

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF LOUISIANA
3 MONROE DIVISION
4 - - - - - X
5 THE STATE OF MISSOURI, et al., :
6 Plaintiffs, :
7 V. : Case No. 3:22-cv-01213-TAD-KDM
8 JOSEPH R. BIDEN, JR., et al., :
9 Defendants. :
10 - - - - - X
11 Bethesda, Maryland
12 Wednesday, November 23, 2022
13 Videotaped Deposition of DR. ANTHONY FAUCI, a
14 Defendant herein, called for examination by counsel
15 for Plaintiffs in the above-entitled matter, pursuant
16 to notice, the witness being duly sworn by Stephanie
17 Barnes, a Notary Public in and for the State of
18 Maryland, taken at the offices of National Institutes
19 of Health, 31 Center Drive, Building 31, Bethesda,
20 Maryland, at 8:08 a.m., Wednesday, November 23, 2022,
21 and the proceedings being taken down by Stenotype by
22 Stephanie Barnes, and transcribed under her
23 direction.
24
25

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ALSO PRESENT:

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|----|---|------------------------|
| 1 | C O N T E N T S | |
| 2 | WITNESS | EXAMINATION BY COUNSEL |
| 3 | DR. ANTHONY FAUCI | FOR PLAINTIFFS |
| 4 | BY MR. SAUER | 10 |
| 5 | | |
| 6 | E X H I B I T S | |
| 7 | FAUCI EXHIBIT NO. | PAGE |
| 8 | Exhibit No. 1 - December 30, 2011 Article | 12 |
| 9 | Exhibit No. 2 - EcoHealth Alliance | 17 |
| 10 | Project Details | |
| 11 | Exhibit No. 3 - Gain of Function Research | 25 |
| 12 | Exhibit No. 4 - Nature Medicine Article | 31 |
| 13 | Exhibit No. 5 - E-mails | 37 |
| 14 | Exhibit No. 6 - E-mails | 43 |
| 15 | Exhibit No. 7 - E-mails | 83 |
| 16 | Exhibit No. 8 - E-mails | 96 |
| 17 | Exhibit No. 9 - E-mails | 111 |
| 18 | Exhibit No. 10 - References | 114 |
| 19 | Exhibit No. 11 - E-mails | 119 |
| 20 | Exhibit No. 12 - E-mails | 122 |
| 21 | Exhibit No. 13 - E-mails | 130 |
| 22 | Exhibit No. 14 - E-mails | 138 |
| 23 | Exhibit No. 15 - E-mails | 141 |
| 24 | Exhibit No. 16 - Podcast Transcript | 142 |
| 25 | Exhibit No. 17 - Calendar Printout | 148 |

| | | |
|----|--|-----|
| 1 | Exhibit No. 18 - Quote | 152 |
| 2 | Exhibit No. 19 - Wayback Machine Article | 158 |
| 3 | Exhibit No. 20 - NIH Record Article | 163 |
| 4 | Exhibit No. 21 - E-mails | 167 |
| 5 | Exhibit No. 22 - E-mails | 170 |
| 6 | Exhibit No. 23 - CONFIDENTIAL E-mails | 172 |
| 7 | Exhibit No. 24 - Nature Medicine Article | 178 |
| 8 | Exhibit No. 25 - NIH Blog | 182 |
| 9 | Exhibit No. 26 - ABC News Article | 185 |
| 10 | Exhibit No. 27 - E-mails | 187 |
| 11 | Exhibit No. 28 - White House Archives | 196 |
| 12 | Exhibit No. 29 - E-mails | 201 |
| 13 | Exhibit No. 30 - E-mails | 203 |
| 14 | Exhibit No. 31 - The Hill Article | 209 |
| 15 | Exhibit No. 32 - Meta Printout | 210 |
| 16 | Exhibit No. 33 - UnHerd Article | 212 |
| 17 | Exhibit No. 34 - Politico Article | 213 |
| 18 | Exhibit No. 35 - The Lancelet Article | 221 |
| 19 | Exhibit No. 36 - Good Morning America Article | 226 |
| 20 | Exhibit No. 37 - Breitbart Article | 228 |
| 21 | Exhibit No. 38 - Breitbart Article | 232 |
| 22 | Exhibit No. 39 - The Washington Standard Article | 242 |
| 23 | Exhibit No. 40 - Global HCQ/QC Studies | 245 |
| 24 | Exhibit No. 41 - Great Barrington Declaration | 249 |
| 25 | Exhibit No. 42 - E-mails | 253 |

| | | |
|----|--|-----|
| 1 | Exhibit No. 43 - E-mails | 263 |
| 2 | Exhibit No. 44 - E-mails | 266 |
| 3 | Exhibit No. 45 - Washington Post Article | 270 |
| 4 | Exhibit No. 46 - E-mails | 275 |
| 5 | Exhibit No. 47 - CNBC Article | 277 |
| 6 | Exhibit No. 48 - Spiked Article | 280 |
| 7 | Exhibit No. 49 - YouTube Printout | 283 |
| 8 | Exhibit No. 50 - Google Printout | 284 |
| 9 | Exhibit No. 51 - Meta Printout | 286 |
| 10 | Exhibit No. 52 - E-mails | 294 |
| 11 | Exhibit No. 53 - CONFIDENTIAL E-mails | 298 |
| 12 | Exhibit No. 54 - CONFIDENTIAL E-mails | 304 |
| 13 | Exhibit No. 55 - CONFIDENTIAL E-mails | 307 |
| 14 | Exhibit No. 56 - CONFIDENTIAL E-mails | 323 |
| 15 | Exhibit No. 57 - CONFIDENTIAL E-mails | 327 |
| 16 | Exhibit No. 58 - CONFIDENTIAL E-mails | 330 |
| 17 | Exhibit No. 59 - Substack Article | 334 |
| 18 | Exhibit No. 60 - The Hill Article | 340 |
| 19 | Exhibit No. 61 - New York Times Article | 343 |
| 20 | Exhibit No. 62 - Substack Article | 346 |
| 21 | Exhibit No. 63 - E-mails | 352 |
| 22 | * Exhibits attached to transcript. | |
| 23 | | |
| 24 | | |
| 25 | | |

1 P R O C E E D I N G S

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

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

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

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

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

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

1 Whereupon,

2 DR. ANTHONY FAUCI,
3 was called as a witness by counsel for Plaintiffs,
4 and having been duly sworn by the Notary Public, was
5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR PLAINTIFFS
7 BY MR. SAUER:

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

10 A. My name is Anthony S. Fauci.

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

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

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

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

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

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

1 years a couple of weeks ago.

2 Q. Congratulations.

3 Have you ever given a deposition before?

4 A. I have.

5 Q. How many times?

6 A. Once.

7 Q. How long ago was that?

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

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

12 A. Sure.

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

16 A. Certainly.

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

22 A. Certainly.

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

1 questions go forward?

2 A. Yes.

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

7 Is that okay?

8 A. I will certainly do that.

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

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

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

24 MR. SAUER: You raise a good point.

25 BY MR. SAUER:

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

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

5 Q. What documents were those?

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

8 BY MR. SAUER:

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

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

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

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

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

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

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

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

11 THE WITNESS: Yeah.

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

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

16 BY MR. SAUER:

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

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

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

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

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

21 A. Right.

22 **Q. -- when you're generating potentially**
23 **dangerous viruses.**

24 A. Right.

25 **Q. First of all, is that kind of**

1 **research generally referred to as gain-of-function**
2 **research?**

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

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

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

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

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

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

12 **Q. Is that some type -- go ahead.**

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

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

20 **(FAUCI Exhibit No. 2 was marked for**
21 **identification.)**

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

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

3 BY MR. SAUER:

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

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

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

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

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

19 A. I do --

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

22 BY MR. SAUER:

23 Q. You may answer.

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

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

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

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

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

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

13 A. Right.

14 **Q. Is that right?**

15 A. Right.

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

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

20 MR. SAUER:

21 **Q. You may answer.**

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

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

1 **project?**

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

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

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

15 **Q. Do you know Mr. Daszak?**

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

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

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

22 MR. SAUER:

23 **Q. Go ahead.**

24 A. So what's the question again.

25 **Q. In what connection have you met him?**

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

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

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

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

21 **Q. On that the same page, below Daszak and**
22 **EcoHealth Alliance, there's a reference to NIAID**
23 **funding this grant from 1st June of 2014 to 31st May**
24 **2019.**

25 Do you see that?

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

3 **Q. Yeah. Over there on the right.**

4 A. Yeah.

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

7 MR. KIRSCHNER: Objection. Vague.

8 Assuming evidence not in the record.

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

11 MR. SAUER:

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

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

20 Thousands of pieces of paper come across my desk.

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

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

1 most of the first page?

2 A. Yeah.

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

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

8 Q. Fourth line up from the bottom.

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

11 Q. "Test predictions of CoV" --

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

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

17 MR. KIRSCHNER: Objection.

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

23 MR. SAUER:

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

1 2011 op-ed about generating a more dangerous virus in
2 a laboratory.

3 Can reverse genetics refer to that?

4 MR. KIRSCHNER: Objection. Calls for
5 speculation.

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

11 So reverse genetics is a very broad
12 categorization.

13 MR. SAUER:

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

17 MR. KIRSCHNER: Objection. Calls for
18 speculation.

19 MR. SAUER:

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

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

1 amplify the function of the virus.

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

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

6 MR. SAUER:

7 Q. Do you recognize this document?

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

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

22 MR. SAUER:

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

1 process and research funding pause."

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

5 Do you recall that?

6 MR. KIRSCHNER: Objection.

7 Mischaracterizes testimony.

8 MR. SAUER:

9 Q. Do you recall?

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

12 Q. Well, let me ask you.

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

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

19 MR. SAUER:

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

22 A. Okay.

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

25 THE WITNESS: Okay. What's the question?

1 BY MR. SAUER:

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

5 A. Yes, I am familiar with it.

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

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

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

12 A. Because --

13 Q. -- it was adopted?

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

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

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

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

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

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

19 A. Yeah.

20 **Q. -- aren't you?**

21 A. Yeah.

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

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

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

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

17 A. Again --

18 MR. KIRSCHNER: Objection. Calls for
19 speculation.

20 BY MR. SAUER:

21 **Q. If you know?**

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

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

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

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

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

13 BY MR. SAUER:

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

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

20 **Q. Who's your deputy?**

21 A. Dr. Hugh Auchincloss.

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

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

24 **Q. What's his title?**

25 A. Principal deputy director.

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

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

5 BY MR. SAUER:

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

10 A. Yes.

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

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

15 Q. When did you first become aware of it?

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

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

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

1 **Q. How long after the beginning would you**
2 **estimate?**

3 A. I don't recall.

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

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

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

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

15 **Q. Do you know Ralph Baric?**

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

21 **Q. And he's funded by NIAID?**

22 A. He is.

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

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

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

4 **Q. How about the person that's listed**
5 **immediately before him listed here as Zhengli Shi?**

6 **Do you know who that is?**

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

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

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

22 **Q. Have you ever met that person before?**

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

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

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

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

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

18 A. There was a phone call in late January of
19 2020, I believe, from Jeremy Farrar. There was one
20 other person on the phone. I believe it was
21 Christian Anderson, who piped me in on a three-way
22 call, saying that they looked at the virus and there
23 was some concern about the molecular configuration or
24 makeup of the virus that made them think there was a
25 possibility that there could have been a manipulation

1 of the virus.

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

4 A. To my recollection, no.

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

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

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

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

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

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

23 THE WITNESS: Can you repeat the question?

24 BY MR. SAUER:

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

1 **working relationship between Shi Zhengli and**
2 **Peter Daszak?**

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

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

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

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

18 MR. KIRSCHNER: Objection.
19 Mischaracterizes the evidence.

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

22 MR. SAUER:

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

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

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

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

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

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

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

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

23 MR. SAUER:

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

1 **Greg Folkers. Who's Greg Folkers?**

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

5 **Q. And then who's Jennifer Routh?**

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

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

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

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

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

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

21 A. Right.

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

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

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

11 Do you see that?

12 A. Wait a second. Where are we now?

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

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

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

25 Do you see that?

1 A. Yes.

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

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

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

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

20 A. I do.

21 **Q. Is he a grantee of --**

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

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

6 A. Yes, I see that.

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

11 MR. SAUER: Objection. Calls for
12 speculation.

13 THE WITNESS: I'm looking at
14 Exhibit Number 2 and the title is, "Understanding the
15 risk of bat coronavirus emergence," and that is the
16 quote that is here, and the grant number is 1R01 --
17 BY MR. SAUER:

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

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

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

4 BY MR. SAUER:

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

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

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

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

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

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

9 **(FAUCI Exhibit No. 6 was marked for**
10 **identification.)**

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

15 THE WITNESS: Okay. February 1st.

16 BY MR. SAUER:

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

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

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

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

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

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

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

1 later on.

2 **Q. Who's Eddie Holmes?**

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

6 **Q. Does he receive funding from your agency?**

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

9 **Q. Do you know Eddie Holmes?**

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

13 **Q. Do you know Christian Anderson?**

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

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

1 other occasions.

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

4 MR. KIRSCHNER: Objection. Calls for
5 speculation.

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

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

4 BY MR. SAUER:

5 Q. Could I pause for a second?

6 A. Sure.

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

10 A. Right.

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

13 A. Okay.

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

15 A. Fine.

16 Q. Can you agree to do that, please?

17 A. I would be happy to do that.

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

22 MR. SAUER: Yeah.

23 BY MR. SAUER:

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

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

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

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

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

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

15 BY MR. SAUER:

16 Q. Do you see the spot I referred to?

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

20 BY MR. SAUER:

21 Q. Right here.

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

24 BY MR. SAUER:

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

1 the page?

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

3 Q. Yeah.

4 A. Yes.

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

7 A. You know, I don't recall.

8 Q. You don't recall sending that message?

9 A. No, no. I --

10 MR. KIRSCHNER: Object --

11 THE WITNESS: No, no. Let me finish.

12 MR. KIRSCHNER: Go ahead.

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

20 BY MR. SAUER:

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

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

1 testimony.

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

13 BY MR. SAUER:

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

17 A. Let me read it.

18 Yeah.

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

21 A. Yeah.

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

1 theory?

2 A. Right.

3 Q. Do you know who Eddie is?

4 A. Eddie Holmes probably.

5 Q. Do you know who Bob is?

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

7 Q. And do you know Mike is?

8 A. I don't, but it could be Mike Laribee.

9 I'm not sure.

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

16 A. Right.

17 Q. -- correct?

18 A. Yes.

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

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

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

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

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

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

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

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

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

4 BY MR. SAUER:

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

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

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

13 BY MR. SAUER:

14 Q. Do you see the eighth page?

15 A. Is that 2421?

16 Q. 2432.

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

21 MR. KIRSCHNER: I have the same.

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

23 BY MR. SAUER:

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

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

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

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

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

10 (Discussion off the record.)

11 (Recess.)

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

14 BY MR. SAUER:

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

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

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

21 A. Correct.

22 Q. **Is that how you say his name?**

23 A. That's correct.

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

1 A. Yes.

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

4 A. Yes.

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

8 A. No. I don't recall.

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

11 A. No, I very rarely do that.

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

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

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

20 A. Yeah.

21 Q. -- SARS Gain of Function?

22 A. Right.

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

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

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

5 Q. And that is the 2015 article?

6 A. Right.

7 Q. Coauthored?

8 A. Right.

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

11 A. Right.

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

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

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

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

22 A. Exhibit 4 is a Nature Medicine article.

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

25 A. Correct. Yes.

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

3 MR. KIRSCHNER: Objection.
4 Mischaracterizes the evidence.

5 BY MR. SAUER:

6 Q. Did you describe it as that?

7 A. It looks like it was described as that.

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

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

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

16 A. I don't recall.

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

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

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

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

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

15 A. Right.

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

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

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

2 A. I don't recall if I did.

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

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

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

9 A. Right.

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

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

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

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

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

4 A. I don't recall.

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

8 A. I don't recall.

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

11 A. I don't recall.

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

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

17 Q. Sorry.

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

20 BY MR. SAUER:

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

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

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

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

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

10 Can you turn to the next page?

11 A. Yeah.

12 Q. And here it's an e-mail just a couple
13 minutes later -- it's literally the same minute that
14 you sent to Hugh at 12:29 a.m. on Saturday, February
15 1st, 2020; correct?

16 A. Right.

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

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

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

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

1 question. So what is the question?

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

4 A. Right.

5 Q. Why did you forward him this
6 particular article?

7 MR. KIRSCHNER: Objection. Calls for
8 speculation.

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

11 BY MR. SAUER:

12 Q. Did you -- you forwarded him two articles,
13 right? The Baric, Shi Nature Medicine article at
14 12:29 a.m., and then the Jon Cohen Science article as
15 well?

16 A. Yeah.

17 Q. Do you know why you did that?

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

25 Q. Do you remember --

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

2 Q. Do you remember talking to him about that?

3 MR. KIRSCHNER: Objection. Asked and
4 answered.

5 BY MR. SAUER:

6 Q. If you know?

7 Do you remember talking to Hugh about that
8 concern?

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

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

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

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

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

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

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

14 Q. Do you know what they were?

15 A. What "what" were?

16 Q. The things that you may have said.

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

21 Q. Can you flip ahead in that document to --
22 five more pages from that ninth page that we were
23 on -- or six more pages from that ninth page that we
24 were on. There's a document that's Bates Number
25 2421.

1 A. 2421?

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

3 A. Yes, got it.

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

5 A. Yes.

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

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

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

14 MR. KIRSCHNER: Objection.

15 Mischaracterizes the time.

16 BY MR. SAUER:

17 Q. Or was that done at a different time?

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

20 BY MR. SAUER:

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

22 MR. KIRSCHNER: In the morning or
23 afternoon?

24 BY MR. SAUER:

25 Q. Was it in the morning or the afternoon?

1 Do you remember?

2 A. Thirteen is, I believe, the afternoon.

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

5 A. Yeah.

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

8 A. Yeah.

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

11 A. Yeah.

12 Q. Why?

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

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

20 A. I believe it was in the morning.

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

22 A. I don't recall.

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

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

4 **Q. Was Mr. Tabak on that call?**

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

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

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

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

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

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

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

25 **Q. I'm just asking if you discussed that**

1 issue with Francis Collins?

2 A. I don't recall --

3 Q. Okay.

4 A. -- to be honest with you.

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

8 A. Yeah.

9 Q. Okay. What's the time of this e-mail?
10 17:51, is that 5:51 in the afternoon where you
11 sent --

12 A. Yeah.

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

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

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

20 ^ (Witness reading to himself.)

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

23 (Witness reading to himself.)

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

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

4 BY MR. SAUER:

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

7 A. Okay. But she asked me to.

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

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

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

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

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

21 Okay. What's the question, sir?

22 BY MR. SAUER:

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

1 and approved by the NIH."

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

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

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

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

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

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

9 MR. KIRSCHNER: Objection. Vague.
10 Ambiguous.

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

13 BY MR. SAUER:

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

18 A. Right.

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

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

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

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

5 A. Yes.

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

8 A. I don't recall.

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

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

17 Q. And Emily works for NIAID?

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

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

22 A. Yeah.

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

1 A. Yeah.

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

5 MR. SAUER:

6 Q. You see immediately below that --

7 A. Yes.

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

10 Is Eddie Eddie Holmes?

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

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

14 A. Right.

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

18 Do you see that?

19 A. I do.

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

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

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

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

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

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

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

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

17 BY MR. SAUER:

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

21 A. Yes. I see that.

22 **Q. Do you know how these participants were**
23 **selected?**

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

1 Jeremy who made the selection of these people.

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

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

7 Q. And did you loop him in later?

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

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

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

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

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

1 Q. What is Jeremy Farrar's role?

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

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

8 A. Yes, they do.

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

11 A. I do not know.

12 Q. Is it a significant amount?

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

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

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

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

23 MR. SAUER: Not long.

24 MR. KIRSCHNER: Okay.

25 BY MR. SAUER:

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

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

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

8 A. Right.

9 Q. -- among some of the participants?

10 A. Right.

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

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

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

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

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

14 MR. KIRSCHNER: Objection. Vague.
15 Ambiguous.

16 BY MR. SAUER:

17 **Q. If you recall?**

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

25 **Q. Do you remember any discussion of people**

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

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

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

9 MR. KIRSCHNER: Objection. Vague.
10 Ambiguous.

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

19 BY MR. SAUER:

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

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

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

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

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

21 A. Right.

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

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

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

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

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

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

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

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

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

7 MR. KIRSCHNER: Objection. Vague.
8 Ambiguous.

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

11 BY MR. SAUER:

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

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

1 with a natural occurrence.

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

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

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

13 MR. KIRSCHNER: Yeah. If -- if -- it's
14 9:37, if that works for Dr. Fauci?

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

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

19 (Recess.)

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

22 BY MR. SAUER:

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

25 (FAUCI Exhibit No. 7 was marked for

1 identification.)

2 BY MR. SAUER:

3 Q. -- which is a collection of e-mails that
4 were produced pursuant to FOIA. On the front page
5 here just at the very top, there's an e-mail from you
6 to Jeremy and Christian Anderson; correct?

7 A. Correct.

8 Q. And it says, "Jeremy, Collins," and
9 there's a huge redaction of everything you said.

10 "Best regards, Tony." Do you see that?

11 A. I do.

12 Q. Do you have any recollection of what
13 you're talking about in this e-mail?

14 A. No, I don't. I don't recall.

15 Q. Okay. Flip ahead four page -- to the
16 fourth page. There's an e-mail from Jeremy Farrar to
17 you on January 30th saying, "Tony, perfect timing.
18 Thank you. Great to catch up"; correct?

19 A. Yeah, the January 30th at 7:13 a.m.?

20 Q. Right.

21 A. Yeah. "Tony, perfect timing. Thank you.
22 Great to catch up."

23 Q. And you responded, "Thanks, Jeremy. Great
24 chatting with you and Patrick. Will stay in close
25 touch" --

1 A. Right.

2 Q. -- correct?

3 A. Correct.

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

7 A. Yeah.

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

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

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

17 A. No, I don't recall.

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

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

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

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

4 A. Yes.

5 Q. Correct?

6 A. I see that.

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

9 MR. KIRSCHNER: Objection. Speculative.

10 BY MR. SAUER:

11 Q. If you recall?

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

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

22 Do you see that?

23 A. Yes.

24 Q. Do you know why that was his preference?

25 MR. KIRSCHNER: Objection. Speculative.

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

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

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

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

13 THE REPORTER: And please slow down, you
14 guys.

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

17 BY MR. SAUER:

18 Q. What do you gather?

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

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

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

9 A. Yes.

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

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

14 BY MR. SAUER:

15 Q. If you know. Why is that obvious?

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

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

1 Q. So he didn't like --

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

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

7 MR. KIRSCHNER: Objection. Speculative.
8 Vague.

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

17 BY MR. SAUER:

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

23 Do you see that?

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

1 at 13:27"?

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

4 THE WITNESS: You got it.

5 MR. KIRSCHNER: Yep.

6 BY MR. SAUER:

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

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

14 BY MR. SAUER:

15 Q. Can you turn more pages?

16 A. Two more forward? Two more forward?

17 Q. Yeah.

18 A. Teleconference, re teleconference.

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

22 A. Right.

23 Q. Correct?

24 A. Correct.

25 Q. Do you recall discussing -- talking to

1 **Francis Collins about getting involved in the**
2 **conference call?**

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

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

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

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

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

20 A. And what's the top line?

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

23 A. Yeah. And the subject is teleconference.

24 Q. Okay?

25 A. All right.

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

5 A. Yes.

6 Q. Who's Mike Ferguson?

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

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

16 A. Yes.

17 Q. And you responded "yes"; correct?

18 A. Yeah.

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

21 A. You know, I don't recall.

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

25 MR. KIRSCHNER: Objection. Speculative.

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

3 BY MR. SAUER:

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

6 A. No, I can't recall that.

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

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

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

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

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

17 BY MR. SAUER:

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

20 A. Two more forward?

21 Q. Yeah.

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

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

1 BY MR. SAUER:

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

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

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

9 A. Yeah.

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

12 A. Yes.

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

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

19 BY MR. SAUER:

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

23 A. Let me look at it.

24 Q. Labeled at 2050?

25 A. Right. Yes, I see that.

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

4 A. Correct.

5 Q. Do you know who Tedros is?

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

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

11 A. Correct.

12 Q. Do you remember that plan?

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

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

22 MR. KIRSCHNER: Objection.
23 Mischaracterizes evidence and speculative.

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

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

7 BY MR. SAUER:

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

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

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

14 BY MR. SAUER:

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

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

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

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

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

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

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

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

18 BY MR. SAUER:

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

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

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

1 A. Right.

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

6 Do you see that?

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

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

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

14 Q. You don't know what WeChat is?

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

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

19 A. I don't know.

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

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

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

4 MR. KIRSCHNER: Objection. Ambiguous.

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

10 BY MR. SAUER:

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

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

15 Q. Or at this time?

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

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

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

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

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

1 software engineer for Twitter was my daughter.

2 Q. Oh, your daughter worked for Twitter?

3 A. She used to, yes.

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

7 A. No.

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

11 A. No, she has no interest in that.

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

13 A. I believe she was a software engineer.

14 Q. Does she still work at Twitter?

15 A. No.

16 Q. When did she stop?

17 A. Over a year ago.

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

20 A. No.

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

23 THE REPORTER: Please slow down.

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

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

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

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

14 Do you see that?

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

17 THE WITNESS: This one?

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

20 THE WITNESS: I jumped too much?

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

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

1 BY MR. SAUER:

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

7 Do you see that?

8 A. Yeah. (Reading to himself.)

9 Q. Do you see that?

10 A. Let me finish reading it. One second.

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

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

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

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

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

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

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

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

23 **Q. Including about the origins of the virus**
24 **specifically?**

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

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

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

6 A. No, I didn't say that.

7 **Q. Okay.**

8 A. That's not what I said.

9 **Q. What'd you say?**

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

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

20 A. I didn't mention social media.

21 **Q. Does it?**

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

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

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

3 A. Second page. Okay. Moving forward.

4 Q. On the middle of that page, do you see an
5 e-mail from you on Sunday, 2nd February 2020, at
6 15:30?

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

9 Q. That's the one, yeah.
10 You say here in that second sentence --

11 A. Right.

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

14 A. Right.

15 Q. Do you see that?

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

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

20 A. Well --

21 Q. -- the day after the conference call?

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

25 Q. What -- what distortions on social media

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

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

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

21 Do you see that?

22 A. Right.

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

25 A. Right.

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

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

12 **Q. Did that happen --**

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

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

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

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

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

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

4 Who is Tedros?

5 A. Tedros is the director general of the WHO.

6 Q. And who is Bernard?

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

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

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

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

24 BY MR. SAUER:

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

1 need to decide today, in my view."

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

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

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

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

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

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

21 BY MR. SAUER:

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

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

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

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

8 BY MR. SAUER:

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

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

14 Q. Down in -- you see a list of bullet points
15 in this e-mail from Jeremy?

16 A. Yes.

17 Q. Are -- okay. And about halfway down,
18 there's a bullet point that says, "Gathering interest
19 evidence in the science literature and in mainstream
20 and social media to questions of the origins of the
21 virus."

22 Do you see that?

23 A. Yes.

24 Q. Are you aware of Jeremy discussing with
25 the WHO the concern that there be social media

1 **discussion of the origins of the virus?**

2 A. I have no recollection or information
3 about Jeremy's discussions with the WHO involving
4 anything including social media. And I see this here
5 in an e-mail, but I -- I really have no additional
6 further information about Jeremy's gathering interest
7 evidence in the science literature regarding the
8 origin, no.

9 Q. You're being handed another document
10 marked Exhibit 9.

11 (FAUCI Exhibit No. 9 was marked for
12 identification.)

13 BY MR. SAUER:

14 Q. Do you see the second page of this
15 document?

16 A. Yes.

17 Q. You've got an e-mail there at the top to
18 Francis Collins and Jeremy Farrar where you say,
19 "Agree. Very thoughtful summary and analysis. We
20 really need to get WHO moving on getting the
21 convening started." Correct?

22 A. Right.

23 Q. Why did you say that to Jeremy and Francis
24 Collins?

25 MR. KIRSCHNER: Objection. Again, I would

1 ask that Dr. Fauci have an opportunity to familiarize
2 himself with this document.

3 THE WITNESS: Well, I'm looking at this
4 e-mail and it says, "Agree, very thoughtful summary
5 and analysis." And I don't recall what that summary
6 and analysis was. I get hundreds, if not thousands,
7 of documents thrown in front of me. I don't recall.
8 So I said, "I agree, very thoughtful summary and
9 analysis." But I don't recall today what that
10 summary and analysis was.

11 BY MR. SAUER:

12 Q. Can you look at the page before the first
13 page of the document?

14 A. Yes.

15 Q. Here's an e-mail from Eddie Holmes to
16 Jeremy Farrar; correct?

17 A. Right.

18 Q. "And here's our summary so far. It will
19 be edited further." Correct?

20 A. Correct.

21 Q. Was this a summary of the paper they were
22 drafting as a result of the conference call?

23 MR. KIRSCHNER: Objection. Calls for
24 speculation.

25 BY MR. SAUER:

1 Q. If you know?

2 A. I do not know what the summary was for,
3 whether it was a summary of the discussion at the
4 meeting, or whether it was the summary of what the
5 deliberations were following the meeting. I really
6 don't know.

7 Q. He goes on to say in the next line, "It's
8 fundamental science and completely neutral as
9 written"; correct?

10 A. That's what he says.

11 Q. And then he says, "Did not mention other
12 anomalies as this will make us look like loons."

13 Do you see that?

14 A. Yeah.

15 Q. Do you know what he's referring to?

16 MR. KIRSCHNER: Objection. Calls for
17 speculation.

18 BY MR. SAUER:

19 Q. Do you know?

20 A. I do not know what he is referring to.

21 Q. Were anomalies in the virus discussed on
22 that call that you participated in on February 1st?

23 A. You know, I'm not really sure what you
24 mean by the word "anomalies." It could mean a number
25 of things. Unusual observations about the virus.

1 I'm not really sure. I really don't understand very
2 well what Eddie was referring to when he wrote this
3 e-mail to Jeremy, so --

4 **Q. Were you e-mailed drafts of a paper that**
5 **Eddie prepared as a result of that meeting?**

6 A. I was -- Francis and I got -- I believe --
7 I'm trying to recall accurately, but it's -- I think
8 this is the case. I'm not 100 percent sure -- that
9 we were given copies of a draft of a manuscript at
10 some point that was very fundamentally evolutionary
11 virology, which is not my lane.

12 So I remember getting a paper looking at
13 it. I don't believe I had any substantive comments
14 on it, just by reading it. Because that's not my
15 lane, evolutionary virology.

16 **Q. Can you look at this next document which**
17 **we've marked Exhibit 10?**

18 **(FAUCI Exhibit No. 10 was marked for**
19 **identification.)**

20 MR. KIRSCHNER: I wanted to make a
21 standing objection that these documents that are
22 being marked as exhibits are merging a lot of
23 documents together and we have -- I object to the
24 extent that this is mischaracterizing the record by
25 putting documents together that may or may not be

1 together, and I just want to say there's been several
2 exhibits along these lines, including Exhibit 10.

3 BY MR. SAUER:

4 Q. Can you look at the second page of Exhibit
5 10, Dr. Fauci?

6 A. Yeah.

7 Q. And this is an e-mail chain on Tuesday,
8 February 4th, between you, Francis Collins, and
9 Jeremy Farrar; correct?

10 A. Yes.

11 Q. At the bottom of the e-mail of this page,
12 the e-mail from you says, "Question mark, question
13 mark, serial passage in ACE2 transgenic mice."

14 Do you see that?

15 MR. KIRSCHNER: Again, I ask that you give
16 Dr. Fauci an opportunity to familiarize himself with
17 this document.

18 THE WITNESS: Well, I'm not sure --
19 there's so many different things going on here, I'm
20 not sure what anybody is referring to here.

21 BY MR. SAUER:

22 Q. Do you know what you're referring to? Do
23 you remember referring to serial passage in ACE2
24 transgenic mice in connection with that call?

25 A. No.

1 Q. Do you know what that phrase means?

2 A. Serial passage means you sequentially
3 passage a virus in mice; right?

4 Q. In other words, is that another way of
5 having the virus gain function?

6 A. It's possible. You could decrease
7 function, you could gain function. You could do any
8 of a number of things. And I don't recall or
9 remember why or even to what I was even referring
10 when I said, "Question mark, question mark, serial
11 passage in ACE2 transgenic mice."

12 I don't recall that at all.

13 Q. Jeremy responded, "Exactly" and then
14 further up, Francis Collins says, "Surely that
15 wouldn't be done in a BSL-2 lab," question mark.

16 Do you see that?

17 A. Right.

18 Q. Do you know why Francis Collins raised
19 that issue?

20 MR. KIRSCHNER: Objection. Calls for
21 speculation.

22 THE WITNESS: I don't know why he did it
23 because I don't know the context in which he's
24 talking. I would imagine if Francis is saying if
25 you're going to do in vivo studies with a virus that

1 might have some danger to it, that you would want to
2 do it in a higher level of containment, but I
3 don't -- I have to say I don't know what they're
4 talking about on these e-mails, and it doesn't ring a
5 bell with me at all.

6 BY MR. SAUER:

7 Q. Do you know whether that the -- whether
8 the research that was done by Peter Daszak and Shi
9 Zhengli in the Wuhan Institute of Virology was done
10 at a BSL-2 safety level?

11 A. When you're dealing with pseudo viruses
12 and in vitro things, it is generally done in a BSL-2.

13 Q. So is serial passage in ACE2 transgenic
14 mice generally done at BSL-2?

15 A. Well, it depends. Each different country,
16 I believe, has their own level of restrictions about
17 where -- at what level of restriction a particular
18 experiment is done, in general.

19 And again, I'm hesitant to go there
20 because that's not my area of expertise. But in
21 general, when you're dealing with the situation where
22 you need to take extra precautions in an in vivo
23 experiment, that you would do it in a BSL-3. But
24 again, having said that, I am not sure of what the
25 connection between these different e-mails are

1 referring to.

2 Q. Above that, it says, "Wild West" and
3 that's from the e-mail from Jeremy in response to
4 Francis; correct?

5 A. Right.

6 Q. Did Jeremy have an understanding that --
7 to do the kind of research being referred to --

8 A. Right.

9 Q. -- at BSL-2 --

10 A. Right. Yeah.

11 Q. -- safety conditions would be the Wild
12 West?

13 MR. KIRSCHNER: Objection. Calls for
14 speculation.

15 THE WITNESS: I actually don't know what
16 Jeremy is referring to when he says, "Wild West."

17 BY MR. SAUER:

18 Q. Did you have concerns about
19 performing gain-of-function research on viruses in
20 BSL-2 conditions?

21 MR. KIRSCHNER: Objection. Ambiguous.

22 THE WITNESS: No. You're a using the term
23 gain-of-function which as I mentioned earlier in the
24 discussion has such a broad range of interpretation
25 that you would have to specifically tell me what

1 experiment you're referring to.

2 BY MR. SAUER:

3 Q. How about the experiment set forth in,
4 I think it was Exhibit 2, the 2015 Shi and Baric
5 paper, would those experiments be the sort to --
6 would be --

7 A. Yeah.

8 Q. -- appropriate to perform at BSL-2
9 functions -- sorry -- BSL-2 conditions?

10 A. I have not familiarized myself with that
11 paper. I don't know if I ever even read it
12 carefully. It would take me probably an hour to read
13 through the paper to make a determination of what
14 particular level of function -- not function, level
15 of restriction it would be.

16 So I don't think I could answer that
17 question right now.

18 Q. I'm handing you an Exhibit 11. Do you see
19 that?

20 A. I don't have anything in front of me yet.
21 MR. KIRSCHNER: Counsel, could I have a
22 copy?

23 MR. SAUER: Yeah.

24 (Dr. Fauci Exhibit No. 11 was marked for
25 identification.)

1 BY MR. SAUER:

2 Q. Can you turn to the second page of this
3 document? And is this an e-mail on February 7th of
4 2020 from Jeremy to you and Francis Collins with the
5 subject line "revised draft"?

6 A. Yeah.

7 Q. And it says, "Attachment: Summary, Feb 7
8 PDF"; right?

9 A. Right.

10 Q. Is this -- did Jeremy send you a draft
11 of -- a paper that Eddie Holmes was working on that
12 arose from the February 1st conference call?

13 A. You know, I don't recall. I believe --
14 and, again, this is vague -- that a draft of a
15 summary of something was sent to me. My recollection
16 is I really didn't have any meaningful comments on it
17 because it is, again, if I -- if it is a draft of
18 what it might have been, it would be involved in a
19 lot of complicated evolutionary virology that is not
20 my lane.

21 Q. Turn to the next page, the actual
22 attachment. Do you see where it says "overview" at
23 the very top?

24 A. Yes.

25 MR. KIRSCHNER: Counsel, you say this is

1 the actual attachment. I wanted to point out that is
2 your characterization of it. There's nothing
3 indicating that it is necessarily the --

4 MR. SAUER: This is produced by NIH in
5 response to FOIA requests --

6 MR. KIRSCHNER: I -- I understand, but --
7 but there's -- I'm not saying -- I'm just saying for
8 the record, it's not clear.

9 BY MR. SAUER:

10 Q. Under overview, do you see the third
11 sentence that's bolded beginning "Analysis of the
12 virus"?

13 A. Yes.

14 Q. That bolded sentence says, "Analysis of
15 the virus genome sequences clearly demonstrates that
16 the virus is not a laboratory construct or
17 experimentally manipulated virus"; correct?

18 A. Correct.

19 Q. Was that a conclusion that you and
20 Jeremy and Francis Collins discussed in this time
21 frame?

22 A. As I mentioned before, I don't find -- I
23 am not qualified since I am not an evolutionary
24 virologist to make any kind of definitive
25 determination about whether a genome could or could

1 not be a laboratory construct or experimentally
2 manipulative.

3 I have relied, as anyone would, with
4 highly qualified, respected evolutionary virologists
5 to come to that conclusion or not.

6 **Q. Were you involved in the response to the**
7 **various FOIA requests for your e-mails from NIAID and**
8 **NIH?**

9 A. I'm -- I don't understand what you mean
10 was I involved in them. I don't -- a FOIA request
11 does not come to me, and I look through my e-mails
12 and give the e-mails that they ask for. We have a
13 system at the NIH where FOIA requests come in and a
14 different component of the institutes tap into the
15 e-mails and provide the e-mails that are requested.
16 I don't decide which e-mails go and don't go.

17 **Q. Do you approve redactions to them?**

18 A. I never redact -- I don't redact things.

19 **Q. So you don't have any involvement in**
20 **deciding what gets redacted and what doesn't?**

21 A. I have no involvement in what gets
22 redacted. It gets redacted at multiple levels beyond
23 my -- beyond me.

24 **Q. I'm handing you Exhibit 12.**

25 **(FAUCI Exhibit No. 12 was marked for**

1 identification.)

2 BY MR. SAUER:

3 Q. If you look at the first page of this
4 document?

5 A. Yes.

6 Q. And that's an e-mail, again, chain on
7 February 4th between Jeremy Farrar, you, and
8 Francis Collins; right?

9 A. Yes, I see that.

10 Q. And the attachment is called
11 "Summary.DOCX"; right?

12 A. Right.

13 Q. And he says, "Please treat in confidence.
14 A very rough first draft from Eddie and team. They
15 will send on an edited, cleaner version later today";
16 correct?

17 A. Correct.

18 Q. So you testified earlier that the
19 consensus of the call on September 1st was that they
20 needed to take more time to consider the arguments
21 back and forth; correct?

22 A. It wasn't September.

23 Q. I'm sorry. January.

24 A. Yes.

25 Q. Okay. And then by February 4th, the

1 following Tuesday after that Saturday call, you had
2 received a rough first draft of a -- a paper to be
3 published as a result -- or to be authored --

4 A. Right.

5 Q. -- as a result of that; correct?

6 A. It says, "Please treat confidence. A very
7 rough draft." So it looks like they did send it to
8 me. Right.

9 Q. And do you remember getting that draft?

10 A. I don't recall specifically getting it,
11 but as I mentioned, if I did, I wouldn't have much
12 input into it since it's a draft, I'm sure, that
13 involves very complicated evolutionary virology of
14 which I'm not an expert.

15 Q. And in the -- Jeremy had forwarded to you
16 lower down on that page the same e-mail we looked at
17 a moment ago where Eddie Holmes says, "Did not
18 mention other anomalies as this will make us look
19 like the^ "?

20 A. Right.

21 Q. Do you recall reviewing this draft?

22 A. I might have looked at it, but I certainly
23 didn't make any meaningful comments since this is
24 outside of my lane of expertise.

25 Q. If you can turn to the next page -- or

1 actually stay on that page for a minute.

2 Jeremy says, "Pushing WHO again today"
3 there in the top -- near the top of the page.

4 Do you see where that is?

5 A. I'm sorry. Top of the first page?

6 Q. Yeah.

7 A. And what are you referring to?

8 Q. Second paragraph of Jeremy's e-mail at the
9 top of the page to you and Francis Collins. It says,
10 "Pushing WHO again today"; correct?

11 A. Yes.

12 Q. Were you involved in any communications
13 with the WHO at that time to try to get them to act
14 on this project?

15 MR. KIRSCHNER: Objection. Asked and
16 answered.

17 THE WITNESS: To my recollection, I didn't
18 have direct involvement with the WHO, not to my
19 recollection.

20 BY MR. SAUER:

21 Q. Next page, second page of this document is
22 another e-mail from you we've seen before, right,
23 where you say we really need to get --

24 A. Right.

25 Q. -- WHO moving?

1 A. Right.

2 Q. Does this jog your memory at all? Do you
3 remember being involved in trying to get the WHO to
4 act?

5 A. The context of this exchange and the theme
6 of the discussion, although I, myself, did not
7 directly get involved in interactions with WHO on
8 this, was that we all felt that given the convening
9 power and the status of WHO, that we wanted to get
10 them involved because we wanted to make sure that
11 this was an open and transparent discussion that
12 involved international global health authority.

13 So it is perfectly consistent and
14 compatible that I would say we really need to get WHO
15 moving on getting the convening involved because we
16 wanted an open convening so that evidence and data
17 could be openly discussed. That was the theme of
18 everything that was going on at the time.

19 Q. Can you turn ahead to the second-to-last
20 page of this document?

21 A. Yes.

22 Q. And this is an e-mail on Tuesday,
23 February 4th, from Jeremy to you and Francis Collins
24 with an attachment called "Summary.PDF"; right?

25 A. Correct.

1 Q. And this says -- it just says "tidied up";
2 correct?

3 A. Yes.

4 Q. Did he send you a second draft that same
5 day the 4th that was, quote, tidied up?

6 A. I don't recall.

7 Q. You don't know if he sent you a second
8 draft? Does this e-mail jog your recollection?

9 A. The e-mail does very little to jog my
10 recollection. Again, I had very little input or even
11 interpretation of the -- the -- the information
12 because it was in an area that is not my area of
13 expertise. I don't know what he means by tidied up.
14 Usually --

15 Q. Can you turn to the next -- I'm not asking
16 you about that. Can you turn to the next page --

17 MR. KIRSCHNER: Counsel, please don't
18 interrupt -- please don't interrupt the witness.
19 Just he's --

20 BY MR. SAUER:

21 Q. I'm going to ask you to listen to
22 questions that I'm asking --

23 A. I'm listening.

24 Q. -- and answer the question that I'm asking
25 without going on long tangents. Can you do that,

1 **please?**

2 MR. KIRSCHNER: I --

3 THE WITNESS: I'd be happy to. I don't
4 think I'm going on long tangents, but I'm trying to
5 put things --

6 BY MR. SAUER:

7 Q. Well, can you turn --

8 A. -- into appropriate context.

9 Q. Can you turn to the next page of the
10 document?

11 A. Yes.

12 Q. This is the last page. This is a
13 February 5th e-mail from Jeremy to you and Francis;
14 correct?

15 A. It says, "Tony and Francis, the revised
16 draft from Eddie copied here."

17 Q. And so he sent you a third draft on
18 February 5th?

19 A. Right.

20 Q. Two drafts on the 4th and a third draft on
21 the 5th; correct?

22 A. I'm not keeping up with the different
23 ones. So I can't say "correct" because you're going
24 really fast.

25 Q. And you recall from the prior exhibit that

1 **there was another draft that was sent to you on**
2 **February 7th; correct?**

3 A. It appears that there were a couple of
4 drafts that were sent back and forth.

5 Q. And those were -- when you say "a couple,"
6 **it's about four so far; correct?**

7 A. I can't say. At least a couple. I don't
8 know exactly how many.

9 Q. Were you aware during the same time frame
10 **that Peter Daszak was organizing a statement for**
11 **The Lancet --**

12 MR. KIRSCHNER: Objection.

13 BY MR. SAUER:

14 Q. -- about the origins of the virus?

15 MR. KIRSCHNER: Objection. Speculative,
16 also vague.

17 THE WITNESS: I don't recall.

18 BY MR. SAUER:

19 Q. Are you aware that a -- a letter was
20 **published in The Lancet in February of 2020 organized**
21 **by Peter Daszak?**

22 A. You know, I really don't recall this.
23 Again, getting to my statement about context, you're
24 talking about a period of time when thousands of
25 things come across my desk. So I don't -- I don't

1 recall anything specific about something that
2 Peter Daszak may or may not have written for Lancet.

3 If I saw it, perhaps, not guaranteed, it
4 might jog my memory, but I don't recall that right
5 now.

6 Q. I'm handing you Exhibit 13.

7 (FAUCI Exhibit No. 13 was marked for
8 identification.)

9 MR. KIRSCHNER: May I ask the witness if
10 he needs a break or if he's okay.

11 THE WITNESS: I'm okay.

12 BY MR. SAUER:

13 Q. Can you turn to the third page of this
14 document?

15 A. Third page.

16 Q. And the top half of this page there's a
17 e-mail from Jeremy to -- that begins "Francis and
18 Tony"; correct? Do you see that e-mail?

19 A. I'm reading it. Yeah.

20 Q. In that third bullet point in his e-mail,
21 his e-mail is talking about contact with WHO again;
22 correct?

23 A. Correct.

24 Q. There's been a number of e-mails. We
25 talked about that already; correct?

1 A. Yeah.

2 Q. Third bullet point in his e-mail, he says,
3 "We can have a call this week with the core group of
4 that to frame the work of the group including if you
5 could join."

6 A. Right.

7 Q. And I take it he's inviting you and
8 Francis Collins to join a call to discuss framing the
9 work of the WHO convened group?

10 A. Right.

11 Q. Is that right?

12 A. Right.

13 Q. Did you have that call?

14 A. I don't recall. Like I said before, this
15 was mostly a Jeremy-led thing, and I don't recall
16 having a call with WHO. It's possible that we did,
17 but I don't recall.

18 Q. Two bullet points down, it says, "With
19 names to be put forward into the group from us,
20 and pressure on this group from your and our teams
21 next week." Correct?

22 A. That's what it says.

23 Q. First half of that line, it talks about,
24 "Names put forward into the group from us." Did you
25 put forward names for this group for the WHO, or do

1 **you recall doing that?**

2 A. I think, if you go back -- and when you
3 say "recall," I recall because the first page of the
4 cluster of e-mails that you just sent me is an e-mail
5 from Jeremy to me and Francis saying, "Thank you.
6 Pardis is great, respected by everyone."

7 He's referring to Pardis Sabeti. And as
8 the e-mail jogs my memory, I believe I made the
9 suggestion that if you want to have another expert on
10 coronavirus evolution for the working group that
11 I assume is the group in the second bullet of the
12 e-mail from Jeremy to Francis and I, where it says,
13 "They have asked for names to sit on that group.
14 Please do send any names," and I believe that in
15 response -- not I believe.

16 It looks clearly obvious that in response
17 to that e-mail request from Jeremy, I said, "I left
18 out an important name for the group, Pardis Sabeti at
19 the Broad Institute of MIT and Harvard."

20 And Jeremy writes back, "Thank you.
21 Pardis is great. Respected by everyone."

22 **Q. And you had provided -- top half of the**
23 **second page of the document, you had provided the**
24 **list to Jeremy --**

25 A. Right.

1 Q. -- of people to include in the WHO's work?

2 A. Correct.

3 Q. How did you come up with these names? Did
4 you talk to anyone before proposing them to Jeremy?

5 A. I don't believe I did. I just -- I may
6 have. I just -- I don't recall. It's likely because
7 these are people, some of whom I know well and I
8 probably asked around my institute for other people
9 who are fluent in molecular virology.

10 Q. How about Joseph DeRisi, third name on the
11 list, at the Chan Zuckerberg Biohub. What's the Chan
12 Zuckerberg Biohub?

13 A. I haven't referred it as Biohub, but the
14 Chan Zuckerberg has supported research institutions
15 at the University of California at San Francisco.
16 That might be what he's referring to, because --

17 Q. This is he -- this is you; right? This is
18 your e-mail?

19 A. Yeah. But again -- these are names that
20 were given, I believed, even though the e-mail is
21 from me to Jeremy, several of these names, I almost
22 certainly got by asking members of my institute, such
23 as people in the division of microbiology and
24 infectious diseases for some names of people who
25 might actually be able to be contributory to the

1 working group.

2 Let me give you some examples so you can
3 be clarified. Harold Varmus I know very well.
4 Former Nobel Prize winner and former director of the
5 NIH.

6 Q. I'm really not asking you to go through
7 the whole list. I just want to focus on --

8 A. Well, I want to put it into a context.

9 Q. I'm going to ask you to listen to the
10 question that I'm asking and answer that question.

11 This is an extremely long answer that is
12 absolutely nonresponsive. I just asked you about
13 Joseph DeRisi. Did you originate that name?

14 MR. KIRSCHNER: I will say before
15 Dr. Fauci responds, if he has to provide proper
16 context, he provides proper context. You can ask
17 your question, and then Dr. Fauci will provide his
18 response.

19 THE WITNESS: Yeah, it's very important to
20 me to provide the context because there are certain
21 names on this list that I don't even recognize.

22 BY MR. SAUER:

23 Q. How about Joseph DeRisi?

24 A. I don't recognize that name. It was
25 almost certainly given to me by someone in my

1 institute. And the reason --

2 Q. How about the name -- the name below?

3 A. I'm sorry. I got to finish.

4 Q. Go ahead.

5 A. This is context, sir.

6 I don't recognize Joseph DeRisi. I may
7 have heard of him. I know Harold Varmus well. I
8 know Dan Gannon well. I don't know Eugene Koonin
9 well.

10 So the point that I'm putting into context
11 is that it is highly likely that these names were
12 given to me in part by others.

13 So you're asking about Joseph DeRisi, and
14 Joseph DeRisi's name does not ring a bell.

15 Q. How about Pardis Sabeti on the page
16 before?

17 A. Pardis Sabeti does. She's a well-known
18 virologist.

19 Q. Did you talk to her before you sent her
20 e-mail to Jeremy for inclusion in the WHO group?

21 A. Unlikely that I pulled Pardis. I likely
22 just know her well enough that I would have put her
23 name in. But perhaps I did call her. But unlikely
24 that I did. She's such a well-known figure in
25 molecular virology that it is not unusual for me to

1 say, "Of course include Pardis Sabeti."

2 Q. How about Don Gannon?

3 A. Don Gannon is well-known person.

4 Q. Did you talk to him before you put his
5 name on this list to Jeremy?

6 A. I don't believe I did. I don't believe I
7 spoke to anyone on this list. I just pulled the
8 names out. Some of which I knew, like Varmus and
9 Nabel, and some of which were very likely given to me
10 by my staff.

11 Q. Turn back to the third page of the
12 document, Jeremy's e-mail to you and Francis. In the
13 third bullet point we talked about earlier, it talks
14 about having a call to, quote, frame the work of the
15 group.

16 Do you know what he was referring to when
17 he was asking you -- or he wanted to frame the work
18 of the group?

19 A. I can't say exactly that I know what he
20 means by frame the work of the group, but in
21 experience in dealing with a number of working
22 groups, when you frame the work of the group, you
23 usually start off by saying, "What is the theme and
24 what is the question we're asking? Let's frame the
25 discussion. What's the issue at hand?"

1 Q. Do you recall any discussions about
2 wanting to the frame the work of the WHO group?

3 A. I don't recall anything about framing it,
4 but --

5 Q. Two bullet points lower down, you see
6 there's a bullet point about the WHO, Jeremy says
7 he -- refers to pressure on this group from your and
8 our teams next week.

9 Do you know what pressure he's referring
10 to?

11 A. I don't.

12 MR. KIRSCHNER: Objection.

13 Mischaracterizes the record.

14 THE WITNESS: I don't know what Jeremy is
15 referring to when he says pressure on this group.

16 BY MR. SAUER:

17 Q. Do you recall any discussion of having
18 anybody pressure the WHO in its work related to this
19 origins of the virus investigation?

20 A. I don't have any inkling at all of
21 pressuring them. The one thing that's clear from the
22 e-mails and my recollection is that everyone wanted
23 the WHO to get involved because of their convening
24 power and their credibility. We all wanted to make
25 this an open discussion, and the WHO was the most

1 appropriate forum for an open discussion.

2 So I don't think a belief had anything to
3 do with pressuring the WHO to do anything, merely to
4 get them to meet.

5 You're sniffing. You sure you don't have
6 a cold.

7 Q. Exhibit 14?

8 (FAUCI Exhibit No. 14 was marked for
9 identification.)

10 MR. KIRSCHNER: Counsel, can I have
11 copies?

12 BY MR. SAUER:

13 Q. Can you -- during this same time frame
14 we've been talking about, was there also a discussion
15 of having the WHO sponsor a trip to China to
16 investigate the virus?

17 MR. KIRSCHNER: Objection. Calls for
18 speculation.

19 THE WITNESS: You know, I don't recall.
20 You're asking, Mr. Sauer, about during this
21 discussion, was there discussion about WHO going to
22 China.

23 Well, I know now, memory-wise,
24 that WHO did send a group to China.

25 BY MR. SAUER:

1 Lane for that -- for that trip, but you don't know
2 for sure?

3 A. It's highly likely I would recommend him
4 if anyone asked me who would go on an international
5 trip. Dr. Lane has extensive experience in dealing
6 at the international level with a number of
7 countries, including the work he did in Africa with
8 Ebola and in Southeast Asia. So he's a very
9 experienced person at the international level.

10 It's entirely likely, if not very likely,
11 that I would have recommended him.

12 Q. Did he actually attend that trip?

13 A. Yes, he did.

14 Q. During February of 2020 in the kind of
15 month we've been talking about, did you make any
16 public statements about the origins of the virus?

17 A. That's a very broad question. I don't
18 recall if I did.

19 Q. Okay. Well, did you have any -- did you
20 have any contact with Peter Daszak or conversations
21 with him about the origins of the virus?

22 A. I don't recall. I may have, but I don't
23 recall.

24 Q. You testified earlier that you don't
25 really know Peter Daszak; is that right?

1 A. I don't know him very well at all.

2 **Q. Have you ever done a joint podcast with**
3 **him?**

4 A. You know, that was brought -- it was
5 interesting. I think someone recently -- I don't
6 know when whether it was our discussion or not. I
7 don't remember -- brought up that I did do some sort
8 of an interview with him, but if it had not been
9 brought to my attention, I would not have remembered
10 it. I've done several hundred podcasts, maybe --
11 several hundred podcasts.

12 (FAUCI Exhibit No. 15 was marked for
13 identification.)

14 BY MR. SAUER:

15 **Q. I'm handing you Exhibit 15.**

16 **Does this document jog your memory of**
17 **doing a podcast with Newt Gingrich and Peter Daszak**
18 **on February 9th, 2020?**

19 A. Well, there's an advertisement that said
20 that I'm Newt Gingrich's guest. If you had not put
21 this in front of me, I likely would not have
22 remembered it. Like I said, I've done at least
23 several hundred podcasts over the last couple of
24 years.

25 **Q. Do you remember this one in particular now**

1 **that you see this? Do you remember doing this**
2 **podcast?**

3 A. I don't -- I don't remember it
4 specifically, but since the e-mail indicates that the
5 podcast occurred, I don't even say I vaguely remember
6 that podcast. Like I said, I've done many podcasts.

7 Q. **At the top you say, "Definitely for the**
8 **director's page." What are you referring to? What's**
9 **the director's page?**

10 A. Whenever we do a media thing or a podcast
11 or a paper that comes out that the people who are
12 interested in the goings on of the National Institute
13 of Allergy and Infectious Diseases, we sometimes put
14 it on the director's page, which is the link when you
15 go to NIH.gov and then NIAID.gov, you get the
16 director's page, and on that are various links for
17 people to access things that we may have done.

18 Q. **I'm handing you a document that's marked**
19 **Exhibit 16.**

20 **(FAUCI Exhibit No. 16 was marked for**
21 **identification.)**

22 BY MR. SAUER:

23 Q. **And this is an informal transcription of**
24 **some of your remarks in that podcast.**

25 **Do you see at the top there it says --**

1 there's a timestamp, 18:48, Newt. Do you see that?

2 A. Yes.

3 Q. And it quotes Newt Gingrich as saying, "I
4 don't know if you had access to enough information
5 from the Chinese, but as you know, there is sort of
6 an urban legend that there is a biological warfare
7 center in Wuhan and that the coronavirus escaped from
8 that. Do you have any sense where it probably came
9 from"; correct?

10 MR. KIRSCHNER: Objection. Lack of
11 foundation.

12 BY MR. SAUER:

13 Q. Is that what it says?

14 A. You just read it correctly, yes.

15 Q. And then the transcript reports you as
16 responding at 19:06: "Well, I think ultimately we
17 know that these things come from an animal reservoir.
18 I heard these conspiracy theories and like all
19 conspiracy theories, Newt, they're just conspiracy
20 theories."

21 Do you see that?

22 A. Yes, I do.

23 Q. Do you recall making that comment on
24 Newt Gingrich's podcast?

25 MR. KIRSCHNER: Objection. Lack of

1 foundation.

2 THE WITNESS: I don't recall making it,
3 but if this is a correct transcript, then it's clear
4 that I made that statement, but I don't recall making
5 that statement.

6 BY MR. SAUER:

7 Q. Do you recall thinking on February 9th,
8 2020, that it was, quote -- or that we know these
9 things come from an animal reservoir?

10 A. The background of saying that we know
11 things come from an animal reservoir because the
12 history of the evolution of new microbes from an
13 animal reservoir to a human is very clear. I could
14 give you a number of examples, but one in particular
15 to save time is that SARS-CoV-1, very similar
16 circumstances to SARS-CoV-2, was for a while not
17 knowing what it evolved, but it became clear that it
18 went from a bat to a civet cat to a human. So very,
19 very similar --

20 Q. Can I direct your attention to another ^
21 page, if I may?

22 A. Yeah.

23 Q. At 34:30 Newt says -- you see halfway
24 down, second bullet point?

25 MR. KIRSCHNER: Counsel, I would ask for

1 you not to interrupt the witness.

2 MR. SAUER: He was giving a completely
3 nonresponsive answer. I'm just asking --

4 THE WITNESS: No, actually I was -- I was
5 responding to the issue of what you mean by coming
6 from an animal reservoir, and what I was saying is
7 that my statement that things -- and I'll quote the
8 exact words -- "these things come from an animal
9 reservoir," and the context of that is, is ample
10 historical experience that these things
11 overwhelmingly come from an animal reservoir. I was
12 putting it into context.

13 BY MR. SAUER:

14 Q. Thank you for that.

15 Can I direct your attention now to the
16 second bullet point beginning 34:30?

17 Do you see that?

18 A. Yes. Yeah.

19 Q. Where Newt says, the coronavirus probably
20 came from one of the flea markets, although there was
21 a secondary rumor that there is a biological weapons
22 laboratory in Wuhan --

23 THE REPORTER: I'm sorry, Counsel. Can
24 you slow down?

25 BY MR. SAUER:

1 Q. There is a secondary rumor that there is a
2 biological weapons laboratory in Wuhan and it may
3 have come from there. Is it your sense that it's
4 almost certain that it came from an animal to human
5 transition -- transmission. Do you see that?

6 A. I do.

7 Q. And then the transcript quotes Daszak
8 saying, "All the evidence says that is what
9 happened"; is that right?

10 MR. KIRSCHNER: Objection. Lack of
11 foundation. Speculative.

12 THE WITNESS: That's what it says. It
13 says, Daszak, quote, "All the evidence say that is
14 what happened."

15 BY MR. SAUER:

16 Q. Do you recall Daszak saying that?

17 MR. KIRSCHNER: Again, objection. Lack of
18 foundation.

19 THE WITNESS: I don't recall hardly
20 anything about this interview since, as I mentioned,
21 I give hundreds of podcasts. So I cannot say that I
22 recall Daszak making that statement, though, if this
23 transcript is correct, it appears that he has made
24 the statement.

25 BY MR. SAUER:

1 meetings with hundreds, if not thousands, of
2 scientists over the years that I've been at this
3 position.

4 Q. I'm handing you Exhibit 17.

5 MR. KIRSCHNER: Counsel, I would like to
6 take a break soon. Are we kind of finishing up a
7 line of questioning or --

8 MR. SAUER: Yeah, we can do that after the
9 exhibit, if that's what you want.

10 MR. KIRSCHNER: Okay. Can I have the
11 exhibit myself?

12 (FAUCI Exhibit No. 17 was marked for
13 identification.)

14 THE WITNESS: So is this 17?

15 MR. SAUER: Yeah.

16 THE WITNESS: Thank you.

17 BY MR. SAUER:

18 Q. Do you see this exhibit is a page from
19 your official Outlook calendar dated February 11th,
20 2020?

21 A. Right.

22 Q. And then if you look at 2:30 p.m. in the
23 afternoon that day, there's a meeting marked that
24 says, "Hold meeting with Dr. Ralph Baric."

25 Do you see that?

1 A. I do.

2 Q. And indicated on it is that the invitation
3 came from Emily -- sorry -- Emily Erbelding; correct?

4 A. Correct.

5 Q. Was that -- did that meeting occur? Did
6 you and Emily have a meeting with Dr. Ralph Baric on
7 February 11th, 2020?

8 MR. KIRSCHNER: Objection. Speculative.

9 THE WITNESS: You know, I don't recall the
10 meeting, but it's on my calendar. And as I mentioned
11 a moment ago, I might have had a meeting with him. I
12 don't recall.

13 Getting into context, it says 7A-18, which
14 is our conference room. If one goes back and looks,
15 I have literally hundreds of meetings in 7A-18 with
16 scientists who we fund, who we don't fund, who come
17 in and visit the NIH.

18 BY MR. SAUER:

19 Q. What did you discuss in this meeting, if
20 you remember?

21 A. I don't recall the discussion that we had
22 at 2:30 on February the 11th, 2020. I just don't
23 recall it.

24 MR. SAUER: We can take a break there, if
25 you want?

1 THE WITNESS: Sure.

2 THE VIDEOGRAPHER: Okay. Stand by. The
3 time is 11:09 a.m., and we're going off the record.

4 (Recess.)

5 THE VIDEOGRAPHER: The time is 11:21 a.m.,
6 and we're back on the record.

7 BY MR. SAUER:

8 Q. Dr. Fauci, I want to circle back to
9 something you said a little while ago before I
10 forget. You said that misinformation and
11 disinformation can lead to loss of life; correct?

12 A. Right.

13 Q. And I think that was in the context of
14 talking about the misinformation and disinformation
15 on social media, among other things; is that correct?

16 A. However it's disseminated, it can lead to
17 loss of life.

18 Q. Is it your view that misinformation and
19 disinformation on social media can lead to loss of
20 life?

21 THE WITNESS: What's the matter?

22 THE COURT REPORTER: Nothing.

23 THE WITNESS: You're shaking your head.

24 THE COURT REPORTER: I need counsel to
25 slow down.

1 BY MR. SAUER:

2 Q. Is it your view that misinformation and
3 disinformation on social media can lead to loss of
4 life?

5 A. I think in any situation where egregious
6 misinformation such as some of the ones I referred to
7 before, such as information that would discourage
8 people from getting vaccinated, that in my mind,
9 would be a way that life that could otherwise have
10 been saved would be lost, if people were persuaded
11 not to pursue a life-saving intervention.

12 Q. Do you think that there should be steps
13 taken to curb the spread of misinformation and
14 disinformation?

15 A. You know, that's not my area. I'm very
16 well aware of the concept of freedom of speech. The
17 area of the curtailment of that is something that is
18 not in my area of the expertise. Those are legal and
19 other things. And I really don't have any opinion on
20 that.

21 Q. Have you ever contacted a social media
22 company and asked them to remove misinformation from
23 one of their platforms?

24 A. No, I have not.

25 Q. Is that something you ever discussed with

1 **Mark Zuckerberg?**

2 A. To my knowledge, we have not -- my
3 discussions with Mark Zuckerberg were very clearly
4 directed at getting me on some Facebook podcast to
5 encourage people to get vaccinated. That was the
6 extent of our conversations.

7 Q. Has anyone on your staff, you know, at
8 NIAID, ever reached out to a social media platform to
9 ask them to take content down or to block content in
10 any way?

11 MR. KIRSCHNER: Objection. Speculative.

12 THE WITNESS: To my knowledge, no. But
13 again, I don't know everything that goes on, but
14 certainly nothing that I was made aware of that they
15 were doing.

16 BY MR. SAUER:

17 Q. Let me give you Exhibit 18.

18 (FAUCI Exhibit No. 18 was marked for
19 identification.)

20 BY MR. SAUER:

21 Q. Do you see this short e-mail from Ian
22 Lipkin dated February 11th, 2020?

23 MR. KIRSCHNER: Objection. Lack of
24 foundation.

25 THE WITNESS: To whom was the e-mail

1 written to?

2 BY MR. SAUER:

3 Q. Do you know if you were copied on this
4 e-mail?

5 A. Well, let me read it first, and then I'll
6 see.

7 Is this an e-mail from Ian to me?

8 Q. That's my question. Do you know if this
9 is an e-mail from Ian to you?

10 A. You know, I can't say for sure. I mean,
11 again, just in the spirit of the context that I've
12 been trying to establish here, I average a couple of
13 thousand e-mails a day. So this could have been --

14 Q. Do you have any recollection of this one?

15 A. I don't have a recollection of it. It's
16 entirely possible that Ian wrote this to me. Ian
17 communicates with me -- I wouldn't say a lot, but
18 enough to recognize an e-mail when -- and I will send
19 it, I'll read it, but I don't recognize this
20 particular e-mail.

21 Q. Can I direct your attention to the last
22 sentence where Ian says, "Given the scale of the bat
23 CO research pursued there -- that is to say at the
24 institute in Wuhan -- and the site of the emergence
25 of the first human cases, we have a nightmare of

1 **circumstantial evidence to assess."**

2 **Do you see that?**

3 A. I do.

4 **Q. Do you know what he is talking about?**

5 MR. KIRSCHNER: Objection. Speculative.

6 BY MR. SAUER:

7 **Q. If you know.**

8 A. I am not certain of what he's referring
9 to. I could surmise what he is referring to is
10 that -- and I think it has to do with circumstantial
11 evidence, is that whenever you have a situation when
12 research is being done and you might have an
13 outbreak, then there will be always people who
14 immediately jump on and say, "Well, this could have
15 had to do with the research."

16 **Q. Did you think it was a nightmare of**
17 **circumstantial evidence, these factors he's referring**
18 **to, given that there's a lot of bat coronavirus**
19 **research pursued at the Institute in Wuhan, and that**
20 **the first human cases emerged in Wuhan, you view that**
21 **as a nightmare of circumstantial evidence?**

22 MR. KIRSCHNER: Objection. Vague.

23 Ambiguous. Compound.

24 THE WITNESS: I don't -- at least that's
25 not my style to think in terms of circumstantial

1 evidence. I think anyone who is involved in the
2 field knows that when there's an outbreak, there's
3 always a concern of how did it happen? What
4 happened?

5 And when you have an element that there is
6 a research institution involved, there is always
7 speculation that it has something to do with research
8 institution. I mean, we have been in situations
9 where people questioned what's going on up in
10 Frederick, Maryland, even though there's nothing
11 going on in Frederick, Maryland, to my knowledge,
12 that is of any concern that people always refer to as
13 "Oh, there's that kind of research going on."

14 BY MR. SAUER:

15 **Q. Would it be a nightmare if it turned out**
16 **that, in fact, that the virus had escaped --**
17 **accidentally escaped from a lab in Wuhan?**

18 A. You know, again, you're use the word
19 "nightmare," you know, kind of a -- a sort of a vague
20 thing that means different things to different
21 people.

22 **Q. How would you describe it?**

23 A. I mean if -- and I have to emphasize "if,"
24 and I believe the evidence weighs much more toward a
25 natural occurrence, even though you always keep an

1 open mind as to what the origin and etiology is,
2 certainly if that happened, then the purpose of
3 knowing that is try and make sure, looking forward,
4 that those things don't happen again. The purpose of
5 trying to determine the origin of an outbreak is to
6 see what you can do, looking forward, to prevent it
7 from happening again and it goes both ways. If it's
8 a factual occurrence, then you want to make sure that
9 you get good animal human surveillance.

10 **Q. How about it was not a natural occurrence**
11 **on the hypothetical, and it, in fact, escaped from**
12 **the lab and in fact that the research that had**
13 **created the virus was partly funded by NIAID, would**
14 **that be a nightmare scenario? Can you pick a word**
15 **that would describe the scenario to your knowledge?**

16 **A.** Well, I'm going to go to context because
17 you're asking a question that I think needs to be
18 explained. If you look at the molecular makeup of
19 SARS-CoV-2 and you look at the viruses that were
20 studied under the auspices and funding of the
21 subaward to the Wuhan Institute, those bat viruses
22 evaluated by anyone with even a reasonable
23 acquaintance with evolutionary virology would tell
24 you that given those viruses that they worked on,
25 reported on, and published on was so far removed from

1 SARS-CoV-2, that it would be molecularly impossible,
2 even if people tried to manipulate them to become
3 SARS-CoV-2 they wouldn't become SARS-CoV-2.

4 So the idea of conflating research that's
5 funded by NIH to look at in a surveillance way the
6 bat viruses that were circulating in that area, you
7 can talk to any unbiased molecular virologist and you
8 can say that the evolutionary difference between
9 those viruses and SARS-CoV-2 would make it
10 essentially impossible to have this turn into this.

11 And what happens, is when you talked about
12 laboratory leaks and the things you're referring to
13 here, people inappropriately conflate that with
14 research funded by the NIH. And it's apples and
15 oranges.

16 Could something have, quote, leaked out of
17 a Chinese lab? I have always kept an open mind that
18 that is possible. Could it have happened by the
19 experiments that were done and reported that were
20 funded by the NIH? Getting back to what I said a
21 moment ago, molecularly, that could not have
22 happened.

23 **Q. What about experiments that were done but**
24 **weren't reported. For example, are you aware that a**
25 **whole large number of genomic sequences were pulled**

1 down in September of 2019 from the Wuhan Institute of
2 Virology's website? Are you aware of that? It's a
3 yes or no question.

4 MR. KIRSCHNER: Objection. Lack of
5 foundation.

6 THE WITNESS: Tell me what you're
7 referring to.

8 BY MR. SAUER:

9 Q. Well, are you aware that genomic sequences
10 of viruses were removed from publicly available
11 databases in September of 2019 at the Wuhan Institute
12 of Virology?

13 A. I am aware of that context. Those
14 sequences were also, even though they were removed
15 from a bank that has nothing do with my institute,
16 those sequences were published in the literature.

17 So it isn't as if they were unknown.

18 Q. Let me ask you this. Actually, let me
19 give you another exhibit.

20 (FAUCI Exhibit No. 19 was marked for
21 identification.)

22 BY MR. SAUER:

23 Q. I'm handing you Exhibit 20.

24 MR. KIRSCHNER: Twenty or 19?

25 MR. SAUER: You're right. It's 19.

1 BY MR. SAUER:

2 Q. Do you recognize this as the preprint
3 version of the proximal origin of SARS-CoV-2 dated
4 February 17th of 2020?

5 A. Yeah, this looks like the preprint that
6 antedated the full papers that were published in the
7 peer-reviewed literature. This is a preprint.

8 Q. Did you review the preprint when it came
9 out? Did anyone send it to you? Do you know?

10 MR. KIRSCHNER: Objection. Asked and
11 answered.

12 BY MR. SAUER:

13 Q. Do you know?

14 A. Again, I -- a lot of things get sent to
15 me. I -- it likely is that they probably sent a copy
16 of this to Dr. Collins and I, though I don't
17 specifically recall it.

18 Q. Do you know if you reviewed it when the
19 preprint came out?

20 MR. KIRSCHNER: Objection. Asked and
21 answered.

22 THE WITNESS: It -- it depends. I think I
23 answered that question before, did I not?

24 BY MR. SAUER:

25 Q. I'm just asking you again. I don't

1 **remember what you said.**

2 A. Well, let me try and remember and make
3 sure that it's both true and consistent, that it is
4 likely that this was sent to me. When you say review
5 a paper, review means different things to different
6 people.

7 Did I look through it? Yes. Did
8 I fully understand the molecular virology of it?
9 Unlikely, because I'm not an evolutionary virologist.
10 Did I make any substantive comments on it? Unlikely,
11 because that would not be my position since I'm not
12 an evolutionary virologist.

13 **Q. Now, you have been copied on four drafts**
14 **of this paper prior to this on February 4th, 5th, and**
15 **7th; correct?**

16 A. Correct.

17 **Q. Those drafts were sent to you by**
18 **Jeremy Farrar as written up by Eddie Holmes? Do you**
19 **recall that?**

20 A. I'm not sure it was written up by
21 Eddie Holmes, but it was sent from me, I believe.
22 You showed me an -- you showed me a lot of e-mails
23 and papers before. I don't have an exact
24 recollection of the name of the person who sent it
25 versus the one who was referred to, but the names of

1 Eddie Holmes and Jeremy Farrar are certainly
2 associated with the paper.

3 Q. And, in fact, if you look at the author
4 line, there's five authors associated with it;
5 correct?

6 A. Yes.

7 Q. And all of those people are on that
8 February 1st call at 2:00 p.m. organized by
9 Jeremy Farrar; correct?

10 A. I believe so. I -- yeah, I believe so,
11 but I'm not a hundred percent sure. Was he and
12 Lipkin on the call? He might have been. I know that
13 the others very likely were on the call.

14 Q. Is that Ian Lipkin who one week -- or six
15 days earlier had sent an e-mail saying that we have a
16 nightmare of circumstantial evidence to address?

17 MR. KIRSCHNER: Objection. Lack of
18 foundation.

19 BY MR. SAUER:

20 Q. Is that the same human?

21 A. Well, Ian Lipkin is Ian Lipkin. There
22 aren't a lot of Ian Lipkins that I know.

23 Q. Can you turn to the second page of the
24 document? Second paragraph, last sentence, it says,
25 "Importantly, this analysis provides evidence that

1 **SARS-CoV-2 is not a laboratory ^ construct nor a**
2 **purposely manipulated virus"; correct?**

3 A. Correct.

4 **Q. Did you have any discussions with any of**
5 **these authors about that conclusion?**

6 MR. KIRSCHNER: Objection. Asked and
7 answered.

8 THE WITNESS: I don't recall whether I had
9 a discussion with the authors about that last
10 statement. When I looked at the paper for things
11 that you understand are clear sentences like that and
12 not necessarily things like Figure 1, which go into
13 the mutations and contact residues, et cetera. So I
14 am certain that having looked at it, I was aware of
15 what their conclusion was. I don't recall discussing
16 specifically that conclusion with them.

17 BY MR. SAUER:

18 **Q. How about with Francis Collins? Did you**
19 **discuss it with him?**

20 A. It's possible. I mean, Francis and I know
21 each other very well. He's the director of NIH. I
22 would not be surprised if I had in the discussion a
23 mention of and perhaps discussion of the conclusion
24 of that paper.

25 **Q. How about with Jeremy Farrar? Did you**

1 **have any discussions with him about the conclusion?**

2 A. I don't recall. I would not be surprised
3 if I did, but I don't specifically recall. It would
4 be much more likely that I had a conversation of that
5 type with Dr. Collins, possibly with Dr. Farrar, but
6 I don't know for sure.

7 Q. **I'm handing you Exhibit 20.**

8 **(FAUCI Exhibit No. 20 was marked for**
9 **identification.)**

10 BY MR. SAUER:

11 Q. **Do you see this article from the NIH**
12 **record entitled "NIAID's Lane Discusses WHO COVID-19**
13 **Mission to China"?**

14 A. And what's the question, sir? I'm sorry.

15 Q. **I'm just saying do you see this?**

16 A. Yes, I do see it.

17 Q. **Okay. And then if you look at the first**
18 **paragraph, it's talking about Dr. Cliff Lane, which**
19 **is the patient in that WHO mission we talked about**
20 **earlier; correct?**

21 A. Correct.

22 Q. **Could you turn to the fifth page of the**
23 **document, bottom paragraph? There's a quote from**
24 **Mr. Lane. Do you see that?**

25 MR. KIRSCHNER: Objection. I would ask

1 that Dr. Fauci have an -- an opportunity to
2 familiarize himself with this document.

3 MR. SAUER: I'm just asking if he sees
4 that -- that quote on the bottom of Page 5.

5 THE WITNESS: Is it the last paragraph?

6 BY MR. SAUER:

7 Q. Yeah, beginning "The Chinese were
8 managing"?

9 A. Yes.

10 Q. And Mr. Lane, after returning from the
11 trip, said the Chinese were managing this in a very
12 structured, organized way; correct?

13 MR. KIRSCHNER: Objection. Lack of
14 foundation.

15 BY MR. SAUER:

16 Q. Is that what it says?

17 A. That's what the sentence says on this
18 report on Page 5. That's what the NIH record --
19 report says, yes.

20 Q. And the quote goes on to quote Mr. Lane as
21 saying, "When we got there, the outbreak was already
22 coming under control in China. The measures they put
23 in place appear to be working. I think that they
24 felt there were lessons learned they wanted to share
25 with the rest of the world"; correct?

1 A. Correct.

2 Q. Did you discuss Mr. Lane's experience on
3 the trip with him when he got back from the WHO trip?

4 A. The answer is I did, and it relates really
5 a lot to what -- the sentence -- what he said.

6 Dr. Lane was very impressed about how from a clinical
7 public health standpoint, the Chinese were handling
8 the isolation, the contact tracing, the building of
9 facilities to take care of people, and that's what I
10 believed he meant when he said were managing this in
11 a very structured, organized way.

12 Q. And he goes on in that last sentence on
13 that page to say, "From what I saw in China, we may
14 have to go to as extreme a degree of social
15 distancing to help bring our outbreak under control";
16 correct?

17 A. Correct.

18 Q. So he drew the conclusion that there might
19 have to be extreme, in his word, measures to mandate
20 social distancing to bring the outbreak under
21 control; correct?

22 A. That's what this is implying, yes.

23 Q. Did he discuss that with you when he came
24 back from the trip?

25 A. He might have. I don't recall the exact

1 sentence, but he did discuss with me that the Chinese
2 had a very organized way of trying to contain the
3 spread in Wuhan and elsewhere. He didn't get
4 a chance to go to Wuhan, but he was in Beijing, and I
5 believe other cities -- at least Beijing -- and he
6 mentioned that they had a very organized,
7 well-regimented way of handling the outbreak.

8 **Q. And so he had a kind of positive reaction**
9 **to that. There might be lessons to be learned for**
10 **the United States in its response to the outbreak;**
11 **correct?**

12 MR. KIRSCHNER: Objection. Vague.
13 Ambiguous.

14 BY MR. SAUER:

15 **Q. Correct?**

16 A. I believe Dr. Lane came to the conclusion
17 that when you have a widespread respiratory disease
18 that a very common and effective way to curtail the
19 rapid spread of the disease is by implementing social
20 distancing measures.

21 **Q. Did you agree with that conclusion when**
22 **you discussed it with him when he came back?**

23 A. I wasn't there and I didn't see it, but
24 Dr. Lane is a very astute clinician, and I have every
25 reason to believe that his evaluation of the

1 situation was accurate and correct.

2 Q. Do you know if he communicated with
3 Chinese officials when he was on that trip?

4 A. I don't know for sure whether
5 he communicated with Chinese officials on the trip.

6 Q. So you -- would you know the identities of
7 any Chinese officials he may have communicated with?

8 MR. KIRSCHNER: Objection. Speculative.

9 THE WITNESS: I don't recall discussions
10 about -- he may have. Again, this was a few years
11 ago. He may have had discussions with them. I -- I
12 don't know if he did or not.

13 BY MR. SAUER:

14 Q. I'm going to give you another exhibit, 21.
15 (FAUCI Exhibit No. 21 was marked for
16 identification.)

17 BY MR. SAUER:

18 Q. Just real briefly, you see this is an
19 e-mail from Cliff Lane dated 22nd February 2020;
20 correct?

21 A. Correct.

22 Q. And in the first line of the e-mail he
23 said, "China has demonstrated this infection can be
24 controlled, albeit at great cost"; correct?

25 A. Right.

1 would be very important when you have a respiratory
2 virus that is spreading widely through a community
3 causing an extraordinary amount of suffering and
4 death. Getting to context, I refer specifically that
5 early on in the epidemic when New York got hit very
6 badly, there were freezer and cooler trucks that were
7 loaded with dead bodies from the hospital. That is
8 an unprecedented extreme issue that we all felt
9 strongly, those of us involved in the discussions and
10 the public health recommendations, that social
11 distancing was imperative so that our hospitals would
12 not be overrun, and that we would be in a situation
13 where we would have to almost triage the decision of
14 who would live and who would die.

15 When you get to that extreme, social
16 distancing, even by somewhat difficult means, is
17 warranted to save lives.

18 **Q. Did you think that social distancing --**
19 **I'm talking about this time frame of around February**
20 **of 2020 -- did you think that social distancing would**
21 **have to include only high-risk individuals or would**
22 **it apply to society as a whole?**

23 MR. KIRSCHNER: Objection. Vague.

24 THE WITNESS: When you're -- when you're
25 dealing with a respiratory illness that has the

1 potential to kill a lot of people -- we've lost over
2 one million people in this country -- in order to
3 have an effective interruption, which would almost
4 certainly be on a temporary basis, but to interrupt
5 this enormous explosion of infections that we were
6 seeing, you would have to involve essentially the
7 entire community.

8 BY MR. SAUER:

9 Q. Let me hand you Exhibit 22.

10 (FAUCI Exhibit No. 22 was marked for
11 identification.)

12 BY MR. SAUER:

13 Q. And this is an e-mail chain involving you,
14 Christian Anderson, Jeremy Farrar, and Francis
15 Collins; right?

16 A. Yeah.

17 Q. And then it also includes the other
18 authors of that "Proximal Origins of COVID-19" paper
19 that we looked at earlier in the preprint version?

20 A. Yeah.

21 Q. If you look at that, just a little way
22 down the March 6th, 2020 4:23 p.m. e-mail from
23 Anderson. Do you see that?

24 A. Right.

25 Q. He says, "Dear Jeremy, Tony and Francis,

1 Thank you again for your advice and leadership as
2 we've been working through the SARS-CoV-2 origin
3 paper; correct?

4 A. Correct.

5 Q. And Jeremy is Jeremy Farrar; correct?

6 A. Correct.

7 Q. Tony is you?

8 A. Yeah.

9 Q. And Francis is Francis Collins, right?

10 A. Correct.

11 Q. And what advice and leadership did you
12 provide, if any, on the preparation of that paper?

13 A. Very little.

14 Q. So you don't know what he's talking about
15 when he says thank you?

16 A. No. I think that Jeremy is being
17 courteous, as he is wont to be. I mean "advice"
18 could be -- and "leadership" could be we really got
19 to get information out. Thank you for the effort
20 you've put into it. Advice and leadership, to my
21 recollection, had very little to do with substantive
22 input into the paper.

23 Q. And that second --

24 A. And we did not have substantive input into
25 the paper.

1 Q. And below that, it says, "Please let me
2 know if you have any comments, suggestions or
3 questions about the paper or the press release";
4 correct?

5 A. Correct.

6 Q. So he invited you to have comments on the
7 paper because we're still waiting for proofs?

8 A. Right.

9 Q. So there was still time to make changes to
10 it; correct?

11 A. Yeah. And there were no -- to my
12 recollection, any substantive input into the paper.

13 Q. Do you recall making comments on it at any
14 time --

15 MR. KIRSCHNER: Objection. Asked and
16 answered.

17 BY MR. SAUER:

18 Q. Do you?

19 A. I don't recall making any substantive
20 comments on the paper. I may have made a comment
21 that "nice job," which is very courteous, but doesn't
22 mean that I had a substantive input into the paper.
23 I did not.

24 (FAUCI Exhibit No. 23 was marked for
25 identification.)

1 BY MR. SAUER:

2 Q. Exhibit 23. The first stage -- page of
3 this document is an e-mail from you to
4 Mark Zuckerberg; correct?

5 A. Yeah. The reason I'm smiling, you're
6 jumping around here, but that's okay. We're good.
7 Fake left. All right. Let's go.

8 Q. Is an e-mail to you from Mark Zuckerberg;
9 correct?

10 A. Correct.

11 Q. The top one is dated February 27, 2020.

12 A. Right.

13 Q. And he writes to you, "Tony, I was glad to
14 hear your statement about the COVID-19 vaccine," and
15 so forth.

16 A. Right.

17 Q. Were you already on a first-name basis
18 with Mark Zuckerberg on February 27?

19 A. You know, a lot of people call me Tony who
20 have never even met me before.

21 Q. Had you met him before this e-mail was
22 sent?

23 A. I don't recall what the first time I met
24 Mark Zuckerberg. I actually don't think -- maybe
25 not. Again, context, I meet thousands of people.

1 I'm not sure I've ever met him in person. I've been
2 on Zooms and Facebook things with him, but it could
3 not be at all unusual -- it happens every day -- that
4 people who have never met me refer to me as Tony.
5 I'm a rather informal person.

6 **Q. Do you have relationships with researchers**
7 **at the Chan Zuckerberg Institute?**

8 A. If the Chan Zuckerberg Institute that
9 you're referring to is the San Francisco General
10 Hospital.

11 **Q. The one you described earlier.**

12 A. Yeah because remember -- yeah, that's the
13 thing, Mr. Sauer. I'm not really clear on -- I'm not
14 really quite sure what Bio Club is. I do know that
15 Chan Zuckerberg supports the San Francisco General
16 Hospital. And I know Chan Zuckerberg in the context
17 of the University of California, San Francisco
18 General Hospital.

19 **Q. And do you have relationships with**
20 **researchers at that hospital?**

21 MR. KIRSCHNER: Objection. Vague and
22 ambiguous.

23 BY MR. SAUER:

24 **Q. If I could finish the question.**

25 A. Again, I'm not sure what you mean by

1 relationship. I know, to varying degrees of
2 familiarity ranging from knowing who they are to
3 being able to recognize them at a meeting and say
4 hello, to knowing them over the years in our
5 interactions in the medical and scientific community,
6 but the answer to your question is: I can't pull out
7 people. I mean, I know researchers who are at the
8 San Francisco General Hospital, for sure. I've
9 dealt -- our institute deals with them regularly.

10 **Q. Do you remember the first time you met**
11 **Mark Zuckerberg?**

12 A. I don't remember specifically, but I
13 believe it was on a Zoom call. I don't believe I've
14 ever physically -- I may have. Could be. I don't
15 know for sure, but I don't think I've physically
16 interacted with him. I believe I have seen him on
17 multiple times that we've interacted on Facebook
18 Zoom-type podcasts.

19 **Q. Did any of those Zooms predate the**
20 **outbreak of COVID-19?**

21 A. I don't think so. I mean, I don't -- I've
22 heard of Mark Zuckerberg -- obviously, he's a famous
23 person, but I don't recall -- again, I could have run
24 into him prior to the outbreak, but I don't
25 specifically recall running into Mark Zuckerberg

1 before. It's possible.

2 Q. Can you turn to the third page of this
3 document? There's another e-mail from
4 Mark Zuckerberg dated March 15th of 2020.

5 Do you see that?

6 MR. KIRSCHNER: The page before.

7 THE WITNESS: The one in the middle of the
8 page?

9 MR. KIRSCHNER: No, I think it's --

10 BY MR. SAUER:

11 Q. Third page of the document?

12 A. Third page of the document, yes.

13 MR. KIRSCHNER: Again, I would ask for
14 Dr. Fauci to have an opportunity to familiarize
15 himself with this e-mail prior to asking any
16 questions.

17 BY MR. SAUER:

18 Q. I just want to ask a quick question about
19 the paragraph that begins, "I'm also doing a series
20 of live-streamed Q and As."

21 Do you see that?

22 A. Yeah. I see it. Just let me read it.

23 Yeah.

24 Q. Did you, in fact, do a live stream Q and
25 A with Mark Zuckerberg as he invited you to do in

1 **this one -- in this paragraph?**

2 A. I believe I did. I did a three -- I think
3 three is correct. Three live stream Facebook-type Q
4 and As where he would ask me important questions --
5 you know, why is it important to be careful with, you
6 know, public health measures. Tell us the truth.
7 Now, what is the virus? What do you mean? How does
8 it spread? Things like that.

9 Q. **Next paragraph down, "Finally, we have
10 allocated technical resources and millions of dollars
11 of free ad credits for the U.S. Government to use for
12 PSAs to get its message out over the platform"?**

13 A. That's what he says, right.

14 Q. **And the platform refers to Facebook, I
15 guess?**

16 A. I guess so.

17 Q. **Did you accept that offer that Facebook
18 would donate millions of dollars of free ad credit?**

19 A. No, I don't have the authority to accept
20 outside money like that. It would have to go through
21 a different channel. And I don't believe -- though
22 I'm not 100 percent certain -- I don't believe that
23 there was any money that was given from the
24 Zuckerberg to the United States government to do
25 PSAs. It's possible, but it certainly didn't happen

1 to my knowledge. I don't recall money being given
2 for PSAs. I recall the offer to help get information
3 out, but I don't recall -- again, could have
4 happened, possible. But I don't recall.

5 Q. Exhibit 24 --

6 MR. KIRSCHNER: Counsel, before we go to
7 Exhibit 24, I've noticed on this exhibit it looks
8 like a phone number that I want to make sure is
9 redacted before it becomes a public record. It looks
10 like a personal cell phone for Mark Zuckerberg.

11 MR. SAUER: This is a document as we
12 received it from the government.

13 MR. KIRSCHNER: And it's marked
14 confidential.

15 MR. SAUER: We have no objection to that.

16 BY MR. SAUER:

17 Q. And Exhibit 24?

18 (FAUCI Exhibit No. 24 was marked for
19 identification.)

20 BY MR. SAUER:

21 Q. Is this the actual published version of
22 the "Proximal Origin of SARS-CoV-2"?

23 A. I don't have anything in front of me.

24 Q. Oh, sorry. Is this the published version
25 of the "Proximal Origin of SARS-CoV-2" that was

1 **published online on March 17th of 2020.**

2 MR. KIRSCHNER: Objection.

3 Mischaracterizes the evidence. Just to make the
4 record clear, you're saying March 17th.

5 MR. SAUER: If you look at the last page
6 in the far right column, at the very top, it says,
7 "Published online 17 March, 2020." Do you see that?

8 MR. KIRSCHNER: Okay. I see that. Thank
9 you.

10 THE WITNESS: This appears to be the
11 Nature Medicine -- it says Nature Medicine, Volume
12 27, April 2020, on the bottom of the paper so I would
13 imagine this is the original, published,
14 peer-reviewed article that appeared in Nature
15 Medicine.

16 BY MR. SAUER:

17 **Q. So this is the published version of the**
18 **one that Dr. Anderson had sent you the preprint**
19 **version of a few days earlier; correct?**

20 A. Well, I can't say exactly that it is. I
21 do know that it would be standard to have a preprint
22 usually in Med Archive. And it had the same title,
23 the "Proximate Origin of SARS-CoV-2," and the authors
24 appear to be the same, so I would make a reasonable
25 assumption that Exhibit 24 is the peer-reviewed

1 version of the preprint that you showed me before.

2 Q. And the first page, second paragraph?

3 A. Yes.

4 Q. Last sentence. "Our analyses clearly show
5 that SARS-CoV-2 is not a laboratory construct or a
6 purposely manipulated virus;" correct?

7 A. That's what it says.

8 Q. Did you have any input in formulating that
9 conclusion between the time you got the preprint
10 version from Dr. Anderson on March 8 and then the
11 publication online on March 17?

12 A. Mm-hmm.^ this is a conclusion of the
13 authors. I'm not really sure of what you're saying
14 did I have any input. I don't recall conversation
15 that we had -- and as I mentioned before, my input
16 into the formulation of this was minimal, if at all.
17 I remember reading through it.

18 And I'm not quite sure what you mean that
19 I have substantial input into the conclusion. That
20 conclusion was based on the analysis by the authors
21 of this paper.

22 Q. Did you have any communications at all
23 about that -- about -- any communications at all
24 about that conclusion in that time frame from
25 March 8th to March 17th?

1 A. Conversations with whom?

2 **Q. With anybody.**

3 A. You know, I don't recall specific
4 conversations, but we read the preprint and,
5 therefore, we knew what the conclusion was, and I'm
6 sure that that conclusion was discussed. So I would
7 not be surprised at all following the initial
8 preprint that I discussed the conclusion of these
9 authors that this is not a laboratory construct or a
10 purposely manipulated virus.

11 I wouldn't be surprised if I did discuss
12 this with people since it already was out in public
13 knowledge in the preprint. So the question, did I
14 discuss this between the preprint and now? I would
15 not be surprised if I did.

16 **Q. Do you know anyone you discussed it with?**
17 **Do you remember?**

18 A. I can't specifically remember anyone I
19 discussed it with, but, as I said, given the fact
20 that it was out in the preprint literature, it is
21 likely, and I'm not surprised if I did, discuss it.
22 It was being discussed widely.

23 **Q. I'm handing you Exhibit 26.**

24 MR. KIRSCHNER: I think we're on 25.

25 MR. SAUER: Oh, sorry. That was it.

1 Twenty-five.

2 (FAUCI Exhibit No. 25 was marked for
3 identification.)

4 BY MR. SAUER:

5 Q. Is this a copy of a blog that
6 Francis Collins, the NIH director, published on
7 March 26th, 2020?

8 MR. KIRSCHNER: Objection. Speculative.

9 BY MR. SAUER:

10 Q. Is that what appears to be on the cover?

11 A. The cover states it was a NIH director's
12 blog posted on March 26th, 2020, by Dr. Francis
13 Collins. So I have no reason to believe that that's
14 not what actually occurred. That this blog was put
15 up on his director's page.

16 Q. Can you look at the second page of the
17 document, the beginning of the blog?

18 A. Yes.

19 Q. You see where Director Collins says, "Some
20 folks are even making outrageous claims that the new
21 coronavirus causing the pandemic was engineered in a
22 lab"?

23 A. I'm sorry. Where -- we are -- where are
24 we?

25 Q. Second page.

1 A. This here?

2 Q. **First full paragraph.**

3 MR. KIRSCHNER: Again, I would ask for
4 Dr. Fauci to have an opportunity to familiarize
5 himself with this document.

6 THE WITNESS: Yeah. Let me read that
7 paragraph, please.

8 Yes. I've read the paragraph. What's the
9 question?

10 BY MR. SAUER:

11 Q. You see where it says, "Some folks are
12 even making outrageous claims that the new
13 coronavirus causing the pandemic was engineered in a
14 lab"?

15 A. Yes, I see that.

16 Q. And he goes on to say, "A new study
17 debunks such claims by providing scientific evidence
18 that this novel coronavirus arose naturally";
19 correct?

20 A. Correct.

21 Q. In the immediate following paragraph,
22 he describes that as reassuring findings and refers
23 to the Nature Medicine article we just looked at;
24 right?

25 A. Correct.

1 **Q. Were you aware that Francis Collins was**
2 **publishing a blog addressing the Nature Medicine**
3 **article "Proximal Origins of COVID-19"?**

4 MR. KIRSCHNER: Objection. Lack of
5 foundation.

6 BY MR. SAUER:

7 **Q. Were you aware?**

8 A. Was I aware that he was preparing it? I
9 don't think so. I might have been, but I doubt it.
10 Someone likely would have brought this to my
11 attention. I don't recall reading this. I don't
12 read every NIH director's blog. It is conceivable,
13 maybe likely, that I did read it, but I was not -- to
14 my knowledge -- maybe he mentioned something to me
15 that I forgot that he was going to write a blog, but
16 it doesn't ring a bell in my mind that he was
17 planning to write a blog. But, you know, Francis
18 writes a lot. I wouldn't be surprised if he
19 mentioned he was going to do a blog, but this does
20 not ring a bell. It's clear that he did it and if he
21 did it, I likely saw it.

22 **Q. You don't recall discussing it with him**
23 **beforehand in any way before he published it?**

24 A. You know, again, I might have discussed it
25 with him, but I don't recall specifically discussing

1 it with him.

2 Q. I'm handing you Exhibit 26. Was there --
3 were you aware of media coverage of the article when
4 it came out?

5 MR. KIRSCHNER: Can you please wait until
6 Dr. Fauci has the exhibit in front of him? Also I
7 only have one person -- okay. What exhibit number is
8 this?

9 MR. SAUER: Twenty-six.

10 MR. KIRSCHNER: I apologize, Mr. Sauer,
11 but can you -- once Dr. Fauci has the exhibit, can
12 you restate the question?

13 THE WITNESS: So this is -- I have two
14 things here.

15 MR. KIRSCHNER: Oh, I have one copy.

16 THE WITNESS: So this is --

17 (FAUCI Exhibit No. 26 was marked for
18 identification.)

19 BY MR. SAUER:

20 Q. Do you see this ABC News article
21 designated at the top of the page entitled "Sorry,
22 conspiracy theorists. Study concludes COVID-19 is
23 not a laboratory construct."

24 Do you see that?

25 A. I see it, yes.

1 Q. And then it -- it's dated March 27th,
2 2020, the day after the NIH director's blog that we
3 just looked at; correct?

4 A. Correct.

5 Q. Did you communicate with the media about
6 the Nature Medicine article when it came out at all?

7 A. You know, I don't recall communicating
8 with the media about that. I might have, but I don't
9 specifically recall communicating with the media
10 about it.

11 Q. Do you know if Dr. Collins communicated
12 with the media about it?

13 A. I don't know if he did.

14 Q. Do you know if anyone in the NIAID staff,
15 the staff that you oversee, communicated with the
16 media about it?

17 A. I don't recall if they did or did not.
18 They might have, but I don't recall.

19 Q. Did Dr. Collins ever contact you about the
20 Nature Medicine article after this -- his March 26th
21 blog?

22 MR. KIRSCHNER: Objection. Vague.
23 Ambiguous. Lack of foundation.

24 THE WITNESS: You're asking if he
25 contacted me about the Nature Medicine article. I

1 don't remember a specific contact, but since it's a
2 published article, I wouldn't be surprised if somehow
3 or other Dr. Collins commented to me about it or I
4 commented to him about it. But I don't specifically
5 recall any significant discussion. Again, we might
6 have. That would not be surprising to me.

7 BY MR. SAUER:

8 Q. I'm handing -- we're handing you
9 Exhibit 26.

10 (FAUCI Exhibit No. 27 was marked for
11 identification.)

12 THE WITNESS: I have Exhibit 26. You're
13 talking about 27.

14 BY MR. SAUER:

15 Q. Sorry. Twenty-seven. You're right.

16 A. Francis Collins to me, CC.

17 Q. Do you recognize this e-mail?

18 MR. KIRSCHNER: Objection --

19 THE WITNESS: I have to read it.

20 MR. KIRSCHNER: -- I would ask for
21 Dr. Fauci to have an opportunity --

22 THE WITNESS: I have to read it.

23 MR. KIRSCHNER: -- to familiarize himself
24 with the document.

25 THE WITNESS: Yes, I've read it.

1 BY MR. SAUER:

2 Q. Do you recall getting this e-mail from
3 Dr. Collins on April 14th, 2020 at 5:02 p.m.?

4 A. Again, I'm very sorry, but you're talking
5 about e-mails several years ago. I don't recall
6 specifically this e-mail. You're putting an e-mail
7 in front of me that's from Francis to me, and I'm
8 reading what it says. I don't recall seeing this,
9 but I know that Francis clearly was concerned that
10 there'd be misinformation out and he wanted -- and
11 that's why he asked: "Any more we can do as the
12 national academy to weigh in?"

13 Q. In particular in the first paragraph there
14 he says to you, "Wondering if there is something NIH
15 can do to help us put down this very destructive
16 conspiracy with what seems to be growing momentum";
17 correct?

18 A. Right.

19 Q. Have you ever described the lab leak
20 theory of the origins of COVID as a very destructive
21 conspiracy to you?

22 A. Specifically, to me -- I mean, it's here
23 in this e-mail, but I just think that my little bit
24 of a hyperbole on his part about, you know, using
25 words like destructive conspiracy, I think Francis

1 felt -- and you'll have to ask Francis about that --
2 but I believe he felt that the data -- and you go to
3 the third paragraph in that e-mail -- he said, "I
4 hoped that the Nature Medicine article on the genomic
5 sequence would settle this."

6 So what I believe Francis was saying that
7 the scientific data strongly point to a natural
8 occurrence, and there's a lot of, you know,
9 discussion by some that this is clearly a deliberate
10 development of a virus that could harm people, and
11 Francis in the e-mail appears to be disturbed saying,
12 the scientific data shown in Nature Medicine we hoped
13 would settle this, and that's why he's concerned.

14 The words that he used, I don't recall him
15 using those words in public -- in person to person to
16 me, but he clearly used those words in this e-mail.

17 **Q. You said a few things there. To**
18 **understand what Dr. Collins meant when he sent this**
19 **e-mail and the various other e-mails, you said you**
20 **really have to ask Dr. Collins about that?**

21 A. Yeah.

22 **Q. Is that fair to say?**

23 MR. KIRSCHNER: Objection.

24 Mischaracterizes the evidence and also --

25 THE WITNESS: No, I mean, you're asking me

1 about something he said, and I think the natural
2 thing is why don't you ask the guy who said it?

3 BY MR. SAUER:

4 Q. Fair enough. And then if you look there
5 to the link, he's got a link there to a Bret Baier
6 report that's entitled "Sources increasingly
7 confident coronavirus outbreak started in a
8 Wuhan lab"; correct?

9 A. I'm sorry. What -- is this the --

10 Q. First page?

11 A. I can't read it.

12 Q. Yeah, directly.

13 A. I can't see Bret Baier. I can't read the
14 rest of it.

15 Q. Well, let me ask you this: Dr. Collins,
16 at the end of it says, "Anything more we can do? Ask
17 the National Academy to weigh in?" Correct?

18 A. Right.

19 Q. So he's asking you if there is anything
20 more that you and he and Cliff Lane and the others
21 copied can do to try to put this destructive
22 conspiracy, in his words, to rest; correct?

23 A. I think if you look at -- I mean, I'm not
24 sure exactly. I don't recall this e-mail, so I'm not
25 sure what he was implying. But reading it now, I

1 concentrate on the next-to-last paragraph, what he
2 said.

3 "I had hoped the Nature Medicine article
4 on the genomic sequence would settle this, but it
5 probably didn't get much visibility." And it is
6 conceivable that what he is saying is that this is a
7 scientific, peer-reviewed article. It's not
8 surmising. It's not extrapolation. It's just a
9 peer-reviewed scientific article that he feels didn't
10 get a proper amount of visibility.

11 And in the next sentence, he says, "How
12 can we get it to get more visibility? Perhaps ask
13 the National Academy to weigh in and review the
14 evidence to give the evidence more visibility. I
15 think this is typical Francis, who's is a very solid
16 scientist, wanting to stick with the scientific data
17 as opposed to discussions of hypotheses with no
18 basis.

19 **Q. Did you take any steps to increase the**
20 **visibility of the article after this?**

21 A. Not to my knowledge. I don't think so. I
22 was busy with a lot of other things.

23 **Q. I'm sure you were very busy. Did you**
24 **respond to the e-mail?**

25 A. I don't recall if I did. You're probably

1 going to show me an e-mail where I did.

2 Q. Can you look at the next page?

3 A. Yeah.

4 Q. Next day, April 17, 2022, you respond to
5 that e-mail, saying, quote, "I would not do anything
6 about this right now. It is a shiny object that will
7 go away." ^ correct?

8 A. Right.

9 Q. What did you mean when you said, "I would
10 not" -- "I would not do anything about this right
11 now." Were you saying you don't want to take any
12 steps to increase the visibility of --

13 A. Right. No. I think we should let the
14 Nature Medicine article speak for itself is what I
15 meant.

16 Q. And you said it is a shiny object --

17 A. Right.

18 Q. -- that will go away in time?

19 A. Right.

20 Q. What did you mean by that?

21 A. By shiny object I mean something that
22 people tend to really get excited about. It's very
23 exciting to say, "Well, this thing was manufactured
24 by the Chinese and they threw it out into the world."
25 That's a shiny object.

1 If you say that, it gets discussed all
2 over the world. That's a shiny object. And I was
3 referring to the fact that I stick, as a scientist,
4 with the science. And invariably, the science
5 prevails.

6 So what I was referring to is that I don't
7 think you should do anything about it right now. Let
8 the Nature Medicine and the data essentially prevail.

9 And this issue of -- with no proof at all,
10 people stating this is likely manufactured by the
11 Chinese and released, that's what I meant by a shiny
12 object, it's something with no evidence but a lot of
13 pizzazz to it if you say it. And that's what I was
14 referring to.

15 **Q. Tying back to your earlier comment, do you**
16 **think that that theory was a form of misinformation**
17 **or disinformation that could lead to loss of life?**

18 MR. KIRSCHNER: Objection. Vague.
19 Ambiguous.

20 THE WITNESS: No. I'm not sure.

21 BY MR. SAUER:

22 **Q. Well, Dr. Collins described it as a very**
23 **destructive conspiracy.**

24 A. Correct.

25 **Q. And I take it that's the destructive**

1 conspiracy theory that the virus originated from a
2 lab?

3 A. Right, right.

4 Q. Did you view that theory as a form of
5 misinformation or disinformation that could lead to
6 the loss of life?

7 A. It could be misinformation. Remember,
8 misinformation are things that are untrue, not
9 necessarily deliberately, you know, propagated as
10 untrue, whereas disinformation is when you know it's
11 wrong and you still spread it.

12 So this very well might be, at least at
13 the time there was no indication that this was
14 correct information. So let me categorize it that
15 way.

16 So for someone -- or anyone -- to be going
17 around spreading that this clearly is something that
18 was made by the Chinese and released in society and
19 killed a lot people, that would be misinformation
20 because there's no evidence that that's the case.

21 And the second part of your question was
22 that could lead to a number of other things. When
23 you pursue misinformation and disinformation, often
24 you take away from the effort of pursuing something
25 that is in the line of correct information.

1 **Q. Did you take any further steps after that**
2 **e-mail to increase the visibility or the public**
3 **awareness of the Nature Medicine article?**

4 MR. KIRSCHNER: Objection. Asked and
5 answered.

6 THE WITNESS: Again, I'm not really sure
7 what you mean. When the paper came out, it was a
8 peer-reviewed scientific analysis that came to a
9 conclusion that we've already discussed.

10 Did I discuss this with people since this
11 was a topic of considerable concern, likely I did.
12 If you're asking did I do anything to promote the
13 dissemination of that, I don't think I went out of my
14 way, as I mentioned and you agreed, I'm a really busy
15 person. I have a lot of other things to do. I don't
16 think I made this something that was a high level of
17 priority for me.

18 BY MR. SAUER:

19 **Q. You don't think you made -- let me ask you**
20 **this: You knew what Nature Medicine article he was**
21 **talking about, right?**

22 A. Yeah.

23 **Q. And in particular, this is the article**
24 **that has Christian Anderson as a corresponding**
25 **author?**

1 A. Right.

2 Q. Correct?

3 A. Correct.

4 Q. This is the article where he, you know,
5 you had been sent at least four drafts of it, based
6 on the e-mails we saw previously; correct?

7 A. That's the same one of which I had very
8 little input into, yeah.

9 Q. And this is the article that Christian
10 Anderson had sent you a preprint and had said thank
11 you for your advice and leadership about the article;
12 correct?

13 MR. KIRSCHNER: Objection.
14 Mischaracterizes the evidence.

15 BY MR. SAUER:

16 Q. Correct?

17 A. It's the article that we discussed before.

18 Q. Proximal Origins of COVID-19?

19 A. Yes.

20 Q. Exhibit 28.

21 (FAUCI Exhibit No. 28 was marked for
22 identification.)

23 BY MR. SAUER:

24 Q. And this is a excerpt from the transcript
25 of the Coronavirus Task Force press briefing in the

1 **White House dated April 17th, 2020; correct?**

2 MR. KIRSCHNER: Objection.

3 THE WITNESS: That's what it says on the
4 top of the piece of paper of Exhibit 28, it says
5 "Remarks by President Trump, Vice President Pence,
6 and members of the Coronavirus Task Force."

7 BY MR. SAUER:

8 **Q. At that time, you were a member of the**
9 **Coronavirus Task Force; correct?**

10 A. That is correct.

11 **Q. And you participated in this briefing with**
12 **the president and the vice president; correct?**

13 MR. KIRSCHNER: Objection. I would ask
14 Dr. Fauci have an opportunity to familiarize himself
15 with this document.

16 THE WITNESS: I'm looking at the document
17 now. And as I scan, I see on page 44 of 48, that it
18 says Dr. Fauci, and it says something that it looks
19 like I said at the press -- this looks like a
20 transcript, which it looks like it is, then clearly I
21 participated in that because my name is here.

22 BY MR. SAUER:

23 **Q. And if you look little bit above that on**
24 **that second page, there's a question from a member of**
25 **the media saying, "Mr. President, I wanted to ask**

1 Dr. Fauci, could you address the suggestions or
2 concerns that the virus was somehow manmade, possibly
3 came out of a laboratory in China?" Correct?

4 A. That's what it says.

5 Q. And the president says to you, "Want to
6 go?" Correct?

7 A. That's what the president said.

8 Q. And then the reporter repeated, addressing
9 you. "You studied this virus. What are the
10 prospects of that?" Right?

11 A. That's what the question said.

12 Q. And your response to that was, "There was
13 a study recently that we can make available to you
14 where a group of highly qualified evolutionary
15 virologists looked at the sequences there and the
16 sequences in bats as they evolved. And the mutations
17 that it took to get to the point where it is now is
18 totally consistent with a jump of a species from an
19 animal to a human"; correct?

20 A. That's what it says.

21 Q. Do you remember saying that?

22 A. I don't recall. I was at -- as you
23 probably know, multiple, multiple White House press
24 conferences. I have no reason to doubt that the
25 transcript is not accurate, and it looks like that's

1 what I said. So I would imagine I said it.

2 Q. And this is April 17, which is the same
3 day that you had e-mailed Dr. Collins this last
4 exhibit saying this theory is a shiny toy that will
5 go away in time. Correct?

6 A. Shiny object.

7 Q. Sorry. Shiny object that will go away in
8 time.

9 MR. KIRSCHNER: Objection. Lack of
10 foundation.

11 THE WITNESS: You know, I would have to go
12 back and look where -- you're asking me if it was the
13 same date. And I have to look here. The date on
14 Exhibit 27 is 17th of April. And this is the date of
15 the press conference, yes. So it's the same date.
16 Yeah.

17 BY MR. SAUER:

18 Q. And I've watched the video of this
19 particular comment?

20 A. Yeah.

21 Q. And I noted in watching the video that,
22 when you said that sentence about totally consistent,
23 you pause and use that phrase, "totally consistent"
24 with emphasis.

25 A. Right.

1 Q. Do you remember doing that?

2 A. I don't remember doing that. Like I said,
3 it's one of many, many, many press conferences. So I
4 don't remember a pause of a statement I made in one
5 of dozens and dozens and dozens of press conferences.

6 Q. And you have given many, to be sure. But
7 do you remember saying the mutations that it took to
8 get to the point where it is now -- pause for
9 emphasis -- is totally consistent with a jump from
10 species, from animal to human. You don't remember
11 that?

12 MR. KIRSCHNER: Objection. Lack of
13 foundation.

14 THE WITNESS: I don't remember pauses in
15 the hundreds of conferences that I've been at.

16 BY MR. SAUER:

17 Q. You went on to say, "So the paper will be
18 available. I don't have the authors right now, but
19 we can make that available to you"; correct?

20 A. Right.

21 Q. This is the same paper that, on the same
22 day, you had been e-mailing with Dr. Collins about in
23 the previous exhibit; correct?

24 A. I'm a little bit confused with your
25 question. I'm not sure what you mean. Is the

1 paper --

2 Q. What paper are you referring to here in
3 your comments from the White House podium at the task
4 force briefing on April 17th? Do you know?

5 A. I don't know. I assume it was the Nature
6 Medicine paper. I don't know. I think it was.

7 Q. Did you make the paper available to any
8 reporters after this press conference?

9 A. Not to my knowledge.

10 MR. KIRSCHNER: Mr. Sauer, how long do you
11 want to go before lunch?

12 MR. SAUER: Why don't we do one more
13 exhibit.

14 THE WITNESS: Okay.

15 BY MR. SAUER:

16 Q. Exhibit 29.

17 (FAUCI Exhibit No. 29 was marked for
18 identification.)

19 BY MR. SAUER:

20 Q. If you'll look at the bottom of this page,
21 did you receive an e-mail on April 19th, 2020, from a
22 reporter at the Washington -- at The Times asking:
23 "Dr. Fauci on Friday said he would share a scientific
24 paper with the press on the origin of the
25 coronavirus. Can you please help me get a copy of

1 **that paper?" Do you recall that?**

2 A. This is Bill -- Bill Gertz's e-mail to
3 Katie. I don't recall it, but I'm looking up ahead
4 and I -- this is -- I guess this is Katie Miller, if
5 I'm not mistaken, who is the vice president's press
6 person. I think that's probably who it was. It
7 doesn't say who it's to or from, and then up above I
8 sent a link. So that -- that may be the papers we're
9 talking about.

10 **Q. Did you send the link to Bill in there in**
11 **the first line of the e-mail, directly to Bill?**

12 A. Yeah. He asked for the scientific paper
13 in the press briefing that you asked for. That may
14 have been the press person that asked the question,
15 and it looks like Katie Miller, who is the press
16 person for the Vice President Pence,
17 probably contacted me. I don't see a connecting
18 e-mail here, but she probably contacted me and said,
19 would you send the links to the paper to Bill Gertz,
20 and it looks like I did. It says here, "Bill, here
21 are the links to the scientific papers and a
22 commentary about the papers."

23 So there are two aspects here. There is
24 the original paper that came online that I believe
25 was not yet out or maybe just did come out and a

1 commentary on it in the journal Cell, yes.

2 Q. And the first paper is, in fact, the
3 proximal origin of SARS-CoV-2 --

4 A. Right.

5 Q. -- the Nature Medicine paper that we've
6 talked about?

7 A. It looks -- yes, it says here Nature
8 Medicine April 2020. That is the paper that is the
9 peer-reviewed version of the original preprint that
10 came out earlier.

11 Q. And then the other two citations are both
12 authored by Eddie Holmes who was --

13 A. Right.

14 Q. -- involved in drafting that paper;
15 correct?

16 A. Right.

17 MR. SAUER: Let's take a break there.

18 THE VIDEOGRAPHER: The time is 12:27 p.m.,
19 and we're going off the record.

20 (Recess.)

21 THE VIDEOGRAPHER: The time is 1:19 p.m.,
22 and we're back on the record.

23 BY MR. SAUER:

24 Q. Dr. Fauci, I'm handing you Exhibit 30.

25 (FAUCI Exhibit No. 30 was marked for

1 identification.)

2 BY MR. SAUER:

3 Q. You see this is an e-mail at the top from
4 you to Peter Daszak dated at -- dated April 19th,
5 2020?

6 A. Yes.

7 Q. And you're responding to an e-mail from
8 him the day before, April 18th, 2020; correct?

9 A. Correct.

10 Q. And his e-mail was the day after that
11 coronavirus task force press conference that we
12 looked at, the previous exhibit; correct?

13 A. Right.

14 Q. And he said, "Tony, CC'ing David so that
15 you might pass this on to Tony once he has a spare
16 sec"; correct?

17 A. Correct.

18 Q. Is David a reference to David Morens?

19 A. That's true, yes.

20 Q. Who is David Morens?

21 A. David Morens is a person who works at
22 NIAID, is a scientist, been with us for a very long
23 time.

24 Q. Does he know Peter Daszak?

25 A. I believe he does.

1 Q. Do you know Peter Daszak?

2 A. You know --

3 MR. KIRSCHNER: Objection. Asked and
4 answered.

5 THE WITNESS: Yeah. To the extent that
6 I've answered that multiple times, I'm acquainted in
7 the sense of I have seen him once or twice. I don't
8 have a friendship or a relationship, if you want to
9 call it that, with him. I'm just aware of him, and
10 I've seen him a couple of times. I think I did a
11 podcast once where he was another member of the
12 podcast group.

13 BY MR. SAUER:

14 Q. These other people he copies, Erik Stemmy,
15 Emily Erbeling, and Aleksei Chmura, are they all
16 people that work on your staff at NIAID?

17 A. Erik Stemmy does for sure. Emily does for
18 sure. I believe Aleksei Chmura does also, but I'm
19 not 100 percent sure. I believe that person does.
20 I've seen his name circulated around in -- in
21 correspondence in our institute, but for sure
22 Erik Stemmy and Emily Erbeling work at NIAID.

23 Q. Do you know how he got all your e-mail
24 addresses?

25 MR. KIRSCHNER: Objection. Calls for

1 speculation.

2 BY MR. SAUER:

3 Q. For example, do you know how he got your
4 e-mail address?

5 A. How Peter Daszak got my e-mail address?

6 Q. Yeah.

7 A. It's pretty easy to get an e-mail address.
8 You just go on to the global NIH and you can get it.

9 Q. That's publicly available, your e-mail
10 address?

11 A. Oh, totally.

12 Q. Even though it's redacted under B6 in this
13 document?

14 MR. KIRSCHNER: Objection. Argumentative.

15 BY MR. SAUER:

16 Q. You may answer.

17 A. I don't know what you're talking about.
18 You don't redact a website. If you go on to the NIH
19 global, you can find my e-mail address.

20 Q. You responded to this the day after you
21 received it saying, "Many thanks for your kind note";
22 correct?

23 A. Right. That's a very typical response of
24 mine. I can show you 45,000 e-mails that say thank
25 you for your kind note.

1 Q. You say you get about 2,000 e-mails a day?

2 A. I get -- yeah, some days -- some days a
3 thousand, two thousand, some days several hundred.

4 Q. Do you respond to all of them like that?

5 A. No, no. The -- the ones that are
6 irrelevant and -- what's the right word for them --
7 the ones that I don't really need to see.

8 Q. That's how you respond to them?

9 A. I don't respond -- no, to this? No. I
10 don't respond to every one of my e-mails. I get a
11 lot of e-mails from a number of different sources
12 that are completely distracting and irrelevant to me,
13 but when an e-mail comes through, we got -- people
14 think I should see from a legitimate scientist,
15 they let it through and then I see it.

16 Q. And that Peter Daszak is a legitimate
17 scientist in that category. Fair to say?

18 MR. KIRSCHNER: Objection. Vague.

19 THE WITNESS: Peter Daszak is a -- is a
20 grantee of NIAID. So it would be perfectly
21 appropriate to let an e-mail from a grantee of NIAID
22 through to me.

23 BY MR. SAUER:

24 Q. Are you aware that -- generally, that
25 after your comments at the White House April 17th,

1 coronavirus task force briefing speech about the lab
2 leak hypothesis was censored on social media?

3 Are you aware of that?

4 MR. KIRSCHNER: Objection. Lack of
5 foundation. Vague.

6 MR. SAUER: I've asked him if he's aware
7 of it.

8 BY MR. SAUER:

9 Q. Are you aware of it?

10 A. I'm not aware of suppression of speech on
11 social media to my knowledge. If -- if it was
12 brought to my attention, it went (unreportable
13 sound.) I -- I don't recall being aware of
14 suppression of anything.

15 Q. Were you -- were you aware that Twitter,
16 for example, removed content that suggested the virus
17 may have escaped from a lab?

18 MR. KIRSCHNER: Objection. Lack of
19 foundation.

20 BY MR. SAUER:

21 Q. If you know?

22 A. You know, I don't know for sure. I can
23 say I am not aware of it. It may be someone somehow
24 sent me one of the thousands of e-mails and said,
25 "Hey, this is happening," but I was not aware to the

1 point of noting it in my memory that Twitter or any
2 other social media was suppressing anything.

3 Q. Exhibit 31.

4 (FAUCI Exhibit No. 31 was marked for
5 identification.)

6 BY MR. SAUER:

7 Q. Here's a report in The Hill, if you see
8 that at the top, headline is Twitter suspends
9 accounts of Chinese virologist who
10 claimed coronavirus was made in the lab; correct?

11 A. That's what it says.

12 Q. Does this incident ring a bell? Were you
13 aware of an incident like this which --

14 THE REPORTER: Counsel, please slow down.

15 BY MR. SAUER:

16 Q. Were you aware of a -- Twitter suspending
17 the account of a Chinese virologist --

18 A. Yeah.

19 Q. -- who claimed it was removed from a lab?

20 A. You know, Mr. Sauer, I might have -- been
21 brought to my attention then. I don't recall this.

22 If you show me this now and ask me the question: Do
23 you recall this? I'd have to say I don't recall.

24 Is it possible that back then somebody
25 said, "Hey, you know, Twitter suspended a Chinese

1 virologist's account," and I would have went, ah,
2 okay, and move on to the other things I do in life.

3 This is not something that would be
4 catching my attention because, you know, the social
5 media and Twitter, I told you, I don't have a Twitter
6 account. I don't tweet. I don't do Facebook. I
7 don't do anything. So social media stuff, I don't
8 really pay that much attention to.

9 Q. Exhibit 33?

10 MR. KIRSCHNER: Thirty-two.

11 MR. SAUER: Thirty-two.

12 (FAUCI Exhibit No. 32 was marked for
13 identification.)

14 BY MR. SAUER:

15 Q. Is this a document from Meta entitled,
16 "Update on our work to keep people informed and limit
17 misinformation about COVID-19"?

18 MR. KIRSCHNER: Objection. Lack of
19 foundation. Speculative.

20 BY MR. SAUER:

21 Q. Is that what it says on the front of it?

22 A. The title say "Meta," and it says, "Update
23 on our work to keep people informed and limit
24 misinformation about COVID-19."

25 Q. Third page of this document, can you turn

1 to that?

2 A. Page 3. Okay. All right.

3 Q. It says at the top, the very first line,
4 mostly across, "We are expanding the list of
5 false claims we will remove to include additional
6 debunked claims"?

7 A. I'm sorry. What -- where is it?

8 Q. Top page.

9 A. "We are expanding," the middle of the
10 sentence. Okay. I got it.

11 Q. "We will remove to include
12 additional debunked claims about the coronavirus and
13 vaccine"; correct?

14 MR. KIRSCHNER: I object. I'd like to
15 have Dr. Fauci to have a moment to familiarize
16 himself with this document.

17 THE WITNESS: So I'm not -- is this --
18 what is Meta? That is a ^ Facebook.

19 BY MR. SAUER:

20 Q. Let me cut past all that. If you look at
21 the top of page 3, there's a reference to removing
22 debunked claims in that first bullet point that
23 COVID-19 is manmade or manufactured. Generally, were
24 you aware that Meta, which controlled Facebook and
25 Instagram, changed its policy alleging that it would

1 **remove its content alleging that COVID-19 is**
2 **manufactured or manmade?**

3 A. I don't recall being aware of this --
4 some -- again, when you say were you aware, you're
5 talking a couple of years ago. Could someone have
6 passed me in the hall and said, "By the way, were you
7 aware that Meta did this?" Would have been one of
8 10,000 things that that was said to me that day. I
9 don't recall being aware of anything that Meta did.
10 In fact, I didn't even know what the Meta was.

11 **Q. You've heard of Facebook; right?**

12 A. If I -- yeah, I understand now. Somebody
13 told me that they are part of Facebook or own
14 Facebook or something like that.

15 **Q. Exhibit 33.**

16 **(FAUCI Exhibit No. 33 was marked for**
17 **identification.)**

18 BY MR. SAUER:

19 **Q. Very briefly -- oh, sorry.**

20 **Very briefly, this article is headlined**
21 **"Facebook Censors Award-Winning Journalist for**
22 **Criticizing the WHO." Is that correct?**

23 A. That's what this title of Exhibit 33 says.

24 **Q. And the article referred to a man named**
25 **Ian Birrel, B-i-r-r-e-l. Have you ever heard of him?**

1 A. I don't recall of ever hearing of Ian
2 Birrel. Maybe back then somebody said something
3 about him. But right now, I wouldn't know. It says
4 here a multiaward-winning investigative reporter.
5 But if it hadn't said that, I wouldn't know who Ian
6 Birrel is.

7 **Q. Did you ever have any communications with**
8 **anybody removing speech about the lab leak theory of**
9 **the origins of the COVID from social media platforms?**

10 A. I don't recall ever having any
11 conversation. But again, no, I would say it would be
12 unlike me because I don't get involved in that sort
13 of stuff. Like I said, my association with social
14 media is almost zero. I don't have an account. I
15 don't tweet. I don't pay attention to social media.
16 I wouldn't know how to access a tweet if you paid me.

17 **Q. Exhibit 34.**
18 **(FAUCI Exhibit No. 34 was marked for**
19 **identification.)**

20 BY MR. SAUER:

21 **Q. During 2020, was there a controversy about**
22 **the effectiveness of hydroxychloroquine in treatment**
23 **of COVID-19?**

24 MR. KIRSCHNER: Objection. Vague.
25 Ambiguous.

1 THE WITNESS: There were claims that
2 hydroxychloroquine was effective against coronavirus.

3 BY MR. SAUER:

4 Q. And did you disagree with those claims?

5 A. I did.

6 Q. What was your basis for disagreeing with
7 those claims?

8 A. Lack of any evidence whatsoever that
9 hydroxychloroquine was effective against coronavirus,
10 followed by clinical studies that showed that, in
11 fact, was not effective against hydroxychloroquine ^
12 and statements by clinical trials guideline groups
13 stating explicitly that there's no evidence
14 whatsoever that hydroxychloroquine works against
15 coronavirus.

16 Q. Did you -- you're referring to the studies
17 and so forth. Did you collect those studies yourself
18 and review them or did someone collect them for you?

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

21 THE WITNESS: What studies are you
22 referring to?

23 MR. SAUER: Well, I think you referred to
24 studies.

25 THE WITNESS: Well, there were claims

1 based on anecdotal data. And if you look at the
2 record, it was clear that when people made definitive
3 claims about efficacy based on anecdotal data that's
4 not scientific, that does not indicate that a drug is
5 effective.

6 Subsequently, papers were published
7 showing a lack of effect of hydroxychloroquine.

8 BY MR. SAUER:

9 Q. And my question is: Did you do all this
10 research yourself where you are getting all the
11 studies --

12 A. No.

13 Q. -- or did someone else do the research for
14 you?

15 A. I don't do research myself on the efficacy
16 of drugs. The research is performed by researchers
17 who publish their data in peer-reviewed journals, and
18 that's how you get information that's applicable to
19 the real world.

20 Q. Did you have discussions with others in
21 NIAID about the efficacy of hydroxychloroquine?

22 A. The subject of the hydroxychloroquine and
23 the claims based on no data that hydroxychloroquine
24 was effective against coronavirus was a topic of
25 discussions on and off, both in NIAID and in the

1 scientific community in general.

2 **Q. Who did you discuss it with at NIAID, to**
3 **your recollection?**

4 A. I'm sure I discussed it with a number of
5 people. Probably Dr. Cliff Lane, who was the
6 clinical director of my institute. It's likely that
7 I discussed the efficacy of hydroxychloroquine with
8 him.

9 **Q. Anyone else within NIAID?**

10 A. I'm -- I would imagine there were other
11 people. I don't specifically recall. But given the
12 fact that Cliff Lane is one of the top infectious
13 disease clinicians in the country and happens to be
14 my clinical director and the director of my division
15 of clinical research, it is highly likely that I had
16 that discussion with him.

17 **Q. How about outside of NIAID? Anyone else**
18 **within government that you discussed its efficacy**
19 **with?**

20 A. I can't say for sure. As I mentioned, it
21 was a topic of considerable discussion. So I would
22 not be surprised if somehow you pulled out a piece of
23 paper where I spoke to someone about it. It was a
24 very important subject because hydroxychloroquine can
25 have some deleterious effects in people, and it was

1 concern within the established medical community that
2 based on claims based on no data, anecdotal data at
3 best that hydroxychloroquine works, that people would
4 be taking it, in which it does not help, but
5 possibly harms them.

6 **Q. Is that one of the pieces of**
7 **misinformation or disinformation that may cause loss**
8 **of lives that you referred to earlier, in your view?**

9 A. The claim, based on no data, juxtaposed on
10 clear-cut clinical data showing that
11 hydroxychloroquine does not work. If one propagates
12 this concept that hydroxychloroquine is highly
13 effective and people take it based on that
14 information, which is incorrect, yes, that would be
15 misinformation or even disinformation that could lead
16 people to take a drug that would not help them, that
17 could possibly hurt them.

18 **Q. Did you make a series of public statements**
19 **about the efficacy of hydroxychloroquine in the**
20 **summer of 2020?**

21 A. I don't know when I made it, whether it
22 was the spring or the summer, but I definitely made
23 public statements. I recall, when people asked at a
24 White House press conference whether
25 hydroxychloroquine worked, and I said those data are

1 anecdotal, and there's not definitive proof that it
2 works. So I have made public statements in places
3 like a White House press conference.

4 Q. Just looking at the exhibit in front of
5 you. This is a Politico article entitled, "Fauci:
6 Hydroxychloroquine not effective against
7 coronavirus." Correct?

8 A. That's what the title says, yes.

9 Q. And then the second page of it gives a
10 date of May 22nd, 2020. Correct?

11 A. Correct.

12 Q. And in the second paragraph there, it
13 quotes you as saying, "The scientific data is really
14 quite evident now about lack of efficacy;" correct?

15 A. Correct.

16 Q. And the next page, when you said that,
17 you're referring to the hydroxychloroquine; correct?

18 A. I guess so. I guess if the topic of
19 discussion was hydroxychloroquine, it isn't
20 explicitly stated hydroxychloroquine, but in the
21 antecedent paragraph, the author, Zachary Brennan,
22 is referring to hydroxychloroquine. So I would
23 imagine that I was also referring to
24 hydroxychloroquine.

25 Q. And the next page, third page, it says,

1 "Fauci's comments come days after the Lancet
2 published" --

3 (Discussion off the record.)

4 THE VIDEOGRAPHER: The time is 1:37 p.m.

5 (Recess taken.)

6 THE VIDEOGRAPHER: The time is 1:38 p.m.

7 and we're back on the record.

8 BY MR. SAUER:

9 Q. Turning your attention to the third page
10 there, it says, "Fauci's comments come days after you
11 The Lancet published a 96,000-patient observational
12 study that concluded that hydroxychloroquine has no
13 effect on COVID-19 and may have even caused some
14 harm"; correct?

15 A. That's what it says, yes.

16 Q. It says that -- was that, in fact, the
17 basis of your statement that the scientific data is
18 really now quite evident about lack of efficacy?

19 A. That could be. Again, you're going back a
20 couple of years. It is quite consistent with that.
21 I can't say definitively that that was the specific
22 study that I was referring to. There was information
23 coming from a number of studies, some of which were
24 negative studies that showed that it did not work.
25 And others were positive studies to show that it did

1 not work.

2 So this could have been the study that I
3 was referring to. I'm not 100 percent certain.

4 Q. In the time frame, was there discussion
5 of -- was there a situation with the FDA first in
6 March of 2020 issuing an EUA as to
7 hydroxychloroquine? Did that occur, do you recall?

8 A. I don't recall exactly when, but I -- and
9 again, you're going back and they may have -- I think
10 they did, but I'm not 100 percent sure, that they did
11 issue an EUA for the emergency use of
12 hydroxychloroquine, but I believe that that EUA was
13 subsequently pulled back.

14 Q. Would that have been in June of 2020?

15 A. Could possibly have been. I don't recall
16 exactly.

17 Q. Were you consulted in that process by the
18 FDA? Did you have any input on the decision by the
19 FDA to revoke the EUA?

20 A. I don't recall. It is possible that I was
21 but I don't recall.

22 Q. Do you have any recollection of why the
23 EUA was revoked?

24 A. I don't have any recollection now of why
25 it was revoked then, but I would imagine, as the data

1 accumulated, that clinical trials showed a lack of
2 efficacy.

3 The criteria for an emergency use
4 authorization that a drug that has not been proven to
5 be effective, that the potential benefit of the drug
6 might outweigh the risk.

7 If data comes in to show that there's no
8 benefit for the drug, then that would be a basis for
9 pulling back on the EUA.

10 Q. Next 35.

11 (FAUCI Exhibit No. 35 was marked for
12 identification.)

13 BY MR. SAUER:

14 Q. Is this The Lancet study that was referred
15 to in the Politico article that we just discussed, to
16 your knowledge?

17 MR. KIRSCHNER: Objection. Lack of
18 foundation.

19 BY MR. SAUER:

20 Q. If you know?

21 A. I don't know if it's the same article, to
22 be honest with you.

23 Q. If you look on the front page of this
24 exhibit on the right?

25 A. Yeah.

1 Q. Do you see where it says at the top -- the
2 very top, "Published online May 22nd, 2020"?

3 A. Okay.

4 Q. The word "May" is under the D and
5 retracted.^ Do you see that?

6 A. Yeah.

7 Q. And that's five days before that Politico
8 article dated May 27th?

9 A. Right.

10 Q. And the Politico article referred to a
11 study in The Lancet that surveyed 96,000 patients;
12 correct?

13 A. That's what the Politico article says.

14 Q. And if you look at the third paragraph
15 here in the summary, the very beginning of it, it
16 says, "Findings: 96,032 --

17 A. Yeah.

18 Q. -- patients --

19 A. Right.

20 Q. -- are discussed"?

21 Then this study was later retracted;
22 correct?

23 A. Well, it says "retracted" across the
24 front. I don't recall it being retracted, but if it
25 says "retracted" --

1 **Q. Were you aware that it was retracted at**
2 **the time? Do you have any recollection of that?**

3 MR. KIRSCHNER: Objection. Lack of
4 foundation.

5 BY MR. SAUER:

6 **Q. If you know?**

7 A. I don't recall it being retracted. I
8 might have at the time heard that it was retracted,
9 but it wasn't the only paper that was on
10 hydroxychloroquine.

11 BY MR. SAUER:

12 **Q. Did you -- was your opinion based**
13 **on other papers as well?**

14 A. My -- I mean, I'm thinking back, then,
15 my -- my opinion of the effect of hydroxychloroquine
16 was based on accumulating data from a number of
17 studies. I don't recall specifically what those
18 studies are now.

19 **Q. Some of -- obviously not every doctor**
20 **agreed with your views on hydroxychloroquine;**
21 **correct?**

22 MR. KIRSCHNER: Objection. Argumentative.

23 THE WITNESS: Not every doctor agreed. I
24 don't think every doctor in the world agrees on
25 everything, but I'm sure there was some doctors who

1 disagreed with it despite the fact that the evidence
2 was ample, accumulating, and continued to accumulate
3 that hydroxychloroquine was not effective.

4 BY MR. SAUER:

5 Q. Were you aware that there were doctors who
6 continued to prescribe it for their patients with
7 COVID?

8 A. I heard that doctors were continuing to
9 prescribe it.

10 Q. If a doctor makes that clinical judgment
11 with respect to their patient, are you qualified to
12 second guess that clinical judgment?

13 MR. KIRSCHNER: Objection. Argumentative.

14 THE WITNESS: I don't -- I don't know what
15 you're talking about. Am I qualified to -- what do
16 you mean by qualified to question?

17 BY MR. SAUER:

18 Q. Well, do you have qualifications --

19 A. There's no -- you mean, like, a written
20 statement that says you are qualified to -- I'm not
21 sure what you mean am I qualified to.

22 Q. What is your qualification to second guess
23 a decision that's made between a doctor and their
24 individual patient about the prescription of
25 hydroxychloroquine for -- to treat COVID?

1 A. Well, I mean, you're using the word
2 "second guess." If a physician is prescribing a
3 medication that has no benefit and can clearly cause
4 harm, that would make me pause as to whether or not
5 that was an appropriate thing. When you say "second
6 guess," I'm wondering what you mean. Second guess,
7 go out and demonstrate in front of his or her office?
8 No, that's not it, but I can certainly have an
9 opinion that if a physician prescribes a medication
10 with no proven efficacy and clearcut potential
11 toxicity, then I would be concerned about that
12 because as a physician, I never want to see a patient
13 harmed by an intervention that has no benefit to
14 begin with.

15 Q. Were you aware -- or do you recall that in
16 July of 2020, a couple of months after the -- your
17 statement that -- from Politico that we talked about,
18 there were a group of doctors who had a -- posted a
19 video in front of the Supreme Court touting the --
20 what they perceived as the benefits of
21 hydroxychloroquine?

22 MR. KIRSCHNER: Objection. Lack of
23 foundation.

24 THE WITNESS: I don't recall. I do
25 vaguely recall a group of doctors -- I forgot who

1 they called themselves -- got up and were talking
2 about a bunch of things regarding COVID. I don't
3 precisely recall what they were saying.

4 BY MR. SAUER:

5 Q. You don't remember --

6 A. I think at the time I knew what they were
7 saying, but quite frankly, I've forgotten what they
8 were saying.

9 Q. Exhibit 36.

10 (FAUCI Exhibit No. 36 was marked for
11 identification.)

12 BY MR. SAUER:

13 Q. Do you recall appearing on Good Morning
14 America around July 27th or 28th of 2020?

15 A. No. I don't recall. Do you know how many
16 times I've appeared on television?

17 Q. I'm just asking if you remember this
18 particular one, sir.

19 A. Yeah, I don't recall.

20 Q. Can you turn to the fourth page -- or
21 fifth page of this document?

22 MR. KIRSCHNER: What -- what -- the top of
23 the page, Mr. Sauer?

24 MR. SAUER: There's white space and
25 then it says, "Responding to questions about an

1 antimalarial drug."

2 MR. KIRSCHNER: I would ask for Dr. Fauci
3 to have the time to familiarize himself with this
4 document.

5 THE WITNESS: Yes. What about it?

6 BY MR. SAUER:

7 Q. And -- sorry. That -- that quote on
8 Page 5, you said on Good Morning America, "The
9 overwhelming prevailing clinical trials that have
10 looked at the efficacy of hydroxychloroquine have
11 indicated that it is not effective in coronavirus
12 disease"; correct?

13 A. Right. Correct.

14 Q. And do you recall those comments being
15 made in response to a video of doctors -- they called
16 themselves America's Frontline Doctors --

17 A. Right.

18 Q. -- appearing on the -- I think the steps
19 of the Supreme Court --

20 A. Right.

21 Q. -- and touting the perceived benefits of
22 that drug?

23 A. Right.

24 Q. Do you remember that?

25 A. Let's make sure we get the connections

1 right. I do recall a group of doctors that were in
2 front of the Supreme Court. I guess there were six
3 or seven of them. One, I believe, was an
4 African-American woman, female physician, if I'm not
5 mistaken. Could be. I think that -- I think that's
6 the group that we were referring to who were in front
7 of the Supreme Court making a bit of statements. I
8 don't precisely recall what they were talking about,
9 but I know that in general the people who were
10 watching that were concerned about the -- the truth
11 of what they were saying. They were making -- I
12 don't recall specifically what they were saying, but
13 there was some concern about the accuracy of what
14 they were saying.

15 Q. Exhibit 37.

16 (FAUCI Exhibit No. 37 was marked for
17 identification.)

18 MR. KIRSCHNER: Mr. Sauer, I have one
19 version of this. Do you have two versions of that?

20 THE WITNESS: I have one.

21 MR. KIRSCHNER: That's fine. What number
22 are we on?

23 BY MR. SAUER:

24 Q. This is a -- is this a Bret Baier article
25 with the headline "Fauci uncensored:

1 Hydroxychloroquine video. A bunch of people spouting
2 something that isn't true"

3 A. That's what it says.

4 Q. And the next -- if you look at the second
5 page, just look at the first paragraph of this --
6 this report. It quotes you appearing on MSNBC's
7 Andrea Mitchell Reports saying that a video
8 re-tweeted by President Trump that featured doctors
9 at a press conference touting hydroxychloroquine as a
10 coronavirus treatment was, quote, "people spouting
11 something that isn't true"; correct?

12 A. That's what it says here.

13 Q. Do you recall saying that?

14 MR. KIRSCHNER: Objection. Lack of
15 foundation.

16 THE WITNESS: You know, I certainly may
17 have said that. Yes, I think the general impression
18 that if one looked at the video, some -- I recall --
19 I don't know exactly, but it was pretty clear among
20 physicians and those involved that what was being
21 said on the steps in many respects didn't make much
22 medical sense.

23 BY MR. SAUER:

24 Q. In your review, what was being said was
25 that misinformation or disinformation that could lead

1 **to loss of lives?**

2 A. Well, it's possible. I don't recall
3 exactly. If you want to play the tape for me and we
4 could go over it, and I could then properly answer
5 your question. I just know that there was a lot of
6 negative response on the overwhelming representation
7 of the medical community that was said on that press
8 conference on the steps, I believe, of the
9 Supreme Court. It was really quite unorthodox.

10 **Q. I'm sorry. I didn't really follow what**
11 **you just said. You said there was an**
12 **overwhelming medical response --**

13 A. In general, if you were to take a poll of
14 physicians in established medical centers throughout
15 the country and have them look at the tape of what
16 was being said at that time, I believe -- it's not
17 been proven, but I believe you would find that the
18 overwhelming majority would find that what was said
19 there really didn't make much medical sense.

20 **Q. Did you take such a poll at the time?**

21 A. I did not, but I know my community and
22 everyone who has ever looked at that just raised
23 their eyebrows and said what the heck are they
24 talking about?

25 **Q. You say you know your community. Who in**

1 **your community did you discuss the efficacy of**
2 **hydroxychloroquine with?**

3 A. We discussed the efficacy of
4 hydroxychloroquine with a number of people in the
5 community.

6 **Q. Can you name one?**

7 A. Yeah, I can name a whole group.

8 **Q. Please do.**

9 A. We -- we have clinical trials -- I want to
10 get the correct name of it. It's the NIH Treatment
11 Guidelines Panel. The Treatment Guidelines Panel is
12 made up of, oh, I would say a total,
13 mostly physicians and health care providers, of about
14 40-plus individuals who are representative of the
15 infectious diseases community throughout the country.

16 Most of them are the chiefs of infectious
17 diseases throughout the medical centers in the
18 country. Harvard, Cornell, San Francisco. These are
19 the real leaders in infectious diseases in the
20 country. They came to a determination based on an
21 examination of all the literature that
22 hydroxychloroquine had no evidence at all of
23 efficacy.

24 **Q. When was that determination made?**

25 A. I don't know the exact date, but it is a

1 group that can easily be asked about when that
2 occurred and you could find out on the record, but it
3 was very, very clear that that was the case that they
4 felt that way.

5 They kept an open mind, but they looked at
6 the literature and said that they really felt that
7 there was no evidence at all that
8 hydroxychloroquine -- and it isn't an individual
9 person. It's a treatment guidelines panels that
10 represents the leadership of infectious diseases in
11 the entire country.

12 Q. I'm going to give you Exhibit 38.

13 (FAUCI Exhibit No. 38 was marked for
14 identification.)

15 BY MR. SAUER:

16 Q. Do you see this Breitbart report that
17 says Facebook/Google/YouTube/Twitter censor viral
18 video of doctors, Capitol Hill Coronavirus press
19 conference?

20 A. Yes. I see that, another Breitbart
21 statement.

22 Q. And then can you turn to the third page
23 of -- actually can you see what the date of this
24 report is?

25 A. The date. Let me see.

1 Q. Actually, if you turn to the third page
2 there at the top, is the date, July 27, 2020.

3 A. Correct.

4 Q. So this is within a day of the comments --
5 your comments to Good Morning America and Andrea
6 Mitchell that we just talked about. Correct?

7 MR. KIRSCHNER: Objection, lack of
8 foundation.

9 BY MR. SAUER:

10 Q. Is that correct?

11 A. I'm getting confused about dates here. So
12 let's go back, and what's the date of the Andrea
13 Mitchell thing?

14 Q. If you look at the last two exhibits,
15 July 28th was your comment on Good Morning America.
16 Or the 27th.

17 A. On Tuesday, well the news article here, it
18 says: Updated July 28th. So I assume that the
19 statement was either July 28th or it was reported on
20 July 28th and the statement was July 27th. I can't
21 tell from this exhibit.

22 Q. So it would be within a day of this
23 article we're looking at now, that's page 127;
24 correct?

25 A. Correct.

1 Q. Okay. So staying on the third page, the
2 report says Facebook entered a ^ video posted by
3 Breitbart News earlier today, which was the
4 top-performing Facebook post in the world Monday
5 afternoon of a press conference in DC held by the
6 group, America's Frontline Doctors. You see that?

7 A. I see that, yes.

8 Q. And that group and press conference has
9 been saying that -- that group and press conference
10 that you were disagreeing with in your two prior
11 statements; correct?

12 MR. KIRSCHNER: Objection. Lack of
13 foundation. Speculative.

14 BY MR. SAUER:

15 Q. Your two prior statements to Andrea
16 Mitchell and to Good Morning America; correct?

17 MR. KIRSCHNER: Again, objection. Lack of
18 foundation. Speculative.

19 THE WITNESS: It is likely it was that. I
20 can't say absolutely for sure, but if you were
21 talking about the press conference by a group of
22 doctors on the steps of wherever, the Capitol or the
23 Supreme Court, and I was referring to that, it is
24 likely that's what I was referring to but I can't say
25 for sure. I don't have a precise recollection of

1 that.

2 BY MR. SAUER:

3 Q. Looking down on this page, do you see
4 under that big paragraph, there's a smaller paragraph
5 that says, "The video accumulated over 17 million
6 views during the eight hours it was hosted on
7 Facebook."

8 A. Correct.

9 Q. Does the widespread dissemination of this
10 video touting the benefits of hydroxychloroquine,
11 would that trouble you as a doctor who was concerned
12 about --

13 MR. KIRSCHNER: Objection.

14 BY MR. SAUER:

15 Q. -- misinformation and disinformation being
16 disseminated?

17 MR. KIRSCHNER: Objection. Lack of
18 foundation.

19 THE WITNESS: You know, I don't really pay
20 much attention to the quantity. Like I said, for
21 maybe now the ninth or tenth time, I don't get
22 involved in social media stuff. I don't follow -- I
23 wouldn't even know how to access how many views
24 something has, so --

25 BY MR. SAUER:

1 Q. If you were aware that a video did have 17
2 million views, would that bother you as a doctor
3 who is concerned about the dissemination of
4 misinformation and disinformation about COVID
5 treatments?

6 MR. KIRSCHNER: Objection.

7 THE WITNESS: I don't know what 17 million
8 views means. What's the denominator? Is 17 million
9 a large amount? Is it a small amount? I don't go on
10 social media, so I don't know what 17 million views
11 means.

12 BY MR. SAUER:

13 Q. So that doesn't bother you or you have no
14 opinion one way or the other on that question; fair
15 to say?

16 A. Well, I don't know how to quantitate the
17 number of views with whatever it is, the point you're
18 trying to make.

19 Q. But those 17 million people watching that
20 video, were those doctors standing on the steps of
21 the Supreme Court and touted the benefits of
22 hydroxychloroquine, would that bother you?

23 A. It would likely bother me if a very large
24 number of people were given information that was
25 not only based on no data, but in which data actually

1 showed that those statements were untrue.

2 As a physician who takes care of patients
3 and cares about the health of patients, I think that
4 information that spreads falseness not based on data,
5 as physician would be troublesome to me. What does
6 troublesome mean? Would I do anything about it? Not
7 necessarily at all. But it's just I don't like false
8 information that hurts patients.

9 Q. Could you turn two pages forward in that
10 document, please?

11 MR. KIRSCHNER: When you say two pages
12 forward, you mean page 5 of 19?

13 MR. SAUER: Correct.

14 THE WITNESS: Okay. What do you want me
15 to look at?

16 BY MR. SAUER:

17 Q. Fourth paragraph down, there's a quote on
18 the Facebook copy, stating, "We removed the video for
19 sharing false information about curious and treatment
20 for treatment of COVID-19?"

21 A. That's what it says.

22 MR. SAUER: Objection. Lack of
23 foundation.

24 BY MR. SAUER:

25 Q. Are you aware of anyone communicating with

1 **Facebook about that decision to remove the video?**

2 A. I don't recall anybody communicating with
3 them about that. Could have been, but I don't recall
4 anybody -- I don't recall anybody communicating with
5 the social media people.

6 **Q. Do you recall anyone at NIAID**
7 **communicating with social media people?**

8 A. To my recollection, I don't recall. But I
9 don't know everything that everybody does. But I
10 don't recall anybody communicating with social media.

11 **Q. Were you aware of anyone associated with**
12 **the federal government communicating with Facebook**
13 **about that decision?**

14 A. I don't recall anyone in the federal
15 government that I know. They might have. Possible.
16 But I don't recall specifically anyone in the federal
17 government communicating with them.

18 Like I said, I don't pay attention to
19 those types of things. I have a really important day
20 job that I work at, so --

21 **Q. How about any other topics, setting aside**
22 **this America's Frontline Doctors, are you aware of**
23 **anyone the U.S. Government communicating with social**
24 **media platforms about what can and can't be posted on**
25 **their platform?**

1 A. You know, I have to say I don't recall any
2 of that. I mean, it could be that back then someone
3 did and brought it to my attention, but I don't
4 recall any federal official or anybody communicating
5 directly with social media. That doesn't ring a bell
6 for me now. That doesn't mean it hasn't happened.
7 It just doesn't ring a bell to me right now.

8 **Q. Can you turn one page forward in this**
9 **exhibit, in that first full paragraph that goes all**
10 **the way across the page. "Facebook's decision to**
11 **cancel the Livestream was quickly followed by**
12 **YouTube, the Google-owned video sharing platform"?**

13 A. Yes, I knew of that.

14 **Q. Or at the time, were you aware of Google**
15 **or YouTube pulling down this video about**
16 **hydroxychloroquine?**

17 MR. KIRSCHNER: Objection. Asked and
18 answered.

19 BY MR. SAUER:

20 **Q. Were you aware?**

21 A. Well, as I've said multiple times, I don't
22 pay attention to what social media organizations like
23 Google and YouTube and Twitter, and all that, what
24 they do because I'm not involved in that.

25 So was I aware -- could someone have

1 cursorily mentioned to me that they did? Possibly.
2 And it probably went over my head, because that's not
3 something that I pay attention to.

4 **Q. Next paragraph down, following Facebook**
5 **and YouTube's removal of the video, Twitter follows**
6 **suit, removing Breitbart News's Periscope Livestream**
7 **of the press conference; correct?**

8 A. Where is that? What paragraph? I'm
9 sorry.

10 **Q. Immediately below, there's a two line?**

11 A. Yeah, I'm on the wrong page.

12 MR. KIRSCHNER: Dr. Fauci is on page 7 of
13 16. Turn back another page.

14 THE WITNESS: Okay. And what's the
15 paragraph, Mr. Sauer, you're talking about?

16 Yes, Twitter followed suit, removing
17 Breitbart's Periscope, whatever that is. Jack
18 Dorsey's platform also -- yeah.

19 BY MR. SAUER:

20 **Q. Same question. Were you aware at the time**
21 **that Twitter followed suit with Facebook and YouTube**
22 **and pulled this video down?**

23 MR. KIRSCHNER: Objection. Lack of
24 foundation.

25 BY MR. SAUER:

1 **Q. Were you aware?**

2 A. I was not aware, to my knowledge, and when
3 you say aware, it's possible that somebody walking in
4 the hall said, "Hey, did you hear this happened?"
5 Very likely, I would have paid no attention. Because
6 like I said, I do not get involved in any way with
7 social media. I don't have an account, I don't
8 tweet, I don't Facebook, and I don't pay attention to
9 that.

10 So you keep asking questions about am
11 I aware of what's going on with people putting things
12 down, I don't pay attention to what gets put up and
13 put down on social media.

14 **Q. Are you generally aware of the terms of**
15 **service about content moderation on the social media**
16 **platform? Do you know anything about them?**

17 A. Terms of service?

18 **Q. Their policies with respect to what people**
19 **can and can post to social media. Do you have any**
20 **knowledge of what those policies say?**

21 A. I'm not even knowing what you're talking
22 about. The answer would be, like I said -- I'll
23 repeat it again. I don't pay attention to social
24 media issues. That's something I don't do. I don't
25 follow it. I don't have an account. I don't follow

1 it. I don't even know what the condition is.

2 Q. Never once?

3 A. Well, I can't say never ever. I'm sure
4 when you're in a place where there's thousands of
5 people, and you get thousands of e-mails, somebody
6 somewhere is going to say something and I'm going to
7 say, "Oh, good."

8 So if you're going to show me one time
9 where someone mentions, good. Show me.

10 Q. Exhibit 39.

11 (FAUCI Exhibit No. 39 was marked for
12 identification.)

13 BY MR. SAUER:

14 Q. This is a report from the Washington
15 Standard entitled "America's Frontline Doctors
16 website shut down." Do you see that?

17 A. Yeah.

18 Q. And right there in the front page it
19 indicates that this is dated August 1st, 2020?

20 A. Right.

21 Q. So this is just a couple of days after the
22 report about their video being pulled off Twitter,
23 Facebook and YouTube; correct?

24 MR. KIRSCHNER: Objection. Lack of
25 foundation.

1 THE WITNESS: I'm sorry. I'm getting
2 confused here. So it says the Washington Standard
3 America's Frontline Doctors website shuts down on the
4 first page. Now, what's the next issue you're
5 pointing out to me?

6 BY MR. SAUER:

7 Q. Is the date of it August 1st, 2020?

8 A. Yes, it is.

9 Q. Were you aware of their website being
10 taken down by their web hosting provider?

11 MR. KIRSCHNER: Objection. Lack of
12 foundation.

13 THE WITNESS: I don't recall that. I
14 might have been aware. Someone may have pointed it
15 out to me, but that's not something, as I say, that
16 would normally attract my attention or my interest.
17 I could have been aware, but, again, I concentrate on
18 other things besides this.

19 BY MR. SAUER:

20 Q. Do you still -- you testified about your
21 views about the efficacy of hydroxychloroquine. Is
22 that still your view today that there's still no
23 evidence of its efficacy?

24 A. Correct.

25 Q. Are you aware of any metaanalyses of the

1 studies that have been done on a global scale of the
2 efficacy of hydroxychloroquine?

3 A. I'm not specifically aware of that, but
4 there really are some real ^ failings of
5 metaanalyses, and when you get statisticians to look
6 at them, they often debunk some of those
7 metaanalyses.

8 Q. Do you recall saying in connection with
9 the discussion of hydroxychloroquine that a
10 randomized double blind placebo based study is the
11 gold standard?

12 A. That is the gold standard for everything.
13 It isn't always needed, but for the most part, it's
14 the gold standard.

15 Q. Do you remember criticizing publicly a --
16 a study done by -- a sort of real-time study done by
17 practitioners of the Henry Ford Medical Center who
18 has about a thousand participants that found an
19 observational benefit to hydroxychloroquine?

20 MR. KIRSCHNER: Objection. Lack of
21 foundation.

22 BY MR. SAUER:

23 Q. Do you remember that?

24 A. I don't recall. It's possible. I see a
25 lot of studies, hundreds and hundreds of studies

1 that come across my desk. Some that are put there,
2 some that I find myself. So I can't say for sure
3 what my opinion or comment was on any given study.

4 Q. Exhibit 40.

5 (FAUCI Exhibit No. 40 was marked for
6 identification.)

7 BY MR. SAUER:

8 Q. Is this the first page of a meta-analysis
9 of the studies addressing the efficacy of
10 hydroxychloroquine? Is that what it appears to be?

11 A. This is confusing. Global HCQ/CQ studies.
12 Let me read this paragraph first.

13 I'm not sure what the summary is saying.
14 Negative evaluations typically ignore treatment
15 delay. Some in vitro evidence suggests that
16 therapeutical level could not be reached, however,
17 that was incorrect.

18 Q. Let's just focus on that first sentence
19 for a minute, would you, where it says, 449 HCQ
20 COVID-19 studies; correct?

21 A. Right.

22 Q. HCQ is a common -- a Shortlander for
23 hydroxychloroquine; correct?

24 A. Right.

25 Q. And it indicates there's -- 351 of these

1 **449 studies are peer reviewed; correct?**

2 MR. KIRSCHNER: Objection. Lack of
3 foundation.

4 BY MR. SAUER:

5 **Q. Is that what it says?**

6 A. 351 peer reviewed, 371 comparing treatment
7 and control groups. Late treatment in high dosages
8 may be harmful while early treatment consistently
9 shows positive results.

10 **Q. Just focusing on that comparing treatment**
11 **and control groups, is that a description of a**
12 **placebo based double blind study?**

13 A. Well, it's not --

14 MR. KIRSCHNER: Objection --

15 BY MR. SAUER:

16 **Q. To your understanding?**

17 A. To my --

18 MR. KIRSCHNER: Objection. Speculative.

19 THE WITNESS: I'm not sure what they're
20 referring to. There's a difference between a
21 treatment and a control group versus a randomized
22 placebo control group. Lack of randomization very
23 infrequently leads to confusing, if not inaccurate,
24 results. It depends on what the control group was.
25 If it was a historical control, you want to make sure

1 that there were no confounding variables in the
2 control group that could have skewed the data, and
3 that's the reason why I said if you look at the
4 preponderance of evaluation of these studies by
5 groups such as the NIH clinical trials guideline
6 group, they come to the conclusion that the studies
7 that claim efficacy are statistically not valid
8 studies.

9 BY MR. SAUER:

10 Q. Would that apply to all 371 studies here
11 that are reported to --

12 A. If --

13 Q. If I may finish my question, please?

14 A. Oh. Please, go ahead.

15 Q. 371 comparing treatment and control groups
16 that indicates that early treatment, that is,
17 receiving hydroxychloroquine early within the course
18 of infection with the virus, consistently shows
19 positive results?

20 A. Yeah. That's what this says. I would
21 have go to back, take a look at the study, and
22 consult with our statisticians, who I believe were
23 the ones that looked at the study and allowed
24 the treatment guidelines panel, which, as I said, is
25 comprised of anywhere from 30 to 40 of the top

1 infectious disease physicians in the country, have
2 still come to the conclusion that there's no evidence
3 that hydroxychloroquine works and that, in fact, it
4 can harm.

5 **Q. But that --**

6 A. So you can show me this study, and I don't
7 see the study. It would probably take, when you talk
8 about meta-analysis, a long period of time to look at
9 each thing. What are they referring to as a control
10 group? Is it randomized or is it not randomized?
11 All of those factors play a major role in the
12 validity or not of a study.

13 **Q. Are you familiar with the Great Barrington**
14 **Declaration?**

15 A. Yes, I am.

16 **Q. What is the Great Barrington Declaration?**

17 A. It's a declaration signed by a number of
18 people who proposed letting the virus circulate in
19 the community with the statement that you can protect
20 vulnerable people and if you let the virus circulate
21 freely, that you would get what's called herd
22 immunity, and then ultimately the virus would
23 essentially go to such a low level because of herd
24 immunity.

25 **Q. And if you look at Exhibit 40 in front of**

1 **you, is that a copy of the Great Barrington**
2 **Declaration?**

3 MR. KIRSCHNER: I think -- is this
4 Exhibit 41 or 40?

5 MR. SAUER: Forty-one, I apologize.

6 (FAUCI Exhibit No. 41 was marked for
7 identification.)

8 BY MR. SAUER:

9 **Q. Looking at Exhibit 41 in front of you, is**
10 **that a copy of the Great Barrington Declaration?**

11 A. Well, it says on the front page Great
12 Barrington Declaration. I'm not sure if it is. I
13 have no reason to believe it isn't.

14 **Q. Did you ever review the Great Barrington**
15 **Declaration?**

16 A. I have read it some time ago.

17 **Q. Flipping ahead to the third page where it**
18 **says the Great Barrington Declaration at the top,**
19 **does that look like the Great Barrington Declaration?**

20 MR. KIRSCHNER: Objection. Lack of
21 foundation.

22 THE WITNESS: What page are we on? Three
23 of 13?

24 BY MR. SAUER:

25 **Q. Correct.**

1 A. It says the Great Barrington Declaration.

2 Q. And is this familiar to you? You said
3 you've read it before?

4 A. I read it some time ago when it first came
5 out.

6 Q. At the end of the first paragraph there it
7 just talks about recommending an approach called
8 focus protection; correct?

9 A. Right.

10 Q. And is that what you described earlier
11 as --

12 A. Right.

13 Q. -- by circulating among certain
14 populations --

15 A. Right.

16 Q. -- while trying to provide targeted
17 protection for more vulnerable population?

18 A. I believe that's what they're referring
19 to.

20 Q. You -- this was published on October 4th,
21 2020; correct?

22 MR. KIRSCHNER: Objection. Lack of
23 foundation.

24 THE WITNESS: I don't know when it
25 was published, to be honest with you.

1 BY MR. SAUER:

2 Q. Well, flip ahead to Page 5 of 13 at the
3 very top.

4 A. It says on October 4th, the declaration
5 was authored and signed.

6 Q. Okay. So that's when at least it purports
7 to have been executed?

8 A. Right.

9 Q. Were you -- when did you become aware of
10 it after it was published?

11 A. I don't recall.

12 Q. Would it have been soon after that to your
13 knowledge?

14 A. Possibly. I don't recall.

15 Q. Do you know these three scientists who are
16 listed as the leaders of it -- or the authors of it,
17 Dr. Martin Kulldorff, Dr. Sunetra Gupta, and
18 Dr. Jay Bhattacharya?

19 MR. KIRSCHNER: Objection. Vague.

20 BY MR. SAUER:

21 Q. Do you know them?

22 A. I don't know them. I know their names now
23 because it's been kicked around a fair amount over
24 the last -- period of time. I don't -- I don't know
25 them.

1 Q. You did -- and you didn't -- were you
2 familiar with them or their reputations at the time
3 that this was published?

4 A. I don't know them so I'm not familiar with
5 them.

6 Q. Okay. Flipping ahead to Page 8 of 13.
7 There's a list -- in the list of joiners there,
8 second from the bottom, it lists Dr. Michael Levitt
9 at Stanford?

10 A. Yes.

11 Q. And he was a Nobel Prize winner?

12 A. Correct.

13 Q. Do you know him?

14 A. I don't know him. I've heard of him. I
15 don't know him.

16 Q. You said earlier, I think, that you don't
17 recall how you first became aware of the Great
18 Barrington Declaration?

19 A. I can't say the moment I became aware of
20 it. I don't recall. I became aware of it. I don't
21 know precisely when I became aware of it.

22 Q. Do you remember the context in which you
23 became aware of it? Was it raised to you by a
24 colleague or surfing the internet or something like
25 that?

1 A. I don't recall how that -- how that
2 occurred.

3 MR. KIRSCHNER: I would like to,
4 Mr. Sauer, take a break in the next five minutes. Do
5 you want to take a break now or do you want to take a
6 break after the next exhibit.

7 MR. SAUER: Let's do it now.

8 THE VIDEOGRAPHER: Okay. Time is 2:17
9 p.m. and we're going off the record.

10 (Recess taken.)

11 THE VIDEOGRAPHER: The time is 2:28 p.m.
12 and we're back on the record.

13 BY MR. SAUER:

14 Q. **Exhibit 42.**

15 **(FAUCI Exhibit No. 42 was marked for**
16 **identification.)**

17 BY MR. SAUER:

18 Q. **Dr. Fauci, do you recognize this e-mail**
19 **dated October 8th, 2020, at 2:31 p.m.?**

20 MR. KIRSCHNER: Objection. Lack of
21 foundation.

22 THE WITNESS: I don't recognize it like I
23 remember it, but it's sitting right in front of me
24 and it's an e-mail from Francis Collins to myself and
25 Cliff Lane, with a copy to Larry Tabak. So I'll read

1 it and see what it says. Yes, I've read it.

2 BY MR. SAUER:

3 Q. Do you remember getting this e-mail?

4 A. Yeah. Vaguely, yeah.

5 Q. Dr. Collins sent it to you on October 4th,
6 four days after the Great Barrington Declaration was
7 offered; correct?

8 MR. KIRSCHNER: Objection. It says
9 October 8th on it.

10 BY MR. SAUER:

11 Q. Sorry. He sent it to you on October 8,
12 after the Great Barrington Declaration was offered on
13 October 4th. Correct?

14 A. Correct.

15 Q. And he sent it to you and Cliff Lane;
16 correct?

17 A. Correct.

18 Q. And he says, "Hi, Tony and Cliff. See
19 20
21

22 A. Correct.

23 Q. And is that a reference to the Great
24 Barrington Declaration?

25 A. I believe so. I believe so. I would

1 imagine. It's a link and it says gbdeclaration, so I
2 would imagine.

3 Q. Did you read the Great Barrington
4 Declaration for the first time when you got this
5 e-mail? Or do you not know?

6 A. I don't recall.

7 Q. Did you click on that link when you got
8 the e-mail?

9 A. I don't recall.

10 Q. He goes on to say, "This proposal from the
11 three fringe epidemiologists who met with the
12 Secretary"; right?

13 Were you aware of those three authors of
14 the Great Barrington Declaration meeting with the
15 Secretary?

16 A. I don't recall. This may have been my
17 first awareness of it, or I could have been
18 peripherally aware of it at the time. I can't say
19 for sure.

20 Q. So you don't know -- when he refers to
21 the three fringe epidemiologists, is he referring to
22 a prior conversation or communication where you
23 discussed them with him, if you know?

24 MR. KIRSCHNER: Objection, speculative.

25 THE WITNESS: I don't know.

1 BY MR. SAUER:

2 Q. You don't remember?

3 A. No.

4 Q. Do you recall Dr. Bhattacharya, Gupta and
5 Dr. Kulldorff meeting with Secretary Azar?

6 A. You know, I don't. I think after the
7 fact, I would have known because Francis said they
8 did. It is very likely, although I'm not 100 percent
9 sure that the meeting of the epidemiologists, authors
10 of the declaration with the Secretary, this was very
11 likely the first time it was brought to my attention,
12 although I can't say for sure. I would imagine --
13 again, getting back to context, this is not something
14 that I would have been paying a lot of attention to.
15 I was knee deep in trying to do things like develop a
16 vaccine that wound up saving the lives of millions of
17 people. That's what I was doing at the time.

18 So an e-mail like this may not have
19 necessarily risen to the top of my awareness and
20 interest.

21 Q. So he goes on to say, "You believe that
22 this didn't catch your interest at the time that you
23 received it"?

24 MR. KIRSCHNER: Objection.
25 Mischaracterizes his testimony.

1 THE WITNESS: I don't know if it did or
2 not. I wouldn't imagine that I would be
3 overwhelmingly interested. I may have responded.
4 I'm sure you're going to pull out my e-mail and show
5 my response. But I don't recall -- this is an e-mail
6 from Francis just bringing it to my attention. I
7 don't recall what, if any, was my response to this.

8 Q. It seems to be getting a lot of attention
9 and even a cosignature from a Nobel Prize winner,
10 Mike Levitt at Stanford.

11 A. Right.

12 Q. And that was the person we referred to a
13 minute ago.

14 A. Yes.

15 Q. Then Dr. Collins goes on to say, "There
16 needs to be a quick and devastating published
17 takedown of his premises."

18 Do you know what he's referring to when he
19 talks about a quick and devastating takedown?

20 MR. KIRSCHNER: Objection. Speculative.

21 BY MR. SAUER:

22 Q. If you know.

23 A. I do not know what he was referring to. I
24 would imagine I was thinking that someone would take
25 the counterargument of what the premise was, and I

1 believe, you know, knowing now what's in the
2 declaration, the premise that you could actually
3 selectively target susceptible people and protect
4 them and yet let the virus spread through society
5 without doing considerable damage.

6 I would imagine that that is the premise
7 that Dr. Collins felt was an invalid assumption.

8 **Q. And did you discuss this with him at the**
9 **time? Did you talk to him about getting a quick and**
10 **devastating published takedown of the Great**
11 **Barrington Declaration?**

12 A. I don't recall. You know, quick and
13 devastating takedown, that doesn't sound like some
14 terminologies that I would use. So I don't believe I
15 had a conversation about that specific.

16 **Q. And so you don't know specifically what he**
17 **meant?**

18 A. I don't know specifically what he meant.
19 But knowing Francis, he is a scholar. He's likely
20 talking about writing a scholarly article to contest
21 some of the premises. That's what I would imagine
22 Francis is referring to. That would be his style.

23 That if someone writes an article that he
24 disagrees with, that he would write a counterargument
25 to challenge the premises. Again, I don't know for

1 sure, but knowing Francis, I believe that's what he
2 means, to provide a counterargument.

3 Q. Do you know for sure, then, what he meant
4 or we would ask him if -- if you know?

5 MR. KIRSCHNER: Objection. Speculative.

6 THE WITNESS: Again, I'm not sure --
7 again, I'm not 100 percent sure. You can never be
8 sure what's in someone's mind, but knowing Francis,
9 he is a scholar, a fair person. Highly respected in
10 the community. When he talks about premises, just
11 the way he would with a scientific article with
12 scientific data, if he had an issue with it, he would
13 write a scholarly article to try and challenge it.

14 And I believe that's what he's referring
15 to.

16 BY MR. SAUER:

17 Q. Okay. He goes on in the e-mail to say, "I
18 don't see anything like that online yet. Is it
19 underway?" Do you see that?

20 A. I see that.

21 Q. Why would he think that you and Cliff Lane
22 would know whether or not there was a swift and
23 devastating takedown of this declaration underway?

24 MR. KIRSCHNER: Objection. Speculative.

25 THE WITNESS: Certainly speculative. I

1 don't know what he meant. I just think he was
2 speaking bluntly. I don't think he was specifically
3 pointing to us to have known if there was something
4 online. He scours the online better than we do.
5 He's got an entire staff that does that.

6 So I think it was a just a casual comment,
7 "Hey, you guys. Did you see anything online yet?"

8 BY MR. SAUER:

9 Q. And he says not "Is there something up
10 there?" He says, "Is it underway?"

11 Did he have any reason to think that you
12 guys might be working on --

13 A. Absolutely not.

14 Q. Let me finish the question -- of some kind
15 of refutation of the Great Barrington Declaration?

16 A. No. This is not something I would
17 be involved in. As I told you, I have a very
18 important day job that is running a \$6.4 billion
19 institute. I would not be involved in examining this
20 and doing something that would, quote, counter it.

21 Q. Do you know why he copied Cliff Lane on
22 this e-mail with you?

23 MR. KIRSCHNER: Objection. Speculative.

24 THE WITNESS: I don't know why he copied
25 Cliff. But as I mentioned, Cliff is the clinical

1 director of the Institute, the deputy director for
2 clinical research, and a highly -- what's the right
3 word -- respected clinical scientist in the
4 institute.

5 So it would not be unusual for Francis to
6 send me an e-mail and have Cliff Lane, as my deputy
7 director for clinical research, be copied.

8 That would not be surprising.

9 BY MR. SAUER:

10 Q. Is Cliff Lane the same one who went on the
11 WHO-sponsored trip to China in February of 2020 that
12 we talked about this morning?

13 MR. KIRSCHNER: Objection. Asked and
14 answered.

15 BY MR. SAUER:

16 Q. Is he the same guy?

17 A. Cliff Lane is the same person, and the
18 same motivation that led to his going to China was
19 probably the same motivation that Francis copied him
20 in the e-mail, that he's highly respected and well
21 thought of and a very knowledgeable physician
22 scientist.

23 Q. When he came back from China, he was the
24 one who had reported about China -- I think he called
25 them extreme lockdown measures being effective in

1 controlling the spread of the virus. Do you recall
2 that?

3 MR. KIRSCHNER: Objection. Asked and
4 answered.

5 THE WITNESS: I answered that question,
6 but he was the one that said social distancing that
7 they have done was, in fact, effective. He believes
8 in curtailing the spread of the virus.

9 BY MR. SAUER:

10 Q. Do you recall any discussions between you,
11 Francis Collin, and Cliff Lane in that time frame
12 of him returning from the WHO-sponsored trip to China
13 that related to the efficacy of extreme lockdown
14 measures or extreme social distancing measures?

15 A. We're going back to the same question. I
16 think I answered that. I think --

17 Q. I'm just asking if you had any discussions
18 on that topic that I just described, you, Cliff Lane,
19 and Francis Collins back when Cliff Lane returned
20 from the trip to China?

21 A. Did we have any discussions about the
22 efficacy of -- of severe social distancing on
23 shutting down to spread a virus?

24 Q. Correct.

25 A. It's entirely possible that we had that

1 conversation. I don't specifically recall that
2 conversation, but it would not be unusual. Cliff
3 went to China, and we wanted to find out what was
4 going on there to see if there could be any lessons
5 learned from what they were doing compared to what
6 we're doing.

7 **Q. Exhibit 43.**

8 **(FAUCI Exhibit No. 43 was marked for**
9 **identification.)**

10 BY MR. SAUER:

11 **Q. Do you recognize this e-mail exchange also**
12 **dated October 8th, 2020?**

13 A. You know, you say do I recognize it.

14 **Q. Do you remember it?**

15 A. I don't remember it, but now that you've
16 put it in front of me, it's got my name on it next to
17 "from" and Francis next to "to." So I get back to my
18 statement before. I receive literally thousands of
19 e-mails, many of which get screened. So I generally
20 wind up seeing only a few hundred.

21 I don't remember this one specifically,
22 but clearly it was sent by me to Francis.

23 **Q. And to the same list of recipients on his**
24 **e-mail to you that was in the previous exhibit;**
25 **correct?**

1 A. Right.

2 Q. And you said to him, "Francis, I'm pasting
3 in below a piece from The Wire ^ that debunks this
4 theory"; correct?

5 A. That's what it says.

6 Q. If you look at the top, your -- the
7 subject line is the Great Barrington Declaration;
8 correct?

9 A. Correct.

10 Q. And Francis responds to you "Excellent";
11 correct?

12 A. That's what it says.

13 Q. You've pasted in here an article from
14 Wired magazine by Matt Reynolds; right?

15 A. Yes.

16 Q. How did you find that?

17 A. I don't recall.

18 Q. Did someone find it for you or did you
19 Google it yourself?

20 A. I don't recall.

21 Q. Do you know this author Matt Reynolds?

22 A. Doesn't ring a bell. I may have run into
23 him or interacted with him in the past, but doesn't
24 come out -- jump out of the page at me.

25 Q. Did you have any communications with

1 **Mr. Reynolds before he published this article?**

2 A. I don't recall.

3 **Q. Do you know of anyone at NIAID**
4 **communicating with him before publishing this**
5 **article?**

6 A. I don't recall.

7 **Q. Do you know Gregg Gonsalves?**

8 A. I do.

9 **Q. Who is he?**

10 A. Gregg Gonsalves is the person on the
11 faculty of the Yale School of Public Health, I
12 believe, certainly Yale University of New Haven, who
13 formerly was a member of the AIDS activist group
14 ACT UP, and then a member of the therapy group, TAG,
15 treatment action group, of ACT UP.

16 **Q. How long have you known him?**

17 A. I've known Gregg since the first decade of
18 HIV. So I would imagine that would likely be
19 sometime in late 1980s, early 1990.

20 **Q. Is he a friend of yours?**

21 A. Well, it depends on what you mean by a
22 friend. He's someone I know. He's an associate. I
23 think he's a solid person. He cares deeply about
24 public health.

25 Yeah, I -- again, it depends on definition

1 of friend or not. He's somebody that's more than
2 just hello. I mean, I've -- I've interacted with him
3 a fair amount.

4 Q. Exhibit 44.

5 (FAUCI Exhibit No. 44 was marked for
6 identification.)

7 BY MR. SAUER:

8 Q. Another e-mail chain between you,
9 Francis Collins, and Cliff Lane regarding the Great
10 Barrington Declaration; correct?

11 MR. KIRSCHNER: Objection. Lack of
12 foundation.

13 THE WITNESS: This is an e-mail from me to
14 Francis in which I forwarded to him a commentary or a
15 Twitter, I guess, a commentary by Gregg Gonsalves
16 concerning the idea of herd immunity and focused
17 protection.

18 BY MR. SAUER:

19 Q. And you said above -- sending that, you
20 said, "another refutation of the herd immunity
21 approach"; right?

22 A. Correct.

23 Q. And this is also addressing essentially
24 the approach -- the herd immunity approach, are you
25 there referring to the approach espoused by the

1 authors of the Great Barrington Declaration?

2 A. Could be. I would imagine it was, but,
3 you know, since herd immunity was a significant
4 component of the declaration, I don't see specific
5 reference to the declaration here, but it is
6 compatible with this being -- referring to the
7 declaration, though I -- I don't see any specific
8 indication of it.

9 Q. Can you turn to the second page of this
10 document? In the Gonsalves article, the second
11 paragraph begins "However, after some
12 acknowledgment." Do you see that?

13 A. Yes.

14 Q. And if you go about five lines down,
15 there's a sentence beginning "Fast forward to this
16 week." Do you see that?

17 A. Yes.

18 Q. It says, "Fast forward to this week where
19 one of the Harvard professors in question,
20 Martin Kulldorff, along with Dr. Jay Bhattacharya
21 from Stanford University and Sunetra Gupta from the
22 University of Oxford were in DC meeting with
23 Scott Atlas ^ and Health and Human Services as
24 secretary Alex Azar ^ ?

25 A. Yes.

1 Q. And then it goes on to say they were
2 promoting their new focus protection strategy;
3 correct?

4 A. That's what it says.

5 Q. And focus protection is a phrase used in
6 the Great Barrington Declaration; correct?

7 A. That's correct.

8 Q. Did you have any communications with
9 Gregg Gonsalves before he wrote this piece?

10 A. I don't recall. I might have. I don't
11 recall specifically having any communications with
12 Gregg before he wrote this. I might have, but I
13 don't know. It doesn't come out at me as something I
14 remember having a communication with him.

15 Q. Do you -- do you remember consulting --
16 him consulting with you or anyone at NIAID staff in
17 any way about his piece on this?

18 A. You know, I don't recall. It's possible,
19 but I don't recall.

20 Q. Do you know what Francis Collins was going
21 to do with this information? You're sending him
22 these articles refuting the Great Barrington
23 Declaration. What was his plan to do with them?

24 MR. KIRSCHNER: Objection. Speculation.

25 THE WITNESS: I don't know what his

1 plan -- I think he was getting back to a prior e-mail
2 that you showed me. He was wondering what the
3 community in general's response was to the Great
4 Barrington Declaration, and I believe, if I can
5 recall from a few moments -- minutes ago when he was
6 talking -- is anybody else refuting this premise?
7 That's one of the things he asked in an e-mail he
8 sent to me.

9 So I would imagine -- I'm trying to piece
10 it together -- that the things that I forwarded to
11 Francis were in response to his question "Is anybody
12 else refuting this premise?" And this looks like a
13 refutation that I forwarded to him on October 8th and
14 then on that same day what Gregg Gonsalves tweeted.
15 BY MR. SAUER:

16 **Q. Do you know if Francis Collins has any**
17 **contacts or acquaintances that work for social media**
18 **companies?**

19 MR. KIRSCHNER: Objection. Calls for
20 speculation.

21 THE WITNESS: I don't know of
22 Francis Collins's connection to any -- I don't know
23 of it. I mean, whether he does or not, I don't -- I
24 don't -- I have no knowledge of that.

25 BY MR. SAUER:

1 Q. Does he have social media accounts?

2 A. His office does. I think he tweets. I
3 have heard he tweets. Since I don't have a Twitter
4 account, I don't see tweets.

5 Q. Exhibit 45.

6 MR. KIRSCHNER: Yes.

7 (FAUCI Exhibit No. 45 was marked for
8 identification.)

9 BY MR. SAUER:

10 Q. Before we -- before we get to this
11 exhibit, has Dr. Collins ever discussed with you the
12 content of matters posted on social media that you
13 recall?

14 A. I'm sorry. What's the question again?

15 Q. Has Dr. Collins ever discussed with you
16 the content of speech posted on social media?

17 MR. KIRSCHNER: Objection. Ambiguous.

18 THE WITNESS: You know, I'm -- I'm not
19 sure.

20 BY MR. SAUER:

21 Q. Has he ever discussed with you any
22 communications that he or his staff has had with
23 social media companies?

24 A. Not specifically that I can recall. He
25 may have but, again, it's not something that rings a

1 bell with me that I would remember.

2 Q. Can you look briefly at the exhibit in
3 front of you, Exhibit 45?

4 A. Right.

5 Q. This is a Washington Post article dated
6 October 14th, 2020?

7 A. Right.

8 Q. And the headline is "Proposal to hasten
9 herd immunity to the coronavirus grabs White House
10 attention but appalls the top scientists"; correct?

11 A. Correct.

12 Q. If you go to the fourth paragraph on the
13 first page, Dr. Collins quoted in this article --

14 MR. KIRSCHNER: Again, I would ask for
15 Dr. Fauci to have an opportunity to familiarize
16 himself with this document.

17 THE WITNESS: Just give me a sec.

18 BY MR. SAUER:

19 Q. Do you see that -- the fourth paragraph on
20 the first page, where it says that, "A senior
21 administration official told reporters in a
22 background briefing called Monday that the proposed
23 strategy, which has been denounced by other
24 infectious disease experts and called, quote, fringe,
25 and, quote, dangerous by NIH director Francis

1 Collins."

2 Do you see that?

3 A. Yes.

4 Q. Did you consult with Dr. Collins before he
5 told the Washington Post that this was a fringe and
6 dangerous idea?

7 A. Yes.

8 MR. KIRSCHNER: Objection. Lack of
9 foundation.

10 THE WITNESS: Yeah. I'm not sure of the
11 connections because it's saying here, "which has been
12 denounced by other infectious disease experts and
13 called fringe and dangerous," whether Francis spoke
14 to Joel directly and said it was fringe and dangerous
15 or whether Joel was reporting on statements that
16 Francis Collins made not directly to him, but he may
17 have heard of statements that Francis made.

18 BY MR. SAUER:

19 Q. Why don't we flip ahead to page 4 of this
20 document -- 4 of 6 in the bottom left corner? You --

21 A. Four of 5.

22 Q. Page 4 of 5?

23 A. Got it.

24 Q. You see that third full paragraph?

25 There's a quotation from Dr. Collins that says, "What

1 I'm worried about with this is it's being presented
2 as a major alternative view that's held by large
3 numbers of experts in the scientific community."

4 That is not true, correct?

5 MR. KIRSCHNER: Objection. Lack of
6 foundation.

7 THE WITNESS: That's what this says.

8 BY MR. SAUER:

9 Q. And he goes on to say in the next
10 paragraph, "This is a fringe component of
11 epidemiology. This is not mainstream science. It's
12 dangerous." Correct?

13 MR. KIRSCHNER: Objection. Lack of
14 foundation.

15 THE WITNESS: Well, I'm reading the quote
16 from Dr. Collins.

17 BY MR. SAUER:

18 Q. Did he consult with you before he gave
19 that quote or made those statements to the Washington
20 Post?

21 MR. KIRSCHNER: Objection. Lack of
22 foundation.

23 THE WITNESS: I can't say for sure whether
24 he consulted with me or spoke to me about it. It was
25 clear how Dr. Collins felt about the premise of the

1 declaration. He felt that it was, in fact, an
2 ill-founded premise, and that it would be dangerous
3 because it would lead to the unnecessary infection,
4 sickness, hospitalization, and death of larger
5 numbers of people if you pulled back and let the
6 virus freely circulate, even if you tried to protect
7 targeted populations.

8 BY MR. SAUER:

9 **Q. Did he think it would be dangerous if**
10 **those communications were conducted on social media**
11 **platforms?**

12 MR. KIRSCHNER: Objection, speculative.

13 BY MR. SAUER:

14 **Q. To your knowledge?**

15 A. To my knowledge, I don't see a connection
16 here with what he's saying and things being spread on
17 social media, but perhaps, since a lot of things get
18 spread on social media, I'm sure that -- I'm not
19 sure, but that could have been something that he was
20 concerned about.

21 **Q. Did you ever discuss that with him, his**
22 **concerns about it circulating on social media?**

23 MR. KIRSCHNER: Objection. Asked and
24 answered.

25 THE WITNESS: You know, we've been down

1 that question before. And I said, "I'm not certain
2 at all."

3 I've had discussions with Dr. Collins a
4 few years ago about these issues and I don't know if
5 we discussed the implications of social media on it.

6 BY MR. SAUER:

7 Q. Did you become aware -- did he -- did he
8 let's do the next exhibit, 46?

9 (FAUCI Exhibit No. 46 was marked for
10 identification.)

11 BY MR. SAUER:

12 Q. On October 13th at 3:36 p.m., did
13 Dr. Collins send you and some others a link to the
14 Washington Post article that we just looked at?

15 A. The link on the bottom, is that the same
16 article? I don't know if it is. Let me see if the
17 link is the same. "COVID herd immunity 2020," yeah,
18 it looks like it's the link to the article that we
19 were referring to.

20 Q. So this is on October 13th, which would be
21 the day after -- or no -- strike that. So he e-mails
22 you and others and says, "My quotes in the article
23 are accurate but will not be appreciated in the White
24 House"; correct?

25 A. It says here, "My quotes are accurate, but

1 will not be appreciated in the White House."

2 Q. Did he discuss with you whether the White
3 House would approve the quotes he made about
4 the Great Barrington Declaration?

5 A. I don't recall him discussing whether they
6 would be appreciated or not, but he clearly states in
7 the e-mail to me -- is it to me? Yes, to me and
8 others -- that his quotes are accurate. Namely, that
9 he rejects the premise of herd immunity, but that
10 will not be appreciated in the White House.

11 Q. And you responded, "They are too busy with
12 other things to worry about this"?

13 A. Right.

14 Q. What you said was entirely correct?

15 A. Right.

16 Q. So was it your view at the time that the
17 Great Barrington Declaration was a fringe and
18 dangerous idea?

19 A. I'm not sure I would have categorized it
20 like that. I would say that the premise, I believe,
21 is invalid. And the invalid premise of
22 essentially letting the virus freely circulate under
23 the assumption which has already been proven to
24 be incorrect with the one million deaths that we've
25 had in the country, that the premise of allowing the

1 virus to freely circulate is a premise that is
2 invalid because it is not possible to
3 selectively protect all the vulnerable people.

4 **Q. Do you think --**

5 A. So I agree that the premise of the Great
6 Barrington Declaration is ill-founded and incorrect
7 and I'm joined by the overwhelming majority of
8 physicians, public health officials, and
9 epidemiologists.

10 **Q. Do you think it's nonsense?**

11 A. You know, you're putting words. It could
12 be nonsense. In fact, I believe that you're going to
13 show me an e-mail shortly in which I call it
14 nonsense, you know.

15 **Q. Why don't we go with that?**

16 A. Okay.

17 **Q. Exhibit 47.**

18 A. All right. Thank you.

19 (FAUCI Exhibit No. 47 was marked for
20 identification.)

21 BY MR. SAUER:

22 **Q. Is this a -- can you look at that?**

23 A. I see it.

24 **Q. Can you see this is an NBC News article**
25 **dated October 15, 2020.**

1 A. Correct.

2 Q. And the headline says, "Dr. Fauci says
3 letting the coronavirus spread to achieve herd
4 immunity is, quote, nonsense, and quote, dangerous."

5 Correct?

6 A. That is correct.

7 Q. Turn to the third page of the document in
8 the first full paragraph.

9 A. Right.

10 Q. You describe the view of letting everybody
11 get infected and then we'll have herd immunity. And
12 you say, "Quite frankly, that is nonsense and anybody
13 who knows anything about epidemiology will tell you
14 that that is nonsense and very dangerous." Correct?

15 A. That is correct.

16 Q. Were those the statements that you made at
17 the time?

18 A. That's the quote there. I have no reason
19 to believe that it's a misquote.

20 Q. Do you still believe that?

21 A. Do I believe that the Barrington
22 Declaration premise of letting the virus rip
23 through society and infect people, leading to their
24 illness, hospitalization, and death is nonsense and
25 dangerous? I still do.

1 **Q. Are you an epidemiologist?**

2 A. I'm an infectious disease person with some
3 pretty good experience in epidemiology.

4 **Q. Is Dr. Bhattacharya an epidemiologist?**

5 A. I don't know. I guess you'll have to look
6 up his credentials. I don't know precisely his
7 credentials.

8 **Q. How about Dr. Kulldorff?**

9 A. Again, I'm not familiar offhand with their
10 qualifications.

11 **Q. So your statement was made within two days
12 of Dr. Collins' statement?**

13 A. Right.

14 **Q. With the Washington Post; correct?**

15 A. Right.

16 **Q. Did you coordinate with making those
17 statements, discussing with each other that you were
18 going to make these statements criticizing the Great
19 Barrington Declaration, other than the e-mails you've
20 already seen?**

21 A. I don't believe so, but I don't -- no, I'm
22 not -- that's not our style to be coordinating
23 things. I don't know -- it's possible we discussed
24 it, depending on what your coordination is.

25 **Q. In this same time frame, did you become**

1 aware that the Great Barrington Declaration was being
2 censored in social media?

3 I'm not aware of anything being censored.
4 Like I said multiple times -- and I'll repeat it
5 again -- I don't follow what goes on on social media,
6 censoring or otherwise. That's not something that I
7 pay attention to.

8 (FAUCI Exhibit No. 48 was marked for
9 identification.)

10 BY MR. SAUER:

11 Q. Would you look at exhibit 48. And is this
12 an article from the website Spiked entitled, "Why has
13 Google censored the Great Barrington Declaration?"

14 MR. KIRSCHNER: Objection. Lack of
15 foundation.

16 THE WITNESS: The first page says: Why
17 has Google censored the Great Barrington Declaration?

18 BY MR. SAUER:

19 Q. Without going into details of the article,
20 were you aware that there were reports that Google
21 had deboosted the Great Barrington Declaration in the
22 search results. So if you search for it on Google,
23 the declaration itself would be buried in the results
24 and you would only get articles that were critical of
25 it, like for example, the Washington Post article

1 **that quoted Francis Collins and the NBC?**

2 MR. KIRSCHNER: Objection. Lack of
3 foundation and compound. Many compounds.

4 BY MR. SAUER:

5 **Q. Did you know about that?**

6 A. Could you repeat ^ the specific question.
7 Did I know about what?

8 **Q. Did you know about the fact that the Great**
9 **Barrington Declaration had been deboosted in people's**
10 **search results in the same time frame?**

11 MR. KIRSCHNER: Objection. Lack of
12 foundation.

13 BY MR. SAUER:

14 **Q. Did you know?**

15 A. I believe not. It is possible that
16 someone walking by the hall mentioned that to me.
17 But as I mentioned to you, I don't pay much attention
18 to what goes on in social media, and I certainly
19 would not have had this plop up on my radar screen so
20 I would say, "I can't say 100 percent," but it is
21 highly unlikely that I am aware -- was aware of, or
22 if I was, I paid any attention to this thing of
23 Google censoring the Great Barrington.

24 I don't pay attention to that whole
25 culture of social media censoring or not censoring.

1 I've said that maybe 50 times today. That's not what
2 I do.

3 Q. Let me ask you a new question then.

4 A. Sure.

5 Q. Are you familiar with the social media
6 platform Reddit?

7 A. Reddit?

8 Q. R-e-d-d-i-t?

9 A. I'm heard the that term, but --

10 Q. Are you aware that Reddit also censored
11 the Great Barrington Declaration, along with Google?

12 MR. KIRSCHNER: Objection. Lack of
13 foundation.

14 BY MR. SAUER:

15 Q. If you know.

16 A. Again, I'm not even sure what Reddit is,
17 and so I don't think I could be aware of its
18 censoring. If I did -- was aware at one time, I
19 certainly didn't register it as something that I
20 would want to remember.

21 Q. Have you ever heard of YouTube?

22 A. Have I ever heard of YouTube? Yes, I
23 have. There you go. I've heard of one thing, yeah.

24 Q. Were you aware that YouTube actually
25 amended its terms of service in October of 2020 to

1 clarify that it would remove content related to the
2 Great Barrington Declaration?

3 MR. KIRSCHNER: Objection. Lack of
4 foundation.

5 BY MR. SAUER:

6 Q. Do you know?

7 A. I don't know for sure whether someone
8 pointed that out to me, but, again, with the
9 repetitive theme that I keep saying if I was aware of
10 it, I would not have paid much attention to it.

11 Q. Exhibit 49.

12 (FAUCI Exhibit No. 49 was marked for
13 identification.)

14 BY MR. SAUER:

15 Q. This is a copy of YouTube's online site
16 admissions relations ^ policy. Have you ever seen
17 it before?

18 A. Not to my recollection, no.

19 Q. And on the second page, there's a kind of
20 rolling chronology. Do you see on the second page in
21 the far left it indicates 2020 in the middle?

22 A. Yeah.

23 Q. And then there's various links. So if you
24 go on to the third page, there's one from October
25 of 2020 called fighting misinformation?

1 A. Yeah.

2 Q. And that indicates in kind of one sentence
3 that they have updated their COVID-19 medical
4 misinformation policy in October of 2020; correct?

5 A. Correct. It looks that way.

6 Q. Exhibit 50.

7 (Dr. Fauci Exhibit No. 50 was marked for
8 identification.)

9 THE WITNESS: I'm sorry. What -- what was
10 the question? I didn't see any question.

11 BY MR. SAUER:

12 Q. Oh, I was -- now I was going to give you
13 what you get when you click on that. That's
14 Exhibit 50.

15 A. Okay.

16 Q. Did I slide over an extra copy to you?
17 Oh, no. Here it is. Sorry.

18 I take it you've never seen this sort of
19 document before either, Exhibit 50, the sort of
20 detailed version of the COVID-19 medical
21 misinformation policy that you're privy ^ to?

22 A. No. I don't recall ever seeing this
23 before.

24 Q. Can you go to Page 4 of 5, the fourth
25 bullet point from the bottom on the list of items

1 that YouTube does not allow on its platform, quote,
2 "Claims that achieving herd immunity through natural
3 infection is safer than vaccinating the population."

4 Do you see that?

5 A. I see it, yes.

6 Q. Is that a claim that paraphrases the
7 recommendations in the Great Barrington Declaration?

8 MR. KIRSCHNER: Objection. Speculative.

9 THE WITNESS: You know, I'm not sure. I
10 know that the Great Barrington Declaration promotes
11 the concept of herd immunity through natural
12 infection. I am not certain -- I don't recall if
13 they specifically mention that it's safer than
14 vaccinating the population. It might.

15 BY MR. SAUER:

16 Q. Did you have any knowledge of any update
17 to YouTube's terms of service in October of 2020 to
18 add that as a disfavored claim?

19 MR. KIRSCHNER: Objection. Asked and
20 answered.

21 BY MR. SAUER:

22 Q. Did you? Yes or no?

23 A. Not to my knowledge. It doesn't ring a
24 bell.

25 Q. Do you know of anyone who communicated to

1 YouTube about that topic?

2 A. Not to my knowledge.

3 Q. Exhibit 51.

4 (FAUCI Exhibit No. 51 was marked for
5 identification.)

6 BY MR. SAUER:

7 Q. This is Meta's online misinformation
8 policy, and I think we talked about earlier how Meta
9 is the company that --

10 A. Now I know what Meta is. We can proceed.

11 Q. It's Facebook and Instagram.

12 A. Yes. Okay.

13 Q. And the CEO of Meta is someone you're on a
14 first-name basis with, a man called Mark Zuckerberg;
15 is that correct?

16 MR. KIRSCHNER: Objection.
17 Mischaracterizes the evidence.

18 THE WITNESS: Yeah, right. I'm on a
19 first-name basis with a lot of people.

20 BY MR. SAUER:

21 Q. Apparently. Did you do some PSAs with
22 Mark Zuckerberg back in March of 2015?

23 A. I don't know --

24 Q. I'm sorry. March of 2020?

25 A. I'm not sure of the date, but I did some

1 Facebook PSAs encouraging people to get vaccinated
2 and answering questions about the virus.

3 Q. And in your interrogatory responses, you
4 identify 13 communications with Mark Zuckerberg
5 consisting of both e-mails and phone calls.

6 Do you recall that?

7 A. Interrogatories, when you and I were
8 talking -- what is he talking about?

9 MR. KIRSCHNER: Well, Dr. Fauci, I would
10 ask not to talk about -- about our communications.

11 THE WITNESS: Yeah. I'm not sure what you
12 mean by "interrogatory." What is that?

13 BY MR. SAUER:

14 Q. Did you prepare information in response to
15 written discovery requests in this case identifying
16 13 communications with Mark Zuckerberg during 2020?

17 MR. KIRSCHNER: Mr. Sauer, if you have a
18 document to show Dr. Fauci, I would ask that you
19 show --

20 THE WITNESS: Yeah, I'm not sure what
21 you're talking about. Interrogatory about -- show
22 me something, and I'll tell you.

23 BY MR. SAUER:

24 Q. Do you dispute that you had 13
25 conversations -- or communications with

1 **Mark Zuckerberg in 2020?**

2 A. I don't know how many I had. I do know
3 some time ago that of the many, many, many thousands
4 of e-mails of mine that were FOIA'd, that someone
5 mentioned that there were e-mails between Mark and I.
6 And I don't know how many there were so I can't
7 answer the question completely accurately.

8 Q. **Let me ask you this. Can you turn to**
9 **Page 4 of 12?**

10 A. And remind me what's this -- this is the
11 misinformation policy document of --

12 Q. **Meta.**

13 A. Meta, okay.

14 Q. **Page 4 of 12 under Roman II, harmful**
15 **health misinformation, there's a bullet in bold**
16 **saying "Misinformation about vaccines"; correct?**

17 A. Right.

18 Q. **And it says, "We remove misinformation**
19 **primarily about vaccines when public health**
20 **authorities conclude that the information is**
21 **false and likely to directly contribute to imminent**
22 **vaccine refusals"; correct?**

23 A. Correct.

24 Q. **Are you one of the public health**
25 **authorities whose conclusions Meta relies on when**

1 **they're deciding to remove information?**

2 MR. KIRSCHNER: Objection. Speculative.

3 THE WITNESS: I have no idea who the
4 public health authority is.

5 BY MR. SAUER:

6 **Q. Did you ever have a conversation with**
7 **Mark Zuckerberg where he told you that you're a**
8 **respected public health authority?**

9 A. Did I ever have a conversation with Mark
10 saying that I was a respected public health
11 authority?

12 **Q. Or something like that.**

13 A. My conversations with Mark are documented
14 on the PSAs that we have. I'm not sure whether he
15 said now I'm going to introduce the public health
16 authority. I'm not sure about that.

17 **Q. How about in the phone calls you had with**
18 **him?**

19 A. The phone calls, I believe, were related
20 to saying, you know, look forward to being on the PSA
21 with you. You got any questions about the technical
22 aspects of it or stuff like that. I don't think
23 there was anything more substantiative than that on
24 the e-mails.

25 **Q. Did anyone ever say to you that you're a**

1 public health authority that platforms like Meta and
2 Facebook and so forth would rely on in --

3 A. Not to my knowledge.

4 Q. If I may finish -- may rely on in
5 modulating content on their platform?

6 A. No, no. To my knowledge, I've never had
7 anyone mention me and my authority or my reputation
8 that has anything to do with influencing social media
9 platforms.

10 Q. After the Great Barrington Declaration was
11 published, did you ever communicate with anyone at
12 Stanford about it?

13 A. I don't recall. It's possible. Like I
14 say, I made thousands of phone calls and thousands of
15 e-mails. I may have, but I doubt it.

16 Q. Well, more generally, do you recall
17 communicating with anyone outside of the government
18 and aside from the reporters that quoted you about
19 the Great Barrington Declaration and its approach?

20 A. Outside of government, I don't know.
21 That's possible, but I don't recall.

22 Q. How about do you know a man named Dr. Phil
23 Pizzo or Pizzo? P-I-Z-Z-O --

24 A. I do. I do.

25 Q. Who is he?

1 A. Phil Pizzo is a pediatric infectious
2 disease expert who used to be at the NIH who then
3 went on to become the dean at the School of Medicine
4 at Stanford who now, I believe, is either dean
5 emeritus or professor emeritus at Stanford.

6 Q. And did you know him from his time at the
7 NIH?

8 A. I did.

9 Q. So you've known him for decades, then?

10 A. Yes.

11 Q. Did you ever contact him to discuss the
12 Great Barrington Declaration?

13 A. I don't recall. That's possible.

14 Q. Is it possible you had a conversation with
15 him about Dr. Jay Bhattacharya also at Stanford?

16 A. I don't recall.

17 Q. How about Lloyd Minor? Who's that?
18 Someone named Dr. Lloyd Minor?

19 A. I've heard the name. I -- it doesn't ring
20 a bell of any connection.

21 Q. How about Mark Tessier-Lavigne? Do you
22 know him?

23 A. Mark is the current president of Stanford.

24 Q. Did you ever have a conversation with him?

25 MR. KIRSCHNER: Objection. Vague.

1 THE WITNESS: Yeah. I don't know what you
2 mean by a conversation with him. He used to be at
3 the Rockefeller Institution. I had conversations --
4 scientific conversations with him, and I met him at
5 meetings.

6 So I'm not sure what you mean. Yeah, I've
7 had conversations with Mark, but I don't recall the
8 content of the conversation.

9 BY MR. SAUER:

10 Q. Have you ever discussed the Great
11 Barrington Declaration with him? Or --

12 A. Not my knowledge.

13 Q. How about the focused protection or herd
14 immunity approaches?

15 A. I don't recall. These are possible. It's
16 not ringing a bell when you're asking that question.

17 Q. How about any of the following names:
18 Harry Greenberg? Do you know him?

19 A. Harry Greenberg is the scientist who used
20 to be at the NIH and is still now at Stanford.

21 Q. Did you ever talk to him about focused
22 protection or herd immunity?

23 A. I doubt it. I can't say 100 percent, but
24 I doubt it. I don't recall discussing this issue
25 with these people, but it's possible it came up in a

1 discussion about something else, but I don't recall.

2 Q. How about Jack Rowe, R-o-w-e? Do you know
3 him?

4 A. I know Jack. I don't know him well. He
5 used to be the CEO of a medical center maybe in
6 New York. I'm not sure.

7 Q. Do you know a scientist with the last name
8 of Ioannides, I-o-a-n-n-i-d-e-s?

9 A. I've heard of him. I don't know him.
10 I've heard the name Ioannides, but I don't know him.

11 Q. Are you are familiar with a serial
12 prevalence study of people in Santa Clara County from
13 March of 2020? It was done by him and some others.

14 MR. KIRSCHNER: Objection. Vague.

15 THE WITNESS: No. It doesn't ring a bell.

16 BY MR. SAUER:

17 Q. So you don't remember there being a study
18 of the people in Santa Clara County early in the
19 pandemic to assess how widespread the virus already
20 was at that time?

21 A. Again, I get hundreds and hundreds of
22 studies that come across my desk. It is possible
23 that someone brought such a study to my attention,
24 but I don't specifically recall it.

25 Q. Exhibit 52.

1 MR. KIRSCHNER: What time are we at?

2 THE VIDEOGRAPHER: 5:41.

3 MR. KIRSCHNER: What exhibit number is
4 this?

5 MR. SAUER: 52.

6 (FAUCI Exhibit No. 52 was marked for
7 identification.)

8 BY MR. SAUER:

9 Q. Is this an e-mail from Greg Folkers to you
10 dated November 2nd, 2020?

11 A. Me to Greg, November the 2nd. Greg to me,
12 November the 1st.

13 Q. Gotcha. So on November 1st, he sent you
14 a list of articles and highlighted the three he found
15 most useful?

16 A. Right.

17 MR. KIRSCHNER: Is there a question,
18 Counsel?

19 BY MR. SAUER:

20 Q. Is that what he did in this e-mail?

21 A. It appears in this e-mail that he has sent
22 me, it looks like blanks maybe or at least titles of
23 articles -- let me read them -- see what connection
24 there is to the article.

25 (Reading.) "Herd Immunity, the false

1 premise of the herd immunity."

2 Yeah, there's a bunch of articles to --
3 from different scientific and lay press.

4 **Q. And these are all articles that are**
5 **critical of the herd immunity approach of the Great**
6 **Barrington Declaration; correct?**

7 A. Right.

8 **Q. Do you know why Greg sent you these?**

9 A. I don't recall. Greg would probably send
10 me something that I've asked for. So somehow, back
11 then, a couple of years ago, I asked for articles
12 concerning herd immunity and I believe he sent them.

13 **Q. Did you forward these on to Francis**
14 **Collins?**

15 **Sorry. Were you still talking?**

16 A. Yeah. I mean, I don't know. This would
17 be something Greg would do if I asked him to get some
18 articles for me. And looks like -- I likely -- and I
19 don't see the e-mail requesting them. I either
20 e-mailed him or called him up, or walked in his
21 office and said, "Get some articles on the issue of
22 herd immunity." Yes, so --

23 **Q. Did you ever communicate with the authors**
24 **of any of these articles about this topic?**

25 A. I don't recall. I'm looking at the people

1 here and I don't recognize the names, except for John
2 Barry and Gregg Gonsalves and ^^ Michelle -- some
3 people I know and I -- some people I've never heard
4 of. I don't recall if I communicated with any of
5 them about these articles.

6 Q. Which one do you know? Do you know John
7 Barry?

8 A. I know John Barry.

9 Q. And who else do you know?

10 A. All right. Let's go through the list.
11 John Barry.

12 I've been interviewed by Apoorva
13 Mandavilli and Sheryl Stolberg, two reporters for the
14 New York Times.

15 I've met Mark Lipschitz. I don't know him
16 well. I know Gregg Gonsalves, Carlos del Rio, and
17 Rochelle Walensky well.

18 Q. Did you communicate with any of those
19 people about the Great Barrington Declaration in any
20 connection?

21 A. I don't recall. I mean --

22 Q. Did you ever take any steps to ensure
23 there would be an online criticism of the Great
24 Barrington Declaration in any --

25 MR. KIRSCHNER: Objection. Asked and

1 answered.

2 THE WITNESS: I don't ever recall -- I
3 don't recall ever taking any steps to do anything
4 online or influence online criticism of them. I just
5 knew how I felt personally about the Great Barrington
6 Declaration and we already discussed that. I felt
7 that it was and is misguided and could lead to the
8 unnecessary infection, hospitalization, and death of
9 individuals if you follow the premise of the Great
10 Barrington Declaration.

11 BY MR. SAUER:

12 Q. Did you share that view with the people in
13 the media other than the ones we talked about?

14 A. I don't recall necessarily what I said to
15 people in the media, but my opinion of the nature of
16 the premise of the Great Barrington Declaration, I
17 believe, is reasonably well known and shared by a
18 very large number of scientists throughout the
19 country, as actually stated in some of these
20 articles.

21 Q. Are there large numbers of scientists who
22 disagree with your view, who signed the Great
23 Barrington Declaration?

24 MR. KIRSCHNER: Objection. Vague.

25 THE WITNESS: I haven't quantitated the

1 number of people. I haven't done a
2 quantitative study on the number of people who agree
3 with it. But I can tell you that I interact with a
4 lot of scientists in the country. And
5 overwhelmingly, they disagree with it.

6 BY MR. SAUER:

7 Q. Does that include the 15,000 who signed
8 it?

9 MR. KIRSCHNER: Objection. Argumentative.

10 THE WITNESS: Yes.

11 BY MR. SAUER:

12 Q. It does or does not?

13 A. I haven't even looked at the names of the
14 15,000 who signed it. A lot of people sign petitions
15 and are not fully aware of what the implications of
16 those petitions are.

17 Q. Exhibit 53.

18 (FAUCI Exhibit No. 53 was marked for
19 identification.)

20 BY MR. SAUER:

21 Q. Can you turn to the second page of this
22 e-mail chain on the bottom half? Do you see there's
23 an e-mail from someone at Twitter to a Carol Crawford
24 dated March 14th of 2020?

25 A. Right.

1 MR. KIRSCHNER: I would ask for Dr. Fauci
2 to be able to familiarize himself with this document.

3 THE WITNESS: I'm all confused. I don't
4 recognize anything on this piece of paper.

5 BY MR. SAUER:

6 Q. Could you just point to the part where I'm
7 pointing to where there's an e-mail from someone at
8 Twitter to a ^^ Carol Cross?

9 A. Right.

10 Q. And this other client is @anthonyfauci_
11 account. Correct?

12 A. Right. Yes.

13 Q. And the Twitter person says, "Hi CDC team.
14 A few folks have flagged this account to me wondering
15 if it's real or not. Is it a legitimate account?"

16 Do you see that?

17 A. Yes.

18 Q. And there's a reference to an Anthony
19 Fauci Twitter account; correct?

20 A. Right.

21 Q. And then if you go up above, you see Carol
22 Crawford on March 14th, the response I'm adding
23 someone at NIH and someone at HHS to verify that.

24 A. Right.

25 Q. And then if you go further up on the page,

1 **the NIH person, Scott Prince. Do you know him?**

2 A. No. I mean, it says here, "Deputy
3 director for public information." You know, I have
4 about six thousand employees work for me. I don't
5 recognize this name.

6 **Q. But he works in NIH?**

7 A. Yeah.

8 **Q. Is that fair to say?**

9 A. Yeah. He probably works in Building
10 1 which is the NIH director's office. Not my -- it
11 doesn't say NIAID, which means he doesn't work for
12 me.

13 **Q. And he e-mailed Twitter back, and said,**
14 **"Fake/Imposter handle," and then in all caps,**
15 **"Please remove, exclamation point, exclamation point,**
16 **exclamation point." Correct?**

17 A. That's what it says right here.

18 **Q. Were you aware that staff at the NIH were**
19 **communicating with Twitter about removing accounts**
20 **from Twitter because they were impersonating you?**

21 A. I don't -- I kind of vaguely recall that
22 there was a fake account of people using my name
23 under false pretenses. I'm not 100 percent sure what
24 they did about it. I'm sure that when they found out
25 that it was a false account, that they would want it

1 to be removed. I didn't say remove it. I believe I
2 have a communication staff that I'm sure, if they
3 found out it was a false and misleading account, that
4 they would want it to be removed.

5 Q. And would your communication staff contact
6 the social media platforms to have that false and
7 misleading content removed?

8 MR. KIRSCHNER: Objection. Speculative.

9 THE WITNESS: I don't know how they would
10 do it. Again, I said I don't pay attention to things
11 related to social media accounts.

12 BY MR. SAUER:

13 Q. Who's in your communication staff?

14 A. A lot of people.

15 Q. Can you name -- who's the leader of it?

16 A. Courtney Billet.

17 Q. Okay. Did you ever tell Courtney Billet
18 to communicate with a social media platform about
19 taking down an imposter account or fake account?

20 MR. KIRSCHNER: Objection. Asked and
21 answered.

22 THE WITNESS: I don't recall doing it, but
23 I assume, when Courtney found out that it was an
24 imposter handle, that she would have asked to take it
25 down herself, possibly without even telling me except

1 to say, "There's an imposter account on you. We'll
2 take care of it." Something like that.

3 BY MR. SAUER:

4 Q. Do you remember her having that
5 conversation with you?

6 A. I don't specifically remember it, but I
7 vaguely remember somebody mentioning something about
8 an imposter account. I didn't even know what
9 an imposter account was. And I likely would have
10 said, "Well, how can they do that?"

11 And I found out that people do
12 imposter accounts, so I don't get involved in
13 searching for them or doing anything about them. We
14 have an entire communication staff that worries about
15 that.

16 Q. To be clear, your entire communication
17 staff worries about things like false and misleading
18 accounts like this on social media?

19 MR. KIRSCHNER: Objection.
20 Mischaracterizes the evidence -- or the testimony.

21 THE WITNESS: My staff worries about me,
22 not other people's accounts and what's spread on
23 other people's -- they don't worry about -- they work
24 for me. They don't scour the social media looking
25 for things that may or may not be true.

1 BY MR. SAUER:

2 Q. Do they scour social media looking for
3 imposter accounts or ^ accounts --

4 A. I don't think they spend time looking for
5 them, but when someone like Lauren Duvall says, "Hey,
6 we have an Anthony -- @Anthony Fauci," and brings it
7 to the attention of the NIH, then they would
8 obviously be concerned about an imposter account.

9 Q. Turn to the first page. The HHS official
10 says, "Thanks, Lauren. Is there anything else you
11 can do to block other variations of his name from
12 impersonations so we don't have this occur again";
13 correct?

14 MR. KIRSCHNER: Objection. Speculative.

15 THE WITNESS: It says, "Thanks, Lauren."
16 They're trying to make sure that other people don't
17 impersonate me.

18 BY MR. SAUER:

19 Q. Correct.

20 A. I think impersonating me is a bad thing,
21 isn't it? I think so.

22 Q. Perhaps. If you go further up on
23 March 14th, it says -- the Twitter official responds,
24 "Will freeze this at -- @ handle and some other
25 variations so no one can talk on that"; correct?

1 A. That's what it says.

2 Q. So they would freeze a number of different
3 account handles to make sure that no one uses them to
4 impersonate you?

5 A. I don't know what this -- I don't know
6 what this statement means. I don't -- I know it says
7 will freeze the @ handle and some other variations of
8 the @ handle. I don't know what they're referring
9 to.

10 Q. Let's do another exhibit.

11 A. I think what they're trying to say
12 possibly is that someone is impersonating me and
13 that's a bad thing, and they're trying to stop it.

14 Q. Correct. Specifically they're trying to
15 stop it by removing accounts from the social media
16 platform Twitter; correct?

17 MR. KIRSCHNER: Objection. Speculative.

18 THE WITNESS: I'm not sure where you're
19 going with this, but I believe if someone is saying
20 they're Fauci and they're not, that that would
21 be disturbing to my communication staff.

22 BY MR. SAUER:

23 Q. Exhibit 54.

24 (FAUCI Exhibit No. 54 was marked for
25 identification.)

1 BY MR. SAUER:

2 Q. Can you look at the third page of this
3 e-mail chain? At the very bottom there's an e-mail
4 from someone called Nicole Burkholtz or Burkes.

5 Do you see that?

6 A. Nicole Berkowitz, yes.

7 Q. Do you know who she is?

8 A. I don't recognize the name.

9 Q. And if you look at this e-mail, if you
10 look up at the top of this e-mail, it looks like she
11 sent an e-mail to the NIH.gov list?

12 A. It looks that way, yes.

13 Q. Do you know what that list is?

14 MR. KIRSCHNER: Objection. Spec- --

15 BY MR. SAUER:

16 Q. F --

17 MR. KIRSCHNER: Sorry.

18 BY MR. SAUER:

19 Q. [REDACTED]@list.NIH.gov?

20 A. No, I don't know what that is. I mean, it
21 says "NIH.gov" so it has something to do with the
22 NIH, but I don't really know what [REDACTED]@list is.

23 Q. Third paragraph down in her e-mail there
24 she says, "Reason for the request, I have come across
25 a very misleading YouTube video titled "How to Kill

1 **Coronavirus" that because of the unfortunate**
2 **placement of the ad banner and the algorithm which**
3 **chose my ad makes it look like this is a CDC video on**
4 **COVID-19"; correct?**

5 MR. KIRSCHNER: Objection. Lack of
6 foundation, and I would ask for Dr. Fauci to have an
7 opportunity to familiarize himself with this
8 document.

9 THE WITNESS: Yeah. Let me read it. Hold
10 on.

11 BY MR. SAUER:

12 **Q. Do you see that reference?**

13 A. I don't know what this is. This looks
14 like a CDC thing. Let me read it carefully so that I
15 can answer your question.

16 Okay. So what's the question? I'm sorry.

17 **Q. Were you aware of someone -- or do you see**
18 **where she refer -- describes the content of the video**
19 **she's looked at as incredibly dangerous information?**

20 A. Yeah, and I want to make sure I'm not
21 confused. So she is an NIH -- who is she?

22 **Q. I think if you look at the next page,**
23 **she's identified as a communications lead for the**
24 **EPA. Do you see that?**

25 A. Where's that next page?

1 Q. The very next page. The one we're looking
2 at.

3 A. This one? EPA.gov.

4 Q. Yeah.

5 A. Environmental Protection Agency; right?

6 Q. Let me ask you this: Did you have any
7 knowledge of someone from the EPA consulting with an
8 NIH list to try and find a contact at social media to
9 have dangerous information taken out?

10 A. I don't have any recollection of any of
11 this.

12 Q. Let's move on to another exhibit.

13 A. I don't even know what you're talking
14 about.

15 (FAUCI Exhibit No. 55 was marked for
16 identification.)

17 BY MR. SAUER:

18 Q. Here's an e-mail chain from April of 2020.
19 Can you turn to the second-to-last page where there's
20 an e-mail from someone called Judith Lavelle of NIAID
21 sent to Facebook?

22 A. Yeah.

23 Q. And here -- do you know who Judith Lavelle
24 is?

25 A. She -- it says NIAID, NIH. So I'm the

1 director of NIAID. So she obviously works in my
2 multi-thousand-person institute. So maybe I've run
3 into her, and I don't know exactly what she does.

4 Q. And the next page it indicates she's a
5 technical writer editor in her signature block.

6 Do you see that?

7 A. Right. And she's located at Fishers Lane,
8 which is not the building that you and I are now
9 sitting in. So it is unlikely I would have run into
10 her.

11 Q. She's copied on this e-mail someone called
12 Jennifer Routh at the last CRC.^ Do you see that?

13 A. Yes.

14 Q. Who is Jennifer Routh?

15 A. Jennifer Routh is a member of my
16 communications staff.

17 Q. Is Judith Lavelle a member of your
18 communications staff?

19 A. Let me look. It says Judith Lavelle,
20 technical writer editor. So that would probably put
21 her in the communications staff.

22 Q. Okay. So she is on the communications
23 team?

24 MR. KIRSCHNER: Objection.

25 THE WITNESS: Well, that's what technical

1 writers generally fall under, the broad group of
2 communications all under Courtney Billet.

3 BY MR. SAUER:

4 Q. And she's e-mailed Facebook and said, "We
5 wanted to flag a few more fake Dr. Fauci accounts on
6 Facebook and Instagram for you." Do you see that?

7 A. Yes.

8 Q. And she says she's also reported them from
9 at NIAID and her personal Facebook account; correct?

10 A. Correct.

11 Q. And there's a list of about eight accounts
12 there in this e-mail?

13 A. Correct.

14 Q. And then if you flip to the next page,
15 there's another one called Dr. Fauci the hero where
16 she says, "I think this one may be fine as a fan page
17 but just as a reminder that it could have been more
18 clear"; correct?

19 A. That's what it says.

20 Q. So really you -- were you aware that, in
21 fact, your communications staff was flagging many
22 fake accounts from Facebook to have them removed?

23 A. I was not aware that they were flagging
24 many accounts, but from looking at this, they are
25 trying to get rid of fake accounts because fake

1 accounts are bad things, I believe.

2 Q. "They" are -- "they" are your
3 communications staff, right, when you say "they are
4 working to remove fake accounts"?

5 MR. KIRSCHNER: Objection.
6 Mischaracterizes testimony.

7 THE WITNESS: Yeah. I'm not sure what
8 you're saying or what you're getting at, but I'm
9 reading here that there are people that are using my
10 name falsely and creating fake accounts which people
11 in the communications staff saying that this is
12 troubling because they're doing things like selling
13 masks and doing things like that.

14 So I think that that would be kind of
15 appropriate for my communications staff to be
16 concerned when people are falsely impersonating me.
17 BY MR. SAUER:

18 Q. Are some of them parody accounts?

19 MR. KIRSCHNER: Objection. Speculative.

20 THE WITNESS: Who?

21 BY MR. SAUER:

22 Q. Parody.

23 If I may finish the question?

24 Are some of them parody accounts?

25 MR. KIRSCHNER: Objection. Speculative.

1 THE WITNESS: What is a parody account?

2 BY MR. SAUER:

3 Q. Someone pretending to be you in a way
4 that's ironic or making a point.

5 MR. KIRSCHNER: Again, objection.
6 Speculative.

7 THE WITNESS: I don't know what these are.
8 I just got a bunch of links to them. I'm not sure
9 what they are.

10 BY MR. SAUER:

11 Q. And there's one more. She sent a second
12 e-mail flagging one more -- apologies for one more in
13 the middle of that page. Do you see that?

14 A. Apologies for one more, right.

15 Q. And then the -- directly above that, the
16 Facebook person responds, "Hi, all, flagged this for
17 the fake accounts team and they have confirmed that
18 all but two accounts were removed for the
19 impersonation of Dr. Fauci"; correct?

20 A. Right. Right. Impersonation are bad
21 things.

22 Q. And bad things should be removed from
23 social media on your --

24 A. No. I mean, I think when someone says
25 they're me and they're not me, I think someone should

1 take a close look at that.

2 Q. Should someone take a close look at other
3 false statements on social media?

4 A. That's not my lane. I don't -- I never
5 get involved in that, nor do I concentrate on that,
6 so I don't have an opinion on that. Like I've told
7 you maybe now, I can repeat it for the hundredth
8 time, I really don't get involved in social media
9 issues.

10 Q. Do people on your communication staff get
11 involved in social media issues regarding false
12 information or misinformation?

13 A. Not to my knowledge.

14 Q. If I may finish my question.
15 Other than impersonation accounts?

16 MR. KIRSCHNER: Objection. Speculative.

17 THE WITNESS: To my knowledge, they don't
18 get involved in trying to influence social media in
19 any way. But when someone impersonates me, I think
20 it's totally appropriate for them to be concerned
21 about that.

22 MR. KIRSCHNER: And after this, can we
23 take a break?

24 MR. SAUER: Why don't we do that now?

25 THE VIDEOGRAPHER: The time is 3:39 p.m.

1 and we are going off the record.

2 (Recess.)

3 THE VIDEOGRAPHER: The time is 3:55 p.m.

4 and we're back on the record.

5 BY MR. SAUER:

6 Q. Dr. Fauci, do you know Sylvia Burwell?

7 A. I do.

8 Q. Who's that?

9 A. Sylvia Burwell is the former Secretary of
10 the Department of Health and Human Services and the
11 current president of American University.

12 Q. Did she e-mail you in February of 2020
13 asking whether she should wear a mask if she was
14 traveling in an airport in the early stages of the
15 pandemic?

16 MR. KIRSCHNER: Objection. Speculative.

17 THE WITNESS: Sylvia has, over the past
18 couple of years, asked me advice about personal
19 safety during the COVID-19 pandemic.

20 BY MR. SAUER:

21 Q. And in particular, in February of 2020,
22 did she e-mail you and say, "I am traveling to --
23 redacted -- folks are suggesting I take a mask
24 through the airport. Is this something I should do?"

25 MR. KIRSCHNER: Objection. Lack of

1 foundation.

2 THE WITNESS: You know, I don't recall
3 specifically that. I -- I do know that Sylvia has
4 called me over the last couple of years asking me
5 questions about health. I don't specifically recall
6 that.

7 BY MR. SAUER:

8 Q. Do you recall writing this in response:
9 "Masks are really for infected people to prevent them
10 from spreading infection to people who are not
11 infected, rather than protecting uninfected people
12 from acquiring infection. The typical mask you buy
13 in the drugstore is not really effective in keeping
14 out virus, which is small enough to pass through
15 material. It might, however, provide some slight
16 benefit in keep out gross droplets if someone coughs
17 or sneezes on you. I do not recommend that you wear
18 a mask, particularly since you're going to a low risk
19 location."

20 Do you recall writing that?

21 MR. KIRSCHNER: Objection. Lack of
22 foundation.

23 THE WITNESS: I vaguely recall talking to
24 her about certain safety issues regarding masks.

25 BY MR. SAUER:

1 **Q. Do you specifically recall recommending**
2 **that she not wear a mask as she's traveling --**

3 A. If that's an accurate -- I mean, you're
4 asking if I recall?

5 **Q. Yeah.**

6 A. I don't recall. I mean, these things --
7 thousands of things happen. If you show me an e-mail
8 that has my name and the proper identification and I
9 said that, I would not argue with you. It would not
10 be out of the question that at that time in the
11 outbreak, I would have said that.

12 **Q. In fact, you made several statements that**
13 **are similar to that at that time frame; fair to say?**

14 A. Yeah.

15 **Q. Saying that masks are not effective --**

16 A. Yeah.

17 **Q. -- in keeping out the virus, and I don't**
18 **recommend you wear masks, in February of 2020?**

19 A. Yeah, in the very early months prior to
20 our understanding of the virus and its modality of
21 transmission, I, the surgeon general, and the CDC
22 were not recommending masks for people for three
23 reasons. I'd be happy to tell you those three
24 reasons.

25 **Q. Please do.**

1 A. The three reasons are as follows: There
2 was this understanding and discussion that the best
3 masks that we used in hospitals were in short supply,
4 and if people did a run on masks and bought them all,
5 that masks would not be available for the people in
6 the medical community who needed them; point number
7 one.

8 Point number two, there was no evidence at
9 the time or any studies that showed outside of the
10 medical environment, i.e., in a hospital or in an
11 ICU, that masks actually worked in protecting
12 transmission or acquisition. At the time, there were
13 no studies. And thirdly, we were not aware at the
14 time that 50 to 60 percent of the transmission occur
15 from someone who is without symptoms, either someone
16 who never will develop symptoms or someone who is in
17 the presymptomatic stage.

18 So based on those three considerations,
19 both myself, the surgeon general, and the CDC were
20 saying you really don't need to wear masks. Then
21 things changed. Three things changed: A, it was
22 clear that there was not a shortage, and that if
23 people wore masks, they would not be taking masks
24 away from the medical community. Two, it became
25 clear that there was an asymptomatic spread of --

1 of -- of virus where people walking around not
2 knowing they're infected were spreading virus. And
3 then three, it became clear -- let me see. It was
4 three? There was asymptomatic spread -- oh.
5 Evidence began accumulating that masks actually
6 work in preventing acquisition and transmission.

7 So the three reasons that I might have
8 said and did say -- if that is correct -- that you
9 don't need to wear a mask now, particularly in a low
10 risk situation, the basis for those statements
11 dramatically changed over a period of time, which
12 then made me be a very vocal proponent of wearing
13 masks.

14 Q. And you became a vocal proponent as soon
15 as April 3rd of 2020 -- correct -- when you joined a
16 universal recommendation --

17 A. Right.

18 Q. -- a recommendation for universal masking;
19 correct?

20 A. I'm not sure of the dates, why --

21 Q. How many studies were done between
22 February of 2020, when you e-mailed Ms. Burwell and
23 told her that "the typical mask you buy in the
24 drugstore is not really effective in keeping out
25 virus, which is small enough to pass through the

1 material," between when you said that and April 3rd
2 of 2020, what studies were done of the efficacy of
3 masks --

4 A. Yeah.

5 Q. -- in preventing the spread of -- of
6 COVID-19?

7 MR. KIRSCHNER: Objection. Speculative.

8 THE WITNESS: I could find those and --
9 and get them for you, but I don't have them in my
10 fingertips right now.

11 BY MR. SAUER:

12 Q. Who'd you consult with about the efficacy
13 of masks during that time period? Who'd you talk to
14 in the government about it?

15 A. I don't recall who I spoke to.

16 Q. Did your opinion on masking change based
17 on new information and new scientific evidence that
18 came forward?

19 A. I believe it did, yes.

20 Q. Was there disputes about the efficacy of
21 masking at that time?

22 MR. KIRSCHNER: Objection. Vague.

23 BY MR. SAUER:

24 Q. For example, on March 31st, 2020, where
25 you forwarded a -- a study showing that masking is

1 **ineffective; a review of masking on March 31st, 2020**
2 **that said there was no evidence that masks works --**
3 **that masks worked?**

4 MR. KIRSCHNER: Objection. Lack of
5 foundation.

6 THE WITNESS: Yeah, I don't recall that,
7 so I'm not able to answer that accurately, I believe.

8 BY MR. SAUER:

9 **Q. Is it important for that kind of**
10 **development of your view that you had access to both**
11 **sides of that debate?**

12 MR. KIRSCHNER: Objection. Lack of
13 foundation. Vague.

14 THE WITNESS: You always have access to
15 both sides of the debate.

16 BY MR. SAUER:

17 **Q. Do you? In science, do you always have**
18 **access to both sides of the debate?**

19 A. Most of time.

20 **Q. Is that important for people --**

21 A. Yeah.

22 **Q. -- to have access to both sides of the**
23 **debate?**

24 A. Yeah, and then you make a decision based
25 on your judgment based on the preponderance of the

1 correct data.

2 Q. Right. And so you would look at the
3 studies --

4 A. Yeah.

5 Q. -- that come one way --

6 A. Yeah.

7 Q. -- or the opinions --

8 A. Sure.

9 Q. -- one way and look at the studies that go
10 the other way? Is that --

11 A. Yeah, but often there are studies that
12 when you subject them to proper physical statistical
13 analysis, that the conclusions don't hold up; that
14 happens often. So you've got to be careful when
15 you're looking at one study versus another that it
16 goes through the proper statistical analysis and
17 there's proper design.

18 Q. Part of the reason that you recommended
19 against masking in February was to avoid too many
20 people going out and buying masks to ensure that they
21 were available for --

22 A. That was one of the reasons, yes.

23 Q. -- to be available for healthcare
24 providers; correct?

25 A. That was one of the reasons is that we

1 were told multiple times at the coronavirus task
2 force meeting, that there was a shortage of masks,
3 and that if, in fact, there was a run on the purchase
4 of masks, that that could potentially lead to a
5 shortage for the healthcare providers that really
6 needed them.

7 Q. So the recommendation you gave as to masks
8 was motivated in part by not wanting people to go out
9 and -- and buy a bunch of masks, so that the people
10 who really needed them wouldn't have them?

11 A. That was one of the considerations that
12 was discussed at the coronavirus task force, that
13 there was a shortage of masks, which led to a lot of
14 activities of trying to increase the supply of masks,
15 either by importing them because many of the masks
16 were made outside of the United States, increasing
17 production of masks, or using alternative masks, such
18 as cloth masks. So the -- the discussion, the
19 dialogue -- the discussion at the time was that there
20 is a shortage of masks. We were trying desperately
21 to get masks as well other personal protective
22 equipment into the country, and there was a concern
23 that there was a shortage of them. That was one of
24 the considerations which went into a lack of
25 promoting, go out and buy masks and wear masks.

1 **Q. Were there placebo-based, randomized,**
2 **double-blind studies of the efficacy of masking that**
3 **were done between February and April of 2020?**

4 A. I don't recall. I'd have to go back and
5 take a close look at the literature. I don't recall.

6 **Q. Have you seen any studies that contradict**
7 **the efficacy of masking?**

8 A. There were some studies early on -- I
9 don't know the dates of them -- that made the
10 statement that masks were not effective. When those
11 studies were subject to statistical scrutinization,
12 they were felt to be not definitive.

13 Subsequent to that time, there have been
14 studies to indicate that in situations where mask
15 wearing was compared to not mask wearing, that masks
16 clearly have an effect.

17 **Q. In a situation like this, a debate about**
18 **the efficacy of mask wearing, is it important for**
19 **people to have access to both sides of the debate but**
20 **to propose -- to expose the different viewpoints**
21 **reflected in the debate?**

22 MR. KIRSCHNER: Objection. Argumentative.

23 BY MR. SAUER:

24 **Q. Is it important?**

25 A. Is it important for people? I think it's

1 important for people to have all of the information
2 that's available.

3 Q. And so they can assess what's good
4 information and what's bad information?

5 A. Yeah. Well, you know, it depends. If
6 information is clearly inadequate and statistically
7 not sound, there can be a danger in people who don't
8 have the ability or the experience of being able to
9 understand that it's a flawed study, that that's when
10 the literature is self-correcting. Science is
11 self-correcting.

12 So if you have something that makes a
13 certain statement based on data that isn't
14 statistically significant, that often there are
15 studies that come out and examine that and do
16 proper statistical analysis to try and get the real
17 truth of what the data are showing.

18 MR. SAUER: Can you give the witness
19 Exhibit 56?

20 (FAUCI Exhibit No. 56 was marked for
21 identification.)

22 BY MR. SAUER:

23 Q. It's right there. We marked it before the
24 break.

25 Here's an e-mail chain from October

1 of 2020. Do you see that at the top?

2 A. October 30th, 2020, from Jen Routh?

3 Q. Yeah, and she's on your communications
4 team; is that right?

5 A. Correct.

6 Q. And she's e-mailing with people -- some
7 people from -- with Google.com e-mail addresses in
8 the "to" line?

9 A. Yeah. There's Google, yeah.

10 Q. And then she's copying Courtney Billet,
11 who is the head of your communications team; correct?

12 A. Correct.

13 Q. And the second page of this e-mail, can
14 you turn to that? There's an e-mail from -- that --
15 this chain begins with an e-mail from a Sandra Sitar
16 from NIAID; correct?

17 A. Right.

18 Q. Do you know who she is?

19 A. It says director of communications,
20 clinical trials program, VRC. I don't recognize the
21 name, but the signature block indicates she is part
22 of the vaccine research center at NIAID.

23 Q. And she's e-mailing Jen -- Jennifer Routh
24 saying, "As I mentioned, Jan and the Google team are
25 hoping to connect on vaccine communications,

1 specifically misinformation."

2 Do you see that? It's the second full
3 paragraph on this page.

4 MR. KIRSCHNER: Objection. Lack of
5 foundation. Mischaracterizes the evidence.

6 BY MR. SAUER:

7 Q. Do you see where Sandra writes that Jen
8 and the Google team are hoping to connect on vaccine
9 communications, specifically misinformation?

10 A. I'm reading it, yeah.

11 Q. Did your communications team communicate
12 with the Google, YouTube team about vaccine
13 misinformation?

14 MR. KIRSCHNER: Objection. Speculative.

15 THE WITNESS: Not to my knowledge. I
16 don't -- I don't know if they did. I have no
17 knowledge that they did.

18 BY MR. SAUER:

19 Q. Page before this, go to the first page;
20 e-mailing from the Google person, says, "Hi, Sandra
21 and Jen, thank you so much for reaching out. It
22 would be great to find a time early next week for a
23 quick call on vaccine communications."

24 Do you know if your team had that call in
25 October 30th of 2020 or thereabouts with Google about

1 vaccine communications?

2 MR. KIRSCHNER: Objection. Speculative.

3 BY MR. SAUER:

4 Q. Do you know?

5 A. Not to my knowledge.

6 Q. Did you --

7 A. I don't recall that, no.

8 Q. Did you authorize them to talk to Google
9 about vaccine communications including
10 misinformation -- or, actually, specifically
11 misinformation?

12 A. That would be unlikely that I would
13 authorize or not authorize someone to do that, again.

14 Q. You don't believe you authorized your
15 communication team to communicate with Google about
16 vaccine misinformation?

17 A. When you say "authorize," I'm -- it
18 doesn't work -- it doesn't work that way in the
19 institute. The communication team would -- if they
20 were going to do it, they would do it.

21 Q. Okay. So they would just do this on their
22 own to the extent they did it?

23 A. Yeah. I don't think that they would need
24 my permission to communicate with people. That's --
25 that's their job.

1 Q. And then Jan -- sorry -- Jen Routh then
2 looped in Courtney Billet, who's the head of your
3 communications team; correct? At the very top of the
4 e-mail?

5 MR. KIRSCHNER: Objection. Speculative.

6 BY MR. SAUER:

7 Q. Where it says, "Hi, Jen, I'm adding
8 Courtney Billet, Director of the Office of
9 Communications and Government Relations at NIAID" --

10 A. Right.

11 Q. -- "to talk about vaccine communications."
12 She's -- Courtney Billet is the director of your
13 whole communications team; right?

14 A. Right. Yes, she is.

15 Q. And you never discussed with her having
16 communications with Google about vaccine
17 misinformation?

18 MR. KIRSCHNER: Objection. Asked and
19 answered.

20 THE WITNESS: I don't recall having
21 specific conversations with Courtney about
22 communicating with Google.

23 BY MR. SAUER:

24 Q. Exhibit 57.

25 (FAUCI Exhibit No. 57 was marked for

1 identification.)

2 (Discussion off the record.)

3 BY MR. SAUER:

4 Q. Just briefly, if you look at the second
5 page of this exhibit, do you see an e-mail from
6 someone called Clarke Humphrey?

7 A. Clarke Humphrey, July 2021. Okay.

8 Q. The second page -- do you know who
9 Clarke Humphrey is?

10 A. She -- Clarke, I believe, is one of the
11 communications people at the White House.

12 Q. And she e-mailed to -- at Facebook in July
13 of 2021 saying, "Hi there, any way we can get
14 this pulled down? It is not actually one of ours,"
15 with a link to an Instagram account called
16 Anthony Fauci official; correct?

17 A. It says, "Subject: Deactivating the fake
18 Fauci IG," which I would imagine is Instagram. I
19 don't know if that's what that is.

20 Q. Were you aware that the White House was
21 communicating with Facebook to have accounts with
22 your name taken down?

23 A. The only thing I remember is someone
24 mentioning that there's fake stuff impersonating me
25 going on. I don't specifically recall who

1 specifically was asked to address that problem of
2 people impersonating me, but I know that there was
3 some talk. Someone mentioned to me in my group that
4 there's an impersonation of you going on out there.

5 I don't recall anything specific except
6 that they're obviously trying to do something about
7 it.

8 Q. And, in fact, they succeeded, it looks
9 like, where Carrie Adams says, "This account has been
10 removed. Thank you for flagging," in the second
11 e-mail on the first page. Do you see that?

12 A. "This account has been removed. Thank you
13 for flagging." So they removed a spurious, fake
14 account, which I think was a good thing --

15 Q. At the request of the --

16 A. -- because those accounts are bad.

17 Q. At the request of the White House?

18 MR. KIRSCHNER: Objection. Speculative.

19 BY MR. SAUER:

20 Q. Or Clarke Humphrey, the digital director
21 for the White House?

22 Is that your understanding of that e-mail?

23 MR. KIRSCHNER: Objection. Speculative.

24 THE WITNESS: I wasn't even know you were
25 asking me questions. Clarke Humphrey is at the White

1 House, and there was communication that there was a
2 fake, impersonating Fauci Instagram that was
3 deactivated.

4 BY MR. SAUER:

5 Q. Can you look at Exhibit 58?

6 (FAUCI Exhibit No. 58 was marked for
7 identification.)

8 THE WITNESS: Okay.

9 BY MR. SAUER:

10 Q. Here is an e-mail chain between people at
11 Google and people at the CDC that include
12 Carol Crawford; correct?

13 A. Hold on. Carol Crawford of the CDC;
14 right? So I'm -- there's a bunch of e-mails here.
15 So what -- what do you want -- you want me to read
16 this and then you'll ask your question or --

17 Q. No. I just want to ask you on the first
18 page, do you see there's an e-mail from
19 Catherine Jamal of the CDC; right?

20 A. Right.

21 Q. And she's sending it to two people at
22 Facebook and copying Carol Crawford; correct?

23 A. Copy Carol Crawford, yes.

24 Q. And it says -- the subject is:
25 Ivermectin questions for the CDC; correct?

1 A. Correct.

2 Q. And in that e-mail, this -- Ms. Jamal
3 notifies -- or gives Facebook the CDC's position on
4 three claims: The claim that ivermectin --
5 ivermectin is effective in treating COVID with the
6 answer that that is not accurate; correct? That's
7 the first item.

8 A. That's Item Number 1. That's what it
9 says: Ivermectin is effective in treating COVID.
10 And, I believe -- is this what the CDC said, "Answer
11 is not accurate"? I would imagine that that's what
12 they typed in.

13 Q. Yeah, and if you look at each of those --

14 A. Yeah.

15 Q. -- what they're citing for their claim
16 that ivermectin -- the claim about ivermectin's
17 effectiveness is not accurate --

18 A. Right.

19 Q. -- is they link to something from the NIH;
20 correct?

21 MR. KIRSCHNER: Objection. Speculative.

22 THE WITNESS: I see a guideline that says:
23 Practice guideline, COVID-19 guideline, treatment
24 management.

25 BY MR. SAUER:

1 Q. And do you see something before that or
2 nearly before that where it says: Ivermectin
3 COVID-19 treatment guidelines, and then in
4 parentheses NIH.gov?

5 A. Yeah.

6 Q. Were you aware that the CDC citing NIH
7 provided information to debunk claims about efficacy
8 of ivermectin to Facebook?

9 MR. KIRSCHNER: Objection. Lack of
10 foundation.

11 BY MR. SAUER:

12 Q. Were you aware?

13 A. I was -- I was not aware of this, but this
14 is not surprising. Just a second somebody is -- just
15 let me --

16 I was not aware, but it's not surprising
17 that organizations, including the CDC, would use the
18 treatment guidelines of the NIH, which is, as I
19 mentioned before in a prior question you asked me,
20 it's a group of, you know, up to 40 people who are
21 infectious disease experts from throughout the
22 country, usually the chiefs of infectious diseases at
23 various medical centers throughout the country. So
24 it's not at all surprising that when people want to
25 find out what the latest documented information and

1 clinical opinions among the top infectious disease
2 people, that they would refer to or access the
3 treatment guidelines.

4 Q. Would it be surprising if the social media
5 platforms also relied on the public statements of
6 someone like yourself on matters of health policy for
7 their own decisions?

8 MR. KIRSCHNER: Objection. Speculative.

9 BY MR. SAUER:

10 Q. You just said it would not be surprising
11 if they relied on the published NIH guidelines --

12 A. Right.

13 Q. -- to debunk --

14 A. Right.

15 Q. -- ivermectin claims. Would it be
16 surprising if they relied on public statements by
17 Dr. Fauci about the efficacy of --

18 A. I don't think that --

19 Q. -- ivermectin?

20 A. I don't think that would have as much
21 weight as the measured, scholarly analysis of
22 hundreds of articles that the treatment guideline
23 panel -- so the weight of the opinion of 30 to 40
24 infectious diseases experts would likely carry
25 considerably more weight than the statement by an

1 individual physician or scientist.

2 Q. Multiple times today you've characterized
3 your opinions as reflecting and reporting on the
4 consensus of that 40 scholars --

5 A. Right.

6 Q. -- and if you make a public statement, is
7 it surprising if social media platforms take your
8 public statement and view it as reflecting knowledge
9 of that kind of consensus of government experts or
10 public health authorities?

11 MR. KIRSCHNER: Objection. Speculative.
12 Compound.

13 THE WITNESS: Yeah, I'm not -- it's a
14 convoluted question. I'm not sure really what the
15 point you're making.

16 BY MR. SAUER:

17 Q. Exhibit 59.

18 A. Yeah.

19 Q. Have ever heard of -- sorry.

20 (FAUCI Exhibit No. 59 was marked for
21 identification.)

22 BY MR. SAUER:

23 Q. Have you ever heard of Alex Berenson?

24 A. I've heard of him. I'm not sure -- I'm
25 trying to remember what context, but now you've put

1 this in front of me, and it -- it's the person who
2 says that the White House demanded Twitter ban -- ban
3 me months before the company did so. I had never
4 heard of who Alex Berenson was before this, but -- I
5 mean, not before this but I had heard that there was
6 an issue that he was complaining that he was being
7 banned. I don't even know who -- who he is.

8 **Q. What -- what issue did you hear about?**

9 A. I think he was complaining that he was
10 being muzzled or something. I -- something like
11 that. Again, I don't pay attention to these social
12 media things of people getting banned or impeded or
13 what have you. That's not an interest of mine.

14 **Q. Can you look at the second paragraph of**
15 **this document, Exhibit 59?**

16 A. Yes.

17 **Q. See how it says -- you know, in this**
18 **subset post by Alex Berenson, he says, "In a White**
19 **House meeting in April 2021, four months**
20 **before Twitter suspended my account, the company**
21 **faced one really tough question about why Alex**
22 **Berenson hadn't been kicked off the platform."**

23 **Do you recall -- you were the White House**
24 **chief medical advisor in April of 2021; correct?**

25 A. Yes.

1 Q. Do you recall any communications or
2 discussion of Alex Berenson, as a vaccine critic,
3 being on Twitter, or being booted off Twitter?

4 A. I don't recall that, no.

5 Q. Do you remember -- were you aware of any
6 meeting between -- do you know who Andy Slavitt is or
7 Slavitt?

8 A. Andy Slavitt for a relatively small period
9 of time was a part of the coronavirus team. He was
10 at the White House a fair amount, and then he left,
11 and I forgot where he went, but he was with the group
12 at the White House for a few months.

13 Q. How about Rob Flaherty? Do you know who
14 that is?

15 A. No. I know Andy Slavitt. I don't know
16 Rob Flaherty.

17 Q. Do you know who the digital director is at
18 the White House, coronavirus response team?

19 A. Digital? I thought that was Clarke, or
20 maybe Clarke reports to the director.

21 Q. Let me ask you this: Were you aware of a
22 meeting between Andy Slavitt, Rob Flaherty, and
23 people at Twitter in April of 2021 to discuss vaccine
24 misinformation?

25 MR. KIRSCHNER: Objection. Lack of

1 foundation.

2 BY MR. SAUER:

3 Q. Were you aware of it?

4 A. I don't recall. I mean, you're bringing
5 it up. It doesn't ring a bell that I was aware of
6 it.

7 Q. Can you turn to the third page of this
8 document? At the very bottom, in the Twitter
9 employee Slack message thread, it says: Andy
10 Slavitt -- it says, "They really wanted to know about
11 Alex Berenson"; the very bottom post. Do you see
12 that?

13 A. Yes.

14 Q. And then it says, "Andy Slavitt suggested
15 they had seen data viz that had showed he was the
16 epicenter of the disinfo that radiated outwards to
17 the persuadable public."

18 Do you see that?

19 A. Yeah.

20 Q. Were you aware of any discussions of
21 someone on Twitter who was, you know, an epicenter of
22 disinformation radiating outward to the
23 persuadable public about vaccines?

24 MR. KIRSCHNER: Objection. Lack of
25 foundation.

1 THE WITNESS: You know, you're asking me
2 if I was aware of -- I mean, there was always talk
3 about misinformation and disinformation. I'm not
4 aware of any connection, to my memory. Maybe someone
5 casually mentioned it of -- you know, I don't even
6 know the connection, whether An -- Berenson was --
7 no. I mean, this does -- this does not ring a bell
8 to me, to be honest with you.

9 BY MR. SAUER:

10 Q. Well, do you remember any discussions more
11 generally of misinformation and disinformation on
12 social media leading to vaccine hesitancy?

13 A. You know, there's a lot of different
14 discussions about misinformation. You're making a
15 connection between misinformation and something about
16 social media. It's all blob about misinformation.

17 Q. Well, let's take the whole blob. What
18 sort of discussions were there about misinformation?
19 You say there's discussions about --

20 A. Well, I'll give you an example.

21 Q. Yeah, that'd be great.

22 A. The misinformation that Bill Gates and I
23 put a chip in the vaccine to monitor people, and,
24 therefore, people should not get vaccinated. I think
25 that falls under the category of disinformation.

1 Q. Or misinformation if people honestly --

2 A. No, this is dis --

3 Q. Okay.

4 A. Because I didn't put a chip, so this dis.

5 Q. I think they're both false -- right -- mis
6 and dis are both incorrect --

7 A. Yeah, yeah --

8 Q. -- under your definition.

9 A. Yeah, but --

10 Q. You testified to earlier --

11 A. Yeah, right, but the disinformation --

12 MR. KIRSCHNER: Please let the witness
13 finish.

14 THE WITNESS: Yeah, but the disinformation
15 is when you deliberately get -- propagate information
16 that you know to be true.^ there's no evidence
17 because it isn't true that I put a chip in the
18 vaccine. So I think that qualifies as
19 disinformation.

20 BY MR. SAUER:

21 Q. Were there discussions of that with your
22 colleagues at the White House about that particular
23 issue of trying to stop the spread of that kind of
24 disinformation?

25 A. No, no, I -- you know, you just said

1 something important. I never engaged in any
2 discussion about stopping the spread. It just was
3 been disconcerted that there's so much disinformation
4 going on out there. I don't recall, to my knowledge,
5 that I got involved in any discussions about stopping
6 or blocking things.

7 **Q. So your testimony is that you were never**
8 **involved in any discussions about stopping the spread**
9 **of disinformation --**

10 A. Not -- no.

11 **Q. If I may finish the question. So your**
12 **recollection is that you have never been involved in**
13 **any discussions about stopping the spread of**
14 **disinformation, whether on social media or elsewhere?**

15 A. I don't recall. Someone may have
16 mentioned that we should be stopping misinformation,
17 but I don't recall specifically that I was involved
18 in interfering with the dissemination, not to my
19 recollection. Like I said, someone may have made a
20 mention of that, but I didn't put it squarely on my
21 radar screen.

22 (FAUCI Exhibit No. 60 was marked for
23 identification.)

24 BY MR. SAUER:

25 **Q. If you'd look at Exhibit 60, is this a**

1 report from The Hill dated July 11th of 2021?

2 A. Yes.

3 Q. And if you turn to -- it reports on some
4 of your public comments on a Sunday talk show --
5 correct -- I think on CNN State of the Union?

6 MR. KIRSCHNER: I would ask for the
7 witness to be able to familiarize himself.

8 THE WITNESS: I have to -- I have to read
9 this before I make any comments, so I'm going to read
10 the whole thing.

11 BY MR. SAUER:

12 Q. You'll see there at the top of the second
13 page of the document --

14 A. Yes.

15 Q. Where it says, "Fauci was responding to a
16 clip of conservative author Alex Berenson, who spoke
17 at CPAC on Saturday"; correct?

18 A. Correct.

19 Q. Does that jog your memory as to who
20 Alex Berenson is?

21 A. It does jog my memory to who he is because
22 at that time, they were talking about this CPAC where
23 people were cheering on not taking a lifesaving
24 intervention. And it says in this Exhibit 60, Fauci
25 was responding to a clip of conservative author

1 Alex Berenson who spoke at CPAC.

2 So it looks like on the show, the Sunday
3 show, that they showed me a clip of this person who I
4 very likely had not heard of before saying that,
5 quote -- they quote Berenson, "The government was
6 hoping that they could sort of sucker 90 percent of
7 the population into getting vaccinated, and it isn't
8 happening," he added, to applause.

9 Q. And then you made a response to that on
10 CNN State of the Union where you described it as
11 horrifying; correct?

12 A. Yeah.

13 Q. It quotes you as saying, "It's
14 horrifying." Is that what you said?

15 A. Well, this is the quote that they're
16 saying here. I don't recall saying it's horrifying,
17 but I have no reason to believe that CNN would
18 misquote me.

19 Q. And they went on to -- or The Hill -- it
20 goes on to say in the next paragraph that "Fauci said
21 it was almost frightening for people to say they
22 don't want health officials to save their lives";
23 right?

24 A. That's what it says that I said. I have
25 no reason to believe that's not what I said.

1 Q. Were there any discussions before you made
2 these comments on CNN State of the Union on -- in
3 July of 2021, were there any -- did you have any
4 discussions with anyone in the government about
5 making statements to criticize Alex Berenson in any
6 way?

7 A. I don't recall. Again, the context of
8 this "almost frightening for people to say," if one
9 looks at the data comparing the hospitalizations and
10 deaths of vaccinated people and unvaccinated people,
11 it is overwhelmingly weighted towards unvaccinated
12 people. So someone cheering to the statement that
13 you shouldn't be vaccinating people, I think is
14 really very much contrary to the principles of good
15 public health.

16 Q. Before you made those comments, do you
17 recall discussing Alex Berenson with anyone in the
18 government?

19 A. I don't recall that. It is possible, but,
20 again, Alex Berenson rings the bell here when you
21 show me this clip. But, again, I -- I don't recall
22 any necessary discussions with him. They may have
23 occurred, but I don't recall.

24 Q. Exhibit 61. Five days -- oh, sorry.
25 (FAUCI Exhibit No. 61 was marked for

1 identification.)

2 BY MR. SAUER:

3 Q. You see this is a New York Times report
4 dated five days later on July 16th of 2021?

5 A. I don't see the date. Yeah, July 16th,
6 2021.

7 MR. KIRSCHNER: Just to clarify the
8 record, it also says it was updated July 19th, 2021.

9 THE WITNESS: Right.

10 BY MR. SAUER:

11 Q. And the first line says, "President Biden
12 unleashed his growing frustration with Social Media
13 on Friday saying that platforms like Facebook were
14 killing people by allowing disinformation about the
15 coronavirus vaccine to spread online"; correct?

16 A. That's what the first sentence says.

17 Q. Do you recall the president saying that,
18 that social media companies are, quote, "killing
19 people"?

20 A. I don't recall him saying that, but this
21 is reported by the New York Times saying that that's
22 what he said. So I have no reason to believe that he
23 did not say that, but I don't specifically recall him
24 saying that specific comment. I may -- I may have
25 been aware of it when he said it, but I don't recall

1 now that he said it except when you put this
2 statement in front of me.

3 **Q. Do you recall any discussions with anyone**
4 **in the government of how disinformation or**
5 **misinformation on social media platforms are killing**
6 **people?**

7 A. Well, it is very clear that, as I've said
8 multiple times before, that misinformation and
9 disinformation, particularly that encourages people
10 to avoid lifesaving interventions, can certainly
11 result in the unnecessary death of people whose lives
12 would have been saved. So when misinformation and
13 disinformation leads people to avoid a lifesaving
14 intervention, that is equivalent to contributing to
15 the death of that person.

16 **Q. My question was: Do you recall discussing**
17 **that with anyone in the government in this time**
18 **frame?**

19 MR. KIRSCHNER: Objection. Lack of
20 foundation. Vague.

21 THE WITNESS: You know, when you say
22 "anyone in the government," I have often said that
23 misinformation and disinformation is the enemy of
24 public health. Could I have said it to someone in
25 the government? It is certainly possible that I did

1 because I do feel strongly that misinformation and
2 disinformation, when it leads to people avoiding
3 lifesaving interventions, can be deadly.

4 BY MR. SAUER:

5 Q. Misinformation and disinformation are the
6 enemy of public health you said just now?

7 A. Yeah.

8 Q. Is that true when they are propagated on
9 social media platforms, on your view? Yes or no?

10 A. If social media is propagating
11 disinformation that leads to the death of people by
12 encouraging them to avoid lifesaving interventions, I
13 believe that's contrary to public health.

14 Q. Can you look at Exhibit 62?

15 (FAUCI Exhibit No. 62 was marked for
16 identification.)

17 MR. KIRSCHNER: Can I get a copy, Counsel?
18 There's -- I don't know what this is.

19 MR. SAUER: Oh.

20 BY MR. SAUER:

21 Q. Do you know who Scott Gottlieb is?

22 A. I do.

23 Q. Do you know him personally?

24 A. Well, I've met him. I -- I don't socially
25 interact with him. I know him because for a time he

1 was the commissioner of the FDA, and currently he is
2 frequently on CBS Sunday Morning shows commenting on
3 COVID-19 and other health matters.

4 Q. In 2021, did you have any communications
5 with him about vaccines or misinformation?

6 MR. KIRSCHNER: Objection. Compound.

7 BY MR. SAUER:

8 Q. Do you recall communicating with him in
9 any way in the summer of 2021?

10 A. You know, I may have, but I don't recall.
11 I communicate with hundreds, if not many more people.
12 So I don't recall specifically. But if you showed me
13 a document of some sort that showed I communicated
14 with him, I would not be surprised.

15 Q. Why don't you look at the Exhibit 62 on
16 the first page in the middle of that page? Do you
17 see there's a -- you see this is another subset post
18 by Alex Berenson talking about how he was banned from
19 Twitter, generally?

20 A. I'm sorry. What paragraph are you
21 referring to?

22 Q. I'll tell you, will you look at that --
23 that kind of e-mail that's pasted in the middle
24 of the page --

25 A. Pasted in the middle -- oh, the pasted

1 e-mail.

2 Q. The one that shows --

3 A. Scott Gottlieb to someone that has been
4 redacted.

5 Q. Someone at Twitter?

6 A. Yeah.

7 Q. And he's forwarded a posting by
8 Alex Berenson that's critical of you; right? "Quite
9 frankly," said Alex Berenson, "the arrogance of
10 Anthony Fauci and what it means for the rest of us";
11 correct?

12 A. So Berenson said the arrogance of
13 Anthony Fauci and what it means for the rest of us?

14 Q. And then Gottlieb forwarded that to
15 someone at Twitter; correct?

16 MR. KIRSCHNER: Objection. Lack of
17 foundation.

18 THE WITNESS: Yeah. So I want to make
19 sure I understand what you're saying. So this is
20 a -- this is a tweet from Berenson calling me
21 arrogant, and then it's Scott forwarding the tweet to
22 Twitter saying this is what is promoted on Twitter
23 and this is why Tony needs a security detail?

24 BY MR. SAUER:

25 Q. Correct, yeah. Tony is a reference to

1 **you, I presume?**

2 A. There's a lot of Tonys around, but I guess
3 he's talking about me.

4 Q. **I mean, that's the one that's referred in**
5 **the e-mail.**

6 A. Right.

7 Q. **Did you ever have a discussion with**
8 **Scott Gottlieb about needing a security detail**
9 **because of the things that people posted about you on**
10 **the Internet?**

11 A. I don't recall having that discussion with
12 him, but it is possible in a discussion I had with
13 him that -- it's no secret that I have a security
14 detail. My life has been threatened multiple times.
15 So I might have discussed that I need a security
16 detail with him, but I -- that doesn't ring a bell as
17 something -- unless there was a reason for me to -- I
18 don't usually talk to people about my security
19 detail.

20 Q. **He refers to you as "Tony" in this**
21 **e-mail --**

22 A. Everybody refers to me as Tony. We
23 said -- we got that established before.

24 Q. **Is there somebody at Twitter who was on a**
25 **first-name basis with you? I would refer to you as**

1 Dr. Fauci --

2 A. Yeah.

3 Q. -- if I was sending it to someone who
4 didn't know you. Is there someone who works for
5 Twitter who -- who you're on a first-name basis with?

6 A. Scott -- Scott refers to me as Tony, but I
7 don't see anybody on Twitter referring to me as Tony.

8 Q. He's referring you to some unidentified
9 person --

10 A. But he's using his own --

11 Q. If I may finish the question?

12 A. Yeah, yeah. Sure. Sorry.

13 Q. He's referring to you as Tony to some
14 unidentified person at Twitter?

15 A. Right.

16 Q. Are you on a first-name basis with anyone
17 who works at Twitter? Yes or no?

18 A. Am I on a first-name basis of anyone who
19 works at Twitter?

20 Q. Correct. That's my question.

21 A. Well, right now, no, but when my daughter
22 worked at Twitter, I was on a first-name basis with
23 her.

24 Q. Did she work at Twitter in August 24th
25 of 2021?

1 A. I don't recall. She may have already left
2 then.

3 **Q. Did anyone else -- have you ever been on a**
4 **first-name basis with anyone else who worked at**
5 **Twitter?**

6 A. Not that I know of. Not that I know of.
7 I mean, I'm trying to think of people that I know at
8 Twitter, and the only person that I've really known
9 that works at Twitter, I believe, is my daughter.

10 **Q. Did you have any communications with -- at**
11 **this time, Scott Gottlieb was on the board of Pfizer;**
12 **is that right?**

13 A. He might -- I know he's on -- I believe --
14 I believe he's on the board of Pfizer. I don't know
15 if he was on the board of Pfizer at this time.

16 **Q. Did you have any communications with him**
17 **in connection with the development of the vaccines**
18 **that you talked about earlier?**

19 A. You know, I don't know. I mean, we talk
20 about the development of vaccines all the time.
21 Vaccines was a big subject of discussion from the
22 time we began developing the vaccines; right? In a
23 few weeks into January we began developing the
24 vaccine. So we spoke about vaccine development a
25 lot. Did -- would I have mentioned vaccine

1 development to Scott? I don't see any reason why I
2 would not, but I don't specifically recall discussing
3 vaccine development with Scott.

4 Q. How about discussing any speech on the
5 internet that would lead to vaccine hesitancy? Did
6 you discuss that with him?

7 MR. KIRSCHNER: Objection. Vague.

8 THE WITNESS: You know, again, I don't --
9 I don't recall specific conversations with Scott
10 about hardly anything.

11 BY MR. SAUER:

12 Q. How about Alex Berenson? Did you ever
13 discuss Alex Berenson with Scott Gottlieb?

14 A. You know, again, you had mentioned before,
15 I -- Alex Berenson doesn't ring a bell. It's
16 possible associated with some of the things you
17 showed me before, but I don't recall discussing
18 Alex Berenson with Scott Gottlieb.

19 Q. Exhibit 63.

20 (FAUCI Exhibit No. 63 was marked for
21 identification.)

22 BY MR. SAUER:

23 Q. Who is Ezekiel J. Emmanuel?

24 A. Ezekiel J, better known as Zeke Emmanuel,
25 is a vice provost at the University of Pennsylvania

1 and was at a time and might still be the director of
2 the division or program of medical ethics.

3 Q. At the university? At that university?

4 A. At the University of Pennsylvania.

5 Q. In this e-mail chain, he says to you on
6 the second to last page, "I'm a bit perplexed by your
7 seeming strong endorsement of remdesivir. Was it
8 just a bit forced? My reading of the data were weak
9 and in normal times for normal disease. It is not
10 enough to approve and very likely to really impact
11 COVID-19 disease pattern regardless of supply
12 issues."

13 Do you see that?

14 A. Yeah.

15 Q. And what were you talking -- what was he
16 talking about there?

17 MR. KIRSCHNER: Objection. Again, I ask
18 for Dr. Fauci to have an opportunity to familiarize
19 himself with this document.

20 THE WITNESS: So there was a clinical
21 trial that showed a modest effect but nonetheless a
22 clear but modest effect of remdesivir, which is an
23 antiviral drug used for the treatment of COVID-19.
24 And when the announcement came out of the clinical
25 trial, I believe, I said this is a good thing that we

1 have a drug when we had no other drugs. This is well
2 before Paxlovid, so we had no good drugs for COVID.
3 And when the study came out, I was pleased that we
4 had a drug that at least had a modest effect. Zeke,
5 who is a good person, said my reading of the data
6 were weak and normal times for normal disease, not
7 enough to approve, yada, ya, and I write back, and
8 say, "Zeke, I did not strongly endorse it." I
9 specifically said that it was not a knockout drug but
10 was only a baby step in the development -- in the
11 direction of developing more and better drugs. I
12 said it was important because it proved in a
13 well-powered -- which it was -- "randomized" -- which
14 it was -- "placebo-controlled trial that one can
15 suppress the virus enough to see a clinical effect as
16 modest as that effect was." I do not think --

17 BY MR. SAUER:

18 Q. If I may right there.

19 A. -- that I forced anything.

20 Q. Dr. Fauci, thank you.

21 Why don't we go off the record now?

22 MR. KIRSCHNER: Okay.

23 THE VIDEOGRAPHER: Time is 4:46 p.m. and
24 we're going off the record.

25 (Recess.)

1 THE VIDEOGRAPHER: The time is 4:55 p.m.
2 and we're back on the record.

3 BY MR. SAUER:

4 Q. Dr. Fauci, we've discussed a lot of
5 opinions today about COVID and treatments for COVID
6 and related things. For example, we talked about
7 hydroxychloroquine; we talked about masks for a while
8 and whether they're effective; we talked about the
9 origins of COVID, whether it came out of a lab; we
10 talked about vaccines and the efficacy of vaccines;
11 we talked about herd immunity. And you've made some
12 pretty strong statements in media about a lot of
13 these issues -- is that fair to say -- using strong
14 language to disagree with opinions that you disagree
15 with?

16 MR. KIRSCHNER: Objection. Vague.

17 THE WITNESS: No, I'm not sure what you
18 mean by strong language. Most of the time it was
19 measured language. I think you pointed out at one
20 point when I was talking about the premise of herd
21 immunity that I believe I said that it was nonsense
22 which is -- if you want to call that strong language.
23 I believe it resulted in the deaths of -- unnecessary
24 deaths of individuals.

25 BY MR. SAUER:

1 Q. And people have disagreed with you in
2 strong language as well. For example, Alex Berenson
3 saying -- calling the arrogance of Dr. Fauci --

4 A. Right.

5 Q. -- and so forth.

6 Do you think people should be able to post
7 their opinions on social media, for example, about
8 the efficacy of hydroxychloroquine, even if you
9 disagree with them?

10 MR. KIRSCHNER: Objection. Compound.

11 THE WITNESS: You know, I'm not an expert
12 on what should or should not be on social media. I
13 ^ audio cuts out here believe that people certainly
14 can express their opinions. I'm not an expert. I've
15 said that multiple times during the deposition. I'm
16 not a social media person.

17 BY MR. SAUER:

18 Q. Do you have an opinion about whether
19 people should be allowed to post on social media
20 opinions that you think, for example, are dangerous
21 and might lead to loss of life? What's your view on
22 that?

23 A. You know, again, you say allowed, I don't
24 know what the legal or other First Amendment issues
25 are associated with that. That's not my lane or my

1 area of expertise. As a physician and a scientist
2 and a public health person, I'm very sensitive to the
3 fact that disinformation, including some of the
4 disinformation that we discussed that, for example,
5 has people avoid lifesaving interventions, is
6 dangerous to health.

7 How you -- how you counter that I think is
8 open to question. My way of countering false
9 information, and I've been on the record multiple
10 times as saying that, is that my approach is to try
11 to ^ and flood the system with the correct
12 information as opposed to interfering with other
13 people's ability to say what they want to say. And
14 I've said, I think, if you, in your investigations
15 and your discovery, you looked into how many times
16 I've often said the best way to counter
17 misinformation and disinformation is to flood the
18 system with correct information.

19 **Q. Do you think social media platforms have a**
20 **responsibility to take down dangerous misinformation**
21 **that gets posted on their platforms?**

22 A. You know, I'm not an expert in the legal
23 and other aspects of that to make an informed
24 comment. I would leave that to experts. I told you
25 I'm not someone fluent in the ins and outs of what

1 could or should be on social media, so I don't really
2 have any comment on that, because that's not an area
3 that I've seriously thought about and analyzed about
4 the pros and cons of that.

5 **Q. Do you think that allowing both sides to**
6 **openly debate their positions on hotly contested**
7 **issues, like the efficacy of hydroxychloroquine or**
8 **where the COVID-19 virus came from, do you think it's**
9 **important to allow both sides to freely debate those**
10 **issues?**

11 MR. KIRSCHNER: Objection. Argumentative.

12 THE WITNESS: You know, when you say
13 allowed to debate, I think honest debate is
14 important, but when it goes beyond debate and leads
15 people who are unwitting about these things to do
16 things that are clearly detrimental to their life and
17 their safety, I find that disturbing. How you
18 mitigate against that, I would leave to other people.
19 That's not in my lane.

20 **Q. Have you taken steps to mitigate against**
21 **it in the last two and a half years?**

22 A. As I said, the theme that I've gone by is
23 the best way to counter misinformation and
24 disinformation is to flood the system with correct
25 information. That's the reason why I very often am

1 involved with the media with writing, with
2 interviewing, with podcasts to get people to get
3 vaccinated. The most recent of which was yesterday,
4 I believe, when I was -- or the day before -- when I
5 made my final press conference at the White House and
6 my message was: Please go out for your own safety,
7 the safety of your community and your family, to go
8 out and get the updated booster.

9 That's how I counter misinformation and
10 disinformation.

11 THE VIDEOGRAPHER: That is it. That's the
12 seven hours.

13 MR. KIRSCHNER: Very well. Two things:
14 One, first, we have no questions for the witness, and
15 second of all, we want to reserve the right to read
16 and sign.

17 THE VIDEOGRAPHER: Okay. If there's no
18 further statements for record, we'll be going off.
19 The time is 5:01 p.m. on November 23rd, 2022. We are
20 going off the record completing today's video
21 recorded session.

22 (Whereupon, at 5:01 p.m., the taking of
23 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

1 ERRATA SHEET
 2 Witness Name: DR. ANTHONY FAUCI
 3 Case Name: THE STATE OF MISSOURI, et al. v. JOSEPH R.
 4 BIDEN, JR., et al.
 5 Date Taken: NOVEMBER 23, 2022
 6
 7 Page #_____ Line #_____
 8 Should read: _____
 9 Reason for change: _____
 10
 11 Page #_____ Line #_____
 12 Should read: _____
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 15 Page #_____ Line #_____
 16 Should read: _____
 17 Reason for change: _____
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 19 Page #_____ Line #_____
 20 Should read: _____
 21 Reason for change: _____
 22
 23 Page #_____ Line #_____
 24 Should read: _____
 25 Reason for change: _____
 26
 27 Witness Signature: _____

1 STATE OF _____)

2

3 COUNTY OF _____)

4

5 I, DR. ANTHONY FAUCI, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this _____ day of _____,

15 20____, at _____.

16

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DR. ANTHONY FAUCI

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NOTARY PUBLIC

24 My Commission Expires:

25

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|---------------------|---------------------|
| A | 143:4 | accumulate | act 125:13 | 266:23 |
| A-U-C-H-... | 213:16 | 224:2 | 126:4 | administer |
| 30:23 | 235:23 | accumulated | 265:14,15 | 9:25 |
| a.m 1:20 9:4 | 319:10,14 | 221:1 | acting 65:10 | administ... |
| 54:8,12 | 319:18,22 | 235:5 | action | 271:21 |
| 55:2 58:14 | 322:19 | accumula... | 265:15 | admissions |
| 61:14 | 333:2 | 223:16 | 360:12,16 | 283:16 |
| 62:14 | accident... | 224:2 | actively | adopted 27:3 |
| 68:14 69:2 | 106:5 | 317:5 | 64:18 | 27:13,14 |
| 83:17,20 | 155:17 | accuracy | activist | advance |
| 84:19 | account 99:6 | 228:13 | 265:13 | 139:22 |
| 150:3,5 | 101:7 | accurate | activities | advertis... |
| Aaron 2:25 | 209:17 | 36:25 | 321:14 | 141:19 |
| ABC 7:9 | 210:1,6 | 167:1 | activity | advice 171:1 |
| 185:20 | 213:14 | 198:25 | 20:3 | 171:11,17 |
| ability | 241:7,25 | 275:23,25 | actual | 171:20 |
| 323:8 | 270:4 | 276:8 | 120:21 | 196:11 |
| 357:13 | 299:11,14 | 315:3 | 121:1 | 313:18 |
| 360:9 | 299:15,19 | 331:6,11 | 178:21 | advisor |
| able 133:25 | 300:22,25 | 331:17 | ad 177:11,18 | 10:15,18 |
| 175:3 | 301:3,19 | accurately | 306:2,3 | 10:20,21 |
| 299:2 | 301:19 | 114:7 | Adam 3:22 | 335:24 |
| 319:7 | 302:1,8,9 | 288:7 | 9:21 361:4 | Affairs |
| 323:8 | 303:8 | 319:7 | Adam.kir... | 38:11 |
| 341:7 | 304:3 | accusations | 4:5 | affiliated |
| 356:6 | 309:9 | 106:3 | Adams 329:9 | 75:19,25 |
| above-en... | 311:1 | ACE2 115:13 | add 285:18 | affiliation |
| 1:15 | 328:15 | 115:23 | added 342:8 | 75:22 |
| above-re... | 329:9,12 | 116:11 | adding | afraid |
| 361:10 | 329:14 | 117:13 | 299:22 | 102:20 |
| absolutely | 335:20 | achieve | 327:7 | Africa 140:7 |
| 37:5 | accounts | 278:3 | additional | African-... |
| 134:12 | 209:9 | achieving | 16:8 17:17 | 228:4 |
| 234:20 | 270:1 | 285:2 | 111:5 | afternoon |
| 260:13 | 300:19 | acknowle... | 211:5,12 | 65:23,25 |
| abstract | 301:11 | 267:12 | address | 66:2 68:10 |
| 22:25 | 302:12,18 | acquaint... | 161:16 | 148:23 |
| academies | 302:22 | 20:17 | 198:1 | 234:5 |
| 17:6 | 303:3,3 | 156:23 | 206:4,5,7 | agency 28:4 |
| academy | 304:15 | acquaint... | 206:10,19 | 28:18 |
| 188:12 | 309:5,11 | 99:23 | 329:1 | 30:14 45:6 |
| 190:17 | 309:22,24 | 269:17 | addresses | 307:5 |
| 191:13 | 309:25 | acquainted | 55:10 | aggressive |
| accept | 310:1,4,10 | 205:6 | 205:24 | 168:11 |
| 177:17,19 | 310:18,24 | acquiring | 324:7 | ago 11:1,7 |
| access 36:15 | 311:17,18 | 314:12 | addressing | 11:10 |
| 37:2,9,15 | 312:15 | acquisition | 184:2 | 13:24 16:5 |
| 103:14 | 328:21 | 316:12 | 198:8 | 19:11 |
| 142:17 | 329:16 | 317:6 | 245:9 | 23:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|----------------------|---------------------|---------------------|---------------------|
| 27:17 | 252:6 | 52:25 | 76:12 | Andy 336:6,8 |
| 29:10,23 | 272:19 | 285:1 | 169:3 | 336:15,22 |
| 43:23 | AIDS 265:13 | 358:9 | 191:10 | 337:9,14 |
| 44:23 | airport | allowed | 236:9,9 | anecdotal |
| 57:13 78:6 | 313:14,24 | 247:23 | 251:23 | 215:1,3 |
| 100:17 | all 1:5,8 9:7 | 356:19,23 | 266:3 | 217:2 |
| 124:17 | 9:7 55:19 | 358:13 | 336:10 | 218:1 |
| 149:11 | 56:1 61:2 | allowing | ample 145:9 | animal |
| 150:9 | 361:7,7 | 276:25 | 224:2 | 143:17 |
| 157:21 | 362:2,2 | 344:14 | amplify 25:1 | 144:9,11 |
| 167:11 | alarming | 358:5 | analyses | 144:13 |
| 188:5 | 52:10 | alternative | 52:8 180:4 | 145:6,8,11 |
| 212:5 | albeit | 273:2 | analysis | 146:4 |
| 249:16 | 167:24 | 321:17 | 111:19 | 156:9 |
| 250:4 | Aleksei | ambiguous | 112:5,6,9 | 198:19 |
| 257:13 | 205:15,18 | 35:22 | 112:10 | 200:10 |
| 269:5 | alert 97:4 | 71:10 | 121:11,14 | announce... |
| 275:4 | Alex 267:24 | 78:15 | 161:25 | 353:24 |
| 288:3 | 334:23 | 79:10 82:8 | 180:20 | anomalies |
| 295:11 | 335:4,18 | 99:4 | 195:8 | 113:12,21 |
| agree 47:16 | 335:21 | 118:21 | 320:13,16 | 113:24 |
| 111:19 | 336:2 | 154:23 | 323:16 | 124:18 |
| 112:4,8 | 337:11 | 166:13 | 333:21 | answer 13:7 |
| 166:21 | 341:16,20 | 168:20 | analyzed | 18:23 |
| 277:5 | 342:1 | 174:22 | 358:3 | 19:21 |
| 298:2 | 343:5,17 | 186:23 | ANANT 4:9 | 20:21 |
| agreed 52:14 | 343:20 | 193:19 | Anant.ku... | 25:11 |
| 195:14 | 347:18 | 213:25 | 4:15 | 36:25 |
| 223:20,23 | 348:8,9 | 270:17 | and/or | 41:21,24 |
| agreement | 352:12,13 | amended | 104:15 | 47:11 |
| 73:17 | 352:15,18 | 282:25 | 361:12 | 51:22 |
| agrees | 356:2 | Amendment | 363:8 | 94:16 |
| 223:24 | algorithm | 356:24 | Anderson | 119:16 |
| ah 210:1 | 306:2 | America 7:19 | 34:21 | 127:24 |
| ahead 17:12 | alleging | 226:14 | 43:20 | 134:10,11 |
| 20:19,23 | 211:25 | 227:8 | 44:24 | 139:3 |
| 48:9 49:12 | 212:1 | 233:5,15 | 45:13,21 | 145:3 |
| 52:21 | Allergy | 234:16 | 50:16,23 | 165:4 |
| 64:21 | 10:14 | 360:2 | 51:11 60:2 | 175:6 |
| 84:15 | 142:13 | America's | 61:19 84:6 | 206:16 |
| 85:24 | Alliance 3:4 | 227:16 | 89:4 | 230:4 |
| 89:18,19 | 6:9 18:11 | 234:6 | 170:14,23 | 241:22 |
| 91:17 93:7 | 19:10,25 | 238:22 | 179:18 | 288:7 |
| 126:19 | 20:4,6 | 242:15 | 180:10 | 306:15 |
| 135:4 | 21:22 30:4 | 243:3 | 195:24 | 319:7 |
| 202:3 | allocated | American | 196:10 | 331:6,10 |
| 247:14 | 177:10 | 15:18 | Andrea 229:7 | answered |
| 249:17 | allow 26:14 | 313:11 | 233:5,12 | 63:4 88:13 |
| 251:2 | 28:14 | amount 21:13 | 234:15 | 125:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|---------------------|-----------------|
| 159:11,21 | 181:2 | applicable | 307:18 | 31:12 49:5 |
| 159:23 | 213:8 | 215:18 | 317:15 | 49:15,19 |
| 162:7 | 238:2,4,4 | applicat... | 318:1 | 49:22 50:3 |
| 172:16 | 238:10 | 24:8 | 322:3 | 50:9 56:5 |
| 195:5 | 239:4 | apply 169:22 | 335:19,24 | 56:21,22 |
| 205:4,6 | 269:6,11 | 247:10 | 336:23 | 57:2,9,14 |
| 239:18 | 278:12 | appreciate | apropos 70:5 | 57:17 60:7 |
| 261:14 | 350:7 | 109:7 | Archive | 60:9 61:18 |
| 262:4,5,16 | apologies | appreciated | 179:22 | 61:24 62:6 |
| 274:24 | 311:12,14 | 275:23 | Archives | 62:13,14 |
| 285:20 | apologize | 276:1,6,10 | 7:11 | 65:13 66:9 |
| 297:1 | 90:2 93:13 | approach | area 40:18 | 82:23 |
| 301:21 | 185:10 | 250:7 | 117:20 | 163:11 |
| 327:19 | 249:5 | 266:21,24 | 127:12,12 | 179:14 |
| answering | Apoorva | 266:24,25 | 151:15,17 | 183:23 |
| 11:19 | 296:12 | 290:19 | 151:18 | 184:3 |
| 12:23 | appalls | 295:5 | 157:6 | 185:3,20 |
| 14:12 | 271:10 | 357:10 | 357:1 | 186:6,20 |
| 48:22 53:9 | apparently | approaches | 358:2 | 186:25 |
| 287:2 | 108:3 | 292:14 | argue 315:9 | 187:2 |
| answers | 286:21 | appropriate | Argument... | 189:4 |
| 11:23 | appear | 46:18 | 206:14 | 191:3,7,9 |
| antecedent | 164:23 | 119:8 | 223:22 | 191:20 |
| 218:21 | 179:24 | 128:8 | 224:13 | 192:14 |
| antedated | appearance | 138:1 | 298:9 | 195:3,20 |
| 159:6 | 38:24 | 207:21 | 322:22 | 195:23 |
| Anthony 1:13 | APPEARANCES | 225:5 | 358:11 | 196:4,9,11 |
| 6:3 9:6 | 2:1 | 310:15 | arguments | 196:17 |
| 10:2,10 | appeared | 312:20 | 123:20 | 212:20,24 |
| 91:22 | 77:16 | approval | arose 120:12 | 218:5 |
| 299:18 | 179:14 | 70:22 | 183:18 | 221:15,21 |
| 303:6,6 | 226:16 | approve | arranged | 222:8,10 |
| 328:16 | appearing | 18:24 | 44:15 | 222:13 |
| 348:10,13 | 226:13 | 122:17 | arranging | 228:24 |
| 361:10 | 227:18 | 276:3 | 44:19 | 233:17,23 |
| 362:1 | 229:6 | 353:10 | arrogance | 258:20,23 |
| 363:5,20 | appears | 354:7 | 348:9,12 | 259:11,13 |
| anthonyf... | 129:3 | approved | 356:3 | 264:13 |
| 299:10 | 146:23 | 18:17 19:2 | arrogant | 265:1,5 |
| antimala... | 179:10 | 70:1,13 | 348:21 | 267:10 |
| 227:1 | 182:10 | April 179:12 | article 6:8 | 271:5,13 |
| antiviral | 189:11 | 188:3 | 6:12 7:2,3 | 275:14,16 |
| 353:23 | 245:10 | 192:4 | 7:7,9,14 | 275:18,22 |
| anybody | 294:21 | 197:1 | 7:16,17,18 | 277:24 |
| 34:13 | 360:7 | 199:2,14 | 7:19,20,21 | 280:12,19 |
| 75:24 | applause | 201:4,21 | 7:22 8:3,5 | 280:25 |
| 77:14 | 342:8 | 203:8 | 8:6,17,18 | 294:24 |
| 115:20 | apples | 204:4,8 | 8:19,20 | articles |
| 137:18 | 157:14 | 207:25 | 15:15 31:7 | 13:24 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 31:17 | 274:23 | 329:25 | 55:17,23 | 9:19 |
| 62:12 | 285:19 | 338:1 | 56:16 61:2 | 360:14 |
| 268:22 | 295:10,11 | aspects 17:3 | 120:7,22 | attract |
| 280:24 | 295:17 | 202:23 | 121:1 | 243:16 |
| 294:14,23 | 296:25 | 289:22 | 123:10 | Auchincloss |
| 295:2,4,11 | 301:20,24 | 357:23 | 126:24 | 30:21,22 |
| 295:18,21 | 313:18 | assess 154:1 | Attachments | 30:23 |
| 295:24 | 327:18 | 293:19 | 55:18 | 54:20,24 |
| 296:5 | 329:1 | 323:3 | attend | 62:3 68:7 |
| 297:20 | 332:19 | associate | 140:12 | 69:2 |
| 333:22 | asking 11:20 | 108:14 | attention | audio 356:13 |
| Asia 140:8 | 11:21 | 265:22 | 22:16 | August |
| Asian 33:10 | 12:21 25:9 | associated | 30:10 | 242:19 |
| 33:19 | 25:14 | 161:2,4 | 31:17 34:3 | 243:7 |
| aside 238:21 | 26:15 | 238:11 | 42:10 | 350:24 |
| 290:18 | 36:20,23 | 352:16 | 47:24 | auspices |
| asked 10:20 | 47:12 | 356:25 | 48:14 58:2 | 156:20 |
| 12:10 | 49:13 | association | 79:15 | Australia |
| 41:22 | 67:25 | 213:13 | 141:9 | 45:5 73:11 |
| 43:13 | 68:17 69:5 | assume 85:13 | 144:20 | author 161:3 |
| 48:25 | 69:6,8,10 | 86:17 | 145:15 | 195:25 |
| 58:25 63:3 | 87:5,6 | 132:11 | 153:21 | 218:21 |
| 69:7 78:5 | 94:15 | 201:5 | 184:11 | 264:21 |
| 82:20 | 97:14 | 233:18 | 208:12 | 341:16,25 |
| 88:12 | 127:15,22 | 301:23 | 209:21 | authored |
| 102:4 | 127:24 | Assumes 30:5 | 210:4,8 | 124:3 |
| 125:15 | 133:22 | 109:19 | 213:15 | 203:12 |
| 132:13 | 134:6,10 | 214:19 | 219:9 | 251:5 |
| 133:8 | 135:13 | assuming | 235:20 | authorities |
| 134:12 | 136:17,24 | 18:20 | 238:18 | 288:20,25 |
| 139:9 | 138:20 | 19:18 22:8 | 239:3,22 | 334:10 |
| 140:4 | 145:3 | 49:24 70:4 | 240:3 | authority |
| 147:13 | 156:17 | assumption | 241:5,8,12 | 126:12 |
| 151:22 | 159:25 | 87:25 | 241:23 | 177:19 |
| 159:10,20 | 164:3 | 179:25 | 243:16 | 289:4,8,11 |
| 162:6 | 176:15 | 258:7 | 256:11,14 | 289:16 |
| 172:15 | 186:24 | 276:23 | 257:6,8 | 290:1,7 |
| 188:11 | 189:25 | astute | 271:10 | authoriz... |
| 195:4 | 190:19 | 166:24 | 280:7 | 221:4 |
| 202:12,13 | 195:12 | asymptom... | 281:17,22 | authorize |
| 202:14 | 199:12 | 316:25 | 281:24 | 326:8,13 |
| 205:3 | 201:22 | 317:4 | 283:10 | 326:13,17 |
| 208:6 | 226:17 | Atlas 267:23 | 293:23 | authorized |
| 217:23 | 241:10 | attached | 301:10 | 29:14 |
| 232:1 | 262:17 | 8:22 57:17 | 303:7 | 30:14 |
| 239:17 | 292:16 | attaching | 335:11 | 326:14 |
| 261:13 | 313:13 | 56:12 | attenuated | authors |
| 262:3 | 314:4 | attachment | 24:24 | 32:10 |
| 269:7 | 315:4 | 38:18 | attorney 2:8 | 161:4 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|------------|--------------------|---------------------|--------------------|
| 162:5,9 | 66:14 | 316:13 | 256:13 | 360:4 |
| 170:18 | 110:24 | 328:20 | 261:23 | Barrington |
| 179:23 | 129:9,19 | 332:6,12 | 262:15,19 | 7:24 |
| 180:13,20 | 151:16 | 332:13,16 | 263:17 | 248:13,16 |
| 181:9 | 152:14 | 336:5,21 | 269:1 | 249:1,10 |
| 200:18 | 157:24 | 337:3,5,20 | 274:5 | 249:12,14 |
| 251:16 | 158:2,9,13 | 338:2,4 | 286:22 | 249:18,19 |
| 255:13 | 162:14 | 344:25 | 295:10 | 250:1 |
| 256:9 | 184:1,7,8 | awareness | 300:13 | 252:18 |
| 267:1 | 185:3 | 195:3 | 313:4 | 254:6,12 |
| 295:23 | 205:9 | 255:17 | 322:4 | 254:24 |
| available | 207:24 | 256:19 | 354:7 | 255:3,14 |
| 95:2 | 208:3,6,9 | Azar 256:5 | 355:2 | 258:11 |
| 158:10 | 208:10,13 | 267:24 | background | 260:15 |
| 198:13 | 208:15,23 | | 144:10 | 264:7 |
| 200:18,19 | 208:25 | B | 271:22 | 266:10 |
| 201:7 | 209:13,16 | B 6:6 | bad 109:10 | 267:1 |
| 206:9 | 211:24 | B-i-r-r-e-l | 303:20 | 268:6,22 |
| 316:5 | 212:3,4,7 | 212:25 | 304:13 | 269:4 |
| 320:21,23 | 212:9 | B6 206:12 | 310:1 | 276:4,17 |
| 323:2 | 223:1 | baby 354:10 | 311:20,22 | 277:6 |
| average | 224:5 | back 35:13 | 323:4 | 278:21 |
| 153:12 | 225:15 | 54:13 64:2 | 329:16 | 279:19 |
| averages | 236:1 | 77:7,17 | badly 169:6 | 280:1,13 |
| 36:12 | 237:25 | 78:3 83:21 | Baier 190:5 | 280:17,21 |
| avert 107:14 | 238:11,22 | 97:9 101:9 | 190:13 | 281:9,23 |
| avoid 107:14 | 239:14,20 | 123:21 | 228:24 | 282:11 |
| 320:19 | 239:25 | 129:4 | ban 335:2,2 | 283:2 |
| 345:10,13 | 240:20 | 132:2,20 | bank 158:15 | 285:7,10 |
| 346:12 | 241:1,2,3 | 136:11 | banned 335:7 | 290:10,19 |
| 357:5 | 241:11,14 | 149:14 | 335:12 | 291:12 |
| avoiding | 243:9,14 | 150:6,8 | 347:18 | 292:11 |
| 346:2 | 243:17,25 | 157:20 | banner 306:2 | 295:6 |
| award 76:6,9 | 244:3 | 165:3,24 | Baric 32:12 | 296:19,24 |
| Award-Wi... | 251:9 | 166:22 | 32:15 | 297:5,10 |
| 212:21 | 252:17,19 | 193:15 | 39:22 | 297:16,23 |
| awards 36:10 | 252:20,21 | 199:12 | 40:11 | Barry 296:2 |
| aware 22:5 | 252:23 | 203:22 | 55:25 56:9 | 296:7,8,11 |
| 22:12,15 | 255:13,18 | 209:24 | 56:16,23 | based 27:23 |
| 22:18,21 | 275:7 | 213:2 | 57:12 | 42:7 78:8 |
| 25:19 | 280:1,3,20 | 219:7,19 | 60:23 61:2 | 80:6 88:22 |
| 27:10 | 281:21,21 | 220:9,13 | 62:13 | 89:9 |
| 31:15,22 | 282:10,17 | 221:9 | 71:15 | 180:20 |
| 33:13 34:6 | 282:18,24 | 223:14 | 119:4 | 196:5 |
| 35:16 | 283:9 | 233:12 | 147:15 | 215:1,3,23 |
| 43:23 | 298:15 | 239:2 | 148:24 | 217:2,2,9 |
| 60:22 61:1 | 300:18 | 240:13 | 149:6 | 217:13 |
| 61:4,6 | 306:17 | 247:21 | Barnes 1:17 | 223:12,16 |
| 62:19 | 309:20,23 | 253:12 | 1:22 9:13 | 231:20 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|------------|-------------------|--------------------|
| 236:25 | 145:16 | 82:20,22 | 281:15 | 244:19 |
| 237:4 | 164:7 | 87:24 89:2 | 289:19 | 314:16 |
| 244:10 | 182:17 | 89:9 92:9 | 291:4 | benefits |
| 246:12 | 222:15 | 96:1,4 | 295:12 | 225:20 |
| 316:18 | 267:15 | 99:18 | 297:17 | 227:21 |
| 318:16 | begins 23:4 | 100:13 | 301:1 | 235:10 |
| 319:24,25 | 39:9,14 | 102:18 | 304:19 | 236:21 |
| 323:13 | 98:3 | 108:10 | 310:1 | Berenson |
| basis 21:20 | 130:17 | 114:6,13 | 318:19 | 334:23 |
| 81:12,25 | 176:19 | 117:16 | 319:7 | 335:4,18 |
| 170:4 | 267:11 | 120:13 | 326:14 | 335:22 |
| 173:17 | 324:15 | 132:8,14 | 328:10 | 336:2 |
| 191:18 | behalf 2:3 | 132:15 | 331:10 | 337:11 |
| 214:6 | 2:14,24 | 133:5 | 342:17,25 | 338:6 |
| 219:17 | 3:12,20 | 136:6,6 | 344:22 | 341:16,20 |
| 221:8 | 4:7,16 | 139:15,25 | 346:13 | 342:1,5 |
| 286:14,19 | 9:19,22 | 155:24 | 351:9,13 | 343:5,17 |
| 317:10 | Beijing | 160:21 | 351:14 | 343:20 |
| 349:25 | 166:4,5 | 161:10,10 | 353:25 | 347:18 |
| 350:5,16 | belief 138:2 | 166:5,16 | 355:21,23 | 348:8,9,12 |
| 350:18,22 | believe | 166:25 | 356:13 | 348:20 |
| 351:4 | 14:18 | 168:5,7,16 | 359:4 | 352:12,13 |
| basketball | 16:13,24 | 175:13,13 | believed | 352:15,18 |
| 101:6 | 21:5,8,10 | 175:16 | 46:16 | 356:2 |
| bat 18:6,8 | 24:25 26:3 | 177:2,21 | 133:20 | Berkowitz |
| 18:12 | 30:8 31:16 | 177:22 | 165:10 | 305:6 |
| 22:14 31:8 | 31:17 | 182:13 | believes | Bernard |
| 33:15,15 | 32:12 33:7 | 189:2,6 | 262:7 | 108:3,6,8 |
| 41:4,9,15 | 33:9,10,20 | 202:24 | bell 98:24 | 108:9,10 |
| 43:3 | 34:19,20 | 204:25 | 117:5 | 108:11,13 |
| 144:18 | 36:12 | 205:18,19 | 135:14 | 110:11 |
| 153:22 | 37:13 | 220:12 | 184:16,20 | best 15:9 |
| 154:18 | 40:13,15 | 228:3 | 209:12 | 84:10 |
| 156:21 | 40:22,24 | 230:8,16 | 239:5,7 | 217:3 |
| 157:6 | 43:5,22 | 230:17 | 264:22 | 316:2 |
| Bates 52:22 | 44:15,21 | 247:22 | 271:1 | 357:16 |
| 54:3 64:24 | 45:15,22 | 249:13 | 285:24 | 358:23 |
| Baton 2:21 | 46:15 | 250:18 | 291:20 | 360:9 |
| bats 42:14 | 57:19 | 254:25,25 | 292:16 | Bethesda |
| 43:1 58:1 | 63:22,23 | 256:21 | 293:15 | 1:11,19 |
| 198:16 | 66:2,20 | 258:1,14 | 337:5 | 4:24 9:12 |
| began 317:5 | 67:5,6,16 | 259:1,14 | 338:7 | better 12:4 |
| 351:22,23 | 72:12 | 265:12 | 343:20 | 58:23 |
| beginning | 73:11 75:4 | 269:4 | 349:16 | 79:17 |
| 31:24 32:1 | 75:8,8,15 | 276:20 | 352:15 | 260:4 |
| 32:4 34:4 | 75:15 76:2 | 277:12 | benefit | 352:24 |
| 34:4,14,15 | 77:4 78:4 | 278:19,20 | 15:15,17 | 354:11 |
| 101:12 | 78:19 80:4 | 278:21 | 221:5,8 | beyond |
| 121:11 | 81:8,20,23 | 279:21 | 225:3,13 | 122:22,23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 358:14 | 353:6,8 | 52:23 | 271:22 | 132:11 |
| Bhattach... | blaming | 72:23 | briefly | 136:13 |
| 2:25 | 102:21,21 | 75:11 | 167:18 | 137:5,6 |
| 251:18 | 106:4 | 86:19,20 | 212:19,20 | 144:24 |
| 256:4 | blanks | 115:11 | 271:2 | 145:16 |
| 267:20 | 294:22 | 163:23 | 328:4 | 211:22 |
| 279:4 | blathering | 164:4 | bring 44:9 | 284:25 |
| 291:15 | 74:4 | 179:12 | 165:15,20 | 288:15 |
| Biden 1:8 | blind 244:10 | 201:20 | bringing | bunch 226:2 |
| 9:7 10:16 | 246:12 | 252:8 | 64:4 257:6 | 229:1 |
| 344:11 | blob 338:16 | 272:20 | 337:4 | 295:2 |
| 361:7 | 338:17 | 275:15 | brings 303:6 | 311:8 |
| 362:2 | block 152:9 | 284:25 | broad 24:7 | 321:9 |
| big 22:25 | 303:11 | 298:22 | 24:11,23 | 330:14 |
| 235:4 | 308:5 | 305:3 | 118:24 | buried |
| 351:21 | 324:21 | 337:8,11 | 132:19 | 280:23 |
| Bill 104:11 | blocking | bought 316:4 | 140:17 | Burkes 305:4 |
| 202:2,2,10 | 340:6 | Box 3:15 | 309:1 | Burkholtz |
| 202:11,19 | blog 7:8 | Boy 109:10 | broker 103:6 | 305:4 |
| 202:20 | 182:5,12 | Branch 4:21 | brought 30:9 | Burns 3:13 |
| 338:22 | 182:14,17 | break 83:16 | 30:9 31:17 | 3:14 |
| Billet 38:9 | 184:2,12 | 130:10 | 39:3 42:21 | Burwell |
| 301:16,17 | 184:15,17 | 148:6 | 46:2,19,20 | 313:6,9 |
| 309:2 | 184:19 | 149:24 | 46:23 58:2 | 317:22 |
| 324:10 | 186:2,21 | 203:17 | 141:4,7,9 | busy 191:22 |
| 327:2,8,12 | bluntly | 253:4,5,6 | 184:10 | 191:23 |
| billion 72:1 | 260:2 | 312:23 | 208:12 | 195:14 |
| 260:18 | board 351:11 | 323:24 | 209:21 | 276:11 |
| Bio 174:14 | 351:14,15 | Breitbart | 239:3 | buy 314:12 |
| Biohub | Bob 35:12,14 | 7:20,21 | 256:11 | 317:23 |
| 133:11,12 | 50:24 51:5 | 232:16,20 | 293:23 | 321:9,25 |
| 133:13 | 51:6 | 234:3 | BSL-2 116:15 | buying |
| biological | bodies 169:7 | 240:6 | 117:10,12 | 320:20 |
| 143:6 | body 39:8 | Breitbart's | 117:14 | buzz-buzz |
| 145:21 | 103:2 | 240:17 | 118:9,20 | 78:21 |
| 146:2 | 107:8 | Brennan | 119:8,9 | |
| biology | bold 288:15 | 218:21 | BSL-3 117:23 | C |
| 15:11 | bolded | Bret 190:5 | Budget 22:1 | C 3:13 6:1 |
| biosafety | 121:11,14 | 190:13 | 22:2 | 9:1 |
| 16:22,22 | booster | 228:24 | building | calendar |
| Birrel | 359:8 | briefed | 1:19 4:23 | 6:25 66:23 |
| 212:25 | booted 336:3 | 59:12 71:3 | 165:8 | 67:2 |
| 213:2,6 | bother 236:2 | briefing | 300:9 | 148:19 |
| bit 26:24 | 236:13,22 | 39:3 43:6 | 308:8 | 149:10 |
| 78:6 | 236:23 | 196:25 | bull 110:1 | California |
| 188:23 | bottom 23:3 | 197:11 | bullet | 133:15 |
| 197:23 | 23:6,8,9 | 201:4 | 110:14,18 | 174:17 |
| 200:24 | 26:20 | 202:13 | 130:20 | call 10:24 |
| 228:7 | 47:25 | 208:1 | 131:2,18 | 34:18,22 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|--------------------|---------------------|---------------------|---------------------|
| 35:9 43:20 | 131:3,8,13 | 118:13 | 361:10 | 332:6,17 |
| 44:2,3,8 | 131:16 | 138:17 | 362:2 | CDC's 331:3 |
| 44:14,18 | 135:23 | 205:25 | cases 153:25 | ceased |
| 45:24 | 136:14 | 269:19 | 154:20 | 359:23 |
| 46:13,21 | 161:8,12 | 287:5 | casual 21:18 | cell 58:17 |
| 51:20 | 161:13 | 289:17,19 | 260:6 | 59:1 |
| 58:19 59:1 | 173:19 | 290:14 | casually | 178:10 |
| 59:22 60:1 | 175:13 | capacity | 338:5 | 203:1 |
| 63:10,13 | 205:9 | 12:19 | cat 144:18 | censor |
| 63:16,20 | 277:13 | 18:18 | catch 84:18 | 232:17 |
| 64:6,11,13 | 325:23,24 | 25:19 | 84:22 | 239:11 |
| 66:16,18 | 355:22 | Capitol | 256:22 | censored |
| 66:23 67:4 | called 1:14 | 232:18 | catching | 208:2 |
| 73:21 | 10:3 13:15 | 234:22 | 210:4 | 280:2,3,13 |
| 74:20 75:3 | 18:5 20:11 | caps 300:14 | categori... | 280:17 |
| 75:5,10 | 33:14 | care 17:11 | 24:12 | 282:10 |
| 77:1,2,4 | 37:25 61:2 | 165:9 | categorize | censoring |
| 77:14 | 62:22 | 231:13 | 194:14 | 280:6 |
| 78:10,23 | 123:10 | 237:2 | categorized | 281:23,25 |
| 79:5,24 | 126:24 | 302:2 | 276:19 | 281:25 |
| 80:18,22 | 226:1 | careful | category | 282:18 |
| 81:17,18 | 227:15 | 11:14 | 207:17 | Censors |
| 82:14,18 | 248:21 | 13:11 | 338:25 | 212:21 |
| 83:3 85:5 | 250:7 | 80:12 | Catherine | center 1:19 |
| 85:8,20 | 261:24 | 177:5 | 330:19 | 4:22 9:12 |
| 86:8,13,16 | 271:22,24 | 320:14 | cause 217:7 | 143:7 |
| 86:17 | 272:13 | carefully | 225:3 | 244:17 |
| 87:23 88:2 | 283:25 | 18:16 78:7 | caused | 293:5 |
| 89:10 90:9 | 286:14 | 80:11,25 | 219:13 | 324:22 |
| 90:21 91:2 | 295:20 | 81:9 | causing | centers 35:7 |
| 91:5,7,7 | 305:4 | 119:12 | 169:3 | 230:14 |
| 91:11,13 | 307:20 | 306:14 | 182:21 | 231:17 |
| 92:10,13 | 308:11 | cares 237:3 | 183:13 | 332:23 |
| 92:20,23 | 309:15 | 265:23 | CBS 347:2 | CEO 76:3 |
| 92:24 93:2 | 314:4 | Carlos | cc 38:14 | 286:13 |
| 93:5 94:4 | 328:6,15 | 296:16 | 55:5 97:22 | 293:5 |
| 94:6 95:2 | calling | Carol 298:23 | 97:25 | certain 27:4 |
| 95:8,14 | 348:20 | 299:8,21 | 187:16 | 27:24 |
| 97:2,3,24 | 356:3 | 330:12,13 | CC'd 55:6,9 | 29:10 30:7 |
| 105:21 | calls 24:4 | 330:22,23 | 55:13 | 32:9 33:9 |
| 109:7,14 | 24:17 | Carolina | CC'ing | 33:24 |
| 109:22 | 29:18 | 32:13,20 | 204:14 | 44:21 45:7 |
| 110:7 | 35:21 | Carrie 329:9 | CDC 299:13 | 96:2 |
| 112:22 | 41:11 46:4 | carry 333:24 | 306:3,14 | 134:20 |
| 113:22 | 62:7 87:22 | case 1:7 9:8 | 315:21 | 146:4 |
| 115:24 | 108:18 | 44:9 114:8 | 316:19 | 147:20 |
| 120:12 | 112:23 | 194:20 | 330:11,13 | 154:8 |
| 123:19 | 113:16 | 232:3 | 330:19,25 | 162:14 |
| 124:1 | 116:20 | 287:15 | 331:10 | 177:22 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|---------------------|---------------------|
| 220:3 | 298:22 | 335:24 | 339:4,17 | 331:15 |
| 250:13 | 305:3 | chiefs | Chmura | 332:6 |
| 275:1 | 307:18 | 231:16 | 205:15,18 | City 2:10 |
| 285:12 | 323:25 | 332:22 | chose 306:3 | 40:23 |
| 314:24 | 324:15 | China 34:7 | Christian | civet 144:18 |
| 323:13 | 330:10 | 41:3 42:15 | 34:21 | Civil 3:4 |
| certainly | 353:5 | 42:21 43:1 | 43:20 44:4 | claim 217:9 |
| 11:16,22 | challenge | 57:22 | 44:5,23 | 247:7 |
| 12:8 16:25 | 258:25 | 59:14,17 | 45:13,14 | 285:6,18 |
| 22:17,18 | 259:13 | 62:21 | 45:21,21 | 331:4,15 |
| 31:24 33:3 | Chan 133:11 | 63:17,19 | 45:23 | 331:16 |
| 56:3,15,17 | 133:11,14 | 67:15,17 | 46:10 48:3 | claimed |
| 64:17 | 174:7,8,15 | 67:18,22 | 50:8 60:2 | 209:10,19 |
| 72:12,16 | 174:16 | 70:11,18 | 61:18,20 | claims 103:5 |
| 74:9 81:22 | chance 166:4 | 71:4,24 | 74:25 81:8 | 103:9,22 |
| 83:4 91:4 | change 52:9 | 138:15,22 | 81:22 84:6 | 104:19 |
| 102:5 | 318:16 | 138:24 | 170:14 | 182:20 |
| 106:5,12 | 362:7,11 | 139:6,10 | 195:24 | 183:12,17 |
| 124:22 | 362:15,19 | 139:11,13 | 196:9 | 211:5,6,12 |
| 133:22 | 362:23 | 139:22 | CHRISTOPHER | 211:22 |
| 134:25 | changed | 163:13 | 4:18 | 214:1,4,7 |
| 147:19 | 211:25 | 164:22 | Christop... | 214:25 |
| 152:14 | 316:21,21 | 165:13 | 4:25 | 215:3,23 |
| 156:2 | 317:11 | 167:23 | chronology | 217:2 |
| 161:1 | changes | 198:3 | 283:20 | 285:2 |
| 170:4 | 172:9 | 261:11,18 | circle 150:8 | 331:4 |
| 177:25 | 361:12 | 261:23,24 | circulate | 332:7 |
| 225:8 | 363:7,10 | 262:12,20 | 248:18,20 | 333:15 |
| 229:16 | channel | 263:3 | 274:6 | Clara 293:12 |
| 259:25 | 177:21 | Chinese | 276:22 | 293:18 |
| 265:12 | characte... | 102:21 | 277:1 | clarified |
| 281:18 | 121:2 | 106:4 | circulated | 134:3 |
| 282:19 | characte... | 143:5 | 205:20 | clarify |
| 345:10,25 | 20:17 42:9 | 157:17 | circulating | 11:18 |
| 356:13 | characte... | 164:7,11 | 31:7 157:6 | 44:12 |
| certainty | 334:2 | 165:7 | 250:13 | 283:1 |
| 96:3 | chat 98:9,21 | 166:1 | 274:22 | 344:7 |
| CERTIFICATE | chatting | 167:3,5,7 | circumst... | clarity |
| 360:1 | 84:24 | 168:8 | 28:1 | 11:15 17:8 |
| certify | 85:13 | 192:24 | 144:16 | 17:14 |
| 360:6 | check 91:12 | 193:11 | circumst... | 65:18 |
| 363:5 | cheering | 194:18 | 154:1,10 | Clarke 328:6 |
| cetera 39:23 | 341:23 | 209:9,17 | 154:17,21 | 328:7,9,10 |
| 162:13 | 343:12 | 209:25 | 154:25 | 329:20,25 |
| chain 94:10 | chief 10:15 | Chinese-... | 161:16 | 336:19,20 |
| 115:7 | 10:17 38:3 | 98:17 | citations | clause 27:25 |
| 123:6 | 38:23 47:2 | chip 104:12 | 203:11 | cleaner |
| 170:13 | 75:14,16 | 106:14 | cities 166:5 | 123:15 |
| 266:8 | 76:4 | 338:23 | citing 102:4 | clear 17:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|-------------------|---------------------|
| 21:20 | 190:20 | 51:13 52:1 | collection | 269:16 |
| 80:15 87:5 | 216:5,12 | 52:7,16 | 84:3 | 270:11,15 |
| 121:8 | 253:25 | closer 81:1 | Collin | 271:13 |
| 137:21 | 254:15,18 | 81:2 | 262:11 | 272:1,4,16 |
| 144:3,13 | 259:21 | closest | Collins | 272:25 |
| 144:17 | 260:21,25 | 70:17 | 13:14 15:7 | 273:16,25 |
| 162:11 | 260:25 | cloth 321:18 | 66:15 67:6 | 275:3,13 |
| 174:13 | 261:6,10 | Club 174:14 | 67:9,12,14 | 281:1 |
| 179:4 | 261:17 | clues 49:16 | 67:20 68:1 | 295:14 |
| 184:20 | 262:11,18 | 50:3 | 75:5 82:23 | Collins' |
| 215:2 | 262:19 | cluster 31:7 | 84:8 89:22 | 279:12 |
| 229:19 | 263:2 | 39:14 | 91:1 92:3 | Collins's |
| 232:3 | 266:9 | 132:4 | 93:5,11 | 269:22 |
| 273:25 | Clifford | CNBC 8:5 | 94:2,11,21 | Columbia |
| 302:16 | 139:15 | CNN 341:5 | 108:2 | 40:12,24 |
| 309:18 | clinical | 342:10,17 | 109:15,23 | column 179:6 |
| 316:22,25 | 165:6 | 343:2 | 110:11 | come 14:5,20 |
| 317:3 | 214:10,12 | coauthor | 111:18,24 | 22:20 78:7 |
| 345:7 | 216:6,14 | 13:14,19 | 115:8 | 81:3,6 |
| 353:22 | 216:15 | Coauthored | 116:14,18 | 107:4 |
| clear-cut | 217:10 | 56:7 | 120:4 | 122:5,11 |
| 217:10 | 221:1 | coauthors | 121:20 | 122:13 |
| clearcut | 224:10,12 | 35:18 | 123:8 | 129:25 |
| 225:10 | 227:9 | 56:23 | 125:9 | 133:3 |
| clearly 21:4 | 231:9 | Cohen 49:6 | 126:23 | 143:17 |
| 60:25 | 247:5 | 49:16 50:9 | 131:8 | 144:9,11 |
| 82:25 | 260:25 | 61:18,24 | 159:16 | 145:8,11 |
| 121:15 | 261:2,3,7 | 62:14 | 162:18 | 146:3 |
| 132:16 | 324:20 | cohorts | 163:5 | 149:16 |
| 152:3 | 333:1 | 42:14 43:1 | 170:15 | 168:16 |
| 180:4 | 353:20,24 | cold 138:6 | 171:9 | 202:25 |
| 188:9 | 354:15 | collabor... | 182:6,13 | 219:1,10 |
| 189:9,16 | clinician | 37:6,10 | 182:19 | 245:1 |
| 194:17 | 166:24 | collabor... | 184:1 | 247:6 |
| 197:20 | clinicians | 37:8 58:24 | 186:11,19 | 248:2 |
| 225:3 | 216:13 | collabor... | 187:3,16 | 264:24 |
| 263:22 | clip 341:16 | 59:13 | 188:3 | 268:13 |
| 276:6 | 341:25 | collabor... | 189:18,20 | 293:22 |
| 322:16 | 342:3 | 37:11 | 190:15 | 305:24 |
| 323:6 | 343:21 | 42:17 | 193:22 | 320:5 |
| 358:16 | close 39:13 | collater... | 199:3 | 323:15 |
| click 255:7 | 76:17 | 17:3 | 200:22 | comes 107:13 |
| 284:13 | 84:24 | colleague | 253:24 | 142:11 |
| client | 85:16 | 252:24 | 254:5 | 207:13 |
| 299:10 | 86:19,19 | colleagues | 257:15 | 221:7 |
| Cliff 139:1 | 108:13 | 40:9 | 258:7 | coming 145:5 |
| 139:25 | 312:1,2 | 339:22 | 262:19 | 164:22 |
| 163:18 | 322:5 | collect | 266:9 | 219:23 |
| 167:19 | closely | 214:17,18 | 268:20 | comment |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|------------------|--------------------|-------------------|
| 143:23 | communic... | 287:4,10 | 343:9 | 151:16 |
| 172:20 | 167:2,5,7 | 287:16,25 | compatible | 217:12 |
| 193:15 | 186:11,15 | 306:23 | 70:25 78:2 | 285:11 |
| 199:19 | 285:25 | 308:16,18 | 81:14 82:1 | concern |
| 233:15 | 296:4 | 308:21,22 | 82:25 | 34:23 35:2 |
| 245:3 | 347:13 | 309:2,21 | 126:14 | 35:10 |
| 260:6 | communic... | 310:3,11 | 139:19 | 43:18 46:2 |
| 344:24 | 153:17 | 310:15 | 267:6 | 51:19 |
| 357:24 | communic... | 324:3,11 | competent | 52:10,13 |
| 358:2 | 96:15 | 324:19,25 | 139:17 | 52:18 |
| commentary | 186:7,9 | 325:9,11 | complaining | 62:23 63:8 |
| 202:22 | 237:25 | 325:23 | 335:6,9 | 67:13,13 |
| 203:1 | 238:2,4,7 | 326:1,9 | completely | 70:21 71:5 |
| 266:14,15 | 238:10,12 | 327:3,9,11 | 59:20 | 71:14 |
| commented | 238:17,23 | 327:13,16 | 80:16 | 78:10,20 |
| 187:3,4 | 239:4 | 328:11 | 101:13,24 | 79:13,15 |
| commenting | 265:4 | 336:1 | 113:8 | 80:5,9,13 |
| 347:2 | 290:17 | 347:4 | 145:2 | 80:15,16 |
| comments | 300:19 | 351:10,16 | 207:12 | 81:12,13 |
| 114:13 | 327:22 | community | 288:7 | 110:25 |
| 120:16 | 328:21 | 28:9,10 | completing | 155:3,12 |
| 124:23 | 347:8 | 58:1 169:2 | 359:20 | 195:11 |
| 160:10 | communic... | 170:7 | complicated | 217:1 |
| 172:2,6,13 | 38:11 83:9 | 175:5 | 120:19 | 228:13 |
| 172:20 | 96:17 | 216:1 | 124:13 | 321:22 |
| 201:3 | 110:5 | 217:1 | component | concerned |
| 207:25 | 147:4 | 230:7,21 | 122:14 | 59:16,19 |
| 219:1,10 | 255:22 | 230:25 | 267:4 | 103:8,15 |
| 227:14 | 268:14 | 231:1,5,15 | 273:10 | 103:18 |
| 233:4,5 | 301:2,5,13 | 248:19 | compound | 104:3,14 |
| 341:4,9 | 302:14,16 | 259:10 | 154:23 | 105:18,23 |
| 343:2,16 | 304:21 | 269:3 | 281:3 | 106:1,7,8 |
| commission | 312:10 | 273:3 | 334:12 | 188:9 |
| 360:22 | 326:15,19 | 316:6,24 | 347:6 | 189:13 |
| 363:24 | 330:1 | 359:7 | 356:10 | 225:11 |
| commissi... | communic... | companies | compounds | 228:10 |
| 347:1 | 38:6 72:7 | 269:18 | 281:3 | 235:11 |
| common 38:22 | 82:5,13,17 | 270:23 | comprised | 236:3 |
| 166:18 | 83:2,6 | 344:18 | 247:25 | 274:20 |
| 245:22 | 96:20 | company | conceivable | 303:8 |
| communicate | 99:16 | 151:22 | 184:12 | 310:16 |
| 186:5 | 125:12 | 286:9 | 191:6 | 312:20 |
| 290:11 | 147:2 | 335:3,20 | concentrate | concerning |
| 295:23 | 180:22,23 | compared | 191:1 | 266:16 |
| 296:18 | 213:7 | 263:5 | 243:17 | 295:12 |
| 301:18 | 264:25 | 322:15 | 312:5 | concerns |
| 325:11 | 268:8,11 | comparing | concept | 34:13 79:1 |
| 326:15,24 | 270:22 | 246:6,10 | 25:19 | 89:5 96:17 |
| 347:11 | 274:10 | 247:15 | 43:24 | 98:21 99:2 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| 102:14 | 85:5 86:8 | 247:1 | 123:19 | construct |
| 118:18 | 86:13 | confused | 334:4,9 | 121:16 |
| 198:2 | 87:22 | 26:10 | consequ... | 122:1 |
| 274:22 | 90:12 91:2 | 33:10 53:2 | 88:19 | 162:1 |
| conclave | 94:4,6 | 53:22 | conserva... | 180:5 |
| 108:3,16 | 105:21 | 61:25 | 341:16,25 | 181:9 |
| 108:22 | 112:22 | 200:24 | consider | 185:23 |
| 109:11 | 120:12 | 233:11 | 103:3 | consult |
| conclude | 149:14 | 243:2 | 123:20 | 247:22 |
| 288:20 | 199:15 | 299:3 | consider... | 272:4 |
| concluded | 201:8 | 306:21 | 195:11 | 273:18 |
| 219:12 | 204:11 | confusing | 216:21 | 318:12 |
| concludes | 217:24 | 16:10 | 258:5 | consulted |
| 185:22 | 218:3 | 17:15 | consider... | 220:17 |
| conclusion | 229:9 | 245:11 | 333:25 | 273:24 |
| 78:8 81:1 | 230:8 | 246:23 | consider... | consulting |
| 81:4,7,11 | 232:19 | Congratu... | 316:18 | 268:15,16 |
| 82:24 | 234:5,8,9 | 11:2 | 321:11,24 | 307:7 |
| 121:19 | 234:21 | Congress | considered | contact |
| 122:5 | 240:7 | 31:19 | 28:15 30:1 | 95:20 96:5 |
| 162:5,15 | 359:5 | 82:21 | 46:16 | 130:21 |
| 162:16,23 | conferences | congress... | consistent | 140:20 |
| 163:1 | 198:24 | 39:2 | 56:3,15,17 | 162:13 |
| 165:18 | 200:3,5,15 | connect | 56:19 | 165:8 |
| 166:16,21 | confidence | 324:25 | 71:21 | 186:19 |
| 180:9,12 | 73:16,22 | 325:8 | 91:10 | 187:1 |
| 180:19,20 | 74:8,13 | connected | 126:13 | 291:11 |
| 180:24 | 88:8,11 | 75:9 | 160:3 | 301:5 |
| 181:5,6,8 | 123:13 | connecting | 198:18 | 307:8 |
| 195:9 | 124:6 | 202:17 | 199:22,23 | contacted |
| 247:6 | confident | connection | 200:9 | 151:21 |
| 248:2 | 190:7 | 20:3,18,25 | 219:20 | 186:25 |
| conclusions | confiden... | 115:24 | consiste... | 202:17,18 |
| 288:25 | 7:6 8:11 | 117:25 | 246:8 | contacting |
| 320:13 | 8:12,13,14 | 244:8 | 247:18 | 95:25 |
| concrete | 8:15,16 | 269:22 | consisting | contacts |
| 16:18 | 178:14 | 274:15 | 287:5 | 269:17 |
| condition | confiden... | 291:20 | conspiracy | contain |
| 242:1 | 73:24 | 294:23 | 78:12 | 166:2 |
| conditions | configur... | 296:20 | 143:18,19 | containment |
| 15:3,19 | 34:23 | 338:4,6,15 | 143:19 | 117:2 |
| 118:11,20 | 82:25 | 351:17 | 185:22 | content |
| 119:9 | confirmed | connections | 188:16,21 | 21:17 |
| conducted | 311:17 | 227:25 | 188:25 | 100:5 |
| 9:11 30:4 | conflate | 272:11 | 190:22 | 152:9,9 |
| 274:10 | 157:13 | cons 81:10 | 193:23 | 208:16 |
| conducting | conflating | 358:4 | 194:1 | 212:1 |
| 15:4 | 157:4 | consensus | constitutes | 241:15 |
| conference | confounding | 80:18 | 147:11 | 270:12,16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-------------------|---------------------|---------------------|--------------------|----------------|
| 283:1 | contribu... | 152:6 | 324:10 | correct |
| 290:5 | 345:14 | 181:1,4 | 330:22 | 14:23 33:7 |
| 292:8 | contribu... | 287:25 | core 131:3 | 41:5,21 |
| 301:7 | 133:25 | 289:13 | Cornell | 48:5 51:17 |
| 306:18 | control 35:7 | 292:3,4,7 | 231:18 | 54:19,21 |
| contest | 164:22 | 327:21 | corner | 54:23 |
| 258:20 | 165:15,21 | 352:9 | 272:20 | 56:21,25 |
| contested | 168:6,17 | convoluted | coronavirus | 58:14,17 |
| 358:6 | 246:7,11 | 334:14 | 18:6,8,12 | 60:23 |
| context | 246:21,22 | cooler 169:6 | 22:14 34:7 | 61:15 |
| 12:22 | 246:24,25 | cooperation | 41:3,4,10 | 68:14 |
| 14:23,25 | 247:2,15 | 102:22 | 41:15 | 77:13 84:6 |
| 15:6 29:25 | 248:9 | Coopman | 42:21 | 84:7,18 |
| 31:18 | controlled | 97:23 | 49:16 | 85:2,3 |
| 47:19 | 167:24 | coordinate | 59:18 | 86:5 88:8 |
| 116:23 | 211:24 | 279:16 | 60:14 | 90:23,24 |
| 126:5 | controlling | coordina... | 70:20 | 92:4,15,17 |
| 128:8 | 168:2 | 279:22 | 72:14 | 93:12 |
| 129:23 | 262:1 | coordina... | 132:10 | 94:11,22 |
| 134:8,16 | controversy | 279:24 | 143:7 | 95:3,4,11 |
| 134:16,20 | 213:21 | copied | 145:19 | 98:11 |
| 135:5,10 | convene | 128:16 | 154:18 | 106:24 |
| 145:9,12 | 106:24 | 153:3 | 182:21 | 109:9 |
| 149:13 | 107:7 | 160:13 | 183:13,18 | 111:21 |
| 150:13 | 109:16 | 190:21 | 190:7 | 112:16,19 |
| 153:11 | convened | 260:21,24 | 196:25 | 112:20 |
| 156:16 | 107:17 | 261:7,19 | 197:6,9 | 113:9 |
| 158:13 | 131:9 | 308:11 | 201:25 | 115:9 |
| 169:4 | convening | copies 17:25 | 204:11 | 118:4 |
| 173:25 | 103:2 | 96:13 | 208:1 | 121:17,18 |
| 174:16 | 111:21 | 110:11 | 209:10 | 123:16,17 |
| 252:22 | 126:8,15 | 114:9 | 211:12 | 123:21 |
| 256:13 | 126:16 | 138:11 | 214:2,9,15 | 124:5 |
| 334:25 | 137:23 | 205:14 | 215:24 | 125:10 |
| 343:7 | conversa... | 361:9 | 218:7 | 126:25 |
| continue | 163:4 | copy 119:22 | 227:11 | 127:2 |
| 27:24 | 168:4 | 159:15 | 229:10 | 128:14,21 |
| 102:23 | 180:14 | 182:5 | 232:18 | 128:23 |
| continued | 213:11 | 185:15 | 271:9 | 129:2,6 |
| 224:2,6 | 255:22 | 201:25 | 278:3 | 130:18,22 |
| continuing | 258:15 | 237:18 | 306:1 | 130:23,25 |
| 224:8 | 263:1,2 | 249:1,10 | 321:1,12 | 131:21 |
| contradict | 289:6,9 | 253:25 | 336:9,18 | 133:2 |
| 322:6 | 291:14,24 | 283:15 | 344:15 | 143:9 |
| contrary | 292:2,8 | 284:16 | coronavi... | 144:3 |
| 343:14 | 302:5 | 330:23 | 67:22 | 146:23 |
| 346:13 | conversa... | 346:17 | coronavi... | 149:3,4 |
| contribute | 140:20 | 361:12 | 31:8 33:16 | 150:11,15 |
| 288:21 | 147:6,7,8 | copying | 37:4 39:24 | 160:15,16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|------------|---------------------|---------------------|---------------------|
| 161:5,9 | 233:3,6,10 | 327:3 | 94:13 | 13:3 23:3 |
| 162:2,3 | 233:24,25 | 328:16 | 96:12 | 28:25 |
| 163:20,21 | 234:11,16 | 330:12,22 | 119:21 | 29:24 |
| 164:12,25 | 235:8 | 330:25 | 120:25 | 30:12 34:9 |
| 165:1,16 | 237:13 | 331:1,6,20 | 127:17 | 34:11 |
| 165:17,21 | 240:7 | 335:24 | 138:10 | 52:17 |
| 166:11,15 | 242:23 | 341:5,17 | 144:25 | 61:12 71:1 |
| 167:1,20 | 243:24 | 341:18 | 145:23 | 129:3,5,7 |
| 167:21,24 | 245:20,23 | 342:11 | 148:5 | 141:23 |
| 168:24 | 246:1 | 344:15 | 150:24 | 153:12 |
| 171:3,4,5 | 249:25 | 348:11,15 | 178:6 | 205:10 |
| 171:6,10 | 250:8,21 | 348:25 | 209:14 | 212:5 |
| 172:4,5,10 | 252:12 | 350:20 | 294:18 | 219:20 |
| 173:4,9,10 | 254:7,13 | 357:11,18 | 346:17 | 225:16 |
| 177:3 | 254:14,16 | 358:24 | 360:11,14 | 242:21 |
| 179:19 | 254:17,21 | 363:9,13 | count 53:25 | 295:11 |
| 180:6 | 254:22 | corrections | counter 78:1 | 313:18 |
| 183:19,20 | 262:24 | 361:12 | 260:20 | 314:4 |
| 183:25 | 263:25 | correctly | 357:7,16 | course 93:5 |
| 186:3,4 | 264:4,8,9 | 70:5 | 358:23 | 136:1 |
| 188:17 | 264:11 | 143:14 | 359:9 | 247:17 |
| 190:8,17 | 266:10,22 | correspo... | countera... | court 1:1 |
| 190:22 | 268:3,6,7 | 205:21 | 257:25 | 9:10,24 |
| 192:7 | 271:10,11 | correspo... | 258:24 | 12:10 |
| 193:24 | 273:4,12 | 195:24 | 259:2 | 17:23 |
| 194:14,25 | 275:24 | CORY 5:2 | countering | 26:23 |
| 196:2,3,6 | 276:14 | cosignature | 357:8 | 60:18 |
| 196:12,16 | 278:1,5,6 | 257:9 | counters | 74:15 |
| 197:1,9,10 | 278:14,15 | cost 167:24 | 107:4 | 150:22,24 |
| 197:12 | 279:14 | 168:2,6 | countries | 225:19 |
| 198:3,6,19 | 284:4,5 | coughs | 140:7 | 227:19 |
| 199:5 | 286:15 | 314:16 | country 46:8 | 228:2,7 |
| 200:19,23 | 288:16,22 | counsel 1:14 | 117:15 | 230:9 |
| 203:15 | 288:23 | 4:19 6:2 | 170:2 | 234:23 |
| 204:8,9,12 | 295:6 | 9:16 10:3 | 216:13 | 236:21 |
| 204:16,17 | 299:11,19 | 10:6 12:15 | 230:15 | courteous |
| 206:22 | 300:16 | 14:8 17:25 | 231:15,18 | 171:17 |
| 209:10 | 303:13,19 | 26:13,24 | 231:20 | 172:21 |
| 211:13 | 303:25 | 42:1 43:11 | 232:11 | Courtney |
| 212:22 | 304:14,16 | 47:18 | 248:1 | 38:9 |
| 218:7,10 | 306:4 | 52:24 53:1 | 276:25 | 301:16,17 |
| 218:11,14 | 309:9,10 | 54:2 60:18 | 297:19 | 301:23 |
| 218:15,17 | 309:13,18 | 65:19 | 298:4 | 309:2 |
| 219:14 | 311:19 | 68:15 | 321:22 | 324:10 |
| 222:12,22 | 317:8,15 | 69:10 73:2 | 332:22,23 | 327:2,8,12 |
| 223:21 | 317:19 | 74:15 | County | 327:21 |
| 227:12,13 | 320:1,24 | 76:16 | 293:12,18 | CoV 23:5,11 |
| 229:11 | 324:5,11 | 90:10 | 363:3 | 39:15 |
| 231:10 | 324:12,16 | 93:22 | couple 11:1 | cover 182:10 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|--------------------|---------------------|
| 182:11 | create 15:5 | 65:10 | 40:10 41:2 | 243:7 |
| coverage | 24:24 | 347:1 | 117:8 | 286:25 |
| 185:3 | 78:21 | Curry 101:5 | 129:10,21 | 344:5 |
| covers 22:25 | created | 101:5 | 130:2 | 362:3 |
| COVID 40:17 | 156:13 | cursorily | 140:20,25 | dated 72:24 |
| 42:16 | creating | 240:1 | 141:17 | 148:19 |
| 188:20 | 310:10 | curtail | 146:7,13 | 152:22 |
| 213:9 | creation | 166:18 | 146:16,22 | 159:3 |
| 224:7,25 | 59:18 | curtailing | 147:2,10 | 167:19 |
| 226:2 | credentials | 262:8 | 204:4,24 | 173:11 |
| 236:4 | 279:6,7 | curtailment | 205:1 | 176:4 |
| 275:17 | credibility | 151:17 | 206:5 | 186:1 |
| 331:5,9 | 137:24 | cut 211:20 | 207:16,19 | 197:1 |
| 354:2 | credit | cuts 356:13 | data 37:2,9 | 204:4,4 |
| 355:5,5,9 | 177:18 | cutting 42:2 | 37:15 80:4 | 222:8 |
| COVID-19 | credits | | 80:6,10,11 | 242:19 |
| 31:25 | 177:11 | D | 126:16 | 253:19 |
| 163:12 | criteria | D 2:5,7 9:1 | 189:2,7,12 | 263:12 |
| 170:18 | 221:3 | 222:4 | 191:16 | 271:5 |
| 173:14 | critic 336:2 | D.C 3:7 4:3 | 193:8 | 277:25 |
| 175:20 | critical | 361:6 | 215:1,3,17 | 294:10 |
| 184:3 | 27:24 | damage 258:5 | 215:23 | 298:24 |
| 185:22 | 280:24 | Dan 135:8 | 217:2,2,9 | 341:1 |
| 196:18 | 295:5 | danger 117:1 | 217:10,25 | 344:4 |
| 210:17,24 | 348:8 | 323:7 | 218:13 | dates 22:23 |
| 211:23 | criticism | dangerous | 219:17 | 44:17 |
| 212:1 | 296:23 | 14:6,20,24 | 220:25 | 233:11 |
| 213:23 | 297:4 | 15:2,5,23 | 221:7 | 317:20 |
| 219:13 | criticize | 17:3 24:1 | 223:16 | 322:9 |
| 237:20 | 343:5 | 271:25 | 236:25,25 | daughter |
| 245:20 | criticizing | 272:6,13 | 237:4 | 100:1,2,22 |
| 284:3,20 | 212:22 | 272:14 | 247:2 | 350:21 |
| 306:4 | 244:15 | 273:12 | 259:12 | 351:9 |
| 313:19 | 279:18 | 274:2,9 | 320:1 | David 204:14 |
| 318:6 | Cross 299:8 | 276:18 | 323:13,17 | 204:18,18 |
| 331:23 | culture | 278:4,14 | 337:15 | 204:20,21 |
| 332:3 | 281:25 | 278:25 | 343:9 | day 44:15 |
| 347:3 | curb 151:13 | 306:19 | 353:8 | 46:21 |
| 353:11,23 | curious | 307:9 | 354:5 | 51:21 59:1 |
| 358:8 | 102:13 | 356:20 | databases | 59:4 61:6 |
| CPAC 341:17 | 237:19 | 357:6,20 | 158:11 | 63:20 66:3 |
| 341:22 | current | Daniel 9:14 | date 58:11 | 66:24 |
| 342:1 | 10:11 48:5 | dark 59:21 | 73:12 | 67:13,14 |
| Crawford | 49:22 | Daszak 20:11 | 199:13,13 | 67:20 |
| 298:23 | 50:11 | 20:13,15 | 199:14,15 | 85:10 86:8 |
| 299:22 | 61:23 | 21:8,16,21 | 218:10 | 105:21 |
| 330:12,13 | 291:23 | 35:17 36:2 | 231:25 | 109:3,11 |
| 330:22,23 | 313:11 | 36:14 37:1 | 232:23,25 | 127:5 |
| CRC 308:12 | currently | 37:6 39:22 | 233:2,12 | 148:23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|---------------------|--------------------|
| 153:13 | dean 291:3,4 | 220:18 | declare | demonstrate |
| 174:3 | Dear 170:25 | 224:23 | 363:12 | 225:7 |
| 186:2 | 361:8 | 238:1,13 | decrease | demonstr... |
| 192:4 | death 169:4 | 239:10 | 116:6 | 167:23 |
| 199:3 | 274:4 | 319:24 | deep 256:15 | demonstr... |
| 200:22 | 278:24 | decisions | deeply | 121:15 |
| 204:8,10 | 297:8 | 333:7 | 265:23 | DENNIS 5:2 |
| 206:20 | 345:11,15 | declaration | Defendant | denominator |
| 207:1 | 346:11 | 7:24 | 1:14 3:20 | 236:8 |
| 212:8 | deaths | 248:14,16 | 4:7,16 | denounced |
| 233:4,22 | 276:24 | 248:17 | defendants | 271:23 |
| 238:19 | 343:10 | 249:2,10 | 1:9 9:23 | 272:12 |
| 260:18 | 355:23,24 | 249:12,15 | define 16:7 | Department |
| 269:14 | debate | 249:18,19 | definitely | 2:19 3:20 |
| 275:21 | 319:11,15 | 250:1 | 142:7 | 4:1,7,10 |
| 359:4 | 319:18,23 | 251:4 | 217:22 | 9:22 |
| 363:14 | 322:17,19 | 252:18 | definition | 313:10 |
| days 34:9,11 | 322:21 | 254:6,12 | 265:25 | 361:5 |
| 52:17 | 358:6,9,13 | 254:24 | 339:8 | depending |
| 60:15 85:5 | 358:13,14 | 255:4,14 | definitive | 279:24 |
| 161:15 | debating | 256:10 | 16:19 | depends |
| 179:19 | 77:11 | 258:2,11 | 121:24 | 117:15 |
| 207:2,2,3 | deboosted | 259:23 | 215:2 | 159:22 |
| 219:1,10 | 280:21 | 260:15 | 218:1 | 246:24 |
| 222:7 | 281:9 | 264:7 | 322:12 | 265:21,25 |
| 242:21 | debunk 244:6 | 266:10 | definiti... | 323:5 |
| 254:6 | 332:7 | 267:1,4,5 | 219:21 | deposition |
| 279:11 | 333:13 | 267:7 | degree 74:2 | 1:13 9:5 |
| 343:24 | debunked | 268:6,23 | 96:3 | 9:11 11:3 |
| 344:4 | 211:6,12 | 269:4 | 165:14 | 12:19,22 |
| 361:17 | 211:22 | 274:1 | degrees | 13:2 47:7 |
| DC 234:5 | debunks | 276:4,17 | 175:1 | 356:15 |
| 267:22 | 183:17 | 277:6 | del 296:16 | 359:23 |
| deactivated | 264:3 | 278:22 | delay 245:15 | 360:5,7,12 |
| 330:3 | decade | 279:19 | deleterious | 361:9 |
| Deactiva... | 265:17 | 280:1,13 | 216:25 | 363:6,8,11 |
| 328:17 | decades | 280:17,21 | deliberate | deputy 29:2 |
| dead 169:7 | 291:9 | 280:23 | 189:9 | 29:12 |
| deadly 346:3 | December 6:8 | 281:9 | delibera... | 30:18,20 |
| deal 21:19 | 13:20 34:8 | 282:11 | 106:5 | 30:25 |
| dealing | 34:10 | 283:2 | 194:9 | 54:25 |
| 33:18 | decide 64:7 | 285:7,10 | 339:15 | 57:18 65:9 |
| 88:17 | 109:1,3,5 | 290:10,19 | delibera... | 261:1,6 |
| 117:11,21 | 122:16 | 291:12 | 27:23 96:6 | 300:2 |
| 136:21 | deciding | 292:11 | 113:5 | DeRisi |
| 140:5 | 122:20 | 295:6 | delibera... | 133:10 |
| 169:25 | 289:1 | 296:19,24 | 25:25 | 134:13,23 |
| deals 175:9 | decision | 297:6,10 | demanded | 135:6,13 |
| dealt 175:9 | 169:13 | 297:16,23 | 335:2 | DeRisi's |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|--------------------|------------------|
| 135:14 | details 6:10 | 122:14 | 66:15 | discovery |
| describe | 19:10 | 128:22 | 70:15 | 287:15 |
| 57:1,6 | 90:12 | 155:20,20 | 72:18 75:6 | 357:15 |
| 155:22 | 280:19 | 160:5,5 | 76:3 91:5 | discredit |
| 156:15 | determin... | 177:21 | 95:6,9,17 | 79:2 |
| 278:10 | 16:6 | 207:11 | 97:5 108:5 | discuss |
| described | 119:13 | 295:3 | 134:4 | 44:11,19 |
| 33:14 | 121:25 | 304:2 | 162:21 | 88:24 |
| 38:15 57:7 | 231:20,24 | 322:20 | 182:6,19 | 89:14 |
| 82:15 | determine | 338:13 | 216:6,14 | 100:5,8 |
| 174:11 | 70:23 | difficult | 216:14 | 131:8 |
| 188:19 | 80:12 | 169:16 | 261:1,1,7 | 149:19 |
| 193:22 | 156:5 | digital | 271:25 | 162:19 |
| 250:10 | determines | 329:20 | 300:3 | 165:2,23 |
| 262:18 | 28:4 | 336:17,19 | 308:1 | 166:1 |
| 342:10 | detrimental | diminished | 324:19 | 168:2 |
| describes | 358:16 | 110:3 | 327:8,12 | 181:11,14 |
| 183:22 | devastating | direct 34:3 | 329:20 | 181:21 |
| 306:18 | 257:16,19 | 47:24 | 336:17,20 | 195:10 |
| describing | 258:10,13 | 125:18 | 353:1 | 216:2 |
| 57:9 | 259:23 | 144:20 | director's | 231:1 |
| description | develop | 145:15 | 142:8,9,14 | 258:8 |
| 246:11 | 256:15 | 147:6 | 142:16 | 274:21 |
| design | 316:16 | 153:21 | 182:11,15 | 276:2 |
| 320:17 | developed | directed | 184:12 | 291:11 |
| designated | 17:8 27:19 | 152:4 | 186:2 | 336:23 |
| 185:21 | developing | directing | 300:10 | 352:6,13 |
| desired | 351:22,23 | 48:13 | directors | discussed |
| 361:13 | 354:11 | direction | 30:19 | 67:12,14 |
| desk 22:19 | development | 1:23 53:19 | dis 339:2,4 | 67:19,25 |
| 22:20 29:5 | 189:10 | 354:11 | 339:6 | 78:19 79:7 |
| 129:25 | 319:10 | 360:10 | disagree | 79:11 |
| 245:1 | 351:17,20 | directly | 214:4 | 113:21 |
| 293:22 | 351:24 | 36:8 38:8 | 297:22 | 121:20 |
| desperately | 352:1,3 | 96:20 | 298:5 | 126:17 |
| 321:20 | 354:10 | 126:7 | 355:14,14 | 147:11 |
| despite | dialogue | 190:12 | 356:9 | 151:25 |
| 224:1 | 321:19 | 202:11 | disagreed | 166:22 |
| destructive | die 169:14 | 239:5 | 224:1 | 181:6,8,16 |
| 188:15,20 | difference | 272:14,16 | 356:1 | 181:19,22 |
| 188:25 | 157:8 | 288:21 | disagreeing | 184:24 |
| 190:21 | 246:20 | 311:15 | 214:6 | 193:1 |
| 193:23,25 | different | director | 234:10 | 195:9 |
| detail 77:24 | 15:1 58:24 | 10:13,24 | disagrees | 196:17 |
| 348:23 | 65:17 | 10:25 29:1 | 258:24 | 216:4,7,18 |
| 349:8,14 | 73:12 | 30:25 35:7 | disconce... | 221:15 |
| 349:16,19 | 90:11 | 38:10,17 | 340:3 | 222:20 |
| detailed | 115:19 | 38:19 46:9 | discourage | 231:3 |
| 284:20 | 117:15,25 | 65:9,10 | 151:7 | 255:23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-------------------|---------------------|--------------------|---------------------|---------------------|
| 270:21 | 147:14 | 46:8,17 | 344:14 | 9:10 |
| 275:5 | 149:21 | 166:17,19 | 345:4,9,13 | disturbed |
| 279:23 | 162:9,22 | 216:13 | 345:23 | 189:11 |
| 292:10 | 162:23 | 227:12 | 346:2,5,11 | disturbing |
| 297:6 | 187:5 | 248:1 | 357:3,4,17 | 304:21 |
| 321:12 | 189:9 | 271:24 | 358:24 | 358:17 |
| 327:15 | 216:16,21 | 272:12 | 359:10 | diversion |
| 349:15 | 218:19 | 279:2 | dispute | 80:7 |
| 355:4 | 219:3 | 291:2 | 66:25 | diverting |
| 357:4 | 220:4 | 332:21 | 287:24 | 79:15 |
| Discusses | 244:9 | 333:1 | disputes | division 1:3 |
| 163:12 | 293:1 | 353:9,11 | 318:20 | 4:20 9:11 |
| discussing | 316:2 | 354:6 | dissemin... | 30:19 |
| 77:11 | 321:18,19 | diseases | 88:25 | 70:15 |
| 90:25 | 328:2 | 10:14 | 104:23 | 72:18 |
| 110:24 | 336:2 | 46:10,14 | 150:16 | 133:23 |
| 162:15 | 340:2 | 70:16 | 235:16 | 216:14 |
| 184:22,25 | 349:7,11 | 72:19 | dissemin... | 353:2 |
| 276:5 | 349:12 | 133:24 | 195:13 | doctor |
| 279:17 | 351:21 | 142:13 | 235:9 | 223:19,23 |
| 292:24 | discussions | 231:15,17 | 236:3 | 223:24 |
| 343:17 | 29:24 | 231:19 | 340:18 | 224:10,23 |
| 345:16 | 50:23 | 232:10 | dissociated | 235:11 |
| 352:2,4,17 | 66:14 | 332:22 | 99:5 | 236:2 |
| discussion | 73:20 | 333:24 | 103:13 | doctors |
| 35:15 48:5 | 82:17 97:4 | disfavored | distancing | 223:25 |
| 49:23 | 99:18 | 285:18 | 165:15,20 | 224:5,8 |
| 50:11 52:2 | 104:1 | disinfo | 166:20 | 225:18,25 |
| 54:10 | 111:3 | 337:16 | 168:25 | 227:15,16 |
| 61:23 | 137:1 | disinfor... | 169:11,16 | 228:1 |
| 63:23,24 | 152:3 | 103:19 | 169:18,20 | 229:8 |
| 64:1,19 | 162:4 | 104:4,10 | 262:6,14 | 232:18 |
| 73:16,23 | 163:1 | 104:16 | 262:22 | 234:6,22 |
| 74:4 77:17 | 167:9,11 | 150:11,14 | distant | 236:20 |
| 78:22,25 | 168:1 | 150:19 | 70:23 | 238:22 |
| 80:17 88:1 | 169:9 | 151:3,14 | distortion | 242:15 |
| 95:13,25 | 191:17 | 193:17 | 106:15 | 243:3 |
| 97:1 | 215:20,25 | 194:5,10 | 107:5 | document |
| 109:14 | 262:10,17 | 194:23 | distortions | 12:10,21 |
| 111:1 | 262:21 | 217:7,15 | 105:17,19 | 13:9 14:10 |
| 113:3 | 275:3 | 229:25 | 105:24,25 | 14:18 |
| 118:24 | 337:20 | 235:15 | 106:13,18 | 17:18,24 |
| 126:6,11 | 338:10,14 | 236:4 | 107:5,14 | 18:4,7 |
| 136:25 | 338:18,19 | 337:22 | distracting | 25:2,7,14 |
| 137:17,25 | 339:21 | 338:3,11 | 207:12 | 25:17,24 |
| 138:1,14 | 340:5,8,13 | 338:25 | distraction | 26:15 31:1 |
| 138:21,21 | 343:1,4,22 | 339:11,14 | 79:18,22 | 43:13 |
| 141:6 | 345:3 | 339:19,24 | District 1:1 | 48:12,19 |
| 147:11,12 | disease 35:7 | 340:3,9,14 | 1:2 9:10 | 48:23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|--------------------|---------------------|------------|---------------------|
| 52:20,22 | 288:11 | 97:23 | 119:24 | 275:3,13 |
| 54:5,16 | 299:2 | dosages | 134:15,17 | 278:2 |
| 64:21,24 | 306:8 | 246:7 | 139:15 | 279:4,8,12 |
| 68:17 | 335:15 | double | 140:5 | 284:7 |
| 69:12 | 337:8 | 244:10 | 147:10,15 | 287:9,18 |
| 72:21 73:4 | 341:13 | 246:12 | 148:24 | 290:22 |
| 76:20,22 | 347:13 | double-b... | 149:6 | 291:15,18 |
| 94:14 96:8 | 353:19 | 322:2 | 150:8 | 299:1 |
| 96:16 | documented | doubt 29:3,6 | 159:16 | 306:6 |
| 97:13,20 | 289:13 | 32:16 | 163:5,5,18 | 309:5,15 |
| 105:1 | 332:25 | 55:15,16 | 164:1 | 311:19 |
| 110:10 | documents | 110:4 | 165:6 | 313:6 |
| 111:9,15 | 12:16 13:1 | 184:9 | 166:16,24 | 333:17 |
| 112:2,13 | 13:3,4,5 | 198:24 | 168:4 | 350:1 |
| 114:16 | 25:12,13 | 290:15 | 176:14 | 353:18 |
| 115:17 | 25:18 53:1 | 292:23,24 | 179:18 | 354:20 |
| 120:3 | 112:7 | downs 81:11 | 180:10 | 355:4 |
| 123:4 | 114:21,23 | dozen 63:25 | 182:12 | 356:3 |
| 125:21 | 114:25 | dozens 200:5 | 183:4 | 361:10 |
| 126:20 | doing 11:24 | 200:5,5 | 185:6,11 | 362:1 |
| 128:10 | 13:21 | Dr 1:13 2:24 | 186:11,19 | 363:5,20 |
| 130:14 | 18:11 | 2:25,25 | 187:3,21 | draft 114:9 |
| 132:23 | 42:23 | 6:3 9:6 | 188:3 | 120:5,10 |
| 136:12 | 58:10,24 | 10:2,11 | 189:18,20 | 120:14,17 |
| 141:16 | 59:25 | 12:18 13:1 | 190:15 | 123:14 |
| 142:18 | 62:21,24 | 14:9 15:7 | 193:22 | 124:2,7,9 |
| 161:24 | 70:7,18 | 15:7 17:22 | 197:14,18 | 124:12,21 |
| 163:23 | 71:23 | 21:8 25:9 | 198:1 | 127:4,8 |
| 164:2 | 132:1 | 26:14 | 199:3 | 128:16,17 |
| 173:3 | 141:17 | 30:21 | 200:22 | 128:20 |
| 176:3,11 | 142:1 | 37:13 | 201:23 | 129:1 |
| 176:12 | 152:15 | 38:20 | 203:24 | drafting |
| 178:11 | 176:19 | 43:12 | 211:15 | 112:22 |
| 182:17 | 200:1,2 | 50:16,23 | 216:5 | 203:14 |
| 183:5 | 256:17 | 51:11 | 227:2 | drafts 114:4 |
| 187:24 | 258:5 | 52:25 53:8 | 240:12 | 128:20 |
| 197:15,16 | 260:20 | 54:15 | 251:17,17 | 129:4 |
| 206:13 | 263:5,6 | 68:16,24 | 251:18 | 160:13,17 |
| 210:15,25 | 301:22 | 73:3 83:14 | 252:8 | 196:5 |
| 211:16 | 302:13 | 83:23 89:4 | 253:18 | dramatic... |
| 226:21 | 310:12,13 | 90:11 | 254:5 | 317:11 |
| 227:4 | dollars | 91:21 93:5 | 256:4,5 | drew 165:18 |
| 237:10 | 177:10,18 | 94:14 | 257:15 | Drive 1:19 |
| 267:10 | Don 136:2,3 | 95:21 | 258:7 | 4:22 9:12 |
| 271:16 | donate | 96:17 | 267:20 | droplets |
| 272:20 | 177:18 | 101:15 | 270:11,15 | 314:16 |
| 278:7 | Dorsey's | 110:11 | 271:13,15 | drug 215:4 |
| 284:19 | 240:18 | 112:1 | 272:4,25 | 217:16 |
| 287:18 | Dorsten | 115:5,16 | 273:16,25 | 221:4,5,8 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------|-----------------|---------------------|---------------------|
| 227:1, 22 | 106:9, 16 | 206:9, 19 | 317:22 | 77:1, 6 |
| 353:23 | 108:1 | 207:13, 21 | 328:12 | 80:19 |
| 354:1, 4, 9 | 110:10, 15 | 253:18, 24 | e-mailing | 118:23 |
| drugs 215:16 | 111:5, 17 | 254:3 | 200:22 | 123:18 |
| 354:1, 2, 11 | 112:4, 15 | 255:5, 8 | 324:6, 23 | 136:13 |
| drugstore | 114:3 | 256:18 | 325:20 | 140:24 |
| 314:13 | 115:7, 11 | 257:4, 5 | e-mails 6:13 | 147:16 |
| 317:24 | 115:12 | 259:17 | 6:14, 15, 16 | 161:15 |
| due 46:7 | 118:3 | 260:22 | 6:17, 19, 20 | 163:20 |
| duly 1:16 | 120:3 | 261:6, 20 | 6:21, 22, 23 | 170:19 |
| 10:4 360:7 | 123:6 | 263:11, 24 | 7:4, 5, 6, 10 | 174:11 |
| Duvall 303:5 | 124:16 | 266:8, 13 | 7:12, 13, 25 | 179:19 |
| | 125:8, 22 | 269:1, 7 | 8:1, 2, 4, 10 | 193:15 |
| E | 126:22 | 276:7 | 8:11, 12, 13 | 203:10 |
| E 6:1, 6 9:1 | 127:8, 9 | 277:13 | 8:14, 15, 16 | 217:8 |
| 9:1 | 128:13 | 294:9, 20 | 8:21 21:14 | 234:3 |
| e-mail 21:16 | 130:17, 18 | 294:21 | 63:12 78:5 | 250:10 |
| 37:25 39:8 | 130:20, 21 | 295:19 | 81:19 84:3 | 252:16 |
| 40:6 42:7 | 131:2 | 298:22, 23 | 117:4, 25 | 286:8 |
| 42:12 48:2 | 132:4, 8, 12 | 299:7 | 122:7, 11 | 339:10 |
| 50:15, 16 | 132:17 | 305:3, 3, 9 | 122:12, 15 | 351:18 |
| 50:20 | 133:18, 20 | 305:10, 11 | 122:15, 16 | early 22:16 |
| 54:20, 24 | 135:20 | 305:23 | 130:24 | 169:5 |
| 55:5, 7, 10 | 136:12 | 307:18, 20 | 132:4 | 246:8 |
| 55:13, 18 | 139:22 | 308:11 | 137:22 | 247:16, 17 |
| 55:24 | 142:4 | 309:12 | 153:13 | 265:19 |
| 56:13 | 152:21, 25 | 311:12 | 160:22 | 293:18 |
| 57:18 59:6 | 153:4, 7, 9 | 313:12, 22 | 188:5 | 313:14 |
| 59:7 60:13 | 153:18, 20 | 315:7 | 189:19 | 315:19 |
| 61:7, 12, 24 | 161:15 | 323:25 | 196:6 | 322:8 |
| 62:3 63:1 | 167:19, 22 | 324:7, 13 | 206:24 | 325:22 |
| 65:2 68:6 | 170:13, 22 | 324:14, 15 | 207:1, 10 | easily 232:1 |
| 68:9, 13 | 173:3, 8, 21 | 327:4 | 207:11 | Eastern 9:4 |
| 69:2, 5, 9 | 176:3, 15 | 328:5 | 208:24 | easy 206:7 |
| 72:3, 13, 24 | 187:17 | 329:11, 22 | 242:5 | Ebola 140:8 |
| 75:9 84:5 | 188:2, 6, 6 | 330:10, 18 | 263:19 | EcoHealth |
| 84:13, 16 | 188:23 | 331:2 | 275:21 | 6:9 18:11 |
| 85:12, 23 | 189:3, 11 | 347:23 | 279:19 | 19:10, 24 |
| 86:1, 14, 19 | 189:16, 19 | 348:1 | 287:5 | 20:4, 6 |
| 89:20 90:8 | 190:24 | 349:5, 21 | 288:4, 5 | 21:22 30:4 |
| 90:20 91:6 | 191:24 | 353:5 | 289:24 | 36:4, 9 |
| 92:1, 2 | 192:1, 5 | e-mailed | 290:15 | 58:9, 22 |
| 93:14, 15 | 195:2 | 69:23 | 330:14 | Eddie 44:24 |
| 94:3, 8, 10 | 201:21 | 92:12 | earlier 26:2 | 45:2, 3, 9 |
| 94:21 98:4 | 202:2, 11 | 114:4 | 41:8 43:17 | 50:24 51:3 |
| 101:12 | 202:18 | 199:3 | 50:23 | 51:4 73:9 |
| 102:11 | 204:3, 7, 10 | 295:20 | 51:20 | 73:10, 10 |
| 103:1 | 205:23 | 300:13 | 56:10, 24 | 112:15 |
| 105:5, 23 | 206:4, 5, 7 | 309:4 | 60:1, 12, 15 | 114:2, 5 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|---------------------|----------------------|
| 120:11 | 217:19 | 155:5 | 101:8 | environment |
| 123:14 | 218:14 | elements | 287:1 | 316:10 |
| 124:17 | 219:18 | 17:1 | 346:12 | Environm... |
| 128:16 | 221:2 | embarrassed | ended 78:4 | 307:5 |
| 160:18, 21 | 225:10 | 108:12 | endorse | EPA 306:24 |
| 161:1 | 227:10 | emerged | 354:8 | 307:7 |
| 203:12 | 231:1, 3, 23 | 154:20 | endorsement | EPA.gov |
| edited | 243:21, 23 | emergence | 353:7 | 307:3 |
| 112:19 | 244:2 | 18:6, 9, 12 | enemy 345:23 | epicenter |
| 123:15 | 245:9 | 22:14 31:9 | 346:6 | 337:16, 21 |
| editor 308:5 | 247:7 | 41:4, 10, 15 | engaged | epidemic |
| 308:20 | 262:13, 22 | 153:24 | 64:18 | 169:5 |
| editorial | 318:2, 12 | emergency | 340:1 | epidemi... |
| 13:19 | 318:20 | 220:11 | engineer | 279:1, 4 |
| effect 29:16 | 322:2, 7, 18 | 221:3 | 100:1, 13 | epidemi... |
| 215:7 | 332:7 | emeritus | engineered | 255:11, 21 |
| 219:13 | 333:17 | 291:5, 5 | 34:16 | 256:9 |
| 223:15 | 355:10 | Emily 70:14 | 51:15 | 277:9 |
| 322:16 | 356:8 | 70:14, 19 | 89:12 | epidemi... |
| 353:21, 22 | 358:7 | 72:9, 13, 15 | 182:21 | 273:11 |
| 354:4, 15 | effort 12:3 | 72:17, 18 | 183:13 | 278:13 |
| 354:16 | 12:5 | 149:3, 3, 6 | engineering | 279:3 |
| effective | 171:19 | 205:15, 17 | 17:7 | equipment |
| 166:18 | 194:24 | 205:22 | England 47:2 | 321:22 |
| 170:3 | egregious | Emmanuel | enormous | equivalent |
| 214:2, 9, 11 | 151:5 | 352:23, 24 | 170:5 | 345:14 |
| 215:5, 24 | eight 27:16 | emphasis | ensure | Erbelding |
| 217:13 | 29:10, 23 | 199:24 | 296:22 | 70:14 72:9 |
| 218:6 | 53:25 86:1 | 200:9 | 320:20 | 149:3 |
| 221:5 | 91:18 | emphasize | entered | 205:15, 22 |
| 224:3 | 235:6 | 155:23 | 234:2 | ERIC 2:6 |
| 227:11 | 309:11 | employed | entire 170:7 | Erik 42:16 |
| 261:25 | eighth 52:21 | 40:15 | 232:11 | 205:14, 17 |
| 262:7 | 53:5, 12, 14 | 360:11, 14 | 260:5 | 205:22 |
| 314:13 | 54:1, 15 | employee | 302:14, 16 | errata |
| 315:15 | either 24:15 | 337:9 | entirely | 361:11, 13 |
| 317:24 | 27:14 34:8 | 360:14 | 140:10 | 361:16 |
| 322:10 | 34:10 | employees | 153:16 | 362:1 |
| 331:5, 9 | 75:15 | 300:4 | 262:25 | escaped |
| 355:8 | 80:14 97:2 | enclosed | 276:14 | 79:21 |
| effectiv... | 233:19 | 361:9, 10 | entitled | 143:7 |
| 213:22 | 284:19 | Enclosures | 31:7 | 155:16, 17 |
| 331:17 | 291:4 | 361:25 | 163:12 | 156:11 |
| effects | 295:19 | encourage | 185:21 | 208:17 |
| 216:25 | 316:15 | 152:5 | 190:6 | espoused |
| efficacy | 321:15 | encourages | 210:15 | 266:25 |
| 215:3, 15 | election | 345:9 | 218:5 | ESQ 2:5, 6, 7 |
| 215:21 | 10:20 | encouraging | 242:15 | 2:16, 17, 18 |
| 216:7, 18 | element | 99:19 | 280:12 | 3:2, 3, 13 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|--------------------|---------------------|
| 3:22,23,24 | everybody | 81:3,7 | 229:19 | 263:11 |
| 3:25 4:9 | 28:9 67:17 | evident | 230:3 | excited |
| 4:18 361:4 | 238:9 | 218:14 | 308:3 | 192:22 |
| essential | 278:10 | 219:18 | examination | exciting |
| 54:18 | 349:22 | evolution | 1:14 6:2 | 192:23 |
| 58:13 | everythi... | 78:2 81:15 | 10:6 78:8 | exclamation |
| 106:19 | 12:6 70:13 | 82:2 | 80:14 | 300:15,15 |
| 107:11 | evidence | 132:10 | 231:21 | 300:16 |
| essentially | 18:21 | 144:12 | examine | excuse 53:17 |
| 37:16 | 19:19 22:8 | evolutio... | 107:9 | executed |
| 157:10 | 30:6 36:19 | 44:11 45:4 | 323:15 | 251:7 |
| 168:14 | 49:25 57:4 | 45:12 | examined | 363:14 |
| 170:6 | 80:3,6 | 50:25 52:6 | 10:5 81:10 | exhibit 6:7 |
| 193:8 | 88:20,22 | 52:15 | examining | 6:8,9,11 |
| 248:23 | 95:23 | 58:20 | 260:19 | 6:12,13,14 |
| 266:23 | 106:6 | 63:25 64:8 | example | 6:15,16,17 |
| 276:22 | 109:19,19 | 77:23 80:2 | 14:25 | 6:18,19,20 |
| establish | 110:19 | 89:13,15 | 36:15 87:7 | 6:21,22,23 |
| 153:12 | 111:7 | 103:3 | 157:24 | 6:24,25 |
| established | 126:16 | 114:10,15 | 168:11 | 7:1,2,3,4 |
| 59:23 | 146:8,13 | 120:19 | 206:3 | 7:5,6,7,8 |
| 217:1 | 154:1,11 | 121:23 | 208:16 | 7:9,10,11 |
| 230:14 | 154:17,21 | 122:4 | 280:25 | 7:12,13,14 |
| 349:23 | 155:1,24 | 124:13 | 318:24 | 7:15,16,17 |
| estimate | 161:16,25 | 156:23 | 338:20 | 7:18,19,20 |
| 32:2 | 179:3 | 157:8 | 355:6 | 7:21,22,23 |
| et 1:5,8 9:7 | 183:17 | 160:9,12 | 356:2,7,20 | 7:24,25 |
| 9:7 39:23 | 189:24 | 198:14 | 357:4 | 8:1,2,3,4 |
| 55:19,25 | 191:14,14 | evolved | examples | 8:5,6,7,8 |
| 61:2 | 193:12 | 105:13 | 134:2 | 8:9,10,11 |
| 162:13 | 194:20 | 139:11 | 144:14 | 8:12,13,14 |
| 361:7,7 | 196:14 | 144:17 | Excellent | 8:15,16,17 |
| 362:2,2 | 214:8,13 | 198:16 | 90:7,19 | 8:18,19,20 |
| ethics 353:2 | 214:20 | exact 145:8 | 264:10 | 8:21 12:11 |
| etiology | 224:1 | 160:23 | exception | 12:13 |
| 156:1 | 231:22 | 165:25 | 27:6,9,10 | 13:10 |
| EUA 220:6,11 | 232:7 | 231:25 | 27:20,25 | 17:19,20 |
| 220:12,19 | 243:23 | exactly 11:8 | 28:2,15,16 | 18:4 25:3 |
| 220:23 | 245:15 | 20:17 | 28:22 29:5 | 25:4 31:2 |
| 221:9 | 248:2 | 23:21 50:4 | 29:8 | 31:3 35:19 |
| Eugene 135:8 | 286:17 | 57:10 | exceptions | 37:19,21 |
| evaluated | 302:20 | 67:23 70:4 | 28:24 | 41:8,14 |
| 156:22 | 316:8 | 116:13 | 29:25 | 43:7,8,9 |
| evaluation | 317:5 | 129:8 | 30:10,11 | 47:25 |
| 166:25 | 318:17 | 136:19 | 30:12 | 49:15 |
| 247:4 | 319:2 | 139:11 | excerpt | 52:21 53:3 |
| evaluations | 325:5 | 179:20 | 196:24 | 53:6,9 |
| 245:14 | 339:16 | 190:24 | exchange | 56:4,13,20 |
| evening 60:1 | evidence... | 220:8,16 | 68:6 126:5 | 56:22 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|------------------|--------------------|---------------------|---------------------|
| 60:13 | 221:11,24 | 211:4,9 | 357:24 | 168:13,15 |
| 83:12,24 | 226:9,10 | expectat... | expires | 168:16 |
| 83:25 96:9 | 228:15,16 | 50:25 52:5 | 360:22 | 169:8,15 |
| 96:10 97:7 | 232:12,13 | experience | 363:24 | 261:25 |
| 101:9,10 | 233:21 | 69:24 | explain 96:6 | 262:13,14 |
| 111:10,11 | 239:9 | 136:21 | explained | extremely |
| 114:17,18 | 242:10,11 | 140:5 | 156:18 | 134:11 |
| 115:2,4 | 245:4,5 | 145:10 | explanation | eyebrows |
| 119:4,18 | 248:25 | 165:2 | 52:19 | 230:23 |
| 119:24 | 249:4,6,9 | 279:3 | explicitly | Ezekiel |
| 122:24,25 | 253:6,14 | 323:8 | 16:25 | 352:23,24 |
| 128:25 | 253:15 | experienced | 214:13 | |
| 130:6,7 | 263:7,8,24 | 140:9 | 218:20 | F |
| 138:7,8 | 266:4,5 | experiment | explosion | F 305:16 |
| 141:12,15 | 270:5,7,11 | 28:12 | 170:5 | Facebook |
| 142:19,20 | 271:2,3 | 117:18,23 | expose | 99:7 152:4 |
| 148:4,9,11 | 275:8,9 | 119:1,3 | 322:20 | 174:2 |
| 148:12,18 | 277:17,19 | experime... | exposed | 175:17 |
| 152:17,18 | 280:8,11 | 23:13 | 42:14 43:1 | 177:14,17 |
| 158:19,20 | 283:11,12 | 121:17 | express | 210:6 |
| 158:23 | 284:6,7,14 | 122:1 | 78:11 | 211:18,24 |
| 163:7,8 | 284:19 | experiments | 356:14 | 212:11,13 |
| 167:14,15 | 286:3,4 | 15:4 16:7 | expressed | 212:14,21 |
| 170:9,10 | 293:25 | 17:16 | 78:10 | 234:2,4 |
| 172:24 | 294:3,6 | 28:25 | expressing | 235:7 |
| 173:2 | 298:17,18 | 31:19 | 106:2 | 237:18 |
| 178:5,7,7 | 304:10,23 | 68:19 | expressions | 238:1,12 |
| 178:17,18 | 304:24 | 119:5 | 79:1 | 240:4,21 |
| 179:25 | 307:12,15 | 157:19,23 | 102:14 | 241:8 |
| 181:23 | 323:19,20 | expert | extensive | 242:23 |
| 182:2 | 327:24,25 | 124:14 | 140:5 | 286:11 |
| 185:2,6,7 | 328:5 | 132:9 | extent 12:18 | 287:1 |
| 185:11,17 | 330:5,6 | 291:2 | 25:8,14 | 290:2 |
| 187:9,10 | 334:17,20 | 356:11,14 | 71:3 | 307:21 |
| 187:12 | 335:15 | 357:22 | 114:24 | 309:4,6,9 |
| 196:20,21 | 340:22,25 | expertise | 152:6 | 309:22 |
| 197:4 | 341:24 | 117:20 | 205:5 | 311:16 |
| 199:4,14 | 343:24,25 | 124:24 | 326:22 | 328:12,21 |
| 200:23 | 346:14,15 | 127:13 | extra 51:24 | 330:22 |
| 201:13,16 | 347:15 | 151:18 | 70:22 | 331:3 |
| 201:17 | 352:19,20 | 357:1 | 117:22 | 332:8 |
| 203:24,25 | exhibits | experts | 284:16 | 344:13 |
| 204:12 | 8:22 57:24 | 39:23 | extraord... | Facebook's |
| 209:3,4 | 114:22 | 271:24 | 169:3 | 239:10 |
| 210:9,12 | 115:2 | 272:12 | extrapol... | Facebook... |
| 212:15,16 | 233:14 | 273:3 | 191:8 | 177:3 |
| 212:23 | existence | 332:21 | extreme | Facebook... |
| 213:17,18 | 22:22 | 333:24 | 165:14,19 | 232:17 |
| 218:4 | expanding | 334:9 | 168:7,8,10 | faced 335:21 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|--------------------|-----------|
| FaceTime | 259:9 | 252:2,4 | 90:7 92:2 | 138:8 |
| 99:18 | 266:3 | 279:9 | 93:9,16,25 | 141:12 |
| facilities | 300:8 | 282:5 | 97:22 | 142:20 |
| 165:9 | 315:13 | 293:11 | 101:12 | 148:12 |
| fact 15:10 | 336:10 | familiarity | 109:23 | 150:8 |
| 18:10 30:9 | 355:13 | 175:2 | 111:18 | 152:18 |
| 52:18 | fairly 33:24 | familiarize | 112:16 | 158:20 |
| 59:20 64:5 | 44:17,21 | 14:9 26:14 | 115:9 | 163:8 |
| 81:5,14 | faith 77:16 | 43:12 | 123:7 | 164:1 |
| 95:15 | 106:11 | 48:11 53:8 | 160:18 | 167:15 |
| 155:16 | fake 173:7 | 68:16 | 161:1,9 | 170:10 |
| 156:11,12 | 300:22 | 69:11 73:4 | 162:25 | 172:24 |
| 161:3 | 301:19 | 94:14,17 | 163:5 | 176:14 |
| 176:24 | 309:5,22 | 97:13 | 170:14 | 178:18 |
| 181:19 | 309:25,25 | 112:1 | 171:5 | 182:2 |
| 193:3 | 310:4,10 | 115:16 | Farrar's | 183:4 |
| 203:2 | 311:17 | 164:2 | 76:1 98:4 | 185:6,11 |
| 212:10 | 328:17,24 | 176:14 | fast 128:24 | 185:17 |
| 214:11 | 329:13 | 183:4 | 267:15,18 | 187:10,21 |
| 216:12 | 330:2 | 187:23 | Fauci 1:13 | 196:21 |
| 219:16 | Fake/Imp... | 197:14 | 6:3,7 9:6 | 197:14,18 |
| 224:1 | 300:14 | 211:15 | 10:2,10,11 | 198:1 |
| 248:3 | fall 309:1 | 227:3 | 12:13,18 | 201:17,23 |
| 256:7 | falls 338:25 | 271:15 | 13:1 14:9 | 203:24,25 |
| 262:7 | false 103:22 | 299:2 | 17:20,22 | 209:4 |
| 274:1 | 211:5 | 306:7 | 25:4,9 | 210:12 |
| 277:12 | 237:7,19 | 341:7 | 26:14 31:3 | 211:15 |
| 281:8 | 288:21 | 353:18 | 37:21 | 212:16 |
| 309:21 | 294:25 | familiar... | 38:20 43:9 | 213:18 |
| 315:12 | 300:23,25 | 119:10 | 43:12 | 218:5 |
| 321:3 | 301:3,6 | family 359:7 | 52:25 53:8 | 221:11 |
| 329:8 | 302:17 | famous | 54:15 | 226:10 |
| 357:3 | 312:3,11 | 175:22 | 68:16,24 | 227:2 |
| factors | 339:5 | fan 309:16 | 73:3 83:14 | 228:16,25 |
| 154:17 | 357:8 | far 112:18 | 83:23,25 | 232:13 |
| 248:11 | falsely | 129:6 | 90:11 | 240:12 |
| facts 107:4 | 310:10,16 | 156:25 | 91:21 | 242:11 |
| 107:4 | falsehood | 179:6 | 94:14 | 245:5 |
| factual | 237:4 | 283:21 | 96:10 | 249:6 |
| 156:8 | familiar | Farrar 34:19 | 97:22 | 253:15,18 |
| faculty | 18:6,10 | 43:21 | 101:15 | 263:8 |
| 265:11 | 27:2,5 | 44:23 60:2 | 111:11 | 266:5 |
| failings | 31:11,13 | 61:19,20 | 112:1 | 270:7 |
| 244:4 | 39:4 48:18 | 66:24 | 114:18 | 271:15 |
| fair 189:22 | 63:18 | 72:24 | 115:5,16 | 275:9 |
| 190:4 | 92:10 | 73:21 79:8 | 119:24 | 277:19 |
| 207:17 | 98:16 99:8 | 79:12 83:3 | 122:25 | 278:2 |
| 236:14 | 248:13 | 84:16 85:9 | 130:7 | 280:8 |
| 251:23 | 250:2 | 89:21,25 | 134:15,17 | 283:12 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|-------------------|
| 284:7 | 120:7 | feeling | 245:2 | 74:4 89:12 |
| 286:4 | February | 79:23 | 263:3 | 89:14 |
| 287:9,18 | 22:17 | 109:24 | 264:16,18 | 110:9 |
| 294:6 | 43:15 | feels 47:20 | 307:8 | 112:12 |
| 298:18 | 44:16 55:3 | 191:9 | 318:8 | 123:3,14 |
| 299:1,19 | 61:14 66:6 | felt 17:15 | 325:22 | 124:2 |
| 303:6 | 66:17 69:3 | 28:8 46:15 | 332:25 | 125:5 |
| 304:20,24 | 72:25 73:8 | 46:16 75:4 | 358:17 | 131:23 |
| 306:6 | 77:5 82:14 | 81:25 | 361:9 | 132:3 |
| 307:15 | 86:2,13 | 107:22 | findings | 153:5,25 |
| 309:5,15 | 89:25 | 126:8 | 183:22 | 154:20 |
| 311:19 | 91:22 | 164:24 | 222:16 | 163:17 |
| 313:6 | 93:16 97:2 | 169:8 | fine 47:15 | 167:22 |
| 323:20 | 105:5 | 189:1,2 | 228:21 | 173:2,23 |
| 327:25 | 113:22 | 232:4,6 | 309:16 | 175:10 |
| 328:16,18 | 115:8 | 258:7 | fingertips | 180:2 |
| 330:2,6 | 120:3,12 | 273:25 | 59:24 | 183:2 |
| 333:17 | 123:7,25 | 274:1 | 318:10 | 188:13 |
| 334:20 | 126:23 | 297:5,6 | finish 42:12 | 190:10 |
| 340:22 | 128:13,18 | 322:12 | 46:22 | 202:11 |
| 341:15,24 | 129:2,20 | female 228:4 | 49:11 | 203:2 |
| 342:20 | 139:13 | Ferguson | 76:19 | 211:3,22 |
| 343:25 | 140:14 | 92:4,6 | 102:10 | 220:5 |
| 346:15 | 141:18 | 93:12 | 135:3 | 229:5 |
| 348:10,13 | 144:7 | field 63:15 | 174:24 | 239:9 |
| 350:1 | 147:3 | 64:8 155:2 | 247:13 | 243:4 |
| 352:20 | 148:19 | fifth 163:22 | 260:14 | 245:8,12 |
| 353:18 | 149:7,22 | 226:21 | 290:4 | 245:18 |
| 354:20 | 152:22 | fighting | 310:23 | 250:4,6 |
| 355:4 | 159:4 | 283:25 | 312:14 | 252:17 |
| 356:3 | 160:14 | figure | 339:13 | 255:4,17 |
| 361:10 | 161:8 | 106:12 | 340:11 | 256:11 |
| 362:1 | 167:19 | 135:24 | 350:11 | 265:17 |
| 363:5,20 | 169:19 | 162:12 | finishing | 271:13,20 |
| Fauci's | 173:11,18 | filing | 148:6 | 278:8 |
| 219:1,10 | 261:11 | 361:18 | Firm 3:14 | 280:16 |
| FCN@list | 313:12,21 | final 14:1,3 | first 11:13 | 303:9 |
| 305:22 | 315:18 | 359:5 | 14:2,2,2,3 | 325:19 |
| FCN@list... | 317:22 | Finally | 15:25 20:8 | 329:11 |
| 305:19 | 320:19 | 177:9 | 22:24 23:1 | 330:17 |
| FDA 220:5,18 | 322:3 | financially | 31:15,22 | 331:7 |
| 220:19 | federal 4:11 | 360:15 | 33:19,20 | 344:11,16 |
| 347:1 | 238:12,14 | find 26:17 | 34:5,8,10 | 347:16 |
| featured | 238:16 | 50:24 58:3 | 39:18 | 356:24 |
| 229:8 | 239:4 | 62:20 | 43:18,23 | 359:14 |
| features | feel 70:7 | 121:22 | 45:15,23 | first-name |
| 51:11,14 | 71:22 | 206:19 | 47:24 | 173:17 |
| 51:23,24 | 91:12 | 230:17,18 | 53:24 58:8 | 286:14,19 |
| Feb 73:8 | 346:1 | 232:2 | 58:21 71:2 | 349:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|-------------------|
| 350:5,16 | floated | following | 180:8 | 301:3,23 |
| 350:18,22 | 92:23 | 10:22 | formulation | 302:11 |
| 351:4 | flood 357:11 | 22:16 | 180:16 | foundation |
| Fishers | 357:17 | 44:15 | forth 27:21 | 143:11 |
| 308:7 | 358:24 | 46:21 | 64:2 77:7 | 144:1 |
| five 41:3 | Flu 13:15 | 113:5 | 77:17 78:3 | 146:11,18 |
| 51:24 54:1 | fluent 133:9 | 124:1 | 119:3 | 152:24 |
| 64:22 | 357:25 | 181:7 | 123:21 | 158:5 |
| 85:25 | focus 42:13 | 183:21 | 129:4 | 161:18 |
| 89:20 | 134:7 | 240:4 | 173:15 | 164:14 |
| 91:18 | 245:18 | 292:17 | 214:17 | 184:5 |
| 92:14 93:8 | 250:8 | follows 10:5 | 290:2 | 186:23 |
| 104:25 | 268:2,5 | 240:5 | 356:5 | 199:10 |
| 161:4 | focused | 316:1 | Forty-one | 200:13 |
| 222:7 | 266:16 | footnote | 249:5 | 208:5,19 |
| 253:4 | 292:13,21 | 26:16 | forum 138:1 | 210:19 |
| 267:14 | focusing | 27:21 | forward 12:1 | 221:18 |
| 343:24 | 246:10 | force 196:25 | 44:12 59:7 | 223:4 |
| 344:4 | FOIA 84:4 | 197:6,9 | 61:8 62:5 | 225:23 |
| five-year | 121:5 | 201:4 | 65:12 66:7 | 229:15 |
| 36:11,13 | 122:7,10 | 204:11 | 90:16,16 | 233:8 |
| flag 309:5 | 122:13 | 208:1 | 93:20 | 234:13,18 |
| flagged | FOIA'd 288:4 | 321:2,12 | 97:10 | 235:18 |
| 299:14 | Folkers 38:1 | forced 353:8 | 101:11 | 237:23 |
| 311:16 | 38:1,2 | 354:19 | 104:25 | 240:24 |
| flagging | 39:20 40:7 | Ford 244:17 | 105:3 | 242:25 |
| 309:21,23 | 40:16 42:8 | foregoing | 109:9 | 243:12 |
| 311:12 | 294:9 | 360:5,7 | 131:19,24 | 244:21 |
| 329:10,13 | folks 39:22 | 363:6,13 | 131:25 | 246:3 |
| Flaherty | 182:20 | forget | 156:3,6 | 249:21 |
| 336:13,16 | 183:11 | 150:10 | 237:9,12 | 250:23 |
| 336:22 | 299:14 | forgetting | 239:8 | 253:21 |
| flawed 323:9 | 313:23 | 108:8 | 267:15,18 | 266:12 |
| flea 145:20 | follow | forgot | 289:20 | 272:9 |
| flip 19:9 | 230:10 | 108:12 | 295:13 | 273:6,14 |
| 25:23 | 235:22 | 184:15 | 318:18 | 273:22 |
| 52:21 | 241:25,25 | 225:25 | forwarded | 280:15 |
| 64:21 | 280:5 | 336:11 | 62:10,12 | 281:3,12 |
| 84:15 | 297:9 | forgotten | 124:15 | 282:13 |
| 85:24 | follow-up | 226:7 | 266:14 | 283:4 |
| 89:18 | 72:6 | form 193:16 | 269:10,13 | 306:6 |
| 91:17 93:7 | 109:14,22 | 194:4 | 318:25 | 314:1,22 |
| 101:11 | followed | 363:7 | 348:7,14 | 319:5,13 |
| 251:2 | 18:16 | former 134:4 | forwarding | 325:5 |
| 272:19 | 53:20 | 134:4 | 61:17 | 332:10 |
| 309:14 | 81:24 | 313:9 | 348:21 | 337:1,25 |
| Flipping | 214:10 | formerly | found 244:18 | 345:20 |
| 249:17 | 239:11 | 265:13 | 294:14 | 348:17 |
| 252:6 | 240:16,21 | formulating | 300:24 | four 53:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|------------|--------------------|--------------------|---------------------|
| 84:15 | 89:21 90:8 | 272:17 | 272:14 | 17:14 25:1 |
| 85:25 | 90:20 91:1 | 281:1 | 273:10 | 55:21 |
| 86:19 88:6 | 91:7,10,11 | 295:13 | 276:17 | 57:15 |
| 89:20 | 92:3 93:11 | Francisco | front 13:9 | 116:5,7,7 |
| 91:17 93:7 | 94:2,11,21 | 133:15 | 13:17,22 | 119:14,14 |
| 129:6 | 95:20 | 174:9,15 | 29:7 46:19 | functions |
| 160:13 | 108:2 | 174:17 | 47:25 84:4 | 119:9 |
| 196:5 | 109:15,23 | 175:8 | 97:8 101:9 | fund 39:22 |
| 254:6 | 110:11 | 231:18 | 104:24 | 40:4 57:22 |
| 272:21 | 111:18,23 | frankly | 112:7 | 67:18 |
| 335:19 | 114:6 | 107:19 | 119:20 | 71:23 |
| fourth 23:8 | 115:8 | 226:7 | 141:21 | 149:16,16 |
| 23:9 84:16 | 116:14,18 | 278:12 | 178:23 | fundamental |
| 226:20 | 116:24 | 348:9 | 185:6 | 113:8 |
| 237:17 | 118:4 | Frederick | 188:7 | fundamen... |
| 271:12,19 | 120:4 | 155:10,11 | 210:21 | 110:6 |
| 284:24 | 121:20 | free 177:11 | 218:4 | 114:10 |
| foyered | 123:8 | 177:18 | 221:23 | funded 20:5 |
| 21:14 | 125:9 | freedom | 222:24 | 22:23 |
| frame 31:22 | 126:23 | 151:16 | 225:7,19 | 31:20 |
| 102:16 | 128:13,15 | freely | 228:2,6 | 32:21 36:8 |
| 121:21 | 130:17 | 248:21 | 242:18 | 41:2 59:17 |
| 129:9 | 131:8 | 274:6 | 248:25 | 67:15,17 |
| 131:4 | 132:5,12 | 276:22 | 249:9,11 | 67:21 |
| 136:14,17 | 136:12 | 277:1 | 253:23 | 156:13 |
| 136:20,22 | 162:18,20 | 358:9 | 263:16 | 157:5,14 |
| 136:24 | 170:14,25 | freeze | 271:3 | 157:20 |
| 137:2 | 171:9,9 | 303:24 | 335:1 | funding |
| 138:13 | 182:6,12 | 304:2,7 | 345:2 | 19:17,25 |
| 169:19 | 184:1,17 | freezer | Frontline | 20:5 21:23 |
| 180:24 | 187:16 | 169:6 | 227:16 | 22:6,13 |
| 220:4 | 188:7,9,25 | frequently | 234:6 | 26:1 28:4 |
| 262:11 | 189:1,6,11 | 347:2 | 238:22 | 28:17 36:9 |
| 279:25 | 191:15 | Friday 48:1 | 242:15 | 37:16 45:6 |
| 281:10 | 253:24 | 51:21 66:6 | 243:3 | 58:4,22 |
| 315:13 | 256:7 | 201:23 | frustration | 59:14 |
| 345:18 | 257:6 | 344:13 | 344:12 | 63:17 |
| framework | 258:19,22 | friend | full 159:6 | 70:11,18 |
| 70:20 | 259:1,8 | 265:20,22 | 183:2 | 71:4,19 |
| 72:15 | 261:5,19 | 266:1 | 239:9 | 76:7 79:3 |
| framing | 262:11,19 | friendship | 272:24 | 156:20 |
| 131:8 | 263:17,22 | 205:8 | 278:8 | further 52:8 |
| 137:3 | 264:2,10 | frightening | 325:2 | 74:18 78:8 |
| Francis | 266:9,14 | 342:21 | fully 42:2 | 80:14 |
| 13:14 | 268:20 | 343:8 | 160:8 | 81:16 |
| 66:15 67:6 | 269:11,16 | fringe | 298:15 | 105:17,19 |
| 67:9,12,14 | 269:22 | 255:11,21 | function | 105:23 |
| 67:20 68:1 | 271:25 | 271:24 | 6:11 16:3 | 106:18 |
| 75:5 82:23 | 272:13,16 | 272:5,13 | 16:9,12 | 107:20 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|-----------------|
| 110:5 | 117:18,21 | 157:25 | 36:25 | 126:12 |
| 111:6 | 174:9,15 | 158:9 | 37:19 | 206:8,19 |
| 112:19 | 174:18 | 189:4 | 41:21 | 244:1 |
| 116:14 | 175:8 | 191:4 | 46:12 58:7 | 245:11 |
| 195:1 | 216:1 | German 97:16 | 67:9 68:16 | go 11:11 |
| 299:25 | 228:9 | 108:8 | 69:11 73:3 | 12:1 15:10 |
| 303:22 | 229:17 | Gertz 202:19 | 96:8 | 17:12 |
| 359:18 | 230:13 | Gertz's | 115:15 | 18:25 |
| 360:13 | 315:21 | 202:2 | 122:12 | 20:19,23 |
| future | 316:19 | getting 12:6 | 134:2 | 21:6 22:24 |
| 102:25 | general's | 26:10 | 144:14 | 45:17 |
| | 9:19 269:3 | 42:15 | 146:21 | 47:14 48:9 |
| G | General's | 60:25 | 152:17 | 49:12 |
| G 9:1 | 2:8 | 61:25 | 158:19 | 53:24 54:7 |
| gain 6:11 | generally | 62:20 91:1 | 167:14 | 63:15 |
| 16:3,9,11 | 16:1 33:13 | 104:13 | 191:14 | 80:24 |
| 17:14 | 46:16 | 107:3 | 232:12 | 85:25 |
| 29:15 | 117:12,14 | 110:1 | 271:17 | 89:19 |
| 55:21 | 207:24 | 111:20 | 284:12 | 94:20 |
| 57:15 | 211:23 | 114:12 | 323:18 | 101:9 |
| 116:5,7 | 241:14 | 124:9,10 | 338:20 | 106:17 |
| gain-of-... | 263:19 | 126:15 | given 11:3 | 108:21 |
| 16:1 25:20 | 290:16 | 129:23 | 14:4 28:24 | 117:19 |
| 25:25 26:4 | 309:1 | 149:13 | 37:8 43:7 | 122:16,16 |
| 27:4 57:2 | 338:11 | 151:8 | 43:12 91:5 | 132:2 |
| 61:3 69:25 | 347:19 | 152:4 | 114:9 | 134:6 |
| 71:7,19 | generated | 157:20 | 126:8 | 135:4 |
| 118:19,23 | 36:16 37:2 | 169:4 | 133:20 | 139:9,13 |
| Gannon 135:8 | generating | 188:2 | 134:25 | 140:4 |
| 136:2,3 | 14:6,20,23 | 215:10 | 135:12 | 142:15 |
| GARDNER 3:23 | 15:22 24:1 | 233:11 | 136:9 | 156:16 |
| garnering | genetic | 243:1 | 153:22 | 162:12 |
| 42:10 | 24:14 | 254:3 | 154:18 | 165:14 |
| Garry 51:6 | genetically | 256:13 | 156:24 | 166:4 |
| Gates 104:11 | 34:16 | 257:8 | 177:23 | 173:7 |
| 338:22 | genetics | 258:9 | 178:1 | 177:20 |
| gather 87:10 | 23:14,15 | 269:1 | 181:19 | 178:6 |
| 87:12,12 | 23:19 24:3 | 310:8 | 200:6 | 189:2 |
| 87:18 | 24:7,10,11 | 335:12 | 216:11 | 192:7,18 |
| gathering | 24:22 | 342:7 | 236:24 | 198:6 |
| 110:18 | genome 50:24 | Gingrich | 245:3 | 199:5,7,11 |
| 111:6 | 51:12,25 | 141:17 | gives 218:9 | 201:11 |
| gbdeclar... | 121:15,25 | 143:3 | 331:3 | 206:8,18 |
| 255:1 | genomes | Gingrich's | giving 31:1 | 225:7 |
| general 4:19 | 36:15 37:4 | 141:20 | 145:2 | 230:4 |
| 14:18 | 49:16 50:3 | 143:24 | glad 173:13 | 233:12 |
| 79:23 95:6 | 50:10 | give 11:23 | glance 12:12 | 236:9 |
| 95:9 97:5 | genomic 50:6 | 17:18 | global 7:23 | 247:14,21 |
| 108:5 | 50:7 | 26:18 | 15:18 | 248:23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|------------|--------------------|--------------------|---------------------|
| 267:14 | 78:3 83:18 | 341:9 | 327:16,22 | 207:20,21 |
| 271:12 | 85:25 | 354:24 | 330:11 | grants 18:24 |
| 277:15 | 89:19 | 359:18,20 | Google-o... | 63:17,18 |
| 282:23 | 91:13 96:8 | goings | 239:12 | 63:19 76:6 |
| 283:24 | 104:25 | 142:12 | Google.com | great 7:24 |
| 284:24 | 106:12 | gold 244:11 | 324:7 | 84:18,22 |
| 296:10 | 108:22 | 244:12,14 | Gotcha | 84:23 |
| 299:21,25 | 109:25 | Gonsalves | 294:13 | 85:13 |
| 303:22 | 115:19 | 265:7,10 | gotten 99:8 | 88:19 |
| 320:9 | 116:25 | 266:15 | Gottlieb | 132:6,21 |
| 321:8,25 | 126:18 | 267:10 | 346:21 | 167:24 |
| 322:4 | 127:21,25 | 268:9 | 348:3,14 | 168:2,6 |
| 325:19 | 128:4,23 | 269:14 | 349:8 | 248:13,16 |
| 354:21 | 134:9 | 296:2,16 | 351:11 | 249:1,10 |
| 359:6,7 | 138:21 | good 7:19 | 352:13,18 | 249:11,14 |
| goes 36:5,9 | 139:6 | 10:8 12:24 | government | 249:18,19 |
| 37:13 | 150:3 | 39:18 | 25:25 27:3 | 250:1 |
| 108:25,25 | 155:9,11 | 46:12 | 27:18 28:3 | 252:17 |
| 109:6 | 155:13 | 52:14 | 28:17 | 254:6,12 |
| 113:7 | 156:16 | 71:22 | 38:11 | 254:23 |
| 149:14 | 167:14 | 77:16 | 46:14,17 | 255:3,14 |
| 152:13 | 184:15,19 | 79:17 | 75:19,23 | 258:10 |
| 156:7 | 192:1 | 83:16 | 75:25 | 260:15 |
| 164:20 | 194:16 | 106:11 | 177:11,24 | 264:7 |
| 165:12 | 203:19 | 139:9,13 | 178:12 | 266:9 |
| 183:16 | 219:19 | 156:9 | 216:18 | 267:1 |
| 239:9 | 220:9 | 173:6 | 238:12,15 | 268:6,22 |
| 255:10 | 232:12 | 226:13 | 238:17,23 | 269:3 |
| 256:21 | 241:11 | 227:8 | 290:17,20 | 276:4,17 |
| 257:15 | 242:6,6,8 | 233:5,15 | 318:14 | 277:5 |
| 259:17 | 253:9 | 234:16 | 327:9 | 279:18 |
| 268:1 | 257:4 | 242:7,9 | 334:9 | 280:1,13 |
| 273:9 | 261:18 | 279:3 | 342:5 | 280:17,21 |
| 280:5 | 262:15 | 323:3 | 343:4,18 | 281:8,23 |
| 281:18 | 263:4 | 329:14 | 345:4,17 | 282:11 |
| 320:16 | 268:20 | 343:14 | 345:22,25 | 283:2 |
| 342:20 | 277:12 | 353:25 | grabs 271:9 | 285:7,10 |
| 358:14 | 279:18 | 354:2,5 | grant 19:8 | 290:10,19 |
| going 12:4 | 280:19 | Google 8:8 | 20:7 21:23 | 291:12 |
| 20:4 25:2 | 284:12 | 239:14,23 | 22:22 36:5 | 292:10 |
| 29:8 38:24 | 289:15 | 264:19 | 36:11 41:5 | 295:5 |
| 39:2 47:7 | 304:19 | 280:13,17 | 41:7,16,19 | 296:19,23 |
| 47:8 53:2 | 313:1 | 280:20,22 | 41:23 42:5 | 297:5,9,16 |
| 53:18 54:9 | 314:18 | 281:23 | 42:25 | 297:22 |
| 58:19 | 320:20 | 282:11 | 60:14 72:1 | 325:22 |
| 59:22 | 326:20 | 324:9,24 | grantee | 338:21 |
| 60:16 | 328:25 | 325:8,12 | 32:14 | Greenberg |
| 63:10,13 | 329:4 | 325:20,25 | 40:10,11 | 292:18,19 |
| 70:9 76:16 | 340:4 | 326:8,15 | 40:21 | Greg 38:1,1 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 38:2 39:20 | 232:1 | 333:22 | 187:8,8 | harmed |
| 294:9,11 | 234:6,8,9 | guidelines | 203:24 | 225:13 |
| 294:11 | 234:21 | 16:19 | handle | harmful |
| 295:8,9,17 | 246:21,22 | 231:11,11 | 300:14 | 246:8 |
| Gregg 265:7 | 246:24 | 232:9 | 301:24 | 288:14 |
| 265:10,17 | 247:2,6 | 247:24 | 303:24 | harms 217:5 |
| 266:15 | 248:10 | 332:3,18 | 304:7,8 | Harold 134:3 |
| 268:9,12 | 265:13,14 | 333:3,11 | handled 29:2 | 135:7 |
| 269:14 | 265:15 | Gupta 251:17 | handles | Harry 292:18 |
| 296:2,16 | 309:1 | 256:4 | 304:3 | 292:19 |
| gross 314:16 | 329:3 | 267:21 | handling | Harvard |
| ground 11:11 | 332:20 | guy 190:2 | 165:7 | 132:19 |
| 70:17 | 336:11 | 261:16 | 166:7 | 231:18 |
| grounds | groups 16:5 | guys 87:14 | happen 86:8 | 267:19 |
| 12:20 13:7 | 17:8,16 | 260:7,12 | 92:19 | hasten 271:8 |
| 25:11 | 136:22 | | 107:12,16 | Haven 265:12 |
| group 38:4 | 214:12 | H | 155:3 | HCQ 245:19 |
| 40:8 41:2 | 246:7,11 | H 6:6 | 156:4 | 245:22 |
| 44:10,19 | 247:5,15 | H5N1 15:1 | 177:25 | HCQ/CQ |
| 46:24 | growing | half 76:17 | 315:7 | 245:11 |
| 52:15 | 188:16 | 130:16 | happened | HCQ/QC 7:23 |
| 58:20 | 344:12 | 131:23 | 66:18 | head 18:18 |
| 59:23 | guaranteed | 132:22 | 85:22 | 28:3,17 |
| 63:14,24 | 130:3 | 298:22 | 102:24 | 76:3 |
| 81:21 | guardrails | 358:21 | 146:9,14 | 150:23 |
| 86:21 87:3 | 15:4 16:7 | halfway | 155:4 | 240:2 |
| 87:8,21,25 | 16:19,21 | 94:20 | 156:2 | 324:11 |
| 88:5 89:12 | guess 17:19 | 110:17 | 157:18,22 | 327:2 |
| 92:13,24 | 76:13 85:4 | 144:23 | 178:4 | headline |
| 103:2 | 97:16 | hall 212:6 | 239:6 | 209:8 |
| 107:17 | 98:12 | 241:4 | 241:4 | 228:25 |
| 109:16 | 103:11 | 281:16 | happening | 271:8 |
| 131:3,4,9 | 105:22 | HAMMOND 4:18 | 102:25 | 278:2 |
| 131:19,20 | 147:12 | hand 25:2 | 156:7 | headlined |
| 131:24,25 | 177:15,16 | 136:25 | 208:25 | 212:20 |
| 132:10,11 | 202:4 | 170:9 | 342:8 | health 1:19 |
| 132:13,18 | 218:18,18 | handed 83:23 | happens | 4:8,10,17 |
| 134:1 | 224:12,22 | 111:9 | 103:21 | 4:20 10:15 |
| 135:20 | 225:2,6,6 | handing 12:9 | 157:11 | 28:5,10,13 |
| 136:15,18 | 228:2 | 119:18 | 174:3 | 30:2 40:12 |
| 136:20,22 | 266:15 | 122:24 | 216:13 | 40:25 |
| 137:2,7,15 | 279:5 | 130:6 | 320:14 | 65:10,11 |
| 138:24 | 349:2 | 141:15 | happy 47:17 | 79:17 95:7 |
| 139:1,6,8 | guest 141:20 | 142:18 | 128:3 | 95:9,17 |
| 198:14 | guideline | 148:4 | 315:23 | 96:23 |
| 205:12 | 214:12 | 158:23 | harm 189:10 | 126:12 |
| 225:18,25 | 247:5 | 163:7 | 219:14 | 165:7 |
| 228:1,6 | 331:22,23 | 181:23 | 225:4 | 169:10 |
| 231:7 | 331:23 | 185:2 | 248:4 | 177:6 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|---------------------|---------------------|
| 231:13 | hearing | 327:7 | 120:11 | 243:10 |
| 237:3 | 87:10 | 328:13 | 124:17 | hotly 358:6 |
| 265:11,24 | 213:1 | high 2:9 | 160:18,21 | hour 76:17 |
| 267:23 | heck 230:23 | 108:9 | 161:1 | 119:12 |
| 277:8 | held 234:5 | 195:16 | 203:12 | hours 235:6 |
| 288:15,19 | 273:2 | 246:7 | Holmstock | 359:12 |
| 288:24 | hello 175:4 | high-risk | 9:14 | House 7:11 |
| 289:4,8,10 | 266:2 | 169:21 | homes 168:14 | 197:1 |
| 289:15 | help 165:15 | higher 117:2 | honest 68:4 | 198:23 |
| 290:1 | 178:2 | highlighted | 103:6 | 201:3 |
| 313:10 | 188:15 | 294:14 | 221:22 | 207:25 |
| 314:5 | 201:25 | highly 44:10 | 250:25 | 217:24 |
| 333:6 | 217:4,16 | 45:11,12 | 338:8 | 218:3 |
| 334:10 | Henry 244:17 | 80:1 89:13 | 358:13 | 271:9 |
| 342:22 | herd 248:21 | 122:4 | honestly | 275:24 |
| 343:15 | 248:23 | 135:11 | 339:1 | 276:1,3,10 |
| 345:24 | 266:16,20 | 139:17 | Honor 48:6,7 | 328:11,20 |
| 346:6,13 | 266:24 | 140:3 | honorable | 329:17,21 |
| 347:3 | 267:3 | 198:14 | 48:8 | 330:1 |
| 357:2,6 | 271:9 | 216:15 | hope 24:9 | 335:2,19 |
| healthcare | 275:17 | 217:12 | hoped 189:4 | 335:23 |
| 320:23 | 276:9 | 259:9 | 189:12 | 336:10,12 |
| 321:5 | 278:3,11 | 261:2,20 | 191:3 | 336:18 |
| hear 41:19 | 285:2,11 | 281:21 | Hopefully | 339:22 |
| 64:20 | 292:13,22 | Hill 7:14 | 106:23 | 359:5 |
| 173:14 | 294:25 | 8:18 209:7 | hoping | https://... |
| 241:4 | 295:1,5,12 | 232:18 | 324:25 | 254:19 |
| 335:8 | 295:22 | 341:1 | 325:8 | https://... |
| heard 45:20 | 355:11,20 | 342:19 | 342:6 | 254:19 |
| 58:9,21 | hero 309:15 | Hines 3:1 | horrifying | huge 84:9 |
| 64:5 71:2 | hesitancy | 5:3 | 342:11,14 | Hugh 30:21 |
| 92:8 135:7 | 338:12 | historical | 342:16 | 54:17,20 |
| 143:18 | 352:5 | 145:10 | hospital | 54:24 |
| 175:22 | hesitant | 246:25 | 169:7 | 56:13 |
| 212:11,25 | 117:19 | history | 174:10,16 | 57:18 61:7 |
| 223:8 | Hey 208:25 | 144:12 | 174:18,20 | 61:14 62:3 |
| 224:8 | 209:25 | hit 169:5 | 175:8 | 63:7 66:10 |
| 252:14 | 241:4 | HIV 265:18 | 316:10 | 68:7 69:2 |
| 270:3 | 260:7 | HOFT 5:4 | hospital... | 69:9,23 |
| 272:17 | 303:5 | hold 23:6 | 274:4 | 70:8,8 |
| 282:9,21 | HHS 139:9 | 101:23 | 278:24 | 71:5,14 |
| 282:22,23 | 299:23 | 148:24 | 297:8 | 72:4,12,16 |
| 291:19 | 303:9 | 306:9 | hospital... | Hugh's 58:2 |
| 293:9,10 | hi 32:19 | 320:13 | 343:9 | 59:1 70:12 |
| 296:3 | 95:1 | 330:13 | hospitals | huh-uh 11:25 |
| 334:19,23 | 254:18 | Holmes 44:24 | 169:11 | human 4:8,10 |
| 334:24 | 299:13 | 45:2,3,9 | 316:3 | 31:8 |
| 335:4,5 | 311:16 | 51:4 73:10 | hosted 235:6 | 144:13,18 |
| 342:4 | 325:20 | 112:15 | hosting | 146:4 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|--------------------|---------------------|--------------------|
| 153:25 | 220:7,12 | 139:24 | 275:10 | 218:23 |
| 154:20 | 223:10,15 | 157:4 | 277:20 | 220:25 |
| 156:9 | 223:20 | 266:16 | 280:9 | 255:1,2 |
| 161:20 | 224:3,25 | 272:6 | 283:13 | 256:12 |
| 198:19 | 225:21 | 276:18 | 284:8 | 257:2,24 |
| 200:10 | 227:10 | 289:3 | 286:5 | 258:6,21 |
| 267:23 | 229:1,9 | identifi... | 294:7 | 265:18 |
| 313:10 | 231:2,4,22 | 12:14 | 298:19 | 267:2 |
| humans 43:4 | 232:8 | 17:21 25:5 | 304:25 | 269:9 |
| Humphrey | 235:10 | 31:4 37:22 | 307:16 | 328:18 |
| 328:6,7,9 | 236:22 | 43:10 84:1 | 315:8 | 331:11 |
| 329:20,25 | 239:16 | 96:11 | 323:21 | immediate |
| hundred | 243:21 | 111:12 | 328:1 | 38:3,16 |
| 16:14 32:8 | 244:2,9,19 | 114:19 | 330:7 | 183:21 |
| 33:9 88:2 | 245:10,23 | 119:25 | 334:21 | immediately |
| 141:10,11 | 247:17 | 123:1 | 340:23 | 33:5 50:15 |
| 141:23 | 248:3 | 130:8 | 344:1 | 51:10 73:6 |
| 161:11 | 355:7 | 138:9 | 346:16 | 92:1 |
| 207:3 | 356:8 | 141:13 | 352:21 | 106:17 |
| 263:20 | 358:7 | 142:21 | identified | 154:14 |
| hundreds | hyperbole | 148:13 | 306:23 | 240:10 |
| 21:7 45:18 | 188:24 | 152:19 | identify | imminent |
| 112:6 | hyphen 39:10 | 158:21 | 42:14 43:1 | 288:21 |
| 146:21 | 39:10,10 | 163:9 | 69:8 93:23 | immunity |
| 148:1 | hypotheses | 167:16 | 287:4 | 248:22,24 |
| 149:15 | 191:17 | 170:11 | identifying | 266:16,20 |
| 200:15 | hypothesis | 172:25 | 287:15 | 266:24 |
| 244:25,25 | 208:2 | 178:19 | identities | 267:3 |
| 293:21,21 | hypothet... | 182:3 | 167:6 | 271:9 |
| 333:22 | 156:11 | 185:18 | IG 328:18 | 275:17 |
| 347:11 | | 187:11 | ignore | 276:9 |
| hundredth | I | 196:22 | 245:14 | 278:4,11 |
| 312:7 | I-o-a-n-... | 201:18 | II 288:14 | 285:2,11 |
| hurt 217:17 | 293:8 | 204:1 | ill-founded | 292:14,22 |
| hurts 237:8 | i.e 316:10 | 209:5 | 274:2 | 294:25 |
| hydroxyc... | Ian 39:22 | 210:13 | 277:6 | 295:1,5,12 |
| 213:22 | 40:11,19 | 212:17 | illness | 295:22 |
| 214:2,9,11 | 152:21 | 213:19 | 169:25 | 355:11,21 |
| 214:14 | 153:7,9,16 | 221:12 | 278:24 | impact |
| 215:7,21 | 153:16,22 | 226:11 | imagine 37:6 | 353:10 |
| 215:22,23 | 161:14,21 | 228:17 | 46:6 49:18 | impeded |
| 216:7,24 | 161:21,22 | 232:14 | 50:5,12 | 335:12 |
| 217:3,11 | 212:25 | 242:12 | 73:24 74:1 | imperative |
| 217:12,19 | 213:1,5 | 245:6 | 76:14 | 169:11 |
| 217:25 | ICU 316:11 | 249:7 | 86:16 | impersonate |
| 218:6,17 | idea 42:20 | 253:16 | 116:24 | 303:17 |
| 218:19,20 | 46:12 | 263:9 | 179:13 | 304:4 |
| 218:22,24 | 52:14 | 266:6 | 199:1 | imperson... |
| 219:12 | 108:20 | 270:8 | 216:10 | 312:19 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| imperson... | importing | 326:9 | 267:8 | 272:12 |
| 300:20 | 321:15 | 332:17 | indirectly | 279:2 |
| 303:20 | impossible | 357:3 | 96:20 | 291:1 |
| 304:12 | 157:1,10 | inclusion | individual | 332:21,22 |
| 310:16 | imposter | 135:20 | 224:24 | 333:1,24 |
| 328:24 | 301:19,24 | inconsis... | 232:8 | influence |
| 329:2 | 302:1,8,9 | 50:25 52:5 | 334:1 | 297:4 |
| 330:2 | 302:12 | 71:7,16 | individu... | 312:18 |
| imperson... | 303:3,8 | incorrect | 18:24 19:2 | influencing |
| 311:19,20 | impressed | 217:14 | individuals | 290:8 |
| 312:15 | 165:6 | 245:17 | 97:5 | influenza |
| 329:4 | impression | 276:24 | 169:21 | 15:9 16:18 |
| imperson... | 77:21 | 277:6 | 231:14 | 24:8,25 |
| 303:12 | 229:17 | 339:6 | 297:9 | 25:20 |
| implemented | inaccurate | increase | 355:24 | inform 39:6 |
| 28:8 | 246:23 | 102:22 | INDRANEEL | informal |
| implemen... | inadequate | 191:19 | 3:25 | 142:23 |
| 166:19 | 323:6 | 192:12 | ineffective | 174:5 |
| implicat... | inapprop... | 195:2 | 319:1 | information |
| 15:12 | 157:13 | 321:14 | infect | 14:5,19 |
| 107:25 | inaugura... | increasing | 278:23 | 58:8 73:15 |
| 275:5 | 10:19,21 | 321:16 | infected | 104:22 |
| 298:15 | 10:22 | increasi... | 278:11 | 107:9,15 |
| implying | incident | 190:6 | 314:9,11 | 111:2,6 |
| 147:9 | 209:12,13 | incredibly | 317:2 | 127:11 |
| 165:22 | include | 306:19 | infection | 139:10 |
| 190:25 | 16:21 | independent | 167:23 | 143:4 |
| important | 42:17 | 75:20 | 168:2 | 151:7 |
| 14:5,19 | 133:1 | indicate | 247:18 | 171:19 |
| 42:22,24 | 136:1 | 215:4 | 274:3 | 178:2 |
| 46:22 | 139:1 | 322:14 | 285:3,12 | 194:14,25 |
| 52:13 97:3 | 168:10 | 361:12 | 297:8 | 215:18 |
| 97:5 | 169:21 | indicated | 314:10,12 | 217:14 |
| 132:18 | 211:5,11 | 38:19 | infections | 219:22 |
| 134:19 | 298:7 | 149:2 | 170:5 | 236:24 |
| 169:1 | 330:11 | 227:11 | infectious | 237:4,8,19 |
| 177:4,5 | included | indicates | 10:14 46:8 | 268:21 |
| 216:24 | 55:24 | 48:1 142:4 | 46:10,14 | 287:14 |
| 238:19 | 81:19 | 242:19 | 46:17 | 288:20 |
| 260:18 | includes | 245:25 | 70:16 | 289:1 |
| 319:9,20 | 170:17 | 247:16 | 72:19 | 300:3 |
| 322:18,24 | including | 283:21 | 133:24 | 306:19 |
| 322:25 | 17:5 37:4 | 284:2 | 142:13 | 307:9 |
| 323:1 | 97:5 | 308:4 | 216:12 | 312:12 |
| 340:1 | 103:23 | 324:21 | 231:15,16 | 318:17 |
| 354:12 | 111:4 | indicating | 231:19 | 323:1,4,4 |
| 358:9,14 | 115:2 | 121:3 | 232:10 | 323:6 |
| Importantly | 131:4 | indication | 248:1 | 332:7,25 |
| 161:25 | 140:7 | 194:13 | 271:24 | 339:15 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|--------------------|--------------------|--------------------|---------------------|
| 357:9,12 | 33:12 36:6 | interest | 145:1 | 86:7 131:7 |
| 357:18 | 36:16 | 48:4 49:22 | 170:4 | invoke 28:16 |
| 358:25 | 37:12 | 50:11 | interrup... | 28:22 |
| informed | 42:17 | 61:23 98:8 | 170:3 | involve |
| 210:16,23 | 117:9 | 100:11 | interspe... | 170:6 |
| 357:23 | 132:19 | 110:18 | 23:5 | involved |
| infreque... | 133:8,22 | 111:6 | interven... | 35:14 |
| 246:23 | 135:1 | 243:16 | 151:11 | 44:25 91:1 |
| initial | 142:12 | 256:20,22 | 225:13 | 96:23 99:8 |
| 80:13 | 153:24 | 335:13 | 341:24 | 107:23 |
| 81:12 | 154:19 | interested | 345:14 | 110:2 |
| 181:7 | 156:21 | 87:10 | interven... | 120:18 |
| initially | 158:1,11 | 142:12 | 345:10 | 122:6,10 |
| 22:23 | 158:15 | 257:3 | 346:3,12 | 125:12 |
| initiated | 174:7,8 | 360:16 | 357:5 | 126:3,7,10 |
| 18:13 | 175:9 | interesting | interview | 126:12,15 |
| initiation | 205:21 | 52:12 | 141:8 | 137:23 |
| 19:8 | 216:6 | 141:5 | 146:20 | 155:1,6 |
| inkling | 260:19 | interfere | interviewed | 169:9 |
| 137:20 | 261:1,4 | 103:20 | 296:12 | 203:14 |
| inner 38:2 | 308:2 | interfering | intervie... | 213:12 |
| 38:15 | 326:19 | 340:18 | 359:2 | 229:20 |
| input 96:22 | institutes | 357:12 | interviews | 235:22 |
| 110:2 | 1:18 10:15 | internat... | 101:2 | 239:24 |
| 124:12 | 65:9,11 | 44:10 | introduce | 241:6 |
| 127:10 | 122:14 | 45:17 | 9:16 | 260:17,19 |
| 171:22,24 | institution | 46:24 | 289:15 | 302:12 |
| 172:12,22 | 46:9 155:6 | 89:13 | invalid | 312:5,8,11 |
| 180:8,14 | 155:8 | 107:24 | 258:7 | 312:18 |
| 180:15,19 | 292:3 | 126:12 | 276:21,21 | 340:5,8,12 |
| 196:8 | institut... | 140:4,6,9 | 277:2 | 340:17 |
| 220:18 | 133:14 | internat... | invariably | 359:1 |
| ins 357:25 | instruct | 45:22 | 193:4 | involvement |
| inserted | 13:7 25:10 | 75:22 | investigate | 70:11 71:3 |
| 54:5 | intent 43:5 | internet | 80:20,23 | 81:16 82:4 |
| insights | intention | 252:24 | 138:16 | 82:9 |
| 14:5,19 | 91:4 | 349:10 | investig... | 107:20 |
| Instagram | interact | 352:5 | 137:19 | 110:2 |
| 101:2,7 | 45:19 | interpre... | investig... | 122:19,21 |
| 211:25 | 298:3 | 118:24 | 357:14 | 125:18 |
| 286:11 | 346:25 | 127:11 | investig... | involves |
| 309:6 | interacted | Interrog... | 213:4 | 124:13 |
| 328:15,18 | 77:18 | 287:7 | invitation | involving |
| 330:2 | 175:16,17 | interrog... | 86:17 | 25:20 |
| Instagrams | 264:23 | 287:3,12 | 149:2 | 111:3 |
| 101:4 | 266:2 | 287:21 | invited | 170:13 |
| institute | interact... | interrupt | 172:6 | Ioannides |
| 4:17 10:13 | 126:7 | 11:14 | 176:25 | 293:8,10 |
| 19:4 33:8 | 175:5 | 127:18,18 | inviting | ironic 311:4 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-------------------------------|---------------------|-----------------|---------------------|---------------------|
| irrelevant 207:6,12 | JAMES 5:4 | 88:3,17 | 86:18 96:4 | 135:14 |
| isolation 165:8 | Jan 324:24 | 89:21,25 | 108:1 | 361:7 |
| issue 44:11 | 327:1 | 90:8,19,20 | 110:6 | 362:2 |
| 67:20 68:1 | January | 91:6,12 | 111:3,6 | JOSH 3:23 |
| 82:4,18 | 22:17 | 92:2,12,19 | 125:8 | journal |
| 96:24 | 34:13,18 | 92:22 93:4 | 136:12 | 203:1 |
| 116:19 | 35:9,14 | 93:9,15,25 | Jeremy-led | Journalist |
| 136:25 | 40:6 42:6 | 94:11,22 | 131:15 | 212:21 |
| 145:5 | 48:2 51:21 | 95:1,20 | Jill 3:1 5:3 | journals |
| 169:8 | 84:17,19 | 97:22 98:4 | job 172:21 | 215:17 |
| 193:9 | 85:12 | 98:20 | 238:20 | Jr 1:8 9:7 |
| 220:11 | 123:23 | 101:12 | 260:18 | 361:7 |
| 243:4 | 351:23 | 102:3,14 | 326:25 | 362:2 |
| 259:12 | Jay 251:18 | 102:18 | Joel 272:14 | judgment |
| 292:24 | 267:20 | 103:5 | 272:15 | 224:10,12 |
| 295:21 | 291:15 | 105:7 | jog 126:2 | 319:25 |
| 335:6,8 | Jayanta 2:24 | 106:10 | 127:8,9 | Judith |
| 339:23 | Jefferson | 108:25 | 130:4 | 307:20,23 |
| issues | 2:10 | 109:10,15 | 141:16 | 308:17,19 |
| 241:24 | JEFFREY 2:16 | 109:23,25 | 147:1 | July 225:16 |
| 275:4 | Jen 37:25 | 110:10,15 | 341:19,21 | 226:14 |
| 312:9,11 | 324:2,23 | 110:24 | jogs 132:8 | 233:2,15 |
| 314:24 | 325:7,21 | 111:18,23 | John 2:5 3:3 | 233:18,19 |
| 353:12 | 327:1,7 | 112:16 | 9:18 296:1 | 233:20,20 |
| 355:13 | JENIN 3:2 | 114:3 | 296:6,8,11 | 328:7,12 |
| 356:24 | Jenin.yo... | 115:9 | John.Sau... | 341:1 |
| 358:7,10 | 3:9 | 116:13 | 2:12 | 343:3 |
| issuing | Jennifer | 118:3,6,16 | John.vec... | 344:4,5,8 |
| 220:6 | 38:5 | 120:4,10 | 3:10 | jump 154:14 |
| item 331:7,8 | 308:12,14 | 121:20 | John@Bur... | 198:18 |
| items 284:25 | 308:15 | 123:7 | 3:18 | 200:9 |
| ivermectin | 324:23 | 124:15 | join 86:3,14 | 264:24 |
| 330:25 | Jeremy 34:19 | 125:2 | 86:17 | jumped |
| 331:4,5,9 | 43:20 44:3 | 126:23 | 131:5,8 | 101:18,20 |
| 331:16 | 44:5,23 | 128:13 | joined 277:7 | jumping |
| 332:2,8 | 46:11,11 | 130:17 | 317:15 | 173:6 |
| 333:15,19 | 48:3 50:9 | 132:5,12 | joiners | June 21:23 |
| ivermect... | 60:2 66:24 | 132:17,20 | 252:7 | 22:1 |
| 331:16 | 72:24 | 132:24 | joint 141:2 | 220:14 |
| | 73:21,25 | 133:4,21 | Jon 49:6,16 | Justice 2:19 |
| | 74:1,7 | 135:20 | 50:9 61:18 | 3:21 4:1 |
| | 75:1 76:1 | 136:5 | 61:24 | 9:22 361:5 |
| | 76:2 79:7 | 137:6,14 | 62:14 | justified |
| | 79:12 83:3 | 160:18 | JONATHAN | 52:18 |
| | 83:6,7 | 161:1,9 | 3:13 | JUSTIN 2:7 |
| | 84:6,8,16 | 162:25 | Joseph 1:8 | juxtaposed |
| | 84:23 85:9 | 170:14,25 | 9:7 133:10 | 49:17 |
| | 85:12,19 | 171:5,5,16 | 134:13,23 | 106:9 |
| | 86:2,7,14 | Jeremy's | 135:6,13 | 217:9 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|-------------------|------------|-----------|------------|
| K | 166:8 | 88:12 89:7 | 178:6,13 | 251:19 |
| Katie 202:3 | 206:21,25 | 90:2,5,10 | 179:2,8 | 253:3,20 |
| 202:4,15 | 260:14 | 92:25 | 181:24 | 254:8 |
| keep 58:16 | 283:19 | 93:13,22 | 182:8 | 255:24 |
| 69:19 | 284:2 | 95:22 | 183:3 | 256:24 |
| 86:21 | 300:21 | 96:12 | 184:4 | 257:20 |
| 104:2 | 310:14 | 97:11 99:4 | 185:5,10 | 259:5,24 |
| 108:8 | 319:9 | 101:15,18 | 185:15 | 260:23 |
| 155:25 | 334:9 | 101:21 | 186:22 | 261:13 |
| 210:16,23 | 339:23 | 108:18 | 187:18,20 | 262:3 |
| 241:10 | 347:23 | 109:18 | 187:23 | 266:11 |
| 283:9 | kinds 17:9 | 111:25 | 189:23 | 268:24 |
| 314:16 | 17:16 | 112:23 | 193:18 | 269:19 |
| keeping 74:8 | 104:18 | 113:16 | 195:4 | 270:6,17 |
| 74:12 | Kingdom | 114:20 | 196:13 | 271:14 |
| 128:22 | 75:17 76:5 | 115:15 | 197:2,13 | 272:8 |
| 314:13 | Kirschner | 116:20 | 199:9 | 273:5,13 |
| 315:17 | 3:22 9:21 | 118:13,21 | 200:12 | 273:21 |
| 317:24 | 9:21 12:15 | 119:21 | 201:10 | 274:12,23 |
| kept 73:21 | 13:6 14:8 | 120:25 | 205:3,25 | 280:14 |
| 157:17 | 14:12 | 121:6 | 206:14 | 281:2,11 |
| 232:5 | 17:22 | 125:15 | 207:18 | 282:12 |
| Kheriaty 3:1 | 18:20 | 127:17 | 208:4,18 | 283:3 |
| kicked | 19:18 | 128:2 | 210:10,18 | 285:8,19 |
| 251:23 | 20:20 22:7 | 129:12,15 | 211:14 | 286:16 |
| 335:22 | 23:17 24:4 | 130:9 | 213:24 | 287:9,17 |
| kill 170:1 | 24:17 25:8 | 134:14 | 214:19 | 289:2 |
| 305:25 | 26:6,13 | 137:12 | 221:17 | 291:25 |
| killed | 29:18 30:5 | 138:10,17 | 223:3,22 | 293:14 |
| 194:19 | 35:21 | 143:10,25 | 224:13 | 294:1,3,17 |
| killing | 36:18 42:1 | 144:25 | 225:22 | 296:25 |
| 344:14,18 | 43:11 46:4 | 146:10,17 | 226:22 | 297:24 |
| 345:5 | 47:18 48:6 | 148:5,10 | 227:2 | 298:9 |
| kind 15:25 | 48:10,17 | 149:8 | 228:18,21 | 299:1 |
| 35:10 | 48:22 | 152:11,23 | 229:14 | 301:8,20 |
| 38:14 39:9 | 49:10,12 | 154:5,22 | 233:7 | 302:19 |
| 39:13,14 | 49:24 | 158:4,24 | 234:12,17 | 303:14 |
| 42:23 | 52:24 53:7 | 159:10,20 | 235:13,17 | 304:17 |
| 50:16 | 53:21 54:2 | 161:17 | 236:6 | 305:14,17 |
| 53:18 | 57:3 62:7 | 162:6 | 237:11 | 306:5 |
| 59:13 60:9 | 63:3 65:14 | 163:25 | 239:17 | 308:24 |
| 96:24 | 65:18,22 | 164:13 | 240:12,23 | 310:5,19 |
| 103:13 | 68:15 | 166:12 | 242:24 | 310:25 |
| 118:7 | 69:10 71:9 | 167:8 | 243:11 | 311:5 |
| 121:24 | 73:2 76:16 | 168:19 | 244:20 | 312:16,22 |
| 140:14 | 76:21,24 | 169:23 | 246:2,14 | 313:16,25 |
| 147:24 | 78:14 79:9 | 172:15 | 246:18 | 314:21 |
| 148:6 | 82:7 83:13 | 174:21 | 249:3,20 | 318:7,22 |
| 155:13,19 | 86:9,25 | 176:6,9,13 | 250:22 | 319:4,12 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|------------|------------|------------|------------|
| 322:22 | 35:12,25 | 100:18,24 | 172:2 | 252:21 |
| 325:4,14 | 36:3,3,4 | 102:3 | 173:19 | 255:5,20 |
| 326:2 | 36:14,23 | 103:14,18 | 174:14,16 | 255:23,25 |
| 327:5,18 | 36:23 37:1 | 105:12 | 175:1,7,15 | 256:6 |
| 329:18,23 | 37:5 39:7 | 106:4 | 177:5,6 | 257:1,18 |
| 331:21 | 40:2,8,13 | 107:1,18 | 179:21 | 257:22,23 |
| 332:9 | 40:19 | 108:7,7,22 | 181:3,16 | 258:1,12 |
| 333:8 | 44:25 45:7 | 109:2,4,12 | 184:17,24 | 258:16,18 |
| 334:11 | 45:9,10,10 | 109:24 | 186:7,11 | 258:25 |
| 336:25 | 45:13,14 | 113:1,2,6 | 186:13,14 | 259:3,4,22 |
| 337:24 | 45:16 46:2 | 113:15,19 | 188:9,24 | 260:1,21 |
| 339:12 | 46:11,18 | 113:20,23 | 189:8 | 260:24 |
| 341:6 | 49:7,21,21 | 115:22 | 194:9,10 | 263:13 |
| 344:7 | 50:4 51:3 | 116:1,18 | 196:4 | 264:21 |
| 345:19 | 51:5,7 | 116:22,23 | 198:23 | 265:3,7,22 |
| 346:17 | 55:6,15,23 | 117:3,7 | 199:11 | 267:3 |
| 347:6 | 55:25 56:2 | 118:15 | 201:4,5,6 | 268:13,18 |
| 348:16 | 57:8,17,22 | 119:11 | 204:24 | 268:20,25 |
| 352:7 | 58:5,19 | 120:13 | 205:1,2,23 | 269:16,21 |
| 353:17 | 59:14 | 127:7,13 | 206:3,17 | 269:22 |
| 354:22 | 62:17 63:6 | 129:8,22 | 208:21,22 | 270:18 |
| 355:16 | 64:6,14 | 133:7 | 208:22 | 274:25 |
| 356:10 | 67:1,5,23 | 134:3 | 209:20,25 | 275:4,16 |
| 358:11 | 70:2,4,9 | 135:7,8,8 | 210:4 | 277:11,14 |
| 359:13 | 74:22 | 135:22 | 212:10 | 279:5,6,23 |
| 361:4,8 | 75:21,21 | 136:16,19 | 213:3,5,16 | 281:5,7,8 |
| knee 256:15 | 76:10,11 | 137:9,14 | 217:21 | 281:14 |
| knew 62:24 | 76:13,21 | 138:19,23 | 221:20,21 | 282:15 |
| 77:17 | 77:12 | 139:4,7,10 | 223:6 | 283:6,7 |
| 136:8 | 78:11,18 | 140:1,25 | 224:14 | 285:9,10 |
| 147:16 | 81:3 82:19 | 141:1,4,6 | 226:15 | 285:25 |
| 181:5 | 83:4,7,7 | 143:4,5,17 | 228:9 | 286:10,23 |
| 195:20 | 85:15 | 144:8,10 | 229:16,19 | 288:2,2,6 |
| 226:6 | 86:12,24 | 147:17,17 | 230:5,21 | 289:20 |
| 239:13 | 87:1,2,6 | 147:19 | 230:25 | 290:20,22 |
| 297:5 | 88:10,15 | 149:9 | 231:25 | 291:6,22 |
| knockout | 89:3,4 | 151:15 | 235:19,23 | 292:1,18 |
| 354:9 | 91:14,15 | 152:7,13 | 236:7,10 | 293:2,4,4 |
| know 11:8,8 | 92:7,7,7,8 | 153:3,8,10 | 236:16 | 293:7,9,10 |
| 17:23 | 92:10,11 | 154:4,7 | 238:9,15 | 295:8,16 |
| 18:15 20:3 | 92:21,22 | 155:18,19 | 239:1 | 296:3,6,6 |
| 20:6,12,15 | 95:5,24 | 159:9,13 | 241:16 | 296:8,9,15 |
| 21:1,2 | 96:22 98:4 | 159:18 | 242:1 | 296:16 |
| 23:16 24:6 | 98:7,12,13 | 161:12,22 | 250:24 | 300:1,3 |
| 29:21 30:8 | 98:13,14 | 162:20 | 251:15,21 | 301:9 |
| 31:22 32:6 | 98:19 99:5 | 163:6 | 251:22,22 | 302:8 |
| 32:15,16 | 99:11,13 | 167:2,4,6 | 251:24 | 304:5,5,6 |
| 32:19 33:6 | 99:20,22 | 167:12 | 252:4,13 | 304:8 |
| 33:17 | 99:24 | 171:14 | 252:14,15 | 305:7,13 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------------|---------------------|---------------------|------------------|---------------------|
| 305:20,22 | 89:15 | 279:8 | 200:12 | 219:1,11 |
| 306:13 | 100:25 | KUMAR 4:9 | 208:4,18 | 221:14 |
| 307:13,23 | 152:2,12 | KYLA 3:24 | 210:18 | 222:11 |
| 308:3 | 155:11 | | 214:8 | LANDRY 2:16 |
| 311:7 | 156:15 | L | 215:7 | lane 110:6 |
| 313:6 | 178:1 | L 4:2 361:5 | 218:14 | 114:11,15 |
| 314:2,3 | 181:13 | lab 33:16 | 219:18 | 120:20 |
| 322:9 | 184:14 | 79:2,21 | 221:1,17 | 124:24 |
| 323:5 | 191:21 | 89:6 | 223:3 | 139:1,15 |
| 324:18 | 201:9 | 116:15 | 225:22 | 140:1,5 |
| 325:16,24 | 208:11 | 155:17 | 229:14 | 163:12,18 |
| 326:4 | 221:16 | 156:12 | 233:7 | 163:24 |
| 328:8,19 | 241:2,20 | 157:17 | 234:12,17 | 164:10,20 |
| 329:2,24 | 251:13 | 182:22 | 235:17 | 165:6 |
| 332:20 | 269:24 | 183:14 | 237:22 | 166:16,24 |
| 335:7,17 | 274:14,15 | 188:19 | 240:23 | 167:19 |
| 336:6,13 | 285:16,23 | 190:8 | 242:24 | 168:4 |
| 336:15,15 | 286:2 | 194:2 | 243:11 | 190:20 |
| 336:17 | 290:3,6 | 208:1,17 | 244:20 | 216:5,12 |
| 337:10,21 | 292:12 | 209:10,19 | 246:2,22 | 253:25 |
| 338:1,5,6 | 307:7 | 213:8 | 249:20 | 254:15 |
| 338:13 | 312:13,17 | 355:9 | 250:22 | 259:21 |
| 339:16,25 | 325:15,17 | labeled 43:8 | 253:20 | 260:21 |
| 345:21 | 326:5 | 94:24 | 266:11 | 261:6,10 |
| 346:18,21 | 334:8 | laboratory | 272:8 | 261:17 |
| 346:23,25 | 340:4 | 14:7,21,24 | 273:5,13 | 262:11,18 |
| 347:10 | knowledg... | 24:2 34:17 | 273:21 | 262:19 |
| 350:4 | 261:21 | 35:11 | 280:14 | 266:9 |
| 351:6,6,7 | known 46:11 | 77:13 | 281:2,11 | 308:7 |
| 351:13,14 | 75:24 | 121:16 | 282:12 | 312:4 |
| 351:19,19 | 256:7 | 122:1 | 283:3 | 356:25 |
| 352:8,14 | 260:3 | 145:22 | 306:5 | 358:19 |
| 356:11,23 | 265:16,17 | 146:2 | 313:25 | Lane's 165:2 |
| 356:24 | 291:9 | 157:12 | 314:21 | language |
| 357:22 | 297:17 | 162:1 | 319:4,12 | 355:14,18 |
| 358:12 | 351:8 | 180:5 | 321:24 | 355:19,22 |
| knowing | 352:24 | 181:9 | 325:4 | 356:2 |
| 63:16 | knows 22:19 | 185:23 | 332:9 | large 46:23 |
| 144:17 | 36:21 | 198:3 | 336:25 | 63:14 87:3 |
| 156:3 | 67:17 | lack 17:13 | 337:24 | 87:21 |
| 175:2,4 | 94:16 | 143:10,25 | 345:19 | 157:25 |
| 241:21 | 155:2 | 146:10,17 | 348:16 | 236:9,23 |
| 258:1,19 | 278:13 | 152:23 | laid 15:3 | 273:2 |
| 259:1,8 | Koonin 135:8 | 158:4 | 81:25 | 297:18,21 |
| 317:2 | Kulldorff | 161:17 | Lancelet | larger 52:14 |
| knowledge | 2:25 | 164:13 | 7:18 | 58:20 |
| 33:23 | 251:17 | 184:4 | Lancet | 59:23 |
| 36:10 81:7 | 256:5 | 186:23 | 129:11,20 | 274:4 |
| 87:19 | 267:20 | 199:9 | 130:2 | Laribee 51:8 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--|---|---------------------------------|------------------------------------|--|
| Larry 67:6 253:25 | leak 188:19 208:2 | 296:10 304:10 | 345:10,13 346:3,12 | 40:11,19 152:22 |
| late 34:18 246:7 265:19 | 213:8 leaked 157:16 | 307:12 338:17 | 357:5 likelihood 64:2 | 161:12,14 161:21,21 Lipkins |
| latest 332:25 | leaks 157:12 learned | 129:19 letters | limit 210:16 210:23 | 161:22 Lipschitz |
| Lauren 303:5 303:10,15 | 37:11 164:24 | 82:20 letting | line 23:6,8 23:9,16 | 296:15 list 46:19 |
| Lavelle 307:20,23 308:17,19 | 166:9 263:5 | 17:22 248:18 | 26:20 38:14 | 74:20 75:12,18 |
| Law 3:14 | leave 357:24 358:18 | 276:22 278:3,10 | 76:18 89:24 | 75:24 86:15 |
| Lawrence 65:4,6,8 66:7 | led 59:17 261:18 | 278:22 level 16:22 | 90:12 91:20 | 93:10 110:14 |
| lay 295:3 | 321:13 left 132:17 | 16:22 29:2 29:11,12 | 97:25 102:2 | 132:24 133:11 |
| lead 104:16 150:11,16 150:19 | 173:7 272:20 | 30:18 70:21 | 102:2 113:7 | 133:11 134:7,21 |
| 151:3 193:17 | 283:21 336:10 | 89:11 117:2,10 | 120:5 131:23 | 136:5,7 211:4 |
| 194:5,22 217:15 | 351:1 legal 9:14 | 117:16,17 119:14,14 | 148:7 161:4 | 252:7,7 263:23 |
| 229:25 274:3 | 151:18 356:24 | 140:6,9 195:16 | 167:22 194:25 | 284:25 294:14 |
| 297:7 306:23 | 357:22 361:1,23 | 245:16 248:23 | 202:11 211:3 | 296:10 305:11,13 |
| 321:4 352:5 | legend 143:6 Legislative | levels 18:25 122:22 | 240:10 264:7 | 307:8 309:11 |
| 356:21 | 38:11 legitimate | Levitt 252:8 257:10 | 324:8 344:11 | listed 32:10 33:4,5 |
| leader 301:15 | 207:14,16 299:15 | Lexitas 361:1,23 | 362:5,9,13 362:17,21 | 55:17 251:16 |
| leaders 231:19 251:16 | lessons 164:24 | Liberties 3:4 | lines 86:20 88:6 115:2 | listen 47:8 127:21 |
| leadership 171:1,11 171:18,20 | 166:9 263:4 | life 104:16 150:11,17 | 267:14 link 20:7 | 134:9 listening |
| 196:11 232:10 | let's 60:21 69:15 81:1 | 150:20 151:4,9 | 142:14 190:5,5 | 77:21,22 127:23 |
| leading 278:23 338:12 | 88:24 103:6 | 193:17 194:6 | 202:8,10 255:1,7 | lists 20:10 252:8 |
| 246:23 345:13 | 136:24 173:7 | 210:2 349:14 | 275:13,15 275:17,18 | literally 61:13 |
| 346:2,11 358:14 | 203:17 227:25 | 356:21 358:16 | 328:15 331:19 | 149:15 263:18 |
| | 227:25 233:12 | life-saving 151:11 | links 142:16 202:19,21 | literature 102:5 |
| | 245:18 253:7 | lifesaving 341:23 | 283:23 311:8 | 110:19 111:7 |
| | 275:8 | | Lipkin 39:23 | 158:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 159:7 | 46:11 | 197:23 | 232:5 | 329:8 |
| 181:20 | 76:23 | 199:12,13 | 247:23 | 342:2 |
| 231:21 | 105:7 | 201:20 | 275:14 | 343:9 |
| 232:6 | 127:25 | 211:20 | 298:13 | loons 113:12 |
| 322:5 | 128:4 | 215:1 | 306:19 | loop 75:7 |
| 323:10 | 134:11 | 221:23 | 357:15 | looped 327:2 |
| little 26:24 | 201:10 | 222:14 | looking 20:2 | losing |
| 53:2 60:6 | 204:22 | 229:4,5 | 41:13 50:2 | 104:13 |
| 78:5 127:9 | 248:8 | 230:15 | 62:2 75:23 | loss 104:16 |
| 127:10 | 265:16 | 233:14 | 80:25 | 150:11,17 |
| 150:9 | long-term | 237:15 | 97:15 | 150:19 |
| 170:21 | 32:13 | 244:5 | 112:3 | 151:3 |
| 171:13,21 | longer 76:17 | 247:3,21 | 114:12 | 193:17 |
| 188:23 | 76:22 | 248:8,25 | 156:3,6 | 194:6 |
| 196:8 | look 13:9 | 249:19 | 197:16 | 217:7 |
| 197:23 | 14:1 15:6 | 264:6 | 202:3 | 230:1 |
| 200:24 | 17:24 | 271:2 | 218:4 | 356:21 |
| live 169:14 | 37:24 | 277:22 | 233:23 | lost 93:13 |
| 176:24 | 38:13 39:8 | 279:5 | 235:3 | 151:10 |
| 177:3 | 50:14,15 | 280:11 | 249:9 | 170:1 |
| live-str... | 51:13,15 | 289:20 | 295:25 | lot 31:16 |
| 176:20 | 52:1,7,15 | 305:2,9,10 | 302:24 | 78:21 |
| lives 103:20 | 52:16,16 | 306:3,22 | 303:2,4 | 88:21 |
| 104:14 | 53:11 54:1 | 308:19 | 307:1 | 103:25 |
| 169:17 | 56:19 78:7 | 312:1,2 | 309:24 | 114:22 |
| 217:8 | 80:11 81:1 | 320:2,9 | 320:15 | 120:19 |
| 230:1 | 81:2 94:23 | 322:5 | looks 13:18 | 153:17 |
| 256:16 | 96:16 97:7 | 328:4 | 37:10 | 154:18 |
| 342:22 | 103:1 | 330:5 | 38:18 | 159:14 |
| 345:11 | 106:17 | 331:13 | 39:18 | 160:22 |
| Livestream | 108:1 | 335:14 | 41:23 42:7 | 161:22 |
| 239:11 | 112:12 | 340:25 | 57:7 86:12 | 165:5 |
| 240:6 | 113:12 | 346:14 | 124:7 | 170:1 |
| Lloyd 291:17 | 114:16 | 347:15,22 | 132:16 | 173:19 |
| 291:18 | 115:4 | looked 34:22 | 149:14 | 184:18 |
| loaded 169:7 | 122:11 | 44:4 46:13 | 159:5 | 189:8 |
| located | 123:3 | 70:12 | 178:7,9 | 191:22 |
| 308:7 | 124:18 | 81:10 | 197:18,19 | 193:12 |
| location | 148:22 | 95:16 | 197:20 | 194:19 |
| 314:19 | 156:18,19 | 124:16,22 | 198:25 | 195:15 |
| lock 168:14 | 157:5 | 162:10,14 | 202:15,20 | 207:11 |
| lockdown | 160:7 | 170:19 | 203:7 | 230:5 |
| 261:25 | 161:3 | 183:23 | 269:12 | 244:25 |
| 262:13 | 163:17 | 186:3 | 275:18 | 256:14 |
| lockdowns | 170:21 | 198:15 | 284:5 | 257:8 |
| 168:11,12 | 179:5 | 204:12 | 294:22 | 274:17 |
| 168:13 | 182:16 | 227:10 | 295:18 | 286:19 |
| long 10:23 | 190:4,23 | 229:18 | 305:10,12 | 298:4,14 |
| 11:7 32:1 | 192:2 | 230:22 | 306:13 | 301:14 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|-----------|---------------------|
| 321:13 | 146:22 | 192:23 | 111:10,11 | 327:25 |
| 338:13 | 172:13,19 | 193:10 | 114:17,18 | 330:6 |
| 349:2 | 182:20 | 211:23 | 114:22 | 334:20 |
| 351:25 | 183:12 | 212:2 | 119:24 | 340:22 |
| 355:4,12 | 228:7,11 | manuscript | 122:25 | 343:25 |
| loud 69:14 | 279:16 | 81:24 | 130:7 | 346:15 |
| Louis 3:16 | 311:4 | 114:9 | 138:8 | 352:20 |
| 361:18 | 334:15 | March 170:22 | 141:12 | markets |
| Louisiana | 338:14 | 176:4 | 142:18,20 | 145:20 |
| 1:2 2:15 | 343:5 | 179:1,4,7 | 148:12,23 | Martin 2:25 |
| 2:19,21 | man 20:10 | 180:10,11 | 152:18 | 251:17 |
| 9:10 | 212:24 | 180:25,25 | 158:20 | 267:20 |
| low 248:23 | 286:14 | 182:7,12 | 163:8 | Maryland |
| 314:18 | 290:22 | 186:1,20 | 167:15 | 1:11,18,20 |
| 317:9 | management | 220:6 | 170:10 | 4:24 9:13 |
| lower 86:18 | 331:24 | 286:22,24 | 172:24 | 155:10,11 |
| 86:18 88:6 | managers | 293:13 | 178:13,18 | 360:3,21 |
| 124:16 | 30:19 | 298:24 | 182:2 | mask 313:13 |
| 137:5 | managing | 299:22 | 185:17 | 313:23 |
| lunch 201:11 | 164:8,11 | 303:23 | 187:10 | 314:12,18 |
| | 165:10 | 318:24 | 196:21 | 315:2 |
| M | mandate | 319:1 | 201:17 | 317:9,23 |
| M 2:16 | 165:19 | mark 12:10 | 203:25 | 322:14,15 |
| Machine 7:2 | Mandavilli | 18:1 99:17 | 209:4 | 322:18 |
| magazine | 296:13 | 99:21 | 210:12 | masking |
| 49:6 | manipulate | 100:21 | 212:16 | 317:18 |
| 264:14 | 157:2 | 115:12,13 | 213:18 | 318:16,21 |
| Mailman | manipulated | 116:10,10 | 221:11 | 318:25 |
| 40:24 | 78:21 | 116:15 | 226:10 | 319:1 |
| mainstream | 121:17 | 152:1,3 | 228:16 | 320:19 |
| 102:6 | 162:2 | 173:4,8,18 | 232:13 | 322:2,7 |
| 110:19 | 180:6 | 173:24 | 242:11 | masks 310:13 |
| 273:11 | 181:10 | 175:11,22 | 245:5 | 314:9,24 |
| major 21:13 | manipula... | 175:25 | 249:6 | 315:15,18 |
| 46:9 | 16:17 | 176:4,25 | 253:15 | 315:22 |
| 248:11 | 23:20 | 178:10 | 263:8 | 316:3,4,5 |
| 273:2 | 24:14,23 | 286:14,22 | 266:5 | 316:11,20 |
| majority | 34:25 | 287:4,16 | 270:7 | 316:23,23 |
| 230:18 | 35:15 | 288:1,5 | 275:9 | 317:5,13 |
| 277:7 | 43:25 44:7 | 289:7,9,13 | 277:19 | 318:3,13 |
| makeup 34:24 | 64:3 78:1 | 291:21,23 | 280:8 | 319:2,3 |
| 50:6,7 | manipula... | 292:7 | 283:12 | 320:20 |
| 80:14 | 122:2 | 296:15 | 284:7 | 321:2,4,7 |
| 156:18 | manmade | marked 12:13 | 286:4 | 321:9,13 |
| making 15:7 | 198:2 | 17:20 25:3 | 294:6 | 321:14,15 |
| 15:14,16 | 211:23 | 25:4 31:1 | 298:18 | 321:17,17 |
| 67:24 91:4 | 212:2 | 31:3 37:21 | 304:24 | 321:18,20 |
| 143:23 | mantra 80:3 | 43:9 83:25 | 307:15 | 321:21,25 |
| 144:2,4 | manufact... | 96:9,10 | 323:20,23 | 321:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|--------------------|----------------|---------------------|
| 322:10,15 | 224:21 | measured | 235:22 | 230:14,19 |
| 355:7 | 225:1,6 | 80:12 | 236:10 | 231:17 |
| match 41:23 | 237:6,12 | 333:21 | 238:5,7,10 | 244:17 |
| 41:24 | 239:2,6 | 355:19 | 238:24 | 284:3,20 |
| material | 265:21 | measures | 239:5,22 | 293:5 |
| 314:15 | 266:2 | 164:22 | 241:7,13 | 316:6,10 |
| 318:1 | 269:23 | 165:19 | 241:15,19 | 316:24 |
| Matt 264:14 | 287:12 | 166:20 | 241:24 | 332:23 |
| 264:21 | 292:2,6 | 168:17 | 269:17 | 335:24 |
| matter 1:15 | 295:16 | 177:6 | 270:1,12 | 353:2 |
| 9:6 55:14 | 296:21 | 261:25 | 270:16,23 | medication |
| 150:21 | 300:2 | 262:14,14 | 274:10,17 | 225:3,9 |
| matters | 305:20 | Med 179:22 | 274:18,22 | medicine |
| 270:12 | 311:24 | media 33:15 | 275:5 | 6:12 7:7 |
| 333:6 | 315:3,6 | 78:11,12 | 280:2,5 | 17:7 31:6 |
| 347:3 | 335:5 | 79:1,14 | 281:18,25 | 55:19 56:1 |
| mean 23:19 | 337:4 | 98:8,10,15 | 282:5 | 56:16,21 |
| 24:23 40:3 | 338:2,7 | 98:17,22 | 290:8 | 56:22 60:3 |
| 40:9,22 | 349:4 | 99:3,6,12 | 297:13,15 | 60:23 61:3 |
| 42:19 61:4 | 351:7,19 | 99:14,21 | 301:6,11 | 62:13 66:9 |
| 67:16 | 355:18 | 99:24 | 301:18 | 71:16 |
| 85:21 | meaningful | 100:6,19 | 302:18,24 | 179:11,11 |
| 86:12 87:2 | 120:16 | 100:25 | 303:2 | 179:15 |
| 91:9 101:1 | 124:23 | 101:3,6 | 304:15 | 183:23 |
| 101:4 | means 40:2,5 | 102:6,15 | 307:8 | 184:2 |
| 103:11,25 | 68:21 | 102:18 | 311:23 | 186:6,20 |
| 104:22 | 70:21 | 103:10,12 | 312:3,8,11 | 186:25 |
| 108:15,16 | 108:23 | 103:13,16 | 312:18 | 189:4,12 |
| 113:24,24 | 116:1,2 | 104:19,20 | 333:4 | 191:3 |
| 122:9 | 127:13 | 105:17,19 | 334:7 | 192:14 |
| 145:5 | 136:20 | 105:25 | 335:12 | 193:8 |
| 153:10 | 155:20 | 106:13,13 | 338:12,16 | 195:3,20 |
| 155:8,23 | 160:5 | 106:19 | 340:14 | 201:6 |
| 162:20 | 169:16 | 107:6 | 344:12,18 | 203:5,8 |
| 171:17 | 236:8,11 | 110:20,25 | 345:5 | 291:3 |
| 172:22 | 259:2 | 111:4 | 346:9,10 | meet 138:4 |
| 174:25 | 300:11 | 142:10 | 355:12 | 173:25 |
| 175:7,21 | 304:6 | 150:15,19 | 356:7,12 | meeting 21:1 |
| 177:7 | 348:10,13 | 151:3,21 | 356:16,19 | 21:3,7,11 |
| 180:18 | meant 58:11 | 152:8 | 357:19 | 32:23 39:2 |
| 188:22 | 74:5 88:17 | 185:3 | 358:1 | 39:6 113:4 |
| 189:25 | 88:23 | 186:5,8,9 | 359:1 | 113:5 |
| 190:23 | 165:10 | 186:12,16 | medical | 114:5 |
| 192:9,20 | 189:18 | 197:25 | 10:15,17 | 147:18,23 |
| 192:21 | 192:15 | 208:2,11 | 75:14 | 148:23,24 |
| 195:7 | 193:11 | 209:2 | 175:5 | 149:5,6,10 |
| 200:25 | 258:17,18 | 210:5,7 | 217:1 | 149:11,19 |
| 223:14 | 259:3 | 213:9,14 | 229:22 | 175:3 |
| 224:16,19 | 260:1 | 213:15 | 230:7,12 | 255:14 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|--------------------|
| 256:5,9 | 124:11 | Meta 7:15 | 257:10 | 95:23 |
| 267:22 | 146:20 | 8:9 210:15 | Miller 202:4 | 109:19 |
| 321:2 | 149:10 | 210:22 | 202:15 | 137:13 |
| 335:19 | 166:6 | 211:18,24 | million | 179:3 |
| 336:6,22 | 180:15 | 212:7,9,10 | 170:2 | 189:24 |
| meetings | 184:14,19 | 286:8,10 | 235:5 | 196:14 |
| 32:18 34:1 | 195:14 | 286:13 | 236:2,7,8 | 256:25 |
| 45:17 | 216:20 | 288:12,13 | 236:10,19 | 286:17 |
| 87:19 | 240:1 | 288:25 | 276:24 | 302:20 |
| 148:1 | 260:25 | 290:1 | millions | 310:6 |
| 149:15 | 281:16,17 | Meta's 286:7 | 177:10,18 | 325:5 |
| 292:5 | 288:5 | meta-ana... | 256:16 | mischara... |
| member 38:2 | 324:24 | 245:8 | mind 103:3 | 114:24 |
| 38:6 197:8 | 329:3 | 248:8 | 104:2 | misguided |
| 197:24 | 332:19 | metaanal... | 151:8 | 297:7 |
| 205:11 | 338:5 | 243:25 | 156:1 | misinfor... |
| 265:13,14 | 340:16 | 244:5,7 | 157:17 | 103:19 |
| 308:15,17 | 351:25 | methods | 184:16 | 104:4,10 |
| members | 352:14 | 168:7,9,10 | 232:5 | 104:11,15 |
| 31:19 | mentioning | mice 115:13 | 259:8 | 150:10,14 |
| 133:22 | 302:7 | 115:24 | mine 21:14 | 150:18 |
| 197:6 | 328:24 | 116:3,11 | 93:18 | 151:2,6,13 |
| memory 29:22 | mentions | 117:14 | 206:24 | 151:22 |
| 126:2 | 19:10 | Michael | 288:4 | 188:10 |
| 130:4 | 50:22 | 252:8 | 335:13 | 193:16 |
| 132:8 | 242:9 | Michelle | minimal | 194:5,7,8 |
| 141:16 | merely 11:24 | 296:2 | 180:16 | 194:19,23 |
| 209:1 | 138:3 | microbes | mining 49:16 | 210:17,24 |
| 338:4 | merging | 144:12 | 50:3 | 217:7,15 |
| 341:19,21 | 114:22 | microbio... | minister | 229:25 |
| memory-wise | MERS 25:20 | 70:15 | 75:17 | 235:15 |
| 138:23 | message 49:8 | 72:19 | Minor 291:17 | 236:4 |
| mention | 177:12 | 133:23 | 291:18 | 283:25 |
| 50:22 | 337:9 | mid 35:9 | minute 23:25 | 284:4,21 |
| 78:20 | 359:6 | mid-March | 61:13 | 286:7 |
| 104:3,20 | met 20:16,18 | 22:17 | 92:23 | 288:11,15 |
| 113:11 | 20:25 21:4 | middle 105:4 | 125:1 | 288:16,18 |
| 124:18 | 32:17,17 | 176:7 | 245:19 | 312:12 |
| 162:23 | 32:25 | 211:9 | 257:13 | 325:1,9,13 |
| 285:13 | 33:22 | 283:21 | minutes | 326:10,11 |
| 290:7 | 147:18,21 | 311:13 | 61:13 70:6 | 326:16 |
| 340:20 | 173:20,21 | 347:16,23 | 92:14 | 327:17 |
| mentioned | 173:23 | 347:25 | 253:4 | 336:24 |
| 40:10 42:8 | 174:1,4 | midnight | 269:5 | 338:3,11 |
| 57:12 70:8 | 175:10 | 60:6,6 | mis 339:5 | 338:14,15 |
| 70:25 | 255:11 | Mike 50:24 | Mischara... | 338:16,18 |
| 77:23 | 292:4 | 51:7,8 | 26:7 36:19 | 338:22 |
| 118:23 | 296:15 | 92:3,6 | 49:25 57:4 | 339:1 |
| 121:22 | 346:24 | 93:12 | 65:15 | 340:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 345:5,8,12 | molecular | 66:16,19 | mutual 77:19 | 131:25 |
| 345:23 | 34:23 | 66:20 | muzzled | 132:13,14 |
| 346:1,5 | 80:14 | 68:14 | 335:10 | 133:3,19 |
| 347:5 | 81:12,25 | 226:13 | | 133:21,24 |
| 357:17,20 | 82:24 | 227:8 | N | 134:21 |
| 358:23 | 133:9 | 233:5,15 | N 6:1,1 9:1 | 135:11 |
| 359:9 | 135:25 | 234:16 | 361:17 | 136:8 |
| misleading | 156:18 | 261:12 | Nabel 15:7 | 160:25 |
| 16:4,10 | 157:7 | 347:2 | 136:9 | 251:22 |
| 54:4 301:3 | 160:8 | motivated | name 9:14 | 292:17 |
| 301:7 | molecularly | 321:8 | 10:9,10 | 296:1 |
| 302:17 | 157:1,21 | motivation | 13:18 | 298:13 |
| 305:25 | moment 68:16 | 261:18,19 | 20:11 | national |
| misquote | 124:17 | mouth 69:19 | 30:22 | 1:18 4:16 |
| 278:19 | 149:11 | move 60:21 | 33:19,20 | 10:13,14 |
| 342:18 | 157:21 | 106:19 | 54:22 92:8 | 28:6,13 |
| mission | 211:15 | 107:11 | 92:10 | 30:2 65:9 |
| 163:13,19 | 252:19 | 210:2 | 108:7,9,12 | 65:11 |
| Missouri 1:5 | moments | 307:12 | 132:18 | 142:12 |
| 2:4,8,10 | 269:5 | moving 105:3 | 133:10 | 188:12 |
| 3:16 9:7 | momentum | 111:20 | 134:13,24 | 190:17 |
| 9:18 361:7 | 188:16 | 125:25 | 135:2,2,14 | 191:13 |
| 362:2 | Monday 234:4 | 126:15 | 135:23 | natural 78:2 |
| mistaken | 271:22 | MSNBC's | 136:5 | 81:15 82:1 |
| 43:6 44:16 | money 177:20 | 229:6 | 160:24 | 83:1 |
| 202:5 | 177:23 | multi-th... | 197:21 | 107:23 |
| 228:5 | 178:1 | 308:2 | 205:20 | 155:25 |
| MIT 132:19 | monitor | multiawa... | 231:6,7,10 | 156:10 |
| Mitchell | 106:14 | 213:4 | 263:16 | 189:7 |
| 229:7 | 338:23 | multiple | 291:19 | 190:1 |
| 233:6,13 | Monroe 1:3 | 18:25 24:8 | 293:7,10 | 285:2,11 |
| 234:16 | 9:11 | 122:22 | 300:5,22 | naturally |
| mitigate | month 140:15 | 175:17 | 301:15 | 183:18 |
| 358:18,20 | months 32:5 | 198:23,23 | 303:11 | nature 6:12 |
| Mm-hmm | 32:8 | 205:6 | 305:8 | 7:7 31:6 |
| 180:12 | 225:16 | 239:21 | 310:10 | 35:11 |
| MO 361:18 | 315:19 | 280:4 | 315:8 | 55:19 56:1 |
| modality | 335:3,19 | 321:1 | 324:21 | 56:16,20 |
| 315:20 | 336:12 | 334:2 | 328:22 | 56:22 |
| mode 77:22 | moratorium | 345:8 | 362:1,2 | 59:15 60:3 |
| models 23:12 | 29:16 71:8 | 349:14 | 363:11 | 60:23 61:3 |
| moderation | Morens | 356:15 | named 212:24 | 62:13 64:1 |
| 241:15 | 204:18,20 | 357:9 | 290:22 | 66:9 71:15 |
| modest | 204:21 | Munster | 291:18 | 77:13 |
| 353:21,22 | morning 7:19 | 40:14 | names 33:10 | 80:17 |
| 354:4,16 | 10:8 58:3 | mutations | 33:19 | 168:3 |
| modesty 46:7 | 58:14 | 162:13 | 75:23 | 179:11,11 |
| modulating | 65:13,21 | 198:16 | 86:15,15 | 179:14 |
| 290:5 | 65:22,25 | 200:7 | 131:19,24 | 183:23 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 184:2 | 17:17 28:5 | 268:2 | 324:16,22 | 333:11 |
| 186:6,20 | 80:19 | 282:3 | 327:9 | NIH.gov |
| 186:25 | 95:14 | 293:6 | NIAID's | 142:15 |
| 189:4,12 | 123:20 | 296:14 | 163:12 | 305:11,21 |
| 191:3 | 244:13 | 318:17,17 | NIAID.gov | 332:4 |
| 192:14 | 316:6 | 344:3,21 | 142:15 | nine 86:1 |
| 193:8 | 321:6,10 | news 7:9 | nice 172:21 | 91:18 |
| 195:3,20 | needing | 185:20 | Nicole 305:4 | ninth 64:22 |
| 201:5 | 349:8 | 233:17 | 305:6 | 64:23 |
| 203:5,7 | needs 79:16 | 234:3 | nightmare | 235:21 |
| 297:15 | 130:10 | 277:24 | 153:25 | Nobel 134:4 |
| NBC 277:24 | 156:17 | News's 240:6 | 154:16,21 | 252:11 |
| 281:1 | 257:16 | Newt 141:17 | 155:15,19 | 257:9 |
| NbcloUbv... | 348:23 | 141:20 | 156:14 | nodding |
| 254:21 | negative | 143:1,3,19 | 161:16 | 11:24 |
| near 34:14 | 219:24 | 143:24 | NIH 4:21 7:3 | nonhuman |
| 125:3 | 230:6 | 144:23 | 7:8 16:6 | 39:24 |
| nearly 332:2 | 245:14 | 145:19 | 17:5 18:5 | nonrespo... |
| necessarily | neither | next-to-... | 66:16 70:1 | 134:12 |
| 39:15 | 360:10 | 191:1 | 70:14 75:6 | 145:3 |
| 121:3 | neutral | NIAID 9:12 | 91:5 121:4 | nonsense |
| 162:12 | 101:13 | 10:24,25 | 122:8,13 | 277:10,12 |
| 194:9 | 103:4 | 18:18 | 134:5 | 277:14 |
| 237:7 | 113:8 | 19:25 20:5 | 139:9 | 278:4,12 |
| 256:19 | never 99:8 | 20:5 21:22 | 149:17 | 278:14,24 |
| 297:14 | 108:21 | 22:6,13 | 157:5,14 | 355:21 |
| necessary | 122:18 | 29:14 | 157:20 | nope 101:22 |
| 28:13 30:1 | 173:20 | 31:20 | 162:21 | normal 353:9 |
| 47:20 | 174:4 | 32:14,21 | 163:11 | 353:9 |
| 102:23 | 225:12 | 36:8 38:19 | 164:18 | 354:6,6 |
| 343:22 | 242:2,3 | 40:15 41:1 | 182:6,11 | normally |
| 363:9 | 259:7 | 67:15,21 | 184:12 | 243:16 |
| need 27:24 | 284:18 | 72:17,19 | 186:2 | norms 37:8 |
| 41:18 | 290:6 | 122:7 | 188:14 | North 2:20 |
| 60:18 | 296:3 | 152:8 | 206:8,18 | 32:13,20 |
| 68:24 | 312:4 | 156:13 | 231:10 | Northwest |
| 69:17 78:4 | 316:16 | 186:14 | 247:5 | 3:5 4:2 |
| 78:6 109:1 | 327:15 | 204:22 | 271:25 | 361:5 |
| 111:20 | 335:3 | 205:16,22 | 291:2,7 | notarized |
| 117:22 | 340:1,7,12 | 207:20,21 | 292:20 | 361:16 |
| 125:23 | new 3:4 4:13 | 215:21,25 | 299:23 | notary 1:17 |
| 126:14 | 4:13 8:19 | 216:2,9,17 | 300:1,6,10 | 10:4 |
| 150:24 | 27:18 34:6 | 238:6 | 300:18 | 360:20 |
| 207:7 | 34:9 40:23 | 265:3 | 303:7 | 361:14 |
| 316:20 | 144:12 | 268:16 | 305:22 | 363:23 |
| 317:9 | 169:5 | 300:11 | 306:21 | note 206:21 |
| 326:23 | 182:20 | 307:20,25 | 307:8,25 | 206:25 |
| 349:15 | 183:12,16 | 308:1 | 331:19 | noted 199:21 |
| needed 17:9 | 265:12 | 309:9 | 332:6,18 | notice 1:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------------|-------------------------|-----------|-----------|--------------------|
| noticed 178:7 | numbers 41:23 | 125:15 | 236:6 | 310:25 |
| notifies 331:3 | 53:18 | 129:12,15 | 237:22 | 311:5 |
| notify 95:14 | 273:3 | 137:12 | 239:17 | 312:16 |
| noting 209:1 | 274:5 | 138:17 | 240:23 | 313:16,25 |
| novel 183:18 | 297:21 | 143:10,25 | 242:24 | 314:21 |
| November | O | 146:10,17 | 243:11 | 318:7,22 |
| 1:12,20 | O 6:1 9:1 | 149:8 | 244:20 | 319:4,12 |
| 9:3 294:10 | oath 9:25 | 152:11,23 | 246:2,14 | 322:22 |
| 294:11,12 | object 12:20 | 154:5,22 | 246:18 | 325:4,14 |
| 294:13 | 13:6 49:10 | 158:4 | 249:20 | 326:2 |
| 359:19 | 54:4 | 159:10,20 | 250:22 | 327:5,18 |
| 361:3,10 | 114:23 | 161:17 | 251:19 | 329:18,23 |
| 362:3 | 192:6,16 | 162:6 | 253:20 | 331:21 |
| NtP9J7iH... | 192:21,25 | 163:25 | 254:8 | 332:9 |
| 254:20 | 193:2,12 | 164:13 | 255:24 | 333:8 |
| number 9:8 | 199:6,7 | 166:12 | 256:24 | 334:11 |
| 17:4,7 | 211:14 | 167:8 | 257:20 | 336:25 |
| 23:4 30:16 | objected | 168:19 | 259:5,24 | 337:24 |
| 41:5,14,16 | 97:11 | 169:23 | 260:23 | 345:19 |
| 41:19 | objection | 172:15 | 261:13 | 347:6 |
| 52:22 | 12:16 | 174:21 | 262:3 | 348:16 |
| 64:24 | 18:20 | 178:15 | 266:11 | 352:7 |
| 101:1 | 19:18 22:7 | 179:2 | 268:24 | 353:17 |
| 113:24 | 23:17 24:4 | 182:8 | 269:19 | 355:16 |
| 116:8 | 24:17 25:8 | 184:4 | 270:17 | 356:10 |
| 130:24 | 25:12 26:6 | 186:22 | 272:8 | 358:11 |
| 136:21 | 29:18 30:5 | 187:18 | 273:5,13 | observat... |
| 140:6 | 35:21 | 189:23 | 273:21 | 219:11 |
| 144:14 | 36:18 | 193:18 | 274:12,23 | 244:19 |
| 157:25 | 41:11 46:4 | 195:4 | 280:14 | observat... |
| 178:8 | 48:6 49:24 | 196:13 | 281:2,11 | 113:25 |
| 185:7 | 57:3 62:7 | 197:2,13 | 282:12 | obtained |
| 194:22 | 63:3 65:14 | 199:9 | 283:3 | 28:3 |
| 207:11 | 71:9 78:14 | 200:12 | 285:8,19 | obvious |
| 216:4 | 79:9 82:7 | 205:3,25 | 286:16 | 88:10,15 |
| 219:23 | 86:9,25 | 206:14 | 289:2 | 95:16 |
| 223:16 | 88:12 89:7 | 207:18 | 291:25 | 132:16 |
| 228:21 | 92:25 | 208:4,18 | 293:14 | 139:16 |
| 231:4 | 95:22 99:4 | 210:18 | 296:25 | obviously |
| 236:17,24 | 108:18 | 213:24 | 297:24 | 27:9 62:22 |
| 248:17 | 109:18 | 214:19 | 298:9 | 74:2 85:22 |
| 294:3 | 111:25 | 221:17 | 301:8,20 | 88:7,7 |
| 297:18 | 112:23 | 223:3,22 | 302:19 | 91:9 |
| 298:1,2 | 113:16 | 224:13 | 303:14 | 175:22 |
| 304:2 | 114:21 | 225:22 | 304:17 | 223:19 |
| 316:6,8 | 116:20 | 229:14 | 305:14 | 303:8 |
| 331:8 | 118:13,21 | 233:7 | 306:5 | 308:1 |
| | | 234:12,17 | 308:24 | 329:6 |
| | | 235:13,17 | 310:5,19 | occasions |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|------------------|---------------------|--------------------|
| 46:1 | 295:21 | 69:21 72:4 | 205:7,11 | 333:23 |
| occur 34:1 | 300:10 | 76:20,24 | 242:2 | 356:18 |
| 77:5 149:5 | 327:8 | 84:15 | one-on-one | opinions |
| 220:7 | 361:17 | 87:15 | 147:23 | 52:8 320:7 |
| 303:12 | officer | 91:24 | one-sent... | 333:1 |
| 316:14 | 42:16 | 92:12 | 98:3 | 334:3 |
| occurred | 75:16 | 93:24 94:7 | ones 128:23 | 355:5,14 |
| 77:2 142:5 | 360:4 | 98:20 | 151:6 | 356:7,14 |
| 182:14 | offices 1:18 | 104:7 | 207:5,7 | 356:20 |
| 232:2 | official | 105:3 | 247:23 | opportunity |
| 253:2 | 66:23 | 110:17 | 297:13 | 14:9 43:12 |
| 343:23 | 148:19 | 123:25 | online 179:1 | 48:11 53:8 |
| occurrence | 239:4 | 130:10,11 | 179:7 | 69:11 73:3 |
| 83:1 | 271:21 | 140:19 | 180:11 | 97:13 |
| 155:25 | 303:9,23 | 147:22 | 202:24 | 112:1 |
| 156:8,10 | 328:16 | 148:10 | 222:2 | 115:16 |
| 189:8 | officially | 150:2 | 259:18 | 164:1 |
| October | 10:21 | 163:17 | 260:4,4,7 | 176:14 |
| 250:20 | officials | 173:6 | 283:15 | 183:4 |
| 251:4 | 108:9 | 179:8 | 286:7 | 187:21 |
| 253:19 | 167:3,5,7 | 185:7 | 296:23 | 197:14 |
| 254:5,9,11 | 277:8 | 201:14 | 297:4,4 | 271:15 |
| 254:13 | 342:22 | 210:2 | 344:15 | 306:7 |
| 263:12 | oh 53:17,18 | 211:2,10 | op-ed 13:14 | 353:18 |
| 269:13 | 81:8 100:2 | 222:3 | 14:4 24:1 | opposed |
| 271:6 | 101:22 | 234:1 | open 64:7 | 11:20 |
| 275:12,20 | 155:13 | 237:14 | 103:3 | 75:19 |
| 277:25 | 178:24 | 240:14 | 104:2 | 77:13 |
| 282:25 | 181:25 | 251:6 | 126:11,16 | 191:17 |
| 283:24 | 185:15 | 252:6 | 137:25 | 357:12 |
| 284:4 | 206:11 | 253:8 | 138:1 | opposite |
| 285:17 | 212:19 | 259:17 | 156:1 | 53:19 |
| 323:25 | 231:12 | 277:16 | 157:17 | oranges |
| 324:2 | 242:7 | 284:15 | 232:5 | 157:15 |
| 325:25 | 247:14 | 286:12 | 357:8 | order 16:18 |
| offer 177:17 | 284:12,17 | 288:13 | openly | 54:3 |
| 178:2 | 317:4 | 301:17 | 126:17 | 102:24 |
| offered | 343:24 | 306:16 | 358:6 | 170:2 |
| 254:7,12 | 346:19 | 308:22 | opinion | ordinary |
| offhand | 347:25 | 326:21 | 77:20 | 37:14 |
| 279:9 | okay 12:7 | 328:7 | 151:19 | organiza... |
| office 2:8 | 26:22,25 | 330:8 | 168:25 | 76:15 95:7 |
| 3:15 4:19 | 39:19 | 339:3 | 223:12,15 | 95:9,18 |
| 9:19 17:5 | 43:15 | 354:22 | 225:9 | 96:23 |
| 29:1 38:3 | 47:13 | 359:17 | 236:14 | 107:23 |
| 38:4,10,15 | 50:19 | once 11:6 | 245:3 | organiza... |
| 38:16 | 51:10 68:3 | 20:16 | 297:15 | 17:4 |
| 225:7 | 68:9,18 | 185:11 | 312:6 | 239:22 |
| 270:2 | 69:1,7,19 | 204:15 | 318:16 | 332:17 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|----------------------|-----------------|------------|
| organized | 196:18 | 337:16 | 70:22 | 142:16 |
| 129:20 | 213:9 | outweigh | page 6:7 | 144:21 |
| 161:8 | 355:9 | 221:6 | 14:2,3 | 148:18 |
| 164:12 | OSTP 17:6 | overrun | 19:9 21:21 | 161:23 |
| 165:11 | other's | 169:12 | 22:23,24 | 163:22 |
| 166:2,6 | 77:19 | oversee | 23:1 25:24 | 164:4,18 |
| organizing | outbreak | 186:15 | 47:25 48:1 | 165:13 |
| 129:10 | 15:12 | oversight | 48:14 49:1 | 173:2 |
| origin 43:18 | 31:25 32:5 | 16:8 17:9 | 49:15 | 176:2,6,8 |
| 99:3 111:8 | 34:5,6,14 | 17:11,17 | 50:14 | 176:11,12 |
| 147:6 | 34:15 | overview | 52:21 53:5 | 179:5 |
| 156:1,5 | 42:20 | 120:22 | 53:12,14 | 180:2 |
| 159:3 | 49:17 50:4 | 121:10 | 53:25 54:1 | 182:15,16 |
| 171:2 | 79:16 | overwhel... | 54:15,20 | 182:25 |
| 178:22,25 | 154:13 | 227:9 | 61:10 | 185:21 |
| 179:23 | 155:2 | 230:6,12 | 64:22,23 | 190:10 |
| 201:24 | 156:5 | 230:18 | 68:6 72:20 | 192:2 |
| 203:3 | 164:21 | 277:7 | 72:20,24 | 197:17,24 |
| original | 165:15,20 | overwhel... | 74:18,19 | 201:20 |
| 36:5 | 166:7,10 | 145:11 | 84:4,15,16 | 210:25 |
| 179:13 | 175:20,24 | 257:3 | 86:1 89:18 | 211:2,8,21 |
| 202:24 | 190:7 | 298:5 | 89:20,24 | 218:9,16 |
| 203:9 | 315:11 | 343:11 | 90:3,11 | 218:25,25 |
| 361:10 | outcome | Oxford | 91:16,19 | 219:9 |
| originate | 360:16 | 267:22 | 94:20 97:9 | 221:23 |
| 134:13 | Outlook | | 97:9,10,20 | 226:20,21 |
| originated | 148:19 | <hr/> P <hr/> | 101:10,16 | 226:23 |
| 34:16 | outrageous | P 9:1 | 101:21,25 | 227:8 |
| 35:11 | 182:20 | P-I-Z-Z-O | 104:24 | 229:5 |
| 77:12 79:2 | 183:12 | 290:23 | 105:1,3,4 | 232:22 |
| 194:1 | Outreach | p.m 66:21,24 | 110:9 | 233:1,23 |
| origins 89:5 | 38:12 | 67:2,3 | 111:14 | 234:1 |
| 98:23 | outs 357:25 | 148:22 | 112:12,13 | 235:3 |
| 100:8,9 | outside | 161:8 | 115:4,11 | 237:12 |
| 102:15 | 12:18,21 | 170:22 | 120:2,21 | 239:8,10 |
| 103:3,16 | 16:5 17:5 | 188:3 | 123:3 | 240:11,12 |
| 103:23 | 17:8,15 | 203:18,21 | 124:16,25 | 240:13 |
| 104:1 | 25:15 | 219:4,6 | 125:1,3,5 | 242:18 |
| 109:17 | 89:15 | 253:9,11 | 125:9,21 | 243:4 |
| 110:20 | 124:24 | 253:19 | 125:21 | 245:8 |
| 111:1 | 177:20 | 275:12 | 126:20 | 249:11,17 |
| 129:14 | 216:17 | 312:25 | 127:16 | 249:22 |
| 137:19 | 290:17,20 | 313:3 | 128:9,12 | 251:2 |
| 140:16,21 | 316:9 | 354:23 | 130:13,15 | 252:6 |
| 147:2,10 | 321:16 | 355:1 | 130:16 | 264:24 |
| 147:14 | outward | 359:19,22 | 132:3,23 | 267:9 |
| 170:18 | 99:18 | P3 70:20 | 135:15 | 271:13,20 |
| 184:3 | 337:22 | 72:14 | 136:11 | 272:19,22 |
| 188:20 | outwards | P3CO 17:10 | 142:8,9,14 | 278:7 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|--------------------|---------------------|
| 280:16 | panel 231:11 | paragraph | parentheses | 199:19 |
| 283:19,20 | 231:11 | 14:1,3 | 39:21 | 226:18 |
| 283:24 | 247:24 | 15:10 | 332:4 | 313:21 |
| 284:24 | 333:23 | 22:25 | parody | 339:22 |
| 288:9,14 | panels 232:9 | 26:21 39:9 | 310:18,22 | particul... |
| 298:21 | paper 15:6 | 39:18 | 310:24 | 39:4 57:23 |
| 299:25 | 20:9 22:20 | 50:19 52:4 | 311:1 | 314:18 |
| 303:9 | 29:4,7 | 98:2,3 | part 16:24 | 317:9 |
| 305:2 | 59:7 60:3 | 125:8 | 22:16 50:8 | 345:9 |
| 306:22,25 | 60:23 61:8 | 161:24 | 51:12,25 | parties |
| 307:1,19 | 61:8 68:18 | 163:18,23 | 56:9 72:23 | 360:12,15 |
| 308:4 | 69:23 71:6 | 164:5 | 74:6 80:11 | partly |
| 309:14,16 | 71:16 | 176:19 | 104:22 | 156:13 |
| 311:13 | 112:21 | 177:1,9 | 135:12 | pass 204:15 |
| 324:13 | 114:4,12 | 180:2 | 188:24 | 314:14 |
| 325:3,19 | 119:5,11 | 183:2,7,8 | 194:21 | 317:25 |
| 325:19 | 119:13 | 183:21 | 212:13 | passage |
| 328:5,8 | 120:11 | 188:13 | 244:13 | 115:13,23 |
| 329:11 | 124:2 | 189:3 | 299:6 | 116:2,3,11 |
| 330:18 | 142:11 | 191:1 | 320:18 | 117:13 |
| 337:7 | 160:5,14 | 218:12,21 | 321:8 | passed 212:6 |
| 341:13 | 161:2 | 222:14 | 324:21 | pasted |
| 347:16,16 | 162:10,24 | 229:5 | 336:9 | 264:13 |
| 347:24 | 170:18 | 235:4,4 | particip... | 347:23,25 |
| 353:6 | 171:3,12 | 237:17 | 74:20,22 | 347:25 |
| 361:11,14 | 171:22,25 | 239:9 | 77:9 79:24 | pasting |
| 361:17 | 172:3,7,12 | 240:4,8,15 | 92:24 | 264:2 |
| 362:5,9,13 | 172:20,22 | 245:12 | 93:11 | pathogens |
| 362:17,21 | 179:12 | 250:6 | 97:24 | 17:11 |
| pages 53:25 | 180:21 | 267:11 | 244:18 | patient |
| 64:22,23 | 195:7 | 271:12,19 | participate | 163:19 |
| 86:1 89:18 | 197:4 | 272:24 | 75:3 | 224:11,24 |
| 90:11,15 | 200:17,21 | 273:10 | particip... | 225:12 |
| 91:17 93:8 | 201:1,2,6 | 278:8 | 113:22 | patients |
| 93:19 94:7 | 201:7,24 | 305:23 | 197:11,21 | 222:11,18 |
| 101:11 | 202:1,12 | 325:3 | particular | 224:6 |
| 104:25 | 202:19,24 | 335:14 | 15:6 20:7 | 237:2,3,8 |
| 237:9,11 | 203:2,5,8 | 342:20 | 46:3 56:12 | Patrick 47:1 |
| paid 213:16 | 203:14 | 347:20 | 56:14 60:7 | 75:11,13 |
| 241:5 | 216:23 | paragraphs | 62:6 | 75:13 |
| 281:22 | 223:9 | 41:1 | 104:19 | 84:24 85:9 |
| 283:10 | 299:4 | paraphrases | 117:17 | 85:13,19 |
| pandemic | papers 98:5 | 285:6 | 119:14 | 92:3 93:11 |
| 15:9 17:10 | 98:7 159:6 | Pardis 132:6 | 139:5 | pattern |
| 34:4 | 160:23 | 132:7,18 | 141:25 | 353:11 |
| 182:21 | 202:8,21 | 132:21 | 144:14 | pause 16:16 |
| 183:13 | 202:22 | 135:15,17 | 153:20 | 17:2,4 |
| 293:19 | 215:6 | 135:21 | 188:13 | 25:20 26:1 |
| 313:15,19 | 223:13 | 136:1 | 195:23 | 26:4 27:17 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|------------|------------------|---------------------|
| 27:20 28:2 | 352:25 | 174:4 | 319:20 | 256:8 |
| 28:7,23 | 353:4 | 175:7 | 320:20 | 259:7 |
| 29:14 47:5 | people 21:7 | 181:12 | 321:8,9 | 281:20 |
| 69:25 | 21:9 30:17 | 189:10 | 322:19,25 | 292:23 |
| 71:17 | 30:17 | 192:22 | 323:1,7 | 300:23 |
| 83:12 | 38:13 40:3 | 193:10 | 324:6,7 | 316:14 |
| 199:23 | 40:8,17 | 194:19 | 326:24 | 342:6 |
| 200:4,8 | 42:14 43:1 | 195:10 | 328:11 | perfect |
| 225:4 | 45:18 46:8 | 205:14,16 | 329:2 | 84:17,21 |
| paused 28:10 | 46:23,24 | 207:13 | 330:10,11 | perfectly |
| 92:23 | 47:1,3 | 210:16,23 | 330:21 | 126:13 |
| pauses | 58:10 | 215:2 | 332:20,24 | 207:20 |
| 200:14 | 63:14,25 | 216:5,11 | 333:2 | perform |
| pausing 27:3 | 64:6,7,18 | 216:25 | 335:12 | 69:24 |
| Paxlovid | 74:3 75:1 | 217:3,13 | 336:23 | 119:8 |
| 354:2 | 77:17,18 | 217:16,23 | 338:23,24 | performed |
| pay 210:8 | 78:11,25 | 228:9 | 339:1 | 215:16 |
| 213:15 | 81:18 82:6 | 229:1,10 | 341:23 | performing |
| 235:19 | 82:17 | 231:4 | 342:21 | 118:19 |
| 238:18 | 87:22,23 | 236:19,24 | 343:8,10 | period 16:14 |
| 239:22 | 88:2,21 | 238:5,7 | 343:10,12 | 26:3 36:13 |
| 240:3 | 89:14 | 241:11,18 | 343:13 | 52:17 79:6 |
| 241:8,12 | 92:10,13 | 242:5 | 344:14,19 | 82:3,15 |
| 241:23 | 95:15,16 | 248:18,20 | 345:6,9,11 | 129:24 |
| 280:7 | 99:2,19,23 | 256:17 | 345:13 | 248:8 |
| 281:17,24 | 101:3,8 | 258:3 | 346:2,11 | 251:24 |
| 301:10 | 102:20,21 | 274:5 | 347:11 | 317:11 |
| 335:11 | 103:15,20 | 277:3 | 349:9,18 | 318:13 |
| paying | 103:21 | 278:23 | 351:7 | 336:8 |
| 256:14 | 104:12 | 286:19 | 356:1,6,13 | peripher... |
| PDF 120:8 | 105:16 | 287:1 | 356:19 | 255:18 |
| pediatric | 106:1,11 | 292:25 | 357:5 | Periscope |
| 291:1 | 106:14 | 293:12,18 | 358:15,18 | 240:6,17 |
| peer 18:25 | 107:8 | 295:25 | 359:2 | perjury |
| 246:1,6 | 133:1,7,8 | 296:3,3,19 | people's | 363:12 |
| peer-rev... | 133:23,24 | 297:12,15 | 281:9 | permission |
| 159:7 | 142:11,17 | 298:1,2,14 | 302:22,23 | 326:24 |
| 179:14,25 | 151:8,10 | 300:22 | 357:13 | perplexed |
| 191:7,9 | 152:5 | 301:14 | perceived | 353:6 |
| 195:8 | 154:13 | 302:11 | 225:20 | person 32:24 |
| 203:9 | 155:9,12 | 303:16 | 227:21 | 33:4,11,18 |
| 215:17 | 155:21 | 310:9,10 | percent | 33:21,22 |
| penalty | 157:2,13 | 310:16 | 16:14 32:9 | 34:20 |
| 363:12 | 160:6 | 312:10 | 33:9 44:22 | 46:14,17 |
| Pence 197:5 | 161:7 | 314:9,10 | 96:2 114:8 | 76:4 99:25 |
| 202:16 | 165:9 | 314:11 | 161:11 | 136:3 |
| pending 9:9 | 168:14 | 315:22 | 177:22 | 139:9,13 |
| 75:9 | 170:1,2 | 316:4,5,23 | 205:19 | 139:17 |
| Pennsylv... | 173:19,25 | 317:1 | 220:3,10 | 140:9 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|-------------------|---------------------|
| 160:24 | 130:2 | 237:2,5 | 3:12 5:3,4 | player 101:6 |
| 174:1,5 | 140:20,25 | 261:21 | plaintiffs | Plaza 4:11 |
| 175:23 | 141:17 | 334:1 | 1:6,15 | please 9:16 |
| 185:7 | 204:4,24 | 357:1 | 2:24 6:3 | 9:25 10:8 |
| 189:15,15 | 205:1 | physicians | 9:20 10:3 | 20:20 |
| 195:15 | 206:5 | 229:20 | 10:6 | 26:24 |
| 202:6,14 | 207:16,19 | 230:14 | plan 80:22 | 47:16 53:6 |
| 202:16 | Peter's 41:2 | 231:13 | 80:24 95:8 | 54:6 74:16 |
| 204:21 | petitions | 248:1 | 95:12,19 | 87:13 |
| 205:19 | 298:14,16 | 277:8 | 268:23 | 94:13 |
| 232:9 | Pfizer | pick 156:14 | 269:1 | 97:12 |
| 257:12 | 351:11,14 | picking 75:2 | planning | 100:23 |
| 259:9 | 351:15 | picture 21:2 | 184:17 | 123:13 |
| 261:17 | Phil 290:22 | 21:4 | platform | 124:6 |
| 265:10,23 | 291:1 | piece 20:8 | 98:18 | 127:17,18 |
| 279:2 | phone 34:18 | 29:4,7 | 99:12,14 | 128:1 |
| 299:13 | 34:20 | 197:4 | 99:21 | 132:14 |
| 300:1 | 44:14 | 216:22 | 100:19,25 | 172:1 |
| 311:16 | 45:24 | 264:3 | 101:3 | 183:7 |
| 325:20 | 46:20 47:2 | 268:9,17 | 152:8 | 185:5 |
| 335:1 | 58:17,19 | 269:9 | 177:12,14 | 201:25 |
| 342:3 | 59:1,22 | 299:4 | 238:25 | 209:14 |
| 345:15 | 63:13,15 | pieces 22:20 | 239:12 | 231:8 |
| 350:9,14 | 63:20 | 217:6 | 240:18 | 237:10 |
| 351:8 | 66:16,18 | piped 34:21 | 241:16 | 247:13,14 |
| 354:5 | 75:10 79:4 | pizzazz | 282:6 | 300:15 |
| 356:16 | 81:17 | 193:13 | 285:1 | 315:25 |
| 357:2 | 82:14 83:3 | Pizzo 290:23 | 290:5 | 339:12 |
| personal | 85:8,20 | 290:23 | 301:18 | 359:6 |
| 55:9,13 | 90:9,21 | 291:1 | 304:16 | 361:9,12 |
| 178:10 | 91:8 97:2 | place 28:23 | 335:22 | 361:16 |
| 309:9 | 97:3 178:8 | 71:8,8 | platforms | pleased |
| 313:18 | 178:10 | 164:23 | 98:11,22 | 354:3 |
| 321:21 | 287:5 | 242:4 | 99:24 | plop 281:19 |
| personally | 289:17,19 | placebo | 100:6 | podcast 6:24 |
| 34:2 45:10 | 290:14 | 244:10 | 151:23 | 141:2,17 |
| 297:5 | photograph | 246:12,22 | 213:9 | 142:2,5,6 |
| 346:23 | 21:5,10 | placebo-... | 238:24 | 142:10,24 |
| persuadable | phrase 116:1 | 322:1 | 274:11 | 143:24 |
| 337:17,23 | 199:23 | placebo-... | 290:1,9 | 147:10 |
| persuaded | 268:5 | 354:14 | 301:6 | 152:4 |
| 151:10 | physical | placed 42:5 | 333:5 | 205:11,12 |
| Peter 20:11 | 320:12 | placeholder | 334:7 | podcasts |
| 21:16 | physically | 39:17 | 344:13 | 101:2 |
| 35:17 36:2 | 175:14,15 | placement | 345:5 | 141:10,11 |
| 36:14 37:1 | physician | 306:2 | 346:9 | 141:23 |
| 37:6 39:22 | 104:15,17 | places 218:2 | 357:19,21 | 142:6 |
| 40:9 117:8 | 225:2,9,12 | Plaintiff | play 230:3 | 146:21 |
| 129:10,21 | 228:4 | 2:3,14 | 248:11 | 175:18 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|------------------|---------------------|--------------------|
| 359:2 | 27:3,6,19 | 15:9 29:3 | 234:4 | 226:3 |
| podium 201:3 | 211:25 | 29:4 44:6 | 241:19 | 228:8 |
| point 12:24 | 283:16 | 45:24 | 271:5 | 252:21 |
| 15:7,14,16 | 284:4,21 | 71:20 | 272:5 | 279:6 |
| 34:12 | 286:8 | 74:10 83:5 | 273:20 | predate |
| 42:10 | 288:11 | 116:6 | 275:14 | 175:19 |
| 67:23 | 333:6 | 131:16 | 279:14 | prediction |
| 110:18 | politicians | 147:25 | 280:25 | 15:12 |
| 114:10 | 102:4 | 153:16 | 335:18 | predictions |
| 121:1 | Politico | 157:18 | 337:11 | 23:5,10,11 |
| 130:20 | 7:17 218:5 | 162:20 | 347:17 | 23:12 |
| 131:2 | 221:15 | 176:1 | 356:6,19 | predictive |
| 135:10 | 222:7,10 | 177:25 | posted 43:19 | 23:12 |
| 136:13 | 222:13 | 178:4 | 100:6 | predominant |
| 137:6 | 225:17 | 209:24 | 182:12 | 76:14 |
| 144:24 | poll 230:13 | 220:20 | 225:18 | predomin... |
| 145:16 | 230:20 | 230:2 | 234:2 | 74:24,25 |
| 189:7 | population | 238:15 | 238:24 | 96:2 |
| 198:17 | 250:17 | 241:3 | 270:12,16 | preference |
| 200:8 | 285:3,14 | 244:24 | 349:9 | 12:17 |
| 209:1 | 342:7 | 262:25 | 357:21 | 86:20,24 |
| 211:22 | populations | 268:18 | posting | premarking |
| 236:17 | 250:14 | 277:2 | 348:7 | 37:20 |
| 284:25 | 274:7 | 279:23 | potential | premise |
| 299:6 | portfolio | 281:15 | 17:10 31:8 | 257:25 |
| 300:15,15 | 72:2 | 290:13,21 | 170:1 | 258:2,6 |
| 300:16 | position | 291:13,14 | 221:5 | 269:6,12 |
| 311:4 | 10:12 | 292:15,25 | 225:10 | 273:25 |
| 316:6,8 | 37:15 | 293:22 | potentially | 274:2 |
| 334:15 | 148:3 | 343:19 | 14:6,20,24 | 276:9,20 |
| 355:20 | 160:11 | 345:25 | 15:2,5,22 | 276:21,25 |
| pointed | 331:3 | 349:12 | 16:3 17:2 | 277:1,5 |
| 21:15 | positions | 352:16 | 51:15 89:6 | 278:22 |
| 243:14 | 358:6 | possibly | 321:4 | 295:1 |
| 283:8 | positive | 33:24 | power 126:9 | 297:9,16 |
| 355:19 | 166:8 | 40:14 44:5 | 137:24 | 355:20 |
| pointing | 219:25 | 44:24 56:1 | practice | premises |
| 243:5 | 246:9 | 56:2 163:5 | 37:14 | 257:17 |
| 260:3 | 247:19 | 198:2 | 331:23 | 258:21,25 |
| 299:7 | possession | 217:5,17 | practiti... | 259:10 |
| points 38:19 | 37:2 | 220:15 | 244:17 | preparation |
| 38:23 39:5 | possibility | 240:1 | precautions | 12:19,23 |
| 43:6 | 34:25 43:3 | 251:14 | 117:22 | 13:2 25:10 |
| 110:14 | 43:24 | 301:25 | precise | 25:15 |
| 131:18 | 67:10,15 | 304:12 | 42:10 | 171:12 |
| 137:5 | 71:6 80:20 | post 3:15 | 168:3 | prepare |
| policies | 80:23 | 8:3 13:15 | 234:25 | 38:23 |
| 241:18,20 | 106:6 | 13:19 | precisely | 102:24 |
| policy 17:6 | possible | 23:13 | 57:20 | 103:8 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|---------------------|---------------------|
| 287:14 | 198:23 | 102:24 | Prize 134:4 | 353:2 |
| prepared | 199:15 | 103:4 | 252:11 | project 6:10 |
| 98:5,7 | 200:3,5 | 156:6 | 257:9 | 18:7,13 |
| 114:5 | 201:8,24 | 314:9 | probably | 19:12,17 |
| preparing | 202:5,13 | preventing | 11:9 12:4 | 20:1 22:6 |
| 184:8 | 202:14,15 | 317:6 | 37:17 | 22:13 |
| preponde... | 204:11 | 318:5 | 39:23 51:4 | 125:14 |
| 247:4 | 217:24 | prevention | 92:11 | projects |
| 319:25 | 218:3 | 15:12 35:8 | 119:12 | 30:3 79:3 |
| preprint | 229:9 | prevents | 133:8 | promote |
| 81:23 | 230:7 | 104:12 | 143:8 | 195:12 |
| 82:15,23 | 232:18 | previous | 145:19 | promoted |
| 159:2,5,7 | 234:5,8,9 | 200:23 | 159:15 | 348:22 |
| 159:8,19 | 234:21 | 204:12 | 191:5,25 | promotes |
| 170:19 | 240:7 | 263:24 | 198:23 | 285:10 |
| 179:18,21 | 295:3 | previously | 202:6,17 | promoting |
| 180:1,9 | 359:5 | 196:6 | 202:18 | 268:2 |
| 181:4,8,13 | pressure | primarily | 216:5 | 321:25 |
| 181:14,20 | 131:20 | 288:19 | 240:2 | proof 193:9 |
| 196:10 | 137:7,9,15 | prime 75:17 | 248:7 | 218:1 |
| 203:9 | 137:18 | Prince 300:1 | 261:19 | proofs 172:7 |
| prescribe | pressuring | principal | 295:9 | propagate |
| 224:6,9 | 137:21 | 30:25 | 300:9 | 339:15 |
| prescribes | 138:3 | 54:25 | 308:20 | propagated |
| 225:9 | presume | 57:18 | problem | 194:9 |
| prescribing | 349:1 | principles | 329:1 | 346:8 |
| 225:2 | presympt... | 343:14 | proceed | propagates |
| prescrip... | 316:17 | printed 18:4 | 286:10 | 217:11 |
| 224:24 | pretending | Printout | proceedings | propagating |
| PRESENT 5:1 | 311:3 | 6:25 7:15 | 1:21 | 346:10 |
| presented | pretenses | 8:7,8,9 | process 26:1 | proper 47:19 |
| 273:1 | 300:23 | prior 14:12 | 139:20 | 74:4 80:7 |
| president | pretty 60:16 | 26:15 | 220:17 | 134:15,16 |
| 10:16,18 | 206:7 | 43:13 | produced | 191:10 |
| 197:5,5,12 | 229:19 | 48:22 53:9 | 24:10 84:4 | 315:8 |
| 197:12,25 | 279:3 | 68:17 | 121:4 | 320:12,16 |
| 198:5,7 | 355:12 | 97:14 | product | 320:17 |
| 202:16 | prevail | 128:25 | 12:20 13:6 | 323:16 |
| 229:8 | 193:8 | 160:14 | 25:11 | properly |
| 291:23 | prevailing | 175:24 | production | 103:7 |
| 313:11 | 227:9 | 176:15 | 321:17 | 230:4 |
| 344:11,17 | prevails | 234:10,15 | professor | proponent |
| president's | 193:5 | 255:22 | 291:5 | 317:12,14 |
| 202:5 | prevalence | 269:1 | professors | proposal |
| press 5:2 | 293:12 | 315:19 | 267:19 | 255:10 |
| 38:24 | prevaricate | 332:19 | program | 271:8 |
| 172:3 | 109:7,11 | priority | 30:17,19 | propose |
| 196:25 | prevent | 195:17 | 42:16 | 322:20 |
| 197:19 | 12:23 | privy 284:21 | 324:20 | proposed |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|--------------------|---------------------|--------------------|
| 248:18 | 231:13 | 289:15 | 265:4 | 96:1 |
| 271:22 | 320:24 | 290:1 | pull 175:6 | 104:11 |
| proposing | 321:5 | 300:3 | 257:4 | 106:9,13 |
| 133:4 | provides | 333:5,16 | pulled | 128:5 |
| pros 81:10 | 134:16 | 334:6,8,10 | 135:21 | 131:19,24 |
| 358:4 | 161:25 | 337:17,23 | 136:7 | 131:25 |
| prospects | providing | 341:4 | 157:25 | 134:8 |
| 198:10 | 183:17 | 343:15 | 216:22 | 135:22 |
| protect 28:5 | provost | 345:24 | 220:13 | 136:4 |
| 28:13 | 352:25 | 346:6,13 | 240:22 | 139:7 |
| 248:19 | proximal | 357:2 | 242:22 | 141:20 |
| 258:3 | 159:3 | 360:20 | 274:5 | 142:13 |
| 274:6 | 170:18 | 361:14 | 328:14 | 164:22 |
| 277:3 | 178:22,25 | 363:23 | pulling | 171:20 |
| protecting | 184:3 | publication | 221:9 | 182:14 |
| 314:11 | 196:18 | 180:11 | 239:15 | 188:15 |
| 316:11 | 203:3 | publicly | purchase | 190:21 |
| protection | Proximate | 158:10 | 321:3 | 241:12,13 |
| 15:17 30:1 | 179:23 | 206:9 | purports | 245:1 |
| 250:8,17 | PSA 289:20 | 244:15 | 251:6 | 263:16 |
| 266:17 | PSAs 177:12 | publish | purpose 63:1 | 308:20 |
| 268:2,5 | 177:25 | 215:17 | 89:10 | 334:25 |
| 292:13,22 | 178:2 | published | 156:2,4 | 338:23 |
| 307:5 | 286:21 | 31:12,14 | purposely | 339:4,17 |
| protective | 287:1 | 82:16 | 162:2 | 340:20 |
| 321:21 | 289:14 | 124:3 | 180:6 | 345:1 |
| proved | pseudo | 129:20 | 181:10 | putting |
| 354:12 | 117:11 | 156:25 | pursuant | 114:25 |
| proven 221:4 | public 1:17 | 158:16 | 1:15 37:3 | 135:10 |
| 225:10 | 4:20 10:4 | 159:6 | 60:14 84:4 | 145:12 |
| 230:17 | 15:18 28:5 | 178:21,24 | pursue | 188:6 |
| 276:23 | 28:10,13 | 179:1,7,13 | 102:23 | 241:11 |
| provide | 30:2 40:12 | 179:17 | 151:11 | 277:11 |
| 17:23 | 40:25 | 182:6 | 194:23 | |
| 47:19 | 79:17 | 184:23 | pursued | <hr/> |
| 122:15 | 140:16 | 187:2 | 79:16 | Q |
| 134:15,17 | 165:7 | 215:6 | 153:23 | qualific... |
| 134:20 | 169:10 | 219:2,11 | 154:19 | 224:22 |
| 171:12 | 177:6 | 222:2 | pursuing | qualific... |
| 250:16 | 178:9 | 250:20,25 | 79:16 | 224:18 |
| 259:2 | 181:12 | 251:10 | 194:24 | 279:10 |
| 314:15 | 189:15 | 252:3 | Pushing | qualified |
| provided | 195:2 | 257:16 | 125:2,10 | 44:10 |
| 68:19 | 217:18,23 | 258:10 | put 16:16 | 52:15 80:2 |
| 132:22,23 | 218:2 | 265:1 | 17:4 22:16 | 89:13 |
| 332:7 | 265:11,24 | 290:11 | 25:17 | 121:23 |
| provider | 277:8 | 333:11 | 27:25 29:7 | 122:4 |
| 243:10 | 288:19,24 | publishing | 39:5 42:9 | 198:14 |
| providers | 289:4,8,10 | 184:2 | 71:8 81:22 | 224:11,15 |
| | | | | 224:16,20 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------------------------|--------------------|---------------------|----------------------------|----------------------------------|
| qualifies 339:18 | 183:9 185:12 | 43:14 47:8 47:21 | 272:25 quote 7:1 | radiated 337:16 |
| quantitate 236:16 | 194:21 197:24 | 48:23 53:10 | 41:16 42:9 127:5 | radiating 337:22 |
| quantitated 297:25 | 198:11 200:25 | 68:17 82:20 | 136:14 144:8 | raise 12:24 35:10 |
| quantita... 298:2 | 202:14 209:22 | 94:15,17 97:14 | 145:7 146:13 | 63:19 71:5 71:14 |
| quantity 235:20 | 215:9 224:16 | 102:3 110:20 | 157:16 163:23 | raised 31:18 35:2 50:8 |
| question 11:13,17 | 230:5 236:14 | 127:22 172:3 | 164:4,20 164:20 | 51:20 60:2 96:18 |
| 11:18,19 | 240:20 | 176:16 | 192:5 | 116:18 |
| 11:20 | 247:13 | 177:4 | 227:7 | 230:22 |
| 14:17 | 260:14 | 226:25 | 229:10 | 252:23 |
| 19:22,23 | 262:5,15 | 241:10 | 237:17 | raising |
| 20:24 | 267:19 | 287:2 | 260:20 | 34:13 |
| 22:10 25:9 | 269:11 | 289:21 | 271:24,25 | 52:11 |
| 26:25 27:2 | 270:14 | 314:5 | 273:15,19 | 98:20 |
| 35:23 | 275:1 | 329:25 | 278:4,4,18 | 102:14 |
| 36:24 | 281:6 | 330:25 | 285:1 | Ralph 32:12 |
| 41:22,24 | 282:3 | 359:14 | 342:5,5,15 | 32:15 |
| 47:9,11 | 284:10,10 | quick 52:16 | 344:18 | 39:22 |
| 49:13 | 288:7 | 176:18 | quoted | 40:10 |
| 58:25 | 292:16 | 257:16,19 | 271:13 | 42:17 56:9 |
| 60:25 62:1 | 294:17 | 258:9,12 | 281:1 | 147:15 |
| 62:1,19 | 306:15,16 | 325:23 | 290:18 | 148:24 |
| 69:21 | 310:23 | quickly 52:3 | quotes 143:3 | 149:6 |
| 83:10,11 | 312:14 | 60:16 | 146:7 | ran 45:25 |
| 115:12,12 | 315:10 | 106:20 | 218:13 | randomiz... |
| 116:10,10 | 330:16 | 107:10,11 | 229:6 | 246:22 |
| 116:15 | 332:19 | 107:13 | 275:22,25 | randomized |
| 119:17 | 334:14 | 239:11 | 276:3,8 | 244:10 |
| 127:24 | 335:21 | quiet 64:19 | 342:13 | 246:21 |
| 134:10,10 | 340:11 | quite 23:18 | | 248:10,10 |
| 134:17 | 345:16 | 30:11 64:7 | R | 322:1 |
| 136:24 | 350:11,20 | 81:14 | R 1:8 9:1,7 | 354:13 |
| 139:3,3 | 357:8 | 86:16 | 361:7 | range 118:24 |
| 140:17 | questioned | 107:19 | 362:2 | ranging |
| 147:13 | 155:9 | 168:13 | R-e-d-d-i-t | 175:2 |
| 153:8 | questioning | 174:14 | 282:8 | ranking |
| 156:17 | 76:18 | 180:18 | R-o-w-e | 108:9 |
| 158:3 | 148:7 | 218:14 | 293:2 | rapid 166:19 |
| 159:23 | questions | 219:18,20 | radar 42:6,9 | rarely 55:11 |
| 163:14 | 12:1,17 | 226:7 | 43:19 | re-tweeted |
| 174:24 | 14:13 | 230:9 | 60:10 | 229:8 |
| 175:6 | 20:21 | 278:12 | 71:25 | reach 96:5 |
| 176:18 | 26:11,15 | 348:8 | 281:19 | reached |
| 181:13 | 31:18 | quotation | 340:21 | 152:8 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-------------------|---------------------|---------------------|---------------------|------------|
| 245:16 | 190:25 | 195:6,14 | 87:24 | 92:21 93:6 |
| reaching | 273:15 | 207:7 | 156:22 | 94:5,5 |
| 325:21 | 294:25 | 210:8 | 179:24 | 95:13 |
| reaction | 310:9 | 218:13 | reasonably | 96:15,16 |
| 166:8 | 325:10 | 219:18 | 83:7 | 96:19,25 |
| read 13:12 | 353:8 | 230:9,10 | 297:17 | 102:17 |
| 14:14 19:2 | 354:5 | 230:19 | reasons 16:5 | 112:5,7,9 |
| 28:1 31:16 | real 79:15 | 232:6 | 315:23,24 | 114:7 |
| 50:17 59:6 | 88:20 | 235:19 | 316:1 | 116:8,12 |
| 61:7 69:5 | 167:18 | 238:19 | 317:7 | 120:13 |
| 69:14,16 | 215:19 | 244:4 | 320:22,25 | 124:10,21 |
| 69:20 | 231:19 | 305:22 | reassuring | 127:6 |
| 103:10 | 244:4 | 309:20 | 183:22 | 128:25 |
| 119:11,12 | 299:15 | 312:8 | recall 22:21 | 129:17,22 |
| 143:14 | 323:16 | 314:9,13 | 26:5,9 | 130:1,4 |
| 153:5,19 | real-time | 316:20 | 28:24 29:3 | 131:14,15 |
| 176:22 | 244:16 | 317:24 | 29:6 30:8 | 131:17 |
| 181:4 | really 23:18 | 321:5,10 | 32:3,25 | 132:1,3,3 |
| 183:6,8 | 30:8 32:16 | 334:14 | 33:2 34:2 | 133:6 |
| 184:12,13 | 39:17 | 335:21 | 34:12 | 137:1,3,17 |
| 187:19,22 | 51:12,13 | 337:10 | 35:13 40:6 | 138:19 |
| 187:25 | 51:25 52:1 | 343:14 | 42:5 49:7 | 139:5 |
| 190:11,13 | 57:12 61:5 | 351:8 | 49:8,18 | 140:18,22 |
| 245:12 | 62:20 | 353:10 | 55:8,15 | 140:23 |
| 249:16 | 78:22 | 358:1 | 56:12,14 | 143:23 |
| 250:3,4 | 85:21 | reason 17:13 | 57:10,12 | 144:2,4,7 |
| 253:25 | 86:21 87:1 | 43:2 52:13 | 57:15,16 | 146:16,19 |
| 254:1 | 87:8,21 | 58:18 | 57:19,20 | 146:22 |
| 255:3 | 102:19,23 | 135:1 | 59:2,5 | 147:13,22 |
| 294:23 | 105:1 | 166:25 | 60:4,8,11 | 147:25 |
| 306:9,14 | 110:4 | 173:5 | 61:1,4,5 | 149:9,12 |
| 330:15 | 111:5,20 | 182:13 | 62:10,18 | 149:21,23 |
| 341:8,9 | 113:5,23 | 198:24 | 63:11 64:4 | 159:17 |
| 359:15 | 114:1,1 | 247:3 | 64:17 | 160:19 |
| 361:12 | 120:16 | 249:13 | 66:13,22 | 162:8,15 |
| 362:6,10 | 125:23 | 260:11 | 67:1,3,10 | 163:2,3 |
| 362:14,18 | 126:14 | 278:18 | 68:2 72:8 | 165:25 |
| 362:22 | 128:24 | 305:24 | 72:11,16 | 167:9 |
| 363:6 | 129:22 | 320:18 | 73:23 74:9 | 168:3 |
| reading | 134:6 | 342:17,25 | 74:14 | 172:13,19 |
| 42:12 | 140:25 | 344:22 | 78:17,18 | 173:23 |
| 68:20,23 | 151:19 | 349:17 | 78:22 79:4 | 175:23,25 |
| 69:1,14 | 165:4 | 352:1 | 83:2,9 | 178:1,2,3 |
| 102:8,10 | 168:13 | 358:25 | 84:14 85:4 | 178:4 |
| 114:14 | 171:18 | 362:7,11 | 85:11,14 | 180:14 |
| 130:19 | 174:13,14 | 362:15,19 | 85:17,21 | 181:3 |
| 180:17 | 180:13 | 362:23 | 85:23 | 184:11,22 |
| 184:11 | 189:20 | reasonable | 86:11 | 184:25 |
| 188:8 | 192:22 | 86:16 | 90:25 91:3 | 186:7,9,17 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|------------------|---------------------|--------------------|---------------------|
| 186:18 | 284:22 | 263:18 | 36:11 | record 7:3 |
| 187:5 | 285:12 | received | 43:22 44:3 | 9:3 10:9 |
| 188:2,5,8 | 287:6 | 19:25 | 45:20 | 11:15 |
| 189:14 | 290:13,16 | 124:2 | 46:25 | 18:21 |
| 190:24 | 290:21 | 178:12 | 57:21 58:1 | 19:19 22:8 |
| 191:25 | 291:13,16 | 206:21 | 66:19 | 30:6 49:25 |
| 198:22 | 292:7,15 | 256:23 | 74:13,25 | 54:6,7,9 |
| 202:1,3 | 292:24 | receiving | 79:12 | 54:10,13 |
| 208:13 | 293:1,24 | 247:17 | 84:12 | 65:19 |
| 209:21,23 | 295:9,25 | Recess 54:11 | 111:2 | 69:17,18 |
| 209:23 | 296:4,21 | 83:19 | 120:15 | 69:20 |
| 212:3,9 | 297:2,3,14 | 150:4 | 125:17,19 | 83:18,21 |
| 213:1,10 | 300:21 | 203:20 | 127:8,10 | 109:20 |
| 216:11 | 301:22 | 219:5 | 137:22 | 114:24 |
| 217:23 | 314:2,5,8 | 253:10 | 147:1 | 121:8 |
| 220:7,8,15 | 314:20,23 | 313:2 | 153:14,15 | 137:13 |
| 220:20,21 | 315:1,4,6 | 354:25 | 160:24 | 150:3,6 |
| 222:24 | 318:15 | recipient | 171:21 | 163:12 |
| 223:7,17 | 319:6 | 19:11 | 172:12 | 164:18 |
| 225:15,24 | 322:4,5 | recipients | 216:3 | 178:9 |
| 225:25 | 326:7 | 263:23 | 220:22,24 | 179:4 |
| 226:3,13 | 327:20 | recognize | 223:2 | 203:19,22 |
| 226:15,19 | 328:25 | 12:12,21 | 234:25 | 214:20 |
| 227:14 | 329:5 | 13:12 25:7 | 238:8 | 215:2 |
| 228:1,8,12 | 335:23 | 25:16 | 283:18 | 219:3,7 |
| 229:13,18 | 336:1,4 | 63:12 | 307:10 | 232:2 |
| 230:2 | 337:4 | 134:21,24 | 340:12,19 | 253:9,12 |
| 238:2,3,4 | 340:4,15 | 135:6 | recombin... | 313:1,4 |
| 238:6,8,10 | 340:17 | 153:18,19 | 23:20 | 328:2 |
| 238:14,16 | 342:16 | 159:2 | recommend | 344:8 |
| 239:1,4 | 343:7,17 | 175:3 | 139:20 | 354:21,24 |
| 243:13 | 343:19,21 | 187:17 | 140:3 | 355:2 |
| 244:8,24 | 343:23 | 253:18,22 | 314:17 | 357:9 |
| 251:11,14 | 344:17,20 | 263:11,13 | 315:18 | 359:18,20 |
| 252:17,20 | 344:23,25 | 296:1 | recommen... | recorded 9:5 |
| 253:1 | 345:3,16 | 299:4 | 139:12 | 359:21 |
| 255:6,9,16 | 347:8,10 | 300:5 | 317:16,18 | redact |
| 256:4 | 347:12 | 305:8 | 321:7 | 122:18,18 |
| 257:5,7 | 349:11 | 324:20 | recommen... | 206:18 |
| 258:12 | 351:1 | recognized | 169:10 | redacted |
| 262:1,10 | 352:2,9,17 | 46:7 | 285:7 | 55:6 |
| 263:1 | recalled | recognizes | recommended | 122:20,22 |
| 264:17,20 | 43:18 | 12:18 | 139:15,16 | 122:22 |
| 265:2,6 | 82:19 | 25:14 | 139:18,25 | 178:9 |
| 268:10,11 | recalling | recollec... | 140:11 | 206:12 |
| 268:18,19 | 45:25 | 19:5,7,8 | 320:18 | 313:23 |
| 269:5 | receive | 27:15,17 | recommen... | 348:4 |
| 270:13,24 | 19:17 45:6 | 28:25 35:4 | 250:7 | redaction |
| 276:5 | 201:21 | 35:12 | 315:1,22 | 84:9 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|------------------|---------------------|---------------------|-------------------|
| redactions | 222:10 | 266:25 | regularly | 142:24 |
| 122:17 | 257:12 | 267:6 | 175:9 | 197:5 |
| Reddit 282:6 | 349:4 | 275:19 | rejects | remdesivir |
| 282:7,10 | referring | 304:8 | 276:9 | 353:7,22 |
| 282:16 | 23:19,22 | 347:21 | relate 30:3 | remember |
| Redfield | 26:17 40:7 | 350:7,8,13 | related | 13:21,22 |
| 35:5,6 | 40:16 41:2 | refers 57:14 | 16:17 43:4 | 13:23 14:7 |
| redial 92:14 | 41:21,22 | 60:13 | 43:14 82:5 | 21:1,17 |
| reduce | 41:25 50:5 | 137:7 | 83:9 | 32:23 34:5 |
| 102:22 | 50:12 | 177:14 | 137:18 | 44:1 45:16 |
| reduced | 51:22 52:3 | 183:22 | 262:13 | 59:3 60:9 |
| 360:9 | 56:18 58:6 | 255:20 | 283:1 | 60:15,22 |
| refer 15:19 | 70:2 88:4 | 349:20,22 | 289:19 | 61:22 |
| 23:15,24 | 90:13 | 350:6 | 301:11 | 62:25 63:2 |
| 24:3,14,20 | 107:7 | reflected | 355:6 | 63:7,9 |
| 33:2 85:22 | 113:15,20 | 71:15 | 360:11 | 64:10 66:1 |
| 155:12 | 114:2 | 322:21 | relates | 72:9 73:20 |
| 169:4 | 115:20,22 | reflecting | 165:4 | 74:7 77:14 |
| 174:4 | 115:23 | 334:3,8 | relations | 77:15 |
| 306:18 | 116:9 | reflects | 283:16 | 78:25 |
| 333:2 | 118:1,16 | 66:23 | 327:9 | 81:21 83:5 |
| 349:25 | 119:1 | refusals | relation... | 85:18 93:1 |
| reference | 125:7 | 288:22 | 33:3 35:17 | 93:2,4 |
| 21:22 49:5 | 132:7 | refutation | 36:1 63:16 | 94:2 95:12 |
| 106:18 | 133:16 | 260:15 | 175:1 | 95:19 |
| 204:18 | 136:16 | 266:20 | 205:8 | 98:20 |
| 211:21 | 137:9,15 | 269:13 | relation... | 102:13 |
| 254:23 | 142:8 | refuting | 174:6,19 | 114:12 |
| 267:5 | 154:8,9,17 | 268:22 | relative | 115:23 |
| 299:18 | 157:12 | 269:6,12 | 360:13 | 116:9 |
| 306:12 | 158:7 | regarded | relatively | 124:9 |
| 348:25 | 168:5,7 | 80:1 | 63:24 | 126:3 |
| References | 174:9 | regarding | 64:13,19 | 139:19,21 |
| 6:18 | 193:3,6,14 | 63:17 | 336:8 | 141:7,25 |
| referred | 201:2 | 71:23 | release | 142:1,3,5 |
| 16:1 17:10 | 214:16,22 | 110:1 | 172:3 | 147:4,5,8 |
| 18:7 19:11 | 218:17,22 | 111:7 | released | 149:20 |
| 26:2 41:8 | 218:23 | 226:2 | 193:11 | 160:1,2 |
| 48:16 | 219:22 | 266:9 | 194:18 | 174:12 |
| 57:24 | 220:3 | 312:11 | relevant | 175:10,12 |
| 90:11 | 228:6 | 314:24 | 42:25 | 180:17 |
| 118:7 | 234:23,24 | regardless | 95:15,16 | 181:17,18 |
| 133:13 | 246:20 | 353:11 | relied 122:3 | 187:1 |
| 151:6 | 248:9 | regards | 333:5,11 | 194:7 |
| 160:25 | 250:18 | 84:10 | 333:16 | 198:21 |
| 212:24 | 255:21 | register | relies | 200:1,2,4 |
| 214:23 | 257:18,23 | 282:19 | 288:25 | 200:7,10 |
| 217:8 | 258:22 | regular | rely 290:2,4 | 200:14 |
| 221:14 | 259:14 | 21:20 | remarks | 226:5,17 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|--------------------|---------------------|---------------------|
| 227:24 | 213:8 | 74:15 | 122:7,13 | 144:9,11 |
| 244:15,23 | 240:6,16 | 87:13 | 287:15 | 144:13 |
| 252:22 | 300:19 | 100:23 | require 16:8 | 145:6,9,11 |
| 253:23 | 304:15 | 145:23 | required | residues |
| 254:3 | render 363:9 | 150:22,24 | 168:17 | 162:13 |
| 256:2 | renders | 198:8 | research | resources |
| 263:14,15 | 24:15 | 201:22 | 6:11 15:15 | 177:10 |
| 263:21 | renewed | 209:14 | 15:20 16:1 | respect |
| 268:14,15 | 42:13 | 213:4 | 16:2,17,20 | 77:19 |
| 271:1 | renowned | 360:1 | 16:23 17:2 | 224:11 |
| 282:20 | 45:22 | reporters | 18:11 26:1 | 241:18 |
| 293:17 | repeat 19:22 | 201:8 | 26:4 27:4 | respected |
| 302:4,6,7 | 35:23 | 271:21 | 27:18,19 | 45:12 |
| 328:23 | 36:24 | 290:18 | 27:24 28:4 | 103:2 |
| 334:25 | 63:13 | 296:13 | 28:8,9 | 122:4 |
| 336:5 | 241:23 | reporting | 29:14,25 | 132:6,21 |
| 338:10 | 280:4 | 272:15 | 30:4 33:15 | 259:9 |
| remembered | 281:6 | 334:3 | 36:7 37:3 | 261:3,20 |
| 141:9,22 | 312:7 | reports | 46:9 57:22 | 289:8,10 |
| remind 74:16 | repeated | 75:16 | 57:23 | respects |
| 288:10 | 198:8 | 143:15 | 67:15,17 | 229:21 |
| reminder | repetitive | 229:7 | 67:18,22 | respiratory |
| 309:17 | 283:9 | 280:20 | 70:11 71:6 | 166:17 |
| removal | report | 336:20 | 71:15,19 | 169:1,25 |
| 240:5 | 164:18,19 | 341:3 | 71:23 76:7 | respond 42:2 |
| remove | 190:6 | represent | 117:8 | 68:13 72:3 |
| 151:22 | 209:7 | 9:17 | 118:7,19 | 191:24 |
| 211:5,11 | 229:6 | represen... | 133:14 | 192:4 |
| 212:1 | 232:16,24 | 46:25 | 153:23 | 207:4,8,9 |
| 238:1 | 234:2 | 230:6 | 154:12,15 | 207:10 |
| 283:1 | 242:14,22 | represen... | 154:19 | responded |
| 288:18 | 341:1 | 231:14 | 155:6,7,13 | 84:23 90:7 |
| 289:1 | 344:3 | represents | 156:12 | 90:19 |
| 300:15 | reported | 232:10 | 157:4,14 | 92:17 94:3 |
| 301:1 | 156:25 | reputation | 215:10,13 | 116:13 |
| 310:4 | 157:19,24 | 290:7 | 215:15,16 | 206:20 |
| removed | 233:19 | reputations | 216:15 | 257:3 |
| 156:25 | 247:11 | 252:2 | 261:2,7 | 276:11 |
| 158:10,14 | 261:24 | request | 324:22 | responding |
| 208:16 | 309:8 | 122:10 | researcher | 143:16 |
| 209:19 | 344:21 | 132:17 | 75:20 | 145:5 |
| 237:18 | reporter | 305:24 | researchers | 204:7 |
| 301:1,4,7 | 9:13,24 | 329:15,17 | 174:6,20 | 226:25 |
| 309:22 | 12:10 | requested | 175:7 | 341:15,25 |
| 311:18,22 | 17:23 | 122:15 | 215:16 | responds |
| 329:10,12 | 26:23 | requesting | reserve | 134:15 |
| 329:13 | 60:18 | 295:19 | 359:15 | 264:10 |
| removing | 68:24 | requests | reservoir | 303:23 |
| 211:21 | 69:16 | 121:5 | 143:17 | 311:16 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|--------------------|------------|------------|-------------------|
| response | 247:19 | 19:13,14 | 150:12 | 271:4,7 |
| 21:18 | 280:22,23 | 19:15,17 | 158:25 | 276:13,15 |
| 47:20 | 281:10 | 22:3 27:8 | 167:25 | 277:18 |
| 50:16 | retracted | 32:4,6 | 170:15,24 | 278:9 |
| 70:12 | 222:5,21 | 38:21 | 171:9 | 279:13,15 |
| 79:22 | 222:23,24 | 43:21 | 172:8 | 286:18 |
| 108:2 | 222:25 | 45:11 | 173:7,12 | 288:17 |
| 118:3 | 223:1,7,8 | 47:10 | 173:16 | 294:16 |
| 121:5 | return | 48:21 51:2 | 177:13 | 295:7 |
| 122:6 | 361:16 | 51:16 | 179:6 | 296:10 |
| 132:15,16 | returned | 55:22 56:6 | 183:24 | 298:25 |
| 134:18 | 262:19 | 56:8,11 | 187:15 | 299:9,12 |
| 166:10 | returning | 58:15,18 | 188:18 | 299:20,24 |
| 198:12 | 164:10 | 59:9 61:5 | 190:18 | 300:17 |
| 206:23 | 262:12 | 61:16 62:4 | 192:6,8,10 | 307:5 |
| 227:15 | reverse | 62:13 | 192:13,17 | 308:7 |
| 230:6,12 | 23:14,15 | 71:18 | 192:19 | 310:3 |
| 257:5,7 | 23:19 24:3 | 73:14 77:8 | 193:7 | 311:14,20 |
| 269:3,11 | 24:6,10,11 | 77:10 | 194:3,3 | 311:20 |
| 287:14 | 24:22 | 80:21 | 195:21 | 317:17 |
| 299:22 | review 13:1 | 84:20 85:1 | 196:1 | 318:10 |
| 314:8 | 18:25 | 90:3,22 | 198:10 | 320:2 |
| 336:18 | 159:8 | 91:25 | 199:25 | 323:23 |
| 342:9 | 160:4,5 | 93:25 | 200:18,20 | 324:4,17 |
| responses | 191:13 | 94:25 98:1 | 203:4,13 | 327:10,13 |
| 287:3 | 214:18 | 101:25 | 203:16 | 327:14 |
| responsi... | 229:24 | 105:11,14 | 204:13 | 330:14,19 |
| 96:1,4 | 249:14 | 106:22,25 | 206:23 | 330:20 |
| 357:20 | 319:1 | 111:22 | 207:6 | 331:18 |
| rest 164:25 | reviewed | 112:17 | 211:2 | 333:12,14 |
| 190:14,22 | 69:25 | 116:3,17 | 212:11 | 334:5 |
| 348:10,13 | 70:13 | 118:5,8,10 | 213:3 | 339:5,11 |
| restate | 159:18 | 119:17 | 221:24 | 342:23 |
| 185:12 | 246:1,6 | 120:8,9 | 222:9,19 | 344:9 |
| restriction | reviewing | 123:8,11 | 227:13,17 | 348:8 |
| 117:17 | 124:21 | 123:12 | 227:20,23 | 349:6 |
| 119:15 | revised | 124:4,8,20 | 228:1 | 350:15,21 |
| restrict... | 120:5 | 125:22,24 | 239:7 | 351:12,22 |
| 117:16 | 128:15 | 126:1,24 | 242:18,20 | 354:18 |
| result | revoke | 128:19 | 245:21,24 | 356:4 |
| 112:22 | 220:19 | 130:4 | 250:9,12 | 359:15 |
| 114:5 | revoked | 131:6,10 | 250:15 | rightly |
| 124:3,5 | 220:23,25 | 131:11,12 | 251:8 | 46:13 |
| 345:11 | Reynolds | 132:25 | 253:23 | ring 117:4 |
| resulted | 264:14,21 | 133:17 | 255:12 | 135:14 |
| 355:23 | 265:1 | 139:4 | 257:11 | 184:16,20 |
| results | rid 309:25 | 140:25 | 261:2 | 209:12 |
| 42:18 | right 15:21 | 146:9 | 264:1,14 | 239:5,7 |
| 246:9,24 | 15:24 | 148:21 | 266:21 | 264:22 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|-------------------|------------|------------|
| 285:23 | 324:2,23 | SARS-CoV-2 | 50:13 53:4 | 138:25 |
| 291:19 | 327:1 | 43:5 50:7 | 53:11,13 | 141:14 |
| 293:15 | Rowe 293:2 | 144:16 | 53:23 54:6 | 142:22 |
| 337:5 | rules 11:11 | 156:19 | 54:14 57:5 | 143:12 |
| 338:7 | rumor 145:21 | 157:1,3,3 | 60:20 | 144:6 |
| 349:16 | 146:1 | 157:9 | 62:11 63:5 | 145:2,13 |
| 352:15 | run 21:7,9 | 159:3 | 65:16,20 | 145:25 |
| ringing | 33:1,25 | 162:1 | 65:24 69:4 | 146:15,25 |
| 98:24 | 110:1 | 171:2 | 69:22 | 148:8,15 |
| 292:16 | 175:23 | 178:22,25 | 71:13 73:5 | 148:17 |
| rings 270:25 | 264:22 | 179:23 | 74:17 | 149:18,24 |
| 343:20 | 308:2,9 | 180:5 | 76:19,23 | 150:7 |
| Rio 296:16 | 316:4 | 203:3 | 76:25 | 151:1 |
| rip 278:22 | 321:3 | SARS-like | 78:16 | 152:16,20 |
| rise 29:1 | running 34:2 | 31:7 | 79:19 | 153:2 |
| 70:21 | 175:25 | Saturday | 82:11 | 154:6 |
| risen 256:19 | 260:18 | 46:21 55:2 | 83:11,22 | 155:14 |
| risk 13:15 | | 61:14 | 84:2 86:10 | 158:8,22 |
| 15:8,15,17 | S | 66:25 77:4 | 87:4,17 | 158:25 |
| 18:5,8 | S 2:6 6:1,6 | 82:14 85:5 | 88:14 | 159:1,12 |
| 22:14 41:4 | 9:1 10:10 | 89:25 | 89:17 90:6 | 159:24 |
| 41:9,15 | Sabeti 132:7 | 91:22 | 90:14 93:3 | 161:19 |
| 221:6 | 132:18 | 93:16 | 93:17 94:1 | 162:17 |
| 314:18 | 135:15,17 | 124:1 | 94:16,19 | 163:10 |
| 317:10 | 136:1 | 341:17 | 96:7,14 | 164:3,6,15 |
| Rob 336:13 | safer 285:3 | Sauer 2:5 | 97:18 | 166:14 |
| 336:16,22 | 285:13 | 6:4 9:18 | 99:10 | 167:13,17 |
| Robert 35:5 | safety | 9:18 10:7 | 102:1 | 168:23 |
| 35:6 | 117:10 | 12:24,25 | 108:24 | 170:8,12 |
| Rochelle | 118:11 | 13:8 14:16 | 109:21 | 172:17 |
| 296:17 | 313:19 | 18:3,22 | 110:8 | 173:1 |
| Rockefeller | 314:24 | 19:20 | 111:13 | 174:13,23 |
| 292:3 | 358:17 | 20:22 | 112:11,25 | 176:10,17 |
| role 75:2 | 359:6,7 | 22:11 | 113:18 | 178:11,15 |
| 76:1 | San 133:15 | 23:23 | 115:3,21 | 178:16,20 |
| 100:12 | 174:9,15 | 24:13,19 | 117:6 | 179:5,16 |
| 248:11 | 174:17 | 25:6,22 | 118:17 | 181:25 |
| rolling | 175:8 | 26:8,19 | 119:2,23 | 182:4,9 |
| 283:20 | 231:18 | 27:1 29:20 | 120:1 | 183:10 |
| Roman 288:14 | Sandra | 30:13 31:5 | 121:4,9 | 184:6 |
| room 4:12 | 324:15 | 35:24 | 123:2 | 185:9,10 |
| 149:14 | 325:7,20 | 36:20,22 | 125:20 | 185:19 |
| Rouge 2:21 | Santa 293:12 | 37:23 | 127:20 | 187:7,14 |
| rough 123:14 | 293:18 | 41:11,17 | 128:6 | 188:1 |
| 124:2,7 | SARS 25:21 | 42:4 43:16 | 129:13,18 | 190:3 |
| Routh 37:25 | 55:21,25 | 47:4,22,23 | 130:12 | 193:21 |
| 38:5 | 57:1 61:3 | 48:13,15 | 134:22 | 195:18 |
| 308:12,14 | SARS-CoV-1 | 48:20,24 | 137:16 | 196:15,23 |
| 308:15 | 144:15 | 49:20 | 138:12,20 | 197:7,22 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|------------|---------------------|------------|-------------------|
| 199:17 | 254:2,10 | 319:8,16 | 71:21 74:7 | 342:16,16 |
| 200:16 | 256:1 | 322:23 | 84:17 86:2 | 344:13,17 |
| 201:10,12 | 257:21 | 323:18,22 | 86:14 | 344:20,21 |
| 201:15,19 | 259:16 | 325:6,18 | 90:20 | 344:24 |
| 203:17,23 | 260:8 | 326:3 | 91:11 92:1 | 348:19,22 |
| 204:2 | 261:9,15 | 327:6,23 | 99:2 103:6 | 356:3 |
| 205:13 | 262:9 | 328:3 | 103:16 | 357:10 |
| 206:2,15 | 263:10 | 329:19 | 116:24 | says 15:16 |
| 207:23 | 266:7,18 | 330:4,9 | 121:7,7 | 22:1 23:4 |
| 208:6,8,20 | 269:15,25 | 331:25 | 132:5 | 25:24 |
| 209:6,15 | 270:9,20 | 332:11 | 136:23 | 26:16 27:8 |
| 209:20 | 271:18 | 333:9 | 139:4 | 39:20 41:1 |
| 210:11,14 | 272:18 | 334:16,22 | 143:3 | 42:13 49:2 |
| 210:20 | 273:8,17 | 337:2 | 144:10 | 50:23 |
| 211:19 | 274:8,13 | 338:9 | 145:6 | 51:24 52:6 |
| 212:18 | 275:6,11 | 339:20 | 146:8,16 | 54:17 |
| 213:20 | 277:21 | 340:24 | 161:15 | 55:18,25 |
| 214:3,23 | 280:10,18 | 341:11 | 163:15 | 63:10 |
| 215:8 | 281:4,13 | 344:2,10 | 164:21 | 65:19 67:2 |
| 219:8 | 282:14 | 346:4,19 | 179:4 | 68:19 |
| 221:13,19 | 283:5,14 | 346:20 | 180:13 | 69:24 |
| 223:5,11 | 284:11 | 347:7 | 189:6,11 | 70:19 73:8 |
| 224:4,17 | 285:15,21 | 348:24 | 191:6 | 73:15 84:8 |
| 226:4,12 | 286:6,20 | 352:11,22 | 192:5,11 | 85:11 |
| 226:23,24 | 287:13,17 | 354:17 | 197:25 | 86:20 88:6 |
| 227:6 | 287:23 | 355:3,25 | 198:21 | 89:24 |
| 228:18,23 | 289:5 | 356:17 | 199:4 | 93:24 95:1 |
| 229:23 | 292:9 | save 103:20 | 200:7 | 97:16 |
| 232:15 | 293:16 | 144:15 | 206:21 | 102:3,19 |
| 233:9 | 294:5,8,19 | 169:17 | 218:13 | 103:2,12 |
| 234:14 | 297:11 | 342:22 | 226:3,7,8 | 106:13 |
| 235:2,14 | 298:6,11 | saved 151:10 | 228:11,12 | 108:2 |
| 235:25 | 298:20 | 345:12 | 228:14 | 110:18 |
| 236:12 | 299:5 | saving | 229:7,13 | 112:4 |
| 237:13,16 | 301:12 | 256:16 | 234:9 | 113:10,11 |
| 237:22,24 | 302:3 | saw 81:13 | 244:8 | 115:12 |
| 239:19 | 303:1,18 | 130:3 | 245:13 | 116:14 |
| 240:15,19 | 304:22 | 165:13 | 272:11 | 118:2,16 |
| 240:25 | 305:1,15 | 184:21 | 274:16 | 120:7,22 |
| 242:13 | 305:18 | 196:6 | 283:9 | 121:14 |
| 243:6,19 | 306:11 | saying 11:24 | 288:16 | 123:13 |
| 244:22 | 307:17 | 25:12 | 289:10,20 | 124:6,17 |
| 245:7 | 309:3 | 27:25 | 304:19 | 125:2,9 |
| 246:4,15 | 310:17,21 | 32:19 | 310:8,11 | 127:1,1 |
| 247:9 | 311:2,10 | 34:22 | 315:15 | 128:15 |
| 249:5,8,24 | 312:24 | 40:16 48:3 | 316:20 | 131:2,18 |
| 251:1,20 | 313:5,20 | 58:2 61:22 | 324:24 | 131:22 |
| 253:4,7,13 | 314:7,25 | 64:10 | 328:13 | 132:12 |
| 253:17 | 318:11,23 | 69:23 | 342:4,13 | 137:6,15 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|---------------------|---------------------|---------------------|---------------------|
| 139:22 | 245:19 | scan 197:17 | scientif... | 303:2 |
| 142:25 | 246:5 | scenario | 37:7 | scours 260:4 |
| 143:13 | 247:20 | 156:14,15 | scientist | screen 9:4 |
| 144:23 | 249:11,18 | SCHMITT 2:6 | 32:13,20 | 42:6,10 |
| 145:19 | 250:1 | scholar | 33:8,11 | 43:19 |
| 146:8,12 | 251:4 | 258:19 | 40:11,14 | 60:10 |
| 146:13 | 254:1,8,18 | 259:9 | 40:23 44:6 | 71:25 |
| 148:24 | 255:1 | scholarly | 45:22 47:2 | 281:19 |
| 149:13 | 260:9,10 | 258:20 | 104:15 | 340:21 |
| 153:22 | 264:5,12 | 259:13 | 147:20 | screened |
| 161:24 | 267:18 | 333:21 | 191:16 | 263:19 |
| 164:16,17 | 268:4 | scholars | 193:3 | scrutini... |
| 164:19 | 271:20 | 334:4 | 204:22 | 322:11 |
| 170:25 | 272:25 | School 40:12 | 207:14,17 | search |
| 171:15 | 273:7 | 40:24,24 | 261:3,22 | 280:22,22 |
| 172:1 | 275:22,25 | 265:11 | 292:19 | 281:10 |
| 177:13 | 278:2,2 | 291:3 | 293:7 | searching |
| 179:6,11 | 280:16 | science 17:5 | 334:1 | 302:13 |
| 180:7 | 288:18 | 17:7 49:6 | 357:1 | sec 204:16 |
| 182:19 | 299:13 | 50:9 62:14 | scientists | 271:17 |
| 183:11 | 300:2,17 | 110:19 | 32:18 33:2 | second 17:18 |
| 188:8,14 | 303:5,10 | 111:7 | 44:19 | 19:9,11 |
| 190:16 | 303:15,23 | 113:8 | 46:20 | 25:24 |
| 191:11 | 304:1,6 | 193:4,4 | 58:25 | 26:18,21 |
| 197:3,4,18 | 305:21,24 | 273:11 | 59:23 | 39:9,12,14 |
| 197:18 | 307:25 | 319:17 | 63:21 | 47:5 50:19 |
| 198:4,5,20 | 308:19 | 323:10 | 75:22 80:1 | 52:4 62:3 |
| 202:20 | 309:8,16 | scientific | 148:2 | 101:24 |
| 203:7 | 309:19 | 21:7 34:1 | 149:16 | 102:10 |
| 209:11 | 311:24 | 37:8 75:14 | 251:15 | 105:1,3,10 |
| 210:21,22 | 324:19 | 75:16 76:7 | 271:10 | 111:14 |
| 211:3 | 325:20 | 77:7 79:3 | 297:18,21 | 115:4 |
| 212:23 | 327:7 | 102:5 | 298:4 | 120:2 |
| 213:3 | 328:17 | 175:5 | scope 58:4 | 125:8,21 |
| 218:8,25 | 329:9 | 183:17 | 58:23 | 127:4,7 |
| 219:10,15 | 330:24 | 189:7,12 | 59:12 | 132:11,23 |
| 219:16 | 331:9,22 | 191:7,9,16 | 62:21 | 144:24 |
| 222:1,13 | 332:2 | 195:8 | 63:16 70:7 | 145:16 |
| 222:16,23 | 335:2,17 | 201:23 | 71:22 | 161:23,24 |
| 222:25 | 335:18 | 202:12,21 | Scott 267:23 | 171:23 |
| 224:20 | 337:9,10 | 215:4 | 300:1 | 180:2 |
| 226:25 | 337:14 | 216:1 | 346:21 | 182:16,25 |
| 229:3,12 | 341:15,24 | 218:13 | 348:3,21 | 194:21 |
| 232:17 | 342:24 | 219:17 | 349:8 | 197:24 |
| 233:18 | 344:8,11 | 259:11,12 | 350:6,6 | 218:9,12 |
| 234:2 | 344:16 | 273:3 | 351:11 | 224:12,22 |
| 235:5 | 353:5 | 292:4 | 352:1,3,9 | 225:2,5,6 |
| 237:21 | scale 153:22 | 295:3 | 352:13,18 | 229:4 |
| 243:2 | 244:1 | 318:17 | scour 302:24 | 252:8 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|------------|------------|---------------------|--------------------|
| 267:9,10 | 51:14 | 176:22 | 324:1 | 124:7 |
| 283:19,20 | 52:17 | 179:7,8 | 325:2,7 | 127:4 |
| 298:21 | 53:14 | 182:19 | 328:5 | 132:14 |
| 311:11 | 54:15 | 183:11,15 | 329:11 | 138:24 |
| 324:13 | 55:17,18 | 185:20,24 | 330:18 | 153:18 |
| 325:2 | 65:12 68:6 | 185:25 | 331:22 | 159:9 |
| 328:4,8 | 72:4,23 | 190:13 | 332:1 | 202:10,19 |
| 329:10 | 73:6,18 | 197:17 | 335:17 | 261:6 |
| 332:14 | 74:19,21 | 202:17 | 337:11,18 | 275:13 |
| 335:14 | 75:23 78:7 | 204:3 | 341:12 | 295:9 |
| 341:12 | 84:10 86:6 | 207:7,14 | 344:3,5 | sending |
| 353:6 | 86:22 | 207:15 | 347:17,17 | 37:25 49:8 |
| 359:15 | 89:23 | 209:7 | 350:7 | 61:22 67:8 |
| second-t... | 93:10 | 222:1,5 | 352:1 | 266:19 |
| 97:10,19 | 94:25 98:6 | 225:12 | 353:13 | 268:21 |
| 98:2 | 101:14 | 232:16,20 | 354:15 | 330:21 |
| 101:10 | 102:2,7,9 | 232:23,25 | seeing 170:6 | 350:3 |
| 126:19 | 103:11 | 234:6,7 | 188:8 | senior |
| 307:19 | 105:4,15 | 235:3 | 263:20 | 108:14 |
| secondary | 106:21 | 242:16 | 284:22 | 271:20 |
| 145:21 | 110:14,22 | 244:24 | seen 19:2 | sense 143:8 |
| 146:1 | 111:4,14 | 248:7 | 20:8 21:10 | 146:3 |
| seconds | 113:13 | 254:1,18 | 25:17 48:4 | 205:7 |
| 51:24 | 115:14 | 259:18,19 | 125:22 | 229:22 |
| secret | 116:16 | 259:20 | 175:16 | 230:19 |
| 349:13 | 119:18 | 260:7 | 205:7,10 | sensitive |
| secretary | 120:22 | 263:4 | 205:20 | 357:2 |
| 5:2 255:12 | 121:10 | 267:4,7,12 | 279:20 | sensitivity |
| 255:15 | 123:9 | 267:16 | 283:16 | 74:3 |
| 256:5,10 | 125:4 | 270:4 | 284:18 | sent 49:18 |
| 267:24 | 130:18 | 271:19 | 322:6 | 50:5 54:20 |
| 313:9 | 137:5 | 272:2,24 | 337:15 | 54:24 |
| security | 139:10 | 274:15 | sees 164:3 | 61:14,18 |
| 28:6,14 | 142:1,25 | 275:16 | selected | 66:9 68:11 |
| 30:2 | 143:1,21 | 277:23,24 | 74:23 | 68:14,18 |
| 348:23 | 144:23 | 283:20 | selection | 69:9,24 |
| 349:8,13 | 145:17 | 284:10 | 75:1 | 75:8 89:25 |
| 349:15,18 | 146:5 | 285:4,5 | selectively | 91:22 92:2 |
| see 12:12 | 148:18,25 | 294:23 | 258:3 | 120:15 |
| 13:22 | 152:21 | 295:19 | 277:3 | 127:7 |
| 14:15 | 153:6 | 298:22 | self-cor... | 128:17 |
| 21:25 | 154:2 | 299:16,21 | 323:10,11 | 129:1,4 |
| 22:25 23:4 | 156:6 | 305:5 | selling | 132:4 |
| 26:20 31:6 | 163:11,15 | 306:12,17 | 310:12 | 135:19 |
| 39:11,16 | 163:16,24 | 306:24 | send 55:2 | 139:21 |
| 39:25 41:6 | 166:23 | 308:6,12 | 61:20 | 159:14,15 |
| 43:2 44:12 | 167:18 | 309:6 | 82:22 | 160:4,17 |
| 48:1,16,25 | 170:23 | 311:13 | 120:10 | 160:21,24 |
| 50:15,19 | 176:5,21 | 317:3 | 123:15 | 161:15 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------------|---------------------|--------------------|---------------------|---------------------|
| 173:22 | sequenti... | 239:12 | 287:18,19 | 319:15,18 |
| 179:18 | 116:2 | SHEET 362:1 | 287:21 | 319:22 |
| 189:18 | serial | sheets | 315:7 | 322:19 |
| 196:5,10 | 115:13,23 | 361:11,13 | 341:4 | 358:5,9 |
| 202:8 | 116:2,10 | 361:16 | 342:2,3 | sign 29:9 |
| 208:24 | 117:13 | Sheryl | 343:21 | 298:14 |
| 254:5,11 | 293:11 | 296:13 | showed 21:2 | 359:16 |
| 254:15 | series | Shi 33:5,14 | 21:15 | 361:13 |
| 263:22 | 176:19 | 35:17 36:1 | 35:18 | signature |
| 269:8 | 217:18 | 36:6,16 | 60:12 | 308:5 |
| 294:13,21 | serious 88:1 | 37:2,7,13 | 160:22,22 | 324:21 |
| 295:8,12 | seriously | 55:19,25 | 180:1 | 361:11,13 |
| 305:11 | 88:24 | 56:9,16,23 | 214:10 | 361:17 |
| 307:21 | 358:3 | 60:23 61:2 | 219:24 | 362:25 |
| 311:11 | service | 62:13 | 221:1 | signed |
| sentence | 241:15,17 | 71:15 | 237:1 | 248:17 |
| 14:3 42:24 | 282:25 | 117:8 | 269:2 | 251:5 |
| 52:4,6 | 285:17 | 119:4 | 316:9 | 297:22 |
| 105:10 | Services 4:8 | shiny 192:6 | 337:15 | 298:7,14 |
| 121:11,14 | 4:10 | 192:16,21 | 342:3 | significant |
| 153:22 | 267:23 | 192:25 | 347:12,13 | 76:12 |
| 161:24 | 313:10 | 193:2,11 | 352:17 | 187:5 |
| 164:17 | session | 199:4,6,7 | 353:21 | 267:3 |
| 165:5,12 | 359:21 | short 2:17 | showing | 323:14 |
| 166:1 | set 27:21 | 83:15,15 | 215:7 | signoff 29:5 |
| 180:4 | 119:3 | 152:21 | 217:10 | silent 63:24 |
| 191:11 | setting | 316:3 | 318:25 | 64:13 |
| 199:22 | 238:21 | shortage | 323:17 | silently |
| 211:10 | settle 189:5 | 316:22 | shown 12:22 | 69:20 |
| 245:18 | 189:13 | 321:2,5,13 | 22:23 25:9 | similar |
| 267:15 | 191:4 | 321:20,23 | 189:12 | 102:25 |
| 284:2 | seven 54:1 | Shortlander | shows 31:8 | 144:15,19 |
| 344:16 | 85:25 | 110:12,13 | 246:9 | 315:13 |
| sentences | 91:18 | 245:22 | 247:18 | Sincerely |
| 23:3 70:24 | 228:3 | shortly | 347:2 | 361:20 |
| 162:11 | 359:12 | 10:19 | 348:2 | sir 47:1 |
| September | severe | 277:13 | shut 69:20 | 69:21 |
| 123:19,22 | 262:22 | show 12:16 | 92:13,19 | 75:13 |
| 158:1,11 | shaking | 25:13 78:2 | 242:16 | 135:5 |
| sequence | 150:23 | 180:4 | shuts 243:3 | 163:14 |
| 189:5 | share 89:5 | 192:1 | shutting | 226:18 |
| 191:4 | 164:24 | 206:24 | 93:2 94:3 | sit 14:19 |
| sequences | 201:23 | 209:22 | 94:6 | 132:13 |
| 51:14 78:9 | 297:12 | 219:25 | 262:23 | Sitar 324:15 |
| 121:15 | shared 73:16 | 221:7 | sick 42:15 | site 153:24 |
| 157:25 | 73:17 | 242:8,9 | sickness | 283:15 |
| 158:9,14 | 297:17 | 248:6 | 274:4 | sitting |
| 158:16 | sharing | 257:4 | side 78:1 | 253:23 |
| 198:15,16 | 237:19 | 277:13 | sides 319:11 | 308:9 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|--------------------|---------------------|
| situation | smaller | 238:23 | somebody | 199:7 |
| 28:11 | 92:12 | 239:5,22 | 21:3,12 | 211:7 |
| 42:20 | 235:4 | 241:7,13 | 34:12 | 212:19 |
| 106:10 | smiling | 241:15,19 | 99:13,22 | 227:7 |
| 117:21 | 173:5 | 241:23 | 209:24 | 230:10 |
| 151:5 | SMITH 2:7 | 262:6,14 | 212:12 | 240:9 |
| 154:11 | sneezes | 262:22 | 213:2 | 243:1 |
| 167:1 | 314:17 | 269:17 | 241:3 | 254:11 |
| 169:12 | sniffing | 270:1,12 | 242:5 | 270:14 |
| 220:5 | 138:5 | 270:16,23 | 266:1 | 284:9,17 |
| 317:10 | SNOW 3:24 | 274:10,17 | 302:7 | 286:24 |
| 322:17 | social 78:12 | 274:18,22 | 332:14 | 295:15 |
| situations | 79:1,14 | 275:5 | 349:24 | 305:17 |
| 155:8 | 98:10,15 | 280:2,5 | someone's | 306:16 |
| 322:14 | 98:17,22 | 281:18,25 | 259:8 | 327:1 |
| six 54:1 | 99:3,6,11 | 282:5 | somewhat | 334:19 |
| 64:23 | 99:13,21 | 290:8 | 80:16 | 343:24 |
| 85:25 | 99:24 | 301:6,11 | 169:16 | 347:20 |
| 91:18 | 100:6,19 | 301:18 | soon 148:6 | 350:12 |
| 161:14 | 100:25 | 302:18,24 | 251:12 | sort 14:2 |
| 228:2 | 101:3 | 303:2 | 317:14 | 51:19 |
| 300:4 | 102:5,14 | 304:15 | sorry 19:22 | 79:18 |
| sixth 89:20 | 102:18 | 307:8 | 20:18 22:9 | 80:25 |
| skewed 247:2 | 103:9,12 | 311:23 | 26:10 | 87:19 |
| Slack 337:9 | 103:13,16 | 312:3,8,11 | 39:17 | 119:5 |
| Slavitt | 104:19,20 | 312:18 | 53:17,19 | 141:7 |
| 336:6,7,8 | 105:17,19 | 333:4 | 53:22 | 143:5 |
| 336:15,22 | 105:25 | 334:7 | 60:16,17 | 155:19 |
| 337:10,14 | 106:13,13 | 335:11 | 60:24 | 213:12 |
| slide 284:16 | 106:18 | 338:12,16 | 61:25 | 244:16 |
| slight | 107:6 | 340:14 | 65:21 | 284:18,19 |
| 314:15 | 110:20,25 | 344:12,18 | 71:11 | 338:18 |
| slow 26:24 | 111:4 | 345:5 | 101:22,23 | 342:6 |
| 60:19 | 150:15,19 | 346:9,10 | 102:11 | 347:13 |
| 74:16 | 151:3,21 | 356:7,12 | 105:7 | sound 78:8 |
| 87:13,15 | 152:8 | 356:16,19 | 119:9 | 208:13 |
| 100:23 | 165:14,20 | 357:19 | 123:23 | 258:13 |
| 145:24 | 166:19 | 358:1 | 125:5 | 323:7 |
| 150:25 | 168:25 | socially | 135:3 | sources |
| 209:14 | 169:10,15 | 346:24 | 145:23 | 190:6 |
| slowly 12:4 | 169:18,20 | society | 149:3 | 207:11 |
| 12:6 | 208:2,11 | 169:22 | 163:14 | Southeast |
| small 51:12 | 209:2 | 194:18 | 178:24 | 140:8 |
| 51:25 | 210:4,7 | 258:4 | 181:25 | space 226:24 |
| 92:24 | 213:9,13 | 278:23 | 182:23 | spare 204:15 |
| 236:9 | 213:15 | software | 185:21 | speak 12:4,5 |
| 314:14 | 235:22 | 100:1,13 | 187:15 | 54:18 58:3 |
| 317:25 | 236:10 | solid 191:15 | 188:4 | 58:14 |
| 336:8 | 238:5,7,10 | 265:23 | 190:9 | 68:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|--------------------|---------------------|--------------------|
| 69:17 | 186:9 | 138:18 | 213:8 | 104:5 |
| 192:14 | 187:4 | 155:7 | 270:16 | 169:2 |
| speaking | 188:6,22 | 206:1 | 352:4 | 194:17 |
| 63:11 | 216:11 | 268:24 | spend 80:24 | 314:10 |
| 107:5 | 223:17 | 269:20 | 303:4 | 317:2 |
| 260:2 | 228:12 | speculat... | Spiked 8:6 | spreads |
| Spec- 305:14 | 238:16 | 80:5 106:3 | 280:12 | 237:4 |
| special 28:1 | 244:3 | speculative | spillover | spring |
| species | 258:16,18 | 86:9,25 | 43:3 | 217:22 |
| 198:18 | 260:2 | 88:13 89:7 | spirit 97:1 | spurious |
| 200:10 | 263:1,21 | 92:25 | 153:11 | 329:13 |
| specific | 268:11 | 95:23 | spoke 45:25 | squarely |
| 42:13 61:6 | 270:24 | 108:19 | 72:15 | 340:20 |
| 71:5,14 | 285:13 | 129:15 | 136:7 | ss 360:2 |
| 82:10 | 293:24 | 146:11 | 216:23 | St 3:16 |
| 130:1 | 302:6 | 149:8 | 272:13 | 361:18 |
| 181:3 | 304:14 | 152:11 | 273:24 | staff 29:2 |
| 187:1 | 314:3,5 | 154:5 | 318:15 | 29:11 38:3 |
| 219:21 | 315:1 | 167:8 | 341:16 | 38:7,23 |
| 258:15 | 325:1,9 | 182:8 | 342:1 | 39:5 42:22 |
| 267:4,7 | 326:10 | 210:19 | 351:24 | 58:10 |
| 281:6 | 328:25 | 234:13,18 | spoken 45:14 | 136:10 |
| 327:21 | 329:1 | 246:18 | 45:23 | 139:2 |
| 329:5 | 340:17 | 255:24 | 91:10 | 152:7 |
| 344:24 | 344:23 | 257:20 | sponsor | 186:14,15 |
| 352:9 | 347:12 | 259:5,24 | 138:15 | 205:16 |
| specific... | 352:2 | 259:25 | spot 48:14 | 260:5 |
| 20:7 29:6 | 354:9 | 260:23 | 48:16,25 | 268:16 |
| 34:2 49:19 | specifics | 274:12 | spouting | 270:22 |
| 67:19 | 58:9 77:24 | 285:8 | 229:1,10 | 300:18 |
| 72:15 | speculate | 289:2 | spread 79:22 | 301:2,5,13 |
| 78:23 | 87:2,6 | 301:8 | 103:22 | 302:14,17 |
| 79:20 83:5 | speculating | 303:14 | 151:13 | 302:21 |
| 83:9 91:3 | 40:5 89:16 | 304:17 | 166:3,19 | 304:21 |
| 95:19 | 102:20 | 310:19,25 | 168:17 | 308:16,18 |
| 96:25 | speculation | 311:6 | 177:8 | 308:21 |
| 103:24 | 24:5,18 | 312:16 | 194:11 | 309:21 |
| 118:25 | 29:19 | 313:16 | 258:4 | 310:3,11 |
| 124:10 | 35:22 40:7 | 318:7 | 262:1,8,23 | 310:15 |
| 139:18 | 41:12 46:5 | 325:14 | 274:16,18 | 312:10 |
| 142:4 | 62:8 73:25 | 326:2 | 278:3 | stage 173:2 |
| 147:8 | 74:6 79:25 | 327:5 | 302:22 | 316:17 |
| 159:17 | 88:16 | 329:18,23 | 316:25 | stages |
| 162:16 | 89:11 | 331:21 | 317:4 | 313:14 |
| 163:3 | 108:19 | 333:8 | 318:5 | stamping |
| 169:4 | 112:24 | 334:11 | 339:23 | 54:3 |
| 175:12,25 | 113:17 | speech | 340:2,8,13 | Stand 150:2 |
| 181:18 | 116:21 | 151:16 | 344:15 | standard |
| 184:25 | 118:14 | 208:1,10 | spreading | 7:22 9:4 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|-------------------|---------------------|---------------------|--------------------|
| 19:1 | 145:7 | stating | 193:3 | 214:10,16 |
| 179:21 | 146:22,24 | 193:10 | sticking | 214:17,21 |
| 242:15 | 162:10 | 214:13 | 80:3,4,10 | 214:24 |
| 243:2 | 173:14 | 237:18 | 80:10 | 215:11 |
| 244:11,12 | 200:4 | statistical | STILES 2:18 | 219:23,24 |
| 244:14 | 219:17 | 320:12,16 | Stolberg | 219:25 |
| standing | 224:20 | 322:11 | 296:13 | 223:17,18 |
| 12:16 | 225:17 | 323:16 | stop 100:16 | 244:1,25 |
| 25:11 | 232:21 | statisti... | 304:13,15 | 244:25 |
| 114:21 | 233:19,20 | 247:7 | 339:23 | 245:9,11 |
| 236:20 | 248:19 | 323:6,14 | stopped | 245:20 |
| standpoint | 263:18 | statisti... | 110:3 | 246:1 |
| 165:7 | 279:11,12 | 244:5 | stopping | 247:4,6,8 |
| Stanford | 304:6 | 247:22 | 340:2,5,8 | 247:10 |
| 252:9 | 322:10 | status 126:9 | 340:13,16 | 293:22 |
| 257:10 | 323:13 | stay 52:20 | strains | 316:9,13 |
| 267:21 | 333:25 | 72:4,6 | 23:13 | 317:21 |
| 290:12 | 334:6,8 | 84:24 | strategy | 318:2 |
| 291:4,5,15 | 343:12 | 85:15 | 268:2 | 320:3,9,11 |
| 291:23 | 345:2 | 125:1 | 271:23 | 322:2,6,8 |
| 292:20 | statements | staying | stream | 322:11,14 |
| start 12:9 | 64:5 70:25 | 50:14 | 176:24 | 323:15 |
| 22:1 89:16 | 140:16 | 234:1 | 177:3 | study 35:18 |
| 91:16 97:8 | 214:12 | Stemmy 42:16 | Street 2:9 | 82:16 |
| 136:23 | 217:18,23 | 205:14,17 | 2:20 3:5 | 109:16 |
| started | 218:2 | 205:22 | 4:2 361:5 | 183:16 |
| 111:21 | 228:7 | Stenotype | 361:18 | 185:22 |
| 190:7 | 234:11,15 | 1:21 | strict 15:3 | 198:13 |
| starting | 237:1 | step 354:10 | strictly | 219:12,22 |
| 26:3 53:24 | 272:15,17 | Steph 101:5 | 16:7 | 220:2 |
| 97:9 102:4 | 273:19 | 101:5 | strike | 221:14 |
| state 1:5,17 | 278:16 | Stephanie | 275:21 | 222:11,21 |
| 2:3,14 9:6 | 279:17,18 | 1:16,22 | strong 353:7 | 244:10,16 |
| 9:17 10:8 | 312:3 | 9:13 360:4 | 355:12,13 | 244:16 |
| 341:5 | 315:12 | steps 73:17 | 355:18,22 | 245:3 |
| 342:10 | 317:10 | 109:15 | 356:2 | 246:12 |
| 343:2 | 333:5,16 | 151:12 | strongly | 247:21,23 |
| 360:3,21 | 343:5 | 191:19 | 28:8 169:9 | 248:6,7,12 |
| 361:7 | 355:12 | 192:12 | 189:7 | 293:12,17 |
| 362:2 | 359:18 | 195:1 | 346:1 | 293:23 |
| 363:1 | states 1:1 | 227:18 | 354:8 | 298:2 |
| stated | 9:9 14:4 | 229:21 | structured | 318:25 |
| 218:20 | 166:10 | 230:8 | 164:12 | 320:15 |
| 297:19 | 168:22 | 234:22 | 165:11 | 323:9 |
| statement | 177:24 | 236:20 | studied | 354:3 |
| 81:23 | 182:11 | 296:22 | 156:20 | studying |
| 106:9 | 276:6 | 297:3 | 198:9 | 15:1 |
| 129:10,23 | 321:16 | 358:20 | studies 7:23 | stuff 100:6 |
| 144:4,5 | 360:2 | stick 191:16 | 116:25 | 210:7 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|------------|------------------|
| 213:13 | 160:10 | Sunday 105:5 | 72:13 74:1 | 259:1,3,6 |
| 235:22 | 171:21,24 | 341:4 | 76:4,13 | 259:7,8 |
| 289:22 | 172:12,19 | 342:2 | 79:11 | 270:19 |
| 328:24 | 172:22 | 347:2 | 88:20 91:4 | 272:10 |
| style 154:25 | succeeded | Sunetra | 91:15 | 273:23 |
| 258:22 | 329:8 | 251:17 | 107:18 | 274:18,19 |
| 279:22 | sucker 342:6 | 267:21 | 113:23 | 276:19 |
| sub 90:12 | sudden 88:21 | supply 316:3 | 114:1,8 | 282:4,16 |
| subaward | suffering | 321:14 | 115:18,20 | 283:7 |
| 36:5,10 | 169:3 | 353:11 | 117:24 | 285:9 |
| 37:12 | sufficient | supported | 124:12 | 286:25 |
| 156:21 | 52:25 | 133:14 | 126:10 | 287:11,20 |
| subawards | suggest | supports | 138:5 | 289:14,16 |
| 37:16 | 92:13 | 174:15 | 140:2 | 292:6 |
| subject 39:3 | suggested | supposed | 147:18 | 293:6 |
| 83:10 | 44:18 | 109:3,4 | 150:1 | 300:23,24 |
| 91:23 | 208:16 | suppress | 153:10 | 301:2 |
| 120:5 | 337:14 | 354:15 | 156:3,8 | 303:16 |
| 215:22 | suggesting | suppressing | 160:3,20 | 304:3,18 |
| 216:24 | 313:23 | 209:2 | 161:11 | 306:20 |
| 264:7 | suggestion | suppression | 163:6 | 310:7 |
| 320:12 | 107:21 | 208:10,14 | 167:4 | 311:8 |
| 322:11 | 132:9 | Supreme | 174:1,14 | 317:20 |
| 328:17 | suggestions | 225:19 | 174:25 | 320:8 |
| 330:24 | 172:2 | 227:19 | 175:8,15 | 334:14,24 |
| 351:21 | 198:1 | 228:2,7 | 178:8 | 348:19 |
| subscribe | suggestive | 230:9 | 180:13,18 | 350:12 |
| 363:11 | 81:14 | 234:23 | 181:6 | 355:17 |
| subsequent | suggests | 236:21 | 190:24,25 | Surely |
| 29:23 | 245:15 | SUR 3:25 | 191:23 | 116:14 |
| 322:13 | suit 240:6 | sure 11:12 | 193:20 | surfing |
| subseque... | 240:16,21 | 11:19 | 195:6 | 252:24 |
| 37:11 | Suite 3:6 | 16:14,16 | 200:6,25 | surgeon |
| 81:24 | summary | 16:25 | 205:17,18 | 315:21 |
| 215:6 | 111:19 | 20:13 | 205:19,21 | 316:19 |
| 220:13 | 112:4,5,8 | 23:18,21 | 208:22 | surmise |
| subset | 112:10,18 | 30:11 | 216:4,20 | 154:9 |
| 335:18 | 112:21 | 36:25 37:5 | 220:10 | surmising |
| 347:17 | 113:2,3,4 | 41:20 | 223:25 | 191:8 |
| Substack | 120:7,15 | 44:17 47:6 | 224:21 | surprised |
| 8:17,20 | 222:15 | 48:18 50:4 | 227:25 | 83:8 |
| substance | 245:13 | 51:6,9 | 234:20,25 | 162:22 |
| 363:8 | Summary.... | 56:3 57:10 | 242:3 | 163:2 |
| substantial | 123:11 | 62:23 | 245:2,13 | 181:7,11 |
| 180:19 | Summary.PDF | 66:14,21 | 246:19,25 | 181:15,21 |
| substant... | 126:24 | 67:23 | 249:12 | 184:18 |
| 289:23 | summer | 68:21 70:8 | 255:19 | 187:2 |
| substantive | 217:20,22 | 70:10,19 | 256:9,12 | 216:22 |
| 114:13 | 347:9 | 71:22 | 257:4 | 347:14 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|-------------------|---------------------|------------|---------------------|
| surprising | 12:11 | 253:10 | 27:16 | 349:3 |
| 187:6 | 13:11 | 307:9 | 38:19,23 | 353:15,16 |
| 261:8 | 14:22 21:3 | 328:22 | 39:5,15,19 | 355:20 |
| 332:14,16 | 41:7 51:23 | 358:20 | 40:17 43:6 | talks 35:13 |
| 332:24 | 77:2 80:23 | 360:5,8,13 | 50:7 52:4 | 50:10 |
| 333:4,10 | 81:1,6 | 361:10 | 58:5 59:3 | 131:23 |
| 333:16 | 83:12 | 362:3 | 63:2,7 | 136:13 |
| 334:7 | 104:24 | takes 237:2 | 72:9 77:24 | 250:7 |
| surveill... | 109:9,16 | talk 64:7 | 81:18 | 257:19 |
| 57:23,25 | 109:25 | 81:18 | 84:13 | 259:10 |
| 156:9 | 117:22 | 101:7 | 88:22 | tangent |
| 157:5 | 119:12 | 133:4 | 90:25 93:4 | 47:14 |
| surveyed | 123:20 | 135:19 | 106:4 | tangents |
| 222:11 | 131:7 | 136:4 | 107:1,3 | 127:25 |
| susceptible | 148:6 | 157:7 | 109:12 | 128:4 |
| 258:3 | 149:24 | 248:7 | 116:24 | tap 122:14 |
| suspended | 152:9 | 258:9 | 117:4 | tape 230:3 |
| 209:25 | 165:9 | 287:10 | 129:24 | 230:15 |
| 335:20 | 191:19 | 292:21 | 130:21 | target 258:3 |
| suspending | 192:11 | 303:25 | 138:14 | targeted |
| 209:16 | 193:25 | 318:13 | 139:6 | 250:16 |
| suspends | 194:24 | 326:8 | 140:15 | 274:7 |
| 209:8 | 195:1 | 327:11 | 150:14 | task 79:15 |
| suspicion | 203:17 | 329:3 | 154:4 | 87:21 |
| 50:8 52:18 | 217:13,16 | 338:2 | 163:18 | 196:25 |
| 88:18 | 230:13,20 | 341:4 | 168:21 | 197:6,9 |
| suspicious | 247:21 | 349:18 | 169:19 | 201:3 |
| 77:25 | 248:7 | 351:19 | 171:14 | 204:11 |
| swift 259:22 | 253:4,5,5 | talked 23:25 | 187:13 | 208:1 |
| sworn 1:16 | 257:24 | 56:10,24 | 188:4 | 321:1,12 |
| 10:4 360:7 | 284:18 | 85:6 91:14 | 195:21 | tasks 58:7 |
| Sylvia 313:6 | 296:22 | 130:25 | 202:9 | 59:10 |
| 313:9,17 | 301:24 | 136:13 | 206:17 | team 39:21 |
| 314:3 | 302:2 | 147:15 | 212:5 | 40:3 |
| symptoms | 312:1,2,23 | 157:11 | 224:15 | 123:14 |
| 316:15,16 | 313:23 | 163:19 | 226:1 | 139:22 |
| system | 322:5 | 203:6 | 228:8 | 299:13 |
| 122:13 | 334:7 | 225:17 | 230:24 | 308:23 |
| 357:11,18 | 338:17 | 233:6 | 234:21 | 311:17 |
| 358:24 | 357:20 | 261:12 | 240:15 | 324:4,11 |
| | takedown | 286:8 | 241:21 | 324:24 |
| | 257:17,19 | 297:13 | 258:20 | 325:8,11 |
| T | 258:10,13 | 351:18 | 269:6 | 325:12,24 |
| T 6:1,1,6 | 259:23 | 355:6,7,8 | 287:8,8,21 | 326:15,19 |
| Tabak 65:4,6 | taken 1:18 | 355:10,11 | 295:15 | 327:3,13 |
| 65:7,8 | 1:21 9:6 | talking | 307:13 | 336:9,18 |
| 66:7 67:4 | 151:13 | 11:15 15:8 | 314:23 | teams 131:20 |
| 253:25 | 219:5 | 22:2 23:7 | 341:22 | 137:8 |
| TAG 265:14 | 243:10 | 23:24 | 347:18 | technical |
| take 12:11 | | | | |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|---------------------|--------------------|
| 177:10 | 282:9 | 329:10,12 | 248:9 | 241:11 |
| 289:21 | terminol... | 354:20 | 281:22 | 243:18 |
| 308:5,20 | 258:14 | thanks 84:23 | 282:23 | 256:15 |
| 308:25 | terminology | 206:21 | 303:20 | 269:7,10 |
| Technology | 16:4,9,11 | 303:10,15 | 304:13 | 274:16,17 |
| 17:6 | 17:14 | that'd | 306:14 | 276:12 |
| Tedros 95:3 | 24:23 | 338:21 | 328:23 | 279:23 |
| 95:5,6,21 | 108:21 | theme 97:1 | 329:14 | 301:10 |
| 95:25 96:5 | terms 154:25 | 126:5,17 | 341:10 | 302:17,25 |
| 96:17,21 | 241:14,17 | 136:23 | 353:25 | 310:1,12 |
| 108:2,4,5 | 282:25 | 283:9 | things 16:21 | 310:13 |
| 108:14 | 285:17 | 358:22 | 19:1,3 | 311:21,22 |
| 110:11 | terrain | theories | 23:20,21 | 315:6,7 |
| 139:23 | 58:23 | 78:12 | 39:7 42:23 | 316:21,21 |
| teleconf... | Tessier-... | 143:18,19 | 56:19 | 335:12 |
| 90:18,18 | 291:21 | 143:20 | 64:12,16 | 340:6 |
| 91:23 | Test 23:4,9 | theorists | 80:1,7 | 349:9 |
| 93:25 | 23:11,12 | 185:22 | 89:16 | 352:16 |
| television | tested 23:13 | theory 51:1 | 102:25 | 355:6 |
| 226:16 | testified | 52:6 79:20 | 113:25 | 358:15,16 |
| tell 61:7 | 10:5 43:17 | 188:20 | 115:19 | 359:13 |
| 87:7,9 | 77:1,6 | 193:16 | 116:8 | think 11:20 |
| 118:25 | 123:18 | 194:1,4 | 117:12 | 16:15 |
| 156:23 | 140:24 | 199:4 | 122:18 | 20:13,14 |
| 158:6 | 243:20 | 213:8 | 128:5 | 21:13,15 |
| 177:6 | 339:10 | 264:4 | 129:25 | 21:18 |
| 233:21 | testimony | therapeu... | 142:17 | 34:24 |
| 278:13 | 26:2,7 | 245:16 | 143:17 | 38:14 40:5 |
| 287:22 | 50:1 60:21 | therapy | 144:9,11 | 42:19,24 |
| 298:3 | 256:25 | 265:14 | 145:7,8,10 | 43:17 |
| 301:17 | 302:20 | thereabouts | 150:15 | 44:16 |
| 315:23 | 310:6 | 325:25 | 151:19 | 46:22 |
| 347:22 | 340:7 | thereon | 155:20 | 52:10,12 |
| telling | 360:6,8 | 363:10 | 156:4 | 57:14,23 |
| 69:14 70:5 | text 22:25 | thereto | 157:12 | 60:5,12,13 |
| 301:25 | 39:14 | 360:15 | 159:14 | 62:18 63:9 |
| temporary | 74:19 | they'd | 160:5 | 63:10 70:5 |
| 170:4 | thank 18:1 | 108:21 | 162:10,12 | 74:5 79:13 |
| ten 92:14 | 84:18,21 | thing 38:22 | 174:2 | 79:23 80:9 |
| tend 96:4 | 132:5,20 | 39:1 77:15 | 177:8 | 80:18 87:2 |
| 192:22 | 145:14 | 131:15 | 185:14 | 87:24 88:3 |
| tens 25:18 | 148:16 | 137:21 | 189:17 | 88:3,23 |
| tensions | 171:1,15 | 142:10 | 191:22 | 90:10 96:3 |
| 102:22 | 171:19 | 155:20 | 194:8,22 | 97:19,21 |
| tenth 91:19 | 179:8 | 174:13 | 195:15 | 101:1,3,5 |
| 235:21 | 196:10 | 190:2 | 210:2 | 101:15,18 |
| tenure 78:3 | 206:24 | 192:23 | 212:8 | 101:22 |
| term 24:7 | 277:18 | 225:5 | 226:2 | 102:18 |
| 118:22 | 325:21 | 233:13 | 238:19 | 103:1,5,25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-----------|---------------------|-------------------|---------------------|------------|
| 107:22 | 259:21 | 136:11,13 | 208:24 | 52:25 54:8 |
| 108:13 | 260:1,2,6 | 176:2,11 | 242:4,5 | 54:12 |
| 109:8,24 | 260:11 | 176:12 | 263:18 | 57:13 |
| 110:3 | 261:24 | 189:3 | 288:3 | 59:16 |
| 114:7 | 262:16,16 | 210:25 | 290:14,14 | 60:22,24 |
| 119:4,16 | 265:23 | 218:25 | 315:7 | 65:8,15,17 |
| 128:4 | 269:1 | 219:9 | thread 337:9 | 66:15 68:9 |
| 132:2 | 270:2 | 222:14 | threat | 69:8 71:2 |
| 138:2 | 274:9 | 232:22 | 105:17 | 74:8 76:2 |
| 141:5 | 277:4,10 | 233:1 | threatened | 78:4,6 |
| 143:16 | 282:17 | 234:1 | 349:14 | 79:6 80:19 |
| 150:13 | 286:8 | 249:17 | three 53:25 | 80:23,24 |
| 151:5,12 | 289:22 | 272:24 | 60:14 | 81:6,20 |
| 154:10,16 | 303:4,20 | 278:7 | 85:25 | 82:3,15 |
| 154:25 | 303:21 | 283:24 | 89:20 | 83:17,20 |
| 155:1 | 304:11 | 305:2,23 | 91:17 93:7 | 93:23 95:2 |
| 156:17 | 306:22 | 337:7 | 94:7 99:18 | 95:10 |
| 159:22 | 309:16 | thirdly | 177:2,3,3 | 99:15 |
| 164:23 | 310:14 | 316:13 | 249:22 | 102:15 |
| 169:18,20 | 311:24,25 | Thirteen | 251:15 | 106:7 |
| 171:16 | 312:19 | 66:2 | 255:11,13 | 109:25 |
| 173:24 | 322:25 | Thirty-two | 255:21 | 110:3 |
| 175:15,21 | 326:23 | 210:10,11 | 294:14 | 121:20 |
| 176:9 | 329:14 | thoroughly | 315:22,23 | 123:20 |
| 177:2 | 333:18,20 | 107:8 | 316:1,18 | 125:13 |
| 181:24 | 335:9 | thought | 316:21 | 126:18 |
| 184:9 | 338:24 | 42:22 | 317:3,4,7 | 129:9,24 |
| 188:23,25 | 339:5,18 | 46:12 | 331:4 | 138:13 |
| 190:1,23 | 341:5 | 261:21 | three-way | 139:5 |
| 191:15,21 | 343:13 | 336:19 | 34:21 | 144:15 |
| 192:13 | 351:7 | 358:3 | threw 192:24 | 147:12 |
| 193:7,16 | 354:16 | thoughtful | throw 80:5 | 150:3,5 |
| 195:13,16 | 355:19 | 111:19 | thrown 112:7 | 169:19 |
| 195:19 | 356:6,20 | 112:4,8 | tidied 127:1 | 172:9,14 |
| 201:6 | 357:7,14 | thousand | 127:5,13 | 173:23 |
| 202:6 | 357:19 | 153:13 | ties 70:23 | 175:10 |
| 205:10 | 358:5,8,13 | 207:3,3 | tight 86:21 | 180:9,24 |
| 207:14 | thinking | 244:18 | 87:8 88:4 | 192:18 |
| 214:23 | 60:7 | 300:4 | time 9:3,5 | 194:13 |
| 220:9 | 108:11 | thousands | 11:8 16:13 | 197:8 |
| 223:24 | 144:7 | 21:14 | 16:15 19:6 | 199:5,8 |
| 226:6 | 223:14 | 22:20 | 20:8 22:6 | 203:18,21 |
| 227:18 | 257:24 | 25:18 | 22:12,22 | 204:23 |
| 228:5,5 | third 121:10 | 32:18 33:1 | 27:11,14 | 219:4,6 |
| 229:17 | 128:17,20 | 45:18 | 27:23 28:7 | 220:4 |
| 237:3 | 130:13,15 | 112:6 | 31:22 35:6 | 223:2,8 |
| 249:3 | 130:20 | 129:24 | 36:4 43:18 | 226:6 |
| 252:16 | 131:2 | 148:1 | 45:15,23 | 227:3 |
| 256:6 | 133:10 | 173:25 | 46:11,18 | 230:16,20 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|-------------------|---------------------|--------------------|---------------------|---------------------|
| 235:21 | 175:17 | today's | 142:7,25 | tough 335:21 |
| 239:14 | 201:22 | 359:20 | 173:11 | touted |
| 240:20 | 205:6,10 | told 57:21 | 179:6 | 236:21 |
| 242:8 | 226:16 | 147:5 | 185:21 | touting |
| 248:8 | 239:21 | 210:5 | 197:4 | 225:19 |
| 249:16 | 280:4 | 212:13 | 204:3 | 227:21 |
| 250:4 | 282:1 | 260:17 | 209:8 | 229:9 |
| 251:24 | 296:14 | 271:21 | 211:3,8,21 | 235:10 |
| 252:2 | 321:1 | 272:5 | 216:12 | toxicity |
| 253:8,11 | 334:2 | 289:7 | 222:1,2 | 225:11 |
| 255:4,18 | 344:3,21 | 312:6 | 226:22 | toy 199:4 |
| 256:11,17 | 345:8 | 317:23 | 233:2 | tracing |
| 256:22 | 349:14 | 321:1 | 247:25 | 165:8 |
| 258:9 | 353:9 | 357:24 | 249:18 | TRACY 2:17 |
| 262:11 | 354:6 | tomorrow | 251:3 | traditional |
| 276:16 | 356:15 | 109:8 | 256:19 | 103:9 |
| 278:17 | 357:10,15 | tone 52:2 | 264:6 | transcribed |
| 279:25 | timestamp | tonight | 271:10 | 1:22 12:6 |
| 281:10 | 143:1 | 109:8 | 305:10 | transcript |
| 282:18 | timing 84:17 | Tony 84:10 | 324:1 | 6:24 8:22 |
| 288:3 | 84:21 | 84:17,21 | 327:3 | 143:15 |
| 291:6 | title 30:24 | 128:15 | 333:1 | 144:3 |
| 293:20 | 41:9,14 | 130:18 | 341:12 | 146:7,23 |
| 294:1 | 50:2 56:16 | 170:25 | top-perf... | 196:24 |
| 303:4 | 57:9 76:4 | 171:7 | 234:4 | 197:20 |
| 312:8,25 | 179:22 | 173:13,19 | topic 195:11 | 198:25 |
| 313:3 | 210:22 | 174:4 | 215:24 | 361:12 |
| 315:10,13 | 212:23 | 204:14,15 | 216:21 | transcri... |
| 316:9,12 | 218:8 | 254:18 | 218:18 | 142:23 |
| 316:14 | titled 18:8 | 348:23,25 | 262:18 | transgenic |
| 317:11 | 305:25 | 349:20,22 | 286:1 | 115:13,24 |
| 318:13,21 | titles 41:24 | 350:6,7,13 | 295:24 | 116:11 |
| 319:19 | 294:22 | Tonys 349:2 | topics | 117:13 |
| 321:19 | today 9:3,13 | top 25:24 | 238:21 | transition |
| 322:13 | 11:21 13:2 | 32:11 | total 73:16 | 146:5 |
| 325:22 | 14:19 | 37:24 | 73:21 | transmis... |
| 336:9 | 35:13 48:3 | 39:13 46:7 | 77:22 88:8 | 24:16 |
| 341:22 | 49:2,14 | 46:14,17 | 88:11 | transmis... |
| 345:17 | 50:23 58:7 | 54:19 84:5 | 231:12 | 15:11 23:5 |
| 346:25 | 59:11 | 86:3 89:24 | totality | 146:5 |
| 351:11,15 | 109:1 | 91:20,21 | 59:21 | 315:21 |
| 351:20,22 | 112:9 | 93:9,14,15 | totally 91:9 | 316:12,14 |
| 353:1 | 123:15 | 101:11 | 198:18 | 317:6 |
| 354:23 | 125:2,10 | 111:17 | 199:22,23 | transparent |
| 355:1,18 | 234:3 | 120:23 | 200:9 | 103:4 |
| 359:19 | 243:22 | 125:3,3,5 | 206:11 | 126:11 |
| times 8:19 | 282:1 | 125:9 | 312:20 | traveling |
| 11:5 45:15 | 334:2 | 130:16 | touch 84:25 | 313:14,22 |
| 71:1 | 355:5 | 132:22 | 85:16 | 315:2 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|---------------------|-----------------|
| treat 88:7 | 262:12,20 | 153:12 | 240:13 | 298:23 |
| 123:13 | trouble | 156:5 | 267:9 | 299:8,13 |
| 124:6 | 235:11 | 166:2 | 278:7 | 299:19 |
| 224:25 | troubles | 236:18 | 288:8 | 300:13,19 |
| treated | 104:17,18 | 250:16 | 298:21 | 300:20 |
| 88:11 | troublesome | 256:15 | 303:9 | 303:23 |
| treating | 237:5,6 | 269:9 | 307:19 | 304:16 |
| 331:5,9 | troubling | 303:16 | 324:14 | 335:2,20 |
| treatment | 310:12 | 304:11,13 | 337:7 | 336:3,3,23 |
| 15:13 | trucks 169:6 | 304:14 | 341:3 | 337:8,21 |
| 213:22 | true 160:3 | 309:25 | turned | 347:19 |
| 229:10 | 204:19 | 312:18 | 155:15 | 348:5,15 |
| 231:10,11 | 229:2,11 | 321:14,20 | Turning | 348:22,22 |
| 232:9 | 273:4 | 329:6 | 219:9 | 349:24 |
| 237:19,20 | 302:25 | 334:25 | tweet 103:14 | 350:5,7,14 |
| 245:14 | 339:16,17 | 339:23 | 139:23 | 350:17,19 |
| 246:6,7,8 | 346:8 | 351:7 | 210:6 | 350:22,24 |
| 246:10,21 | 363:9,13 | Tuesday | 213:15,16 | 351:5,8,9 |
| 247:15,16 | Trump 197:5 | 115:7 | 241:8 | two 17:1 |
| 247:24 | 229:8 | 124:1 | 348:20,21 | 32:10 |
| 265:15 | Trust 76:5,6 | 126:22 | tweeted | 35:18 41:1 |
| 331:23 | truth 79:25 | 233:17 | 269:14 | 53:25 |
| 332:3,18 | 80:10 | tuned 72:4,6 | tweets 270:2 | 56:23 |
| 333:3,22 | 106:11 | turn 53:5 | 270:3,4 | 62:12 85:5 |
| 353:23 | 107:9,10 | 61:10 68:5 | Twenty | 85:25 |
| treatments | 107:13 | 72:20 | 158:24 | 89:19 |
| 236:5 | 177:6 | 74:18 | Twenty-five | 90:11,16 |
| 355:5 | 228:10 | 90:15 | 182:1 | 90:16 |
| triage | 323:17 | 93:19 94:7 | Twenty-s... | 91:17 93:7 |
| 169:13 | try 44:12 | 97:9 | 187:15 | 93:19,20 |
| trial 353:21 | 70:22 | 104:25 | Twenty-six | 101:11 |
| 353:25 | 107:8 | 110:9 | 185:9 | 128:20 |
| 354:14 | 125:13 | 120:2,21 | twice 20:16 | 131:18 |
| trials | 156:3 | 124:25 | 205:7 | 137:5 |
| 214:12 | 160:2 | 126:19 | Twitter 98:9 | 185:13 |
| 221:1 | 190:21 | 127:15,16 | 98:10,13 | 202:23 |
| 227:9 | 259:13 | 128:7,9 | 98:21 99:6 | 203:11 |
| 231:9 | 307:8 | 130:13 | 100:1,2,5 | 207:3 |
| 247:5 | 323:16 | 136:11 | 100:12,14 | 228:19 |
| 324:20 | 357:10 | 157:10 | 208:15 | 233:14 |
| tried 46:23 | trying 18:11 | 161:23 | 209:1,8,16 | 234:10,15 |
| 157:2 | 41:20 90:9 | 163:22 | 209:25 | 237:9,11 |
| 274:6 | 90:21 91:7 | 176:2 | 210:5,5 | 240:10 |
| trip 138:15 | 91:8 103:5 | 210:25 | 239:23 | 279:11 |
| 140:1,5,12 | 103:20 | 226:20 | 240:5,16 | 296:13 |
| 164:11 | 106:11 | 232:22 | 240:21 | 311:18 |
| 165:3,3,24 | 114:7 | 233:1 | 242:22 | 316:8,24 |
| 167:3,5 | 126:3 | 237:9 | 266:15 | 330:21 |
| 261:11 | 128:4 | 239:8 | 270:3 | 358:21 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|--------------------|---------------------|
| 359:13 | 114:1 | 321:16 | update 39:6 | 343:13 |
| Tying 193:15 | 121:6 | 360:2 | 210:16,22 | vaccine 24:8 |
| type 17:12 | 122:9 | universal | 285:16 | 104:12 |
| 21:18 | 160:8 | 317:16,18 | updated | 106:14 |
| 163:5 | 162:11 | university | 233:18 | 173:14 |
| typed 331:12 | 189:18 | 32:20 | 284:3 | 211:13 |
| types 168:12 | 212:12 | 133:15 | 344:8 | 256:16 |
| 238:19 | 323:9 | 174:17 | 359:8 | 288:22 |
| typewriting | 348:19 | 265:12 | ups 81:11 | 324:22,25 |
| 360:10 | understa... | 267:21,22 | urban 143:6 | 325:8,12 |
| typical | 74:10 | 313:11 | urgently | 325:23 |
| 191:15 | understa... | 352:25 | 28:5,12 | 326:1,9,16 |
| 206:23 | 147:9 | 353:3,3,4 | use 108:21 | 327:11,16 |
| 314:12 | understa... | unknown | 155:18 | 336:2,23 |
| 317:23 | 15:11 18:5 | 158:17 | 177:11 | 338:12,23 |
| typically | 18:8,14 | unleashed | 199:23 | 339:18 |
| 245:14 | 19:16,23 | 344:12 | 220:11 | 344:15 |
| | 19:24 | unnecessary | 221:3 | 351:24,24 |
| <hr/> | 22:13 | 274:3 | 258:14 | 351:25 |
| U | 24:21 | 297:8 | 332:17 | 352:3,5 |
| U.s 4:1 9:22 | 27:22 28:2 | 345:11 | useful | vaccines |
| 25:25 27:3 | 29:13 | 355:23 | 294:15 | 288:16,19 |
| 27:18 28:3 | 35:20 41:4 | unorthodox | uses 101:6 | 337:23 |
| 28:17 | 41:9,14 | 230:9 | 304:3 | 347:5 |
| 177:11 | 70:17 | unpreced... | usually | 351:17,20 |
| 238:23 | 118:6 | 169:8 | 14:25 29:1 | 351:21,22 |
| 361:5 | 246:16 | unrelated | 127:14 | 355:10,10 |
| uh-huh 11:25 | 315:20 | 14:17 | 136:23 | vague 22:7 |
| UK 76:15 | 316:2 | unreport... | 179:22 | 29:22 |
| ultimate | 329:22 | 208:12 | 332:22 | 35:22 71:9 |
| 29:5 | underway | untrue 194:8 | 349:18 | 78:14 79:9 |
| ultimately | 259:19,23 | 194:10 | | 79:12 82:7 |
| 143:16 | 260:10 | 237:1 | <hr/> | 89:8 |
| 248:22 | unfortunate | unusual 21:6 | v 1:7 9:7 | 120:14 |
| unavailable | 306:1 | 37:17 39:1 | 361:7 | 129:16 |
| 108:17 | UnHerd 7:16 | 44:8 51:11 | 362:2 | 154:22 |
| unbiased | unidenti... | 51:23,24 | vaccinated | 155:19 |
| 107:8 | 350:8,14 | 113:25 | 24:9 99:19 | 166:12 |
| 157:7 | uninfected | 135:25 | 101:8 | 168:19 |
| uncensored | 314:11 | 174:3 | 104:13 | 169:23 |
| 228:25 | Union 341:5 | 261:5 | 151:8 | 174:21 |
| uncertai... | 342:10 | 263:2 | 152:5 | 186:22 |
| 14:4 | 343:2 | unvaccin... | 287:1 | 193:18 |
| understand | United 1:1 | 343:10,11 | 338:24 | 207:18 |
| 11:18 15:9 | 9:9 75:17 | unwarranted | 342:7 | 208:5 |
| 18:12 | 76:5 | 80:16,17 | 343:10 | 213:24 |
| 29:23 | 166:10 | 81:13 | 359:3 | 251:19 |
| 42:23 | 168:22 | unwitting | vaccinating | 291:25 |
| 70:10 | 177:24 | 358:15 | 285:3,14 | 293:14 |
| 71:25 | | | | |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|--------------------|----------------|
| 297:24 | verify | 294:2 | 77:23 80:2 | 116:3,5,25 |
| 318:22 | 299:23 | 312:25 | 89:14 | 121:12,15 |
| 319:13 | versed 40:18 | 313:3 | 122:4 | 121:16,17 |
| 345:20 | 63:14 | 354:23 | 198:15 | 129:14 |
| 352:7 | version | 355:1 | virology | 137:19 |
| 355:16 | 123:15 | 359:11,17 | 33:8 36:6 | 138:16 |
| vaguely | 159:3 | Videotaped | 36:17 64:9 | 140:16,21 |
| 13:23 | 170:19 | 1:13 | 89:16 | 147:3 |
| 18:10 | 178:21,24 | view 101:13 | 114:11,15 | 155:16 |
| 142:5 | 179:17,19 | 101:24 | 117:9 | 156:13 |
| 225:25 | 180:1,10 | 109:1 | 120:19 | 162:2 |
| 254:4 | 203:9 | 150:18 | 124:13 | 168:18,22 |
| 300:21 | 228:19 | 151:2 | 133:9 | 169:2 |
| 302:7 | 284:20 | 154:20 | 135:25 | 177:7 |
| 314:23 | versions | 194:4 | 156:23 | 180:6 |
| valence | 228:19 | 217:8 | 158:12 | 181:10 |
| 75:12 | versus | 243:22 | 160:8 | 189:10 |
| valid 247:7 | 160:25 | 273:2 | Virology's | 194:1 |
| validated | 246:21 | 276:16 | 158:2 | 198:2,9 |
| 80:15 | 320:15 | 278:10 | virulent | 208:16 |
| validity | vice 197:5 | 297:12,22 | 24:16 | 247:18 |
| 248:12 | 197:12 | 319:10 | virus 13:15 | 248:18,20 |
| Vallance | 202:5,16 | 334:8 | 14:6,21,24 | 248:22 |
| 47:1 75:11 | 352:25 | 346:9 | 15:5,11 | 258:4 |
| 75:13,13 | video 9:4,5 | 356:21 | 16:18 | 262:1,8,23 |
| 85:9 92:3 | 199:18,21 | viewpoints | 23:20 24:1 | 274:6 |
| 93:12 | 225:19 | 322:20 | 24:8,15,24 | 276:22 |
| 97:22 | 227:15 | views 223:20 | 24:25 25:1 | 277:1 |
| variables | 229:1,7,18 | 235:6,23 | 34:15,22 | 278:22 |
| 247:1 | 232:18 | 236:2,8,10 | 34:24 35:1 | 287:2 |
| variations | 234:2 | 236:17 | 35:11,15 | 293:19 |
| 303:11,25 | 235:5,10 | 243:21 | 43:19,25 | 314:14 |
| 304:7 | 236:1,20 | Vincent | 44:8 50:6 | 315:17,20 |
| various | 237:18 | 39:21 | 50:10 | 317:1,2,25 |
| 95:14 | 238:1 | 40:13,14 | 51:12,25 | 354:15 |
| 122:7 | 239:12,15 | viral 232:17 | 52:17 | 358:8 |
| 142:16 | 240:5,22 | virologist | 62:23 | virus's |
| 189:19 | 242:22 | 45:4,12 | 77:12 79:2 | 79:22 |
| 283:23 | 305:25 | 121:24 | 79:21 | 98:22 99:3 |
| 332:23 | 306:3,18 | 135:18 | 80:12 | 109:17 |
| Varmus 134:3 | 359:20 | 157:7 | 82:18,25 | viruses |
| 135:7 | videogra... | 160:9,12 | 89:5 100:9 | 15:23 |
| 136:8 | 9:2,15,24 | 209:9,17 | 100:10 | 25:21 27:4 |
| varying | 54:8,12 | virologi... | 102:15 | 30:4 36:15 |
| 175:1 | 83:17,20 | 210:1 | 103:17,23 | 43:3 |
| VECCHIONE | 150:2,5 | virologists | 104:1,4 | 117:11 |
| 3:3 | 203:18,21 | 44:11 | 110:21 | 118:19 |
| venue 39:15 | 219:4,6 | 52:15 | 111:1 | 156:19,21 |
| verbal 11:23 | 253:8,11 | 58:20 64:1 | 113:21,25 | 156:24 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|---------------------|---------------------|--------------------|--------------------|
| 157:6,9 | 110:7 | 137:22,24 | 86:12 | 90:10 |
| 158:10 | 115:1 | 139:7 | 103:4 | 101:10 |
| visibility | 117:1 | 164:24 | 104:22 | 104:25 |
| 191:5,10 | 132:9 | 188:10 | 107:6 | 105:1 |
| 191:12,14 | 134:7,8 | 197:25 | 116:4 | 136:24 |
| 191:20 | 148:9 | 263:3 | 139:22 | 150:3,6 |
| 192:12 | 149:25 | 309:5 | 151:9 | 172:7 |
| 195:2 | 150:8 | 337:10 | 152:10 | 173:6 |
| visit 149:17 | 156:8 | wanting 43:2 | 157:5 | 181:24 |
| vitro 117:12 | 176:18 | 92:22 | 164:12 | 187:8 |
| 245:15 | 178:8 | 106:10 | 165:11 | 202:8 |
| vivo 116:25 | 192:11 | 137:2 | 166:2,7,18 | 203:19,22 |
| 117:22 | 198:5 | 191:16 | 170:21 | 219:7 |
| viz 337:15 | 201:11 | 321:8 | 184:23 | 233:23 |
| vocal 317:12 | 205:8 | wants 94:17 | 194:15 | 253:9,12 |
| 317:14 | 225:12 | warfare | 195:14 | 262:15 |
| Volume | 230:3 | 143:6 | 212:6 | 263:6 |
| 179:11 | 231:9 | warranted | 232:4 | 307:1 |
| von 97:16,21 | 237:14 | 169:17 | 236:14 | 313:4 |
| VRC 324:20 | 246:25 | Washington | 239:10 | 354:24 |
| vulnerable | 253:5,5 | 3:7 4:3 | 241:6 | 355:2 |
| 248:20 | 282:20 | 7:22 8:3 | 259:11 | we've 25:3 |
| 250:17 | 300:25 | 13:15,19 | 268:17 | 31:1 40:10 |
| 277:3 | 301:4 | 201:22 | 284:5 | 76:16 |
| | 306:20 | 242:14 | 305:12 | 104:1 |
| W | 330:15,15 | 243:2 | 311:3 | 107:7 |
| wait 39:12 | 330:17 | 271:5 | 312:19 | 114:17 |
| 185:5 | 332:24 | 272:5 | 320:5,9,10 | 125:22 |
| waiting | 342:22 | 273:19 | 326:18 | 138:14 |
| 172:7 | 348:18 | 275:14 | 328:13 | 140:15 |
| Walensky | 355:22 | 279:14 | 343:6 | 170:1 |
| 296:17 | 357:13 | 280:25 | 347:9 | 171:2 |
| walked | 359:15 | 361:6 | 357:8,16 | 175:17 |
| 295:20 | wanted 42:25 | wasn't 59:19 | 358:23 | 195:9 |
| walking | 58:10,16 | 66:21 | Wayback 7:2 | 203:5 |
| 241:3 | 58:22 | 123:22 | ways 15:1 | 274:25 |
| 281:16 | 59:12,14 | 166:23 | 156:7 | 276:24 |
| 317:1 | 59:23 | 223:9 | we'll 85:15 | 355:4 |
| want 12:11 | 62:19,23 | 329:24 | 278:11 | weak 353:8 |
| 18:1 28:12 | 64:8,19 | watched | 302:1 | 354:6 |
| 36:24 | 66:13 70:6 | 199:18 | 359:18 | weapons |
| 53:11 58:3 | 71:2,21 | watching | we're 11:15 | 145:21 |
| 62:20 | 74:1 79:24 | 199:21 | 27:16 29:8 | 146:2 |
| 63:15 70:8 | 87:7 89:4 | 228:10 | 37:19 | wear 313:13 |
| 70:9 74:3 | 114:20 | 236:19 | 39:19 | 314:17 |
| 83:12 | 121:1 | way 19:1,3 | 54:13 58:5 | 315:2,18 |
| 87:20,25 | 126:9,10 | 24:15 | 83:18,21 | 316:20 |
| 88:1,2,4 | 126:16 | 44:12 60:3 | 85:24 | 317:9 |
| 88:20 | 136:17 | 80:12 | 89:19 | 321:25 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--|--|--|---|---|
| wearing 317:12 322:15,15 322:18 | went 107:18 144:18 168:8 195:13 200:17 208:12 210:1 240:2 261:10 263:3 291:3 321:24 336:11 342:19 | widely 88:25 169:2 181:22 widespread 166:17 235:9 293:19 WILBUR 2:18 wild 79:25 103:4,9 106:3,3 118:2,11 118:16 wildly 89:16 wind 263:20 winner 134:4 252:11 257:9 Wire 264:3 Wired 264:14 witness 1:16 6:2 10:3 13:7 14:11 14:14 20:21 22:9 23:18 24:6 25:10,16 26:16,25 30:7 35:23 41:13 42:2 43:15 46:6 47:19 48:8 48:11,18 49:11,13 50:2 53:22 62:9 68:18 68:20,21 68:23 69:1 69:11,13 69:19 71:11 79:11 82:9 83:15 87:1 87:15 89:9 90:4 93:1 93:15,24 95:24 97:12,15 99:5 | 100:24 101:17,20 101:23 108:20 112:3 115:18 116:22 118:15,22 125:17 127:18 128:3 129:17 130:9,11 134:19 137:14 138:19 144:2 145:1,4 146:12,19 148:14,16 149:9 150:1,21 150:23 152:12,25 154:24 158:6 159:22 162:8 164:5 167:9 168:21 169:24 176:7 179:10 183:6 185:13,16 186:24 187:12,19 187:22,25 189:25 193:20 195:6 197:3,16 199:11 200:14 201:14 205:5 207:19 211:17 | 214:1,21 214:25 223:23 224:14 225:24 227:5 228:20 229:16 234:19 235:19 236:7 237:14 240:14 243:1,13 246:19 249:22 250:24 253:22 255:25 257:1 259:6,25 260:24 262:5 266:13 268:25 269:21 270:18 271:17 272:10 273:7,15 273:23 274:25 280:16 284:9 285:9 286:18 287:11,20 289:3 292:1 293:15 297:2,25 298:10 299:3 301:9,22 302:21 303:15 304:18 306:9 308:25 |
| web 243:10 website 18:5 158:2 206:18 242:16 243:3,9 280:12 WeChat 98:9 98:10,13 98:14,21 Wednesday 1:12,20 week 131:3 131:21 137:8 161:14 267:16,18 325:22 weeks 11:1 351:23 weigh 188:12 190:17 191:13 weighs 155:24 weight 333:21,23 333:25 weighted 343:11 well-est... 40:23 147:20 well-known 135:17,24 136:3 139:17 well-pow... 354:13 well-rec... 45:4 well-reg... 166:7 Wellcome 76:5,6 | weren't 157:24 West 2:9 118:2,12 118:16 Western 1:2 9:10 What'd 104:9 what-hav... 39:3 whatsoever 214:8,14 white 7:11 197:1 198:23 201:3 207:25 217:24 218:3 226:24 271:9 275:23 276:1,2,10 328:11,20 329:17,21 329:25 335:2,18 335:23 336:10,12 336:18 339:22 359:5 WHO-spon... 261:11 262:12 | | | |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------------|---------------------|---------------------|---------------------|---------------------|
| 310:7,20 | 116:4 | 36:1 87:25 | wouldn't | 153:16 |
| 311:1,7 | 145:8 | 100:4 | 22:18 32:7 | 268:9,12 |
| 312:17 | 188:25 | 120:11 | 42:8 96:3 | Wuhan 33:8 |
| 313:17 | 189:14,15 | 132:10 | 108:22 | 33:11,16 |
| 314:2,23 | 189:16 | 134:1 | 116:15 | 33:21 36:6 |
| 318:8 | 190:22 | 136:21 | 124:11 | 36:16 |
| 319:6,14 | 277:11 | 164:23 | 147:17 | 37:12 |
| 323:18 | wore 316:23 | 171:2 | 153:17 | 42:17 |
| 325:15 | work 12:20 | 260:12 | 157:3 | 117:9 |
| 327:20 | 13:6 19:1 | 310:4 | 181:11 | 143:7 |
| 329:24 | 19:3 25:11 | works 45:4 | 184:18 | 145:22 |
| 330:8 | 35:19 36:7 | 72:17 | 187:2 | 146:2 |
| 331:22 | 42:15,18 | 83:14 | 213:3,5,16 | 153:24 |
| 334:13 | 58:12 | 99:11,13 | 235:23 | 154:19,20 |
| 338:1 | 59:13,15 | 99:20,22 | 257:2 | 155:17 |
| 339:12,14 | 59:17,21 | 100:18,25 | 321:10 | 156:21 |
| 341:7,8 | 70:20,24 | 101:5 | wound 256:16 | 158:1,11 |
| 344:9 | 72:14 | 204:21 | write 184:15 | 166:3,4 |
| 345:21 | 99:24,25 | 214:14 | 184:17 | 190:8 |
| 348:18 | 100:14 | 217:3 | 258:24 | |
| 352:8 | 101:3 | 218:2 | 259:13 | X |
| 353:20 | 131:4,9 | 248:3 | 354:7 | X 1:4,10 6:6 |
| 355:17 | 133:1 | 300:6,9 | writer 308:5 | |
| 356:11 | 136:14,17 | 308:1 | 308:20 | Y |
| 358:12 | 136:20,22 | 319:2 | writers | ya 354:7 |
| 359:14 | 137:2,18 | 350:4,17 | 309:1 | yada 354:7 |
| 360:6,8 | 140:7 | 350:19 | writes | Yale 265:11 |
| 361:12 | 205:16,22 | 351:9 | 132:20 | 265:12 |
| 362:1,25 | 210:16,23 | world 46:10 | 173:13 | yeah 13:4,11 |
| woman 33:15 | 217:11 | 95:7,9,17 | 184:18 | 14:11,14 |
| 228:4 | 219:24 | 96:23 | 258:23 | 14:22 22:3 |
| wondering | 220:1 | 103:21 | 325:7 | 22:4 23:2 |
| 188:14 | 238:20 | 164:25 | writing 14:7 | 23:14 24:6 |
| 225:6 | 269:17 | 192:24 | 258:20 | 27:23 |
| 269:2 | 300:4,11 | 193:2 | 314:8,20 | 28:19,21 |
| 299:14 | 302:23 | 215:19 | 359:1 | 30:7 33:17 |
| wont 171:17 | 317:6 | 223:24 | written | 36:9 42:19 |
| word 45:11 | 326:18,18 | 234:4 | 13:24 | 43:22 |
| 113:24 | 350:24 | world's | 113:9 | 47:22 49:3 |
| 155:18 | work-rel... | 39:23 | 130:2 | 50:18,21 |
| 156:14 | 55:14 | worried | 153:1 | 54:17,18 |
| 165:19 | worked 100:2 | 273:1 | 160:18,20 | 54:19 |
| 207:6 | 156:24 | worries | 224:19 | 55:20 |
| 222:4 | 217:25 | 302:14,17 | 287:15 | 58:18 |
| 225:1 | 316:11 | 302:21 | wrong 101:22 | 61:11,21 |
| 261:3 | 319:3 | worry 276:12 | 194:11 | 62:9,16 |
| words 56:20 | 350:22 | 302:23 | 240:11 | 65:2 66:5 |
| 57:11 | 351:4 | worth 13:15 | wrote 48:2 | 66:8,11 |
| 109:11 | working 17:8 | 15:17 | 57:8 114:2 | 68:8,12 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|------------|------------------|---------------------|----------------------|---------------------|
| 72:22 73:1 | 212:12 | 34:9 36:13 | YouTube's | 50:14 |
| 83:13,15 | 221:25 | 72:1 76:9 | 240:5 | 91:22 |
| 84:19,21 | 222:6,17 | 100:17 | 283:15 | 162:12 |
| 85:7 86:12 | 226:19 | years 11:1 | 285:17 | 300:10 |
| 86:18 | 231:7 | 11:10 | | 331:8 |
| 90:17,19 | 240:11,18 | 13:24,25 | <hr/> Z <hr/> | 1:13 65:13 |
| 91:23 | 242:17 | 16:5 27:16 | Zachary | 1:19 65:21 |
| 92:18 | 247:20 | 28:23 | 218:21 | 203:21 |
| 93:21 94:9 | 254:4,4 | 29:10,15 | Zeke 352:24 | 1:37 219:4 |
| 101:24 | 265:25 | 29:23 32:5 | 354:4,8 | 1:38 219:6 |
| 102:8 | 272:10 | 32:6,7 | zero 213:14 | 10 6:4,18 |
| 105:9,17 | 275:17 | 41:3 43:23 | Zhengli 33:5 | 114:17,18 |
| 105:18 | 282:23 | 44:22 | 33:14 | 115:2,5 |
| 108:20 | 283:22 | 45:19 | 35:17 36:1 | 10,000 212:8 |
| 113:14 | 284:1 | 141:24 | 36:6,16 | 10/3/2025 |
| 115:6 | 286:18 | 148:2 | 37:3,7 | 360:22 |
| 118:10 | 287:11,20 | 167:10 | 56:9 117:9 | 100 44:22 |
| 119:7,23 | 292:1,6 | 175:4 | Zoom 175:13 | 96:2 114:8 |
| 120:6 | 295:2,16 | 188:5 | Zoom-type | 177:22 |
| 125:6 | 300:7,9 | 212:5 | 175:18 | 205:19 |
| 130:19 | 306:9,20 | 219:20 | Zooms 174:2 | 220:3,10 |
| 131:1 | 307:4,22 | 275:4 | 175:19 | 256:8 |
| 133:19 | 310:7 | 295:11 | Zuckerberg | 259:7 |
| 134:19 | 315:5,14 | 313:18 | 99:17,21 | 281:20 |
| 144:22 | 315:16,19 | 314:4 | 100:21 | 292:23 |
| 145:18 | 318:4 | 358:21 | 133:11,12 | 300:23 |
| 148:8,15 | 319:6,21 | Yep 90:5 | 133:14 | 10278 4:13 |
| 159:5 | 319:24 | yesterday | 152:1,3 | 11 6:19 |
| 161:10 | 320:4,6,11 | 359:3 | 173:4,8,18 | 13:23 |
| 164:7 | 323:5 | York 4:13,13 | 173:24 | 119:18,24 |
| 168:12 | 324:3,9,9 | 8:19 40:23 | 174:7,8,15 | 11:09 150:3 |
| 170:16,20 | 325:10 | 169:5 | 174:16 | 11:21 150:5 |
| 171:8 | 326:23 | 293:6 | 175:11,22 | 11:47 68:14 |
| 172:11 | 331:13,14 | 296:14 | 175:25 | 69:2 |
| 173:5 | 332:5 | 344:3,21 | 176:4,25 | 1100 4:2 |
| 174:12,12 | 334:13,18 | you-all | 177:24 | 361:5 |
| 176:22,23 | 337:19 | 85:18 | 178:10 | 111 6:17 |
| 183:6 | 338:21 | YOUNES 3:2 | 286:14,22 | 114 6:18 |
| 189:21 | 339:7,7,9 | YouTube 8:7 | 287:4,16 | 119 6:19 |
| 190:12 | 339:11,14 | 239:12,15 | 288:1 | 11th 148:19 |
| 192:3 | 342:12 | 239:23 | 289:7 | 149:7,22 |
| 195:22 | 344:5 | 240:21 | | 152:22 |
| 196:8 | 346:7 | 242:23 | <hr/> 0 <hr/> | 341:1 |
| 199:16,20 | 348:6,18 | 282:21,22 | | 361:18 |
| 202:12 | 348:25 | 282:24 | <hr/> 1 <hr/> | 12 6:8,20 |
| 205:5 | 350:2,12 | 285:1 | 1 6:8 12:11 | 16:15 |
| 206:6 | 350:12 | 286:1 | 12:13 | 122:24,25 |
| 207:2 | 353:14 | 305:25 | 13:10 | 288:9,14 |
| 209:18 | year 24:9 | 325:12 | 26:16,17 | 12:27 203:18 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|--------------|--------------|--------------|-------------|--------------|
| 12:29 55:2 | 163 7:3 | 1st 21:23 | 27:3,16 | 222:2 |
| 61:14 | 167 7:4 | 22:1 43:15 | 71:8 | 225:16 |
| 62:14 | 16th 344:4,5 | 44:16 55:3 | 2015 31:12 | 226:14 |
| 120 36:13 | 17 6:9,25 | 61:15 66:6 | 31:14 56:5 | 233:2 |
| 120,000 72:1 | 148:4,12 | 66:17 69:3 | 60:2,7 | 242:19 |
| 122 6:20 | 148:14 | 72:25 73:8 | 71:6 119:4 | 243:7 |
| 1225 3:5 | 179:7 | 77:5 82:14 | 286:22 | 250:21 |
| 127 233:23 | 180:11 | 86:2,13 | 2019 21:24 | 253:19 |
| 13 6:21 | 192:4 | 89:25 | 34:10 | 261:11 |
| 130:6,7 | 199:2 | 93:16 | 158:1,11 | 263:12 |
| 249:23 | 235:5 | 113:22 | 202 3:8 4:4 | 271:6 |
| 251:2 | 236:1,7,8 | 120:12 | 2020 22:17 | 275:17 |
| 252:6 | 236:10,19 | 123:19 | 34:9,11,13 | 277:25 |
| 287:4,16 | 17:51 68:10 | 161:8 | 34:19 35:9 | 282:25 |
| 287:24 | 170 7:5 | 242:19 | 35:14 40:6 | 283:21,25 |
| 13:19 65:19 | 172 7:6 | 243:7 | 42:6 48:2 | 284:4 |
| 13:27 90:1 | 178 7:7 | 294:12,13 | 61:15 69:3 | 285:17 |
| 130 6:21 | 17th 159:4 | | 72:25 | 286:24 |
| 130,000 | 179:1,4 | 2 | 91:22 93:9 | 287:16 |
| 36:13 | 180:25 | 2 6:9 17:19 | 93:16 | 288:1 |
| 1300 13:24 | 197:1 | 17:20 18:4 | 105:5 | 293:13 |
| 138 6:22 | 199:14 | 22:23 41:8 | 120:4 | 294:10 |
| 13th 275:12 | 201:4 | 41:14 | 129:20 | 298:24 |
| 275:20 | 207:25 | 119:4 | 139:14 | 307:18 |
| 14 6:22 | 18 7:1 | 2,000 207:1 | 140:14 | 313:12,21 |
| 16:15 | 152:17,18 | 2:00 66:21 | 141:18 | 315:18 |
| 138:7,8 | 18:47 48:2 | 66:24 67:2 | 144:8 | 317:15,22 |
| 141 6:23 | 18:48 143:1 | 67:3 161:8 | 147:3 | 318:2,24 |
| 142 6:24 | 182 7:8 | 2:17 253:8 | 148:20 | 319:1 |
| 148 6:25 | 185 7:9 | 2:28 253:11 | 149:7,22 | 322:3 |
| 14th 188:3 | 187 7:10 | 2:30 148:22 | 152:22 | 324:1,2 |
| 271:6 | 1885 2:20 | 149:22 | 159:4 | 325:25 |
| 298:24 | 18th 204:8 | 2:31 253:19 | 167:19 | 2021 31:21 |
| 299:22 | 19 7:2 34:10 | 20 7:3 | 169:20 | 328:7,13 |
| 303:23 | 158:20,24 | 158:23 | 170:22 | 335:19,24 |
| 15 6:23 11:9 | 158:25 | 163:7,8 | 173:11 | 336:23 |
| 141:12,15 | 237:12 | 363:15 | 176:4 | 341:1 |
| 277:25 | 19:06 143:16 | 20-plus 11:9 | 179:1,7,12 | 343:3 |
| 15,000 298:7 | 19:09 93:9 | 20:30 91:22 | 182:7,12 | 344:4,6,8 |
| 298:14 | 93:16 | 20036 3:7 | 186:2 | 347:4,9 |
| 15:30 105:6 | 191250 3:15 | 201 7:12 | 188:3 | 350:25 |
| 15:48 91:6 | 196 7:11 | 2011 6:8 | 197:1 | 2022 1:12,20 |
| 152 7:1 | 1980s 265:19 | 13:13,20 | 201:21 | 9:3 192:4 |
| 1524 72:25 | 1990 265:19 | 16:15 24:1 | 203:8 | 359:19 |
| 158 7:2 | 19th 3:5 | 2013 93:18 | 204:5,8 | 361:3,10 |
| 15th 176:4 | 201:21 | 93:25 | 213:21 | 362:3 |
| 16 6:24 | 204:4 | 2014 16:15 | 217:20 | 203 7:13 |
| 142:19,20 | 344:8 | 18:13 | 218:10 | 2050 94:24 |
| 240:13 | 1R01 41:16 | 21:23 26:3 | 220:6,14 | 20530 4:3 |

DR. ANTHONY FAUCI 11/23/2022

| | | | | |
|---------------------|--------------------|---------------------|---------------------|---------------------|
| 361:6 | 182:2 | 211:2,21 | 340 8:18 | 43 6:14 8:1 |
| 20892 4:24 | 253 7:25 | 3:22-CV-... | 343 8:19 | 263:7,8 |
| 209 7:14 | 26 4:11 7:9 | 9:8 | 346 8:20 | 44 8:2 |
| 21 7:4 | 181:23 | 3:22-cv-... | 35 7:18 | 197:17 |
| 167:14,15 | 185:2,17 | 1:7 | 221:10,11 | 266:4,5 |
| 210 7:15 | 187:9,12 | 3:36 275:12 | 351 245:25 | 449 245:19 |
| 212 4:14 | 263 8:1 | 3:39 312:25 | 246:6 | 246:1 |
| 7:16 | 264-6373 | 3:55 313:3 | 352 8:21 | 45 8:3 270:5 |
| 213 7:17 | 4:14 | 30 6:8 7:13 | 36 7:19 | 270:7 |
| 22 7:5 170:9 | 266 8:2 | 203:24,25 | 226:9,10 | 271:3 |
| 170:10 | 26th 182:7 | 247:25 | 37 6:13 7:20 | 45,000 |
| 22-06-26 | 182:12 | 333:23 | 228:15,16 | 206:24 |
| 94:8 | 186:20 | 361:17 | 371 246:6 | 450 3:6 |
| 221 2:9 7:18 | 27 7:10 | 304 8:12 | 247:10,15 | 46 8:4 275:8 |
| 225 2:22 | 173:11,18 | 307 8:13 | 38 7:21 | 275:9 |
| 226 7:19 | 179:12 | 30th 13:20 | 10:25 | 47 8:5 |
| 228 7:20 | 187:10,13 | 84:17,19 | 232:12,13 | 277:17,19 |
| 22nd 167:19 | 199:14 | 85:12 | 39 7:22 | 48 8:6 |
| 218:10 | 233:2 | 324:2 | 242:10,11 | 197:17 |
| 222:2 | 270 8:3 | 325:25 | 3908 4:12 | 280:8,11 |
| 23 1:12,20 | 275 8:4 | 31 1:19,19 | 3rd 2:20 | 49 8:7 |
| 7:6 172:24 | 277 8:5 | 4:22,23 | 317:15 | 283:11,12 |
| 173:2 | 27th 40:6 | 6:12 7:14 | 318:1 | 4th 115:8 |
| 361:10 | 42:6 186:1 | 9:12 209:3 | | 123:7,25 |
| 362:3 | 222:8 | 209:4 | 4 | 126:23 |
| 232 7:21 | 226:14 | 314 3:17 | 4 6:12 31:2 | 127:5 |
| 23rd 9:3 | 233:16,20 | 31st 21:23 | 31:3 35:19 | 128:20 |
| 359:19 | 28 7:11 | 34:8,10 | 56:4,20,22 | 160:14 |
| 24 7:7 178:5 | 196:20,21 | 48:2 51:21 | 272:19,20 | 250:20 |
| 178:7,17 | 197:4 | 318:24 | 272:22 | 251:4 |
| 178:18 | 361:3 | 319:1 | 284:24 | 254:5,13 |
| 179:25 | 280 8:6 | 32 7:15 | 288:9,14 | |
| 24/7 95:2 | 283 8:7 | 210:12 | 4:23 170:22 | 5 |
| 2402 54:5 | 284 8:8 | 323 8:14 | 4:46 354:23 | 5 6:13 37:19 |
| 242 7:22 | 286 8:9 | 326-6766 | 4:55 355:1 | 37:21 |
| 2421 53:15 | 28th 226:14 | 2:22 | 40 7:23 | 60:13 |
| 53:20 | 233:15,18 | 327 8:15 | 245:4,5 | 164:4,18 |
| 64:25 65:1 | 233:19,20 | 329-5040 | 247:25 | 227:8 |
| 2426 54:5 | 29 7:12 | 3:17 | 248:25 | 237:12 |
| 2430 53:19 | 201:16,17 | 33 7:16 | 249:4 | 251:2 |
| 2431 53:20 | 294 8:10 | 210:9 | 332:20 | 272:21,22 |
| 2432 52:22 | 298 8:11 | 212:15,16 | 333:23 | 284:24 |
| 53:16,17 | 2nd 73:8 | 212:23 | 334:4 | 5:01 359:19 |
| 54:4 | 105:5 | 330 8:16 | 40-plus | 359:22 |
| 245 7:23 | 294:10,11 | 334 8:17 | 231:14 | 5:02 188:3 |
| 249 7:24 | | 34 7:17 | 41 7:24 | 5:41 294:2 |
| 24th 350:24 | 3 | 213:17,18 | 249:4,6,9 | 5:51 68:10 |
| 25 6:11 7:8 | 3 6:11 23:4 | 34:30 144:23 | 42 7:25 | 50 8:8 87:23 |
| 181:24 | 25:3,4 | 145:16 | 253:14,15 | 282:1 |

DR. ANTHONY FAUCI 11/23/2022

| | | | |
|---------------------|---------------------|---------------------|--|
| 284:6,7,14 | 347:15 | 918-6905 3:8 | |
| 284:19 | 63 8:21 | 96 6:16 | |
| 316:14 | 352:19,20 | 96,000 | |
| 500,000 | 63101 361:18 | 222:11 | |
| 36:12 | 63119 3:16 | 96,000-p... | |
| 51 8:9 286:3 | 65101 2:10 | 219:11 | |
| 286:4 | 6th 170:22 | 96,032 | |
| 52 8:10 | | 222:16 | |
| 293:25 | <u>7</u> | 9th 97:2 | |
| 294:5,6 | 7 6:15 83:24 | 141:18 | |
| 53 8:11 | 83:25 | 144:7 | |
| 298:17,18 | 120:7 | | |
| 54 8:12 | 240:12 | | |
| 304:23,24 | 7:13 84:19 | | |
| 55 8:13 | 70804 2:21 | | |
| 307:15 | 711 361:17 | | |
| 56 8:14 | 751-8870 | | |
| 323:19,20 | 2:11 | | |
| 57 8:15 | 7A-18 149:13 | | |
| 327:24,25 | 149:15 | | |
| 573 2:11 | 7th 120:3 | | |
| 58 8:16 | 129:2 | | |
| 330:5,6 | 160:15 | | |
| 59 8:17 | | | |
| 334:17,20 | <u>8</u> | | |
| 335:15 | 8 6:16 96:9 | | |
| 598-3846 4:4 | 96:10 97:7 | | |
| 5th 128:13 | 101:10 | | |
| 128:18,21 | 180:10 | | |
| 160:14 | 252:6 | | |
| | 254:11 | | |
| <u>6</u> | 8:08 1:20 | | |
| 6 6:14 43:8 | 9:4 | | |
| 43:9 47:25 | 83 6:15 | | |
| 49:15 | 8th 180:25 | | |
| 52:21 | 253:19 | | |
| 272:20 | 254:9 | | |
| 6.3 72:1 | 263:12 | | |
| 6.4 260:18 | 269:13 | | |
| 60 8:18 | | | |
| 316:14 | <u>9</u> | | |
| 340:22,25 | 9 6:17 | | |
| 341:24 | 111:10,11 | | |
| 600,000 | 9:04 54:8 | | |
| 36:12 | 9:05 54:12 | | |
| 61 8:19 | 9:37 83:14 | | |
| 343:24,25 | 9:38 83:17 | | |
| 62 8:20 | 9:50 83:20 | | |
| 346:14,15 | 90 342:6 | | |