

State of Missouri, et al. vs. Joseph R. Biden, Jr.,
et al.



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

Date: November 23, 2022

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Abstract

The deposition of Dr. Anthony Fauci took place on November 23, 2022, at the National Institutes of Health in Bethesda, Maryland, starting at 8:08 a.m. and concluding later that day. The deposition was part of the case *State of Missouri, et al. vs. Joseph R. Biden, Jr., et al.*, Case Number 3:22-cv-01213-TAD-KDM. Attorneys present represented the plaintiffs, the states of Missouri and Louisiana, and the New Civil Liberties Alliance, as well as attorneys from the Department of Justice representing the defendants. Dr. Fauci, the deponent, served as a defendant and was the Director of the National Institute of Allergy and Infectious Diseases (NIAID) for over 38 years and Chief Medical Advisor to President Biden. His educational and employment history centered around infectious diseases and immunology.

The deposition covered a range of topics related to the COVID-19 pandemic. Dr. Fauci's testimony addressed his role in advising the government, his communications with other scientists, and his public statements regarding the virus's origins, potential treatments, and public health measures such as mask-wearing. The discussion also explored the spread of misinformation and disinformation related to the pandemic, particularly on social media platforms, and its potential impact on public health. Dr. Fauci's interactions with other health officials and scientists, including emails and phone calls, were examined.

Furthermore, the deposition delved into NIAID's funding of research on coronaviruses, including gain-of-function research and the role of EcoHealth Alliance. Dr. Fauci's perspectives on the Great Barrington Declaration and his responses to public figures who questioned or criticized his recommendations were also discussed. The deposition touched upon the challenges of communicating complex scientific information to the public and the efforts to counter misinformation circulating online.

Finally, Dr. Fauci's testimony included discussion of the personal threats he received due

to his public role during the pandemic and the resulting need for a security detail. The questioning also addressed his views on the efficacy of certain treatments, such as hydroxychloroquine and remdesivir, and the evolution of public health guidance on measures like mask-wearing as new information emerged about the virus.

Overview

In the legal case *Missouri v. Biden*, Dr. Anthony Fauci's deposition probes NIAID's controversial gain-of-function research and EcoHealth's Wuhan affiliations. The scrutiny centers on Fauci's nearly four-decade leadership and his advisory role during the pandemic, examining his exchanges with scientists like Baric, Anderson, and Holmes regarding COVID-19's lab-origin theories. Detailed exhibits support an analysis of Fauci's communication strategies and public health decisions. Concurrently, Dr. Fauci confronts public health messaging challenges against COVID-19 misinformation, especially concerning vaccines. Highlighting dangerous narratives, particularly from Alex Berenson, Fauci and figures like Scott Gottlieb stress the importance of accurate information to combat disinformation's public safety threats. In discussions with media and within broader government strategies, Fauci continually advocates for science-backed responses to ensure public health amid complex misinformation landscapes.

Key Topics

Dr. Fauci's testimony probes COVID-19 origins, herd immunity, the Great Barrington Declaration, and vaccine misinformation, featuring dialogues with Francis Collins and Jeremy Farrar. His advisory role shapes public health strategies, media discussions, and interactions with social media on pandemic narratives. Concurrently, Fauci's deposition outlines a lawsuit encompassing *Missouri versus Biden*, addressing misinformation's role in vaccine hesitancy. Fauci underscores countering falsehoods with truth, referencing Alex Berenson's "horrifying" claims during a CNN appearance and dialogues with Scott Gottlieb and Zeke Emanuel. The deposition explores governmental, media, and public health interfaces amid President Biden's concerns over social media's influence on misinformation.

Injuries

- **Severity of Injuries:** Dr. Fauci did not discuss any personal physical injuries during the deposition that required medical attention or hospitalization. The context does not involve physical injuries specific to Dr. Fauci, but more about infectious diseases and viral outbreaks.
- **Severity of Injuries:** The deposition transcript does not directly pertain to physical injuries suffered by an individual but discusses issues related to misinformation and public health regarding COVID-19.
- **Pain and Suffering:** The deposition does not address any specific experiences of pain and suffering by Dr. Fauci. The focus is largely on professional responsibilities, responses to public health challenges, and the intricacies of COVID-19 research and information dissemination.
- **Pain and Suffering:** Not applicable, as the transcript focuses on public discourse and misinformation rather than personal physical pain or suffering.
- **Change Over Time:** There is mention of changing strategies and perspectives over the course of the COVID-19 pandemic, particularly with regard to mask guidance and public health policies, reflecting an adaptation to new data and circumstances rather than physical changes in condition.
- **Change Over Time:** The transcript highlights the evolution of the public health communication strategies regarding misinformation during the COVID-19 pandemic.
- **Treatment Providers:** Dr. Fauci mentions collaborative relationships and ongoing dialogues with other health professionals and entities involved in pandemic response. This includes interactions with various organizations and experts but doesn't outline personal treatment providers.
- **Treatment Providers:** The transcript covers interactions with public figures and government officials, highlighting the role of Dr. Anthony Fauci and others in handling COVID-19 public health challenges and misinformation.

Liability

- **Research on Coronavirus:** The discussion included NIAID funding for research on bat coronaviruses, notably by EcoHealth Alliance and gain-of-function research topics.
- **Origin of COVID-19:** The deposition covered early 2020 debates and concerns about whether COVID-19 was lab-engineered, including a notable call with international experts organized by Jeremy Farrar. Dr. Fauci addressed his recollections and actions taken based on these discussions.
- **Communication with Scientists and Authorities:** Dr. Fauci's correspondence with scientists, including Jeremy Farrar, Christian Anderson, and Francis Collins, was examined, showing coordination to investigate and communicate findings related to the virus.
- **Public Communications and Media Interactions:** The deposition explored Dr. Fauci's

interactions with media figures, public statements, including podcasts and press conference responses related to the virus.

- **Social Media and Information Dissemination:** Dr. Fauci addressed questions about misinformation regarding COVID-19 treatments and origins on social media, and any influence or control exerted on these platforms.
- **Mask Guidance Shift during the Pandemic:** Dr. Fauci explained shifts in public health guidance about mask usage as new information about the virus's transmission became available.
- **Public Health Strategies and Communication:** Dr. Fauci's role in advising public health strategies, consulting with various scientists, and communicating with the public through press briefings and interviews. The interaction with WHO and spreading of accurate virus information were recurring themes.
- **Social Media and Misinformation:** Throughout the pandemic, there were issues with misinformation about COVID-19, which Dr. Fauci addressed, expressing concerns about how misleading information could detract from scientific facts, specifically about social media platforms removing incorrect content.
- **Hydroxychloroquine and Medical Efficacy:** Questions were raised about Fauci's public statements against the efficacy of hydroxychloroquine as a treatment for COVID-19.
- **Liability Regarding Public Health Messaging:** There is an implicit concern over liability where misinformation complicates public health outreach, leading to preventable fatalities due to vaccine hesitancy.
- **Criticism of the Great Barrington Declaration:** The deposition briefly covered discussions around the Great Barrington Declaration and Dr. Fauci's stance against its recommendations.
- **Background and Role:** Dr. Anthony Fauci has served as the Director of the National Institute of Allergy and Infectious Diseases (NIAID) for over 38 years and as the Chief Medical Advisor to President Biden since his inauguration.
- **Response to Alex Berenson's Statements:** Dr. Fauci identifies misinformation and disinformation as significant public health threats, particularly when they steer individuals away from vaccinations, potentially leading to higher mortality rates among the unvaccinated.
- **Governmental Discussions and Public Health Messaging:** Dr. Fauci does not recall specific governmental directives or discussions directly coordinating responses to misinformation. However, he suggests that discussions targeting misinformation as detrimental to public health may have occurred.
- **Role of Social Media Platforms:** In the context of misinformation affecting public health, Dr. Fauci refrains from offering legal expertise but emphasizes that misinformation impedes public health efforts.

- **Comparative Fault Analysis:** While Dr. Fauci attributes misinformation to potentially detrimental health outcomes, he distinguishes his role as advocating for truthful information dissemination rather than legal censorship, focusing on flooding media with correct information.

Damages

- **Security Detail Costs:** Dr. Fauci mentions needing a security detail due to threats against his life, which may imply economic costs associated with this need.

- **Threats and Emotional Distress:** Dr. Fauci mentions his life being threatened multiple times, which can lead to emotional distress and decreased quality of life.

- **Reputation Concerns:** The discussion of disinformation impacting public health may imply reputational damage to health efforts led by Dr. Fauci, affecting the efficacy and future opportunities in public health initiatives.

Expert Witnesses

- **Qualifications:** Dr. Fauci is the director of the National Institute of Allergy and Infectious Diseases (NIAID) at the National Institutes of Health and has been in this position for 38 years. He is also the Chief Medical Advisor to President Biden. He has been involved in health advisory roles for numerous US presidents and is recognized as a leading figure in infectious disease research and policy.

Examination

- **Funding Oversight:** Dr. Fauci was questioned about his knowledge and involvement in the NIH's funding of EcoHealth Alliance and gain-of-function research, emphasizing the budget periods and his level of awareness of specific projects.

- **Gain-of-Function Research and EcoHealth Alliance:** Dr. Fauci discussed his limited involvement in the approval of gain-of-function research, explaining the NIH's broader process for grant approvals and oversight of projects involving EcoHealth Alliance.

- **Communication during Pandemic:** Questions were raised regarding Dr. Fauci's handling of information and discussions with scientists and public health officials concerning the origins of COVID-19, particularly through e-mails and teleconferences.

- **COVID-19 Origins and Early Response:** The examination delved into communications between Dr. Fauci and scientists like Jeremy Farrar and Christian Anderson, focusing on the initial uncertainty surrounding COVID-19's origins and subsequent discussions among scientific experts.

- **Public Health Messaging:** Dr. Fauci detailed his engagements with public health messaging,

addressing his shift in stance on mask-wearing recommendations and his participation in media outreach regarding the safety and efficacy of treatments like hydroxychloroquine.

- **Response to Public Queries:** The cross-examination covered Dr. Fauci's public statements and the rationale behind them, particularly in response to misinformation about mask-wearing and hydroxychloroquine.

- **Public Health Communication:** Dr. Fauci reiterated his belief that the best way to counter misinformation is to provide and disseminate accurate information. He emphasized this approach in his public engagements and media interactions.

- **Social Media and Misinformation:** Dr. Fauci responded to questions about misinformation on social media, including his interactions with tech platforms and handling of false narratives during the pandemic.

- **Misinformation and Social Media Interaction:** Examined discussions centered on misinformation about COVID-19 treatments and origins, Dr. Fauci's awareness of social media policies, and his interactions with platforms like Facebook to address false information.

- **Social Media and Misinformation:** He expressed his belief that misinformation leading to avoidance of lifesaving interventions is dangerous but refrained from making definitive statements about social media platforms' roles in regulating such content.

- **Discussion on Remdesivir:** Dr. Fauci defended his comments on remdesivir's efficacy, stating it was seen as a modest success in initial trials amid limited treatment options for COVID-19.

- **Interaction with Scott Gottlieb and Others:** The cross-examination touched upon potential communications with Scott Gottlieb and other individuals about vaccine-related matters, though Dr. Fauci could not recall specifics.

- **Security Concerns Due to Public Criticism:** Dr. Fauci acknowledged that his life had been threatened multiple times, necessitating a security detail, after being criticized publicly, including by Alex Berenson.

- **Public Comments on Vaccine Critics:** Dr. Fauci discussed his reaction to Alex Berenson's public statements against vaccination efforts, clarifying his comments made on CNN about the dangers of misinformation.

Witness Impression

- Dr. Fauci's credibility is evident in his extensive experience as the director of NIAID for 38 years and as Chief Medical Advisor to President Biden. He has authored 1300 articles, demonstrating expertise in infectious diseases. However, he frequently states a lack of specific recall regarding events and communications surrounding the COVID-19 pandemic. His reliance on staff for information and the sheer volume of documents he handles daily contribute to

these memory lapses. Additionally, his responses often deviate from the direct questions posed, sometimes requiring redirection to stay on topic. There are also some inconsistencies, as information that he doesn't "recall" is later presented in the form of e-mail evidence. His interactions with other scientists and government officials suggest collaboration and deference to expertise in specific scientific domains.

- Dr. Fauci's credibility is repeatedly challenged throughout the deposition as he frequently states "I don't recall" or variations thereof when questioned about specific conversations or details. However, he often qualifies these statements by acknowledging the possibility of such occurrences, suggesting a cautious approach to avoid definitive statements without full recollection. He maintains that news outlets such as CNN and The New York Times are generally accurate in their reporting of his statements and actions. His responses often revert to general principles of public health, sometimes deflecting specific inquiries by emphasizing the dangers of misinformation. He admits to using strong language like "nonsense" when discussing certain public health viewpoints he considers dangerous. His repeated assertions of not being an expert on social media or related legal matters may also impact the perception of his credibility on those specific topics. There are some discrepancies with who exactly he spoke to at Twitter and why, although he says his daughter did work there. He speaks with other officials, but some of whom may have conflicts of interest. His position on the threat level to his life appears to be real.

- Dr. Fauci demonstrates a generally cooperative demeanor during the deposition, engaging with questions and providing detailed responses. He expresses willingness to clarify questions and avoid interruptions. However, there are instances where he exhibits mild defensiveness when pressed on certain topics and uses humor and sarcasm. He is candid about his lack of familiarity with social media and certain scientific domains and maintains a mostly composed attitude. He is also mildly defensive when questioned about his recall of certain events and communications and assertive in providing context for his answers, sometimes leading to prolonged responses. His interactions with attorneys demonstrate politeness with humorous interjections, particularly when his recollection fails him.

- Dr. Fauci maintains a generally calm and measured demeanor throughout the deposition, even when responding to pointed or challenging questions. He occasionally interrupts or clarifies questions but does so politely. He readily acknowledges and corrects any minor mistakes or misinterpretations of the questions. He consistently reiterates his commitment to public health principles and expresses concern about the spread of misinformation, often framing his responses within this context. His frequent use of phrases like "I don't recall" could be interpreted as evasive by some, while others might perceive it as cautiousness. He uses humor or lighthearted remarks a few times, for example when discussing being called "Tony." Overall, his demeanor could be described as professional and composed, albeit somewhat guarded. He shows some defensiveness.

- Dr. Fauci's likability during the deposition is mixed. His willingness to engage with questions and provide context suggests a desire to be transparent. However, his tendency to deviate from direct questions, his occasional defensiveness, and sarcasm and humor when pressed on specific issues may detract from likability in some instances. His candor about relying on his staff and deferring to specific scientific expertise contributes to a perception of honesty.

- Dr. Fauci's likability is open to interpretation based on the viewer's perspective. His calm and professional demeanor might be viewed as reassuring and trustworthy by some. Others might find his frequent claims of not recalling specific details to be evasive, potentially impacting his likability negatively. His emphasis on public health principles and concerns about misinformation could resonate positively with those who share similar values, while others might perceive him as overly cautious or alarmist. His occasional use of humor could be seen as an attempt to connect with the questioner and establish rapport, but it could also be interpreted as dismissive or sarcastic depending on the context. He shows some slight indignation.

- Dr. Fauci evokes some sympathy during the deposition. His repeated expressions of memory lapses, despite his lengthy explanations, could elicit sympathy for the immense pressure and volume of information he manages. His stated dedication to saving lives and his concerns about misinformation and disinformation causing loss of life also contribute to sympathy.

- Dr. Fauci's testimony does not explicitly evoke sympathy, but certain elements of his responses might elicit sympathetic reactions from some observers. He mentions receiving death threats, which clearly indicate the pressures and personal risks he has faced in his role. His expressions of concern about the impact of misinformation on public health might generate sympathy from those who agree with his perspective and recognize the challenges of combating false information. His repeated insistence on not being an expert in certain areas could be seen as an attempt to deflect criticism rather than a plea for sympathy, but it could also be interpreted as humility or an acknowledgement of his limitations. Overall, while not explicitly seeking sympathy, certain aspects of his testimony could potentially generate sympathetic responses from some individuals.

Event chronology

DATE	SUMMARY
12/30/2011	Dr. Fauci co-authors an op-ed with Francis Collins in the Washington Post titled "A Flu Virus Risk Worth Taking"
2014	U.S. government gain-of-function research funding pause initiated
Between 2011 and 2014	Gain-of-function research pause on manipulation of influenza virus

DATE	SUMMARY
06/01/2014	Understanding the Risk of Bat Coronavirus Emergence project initiated
05/31/2019	Understanding the Risk of Bat Coronavirus Emergence project concluded
2015	A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence article published on Nature Medicine
12/31/2019 or 01/2020	Dr. Fauci becomes aware of a new coronavirus outbreak in China
01/2020	Dr. Fauci receives a phone call from Jeremy Farrar and Christian Anderson raising concerns about the virus's origin
01/27/2020	E-mail exchange between Greg Folkers and Dr. Fauci discussing coronavirus research and mentioning Peter Daszak, Ralph Baric, and Ian Lipkin as experts
01/31/2020	E-mail exchange between Dr. Fauci, Jeremy Farrar, and Christian Anderson regarding the virus's genomic makeup and origin. Dr. Fauci sends a Science Magazine article by Jon Cohen.
02/01/2020 at 12:29 a.m.	E-mail exchange between Dr. Fauci and Hugh Auchincloss. Dr. Fauci forwards two articles: a Nature Medicine article on SARS gain of function and the Jon Cohen Science article.
02/01/2020	Conference call with international virologists to discuss the virus's origins
02/01/2020 at 1:19 p.m.	Dr. Fauci forwards the Nature Medicine article to Lawrence Tabak
02/04/2020	E-mail exchange between Dr. Fauci, Francis Collins, and Jeremy Farrar discussing serial passage in ACE2 transgenic mice
02/07/2020	Jeremy Farrar sends a revised draft of a summary to Dr. Fauci and Francis Collins
02/09/2020	Podcast with Newt Gingrich and Peter Daszak where Dr. Fauci dismisses lab leak theory as a conspiracy

DATE	SUMMARY
02/11/2020	Meeting between Dr. Fauci, Emily Erbelding, and Dr. Ralph Baric
02/17/2020	Preprint version of the proximal origin of SARS-CoV-2 released
02/22/2020	Cliff Lane's e-mail stating China has demonstrated the infection can be controlled
03/06/2020	Christian Anderson thanks Dr. Fauci, Jeremy Farrar, and Francis Collins for their advice on the SARS-CoV-2 origin paper
03/14/2020	Communication between NIH and Twitter regarding removal of fake Dr. Fauci accounts
03/15/2020	E-mail from Mark Zuckerberg to Dr. Fauci discussing a live Q&A and offering free ad credits
03/17/2020	Published version of the proximal origin of SARS-CoV-2 released online in Nature Medicine
03/26/2020	Francis Collins publishes a blog post on the NIH website discussing the Nature Medicine article and dismissing the lab leak theory
03/27/2020	ABC News article published discussing the Nature Medicine article and dismissing the lab leak theory
04/14/2020	Francis Collins e-mails Dr. Fauci expressing concern about the lab leak theory and asking for ways to address it
04/17/2020	Coronavirus Task Force press briefing where Dr. Fauci addresses the lab leak theory. Dr. Fauci responds to Dr. Collins calling the lab leak theory a shiny object that will go away.
04/19/2020	Dr. Fauci sends links to scientific papers, including the Nature Medicine article, to Bill Gertz
04/19/2020	E-mail exchange between Dr. Fauci and Peter Daszak.
05/22/2020	The Lancet publishes a study on hydroxychloroquine, which is later retracted

DATE	SUMMARY
05/27/2020	Politico article published with Dr. Fauci's comments on the ineffectiveness of hydroxychloroquine
07/2020	America's Frontline Doctors post a video promoting hydroxychloroquine
07/27/2020	Breitbart News reports on Facebook, Google, YouTube, and Twitter censoring the America's Frontline Doctors video
07/27 or 07/28/2020	Dr. Fauci appears on Good Morning America discussing the America's Frontline Doctors video and reiterating the ineffectiveness of hydroxychloroquine
08/01/2020	America's Frontline Doctors website shut down
10/04/2020	Great Barrington Declaration published
10/08/2020	Francis Collins e-mails Dr. Fauci and Cliff Lane about the Great Barrington Declaration and suggests a "takedown"
10/08/2020	Dr. Fauci sends Francis Collins an article from Wired magazine that criticizes the Great Barrington Declaration
10/13/2020	Dr. Collins sends Dr. Fauci and others a link to the Washington Post article about the Great Barrington Declaration
10/14/2020	Washington Post article published discussing the Great Barrington Declaration and quoting Francis Collins and Anthony Fauci
10/15/2020	NBC News article published with Dr. Fauci's comments criticizing the Great Barrington Declaration
10/30/2020	E-mail exchange between NIAID staff and Google regarding vaccine communications and misinformation
11/01/2020	Greg Folkers sends Dr. Fauci a list of articles critical of the herd immunity approach
07/2021	White House requests Facebook to take down a fake Anthony Fauci Instagram account

DATE	SUMMARY
07/11/2021	The Hill reports on Dr. Fauci's comments criticizing Alex Berenson's views on vaccines
07/16/2021	New York Times reports on President Biden's criticism of social media platforms for spreading disinformation about vaccines
08/24/2021	Scott Gottlieb forwards a post by Alex Berenson to someone at Twitter and mentions Dr. Fauci needing security detail