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

- - - - - X
THE STATE OF MISSOURI, et al., :
Plaintiffs, :
V. : Case No. 3:22-cv-01213-TAD-KDM
JOSEPH R. BIDEN, JR., et al., :
Defendants. :
- - - - - X

Bethesda, Maryland
Wednesday, November 23, 2022

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

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 "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 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" --

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