

# Judge Orders Fauci, Other Top Officials to Testify Under Oath

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## STORY AT-A-GLANCE

- › In the summer of 2022, a lawsuit was filed by the attorneys general of Missouri and Louisiana against the federal government, including Dr. Anthony Fauci
- › The lawsuit alleges that the U.S. government colluded with Big Tech giants Twitter, Meta (Facebook), YouTube, Instagram and LinkedIn to censor certain viewpoints by labeling them “misinformation” or “disinformation”
- › In September 2022, a federal judge ordered Fauci and other officials to turn over emails with five social media firms
- › Now, a federal court has taken it a step further, ruling that Fauci and other officials must testify under oath at depositions about whether they colluded with Big Tech to censor certain users
- › The suit gives multiple examples of Fauci’s roles in the suppression of free speech, including that related to the lab leak theory of COVID-19’s origin, COVID-19 shots and the efficiency of masks and COVID-19 lockdowns

Restriction of free speech excelled during the COVID-19 pandemic, when efforts to shut down public discussions and information that countered the official narrative were in full force. In the summer of 2022, a lawsuit was filed by the attorneys general of Missouri and Louisiana against the federal government, including Dr. Anthony Fauci, director of the National Institute of Allergies and Infectious Diseases (NIAID).<sup>1</sup>

The lawsuit alleges that the U.S. government colluded with Big Tech giants Twitter, Meta (Facebook), YouTube, Instagram and LinkedIn to censor certain viewpoints by labeling them “misinformation” or “disinformation.” In September 2022, a federal judge ordered Fauci and other officials to turn over emails with five social media firms.<sup>2</sup>

Fauci initially refused, stating that the communications were protected by executive privilege. However, the judge ordered that the documents be turned over within 21 days nonetheless. Fauci was also ordered to answer questions posed by the plaintiffs in full. Mary Holland, president and general counsel of Children’s Health Defense, explained:<sup>3</sup>

*“Up until now, Dr. Fauci has operated under this cloak of ‘untouchableness,’ thinking he has been above the law. He likely didn’t expect his emails to be made public. We can only imagine what this tranche of emails will likely reveal about Dr. Fauci’s bare-knuckled censorship — it won’t be pretty.”*

Now, a federal court has taken it a step further, ruling that Fauci and other officials must testify under oath at depositions about whether they colluded with Big Tech to censor certain users.<sup>4</sup>

## **US Government Accused of Suppressing Free Speech**

The original lawsuit was filed in May 2022 by Missouri Attorney General Eric Schmitt and Louisiana Attorney General Jeff Landry.<sup>5</sup> A joint statement regarding witness depositions reads:<sup>6</sup>

*“Plaintiffs allege Defendants have colluded with and/or coerced social media companies to suppress disfavored speakers, viewpoints, and content on social media platforms by labeling the content “dis-information,” “mis-information,” and “mal-information.”*

*Plaintiffs allege the suppression of disfavored speakers, viewpoints, and contents constitutes government action and violates Plaintiffs’ freedom of speech in violation of the First Amendment to the United States Constitution.”*

# What Was the Government Trying to Hide?

Several examples are given of suppression of free speech. Among them:<sup>7</sup>

- **The Hunter Biden laptop story prior to the 2020 presidential election** — Evidence found on Hunter's laptop suggests he helped secure "millions in funding" for Metabiota, a U.S. contractor in Ukraine "specializing in deadly pathogen research," which is what the Russian government had claimed during a press conference March 24, 2022.<sup>8</sup>

In addition, one of Metabiota's investors is Rosemont Seneca,<sup>9</sup> an investment fund co-managed by Hunter Biden.<sup>10</sup>

Metabiota is also a core partner in the USAID PREDICT program, which funded laboratory equipment for the Wuhan Institute of Virology (WIV) in China through grants to the EcoHealth Alliance, and Shi Zhengli, a top coronavirus researcher at the WIV, also worked with PREDICT.<sup>11</sup> The media, however, largely dismissed the story.<sup>12</sup>

Daniel Schmidt, a freshman at the University of Chicago and writer for the university's student-run newspaper The Chicago Thinker, even confronted Anne Applebaum, a staff writer for The Atlantic, about the media dismissal, stating:<sup>13</sup>

*"In 2020 you wrote, 'Those who live outside the Fox News bubble do not, of course, need to learn any of the stuff about Hunter Biden,' referring to his laptop, of course. A poll later found that if voters knew about the contents of the laptop, 16% of Joe Biden voters would have acted differently.*

*Now, of course, we know ... that The New York Times confirmed that the content is real. Do you think the media acted inappropriately when they instantly dismissed Hunter Biden's laptop as Russian disinformation and what can be learned from that in ensuring that what we label as disinformation is truly disinformation and not reality?"*

- **Speech about the lab leak theory of COVID-19's origin** — The plaintiffs allege that Fauci censored “speech backed by great scientific credibility and with enormous potential nationwide impact.”<sup>14</sup> This includes information that COVID-19 was the result of a lab leak in Wuhan, China.

One of the major pieces of propaganda is "The Proximal Origin of SARS-CoV-2,"<sup>15</sup> a paper published in Nature Medicine in March 2020 that became the preeminent "proof" that SARS-CoV-2 had a natural origin and couldn't possibly have come from a lab. It was later revealed that Fauci, Wellcome Trust head Jeremy Farrar and Dr. Francis Collins, NIH director, had a hand in the paper.<sup>16</sup> As Children's Health Defense reported:<sup>17</sup>

*“If the lab leak theory were true, in turn, it would mean that Fauci could be potentially implicated in funding the research on viruses that caused the COVID-19 pandemic that killed millions of people worldwide, the plaintiffs argued. This is because he funded risky “gain-of-function” research at the Wuhan Institute of Virology through intermediaries such as EcoHealth Alliance.*

*In late January 2020 and early February 2020, Fauci was also in touch with Facebook CEO Mark Zuckerberg in oral communications about the government's COVID-19 response. Facebook then allegedly went on [to] censor the lab leak theory, according to the plaintiffs.”*

- **Speech about the efficiency of masks and COVID-19 lockdowns** — Two plaintiffs in the case, Dr. Jay Bhattacharya and Dr. Martin Kulldorff, co-authored the Great Barrington Declaration, which scientifically critiqued the effects of prolonged lockdowns in response to COVID-19.

Collins sent an email to Fauci stating, “There needs to be a quick and devastating published take-down of its premises.” In response, Fauci began to publicly criticize the Declaration, calling it “total nonsense” and “ridiculous.”<sup>18</sup>

The New Civil Liberties Alliance (NCLA), which is part of the lawsuit, representing Bhattacharya and Kulldorff, stated:<sup>19</sup>

*“Social media platforms, acting at the federal government’s behest, repeatedly censored NCLA’s clients for articulating views on those platforms in opposition to government-approved views on Covid-19 restrictions. This insidious censorship was the direct result of the federal government’s ongoing campaign to silence those who voice perspectives that deviate from those of the Biden Administration.*

*Government officials’ public threats to punish social media companies that did not do their bidding demonstrate this linkage, as do emails from the Centers for Disease Control and Prevention (CDC) and the Department of Homeland Security (DHS) to social media companies that only recently were made public.”*

## **Fauci Ordered to Testify Under Oath**

The request for depositions was filed October 10, 2022. “After finding documentation of a collusive relationship between the Biden administration and social media companies to censor free speech, we immediately filed a motion to get these officials under oath,” Schmitt said in a news release.

“It is high time we shine a light on this censorship enterprise and force these officials to come clean to the American people, and this ruling will allow us to do just that. We’ll keep pressing for the truth.”<sup>20</sup> In addition to Fauci, other officials ordered to testify include:<sup>21</sup>

- Former White House press secretary Jen Psaki
- Director of White House Digital Strategy Rob Flaherty
- Surgeon General Dr. Vivek Murthy
- CISA director Jen Easterly

- FBI Supervisory special agent Elvis Chan

The depositions will cover many examples of a collusive relationship uncovered by the email exchanges. Another example includes former New York Times reporter Alex Berenson, who was also a victim of the censorship hysteria; his Twitter account was suspended when he posted this scientifically accurate information about COVID-19 shots:<sup>22</sup>

*“It doesn’t stop infection. Or transmission. Don’t think of it as a vaccine. Think of it – at best – as a therapeutic with a limited window of efficacy and terrible side effect profile that must be dosed IN ADVANCE OF ILLNESS. And we want to mandate it? Insanity.”*

Berenson filed a lawsuit against Twitter for labeling the tweet as misleading and canceling his account. The case has since been resolved, with Twitter acknowledging that the tweets should not have led to a suspension. When his account was reinstated, Berenson tweeted the exact same message, which this time escaped Twitter’s “misinformation” flag.

However, it’s now been revealed that Fauci was involved in Berenson’s suspension. According to the plaintiffs’ joint statement, “Dr. Fauci publicly described Berenson’s opinions on vaccines as ‘horrific.’ President Biden followed Dr. Fauci’s steps and made a statement that ‘They’re killing people’ by not censoring vaccine ‘misinformation,’ to which Twitter subsequently permanently suspended Berenson from its platform.”<sup>23</sup>

## **Will the Truth Finally Be Heard?**

The request for depositions gave three reasons why Fauci, specifically, should be questioned under oath:<sup>24</sup>

1. He refused to verify under oath his own interrogatory responses; instead, NIAID responses were verified by Dr Jill Harper, who was not named in the complaint. Fauci has made no statements under oath regarding his communications with social media platforms.

2. Even if Fauci can prove he didn't communicate with social media platforms, "there are compelling reasons that suggest Dr. Fauci has acted through intermediaries, and acted on behalf of others, in procuring the social-media censorship of credible scientific opinions."
3. Fauci's credibility on matters related to COVID-19 "misinformation" has been in question since 2020.

"Plaintiffs state that Dr. Fauci has made public statements on the efficacy of masks, the percentage of the population needed for herd immunity, NIAID's funding of 'gain-of-function' virus research in Wuhan, the lab-leak theory, and more. Plaintiffs urge that his comments on these important issues are relevant to the matter at hand and are further reasons why Dr. Fauci should be deposed."

August 22, 2022, Fauci announced he will resign from his roles as director of the NIAID — a position he's held for 38 years — and chief medical adviser to the White House, come December.<sup>25</sup> It's interesting timing.

It appears Fauci is making sure to get out before new Republican Congressional members take their seats and is probably banking on being able to plead the Fifth Amendment as a private citizen, should Republicans decide to investigate his role in the pandemic. This deposition may change that, as well as bring much-needed protection to Americans' right to free speech. As noted by NCLA:<sup>26</sup>

*"Government-induced censorship is achieved through a wide variety of mechanisms, ranging from complete bans, temporary bans, "shadow bans" (where often neither the user nor his audience is notified of the suppression of speech), deboosting, de-platforming, de-monetizing, restricting access to content, requiring users to take down content, and imposing warning labels that require click-through to access content, among others.*

*These methods also include temporary and permanent suspensions of disfavored speakers.*

*This sort of censorship, which strikes at the heart of what the First Amendment to the U.S. Constitution was designed to protect – free speech, especially political speech – constitutes unlawful government action. The federal government is deciding whose voices and ideas may be heard, and whose voices and ideas must be silenced.*

*Moreover, this state action deprives Americans of their right to hear the views of those who are being silenced, a First Amendment corollary of the right to free speech. The government's policy of coercing social-media companies to censor Plaintiffs' viewpoints should be declared unlawful and halted immediately."*

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