsure if this summary was related to

a paper being drafted after a conference call. Holmes's email also states, "It's fundamental science and completely neutral as written," and mentions not including "other anomalies" to avoid appearing as "loons." Dr. Fauci does not know what anomalies Holmes is referring to and is uncertain about the discussions of anomalies during the February 1st call. He recalls receiving a draft manuscript related to evolutionary virology but did not provide substantive comments as it is not his area of expertise.
(111:9-114:15)

Dr. Fauci is presented with Exhibit 10, an email chain dated February 4, 2020, involving him, Francis Collins, and Jeremy Farrar. In the email, Fauci mentions "serial passage in ACE2 transgenic mice" but does not recall the context or meaning of this reference. He explains that serial passage involves sequentially passing a virus in mice, which could result in either a gain or loss of function. Collins questions whether such experiments would be conducted in a BSL-2 lab, suggesting higher containment might be necessary. Fauci does not recall the context of these emails or why Collins raised the issue. He notes that different countries have varying safety levels for experiments and that higher precautions are generally taken for in vivo experiments. Fauci is unsure of the connection between the emails and does not understand Jeremy's reference to "Wild West" in the context of BSL-2 safety conditions. He states that he has no concerns about gain-of-function research in BSL-2 conditions without specific details of the experiment. He is unfamiliar with the 2015 Shi and Baric paper and cannot determine the appropriate safety level for those experiments without reviewing the paper.
(114:16-119:17)

Exhibit 11 is introduced, which includes an email dated February 7, 2020, from Jeremy to Dr. Fauci and Francis Collins with the subject "revised draft" and an attachment titled "Summary, Feb 7 PDF." Dr. Fauci does not recall the specifics of the draft but acknowledges it might involve complex evolutionary virology, which is not his area of expertise. The document's overview includes a bolded sentence stating, "Analysis of the virus genome sequences clearly demonstrates that the virus is not a laboratory construct or experimentally manipulated virus." Dr. Fauci states he relies on qualified evolutionary virologists for such conclusions. He clarifies that he is not involved in responding to FOIA requests or deciding on redactions of his emails, as these are handled by a separate system within NIH. Exhibit 12 is then introduced.
(119:18-123:2)

Dr. Fauci is questioned about an email chain dated February 4th, 2020, involving Jeremy Farrar, Francis Collins, and himself, which included an attachment titled "Summary.DOCX." The email requested confidentiality and mentioned a "very rough first draft" from Eddie and his team, with a promise of a cleaner version later. Dr. Fauci acknowledges receiving the draft but does not recall specific details or providing input, as the content involved complex evolutionary virology outside his expertise. The email also mentions Farrar "pushing WHO again today," but Dr. Fauci does not recall direct involvement with the WHO at that time.
(123:3-125:20)

Dr. Fauci acknowledges an email exchange where he expressed the need to involve the World Health Organization (WHO) due to its global health authority and the desire for an open and transparent discussion. He confirms receiving an email from Jeremy on February 4th with an attachment titled "Summary.PDF," described as "tidied up," but does not recall receiving a second draft that day. Dr. Fauci emphasizes his limited involvement and expertise in the content of the drafts, which were outside his area of expertise.
(125:21-127:20)

Dr. Fauci is asked to confirm details about email drafts sent by Jeremy to him and Francis Collins. On February 5th, Jeremy sent a third draft, following two drafts sent on February 4th. Dr. Fauci acknowledges the exchange of drafts but is unable to confirm the exact number due to the fast pace of the questioning. He is also questioned about a statement organized by Peter Daszak for The Lancet regarding the origins of the virus. Dr. Fauci does not recall any specific details about the statement or its publication in February 2020, citing the high volume of information he was handling at the time.
(127:21-130:5)

Dr. Fauci was presented with Exhibit 13, which includes an email from Jeremy Farrar to him and Francis Collins. The email discusses a potential call with the World Health Organization (WHO) to frame the work of a convened group, inviting Dr. Fauci and Collins to join. Dr. Fauci does not recall if the call took place. The email also mentions putting forward names for the group, and Dr. Fauci recalls suggesting Pardis Sabeti as a potential expert. He provided a list of names to Jeremy, which included individuals he knew or were recommended by his institute. Dr. Fauci explains that he likely consulted with colleagues at his institute to compile the list, which

included experts in molecular virology. He acknowledges familiarity with some names, such as Harold Varmus, but not others, like Joseph DeRisi, suggesting the latter was likely recommended by his staff.
(130:6-134:5)

Dr. Fauci clarifies that he does not recognize the name Joseph DeRisi and suggests it was likely provided by someone in his institute. He emphasizes the importance of context, noting that he is familiar with some names on the list, such as Harold Varmus and Dan Gannon, but not others like Eugene Koonin. Regarding Pardis Sabeti, Dr. Fauci acknowledges her as a well-known virologist and states it is unlikely he contacted her before suggesting her name for the WHO group. Similarly, he does not believe he spoke to Don Gannon or anyone else on the list before including their names, indicating that some names were likely recommended by his staff.
(134:6-136:10)

Dr. Fauci was questioned about an email from Jeremy to him and Francis, specifically regarding a bullet point about having a call to "frame the work of the group." Dr. Fauci explained that while he could not recall the exact meaning, framing typically involves establishing the theme and questions for discussion. He did not recall any specific discussions about framing the work of the WHO group. Another bullet point mentioned pressure on the group, but Dr. Fauci stated he did not know what pressure was being referred to and emphasized that there was no intention to pressure the WHO. Instead, the goal was to involve the WHO due to their credibility and to facilitate an open discussion.
(136:11-138:6)

Exhibit 14 is introduced. Dr. Fauci is questioned about discussions regarding the World Health Organization (WHO) sponsoring a trip to China to investigate the virus. He does not recall specific discussions about the trip at that time but acknowledges that WHO did send a group to China. Dr. Fauci believes he likely recommended Dr. Clifford Lane for the trip due to Lane's extensive international experience, although he does not specifically remember doing so. Dr. Lane did attend the trip. Dr. Fauci is asked about making public statements regarding the virus's origins in February 2020, but he does not recall. He also does not remember having contact with Peter Daszak about the virus's origins, although he acknowledges the possibility. Dr. Fauci states he does not know Daszak well and does not recall doing a joint podcast with him, though it was

brought to his attention that he may have participated in an interview with Daszak. Exhibit 15 is introduced.
(138:7-141:14)

Dr. Fauci is presented with Exhibit 15, which is an advertisement indicating he was a guest on a podcast with Newt Gingrich and Peter Daszak on February 9, 2020. He states that without the document, he would not have remembered the podcast due to having participated in several hundred podcasts over the years. Dr. Fauci does not specifically recall the podcast, even after seeing the document, but acknowledges the email suggests it occurred. He explains that the "director's page" refers to a section on the NIAID website where media appearances, podcasts, or papers are sometimes posted for public access. Exhibit 16 is introduced but not discussed in detail.
(141:15-142:22)

Dr. Fauci is presented with an informal transcription of remarks from a podcast with Newt Gingrich. The transcript includes Gingrich mentioning an "urban legend" about a biological warfare center in Wuhan and asking if Dr. Fauci has any sense of the coronavirus's origin. Dr. Fauci is quoted as responding that "these things come from an animal reservoir" and dismissing conspiracy theories. He does not recall making the statement but acknowledges it if the transcript is accurate. Dr. Fauci explains that his statement about animal reservoirs is based on historical evidence of new microbes evolving from animals to humans, citing SARS-CoV-1 as an example.
(142:23-145:13)

Dr. Fauci was questioned about a podcast transcript where Newt Gingrich mentioned rumors about the coronavirus originating from a flea market or a biological weapons lab in Wuhan. The transcript quotes Daszak stating, "All the evidence says that is what happened," referring to the virus originating from an animal-to-human transmission. Dr. Fauci does not recall Daszak making this statement but acknowledges that if the transcript is accurate, it appears Daszak did say it. Dr. Fauci also does not recall any specific communications with Daszak about the virus's origins in February 2020, although he acknowledges the possibility of having had such discussions. Regarding Dr. Ralph Baric, Dr. Fauci knows of him but is uncertain if they have met, noting that he has interacted with many scientists over the years.
(145:14-148:3)

Dr. Fauci was presented with Exhibit 17, a page from his official Outlook calendar dated February 11, 2020, which indicated a meeting scheduled at 2:30 p.m. with Dr. Ralph Baric, organized by Emily Erbelding. Dr. Fauci acknowledged the calendar entry but did not recall the meeting or its discussion. He explained that he had numerous meetings in the conference room 7A-18 with various scientists. Dr. Fauci confirmed his belief that misinformation and disinformation, particularly on social media, can lead to loss of life, especially when it discourages life-saving interventions like vaccinations. However, he stated that addressing misinformation is not within his expertise and he has never contacted social media companies to remove content. He also clarified that his discussions with Mark Zuckerberg were focused on promoting vaccinations through Facebook podcasts. Dr. Fauci was not aware of any staff at NIAID contacting social media platforms to remove or block content.
(148:4-152:16)

Dr. Fauci is presented with Exhibit 18, an email from Ian Lipkin dated February 11, 2020. Dr. Fauci is uncertain if he received this email, noting the high volume of emails he receives daily. The email mentions "a nightmare of circumstantial evidence" related to bat coronavirus research at the Wuhan institute and the emergence of the first human cases. Dr. Fauci does not recall the email and is unsure of its specific context but acknowledges that speculation often arises when research institutions are near outbreak sites. He emphasizes that determining the origin of an outbreak is crucial for preventing future occurrences. Dr. Fauci expresses a belief that the evidence favors a natural origin for the virus, while maintaining an open mind about its origins.
(152:17-156:9)

Dr. Fauci addresses a hypothetical scenario where the virus escaped from a lab and the research was partly funded by NIAID. He explains that the molecular makeup of SARS-CoV-2 is so distinct from the bat viruses studied under NIH-funded research that it would be "molecularly impossible" for those viruses to become SARS-CoV-2, even with manipulation. He emphasizes that conflating NIH-funded research with the possibility of a lab leak is inappropriate, as they are "apples and oranges." Dr. Fauci acknowledges the possibility of a lab leak but asserts that it could not have resulted from NIH-funded experiments. He confirms awareness of genomic sequences being removed from the Wuhan Institute of Virology's databases in September 2019, noting that these sequences were published in the literature. Exhibit 19 is introduced for identification.

(156:10-158:22)

Dr. Fauci was presented with Exhibit 19, identified as the preprint version of the "proximal origin of SARS-CoV-2" dated February 17, 2020. He acknowledged that it likely was sent to him and Dr. Collins, although he did not specifically recall reviewing it in detail due to not being an evolutionary virologist. Dr. Fauci confirmed being copied on drafts of the paper on February 4th, 5th, and 7th, which were sent by Jeremy Farrar and possibly written by Eddie Holmes. He recognized the association of five authors with the paper, who were also on a call organized by Farrar on February 1st. Dr. Fauci confirmed that the paper's analysis concluded that SARS-CoV-2 is "not a laboratory construct nor a purposely manipulated virus."
(158:23-162:3)

Dr. Fauci does not recall having discussions with the authors of the paper regarding the conclusion that SARS-CoV-2 is not a laboratory construct nor a purposely manipulated virus. He acknowledges being aware of the conclusion but does not remember specific discussions about it. Dr. Fauci mentions that it is possible he discussed the conclusion with Francis Collins, given their close professional relationship, but he does not specifically recall such a conversation. Similarly, he does not remember discussing the conclusion with Jeremy Farrar, although he acknowledges it is possible.
(162:4-163:6)

Dr. Fauci was presented with Exhibit 20, an article from the NIH record titled "NIAID's Lane Discusses WHO COVID-19 Mission to China." The article includes a quote from Dr. Cliff Lane, who participated in the WHO mission to China. Dr. Lane stated that the Chinese were managing the outbreak in a "very structured, organized way" and that the outbreak was coming under control due to the measures implemented. Dr. Fauci confirmed discussing Dr. Lane's experiences upon his return, noting Dr. Lane's positive impression of China's public health measures, including isolation and contact tracing. Dr. Lane suggested that extreme social distancing might be necessary to control the outbreak in the United States. Dr. Fauci acknowledged Dr. Lane's conclusion and expressed confidence in Dr. Lane's assessment, though he did not personally witness the situation in China. Dr. Fauci was uncertain if Dr. Lane communicated with Chinese officials during the trip.
(163:7-167:13)

Dr. Fauci was presented with Exhibit 21, an email from Cliff Lane dated February 22, 2020. The email states, "China has demonstrated this infection can be controlled, albeit at great cost." Dr. Fauci acknowledged the statement and explained that the "great cost" referred to extreme methods used by China, such as aggressive lockdowns. He described these lockdowns as extreme, noting that they involved confining people to their homes. Dr. Fauci expressed that, in the context of the United States, social distancing was crucial to prevent hospitals from being overwhelmed and to avoid having to make dire decisions about patient care. He emphasized that social distancing should involve the entire community to effectively interrupt the spread of the virus, especially given the potential for high mortality.
(167:14-170:8)

Exhibit 22 is an email chain involving Dr. Fauci, Christian Anderson, Jeremy Farrar, and Francis Collins, as well as other authors of the "Proximal Origins of COVID-19" paper. In a March 6, 2020 email, Anderson thanks Jeremy, Dr. Fauci, and Francis for their "advice and leadership" on the SARS-CoV-2 origin paper. Dr. Fauci acknowledges the email but states that his involvement in the paper was minimal and that the terms "advice" and "leadership" likely refer to general encouragement rather than substantive input. Anderson also invited comments on the paper, indicating there was still time for changes, but Dr. Fauci does not recall providing any substantive comments, only possibly a courteous remark like "nice job."
(170:9-173:1)

Exhibit 23 is an email exchange between Dr. Fauci and Mark Zuckerberg, dated February 27, 2020. Zuckerberg expressed gladness about Dr. Fauci's statement on the COVID-19 vaccine. Dr. Fauci explained that many people, including those he has never met, refer to him as "Tony." He does not recall meeting Zuckerberg in person and believes their interactions have primarily been through Zoom or Facebook-related events. Dr. Fauci mentioned familiarity with researchers at the San Francisco General Hospital, supported by the Chan Zuckerberg Initiative, but could not specify individual relationships. He does not recall any interactions with Zuckerberg before the COVID-19 outbreak, though it is possible.
(173:2-176:1)

Dr. Fauci was questioned about an email from Mark Zuckerberg dated March 15, 2020, in which Zuckerberg invited him to participate in a series of live-streamed Q&A sessions. Dr. Fauci confirmed that he participated in

approximately three live-stream Facebook Q&A sessions where Zuckerberg asked him questions about public health measures and the nature of the virus. The email also mentioned that Facebook allocated technical resources and millions of dollars in free ad credits for U.S. Government PSAs. Dr. Fauci stated he did not have the authority to accept such offers and was not aware of any money being given to the U.S. government for PSAs, although he acknowledged the offer to help disseminate information. (176:2-178:4)

Exhibit 24 is identified as the published version of the "Proximal Origin of SARS-CoV-2," which was published online on March 17, 2020. Dr. Fauci confirms that the document appears to be the original, peer-reviewed article from Nature Medicine. He acknowledges that the preprint version was sent to him by Dr. Anderson on March 8, 2020, and notes that the published version likely corresponds to the preprint. The document states, "Our analyses clearly show that SARS-CoV-2 is not a laboratory construct or a purposely manipulated virus." Dr. Fauci clarifies that he had minimal input in formulating this conclusion and does not recall specific conversations about it between March 8 and March 17. However, he acknowledges that the conclusion was likely discussed, given its presence in the preprint literature, although he cannot recall specific individuals with whom he discussed it.
(178:5-181:22)

Exhibit 25 is identified as a blog post by Dr. Francis Collins, the NIH director, published on March 26, 2020. The blog addresses claims that the coronavirus was engineered in a lab, describing these claims as "outrageous" and citing a study that provides scientific evidence the virus arose naturally. Dr. Collins refers to the Nature Medicine article as providing "reassuring findings." Dr. Fauci states he was not aware of Dr. Collins preparing the blog and does not recall reading it or discussing it with him beforehand, although he acknowledges it is possible he might have been informed or read it.
(181:23-185:1)

Dr. Fauci was presented with Exhibit 26, an ABC News article titled "Sorry, conspiracy theorists. Study concludes COVID-19 is not a laboratory construct," dated March 27, 2020. This article was published the day after the NIH director's blog. Dr. Fauci stated that he does not recall communicating with the media about the Nature Medicine article when it was released, though he acknowledged it was possible. He also did not

recall if Dr. Collins or anyone from the NIAID staff communicated with the media about it. Dr. Fauci mentioned that he does not remember any specific contact with Dr. Collins regarding the Nature Medicine article after the blog was published, though he noted it would not be surprising if they had discussed it.
(185:2-187:7)

Dr. Fauci is presented with Exhibit 27, an email from Dr. Francis Collins. After taking time to read the document, Dr. Fauci acknowledges having read it. There is no further substantive discussion of the email content in this section.
(187:8-188:1)

Dr. Fauci does not specifically recall receiving an email from Dr. Collins on April 14, 2020, but acknowledges that Dr. Collins expressed concern about misinformation and asked if there was more the NIH could do to address what he described as a "very destructive conspiracy" regarding the origins of COVID-19. Dr. Fauci interprets Dr. Collins' use of the term "destructive conspiracy" as hyperbolic and suggests that Dr. Collins believed scientific data, such as the Nature Medicine article on the genomic sequence, pointed to a natural occurrence of the virus. Dr. Fauci emphasizes that to fully understand Dr. Collins' intent, one would need to ask Dr. Collins directly. Dr. Collins also included a link to a report suggesting the coronavirus outbreak started in a Wuhan lab and asked if the National Academy could weigh in to increase the visibility of the scientific evidence. Dr. Fauci notes that Dr. Collins was focused on sticking with scientific data rather than unsubstantiated hypotheses.
(188:2-191:18)

Dr. Fauci was asked if he took any steps to increase the visibility of a Nature Medicine article following an email from Dr. Collins. He stated that he did not recall taking any such steps, as he was busy with other matters. When shown an email response he sent on April 17, 2022, Dr. Fauci confirmed he wrote, "I would not do anything about this right now. It is a shiny object that will go away." He explained that by "shiny object," he referred to the theory that the virus was manufactured and released by the Chinese, which he considered to be misinformation without evidence. Dr. Fauci emphasized the importance of letting scientific data prevail and clarified that misinformation consists of untrue statements not necessarily spread deliberately, whereas disinformation is knowingly false information.

He acknowledged that misinformation could detract from efforts to pursue accurate information.
(191:19-194:25)

Dr. Fauci was asked if he took any further steps to increase the visibility of the Nature Medicine article after an email exchange. He responded that he likely discussed the article with others due to its significance but did not actively promote its dissemination, citing his busy schedule. The article in question, with Christian Anderson as a corresponding author, was one Dr. Fauci had received multiple drafts of and had minimal input on. It was identified as "Proximal Origins of COVID-19" and marked as Exhibit 28.
(195:1-196:23)

Exhibit 28 is discussed, which is an excerpt from the transcript of a Coronavirus Task Force press briefing at the White House on April 17, 2020. Dr. Fauci confirms his participation in the briefing alongside President Trump and Vice President Pence. During the briefing, a reporter asked Dr. Fauci about concerns that the virus was manmade or originated from a laboratory in China. Dr. Fauci responded by referencing a study by "highly qualified evolutionary virologists" that concluded the virus's mutations were "totally consistent with a jump of a species from an animal to a human." Dr. Fauci does not recall the specific statement but acknowledges the transcript's accuracy. The date of the briefing coincides with an email Dr. Fauci sent to Dr. Collins, referring to a theory as a "shiny object that will go away in time."
(196:24-199:17)

Dr. Fauci was questioned about a statement he made during a White House press briefing on April 17, 2020, regarding the origins of the coronavirus. He acknowledged that he does not remember pausing for emphasis when stating that the virus's mutations were "totally consistent with a jump from species, from animal to human." Dr. Fauci confirmed that he mentioned making a scientific paper available to the press but did not recall which paper it was, though he assumed it was the Nature Medicine paper. He did not personally provide the paper to reporters after the press conference. An email from April 19, 2020, was discussed, in which a reporter from The Times requested the scientific paper Dr. Fauci mentioned. Dr. Fauci indicated that he likely sent links to the requested paper and a commentary to Bill Gertz, facilitated by Katie Miller, Vice President Pence's press person. The paper in question was identified as the "Proximal Origin of SARS-CoV-2" published in Nature Medicine, and the

other citations were authored by Eddie Holmes, who was involved in drafting the paper.
(199:18-203:23)

Dr. Fauci is presented with Exhibit 30, an email from him to Peter Daszak dated April 19, 2020, responding to Daszak's email from April 18, 2020. The email from Daszak was sent the day after a coronavirus task force press conference. Daszak's email mentions "Tony" and CC's David Morens, who works at NIAID and is a scientist. Dr. Fauci confirms knowing Daszak only in a limited capacity, having seen him a couple of times and participated in a podcast with him. The email also includes other individuals, Erik Stemmy and Emily Erbelding, who work at NIAID, and Aleksei Chmura, who Dr. Fauci believes also works there. Dr. Fauci is unsure how Daszak obtained all their email addresses.
(203:24-206:2)

Dr. Fauci explains that his email address is publicly available through the NIH global directory, making it easy for Peter Daszak to obtain it. He confirms that he typically responds to emails with a "thank you for your kind note" and receives between several hundred to 2,000 emails daily, but does not respond to all, especially those deemed irrelevant. Dr. Fauci acknowledges that Peter Daszak, as a grantee of NIAID, is considered a legitimate scientist, making it appropriate for his emails to reach him. Dr. Fauci states he is not aware of any suppression of speech on social media following his comments on April 17, 2020, regarding the lab leak hypothesis, nor is he aware of Twitter removing content suggesting the virus may have escaped from a lab.
(206:3-209:2)

Exhibit 31 is introduced, which is a report from The Hill with the headline "Twitter suspends accounts of Chinese virologist who claimed coronavirus was made in the lab." Dr. Fauci acknowledges the headline but states that he does not recall the specific incident. He mentions that it is possible someone might have informed him about it at the time, but it did not capture his attention. Dr. Fauci emphasizes that he does not engage with social media platforms like Twitter or Facebook, indicating that such matters do not significantly concern him.
(209:3-210:8)

Exhibit 32 is a document from Meta titled "Update on our work to keep people informed and limit misinformation about COVID-19." Dr. Fauci confirms the title but expresses unfamiliarity with Meta, initially not

knowing it is associated with Facebook. The document mentions expanding the list of false claims to be removed, including those suggesting COVID-19 is manmade. Dr. Fauci does not recall being aware of Meta's policy changes regarding the removal of content alleging that COVID-19 is manufactured or manmade, noting that such information could have been one of many things mentioned to him in passing.
(210:9-212:14)

Exhibit 33 is introduced, which is an article titled "Facebook Censors Award-Winning Journalist for Criticizing the WHO." Dr. Fauci confirms the title of the exhibit but does not recall ever hearing of Ian Birrel, the journalist mentioned in the article. Dr. Fauci states that he does not recall having any communications about removing speech related to the lab leak theory of COVID-19's origins from social media platforms. He emphasizes that he does not engage with social media, does not have an account, and does not participate in activities related to social media content.
(212:15-213:16)

Dr. Fauci discusses the controversy surrounding the effectiveness of hydroxychloroquine in treating COVID-19 during 2020. He disagreed with claims of its efficacy, citing a lack of evidence and clinical studies that demonstrated its ineffectiveness. Dr. Fauci clarifies that he did not conduct the research himself but relied on peer-reviewed studies. He acknowledges discussions within the National Institute of Allergy and Infectious Diseases (NIAID) and the broader scientific community about the drug, particularly with Dr. Cliff Lane. Dr. Fauci expresses concern that misinformation about hydroxychloroquine's effectiveness could lead to harmful outcomes. He confirms making public statements about the drug's lack of efficacy, including during a White House press conference on 06/01/2020, where he stated that the data were anecdotal and not definitive.
(213:17-218:3)

Dr. Fauci reviewed a Politico article titled "Fauci: Hydroxychloroquine not effective against coronavirus," dated May 22, 2020. The article quoted him stating, "The scientific data is really quite evident now about lack of efficacy," referring to hydroxychloroquine. The article also mentioned a 96,000-patient observational study published in The Lancet, which concluded that hydroxychloroquine had no effect on COVID-19 and might have caused harm. Dr. Fauci acknowledged that this study could have been the basis for his statement, although he was not certain. He recalled that the FDA issued an Emergency Use Authorization (EUA) for

hydroxychloroquine, which was later revoked, likely due to accumulating data showing a lack of efficacy. Dr. Fauci did not recall if he was consulted by the FDA during the revocation process.
(218:4-221:9)

Dr. Fauci was questioned about Exhibit No. 35, which is a study from The Lancet. He was asked if this study was the same one referred to in a Politico article. Dr. Fauci stated he did not know if it was the same article. The exhibit indicated that the study was published online on May 22, 2020, five days before the Politico article dated May 27, 2020, which referenced a study involving 96,000 patients. Dr. Fauci confirmed that the Politico article mentioned a study surveying 96,000 patients. The exhibit also showed that the study was later retracted, but Dr. Fauci did not recall the retraction at the time, although he acknowledged it might have been retracted. He noted that this was not the only paper on hydroxychloroquine.
(221:10-223:11)

Dr. Fauci stated that his opinion on hydroxychloroquine was based on accumulating data from various studies, though he could not recall specific studies. He acknowledged that not all doctors agreed with his views on the drug's effectiveness, despite ample evidence suggesting it was not effective. Dr. Fauci was aware that some doctors continued to prescribe hydroxychloroquine for COVID-19, but he expressed concern about prescribing a medication with no proven efficacy and potential harm. He did not recall a specific video from July 2020 of doctors promoting hydroxychloroquine but vaguely remembered a group of doctors discussing COVID-related topics.
(223:12-226:8)

Dr. Fauci was asked if he recalled appearing on Good Morning America around July 27th or 28th, 2020, but he did not remember. Exhibit 36 was introduced, and Dr. Fauci confirmed that during the appearance, he stated, "The overwhelming prevailing clinical trials that have looked at the efficacy of hydroxychloroquine have indicated that it is not effective in coronavirus disease." He acknowledged that these comments were made in response to a video by a group called America's Frontline Doctors, who were promoting the benefits of hydroxychloroquine on the steps of the Supreme Court. Dr. Fauci recalled the group and noted concerns about the accuracy of their statements, although he did not remember the specific content of their claims.

(226:9-228:14)

Dr. Fauci discusses Exhibit 37, a Bret Baier article with the headline "Fauci uncensored: Hydroxychloroquine video. A bunch of people spouting something that isn't true." The article quotes Dr. Fauci on MSNBC's Andrea Mitchell Reports, criticizing a video re-tweeted by President Trump that featured doctors promoting hydroxychloroquine as a coronavirus treatment. Dr. Fauci acknowledges he may have made such statements, noting that the medical community largely found the claims in the video to lack medical sense. He explains that the NIH Treatment Guidelines Panel, consisting of leading infectious disease experts, determined there was no evidence supporting hydroxychloroquine's efficacy. Dr. Fauci did not conduct a poll but asserts that the medical community generally dismissed the claims made in the video.
(228:15-232:11)

Exhibit 38 is introduced, which is a Breitbart report dated July 27, 2020, discussing the censorship by Facebook, Google, YouTube, and Twitter of a viral video from a Capitol Hill Coronavirus press conference. Dr. Fauci acknowledges the report and confirms the date. The report is within a day of Dr. Fauci's comments on Good Morning America and Andrea Mitchell Reports. The report mentions that the video, featuring America's Frontline Doctors, was the top-performing Facebook post and accumulated over 17 million views. Dr. Fauci expresses that he does not engage with social media and is unfamiliar with the significance of 17 million views. However, he states that it would likely bother him if a large number of people received information that was not based on data and was untrue, as it could harm patients.
(232:12-237:8)

Dr. Fauci was asked about a Facebook quote stating the removal of a video for sharing false information about COVID-19 treatments. He did not recall anyone communicating with Facebook about this decision, including individuals from NIAID or the federal government. Dr. Fauci emphasized that he does not pay attention to social media interactions due to his primary job responsibilities.
(237:9-238:20)

Dr. Fauci stated that he does not recall any U.S. government officials communicating with social media platforms about content moderation. He acknowledged that Facebook's decision to censor a Livestream was followed by similar actions from YouTube and Twitter but emphasized that

he does not pay attention to social media activities. Dr. Fauci reiterated that he is not involved with social media, does not have accounts, and is generally unaware of content moderation policies or terms of service. He mentioned that while he might have been cursorily informed about social media actions, such information does not capture his attention due to his focus on other responsibilities.
(238:21-242:9)

Exhibit 39, a report from the Washington Standard titled "America's Frontline Doctors website shut down," is discussed. The report is dated August 1st, 2020. Dr. Fauci is questioned about his awareness of the website being taken down by its web hosting provider, to which he responds that he does not recall but acknowledges it might have been brought to his attention. Dr. Fauci confirms his ongoing view that there is no evidence supporting the efficacy of hydroxychloroquine. He is asked about his awareness of any global meta-analyses on hydroxychloroquine's efficacy and notes the potential failings of such analyses. Dr. Fauci acknowledges that a randomized double-blind placebo-based study is the "gold standard" for research. When asked about a study by the Henry Ford Medical Center that found an observational benefit to hydroxychloroquine, he states he does not recall commenting on it, citing the large volume of studies he reviews.
(242:10-245:3)

Exhibit 40 is introduced, which appears to be the first page of a meta-analysis of studies on the efficacy of hydroxychloroquine (HCQ) for COVID-19. The document mentions 449 HCQ studies, with 351 being peer-reviewed. Dr. Fauci notes that the document states 371 studies compare treatment and control groups, but he clarifies that there is a difference between such groups and a randomized placebo control group. He emphasizes that lack of randomization can lead to inaccurate results and that the NIH clinical trials guideline group has concluded that studies claiming efficacy for hydroxychloroquine are statistically invalid. Dr. Fauci expresses skepticism about the validity of the studies, noting the importance of understanding the nature of control groups and the role of confounding variables. He states that the treatment guidelines panel, consisting of top infectious disease physicians, has found no evidence supporting the efficacy of hydroxychloroquine and suggests it may be harmful.
(245:4-248:12)

Dr. Fauci confirms familiarity with the Great Barrington Declaration, which advocates for allowing the virus to circulate in the community to achieve herd immunity while protecting vulnerable populations. Exhibit 41 is introduced as a copy of the Great Barrington Declaration.
(248:13-249:8)

Dr. Fauci confirms that Exhibit 41 appears to be a copy of the Great Barrington Declaration, although he is not entirely certain. He acknowledges having read the declaration some time ago when it first emerged. The document discusses an approach called "focus protection," which involves allowing the virus to circulate among certain populations while providing targeted protection for more vulnerable groups. Dr. Fauci is unsure of the exact publication date but notes that the document states it was authored and signed on October 4, 2020. He does not recall when he first became aware of the declaration or the context in which he learned about it. Dr. Fauci is not personally acquainted with the authors, Dr. Martin Kulldorff, Dr. Sunetra Gupta, and Dr. Jay Bhattacharya, but recognizes their names due to the attention the declaration has received. He also acknowledges knowing of Dr. Michael Levitt, a Nobel Prize winner listed as a joiner, but does not know him personally.
(249:9-253:13)

Exhibit 42 is introduced, which is an email dated October 8, 2020, from Dr. Francis Collins to Dr. Fauci and Cliff Lane, with a copy to Larry Tabak. Dr. Fauci acknowledges the email but does not recall it clearly. The email references the Great Barrington Declaration, which was offered on October 4, 2020. Dr. Fauci does not remember if he read the declaration for the first time through this email or if he clicked on the link provided. The email mentions "three fringe epidemiologists" who met with the Secretary, but Dr. Fauci does not recall being aware of this meeting at the time. He suggests that his focus was on developing a vaccine, which may have affected his attention to the email.
(253:14-256:20)

Dr. Fauci was questioned about an email from Dr. Francis Collins regarding the Great Barrington Declaration. Dr. Fauci did not recall if the email caught his interest at the time and did not remember his response. The email mentioned that the declaration was gaining attention, including a cosignature from Nobel Prize winner Mike Levitt. Dr. Collins suggested a "quick and devastating published takedown" of the declaration's premises. Dr. Fauci did not know what Dr. Collins specifically meant by this but

speculated that Dr. Collins, being a scholar, might have been referring to writing a scholarly article to challenge the declaration's premises. Dr. Fauci did not recall discussing a takedown with Dr. Collins and noted that such terminology was not typical for him. He emphasized that Dr. Collins is a respected scholar who would likely address disagreements through scholarly articles.
(256:21-259:16)

Dr. Fauci was questioned about an email from Dr. Francis Collins discussing a "swift and devastating takedown" of the Great Barrington Declaration. Dr. Fauci stated he did not know why Collins thought he or Cliff Lane would be aware of such an effort, suggesting Collins was making a casual inquiry. Dr. Fauci emphasized that he would not be involved in refuting the declaration due to his responsibilities at a $6.4 billion institute. He explained that Cliff Lane, copied on the email, is a respected clinical scientist and his deputy director for clinical research. Dr. Fauci confirmed that Lane was the same person who went on a WHO-sponsored trip to China in February 2020 and reported on the effectiveness of social distancing measures there. Dr. Fauci acknowledged the possibility of discussions with Collins and Lane about the efficacy of severe social distancing measures following Lane's return from China, although he did not specifically recall such conversations.
(259:17-263:6)

Exhibit 43 is an email exchange dated October 8th, 2020, between Dr. Fauci and Francis Collins. Dr. Fauci does not recall the email but acknowledges it was sent by him to Collins. The email includes a piece from Wired magazine by Matt Reynolds that debunks a theory related to the Great Barrington Declaration. Dr. Fauci does not remember how he found the article or if he had any prior communication with the author, Matt Reynolds. He also does not recall if anyone at NIAID communicated with Reynolds before the article's publication. Dr. Fauci confirms knowing Gregg Gonsalves, a faculty member at Yale School of Public Health and former member of the AIDS activist group ACT UP. Dr. Fauci describes Gonsalves as an associate and someone who cares deeply about public health.
(263:7-266:3)

Dr. Fauci discusses an email chain involving himself, Francis Collins, and Cliff Lane regarding the Great Barrington Declaration. He forwarded a commentary by Gregg Gonsalves to Collins, describing it as "another

refutation of the herd immunity approach." Dr. Fauci acknowledges that the herd immunity approach is a significant component of the Great Barrington Declaration, although the email does not explicitly reference the declaration. The email mentions a meeting in Washington, D.C., involving Martin Kulldorff, Dr. Jay Bhattacharya, Sunetra Gupta, Scott Atlas, and Alex Azar, promoting a "focus protection strategy," a term used in the declaration. Dr. Fauci does not recall any communications with Gonsalves before the article was written or any consultation with NIAID staff. He speculates that Collins was interested in responses to the Great Barrington Declaration and that the forwarded articles were in response to Collins's inquiry about refutations of the declaration's premise.
(266:4-269:15)

Dr. Fauci was questioned about Dr. Francis Collins's potential connections with social media companies and whether Collins had social media accounts. Fauci stated that he was unaware of any such connections and mentioned that Collins's office likely tweets, although Fauci himself does not have a Twitter account. Exhibit 45, a Washington Post article dated October 14, 2020, was introduced. The article quotes Collins describing a proposed herd immunity strategy as "fringe" and "dangerous." Fauci confirmed consulting with Collins before these statements were made but was unsure if Collins directly communicated these views to the reporter. Fauci acknowledged Collins's belief that the strategy was dangerous due to potential widespread infection and harm. When asked about the implications of these views being shared on social media, Fauci stated he was not certain if this was a concern for Collins. Exhibit 46 was introduced at the end of the section.
(269:16-275:11)

On October 13, 2020, Dr. Collins sent Dr. Fauci and others a link to a Washington Post article, stating that his quotes in the article are accurate but will not be appreciated in the White House. Dr. Fauci confirmed the accuracy of the quotes, which rejected the premise of herd immunity, and noted that the White House might not appreciate them. Dr. Fauci responded to Dr. Collins' email by saying, "They are too busy with other things to worry about this." Dr. Fauci expressed that he believed the premise of the Great Barrington Declaration was invalid, as it assumed the virus could freely circulate without selectively protecting vulnerable populations, which he deemed impossible. He agreed with the majority of physicians and public health officials that the declaration's premise was ill-founded and incorrect. When asked if he thought the idea was nonsense,

Dr. Fauci acknowledged that he might have referred to it as such in an email.
(275:12-277:16)

Exhibit 47 is an NBC News article dated October 15, 2020, with the headline stating that Dr. Fauci described the idea of letting the coronavirus spread to achieve herd immunity as "nonsense" and "dangerous." Dr. Fauci confirms the accuracy of the quote, stating that the idea of allowing the virus to spread freely is indeed "nonsense and very dangerous." He maintains this belief, emphasizing the risks of illness, hospitalization, and death associated with such a strategy. Dr. Fauci identifies himself as an infectious disease expert with significant experience in epidemiology but is unsure of the specific credentials of Dr. Bhattacharya and Dr. Kulldorff. He denies coordinating with Dr. Collins or others to make statements criticizing the Great Barrington Declaration, aside from the emails already discussed. Dr. Fauci also states he is not aware of any censorship of the Great Barrington Declaration on social media, as he does not follow social media activities.
(277:17-280:10)

Dr. Fauci is questioned about Exhibit 48, an article from Spiked titled "Why has Google censored the Great Barrington Declaration?" He is asked if he was aware of reports that Google had deboosted the declaration in search results, making it less visible. Dr. Fauci states that he likely was not aware of this, as he does not pay much attention to social media or related activities. He is also asked about Reddit and whether it censored the declaration, to which he responds that he is not familiar with Reddit and would not have registered such information. When asked about YouTube amending its terms of service in October 2020 to remove content related to the Great Barrington Declaration, Dr. Fauci reiterates that he might not have been aware or paid attention to such changes.
(280:11-283:10)

Exhibit 49 is introduced, which is a copy of YouTube's online site admissions relations policy. Dr. Fauci states that he does not recall having seen this document before. The document includes a chronology, and on the third page, it notes that YouTube updated its COVID-19 medical misinformation policy in October of 2020. Dr. Fauci confirms that the document indicates this update.
(283:11-284:5)

Exhibit 50 is introduced, which is a detailed version of YouTube's COVID-19 medical misinformation policy. Dr. Fauci states that he does not recall seeing this document before. The document includes a bullet point stating that YouTube does not allow claims that achieving herd immunity through natural infection is safer than vaccinating the population. Dr. Fauci acknowledges seeing this but is unsure if it paraphrases the Great Barrington Declaration, which promotes herd immunity through natural infection. He does not recall any updates to YouTube's terms of service in October 2020 regarding this claim and is unaware of any communications with YouTube on the topic.
(284:6-286:2)

Dr. Fauci was questioned about Exhibit 51, which is Meta's online misinformation policy. He confirmed his familiarity with Meta as the company behind Facebook and Instagram. Dr. Fauci acknowledged having done Facebook public service announcements (PSAs) with Mark Zuckerberg, although he was unsure of the exact date. He was asked about 13 communications with Zuckerberg in 2020, but he could not confirm the exact number, noting that many of his emails were subject to FOIA requests. Dr. Fauci reviewed a section of the policy document that discusses the removal of vaccine misinformation based on conclusions from public health authorities. He stated he was unaware if Meta relied on him as a public health authority for content moderation decisions. Dr. Fauci also mentioned that he had no knowledge of being identified as a public health authority by social media platforms.
(286:3-290:9)

Dr. Fauci was questioned about his communications regarding the Great Barrington Declaration. He did not recall communicating with anyone at Stanford about it, though he acknowledged it was possible. He confirmed knowing Dr. Phil Pizzo, a pediatric infectious disease expert and former dean at Stanford, but did not recall discussing the declaration with him. Dr. Fauci also mentioned knowing Mark Tessier-Lavigne, the current president of Stanford, but did not remember discussing the declaration or related topics like focused protection or herd immunity with him. He was asked about other individuals, such as Harry Greenberg and Jack Rowe, but did not recall specific discussions about the declaration with them. Dr. Fauci was unfamiliar with a serial prevalence study conducted in Santa Clara County in March 2020, which aimed to assess the virus's spread at that time.
(290:10-293:24)

Exhibit 52 is an email exchange between Greg Folkers and Dr. Fauci, dated November 1st and 2nd, 2020. Folkers sent Dr. Fauci a list of articles, highlighting three he found most useful, which were critical of the herd immunity approach advocated by the Great Barrington Declaration. Dr. Fauci does not recall why Folkers sent these articles but suggests it was likely at his request for information on herd immunity. Dr. Fauci does not remember communicating with the authors of these articles, although he recognizes some names, including John Barry and Gregg Gonsalves. He denies taking steps to influence online criticism of the Great Barrington Declaration but expresses his personal view that the declaration is misguided and could lead to negative health outcomes. Dr. Fauci states that his opinion is shared by many scientists, although he has not quantified the number of supporters or opponents of the declaration. He acknowledges that many people, possibly unaware of the implications, signed the declaration.
(293:25-298:16)

Exhibit 53 is introduced, which includes an email chain involving Twitter and Carol Crawford dated March 14, 2020. The email from Twitter questions the legitimacy of an "@anthonyfauci_" account. Carol Crawford responds by involving someone from NIH and HHS to verify the account. Scott Prince from NIH, identified as the Deputy Director for Public Information, responds to Twitter, labeling the account as a "Fake/Imposter handle" and requests its removal. Dr. Fauci acknowledges a vague recollection of a fake account using his name and assumes that his communication staff would have sought its removal if it was found to be false and misleading.
(298:17-301:4)

Dr. Fauci was questioned about the role of his communication staff in addressing false and misleading social media accounts impersonating him. He stated that he does not know how his staff would contact social media platforms to remove such content, as he does not pay attention to social media accounts. He identified Courtney Billet as the leader of his communication staff but did not recall instructing her to communicate with social media platforms about imposter accounts. Dr. Fauci mentioned that his staff is concerned about imposter accounts when they are brought to their attention, but they do not actively search for them. He acknowledged that impersonating him is problematic and that efforts were made to prevent such occurrences, including Twitter's response to freeze certain account handles to prevent impersonation. Dr. Fauci expressed uncertainty

about the specifics of these actions but recognized that his communication staff would be disturbed by impersonation attempts.
(301:5-304:22)

Exhibit 54 is introduced, and Dr. Fauci is asked to review an email chain. The email from Nicole Berkowitz, identified as a communications lead for the EPA, mentions a misleading YouTube video titled "How to Kill Coronavirus." Berkowitz expresses concern that the video appears to be a CDC video due to ad placement and algorithm choices. Dr. Fauci states he does not recognize Berkowitz's name and has no recollection of the EPA consulting with an NIH list to contact social media about removing dangerous information.
(304:23-307:11)

Dr. Fauci was presented with Exhibit 55, an email chain from April 2020, where Judith Lavelle of NIAID emailed Facebook to flag fake accounts impersonating him on Facebook and Instagram. Dr. Fauci acknowledged that Lavelle works at NIAID, but he was not familiar with her personally. The email indicated that Lavelle, a technical writer editor, was part of the communications staff. Dr. Fauci confirmed that he was unaware of his communications staff flagging multiple fake accounts but agreed that removing fake accounts was appropriate. He clarified that impersonation accounts are problematic and should be scrutinized. Dr. Fauci was uncertain about whether any of the flagged accounts were parody accounts and noted that impersonation is a serious issue. Facebook responded to the email, confirming that all but two accounts were removed for impersonation.
(307:12-312:1)

Dr. Fauci states that he does not involve himself in addressing false statements on social media, as it is not within his responsibilities. He reiterates that he does not engage with social media issues and has no opinion on them. When asked if his communication staff deals with false information or misinformation on social media, he responds that, to his knowledge, they do not attempt to influence social media, except in cases of impersonation. He emphasizes that it is appropriate for his staff to be concerned about impersonation accounts.
(312:2-313:5)

Dr. Fauci acknowledges knowing Sylvia Burwell, the former Secretary of the Department of Health and Human Services and current president of American University. He recalls that Burwell sought his advice on personal

safety during the COVID-19 pandemic. In February 2020, Burwell emailed him about whether to wear a mask while traveling, but he does not specifically remember the email. Dr. Fauci admits to having advised against mask-wearing at that time, citing three reasons: the shortage of masks for healthcare workers, lack of evidence for mask efficacy outside medical settings, and unawareness of asymptomatic transmission. He confirms that his stance on mask-wearing changed as new evidence emerged, leading him to support universal masking by April 3, 2020.
(313:6-318:4)

Dr. Fauci was asked about the efficacy of masks in preventing the spread of COVID-19 and whether his opinion on masking changed based on new scientific evidence. He acknowledged that his opinion did change with new information. He could not recall specific consultations or studies during that time but emphasized the importance of having access to both sides of a scientific debate to make informed decisions. Dr. Fauci explained that while some studies initially suggested masks were ineffective, proper statistical analysis often revealed flaws in such studies. He confirmed that one reason for initially recommending against public mask use was to prevent shortages for healthcare providers, as discussed in coronavirus task force meetings.
(318:5-321:6)

Dr. Fauci explained that the recommendation against widespread mask usage was partly due to concerns about mask shortages, which were discussed at the coronavirus task force. Efforts were made to increase mask supply by importing, boosting production, or using alternatives like cloth masks. He did not recall if placebo-based, randomized, double-blind studies on mask efficacy were conducted between February and April 2020. Dr. Fauci acknowledged that some early studies claimed masks were ineffective, but these were not considered definitive after statistical analysis. Later studies indicated that masks had a clear effect when compared to not wearing them.
(321:7-322:23)

Dr. Fauci emphasizes the importance of providing people with all available information to assess its validity. He notes that if information is statistically unsound, it can be misleading for those without the expertise to recognize flawed studies. He explains that science is self-correcting, as subsequent studies often re-evaluate data to determine its accuracy. Exhibit 56 is introduced for identification.

(322:24-323:22)

An email chain from October 30, 2020, is discussed, involving Jen Routh from Dr. Fauci's communications team, who emailed individuals with Google.com addresses and copied Courtney Billet, the head of the communications team. The email chain begins with Sandra Sitar from NIAID, who is identified as the director of communications for the clinical trials program at the Vaccine Research Center. Sitar's email mentions that Jen and the Google team hope to connect on vaccine communications, specifically regarding misinformation. Dr. Fauci states that he has no knowledge of his communications team communicating with Google or YouTube about vaccine misinformation.
(323:23-325:18)

Dr. Fauci was questioned about an email from a Google representative expressing interest in a call regarding vaccine communications. He stated that he was not aware of any such call occurring around October 30, 2020, and did not recall authorizing his team to discuss vaccine misinformation with Google. Dr. Fauci explained that the communication team at the institute operates independently and would not require his permission to engage in such communications. He confirmed that Courtney Billet, the director of the communications team, was included in the email chain but did not recall any specific discussions with her about communicating with Google. Exhibit 57 was introduced for identification.
(325:19-328:3)

Dr. Fauci was questioned about an email from Clarke Humphrey, a communications person at the White House, sent to Facebook in July 2021. The email requested the removal of a fake Instagram account impersonating Dr. Fauci. Dr. Fauci acknowledged awareness of discussions about impersonations but did not recall specific details about who addressed the issue. The fake account was successfully removed, as confirmed by a response from Carrie Adams. Dr. Fauci was also asked about an email chain involving the CDC and Facebook, where the CDC provided Facebook with information debunking claims about ivermectin's effectiveness against COVID-19, citing NIH guidelines. Dr. Fauci was not aware of this specific communication but noted it was not surprising for the CDC to use NIH treatment guidelines.
(328:4-333:3)

Dr. Fauci is questioned about whether it would be surprising if social media platforms relied on public statements made by him regarding health

policy, such as the efficacy of ivermectin, for their decisions. He responds that the opinions of a panel of 30 to 40 infectious disease experts would likely carry more weight than the statement of an individual physician or scientist. Dr. Fauci acknowledges that his public statements often reflect the consensus of these experts, but he finds the question about social media platforms viewing his statements as reflecting expert consensus to be convoluted and unclear.
(333:4-334:16)

Dr. Fauci was questioned about Exhibit 59, which involves Alex Berenson, a vaccine critic who claimed the White House pressured Twitter to ban him. Dr. Fauci acknowledged hearing about Berenson's complaints of being "muzzled" but expressed no interest in social media bans. He confirmed his role as the White House chief medical advisor in April 2021 but did not recall any discussions about Berenson's presence on Twitter or any meetings involving Andy Slavitt, Rob Flaherty, and Twitter regarding vaccine misinformation. Dr. Fauci was unaware of any specific discussions about individuals being epicenters of disinformation on Twitter. He mentioned general discussions about misinformation, citing an example of false claims about Bill Gates and himself putting a chip in vaccines, which he classified as disinformation.
(334:17-338:25)

Dr. Fauci clarifies the distinction between misinformation and disinformation, emphasizing that disinformation involves deliberately spreading false information, such as the claim that he and Bill Gates put a chip in vaccines. He states that he did not engage in discussions about stopping the spread of disinformation, although he acknowledges that someone might have mentioned the need to stop misinformation. However, he does not recall being involved in any efforts to interfere with the dissemination of disinformation. Exhibit 60 is introduced for identification.
(339:1-340:24)

Dr. Fauci reviewed Exhibit 60, a report from The Hill dated July 11, 2021, which covered his comments on CNN's State of the Union. The report mentioned Dr. Fauci's response to a clip of Alex Berenson speaking at CPAC, where Berenson claimed the government was trying to "sucker" people into getting vaccinated. Dr. Fauci described Berenson's comments as "horrifying" and "almost frightening" for people to reject health officials' efforts to save lives. Dr. Fauci did not recall any prior discussions with

government officials about criticizing Berenson. He emphasized that cheering against vaccination contradicts good public health principles, given the data on hospitalizations and deaths among unvaccinated individuals.
(340:25-343:23)

Exhibit 61 is a New York Times report dated July 16, 2021, and updated on July 19, 2021. The report states that President Biden expressed frustration with social media platforms like Facebook, accusing them of "killing people" by allowing disinformation about the coronavirus vaccine to spread. Dr. Fauci does not recall President Biden making this specific statement but acknowledges the report's claim. Dr. Fauci emphasizes that misinformation and disinformation, particularly those discouraging lifesaving interventions, can lead to unnecessary deaths. He acknowledges that he may have discussed the impact of misinformation with government officials, as he strongly believes it is detrimental to public health. Dr. Fauci confirms that misinformation propagated on social media platforms is contrary to public health when it leads to people avoiding lifesaving interventions.
(343:24-346:13)

Dr. Fauci was asked about Exhibit 62, which involves Scott Gottlieb, a former FDA commissioner. Dr. Fauci acknowledged knowing Gottlieb but did not recall specific communications with him in the summer of 2021. The exhibit includes an email where Gottlieb forwarded a tweet by Alex Berenson, which criticized Dr. Fauci, to someone at Twitter. Dr. Fauci confirmed the content of the email and acknowledged that Gottlieb referred to him as "Tony." Dr. Fauci stated he did not recall discussing the need for a security detail with Gottlieb, although he acknowledged having one due to threats. He also mentioned being on a first-name basis with his daughter when she worked at Twitter but did not recall if she was still employed there on August 24, 2021.
(346:14-351:2)

Dr. Fauci stated that he is not on a first-name basis with anyone at Twitter, except for his daughter, who previously worked there. He acknowledged that Scott Gottlieb might have been on the board of Pfizer, but he was unsure if Gottlieb held that position at the time in question. Dr. Fauci did not specifically recall discussing vaccine development or internet speech leading to vaccine hesitancy with Gottlieb. Additionally, he did not

remember discussing Alex Berenson with Gottlieb, although he acknowledged the possibility due to prior exhibits shown to him.
(351:3-352:18)

Exhibit 63 is introduced, and Dr. Fauci is questioned about an email from Ezekiel J. Emmanuel, a vice provost at the University of Pennsylvania. Emmanuel expressed perplexity over what he perceived as Dr. Fauci's strong endorsement of remdesivir, describing the data as weak and insufficient for approval. Dr. Fauci clarifies that he did not strongly endorse remdesivir but acknowledged it as a modest step in drug development for COVID-19. He emphasized that the clinical trial showed a modest effect, which was significant at the time due to the lack of other effective drugs. Dr. Fauci responded to Emmanuel by stating that the trial was well-powered and placebo-controlled, demonstrating that the virus could be suppressed enough to see a clinical effect, albeit modest. The session then takes a brief recess.
(352:19-355:3)

Dr. Fauci discussed various opinions on COVID-19 treatments and related topics, including hydroxychloroquine, mask efficacy, COVID-19 origins, vaccines, and herd immunity. He acknowledged using strong language, such as calling the premise of herd immunity "nonsense," which he believes led to unnecessary deaths. Dr. Fauci stated he is not an expert on social media policies but emphasized the importance of countering misinformation by providing correct information. He expressed concern about misinformation leading to harmful actions but deferred to others on how to manage it. Dr. Fauci reiterated his approach of disseminating accurate information through media engagements to combat misinformation, highlighting his recent press conference urging people to get the updated booster for safety.
(355:4-359:10)

The videographer announced the conclusion of the seven-hour deposition session at 5:01 p.m. on November 23, 2022. Mr. Kirschner stated that there were no further questions for Dr. Fauci and reserved the right to read and sign the deposition transcript. The session was officially closed, and the deposition was certified by Stephanie Barnes, the officer who administered the oath and recorded the testimony. Barnes confirmed that she is not affiliated with any parties involved in the case and has no interest in the outcome.
(359:11-360:18)

The document includes instructions for Dr. Fauci to review and sign the deposition's signature page and errata sheets. The witness is asked to read the deposition, make any necessary corrections on the errata sheets, and sign the signature page before a notary public. The completed documents should be returned within 30 days to Lexitas Legal's office in St. Louis, Missouri, for filing.
(360:19-361:23)

» Timeline of Events

- **01/30/2020:** Jeremy Farrar sent an email to Dr. Fauci saying, 'Tony, perfect timing. Thank you. Great to catch up.' Dr. Fauci responded, 'Thanks, Jeremy. Great chatting with you and Patrick. Will stay in close touch.' (None:None-None:None)
- **03/17/2020:** The 'Proximal Origin of SARS-CoV-2' was published online. (None:None-None:None)
- **09/01/2019:** Genomic sequences of viruses were removed from publicly available databases at the Wuhan Institute of Virology. (None:None-None:None)
- **02/27/2020:** Mark Zuckerberg wrote an email to Dr. Anthony Fauci expressing gladness about Fauci's statement on the COVID-19 vaccine. (None:None-None:None)
- **04/01/2021:** In a White House meeting in April 2021, four months before Twitter suspended Alex Berenson's account, the company faced a tough question about why he hadn't been kicked off the platform. (None:None-None:None)
- **08/01/2020:** The Washington Standard report titled 'America's Frontline Doctors website shut down' is dated August 1st, 2020. (None:None-None:None)
- **02/22/2020:** Cliff Lane sent an email stating, 'China has demonstrated this infection can be controlled, albeit at great cost.' (None:None-None:None)
- **06/01/2020:** Dr. Anthony Fauci made public statements about the efficacy of hydroxychloroquine, stating that the data are anecdotal and there's no definitive proof that it works, during a White House press conference. (None:None-None:None)
- **07/11/2021:** A report from The Hill was dated, discussing Dr. Anthony Fauci's public comments on a Sunday talk show, CNN State of the Union, where he responded to a clip of conservative author Alex Berenson who spoke at CPAC. (None:None-None:None)
- **03/14/2023:** A Twitter official responded that they will freeze the @ handle and some other variations to prevent impersonation of Dr. Anthony Fauci. (None:None-None:None)

- **08/24/2021:** Dr. Anthony Fauci mentioned that he does not recall if his daughter was still working at Twitter on this date. (None:None-None:None)
- **04/14/2020:** Dr. Collins sent an email to Dr. Anthony Fauci expressing concern about misinformation and asking if there was anything more the NIH could do to address what he described as a 'very destructive conspiracy' regarding the origins of COVID-19. (None:None-None:None)
- **07/19/2021:** The New York Times report was updated, mentioning President Biden's comments on social media platforms like Facebook allowing disinformation about the coronavirus vaccine to spread online. (None:None-None:None)
- **01/01/2014:** The U.S. Government policy adopted in 2014 paused gain-of-function research on certain viruses. (None:None-None:None)
- **02/17/2020:** The preprint version of the proximal origin of SARS-CoV-2 was dated. (None:None-None:None)
- **05/27/2020:** A Politico article referred to a study in The Lancet that surveyed 96,000 patients. (None:None-None:None)
- **02/02/2020:** Dr. Anthony Fauci sent an email expressing concern about further distortions on social media regarding the origins of the virus and the need to move quickly to counter misinformation. (None:None-None:None)
- **03/14/2020:** An email from someone at Twitter to Carol Crawford was sent, discussing the legitimacy of an Anthony Fauci Twitter account. (None:None-None:None)
- **03/05/2021:** Dr. Cliff Lane returned from a WHO mission to China and discussed with Dr. Anthony Fauci how the Chinese were managing the outbreak in a structured, organized way. (None:None-None:None)
- **03/01/2020:** A serial prevalence study of people in Santa Clara County was conducted to assess how widespread the virus already was at that time. (None:None-None:None)
- **07/16/2021:** A New York Times report was dated, mentioning President Biden's comments on social media platforms like Facebook allowing disinformation about the coronavirus vaccine to spread online. (None:None-None:None)
- **03/31/2020:** A study was forwarded showing that masking is ineffective; a review of masking on March 31st, 2020 said there was no evidence that masks worked. (None:None-None:None)

- **03/27/2020:** An ABC News article entitled 'Sorry, conspiracy theorists. Study concludes COVID-19 is not a laboratory construct.' was published. (None:None-None:None)
- **03/06/2020:** Christian Anderson sent an email to Jeremy Farrar, Dr. Anthony Fauci, and Francis Collins thanking them for their advice and leadership on the SARS-CoV-2 origin paper. (None:None-None:None)
- **05/31/2019:** NIAID funding for a grant related to EcoHealth Alliance and Dr. Daszak ended. (None:None-None:None)
- **04/18/2020:** Peter Daszak sent an email to Dr. Fauci. (None:None-None:None)
- **07/01/2021:** Clarke Humphrey emailed Facebook in July of 2021 requesting the removal of a fake Instagram account impersonating Dr. Anthony Fauci. (None:None-None:None)
- **06/01/2014:** NIAID funding for a grant related to EcoHealth Alliance and Dr. Daszak started. (None:None-None:None)
- **04/01/2020:** An email chain from April of 2020 was discussed, where Judith Lavelle of NIAID emailed Facebook to flag fake Dr. Fauci accounts on Facebook and Instagram. (None:None-None:None)
- **04/17/2022:** Dr. Anthony Fauci responded to an email saying, 'I would not do anything about this right now. It is a shiny object that will go away.' (None:None-None:None)
- **02/01/2021:** Dr. Anthony Fauci had a conference call with Jeremy and others. (None:None-None:None)
- **04/03/2020:** Dr. Anthony Fauci became a vocal proponent of universal masking as part of a recommendation for universal masking. (None:None-None:None)
- **03/08/2020:** Dr. Anderson sent Dr. Anthony Fauci the preprint version of the 'Proximal Origin of SARS-CoV-2'. (None:None-None:None)
- **10/13/2020:** Dr. Collins sent Dr. Anthony Fauci and others a link to a Washington Post article, stating that his quotes in the article are accurate but will not be appreciated in the White House. (None:None-None:None)
- **10/14/2020:** A Washington Post article was published with the headline 'Proposal to hasten herd immunity to the coronavirus grabs White House attention but appalls the top scientists.' Dr. Collins is quoted in the article, expressing concerns about the proposal. (None:None-None:None)

- **10/15/2020:** An NBC News article was published with the headline 'Dr. Fauci says letting the coronavirus spread to achieve herd immunity is, quote, nonsense, and quote, dangerous.' (None:None-None:None)
- **11/01/2020:** Greg Folkers sent Dr. Anthony Fauci a list of articles and highlighted the three he found most useful. (None:None-None:None)
- **11/02/2020:** Dr. Anthony Fauci sent an email to Greg Folkers. (None:None-None:None)
- **11/21/2023:** Dr. Fauci made his final press conference at the White House, urging people to get the updated booster for their own safety and the safety of their community and family. (None:None-None:None)
- **10/04/2020:** The Great Barrington Declaration was authored, signed, and offered. (None:None-None:None)
- **12/30/2011:** Dr. Anthony Fauci coauthored an editorial in the Washington Post with Francis Collins titled 'A Flu Virus Risk Worth Taking.' (None:None-None:None)
- **07/28/2020:** Dr. Anthony Fauci was asked if he recalled appearing on Good Morning America around this date, where he made comments likely related to a press conference by America's Frontline Doctors. (None:None-None:None)
- **11/23/2022:** The video recorded deposition of Dr. Anthony Fauci was taken in the matter of the State of Missouri, et al, v. Joseph R. Biden, Jr., et al. (None:None-None:None)
- **03/15/2020:** Dr. Anthony Fauci became aware of the NIAID funding project related to the risk of bat Coronavirus emergence after mid-March 2020. (None:None-None:None)
- **03/15/2020:** There is an e-mail from Mark Zuckerberg. (None:None-None:None)
- **02/05/2020:** On February 5, 2020, Jeremy sent a third draft of an email to Dr. Anthony Fauci and Francis. Additionally, Dr. Anthony Fauci was copied on a draft of the paper. (None:None-None:None)
- **04/19/2020:** Dr. Anthony Fauci received an email from a reporter at The Times asking for a scientific paper on the origin of the coronavirus that he mentioned sharing during a press briefing. On the same day, Dr. Fauci sent an email to Peter Daszak. (None:None-None:None)

- **07/27/2020:** Dr. Anthony Fauci was asked if he recalled appearing on Good Morning America around this date. (None:None-None:None)
- **07/27/2020:** A Breitbart report was published about Facebook/ Google/YouTube/Twitter censoring a viral video of doctors at a Capitol Hill Coronavirus press conference. (None:None-None:None)
- **05/22/2020:** A Politico article entitled 'Fauci: Hydroxychloroquine not effective against coronavirus' was published, quoting Dr. Anthony Fauci on the lack of efficacy of hydroxychloroquine. (None:None-None:None)
- **05/22/2020:** The Lancet study was published online. (None:None-None:None)
- **04/17/2020:** Dr. Anthony Fauci participated in a Coronavirus Task Force press briefing at the White House with President Trump and Vice President Pence. During the briefing, he referred to a paper, which he assumed was the Nature Medicine paper, and made comments about the lab leak hypothesis. (None:None-None:None)
- **01/27/2020:** On January 27, 2020, Dr. Anthony Fauci speculated that Mr. Folkers was referring to people in their group or colleagues, such as Peter Daszak, Ralph Baric, and Ian Lipkin, as experts on nonhuman coronaviruses. Additionally, Mr. Folkers mentioned a grant related to identifying cohorts of people exposed to bats in China and assessing if they were getting sick from COVID to Dr. Anthony Fauci. (None:None-None:None)
- **02/11/2020:** Dr. Anthony Fauci had a meeting scheduled with Dr. Ralph Baric at 2:30 p.m., as indicated on his official Outlook calendar. The invitation for the meeting came from Emily Erbelding. (None:None-None:None)
- **02/11/2020:** Ian Lipkin sent an email discussing the scale of bat coronavirus research at the Wuhan institute and the emergence of the first human cases, referring to it as a 'nightmare of circumstantial evidence.' (None:None-None:None)
- **10/30/2020:** On October 30, 2020, an email was sent from Jen Routh, who is on Dr. Anthony Fauci's communications team, to people with Google.com email addresses, and copied to Courtney Billet, the head of the communications team. Additionally, there was a potential call with Google about vaccine communications, but Dr. Anthony Fauci does not recall authorizing or being aware of such a call. (None:None-None:None)

- **03/26/2020:** A blog was posted on the NIH director's page by Dr. Francis Collins addressing claims about the coronavirus being engineered in a lab and referencing a Nature Medicine article. The NIH director's blog was published. (None:None-None:None)
- **01/31/2020:** On January 31, 2020, Dr. Anthony Fauci wrote an e-mail to Jeremy and Christian saying 'this came out today. You may have seen it. If not, it is of interest to the current discussion.' Additionally, Dr. Anderson raised concerns about unusual features of the virus genome during a call with Dr. Anthony Fauci and others. (None:None-None:None)
- **10/01/2020:** On October 1, 2020, YouTube amended its terms of service and updated its COVID-19 medical misinformation policy. The updates included clarifications that content related to the Great Barrington Declaration would be removed and that claims suggesting achieving herd immunity through natural infection is safer than vaccinating the population were disfavored. (None:None-None:None)
- **02/09/2020:** Dr. Anthony Fauci mentioned that during a phone call on this date, it was discussed that it would be important to alert or include important individuals, including the director general of WHO, in the discussions. Additionally, Dr. Fauci participated in a podcast with Newt Gingrich and Peter Daszak. He also recalls thinking that it was known these things come from an animal reservoir, based on the history of the evolution of new microbes from an animal reservoir to a human. (None:None-None:None)
- **02/07/2020:** On February 7, 2020, an email was sent from Jeremy to Dr. Anthony Fauci and Francis Collins with the subject line 'revised draft' and an attachment titled 'Summary, Feb 7 PDF'. Additionally, another draft was sent to Dr. Anthony Fauci, and he was copied on a draft of the paper. (None:None-None:None)
- **02/04/2020:** An email chain took place on February 4th between Dr. Anthony Fauci, Francis Collins, and Jeremy Farrar discussing serial passage in ACE2 transgenic mice. The email included an attachment called 'Summary.DOCX' and mentioned a rough first draft from Eddie and team. Jeremy also sent an email with an attachment called 'Summary.PDF'. Two drafts were sent to Dr. Anthony Fauci, and he was copied on a draft of the paper. (None:None-None:None)
- **02/01/2020:** Dr. Anthony Fauci and others arranged a phone call to discuss the possibility of virus manipulation with a group of highly qualified international evolutionary virologists. A call took place where

Dr. Anthony Fauci and other participants discussed and debated whether the virus had originated from a laboratory as opposed to in nature. Dr. Anthony Fauci participated in a phone call discussing the molecular basis of a virus, which was later followed by a preprint and manuscript suggesting a natural evolution. Dr. Fauci participated in a call where anomalies in the virus were discussed. (None:None-None:None)

- **02/01/2020:** Dr. Fauci sent an email to Hugh Auchincloss, his principal deputy, at 12:29 a.m. on Saturday, February 1st. Dr. Anthony Fauci sent an email to Hugh at 12:29 a.m. forwarding the Jon Cohen article that had been sent to Christian Anderson and Jeremy Farrar. (None:None-None:None)
- **02/01/2020:** Hugh Auchincloss sent an email to Dr. Anthony Fauci at 11:47 a.m. (None:None-None:None)
- **02/01/2020:** Dr. Anthony Fauci forwarded Lawrence Tabak the Nature Medicine article. (None:None-None:None)
- **02/01/2020:** Jeremy Farrar sent an email at 1524. (None:None-None:None)
- **02/01/2020:** Dr. Anthony Fauci sent an email at 20:30 regarding a teleconference. (None:None-None:None)
- **02/01/2020:** Dr. Anthony Fauci likely recommended Dr. Clifford Lane for a WHO trip to China to investigate the virus. (None:None-None:None)
- **02/01/2020:** A call was organized by Jeremy Farrar at 2:00 p.m. with the authors of the paper. (None:None-None:None)
- **02/01/2020:** Dr. Anthony Fauci received an email from Sylvia Burwell asking whether she should wear a mask while traveling in an airport during the early stages of the pandemic. (None:None-None:None)
- **02/01/2020:** Between February and April of 2020, there was a discussion about the efficacy of masking. (None:None-None:None)
- **10/08/2020:** On October 8th, 2020, there was an email exchange involving Dr. Francis Collins, Dr. Anthony Fauci, Cliff Lane, and Larry Tabak regarding the Great Barrington Declaration. Dr. Collins sent an email to Dr. Fauci and Cliff Lane, with a copy to Larry Tabak, referencing the Declaration. Additionally, Dr. Fauci sent an email to Dr. Collins, pasting in a piece from The Wire that debunks a theory related to the Declaration. Furthermore, Dr. Fauci forwarded a

refutation of the Declaration to Dr. Collins, which included a tweet by Gregg Gonsalves. (None:None-None:None)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

- - - - - - - - - - - - - - - - X

THE STATE OF MISSOURI, et al., :

Plaintiffs, :

V. : Case No. 3:22-cv-01213-TAD-KDM

JOSEPH R. BIDEN, JR., et al., :

Defendants. :

- - - - - - - - - - - - - - - - X

Bethesda, Maryland

Wednesday, November 23, 2022

Videotaped Deposition of DR. ANTHONY FAUCI, a Defendant herein, called for examination by counsel for Plaintiffs in the above-entitled matter, pursuant to notice, the witness being duly sworn by Stephanie Barnes, a Notary Public in and for the State of Maryland, taken at the offices of National Institutes of Health, 31 Center Drive, Building 31, Bethesda, Maryland, at 8:08 a.m., Wednesday, November 23, 2022, and the proceedings being taken down by Stenotype by Stephanie Barnes, and transcribed under her direction.

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JILL HINES, Plaintiff

JAMES HOFT, Plaintiff

C O N T E N T S

WITNESS	EXAMINATION BY COUNSEL
DR. ANTHONY FAUCI	FOR PLAINTIFFS
BY MR. SAUER	10

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P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record. Today is November 23rd, 2022, and the time on the video screen is 8:08 a.m. Eastern Standard Time. This is the video recorded deposition of Dr. Anthony Fauci taken in the matter of the State of Missouri, et al, v. Joseph R. Biden, Jr., et al, Case Number 3:22-CV-01213.

This is pending before the United States District Court for the Western District of Louisiana Monroe Division. This deposition is being conducted at the NIAID at 31 Center Drive in Bethesda, Maryland. The reporter today is Stephanie Barnes, and my name is Daniel Holmstock. I am the legal videographer.

Counsel, would you please introduce yourselves and state whom you represent.

MR. SAUER: John Sauer of the Missouri Attorney General's Office on behalf of all the plaintiffs.

MR. KIRSCHNER: Adam Kirschner from the U.S. Department of Justice on behalf of all the defendants.

THE VIDEOGRAPHER: Will the court reporter please administer the oath.

Whereupon,

DR. ANTHONY FAUCI,

was called as a witness by counsel for Plaintiffs, and having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS

BY MR. SAUER:

Q. Good morning. Can you please state your name for the record?

A. My name is Anthony S. Fauci.

Q. And, Dr. Fauci, what's your current position?

A. I'm the director of the National Institute of Allergy and Infectious Diseases at the National Institutes of Health and the Chief Medical Advisor to President Biden.

Q. When did you become the Chief Medical Advisor to the President?

A. Very shortly after his inauguration. He asked me to be the advisor between the election and the inauguration, and I officially became his advisor following his inauguration.

Q. And then how long have you been the director of NIAID, if I can call it that?

A. I've been the director of NIAID for 38

years a couple of weeks ago.

Q. Congratulations.

Have you ever given a deposition before?

A. I have.

Q. How many times?

A. Once.

Q. How long ago was that?

A. You know, I don't know exactly the time, but it was probably anywhere between 15 and 20-plus years ago.

Q. Can I go over some ground rules with you?

A. Sure.

Q. First of all, when I ask a question, can you and I be careful not to interrupt each other when we're talking for the clarity of the record?

A. Certainly.

Q. And if I ask a question, if you don't understand the question, could you ask me to clarify to make sure you're answering the question that I'm asking as opposed to some other question you think I might be asking? Can you do that today?

A. Certainly.

Q. Can you give verbal answers, like you're doing now, instead of merely nodding or saying "uh-huh," "huh-uh," can you say "yes" or "no" as the

questions go forward?

A. Yes.

Q. And maybe both of us can make an effort to speak slowly. You're probably going to be better at that than I will, but to make an effort to speak slowly so that everything's getting transcribed.

Is that okay?

A. I will certainly do that.

Q. I'd like to start off by handing you a document that I've asked the court reporter to mark as Exhibit 1, and I just want to take -- can you take a glance at this and see if you recognize it?

(FAUCI Exhibit No. 1 was marked for identification.)

MR. KIRSCHNER: Counsel, this is a standing objection for all of the documents you show. I would ask that you preference your questions, to the extent Dr. Fauci recognizes it, outside of the capacity of preparation for the deposition, otherwise I would object on work product grounds, but if you're asking if you recognize a document outside of anything that was shown in the context of deposition preparation, I will not prevent him from answering.

MR. SAUER: You raise a good point.

BY MR. SAUER:

Q. Dr. Fauci, did you review any documents in preparation for your deposition today?

A. We did a couple of documents -- a few documents, yeah.

Q. What documents were those?

MR. KIRSCHNER: I object on work product grounds, and I instruct the witness not to answer.

BY MR. SAUER:

Q. Can you look at the document in front of you, Exhibit 1?

A. Yeah. So let me take a -- be careful I read it, recognize it.

Q. Well, let me ask you this: In 2011, did you coauthor an op-ed with Francis Collins in the Washington Post called "A Flu Virus Risk Worth Taking"?

A. Well, I have it in front of me here, and it has my name on it. So, yes, it looks like I did coauthor an editorial in the Washington Post on December 30th of 2011.

Q. Do you remember doing it or do you only remember because you see it in front of you?

A. No. I vaguely remember. This was 11 years ago. I've written 1300 articles over my last several years.

Q. You look at the final paragraph on the first page in the first -- or sort of the first sentence of the final paragraph of the first page, your op-ed states: "Given these uncertainties, important information and insights can come from generating a potentially dangerous virus in the laboratory." Do you remember writing that?

MR. KIRSCHNER: Counsel, I would ask for Dr. Fauci to have an opportunity to familiarize himself with the document --

THE WITNESS: Yeah.

MR. KIRSCHNER: -- prior to answering questions about it.

THE WITNESS: Yeah. Let me just read it and see.

BY MR. SAUER:

Q. Let me ask you a question unrelated to that document just in general. Do you believe as you sit here today that important information, insights, can come from generating a potentially dangerous virus in a laboratory?

A. Well, yeah, if you take it into the correct context because when you say "Generating a potentially dangerous virus in the laboratory," that is usually in the context of, for example, taking

this H5N1 and studying it in different ways that could potentially make it more dangerous but only under very strict conditions laid out for the guardrails of conducting experiments that could potentially create such a dangerous virus. And if you look at the context of this particular paper, the point that Dr. Collins, Dr. Nabel and I were making that there is a risk as we were talking about with pandemic influenza to understand as best as possible. And, in fact, if you go to the next paragraph, we say "Understanding the biology of virus transmission has implications for outbreak prediction, prevention and treatment."

And the point we were making in this article is that there is a risk benefit to research like this, and the point we were making it says "A risk worth taking if the benefit is the protection of the American and global public."

Q. You refer to conditions under which such research should be done --

A. Right.

Q. -- when you're generating potentially dangerous viruses.

A. Right.

Q. First of all, is that kind of

research generally referred to as gain-of-function research?

A. Gain of function is a very potentially misleading terminology, and that was one of the reasons why several years ago outside groups, not the NIH, made the determination that they would much more strictly define the guardrails of experiments that would require additional oversight and did away with the terminology "gain of function" because it can often be very confusing and misleading.

Q. When was that terminology "gain of function" done away with?

A. At the time, I believe -- and I'm not a hundred percent sure -- but there was a period of time between, I think, 2011 and 2014 or '12 and '14, I'm not sure, when there was a pause that was put on research that was related to the manipulation of the influenza virus in order to get more concrete and more definitive guidelines about what the guardrails of this research should be.

Q. Do those guardrails include things like the level of biosafety -- biosafety level at which such research should be done?

A. That, I believe, was part of it. I'm not sure if it was explicitly said, but it certainly

could be. There were two elements to it. There was the pause, which any research that could potentially have any collaterally dangerous aspects to it were put on pause, and then a number of organizations outside of the NIH, including the Office of Science and Technology Policy, OSTP, the academies of science, engineering and medicine, and a number of working groups on the outside developed more clarity to the kinds of oversight that would be needed. That is referred to as P3CO or pandemic potential pathogens care and oversight, and the --

Q. Is that some type -- go ahead.

A. And the reason for that was the lack of clarity in the terminology "gain of function," which is often confusing. So it was felt by these outside groups to be very clear on the kinds of experiments that needed additional oversight.

Q. Could I give you a second document, which I guess will be Exhibit 2?

(FAUCI Exhibit No. 2 was marked for identification.)

MR. KIRSCHNER: Just letting Dr. Fauci know that the court reporter will provide him the document that he's to look at. This -- these are copies for counsel.

Do you want to mark this one also? Thank you.

BY MR. SAUER:

Q. This Exhibit 2 is a document printed off of the NIH website called "Understanding the Risk of Bat Coronavirus Emergence." Are you familiar with the project that's referred to in this document titled "Understanding the Risk of Bat Coronavirus Emergence"?

A. I'm vaguely familiar with the fact that EcoHealth Alliance has been doing research on trying to understand the bat coronavirus emergence.

Q. And was this project initiated in 2014 on your understanding?

A. I do not know. That is not something that I would have followed very carefully.

Q. Would you have approved this in your capacity as head of NIAID?

A. I do --

MR. KIRSCHNER: Objection. Assuming evidence not in the record.

BY MR. SAUER:

Q. You may answer.

A. I do not individually approve grants. They go through multiple levels of peer review, so I

would not have, by standard way things work, have seen this, read it, or individually approved it.

That's not the way things work in the Institute.

Q. Do you have any recollection of this at the time?

A. I have no recollection -- I have no recollection of the initiation of this grant.

Q. If you flip to the second page, under "Details," it mentions EcoHealth Alliance. You referred to that a second ago, as the recipient of the project.

A. Right.

Q. Is that right?

A. Right.

Q. And that's your understanding, they did receive funding under this project; is that right?

MR. KIRSCHNER: Objection. Assuming evidence not in the record.

MR. SAUER:

Q. You may answer.

A. I'm sorry. Would you repeat the question. I'm not understanding what the question is.

Q. Is it your understanding that EcoHealth Alliance received funding from NIAID under this

project?

A. Well, looking at this, I can't make that connection. I do know, with all of the activity that's been going on with EcoHealth Alliance and the NIAID funding, that indeed, NIAID has funded EcoHealth Alliance. I don't know if I can specifically link it to this particular grant because this is the first time that I have seen this piece of paper.

Q. Got you. Above that, it lists a man called Peter Daszak. How do you say his name, if you know?

A. I'm not sure. I think it's Daszak. I think so.

Q. Do you know Mr. Daszak?

A. I have met him once or twice. I would not exactly characterize him as an acquaintance.

Q. In what connection have you met -- sorry, go ahead.

MR. KIRSCHNER: Can you please let the witness answer the questions.

MR. SAUER:

Q. Go ahead.

A. So what's the question again.

Q. In what connection have you met him?

Return To: Complete

A. You know, I don't even remember meeting him, but I do know that someone showed me a picture at a meeting where somebody said, here, take a picture with him. And so I clearly must have met him because there's a photograph, I believe, of he and I.

But that is not unusual, when you go to a scientific meeting, you run into hundreds of people. And I believe that this Dr. Daszak is one of the people that I almost -- well, I did run into him because I believe I've seen a photograph of he and I together at a meeting.

But he's not somebody that I would have had a major amount -- I think someone in one of the thousands of e-mails of mine that have been foyered, someone showed me, I think, or pointed out, that there was an e-mail from Peter Daszak to me.

And I don't remember the content, but I think it was some casual type of response to something, but it's not someone that I deal with on a regular basis. That is rather clear.

Q. On that the same page, below Daszak and EcoHealth Alliance, there's a reference to NIAID funding this grant from 1st June of 2014 to 31st May 2019.

Do you see that?

Return To: Complete

A. It says "Budget Start, 1st of June. Budget End." Is that what you're talking about?

Q. Yeah. Over there on the right.

A. Yeah.

Q. Did you later become aware that not -- at any time, that NIAID was funding this project?

MR. KIRSCHNER: Objection. Vague. Assuming evidence not in the record.

THE WITNESS: So I'm sorry. What is the question?

MR. SAUER:

Q. Did you, at any time later, become aware that NIAID was funding this project understanding the risk of bat Coronavirus emergence?

A. I became aware of this after all of the attention was put on it, following the early part of January, February, mid-March of 2020, but I certainly was not aware -- well, I wouldn't say certainly because who knows what came across my desk. Thousands of pieces of paper come across my desk.

But I do not recall at all being aware of the existence of this grant at the time that it was initially funded of the dates shown on page 2.

Q. If you go to the first page, in the abstract text, see that big paragraph that covers

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most of the first page?

A. Yeah.

Q. Very bottom, last couple sentences. Do you see where it begins number 3, and it says, "Test predictions of COV interspecies transmission"?

A. Hold on. What line up from the bottom are you talking about?

Q. Fourth line up from the bottom.

A. Fourth line up from the bottom. "Test predictions" --

Q. "Test predictions of CoV" --

A. "Test predictions of -- predictive models of post strains will be tested experimentally using reverse genetics" -- yeah.

Q. What does reverse genetics refer to in that line? Do you know?

MR. KIRSCHNER: Objection.

THE WITNESS: I'm not really quite sure what they're referring to. Reverse genetics can mean many things. Manipulation of a virus, recombination, things like that. I'm not exactly sure what they were referring to here.

MR. SAUER:

Q. Can it refer to what we were talking about a minute ago that you talked about in your

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2011 op-ed about generating a more dangerous virus in a laboratory.

Can reverse genetics refer to that?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: Yeah. You know, reverse genetics is a very, very broad term that could have multiple applications. The influenza virus vaccine that I hope you were vaccinated with this year was likely produced by reverse genetics.

So reverse genetics is a very broad categorization.

MR. SAUER:

Q. Can it refer to genetic manipulation of a virus in a way that renders it either more transmissible or more virulent?

MR. KIRSCHNER: Objection. Calls for speculation.

MR. SAUER:

Q. Can it refer to that, on your understanding?

A. Like I said, reverse genetics is a very broad terminology, and it mean manipulation of a virus. We do that when we create an attenuated influenza virus, and I believe it can be done also to

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amplify the function of the virus.

Q. I'm going to hand you a document that we've marked Exhibit 3.

(FAUCI Exhibit No. 3 was marked for identification.)

MR. SAUER:

Q. Do you recognize this document?

MR. KIRSCHNER: Objection. To the extent the question is asking for what Dr. Fauci was shown during preparation, I would instruct the witness not to answer on work product grounds. It's a standing objection for all documents. Not saying whether we did or did not show him such documents, but to the extent you're asking if he recognizes this document outside of the preparation, you can ask.

THE WITNESS: I don't recognize it as a document that I've seen before, but I'm put before me, I would say, tens of thousands of documents in my capacity. I am aware of the concept of the gain-of-function pause involving influenza, MERS and SARS viruses.

MR. SAUER:

Q. Let me ask you this: Can you flip to the second page of the document? At the top, it says: "U.S. government gain-of-function deliberative

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process and research funding pause."

You referred earlier in your testimony, I believe, to a period starting in 2014 where there was a pause on gain-of-function research.

Do you recall that?

MR. KIRSCHNER: Objection. Mischaracterizes testimony.

MR. SAUER:

Q. Do you recall?

A. I'm sorry. I'm getting confused on your questions.

Q. Well, let me ask you.

MR. KIRSCHNER: I would ask counsel to allow Dr. Fauci to familiarize himself with the document prior to asking more questions.

THE WITNESS: So if the footnote says 1, I have to find out what 1 is referring to. So if you just give me a second.

MR. SAUER:

Q. If you see there, it's the bottom line of the second paragraph.

A. Okay.

THE COURT REPORTER: And if I could just ask counsel to slow down a little bit, please.

THE WITNESS: Okay. What's the question?

BY MR. SAUER:

Q. The question is: Are you familiar with the U.S. Government policy adopted in 2014 pausing gain-of-function research on certain viruses?

A. Yes, I am familiar with it.

Q. And was there an exception in that policy? Yes or no?

A. To my -- to my -- it says right here an exception; so obviously there was.

Q. Were you aware of that exception at the time --

A. Because --

Q. -- it was adopted?

A. Either at the time it was adopted or sometime thereafter. And to my recollection and, again, this was 2014; so we're talking eight years ago, but my recollection is that the pause was for all research such as this until a new U.S. Government research policy could be developed.

Q. And was there an exception to that pause that's set forth in the footnote on your understanding?

A. Yeah. The deliberations at the time based on the need to continue certain critical research that an exception clause was put in saying that under

special circumstances -- and I'll read it so that you get an understanding -- an exception from the pause may be obtained if the head of a U.S. Government funding agency determines that the research is urgently needed to protect the public health or national security.

So at the time that the pause on all of this research was implemented, it was felt strongly by just about everybody in the research community and the public health community that if you paused everything, there might be a situation where you would want to do an experiment that would be urgently necessary to protect the public health and national security and, therefore, that would allow an exception to be considered.

Q. Did you ever invoke that exception when -- or you're the head of a U.S. Government funding agency --

A. Yeah.

Q. -- aren't you?

A. Yeah.

Q. Did you ever invoke that exception during the years the pause was in place?

A. As I recall, exceptions were given to a couple of experiments. To my recollection, that does

not usually rise up to the office of the director but is handled at the level of staff and deputy. So I don't recall. It is possible, though I doubt it, but it is possible that a piece of paper that was an ultimate signoff on an exception came to my desk, but I doubt it because I do not recall specifically ever being someone that put a piece of paper in front of me and said "we're going to have an exception. Would you sign off on it?" So it is likely, though, again, I'm not certain. It was eight years ago. It was likely that it was done at the staff level or at the level of my deputy or someone like that.

Q. It -- is it your understanding that anyone at NIAID authorized any research under this pause during the years that the gain -- the -- the moratorium was in effect?

A. Again --

MR. KIRSCHNER: Objection. Calls for speculation.

BY MR. SAUER:

Q. If you know?

A. My memory is vague about this because it was eight years ago, but I understand in subsequent discussions that there may have been a couple of exceptions to that in the context of research that

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was considered necessary for the protection of the public health or national security.

Q. Did any of those projects relate to research on viruses conducted by EcoHealth Alliance?

MR. KIRSCHNER: Objection. Assumes evidence not in the record.

THE WITNESS: Yeah. I'm not certain. I don't -- I don't really recall. I know -- I believe that after the fact, I was brought -- it was brought to my attention that there were exceptions. I am not quite sure what the exceptions were for, but there were a couple of exceptions.

BY MR. SAUER:

Q. Who in your agency would have authorized those, if not you?

A. Well, it could have been any of a number of people. It could have been people at the program level. It could have been my deputy. It could have been program managers and division directors.

Q. Who's your deputy?

A. Dr. Hugh Auchincloss.

Q. How do you say his last name, Auchincloss?

A. Auchincloss, A-U-C-H-I-N-C-L-O-S-S.

Q. What's his title?

A. Principal deputy director.

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Q. I'm giving you a document we've marked as Exhibit 4.

(FAUCI Exhibit No. 4 was marked for identification.)

BY MR. SAUER:

Q. And do you see this Nature Medicine article entitled "A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence"?

A. Yes.

Q. Were you familiar with this -- this article when it was published in 2015?

A. I was not familiar with it when it was published in 2015.

Q. When did you first become aware of it?

A. I believe -- again, I read a lot of articles -- I believe it was brought to my attention in the context of questions that were raised by members of Congress about experiments that were funded by the NIAID.

Q. So would that have been in and around 2021 time frame, do you know, when you first became aware of it?

A. It certainly was after the beginning of the COVID-19 outbreak.

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Q. How long after the beginning would you estimate?

A. I don't recall.

Q. Would it have been right at the beginning of the outbreak or months into it or years into it?

A. You know, years is where we are right now. So it wouldn't have been years. So it likely would have been several months, though I'm not a hundred percent certain.

Q. And so who are the last two authors listed on the top there?

A. Well, one is Ralph Baric, who I believe is a scientist at North Carolina, who is a long-term grantee of NIAID.

Q. Do you know Ralph Baric?

A. Not really. I know who he is. I doubt if I've ever met him. I may have met him at one of the meetings where there are thousands of scientists saying hi to each other, but I know who he is. He is a scientist at University of North Carolina.

Q. And he's funded by NIAID?

A. He is.

Q. But you don't remember ever meeting him in person?

A. Again, I don't recall. I could have met

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him. Again, I run into several thousands of scientists that we refer to, but I don't recall certainly having a relationship with him.

Q. How about the person that's listed immediately before him listed here as Zhengli Shi? Do you know who that is?

A. I believe, if I'm correct, that this is a scientist who is at the Wuhan Institute of Virology, I believe. I'm not a hundred percent certain. I get sometimes confused with Asian names, but I believe this is the person who is a scientist at the Wuhan Institute.

Q. And are you aware generally that there's someone called Shi Zhengli who's described in the media as the bat woman who does research on bat coronaviruses at the Wuhan lab --

A. Yeah, is that her? I don't know if that's the same person. Like I said, when you're dealing with Asian names, sometimes the first name is last and the last name is first. So I -- I -- I believe this is the person from Wuhan.

Q. Have you ever met that person before?

A. To my knowledge, I haven't. I don't -- I'm fairly certain I have not. I could possibly, again, have run into her at one of the many

scientific meetings that occur, but I don't specifically recall ever personally running into her.

Q. Can I direct your attention to the beginning of the pandemic or at least the beginning of the outbreak? Do you remember when you first became aware that there was an outbreak of a new coronavirus in China?

A. It was either December 31st or the first couple of days of the new year of 2020. So it was either December the 31st of 19 -- 2019 or the first couple of days of 2020.

Q. Do you recall at some point somebody, anybody, raising concerns to you in January of 2020 at the beginning of the outbreak or near the beginning of the outbreak that the virus might have been genetically engineered or originated in a laboratory?

A. There was a phone call in late January of 2020, I believe, from Jeremy Farrar. There was one other person on the phone. I believe it was Christian Anderson, who piped me in on a three-way call, saying that they looked at the virus and there was some concern about the molecular configuration or makeup of the virus that made them think there was a possibility that there could have been a manipulation

of the virus.

Q. Before that, had anyone raised a concern like that to you?

A. To my recollection, no.

Q. How about Robert Redfield? Who's he?

A. Robert Redfield at the time was the director of the Centers for Disease Control and Prevention.

Q. Did he call you in mid January 2020 and raise that kind of concern about whether or not the virus originated from nature or in a laboratory?

A. To my recollection, no. I know that Bob today talks about that. I don't recall back in January of 2020 whether Bob was involved or not in any discussion about the manipulation of the virus.

Q. Are you aware if there -- if there's any relationship between Peter Daszak and Shi Zhengli, the two coauthors of that study I showed you in Exhibit 4? Do they work together or what's your understanding of that?

MR. KIRSCHNER: Objection. Calls for speculation. Vague. Ambiguous.

THE WITNESS: Can you repeat the question?

BY MR. SAUER:

Q. Are you -- do you know whether there's a

working relationship between Shi Zhengli and Peter Daszak?

A. Well, I do know now. I didn't know it at the time, but I do know now that EcoHealth has a subaward from their original grant that goes to Shi Zhengli at the Wuhan Institute of Virology.

Q. So they work together on research that's funded directly by NIAID --

A. The -- yeah, the funding goes to EcoHealth which awards a subaward. To my knowledge and recollection, it is a five-year grant of somewhere between 500,000 and $600,000. I believe it averages about 120 to $130,000 a year for a five-year period.

Q. Do you know whether Peter Daszak has access to, for example, the genomes of viruses that Shi Zhengli has generated at the Wuhan Institute of Virology?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence.

MR. SAUER: I'm just asking him if he knows.

MR. SAUER:

Q. Do you know? I'm just asking if you know.

A. Again, repeat the question. I want to make sure I give you an accurate answer.

Q. Do you know whether Peter Daszak had access, or is in possession of data generated by Shi Zhengli pursuant to their research together, including the genomes of Coronaviruses?

A. I don't know absolutely for sure, but I would imagine that if Peter Daszak is collaborating scientifically with Shi Zhengli, that it is likely, given the norms of scientific collaboration, that he would have access to data if they were indeed collaborating, which it looks like, from what I have learned subsequently, that they are collaborators, since he has a subaward to the Wuhan Institute that I believe goes to Dr. Shi.

Q. Would it be ordinary practice for someone in his position to have access to her data when he's funding her, essentially through subawards?

A. That would be not be unusual and probably likely.

Q. Can I give you Exhibit 5? We're premarking them.

(FAUCI Exhibit No. 5 was marked for identification.)

MR. SAUER:

Q. If you look at the top there, there's someone sending an e-mail to you and Jen Routh called

Greg Folkers. Who's Greg Folkers?

A. Greg Folkers is a member of my inner office. He's my immediate chief of staff in my office group.

Q. And then who's Jennifer Routh?

A. She's a member of our communications staff.

Q. And then directly below her, who's Courtney Billet?

A. She is the director of the Office of Communication, Legislative Affairs, and Government Outreach.

Q. And if you look at all these people on the CC line, are they all within your kind of -- I think you described it as your inner office?

A. Yes. They are in the immediate office of the director.

Q. And it looks like the attachment was indicated with talking points for NIAID director, Dr. Fauci?

A. Right.

Q. Would that be a common thing for your chief of staff to do, to prepare talking points for when you're going to a press appearance or something like that?

A. That would be a not unusual thing if I was going to whatever, a meeting or a congressional briefing or what-have-you, and a subject was brought up that I was not particularly familiar with, that my staff would put together talking points to at least update or inform me about what the meeting was about and things that I should know about it.

Q. If you look in the body of the e-mail, that kind of second paragraph that begins: "Also, hyphen, hyphen, hyphen."

Do you see that?

A. Wait a second. Where are we now?

Q. Well, kind of very close to the top, second kind of text cluster that begins, "Also, when talking about CoV, not necessarily in this venue..." Do you see that?

A. No, I'm really sorry. As a placeholder, looks good, that's the first paragraph. "Also," okay, we're talking -- I got it.

Q. And Greg -- Mr. Folkers says to you, "We have on our team," and then in parentheses, Vincent and folks we fund, Peter Daszak, Ralph Baric, Ian Lipkin, et cetera, "probably the world's experts on nonhuman coronaviruses."

Do you see that?

A. Yes.

Q. Do know what he means when he said that those people are on your team? Does he mean that you fund them?

A. I think he means -- I'm speculating -- I don't recall this e-mail of January 27th, 2020. But my speculation is that what Mr. Folkers was referring to were people that were in our group or that we know and are colleagues of ours because -- I mean, Peter Daszak, we've already mentioned, is a grantee. Ralph Baric is a grantee. Ian Lipkin is a scientist at the Columbia School of Public Health.

I believe Vincent, though I don't know, could possibly be Vincent Munster, who is a scientist who's employed by NIAID, and I believe that's what Mr. Folkers was referring to when he was saying -- when talking about COVID, these are people who are well versed in that area.

Q. Who's -- do you know Ian Lipkin?

A. I do.

Q. Is he a grantee of --

A. I believe he is. I mean, he is a well-established scientist in New York City at the Columbia School -- I believe it's the Mailman School of Public Health.

Q. Two paragraphs down, it says, "NIAID has funded Peter's group," referring to Mr. Daszak, "for coronavirus in China for the past five years through understanding the risk of bat coronavirus emergence"; correct? And then the grant number.

A. Yes, I see that.

Q. And that, I take it, would be the grant that we referred to earlier in Exhibit 2, with the same title, "Understanding the risk of bat coronavirus emergence"?

MR. SAUER: Objection. Calls for speculation.

THE WITNESS: I'm looking at Exhibit Number 2 and the title is, "Understanding the risk of bat coronavirus emergence," and that is the quote that is here, and the grant number is 1R01 --

BY MR. SAUER:

Q. Let me ask you this -- I don't need to the hear the grant number? Can I just ask you --

A. Well, I'm trying to make sure that I'm referring -- to give you a correct answer -- which is the question you asked me: Is this referring to this? And it looks like the grant numbers match and the titles match, so my answer to your question is yes -- they're referring to.

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MR. KIRSCHNER: Counsel, I just would ask to let the witness fully respond before cutting him off.

BY MR. SAUER:

Q. Do you recall that grant being placed on your radar screen on January 27th of 2020?

A. Based on this e-mail, it looks like Mr. Folkers has at least mentioned it, but I wouldn't characterize that as being, quote, put on my radar screen to the point of garnering my precise attention to it.

Let me finish reading the e-mail. It says, "That's now been renewed with a specific focus to identify cohorts of people exposed to bats in China and work out if they're getting sick from COVID. Erik Stemmy is the program officer and the collaborators include the Wuhan Institute and Ralph. The results of the work."

Yeah, I mean, I think this was likely the situation where, when the idea of an outbreak in China was brought up, or the coronavirus, that my staff thought it would be important for me to understand just the kind of things we were doing. And I think the important sentence in here, which is relevant, is that the grant wanted to

identify cohorts of people exposed to bats in China, and the reason for that is wanting to see if there was the possibility of spillover from bat viruses to humans that might or might not be related to SARS-CoV-2. I believe that was the intent of this briefing talking points, if I'm not mistaken.

Q. You're being given an exhibit that's labeled Exhibit 6.

(FAUCI Exhibit No. 6 was marked for identification.)

MR. KIRSCHNER: Counsel, I would ask that Dr. Fauci be given the opportunity to familiarize himself with this document prior to being asked questions related to it.

THE WITNESS: Okay. February 1st.

BY MR. SAUER:

Q. I think you testified earlier that you recalled the first time the concern about the origin of the virus being posted on your radar screen was from a call from Christian Anderson and Jeremy Farrar; is that right?

A. Yeah. I believe that my recollection from a few years ago, that that's the first I became aware of this concept of the possibility of there being a manipulation of the virus.

Q. Do you remember what was said in that call?

A. To my recollection, on that call, Jeremy and Christian said they had looked at -- or at least Christian did, possibly Jeremy -- and maybe one other scientist -- and said that it is possible that there may have been a manipulation because it was an unusual virus. And on that call, I and others said, "Well, that being the case, we should bring together a group of highly qualified international evolutionary virologists to discuss the issue, and to see what the way forward would be to try to clarify that."

And that was the phone call that we arranged, I believe for the following day, on February 1st, if I'm not mistaken. I think those are the dates. I'm fairly sure, but --

Q. You say I and others on the call suggested arranging a group of scientists to discuss this. Who are the others?

A. Again, I believe -- I'm fairly certain, although I'm not 100 percent -- that was a few years ago -- that Jeremy Farrar was one and Christian Anderson was another. Eddie Holmes could possibly have been in on that. I know he got involved in this

later on.

Q. Who's Eddie Holmes?

A. Eddie Holmes is a very well-recognized evolutionary virologist who works in Australia.

Q. Does he receive funding from your agency?

A. I don't know. I'm not certain whether he does or not.

Q. Do you know Eddie Holmes?

A. I don't know him personally, but I know of him. He's a very highly -- what's the right word for it? Highly respected evolutionary virologist.

Q. Do you know Christian Anderson?

A. I know Christian. Not well. I've spoken to him a few times. I believe the first time -- and again, when you say "Do you know," remember, we all go to international meetings where there are hundreds, if not thousands, of people that you interact with over the years.

To my recollection, I've heard of Christian Anderson for a while. Christian is a internationally renowned scientist. I believe maybe the first time that I've actually spoken to Christian was on that phone call, but it is possible that without recalling, I ran into him and spoke to him on

other occasions.

Q. Do you know why he brought that concern to you in particular?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: I would imagine since I am, with all due modesty, recognized as one of the top infectious disease people in the country and the director of the major research institution for infectious diseases in the world that Christian and Jeremy I know -- I've known Jeremy for a long time -- that they thought it would be a good idea to give me a call since I'm looked upon, rightly or not, as the top government infectious diseases person, and they felt, I believe -- you'll have to ask them -- but I felt they believed, since I'm generally considered the top government infectious disease person, that it would be appropriate to let me know at the same time as we brought in -- I don't have the list in front of me of the scientists we brought together on the phone call the following day, which was a Saturday -- let me finish because I think it's important -- because the people we brought in, we tried to get a large international group of people together so we could have well representation. As to my recollection,

there were people like Sir Patrick Vallance, who was the chief scientist in England on the phone, among other people.

BY MR. SAUER:

Q. Could I pause for a second?

A. Sure.

Q. This is a deposition. I'm going to ask you questions, and I'm going to ask you to listen to the question --

A. Right.

Q. -- and answer the question that I'm asking --

A. Okay.

Q. -- and not go off on, like, a tangent.

A. Fine.

Q. Can you agree to do that, please?

A. I would be happy to do that.

MR. KIRSCHNER: And, counsel, I would also ask you to let the witness provide proper context where he feels is necessary in response to your questions.

MR. SAUER: Yeah.

BY MR. SAUER:

Q. Let me direct your attention to the first page of Exhibit 6 in front of you. At the bottom of

that page, you see it indicates that on Friday, January 31st, 2020, at 18:47, you wrote an e-mail to Jeremy and Christian saying "this came out today. You may have seen it. If not, it is of interest to the current discussion"; correct?

MR. KIRSCHNER: Objection, Your Honor -- not Your Honor.

THE WITNESS: Well, you're very honorable but go ahead.

MR. KIRSCHNER: I just would like the witness to have an opportunity to familiarize himself with the document.

MR. SAUER: I'm just directing his attention to that spot on the page.

BY MR. SAUER:

Q. Do you see the spot I referred to?

MR. KIRSCHNER: Well, I would like to make sure that the witness is familiar with the document --

BY MR. SAUER:

Q. Right here.

MR. KIRSCHNER: -- prior to answering questions about the document.

BY MR. SAUER:

Q. So I just asked if you see that spot on

the page?

A. Where it says "this just came out today"?

Q. Yeah.

A. Yes.

Q. And is that a reference to the article by Jon Cohen in Science Magazine?

A. You know, I don't recall.

Q. You don't recall sending that message?

A. No, no. I --

MR. KIRSCHNER: Object --

THE WITNESS: No, no. Let me finish.

MR. KIRSCHNER: Go ahead.

THE WITNESS: You're asking me a question. When you say "this just came out today," and on the next page of Exhibit 6, there's an article by Jon Cohen on mining coronavirus genomes for clues in the outbreak, since they are juxtaposed together, I imagine that that's what I sent, but I don't recall specifically that article.

BY MR. SAUER:

Q. Do you know -- do you know why you would have said that article is of interest to the current discussion?

MR. KIRSCHNER: Objection. Assuming evidence not in the record. Mischaracterizes the

testimony.

THE WITNESS: Looking at the title of the article, which is "Mining Genomes for Clues in the Outbreak," you know, I'm not sure exactly why I would have sent it. Imagine is that if they're referring to the genomic makeup of the virus and we were talking about the genomic makeup of SARS-CoV-2 that raised some suspicion on the part of Christian and Jeremy, that's an article in science by Jon Cohen that talks about genomes of virus would be, as it said, might be of interest to the current discussion. I imagine that's what I was referring to.

BY MR. SAUER:

Q. If you look -- staying on Page 1, if you look immediately above your e-mail, do you see the kind of response e-mail from Dr. Anderson?

A. Let me read it.

Yeah.

Q. Okay. And you see in the second paragraph that e-mail --

A. Yeah.

Q. -- where he mentions I should mention that after discussions earlier today, says Dr. Anderson, Eddie, Bob, Mike and myself all find the genome inconsistent with expectations from evolutionary

theory?

A. Right.

Q. Do you know who Eddie is?

A. Eddie Holmes probably.

Q. Do you know who Bob is?

A. Could be Bob Garry. I'm not sure.

Q. And do you know Mike is?

A. I don't, but it could be Mike Laribee. I'm not sure.

Q. Okay. And then immediately above that at -- Dr. Anderson said, "the unusual features of the virus make up a really small part of the genome so one has to look really closely at all of the sequences to see that some of the features potentially look engineered --

A. Right.

Q. -- correct?

A. Yes.

Q. Does that -- is that the sort of concern that he had raised in the call you had earlier that day on Friday, January 31st?

A. The answer is, yes, he was referring to some unusual features, but if I might just take an extra five seconds, it says the unusual features of the virus make up a really small part of the genome

and one has to look really closely, and that was the tone of the discussion.

And just quickly referring to the last sentence in the second paragraph when he was talking about inconsistent with expectations from evolutionary theory, the next sentence says, "but we have to look at this much more closely and there are still further analyses to be done, so those opinions could still change."

Q. Did you think this was an alarming concern that he was raising?

A. I think it was an interesting and important concern, and that was the reason why we all agreed it would be a very good idea to get a larger group of qualified evolutionary virologists to look closely, more than just a quick look, but a look over a period of a couple of days at the virus to see if, in fact, this concern and suspicion was justified or there could be another explanation for it.

Q. Can you stay in that same document, Exhibit 6, and flip ahead to the eighth page of the document that's got a Bates Number 2432 at the bottom?

MR. KIRSCHNER: Counsel, I, again, ask you to allow Dr. Fauci sufficient time to -- actually,

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counsel, this seems to be several documents together. I'm a little confused what's going on with -- with -- with this exhibit.

BY MR. SAUER:

Q. Can you turn to the eighth page of the exhibit, please?

MR. KIRSCHNER: Well, I would like for Dr. Fauci to have an opportunity to familiarize himself with this exhibit prior to answering questions.

MR. SAUER: I just want him to look at the eighth page.

BY MR. SAUER:

Q. Do you see the eighth page?

A. Is that 2421?

Q. 2432.

A. Oh, excuse me, 2432. I'm sorry. This -- the numbers are kind of -- oh, it's going the opposite direction. Sorry. The -- I got 2430 and then it's followed by 2431, and then it's 2421.

MR. KIRSCHNER: I have the same.

THE WITNESS: I'm sorry. I'm confused.

BY MR. SAUER:

Q. Can you go to -- starting at the first page, count eight pages. One, two, three, four,

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five, six, seven, look at the eighth page.

MR. KIRSCHNER: Well, counsel, this seems to be out of order with the Bates stamping, and so I would object to this as being misleading. 2432 is inserted in this document between 2402 and 2426.

MR. SAUER: Off the record, please. Can we go off the record?

THE VIDEOGRAPHER: Time is 9:04 a.m., and we are going off the record.

(Discussion off the record.)

(Recess.)

THE VIDEOGRAPHER: The time is 9:05 a.m., and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, do you see the eighth page of this document?

A. Yeah. If it's the one that says, "Hugh, it's essential that we speak," yeah.

Q. Correct, yeah. And at the top of this page, you sent this e-mail to Hugh Auchincloss?

A. Correct.

Q. Is that how you say his name?

A. That's correct.

Q. You sent this e-mail to Hugh Auchincloss, your principal deputy --

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A. Yes.

Q. Did you send it at 12:29 a.m. on Saturday, February 1st?

A. Yes.

Q. In the "To" e-mail, there's a cc there that's redacted out. Do you know who you CC'd on this e-mail?

A. No. I don't recall.

Q. Would you have CC'd one of your personal e-mail addresses on this?

A. No, I very rarely do that.

Q. Have you ever done that? Have you ever CC'd your personal e-mail on a work-related matter?

A. You know, I don't recall. I doubt that. I doubt that.

Q. Do you see there's an attachment listed on this e-mail? Attachments? Do you see where it says, Shi, et al., Nature Medicine --

A. Yeah.

Q. -- SARS Gain of Function?

A. Right.

Q. Do you know what that attachment was? It's not included on the e-mail.

A. You know, it says, "SARS Baric, Shi, et

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al., Nature Medicine." It could possibly have been -- it could possibly -- again, I don't know for sure, but it's certainly consistent with it being Exhibit No. 4.

Q. And that is the 2015 article?

A. Right.

Q. Coauthored?

A. Right.

Q. In part by Ralph Baric and Shi Zhengli that we talked about earlier?

A. Right.

Q. Do you recall attaching that particular exhibit to this e-mail to Hugh?

A. I can't say that I recall that particular, but it is certainly consistent with that because the attachment title is Baric, Shi, Nature Medicine.

So it certainly is consistent with, and maybe likely that that's what I was referring to. All those things look consistent.

Q. In other words, that Exhibit 4 is a Nature Medicine article; correct?

A. Exhibit 4 is a Nature Medicine article.

Q. And two of the coauthors are Baric and Shi that we talked about earlier?

A. Correct. Yes.

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Q. And then did you describe it as a SARS gain-of-function article?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence.

BY MR. SAUER:

Q. Did you describe it as that?

A. It looks like it was described as that.

Q. Do you know if you were the one who wrote that title describing that article?

A. I don't recall. I'm not sure exactly why those words got in there. It was maybe something that was mentioned by Baric. I don't really recall. That was some time ago.

Q. Do you think that that article, it refers to the gain of function or do you not recall?

A. I don't recall.

Q. Do you know why you attached that article to this e-mail to Hugh, your principal deputy?

A. I don't recall, but I believe -- and again, I would say I don't precisely recall, but there was some recollection or someone told you that, you know, we do fund research in China, particularly surveillance research -- I think you referred to it when you gave me one of the exhibits about the surveillance of what might be out in the

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community among bats. And at my recollection, I brought to Hugh's attention, saying, "We have to speak in the morning, because I want to find out what the scope of what it is that we are funding so I'll know what we're talking about."

And that's what I was referring to when I said you will have tasks today to give me some information because this was the first that I had heard about specifics of what EcoHealth and what other people were doing, and I wanted my staff to say get me up to date. So that's what I meant by you have work to do.

Q. And you said that it was essential that we speak this morning, this a.m.; correct?

A. Right.

Q. And so you wanted him -- and you said keep your cell phone on; correct?

A. Right. Yeah. And the reason is that I know that we were going to have a phone call with the larger group of evolutionary virologists, and this is the first that I had heard of what we may or may not be funding through EcoHealth and others, and I wanted to get a better scope of just what the terrain of what we were doing in collaboration with different scientists, and that's why I asked him that question.

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Q. Did you call Hugh's cell phone that day?

A. I don't recall if I did.

Q. Do you remember talking to him at all that day?

A. I might have, but I don't recall.

Q. Later in the e-mail, you say, "Read this paper, as well as the e-mail that I will forward to you now."

A. Right.

Q. What are the tasks that must be done today?

A. I wanted to be briefed on the scope of what our collaborations were and the kind of work that we were funding in China. I wanted to know what the nature of that work was.

Q. Were you concerned at that time that the work that you had funded in China might have led to the creation of the coronavirus?

A. I wasn't concerned that it might have, but I didn't like the fact that I was completely in the dark about the totality of the work that were being done, and I was going into a phone call with a larger group of established scientists and I wanted to have at my fingertips just what we were and were not doing.

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Q. In the call earlier that evening, had Christian Anderson or Jeremy Farrar raised this 2015 Nature Medicine paper in any way?

A. I don't recall.

Q. How did you think of it? How did this -- why were you, at midnight, a little after midnight, thinking of this particular 2015 article?

A. I don't recall.

Q. Do you remember how this article kind of got on your radar screen at all?

A. I don't recall.

Q. And I think I showed you earlier, the e-mail, I think is Exhibit 5, where it refers to the grant pursuant to that coronavirus from about three days earlier? Do you remember that?

A. I'm sorry. You're going pretty quickly --

Q. Sorry.

THE COURT REPORTER: Also, Counsel, I need you to slow down.

BY MR. SAUER:

Q. Let's move on actually. Your testimony is you do not remember how you became aware at this time of the Shi, Baric Nature Medicine paper; correct?

A. Say that again? At this time, I'm sorry, I'm not getting your question clearly.

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Q. Do you recall how you became aware of this attachment that you've called Baric, Shi, et al., Nature Medicine SARS gain-of-function?

A. I don't recall -- I mean, I became aware of it, but right now, I really don't recall what specific day I became aware of it.

Q. In your e-mail, you tell Hugh, "Read this paper as well as the paper I will forward to you later on."

Can you turn to the next page?

A. Yeah.

Q. And here it's an e-mail just a couple minutes later -- it's literally the same minute that you sent to Hugh at 12:29 a.m. on Saturday, February 1st, 2020; correct?

A. Right.

Q. And here you're forwarding him that same Jon Cohen article that you had sent to Christian Anderson and Farrar?

A. Did I send it to Christian and Farrar? Yeah.

Q. Remember sending it to him and saying to him: This is of interest in the current discussion? This same Jon Cohen e-mail or article?

A. I'm sorry. I'm getting confused with your

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question. So what is the question?

Q. Well, let me ask you this: Looking at this second e-mail to Hugh Auchincloss?

A. Right.

Q. Why did you forward him this particular article?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: Yeah, I actually don't recall why I forwarded it to him.

BY MR. SAUER:

Q. Did you -- you forwarded him two articles, right? The Baric, Shi Nature Medicine article at 12:29 a.m., and then the Jon Cohen Science article as well?

A. Yeah.

Q. Do you know why you did that?

A. I don't recall why I did that. I think I wanted him to be aware because the question that I was really getting at with him is that I want to find out what the scope of what we were doing in China because they obviously called me up and said they had a concern about a virus. I wanted to make sure I knew everything that we were doing there.

Q. Do you remember --

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A. That was the purpose of my e-mail.

Q. Do you remember talking to him about that?

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. If you know?

Do you remember talking to Hugh about that concern?

A. I don't remember, but I think somewhere it says -- I think I said I was going to call you somewhere. I'm not -- I don't recall speaking to him. I -- I recognize the e-mails because, as I said and I'll repeat, I was going to be on a phone call with a large group of people who are very versed in the field, and I didn't want to go into the phone call not knowing the scope of what our relationship was regarding funding of grants in China. I was not familiar with these grants.

Q. Did you ever raise those grants in China in the phone call you had later that day with all the scientists?

A. I don't believe I did. I might have, but I don't believe I did. The discussion -- I was relatively silent in the discussion with the group of about a dozen people. They were all evolutionary

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virologists, and the nature of the discussion was back and forth about the likelihood or not of there being a manipulation.

No, I don't recall bringing this up. In fact, what I did have -- heard in statements from people who were on the call that I was, you know, quite open and let people talk and decide what they wanted to do, but that's not my field, evolutionary virology.

Q. Do you remember saying anything at all on that call?

A. I may have said a few things, but I was relatively silent on that call.

Q. Do you know what they were?

A. What "what" were?

Q. The things that you may have said.

A. No, I don't recall, but I certainly was not one of the people actively engaged in the discussion. I was relatively quiet because I wanted to hear what they had to say.

Q. Can you flip ahead in that document to -- five more pages from that ninth page that we were on -- or six more pages from that ninth page that we were on. There's a document that's Bates Number 2421.

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A. 2421?

Q. Yeah. It's an e-mail from you to --

A. Yes, got it.

Q. -- Lawrence Tabak. Do you have that?

A. Yes.

Q. Who -- who -- who's Lawrence Tabak or Tabak?

A. Lawrence Tabak is the -- at the time was the deputy director of the National Institutes of Health. He is currently the acting director of the National Institutes of Health.

Q. Do you see -- did you forward him the same article at 1:13 in the morning?

MR. KIRSCHNER: Objection. Mischaracterizes the time.

BY MR. SAUER:

Q. Or was that done at a different time?

MR. KIRSCHNER: Just for the clarity of the record, counsel, it says 13:19.

BY MR. SAUER:

Q. Sorry. At 1:19 in the morning?

MR. KIRSCHNER: In the morning or afternoon?

BY MR. SAUER:

Q. Was it in the morning or the afternoon?

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Do you remember?

A. Thirteen is, I believe, the afternoon.

Q. Let me ask you this: Later that day, then --

A. Yeah.

Q. -- on Friday, February 1st, did you forward Lawrence Tabak the same --

A. Yeah.

Q. -- Nature Medicine article that you sent to Hugh?

A. Yeah.

Q. Why?

A. I don't recall why, but likely I wanted to make sure everyone was aware of what the discussions were. Francis Collins, the director at the time of the NIH, was on that phone call in the morning of February 1st.

Q. But that phone call happened in the morning to your recollection?

A. I believe it was in the morning.

Q. Are you sure it wasn't at 2:00 p.m.?

A. I don't recall.

Q. If your official calendar reflects a call with Jeremy Farrar at 2:00 p.m. that day, that Saturday, would you dispute that?

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A. You know, I don't recall when it was. If my calendar says it was at 2:00 p.m., then likely it was at 2:00 p.m. I don't recall.

Q. Was Mr. Tabak on that call?

A. I don't believe so. I know that Francis Collins was. I don't believe that Larry was, but he could have been.

Q. Were you sending it to him so that he could give it to Francis Collins?

A. I don't recall. That is a possibility that I would have done that.

Q. Had you discussed with Francis Collins that day this concern about -- concern -- had you discussed with Francis Collins that day the possibility that NIAID had funded research in China?

A. I don't believe so. I -- I mean, that we funded research in China? Well, everybody knows we fund research in China.

Q. More specifically, had you discussed with Francis Collins that day an issue that you may have -- that NIAID may have funded coronavirus-related research in China?

A. You know, I'm not sure exactly the point you're making.

Q. I'm just asking if you discussed that

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issue with Francis Collins?

A. I don't recall --

Q. Okay.

A. -- to be honest with you.

Q. That's all I'm -- can you turn to the next page? Do you see this e-mail exchange between you and Hugh Auchincloss?

A. Yeah.

Q. Okay. What's the time of this e-mail? 17:51, is that 5:51 in the afternoon where you sent --

A. Yeah.

Q. And then you respond in the e-mail that he sent you at 11:47 a.m. that morning; is that correct?

MR. KIRSCHNER: Counsel, I would ask if you'd give Dr. Fauci a moment to familiarize himself with this document prior to asking questions.

THE WITNESS: Okay. The paper you sent me says the experiments were provided --

^ (Witness reading to himself.)

THE WITNESS: I'm not sure what that means since --

(Witness reading to himself.)

THE REPORTER: And, Dr. Fauci, I need you to speak up.

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THE WITNESS: Okay. I'm reading from an e-mail from Hugh Auchincloss to me at 11:47 a.m. on February 1st, 2020. And --

BY MR. SAUER:

Q. I'm not asking you to read the e-mail. I'm just asking you to --

A. Okay. But she asked me to.

Q. I'm asking you to identify what time that e-mail from Hugh was sent to you.

MR. KIRSCHNER: And, Counsel, I'm asking you to give the witness an opportunity to familiarize himself with this document.

THE WITNESS: And what's what I was reading when you're telling me to read it out loud. So let's get together here.

THE REPORTER: And if you read on the record, I need you to speak up so that I can get it on the record --

THE WITNESS: Okay. I'll keep my mouth shut and read it silently so it's not on the record.

Okay. What's the question, sir?

BY MR. SAUER:

Q. Hugh e-mailed you saying, "The paper you sent me says the experience would perform before the gain-of-function pause that have since been reviewed

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and approved by the NIH."

Do you know what he was referring to when he said that?

A. I don't know exactly, but I'm assuming and I think correctly, apropos of what I've been telling you for the last several minutes, is that I wanted to get a feel of the scope of what we were doing, and I had mentioned to Hugh, I'm sure, "Hugh, I want to know everything that's going on because I want to make sure that I understand all of what our involvement is in funding research in China."

And Hugh's response was he looked at it and he said everything's been reviewed and approved by NIH, and Emily, who is Emily Erbelding, is the director of the Division of Microbiology and Infectious Diseases, and she would have been the one who was closest to the ground in understanding what we were doing in funding China.

And it says, "Emily is sure that no coronavirus work had gone through the P3 framework, which means it did not rise to the level of concern to get the extra approval of P3CO. She will try to determine if we have any distant ties to this work and above -- all of these sentences and statements are compatible with what I mentioned to

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you a couple of times now is that this being the first time I had heard of this, I wanted to be briefed as to the extent of our involvement with funding in China.

Q. Did you raise a specific concern with Hugh about the possibility that the 2015 research paper had been inconsistent with the gain-of-function moratorium that was in place -- put in place in 2014?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: Again, I'm sorry. Did -- did I --

BY MR. SAUER:

Q. Did you raise a specific concern with Hugh that the research reflected in the Baric, Shi Nature Medicine paper may have been inconsistent with the pause on --

A. Right.

Q. -- gain-of-function funding research?

A. That is possible. As I've said, again, very consistent with what I've been saying, I wanted to make sure I had a good feel for the scope of what we were doing regarding research that we fund in China. Since that was not something that was on my radar screen, and I will say so that you understand,

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this is a $120,000 a year grant in a $6.3 billion portfolio. So --

Q. Above that on the e-mail you respond to Hugh, "Okay, stay tuned." Do you see that?

A. Yes.

Q. Stay tuned. Did you have any follow-up communications with him about this?

A. I don't recall.

Q. Do you remember talking to Emily Erbelding about it at all?

A. I don't recall. I don't -- I might have. I don't -- I believe certainly that Hugh did. He said he did on the e-mail. He said, Emily is sure that no coronavirus work has gone through the P3 framework. Whether I specifically spoke to Emily, I don't recall but Hugh certainly did.

Q. And Emily works for NIAID?

A. Emily is the director of the Division of Microbiology and Infectious Diseases at NIAID.

Q. Can you turn the page one page in this document?

A. Yeah.

Q. Do you see in the bottom part of this page, there's an e-mail from Jeremy Farrar dated February 1st, 2020, at 1524?

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A. Yeah.

MR. KIRSCHNER: Again, Counsel, I would ask you to give Dr. Fauci an opportunity to familiarize himself with this document.

MR. SAUER:

Q. You see immediately below that --

A. Yes.

Q. -- where he says, "1st February, 2nd Feb for Eddie"?

Is Eddie Eddie Holmes?

A. I believe it is. He is in Australia.

Q. So he would be a different date than everyone else?

A. Right.

Q. And then he says, "Information and discussion is shared in total confidence and not to be shared until agreement on next steps."

Do you see that?

A. I do.

Q. Do you remember any discussions with Jeremy Farrar about this call being kept in total confidence?

A. I don't recall a discussion about confidentiality or not, but I would imagine that Jeremy -- and again, this is speculation -- I would

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imagine that Jeremy wanted to make sure, when you have something that obviously has a degree of sensitivity to it, that he didn't want people just blathering about it without proper discussion first, and I think that's what he meant, but that's speculation on my part.

Q. Do you remember Jeremy saying anything about that, keeping it in confidence at any time?

A. I don't recall, but it is certainly possible that he said that. It's understandable that he would say that.

Q. Did you ever say anything about keeping in confidence to your recollection?

A. I may have. I don't recall.

THE COURT REPORTER: And Counsel, I would remind you to slow down, please.

BY MR. SAUER:

Q. Can you just turn one page further? Do you see there, the last text on that page, he's got a list of participants on a call?

A. Yes. I see that.

Q. Do you know how these participants were selected?

A. It was predominantly -- to my recollection, it was predominantly Christian and

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Jeremy who made the selection of these people.

Q. Do you have any role in picking who would participate in the call?

A. I don't believe I did. I felt that Francis Collins should be on the call since he's the director of NIH.

Q. And did you loop him in later?

A. I believe I did. I believe I sent him an e-mail or somehow connected him with the pending phone call.

Q. Who's Patrick Vallance at the bottom of the list or valence?

A. Patrick Vallance is Sir Patrick Vallance, who is the chief scientific -- or medical -- I believe it's either one or the other -- I believe it's the chief scientific officer who reports to the prime minister of the United Kingdom.

Q. Is there anyone on this list who's affiliated with government as opposed to being an independent researcher?

A. You know, I don't know because many scientists internationally have an affiliation with a government. But looking at these names, I don't see anybody there on this list that is known to me to be affiliated with any government.

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Q. What is Jeremy Farrar's role?

A. Jeremy, at the time -- and I believe he still is -- is the director or CEO or head -- I'm not sure what the title is -- but he is the chief person at the Wellcome Trust in the United Kingdom.

Q. Does the Wellcome Trust award grants for funding scientific research?

A. Yes, they do.

Q. About how much do they award per year, do you know?

A. I do not know.

Q. Is it a significant amount?

A. I guess so. I don't know for sure. I would imagine it is -- it's a predominant organization in the UK.

MR. KIRSCHNER: Counsel, we've been going for close to an hour and a half. How much longer on this line of questioning?

MR. SAUER: Well, why don't we finish this document. Are you okay?

MR. KIRSCHNER: Well, do you know how much longer with this document?

MR. SAUER: Not long.

MR. KIRSCHNER: Okay.

BY MR. SAUER:

Q. You testified earlier that on this call -- I take it that this call actually occurred, didn't it?

A. The call on Saturday -- I believe it was February 1st -- did occur.

Q. And you testified earlier there was scientific back and forth --

A. Right.

Q. -- among some of the participants?

A. Right.

Q. And they were discussing and debating, you know, whether the virus had originated from a laboratory as opposed to in nature; correct? Do you remember anything that anybody said on the call?

A. No. The only thing I do remember is that there was what appeared to me to be good faith discussion back and forth between people who knew each other, people who had interacted with each other, so they had mutual respect for each other's opinion.

I got that impression in listening and I was in a total listening mode because, as I mentioned, these were evolutionary virologists who were talking about the specifics of what detail made them suspicious that it could have been a

manipulation and the other side would counter and show that this is compatible with a natural evolution and they were going back and forth. The tenure of it ended that we need more time and I believe that in one of the e-mails that you asked me about a little bit ago that they said we need some time to more carefully look at this to see if we can come to a sound conclusion based on further examination of the sequences.

Q. Was there concern expressed in the call that people might, you know, express in the media or social media conspiracy theories or anything like that?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

BY MR. SAUER:

Q. If you recall?

A. You know, I don't -- I don't recall whether that was discussed. I believe there was some concern after that. Just the mention of something being manipulated could create a lot of buzz-buzz and discussion, but I don't really recall anything specifically that was said during the call about this.

Q. Do you remember any discussion of people

having concerns that expressions on social media that the virus was originated in a lab might discredit scientific funding projects?

A. I don't recall anything from that phone call that said that.

Q. How about in this -- in this time period. Is that something you ever discussed with Jeremy Farrar?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: I'm not sure if I discussed it with Jeremy Farrar. I have a vague recollection that there was concern about -- I don't think it had anything to do with social media, but it was a concern of diverting attention from the real task of pursuing what needs to be pursued with this outbreak, for the better good of the public health, a distraction of some sort.

BY MR. SAUER:

Q. So are -- specifically, would the theory that the virus escaped from a lab might be a distraction from the response to the virus's spread?

A. No. I think the general feeling among the participants on the call is that they wanted to get down to the truth and not wild speculation about

things. They are scientists, highly regarded qualified evolutionary virologists, and they make as their mantra always sticking with evidence and sticking with data, and I believe there's always a concern that when you throw speculations in that are not based on data and evidence, that that's a diversion from more proper things that should be done.

I don't think there was any other concern than sticking with the truth and sticking with data, and part of the data would be to carefully look at the virus in a careful measured way and to determine whether or not the initial concern about the molecular makeup upon further examination either validated that concern or made it clear that that concern was somewhat unwarranted, if not completely unwarranted. That was the nature of the discussion.

Q. Was the consensus on the call, I think you said earlier, that they needed more time to investigate this possibility?

A. Right.

Q. And was the plan at the end of the call to take more time to investigate that possibility?

A. The plan was to go and spend more time carefully looking at it. That was the -- the sort of

end conclusion that let's take a closer look at this, and on taking a closer look, perhaps we can, you know, come to a more evidence-and-fact-based conclusion.

Q. Did they -- did they, in fact, do that? Did they take more time and come to an evidence-and-fact-based conclusion to your knowledge?

A. Oh, I believe that a few of -- Christian and a few of the others carefully got together and looked at it and examined the pros and the cons and the ups and downs, and came to the conclusion that their initial concern about the molecular basis of the concern was unwarranted and that what they saw was quite compatible and, in fact, suggestive of a natural evolution.

Q. Did you have any further involvement after the -- in this after the phone call? Like, were you talking -- did you talk to people on this call later or were you included in e-mails about it after that?

A. Well, after that, I believe, at some time later, a group of them -- I don't remember all of them, but Christian was certainly one of them -- put out a preprint, I believe, with that statement that was subsequently followed by a manuscript in which they laid out the molecular basis of why they felt

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this was more likely to be compatible with a natural evolution.

Q. During that time period, did you have any other involvement in this issue? Did you have any other communications related to it with any of these people?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: When you say "involvement," could you be more specific?

BY MR. SAUER:

Q. Well, did you have any -- let me ask you this: Did you have any communications after the Saturday, February 1st, phone call that you just described, from that time period until a preprint was published of their study, did you have any other discussions or communications with any of the people on the call about this issue of the virus?

A. You know, I had not recalled that until, I believe, in questions that were asked in letters that came in from Congress and others that they may have -- and I believe they did -- send Francis Collins and I a preprint of the article that came to the conclusion that the molecular configuration of the virus was clearly compatible

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with a natural occurrence.

Q. Do you recall any communications with Jeremy Farrar after that phone call?

A. You know, I don't. It is certainly possible, but I don't specifically remember any communications with Jeremy about that. But, you know, Jeremy and I know each other reasonably well. I would not be surprised if we did, but I don't specifically recall a communication related to the subject at question.

MR. SAUER: That's my last question on this exhibit. Do you want to take a pause now?

MR. KIRSCHNER: Yeah. If -- if -- it's 9:37, if that works for Dr. Fauci?

THE WITNESS: Yeah, a short -- short break. I'm good.

THE VIDEOGRAPHER: The time is 9:38 a.m., and we're going off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 9:50 a.m., and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, you're being handed Exhibit 7 --

(FAUCI Exhibit No. 7 was marked for

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identification.)
BY MR. SAUER:
Q. -- which is a collection of e-mails that were produced pursuant to FOIA. On the front page here just at the very top, there's an e-mail from you to Jeremy and Christian Anderson; correct?
A. Correct.
Q. And it says, "Jeremy, Collins," and there's a huge redaction of everything you said. "Best regards, Tony." Do you see that?
A. I do.
Q. Do you have any recollection of what you're talking about in this e-mail?
A. No, I don't. I don't recall.
Q. Okay. Flip ahead four page -- to the fourth page. There's an e-mail from Jeremy Farrar to you on January 30th saying, "Tony, perfect timing. Thank you. Great to catch up"; correct?
A. Yeah, the January 30th at 7:13 a.m.?
Q. Right.
A. Yeah. "Tony, perfect timing. Thank you. Great to catch up."
Q. And you responded, "Thanks, Jeremy. Great chatting with you and Patrick. Will stay in close touch" --

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A. Right.

Q. -- correct?

A. Correct.

Q. Do you recall -- and I guess this would be two days before that Saturday conference call we talked about?

A. Yeah.

Q. Did you have a phone call with Patrick Vallance and a Jeremy Farrar on -- on that day?

A. Well, I don't recall it, but it says here in an e-mail from me to Jeremy on January 30th, "Great chatting with you and Patrick." So I assume I did, but I don't recall that -- that --

Q. Do you know why you said, "We'll stay in close touch"?

A. No, I don't recall.

Q. Do you remember what you-all -- you, Jeremy, and Patrick may have said to each other on that phone call?

A. No, I really don't recall that. I mean, obviously it happened because I -- I refer to it in the e-mail, but I don't recall that, no.

Q. Can you -- can you flip ahead? So we're going to go one, two, three, four, five, six, seven,

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eight, nine more pages to a page that has an e-mail from Jeremy to you on February 1st saying "could you join" at the top?

A. Yes.

Q. Correct?

A. I see that.

Q. And is this Jeremy inviting you to the conference call that would happen later that day?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. If you recall?

A. Yeah. It looks that way. I mean, I know we had a conference call on February the 1st, and Jeremy in this e-mail is saying "can you join," and the names on the list are the names that were on the call. So I would imagine it's quite reasonable to assume that this is the invitation to join the call.

Q. Lower -- yeah. Lower down in Jeremy's e-mail close to -- close to the bottom, about four lines up from the bottom, he says, "My preference is to keep this a really tight group."

Do you see that?

A. Yes.

Q. Do you know why that was his preference?

MR. KIRSCHNER: Objection. Speculative.

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THE WITNESS: You know, I don't really know why. I think -- I mean, I -- I could speculate as to why that -- when you have too large a group --

BY MR. SAUER:

Q. To be clear, I'm not asking you to speculate. I'm just asking if you know. For example, did he tell you why he wanted it to be a really tight group --

A. No, he didn't tell me why, but I can -- I can gather why if you're not interested in hearing it --

Q. What do you gather? What do you gather?

THE REPORTER: And please slow down, you guys.

THE WITNESS: Okay. I'll slow down. I said --

BY MR. SAUER:

Q. What do you gather?

A. My knowledge of meetings of this sort is that when you want to get something done and you have a task to do, that if you have a really large group of people -- like, I've been on conference calls where there's 50 people on the call and nothing gets done -- I believe, and I think it's a reasonable assumption, that if you want to have a working group

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to have a serious discussion, you don't want to have a hundred people on the call. You want to make it -- and I think that's -- I think that's what Jeremy was referring to was he said, "I want to make it a tight group."

Q. And then four lines lower he says, "obviously" -- "obviously ask everyone to treat in total confidence"; correct?

A. Yes.

Q. Do you know why it was obvious that it should be treated in total confidence?

MR. KIRSCHNER: Objection. Asked and answered. Also speculative.

BY MR. SAUER:

Q. If you know. Why is that obvious?

A. Well, my speculation is that what Jeremy meant is that when you're dealing with something in which there is a suspicion of something that would have great consequences but there's no real evidence that it is, that you want to make sure that you don't all of a sudden have a lot of people talking about something based on no evidence.

So I think that's what he meant is until we can get together and seriously discuss it, let's not just make it widely disseminated.

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Q. So he didn't like --

A. I believe that's what he said, but I -- I don't know.

Q. Do you know if he wanted Dr. Anderson to not share his concerns about the origins of the virus potentially being from a lab with anyone else?

MR. KIRSCHNER: Objection. Speculative. Vague.

THE WITNESS: No. I believe based on what the purpose of the call was to rather than be at the level of speculation about something that may or may not have been engineered, that we first get a group of highly qualified international evolutionary virologists to discuss it first before people on the outside who have no knowledge of evolutionary virology start wildly speculating about things.

BY MR. SAUER:

Q. Can you flip ahead a few pages so the page you're on -- we're going to go ahead -- one, two, three, four, five and then the sixth page, an e-mail from you -- from Jeremy Farrar to you and Francis Collins.

Do you see that?

A. Are you on the page, the top line says, "From Jeremy Farrar, sent Saturday, 1st of February

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at 13:27"?

MR. KIRSCHNER: I apologize. I'm not on the right page then.

THE WITNESS: You got it.

MR. KIRSCHNER: Yep.

BY MR. SAUER:

Q. Farrar has responded "Excellent" to an e-mail from you where you said "Jeremy, Francis will be on the call. He is trying to phone you."

MR. KIRSCHNER: Counsel, I think we're on two different pages. Dr. Fauci referred to a page with a sub line re: Conference details. And you're referring --

BY MR. SAUER:

Q. Can you turn more pages?

A. Two more forward? Two more forward?

Q. Yeah.

A. Teleconference, re teleconference.

Q. Yeah. And Jeremy responded "Excellent" to your e-mail saying, "Francis, Jeremy will be on the call. He is trying to phone you"?

A. Right.

Q. Correct?

A. Correct.

Q. Do you recall discussing -- talking to

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Francis Collins about getting involved in the conference call?

A. I don't specifically recall, but certainly, it was my intention of making sure that the director of the NIH was on the call. And given what I said in the e-mail at 15:48 to Jeremy, I said, "Francis will be on the call. He's trying to call -- he's trying to phone you."

I mean, obviously that is totally consistent with my having spoken to Francis and saying, "Francis, you should be on a call. Why don't you check with Jeremy to get some feel about what the call is going to be about."

Q. Do you know if they talked to each other?

A. I don't know for sure whether they did.

Q. Can you start with that page you're on and flip ahead a few pages? So one, two, three, four, five, six, seven, eight, nine. And then you're on the tenth page?

A. And what's the top line?

Q. At the top, it should say From Dr. Fauci, Anthony, sent Saturday, February 1, 2020, at 20:30?

A. Yeah. And the subject is teleconference.

Q. Okay?

A. All right.

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Q. And immediately below your e-mail saying, "Yes," there's an e-mail from Jeremy Farrar sent to you, Francis Collins, Patrick Vallance, and Mike Ferguson; correct?

A. Yes.

Q. Who's Mike Ferguson?

A. You know, I should know. I don't know. I've heard that name before, but I don't know who he is. He was one of the -- I believe he was one of the people on the call. Name is familiar, but, you know, I probably should know who he is, but I don't.

Q. Okay. So Jeremy e-mailed to that smaller group of people, "Can I suggest we shut down the call and then redial just for five to ten minutes"; correct?

A. Yes.

Q. And you responded "yes"; correct?

A. Yeah.

Q. Did that happen -- did Jeremy shut down the call?

A. You know, I don't recall.

Q. Do you know why Jeremy was wanting to have the call paused for a minute and floated it only to a small group of participants in the call?

MR. KIRSCHNER: Objection. Speculative.

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THE WITNESS: No, I -- I don't remember -- I don't remember shutting down a call, actually.

BY MR. SAUER:

Q. Do you remember Jeremy talking to you and Dr. Collins during the course of the call?

A. No, I can't recall that.

Q. Can you flip ahead one, two, three, four, five pages?

A. The top is Jeremy Farrar, 2020, 19:09?

Q. Yes. And you see it's the same list of participants, Francis Collins, you, and Patrick Vallance and Mike Ferguson; correct?

MR. KIRSCHNER: I apologize. I'm lost myself on this. What's the top e-mail?

THE WITNESS: The top e-mail is Jeremy Farrar, Saturday, 1st of February, 2020, 19:09.

BY MR. SAUER:

Q. I'm not on that one. Mine is 2013. Can you turn two more pages?

A. Two more forward?

Q. Yeah.

MR. KIRSCHNER: I'd just ask counsel to identify the time when the --

THE WITNESS: Okay. The one that says Jeremy Farrar, teleconference 2013; right?

BY MR. SAUER:

Q. Do you remember if Francis Collins responded to that e-mail about shutting down the conference call?

A. No. I do not recall. I just don't recall anything about shutting down a conference call.

Q. Okay. Can you turn three more pages to an e-mail at 22-06-26?

A. Yeah.

Q. And this is an e-mail chain between you, Jeremy, and Francis Collins; correct?

A. Yes.

Q. Counsel, I would please ask if you can let Dr. Fauci familiarize himself with the document as you're asking questions?

MR. SAUER: If he knows, he can answer the questions. If he wants to familiarize, he can ask for it.

BY MR. SAUER:

Q. If you go down halfway through the page, there's an e-mail from Francis Collins to you and Jeremy; correct?

A. Let me look at it.

Q. Labeled at 2050?

A. Right. Yes, I see that.

Q. It says, "Hi, Jeremy. I can make myself available at any time, 24/7, for the call with Tedros"; correct?

A. Correct.

Q. Do you know who Tedros is?

A. Tedros is the director general of the World Health Organization.

Q. So there was a plan to have a call with the director general of the World Health Organization at this time?

A. Correct.

Q. Do you remember that plan?

A. What I do recall from the discussion on the call was that we needed to notify various relevant people as to the fact that this was being looked into. One of the obvious relevant people would be the director of the World Health Organization.

Q. Do you specifically remember a plan between you, Francis, and Jeremy to contact Dr. Tedros?

MR. KIRSCHNER: Objection. Mischaracterizes evidence and speculative.

THE WITNESS: I know that there was a discussion about contacting Tedros. That

responsibility was not put on me. I believe it was predominantly -- I'm not 100 percent certain, but I think with some degree -- I wouldn't say certainty, but I tend to believe it was Jeremy's responsibility to be the one to contact and reach out to Tedros and explain to him what these deliberations were.

BY MR. SAUER:

Q. I'm going to give you a another document marked Exhibit 8.

(FAUCI Exhibit No. 8 was marked for identification.)

MR. KIRSCHNER: Counsel, do you have copies for us?

BY MR. SAUER:

Q. Do you recall communicating -- before you look at the document, do you recall having any communication with Dr. Tedros about the concerns that were raised in --

A. No. I don't recall having any communications directly, or even indirectly, with Tedros.

Q. Did you have any input on, you know, having the World Health Organization get involved in this issue of any kind?

A. I don't specifically recall. But one of

the theme and the spirit of the discussion on the phone call on February 9th, either before or after or during the phone call, was that it would be important to alert, or let in at least to the discussions, important individuals, including the director general of WHO.

Q. Can you look at this Exhibit 8 that's in front of you, and with this one, can we start at the back starting at the last page can you turn one page forward to the second-to-last page?

MR. KIRSCHNER: Again, as I've objected beforehand, I would please let the witness have an opportunity to familiarize himself with this document prior to asking questions.

THE WITNESS: So I'm looking at something that says "von an" -- this is, I guess, a German "to" and "from."

BY MR. SAUER:

Q. I think so. Are you on the second-to-last page of the document?

A. I think so. The one that has "von," Jeremy Farrar. And "an," Fauci, Vallance, CC: Dorsten, Coopman --

Q. Those are the participants in the call there in the cc line.

A. Right.

Q. Down there, second-to-last paragraph, there's a one-sentence paragraph there that begins there in Jeremy Farrar's e-mail, "I do know there are papers being prepared."

Do you see that?

A. "I know there are papers being prepared. There will be media interest and there already is chat on Twitter and WeChat."

Q. And Twitter and WeChat are social media platforms; correct?

A. Yes, I guess so. I don't know about WeChat, but I know what Twitter is. I don't know.

Q. You don't know what WeChat is?

A. I don't do social media so I'm not familiar with them.

Q. Is that a Chinese-based social media platform?

A. I don't know.

Q. Okay. Do you remember Jeremy raising concerns about the chat on Twitter and WeChat or other social media platforms about the virus's origins?

A. No. I'm not -- this is not ringing a bell with me.

Q. Well, let me ask you this: Did you ever have concerns about what people might be saying on social media about the virus's origin?

MR. KIRSCHNER: Objection. Ambiguous.

THE WITNESS: You know, I'm so dissociated from social media. I don't have a Twitter account. I don't do Facebook. I don't do any of that, so I'm not familiar with that. I've never gotten involved in any of that.

BY MR. SAUER:

Q. Do you know anyone who works for a social media platform?

A. Do I know somebody who works for a social media platform.

Q. Or at this time?

A. Well, I've had communications with Mark Zuckerberg in the past who was -- I've done, I believe, three outward FaceTime discussions encouraging people to get vaccinated.

Q. Do you know anyone else who works for a social media platform other than Mark Zuckerberg?

A. When you say do I know somebody who works?

Q. Like, do you have acquaintances, people that you know, who work at social media platforms?

A. Well, a person who used to work as a

software engineer for Twitter was my daughter.

Q. Oh, your daughter worked for Twitter?

A. She used to, yes.

Q. Did you ever -- when she was working at Twitter, did you ever discuss with her the content of stuff posted on social media platforms?

A. No.

Q. Did you ever discuss with her the origins of the virus or concerns about the origins of the virus?

A. No, she has no interest in that.

Q. Was she -- what was her role in Twitter?

A. I believe she was a software engineer.

Q. Does she still work at Twitter?

A. No.

Q. When did she stop?

A. Over a year ago.

Q. Do you know anyone else who works at a social media platform --

A. No.

Q. -- other than Mark Zuckerberg and your daughter?

THE REPORTER: Please slow down.

THE WITNESS: Do I know anyone else who works at a social media platform? To my knowledge,

no, I think -- I mean, I have done a number of podcasts and interviews on Instagram, but I don't think those people work for a social media platform.

I mean, I've done Instagrams with Steph Curry -- Steph Curry. I don't think he works for a media. He's a basketball player. But he uses his -- his Instagram account to get me to talk with him about encouraging people to get vaccinated.

Q. Can you go back to that exhibit in front of you, Exhibit 8? We're on the second-to-last page. Can you flip forward two pages, and on the top there, there's another e-mail from Jeremy Farrar beginning "My view is completely neutral on this."

Do you see that?

MR. KIRSCHNER: Dr. Fauci, I think it's the page before.

THE WITNESS: This one?

MR. KIRSCHNER: No, I think you jumped too much.

THE WITNESS: I jumped too much?

MR. KIRSCHNER: No, it's this page, I think. Oh, nope. I was wrong. Sorry.

THE WITNESS: I'm sorry. Just hold on for a second. "My view is completely" -- yeah, I got it. I'm on the right page.

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BY MR. SAUER:

Q. And that next line below that, do you see where Jeremy says, "I do know these questions are being asked by politicians citing ^ starting the scientific literature and certainly on social and mainstream media."

Do you see that?

A. Yeah. (Reading to himself.)

Q. Do you see that?

A. Let me finish reading it. One second.

But who's the e-mail to? I'm sorry. Is this --

Q. I'm just curious if you remember Jeremy raising concerns about expressions on social media about the origins of the virus in this time frame?

A. I don't -- I don't recall anything about social media. I think Jeremy -- and I believe he says it really very well here -- that what he was afraid of that people would be speculating and blaming people, blaming the Chinese, and -- and that only will increase tensions and reduce cooperation which is necessary to really continue to pursue what actually happened in order to prepare for and prevent similar things from happening in the future.

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And I think if you look at the e-mail, he says, "A respected body convening a group now to consider the evolutionary origins with an open mind, neutral, and in a transparent way could prevent wild claims being made." I think it was Jeremy trying to be the honest broker and saying let's do this properly.

Q. And he's prepare -- he was concerned about wild claims being made on traditional and social media. Is that how you read it?

A. Well, I guess so. I mean, I -- let me see if he says "social media" here. Like I said, I'm kind of dissociated from social media. I don't -- I don't even know how to access a tweet.

Q. Were you ever concerned about what people would be saying on social media about the origins of the virus?

A. I'm concerned about, you know, there being misinformation or disinformation that would interfere with our trying to save the lives of people throughout the world, which happens when people spread false claims.

Q. Including about the origins of the virus specifically?

A. I mean, I think that there's a lot of

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discussions about the origins of the virus, and we've got to keep an open mind about that.

Q. You mention that you're concerned about misinformation and disinformation about the virus spreading?

A. No, I didn't say that.

Q. Okay.

A. That's not what I said.

Q. What'd you say?

A. I said misinformation and disinformation, and misinformation can be that Bill Gates and I put a chip in the vaccine which prevents people from getting vaccinated and perhaps leads to their losing their lives. That's what I get concerned about as a physician and a scientist, that misinformation and/or disinformation can lead to loss of life, and I'm a physician and that troubles me.

Q. And it troubles you that those kinds of claims are being made on social media in particular?

A. I didn't mention social media.

Q. Does it?

A. I mean, that's part of the way information is disseminated.

Q. Can you take the page that's in front of you, and we're going to turn forward five more pages.

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So we're really on the second page of the document now.

A. Second page. Okay. Moving forward.

Q. On the middle of that page, do you see an e-mail from you on Sunday, 2nd February 2020, at 15:30?

A. "Jeremy, sorry I took so long." Is that it?

Q. That's the one, yeah.

You say here in that second sentence --

A. Right.

Q. -- "Like all of us, I do not know how this evolved"?

A. Right.

Q. Do you see that?

A. Where I say, "And so many people and the threat of further distortions on social media," yeah.

Q. Yeah. Were you concerned about the further distortions on social media --

A. Well --

Q. -- the day after the conference call?

A. I guess I was. I said it here in the e-mail that I was concerned about the further distortions.

Q. What -- what distortions on social media

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were you concerned about? Was that the people expressing --

A. Wild -- wild speculations and accusations, you know, blaming the Chinese and talking about their deliberately or accidentally -- which certainly is a possibility. There was no evidence of that at the time, and that's what I was concerned about. And I think we were all concerned about that because if you put this e-mail juxtaposed against the statement of Jeremy about wanting to have a situation where we get down to the truth and people in good faith trying to figure out what was going on, certainly there are distortions on social media. Social media says I put a chip into the vaccine so that I can monitor people. That's a distortion.

Q. In that same -- in that same e-mail, if you look down there, you go on to say -- immediately after the reference to further distortions on social media, and you say, "It's essential that we move quickly."

Do you see that?

A. Right.

Q. And then "Hopefully we can get the WHO to convene"; correct?

A. Right.

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Q. Do you know what you were talking about there? What were you --

A. I'm talking about getting down to the facts because when the facts come out, that counters distortions wherever that distortion is, speaking here or on social media or in any way, and what I was referring to is that we've got to get WHO to convene an unbiased body of people to try and thoroughly examine the information so we can get to the truth, and when you get to the truth quickly -- and I said, "It is essential that we move quickly."

Q. Did that happen --

A. And when the truth comes quickly, then you can avert and avoid distortions when you don't have the information out.

Q. Did that happen? Was there actually a group convened by the WHO?

A. You know, I'm not sure where that went quite frankly.

Q. Did you have any further involvement in that suggestion?

A. I think we all felt we should get the WHO involved since that's the natural organization when you have something that has international implications.

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Q. If you look in the e-mail above Jeremy's response to you and Francis Collins, it says, "Tedros and Bernard have apparently gone into conclave."

Who is Tedros?

A. Tedros is the director general of the WHO.

Q. And who is Bernard?

A. I don't know his last name. I do know, but I keep forgetting. Bernard, it's a German last name. Bernard is one of the high ranking officials at WHO, I believe, if it's the same Bernard that I'm thinking of. There is a Bernard, and I'm embarrassed that I forgot his last name, but if this is the Bernard who I think it is, it is a close senior associate of Tedros.

Q. What does it mean when they say they have gone into conclave? Does that mean they are unavailable?

MR. KIRSCHNER: Objection. Calls for speculative -- speculation.

THE WITNESS: Yeah. I have no idea where they'd go.^ I -- I would never use a terminology "I'm going into conclave." I wouldn't know what that means.

BY MR. SAUER:

Q. He goes -- Jeremy goes on to say, "They

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need to decide today, in my view."

Do you know what he's -- what he -- what are they supposed to decide that day?

A. I do not know what they were supposed to decide.

Q. Can you -- and then he goes on to say, "If they do prevaricate, I would appreciate a call with you later tonight or tomorrow to think how we might take forward"; correct?

A. Boy, Jeremy must have been having a bad day. He's using words like conclave and prevaricate. I don't even know what he's talking about.

Q. Well, let me ask you this: Was there a discussion of having a follow-up call with you and Jeremy and Francis Collins about what steps you would take if the WHO didn't convene a group to study the virus's origins?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence. Assumes evidence not in the record.

BY MR. SAUER:

Q. Was there any follow-up call between you, Jeremy Farrar, and Francis Collins?

A. I don't think so. I know that my feeling at the time was that Jeremy was going to take the

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bull and run with it regarding getting the WHO involved. And my involvement or input into the WHO I think diminished if not stopped at that time.

So I really would doubt that there was any further communication between me and the WHO about this. This was fundamentally Jeremy's lane, if you want to call it that.

BY MR. SAUER:

Q. Can you turn to the first page of this document? Another e-mail from Jeremy. This one copies you, Dr. Tedros, Francis Collins, and Bernard Shortlander?

A. That's him. Shortlander. We got it.

Q. Down in -- you see a list of bullet points in this e-mail from Jeremy?

A. Yes.

Q. Are -- okay. And about halfway down, there's a bullet point that says, "Gathering interest evidence in the science literature and in mainstream and social media to questions of the origins of the virus."

Do you see that?

A. Yes.

Q. Are you aware of Jeremy discussing with the WHO the concern that there be social media

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discussion of the origins of the virus?

A. I have no recollection or information about Jeremy's discussions with the WHO involving anything including social media. And I see this here in an e-mail, but I -- I really have no additional further information about Jeremy's gathering interest evidence in the science literature regarding the origin, no.

Q. You're being handed another document marked Exhibit 9.

(FAUCI Exhibit No. 9 was marked for identification.)

BY MR. SAUER:

Q. Do you see the second page of this document?

A. Yes.

Q. You've got an e-mail there at the top to Francis Collins and Jeremy Farrar where you say, "Agree. Very thoughtful summary and analysis. We really need to get WHO moving on getting the convening started." Correct?

A. Right.

Q. Why did you say that to Jeremy and Francis Collins?

MR. KIRSCHNER: Objection. Again, I would

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ask that Dr. Fauci have an opportunity to familiarize himself with this document.

THE WITNESS: Well, I'm looking at this e-mail and it says, "Agree, very thoughtful summary and analysis." And I don't recall what that summary and analysis was. I get hundreds, if not thousands, of documents thrown in front of me. I don't recall. So I said, "I agree, very thoughtful summary and analysis." But I don't recall today what that summary and analysis was.

BY MR. SAUER:

Q. Can you look at the page before the first page of the document?

A. Yes.

Q. Here's an e-mail from Eddie Holmes to Jeremy Farrar; correct?

A. Right.

Q. "And here's our summary so far. It will be edited further." Correct?

A. Correct.

Q. Was this a summary of the paper they were drafting as a result of the conference call?

MR. KIRSCHNER: Objection. Calls for speculation.

BY MR. SAUER:

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Q. If you know?

A. I do not know what the summary was for, whether it was a summary of the discussion at the meeting, or whether it was the summary of what the deliberations were following the meeting. I really don't know.

Q. He goes on to say in the next line, "It's fundamental science and completely neutral as written"; correct?

A. That's what he says.

Q. And then he says, "Did not mention other anomalies as this will make us look like loons."

Do you see that?

A. Yeah.

Q. Do you know what he's referring to?

MR. KIRSCHNER: Objection. Calls for speculation.

BY MR. SAUER:

Q. Do you know?

A. I do not know what he is referring to.

Q. Were anomalies in the virus discussed on that call that you participated in on February 1st?

A. You know, I'm not really sure what you mean by the word "anomalies." It could mean a number of things. Unusual observations about the virus.

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I'm not really sure. I really don't understand very well what Eddie was referring to when he wrote this e-mail to Jeremy, so --

Q. Were you e-mailed drafts of a paper that Eddie prepared as a result of that meeting?

A. I was -- Francis and I got -- I believe -- I'm trying to recall accurately, but it's -- I think this is the case. I'm not 100 percent sure -- that we were given copies of a draft of a manuscript at some point that was very fundamentally evolutionary virology, which is not my lane.

So I remember getting a paper looking at it. I don't believe I had any substantive comments on it, just by reading it. Because that's not my lane, evolutionary virology.

Q. Can you look at this next document which we've marked Exhibit 10?

(FAUCI Exhibit No. 10 was marked for identification.)

MR. KIRSCHNER: I wanted to make a standing objection that these documents that are being marked as exhibits are merging a lot of documents together and we have -- I object to the extent that this is mischaracterizing the record by putting documents together that may or may not be

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together, and I just want to say there's been several exhibits along these lines, including Exhibit 10.

BY MR. SAUER:

Q. Can you look at the second page of Exhibit 10, Dr. Fauci?

A. Yeah.

Q. And this is an e-mail chain on Tuesday, February 4th, between you, Francis Collins, and Jeremy Farrar; correct?

A. Yes.

Q. At the bottom of the e-mail of this page, the e-mail from you says, "Question mark, question mark, serial passage in ACE2 transgenic mice."

Do you see that?

MR. KIRSCHNER: Again, I ask that you give Dr. Fauci an opportunity to familiarize himself with this document.

THE WITNESS: Well, I'm not sure -- there's so many different things going on here, I'm not sure what anybody is referring to here.

BY MR. SAUER:

Q. Do you know what you're referring to? Do you remember referring to serial passage in ACE2 transgenic mice in connection with that call?

A. No.

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Q. Do you know what that phrase means?

A. Serial passage means you sequentially passage a virus in mice; right?

Q. In other words, is that another way of having the virus gain function?

A. It's possible. You could decrease function, you could gain function. You could do any of a number of things. And I don't recall or remember why or even to what I was even referring when I said, "Question mark, question mark, serial passage in ACE2 transgenic mice."

I don't recall that at all.

Q. Jeremy responded, "Exactly" and then further up, Francis Collins says, "Surely that wouldn't be done in a BSL-2 lab," question mark.

Do you see that?

A. Right.

Q. Do you know why Francis Collins raised that issue?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: I don't know why he did it because I don't know the context in which he's talking. I would imagine if Francis is saying if you're going to do in vivo studies with a virus that

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might have some danger to it, that you would want to do it in a higher level of containment, but I don't -- I have to say I don't know what they're talking about on these e-mails, and it doesn't ring a bell with me at all.

BY MR. SAUER:

Q. Do you know whether that the -- whether the research that was done by Peter Daszak and Shi Zhengli in the Wuhan Institute of Virology was done at a BSL-2 safety level?

A. When you're dealing with pseudo viruses and in vitro things, it is generally done in a BSL-2.

Q. So is serial passage in ACE2 transgenic mice generally done at BSL-2?

A. Well, it depends. Each different country, I believe, has their own level of restrictions about where -- at what level of restriction a particular experiment is done, in general.

And again, I'm hesitant to go there because that's not my area of expertise. But in general, when you're dealing with the situation where you need to take extra precautions in an in vivo experiment, that you would do it in a BSL-3. But again, having said that, I am not sure of what the connection between these different e-mails are

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referring to.

Q. Above that, it says, "Wild West" and that's from the e-mail from Jeremy in response to Francis; correct?

A. Right.

Q. Did Jeremy have an understanding that -- to do the kind of research being referred to --

A. Right.

Q. -- at BSL-2 --

A. Right. Yeah.

Q. -- safety conditions would be the Wild West?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: I actually don't know what Jeremy is referring to when he says, "Wild West."

BY MR. SAUER:

Q. Did you have concerns about performing gain-of-function research on viruses in BSL-2 conditions?

MR. KIRSCHNER: Objection. Ambiguous.

THE WITNESS: No. You're a using the term gain-of-function which as I mentioned earlier in the discussion has such a broad range of interpretation that you would have to specifically tell me what

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experiment you're referring to.
BY MR. SAUER:
Q. How about the experiment set forth in, I think it was Exhibit 2, the 2015 Shi and Baric paper, would those experiments be the sort to -- would be --
A. Yeah.
Q. -- appropriate to perform at BSL-2 functions -- sorry -- BSL-2 conditions?
A. I have not familiarized myself with that paper. I don't know if I ever even read it carefully. It would take me probably an hour to read through the paper to make a determination of what particular level of function -- not function, level of restriction it would be.
So I don't think I could answer that question right now.
Q. I'm handing you an Exhibit 11. Do you see that?
A. I don't have anything in front of me yet.
MR. KIRSCHNER: Counsel, could I have a copy?
MR. SAUER: Yeah.
(Dr. Fauci Exhibit No. 11 was marked for identification.)

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BY MR. SAUER:

Q. Can you turn to the second page of this document? And is this an e-mail on February 7th of 2020 from Jeremy to you and Francis Collins with the subject line "revised draft"?

A. Yeah.

Q. And it says, "Attachment: Summary, Feb 7 PDF"; right?

A. Right.

Q. Is this -- did Jeremy send you a draft of -- a paper that Eddie Holmes was working on that arose from the February 1st conference call?

A. You know, I don't recall. I believe -- and, again, this is vague -- that a draft of a summary of something was sent to me. My recollection is I really didn't have any meaningful comments on it because it is, again, if I -- if it is a draft of what it might have been, it would be involved in a lot of complicated evolutionary virology that is not my lane.

Q. Turn to the next page, the actual attachment. Do you see where it says "overview" at the very top?

A. Yes.

MR. KIRSCHNER: Counsel, you say this is

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the actual attachment. I wanted to point out that is your characterization of it. There's nothing indicating that it is necessarily the --

MR. SAUER: This is produced by NIH in response to FOIA requests --

MR. KIRSCHNER: I -- I understand, but -- but there's -- I'm not saying -- I'm just saying for the record, it's not clear.

BY MR. SAUER:

Q. Under overview, do you see the third sentence that's bolded beginning "Analysis of the virus"?

A. Yes.

Q. That bolded sentence says, "Analysis of the virus genome sequences clearly demonstrates that the virus is not a laboratory construct or experimentally manipulated virus"; correct?

A. Correct.

Q. Was that a conclusion that you and Jeremy and Francis Collins discussed in this time frame?

A. As I mentioned before, I don't find -- I am not qualified since I am not an evolutionary virologist to make any kind of definitive determination about whether a genome could or could

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not be a laboratory construct or experimentally manipulative.

I have relied, as anyone would, with highly qualified, respected evolutionary virologists to come to that conclusion or not.

Q. Were you involved in the response to the various FOIA requests for your e-mails from NIAID and NIH?

A. I'm -- I don't understand what you mean was I involved in them. I don't -- a FOIA request does not come to me, and I look through my e-mails and give the e-mails that they ask for. We have a system at the NIH where FOIA requests come in and a different component of the institutes tap into the e-mails and provide the e-mails that are requested. I don't decide which e-mails go and don't go.

Q. Do you approve redactions to them?

A. I never redact -- I don't redact things.

Q. So you don't have any involvement in deciding what gets redacted and what doesn't?

A. I have no involvement in what gets redacted. It gets redacted at multiple levels beyond my -- beyond me.

Q. I'm handing you Exhibit 12.

(FAUCI Exhibit No. 12 was marked for

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identification.)
BY MR. SAUER:
Q. If you look at the first page of this document?
A. Yes.
Q. And that's an e-mail, again, chain on February 4th between Jeremy Farrar, you, and Francis Collins; right?
A. Yes, I see that.
Q. And the attachment is called "Summary.DOCX"; right?
A. Right.
Q. And he says, "Please treat in confidence. A very rough first draft from Eddie and team. They will send on an edited, cleaner version later today"; correct?
A. Correct.
Q. So you testified earlier that the consensus of the call on September 1st was that they needed to take more time to consider the arguments back and forth; correct?
A. It wasn't September.
Q. I'm sorry. January.
A. Yes.
Q. Okay. And then by February 4th, the

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following Tuesday after that Saturday call, you had received a rough first draft of a -- a paper to be published as a result -- or to be authored --

A. Right.

Q. -- as a result of that; correct?

A. It says, "Please treat confidence. A very rough draft." So it looks like they did send it to me. Right.

Q. And do you remember getting that draft?

A. I don't recall specifically getting it, but as I mentioned, if I did, I wouldn't have much input into it since it's a draft, I'm sure, that involves very complicated evolutionary virology of which I'm not an expert.

Q. And in the -- Jeremy had forwarded to you lower down on that page the same e-mail we looked at a moment ago where Eddie Holmes says, "Did not mention other anomalies as this will make us look like the^ "?

A. Right.

Q. Do you recall reviewing this draft?

A. I might have looked at it, but I certainly didn't make any meaningful comments since this is outside of my lane of expertise.

Q. If you can turn to the next page -- or

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actually stay on that page for a minute.

Jeremy says, "Pushing WHO again today" there in the top -- near the top of the page.

Do you see where that is?

A. I'm sorry. Top of the first page?

Q. Yeah.

A. And what are you referring to?

Q. Second paragraph of Jeremy's e-mail at the top of the page to you and Francis Collins. It says, "Pushing WHO again today"; correct?

A. Yes.

Q. Were you involved in any communications with the WHO at that time to try to get them to act on this project?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: To my recollection, I didn't have direct involvement with the WHO, not to my recollection.

BY MR. SAUER:

Q. Next page, second page of this document is another e-mail from you we've seen before, right, where you say we really need to get --

A. Right.

Q. -- WHO moving?

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A. Right.

Q. Does this jog your memory at all? Do you remember being involved in trying to get the WHO to act?

A. The context of this exchange and the theme of the discussion, although I, myself, did not directly get involved in interactions with WHO on this, was that we all felt that given the convening power and the status of WHO, that we wanted to get them involved because we wanted to make sure that this was an open and transparent discussion that involved international global health authority.

So it is perfectly consistent and compatible that I would say we really need to get WHO moving on getting the convening involved because we wanted an open convening so that evidence and data could be openly discussed. That was the theme of everything that was going on at the time.

Q. Can you turn ahead to the second-to-last page of this document?

A. Yes.

Q. And this is an e-mail on Tuesday, February 4th, from Jeremy to you and Francis Collins with an attachment called "Summary.PDF"; right?

A. Correct.

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Q. And this says -- it just says "tidied up"; correct?

A. Yes.

Q. Did he send you a second draft that same day the 4th that was, quote, tidied up?

A. I don't recall.

Q. You don't know if he sent you a second draft? Does this e-mail jog your recollection?

A. The e-mail does very little to jog my recollection. Again, I had very little input or even interpretation of the -- the -- the information because it was in an area that is not my area of expertise. I don't know what he means by tidied up. Usually --

Q. Can you turn to the next -- I'm not asking you about that. Can you turn to the next page --

MR. KIRSCHNER: Counsel, please don't interrupt -- please don't interrupt the witness. Just he's --

BY MR. SAUER:

Q. I'm going to ask you to listen to questions that I'm asking --

A. I'm listening.

Q. -- and answer the question that I'm asking without going on long tangents. Can you do that,

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please?

MR. KIRSCHNER: I --

THE WITNESS: I'd be happy to. I don't think I'm going on long tangents, but I'm trying to put things --

BY MR. SAUER:

Q. Well, can you turn --

A. -- into appropriate context.

Q. Can you turn to the next page of the document?

A. Yes.

Q. This is the last page. This is a February 5th e-mail from Jeremy to you and Francis; correct?

A. It says, "Tony and Francis, the revised draft from Eddie copied here."

Q. And so he sent you a third draft on February 5th?

A. Right.

Q. Two drafts on the 4th and a third draft on the 5th; correct?

A. I'm not keeping up with the different ones. So I can't say "correct" because you're going really fast.

Q. And you recall from the prior exhibit that

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there was another draft that was sent to you on February 7th; correct?

A. It appears that there were a couple of drafts that were sent back and forth.

Q. And those were -- when you say "a couple," it's about four so far; correct?

A. I can't say. At least a couple. I don't know exactly how many.

Q. Were you aware during the same time frame that Peter Daszak was organizing a statement for The Lancet --

MR. KIRSCHNER: Objection.

BY MR. SAUER:

Q. -- about the origins of the virus?

MR. KIRSCHNER: Objection. Speculative, also vague.

THE WITNESS: I don't recall.

BY MR. SAUER:

Q. Are you aware that a -- a letter was published in The Lancet in February of 2020 organized by Peter Daszak?

A. You know, I really don't recall this. Again, getting to my statement about context, you're talking about a period of time when thousands of things come across my desk. So I don't -- I don't

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recall anything specific about something that Peter Daszak may or may not have written for Lancet.

If I saw it, perhaps, not guaranteed, it might jog my memory, but I don't recall that right now.

Q. I'm handing you Exhibit 13.

(FAUCI Exhibit No. 13 was marked for identification.)

MR. KIRSCHNER: May I ask the witness if he needs a break or if he's okay.

THE WITNESS: I'm okay.

BY MR. SAUER:

Q. Can you turn to the third page of this document?

A. Third page.

Q. And the top half of this page there's a e-mail from Jeremy to -- that begins "Francis and Tony"; correct? Do you see that e-mail?

A. I'm reading it. Yeah.

Q. In that third bullet point in his e-mail, his e-mail is talking about contact with WHO again; correct?

A. Correct.

Q. There's been a number of e-mails. We talked about that already; correct?

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A. Yeah.

Q. Third bullet point in his e-mail, he says, "We can have a call this week with the core group of that to frame the work of the group including if you could join."

A. Right.

Q. And I take it he's inviting you and Francis Collins to join a call to discuss framing the work of the WHO convened group?

A. Right.

Q. Is that right?

A. Right.

Q. Did you have that call?

A. I don't recall. Like I said before, this was mostly a Jeremy-led thing, and I don't recall having a call with WHO. It's possible that we did, but I don't recall.

Q. Two bullet points down, it says, "With names to be put forward into the group from us, and pressure on this group from your and our teams next week." Correct?

A. That's what it says.

Q. First half of that line, it talks about, "Names put forward into the group from us." Did you put forward names for this group for the WHO, or do

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you recall doing that?

A. I think, if you go back -- and when you say "recall," I recall because the first page of the cluster of e-mails that you just sent me is an e-mail from Jeremy to me and Francis saying, "Thank you. Pardis is great, respected by everyone."

He's referring to Pardis Sabeti. And as the e-mail jogs my memory, I believe I made the suggestion that if you want to have another expert on coronavirus evolution for the working group that I assume is the group in the second bullet of the e-mail from Jeremy to Francis and I, where it says, "They have asked for names to sit on that group. Please do send any names," and I believe that in response -- not I believe.

It looks clearly obvious that in response to that e-mail request from Jeremy, I said, "I left out an important name for the group, Pardis Sabeti at the Broad Institute of MIT and Harvard."

And Jeremy writes back, "Thank you. Pardis is great. Respected by everyone."

Q. And you had provided -- top half of the second page of the document, you had provided the list to Jeremy --

A. Right.

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Q. -- of people to include in the WHO's work?

A. Correct.

Q. How did you come up with these names? Did you talk to anyone before proposing them to Jeremy?

A. I don't believe I did. I just -- I may have. I just -- I don't recall. It's likely because these are people, some of whom I know well and I probably asked around my institute for other people who are fluent in molecular virology.

Q. How about Joseph DeRisi, third name on the list, at the Chan Zuckerberg Biohub. What's the Chan Zuckerberg Biohub?

A. I haven't referred it as Biohub, but the Chan Zuckerberg has supported research institutions at the University of California at San Francisco. That might be what he's referring to, because --

Q. This is he -- this is you; right? This is your e-mail?

A. Yeah. But again -- these are names that were given, I believed, even though the e-mail is from me to Jeremy, several of these names, I almost certainly got by asking members of my institute, such as people in the division of microbiology and infectious diseases for some names of people who might actually be able to be contributory to the

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working group.

Let me give you some examples so you can be clarified. Harold Varmus I know very well. Former Nobel Prize winner and former director of the NIH.

Q. I'm really not asking you to go through the whole list. I just want to focus on --

A. Well, I want to put it into a context.

Q. I'm going to ask you to listen to the question that I'm asking and answer that question.

This is an extremely long answer that is absolutely nonresponsive. I just asked you about Joseph DeRisi. Did you originate that name?

MR. KIRSCHNER: I will say before Dr. Fauci responds, if he has to provide proper context, he provides proper context. You can ask your question, and then Dr. Fauci will provide his response.

THE WITNESS: Yeah, it's very important to me to provide the context because there are certain names on this list that I don't even recognize.

BY MR. SAUER:

Q. How about Joseph DeRisi?

A. I don't recognize that name. It was almost certainly given to me by someone in my

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institute. And the reason --

Q. How about the name -- the name below?

A. I'm sorry. I got to finish.

Q. Go ahead.

A. This is context, sir.

I don't recognize Joseph DeRisi. I may have heard of him. I know Harold Varmus well. I know Dan Gannon well. I don't know Eugene Koonin well.

So the point that I'm putting into context is that it is highly likely that these names were given to me in part by others.

So you're asking about Joseph DeRisi, and Joseph DeRisi's name does not ring a bell.

Q. How about Pardis Sabeti on the page before?

A. Pardis Sabeti does. She's a well-known virologist.

Q. Did you talk to her before you sent her e-mail to Jeremy for inclusion in the WHO group?

A. Unlikely that I pulled Pardis. I likely just know her well enough that I would have put her name in. But perhaps I did call her. But unlikely that I did. She's such a well-known figure in molecular virology that it is not unusual for me to

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say, "Of course include Pardis Sabeti."

Q. How about Don Gannon?

A. Don Gannon is well-known person.

Q. Did you talk to him before you put his name on this list to Jeremy?

A. I don't believe I did. I don't believe I spoke to anyone on this list. I just pulled the names out. Some of which I knew, like Varmus and Nabel, and some of which were very likely given to me by my staff.

Q. Turn back to the third page of the document, Jeremy's e-mail to you and Francis. In the third bullet point we talked about earlier, it talks about having a call to, quote, frame the work of the group.

Do you know what he was referring to when he was asking you -- or he wanted to frame the work of the group?

A. I can't say exactly that I know what he means by frame the work of the group, but in experience in dealing with a number of working groups, when you frame the work of the group, you usually start off by saying, "What is the theme and what is the question we're asking? Let's frame the discussion. What's the issue at hand?"

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Q. Do you recall any discussions about wanting to the frame the work of the WHO group?

A. I don't recall anything about framing it, but --

Q. Two bullet points lower down, you see there's a bullet point about the WHO, Jeremy says he -- refers to pressure on this group from your and our teams next week.

Do you know what pressure he's referring to?

A. I don't.

MR. KIRSCHNER: Objection. Mischaracterizes the record.

THE WITNESS: I don't know what Jeremy is referring to when he says pressure on this group.

BY MR. SAUER:

Q. Do you recall any discussion of having anybody pressure the WHO in its work related to this origins of the virus investigation?

A. I don't have any inkling at all of pressuring them. The one thing that's clear from the e-mails and my recollection is that everyone wanted the WHO to get involved because of their convening power and their credibility. We all wanted to make this an open discussion, and the WHO was the most

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appropriate forum for an open discussion.

So I don't think a belief had anything to do with pressuring the WHO to do anything, merely to get them to meet.

You're sniffling. You sure you don't have a cold.

Q. Exhibit 14?

(FAUCI Exhibit No. 14 was marked for identification.)

MR. KIRSCHNER: Counsel, can I have copies?

BY MR. SAUER:

Q. Can you -- during this same time frame we've been talking about, was there also a discussion of having the WHO sponsor a trip to China to investigate the virus?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: You know, I don't recall. You're asking, Mr. Sauer, about during this discussion, was there discussion about WHO going to China.

Well, I know now, memory-wise, that WHO did send a group to China.

BY MR. SAUER:

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Q. Did that group include Cliff Lane of your staff?

A. Let me answer the question. The question: Did I know about it then? And I'm saying right now, I don't recall, at this particular time, whether they were talking about a group going to China.

I do know that they wanted to put together a WHO group and they may have and they likely did ask HHS, who asked NIH, who would be a good person to go to China to see -- you know, to get some information about what exactly evolved in China.

Q. Did you make a recommendation about who would be a good person to go to China around February 2020?

A. I believe I recommended Dr. Clifford Lane. I recommended or it was obvious because he's a very well-known, competent person. So it is highly likely that I recommended him. Though I don't specifically remember, it would be very compatible with the process that I would recommend him.

Q. Do you remember why you were sent an e-mail that says, "WHO advance team on way to China, Tedros tweet"?

A. No idea.

Q. You believe you may have recommended Cliff

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Lane for that -- for that trip, but you don't know for sure?

A. It's highly likely I would recommend him if anyone asked me who would go on an international trip. Dr. Lane has extensive experience in dealing at the international level with a number of countries, including the work he did in Africa with Ebola and in Southeast Asia. So he's a very experienced person at the international level.

It's entirely likely, if not very likely, that I would have recommended him.

Q. Did he actually attend that trip?

A. Yes, he did.

Q. During February of 2020 in the kind of month we've been talking about, did you make any public statements about the origins of the virus?

A. That's a very broad question. I don't recall if I did.

Q. Okay. Well, did you have any -- did you have any contact with Peter Daszak or conversations with him about the origins of the virus?

A. I don't recall. I may have, but I don't recall.

Q. You testified earlier that you don't really know Peter Daszak; is that right?

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A. I don't know him very well at all.

Q. Have you ever done a joint podcast with him?

A. You know, that was brought -- it was interesting. I think someone recently -- I don't know when whether it was our discussion or not. I don't remember -- brought up that I did do some sort of an interview with him, but if it had not been brought to my attention, I would not have remembered it. I've done several hundred podcasts, maybe -- several hundred podcasts.

(FAUCI Exhibit No. 15 was marked for identification.)

BY MR. SAUER:

Q. I'm handing you Exhibit 15.

Does this document jog your memory of doing a podcast with Newt Gingrich and Peter Daszak on February 9th, 2020?

A. Well, there's an advertisement that said that I'm Newt Gingrich's guest. If you had not put this in front of me, I likely would not have remembered it. Like I said, I've done at least several hundred podcasts over the last couple of years.

Q. Do you remember this one in particular now

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that you see this? Do you remember doing this podcast?

A. I don't -- I don't remember it specifically, but since the e-mail indicates that the podcast occurred, I don't even say I vaguely remember that podcast. Like I said, I've done many podcasts.

Q. At the top you say, "Definitely for the director's page." What are you referring to? What's the director's page?

A. Whenever we do a media thing or a podcast or a paper that comes out that the people who are interested in the goings on of the National Institute of Allergy and Infectious Diseases, we sometimes put it on the director's page, which is the link when you go to NIH.gov and then NIAID.gov, you get the director's page, and on that are various links for people to access things that we may have done.

Q. I'm handing you a document that's marked Exhibit 16.

(FAUCI Exhibit No. 16 was marked for identification.)

BY MR. SAUER:

Q. And this is an informal transcription of some of your remarks in that podcast.

Do you see at the top there it says --

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there's a timestamp, 18:48, Newt. Do you see that?

A. Yes.

Q. And it quotes Newt Gingrich as saying, "I don't know if you had access to enough information from the Chinese, but as you know, there is sort of an urban legend that there is a biological warfare center in Wuhan and that the coronavirus escaped from that. Do you have any sense where it probably came from"; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Is that what it says?

A. You just read it correctly, yes.

Q. And then the transcript reports you as responding at 19:06: "Well, I think ultimately we know that these things come from an animal reservoir. I heard these conspiracy theories and like all conspiracy theories, Newt, they're just conspiracy theories."

Do you see that?

A. Yes, I do.

Q. Do you recall making that comment on Newt Gingrich's podcast?

MR. KIRSCHNER: Objection. Lack of

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foundation.

THE WITNESS: I don't recall making it, but if this is a correct transcript, then it's clear that I made that statement, but I don't recall making that statement.

BY MR. SAUER:

Q. Do you recall thinking on February 9th, 2020, that it was, quote -- or that we know these things come from an animal reservoir?

A. The background of saying that we know things come from an animal reservoir because the history of the evolution of new microbes from an animal reservoir to a human is very clear. I could give you a number of examples, but one in particular to save time is that SARS-CoV-1, very similar circumstances to SARS-CoV-2, was for a while not knowing what it evolved, but it became clear that it went from a bat to a civet cat to a human. So very, very similar --

Q. Can I direct your attention to another ^ page, if I may?

A. Yeah.

Q. At 34:30 Newt says -- you see halfway down, second bullet point?

MR. KIRSCHNER: Counsel, I would ask for

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you not to interrupt the witness.

MR. SAUER: He was giving a completely nonresponsive answer. I'm just asking --

THE WITNESS: No, actually I was -- I was responding to the issue of what you mean by coming from an animal reservoir, and what I was saying is that my statement that things -- and I'll quote the exact words -- "these things come from an animal reservoir," and the context of that is, is ample historical experience that these things overwhelmingly come from an animal reservoir. I was putting it into context.

BY MR. SAUER:

Q. Thank you for that.

Can I direct your attention now to the second bullet point beginning 34:30?

Do you see that?

A. Yes. Yeah.

Q. Where Newt says, the coronavirus probably came from one of the flea markets, although there was a secondary rumor that there is a biological weapons laboratory in Wuhan --

THE REPORTER: I'm sorry, Counsel. Can you slow down?

BY MR. SAUER:

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Q. There is a secondary rumor that there is a biological weapons laboratory in Wuhan and it may have come from there. Is it your sense that it's almost certain that it came from an animal to human transition -- transmission. Do you see that?

A. I do.

Q. And then the transcript quotes Daszak saying, "All the evidence says that is what happened"; is that right?

MR. KIRSCHNER: Objection. Lack of foundation. Speculative.

THE WITNESS: That's what it says. It says, Daszak, quote, "All the evidence say that is what happened."

BY MR. SAUER:

Q. Do you recall Daszak saying that?

MR. KIRSCHNER: Again, objection. Lack of foundation.

THE WITNESS: I don't recall hardly anything about this interview since, as I mentioned, I give hundreds of podcasts. So I cannot say that I recall Daszak making that statement, though, if this transcript is correct, it appears that he has made the statement.

BY MR. SAUER:

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Q. Does this jog your recollection of having any communications with Daszak about the origins of the virus in February of 2020?

Do you remember any such communication?

A. I told you before that I did not remember any direct conversations with him about the origin, and I said I very well might have had conversations, but I don't specifically remember conversations. If you are implying, understandably, that being on a podcast with Dr. Daszak in which the origins were discussed, if that constitutes a discussion with him about it, I guess I had a discussion, but at the time you asked the question, I did not recall having a discussion with him about the origins.

Q. How about Dr. Ralph Baric? We talked about him earlier. Did you say you knew him or not?

A. I know of him. I wouldn't say I know him. I'm not sure. I may have met him at a meeting or not. I certainly know who he is. He's a well-established scientist. I cannot say for certain if I've ever met him.

Q. Okay. Did you ever -- so you don't recall ever having a one-on-one meeting with him of any kind?

A. I don't recall. It's possible. I have

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meetings with hundreds, if not thousands, of scientists over the years that I've been at this position.

Q. I'm handing you Exhibit 17.

MR. KIRSCHNER: Counsel, I would like to take a break soon. Are we kind of finishing up a line of questioning or --

MR. SAUER: Yeah, we can do that after the exhibit, if that's what you want.

MR. KIRSCHNER: Okay. Can I have the exhibit myself?

(FAUCI Exhibit No. 17 was marked for identification.)

THE WITNESS: So is this 17?

MR. SAUER: Yeah.

THE WITNESS: Thank you.

BY MR. SAUER:

Q. Do you see this exhibit is a page from your official Outlook calendar dated February 11th, 2020?

A. Right.

Q. And then if you look at 2:30 p.m. in the afternoon that day, there's a meeting marked that says, "Hold meeting with Dr. Ralph Baric."

Do you see that?

Return To: Complete

A. I do.

Q. And indicated on it is that the invitation came from Emily -- sorry -- Emily Erbelding; correct?

A. Correct.

Q. Was that -- did that meeting occur? Did you and Emily have a meeting with Dr. Ralph Baric on February 11th, 2020?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: You know, I don't recall the meeting, but it's on my calendar. And as I mentioned a moment ago, I might have had a meeting with him. I don't recall.

Getting into context, it says 7A-18, which is our conference room. If one goes back and looks, I have literally hundreds of meetings in 7A-18 with scientists who we fund, who we don't fund, who come in and visit the NIH.

BY MR. SAUER:

Q. What did you discuss in this meeting, if you remember?

A. I don't recall the discussion that we had at 2:30 on February the 11th, 2020. I just don't recall it.

MR. SAUER: We can take a break there, if you want?

THE WITNESS: Sure.

THE VIDEOGRAPHER: Okay. Stand by. The time is 11:09 a.m., and we're going off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 11:21 a.m., and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, I want to circle back to something you said a little while ago before I forget. You said that misinformation and disinformation can lead to loss of life; correct?

A. Right.

Q. And I think that was in the context of talking about the misinformation and disinformation on social media, among other things; is that correct?

A. However it's disseminated, it can lead to loss of life.

Q. Is it your view that misinformation and disinformation on social media can lead to loss of life?

THE WITNESS: What's the matter?

THE COURT REPORTER: Nothing.

THE WITNESS: You're shaking your head.

THE COURT REPORTER: I need counsel to slow down.

BY MR. SAUER:

Q. Is it your view that misinformation and disinformation on social media can lead to loss of life?

A. I think in any situation where egregious misinformation such as some of the ones I referred to before, such as information that would discourage people from getting vaccinated, that in my mind, would be a way that life that could otherwise have been saved would be lost, if people were persuaded not to pursue a life-saving intervention.

Q. Do you think that there should be steps taken to curb the spread of misinformation and disinformation?

A. You know, that's not my area. I'm very well aware of the concept of freedom of speech. The area of the curtailment of that is something that is not in my area of the expertise. Those are legal and other things. And I really don't have any opinion on that.

Q. Have you ever contacted a social media company and asked them to remove misinformation from one of their platforms?

A. No, I have not.

Q. Is that something you ever discussed with

Mark Zuckerberg?

A. To my knowledge, we have not -- my discussions with Mark Zuckerberg were very clearly directed at getting me on some Facebook podcast to encourage people to get vaccinated. That was the extent of our conversations.

Q. Has anyone on your staff, you know, at NIAID, ever reached out to a social media platform to ask them to take content down or to block content in any way?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: To my knowledge, no. But again, I don't know everything that goes on, but certainly nothing that I was made aware of that they were doing.

BY MR. SAUER:

Q. Let me give you Exhibit 18.

(FAUCI Exhibit No. 18 was marked for identification.)

BY MR. SAUER:

Q. Do you see this short e-mail from Ian Lipkin dated February 11th, 2020?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: To whom was the e-mail

written to?
BY MR. SAUER:
Q. Do you know if you were copied on this e-mail?
A. Well, let me read it first, and then I'll see.
Is this an e-mail from Ian to me?
Q. That's my question. Do you know if this is an e-mail from Ian to you?
A. You know, I can't say for sure. I mean, again, just in the spirit of the context that I've been trying to establish here, I average a couple of thousand e-mails a day. So this could have been --
Q. Do you have any recollection of this one?
A. I don't have a recollection of it. It's entirely possible that Ian wrote this to me. Ian communicates with me -- I wouldn't say a lot, but enough to recognize an e-mail when -- and I will send it, I'll read it, but I don't recognize this particular e-mail.
Q. Can I direct your attention to the last sentence where Ian says, "Given the scale of the bat CO research pursued there -- that is to say at the institute in Wuhan -- and the site of the emergence of the first human cases, we have a nightmare of

circumstantial evidence to assess."

Do you see that?

A. I do.

Q. Do you know what he is talking about?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. If you know.

A. I am not certain of what he's referring to. I could surmise what he is referring to is that -- and I think it has to do with circumstantial evidence, is that whenever you have a situation when research is being done and you might have an outbreak, then there will be always people who immediately jump on and say, "Well, this could have had to do with the research."

Q. Did you think it was a nightmare of circumstantial evidence, these factors he's referring to, given that there's a lot of bat coronavirus research pursued at the Institute in Wuhan, and that the first human cases emerged in Wuhan, you view that as a nightmare of circumstantial evidence?

MR. KIRSCHNER: Objection. Vague. Ambiguous. Compound.

THE WITNESS: I don't -- at least that's not my style to think in terms of circumstantial

evidence. I think anyone who is involved in the field knows that when there's an outbreak, there's always a concern of how did it happen? What happened?

And when you have an element that there is a research institution involved, there is always speculation that it has something to do with research institution. I mean, we have been in situations where people questioned what's going on up in Frederick, Maryland, even though there's nothing going on in Frederick, Maryland, to my knowledge, that is of any concern that people always refer to as "Oh, there's that kind of research going on."

BY MR. SAUER:

Q. Would it be a nightmare if it turned out that, in fact, that the virus had escaped -- accidentally escaped from a lab in Wuhan?

A. You know, again, you're use the word "nightmare," you know, kind of a -- a sort of a vague thing that means different things to different people.

Q. How would you describe it?

A. I mean if -- and I have to emphasize "if," and I believe the evidence weighs much more toward a natural occurrence, even though you always keep an

open mind as to what the origin and etiology is, certainly if that happened, then the purpose of knowing that is try and make sure, looking forward, that those things don't happen again. The purpose of trying to determine the origin of an outbreak is to see what you can do, looking forward, to prevent it from happening again and it goes both ways. If it's a factual occurrence, then you want to make sure that you get good animal human surveillance.

Q. How about it was not a natural occurrence on the hypothetical, and it, in fact, escaped from the lab and in fact that the research that had created the virus was partly funded by NIAID, would that be a nightmare scenario? Can you pick a word that would describe the scenario to your knowledge?

A. Well, I'm going to go to context because you're asking a question that I think needs to be explained. If you look at the molecular makeup of SARS-CoV-2 and you look at the viruses that were studied under the auspices and funding of the subaward to the Wuhan Institute, those bat viruses evaluated by anyone with even a reasonable acquaintance with evolutionary virology would tell you that given those viruses that they worked on, reported on, and published on was so far removed from

SARS-CoV-2, that it would be molecularly impossible, even if people tried to manipulate them to become SARS-CoV-2 they wouldn't become SARS-CoV-2.

So the idea of conflating research that's funded by NIH to look at in a surveillance way the bat viruses that were circulating in that area, you can talk to any unbiased molecular virologist and you can say that the evolutionary difference between those viruses and SARS-CoV-2 would make it essentially impossible to have this turn into this.

And what happens, is when you talked about laboratory leaks and the things you're referring to here, people inappropriately conflate that with research funded by the NIH. And it's apples and oranges.

Could something have, quote, leaked out of a Chinese lab? I have always kept an open mind that that is possible. Could it have happened by the experiments that were done and reported that were funded by the NIH? Getting back to what I said a moment ago, molecularly, that could not have happened.

Q. What about experiments that were done but weren't reported. For example, are you aware that a whole large number of genomic sequences were pulled

down in September of 2019 from the Wuhan Institute of Virology's website? Are you aware of that? It's a yes or no question.

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: Tell me what you're referring to.

BY MR. SAUER:

Q. Well, are you aware that genomic sequences of viruses were removed from publicly available databases in September of 2019 at the Wuhan Institute of Virology?

A. I am aware of that context. Those sequences were also, even though they were removed from a bank that has nothing do with my institute, those sequences were published in the literature.

So it isn't as if they were unknown.

Q. Let me ask you this. Actually, let me give you another exhibit.

(FAUCI Exhibit No. 19 was marked for identification.)

BY MR. SAUER:

Q. I'm handing you Exhibit 20.

MR. KIRSCHNER: Twenty or 19?

MR. SAUER: You're right. It's 19.

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BY MR. SAUER:

Q. Do you recognize this as the preprint version of the proximal origin of SARS-CoV-2 dated February 17th of 2020?

A. Yeah, this looks like the preprint that antedated the full papers that were published in the peer-reviewed literature. This is a preprint.

Q. Did you review the preprint when it came out? Did anyone send it to you? Do you know?

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. Do you know?

A. Again, I -- a lot of things get sent to me. I -- it likely is that they probably sent a copy of this to Dr. Collins and I, though I don't specifically recall it.

Q. Do you know if you reviewed it when the preprint came out?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: It -- it depends. I think I answered that question before, did I not?

BY MR. SAUER:

Q. I'm just asking you again. I don't

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remember what you said.

A. Well, let me try and remember and make sure that it's both true and consistent, that it is likely that this was sent to me. When you say review a paper, review means different things to different people.

Did I look through it? Yes. Did I fully understand the molecular virology of it? Unlikely, because I'm not an evolutionary virologist. Did I make any substantive comments on it? Unlikely, because that would not be my position since I'm not an evolutionary virologist.

Q. Now, you have been copied on four drafts of this paper prior to this on February 4th, 5th, and 7th; correct?

A. Correct.

Q. Those drafts were sent to you by Jeremy Farrar as written up by Eddie Holmes? Do you recall that?

A. I'm not sure it was written up by Eddie Holmes, but it was sent from me, I believe. You showed me an -- you showed me a lot of e-mails and papers before. I don't have an exact recollection of the name of the person who sent it versus the one who was referred to, but the names of

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Eddie Holmes and Jeremy Farrar are certainly associated with the paper.

Q. And, in fact, if you look at the author line, there's five authors associated with it; correct?

A. Yes.

Q. And all of those people are on that February 1st call at 2:00 p.m. organized by Jeremy Farrar; correct?

A. I believe so. I -- yeah, I believe so, but I'm not a hundred percent sure. Was he and Lipkin on the call? He might have been. I know that the others very likely were on the call.

Q. Is that Ian Lipkin who one week -- or six days earlier had sent an e-mail saying that we have a nightmare of circumstantial evidence to address?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Is that the same human?

A. Well, Ian Lipkin is Ian Lipkin. There aren't a lot of Ian Lipkins that I know.

Q. Can you turn to the second page of the document? Second paragraph, last sentence, it says, "Importantly, this analysis provides evidence that

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SARS-CoV-2 is not a laboratory ^ construct nor a purposely manipulated virus"; correct?

A. Correct.

Q. Did you have any discussions with any of these authors about that conclusion?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: I don't recall whether I had a discussion with the authors about that last statement. When I looked at the paper for things that you understand are clear sentences like that and not necessarily things like Figure 1, which go into the mutations and contact residues, et cetera. So I am certain that having looked at it, I was aware of what their conclusion was. I don't recall discussing specifically that conclusion with them.

BY MR. SAUER:

Q. How about with Francis Collins? Did you discuss it with him?

A. It's possible. I mean, Francis and I know each other very well. He's the director of NIH. I would not be surprised if I had in the discussion a mention of and perhaps discussion of the conclusion of that paper.

Q. How about with Jeremy Farrar? Did you

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have any discussions with him about the conclusion?

A. I don't recall. I would not be surprised if I did, but I don't specifically recall. It would be much more likely that I had a conversation of that type with Dr. Collins, possibly with Dr. Farrar, but I don't know for sure.

Q. I'm handing you Exhibit 20.

(FAUCI Exhibit No. 20 was marked for identification.)

BY MR. SAUER:

Q. Do you see this article from the NIH record entitled "NIAID's Lane Discusses WHO COVID-19 Mission to China"?

A. And what's the question, sir? I'm sorry.

Q. I'm just saying do you see this?

A. Yes, I do see it.

Q. Okay. And then if you look at the first paragraph, it's talking about Dr. Cliff Lane, which is the patient in that WHO mission we talked about earlier; correct?

A. Correct.

Q. Could you turn to the fifth page of the document, bottom paragraph? There's a quote from Mr. Lane. Do you see that?

MR. KIRSCHNER: Objection. I would ask

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that Dr. Fauci have an -- an opportunity to familiarize himself with this document.

MR. SAUER: I'm just asking if he sees that -- that quote on the bottom of Page 5.

THE WITNESS: Is it the last paragraph?

BY MR. SAUER:

Q. Yeah, beginning "The Chinese were managing"?

A. Yes.

Q. And Mr. Lane, after returning from the trip, said the Chinese were managing this in a very structured, organized way; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Is that what it says?

A. That's what the sentence says on this report on Page 5. That's what the NIH record -- report says, yes.

Q. And the quote goes on to quote Mr. Lane as saying, "When we got there, the outbreak was already coming under control in China. The measures they put in place appear to be working. I think that they felt there were lessons learned they wanted to share with the rest of the world"; correct?

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A. Correct.

Q. Did you discuss Mr. Lane's experience on the trip with him when he got back from the WHO trip?

A. The answer is I did, and it relates really a lot to what -- the sentence -- what he said. Dr. Lane was very impressed about how from a clinical public health standpoint, the Chinese were handling the isolation, the contact tracing, the building of facilities to take care of people, and that's what I believed he meant when he said were managing this in a very structured, organized way.

Q. And he goes on in that last sentence on that page to say, "From what I saw in China, we may have to go to as extreme a degree of social distancing to help bring our outbreak under control"; correct?

A. Correct.

Q. So he drew the conclusion that there might have to be extreme, in his word, measures to mandate social distancing to bring the outbreak under control; correct?

A. That's what this is implying, yes.

Q. Did he discuss that with you when he came back from the trip?

A. He might have. I don't recall the exact

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sentence, but he did discuss with me that the Chinese had a very organized way of trying to contain the spread in Wuhan and elsewhere. He didn't get a chance to go to Wuhan, but he was in Beijing, and I believe other cities -- at least Beijing -- and he mentioned that they had a very organized, well-regimented way of handling the outbreak.

Q. And so he had a kind of positive reaction to that. There might be lessons to be learned for the United States in its response to the outbreak; correct?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

BY MR. SAUER:

Q. Correct?

A. I believe Dr. Lane came to the conclusion that when you have a widespread respiratory disease that a very common and effective way to curtail the rapid spread of the disease is by implementing social distancing measures.

Q. Did you agree with that conclusion when you discussed it with him when he came back?

A. I wasn't there and I didn't see it, but Dr. Lane is a very astute clinician, and I have every reason to believe that his evaluation of the

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situation was accurate and correct.

Q. Do you know if he communicated with Chinese officials when he was on that trip?

A. I don't know for sure whether he communicated with Chinese officials on the trip.

Q. So you -- would you know the identities of any Chinese officials he may have communicated with?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I don't recall discussions about -- he may have. Again, this was a few years ago. He may have had discussions with them. I -- I don't know if he did or not.

BY MR. SAUER:

Q. I'm going to give you another exhibit, 21.

(FAUCI Exhibit No. 21 was marked for identification.)

BY MR. SAUER:

Q. Just real briefly, you see this is an e-mail from Cliff Lane dated 22nd February 2020; correct?

A. Correct.

Q. And in the first line of the e-mail he said, "China has demonstrated this infection can be controlled, albeit at great cost"; correct?

A. Right.

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Q. In your discussions with him, did he discuss controlling the infection at great cost?

A. Again, I don't recall the precise nature of the conversation that I had with Dr. Lane, but I believe what he was referring to is that you have to -- that you can control it, and by great cost, I believe he was referring to extreme methods.

And the Chinese, indeed, went to extreme methods to do that.

Q. And those extreme methods include very aggressive lockdowns, for example --

A. Yeah, but the lockdowns were the types of lockdowns that were really quite extreme. They would essentially lock people in their homes, which was extreme to do that.

Q. Did you come to believe that extreme measures would be required to control the spread of the virus?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: When you're talking about the virus here in the United States?

BY MR. SAUER:

Q. Correct.

A. It was my opinion that social distancing

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would be very important when you have a respiratory virus that is spreading widely through a community causing an extraordinary amount of suffering and death. Getting to context, I refer specifically that early on in the epidemic when New York got hit very badly, there were freezer and cooler trucks that were loaded with dead bodies from the hospital. That is an unprecedented extreme issue that we all felt strongly, those of us involved in the discussions and the public health recommendations, that social distancing was imperative so that our hospitals would not be overrun, and that we would be in a situation where we would have to almost triage the decision of who would live and who would die.

When you get to that extreme, social distancing, even by somewhat difficult means, is warranted to save lives.

Q. Did you think that social distancing -- I'm talking about this time frame of around February of 2020 -- did you think that social distancing would have to include only high-risk individuals or would it apply to society as a whole?

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: When you're -- when you're dealing with a respiratory illness that has the

potential to kill a lot of people -- we've lost over one million people in this country -- in order to have an effective interruption, which would almost certainly be on a temporary basis, but to interrupt this enormous explosion of infections that we were seeing, you would have to involve essentially the entire community.

BY MR. SAUER:

Q. Let me hand you Exhibit 22.

(FAUCI Exhibit No. 22 was marked for identification.)

BY MR. SAUER:

Q. And this is an e-mail chain involving you, Christian Anderson, Jeremy Farrar, and Francis Collins; right?

A. Yeah.

Q. And then it also includes the other authors of that "Proximal Origins of COVID-19" paper that we looked at earlier in the preprint version?

A. Yeah.

Q. If you look at that, just a little way down the March 6th, 2020 4:23 p.m. e-mail from Anderson. Do you see that?

A. Right.

Q. He says, "Dear Jeremy, Tony and Francis,

Thank you again for your advice and leadership as we've been working through the SARS-CoV-2 origin paper; correct?

A. Correct.

Q. And Jeremy is Jeremy Farrar; correct?

A. Correct.

Q. Tony is you?

A. Yeah.

Q. And Francis is Francis Collins, right?

A. Correct.

Q. And what advice and leadership did you provide, if any, on the preparation of that paper?

A. Very little.

Q. So you don't know what he's talking about when he says thank you?

A. No. I think that Jeremy is being courteous, as he is wont to be. I mean "advice" could be -- and "leadership" could be we really got to get information out. Thank you for the effort you've put into it. Advice and leadership, to my recollection, had very little to do with substantive input into the paper.

Q. And that second --

A. And we did not have substantive input into the paper.

Q. And below that, it says, "Please let me know if you have any comments, suggestions or questions about the paper or the press release"; correct?

A. Correct.

Q. So he invited you to have comments on the paper because we're still waiting for proofs?

A. Right.

Q. So there was still time to make changes to it; correct?

A. Yeah. And there were no -- to my recollection, any substantive input into the paper.

Q. Do you recall making comments on it at any time --

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. Do you?

A. I don't recall making any substantive comments on the paper. I may have made a comment that "nice job," which is very courteous, but doesn't mean that I had a substantive input into the paper. I did not.

(FAUCI Exhibit No. 23 was marked for identification.)

BY MR. SAUER:

Q. Exhibit 23. The first stage -- page of this document is an e-mail from you to Mark Zuckerberg; correct?

A. Yeah. The reason I'm smiling, you're jumping around here, but that's okay. We're good. Fake left. All right. Let's go.

Q. Is an e-mail to you from Mark Zuckerberg; correct?

A. Correct.

Q. The top one is dated February 27, 2020.

A. Right.

Q. And he writes to you, "Tony, I was glad to hear your statement about the COVID-19 vaccine," and so forth.

A. Right.

Q. Were you already on a first-name basis with Mark Zuckerberg on February 27?

A. You know, a lot of people call me Tony who have never even met me before.

Q. Had you met him before this e-mail was sent?

A. I don't recall what the first time I met Mark Zuckerberg. I actually don't think -- maybe not. Again, context, I meet thousands of people.

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I'm not sure I've ever met him in person. I've been on Zooms and Facebook things with him, but it could not be at all unusual -- it happens every day -- that people who have never met me refer to me as Tony. I'm a rather informal person.

Q. Do you have relationships with researchers at the Chan Zuckerberg Institute?

A. If the Chan Zuckerberg Institute that you're referring to is the San Francisco General Hospital.

Q. The one you described earlier.

A. Yeah because remember -- yeah, that's the thing, Mr. Sauer. I'm not really clear on -- I'm not really quite sure what Bio Club is. I do know that Chan Zuckerberg supports the San Francisco General Hospital. And I know Chan Zuckerberg in the context of the University of California, San Francisco General Hospital.

Q. And do you have relationships with researchers at that hospital?

MR. KIRSCHNER: Objection. Vague and ambiguous.

BY MR. SAUER:

Q. If I could finish the question.

A. Again, I'm not sure what you mean by

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relationship. I know, to varying degrees of familiarity ranging from knowing who they are to being able to recognize them at a meeting and say hello, to knowing them over the years in our interactions in the medical and scientific community, but the answer to your question is: I can't pull out people. I mean, I know researchers who are at the San Francisco General Hospital, for sure. I've dealt -- our institute deals with them regularly.

Q. Do you remember the first time you met Mark Zuckerberg?

A. I don't remember specifically, but I believe it was on a Zoom call. I don't believe I've ever physically -- I may have. Could be. I don't know for sure, but I don't think I've physically interacted with him. I believe I have seen him on multiple times that we've interacted on Facebook Zoom-type podcasts.

Q. Did any of those Zooms predate the outbreak of COVID-19?

A. I don't think so. I mean, I don't -- I've heard of Mark Zuckerberg -- obviously, he's a famous person, but I don't recall -- again, I could have run into him prior to the outbreak, but I don't specifically recall running into Mark Zuckerberg

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before. It's possible.

Q. Can you turn to the third page of this document? There's another e-mail from Mark Zuckerberg dated March 15th of 2020.

Do you see that?

MR. KIRSCHNER: The page before.

THE WITNESS: The one in the middle of the page?

MR. KIRSCHNER: No, I think it's --

BY MR. SAUER:

Q. Third page of the document?

A. Third page of the document, yes.

MR. KIRSCHNER: Again, I would ask for Dr. Fauci to have an opportunity to familiarize himself with this e-mail prior to asking any questions.

BY MR. SAUER:

Q. I just want to ask a quick question about the paragraph that begins, "I'm also doing a series of live-streamed Q and As."

Do you see that?

A. Yeah. I see it. Just let me read it. Yeah.

Q. Did you, in fact, do a live stream Q and A with Mark Zuckerberg as he invited you to do in

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this one -- in this paragraph?

A. I believe I did. I did a three -- I think three is correct. Three live stream Facebook-type Q and As where he would ask me important questions -- you know, why is it important to be careful with, you know, public health measures. Tell us the truth. Now, what is the virus? What do you mean? How does it spread? Things like that.

Q. Next paragraph down, "Finally, we have allocated technical resources and millions of dollars of free ad credits for the U.S. Government to use for PSAs to get its message out over the platform"?

A. That's what he says, right.

Q. And the platform refers to Facebook, I guess?

A. I guess so.

Q. Did you accept that offer that Facebook would donate millions of dollars of free ad credit?

A. No, I don't have the authority to accept outside money like that. It would have to go through a different channel. And I don't believe -- though I'm not 100 percent certain -- I don't believe that there was any money that was given from the Zuckerberg to the United States government to do PSAs. It's possible, but it certainly didn't happen

to my knowledge. I don't recall money being given for PSAs. I recall the offer to help get information out, but I don't recall -- again, could have happened, possible. But I don't recall.

Q. Exhibit 24 --

MR. KIRSCHNER: Counsel, before we go to Exhibit 24, I've noticed on this exhibit it looks like a phone number that I want to make sure is redacted before it becomes a public record. It looks like a personal cell phone for Mark Zuckerberg.

MR. SAUER: This is a document as we received it from the government.

MR. KIRSCHNER: And it's marked confidential.

MR. SAUER: We have no objection to that.

BY MR. SAUER:

Q. And Exhibit 24?

(FAUCI Exhibit No. 24 was marked for identification.)

BY MR. SAUER:

Q. Is this the actual published version of the "Proximal Origin of SARS-CoV-2"?

A. I don't have anything in front of me.

Q. Oh, sorry. Is this the published version of the "Proximal Origin of SARS-CoV-2" that was

published online on March 17th of 2020.

MR. KIRSCHNER: Objection. Mischaracterizes the evidence. Just to make the record clear, you're saying March 17th.

MR. SAUER: If you look at the last page in the far right column, at the very top, it says, "Published online 17 March, 2020." Do you see that?

MR. KIRSCHNER: Okay. I see that. Thank you.

THE WITNESS: This appears to be the Nature Medicine -- it says Nature Medicine, Volume 27, April 2020, on the bottom of the paper so I would imagine this is the original, published, peer-reviewed article that appeared in Nature Medicine.

BY MR. SAUER:

Q. So this is the published version of the one that Dr. Anderson had sent you the preprint version of a few days earlier; correct?

A. Well, I can't say exactly that it is. I do know that it would be standard to have a preprint usually in Med Archive. And it had the same title, the "Proximate Origin of SARS-CoV-2," and the authors appear to be the same, so I would make a reasonable assumption that Exhibit 24 is the peer-reviewed

version of the preprint that you showed me before.

Q. And the first page, second paragraph?

A. Yes.

Q. Last sentence. "Our analyses clearly show that SARS-CoV-2 is not a laboratory construct or a purposely manipulated virus;" correct?

A. That's what it says.

Q. Did you have any input in formulating that conclusion between the time you got the preprint version from Dr. Anderson on March 8 and then the publication online on March 17?

A. Mm-hmm.^ this is a conclusion of the authors. I'm not really sure of what you're saying did I have any input. I don't recall conversation that we had -- and as I mentioned before, my input into the formulation of this was minimal, if at all. I remember reading through it.

And I'm not quite sure what you mean that I have substantial input into the conclusion. That conclusion was based on the analysis by the authors of this paper.

Q. Did you have any communications at all about that -- about -- any communications at all about that conclusion in that time frame from March 8th to March 17th?

A. Conversations with whom?

Q. With anybody.

A. You know, I don't recall specific conversations, but we read the preprint and, therefore, we knew what the conclusion was, and I'm sure that that conclusion was discussed. So I would not be surprised at all following the initial preprint that I discussed the conclusion of these authors that this is not a laboratory construct or a purposely manipulated virus.

I wouldn't be surprised if I did discuss this with people since it already was out in public knowledge in the preprint. So the question, did I discuss this between the preprint and now? I would not be surprised if I did.

Q. Do you know anyone you discussed it with? Do you remember?

A. I can't specifically remember anyone I discussed it with, but, as I said, given the fact that it was out in the preprint literature, it is likely, and I'm not surprised if I did, discuss it. It was being discussed widely.

Q. I'm handing you Exhibit 26.

MR. KIRSCHNER: I think we're on 25.

MR. SAUER: Oh, sorry. That was it.

Twenty-five.

(FAUCI Exhibit No. 25 was marked for identification.)

BY MR. SAUER:

Q. Is this a copy of a blog that Francis Collins, the NIH director, published on March 26th, 2020?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. Is that what appears to be on the cover?

A. The cover states it was a NIH director's blog posted on March 26th, 2020, by Dr. Francis Collins. So I have no reason to believe that that's not what actually occurred. That this blog was put up on his director's page.

Q. Can you look at the second page of the document, the beginning of the blog?

A. Yes.

Q. You see where Director Collins says, "Some folks are even making outrageous claims that the new coronavirus causing the pandemic was engineered in a lab"?

A. I'm sorry. Where -- we are -- where are we?

Q. Second page.

A. This here?

Q. First full paragraph.

MR. KIRSCHNER: Again, I would ask for Dr. Fauci to have an opportunity to familiarize himself with this document.

THE WITNESS: Yeah. Let me read that paragraph, please.

Yes. I've read the paragraph. What's the question?

BY MR. SAUER:

Q. You see where it says, "Some folks are even making outrageous claims that the new coronavirus causing the pandemic was engineered in a lab"?

A. Yes, I see that.

Q. And he goes on to say, "A new study debunks such claims by providing scientific evidence that this novel coronavirus arose naturally"; correct?

A. Correct.

Q. In the immediate following paragraph, he describes that as reassuring findings and refers to the Nature Medicine article we just looked at; right?

A. Correct.

Q. Were you aware that Francis Collins was publishing a blog addressing the Nature Medicine article "Proximal Origins of COVID-19"?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Were you aware?

A. Was I aware that he was preparing it? I don't think so. I might have been, but I doubt it. Someone likely would have brought this to my attention. I don't recall reading this. I don't read every NIH director's blog. It is conceivable, maybe likely, that I did read it, but I was not -- to my knowledge -- maybe he mentioned something to me that I forgot that he was going to write a blog, but it doesn't ring a bell in my mind that he was planning to write a blog. But, you know, Francis writes a lot. I wouldn't be surprised if he mentioned he was going to do a blog, but this does not ring a bell. It's clear that he did it and if he did it, I likely saw it.

Q. You don't recall discussing it with him beforehand in any way before he published it?

A. You know, again, I might have discussed it with him, but I don't recall specifically discussing

it with him.

Q. I'm handing you Exhibit 26. Was there -- were you aware of media coverage of the article when it came out?

MR. KIRSCHNER: Can you please wait until Dr. Fauci has the exhibit in front of him? Also I only have one person -- okay. What exhibit number is this?

MR. SAUER: Twenty-six.

MR. KIRSCHNER: I apologize, Mr. Sauer, but can you -- once Dr. Fauci has the exhibit, can you restate the question?

THE WITNESS: So this is -- I have two things here.

MR. KIRSCHNER: Oh, I have one copy.

THE WITNESS: So this is --

(FAUCI Exhibit No. 26 was marked for identification.)

BY MR. SAUER:

Q. Do you see this ABC News article designated at the top of the page entitled "Sorry, conspiracy theorists. Study concludes COVID-19 is not a laboratory construct."

Do you see that?

A. I see it, yes.

Q. And then it -- it's dated March 27th, 2020, the day after the NIH director's blog that we just looked at; correct?

A. Correct.

Q. Did you communicate with the media about the Nature Medicine article when it came out at all?

A. You know, I don't recall communicating with the media about that. I might have, but I don't specifically recall communicating with the media about it.

Q. Do you know if Dr. Collins communicated with the media about it?

A. I don't know if he did.

Q. Do you know if anyone in the NIAID staff, the staff that you oversee, communicated with the media about it?

A. I don't recall if they did or did not. They might have, but I don't recall.

Q. Did Dr. Collins ever contact you about the Nature Medicine article after this -- his March 26th blog?

MR. KIRSCHNER: Objection. Vague. Ambiguous. Lack of foundation.

THE WITNESS: You're asking if he contacted me about the Nature Medicine article. I

don't remember a specific contact, but since it's a published article, I wouldn't be surprised if somehow or other Dr. Collins commented to me about it or I commented to him about it. But I don't specifically recall any significant discussion. Again, we might have. That would not be surprising to me.

BY MR. SAUER:

Q. I'm handing -- we're handing you Exhibit 26.

(FAUCI Exhibit No. 27 was marked for identification.)

THE WITNESS: I have Exhibit 26. You're talking about 27.

BY MR. SAUER:

Q. Sorry. Twenty-seven. You're right.

A. Francis Collins to me, CC.

Q. Do you recognize this e-mail?

MR. KIRSCHNER: Objection --

THE WITNESS: I have to read it.

MR. KIRSCHNER: -- I would ask for Dr. Fauci to have an opportunity --

THE WITNESS: I have to read it.

MR. KIRSCHNER: -- to familiarize himself with the document.

THE WITNESS: Yes, I've read it.

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BY MR. SAUER:

Q. Do you recall getting this e-mail from Dr. Collins on April 14th, 2020 at 5:02 p.m.?

A. Again, I'm very sorry, but you're talking about e-mails several years ago. I don't recall specifically this e-mail. You're putting an e-mail in front of me that's from Francis to me, and I'm reading what it says. I don't recall seeing this, but I know that Francis clearly was concerned that there'd be misinformation out and he wanted -- and that's why he asked: "Any more we can do as the national academy to weigh in?"

Q. In particular in the first paragraph there he says to you, "Wondering if there is something NIH can do to help us put down this very destructive conspiracy with what seems to be growing momentum"; correct?

A. Right.

Q. Have you ever described the lab leak theory of the origins of COVID as a very destructive conspiracy to you?

A. Specifically, to me -- I mean, it's here in this e-mail, but I just think that my little bit of a hyperbole on his part about, you know, using words like destructive conspiracy, I think Francis

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felt -- and you'll have to ask Francis about that -- but I believe he felt that the data -- and you go to the third paragraph in that e-mail -- he said, "I hoped that the Nature Medicine article on the genomic sequence would settle this."

So what I believe Francis was saying that the scientific data strongly point to a natural occurrence, and there's a lot of, you know, discussion by some that this is clearly a deliberate development of a virus that could harm people, and Francis in the e-mail appears to be disturbed saying, the scientific data shown in Nature Medicine we hoped would settle this, and that's why he's concerned.

The words that he used, I don't recall him using those words in public -- in person to person to me, but he clearly used those words in this e-mail.

Q. You said a few things there. To understand what Dr. Collins meant when he sent this e-mail and the various other e-mails, you said you really have to ask Dr. Collins about that?

A. Yeah.

Q. Is that fair to say?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence and also --

THE WITNESS: No, I mean, you're asking me

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about something he said, and I think the natural thing is why don't you ask the guy who said it?

BY MR. SAUER:

Q. Fair enough. And then if you look there to the link, he's got a link there to a Bret Baier report that's entitled "Sources increasingly confident coronavirus outbreak started in a Wuhan lab"; correct?

A. I'm sorry. What -- is this the --

Q. First page?

A. I can't read it.

Q. Yeah, directly.

A. I can't see Bret Baier. I can't read the rest of it.

Q. Well, let me ask you this: Dr. Collins, at the end of it says, "Anything more we can do? Ask the National Academy to weigh in?" Correct?

A. Right.

Q. So he's asking you if there is anything more that you and he and Cliff Lane and the others copied can do to try to put this destructive conspiracy, in his words, to rest; correct?

A. I think if you look at -- I mean, I'm not sure exactly. I don't recall this e-mail, so I'm not sure what he was implying. But reading it now, I

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concentrate on the next-to-last paragraph, what he said.

"I had hoped the Nature Medicine article on the genomic sequence would settle this, but it probably didn't get much visibility." And it is conceivable that what he is saying is that this is a scientific, peer-reviewed article. It's not surmising. It's not extrapolation. It's just a peer-reviewed scientific article that he feels didn't get a proper amount of visibility.

And in the next sentence, he says, "How can we get it to get more visibility? Perhaps ask the National Academy to weigh in and review the evidence to give the evidence more visibility. I think this is typical Francis, who's is a very solid scientist, wanting to stick with the scientific data as opposed to discussions of hypotheses with no basis.

Q. Did you take any steps to increase the visibility of the article after this?

A. Not to my knowledge. I don't think so. I was busy with a lot of other things.

Q. I'm sure you were very busy. Did you respond to the e-mail?

A. I don't recall if I did. You're probably

going to show me an e-mail where I did.

Q. Can you look at the next page?

A. Yeah.

Q. Next day, April 17, 2022, you respond to that e-mail, saying, quote, "I would not do anything about this right now. It is a shiny object that will go away." ^ correct?

A. Right.

Q. What did you mean when you said, "I would not" -- "I would not do anything about this right now." Were you saying you don't want to take any steps to increase the visibility of --

A. Right. No. I think we should let the Nature Medicine article speak for itself is what I meant.

Q. And you said it is a shiny object --

A. Right.

Q. -- that will go away in time?

A. Right.

Q. What did you mean by that?

A. By shiny object I mean something that people tend to really get excited about. It's very exciting to say, "Well, this thing was manufactured by the Chinese and they threw it out into the world." That's a shiny object.

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If you say that, it gets discussed all over the world. That's a shiny object. And I was referring to the fact that I stick, as a scientist, with the science. And invariably, the science prevails.

So what I was referring to is that I don't think you should do anything about it right now. Let the Nature Medicine and the data essentially prevail.

And this issue of -- with no proof at all, people stating this is likely manufactured by the Chinese and released, that's what I meant by a shiny object, it's something with no evidence but a lot of pizzazz to it if you say it. And that's what I was referring to.

Q. Tying back to your earlier comment, do you think that that theory was a form of misinformation or disinformation that could lead to loss of life?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: No. I'm not sure.

BY MR. SAUER:

Q. Well, Dr. Collins described it as a very destructive conspiracy.

A. Correct.

Q. And I take it that's the destructive

conspiracy theory that the virus originated from a lab?

A. Right, right.

Q. Did you view that theory as a form of misinformation or disinformation that could lead to the loss of life?

A. It could be misinformation. Remember, misinformation are things that are untrue, not necessarily deliberately, you know, propagated as untrue, whereas disinformation is when you know it's wrong and you still spread it.

So this very well might be, at least at the time there was no indication that this was correct information. So let me categorize it that way.

So for someone -- or anyone -- to be going around spreading that this clearly is something that was made by the Chinese and released in society and killed a lot people, that would be misinformation because there's no evidence that that's the case.

And the second part of your question was that could lead to a number of other things. When you pursue misinformation and disinformation, often you take away from the effort of pursuing something that is in the line of correct information.

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Q. Did you take any further steps after that e-mail to increase the visibility or the public awareness of the Nature Medicine article?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: Again, I'm not really sure what you mean. When the paper came out, it was a peer-reviewed scientific analysis that came to a conclusion that we've already discussed.

Did I discuss this with people since this was a topic of considerable concern, likely I did. If you're asking did I do anything to promote the dissemination of that, I don't think I went out of my way, as I mentioned and you agreed, I'm a really busy person. I have a lot of other things to do. I don't think I made this something that was a high level of priority for me.

BY MR. SAUER:

Q. You don't think you made -- let me ask you this: You knew what Nature Medicine article he was talking about, right?

A. Yeah.

Q. And in particular, this is the article that has Christian Anderson as a corresponding author?

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A. Right.

Q. Correct?

A. Correct.

Q. This is the article where he, you know, you had been sent at least four drafts of it, based on the e-mails we saw previously; correct?

A. That's the same one of which I had very little input into, yeah.

Q. And this is the article that Christian Anderson had sent you a preprint and had said thank you for your advice and leadership about the article; correct?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence.

BY MR. SAUER:

Q. Correct?

A. It's the article that we discussed before.

Q. Proximal Origins of COVID-19?

A. Yes.

Q. Exhibit 28.

(FAUCI Exhibit No. 28 was marked for identification.)

BY MR. SAUER:

Q. And this is a excerpt from the transcript of the Coronavirus Task Force press briefing in the

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White House dated April 17th, 2020; correct?

MR. KIRSCHNER: Objection.

THE WITNESS: That's what it says on the top of the piece of paper of Exhibit 28, it says "Remarks by President Trump, Vice President Pence, and members of the Coronavirus Task Force."

BY MR. SAUER:

Q. At that time, you were a member of the Coronavirus Task Force; correct?

A. That is correct.

Q. And you participated in this briefing with the president and the vice president; correct?

MR. KIRSCHNER: Objection. I would ask Dr. Fauci have an opportunity to familiarize himself with this document.

THE WITNESS: I'm looking at the document now. And as I scan, I see on page 44 of 48, that it says Dr. Fauci, and it says something that it looks like I said at the press -- this looks like a transcript, which it looks like it is, then clearly I participated in that because my name is here.

BY MR. SAUER:

Q. And if you look little bit above that on that second page, there's a question from a member of the media saying, "Mr. President, I wanted to ask

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Dr. Fauci, could you address the suggestions or concerns that the virus was somehow manmade, possibly came out of a laboratory in China?" Correct?

A. That's what it says.

Q. And the president says to you, "Want to go?" Correct?

A. That's what the president said.

Q. And then the reporter repeated, addressing you. "You studied this virus. What are the prospects of that?" Right?

A. That's what the question said.

Q. And your response to that was, "There was a study recently that we can make available to you where a group of highly qualified evolutionary virologists looked at the sequences there and the sequences in bats as they evolved. And the mutations that it took to get to the point where it is now is totally consistent with a jump of a species from an animal to a human"; correct?

A. That's what it says.

Q. Do you remember saying that?

A. I don't recall. I was at -- as you probably know, multiple, multiple White House press conferences. I have no reason to doubt that the transcript is not accurate, and it looks like that's

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what I said. So I would imagine I said it.

Q. And this is April 17, which is the same day that you had e-mailed Dr. Collins this last exhibit saying this theory is a shiny toy that will go away in time. Correct?

A. Shiny object.

Q. Sorry. Shiny object that will go away in time.

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: You know, I would have to go back and look where -- you're asking me if it was the same date. And I have to look here. The date on Exhibit 27 is 17th of April. And this is the date of the press conference, yes. So it's the same date. Yeah.

BY MR. SAUER:

Q. And I've watched the video of this particular comment?

A. Yeah.

Q. And I noted in watching the video that, when you said that sentence about totally consistent, you pause and use that phrase, "totally consistent" with emphasis.

A. Right.

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Q. Do you remember doing that?

A. I don't remember doing that. Like I said, it's one of many, many, many press conferences. So I don't remember a pause of a statement I made in one of dozens and dozens and dozens of press conferences.

Q. And you have given many, to be sure. But do you remember saying the mutations that it took to get to the point where it is now -- pause for emphasis -- is totally consistent with a jump from species, from animal to human. You don't remember that?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I don't remember pauses in the hundreds of conferences that I've been at.

BY MR. SAUER:

Q. You went on to say, "So the paper will be available. I don't have the authors right now, but we can make that available to you"; correct?

A. Right.

Q. This is the same paper that, on the same day, you had been e-mailing with Dr. Collins about in the previous exhibit; correct?

A. I'm a little bit confused with your question. I'm not sure what you mean. Is the

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paper --

Q. What paper are you referring to here in your comments from the White House podium at the task force briefing on April 17th? Do you know?

A. I don't know. I assume it was the Nature Medicine paper. I don't know. I think it was.

Q. Did you make the paper available to any reporters after this press conference?

A. Not to my knowledge.

MR. KIRSCHNER: Mr. Sauer, how long do you want to go before lunch?

MR. SAUER: Why don't we do one more exhibit.

THE WITNESS: Okay.

BY MR. SAUER:

Q. Exhibit 29.

(FAUCI Exhibit No. 29 was marked for identification.)

BY MR. SAUER:

Q. If you'll look at the bottom of this page, did you receive an e-mail on April 19th, 2020, from a reporter at the Washington -- at The Times asking: "Dr. Fauci on Friday said he would share a scientific paper with the press on the origin of the coronavirus. Can you please help me get a copy of

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that paper?" Do you recall that?

A. This is Bill -- Bill Gertz's e-mail to Katie. I don't recall it, but I'm looking up ahead and I -- this is -- I guess this is Katie Miller, if I'm not mistaken, who is the vice president's press person. I think that's probably who it was. It doesn't say who it's to or from, and then up above I sent a link. So that -- that may be the papers we're talking about.

Q. Did you send the link to Bill in there in the first line of the e-mail, directly to Bill?

A. Yeah. He asked for the scientific paper in the press briefing that you asked for. That may have been the press person that asked the question, and it looks like Katie Miller, who is the press person for the Vice President Pence, probably contacted me. I don't see a connecting e-mail here, but she probably contacted me and said, would you send the links to the paper to Bill Gertz, and it looks like I did. It says here, "Bill, here are the links to the scientific papers and a commentary about the papers."

So there are two aspects here. There is the original paper that came online that I believe was not yet out or maybe just did come out and a

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commentary on it in the journal Cell, yes.

Q. And the first paper is, in fact, the proximal origin of SARS-CoV-2 --

A. Right.

Q. -- the Nature Medicine paper that we've talked about?

A. It looks -- yes, it says here Nature Medicine April 2020. That is the paper that is the peer-reviewed version of the original preprint that came out earlier.

Q. And then the other two citations are both authored by Eddie Holmes who was --

A. Right.

Q. -- involved in drafting that paper; correct?

A. Right.

MR. SAUER: Let's take a break there.

THE VIDEOGRAPHER: The time is 12:27 p.m., and we're going off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 1:19 p.m., and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, I'm handing you Exhibit 30.

(FAUCI Exhibit No. 30 was marked for

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identification.)

BY MR. SAUER:

Q. You see this is an e-mail at the top from you to Peter Daszak dated at -- dated April 19th, 2020?

A. Yes.

Q. And you're responding to an e-mail from him the day before, April 18th, 2020; correct?

A. Correct.

Q. And his e-mail was the day after that coronavirus task force press conference that we looked at, the previous exhibit; correct?

A. Right.

Q. And he said, "Tony, CC'ing David so that you might pass this on to Tony once he has a spare sec"; correct?

A. Correct.

Q. Is David a reference to David Morens?

A. That's true, yes.

Q. Who is David Morens?

A. David Morens is a person who works at NIAID, is a scientist, been with us for a very long time.

Q. Does he know Peter Daszak?

A. I believe he does.

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Q. Do you know Peter Daszak?

A. You know --

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: Yeah. To the extent that I've answered that multiple times, I'm acquainted in the sense of I have seen him once or twice. I don't have a friendship or a relationship, if you want to call it that, with him. I'm just aware of him, and I've seen him a couple of times. I think I did a podcast once where he was another member of the podcast group.

BY MR. SAUER:

Q. These other people he copies, Erik Stemmy, Emily Erbelding, and Aleksei Chmura, are they all people that work on your staff at NIAID?

A. Erik Stemmy does for sure. Emily does for sure. I believe Aleksei Chmura does also, but I'm not 100 percent sure. I believe that person does. I've seen his name circulated around in -- in correspondence in our institute, but for sure Erik Stemmy and Emily Erbelding work at NIAID.

Q. Do you know how he got all your e-mail addresses?

MR. KIRSCHNER: Objection. Calls for

speculation.
BY MR. SAUER:
Q. For example, do you know how he got your e-mail address?
A. How Peter Daszak got my e-mail address?
Q. Yeah.
A. It's pretty easy to get an e-mail address. You just go on to the global NIH and you can get it.
Q. That's publicly available, your e-mail address?
A. Oh, totally.
Q. Even though it's redacted under B6 in this document?
MR. KIRSCHNER: Objection. Argumentative.
BY MR. SAUER:
Q. You may answer.
A. I don't know what you're talking about. You don't redact a website. If you go on to the NIH global, you can find my e-mail address.
Q. You responded to this the day after you received it saying, "Many thanks for your kind note"; correct?
A. Right. That's a very typical response of mine. I can show you 45,000 e-mails that say thank you for your kind note.

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Q. You say you get about 2,000 e-mails a day?

A. I get -- yeah, some days -- some days a thousand, two thousand, some days several hundred.

Q. Do you respond to all of them like that?

A. No, no. The -- the ones that are irrelevant and -- what's the right word for them -- the ones that I don't really need to see.

Q. That's how you respond to them?

A. I don't respond -- no, to this? No. I don't respond to every one of my e-mails. I get a lot of e-mails from a number of different sources that are completely distracting and irrelevant to me, but when an e-mail comes through, we got -- people think I should see from a legitimate scientist, they let it through and then I see it.

Q. And that Peter Daszak is a legitimate scientist in that category. Fair to say?

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: Peter Daszak is a -- is a grantee of NIAID. So it would be perfectly appropriate to let an e-mail from a grantee of NIAID through to me.

BY MR. SAUER:

Q. Are you aware that -- generally, that after your comments at the White House April 17th,

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coronavirus task force briefing speech about the lab leak hypothesis was censored on social media?

Are you aware of that?

MR. KIRSCHNER: Objection. Lack of foundation. Vague.

MR. SAUER: I've asked him if he's aware of it.

BY MR. SAUER:

Q. Are you aware of it?

A. I'm not aware of suppression of speech on social media to my knowledge. If -- if it was brought to my attention, it went (unreportable sound.) I -- I don't recall being aware of suppression of anything.

Q. Were you -- were you aware that Twitter, for example, removed content that suggested the virus may have escaped from a lab?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. If you know?

A. You know, I don't know for sure. I can say I am not aware of it. It may be someone somehow sent me one of the thousands of e-mails and said, "Hey, this is happening," but I was not aware to the

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point of noting it in my memory that Twitter or any other social media was suppressing anything.

Q. Exhibit 31.

(FAUCI Exhibit No. 31 was marked for identification.)

BY MR. SAUER:

Q. Here's a report in The Hill, if you see that at the top, headline is Twitter suspends accounts of Chinese virologist who claimed coronavirus was made in the lab; correct?

A. That's what it says.

Q. Does this incident ring a bell? Were you aware of an incident like this which --

THE REPORTER: Counsel, please slow down.

BY MR. SAUER:

Q. Were you aware of a -- Twitter suspending the account of a Chinese virologist --

A. Yeah.

Q. -- who claimed it was removed from a lab?

A. You know, Mr. Sauer, I might have -- been brought to my attention then. I don't recall this. If you show me this now and ask me the question: Do you recall this? I'd have to say I don't recall.

Is it possible that back then somebody said, "Hey, you know, Twitter suspended a Chinese

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virologist's account," and I would have went, ah, okay, and move on to the other things I do in life.

This is not something that would be catching my attention because, you know, the social media and Twitter, I told you, I don't have a Twitter account. I don't tweet. I don't do Facebook. I don't do anything. So social media stuff, I don't really pay that much attention to.

Q. Exhibit 33?

MR. KIRSCHNER: Thirty-two.

MR. SAUER: Thirty-two.

(FAUCI Exhibit No. 32 was marked for identification.)

BY MR. SAUER:

Q. Is this a document from Meta entitled, "Update on our work to keep people informed and limit misinformation about COVID-19"?

MR. KIRSCHNER: Objection. Lack of foundation. Speculative.

BY MR. SAUER:

Q. Is that what it says on the front of it?

A. The title say "Meta," and it says, "Update on our work to keep people informed and limit misinformation about COVID-19."

Q. Third page of this document, can you turn

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to that?

A. Page 3. Okay. All right.

Q. It says at the top, the very first line, mostly across, "We are expanding the list of false claims we will remove to include additional debunked claims"?

A. I'm sorry. What -- where is it?

Q. Top page.

A. "We are expanding," the middle of the sentence. Okay. I got it.

Q. "We will remove to include additional debunked claims about the coronavirus and vaccine"; correct?

MR. KIRSCHNER: I object. I'd like to have Dr. Fauci to have a moment to familiarize himself with this document.

THE WITNESS: So I'm not -- is this -- what is Meta? That is a ^ Facebook.

BY MR. SAUER:

Q. Let me cut past all that. If you look at the top of page 3, there's a reference to removing debunked claims in that first bullet point that COVID-19 is manmade or manufactured. Generally, were you aware that Meta, which controlled Facebook and Instagram, changed its policy alleging that it would

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remove its content alleging that COVID-19 is manufactured or manmade?

A. I don't recall being aware of this -- some -- again, when you say were you aware, you're talking a couple of years ago. Could someone have passed me in the hall and said, "By the way, were you aware that Meta did this?" Would have been one of 10,000 things that that was said to me that day. I don't recall being aware of anything that Meta did. In fact, I didn't even know what the Meta was.

Q. You've heard of Facebook; right?

A. If I -- yeah, I understand now. Somebody told me that they are part of Facebook or own Facebook or something like that.

Q. Exhibit 33.

(FAUCI Exhibit No. 33 was marked for identification.)

BY MR. SAUER:

Q. Very briefly -- oh, sorry.

Very briefly, this article is headlined "Facebook Censors Award-Winning Journalist for Criticizing the WHO." Is that correct?

A. That's what this title of Exhibit 33 says.

Q. And the article referred to a man named Ian Birrel, B-i-r-r-e-l. Have you ever heard of him?

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A. I don't recall of ever hearing of Ian Birrel. Maybe back then somebody said something about him. But right now, I wouldn't know. It says here a multiaward-winning investigative reporter. But if it hadn't said that, I wouldn't know who Ian Birrel is.

Q. Did you ever have any communications with anybody removing speech about the lab leak theory of the origins of the COVID from social media platforms?

A. I don't recall ever having any conversation. But again, no, I would say it would be unlike me because I don't get involved in that sort of stuff. Like I said, my association with social media is almost zero. I don't have an account. I don't tweet. I don't pay attention to social media. I wouldn't know how to access a tweet if you paid me.

Q. Exhibit 34.

(FAUCI Exhibit No. 34 was marked for identification.)

BY MR. SAUER:

Q. During 2020, was there a controversy about the effectiveness of hydroxychloroquine in treatment of COVID-19?

MR. KIRSCHNER: Objection. Vague. Ambiguous.

THE WITNESS: There were claims that hydroxychloroquine was effective against coronavirus.
BY MR. SAUER:
Q. And did you disagree with those claims?
A. I did.
Q. What was your basis for disagreeing with those claims?
A. Lack of any evidence whatsoever that hydroxychloroquine was effective against coronavirus, followed by clinical studies that showed that, in fact, was not effective against hydroxychloroquine ^ and statements by clinical trials guideline groups stating explicitly that there's no evidence whatsoever that hydroxychloroquine works against coronavirus.
Q. Did you -- you're referring to the studies and so forth. Did you collect those studies yourself and review them or did someone collect them for you?
MR. KIRSCHNER: Objection. Assumes evidence not in the record.
THE WITNESS: What studies are you referring to?
MR. SAUER: Well, I think you referred to studies.
THE WITNESS: Well, there were claims

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based on anecdotal data. And if you look at the record, it was clear that when people made definitive claims about efficacy based on anecdotal data that's not scientific, that does not indicate that a drug is effective.

Subsequently, papers were published showing a lack of effect of hydroxychloroquine.

BY MR. SAUER:

Q. And my question is: Did you do all this research yourself where you are getting all the studies --

A. No.

Q. -- or did someone else do the research for you?

A. I don't do research myself on the efficacy of drugs. The research is performed by researchers who publish their data in peer-reviewed journals, and that's how you get information that's applicable to the real world.

Q. Did you have discussions with others in NIAID about the efficacy of hydroxychloroquine?

A. The subject of the hydroxychloroquine and the claims based on no data that hydroxychloroquine was effective against coronavirus was a topic of discussions on and off, both in NIAID and in the

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scientific community in general.

Q. Who did you discuss it with at NIAID, to your recollection?

A. I'm sure I discussed it with a number of people. Probably Dr. Cliff Lane, who was the clinical director of my institute. It's likely that I discussed the efficacy of hydroxychloroquine with him.

Q. Anyone else within NIAID?

A. I'm -- I would imagine there were other people. I don't specifically recall. But given the fact that Cliff Lane is one of the top infectious disease clinicians in the country and happens to be my clinical director and the director of my division of clinical research, it is highly likely that I had that discussion with him.

Q. How about outside of NIAID? Anyone else within government that you discussed its efficacy with?

A. I can't say for sure. As I mentioned, it was a topic of considerable discussion. So I would not be surprised if somehow you pulled out a piece of paper where I spoke to someone about it. It was a very important subject because hydroxychloroquine can have some deleterious effects in people, and it was

concern within the established medical community that based on claims based on no data, anecdotal data at best that hydroxychloroquine works, that people would be taking it, in which it does not help, but possibly harms them.

Q. Is that one of the pieces of misinformation or disinformation that may cause loss of lives that you referred to earlier, in your view?

A. The claim, based on no data, juxtaposed on clear-cut clinical data showing that hydroxychloroquine does not work. If one propagates this concept that hydroxychloroquine is highly effective and people take it based on that information, which is incorrect, yes, that would be misinformation or even disinformation that could lead people to take a drug that would not help them, that could possibly hurt them.

Q. Did you make a series of public statements about the efficacy of hydroxychloroquine in the summer of 2020?

A. I don't know when I made it, whether it was the spring or the summer, but I definitely made public statements. I recall, when people asked at a White House press conference whether hydroxychloroquine worked, and I said those data are

anecdotal, and there's not definitive proof that it works. So I have made public statements in places like a White House press conference.

Q. Just looking at the exhibit in front of you. This is a Politico article entitled, "Fauci: Hydroxychloroquine not effective against coronavirus." Correct?

A. That's what the title says, yes.

Q. And then the second page of it gives a date of May 22nd, 2020. Correct?

A. Correct.

Q. And in the second paragraph there, it quotes you as saying, "The scientific data is really quite evident now about lack of efficacy;" correct?

A. Correct.

Q. And the next page, when you said that, you're referring to the hydroxychloroquine; correct?

A. I guess so. I guess if the topic of discussion was hydroxychloroquine, it isn't explicitly stated hydroxychloroquine, but in the antecedent paragraph, the author, Zachary Brennan, is referring to hydroxychloroquine. So I would imagine that I was also referring to hydroxychloroquine.

Q. And the next page, third page, it says,

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"Fauci's comments come days after the Lancet published" --

(Discussion off the record.)

THE VIDEOGRAPHER: The time is 1:37 p.m.

(Recess taken.)

THE VIDEOGRAPHER: The time is 1:38 p.m. and we're back on the record.

BY MR. SAUER:

Q. Turning your attention to the third page there, it says, "Fauci's comments come days after you The Lancet published a 96,000-patient observational study that concluded that hydroxychloroquine has no effect on COVID-19 and may have even caused some harm"; correct?

A. That's what it says, yes.

Q. It says that -- was that, in fact, the basis of your statement that the scientific data is really now quite evident about lack of efficacy?

A. That could be. Again, you're going back a couple of years. It is quite consistent with that. I can't say definitively that that was the specific study that I was referring to. There was information coming from a number of studies, some of which were negative studies that showed that it did not work. And others were positive studies to show that it did

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not work.

So this could have been the study that I was referring to. I'm not 100 percent certain.

Q. In the time frame, was there discussion of -- was there a situation with the FDA first in March of 2020 issuing an EUA as to hydroxychloroquine? Did that occur, do you recall?

A. I don't recall exactly when, but I -- and again, you're going back and they may have -- I think they did, but I'm not 100 percent sure, that they did issue an EUA for the emergency use of hydroxychloroquine, but I believe that that EUA was subsequently pulled back.

Q. Would that have been in June of 2020?

A. Could possibly have been. I don't recall exactly.

Q. Were you consulted in that process by the FDA? Did you have any input on the decision by the FDA to revoke the EUA?

A. I don't recall. It is possible that I was but I don't recall.

Q. Do you have any recollection of why the EUA was revoked?

A. I don't have any recollection now of why it was revoked then, but I would imagine, as the data

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accumulated, that clinical trials showed a lack of efficacy.

The criteria for an emergency use authorization that a drug that has not been proven to be effective, that the potential benefit of the drug might outweigh the risk.

If data comes in to show that there's no benefit for the drug, then that would be a basis for pulling back on the EUA.

Q. Next 35.

(FAUCI Exhibit No. 35 was marked for identification.)

BY MR. SAUER:

Q. Is this The Lancet study that was referred to in the Politico article that we just discussed, to your knowledge?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. If you know?

A. I don't know if it's the same article, to be honest with you.

Q. If you look on the front page of this exhibit on the right?

A. Yeah.

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Q. Do you see where it says at the top -- the very top, "Published online May 22nd, 2020"?

A. Okay.

Q. The word "May" is under the D and retracted.^ Do you see that?

A. Yeah.

Q. And that's five days before that Politico article dated May 27th?

A. Right.

Q. And the Politico article referred to a study in The Lancet that surveyed 96,000 patients; correct?

A. That's what the Politico article says.

Q. And if you look at the third paragraph here in the summary, the very beginning of it, it says, "Findings: 96,032 --

A. Yeah.

Q. -- patients --

A. Right.

Q. -- are discussed"?

Then this study was later retracted; correct?

A. Well, it says "retracted" across the front. I don't recall it being retracted, but if it says "retracted" --

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Q. Were you aware that it was retracted at the time? Do you have any recollection of that?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. If you know?

A. I don't recall it being retracted. I might have at the time heard that it was retracted, but it wasn't the only paper that was on hydroxychloroquine.

BY MR. SAUER:

Q. Did you -- was your opinion based on other papers as well?

A. My -- I mean, I'm thinking back, then, my -- my opinion of the effect of hydroxychloroquine was based on accumulating data from a number of studies. I don't recall specifically what those studies are now.

Q. Some of -- obviously not every doctor agreed with your views on hydroxychloroquine; correct?

MR. KIRSCHNER: Objection. Argumentative.

THE WITNESS: Not every doctor agreed. I don't think every doctor in the world agrees on everything, but I'm sure there was some doctors who

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disagreed with it despite the fact that the evidence was ample, accumulating, and continued to accumulate that hydroxychloroquine was not effective.

BY MR. SAUER:

Q. Were you aware that there were doctors who continued to prescribe it for their patients with COVID?

A. I heard that doctors were continuing to prescribe it.

Q. If a doctor makes that clinical judgment with respect to their patient, are you qualified to second guess that clinical judgment?

MR. KIRSCHNER: Objection. Argumentative.

THE WITNESS: I don't -- I don't know what you're talking about. Am I qualified to -- what do you mean by qualified to question?

BY MR. SAUER:

Q. Well, do you have qualifications --

A. There's no -- you mean, like, a written statement that says you are qualified to -- I'm not sure what you mean am I qualified to.

Q. What is your qualification to second guess a decision that's made between a doctor and their individual patient about the prescription of hydroxychloroquine for -- to treat COVID?

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A. Well, I mean, you're using the word "second guess." If a physician is prescribing a medication that has no benefit and can clearly cause harm, that would make me pause as to whether or not that was an appropriate thing. When you say "second guess," I'm wondering what you mean. Second guess, go out and demonstrate in front of his or her office? No, that's not it, but I can certainly have an opinion that if a physician prescribes a medication with no proven efficacy and clearcut potential toxicity, then I would be concerned about that because as a physician, I never want to see a patient harmed by an intervention that has no benefit to begin with.

Q. Were you aware -- or do you recall that in July of 2020, a couple of months after the -- your statement that -- from Politico that we talked about, there were a group of doctors who had a -- posted a video in front of the Supreme Court touting the -- what they perceived as the benefits of hydroxychloroquine?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I don't recall. I do vaguely recall a group of doctors -- I forgot who

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they called themselves -- got up and were talking about a bunch of things regarding COVID. I don't precisely recall what they were saying.

BY MR. SAUER:

Q. You don't remember --

A. I think at the time I knew what they were saying, but quite frankly, I've forgotten what they were saying.

Q. Exhibit 36.

(FAUCI Exhibit No. 36 was marked for identification.)

BY MR. SAUER:

Q. Do you recall appearing on Good Morning America around July 27th or 28th of 2020?

A. No. I don't recall. Do you know how many times I've appeared on television?

Q. I'm just asking if you remember this particular one, sir.

A. Yeah, I don't recall.

Q. Can you turn to the fourth page -- or fifth page of this document?

MR. KIRSCHNER: What -- what -- the top of the page, Mr. Sauer?

MR. SAUER: There's white space and then it says, "Responding to questions about an

antimalarial drug."

MR. KIRSCHNER: I would ask for Dr. Fauci to have the time to familiarize himself with this document.

THE WITNESS: Yes. What about it?

BY MR. SAUER:

Q. And -- sorry. That -- that quote on Page 5, you said on Good Morning America, "The overwhelming prevailing clinical trials that have looked at the efficacy of hydroxychloroquine have indicated that it is not effective in coronavirus disease"; correct?

A. Right. Correct.

Q. And do you recall those comments being made in response to a video of doctors -- they called themselves America's Frontline Doctors --

A. Right.

Q. -- appearing on the -- I think the steps of the Supreme Court --

A. Right.

Q. -- and touting the perceived benefits of that drug?

A. Right.

Q. Do you remember that?

A. Let's make sure we get the connections

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right. I do recall a group of doctors that were in front of the Supreme Court. I guess there were six or seven of them. One, I believe, was an African-American woman, female physician, if I'm not mistaken. Could be. I think that -- I think that's the group that we were referring to who were in front of the Supreme Court making a bit of statements. I don't precisely recall what they were talking about, but I know that in general the people who were watching that were concerned about the -- the truth of what they were saying. They were making -- I don't recall specifically what they were saying, but there was some concern about the accuracy of what they were saying.

Q. Exhibit 37.

(FAUCI Exhibit No. 37 was marked for identification.)

MR. KIRSCHNER: Mr. Sauer, I have one version of this. Do you have two versions of that?

THE WITNESS: I have one.

MR. KIRSCHNER: That's fine. What number are we on?

BY MR. SAUER:

Q. This is a -- is this a Bret Baier article with the headline "Fauci uncensored:

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Hydroxychloroquine video. A bunch of people spouting something that isn't true"

A. That's what it says.

Q. And the next -- if you look at the second page, just look at the first paragraph of this -- this report. It quotes you appearing on MSNBC's Andrea Mitchell Reports saying that a video re-tweeted by President Trump that featured doctors at a press conference touting hydroxychloroquine as a coronavirus treatment was, quote, "people spouting something that isn't true"; correct?

A. That's what it says here.

Q. Do you recall saying that?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: You know, I certainly may have said that. Yes, I think the general impression that if one looked at the video, some -- I recall -- I don't know exactly, but it was pretty clear among physicians and those involved that what was being said on the steps in many respects didn't make much medical sense.

BY MR. SAUER:

Q. In your review, what was being said was that misinformation or disinformation that could lead

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to loss of lives?

A. Well, it's possible. I don't recall exactly. If you want to play the tape for me and we could go over it, and I could then properly answer your question. I just know that there was a lot of negative response on the overwhelming representation of the medical community that was said on that press conference on the steps, I believe, of the Supreme Court. It was really quite unorthodox.

Q. I'm sorry. I didn't really follow what you just said. You said there was an overwhelming medical response --

A. In general, if you were to take a poll of physicians in established medical centers throughout the country and have them look at the tape of what was being said at that time, I believe -- it's not been proven, but I believe you would find that the overwhelming majority would find that what was said there really didn't make much medical sense.

Q. Did you take such a poll at the time?

A. I did not, but I know my community and everyone who has ever looked at that just raised their eyebrows and said what the heck are they talking about?

Q. You say you know your community. Who in

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your community did you discuss the efficacy of hydroxychloroquine with?

A. We discussed the efficacy of hydroxychloroquine with a number of people in the community.

Q. Can you name one?

A. Yeah, I can name a whole group.

Q. Please do.

A. We -- we have clinical trials -- I want to get the correct name of it. It's the NIH Treatment Guidelines Panel. The Treatment Guidelines Panel is made up of, oh, I would say a total, mostly physicians and health care providers, of about 40-plus individuals who are representative of the infectious diseases community throughout the country.

Most of them are the chiefs of infectious diseases throughout the medical centers in the country. Harvard, Cornell, San Francisco. These are the real leaders in infectious diseases in the country. They came to a determination based on an examination of all the literature that hydroxychloroquine had no evidence at all of efficacy.

Q. When was that determination made?

A. I don't know the exact date, but it is a

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group that can easily be asked about when that occurred and you could find out on the record, but it was very, very clear that that was the case that they felt that way.

They kept an open mind, but they looked at the literature and said that they really felt that there was no evidence at all that hydroxychloroquine -- and it isn't an individual person. It's a treatment guidelines panels that represents the leadership of infectious diseases in the entire country.

Q. I'm going to give you Exhibit 38.

(FAUCI Exhibit No. 38 was marked for identification.)

BY MR. SAUER:

Q. Do you see this Breitbart report that says Facebook/Google/YouTube/Twitter censor viral video of doctors, Capitol Hill Coronavirus press conference?

A. Yes. I see that, another Breitbart statement.

Q. And then can you turn to the third page of -- actually can you see what the date of this report is?

A. The date. Let me see.

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Q. Actually, if you turn to the third page there at the top, is the date, July 27, 2020.

A. Correct.

Q. So this is within a day of the comments -- your comments to Good Morning America and Andrea Mitchell that we just talked about. Correct?

MR. KIRSCHNER: Objection, lack of foundation.

BY MR. SAUER:

Q. Is that correct?

A. I'm getting confused about dates here. So let's go back, and what's the date of the Andrea Mitchell thing?

Q. If you look at the last two exhibits, July 28th was your comment on Good Morning America. Or the 27th.

A. On Tuesday, well the news article here, it says: Updated July 28th. So I assume that the statement was either July 28th or it was reported on July 28th and the statement was July 27th. I can't tell from this exhibit.

Q. So it would be within a day of this article we're looking at now, that's page 127; correct?

A. Correct.

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Q. Okay. So staying on the third page, the report says Facebook entered a ^ video posted by Breitbart News earlier today, which was the top-performing Facebook post in the world Monday afternoon of a press conference in DC held by the group, America's Frontline Doctors. You see that?

A. I see that, yes.

Q. And that group and press conference has been saying that -- that group and press conference that you were disagreeing with in your two prior statements; correct?

MR. KIRSCHNER: Objection. Lack of foundation. Speculative.

BY MR. SAUER:

Q. Your two prior statements to Andrea Mitchell and to Good Morning America; correct?

MR. KIRSCHNER: Again, objection. Lack of foundation. Speculative.

THE WITNESS: It is likely it was that. I can't say absolutely for sure, but if you were talking about the press conference by a group of doctors on the steps of wherever, the Capitol or the Supreme Court, and I was referring to that, it is likely that's what I was referring to but I can't say for sure. I don't have a precise recollection of

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that.
BY MR. SAUER:
Q. Looking down on this page, do you see under that big paragraph, there's a smaller paragraph that says, "The video accumulated over 17 million views during the eight hours it was hosted on Facebook."
A. Correct.
Q. Does the widespread dissemination of this video touting the benefits of hydroxychloroquine, would that trouble you as a doctor who was concerned about --
MR. KIRSCHNER: Objection.
BY MR. SAUER:
Q. -- misinformation and disinformation being disseminated?
MR. KIRSCHNER: Objection. Lack of foundation.
THE WITNESS: You know, I don't really pay much attention to the quantity. Like I said, for maybe now the ninth or tenth time, I don't get involved in social media stuff. I don't follow -- I wouldn't even know how to access how many views something has, so --
BY MR. SAUER:

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Q. If you were aware that a video did have 17 million views, would that you bother you as a doctor who is concerned about the dissemination of misinformation and disinformation about COVID treatments?

MR. KIRSCHNER: Objection.

THE WITNESS: I don't know what 17 million views means. What's the denominator? Is 17 million a large amount? Is it a small amount? I don't go on social media, so I don't know what 17 million views means.

BY MR. SAUER:

Q. So that doesn't bother you or you have no opinion one way or the other on that question; fair to say?

A. Well, I don't know how to quantitate the number of views with whatever it is, the point you're trying to make.

Q. But those 17 million people watching that video, were those doctors standing on the steps of the Supreme Court and touted the benefits of hydroxychloroquine, would that bother you?

A. It would likely bother me if a very large number of people were given information that was not only based on no data, but in which data actually

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showed that those statements were untrue.

As a physician who takes care of patients and cares about the health of patients, I think that information that spreads falseness not based on data, as physician would be troublesome to me. What does troublesome mean? Would I do anything about it? Not necessarily at all. But it's just I don't like false information that hurts patients.

Q. Could you turn two pages forward in that document, please?

MR. KIRSCHNER: When you say two pages forward, you mean page 5 of 19?

MR. SAUER: Correct.

THE WITNESS: Okay. What do you want me to look at?

BY MR. SAUER:

Q. Fourth paragraph down, there's a quote on the Facebook copy, stating, "We removed the video for sharing false information about curious and treatment for treatment of COVID-19?"

A. That's what it says.

MR. SAUER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Are you aware of anyone communicating with

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Facebook about that decision to remove the video?

A. I don't recall anybody communicating with them about that. Could have been, but I don't recall anybody -- I don't recall anybody communicating with the social media people.

Q. Do you recall anyone at NIAID communicating with social media people?

A. To my recollection, I don't recall. But I don't know everything that everybody does. But I don't recall anybody communicating with social media.

Q. Were you aware of anyone associated with the federal government communicating with Facebook about that decision?

A. I don't recall anyone in the federal government that I know. They might have. Possible. But I don't recall specifically anyone in the federal government communicating with them.

Like I said, I don't pay attention to those types of things. I have a really important day job that I work at, so --

Q. How about any other topics, setting aside this America's Frontline Doctors, are you aware of anyone the U.S. Government communicating with social media platforms about what can and can't be posted on their platform?

A. You know, I have to say I don't recall any of that. I mean, it could be that back then someone did and brought it to my attention, but I don't recall any federal official or anybody communicating directly with social media. That doesn't ring a bell for me now. That doesn't mean it hasn't happened. It just doesn't ring a bell to me right now.

Q. Can you turn one page forward in this exhibit, in that first full paragraph that goes all the way across the page. "Facebook's decision to censor the Livestream was quickly followed by YouTube, the Google-owned video sharing platform"?

A. Yes, I knew of that.

Q. Or at the time, were you aware of Google or YouTube pulling down this video about hydroxychloroquine?

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. Were you aware?

A. Well, as I've said multiple times, I don't pay attention to what social media organizations like Google and YouTube and Twitter, and all that, what they do because I'm not involved in that.

So was I aware -- could someone have

cursorily mentioned to me that they did? Possibly. And it probably went over my head, because that's not something that I pay attention to.

Q. Next paragraph down, following Facebook and YouTube's removal of the video, Twitter follows suit, removing Breitbart News's Periscope Livestream of the press conference; correct?

A. Where is that? What paragraph? I'm sorry.

Q. Immediately below, there's a two line?

A. Yeah, I'm on the wrong page.

MR. KIRSCHNER: Dr. Fauci is on page 7 of 16. Turn back another page.

THE WITNESS: Okay. And what's the paragraph, Mr. Sauer, you're talking about?

Yes, Twitter followed suit, removing Breitbart's Periscope, whatever that is. Jack Dorsey's platform also -- yeah.

BY MR. SAUER:

Q. Same question. Were you aware at the time that Twitter followed suit with Facebook and YouTube and pulled this video down?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Were you aware?

A. I was not aware, to my knowledge, and when you say aware, it's possible that somebody walking in the hall said, "Hey, did you hear this happened?" Very likely, I would have paid no attention. Because like I said, I do not get involved in any way with social media. I don't have an account, I don't tweet, I don't Facebook, and I don't pay attention to that.

So you keep asking questions about am I aware of what's going on with people putting things down, I don't pay attention to what gets put up and put down on social media.

Q. Are you generally aware of the terms of service about content moderation on the social media platform? Do you know anything about them?

A. Terms of service?

Q. Their policies with respect to what people can and can post to social media. Do you have any knowledge of what those policies say?

A. I'm not even knowing what you're talking about. The answer would be, like I said -- I'll repeat it again. I don't pay attention to social media issues. That's something I don't do. I don't follow it. I don't have an account. I don't follow

it. I don't even know what the condition is.

Q. Never once?

A. Well, I can't say never ever. I'm sure when you're in a place where there's thousands of people, and you get thousands of e-mails, somebody somewhere is going to say something and I'm going to say, "Oh, good."

So if you're going to show me one time where someone mentions, good. Show me.

Q. Exhibit 39.

(FAUCI Exhibit No. 39 was marked for identification.)

BY MR. SAUER:

Q. This is a report from the Washington Standard entitled "America's Frontline Doctors website shut down." Do you see that?

A. Yeah.

Q. And right there in the front page it indicates that this is dated August 1st, 2020?

A. Right.

Q. So this is just a couple of days after the report about their video being pulled off Twitter, Facebook and YouTube; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I'm sorry. I'm getting confused here. So it says the Washington Standard America's Frontline Doctors website shuts down on the first page. Now, what's the next issue you're pointing out to me?

BY MR. SAUER:

Q. Is the date of it August 1st, 2020?

A. Yes, it is.

Q. Were you aware of their website being taken down by their web hosting provider?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I don't recall that. I might have been aware. Someone may have pointed it out to me, but that's not something, as I say, that would normally attract my attention or my interest. I could have been aware, but, again, I concentrate on other things besides this.

BY MR. SAUER:

Q. Do you still -- you testified about your views about the efficacy of hydroxychloroquine. Is that still your view today that there's still no evidence of its efficacy?

A. Correct.

Q. Are you aware of any metaanalyses of the

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studies that have been done on a global scale of the efficacy of hydroxychloroquine?

A. I'm not specifically aware of that, but there really are some real ^ failings of metaanalyses, and when you get statisticians to look at them, they often debunk some of those metaanalyses.

Q. Do you recall saying in connection with the discussion of hydroxychloroquine that a randomized double blind placebo based study is the gold standard?

A. That is the gold standard for everything. It isn't always needed, but for the most part, it's the gold standard.

Q. Do you remember criticizing publicly a -- a study done by -- a sort of real-time study done by practitioners of the Henry Ford Medical Center who has about a thousand participants that found an observational benefit to hydroxychloroquine?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Do you remember that?

A. I don't recall. It's possible. I see a lot of studies, hundreds and hundreds of studies

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that come across my desk. Some that are put there, some that I find myself. So I can't say for sure what my opinion or comment was on any given study.

Q. Exhibit 40.

(FAUCI Exhibit No. 40 was marked for identification.)

BY MR. SAUER:

Q. Is this the first page of a meta-analysis of the studies addressing the efficacy of hydroxychloroquine? Is that what it appears to be?

A. This is confusing. Global HCQ/CQ studies. Let me read this paragraph first.

I'm not sure what the summary is saying. Negative evaluations typically ignore treatment delay. Some in vitro evidence suggests that therapeutical level could not be reached, however, that was incorrect.

Q. Let's just focus on that first sentence for a minute, would you, where it says, 449 HCQ COVID-19 studies; correct?

A. Right.

Q. HCQ is a common -- a Shortlander for hydroxychloroquine; correct?

A. Right.

Q. And it indicates there's -- 351 of these

449 studies are peer reviewed; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Is that what it says?

A. 351 peer reviewed, 371 comparing treatment and control groups. Late treatment in high dosages may be harmful while early treatment consistently shows positive results.

Q. Just focusing on that comparing treatment and control groups, is that a description of a placebo based double blind study?

A. Well, it's not --

MR. KIRSCHNER: Objection --

BY MR. SAUER:

Q. To your understanding?

A. To my --

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I'm not sure what they're referring to. There's a difference between a treatment and a control group versus a randomized placebo control group. Lack of randomization very infrequently leads to confusing, if not inaccurate, results. It depends on what the control group was. If it was a historical control, you want to make sure

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that there were no confounding variables in the control group that could have skewed the data, and that's the reason why I said if you look at the preponderance of evaluation of these studies by groups such as the NIH clinical trials guideline group, they come to the conclusion that the studies that claim efficacy are statistically not valid studies.

BY MR. SAUER:

Q. Would that apply to all 371 studies here that are reported to --

A. If --

Q. If I may finish my question, please?

A. Oh. Please, go ahead.

Q. 371 comparing treatment and control groups that indicates that early treatment, that is, receiving hydroxychloroquine early within the course of infection with the virus, consistently shows positive results?

A. Yeah. That's what this says. I would have go to back, take a look at the study, and consult with our statisticians, who I believe were the ones that looked at the study and allowed the treatment guidelines panel, which, as I said, is comprised of anywhere from 30 to 40 of the top

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infectious disease physicians in the country, have still come to the conclusion that there's no evidence that hydroxychloroquine works and that, in fact, it can harm.

Q. But that --

A. So you can show me this study, and I don't see the study. It would probably take, when you talk about meta-analysis, a long period of time to look at each thing. What are they referring to as a control group? Is it randomized or is it not randomized? All of those factors play a major role in the validity or not of a study.

Q. Are you familiar with the Great Barrington Declaration?

A. Yes, I am.

Q. What is the Great Barrington Declaration?

A. It's a declaration signed by a number of people who proposed letting the virus circulate in the community with the statement that you can protect vulnerable people and if you let the virus circulate freely, that you would get what's called herd immunity, and then ultimately the virus would essentially go to such a low level because of herd immunity.

Q. And if you look at Exhibit 40 in front of

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you, is that a copy of the Great Barrington Declaration?

MR. KIRSCHNER: I think -- is this Exhibit 41 or 40?

MR. SAUER: Forty-one, I apologize.

(FAUCI Exhibit No. 41 was marked for identification.)

BY MR. SAUER:

Q. Looking at Exhibit 41 in front of you, is that a copy of the Great Barrington Declaration?

A. Well, it says on the front page Great Barrington Declaration. I'm not sure if it is. I have no reason to believe it isn't.

Q. Did you ever review the Great Barrington Declaration?

A. I have read it some time ago.

Q. Flipping ahead to the third page where it says the Great Barrington Declaration at the top, does that look like the Great Barrington Declaration?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: What page are we on? Three of 13?

BY MR. SAUER:

Q. Correct.

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A. It says the Great Barrington Declaration.

Q. And is this familiar to you? You said you've read it before?

A. I read it some time ago when it first came out.

Q. At the end of the first paragraph there it just talks about recommending an approach called focus protection; correct?

A. Right.

Q. And is that what you described earlier as --

A. Right.

Q. -- by circulating among certain populations --

A. Right.

Q. -- while trying to provide targeted protection for more vulnerable population?

A. I believe that's what they're referring to.

Q. You -- this was published on October 4th, 2020; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I don't know when it was published, to be honest with you.

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BY MR. SAUER:

Q. Well, flip ahead to Page 5 of 13 at the very top.

A. It says on October 4th, the declaration was authored and signed.

Q. Okay. So that's when at least it purports to have been executed?

A. Right.

Q. Were you -- when did you become aware of it after it was published?

A. I don't recall.

Q. Would it have been soon after that to your knowledge?

A. Possibly. I don't recall.

Q. Do you know these three scientists who are listed as the leaders of it -- or the authors of it, Dr. Martin Kulldorff, Dr. Sunetra Gupta, and Dr. Jay Bhattacharya?

MR. KIRSCHNER: Objection. Vague.

BY MR. SAUER:

Q. Do you know them?

A. I don't know them. I know their names now because it's been kicked around a fair amount over the last -- period of time. I don't -- I don't know them.

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Q. You did -- and you didn't -- were you familiar with them or their reputations at the time that this was published?

A. I don't know them so I'm not familiar with them.

Q. Okay. Flipping ahead to Page 8 of 13. There's a list -- in the list of joiners there, second from the bottom, it lists Dr. Michael Levitt at Stanford?

A. Yes.

Q. And he was a Nobel Prize winner?

A. Correct.

Q. Do you know him?

A. I don't know him. I've heard of him. I don't know him.

Q. You said earlier, I think, that you don't recall how you first became aware of the Great Barrington Declaration?

A. I can't say the moment I became aware of it. I don't recall. I became aware of it. I don't know precisely when I became aware of it.

Q. Do you remember the context in which you became aware of it? Was it raised to you by a colleague or surfing the internet or something like that?

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A. I don't recall how that -- how that occurred.

MR. KIRSCHNER: I would like to, Mr. Sauer, take a break in the next five minutes. Do you want to take a break now or do you want to take a break after the next exhibit.

MR. SAUER: Let's do it now.

THE VIDEOGRAPHER: Okay. Time is 2:17 p.m. and we're going off the record.

(Recess taken.)

THE VIDEOGRAPHER: The time is 2:28 p.m. and we're back on the record.

BY MR. SAUER:

Q. Exhibit 42.

(FAUCI Exhibit No. 42 was marked for identification.)

BY MR. SAUER:

Q. Dr. Fauci, do you recognize this e-mail dated October 8th, 2020, at 2:31 p.m.?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I don't recognize it like I remember it, but it's sitting right in front of me and it's an e-mail from Francis Collins to myself and Cliff Lane, with a copy to Larry Tabak. So I'll read

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it and see what it says. Yes, I've read it.
BY MR. SAUER:
Q. Do you remember getting this e-mail?
A. Yeah. Vaguely, yeah.
Q. Dr. Collins sent it to you on October 4th, four days after the Great Barrington Declaration was offered; correct?
MR. KIRSCHNER: Objection. It says October 8th on it.
BY MR. SAUER:
Q. Sorry. He sent it to you on October 8, after the Great Barrington Declaration was offered on October 4th. Correct?
A. Correct.
Q. And he sent it to you and Cliff Lane; correct?
A. Correct.
Q. And he says, "Hi, Tony and Cliff. See https://urldefense.com/v3/__https://gbdeclaration.org__;!! NtP9J7iH11vXGg!OfjQ3HS19TPlz9Q_r-u4RtZWR1naETdrZpFm3si2l2_ NbcloUbvSz3asoQn-l8Dm2C-z5uDtNV26mSJ8uMD5iM6vYqN78_3ajww$ "; correct?
A. Correct.
Q. And is that a reference to the Great Barrington Declaration?
A. I believe so. I believe so. I would

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imagine. It's a link and it says gbdeclaration, so I would imagine.

Q. Did you read the Great Barrington Declaration for the first time when you got this e-mail? Or do you not know?

A. I don't recall.

Q. Did you click on that link when you got the e-mail?

A. I don't recall.

Q. He goes on to say, "This proposal from the three fringe epidemiologists who met with the Secretary"; right?

Were you aware of those three authors of the Great Barrington Declaration meeting with the Secretary?

A. I don't recall. This may have been my first awareness of it, or I could have been peripherally aware of it at the time. I can't say for sure.

Q. So you don't know -- when he refers to the three fringe epidemiologists, is he referring to a prior conversation or communication where you discussed them with him, if you know?

MR. KIRSCHNER: Objection, speculative.

THE WITNESS: I don't know.

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BY MR. SAUER:

Q. You don't remember?

A. No.

Q. Do you recall Dr. Bhattacharya, Gupta and Dr. Kulldorff meeting with Secretary Azar?

A. You know, I don't. I think after the fact, I would have known because Francis said they did. It is very likely, although I'm not 100 percent sure that the meeting of the epidemiologists, authors of the declaration with the Secretary, this was very likely the first time it was brought to my attention, although I can't say for sure. I would imagine -- again, getting back to context, this is not something that I would have been paying a lot of attention to. I was knee deep in trying to do things like develop a vaccine that wound up saving the lives of millions of people. That's what I was doing at the time.

So an e-mail like this may not have necessarily risen to the top of my awareness and interest.

Q. So he goes on to say, "You believe that this didn't catch your interest at the time that you received it"?

MR. KIRSCHNER: Objection. Mischaracterizes his testimony.

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THE WITNESS: I don't know if it did or not. I wouldn't imagine that I would be overwhelmingly interested. I may have responded. I'm sure you're going to pull out my e-mail and show my response. But I don't recall -- this is an e-mail from Francis just bringing it to my attention. I don't recall what, if any, was my response to this.

Q. It seems to be getting a lot of attention and even a cosignature from a Nobel Prize winner, Mike Levitt at Stanford.

A. Right.

Q. And that was the person we referred to a minute ago.

A. Yes.

Q. Then Dr. Collins goes on to say, "There needs to be a quick and devastating published takedown of his premises."

Do you know what he's referring to when he talks about a quick and devastating takedown?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. If you know.

A. I do not know what he was referring to. I would imagine I was thinking that someone would take the counterargument of what the premise was, and I

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believe, you know, knowing now what's in the declaration, the premise that you could actually selectively target susceptible people and protect them and yet let the virus spread through society without doing considerable damage.

I would imagine that that is the premise that Dr. Collins felt was an invalid assumption.

Q. And did you discuss this with him at the time? Did you talk to him about getting a quick and devastating published takedown of the Great Barrington Declaration?

A. I don't recall. You know, quick and devastating takedown, that doesn't sound like some terminologies that I would use. So I don't believe I had a conversation about that specific.

Q. And so you don't know specifically what he meant?

A. I don't know specifically what he meant. But knowing Francis, he is a scholar. He's likely talking about writing a scholarly article to contest some of the premises. That's what I would imagine Francis is referring to. That would be his style.

That if someone writes an article that he disagrees with, that he would write a counterargument to challenge the premises. Again, I don't know for

sure, but knowing Francis, I believe that's what he means, to provide a counterargument.

Q. Do you know for sure, then, what he meant or we would ask him if -- if you know?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: Again, I'm not sure -- again, I'm not 100 percent sure. You can never be sure what's in someone's mind, but knowing Francis, he is a scholar, a fair person. Highly respected in the community. When he talks about premises, just the way he would with a scientific article with scientific data, if he had an issue with it, he would write a scholarly article to try and challenge it.

And I believe that's what he's referring to.

BY MR. SAUER:

Q. Okay. He goes on in the e-mail to say, "I don't see anything like that online yet. Is it underway?" Do you see that?

A. I see that.

Q. Why would he think that you and Cliff Lane would know whether or not there was a swift and devastating takedown of this declaration underway?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: Certainly speculative. I

don't know what he meant. I just think he was speaking bluntly. I don't think he was specifically pointing to us to have known if there was something online. He scours the online better than we do. He's got an entire staff that does that.

So I think it was a just a casual comment, "Hey, you guys. Did you see anything online yet?"

BY MR. SAUER:

Q. And he says not "Is there something up there?" He says, "Is it underway?"

Did he have any reason to think that you guys might be working on --

A. Absolutely not.

Q. Let me finish the question -- of some kind of refutation of the Great Barrington Declaration?

A. No. This is not something I would be involved in. As I told you, I have a very important day job that is running a $6.4 billion institute. I would not be involved in examining this and doing something that would, quote, counter it.

Q. Do you know why he copied Cliff Lane on this e-mail with you?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I don't know why he copied Cliff. But as I mentioned, Cliff is the clinical

director of the Institute, the deputy director for clinical research, and a highly -- what's the right word -- respected clinical scientist in the institute.

So it would not be unusual for Francis to send me an e-mail and have Cliff Lane, as my deputy director for clinical research, be copied.

That would not be surprising.

BY MR. SAUER:

Q. Is Cliff Lane the same one who went on the WHO-sponsored trip to China in February of 2020 that we talked about this morning?

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. Is he the same guy?

A. Cliff Lane is the same person, and the same motivation that led to his going to China was probably the same motivation that Francis copied him in the e-mail, that he's highly respected and well thought of and a very knowledgeable physician scientist.

Q. When he came back from China, he was the one who had reported about China -- I think he called them extreme lockdown measures being effective in

controlling the spread of the virus. Do you recall that?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: I answered that question, but he was the one that said social distancing that they have done was, in fact, effective. He believes in curtailing the spread of the virus.

BY MR. SAUER:

Q. Do you recall any discussions between you, Francis Collin, and Cliff Lane in that time frame of him returning from the WHO-sponsored trip to China that related to the efficacy of extreme lockdown measures or extreme social distancing measures?

A. We're going back to the same question. I think I answered that. I think --

Q. I'm just asking if you had any discussions on that topic that I just described, you, Cliff Lane, and Francis Collins back when Cliff Lane returned from the trip to China?

A. Did we have any discussions about the efficacy of -- of severe social distancing on shutting down to spread a virus?

Q. Correct.

A. It's entirely possible that we had that

conversation. I don't specifically recall that conversation, but it would not be unusual. Cliff went to China, and we wanted to find out what was going on there to see if there could be any lessons learned from what they were doing compared to what we're doing.

Q. Exhibit 43.

(FAUCI Exhibit No. 43 was marked for identification.)

BY MR. SAUER:

Q. Do you recognize this e-mail exchange also dated October 8th, 2020?

A. You know, you say do I recognize it.

Q. Do you remember it?

A. I don't remember it, but now that you've put it in front of me, it's got my name on it next to "from" and Francis next to "to." So I get back to my statement before. I receive literally thousands of e-mails, many of which get screened. So I generally wind up seeing only a few hundred.

I don't remember this one specifically, but clearly it was sent by me to Francis.

Q. And to the same list of recipients on his e-mail to you that was in the previous exhibit; correct?

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A. Right.

Q. And you said to him, "Francis, I'm pasting in below a piece from The Wire ^ that debunks this theory"; correct?

A. That's what it says.

Q. If you look at the top, your -- the subject line is the Great Barrington Declaration; correct?

A. Correct.

Q. And Francis responds to you "Excellent"; correct?

A. That's what it says.

Q. You've pasted in here an article from Wired magazine by Matt Reynolds; right?

A. Yes.

Q. How did you find that?

A. I don't recall.

Q. Did someone find it for you or did you Google it yourself?

A. I don't recall.

Q. Do you know this author Matt Reynolds?

A. Doesn't ring a bell. I may have run into him or interacted with him in the past, but doesn't come out -- jump out of the page at me.

Q. Did you have any communications with

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Mr. Reynolds before he published this article?

A. I don't recall.

Q. Do you know of anyone at NIAID communicating with him before publishing this article?

A. I don't recall.

Q. Do you know Gregg Gonsalves?

A. I do.

Q. Who is he?

A. Gregg Gonsalves is the person on the faculty of the Yale School of Public Health, I believe, certainly Yale University of New Haven, who formerly was a member of the AIDS activist group ACT UP, and then a member of the therapy group, TAG, treatment action group, of ACT UP.

Q. How long have you known him?

A. I've known Gregg since the first decade of HIV. So I would imagine that would likely be sometime in late 1980s, early 1990.

Q. Is he a friend of yours?

A. Well, it depends on what you mean by a friend. He's someone I know. He's an associate. I think he's a solid person. He cares deeply about public health.

Yeah, I -- again, it depends on definition

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of friend or not. He's somebody that's more than just hello. I mean, I've -- I've interacted with him a fair amount.

Q. Exhibit 44.

(FAUCI Exhibit No. 44 was marked for identification.)

BY MR. SAUER:

Q. Another e-mail chain between you, Francis Collins, and Cliff Lane regarding the Great Barrington Declaration; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: This is an e-mail from me to Francis in which I forwarded to him a commentary or a Twitter, I guess, a commentary by Gregg Gonsalves concerning the idea of herd immunity and focused protection.

BY MR. SAUER:

Q. And you said above -- sending that, you said, "another refutation of the herd immunity approach"; right?

A. Correct.

Q. And this is also addressing essentially the approach -- the herd immunity approach, are you there referring to the approach espoused by the

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authors of the Great Barrington Declaration?

A. Could be. I would imagine it was, but, you know, since herd immunity was a significant component of the declaration, I don't see specific reference to the declaration here, but it is compatible with this being -- referring to the declaration, though I -- I don't see any specific indication of it.

Q. Can you turn to the second page of this document? In the Gonsalves article, the second paragraph begins "However, after some acknowledgment." Do you see that?

A. Yes.

Q. And if you go about five lines down, there's a sentence beginning "Fast forward to this week." Do you see that?

A. Yes.

Q. It says, "Fast forward to this week where one of the Harvard professors in question, Martin Kulldorff, along with Dr. Jay Bhattacharya from Stanford University and Sunetra Gupta from the University of Oxford were in DC meeting with Scott Atlas ^ and Health and Human Services as secretary Alex Azar ^ ?

A. Yes.

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Q. And then it goes on to say they were promoting their new focus protection strategy; correct?

A. That's what it says.

Q. And focus protection is a phrase used in the Great Barrington Declaration; correct?

A. That's correct.

Q. Did you have any communications with Gregg Gonsalves before he wrote this piece?

A. I don't recall. I might have. I don't recall specifically having any communications with Gregg before he wrote this. I might have, but I don't know. It doesn't come out at me as something I remember having a communication with him.

Q. Do you -- do you remember consulting -- him consulting with you or anyone at NIAID staff in any way about his piece on this?

A. You know, I don't recall. It's possible, but I don't recall.

Q. Do you know what Francis Collins was going to do with this information? You're sending him these articles refuting the Great Barrington Declaration. What was his plan to do with them?

MR. KIRSCHNER: Objection. Speculation.

THE WITNESS: I don't know what his

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plan -- I think he was getting back to a prior e-mail that you showed me. He was wondering what the community in general's response was to the Great Barrington Declaration, and I believe, if I can recall from a few moments -- minutes ago when he was talking -- is anybody else refuting this premise? That's one of the things he asked in an e-mail he sent to me.

So I would imagine -- I'm trying to piece it together -- that the things that I forwarded to Francis were in response to his question "Is anybody else refuting this premise?" And this looks like a refutation that I forwarded to him on October 8th and then on that same day what Gregg Gonsalves tweeted.

BY MR. SAUER:

Q. Do you know if Francis Collins has any contacts or acquaintances that work for social media companies?

MR. KIRSCHNER: Objection. Calls for speculation.

THE WITNESS: I don't know of Francis Collins's connection to any -- I don't know of it. I mean, whether he does or not, I don't -- I don't -- I have no knowledge of that.

BY MR. SAUER:

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Q. Does he have social media accounts?

A. His office does. I think he tweets. I have heard he tweets. Since I don't have a Twitter account, I don't see tweets.

Q. Exhibit 45.

MR. KIRSCHNER: Yes.

(FAUCI Exhibit No. 45 was marked for identification.)

BY MR. SAUER:

Q. Before we -- before we get to this exhibit, has Dr. Collins ever discussed with you the content of matters posted on social media that you recall?

A. I'm sorry. What's the question again?

Q. Has Dr. Collins ever discussed with you the content of speech posted on social media?

MR. KIRSCHNER: Objection. Ambiguous.

THE WITNESS: You know, I'm -- I'm not sure.

BY MR. SAUER:

Q. Has he ever discussed with you any communications that he or his staff has had with social media companies?

A. Not specifically that I can recall. He may have but, again, it's not something that rings a

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bell with me that I would remember.

Q. Can you look briefly at the exhibit in front of you, Exhibit 45?

A. Right.

Q. This is a Washington Post article dated October 14th, 2020?

A. Right.

Q. And the headline is "Proposal to hasten herd immunity to the coronavirus grabs White House attention but appalls the top scientists"; correct?

A. Correct.

Q. If you go to the fourth paragraph on the first page, Dr. Collins quoted in this article --

MR. KIRSCHNER: Again, I would ask for Dr. Fauci to have an opportunity to familiarize himself with this document.

THE WITNESS: Just give me a sec.

BY MR. SAUER:

Q. Do you see that -- the fourth paragraph on the first page, where it says that, "A senior administration official told reporters in a background briefing called Monday that the proposed strategy, which has been denounced by other infectious disease experts and called, quote, fringe, and, quote, dangerous by NIH director Francis

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Collins."

Do you see that?

A. Yes.

Q. Did you consult with Dr. Collins before he told the Washington Post that this was a fringe and dangerous idea?

A. Yes.

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: Yeah. I'm not sure of the connections because it's saying here, "which has been denounced by other infectious disease experts and called fringe and dangerous," whether Francis spoke to Joel directly and said it was fringe and dangerous or whether Joel was reporting on statements that Francis Collins made not directly to him, but he may have heard of statements that Francis made.

BY MR. SAUER:

Q. Why don't we flip ahead to page 4 of this document -- 4 of 6 in the bottom left corner? You --

A. Four of 5.

Q. Page 4 of 5?

A. Got it.

Q. You see that third full paragraph? There's a quotation from Dr. Collins that says, "What

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I'm worried about with this is it's being presented as a major alternative view that's held by large numbers of experts in the scientific community."

That is not true, correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: That's what this says.

BY MR. SAUER:

Q. And he goes on to say in the next paragraph, "This is a fringe component of epidemiology. This is not mainstream science. It's dangerous." Correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: Well, I'm reading the quote from Dr. Collins.

BY MR. SAUER:

Q. Did he consult with you before he gave that quote or made those statements to the Washington Post?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I can't say for sure whether he consulted with me or spoke to me about it. It was clear how Dr. Collins felt about the premise of the

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declaration. He felt that it was, in fact, an ill-founded premise, and that it would be dangerous because it would lead to the unnecessary infection, sickness, hospitalization, and death of larger numbers of people if you pulled back and let the virus freely circulate, even if you tried to protect targeted populations.

BY MR. SAUER:

Q. Did he think it would be dangerous if those communications were conducted on social media platforms?

MR. KIRSCHNER: Objection, speculative.

BY MR. SAUER:

Q. To your knowledge?

A. To my knowledge, I don't see a connection here with what he's saying and things being spread on social media, but perhaps, since a lot of things get spread on social media, I'm sure that -- I'm not sure, but that could have been something that he was concerned about.

Q. Did you ever discuss that with him, his concerns about it circulating on social media?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: You know, we've been down

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that question before. And I said, "I'm not certain at all."

I've had discussions with Dr. Collins a few years ago about these issues and I don't know if we discussed the implications of social media on it.

BY MR. SAUER:

Q. Did you become aware -- did he -- did he let's do the next exhibit, 46?

(FAUCI Exhibit No. 46 was marked for identification.)

BY MR. SAUER:

Q. On October 13th at 3:36 p.m., did Dr. Collins send you and some others a link to the Washington Post article that we just looked at?

A. The link on the bottom, is that the same article? I don't know if it is. Let me see if the link is the same. "COVID herd immunity 2020," yeah, it looks like it's the link to the article that we were referring to.

Q. So this is on October 13th, which would be the day after -- or no -- strike that. So he e-mails you and others and says, "My quotes in the article are accurate but will not be appreciated in the White House"; correct?

A. It says here, "My quotes are accurate, but

will not be appreciated in the White House."

Q. Did he discuss with you whether the White House would approve the quotes he made about the Great Barrington Declaration?

A. I don't recall him discussing whether they would be appreciated or not, but he clearly states in the e-mail to me -- is it to me? Yes, to me and others -- that his quotes are accurate. Namely, that he rejects the premise of herd immunity, but that will not be appreciated in the White House.

Q. And you responded, "They are too busy with other things to worry about this"?

A. Right.

Q. What you said was entirely correct?

A. Right.

Q. So was it your view at the time that the Great Barrington Declaration was a fringe and dangerous idea?

A. I'm not sure I would have categorized it like that. I would say that the premise, I believe, is invalid. And the invalid premise of essentially letting the virus freely circulate under the assumption which has already been proven to be incorrect with the one million deaths that we've had in the country, that the premise of allowing the

virus to freely circulate is a premise that is invalid because it is not possible to selectively protect all the vulnerable people.

Q. Do you think --

A. So I agree that the premise of the Great Barrington Declaration is ill-founded and incorrect and I'm joined by the overwhelming majority of physicians, public health officials, and epidemiologists.

Q. Do you think it's nonsense?

A. You know, you're putting words. It could be nonsense. In fact, I believe that you're going to show me an e-mail shortly in which I call it nonsense, you know.

Q. Why don't we go with that?

A. Okay.

Q. Exhibit 47.

A. All right. Thank you.

(FAUCI Exhibit No. 47 was marked for identification.)

BY MR. SAUER:

Q. Is this a -- can you look at that?

A. I see it.

Q. Can you see this is an NBC News article dated October 15, 2020.

A. Correct.

Q. And the headline says, "Dr. Fauci says letting the coronavirus spread to achieve herd immunity is, quote, nonsense, and quote, dangerous." Correct?

A. That is correct.

Q. Turn to the third page of the document in the first full paragraph.

A. Right.

Q. You describe the view of letting everybody get infected and then we'll have herd immunity. And you say, "Quite frankly, that is nonsense and anybody who knows anything about epidemiology will tell you that that is nonsense and very dangerous." Correct?

A. That is correct.

Q. Were those the statements that you made at the time?

A. That's the quote there. I have no reason to believe that it's a misquote.

Q. Do you still believe that?

A. Do I believe that the Barrington Declaration premise of letting the virus rip through society and infect people, leading to their illness, hospitalization, and death is nonsense and dangerous? I still do.

Q. Are you an epidemiologist?

A. I'm an infectious disease person with some pretty good experience in epidemiology.

Q. Is Dr. Bhattacharya an epidemiologist?

A. I don't know. I guess you'll have to look up his credentials. I don't know precisely his credentials.

Q. How about Dr. Kulldorff?

A. Again, I'm not familiar offhand with their qualifications.

Q. So your statement was made within two days of Dr. Collins' statement?

A. Right.

Q. With the Washington Post; correct?

A. Right.

Q. Did you coordinate with making those statements, discussing with each other that you were going to make these statements criticizing the Great Barrington Declaration, other than the e-mails you've already seen?

A. I don't believe so, but I don't -- no, I'm not -- that's not our style to be coordinating things. I don't know -- it's possible we discussed it, depending on what your coordination is.

Q. In this same time frame, did you become

aware that the Great Barrington Declaration was being censored in social media?

I'm not aware of anything being censored. Like I said multiple times -- and I'll repeat it again -- I don't follow what goes on on social media, censoring or otherwise. That's not something that I pay attention to.

(FAUCI Exhibit No. 48 was marked for identification.)

BY MR. SAUER:

Q. Would you look at exhibit 48. And is this an article from the website Spiked entitled, "Why has Google censored the Great Barrington Declaration?"

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: The first page says: Why has Google censored the Great Barrington Declaration?

BY MR. SAUER:

Q. Without going into details of the article, were you aware that there were reports that Google had deboosted the Great Barrington Declaration in the search results. So if you search for it on Google, the declaration itself would be buried in the results and you would only get articles that were critical of it, like for example, the Washington Post article

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that quoted Francis Collins and the NBC?

MR. KIRSCHNER: Objection. Lack of foundation and compound. Many compounds.

BY MR. SAUER:

Q. Did you know about that?

A. Could you repeat ^ the specific question. Did I know about what?

Q. Did you know about the fact that the Great Barrington Declaration had been deboosted in people's search results in the same time frame?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Did you know?

A. I believe not. It is possible that someone walking by the hall mentioned that to me. But as I mentioned to you, I don't pay much attention to what goes on in social media, and I certainly would not have had this plop up on my radar screen so I would say, "I can't say 100 percent," but it is highly unlikely that I am aware -- was aware of, or if I was, I paid any attention to this thing of Google censoring the Great Barrington.

I don't pay attention to that whole culture of social media censoring or not censoring.

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I've said that maybe 50 times today. That's not what I do.

Q. Let me ask you a new question then.

A. Sure.

Q. Are you familiar with the social media platform Reddit?

A. Reddit?

Q. R-e-d-d-i-t?

A. I'm heard the that term, but --

Q. Are you aware that Reddit also censored the Great Barrington Declaration, along with Google?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. If you know.

A. Again, I'm not even sure what Reddit is, and so I don't think I could be aware of its censoring. If I did -- was aware at one time, I certainly didn't register it as something that I would want to remember.

Q. Have you ever heard of YouTube?

A. Have I ever heard of YouTube? Yes, I have. There you go. I've heard of one thing, yeah.

Q. Were you aware that YouTube actually amended its terms of service in October of 2020 to

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clarify that it would remove content related to the Great Barrington Declaration?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Do you know?

A. I don't know for sure whether someone pointed that out to me, but, again, with the repetitive theme that I keep saying if I was aware of it, I would not have paid much attention to it.

Q. Exhibit 49.

(FAUCI Exhibit No. 49 was marked for identification.)

BY MR. SAUER:

Q. This is a copy of YouTube's online site admissions relations ^ policy. Have you ever seen it before?

A. Not to my recollection, no.

Q. And on the second page, there's a kind of rolling chronology. Do you see on the second page in the far left it indicates 2020 in the middle?

A. Yeah.

Q. And then there's various links. So if you go on to the third page, there's one from October of 2020 called fighting misinformation?

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A. Yeah.

Q. And that indicates in kind of one sentence that they have updated their COVID-19 medical misinformation policy in October of 2020; correct?

A. Correct. It looks that way.

Q. Exhibit 50.

(Dr. Fauci Exhibit No. 50 was marked for identification.)

THE WITNESS: I'm sorry. What -- what was the question? I didn't see any question.

BY MR. SAUER:

Q. Oh, I was -- now I was going to give you what you get when you click on that. That's Exhibit 50.

A. Okay.

Q. Did I slide over an extra copy to you? Oh, no. Here it is. Sorry.

I take it you've never seen this sort of document before either, Exhibit 50, the sort of detailed version of the COVID-19 medical misinformation policy that you're privy ^ to?

A. No. I don't recall ever seeing this before.

Q. Can you go to Page 4 of 5, the fourth bullet point from the bottom on the list of items

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that YouTube does not allow on its platform, quote, "Claims that achieving herd immunity through natural infection is safer than vaccinating the population."

Do you see that?

A. I see it, yes.

Q. Is that a claim that paraphrases the recommendations in the Great Barrington Declaration?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: You know, I'm not sure. I know that the Great Barrington Declaration promotes the concept of herd immunity through natural infection. I am not certain -- I don't recall if they specifically mention that it's safer than vaccinating the population. It might.

BY MR. SAUER:

Q. Did you have any knowledge of any update to YouTube's terms of service in October of 2020 to add that as a disfavored claim?

MR. KIRSCHNER: Objection. Asked and answered.

BY MR. SAUER:

Q. Did you? Yes or no?

A. Not to my knowledge. It doesn't ring a bell.

Q. Do you know of anyone who communicated to

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YouTube about that topic?

A. Not to my knowledge.

Q. Exhibit 51.

(FAUCI Exhibit No. 51 was marked for identification.)

BY MR. SAUER:

Q. This is Meta's online misinformation policy, and I think we talked about earlier how Meta is the company that --

A. Now I know what Meta is. We can proceed.

Q. It's Facebook and Instagram.

A. Yes. Okay.

Q. And the CEO of Meta is someone you're on a first-name basis with, a man called Mark Zuckerberg; is that correct?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence.

THE WITNESS: Yeah, right. I'm on a first-name basis with a lot of people.

BY MR. SAUER:

Q. Apparently. Did you do some PSAs with Mark Zuckerberg back in March of 2015?

A. I don't know --

Q. I'm sorry. March of 2020?

A. I'm not sure of the date, but I did some

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Facebook PSAs encouraging people to get vaccinated and answering questions about the virus.

Q. And in your interrogatory responses, you identify 13 communications with Mark Zuckerberg consisting of both e-mails and phone calls.

Do you recall that?

A. Interrogatories, when you and I were talking -- what is he talking about?

MR. KIRSCHNER: Well, Dr. Fauci, I would ask not to talk about -- about our communications.

THE WITNESS: Yeah. I'm not sure what you mean by "interrogatory." What is that?

BY MR. SAUER:

Q. Did you prepare information in response to written discovery requests in this case identifying 13 communications with Mark Zuckerberg during 2020?

MR. KIRSCHNER: Mr. Sauer, if you have a document to show Dr. Fauci, I would ask that you show --

THE WITNESS: Yeah, I'm not sure what you're talking about. Interrogatory about -- show me something, and I'll tell you.

BY MR. SAUER:

Q. Do you dispute that you had 13 conversations -- or communications with

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Mark Zuckerberg in 2020?

A. I don't know how many I had. I do know some time ago that of the many, many, many thousands of e-mails of mine that were FOIA'd, that someone mentioned that there were e-mails between Mark and I. And I don't know how many there were so I can't answer the question completely accurately.

Q. Let me ask you this. Can you turn to Page 4 of 12?

A. And remind me what's this -- this is the misinformation policy document of --

Q. Meta.

A. Meta, okay.

Q. Page 4 of 12 under Roman II, harmful health misinformation, there's a bullet in bold saying "Misinformation about vaccines"; correct?

A. Right.

Q. And it says, "We remove misinformation primarily about vaccines when public health authorities conclude that the information is false and likely to directly contribute to imminent vaccine refusals"; correct?

A. Correct.

Q. Are you one of the public health authorities whose conclusions Meta relies on when

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they're deciding to remove information?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I have no idea who the public health authority is.

BY MR. SAUER:

Q. Did you ever have a conversation with Mark Zuckerberg where he told you that you're a respected public health authority?

A. Did I ever have a conversation with Mark saying that I was a respected public health authority?

Q. Or something like that.

A. My conversations with Mark are documented on the PSAs that we have. I'm not sure whether he said now I'm going to introduce the public health authority. I'm not sure about that.

Q. How about in the phone calls you had with him?

A. The phone calls, I believe, were related to saying, you know, look forward to being on the PSA with you. You got any questions about the technical aspects of it or stuff like that. I don't think there was anything more substantiative than that on the e-mails.

Q. Did anyone ever say to you that you're a

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public health authority that platforms like Meta and Facebook and so forth would rely on in --

A. Not to my knowledge.

Q. If I may finish -- may rely on in modulating content on their platform?

A. No, no. To my knowledge, I've never had anyone mention me and my authority or my reputation that has anything to do with influencing social media platforms.

Q. After the Great Barrington Declaration was published, did you ever communicate with anyone at Stanford about it?

A. I don't recall. It's possible. Like I say, I made thousands of phone calls and thousands of e-mails. I may have, but I doubt it.

Q. Well, more generally, do you recall communicating with anyone outside of the government and aside from the reporters that quoted you about the Great Barrington Declaration and its approach?

A. Outside of government, I don't know. That's possible, but I don't recall.

Q. How about do you know a man named Dr. Phil Pizzo or Pizzo? P-I-Z-Z-O --

A. I do. I do.

Q. Who is he?

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A. Phil Pizzo is a pediatric infectious disease expert who used to be at the NIH who then went on to become the dean at the School of Medicine at Stanford who now, I believe, is either dean emeritus or professor emeritus at Stanford.

Q. And did you know him from his time at the NIH?

A. I did.

Q. So you've known him for decades, then?

A. Yes.

Q. Did you ever contact him to discuss the Great Barrington Declaration?

A. I don't recall. That's possible.

Q. Is it possible you had a conversation with him about Dr. Jay Bhattacharya also at Stanford?

A. I don't recall.

Q. How about Lloyd Minor? Who's that? Someone named Dr. Lloyd Minor?

A. I've heard the name. I -- it doesn't ring a bell of any connection.

Q. How about Mark Tessier-Lavigne? Do you know him?

A. Mark is the current president of Stanford.

Q. Did you ever have a conversation with him?

MR. KIRSCHNER: Objection. Vague.

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THE WITNESS: Yeah. I don't know what you mean by a conversation with him. He used to be at the Rockefeller Institution. I had conversations -- scientific conversations with him, and I met him at meetings.

So I'm not sure what you mean. Yeah, I've had conversations with Mark, but I don't recall the content of the conversation.

BY MR. SAUER:

Q. Have you ever discussed the Great Barrington Declaration with him? Or --

A. Not my knowledge.

Q. How about the focused protection or herd immunity approaches?

A. I don't recall. These are possible. It's not ringing a bell when you're asking that question.

Q. How about any of the following names: Harry Greenberg? Do you know him?

A. Harry Greenberg is the scientist who used to be at the NIH and is still now at Stanford.

Q. Did you ever talk to him about focused protection or herd immunity?

A. I doubt it. I can't say 100 percent, but I doubt it. I don't recall discussing this issue with these people, but it's possible it came up in a

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discussion about something else, but I don't recall.

Q. How about Jack Rowe, R-o-w-e? Do you know him?

A. I know Jack. I don't know him well. He used to be the CEO of a medical center maybe in New York. I'm not sure.

Q. Do you know a scientist with the last name of Ioannides, I-o-a-n-n-i-d-e-s?

A. I've heard of him. I don't know him. I've heard the name Ioannides, but I don't know him.

Q. Are you are familiar with a serial prevalence study of people in Santa Clara County from March of 2020? It was done by him and some others.

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: No. It doesn't ring a bell.

BY MR. SAUER:

Q. So you don't remember there being a study of the people in Santa Clara County early in the pandemic to assess how widespread the virus already was at that time?

A. Again, I get hundreds and hundreds of studies that come across my desk. It is possible that someone brought such a study to my attention, but I don't specifically recall it.

Q. Exhibit 52.

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MR. KIRSCHNER: What time are we at?
THE VIDEOGRAPHER: 5:41.
MR. KIRSCHNER: What exhibit number is this?
MR. SAUER: 52.
(FAUCI Exhibit No. 52 was marked for identification.)
BY MR. SAUER:
Q. Is this an e-mail from Greg Folkers to you dated November 2nd, 2020?
A. Me to Greg, November the 2nd. Greg to me, November the 1st.
Q. Gotcha. So on November 1st, he sent you a list of articles and highlighted the three he found most useful?
A. Right.
MR. KIRSCHNER: Is there a question, Counsel?
BY MR. SAUER:
Q. Is that what he did in this e-mail?
A. It appears in this e-mail that he has sent me, it looks like blanks maybe or at least titles of articles -- let me read them -- see what connection there is to the article.
(Reading.) "Herd Immunity, the false

premise of the herd immunity."

Yeah, there's a bunch of articles to -- from different scientific and lay press.

Q. And these are all articles that are critical of the herd immunity approach of the Great Barrington Declaration; correct?

A. Right.

Q. Do you know why Greg sent you these?

A. I don't recall. Greg would probably send me something that I've asked for. So somehow, back then, a couple of years ago, I asked for articles concerning herd immunity and I believe he sent them.

Q. Did you forward these on to Francis Collins?

Sorry. Were you still talking?

A. Yeah. I mean, I don't know. This would be something Greg would do if I asked him to get some articles for me. And looks like -- I likely -- and I don't see the e-mail requesting them. I either e-mailed him or called him up, or walked in his office and said, "Get some articles on the issue of herd immunity." Yes, so --

Q. Did you ever communicate with the authors of any of these articles about this topic?

A. I don't recall. I'm looking at the people

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here and I don't recognize the names, except for John Barry and Gregg Gonsalves and ^^ Michelle -- some people I know and I -- some people I've never heard of. I don't recall if I communicated with any of them about these articles.

Q. Which one do you know? Do you know John Barry?

A. I know John Barry.

Q. And who else do you know?

A. All right. Let's go through the list. John Barry.

I've been interviewed by Apoorva Mandavilli and Sheryl Stolberg, two reporters for the New York Times.

I've met Mark Lipschitz. I don't know him well. I know Gregg Gonsalves, Carlos del Rio, and Rochelle Walensky well.

Q. Did you communicate with any of those people about the Great Barrington Declaration in any connection?

A. I don't recall. I mean --

Q. Did you ever take any steps to ensure there would be an online criticism of the Great Barrington Declaration in any --

MR. KIRSCHNER: Objection. Asked and

answered.

THE WITNESS: I don't ever recall -- I don't recall ever taking any steps to do anything online or influence online criticism of them. I just knew how I felt personally about the Great Barrington Declaration and we already discussed that. I felt that it was and is misguided and could lead to the unnecessary infection, hospitalization, and death of individuals if you follow the premise of the Great Barrington Declaration.

BY MR. SAUER:

Q. Did you share that view with the people in the media other than the ones we talked about?

A. I don't recall necessarily what I said to people in the media, but my opinion of the nature of the premise of the Great Barrington Declaration, I believe, is reasonably well known and shared by a very large number of scientists throughout the country, as actually stated in some of these articles.

Q. Are there large numbers of scientists who disagree with your view, who signed the Great Barrington Declaration?

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: I haven't quantitated the

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number of people. I haven't done a quantitative study on the number of people who agree with it. But I can tell you that I interact with a lot of scientists in the country. And overwhelmingly, they disagree with it.

BY MR. SAUER:

Q. Does that include the 15,000 who signed it?

MR. KIRSCHNER: Objection. Argumentative.

THE WITNESS: Yes.

BY MR. SAUER:

Q. It does or does not?

A. I haven't even looked at the names of the 15,000 who signed it. A lot of people sign petitions and are not fully aware of what the implications of those petitions are.

Q. Exhibit 53.

(FAUCI Exhibit No. 53 was marked for identification.)

BY MR. SAUER:

Q. Can you turn to the second page of this e-mail chain on the bottom half? Do you see there's an e-mail from someone at Twitter to a Carol Crawford dated March 14th of 2020?

A. Right.

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MR. KIRSCHNER: I would ask for Dr. Fauci to be able to familiarize himself with this document.

THE WITNESS: I'm all confused. I don't recognize anything on this piece of paper.

BY MR. SAUER:

Q. Could you just point to the part where I'm pointing to where there's an e-mail from someone at Twitter to a ^^ Carol Cross?

A. Right.

Q. And this other client is @anthonyfauci_ account. Correct?

A. Right. Yes.

Q. And the Twitter person says, "Hi CDC team. A few folks have flagged this account to me wondering if it's real or not. Is it a legitimate account?"

Do you see that?

A. Yes.

Q. And there's a reference to an Anthony Fauci Twitter account; correct?

A. Right.

Q. And then if you go up above, you see Carol Crawford on March 14th, the response I'm adding someone at NIH and someone at HHS to verify that.

A. Right.

Q. And then if you go further up on the page,

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the NIH person, Scott Prince. Do you know him?

A. No. I mean, it says here, "Deputy director for public information." You know, I have about six thousand employees work for me. I don't recognize this name.

Q. But he works in NIH?

A. Yeah.

Q. Is that fair to say?

A. Yeah. He probably works in Building 1 which is the NIH director's office. Not my -- it doesn't say NIAID, which means he doesn't work for me.

Q. And he e-mailed Twitter back, and said, "Fake/Imposter handle," and then in all caps, "Please remove, exclamation point, exclamation point, exclamation point." Correct?

A. That's what it says right here.

Q. Were you aware that staff at the NIH were communicating with Twitter about removing accounts from Twitter because they were impersonating you?

A. I don't -- I kind of vaguely recall that there was a fake account of people using my name under false pretenses. I'm not 100 percent sure what they did about it. I'm sure that when they found out that it was a false account, that they would want it

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to be removed. I didn't say remove it. I believe I have a communication staff that I'm sure, if they found out it was a false and misleading account, that they would want it to be removed.

Q. And would your communication staff contact the social media platforms to have that false and misleading content removed?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I don't know how they would do it. Again, I said I don't pay attention to things related to social media accounts.

BY MR. SAUER:

Q. Who's in your communication staff?

A. A lot of people.

Q. Can you name -- who's the leader of it?

A. Courtney Billet.

Q. Okay. Did you ever tell Courtney Billet to communicate with a social media platform about taking down an imposter account or fake account?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: I don't recall doing it, but I assume, when Courtney found out that it was an imposter handle, that she would have asked to take it down herself, possibly without even telling me except

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to say, "There's an imposter account on you. We'll take care of it." Something like that.

BY MR. SAUER:

Q. Do you remember her having that conversation with you?

A. I don't specifically remember it, but I vaguely remember somebody mentioning something about an imposter account. I didn't even know what an imposter account was. And I likely would have said, "Well, how can they do that?"

And I found out that people do imposter accounts, so I don't get involved in searching for them or doing anything about them. We have an entire communication staff that worries about that.

Q. To be clear, your entire communication staff worries about things like false and misleading accounts like this on social media?

MR. KIRSCHNER: Objection. Mischaracterizes the evidence -- or the testimony.

THE WITNESS: My staff worries about me, not other people's accounts and what's spread on other people's -- they don't worry about -- they work for me. They don't scour the social media looking for things that may or may not be true.

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BY MR. SAUER:

Q. Do they scour social media looking for imposter accounts or ^ accounts --

A. I don't think they spend time looking for them, but when someone like Lauren Duvall says, "Hey, we have an Anthony -- @Anthony Fauci," and brings it to the attention of the NIH, then they would obviously be concerned about an imposter account.

Q. Turn to the first page. The HHS official says, "Thanks, Lauren. Is there anything else you can do to block other variations of his name from impersonations so we don't have this occur again"; correct?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: It says, "Thanks, Lauren." They're trying to make sure that other people don't impersonate me.

BY MR. SAUER:

Q. Correct.

A. I think impersonating me is a bad thing, isn't it? I think so.

Q. Perhaps. If you go further up on March 14th, it says -- the Twitter official responds, "Will freeze this at -- @ handle and some other variations so no one can talk on that"; correct?

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A. That's what it says.

Q. So they would freeze a number of different account handles to make sure that no one uses them to impersonate you?

A. I don't know what this -- I don't know what this statement means. I don't -- I know it says will freeze the @ handle and some other variations of the @ handle. I don't know what they're referring to.

Q. Let's do another exhibit.

A. I think what they're trying to say possibly is that someone is impersonating me and that's a bad thing, and they're trying to stop it.

Q. Correct. Specifically they're trying to stop it by removing accounts from the social media platform Twitter; correct?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I'm not sure where you're going with this, but I believe if someone is saying they're Fauci and they're not, that that would be disturbing to my communication staff.

BY MR. SAUER:

Q. Exhibit 54.

(FAUCI Exhibit No. 54 was marked for identification.)

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BY MR. SAUER:

Q. Can you look at the third page of this e-mail chain? At the very bottom there's an e-mail from someone called Nicole Burkholtz or Burkes.

Do you see that?

A. Nicole Berkowitz, yes.

Q. Do you know who she is?

A. I don't recognize the name.

Q. And if you look at this e-mail, if you look up at the top of this e-mail, it looks like she sent an e-mail to the NIH.gov list?

A. It looks that way, yes.

Q. Do you know what that list is?

MR. KIRSCHNER: Objection. Spec- --

BY MR. SAUER:

Q. F --

MR. KIRSCHNER: Sorry.

BY MR. SAUER:

Q. [redacted]@list.NIH.gov?

A. No, I don't know what that is. I mean, it says "NIH.gov" so it has something to do with the NIH, but I don't really know what [redacted]@list is.

Q. Third paragraph down in her e-mail there she says, "Reason for the request, I have come across a very misleading YouTube video titled "How to Kill

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Coronavirus" that because of the unfortunate placement of the ad banner and the algorithm which chose my ad makes it look like this is a CDC video on COVID-19"; correct?

MR. KIRSCHNER: Objection. Lack of foundation, and I would ask for Dr. Fauci to have an opportunity to familiarize himself with this document.

THE WITNESS: Yeah. Let me read it. Hold on.

BY MR. SAUER:

Q. Do you see that reference?

A. I don't know what this is. This looks like a CDC thing. Let me read it carefully so that I can answer your question.

Okay. So what's the question? I'm sorry.

Q. Were you aware of someone -- or do you see where she refer -- describes the content of the video she's looked at as incredibly dangerous information?

A. Yeah, and I want to make sure I'm not confused. So she is an NIH -- who is she?

Q. I think if you look at the next page, she's identified as a communications lead for the EPA. Do you see that?

A. Where's that next page?

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Q. The very next page. The one we're looking at.

A. This one? EPA.gov.

Q. Yeah.

A. Environmental Protection Agency; right?

Q. Let me ask you this: Did you have any knowledge of someone from the EPA consulting with an NIH list to try and find a contact at social media to have dangerous information taken out?

A. I don't have any recollection of any of this.

Q. Let's move on to another exhibit.

A. I don't even know what you're talking about.

(FAUCI Exhibit No. 55 was marked for identification.)

BY MR. SAUER:

Q. Here's an e-mail chain from April of 2020. Can you turn to the second-to-last page where there's an e-mail from someone called Judith Lavelle of NIAID sent to Facebook?

A. Yeah.

Q. And here -- do you know who Judith Lavelle is?

A. She -- it says NIAID, NIH. So I'm the

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director of NIAID. So she obviously works in my multi-thousand-person institute. So maybe I've run into her, and I don't know exactly what she does.

Q. And the next page it indicates she's a technical writer editor in her signature block.

Do you see that?

A. Right. And she's located at Fishers Lane, which is not the building that you and I are now sitting in. So it is unlikely I would have run into her.

Q. She's copied on this e-mail someone called Jennifer Routh at the last CRC.^ Do you see that?

A. Yes.

Q. Who is Jennifer Routh?

A. Jennifer Routh is a member of my communications staff.

Q. Is Judith Lavelle a member of your communications staff?

A. Let me look. It says Judith Lavelle, technical writer editor. So that would probably put her in the communications staff.

Q. Okay. So she is on the communications team?

MR. KIRSCHNER: Objection.

THE WITNESS: Well, that's what technical

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writers generally fall under, the broad group of communications all under Courtney Billet.

BY MR. SAUER:

Q. And she's e-mailed Facebook and said, "We wanted to flag a few more fake Dr. Fauci accounts on Facebook and Instagram for you." Do you see that?

A. Yes.

Q. And she says she's also reported them from at NIAID and her personal Facebook account; correct?

A. Correct.

Q. And there's a list of about eight accounts there in this e-mail?

A. Correct.

Q. And then if you flip to the next page, there's another one called Dr. Fauci the hero where she says, "I think this one may be fine as a fan page but just as a reminder that it could have been more clear"; correct?

A. That's what it says.

Q. So really you -- were you aware that, in fact, your communications staff was flagging many fake accounts from Facebook to have them removed?

A. I was not aware that they were flagging many accounts, but from looking at this, they are trying to get rid of fake accounts because fake

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accounts are bad things, I believe.

Q. "They" are -- "they" are your communications staff, right, when you say "they are working to remove fake accounts"?

MR. KIRSCHNER: Objection. Mischaracterizes testimony.

THE WITNESS: Yeah. I'm not sure what you're saying or what you're getting at, but I'm reading here that there are people that are using my name falsely and creating fake accounts which people in the communications staff saying that this is troubling because they're doing things like selling masks and doing things like that.

So I think that that would be kind of appropriate for my communications staff to be concerned when people are falsely impersonating me.

BY MR. SAUER:

Q. Are some of them parody accounts?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: Who?

BY MR. SAUER:

Q. Parody.

If I may finish the question?

Are some of them parody accounts?

MR. KIRSCHNER: Objection. Speculative.

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THE WITNESS: What is a parody account?
BY MR. SAUER:
Q. Someone pretending to be you in a way that's ironic or making a point.
MR. KIRSCHNER: Again, objection. Speculative.
THE WITNESS: I don't know what these are. I just got a bunch of links to them. I'm not sure what they are.
BY MR. SAUER:
Q. And there's one more. She sent a second e-mail flagging one more -- apologies for one more in the middle of that page. Do you see that?
A. Apologies for one more, right.
Q. And then the -- directly above that, the Facebook person responds, "Hi, all, flagged this for the fake accounts team and they have confirmed that all but two accounts were removed for the impersonation of Dr. Fauci"; correct?
A. Right. Right. Impersonation are bad things.
Q. And bad things should be removed from social media on your --
A. No. I mean, I think when someone says they're me and they're not me, I think someone should

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take a close look at that.

Q. Should someone take a close look at other false statements on social media?

A. That's not my lane. I don't -- I never get involved in that, nor do I concentrate on that, so I don't have an opinion on that. Like I've told you maybe now, I can repeat it for the hundredth time, I really don't get involved in social media issues.

Q. Do people on your communication staff get involved in social media issues regarding false information or misinformation?

A. Not to my knowledge.

Q. If I may finish my question.

Other than impersonation accounts?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: To my knowledge, they don't get involved in trying to influence social media in any way. But when someone impersonates me, I think it's totally appropriate for them to be concerned about that.

MR. KIRSCHNER: And after this, can we take a break?

MR. SAUER: Why don't we do that now?

THE VIDEOGRAPHER: The time is 3:39 p.m.

and we are going off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 3:55 p.m. and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, do you know Sylvia Burwell?

A. I do.

Q. Who's that?

A. Sylvia Burwell is the former Secretary of the Department of Health and Human Services and the current president of American University.

Q. Did she e-mail you in February of 2020 asking whether she should wear a mask if she was traveling in an airport in the early stages of the pandemic?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: Sylvia has, over the past couple of years, asked me advice about personal safety during the COVID-19 pandemic.

BY MR. SAUER:

Q. And in particular, in February of 2020, did she e-mail you and say, "I am traveling to -- redacted -- folks are suggesting I take a mask through the airport. Is this something I should do?"

MR. KIRSCHNER: Objection. Lack of

foundation.

THE WITNESS: You know, I don't recall specifically that. I -- I do know that Sylvia has called me over the last couple of years asking me questions about health. I don't specifically recall that.

BY MR. SAUER:

Q. Do you recall writing this in response: "Masks are really for infected people to prevent them from spreading infection to people who are not infected, rather than protecting uninfected people from acquiring infection. The typical mask you buy in the drugstore is not really effective in keeping out virus, which is small enough to pass through material. It might, however, provide some slight benefit in keep out gross droplets if someone coughs or sneezes on you. I do not recommend that you wear a mask, particularly since you're going to a low risk location."

Do you recall writing that?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: I vaguely recall talking to her about certain safety issues regarding masks.

BY MR. SAUER:

Q. Do you specifically recall recommending that she not wear a mask as she's traveling --

A. If that's an accurate -- I mean, you're asking if I recall?

Q. Yeah.

A. I don't recall. I mean, these things -- thousands of things happen. If you show me an e-mail that has my name and the proper identification and I said that, I would not argue with you. It would not be out of the question that at that time in the outbreak, I would have said that.

Q. In fact, you made several statements that are similar to that at that time frame; fair to say?

A. Yeah.

Q. Saying that masks are not effective --

A. Yeah.

Q. -- in keeping out the virus, and I don't recommend you wear masks, in February of 2020?

A. Yeah, in the very early months prior to our understanding of the virus and its modality of transmission, I, the surgeon general, and the CDC were not recommending masks for people for three reasons. I'd be happy to tell you those three reasons.

Q. Please do.

A. The three reasons are as follows: There was this understanding and discussion that the best masks that we used in hospitals were in short supply, and if people did a run on masks and bought them all, that masks would not be available for the people in the medical community who needed them; point number one.

Point number two, there was no evidence at the time or any studies that showed outside of the medical environment, i.e., in a hospital or in an ICU, that masks actually worked in protecting transmission or acquisition. At the time, there were no studies. And thirdly, we were not aware at the time that 50 to 60 percent of the transmission occur from someone who is without symptoms, either someone who never will develop symptoms or someone who is in the presymptomatic stage.

So based on those three considerations, both myself, the surgeon general, and the CDC were saying you really don't need to wear masks. Then things changed. Three things changed: A, it was clear that there was not a shortage, and that if people wore masks, they would not be taking masks away from the medical community. Two, it became clear that there was an asymptomatic spread of --

of -- of virus where people walking around not knowing they're infected were spreading virus. And then three, it became clear -- let me see. It was three? There was asymptomatic spread -- oh. Evidence began accumulating that masks actually work in preventing acquisition and transmission.

So the three reasons that I might have said and did say -- if that is correct -- that you don't need to wear a mask now, particularly in a low risk situation, the basis for those statements dramatically changed over a period of time, which then made me be a very vocal proponent of wearing masks.

Q. And you became a vocal proponent as soon as April 3rd of 2020 -- correct -- when you joined a universal recommendation --

A. Right.

Q. -- a recommendation for universal masking; correct?

A. I'm not sure of the dates, why --

Q. How many studies were done between February of 2020, when you e-mailed Ms. Burwell and told her that "the typical mask you buy in the drugstore is not really effective in keeping out virus, which is small enough to pass through the

material," between when you said that and April 3rd of 2020, what studies were done of the efficacy of masks --

A. Yeah.

Q. -- in preventing the spread of -- of COVID-19?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I could find those and -- and get them for you, but I don't have them in my fingertips right now.

BY MR. SAUER:

Q. Who'd you consult with about the efficacy of masks during that time period? Who'd you talk to in the government about it?

A. I don't recall who I spoke to.

Q. Did your opinion on masking change based on new information and new scientific evidence that came forward?

A. I believe it did, yes.

Q. Was there disputes about the efficacy of masking at that time?

MR. KIRSCHNER: Objection. Vague.

BY MR. SAUER:

Q. For example, on March 31st, 2020, where you forwarded a -- a study showing that masking is

ineffective; a review of masking on March 31st, 2020 that said there was no evidence that masks works -- that masks worked?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: Yeah, I don't recall that, so I'm not able to answer that accurately, I believe.

BY MR. SAUER:

Q. Is it important for that kind of development of your view that you had access to both sides of that debate?

MR. KIRSCHNER: Objection. Lack of foundation. Vague.

THE WITNESS: You always have access to both sides of the debate.

BY MR. SAUER:

Q. Do you? In science, do you always have access to both sides of the debate?

A. Most of time.

Q. Is that important for people --

A. Yeah.

Q. -- to have access to both sides of the debate?

A. Yeah, and then you make a decision based on your judgment based on the preponderance of the

correct data.

Q. Right. And so you would look at the studies --

A. Yeah.

Q. -- that come one way --

A. Yeah.

Q. -- or the opinions --

A. Sure.

Q. -- one way and look at the studies that go the other way? Is that --

A. Yeah, but often there are studies that when you subject them to proper physical statistical analysis, that the conclusions don't hold up; that happens often. So you've got to be careful when you're looking at one study versus another that it goes through the proper statistical analysis and there's proper design.

Q. Part of the reason that you recommended against masking in February was to avoid too many people going out and buying masks to ensure that they were available for --

A. That was one of the reasons, yes.

Q. -- to be available for healthcare providers; correct?

A. That was one of the reasons is that we

were told multiple times at the coronavirus task force meeting, that there was a shortage of masks, and that if, in fact, there was a run on the purchase of masks, that that could potentially lead to a shortage for the healthcare providers that really needed them.

Q. So the recommendation you gave as to masks was motivated in part by not wanting people to go out and -- and buy a bunch of masks, so that the people who really needed them wouldn't have them?

A. That was one of the considerations that was discussed at the coronavirus task force, that there was a shortage of masks, which led to a lot of activities of trying to increase the supply of masks, either by importing them because many of the masks were made outside of the United States, increasing production of masks, or using alternative masks, such as cloth masks. So the -- the discussion, the dialogue -- the discussion at the time was that there is a shortage of masks. We were trying desperately to get masks as well other personal protective equipment into the country, and there was a concern that there was a shortage of them. That was one of the considerations which went into a lack of promoting, go out and buy masks and wear masks.

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Q. Were there placebo-based, randomized, double-blind studies of the efficacy of masking that were done between February and April of 2020?

A. I don't recall. I'd have to go back and take a close look at the literature. I don't recall.

Q. Have you seen any studies that contradict the efficacy of masking?

A. There were some studies early on -- I don't know the dates of them -- that made the statement that masks were not effective. When those studies were subject to statistical scrutinization, they were felt to be not definitive.

Subsequent to that time, there have been studies to indicate that in situations where mask wearing was compared to not mask wearing, that masks clearly have an effect.

Q. In a situation like this, a debate about the efficacy of mask wearing, is it important for people to have access to both sides of the debate but to propose -- to expose the different viewpoints reflected in the debate?

MR. KIRSCHNER: Objection. Argumentative.

BY MR. SAUER:

Q. Is it important?

A. Is it important for people? I think it's

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important for people to have all of the information that's available.

Q. And so they can assess what's good information and what's bad information?

A. Yeah. Well, you know, it depends. If information is clearly inadequate and statistically not sound, there can be a danger in people who don't have the ability or the experience of being able to understand that it's a flawed study, that that's when the literature is self-correcting. Science is self-correcting.

So if you have something that makes a certain statement based on data that isn't statistically significant, that often there are studies that come out and examine that and do proper statistical analysis to try and get the real truth of what the data are showing.

MR. SAUER: Can you give the witness Exhibit 56?

(FAUCI Exhibit No. 56 was marked for identification.)

BY MR. SAUER:

Q. It's right there. We marked it before the break.

Here's an e-mail chain from October

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of 2020. Do you see that at the top?

A. October 30th, 2020, from Jen Routh?

Q. Yeah, and she's on your communications team; is that right?

A. Correct.

Q. And she's e-mailing with people -- some people from -- with Google.com e-mail addresses in the "to" line?

A. Yeah. There's Google, yeah.

Q. And then she's copying Courtney Billet, who is the head of your communications team; correct?

A. Correct.

Q. And the second page of this e-mail, can you turn to that? There's an e-mail from -- that -- this chain begins with an e-mail from a Sandra Sitar from NIAID; correct?

A. Right.

Q. Do you know who she is?

A. It says director of communications, clinical trials program, VRC. I don't recognize the name, but the signature block indicates she is part of the vaccine research center at NIAID.

Q. And she's e-mailing Jen -- Jennifer Routh saying, "As I mentioned, Jan and the Google team are hoping to connect on vaccine communications,

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specifically misinformation."

Do you see that? It's the second full paragraph on this page.

MR. KIRSCHNER: Objection. Lack of foundation. Mischaracterizes the evidence.

BY MR. SAUER:

Q. Do you see where Sandra writes that Jen and the Google team are hoping to connect on vaccine communications, specifically misinformation?

A. I'm reading it, yeah.

Q. Did your communications team communicate with the Google, YouTube team about vaccine misinformation?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: Not to my knowledge. I don't -- I don't know if they did. I have no knowledge that they did.

BY MR. SAUER:

Q. Page before this, go to the first page; e-mailing from the Google person, says, "Hi, Sandra and Jen, thank you so much for reaching out. It would be great to find a time early next week for a quick call on vaccine communications."

Do you know if your team had that call in October 30th of 2020 or thereabouts with Google about

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vaccine communications?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. Do you know?

A. Not to my knowledge.

Q. Did you --

A. I don't recall that, no.

Q. Did you authorize them to talk to Google about vaccine communications including misinformation -- or, actually, specifically misinformation?

A. That would be unlikely that I would authorize or not authorize someone to do that, again.

Q. You don't believe you authorized your communication team to communicate with Google about vaccine misinformation?

A. When you say "authorize," I'm -- it doesn't work -- it doesn't work that way in the institute. The communication team would -- if they were going to do it, they would do it.

Q. Okay. So they would just do this on their own to the extent they did it?

A. Yeah. I don't think that they would need my permission to communicate with people. That's -- that's their job.

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Q. And then Jan -- sorry -- Jen Routh then looped in Courtney Billet, who's the head of your communications team; correct? At the very top of the e-mail?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. Where it says, "Hi, Jen, I'm adding Courtney Billet, Director of the Office of Communications and Government Relations at NIAID" --

A. Right.

Q. -- "to talk about vaccine communications." She's -- Courtney Billet is the director of your whole communications team; right?

A. Right. Yes, she is.

Q. And you never discussed with her having communications with Google about vaccine misinformation?

MR. KIRSCHNER: Objection. Asked and answered.

THE WITNESS: I don't recall having specific conversations with Courtney about communicating with Google.

BY MR. SAUER:

Q. Exhibit 57.

(FAUCI Exhibit No. 57 was marked for

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identification.)

(Discussion off the record.)

BY MR. SAUER:

Q. Just briefly, if you look at the second page of this exhibit, do you see an e-mail from someone called Clarke Humphrey?

A. Clarke Humphrey, July 2021. Okay.

Q. The second page -- do you know who Clarke Humphrey is?

A. She -- Clarke, I believe, is one of the communications people at the White House.

Q. And she e-mailed to -- at Facebook in July of 2021 saying, "Hi there, any way we can get this pulled down? It is not actually one of ours," with a link to an Instagram account called Anthony Fauci official; correct?

A. It says, "Subject: Deactivating the fake Fauci IG," which I would imagine is Instagram. I don't know if that's what that is.

Q. Were you aware that the White House was communicating with Facebook to have accounts with your name taken down?

A. The only thing I remember is someone mentioning that there's fake stuff impersonating me going on. I don't specifically recall who

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specifically was asked to address that problem of people impersonating me, but I know that there was some talk. Someone mentioned to me in my group that there's an impersonation of you going on out there.

I don't recall anything specific except that they're obviously trying to do something about it.

Q. And, in fact, they succeeded, it looks like, where Carrie Adams says, "This account has been removed. Thank you for flagging," in the second e-mail on the first page. Do you see that?

A. "This account has been removed. Thank you for flagging." So they removed a spurious, fake account, which I think was a good thing --

Q. At the request of the --

A. -- because those accounts are bad.

Q. At the request of the White House?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. Or Clarke Humphrey, the digital director for the White House?

Is that your understanding of that e-mail?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I wasn't even know you were asking me questions. Clarke Humphrey is at the White

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House, and there was communication that there was a fake, impersonating Fauci Instagram that was deactivated.

BY MR. SAUER:

Q. Can you look at Exhibit 58?

(FAUCI Exhibit No. 58 was marked for identification.)

THE WITNESS: Okay.

BY MR. SAUER:

Q. Here is an e-mail chain between people at Google and people at the CDC that include Carol Crawford; correct?

A. Hold on. Carol Crawford of the CDC; right? So I'm -- there's a bunch of e-mails here. So what -- what do you want -- you want me to read this and then you'll ask your question or --

Q. No. I just want to ask you on the first page, do you see there's an e-mail from Catherine Jamal of the CDC; right?

A. Right.

Q. And she's sending it to two people at Facebook and copying Carol Crawford; correct?

A. Copy Carol Crawford, yes.

Q. And it says -- the subject is: Ivermectin questions for the CDC; correct?

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A. Correct.

Q. And in that e-mail, this -- Ms. Jamal notifies -- or gives Facebook the CDC's position on three claims: The claim that ivermectin -- ivermectin is effective in treating COVID with the answer that that is not accurate; correct? That's the first item.

A. That's Item Number 1. That's what it says: Ivermectin is effective in treating COVID. And, I believe -- is this what the CDC said, "Answer is not accurate"? I would imagine that that's what they typed in.

Q. Yeah, and if you look at each of those --

A. Yeah.

Q. -- what they're citing for their claim that ivermectin -- the claim about ivermectin's effectiveness is not accurate --

A. Right.

Q. -- is they link to something from the NIH; correct?

MR. KIRSCHNER: Objection. Speculative.

THE WITNESS: I see a guideline that says: Practice guideline, COVID-19 guideline, treatment management.

BY MR. SAUER:

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Q. And do you see something before that or nearly before that where it says: Ivermectin COVID-19 treatment guidelines, and then in parentheses NIH.gov?

A. Yeah.

Q. Were you aware that the CDC citing NIH provided information to debunk claims about efficacy of ivermectin to Facebook?

MR. KIRSCHNER: Objection. Lack of foundation.

BY MR. SAUER:

Q. Were you aware?

A. I was -- I was not aware of this, but this is not surprising. Just a second somebody is -- just let me --

I was not aware, but it's not surprising that organizations, including the CDC, would use the treatment guidelines of the NIH, which is, as I mentioned before in a prior question you asked me, it's a group of, you know, up to 40 people who are infectious disease experts from throughout the country, usually the chiefs of infectious diseases at various medical centers throughout the country. So it's not at all surprising that when people want to find out what the latest documented information and

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clinical opinions among the top infectious disease people, that they would refer to or access the treatment guidelines.

Q. Would it be surprising if the social media platforms also relied on the public statements of someone like yourself on matters of health policy for their own decisions?

MR. KIRSCHNER: Objection. Speculative.

BY MR. SAUER:

Q. You just said it would not be surprising if they relied on the published NIH guidelines --

A. Right.

Q. -- to debunk --

A. Right.

Q. -- ivermectin claims. Would it be surprising if they relied on public statements by Dr. Fauci about the efficacy of --

A. I don't think that --

Q. -- ivermectin?

A. I don't think that would have as much weight as the measured, scholarly analysis of hundreds of articles that the treatment guideline panel -- so the weight of the opinion of 30 to 40 infectious diseases experts would likely carry considerably more weight than the statement by an

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individual physician or scientist.

Q. Multiple times today you've characterized your opinions as reflecting and reporting on the consensus of that 40 scholars --

A. Right.

Q. -- and if you make a public statement, is it surprising if social media platforms take your public statement and view it as reflecting knowledge of that kind of consensus of government experts or public health authorities?

MR. KIRSCHNER: Objection. Speculative. Compound.

THE WITNESS: Yeah, I'm not -- it's a convoluted question. I'm not sure really what the point you're making.

BY MR. SAUER:

Q. Exhibit 59.

A. Yeah.

Q. Have ever heard of -- sorry.

(FAUCI Exhibit No. 59 was marked for identification.)

BY MR. SAUER:

Q. Have you ever heard of Alex Berenson?

A. I've heard of him. I'm not sure -- I'm trying to remember what context, but now you've put

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this in front of me, and it -- it's the person who says that the White House demanded Twitter ban -- ban me months before the company did so. I had never heard of who Alex Berenson was before this, but -- I mean, not before this but I had heard that there was an issue that he was complaining that he was being banned. I don't even know who -- who he is.

Q. What -- what issue did you hear about?

A. I think he was complaining that he was being muzzled or something. I -- something like that. Again, I don't pay attention to these social media things of people getting banned or impeded or what have you. That's not an interest of mine.

Q. Can you look at the second paragraph of this document, Exhibit 59?

A. Yes.

Q. See how it says -- you know, in this subset post by Alex Berenson, he says, "In a White House meeting in April 2021, four months before Twitter suspended my account, the company faced one really tough question about why Alex Berenson hadn't been kicked off the platform."

Do you recall -- you were the White House chief medical advisor in April of 2021; correct?

A. Yes.

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Q. Do you recall any communications or discussion of Alex Berenson, as a vaccine critic, being on Twitter, or being booted off Twitter?

A. I don't recall that, no.

Q. Do you remember -- were you aware of any meeting between -- do you know who Andy Slavitt is or Slavitt?

A. Andy Slavitt for a relatively small period of time was a part of the coronavirus team. He was at the White House a fair amount, and then he left, and I forgot where he went, but he was with the group at the White House for a few months.

Q. How about Rob Flaherty? Do you know who that is?

A. No. I know Andy Slavitt. I don't know Rob Flaherty.

Q. Do you know who the digital director is at the White House, coronavirus response team?

A. Digital? I thought that was Clarke, or maybe Clarke reports to the director.

Q. Let me ask you this: Were you aware of a meeting between Andy Slavitt, Rob Flaherty, and people at Twitter in April of 2021 to discuss vaccine misinformation?

MR. KIRSCHNER: Objection. Lack of

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foundation.

BY MR. SAUER:

Q. Were you aware of it?

A. I don't recall. I mean, you're bringing it up. It doesn't ring a bell that I was aware of it.

Q. Can you turn to the third page of this document? At the very bottom, in the Twitter employee Slack message thread, it says: Andy Slavitt -- it says, "They really wanted to know about Alex Berenson"; the very bottom post. Do you see that?

A. Yes.

Q. And then it says, "Andy Slavitt suggested they had seen data viz that had showed he was the epicenter of the disinfo that radiated outwards to the persuadable public."

Do you see that?

A. Yeah.

Q. Were you aware of any discussions of someone on Twitter who was, you know, an epicenter of disinformation radiating outward to the persuadable public about vaccines?

MR. KIRSCHNER: Objection. Lack of foundation.

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THE WITNESS: You know, you're asking me if I was aware of -- I mean, there was always talk about misinformation and disinformation. I'm not aware of any connection, to my memory. Maybe someone casually mentioned it of -- you know, I don't even know the connection, whether An -- Berenson was -- no. I mean, this does -- this does not ring a bell to me, to be honest with you.

BY MR. SAUER:

Q. Well, do you remember any discussions more generally of misinformation and disinformation on social media leading to vaccine hesitancy?

A. You know, there's a lot of different discussions about misinformation. You're making a connection between misinformation and something about social media. It's all blob about misinformation.

Q. Well, let's take the whole blob. What sort of discussions were there about misinformation? You say there's discussions about --

A. Well, I'll give you an example.

Q. Yeah, that'd be great.

A. The misinformation that Bill Gates and I put a chip in the vaccine to monitor people, and, therefore, people should not get vaccinated. I think that falls under the category of disinformation.

Q. Or misinformation if people honestly --

A. No, this is dis --

Q. Okay.

A. Because I didn't put a chip, so this dis.

Q. I think they're both false -- right -- mis and dis are both incorrect --

A. Yeah, yeah --

Q. -- under your definition.

A. Yeah, but --

Q. You testified to earlier --

A. Yeah, right, but the disinformation --

MR. KIRSCHNER: Please let the witness finish.

THE WITNESS: Yeah, but the disinformation is when you deliberately get -- propagate information that you know to be true.^ there's no evidence because it isn't true that I put a chip in the vaccine. So I think that qualifies as disinformation.

BY MR. SAUER:

Q. Were there discussions of that with your colleagues at the White House about that particular issue of trying to stop the spread of that kind of disinformation?

A. No, no, I -- you know, you just said

something important. I never engaged in any discussion about stopping the spread. It just was been disconcerted that there's so much disinformation going on out there. I don't recall, to my knowledge, that I got involved in any discussions about stopping or blocking things.

Q. So your testimony is that you were never involved in any discussions about stopping the spread of disinformation --

A. Not -- no.

Q. If I may finish the question. So your recollection is that you have never been involved in any discussions about stopping the spread of disinformation, whether on social media or elsewhere?

A. I don't recall. Someone may have mentioned that we should be stopping misinformation, but I don't recall specifically that I was involved in interfering with the dissemination, not to my recollection. Like I said, someone may have made a mention of that, but I didn't put it squarely on my radar screen.

(FAUCI Exhibit No. 60 was marked for identification.)

BY MR. SAUER:

Q. If you'd look at Exhibit 60, is this a

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report from The Hill dated July 11th of 2021?

A. Yes.

Q. And if you turn to -- it reports on some of your public comments on a Sunday talk show -- correct -- I think on CNN State of the Union?

MR. KIRSCHNER: I would ask for the witness to be able to familiarize himself.

THE WITNESS: I have to -- I have to read this before I make any comments, so I'm going to read the whole thing.

BY MR. SAUER:

Q. You'll see there at the top of the second page of the document --

A. Yes.

Q. Where it says, "Fauci was responding to a clip of conservative author Alex Berenson, who spoke at CPAC on Saturday"; correct?

A. Correct.

Q. Does that jog your memory as to who Alex Berenson is?

A. It does jog my memory to who he is because at that time, they were talking about this CPAC where people were cheering on not taking a lifesaving intervention. And it says in this Exhibit 60, Fauci was responding to a clip of conservative author

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Alex Berenson who spoke at CPAC.

So it looks like on the show, the Sunday show, that they showed me a clip of this person who I very likely had not heard of before saying that, quote -- they quote Berenson, "The government was hoping that they could sort of sucker 90 percent of the population into getting vaccinated, and it isn't happening," he added, to applause.

Q. And then you made a response to that on CNN State of the Union where you described it as horrifying; correct?

A. Yeah.

Q. It quotes you as saying, "It's horrifying." Is that what you said?

A. Well, this is the quote that they're saying here. I don't recall saying it's horrifying, but I have no reason to believe that CNN would misquote me.

Q. And they went on to -- or The Hill -- it goes on to say in the next paragraph that "Fauci said it was almost frightening for people to say they don't want health officials to save their lives"; right?

A. That's what it says that I said. I have no reason to believe that's not what I said.

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Q. Were there any discussions before you made these comments on CNN State of the Union on -- in July of 2021, were there any -- did you have any discussions with anyone in the government about making statements to criticize Alex Berenson in any way?

A. I don't recall. Again, the context of this "almost frightening for people to say," if one looks at the data comparing the hospitalizations and deaths of vaccinated people and unvaccinated people, it is overwhelmingly weighted towards unvaccinated people. So someone cheering to the statement that you shouldn't be vaccinating people, I think is really very much contrary to the principles of good public health.

Q. Before you made those comments, do you recall discussing Alex Berenson with anyone in the government?

A. I don't recall that. It is possible, but, again, Alex Berenson rings the bell here when you show me this clip. But, again, I -- I don't recall any necessary discussions with him. They may have occurred, but I don't recall.

Q. Exhibit 61. Five days -- oh, sorry.

(FAUCI Exhibit No. 61 was marked for

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identification.)

BY MR. SAUER:

Q. You see this is a New York Times report dated five days later on July 16th of 2021?

A. I don't see the date. Yeah, July 16th, 2021.

MR. KIRSCHNER: Just to clarify the record, it also says it was updated July 19th, 2021.

THE WITNESS: Right.

BY MR. SAUER:

Q. And the first line says, "President Biden unleashed his growing frustration with Social Media on Friday saying that platforms like Facebook were killing people by allowing disinformation about the coronavirus vaccine to spread online"; correct?

A. That's what the first sentence says.

Q. Do you recall the president saying that, that social media companies are, quote, "killing people"?

A. I don't recall him saying that, but this is reported by the New York Times saying that that's what he said. So I have no reason to believe that he did not say that, but I don't specifically recall him saying that specific comment. I may -- I may have been aware of it when he said it, but I don't recall

now that he said it except when you put this statement in front of me.

Q. Do you recall any discussions with anyone in the government of how disinformation or misinformation on social media platforms are killing people?

A. Well, it is very clear that, as I've said multiple times before, that misinformation and disinformation, particularly that encourages people to avoid lifesaving interventions, can certainly result in the unnecessary death of people whose lives would have been saved. So when misinformation and disinformation leads people to avoid a lifesaving intervention, that is equivalent to contributing to the death of that person.

Q. My question was: Do you recall discussing that with anyone in the government in this time frame?

MR. KIRSCHNER: Objection. Lack of foundation. Vague.

THE WITNESS: You know, when you say "anyone in the government," I have often said that misinformation and disinformation is the enemy of public health. Could I have said it to someone in the government? It is certainly possible that I did

because I do feel strongly that misinformation and disinformation, when it leads to people avoiding lifesaving interventions, can be deadly.

BY MR. SAUER:

Q. Misinformation and disinformation are the enemy of public health you said just now?

A. Yeah.

Q. Is that true when they are propagated on social media platforms, on your view? Yes or no?

A. If social media is propagating disinformation that leads to the death of people by encouraging them to avoid lifesaving interventions, I believe that's contrary to public health.

Q. Can you look at Exhibit 62?

(FAUCI Exhibit No. 62 was marked for identification.)

MR. KIRSCHNER: Can I get a copy, Counsel? There's -- I don't know what this is.

MR. SAUER: Oh.

BY MR. SAUER:

Q. Do you know who Scott Gottlieb is?

A. I do.

Q. Do you know him personally?

A. Well, I've met him. I -- I don't socially interact with him. I know him because for a time he

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was the commissioner of the FDA, and currently he is frequently on CBS Sunday Morning shows commenting on COVID-19 and other health matters.

Q. In 2021, did you have any communications with him about vaccines or misinformation?

MR. KIRSCHNER: Objection. Compound.

BY MR. SAUER:

Q. Do you recall communicating with him in any way in the summer of 2021?

A. You know, I may have, but I don't recall. I communicate with hundreds, if not many more people. So I don't recall specifically. But if you showed me a document of some sort that showed I communicated with him, I would not be surprised.

Q. Why don't you look at the Exhibit 62 on the first page in the middle of that page? Do you see there's a -- you see this is another subset post by Alex Berenson talking about how he was banned from Twitter, generally?

A. I'm sorry. What paragraph are you referring to?

Q. I'll tell you, will you look at that -- that kind of e-mail that's pasted in the middle of the page --

A. Pasted in the middle -- oh, the pasted

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e-mail.

Q. The one that shows --

A. Scott Gottlieb to someone that has been redacted.

Q. Someone at Twitter?

A. Yeah.

Q. And he's forwarded a posting by Alex Berenson that's critical of you; right? "Quite frankly," said Alex Berenson, "the arrogance of Anthony Fauci and what it means for the rest of us"; correct?

A. So Berenson said the arrogance of Anthony Fauci and what it means for the rest of us?

Q. And then Gottlieb forwarded that to someone at Twitter; correct?

MR. KIRSCHNER: Objection. Lack of foundation.

THE WITNESS: Yeah. So I want to make sure I understand what you're saying. So this is a -- this is a tweet from Berenson calling me arrogant, and then it's Scott forwarding the tweet to Twitter saying this is what is promoted on Twitter and this is why Tony needs a security detail?

BY MR. SAUER:

Q. Correct, yeah. Tony is a reference to

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you, I presume?

A. There's a lot of Tonys around, but I guess he's talking about me.

Q. I mean, that's the one that's referred in the e-mail.

A. Right.

Q. Did you ever have a discussion with Scott Gottlieb about needing a security detail because of the things that people posted about you on the Internet?

A. I don't recall having that discussion with him, but it is possible in a discussion I had with him that -- it's no secret that I have a security detail. My life has been threatened multiple times. So I might have discussed that I need a security detail with him, but I -- that doesn't ring a bell as something -- unless there was a reason for me to -- I don't usually talk to people about my security detail.

Q. He refers to you as "Tony" in this e-mail --

A. Everybody refers to me as Tony. We said -- we got that established before.

Q. Is there somebody at Twitter who was on a first-name basis with you? I would refer to you as

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Dr. Fauci --

A. Yeah.

Q. -- if I was sending it to someone who didn't know you. Is there someone who works for Twitter who -- who you're on a first-name basis with?

A. Scott -- Scott refers to me as Tony, but I don't see anybody on Twitter referring to me as Tony.

Q. He's referring you to some unidentified person --

A. But he's using his own --

Q. If I may finish the question?

A. Yeah, yeah. Sure. Sorry.

Q. He's referring to you as Tony to some unidentified person at Twitter?

A. Right.

Q. Are you on a first-name basis with anyone who works at Twitter? Yes or no?

A. Am I on a first-name basis of anyone who works at Twitter?

Q. Correct. That's my question.

A. Well, right now, no, but when my daughter worked at Twitter, I was on a first-name basis with her.

Q. Did she work at Twitter in August 24th of 2021?

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A. I don't recall. She may have already left then.

Q. Did anyone else -- have you ever been on a first-name basis with anyone else who worked at Twitter?

A. Not that I know of. Not that I know of. I mean, I'm trying to think of people that I know at Twitter, and the only person that I've really known that works at Twitter, I believe, is my daughter.

Q. Did you have any communications with -- at this time, Scott Gottlieb was on the board of Pfizer; is that right?

A. He might -- I know he's on -- I believe -- I believe he's on the board of Pfizer. I don't know if he was on the board of Pfizer at this time.

Q. Did you have any communications with him in connection with the development of the vaccines that you talked about earlier?

A. You know, I don't know. I mean, we talk about the development of vaccines all the time. Vaccines was a big subject of discussion from the time we began developing the vaccines; right? In a few weeks into January we began developing the vaccine. So we spoke about vaccine development a lot. Did -- would I have mentioned vaccine

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development to Scott? I don't see any reason why I would not, but I don't specifically recall discussing vaccine development with Scott.

Q. How about discussing any speech on the internet that would lead to vaccine hesitancy? Did you discuss that with him?

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: You know, again, I don't -- I don't recall specific conversations with Scott about hardly anything.

BY MR. SAUER:

Q. How about Alex Berenson? Did you ever discuss Alex Berenson with Scott Gottlieb?

A. You know, again, you had mentioned before, I -- Alex Berenson doesn't ring a bell. It's possible associated with some of the things you showed me before, but I don't recall discussing Alex Berenson with Scott Gottlieb.

Q. Exhibit 63.

(FAUCI Exhibit No. 63 was marked for identification.)

BY MR. SAUER:

Q. Who is Ezekiel J. Emmanuel?

A. Ezekiel J, better known as Zeke Emmanuel, is a vice provost at the University of Pennsylvania

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and was at a time and might still be the director of the division or program of medical ethics.

Q. At the university? At that university?

A. At the University of Pennsylvania.

Q. In this e-mail chain, he says to you on the second to last page, "I'm a bit perplexed by your seeming strong endorsement of remdesivir. Was it just a bit forced? My reading of the data were weak and in normal times for normal disease. It is not enough to approve and very likely to really impact COVID-19 disease pattern regardless of supply issues."

Do you see that?

A. Yeah.

Q. And what were you talking -- what was he talking about there?

MR. KIRSCHNER: Objection. Again, I ask for Dr. Fauci to have an opportunity to familiarize himself with this document.

THE WITNESS: So there was a clinical trial that showed a modest effect but nonetheless a clear but modest effect of remdesivir, which is an antiviral drug used for the treatment of COVID-19. And when the announcement came out of the clinical trial, I believe, I said this is a good thing that we

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have a drug when we had no other drugs. This is well before Paxlovid, so we had no good drugs for COVID. And when the study came out, I was pleased that we had a drug that at least had a modest effect. Zeke, who is a good person, said my reading of the data were weak and normal times for normal disease, not enough to approve, yada, ya, and I write back, and say, "Zeke, I did not strongly endorse it." I specifically said that it was not a knockout drug but was only a baby step in the development -- in the direction of developing more and better drugs. I said it was important because it proved in a well-powered -- which it was -- "randomized" -- which it was -- "placebo-controlled trial that one can suppress the virus enough to see a clinical effect as modest as that effect was." I do not think --

BY MR. SAUER:

Q. If I may right there.

A. -- that I forced anything.

Q. Dr. Fauci, thank you.

Why don't we go off the record now?

MR. KIRSCHNER: Okay.

THE VIDEOGRAPHER: Time is 4:46 p.m. and we're going off the record.

(Recess.)

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THE VIDEOGRAPHER: The time is 4:55 p.m. and we're back on the record.

BY MR. SAUER:

Q. Dr. Fauci, we've discussed a lot of opinions today about COVID and treatments for COVID and related things. For example, we talked about hydroxychloroquine; we talked about masks for a while and whether they're effective; we talked about the origins of COVID, whether it came out of a lab; we talked about vaccines and the efficacy of vaccines; we talked about herd immunity. And you've made some pretty strong statements in media about a lot of these issues -- is that fair to say -- using strong language to disagree with opinions that you disagree with?

MR. KIRSCHNER: Objection. Vague.

THE WITNESS: No, I'm not sure what you mean by strong language. Most of the time it was measured language. I think you pointed out at one point when I was talking about the premise of herd immunity that I believe I said that it was nonsense which is -- if you want to call that strong language. I believe it resulted in the deaths of -- unnecessary deaths of individuals.

BY MR. SAUER:

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Q. And people have disagreed with you in strong language as well. For example, Alex Berenson saying -- calling the arrogance of Dr. Fauci --

A. Right.

Q. -- and so forth.

Do you think people should be able to post their opinions on social media, for example, about the efficacy of hydroxychloroquine, even if you disagree with them?

MR. KIRSCHNER: Objection. Compound.

THE WITNESS: You know, I'm not an expert on what should or should not be on social media. I ^ audio cuts out here believe that people certainly can express their opinions. I'm not an expert. I've said that multiple times during the deposition. I'm not a social media person.

BY MR. SAUER:

Q. Do you have an opinion about whether people should be allowed to post on social media opinions that you think, for example, are dangerous and might lead to loss of life? What's your view on that?

A. You know, again, you say allowed, I don't know what the legal or other First Amendment issues are associated with that. That's not my lane or my

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area of expertise. As a physician and a scientist and a public health person, I'm very sensitive to the fact that disinformation, including some of the disinformation that we discussed that, for example, has people avoid lifesaving interventions, is dangerous to health.

How you -- how you counter that I think is open to question. My way of countering false information, and I've been on the record multiple times as saying that, is that my approach is to try to ^ and flood the system with the correct information as opposed to interfering with other people's ability to say what they want to say. And I've said, I think, if you, in your investigations and your discovery, you looked into how many times I've often said the best way to counter misinformation and disinformation is to flood the system with correct information.

Q. Do you think social media platforms have a responsibility to take down dangerous misinformation that gets posted on their platforms?

A. You know, I'm not an expert in the legal and other aspects of that to make an informed comment. I would leave that to experts. I told you I'm not someone fluent in the ins and outs of what

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could or should be on social media, so I don't really have any comment on that, because that's not an area that I've seriously thought about and analyzed about the pros and cons of that.

Q. Do you think that allowing both sides to openly debate their positions on hotly contested issues, like the efficacy of hydroxychloroquine or where the COVID-19 virus came from, do you think it's important to allow both sides to freely debate those issues?

MR. KIRSCHNER: Objection. Argumentative.

THE WITNESS: You know, when you say allowed to debate, I think honest debate is important, but when it goes beyond debate and leads people who are unwitting about these things to do things that are clearly detrimental to their life and their safety, I find that disturbing. How you mitigate against that, I would leave to other people. That's not in my lane.

Q. Have you taken steps to mitigate against it in the last two and a half years?

A. As I said, the theme that I've gone by is the best way to counter misinformation and disinformation is to flood the system with correct information. That's the reason why I very often am

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involved with the media with writing, with interviewing, with podcasts to get people to get vaccinated. The most recent of which was yesterday, I believe, when I was -- or the day before -- when I made my final press conference at the White House and my message was: Please go out for your own safety, the safety of your community and your family, to go out and get the updated booster.

That's how I counter misinformation and disinformation.

THE VIDEOGRAPHER: That is it. That's the seven hours.

MR. KIRSCHNER: Very well. Two things: One, first, we have no questions for the witness, and second of all, we want to reserve the right to read and sign.

THE VIDEOGRAPHER: Okay. If there's no further statements for record, we'll be going off. The time is 5:01 p.m. on November 23rd, 2022. We are going off the record completing today's video recorded session.

(Whereupon, at 5:01 p.m., the taking of the deposition ceased.)

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CERTIFICATE OF REPORTER

UNITED STATES OF AMERICA) ss.:

STATE OF MARYLAND)

I, STEPHANIE BARNES, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties for the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Notary public in and for

the State of Maryland

My commission expires: 10/3/2025

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LEXITAS LEGAL

November 28, 2022

ADAM KIRSCHNER, ESQ.
U.S. Department of Justice
1100 L Street, Northwest
Washington, D.C. 20530

IN RE: THE STATE OF MISSOURI, et al. v. JOSEPH R. BIDEN, JR., et al.

Dear Mr. Kirschner:

Please find enclosed your copies of the deposition of DR. ANTHONY FAUCI taken on November 23, 2022 in the above-referenced case. Also enclosed is the original signature page and errata sheets.

Please have the witness read your copy of the transcript, indicate any changes and/or corrections desired on the errata sheets, and sign the signature page before a notary public.

Please return the errata sheets and notarized signature page within 30 days to our office at 711 N 11th Street, St. Louis, MO 63101 for filing.

Sincerely,

Lexitas Legal

Enclosures