

1 COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY  
2 SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC  
3 U.S. HOUSE OF REPRESENTATIVES  
4 WASHINGTON, D.C.

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INTERVIEW

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INTERVIEW OF: DR. DAVID MORENS

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THURSDAY, JANUARY 18, 2024

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The interview in this matter was held at O'Neill

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House Office Building, 200 C Street, S.W., Room 5480,

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Washington, D.C., commencing at 10:04 a.m.

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20 HOUSE OVERSIGHT AND ACCOUNTABILITY COMMITTEE:

21 FOR THE MAJORITY:

22 DR. BRAD WENSTRUP, Representative, Second District

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24 Majority Staff of the Select Subcommittee

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## 155 P R O C E E D I N G S

156 Mr. Benzine. This is a transcribed interview  
157 of Dr. David Morens conducted by the House Select  
158 Subcommittee on the Coronavirus Pandemic under authority  
159 granted to it by House Resolution 5 and the Rules of the  
160 Committee on Oversight and Accountability.

161 This interview was requested by Chairman  
162 Brad Wenstrup as part of the Select Subcommittee's  
163 oversight of the federal government's response to the  
164 Coronavirus Pandemic.

165 Further, pursuant to House Resolution 5, the  
166 Select Subcommittee has wide-ranging jurisdiction, but  
167 specifically to investigate the origins of the  
168 Coronavirus Pandemic, including but not limited to the  
169 federal government's gain-of-function research.

170 At the discretion of the Chairman, the staff  
171 of the Committee on Energy and Commerce have been  
172 granted permission to attend and participate in this  
173 interview.

174 Can the witness please state his name and  
175 spell his last name for the record.

176 The Witness. My name is David Michael Morens.  
177 Last name spelled M-o-r-e-n-s.

178 Mr. Benzine. Thank you, Dr. Morens.

179 My name is Mitch Benzine, and I am the Staff

180 Director for the Majority staff of the Select  
181 Subcommittee. I want to thank you for coming in today  
182 for this interview. We recognize that you are here  
183 voluntarily and appreciate that.

184 Under the Select Subcommittee and Committee on  
185 Oversight and Accountability's rules, you are allowed to  
186 have an attorney present to advise you during this  
187 interview.

188 Do you have an attorney representing you in a  
189 personal capacity present today?

190 Mr. Belevetz. I do. Mr. Belevetz here.

191 Mr. Benzine. Will counsel please identify  
192 themselves.

193 Mr. Belevetz. Tim Belevetz with the law firm  
194 of Ice Miller.

195 Mr. Benzine. Is there also an attorney  
196 present representing the Department of Health and Human  
197 Services with you today?

198 The Witness. I believe there is.

199 Mr. Benzine. Will counsel please identify  
200 themselves.

201 Ms. Ganapathy: Tara Ganapathy, Senior  
202 Counsel, HHS.

203 Mr. Benzine. For the record, will the  
204 remaining individuals in the room please introduce

205 themselves with their name, title, and affiliation.

206 Mr. Strom. John Strom, Senior Counsel, House  
207 Energy and Commerce, Subcommittee on Oversight  
208 Investigations, Majority.

209 Dr. Wenstrup. Brad Wenstrup, Ohio, Second  
210 District.

211 Mr. Osterhues. Eric Osterhues, Chief Counsel,  
212 Select Subcommittee, Majority.

213 Mr. Slobodin. Alan Slobodin, Chief  
214 Investigative Counsel, House Energy and Commerce  
215 Committee, Majority staff.

216 [REDACTED] Democratic Senior  
217 Counsel, Select Subcommittee.

218 [REDACTED] Chief Counsel  
219 for the Minority, Energy and Commerce Committee,  
220 Subcommittee on Oversight and Investigations.

221 [REDACTED] Democratic  
222 Staff Director of the Select Subcommittee.

223 [REDACTED] Democratic  
224 Counsel, Select Subcommittee.

225 Ms. Murray: Katie Murray, legislative  
226 analyst, NIH.

227 Ms. Berstell: Daria Berstell, HHS.

228 Mr. Benzine: Thank you all.

229 Dr. Morens, before we begin, I'd like to go

230 over the ground rules for this interview.

231           The way this interview will proceed is as  
232 follows:

233           The Majority and Minority staff will alternate  
234 asking you questions, one hour per side per round until  
235 each side is finished with their questioning. The  
236 Majority staff will begin and proceed for an hour and  
237 then the Minority staff will have an hour to ask  
238 questions. We will then alternate back and forth in  
239 this manner until both sides have no more questions.

240           If either side is in the middle of a specific  
241 line of questions, they may choose to end a few minutes  
242 passed an hour to ensure completion of that specific  
243 line of questioning, including any pertinent follow-ups.

244           In this interview while one member of the  
245 staff for each side may lead the questioning, additional  
246 staff may ask questions.

247           There is a court reporter taking down  
248 everything I say and everything you say to make a  
249 written record of the interview. For the record to be  
250 clear, please wait until the staffer questioning you  
251 finishes each question before you begin your answer, and  
252 the staffer will wait until you finish your response  
253 before proceeding to the next question.

254           Further, to ensure the court reporter can

255 properly record this interview, please speak clearly,  
256 concisely and slowly.

257           Also, the court reporter cannot record  
258 nonverbal answers such as nodding or shaking your head,  
259 so it is important that you answer each question with an  
260 audible, verbal answer.

261           Exhibits may be entered into the record.  
262 Majority exhibits will be identified numerically.  
263 Minority exhibits will be identified alphabetically.

264           Do you understand?

265           The Witness: Yes, I do.

266           Mr. Benzine. We want you to answer our  
267 questions in the most complete and truthful manner  
268 possible. If you have any questions or do not fully  
269 understand the question, please let us know. We will  
270 attempt to clarify, add context to, or rephrase our  
271 questions.

272           Do you understand?

273           The Witness. I do.

274           Mr. Benzine. If we ask about specific  
275 conversations or events in the past and you are unable  
276 to recall the exact words or details, you should testify  
277 to the substance of those conversations or events to the  
278 best of your recollection.

279           If you recall only a part of a conversation or

280 event, you should give us your best recollection of  
281 those events or parts of conversations that you do  
282 recall.

283 Do you understand?

284 The Witness. I do.

285 Mr. Benzine: Although you are here  
286 voluntarily and we will not swear you in, you are  
287 required pursuant to Title 18, Section 1001 of the  
288 United States Code to answer questions from Congress  
289 truthfully. That also applies to questions posed by  
290 congressional staff in this interview.

291 Do you understand?

292 The Witness. I do.

293 Mr. Benzine: If at any time you knowingly  
294 make false statements, you could be subject to criminal  
295 prosecution.

296 Do you understand?

297 The Witness. I do.

298 Mr. Benzine: Is there any reason you are  
299 unable to provide truthful testimony today?

300 The Witness. No.

301 Mr. Benzine: The Select Subcommittee follows  
302 the Rules of the Committee on Oversight and  
303 Accountability. Please note that if you wish to assert  
304 a privilege over any statement today, that assertion

305 must comply with the rules of the Committee on Oversight  
306 and Accountability.

307 Pursuant to that, Committee Rule 16(c)(1)  
308 states for the Chair to consider assertions of privilege  
309 over testimony or statements, witnesses or entities must  
310 clearly state the specific privilege being asserted and  
311 the reason for the assertion on or before the scheduled  
312 date of testimony or appearance.

313 Do you understand?

314 The Witness. I think so. It's a little  
315 complicated.

316 Mr. Benzine. It's more for Tara than for you.

317 Ordinarily, we take a five-minute break at the  
318 end of each hour of questioning. But if you need a  
319 longer break or a break after that, please let us know  
320 and we will be happy to accommodate. However, to the  
321 extent that there is a pending question, we would ask  
322 that you finish answering the question before we take  
323 the break.

324 Do you understand?

325 The Witness. Yes.

326 Mr. Benzine. Do you have any other questions  
327 before we begin?

328 The Witness. No, sir.

329 Mr. Benzine. Thank you.



330 DAVID MICHAEL MORENS, M.D.,  
331 was examined and testified as follows:

332 EXAMINATION BY COUNSEL FOR THE MAJORITY

333 BY MR. BENZINE:

334 Q. I want to start again by thanking you for  
335 being here once again, round two -- hopefully, this one  
336 goes a little smoother -- and for your works over the  
337 years in pandemics and public health. I want to start  
338 by some baseline questions on your education and  
339 experience.

340 Where did you attend undergraduate school?

341 A. University of Michigan.

342 Q. What degree did you graduate with?

343 A. An AB, majoring in psychology.

344 Q. Where did you get your medical degree?

345 A. University of Michigan.

346 Q. Who is your current employer and your current  
347 job title?

348 A. My current employer is the National Institute  
349 of Allergy and Infectious Diseases, NIH. And my job  
350 title is -- it's either Senior Advisor to the Director  
351 or Senior Science Adviser to the Director. I can never  
352 remember which.

353 Q. Thank you.

354 Are you still currently on administrative

355 leave from that position?

356 A. Yes, I am.

357 Q. Since when?

358 A. Since around July 20th, 2023.

359 Q. Can you elaborate a little bit on -- again,  
360 understanding kind of every day is different in public  
361 health, but elaborate on your day-to-day  
362 responsibilities?

363 A. Well, I'm on administrative leave, I have no  
364 day-to-day responsibilities.

365 Q. Prior to being placed on administrative leave?

366 A. I stay at home, and I try to be active keeping  
367 up with science.

368 Q. Prior to being placed on administrative leave,  
369 what were your responsibilities?

370 A. My job responsibility was to advise the  
371 Director, who was Dr. Tony Fauci until January 1st of  
372 last year.

373 But since I wasn't advising him all day every  
374 day, he wanted me to do other things, which basically I  
375 was involved in all sorts of things across the  
376 institute, working with the laboratory people, going to  
377 meetings, writing scientific papers and just basically  
378 being a -- I was like a utility in-fielder who was in  
379 the Officer of the Director.

380 Q. Thank you.

381 Do you currently hold or have you previously  
382 held any honorary positions?

383 A. You mean in the government?

384 Q. Or outside.

385 A. Depends on what you mean by "honorary."

386 I was president of the American Committee on  
387 arthropod-borne viruses. I was also the  
388 secretary-treasurer at a different time -- I'm sorry.

389 American Epidemiological Society, I was also  
390 president for a year. That's a yearly term. Then I was  
391 secretary-treasurer for five years.

392 Those are honorary, unpaid professional  
393 organizations. There's probably some others that I  
394 can't remember off the top of my head.

395 Q. No worries. Thank you.

396 What about holding any positions on boards of  
397 companies, nonprofits or academic institutions?

398 A. No.

399 Q. When did you become senior advisor to the  
400 director at NIAID?

401 A. I don't remember the exact date. I could give  
402 you a ballpark. That's about it.

403 Q. That's fine.

404 A. Around 2006.

405 Q. Okay. And in that position, you reported  
406 directly to the Director?

407 A. Yes.

408 Q. Prior to his retirement, that was Dr. Fauci?

409 A. Yes.

410 Q. While in that position, did you hold a  
411 security clearance?

412 A. I think so, yes.

413 Q. Do you recall what it was?

414 A. No.

415 Every once in a while I had to do something,  
416 fill out some paperwork. I had some kind of security  
417 clearance.

418 At the time I was on active duty in the Public  
419 Health Service, so there's a different security  
420 clearance mechanism. It was very bizarre. I never  
421 understood it, but I had to get investigated every five  
422 or ten years, something like that.

423 Q. Sounds good. Thank you.

424 I'm going to ask you to bear with me while I  
425 run through a list of names. And just answer yes, no,  
426 or I do not recall if you discussed the origins of  
427 COVID-19, the EcoHealth Alliance, or the Wuhan Institute  
428 of Virology with any of those people, starting like  
429 January 1, 2020-ish.

- 430 A. Okay.
- 431 Q. Dr. Francis Collins?
- 432 A. No.
- 433 Q. Dr. Anthony Fauci?
- 434 A. Yes.
- 435 Q. Dr. Lawrence Tabak?
- 436 A. No.
- 437 Q. Dr. Cliff Lane?
- 438 A. I don't remember. I can't say for sure I
- 439 didn't, but I don't remember anything.
- 440 Q. Dr. Auchincloss?
- 441 A. Yes.
- 442 Q. Dr. Ping Chen?
- 443 A. No.
- 444 Q. Dr. Victor Dzau?
- 445 A. No.
- 446 Q. Dr. Robert Redfield?
- 447 A. No.
- 448 Q. Dr. Michael Lauer?
- 449 A. No.
- 450 Q. Dr. David Christian Hassell?
- 451 A. No.
- 452 Q. Dr. Eric Stemmy?
- 453 A. No.
- 454 Q. Mr. Gray Handley?

- 455 A. No.
- 456 Q. Mr. Greg Folkers?
- 457 A. Yes, probably.
- 458 Q. Dr. Jeremy Farrar?
- 459 A. No.
- 460 Q. Dr. Kristian Andersen?
- 461 A. Yes.
- 462 Q. Dr. Michael Farzan?
- 463 A. No.
- 464 Q. Dr. Eddie Holmes?
- 465 A. Yes.
- 466 Q. Dr. Ian Lipkin?
- 467 A. Probably. I don't remember any specific
- 468 conversation with him, but I discussed a lot of things
- 469 with him, so that probably came up.
- 470 Q. Dr. Andrew Rambaut?
- 471 A. No.
- 472 Q. Dr. Christian Drosten?
- 473 A. No.
- 474 Q. Dr. Ron Fouchier?
- 475 A. No.
- 476 Q. Dr. Marion Koopmans?
- 477 A. No.
- 478 Q. Dr. Peter Daszak?
- 479 A. Yes.

480 Q. Dr. Michael Worobey?

481 A. No.

482 Q. Dr. Jonathan Pekar?

483 A. No.

484 Q. Dr. Florence Debarre?

485 A. No.

486 Q. Dr. James LeDuc?

487 A. Yes.

488 Q. Dr. Shi Zhengli?

489 A. No.

490 Q. Dr. George Gao?

491 A. I don't recall any discussion with him.

492 Q. And Dr. Ralph Baric?

493 A. Yes.

494 Q. I'm going to go back up the list and, very

495 generally for now, ask what the topics were and what you

496 recall of those conversations.

497 We'll start with Dr. Baric. Do you recall the

498 specifics of those conversations?

499 A. I don't recall the specifics. It had to do

500 with coronaviruses and his work. It was a very short,

501 general conversation.

502 Q. On Dr. Fauci's calendar, he had a meeting in

503 kind of mid-February with Dr. Baric, but we've been

504 unable to confirm attendance at that meeting. Was it --

505 A. I don't recall ever attending that, no.

506 Q. Would it have been over e-mail or over phone?

507 Do you remember?

508 A. I don't remember anything about it. Is this  
509 the same meeting where Kristian Andersen was involved in  
510 it?

511 Q. No.

512 A. Okay. I don't recall that meeting. I've  
513 never -- to the best of my recollection, I've never met  
514 in a meeting with both Ralph Baric and Tony Fauci.

515 Q. I guess for your specific communications that  
516 you remember with Dr. Baric, were they over e-mail or  
517 over the phone?

518 A. They were in person.

519 Q. They were in person?

520 A. They were very recent, just a few months ago.

521 Q. Do you recall the month?

522 A. I could figure it out. It was a meeting. I  
523 ran into him at a meeting. It was a meeting at NIH  
524 actually. I don't remember. I could figure it out by  
525 going back and looking at notes and stuff.

526 Q. Thank you.

527 A. It was in the last year.

528 Q. Going up the list, Dr. LeDuc. Do you recall  
529 the specifics of those conversations?



530 A. Yes.

531 Q. Can you elaborate a little please?

532 A. First of all, Jim LeDuc is an old friend of  
533 mine from CDC days. I knew him when we were both very  
534 young scientists, so we talked a lot about stuff over  
535 the years.

536 The specific discussions I had with him were  
537 in early 2020 when we, Jim LeDuc and I and others, were  
538 planning to publish a paper, a scientific paper. He's  
539 an expert in biosafety who also trained all the Chinese  
540 scientists in Wuhan apparently. I didn't know that but  
541 I learned that.

542 So I was discussing with him biosafety issues,  
543 are there differences. I was asking him are there  
544 differences between our biosafety and Chinese biosafety,  
545 not specifically about Wuhan but just in general. And  
546 what did he think of the quality of their work and that  
547 kind of thing. That was going to be a part of the paper  
548 and he eventually was the coauthor.

549 Q. Did he explain? Are there any differences  
550 between the U.S. and Chinese biosafety?

551 A. I think his position was there were no major  
552 differences. He thought very highly of the biosafety  
553 containment, at least what he knew about and the people  
554 he taught. He's one of the world's experts, so I know

555 he taught them well.

556 Q. Do you recall any other conversations with him  
557 outside of the process of drafting that paper?

558 A. No.

559 Q. Dr. Daszak, do you recall the specifics of  
560 those conversations?

561 A. Peter Daszak is one of my oldest and best  
562 friends, and I talk to him all the time. So we talked  
563 about everything.

564 Q. We'll get into some more specific questions,  
565 specifically surrounding the grant suspension,  
566 termination, and reinstatement.

567 But do you recall any conversations with him  
568 kind of like outside of those topics regarding the  
569 origins, any specific conversations about what he may  
570 have seen or heard?

571 A. I'm not sure what -- can you be a little more  
572 specific?

573 Q. Any conversations with Dr. Daszak surrounding  
574 like when first got notified that there was something  
575 circulating in China or what it was or any conversations  
576 with him regarding if he had spoken to WIV personnel or  
577 anything like that?

578 A. I don't remember any specific conversation.  
579 But before his grant was taken away, he had field

580 workers, and a very small component of that were people  
581 in the Wuhan Institute. He would occasionally tell me  
582 about things that were going on there before the  
583 pandemic. He also published all that stuff, so, of  
584 course, I was reading his publications.

585 Q. Was there anything he told you that was  
586 different than what he published?

587 A. No.

588 Q. Dr. Holmes, do you recall the specifics of  
589 those conversations?

590 A. Yes, although I can't tell you when it was.  
591 But early in 2020, Eddie was one of the -- Eddie's an  
592 old friend, too. He and I have worked together and  
593 published papers together.

594 When I got an inkling that there might be  
595 something going on in China and the virus was sequenced,  
596 not isolated necessarily but sequenced, I knew -- he's  
597 everywhere, he's the world's expert on phylogenetics --  
598 I immediately called him or e-mailed him or something  
599 and said, what's going on, what can you tell me about  
600 it?

601 Q. Do you recall any of the specifics of what he  
602 told you?

603 A. Well, he said this is a bat sarbecovirus that  
604 is similar but not too similar to the original SARS

605 virus that appeared in 2002 and 2003.

606 Q. Did he express any concerns regarding a  
607 possible lab accident or genetic engineering?

608 A. No.

609 Mr. Strom. Do you recall -- I'm sorry if I  
610 missed it, but do you recall specifically the time frame  
611 in which you were having this conversation with  
612 Dr. Holmes?

613 The Witness. I don't. It would have been  
614 early in 2020.

615 Mr. Strom. Okay.

616 BY MR. BENZINE:

617 Q. Dr. Andersen, do you recall the specifics of  
618 those conversations?

619 A. It was very recently. It was at the same  
620 meeting. I had a discussion with Ralph Baric. I think  
621 he was talking about -- something about the -- he was  
622 being asked either he had already spoken to your  
623 committee or he was going to speak to your committee or  
624 something.

625 Q. If it was this year, he had already spoken to  
626 our committee.

627 A. It was 2023.

628 Q. I'm sorry, last year. It's still early in  
629 '24. I'm getting confused. If it was 2023, he had

630 already spoken to our committee.

631 Do you recall what the meeting was, what the  
632 umbrella of it was?

633 A. Yes. It's called CREID. This is a program of  
634 my institute. I think CREID stands for Centers for  
635 Re-Emerging and Emerging Infectious Diseases, something  
636 like that.

637 We give very big grants to maybe ten different  
638 centers around the United States. All of them have  
639 field sites in other countries, so this is an  
640 international program but run by Americans.

641 Kristian Andersen is the head of one of those  
642 centers. I believe Ralph Baric works in a different  
643 center; I don't remember for sure.

644 Anyway, I was at that meeting. That's part of  
645 what I do is interact with the top scientists around the  
646 world to find out from them from their talks and from  
647 speaking to them personally, what are they doing, what  
648 do they think about it, and what are the big issues that  
649 are coming up and that kind of thing.

650 Q. Do you recall any conversations with  
651 Dr. Andersen prior to that meeting?

652 A. No. I never spoke to him before that meeting.  
653 I knew who he was, but I didn't know him personally.

654 Q. And then Mr. Folkers, you said maybe. Do you

655 recall --

656 A. Well, Mr. Folkers is the chief of staff. He's  
657 probably the person close to Tony Fauci, my boss.

658 He gives us what we call a feed every day. He  
659 sends to me and everybody else -- not everybody else,  
660 but everybody else in the office, the Director, the  
661 senior people, basically their news, their press  
662 releases, their news articles. They're sometimes the  
663 whole articles themselves about things related to  
664 infectious diseases. I often talk to him about those.  
665 Again, he's a journalist, he's not a scientist.

666 Q. So was that his primary role was that kind of  
667 work and then trains run on time kind of thing?

668 A. His title is chief of staff. What he did was  
669 to do things that Tony needed to get done. That's sort  
670 of my job, too. But it's very specific to the Director.

671 We now have a new director who I have not met  
672 because I'm on administrative leave. But I would bet  
673 that she would have different things that she would need  
674 me to do than Tony did, I would imagine.

675 Q. The next you asked was Dr. Auchincloss. Do  
676 you recall the specifics of those conversations?

677 A. I only recall one discussion with  
678 Dr. Auchincloss and that was --

679 Ms. Ganapathy. Dr. Morens, I'm going to step

680 in.

681 Please respond, but I would counsel you to not  
682 get into the particulars or specifics of your  
683 discussions with Dr. Auchincloss because those would be  
684 high-level deliberative discussions that the Agency has  
685 confidentiality interests in. Please do respond in  
686 broad themes and generalities.

687 BY THE WITNESS:

688 A. I had one discussion with Dr. Auchincloss  
689 which alluded to Peter Daszak's grant and my relationship  
690 with Peter. It was not about anything scientific; it  
691 was about sort of personal and administrative things.

692 BY MR. BENZINE:

693 Q. As much as you can, can you elaborate a little  
694 bit more on that? It doesn't sound like the discussion  
695 was about whether or not to terminate the grant or  
696 any --

697 A. No.

698 Q. -- or any kind of decision point, it was  
699 trying to gather information?

700 A. No. It was about --

701 Ms. Ganapathy. Once again, Dr. Morens, I'm  
702 going to instruct you to not get into the specifics of  
703 any deliberations. If you can respond without getting  
704 into --

705 Mr. Strom. And the relevant distinction is  
706 facts versus policy discussions. So, for example, for  
707 the sake of this statement, a policy discussion about  
708 should we terminate this, what do you think, yes or no,  
709 is, I think, what -- don't let me put words in your  
710 mouth, Tara, but I think that's what you're getting at.  
711 And then a factual matter of we discussed the grant or  
712 we discussed X.

713 The Witness. We did not discuss the grant or  
714 anything policy related.

715 Ms. Ganapathy. My instruction is to just  
716 speak in broad themes regarding the topic of your  
717 discussion but not the --

718 Mr. Benzine. Tara, do you know what the  
719 discussion was?

720 Ms. Ganapathy. No, I don't.

721 Mr. Strom. So it wasn't about the grant, it  
722 was about your relationship with Peter Daszak. I don't  
723 think that would be privileged.

724 Mr. Belevetz. You can answer yes or no.

725 Ms. Ganapathy. Was the discussion about your  
726 relationship with Peter Daszak?

727 The Witness. Yes.

728 BY MR. BENZINE:

729 Q. Then you can tell us. Nothing in that would



730 be privileged, so you can tell us the contents of those  
731 conversations.

732 A. Well, I had not been -- because Tony and Peter  
733 were both getting death threats and this was a horrible  
734 time, I had not been speaking to Peter basically for a  
735 while because I thought it would be getting everybody  
736 into trouble with all these death threat things.

737 When Tony retired and there was no longer an  
738 issue of that, I said I'd like to have a normal  
739 relationship with Peter and not have to worry about  
740 causing him or Tony trouble. And he said that's okay,  
741 just don't talk about controversial things with Peter.  
742 Just continue your friendship, your personal friendship.

743 Q. Thank you.

744 And then Dr. Fauci, understanding you probably  
745 had any number of conversations with Dr. Fauci, but do  
746 you recall any specifics on the three topics that I  
747 outlined?

748 A. Tell me the three topics again.

749 Q. The origins of COVID, EcoHealth, and the Wuhan  
750 Institute of Virology.

751 A. The origins of COVID, yes, at least one  
752 discussion -- I don't know if you'd call it a discussion  
753 but at least one comment.

754 Q. We'll start there.

755 Do you recall that comment?

756 A. So in one of our meetings, probably in early  
757 2020, I said to him that I have concluded myself in  
758 talking to all the top scientists that this virus  
759 originated in bats and that it was unlikely it would be  
760 a lab leak or an engineered virus.

761 Q. Do you recall about when that conversation  
762 took place?

763 A. First part of -- I don't recall exactly. In  
764 the first three, four, five months of 2020.

765 Q. Elaborate a little bit more on how you came to  
766 that conclusion.

767 A. Well, it occurred over time. Very early on,  
768 Eddie had told me what the sequences were.

769 Before things were published, which occurred  
770 later in the year in 2020, I think the general consensus  
771 of all the experts in phylogenetics was that this was a  
772 virus of natural origin in bats.

773 I'm not a phylogeneticist. I understand the  
774 principals of it and I understand why they thought that.  
775 And then over time, the evidence just continued to pile  
776 up that that's, in fact, the case.

777 Q. In specific, what evidence did you see that it  
778 suggested that it was not a laboratory leak? I think  
779 everyone's in the same boat, it definitely came from

780 bats. But there's obviously some contention on how the  
781 bats --

782 A. There's no one thing that says that.

783 I'll answer your question, but before I do  
784 that I'll say I'm an epidemiologist trained at CDC. One  
785 of the things we do in epidemiology is put together --  
786 when a new disease emerges, we try to put together all  
787 the evidence, some of which might be false, to get a  
788 picture.

789 If you do it right, you know, sift all the  
790 facts, verify them, figure out those things that are  
791 misleading or false, it usually gels together in a  
792 cohesive picture, sort of like a detective solving a  
793 mystery. The elements of that were the genetic sequence  
794 was clearly a bat virus.

795 At some point in early to mid-2020, we  
796 realized that it was not one virus, it was two different  
797 viruses. That means if there's two different viruses  
798 that are related, there had to have been a parent virus  
799 even longer ago.

800 So the implication of that is that this  
801 epidemic, which became a pandemic, actually started a  
802 long time before we thought it did.

803 EXAMINATION BY COUNSEL FOR THE MAJORITY

804 BY MR. STROM:

805 Q. Just for the sake of anchoring this  
806 discussion, when you said it started a long time before  
807 we thought it did, when did you think it started?

808 A. I thought it started a long time before it  
809 did. But the conventional wisdom was that it appeared  
810 in China in the Wuhan area in December of 2019.

811 Q. You're saying, to your understanding, that it  
812 likely spilled over sooner than December?

813 A. Yes. Yes.

814 Q. Sorry. Just trying to --

815 A. Weeks or months earlier.

816 Q. This will probably be a theme throughout here,  
817 anchoring those dates are going to be important. It  
818 makes sense while we're discussing it, but when it gets  
819 to a transcript, it will lack context. So we just want  
820 it to be clear.

821 A. Okay.

822 Mr. Strom. Thank you.

823 EXAMINATION BY COUNSEL FOR THE MAJORITY

824 BY MR. BENZINE:

825 Q. So you're saying in 2020 it became clear there  
826 were two different viruses that needed a parental  
827 strain, so suggesting that it had spilled over for a  
828 while and had already gone through an evolution process?

829 A. That's right, and I think that's the general

830 consensus now.

831 Q. Was there anything else regarding why  
832 specifically you believed it was more zoonotic than  
833 laboratory?

834 A. Well, the only laboratory that would have been  
835 working with live coronavirus was in Wuhan. And the  
836 initial clustering of cases in what became the pandemic  
837 was relatively far away and across the river from Wuhan.  
838 It was not an area -- I mean, if something was leaked  
839 out of a lab, it would be expected that cases would  
840 appear around there, not miles and miles away.

841 Q. Are you referencing the Worobey paper that  
842 came out in 2021?

843 A. I'm not referencing anybody's paper. These  
844 are things that are known by lots of different papers.

845 Q. One of the things, at least in the WHO report  
846 and the Worobey paper, is that the early case definition  
847 was tied to the market. So they're pulling case numbers  
848 from December and January that the definition of the  
849 cases was around the market.

850 Would that skew those results?

851 A. You know, I don't remember the details.

852 I was convinced at the time that the evidence  
853 was pretty clear that the cases appeared in the  
854 geographic area of the market and not in the geographic

855 area of where the Wuhan Institute was.

856 Q. And one more kind of in this realm of  
857 questions.

858 If the spillover happened a while before,  
859 would looking at cases that are now months late still  
860 provide the same level of information?

861 A. I'm not exactly sure what you're asking, but I  
862 think I would say that, in general, it's true that when  
863 an epidemic begins, you don't ever recognize the  
864 earliest cases because they're buried under you a lot of  
865 other things.

866 There aren't that many of them and even if they  
867 die in a city like Wuhan with tens of millions of  
868 people, an increase in deaths from an unknown disease  
869 would never be detected. It would take a long time.

870 Q. I guess what I'm asking is, ODNI suggests the  
871 spillover was in November, you're suggesting probably  
872 around the same time?

873 A. Or earlier.

874 Q. Or earlier.

875 If a disease was spreading for two months  
876 prior to it being noticed, to me, those cases, the early  
877 ones, would be more telling of where the epicenter of  
878 the disease was versus the ones of later?

879 A. That's true, although those are the cases you

880 never find.

881 Q. The focus on the December and January cases  
882 with both the case definition of ties to the market and  
883 to the kind of understanding that they're already 60  
884 days late doesn't necessarily point to that the market  
885 is the center.

886 A. No, I don't necessary believe the market was  
887 the source of it.

888 Q. What do you think the source was?

889 A. The virus appears to have come from Southeast  
890 Asia, maybe Cambodia or Laos. I think the market  
891 catalyzed the spread of the virus.

892 It's an animal virus, it came from somewhere.  
893 Wuhan is the center of the animal trade in China.  
894 Somehow it got to a place where the virus doesn't exist,  
895 like around Wuhan.

896 That is what we see in influenza outbreaks.  
897 We never see where the virus comes from, we see where  
898 it's amplified. When it's amplified, it reaches a  
899 threshold where you can detect it.

900 That's what happened in 1918 when cities all  
901 over the world had the pandemic pretty much at the same  
902 time, summer and fall of 1918. How could that be  
903 without airplane travel?

904 How could it be that the peak of the pandemic

905 in China and the peak of the pandemic in North America  
906 and the peak of the pandemic in Europe and in South  
907 Africa all were pretty much exactly at the same time?  
908 The virus had been spreading for many months or a year  
909 and they got amplified by big cities in all these  
910 countries. I think that's what happened here.

911 Mr. Strom. Just to be clear, because I think  
912 there's a variety of theories within the natural  
913 origins hypothesis, are you taking the position that the  
914 market is a human-to-human super-spreader event? I  
915 understand the point about it's likely from Southeast  
916 Asia, that's where all the closest viruses are.

917 Is it your opinion that the market represents  
918 the spillover location? This is where the intermediate  
919 host first successfully infected a person that led to a  
920 sustained transmission, or is it a human-to-human  
921 super-spreading event, or are you saying we don't have  
922 that level of --

923 The Witness. I don't think we know. It could  
924 be either, but I don't have an opinion on it. I don't  
925 think there's any evidence one way or the other.

926 Dr. Wenstrup. Do you know what genre  
927 bats they considered this came from?

928 The Witness. Rhinolophus, horseshoe bats.

929 Dr. Wenstrup. Where are they located?



930           The Witness. Over a very wide range. There  
931 are even some in Europe, I believe.

932           The particular bats that contained the  
933 sarbecovirus, SARS-like viruses, are most -- bats fly  
934 all over the place, so they could be other places. But  
935 they're most predominant in an area that would cover  
936 most of Southeast Asia.

937           The five Southeast Asian countries are the  
938 major ones, you know, Vietnam, Laos, Cambodia, Thailand,  
939 Myanmar, also I think in Indonesia and a few very sliver  
940 parts in China and Southwest China.

941 BY MR. BENZINE:

942           Q. So you recalled one conversation with  
943 Dr. Fauci that was specific to origins.

944           Do you recall any conversations with him  
945 specific to EcoHealth?

946           A. I don't.

947           Q. Any specific conversations with him specific  
948 to the Wuhan Institute?

949           A. No.

950           Q. I'm going to go through a couple entities,  
951 too.

952           Do you recall having any conversations with  
953 anyone affiliated with the State Department regarding  
954 the origins of COVID-19?

955 A. No.

956 Q. What about the Department of Energy?

957 A. No.

958 Q. I want to ask a little bit more specifically  
959 about your relationship with Dr. Fauci and how you  
960 communicated with him and the level of that  
961 communication.

962 I guess for starters, how often did you  
963 communicate with him over e-mail?

964 A. You know, it changed over time. To answer  
965 that, I'd have to ask you when are you talking about?

966 Q. The pandemic.

967 A. By the time of the pandemic, he and I were  
968 communicating less frequently because there was nothing  
969 going on.

970 When something was going on, when there was a  
971 pandemic like Zika, we'd communicate maybe every day.  
972 But when nothing was going on, we'd communicate every  
973 week or two maybe.

974 Q. Starting in 2020, would you characterize it as  
975 daily communication with Dr. Fauci?

976 A. Not daily, no, but frequent.

977 Q. Over e-mail, in person, over the phone?

978 A. All of those, and eventually Zoom calls.

979 When the pandemic came and the

980 recommendations -- NIH had a recommendation you couldn't  
981 come in unless you wore a mask, so then we were all  
982 masked and doing Zoom calls. I think it impeded  
983 communication; I communicated with him less during those  
984 times.

985 Q. During your career you co-authored a decent  
986 number of papers with Dr. Fauci. Can you explain how  
987 that process works briefly?

988 A. All right. So there was either two  
989 mechanisms. Tony and I published probably about 50  
990 major papers, I'm guessing. And it was one of the major  
991 things that I did.

992 I should say that writing a scientific paper  
993 of a very high level with the boss's name on it is not  
994 an easy thing to do. It requires a lot of work.  
995 Sometimes I spend as much as four solid months writing  
996 one paper.

997 The origins of those papers was of two  
998 varieties. One is he would ask me, let's write  
999 something on this subject.

1000 The other one, probably the most frequent one,  
1001 is he would ask me to give him ideas of things that we  
1002 could write papers on, and then he would pick the ones  
1003 -- I'd give him five or ten ideas and then he picked the  
1004 one that he liked. Then basically I would write the

1005 whole paper and he'd help me edit it.

1006 Q. And approve it, I guess?

1007 A. Oh, yeah. He wouldn't have his name on  
1008 anything unless he thought it was perfect. Sometimes  
1009 he'd find things that he didn't like that I wrote and  
1010 say get rid of that. Or he'd find something that he  
1011 wanted me to cover that I hadn't covered and he'd write  
1012 in a few sentences or else he'd say, David, go back and  
1013 write a whole paragraph on such and such, and then I  
1014 would do it.

1015 Q. Do you recall the topic of the last paper that  
1016 he told you to write?

1017 A. Yes. The last paper he told me to write was  
1018 after he retired.

1019 Q. What was that one?

1020 A. It was a textbook chapter on emerging  
1021 infectious diseases for an internal medicine textbook  
1022 called "Harrison's Principles of Internal Medicine."

1023 Q. Have you had any conversations with Dr. Fauci  
1024 since he retired?

1025 A. Yes.

1026 Q. Any conversations regarding this interview or  
1027 his interview?

1028 A. No.

1029 Q. Any conversations regarding the work of this

1030 committee?

1031 A. No.

1032 Q. Any conversations regarding your

1033 administrative leave?

1034 A. I told him just recently that I had been on

1035 administrative leave for several months.

1036 Q. Thank you.

1037 Mr. Benzine. I want to introduce Majority

1038 Exhibit 1.

1039 (Whereupon, Majority Exhibit 1 was marked

1040 for identification.)

1041 BY MR. BENZINE:

1042 Q. While you're flipping through it, it looks

1043 like the Bates numbers got cut off the printer. But

1044 it's an e-mail chain, and the Bates numbers are

1045 GARRY-1774 through 1787. It's a long chain, but I want

1046 to focus on the front e-mail. But I'll give you a

1047 second to flip through.

1048 A. I can't read all of this in a short time.

1049 Q. We can talk about the front one. I'm not

1050 going to ask about the contents of the rest of the

1051 e-mail chain.

1052 This is an e-mail from you to Dr. Daszak,

1053 Dr. Garry, Dr. Andersen, Dr. Holmes, Jason Gale, a

1054 reporter at Bloomberg.

1055 Ms. Ganapathy. Can you just give him a minute  
1056 to look through the first two pages.

1057 Mr. Benzine. He said he didn't need to.

1058 The Witness. If you're going to ask me about  
1059 the other stuff --

1060 Mr. Benzine. No, I'm not going to ask you --

1061 Ms. Ganapathy. You should look the first two  
1062 pages over if he's going to ask you about them.

1063 The Witness. These are pages I've seen  
1064 before.

1065 BY MR. BENZINE:

1066 Q. Dr. Rasmussen, Dr. Kessler, and Dr. Goldstein  
1067 were the rest of the recipients. The e-mail reads:

1068 "Peter and colleagues,  
1069 As you know, I try to always communicate  
1070 on my Gmail because my NIH e-mail is  
1071 FOIA'd constantly. Yesterday my Gmail  
1072 was hacked, probably by these gain of  
1073 function assholes, and until IT can get  
1074 it fixed, I may have to occasionally  
1075 e-mail from my NIH account. IT spent a  
1076 couple hours today but couldn't fix it.  
1077 Stuff sent to my Gmail gets to my phone,  
1078 but not my NIH computer. Don't worry,  
1079 just send to any of my addresses and I

1080 will delete anything I don't want to see  
1081 in the New York Times."

1082 I'm going to kind of go line by line. The  
1083 first line:

1084 "I try to always communicate on Gmail  
1085 because my NIH e-mail is FOIA'd  
1086 constantly."

1087 I guess what did you mean? What was the  
1088 intent of that line?

1089 A. Well, the background of that is that Peter had  
1090 been sending me personal e-mails to my government  
1091 e-mail. And he was under death threats and he was very  
1092 upset and his wife and children were being stalked.

1093 As an old friend, I was trying to support him.  
1094 And he was telling me all this stuff about his death  
1095 threats and his grant being taken away and being  
1096 depressed. And he's sending me this stuff on my  
1097 government e-mail, which I always told him not to do  
1098 because it's inappropriate to do that.

1099 At one point something got FOIA'd. I was  
1100 FOIA'd. I probably got 100 FOIAs at that time.  
1101 Something he sent me got picked up and it embarrassed  
1102 him. He sent me an e-mail and it said something like,  
1103 See, Morens, I can't even trust you; I sent you an  
1104 e-mail and it gets FOIA'd.

1105 I said you're not supposed to be sending  
1106 personal stuff to my government e-mail, send it to my  
1107 Gmail. He finally listened and started doing that.

1108 I can tell by the chain of people on here that  
1109 this is in that chain of personal stuff. And on this  
1110 will be people like Peter Daszak and Peter Hotez who are  
1111 under death threats, not Eddie.

1112 Some of these other people, I don't know who  
1113 some of them are, but Bob Garry and Eddie Holmes and  
1114 Jason Gale and Angie Rasmussen are people like me who  
1115 are friends of Peter who are trying to help support him  
1116 during this very difficult time.

1117 Q. Do you recall if you ever conducted any  
1118 official business with Dr. Daszak over your Gmail?

1119 A. Over my Gmail, no, I'm sure I never did.

1120 Q. Do you recall if you conducted official  
1121 business over your Gmail at all?

1122 A. I don't think I ever did. Certainly I would  
1123 have remembered. I wouldn't do that.

1124 Q. Do you recall conversations on your Gmail  
1125 regarding some of the topics that we talked about today,  
1126 origins, EcoHealth, beyond the kind of like personal  
1127 matters --

1128 A. I mean, I don't recall anything --

1129 Mr. Belevetz. Wait for the full question



1130 before you answer.

1131 BY MR. BENZINE:

1132 Q. (Continuing) -- EcoHealth, beyond the personal  
1133 items that you just talked about or the WIV over your  
1134 Gmail with anyone?

1135 A. No, I don't think I ever did that.

1136 EXAMINATION BY COUNSEL FOR THE MAJORITY

1137 BY MR. STROM:

1138 Q. What was the, I guess, evidence you had or  
1139 indications you had that your Gmail had been hacked?

1140 A. I don't remember. Something --  
1141 I don't remember. Something -- it's like it crashed or  
1142 something and I couldn't get it to work. I think IT  
1143 told me it had been hacked.

1144 Q. And this is NIAID IT or Gmail support? I'm  
1145 trying to understand the sequence.

1146 A. I think it was NIAID IT. They didn't fool  
1147 with my Gmail, but I would ask them what's going on and  
1148 they'd tell me you've been hacked.

1149 Q. And then the phrase "probably by these GOF  
1150 assholes," I assume that's gain of function.

1151 Did you have somebody in mind that you thought  
1152 would be interested in your e-mail?

1153 A. The press says it's this group of people  
1154 called QAnon and people who are aligned with them. I

1155 don't really know. I mean, that's what the press said.

1156 Q. There's been other instances where nation  
1157 state actors who were particularly interested in HSSY,  
1158 including NIAID computer systems during this early  
1159 pandemic final frame. That's why I'm asking if you had  
1160 any sense of --

1161 A. First of all, this is sort of a black humor  
1162 type of e-mail obviously.

1163 And I don't remember sending this e-mail, I'm  
1164 sure I did. And I would think by looking at it, the  
1165 only thing I could think of by "GOF assholes" was the  
1166 people who were making death threats to Tony and to  
1167 Peter. Clearly, that was who I was thinking of.

1168 Q. Okay.

1169 A. But I don't know who they are.

1170 Q. It would just -- as a layperson reading this,  
1171 it would seem to sweep wider than that. But if that's  
1172 what your recollection is, that's fine.

1173 EXAMINATION BY COUNSEL FOR THE MAJORITY

1174 BY MR. BENZINE:

1175 Q. Going down to the last line:

1176 "Just send to any of my addresses and I  
1177 will delete anything I don't want to see  
1178 in the New York Times."

1179 Is this referencing kind of the personal items

1180 that Dr. Daszak would e-mail you about?

1181 A. It was. This is also a government joke. This  
1182 is what people at CDC were saying when I went there in  
1183 1976. They would say don't say anything you don't want  
1184 to see on the front page of the New York Times. It's an  
1185 "in joke" if you're a government employee.

1186 Q. Did you ever delete anything from your  
1187 official account or anything from your Gmail account  
1188 that could be considered an official record?

1189 A. No.

1190 Mr. Strom. Do you have any other personal  
1191 e-mail accounts like AOL or Yahoo!? Gmail wasn't always  
1192 around.

1193 The Witness. Did I have something before  
1194 Gmail?

1195 Mr. Strom. Before or contemporaneous to  
1196 Gmail. When you say addresses, are you specifically  
1197 talking about just the Gmail?

1198 The Witness. The only e-mail I had was my  
1199 government e-mail and Gmail.

1200 Mr. Strom. Thank you.

1201 Mr. Benzine. I want to introduce Majority  
1202 Exhibit 2.

1203 (Whereupon, Majority Exhibit 2 was marked  
1204 for identification.)

1205 BY MR. BENZINE:

1206 Q. So this is a letter from Senator Ron Johnson  
1207 to Christi Grimm who's the Inspector General of Health  
1208 and Human Services.

1209 On page 2, there's a readout of an e-mail from  
1210 you to colleagues. I don't have any more information  
1211 than that.

1212 In it, it reads, the bolded point towards the  
1213 middle:

1214 "First, I have retained very few e-mails  
1215 or documents on these matters, and  
1216 continue to request that correspondence  
1217 on sensitive issues be sent to me at my  
1218 Gmail address."

1219 And the matter you appear to be referencing is  
1220 COVID-19 origins that had been FOIA'd and published in  
1221 the press.

1222 This kind of like in black-and-white e-mail  
1223 doesn't correlate to I haven't deleted anything when you  
1224 say I retained very few e-mails or documents on these  
1225 matters.

1226 What did you mean?

1227 A. Well, so most of these things were personal  
1228 correspondence with friends, including ASTMH because I  
1229 had been an officer in ASTMH.

1230 Most of those personal things I delete soon  
1231 after I get them, just as a matter of course.  
1232 Everything, not just related to COVID. My inbox gets 2  
1233 or 300 e-mails. I look at them. If there's something  
1234 that needs to be saved, I save it in a hard drive file.  
1235 Otherwise, I get rid of it.

1236 I was extra careful to get rid of stuff when  
1237 there were consequences for people like Peter and Tony  
1238 and others of not getting rid of it. Now, of course,  
1239 everything that I ever had on my government e-mail can  
1240 be FOIA'd, even if I've deleted it. At least it clears  
1241 up my filing in my computer system.

1242 Q. Beyond the kind of personal issues, do you  
1243 recall any e-mails sent to your personal e-mail from  
1244 Dr. Daszak, Dr. Holmes or others regarding kind of like  
1245 the science of the origins or what they were seeing or  
1246 who they were talking to?

1247 A. I don't remember now.

1248 Q. There's another part on this e-mail that I  
1249 want to touch on going up to the top.

1250 "The attached request for document  
1251 production from five U.S. Senators  
1252 relates to some of the issues we have  
1253 been dealing with over the past year,  
1254 focusing on the origins of COVID-19, the

1255 termination of NIH's major sarbecovirus  
1256 grant, and related issues.  
1257 It requests documents from myself and the  
1258 senior leadership of NIAID, and also  
1259 mentions two other ASTMH members.  
1260 As you may know, NIH correspondence  
1261 between me and others, including my boss,  
1262 concerning COVID-19 origins, had  
1263 previously been FOIA'd and published in  
1264 the press.  
1265 This request is not a FOIA, and I have  
1266 not yet been asked to respond directly  
1267 because, presumably, HHS is deciding how  
1268 to respond, if at all."

1269 Did you have any firsthand knowledge on HHS's  
1270 determination of whether or not to respond to the  
1271 Senators?

1272 A. I'm sorry. Say that again. I was reading.

1273 Q. Did you have any firsthand knowledge of HHS's  
1274 determination on how to respond to the Senator's letter?

1275 A. No. As I'm reading it over, I think this is  
1276 an attempt -- because ASTMH includes a bunch of people  
1277 who are coronavirus experts.

1278 I think what I was saying is it's not only  
1279 Tony and others who are getting death threats, some of

1280 you may be in the same position. So I'm letting you  
1281 know what's going on.

1282 Q. Thank you.

1283 There's a reporter author David Quammen. Are  
1284 you familiar with him?

1285 A. Yes.

1286 Q. He wrote a book entitled, "Breathless: The  
1287 Scientific Race to Defeat a Deadly Virus." Are you  
1288 familiar with that book?

1289 A. What's it about?

1290 Q. COVID-19. It's called, "Breathless: The  
1291 Scientific Race to Defeat a Deadly Virus."

1292 A. I've never seen the book, but I believe he  
1293 might have interviewed me for it.

1294 Q. That was my next question, if you recall being  
1295 interviewed for the book.

1296 A. Well, I'm not sure it was for that book, but  
1297 he interviewed me for something.

1298 Q. Did you do any of that communication with  
1299 Mr. Quammen over your official e-mail?

1300 A. I don't remember. I don't remember.

1301 Q. In the acknowledgment section of the book,  
1302 Mr. Quammen describes you as "sometimes Morens publishes  
1303 papers a little too controversial to carry Fauci's name,  
1304 such as the origin of COVID-19 and why it matters.

1305 Do you disagree with that characterization?

1306 A. No, I don't think so. By that time, by the  
1307 time that paper was published, Tony was already getting  
1308 death threats and was protected by Secret Service  
1309 people.

1310 I realized, although he never said anything,  
1311 that things that I did might make his personal situation  
1312 worse, so I was trying to be really careful.

1313 Q. Did he ever instruct you to write a paper  
1314 because he thought he couldn't?

1315 A. No.

1316 Q. That paper, "The Origin of COVID-19 and Why It  
1317 Matters," from your e-mails it appears you were listed  
1318 as an author on it and it appears that you were heavily  
1319 involved in the drafting and organization of that paper?

1320 A. Yes.

1321 Q. How did that paper come to originate? Why did  
1322 you decide to draft it?

1323 Ms. Ganapathy. Once again, this was a paper  
1324 that was published solely by NIH authors.

1325 The Witness. No, NIH and other authors.

1326 BY MR. BENZINE:

1327 Q. How did you come to --

1328 A. Well, you know, I felt that -- I mean, this is  
1329 what I do, I'm a scientist, right? I felt that it was



1330 important to understand where the virus came from  
1331 because if it came from nature, like the first SARS did,  
1332 I and others had predicted, going back 10 or 15 years,  
1333 this is going to happen again, and nobody seemed to be  
1334 listening.

1335 I felt I had an obligation to add my voice to  
1336 the chorus to say to scientists and governments of the  
1337 world, let's wake up, this is an existential threat to  
1338 human existence. We need to not be sniping at each  
1339 other or having people get death threats as scientists,  
1340 we need to do more science.

1341 As it turned out -- I didn't know this at the  
1342 time -- more than a million Americans died of COVID-19.  
1343 If the virus of COVID-19 had been as deadly as the SARS  
1344 virus, 10 percent of the world could have died, a 10  
1345 percent fatality.

1346 I felt, and I've written this before, that  
1347 pandemics of deadly viruses have always been happening.  
1348 Now we've had four major SARS-like viruses, including  
1349 MERS. In 20 years, we're going to have more. It's just  
1350 a matter of time until something that is much deadlier  
1351 could appear.

1352 We need to know everything we can about these  
1353 viruses, where they come from, how they do what they do.  
1354 We need more fundamental research on it.

1355 I think at some venue -- venue being a journal  
1356 or something -- I think I said that in my opinion the  
1357 threat is at the same level as a threat of nuclear war  
1358 in terms of killing a large number, millions or hundreds  
1359 of millions of people, and we need to take it seriously.

1360 I saw this as my attempt to join others in  
1361 saying this is really serious and we're not taking it  
1362 seriously enough.

1363 Q. I appreciate all that, especially you're  
1364 right, if there was a higher mortality rate than this,  
1365 it would have been even worse than what it was.

1366 That paper was published in July of 2020. NIH  
1367 had already suspended and restarted and then terminated  
1368 and then suspended the EcoHealth grant. Was any of the  
1369 purpose of drafting that paper to counter the NIH  
1370 suspension of the EcoHealth grant?

1371 A. No. I purposely didn't involve Peter in it.  
1372 I don't think I even told him about it.

1373 Q. Did you ever speak with Dr. Fauci about that  
1374 paper?

1375 A. No.

1376 Q. You just answered this.

1377 Did you ever speak with Dr. Daszak about that  
1378 paper?

1379 A. I probably did after it was published. I

1380 don't have any recollection of it.

1381 Q. But to your recollection, he wasn't involved  
1382 in the drafting or publication process?

1383 A. He wasn't involved in anything. If he knew  
1384 about it -- he probably knew about it because  
1385 friends -- the people on the -- the coauthors, many of  
1386 them are people he knows.

1387 Mr. Benzine. Thank you. We are at our hour.  
1388 It's a good stopping point and we can go off the record.

1389 (Whereupon, a recess was taken  
1390 from 11:06 a.m. until 11:17 a.m.)

1391 EXAMINATION BY COUNSEL FOR THE MINORITY

1392 BY [REDACTED]

[REDACTED] Q. Good morning, Dr. Morens. My name is [REDACTED]  
1394 [REDACTED] and I am on the Democratic staff of the Select  
1395 Subcommittee.

1396 A. Good morning.

1397 Q. I want to reiterate the thanks for being here  
1398 voluntarily. I know this is your second time in, so we  
1399 appreciate the time that you have spent on this.

1400 In the last hour, the FOIA was mentioned a  
1401 couple of times, the Freedom of Information Act. So I  
1402 just want to ask you a couple of questions about that.

1403 Are you aware of the Freedom of Information  
1404 Act, which is commonly referred to as FOIA, and the

1405 obligations it places on federal agency employees?

1406 A. I think I am, yes.

1407 Q. And FOIA provides the public the right to  
1408 request access to records from federal government  
1409 agencies, correct?

1410 A. Yes.

1411 Q. And a federal agency employee's work e-mails  
1412 are considered a record under FOIA, correct?

1413 A. I think so, yes.

1414 Q. And federal agency employees are required to  
1415 maintain government records for FOIA requests to be  
1416 properly processed, right?

1417 A. Yes.

1418 Q. FOIA is one of the main ways for the public to  
1419 hold government accountable, and, as such, it is  
1420 important that all federal agency employees maintain  
1421 records properly for agency FOIA officers to be able to  
1422 respond to FOIA requests fully and completely; is that  
1423 correct?

1424 A. Yes.

1425 Q. Did you attempt to circumvent FOIA by using a  
1426 personal e-mail account for official work discussions?

1427 A. No.

1428 Q. As you mentioned previously, to your  
1429 knowledge, when you delete an e-mail from your official

1430 government account, it is still accessible for searches  
1431 for FOIA purposes?

1432 A. I believe so. IT people told me that. Our  
1433 NIH IT people told me that some years ago.

1434 Q. Thank you, Dr. Morens.

1435 Another thing that was discussed or that you  
1436 brought up a couple times last hour -- so I just want to  
1437 delve into it a bit more -- are the threats that were  
1438 made to specifically Dr. Fauci but I believe several  
1439 scientists working on coronavirus issues; is that  
1440 correct?

1441 A. Yes.

1442 Q. Do you recall the nature of the threats that  
1443 Dr. Fauci received while you were working with him?

1444 A. It's my understanding they were death threats.

1445 Q. Were they just against him or did his family  
1446 also receive threats?

1447 A. You know, I don't have any personal knowledge  
1448 of that, but it was in the press. It was said -- I read  
1449 in various press articles that it was threats against  
1450 him and his family. He has three daughters and a wife,  
1451 adult daughters.

1452 Q. And you mentioned that he received security  
1453 services because of these threats, correct?

1454 A. Yes.

1455 Q. Do you recall when the threats began to occur?

1456 A. I don't recall.

1457 Q. And do you recall any specific event or  
1458 anything that led to the threats, even if you don't know  
1459 when it was?

1460 A. Well, I don't remember. I mean, I think it  
1461 built up gradually over the first part of 2020. At one  
1462 point there were Secret Service people in the office, I  
1463 don't remember. But it happened over a period of time.

1464 Q. Did having the Secret Service in the office  
1465 affect the employees who were working directly with  
1466 Dr. Fauci?

1467 A. Well, you'd have to ask them. This was a time  
1468 when hardly anybody was coming into work because we were  
1469 all -- we were supposed to -- I think -- I think no more  
1470 than 25 percent of the staff were supposed to be onsite,  
1471 or something like that, except for the hospital.

1472 So a lot of people weren't there. And a lot  
1473 of people had flextime arrangements. Basically, the  
1474 office was a ghost town at that point.

1475 Q. I think we all remember dealing with that.

1476 Besides the security, do you recall any other  
1477 actions that Dr. Fauci had to take in response to these  
1478 threats?

1479 A. Well, this may be related to the security, but

1480 he stopped using his private car to go to and from work  
1481 and he was chauffeured in a black sort of limousine car.  
1482 I don't want to speculate what it was, I think I know  
1483 what it was. But his every movement 24/7 was protected  
1484 and controlled.

1485 Q. And to your knowledge, does Dr. Fauci continue  
1486 to have security because of threats that he continues to  
1487 receive?

1488 A. I was told that he does or did, but I don't  
1489 know for sure.

1490 Q. Are you aware of threats to other scientists?

1491 A. Yes.

1492 Q. If you can, tell us anyone specifically who  
1493 received threats.

1494 A. Peter Daszak, Peter Hotez, Eddie Holmes. I  
1495 got a few myself.

1496 Q. And how -- if you can recall or remember, how  
1497 did that affect you all?

1498 A. Peter and Eddie were very upset, terrified for  
1499 their families. Peter Hotez seemed to be very gung-ho  
1500 about it, like it's not going to bother me.

1501 Q. And do you think these threats have an affect  
1502 on science in general? Are people wanting to join the  
1503 field?

1504 A. Absolutely. I've been told that many young

1505 people got out of the field of science just because of  
1506 this.

1507 Q. Does that have an impact on pandemic  
1508 preparedness?

1509 A. Yes, I would think so.

1510 [REDACTED] That's it for our questions and we  
1511 can go off the record. Thank you, Dr. Morens.

1512 (Off the record.)

1513 Mr. Benzine: Dr. Morens, chairman

1514 Dr. Wenstrup has a couple of questions.

1515 EXAMINATION BY THE MAJORITY

1516 BY DR. WENSTRUP:

1517 Q. The Minority was just referring to the death  
1518 threats, I didn't realize you had gotten some as well.  
1519 But I sympathize with that completely.

1520 I can tell you that, as you mentioned, people  
1521 don't want to go into science, they don't want to go  
1522 into government either. They don't want to go run for  
1523 office and things like that.

1524 As someone who's been shot at on a baseball  
1525 field where 136 rounds were fired, I certainly  
1526 understood.

1527 A. Were you there?

1528 Q. Yes, sir.

1529 A. Oh, my God. I'm sorry.



1530 Q. I was able to take care of Steve Scalise when  
1531 he was shot.

1532 A. I didn't know that. I'm sorry to hear that.

1533 Q. Thank you. This is why I can empathize and  
1534 sympathize with this, because that day it was more than  
1535 a threat, it was an action actually.

1536 We've gotten threats. I've had Secret Service  
1537 go to people's houses. It's very unnerving. It's  
1538 unfortunate when you're just trying to do work,  
1539 especially on behalf of the country where we're going to  
1540 have policy differences, I get that.

1541 That leads to a question, and maybe you don't  
1542 know this answer, but I only have an undergraduate  
1543 degree in psychology.

1544 A. So do I.

1545 Q. I heard you say that.

1546 I look into the mindset of people that are  
1547 doing these things. I'm always curious as to what  
1548 motivated them to want to take such an egregious action  
1549 of even making a threat.

1550 Do you know what people were upset with about  
1551 the threats? In other words, were they upset because we  
1552 set distancing at six feet? Were they upset because  
1553 people were asked to wear a mask? Were they upset  
1554 because of vaccine mandates? Were they upset that we

1555 were funding certain types of research in China with an  
1556 adversary? Do you know what people -- did any of them  
1557 spell out what they were upset about in your case or  
1558 with any of the others? I'm really trying to understand  
1559 what's going through people's minds that would make  
1560 these types of threats.

1561 A. Well, it's hard for me to even imagine why  
1562 anybody would do that.

1563 All I can say is what I have read in the  
1564 press. We get these press feeds every morning and  
1565 various journalists write various articles about it.

1566 From reading those, I think the major thing  
1567 was that these people doing the death threats, making  
1568 the death threats, were most concerned about the  
1569 dangerous research, particularly between the United  
1570 States and China.

1571 Q. Okay. And that's something that we can  
1572 probably maybe learn from the Secret Service or whoever  
1573 the threats are reported to try to get some idea of the  
1574 mindset. Because keep in mind, what we're trying to do  
1575 with this whole process is create a better process with  
1576 the next pandemic.

1577 I especially took note of what you were  
1578 saying, you were concerned about some things but no one  
1579 seemed to be listening. So I want to be listening so

1580 that we have a process that doesn't put things in  
1581 people's minds that sets them off and that we have a  
1582 better process going forward.

1583 A. With respect to your question, may I add the  
1584 person to ask that question to is Peter Daszak, because  
1585 the FBI was doing, at some point in time, an  
1586 investigation of who were these people that were doing  
1587 the death threats. He didn't tell me what they  
1588 concluded, but I think he has a lot of information about  
1589 that.

1590 Q. Thank you. I appreciate that feedback.

1591 Mr. Benzine. Thank you, sir.

1592 EXAMINATION BY COUNSEL FOR THE MAJORITY

1593 BY MR. BENZINE:

1594 Q. I'm going to shift gears back to the paper  
1595 that we were discussing before the break.

1596 A. Which paper was that?

1597 Q. The origin of COVID-19 and why it matters.

1598 And introduce Majority Exhibit 3.

1599 (Whereupon, Majority Exhibit 3 was marked  
1600 for identification.)

1601 BY MR. BENZINE:

1602 Q. This is an e-mail chain with you and a couple  
1603 other NIH officials Bates marked MORENS-1896.

1604 For clarity while others are looking at it,

1605 the e-mail is cut off. This was produced to us by you  
1606 and what you produced to NIH in the course of their  
1607 investigation into their disposition investigation.

1608 From what I can tell, I haven't been able to  
1609 find the whole e-mail or what it was responding to. So  
1610 we're just going to work off this page.

1611 A. Could I have a minute to read through this?

1612 Q. Absolutely.

1613 (Witness reviews document.)

1614 BY MR. BENZINE:

1615 Q. So I want to start with the first sentence in  
1616 your e-mail.

1617 "We don't have any screening or  
1618 censorship in NIAID OD, and nothing I  
1619 write has ever been screened or approved  
1620 by Tony."

1621 I guess I have kind of a process question.  
1622 Obviously, you're allowed to draft papers in your  
1623 official capacity that aren't speaking for NIH, you have  
1624 to put a disclaimer at the end of the paper; is that  
1625 right?

1626 A. I don't think so.

1627 Q. You don't think that's right --

1628 A. No, I don't think -- nobody's ever told me I  
1629 have to put a disclaimer.

1630 Q. In all of them it does say the views -- in  
1631 this paper it says the views of the authors do not  
1632 represent the views of NIH?

1633 A. There's probably something I sign when I do  
1634 the authorship thing that says that. I'm sorry, I'd  
1635 forgotten.

1636 Q. No problem.

1637 So I just want to get a better understanding  
1638 of that process, no screening or censorship in the  
1639 office the director.

1640 When you went to write a paper on your own, do  
1641 you have to get it approved by anyone?

1642 A. No.

1643 Q. You can just write it?

1644 A. Right, just write it.

1645 Q. Do you have to get the final text approved by  
1646 anyone?

1647 A. No.

1648 Q. So it would be kind of the same process for  
1649 any other academic researcher writing a paper? I guess  
1650 the start to finish is, you have an idea, you write the  
1651 paper, you publish the paper, there isn't government  
1652 intervention in there anywhere?

1653 A. There isn't for me, but there probably is for  
1654 many other people.

1655 Q. Okay. The start of the third paragraph in  
1656 your e-mail:

1657 "He knows" -- the he referring to  
1658 Dr. Fauci -- "He knows I am writing  
1659 something on this subject but that's all.  
1660 When it is published, he will read it and  
1661 probably be delighted that it presents a  
1662 potential media opportunity for him. If  
1663 not, I get the flack."

1664 What did you mean by this?

1665 A. Well, he really enjoys communicating with the  
1666 public. He's a good communicator and papers that he and  
1667 I write together or that I write myself that are media  
1668 newsworthy, our office will do a -- what they  
1669 call -- will put either a media availability or a press  
1670 release, which is sort of a higher level.

1671 That means reporters will call him and he gets  
1672 a chance to communicate things, which I think is his  
1673 strength and he thinks so, too.

1674 So what I was saying is that if this paper is  
1675 published -- when this paper is published, he will see  
1676 it, and if there's a media availability or something, he  
1677 will then go on TV and discuss what the subject of the  
1678 paper is, even though he was not an author on it.

1679 Q. To the best of your knowledge, does NIH host

1680 media availabilities for papers not written by NIH

1681 employees?

1682 A. No.

1683 Q. So this is where some of the confusion creeps

1684 in. As a government employee, you obviously have a

1685 larger platform. You can put Dr. David Morens, Office

1686 of the Director of NIAID, on your byline, and then the

1687 government picks your -- the collective your work to

1688 host media availability on and do press on and

1689 highlight.

1690 That process just seems kind of strange to us

1691 of you're not speaking for the government when you write

1692 the paper, but then the government is willing to speak

1693 for you after you write the paper. I guess I'm just

1694 trying to understand the process a little bit more.

1695 A. I'm trying to understand what you're saying.

1696 I think I said something a minute ago that is not

1697 accurate.

1698 You asked me, I believe, whether we ever do

1699 media availabilities or press releases on things written

1700 by non-NIH employees. And I said no. But I just

1701 realized that's not correct. We sometimes do if we have

1702 grantees.

1703 For example, if we give a grant to a private

1704 person at a university and they publish good research,

1705 we might do a media availability of that.

1706 Q. That makes more sense. That's kind of what I  
1707 was asking about, if there was a picking and choosing of  
1708 things.

1709 A. I wasn't thinking or didn't understand your  
1710 question.

1711 Q. I appreciate the clarity.

1712 Moving on to the final paragraph in the  
1713 e-mail, the one that's cut off, it reads:

1714 "My feeling is, sometimes you've just  
1715 gotta stand up and say what's what. This  
1716 virus came from nature, period. I will  
1717 not accept anyone saying otherwise  
1718 without proof, which I'm absolutely  
1719 confident doesn't exist and never will  
1720 exist. The reasons are" -- and then the  
1721 e-mail is cut off.

1722 We talked about this a little bit, that you  
1723 felt that it was good to communicate kind of why the  
1724 origins is important and why you believed it came from  
1725 nature, and we talked a little bit about the rationale.

1726 It reads as a very unequivocal statement when  
1727 there is not a whole lot of certainty in this debate.  
1728 The scientific community is a little split, the  
1729 intelligence community is split. Obviously the



1730 political community is split.

1731           How were you able to come to this with such  
1732 certainty?

1733           A. I don't know. But let me just say that there  
1734 are two things in this paragraph you just pointed out,  
1735 this cutoff paragraph. The first one is what I was  
1736 saying is that sometimes you've got to stand up and say  
1737 it.

1738           I was concerned myself that I would now start  
1739 getting serious death threats if I published this paper.  
1740 So was one of my coauthors and the publisher of the  
1741 journal himself. But I just wanted to be definitive. I  
1742 think, in my mind, the paper was definitive.

1743           I realize there's a difference of opinion  
1744 about things. I'm all for looking at every side of  
1745 every issue. But I just -- I was trying to say that  
1746 I've looked at this for the last six months, or whatever  
1747 it is, and I've looked at all the evidence, and I'm  
1748 convinced this is what it is.

1749           Part of the reason I wanted to be dogmatic  
1750 about it was what I was thinking was if we have these  
1751 arguments about where did it come from forever and ever,  
1752 we're not going on and doing the important work that has  
1753 to be done. We need to keep the eyes on the prize. We  
1754 need to stop quibbling about things that are ultimately

1755 less important than saving lives and preventing future  
1756 pandemics and trying to clean up this one.

1757 Q. Does the origins of a pandemic help inform how  
1758 to prevent future pandemics?

1759 A. Yes.

1760 Q. So the e-mail, like you said, is cut off. It,  
1761 at least, reads like you were about to at least explain  
1762 the reasons why there would never be any proof of a  
1763 laboratory origin.

1764 Do you recall what the reasons were?

1765 A. Let me clarify what you're asking.

1766 Q. Yes.

1767 A. Are you asking me what was in the sentence  
1768 that got cut off?

1769 Q. Yes.

1770 A. I have no idea.

1771 Q. I'll ask you, sitting here today, you wrote,  
1772 "I will not accept anyone saying otherwise without  
1773 proof," so anything that didn't come from nature without  
1774 proof. And then, "I'm absolutely confident that doesn't  
1775 and never will exist."

1776 How are you so confident?

1777 A. Well, it's because, you know, if something  
1778 happened, you might be able to prove that it happened.  
1779 But if something didn't happen, you'll never be able to

1780 prove that it didn't happen, if you see what I mean in  
1781 logic.

1782 Q. Trying to prove a negative.

1783 A. Trying to prove a negative.

1784 At the time I wrote this, I had never seen a  
1785 single bit of evidence I believed that was consistent  
1786 with anything other than a natural origin. That doesn't  
1787 mean somebody might not find it in the future, but I was  
1788 saying I don't think anybody's going to find anything  
1789 because there's nothing there.

1790 Mr. Strom. I guess one of the things we're  
1791 struggling with is that expressed level of certainty  
1792 compared to -- you're certainly on the stronger end with  
1793 your degree of certainty than the intelligence community  
1794 is, than WHO and other people who are struggling with  
1795 the gap between the available evidence and that  
1796 certainty, or at least as I'm seeing it.

1797 So it would be interesting to know when you  
1798 say there's no proof, most things are proved by  
1799 circumstantial evidence, whether it's a crime, whether  
1800 an event happens. I assume most outbreaks are, probably  
1801 prior to the availability of mass sequencing and things  
1802 like that, proved by circumstantial evidence.

1803 So I'll turn to Mitch here, but it may be  
1804 worth going over in a little more detail at this point.

1805 Dr. Wenstrup. Can I jump in?

1806 Mr. Strom. Yes.

1807 EXAMINATION BY THE MAJORITY

1808 BY DR. WENSTRUP:

1809 Q. Do you have a security clearance?

1810 A. I think I do, yes.

1811 Q. Have you used it for investigating origins of  
1812 COVID?

1813 A. No.

1814 Q. So I sit on the Intelligence Committee.

1815 When COVID started, I'm like probably any  
1816 other doctor, I wanted to know, my gosh, where did this  
1817 come from, what's going on. I wanted to know what's  
1818 going on physiologically with the patients, right? And  
1819 then what do we do to try is sustain life with no tests,  
1820 no definitive treatment.

1821 People are trying all sorts of things. Some  
1822 things proved not to be so wise, like ventilators were  
1823 not giving the desired effect. So I was worried about  
1824 that.

1825 But during that process, I started discovering  
1826 articles about gain of function. And I'm discovering  
1827 the article from 2015 of Dr. Baric, Zhengli-Li Shi,  
1828 Grayson Kondmera, and I'm pretty astounded that this  
1829 technology exists, that this can be done.

1830           But I can also tell you, sitting on the  
1831 Intelligence Committee, one of the things that you said  
1832 that struck me is, "Nothing you saw." That's an  
1833 important part because there are things that I saw  
1834 through our intelligence community that you didn't see,  
1835 which leads to my next question.

1836           And I think this is one of the things that  
1837 frustrated so much of America is we had the government  
1838 basically saying we all believe this came from nature.  
1839 That's fine, you can have that opinion. Early on in our  
1840 hearings, I would say I hope it came from nature,  
1841 because as a soldier and a doctor, this type of  
1842 technology concerns me as a bioweapon. How can it not,  
1843 right?

1844           So I'm looking at it from a little bit  
1845 different angle. I said that would be great if it came  
1846 from nature, but now I see this technology exists so we  
1847 have to consider that. And it wasn't being considered.  
1848 Actually, when people did consider it, they were shut  
1849 out.

1850           I think the frustration was that our  
1851 government was just saying one thing, and you said you  
1852 didn't like when you weren't heard. You were frustrated  
1853 when you weren't heard about these threats.

1854           There are a lot of people that weren't heard.

1855 And when they tried to be heard, they were censored,  
1856 they were called names, they were called crackpots. The  
1857 inference from your e-mail, which I don't think you  
1858 meant, was that anybody who thought that was an asshole.  
1859 I mean, you understand what people are seeing and  
1860 hearing?

1861           So it really created a huge division in our  
1862 country unfortunately, because it seemed that those that  
1863 thought it came from nature in our government weren't  
1864 willing to have the debate, the scientific debate, and  
1865 the conversation that needed to take place for people to  
1866 feel comfortable with our public health system, that you  
1867 wouldn't look at other things and they wanted to know  
1868 why.

1869           And so, you know, Dr. Fauci said the other  
1870 day, I'm open to it; no, it's not a conspiracy theory.  
1871 But then when I asked him did he look into some of the  
1872 research done by those that were constructing ways that  
1873 this could have happened in the lab, along with other  
1874 evidence that we had in the intelligence community about  
1875 what was going on in China around this time and around  
1876 Wuhan, he never looked into any of it.

1877           For example, I asked, did you see the research  
1878 done by Segreta on mutagenesis. That might open your  
1879 mind to some of these things. Have you?

1880 A. I have not.

1881 Q. Did you ever look at Dr. Muller or Dr. Kway  
1882 and some of the work that they've done?

1883 A. (No response.)

1884 Q. See, this is extremely frustrating to the  
1885 American people. You're being honest, I appreciate  
1886 that. This is extremely frustrating to the American  
1887 people as to they're hearing from these people, I'm  
1888 hearing from these people. I'm reading everything I can  
1889 on COVID.

1890 And there's people with different opinions and  
1891 they seem to be making significant scientific arguments,  
1892 and our government ignored it and, in some cases, shut  
1893 it down. That's the problem we have.

1894 So I don't have a problem with your thought  
1895 process. I don't have a problem with your conclusion,  
1896 but you didn't debate it with those that thought  
1897 differently.

1898 I'll go back to you, Mitch. You can comment  
1899 on what I just said.

1900 A. It's a fair point. I take your point.

1901 I certainly was not aware that there were, you  
1902 know, these things you mentioned, legitimate opinions  
1903 that were being ignored by our government. I never saw  
1904 any of that. I believe you, of course, that it

1905 happened, but I was not aware of it.

1906 Q. That goes to something I said to Dr. Fauci's  
1907 lawyer that day. When you stay in Washington, you don't  
1908 know what American people are thinking necessarily.

1909 Go ahead, Mitch.

1910 EXAMINATION BY COUNSEL FOR THE MAJORITY

1911 BY MR. STROM:

1912 Q. Just a sort of level-set. In early 2020, what  
1913 was your understanding of the WIV's research plan? What  
1914 was your understanding of the kind of work that they  
1915 were doing?

1916 A. Well, the only thing I knew was what was in  
1917 the papers they published. I read the papers they  
1918 published.

1919 What I remember from that was that the basic  
1920 thing that they did with respect to sarbecoviruses was  
1921 collecting bat samples, bat dropping samples, and  
1922 sequencing the genomes.

1923 Q. You weren't, I guess, aware of any interest on  
1924 their part on, like, synthetic biology or editing  
1925 genomes?

1926 A. I'm not aware that they did that. They may  
1927 have done it; I have no knowledge of that.

1928 Q. Were you aware of their work with EcoHealth  
1929 where they proposing to take this WIV one backbone and



1930 out down a number of spike proteins on it?

1931 A. I don't remember being aware of it.

1932 Q. That's totally fine. It's a huge institute  
1933 and we've learned that you're talking about an office  
1934 within a division that's a subset of what that office  
1935 does when you're talking about this kind of coronavirus  
1936 work.

1937 You mentioned earlier that Wuhan is the center  
1938 of the wildlife trade in China. I had not candidly  
1939 previously heard that assertion. What is that based off  
1940 of? How do you know that?

1941 A. Well, just sort of general knowledge. Eddie  
1942 Holmes wrote and published a paper on that, I believe.  
1943 Somebody else published a paper on the intensive  
1944 wildlife trade that ends up in Wuhan. I mean, it's out  
1945 there in the literature and in the press stuff.

1946 Mr. Strom. Okay. I'll let you go ahead. I  
1947 may circle back to that.

1948 Mr. Slobodin. Given where we are now, would  
1949 you recalibrate what your thinking was on this? Or  
1950 would you stick by that strong language you had in the  
1951 e-mail? Was this a heat-of-the-moment kind of thing?  
1952 Or under the circumstances with your band of friends  
1953 within your circle friends, you were expressing it this  
1954 way. I wanted to give you an opportunity to say do you

1955 want to stick by what you wrote in that e-mail or would  
1956 you want to tell us, well, that was a different context  
1957 and I would express it differently today?

1958           The Witness. Well, I don't remember having  
1959 written this; I'm sure I did. As I read it, it sounds  
1960 dogmatic, more dogmatic than I would have said then and  
1961 would say now.

1962           It sort of has a feeling of my way or the  
1963 highway, I know I'm right and everybody else is wrong.  
1964 I never thought of it that way. It may be in the heat  
1965 of the moment thing.

1966           Also, I don't know what was cut off. But it  
1967 was very likely a kind of a read the paper thing, here  
1968 are the reasons why I think what I think. I shouldn't  
1969 say because there were ten people on that paper and all  
1970 of us agreed on it.

1971           I was trying to make the point that the  
1972 evidence is extraordinarily strong. But I agree with  
1973 you reading the back of this and the other things. I  
1974 see that in what I thought were my private e-mails, I  
1975 was sometimes appearing more dogmatic than I should  
1976 have. As scientists, we always keep an open mind over  
1977 everything. That's just part of a part of being a good  
1978 scientist.

1979           Mr. Benzine. Thanks, Alan.

1980 EXAMINATION BY COUNSEL BY THE MAJORITY

1981 BY MR. BENZINE:

1982 Q. I want to introduce Majority Exhibit 4.

1983 (Whereupon, Majority Exhibit 4 was marked

1984 for identification.)

1985 BY MR. BENZINE:

1986 Q. This is an e-mail chain between you and

1987 Dr. LeDuc, Bates marked MORENS-1870 to 1872. I'll give

1988 you a minute to flip through it, but I want to focus on

1989 the bottom of 1871 flowing on to 1872.

1990 A. Okay.

1991 Q. So the bottom of 1871 you write an e-mail to

1992 Dr. LeDuc asking some questions about different BSL2

1993 through BSL4 laboratories in Chinese labs, which is, I

1994 think, what you were talking about earlier, that you

1995 reached out to him to see if there was a major

1996 difference in how U.S. and China structures their

1997 biosafety.

1998 The e-mail continues on to the very top of

1999 1872, and you wrote:

2000 This all relates to efforts on the part

2001 of many here to deal with the conspiracy

2002 theorists. ASTMH is planning a sort of

2003 anti-conspiracy publication in AJTMH and

2004 I have been working on that with

2005 president Joel Breman and others. You  
2006 will hear more about that soon, I am  
2007 sure."

2008 Dr. LeDuc ended up signing that; is that  
2009 correct?

2010 A. Signing what?

2011 Q. The paper that you wrote for ASTMH?

2012 A. He ended up as a coauthor.

2013 Q. This is kind of along the same lines that we  
2014 touched on -- we've asked almost every witness this --  
2015 is the possibility that COVID-19 came out of a lab  
2016 conspiracy theory?

2017 A. Well, I mean, that's what the conspiracy  
2018 theorists were saying. I mean, it could be a legitimate  
2019 theory, it could be a conspiracy theory, it could be  
2020 both.

2021 Q. Dr. Fauci has said that he has kept an open  
2022 mind. Dr. Fauci said it wasn't a conspiracy theory.

2023 A. Yes.

2024 Q. Dr. Collins said it wasn't a conspiracy  
2025 theory?

2026 A. Yes.

2027 Q. Sitting here today, do you think the  
2028 possibility of a lab origin is a conspiracy theory?

2029 A. It's kind a hair-splitting thing. I think the

2030 people who are trying to kill people are conspiracy  
2031 theorists. But if a sane person said this is a  
2032 possibility, then it's not a conspiracy theory, it's a  
2033 possibility. Does that make sense?

2034 Q. Like this committee has said that it's a  
2035 possibility.

2036 A. So has Tony Fauci. So have I, for that  
2037 matter.

2038 Q. I'm trying to put aside some of these and get  
2039 to the crux here.

2040 In the first line, you said:

2041 "This all relates to efforts on the part  
2042 of many here..."

2043 Was that referencing NIH or ASTMH on page  
2044 1872?

2045 A. The "American Journal of Tropical Medicine and  
2046 Hygiene" was planning an editorial about conspiracy  
2047 theories or whatever. I don't know what it was, but I  
2048 didn't sign off on it.

2049 Q. But the "here" wasn't referencing NIH  
2050 employees?

2051 A. No.

2052 Q. Thank you.

2053 Mr. Benzine. I want to introduce Majority  
2054 Exhibit 5.

2055 (Whereupon, Majority Exhibit 5 was marked  
2056 for identification.)

2057 BY MR. BENZINE:

2058 Q. This is another e-mail chain with you and some  
2059 others, Dr. Calisher, Dr. Taubenberger, Joel Breman,  
2060 Dr. LeDuc and a couple others, Bates marked MORENS-1312  
2061 through 1314.

2062 You can flip through it a little bit. I'm  
2063 going to focus on primarily the first e-mail that you  
2064 sent on the top of 1312.

2065 In this, it appears that you're forwarding  
2066 kind of the final version of this paper that we've been  
2067 discussing to some of the authors. You said:

2068 "I spent a huge amount of time with  
2069 several hundred coauthor e-mails, often  
2070 at cross-purposes, trying to get things  
2071 right. Cathi Siegel dropped everything  
2072 to pitch in, preventing me from jumping  
2073 off a tall building."

2074 You missed a mistake. It happens to  
2075 everybody. I hate when we send out letters or we  
2076 publish a report and I find a mistake after the fact.

2077 So I want to ask a little bit about the "I  
2078 spent a huge amount of time."

2079 We talked about, again, the process as an NIH

2080 employee you're allowed to draft papers not speaking for  
2081 NIH. During that, are you allowed to use official  
2082 resources to draft that paper?

2083 A. If I'm writing it myself?

2084 Q. Yes.

2085 A. Yes.

2086 Q. Is there a policy or handbook or guide that we  
2087 can look at to determine that?

2088 A. Not that I know of. It's just what we do.  
2089 I've never thought of it as a policy thing.

2090 Q. Okay. But you are allowed to use official  
2091 computer, official phone, and official time to draft  
2092 papers?

2093 A. Yes.

2094 Mr. Benzine. We are short of the hour, but  
2095 this is a good breaking point. So we can stop now and  
2096 go off the record.

2097 (Whereupon, a recess was taken  
2098 from 11:57 a.m. until 12:08 p.m.)

2099 EXAMINATION BY COUNSEL FOR THE MINORITY

2100 BY [REDACTED]:

2101 Q. Dr. Morens, I just want to pick up with in the  
2102 last hour I think there was a little confusion, at least  
2103 for me, on your current beliefs on whether a lab leak  
2104 theory of COVID-19. Is that a legitimate theory or a

2105 conspiracy theory?

2106 A. I thought I answered that question, but let me  
2107 try to do it again.

2108 It is a legitimate theory which is embraced by  
2109 conspiracy theorists. That doesn't make it conspiracy  
2110 theory. It's a legitimate theory when legitimate people  
2111 express it. When conspiracy theorists express it, then  
2112 it's conspiracy theory.

2113 Does that answer your question? It's maybe a  
2114 fine semantics point.

2115 Q. I think I understand it. We're going to dig  
2116 into it a little bit, so I think that will help clarify  
2117 what you're talking about.

2118 I also want to clarify. A lab leak could  
2119 encompass many different things, right?

2120 A. I guess.

2121 Q. There's theories that research was going on in  
2122 the lab, somebody got infected, brought it out into the  
2123 world. That would be a lab leak?

2124 A. Yes.

2125 Q. But there's also an idea that it's a  
2126 bioengineered weapon, it's also a theory that's out  
2127 there?

2128 A. That's true. I wouldn't call that a lab leak.  
2129 That's a different thing.



2130 Q. I think sometimes the two get conflated and  
2131 that's where some of the confusion arises between  
2132 conspiracy theories and legitimate theories because  
2133 there's many things that sort of fall under these  
2134 umbrella terms that we're using?

2135 A. That's right. That's why people get confused  
2136 about it.

2137 Q. When we talk about a lab leak and it being a  
2138 legitimate theory, what makes you say that?

2139 A. If I understand your question, it's any theory  
2140 about something that could have theoretically happened  
2141 really in real life is legitimate.

2142 Q. You said earlier if there was evidence that  
2143 was brought to you, you would consider it?

2144 A. Yes.

2145 Q. What type of evidence would you look for to  
2146 consider any virus out in the world a lab leak?

2147 A. There has to be an explanation of how the  
2148 virus that is in the lab -- and when it's in the lab,  
2149 it's always in a safe environment -- got out of the lab.

2150 The major way that would happen would be by  
2151 infecting a person, and then you would have an infected  
2152 person who would have an illness and/or antibodies that  
2153 could be detected.

2154 Q. You mentioned earlier today how COVID-19 may

2155 have been circulating months before we sort of realized  
2156 it, before it came to a more metropolitan area and was  
2157 able to spread quickly.

2158           So if a virus is exposed in the community, it  
2159 might take some time before it's noticed as a widespread  
2160 illness, right?

2161           A. That would be very likely, yes.

2162           Q. So then it might be difficult to figure out  
2163 exactly how it came into the community?

2164           A. Yes, that's true. But rather that biosafety  
2165 procedures require that any lab accident be reported,  
2166 that anybody who has an illness be reported, and then  
2167 they're monitored and they're put under surveillance.

2168           So although you're right, that it wouldn't  
2169 necessarily be detected outside the lab, if it got out,  
2170 it should be detected, or the possibility of it should  
2171 be detected within the lab before it got out.

2172           The safety procedures are such that even if  
2173 you're in a BSL2 hood, there's a HEPA filter and there's  
2174 change of airflow, so the virus can't infect you.  
2175 You're outside the hood, so you can't be infected by it  
2176 if the thing is working properly. So if there was a  
2177 breakdown, that would be noted.

2178           All these labs have logs of everything that  
2179 happens and every time the machine is checked and things

2180 like that. If there's a breakdown, it will be noted and  
2181 logged. If there isn't such a thing, then you have to  
2182 say how could the virus possibly get out if nothing  
2183 happened to let it out.

2184 Q. Talking about reporting lab incidents, how  
2185 exactly does that happen? Who's it reported to? Are  
2186 there specific forms that are filled out?

2187 A. It's been many years since I've been involved  
2188 in that kind of stuff and the recommendations have  
2189 probably changed.

2190 But we have in the United States -- and they  
2191 use it in China, too. I believe the whole world uses  
2192 it. It's called BMBL. It's about laboratory safety.  
2193 It's like a book. It's 300 pages of all the stuff  
2194 you've got to do. The lab people hate it because the  
2195 regulations are just so intrusive and so time-consuming.

2196 But it's designed for going way overboard on  
2197 the safety things and having safety redundancy in it.  
2198 It's pretty thorough. It's hard to imagine something  
2199 more bending over backwards in the direction of safety,  
2200 particularly in the higher level labs like BSL3 and 4.

2201 BSL4, you have to go in in a space suit.  
2202 You're inside the space suit, you shower in and out with  
2203 chlorine that disinfects all viruses. The ability to  
2204 contain viruses in labs, in general, is extraordinarily

2205 good. For the bad viruses that are in BSL3 and 4, it's  
2206 really extraordinary.

2207 Q. That sounds like a lot for those people in  
2208 those labs to be dealing with, but it also sounds like  
2209 it's important and has been designed purposefully to be  
2210 overly protective?

2211 A. Yes. Yes.

2212 Q. And has there been any instance, to your  
2213 knowledge, of a lab leak causing a virus in the  
2214 community?

2215 A. No.

2216 Q. But that doesn't mean it's not possible?

2217 A. It is possible. But, I mean, I think that the  
2218 way I would answer your question is that the safety  
2219 structure for laboratory work is so doubly, triply  
2220 redundant that human errors that do occur would not get  
2221 out. It would be very unlikely they would get out.

2222 Q. Thinking back to the viruses that we know are  
2223 natural in origins, that wasn't always apparent  
2224 immediately, it took time to figure that out, correct?

2225 A. I'm not sure I understand your question.

2226 Q. The previous coronaviruses that have been  
2227 linked back to zoonotic origins, it wasn't like the  
2228 virus spread and a day later, researchers knew exactly  
2229 where it came from?

2230 A. Well, I guess I'm still not sure I understand  
2231 the question.

2232 The origins of all these viruses are -- the  
2233 origin of every single virus that's ever emerged and  
2234 caused disease in people, the origin is in a black box  
2235 and we'll never find it. It was true of SARS-CoV-2. It  
2236 was true of the original SARS. It was true of all the  
2237 Ebola outbreaks. Basically, that's the way it is.

2238 Q. I think Ebola is a good example.

2239 Scientists have come to an agreement that it's  
2240 of a natural origin, but they don't know all the links  
2241 in the chain; is that accurate?

2242 A. That's absolutely true.

2243 Q. And for some of the other SARS that have  
2244 happened, some of the links have been identified?

2245 A. Well, we believe that SARS, the original SARS,  
2246 at some point was in civet cats. But where it came from  
2247 to get into civet cats -- it's a bat virus, so did a  
2248 civet cat eat an infected bat? That kind of stuff we  
2249 don't know, that's the black box.

2250 There is a scientific paper which has become  
2251 sort of a classic published on this. I think it was  
2252 written in 2005 but published in 2008 which goes through  
2253 all the mechanisms and the theories about what happens  
2254 between when a virus exists in an animal in nature and

2255 when it gets into a human, what are the steps in  
2256 between, how do they happen, what routes do they take.  
2257 Bottom line, we don't know. It always happens in a  
2258 black box.

2259 Q. It's not surprising that for COVID-19, all  
2260 those links haven't been connected?

2261 A. They never will be.

2262 The virus, the first grandfather virus that  
2263 caused COVID-19 almost certainly no longer exists. It  
2264 existed for a short time. These viruses mutate. So  
2265 they exist for only a very short period of time and then  
2266 they're gone, so we'll never know.

2267 Q. That's why researchers have to keep an open  
2268 mind, as you've said?

2269 A. That's one reason. That's also why we have  
2270 phylogeneticists. They'll never be able to show where  
2271 the virus came from, but they might be able to show it's  
2272 likely it came from this species of bat in this area of  
2273 the world.

2274 Q. The fact that those links aren't all connected  
2275 is also a reason to keep an open mind about natural  
2276 origins, lab leaks, or even a combination of them?

2277 A. I'm not sure I follow your logic.

2278 The last part of what you said is important,  
2279 to keep an open mind, yes. But the fact that we don't

2280 know what happens in a black box doesn't, in my mind,  
2281 add or subtract from that one way or the other.

2282 Q. Okay. But it's one reason why a lab leak  
2283 theory can't be totally discredited?

2284 A. Yes, I guess that's fair.

2285 Q. And even though we may never know the exact  
2286 origins of a specific virus, it sounds like there's  
2287 still good reasons to research and look into what the  
2288 links might be, what they could be, what the origins  
2289 might be.

2290 Can you tell us a little bit about why it's  
2291 important to investigate that, even though we might  
2292 never have a definitive answer?

2293 A. Well, if I understand your question, although  
2294 we'll never know specifically where the SARS-CoV-2  
2295 virus, the COVID-19 virus, came from, which bat in which  
2296 city in which animal it spilled over into a human, we  
2297 won't know that.

2298 But the genetic sequences of these bat viruses  
2299 vary over geographic areas. So the more we learn about  
2300 viruses that are close to the original SARS-CoV-2, the  
2301 closer we come to geolocate where it came from.

2302 The hottest candidate is Cambodia. But maybe  
2303 if we do more research, we might find it's a specific  
2304 part of Cambodia, or maybe it's 50 miles away in Laos.

2305 The more work we do, the more likely we are to sort of  
2306 triangulate things and narrow down. Of course, we might  
2307 never, but you don't know unless you try.

2308 Q. And there's also a benefit for future pandemic  
2309 preparedness in looking back at what we can learn from  
2310 past pandemics?

2311 A. Yes.

2312 Q. Can you explain a little bit about that  
2313 benefit?

2314 A. Well, history repeats itself.

2315 It's almost certain, we have a new flu  
2316 pandemic every 30 or so years, on average. There are  
2317 several different genetic mechanisms by which they  
2318 appear. The more we learn about them, the more we come  
2319 closer to predicting it.

2320 We'll never be able to predict flu pandemic,  
2321 but we'll come closer to anticipating how they might  
2322 occur, where they might occur, so that we can do  
2323 surveillance in hotspots, for example.

2324 The more we learn about how these things  
2325 happen, the more clues we get about what we can do to  
2326 prevent or at least rapidly control them when they do  
2327 happen in the future.

2328 Q. And it's important for government to fund this  
2329 research, right?



2330 A. I absolutely think so. Not just our  
2331 government but all governments.

2332 Pandemics are a world problem. Pandemic means  
2333 all over the world. It's everybody's problem. And I've  
2334 said one of the most important things that needs to  
2335 happen is more research and more research collaboration,  
2336 which should be intra-national. Everybody should be  
2337 invested in it. It's humanity's need; it's not broken  
2338 down by country.

2339 Q. Do you have any specific thoughts on how to  
2340 encourage that?

2341 A. That's not in my ballpark.

2342 I think that the simple answer to that is we  
2343 need to fund less international -- we need to fund less  
2344 inside a country, country-specific research and more  
2345 international collaborative research. CDC and NIH have  
2346 been doing that more and more over the last 30 or 40  
2347 years. It's a question of scale-up and effort.

2348 My opinion is we're doing much too little,  
2349 given the existential threat of a virus that could  
2350 destroy a large part of humanity, this is, to my mind, a  
2351 big deal. We should be doing much more.

2352 We should have more scientists trained to do  
2353 this, and they should be doing more collaboratively and  
2354 cooperatively, not competing with each other country to

2355 country, but working together.

2356 Q. I think we've heard that sentiment from  
2357 several witnesses that we spoke to, so you're not alone  
2358 in that, and it makes sense considering how the virus  
2359 does not see nations' borders.

2360 When you look back at the analysis of how the  
2361 virus came to be and sort of different parties writing  
2362 different papers and putting out these different  
2363 theories, we talked about the threats that were coming  
2364 from the outside. But how do the scientists who  
2365 disagree about different theories, how do they express  
2366 those views?

2367 A. To clarify, you're asking me about when  
2368 scientists disagree about their theories of how things  
2369 happen, what do they do about it?

2370 Q. Yes.

2371 A. That's the way science functions.

2372 Everything that happens in science is like an  
2373 open forum. If I write a paper on a particular theory,  
2374 it's read by people all over the world and they agree or  
2375 disagree. Or they'll say, I think Morens is wrong. I'm  
2376 going to try to do an experiment to prove that he's  
2377 wrong and I'm right. Science is self-correcting by  
2378 nature.

2379 Important science nowadays is completely

2380 international. Everything that I write, the Chinese  
2381 read. Everything the Chinese write that's important, I  
2382 read. Same with the English and the French and Thai  
2383 people and whatever. It's an open forum. If there's  
2384 any mistake caught, it will be self-corrected.

2385 Q. If I understand that correctly, the  
2386 self-correction would be somebody who disagrees or does  
2387 an experiment that refutes a theory will publish a  
2388 competing paper?

2389 A. Yes, that's how it works. That's how science  
2390 goes forward. It is not everything that is discovered  
2391 and stated to be true turns out to be true, because  
2392 sometimes it's totally false or nuanced. Science  
2393 self-corrects over time. It gets better and better and  
2394 better the more work you do and the more scrutiny you  
2395 put to it.

2396 Q. The public or other scientists can read about  
2397 that debate through the various different papers that  
2398 are coming out?

2399 A. Yes, it's virtually all in the public domain.

2400 Q. But without threats?

2401 A. Yes, without threats entirely.

2402 [REDACTED] do you have some questions?

2403 EXAMINATION BY COUNSEL FOR THE MINORITY

2404 BY [REDACTED]

2405 Q. Dr. Morens, I'm [REDACTED] [REDACTED] from the Energy  
2406 and Commerce Committee. On behalf of my colleagues,  
2407 thanks for being here and answering my questions.

2408 One of the things that you were talking about  
2409 was the importance of wildlife surveillance, monitoring,  
2410 international collaboration. One thing is we think  
2411 about the spectrum of pandemic preparedness.

2412 It seems like wildlife monitoring is, if not  
2413 unique, certainly special among all of the things that  
2414 we can do because it has to take place where the  
2415 wildlife is; is that right?

2416 A. Yes.

2417 Q. And so that necessarily involves international  
2418 collaboration in ways that maybe other things that we  
2419 could do domestically on our own don't require; is that  
2420 right?

2421 A. Yes.

2422 Q. Can you speak a little bit then about what  
2423 happened if it as a result of foreign relations issues,  
2424 economic competition, whatever reason a government may  
2425 pick to sort of shut out the scientific enterprise, if  
2426 the United States gets blocked from or has reduction in  
2427 cooperation and collaboration from certain countries or  
2428 regions wholesale where there may be viral reservoirs in  
2429 certain wildlife.

2430 A. Well, where do I begin?

2431 I mean, countries relate to each other as  
2432 countries do. It's not a scientific issue, it's  
2433 political and geopolitical. There's really not much we  
2434 can do if countries don't want to collaborate with us,  
2435 as far as I know.

2436 I'm not a politician, but if Iran doesn't  
2437 cooperate with us, what are we going to do? We have to  
2438 deal with that through diplomacy.

2439 In the past during the Cold War, we did it  
2440 with person-to-person relationships, concert tours of  
2441 pianists back and forth between Russia. Oftentimes, we  
2442 find ways to maintain ties with countries that are not  
2443 friendly with us in a way that's mutually beneficial.  
2444 Of course, preventing a pandemic is beneficial to  
2445 everybody, including countries that don't cooperate.

2446 I would just say to my political colleagues  
2447 that this is an area where political diplomacy has a lot  
2448 to offer. Scientists can't do that, but I'll give you  
2449 one example that I was involved in.

2450 When I was at CDC in 1977, there was an  
2451 outbreak of a disease called Rift Valley Fever in Egypt.  
2452 I was detached to be a consultant to the Egyptian  
2453 Minister of Health, doctor -- what was his name? I  
2454 think his name was Dr. Badran.

2455           The Egyptian Ministry of Health had me work at  
2456 a place outside of Cairo called Masr El Gedida, the  
2457 Greeks used to call it Heliopolis, in which there was an  
2458 organization called NAMRU-3, Navy Medical Research Unit  
2459 No. 3, which was United States Navy and Egyptian  
2460 government.

2461           During the six or seven years when we had no  
2462 embassy in Egypt, NAMRU-3, it's my understanding, served  
2463 as the de facto embassy of the United States there.

2464           They continued to work -- the Egyptians and  
2465 the Americans continued to work on biological threats,  
2466 including the one that I was sent for. By the time I  
2467 got there, we had an embassy.

2468           At that time Egyptians had no relationship  
2469 with Israel. However, the Israelis wanted me to go from  
2470 Egypt, find out what was happening in Egypt, and then go  
2471 to Israel and tell them what was happening. So I did  
2472 that, I functioned as the intermediary.

2473           I think that what I'm trying to say, to answer  
2474 your question, is that there are ways in which  
2475 government-to-government -- even when they don't agree,  
2476 there are ways that they can cooperate with  
2477 international diplomacy to deal with disease threats  
2478 that are of common interest.

2479           Q. I started by talking about wildlife.

2480 monitoring. But obviously by the time that a pandemic  
2481 actually enters the human population, there's a great  
2482 deal of interest in international collaboration just for  
2483 understanding what different countries are seeing, what  
2484 variants might be emerging. Can you talk about that for  
2485 a moment?

2486 A. Yes. If that is not the question you're  
2487 asking, I don't want to leapfrog over it into something  
2488 else.

2489 But the research, much of the research that's  
2490 been done in recent years over the world has identified  
2491 hotspots in which various viruses of importance and  
2492 bacteria are likely to emerge. Of course, there's a lot  
2493 of them, but they tend to be in Asia, Southeast  
2494 Asia -- Asia meaning mostly India, Pakistan, Bangladesh,  
2495 Southeast Asia, the tropical belt of Africa, and less so  
2496 in places like South America and Central America.

2497 There are maps that have been published of the  
2498 globe, all of the countries of the world, where  
2499 outbreaks of various diseases, all diseases, all viral  
2500 diseases are likely to appear, and it's relatively  
2501 circumscribed. There are hotspots like Southeast Asia  
2502 which are really hot and there are other parts of the  
2503 whole globe which are really cold.

2504 In other words, given a globe of a huge amount

2505 of territory and 8 billion people, the bad diseases are  
2506 tending to come out in relatively circumscribed areas.  
2507 We know where they are, and we can focus our efforts in  
2508 preventing and understanding and doing research into  
2509 relatively circumscribed areas of the globe. Is that  
2510 what you're asking?

2511 Q. Yes.

2512 [REDACTED] Thank you.

2513 [REDACTED]

2514 [REDACTED] Dr. Morens, just a few  
2515 questions from me before we close out the round.

2516 EXAMINATION BY THE MINORITY

2517 BY [REDACTED]

2518 Q. I think it's reasonable to say that there is a  
2519 significant portion of the population who harbor  
2520 concerns that the novel coronavirus originated from a  
2521 research-related incident.

2522 While according to the Office of the Director  
2523 of National Intelligence's classified origins report  
2524 that came out earlier last year, the intelligence  
2525 community agrees that the novel coronavirus was not  
2526 engineered as a bioweapon, there are elements of the IC  
2527 whose analyses of available evidence have suggested,  
2528 with varying degrees of confidence, that the novel  
2529 coronavirus originated from a research-related incident.



2530 I just want to be clear it is our view here on  
2531 the Minority side that these perspectives, these views  
2532 are not conspiracy theories and that individuals and  
2533 members of the intelligence community or outliers of the  
2534 intelligence community who harbor these views and  
2535 concerns should not dismissed.

2536 Dr. Morens, do you agree?

2537 A. Yes, I agree. I think I've said that several  
2538 times.

2539 Q. Do you agree that it's possible to harbor  
2540 these views or concerns without threatening the safety  
2541 of scientists and public health officials?

2542 A. Yes, it should be.

2543 The disagreement that I think is being voiced  
2544 is the difference between conspiracy theorists who want  
2545 to do harm to people adopting these theories and regular  
2546 normal nonconspiracy theorist people saying this is a  
2547 legitimate theory. Those are two different things in my  
2548 mind.

2549 Q. And my sense is that the conversation  
2550 surrounding the pandemic's origins has caused many  
2551 Americans to consider the importance of strengthening  
2552 lab safety standards.

2553 Setting aside the specific question of the  
2554 origins of the novel coronavirus, is it reasonable for

2555 Americans and bipartisan Members of Congress to feel  
2556 that the COVID-19 pandemic has underscored the  
2557 importance of strengthening and fortifying biosafety?

2558 A. Yes.

2559 Q. And it is not conspiratorial for people to  
2560 legitimately discuss how to ensure that research occurs  
2561 safely, both domestically here in the United States  
2562 abroad; is that correct?

2563 A. Yes, that's correct.

2564 [REDACTED] We can go off the record.

2565 (Whereupon, a recess was taken  
2566 from 12:34 p.m. until 1:24 p.m.)

2567 Mr. Benzine. 1:24. We can go back on the  
2568 record.

2569 Before we get to Majority Exhibit 6. Would  
2570 the Ranking Member please identify himself record.

2571 Dr. Ruiz. I would.

2572 Thank you so much for this opportunity.

2573 Congressman Dr. Raul Ruiz, Ranking Member for the Select  
2574 Subcommittee on the Covid Pandemic.

2575 [REDACTED] Minority Counsel.

2576 (Whereupon, Majority Exhibit 6 was marked  
2577 for identification.)

2578 EXAMINATION BY COUNSEL FOR THE MAJORITY

2579 BY MR. BENZINE:

2580 Q. So this is an e-mail chain. The Bates numbers  
2581 are cut off, but it was produced to us by Dr. Garry. I  
2582 want to give you a minute to flip through it.

2583 But, in essence, the first e-mail on the back  
2584 is from Jason Gale, a Bloomberg reporter, I believe  
2585 based in Australia, asking some questions about a story  
2586 that he's writing. Chris Newman responds, and then he  
2587 forwards that chain to you, Dr. Garry, Dr. Holmes and  
2588 Dr. Goldstein.

2589 Then your response is on the second page. And  
2590 that's what I want to focus on. Again, I'm not going to  
2591 be asking about content of what Mr. Gale was talking  
2592 about, but more of what you wrote in your e-mail.

2593 So I'm going to take it paragraph by  
2594 paragraph. You wrote:

2595 "Jason, I can almost always talk on  
2596 background or off the record, and if  
2597 needed I might be able to speak on the  
2598 record. In the U.S. government we all  
2599 have to get approval from HHS or the  
2600 White House to speak to the press.  
2601 Sometimes they are touchy about certain  
2602 issues and say no. For many months, I  
2603 have not been approved to talk about  
2604 'origins' on the record."

2605           What's the process within NIAID to approve you  
2606 to speak on the record?

2607           A.   We have an organization I call the press  
2608 office.  It's not really the press office, it's called  
2609 COGCORE.  I can never remember what that acronym stands  
2610 for.  Basically, they are media people, the media  
2611 liaison people.

2612           When a reporter wants to talk to me, they'll  
2613 often cold call me, and I'll say, Have you cleared  
2614 speaking with me through our COGCORE office?  And if  
2615 they say no, I say, Well, I'll be happy to talk to you,  
2616 but you'll have to run it through the COGCORE office.

2617           So they call the COGCORE office -- or  
2618 sometimes I will e-mail the office and say -- this will  
2619 get it started.  I'll say this reporter wants to speak  
2620 to me.  Then they will -- they'll take it from there  
2621 basically.

2622           Their clearance process is through sort of a  
2623 regular channel with the Department of HHS.  I'm not  
2624 involved in that at all.  Then they'll get back to me  
2625 and say, David, we don't want you to talk to these  
2626 people.  Sometimes they'll say yes; often they'll say  
2627 yes.

2628           Sometimes, at least during the Trump  
2629 Administration, clearance had to occur from the White

2630 House, as I understand it. Of course, I wasn't involved  
2631 in that, but that's what I was told, which would mean  
2632 HHS cleared it with the White House, I assume, through  
2633 the secretary's office perhaps.

2634 And then if they approved me to talk to the  
2635 person, they would set up the mechanism. They would say  
2636 to me, She will call you at such and such time or you're  
2637 free to call her, here's her number, something like  
2638 that. I usually did; if they wanted me to talk to the  
2639 press, I would usually do it as a service. We're public  
2640 servants.

2641 Q. Depending on the topic, were you provided  
2642 talking points or help in what you could or could not  
2643 say?

2644 A. Rarely, but sometimes I was.

2645 Sometimes the way it would work -- and I'm  
2646 going to say this is like 1 percent of the time, not  
2647 commonly -- HHS would say, What is Dr. Morens going to  
2648 talk about? And they'd ask me, What are you going to  
2649 talk about? I would say, It depends on what they ask  
2650 me.

2651 In the most stringent process of this, they  
2652 would tell the reporter, Before we clear Dr. Morens to  
2653 talk to you, we want to know what questions you're going  
2654 to ask him. They would write down those questions. I

2655 would see them, and our office would say, How are you  
2656 going to respond to those? I would say, I'm going to  
2657 say this. Then that would go down to HHS and they'd  
2658 either approve it or not.

2659 Q. Okay. But rare that you would be provided  
2660 kind of topics to stay away from or --

2661 A. I would say it was rare. Yeah, it was rare.  
2662 Not unheard of, but rare.

2663 Q. Moving back up to the background and off the  
2664 record, you say:

2665 "I can almost talk on background or off  
2666 the record."

2667 Was there kind of a blanket clearance in NIAID  
2668 that you could do that, or was that you operating on  
2669 your own?

2670 A. I would say it was neither.

2671 We get a lot of information every year about  
2672 the ethics of government. And we're always told that --  
2673 when I was in the Public Health Service, remember, I  
2674 wore the uniform, we're always told that when you're  
2675 expressing official duty, when you're at your job doing  
2676 your job, you cannot talk to reporters, period.

2677 When you're a private citizen, on weekends,  
2678 nights, and whatever, you're a free citizen. It's sort  
2679 of like the difference between being a citizen able to

2680 vote and the Hatch Act. . When you're a government  
2681 official, you can't engage in political activities. But  
2682 when you're a private citizen, you can vote, you can  
2683 campaign for a candidate, as long as you're not  
2684 representing yourself as a government employee. I think  
2685 it's the same sort of thing.

2686           So my way of dealing with that is if a  
2687 reporter wanted to talk to me, they knew the situation  
2688 enough to say -- I know some of these reporters because  
2689 I've dealt with them for years. They might call me and  
2690 say, Can you talk about this? And I'd say, you know,  
2691 I'm probably not going to be able to talk about it on  
2692 the record as an employee, but if you want me to talk on  
2693 background, I will talk to you.

2694           Usually what I would do is I'd say to them,  
2695 Here are some people who will have the answers to your  
2696 question; why don't you call these people and ask them.

2697           Q. Do you know if that process is kind of common?

2698           A. There's not that many people that talk to the  
2699 press, so I wouldn't say it's common. Certainly people  
2700 do it. I don't know if it's common or not. But in my  
2701 institute, there's a small number of people who talk to  
2702 the press.

2703           Q. Who are they?

2704 A. Tony Fauci, not counting the Office of the  
2705 Director  
2706 Francis Collins. But in our institute, it would be  
2707 Tony Fauci. Probably 99 percent of the contact was with  
2708 him, through him.

2709 And then there were others of us who would  
2710 occasionally -- I might have been the second most common  
2711 person to talk to the press. But then there would be  
2712 division directors and various other people and some key  
2713 people in the various parts of the organization of the  
2714 institute who are experts at a particular thing. I'm  
2715 thinking of Lee Hall, who's a malaria expert or someone  
2716 like that.

2717 Q. Do you have any recollection or knowledge of  
2718 Dr. Fauci talking about background or off the record to  
2719 anyone in the press?

2720 A. I don't know.

2721 Q. All right. Was there a common group of  
2722 reporters that you would -- that on background or off  
2723 the record would occur?

2724 A. Well, no. If you're asking are there  
2725 reporters who repeatedly talk to me on or off the  
2726 record, there were a few that occasionally did. It's  
2727 not like I had some buddy I was talking to all the time  
2728 in the press, but people would know me.



2729           The other thing that would happen is it is  
2730 legal for you to talk to the press without approval if  
2731 they collar you at a scientific meeting face-to-face,  
2732 and that's happened a few times.

2733           Q.    Do you recall who in the press were kind of  
2734 the frequent flyers?

2735           A.    Let me think.  Helen Branswell.  I'd have to  
2736 think.  You know, if I looked at my e-mail, I can't get  
2737 them now because I'm on administrative leave.  But if I  
2738 went through some old e-mails, I could come up with  
2739 names.  I just can't think of them now.

2740           EXAMINATION BY COUNSEL FOR THE MAJORITY

2741           BY MR. STROM:

2742           Q.    Do you remember the institutions involved?  
2743 We've seen Jon Cohen, Science Magazine, Branswell at  
2744 STAT.

2745                    On the origins, do you recall speaking with  
2746 New York Times reporters, Washington Post reporters?

2747           A.    I can't recall.  That's not the way I file it  
2748 in my brain.

2749                    I know Jon Cohen, for example.  I can't tell  
2750 you what -- right now, I can't tell you who he  
2751 represents.  I know him, I've met him, but I don't even  
2752 know what agency he works for now.

2753           Q.    I guess one of the things we're interested in

2754 is you obviously, I assume, in these origins  
2755 conversations would convey your opinion as to it being a  
2756 natural virus. So one of the things that's interesting,  
2757 I think to our members in particular, is, given what we  
2758 now know, it seems -- just about the ambiguity of the  
2759 situation, about what was going on at the WIV, things  
2760 like that, it seems remarkable that for the first year,  
2761 there's almost uniform reporting.

2762 I mean, you would get Facebook posts taken  
2763 down if you said it came out of a lab. So that kind of  
2764 uniform messaging across the press, particularly if it's  
2765 spurred on by government-funded researchers or  
2766 government employees is something I think we're  
2767 interested in.

2768 So you're saying you don't recall talking to  
2769 any New York Times reporters?

2770 A. I don't recall, but that doesn't mean I  
2771 didn't. I wouldn't have remembered even if I did.

2772 Q. Sure.

2773 Same with Washington Post?

2774 A. Yes.

2775 Q. Obviously, you talked to Jason Gale at the  
2776 Bloomberg, although it looks like he might have been  
2777 Australian. So was that an Eddie Holmes connection as  
2778 opposed to someone you ran into?

2779 A. It's more complicated than that. Jason Gale I  
2780 believe is British, but he now works in Australia.

2781 I think I and Jeff Taubenberger and Tony got  
2782 to know him and meet him when he came here to interview  
2783 us about influenza and some other things. He was such a  
2784 likeable guy. I think everybody feels like a friend to  
2785 him.

2786 Then he would start -- because he's doing  
2787 reporting, he would, just as a courtesy to us, send us  
2788 information about I interviewed so and so and they're  
2789 going to publish a paper about this, that, or the other  
2790 thing. And he kind of became a friend.

2791 I didn't commonly speak to him as a reporter  
2792 to a scientist, more like as -- he functioned more like  
2793 a scientist. He was so in love with the science and  
2794 wanted to share it with people that he thought he would  
2795 understand it and sometimes get their feedback,  
2796 sometimes not. But most of his communications to me  
2797 were just sending me stuff and that was it.

2798 Q. Do you recall if he ever convened calls with  
2799 other journalists to sort of facilitate meetings of the  
2800 mind?

2801 A. I'm not aware that that happened.

2802 Mr. Strom. Okay.

2803 EXAMINATION BY COUNSEL FOR THE MAJORITY

2804 BY MR. BENZINE:

2805 Q. I want to ask about the last line in the first  
2806 paragraph.

2807 "For many months I have not been approved  
2808 to talk about origins on the record."

2809 Do you have any idea as to why?

2810 A. No. I could speculate, but I'm not going to  
2811 speculate. I know that it was -- it had become a  
2812 sensitive issue. The default mode in our institute is  
2813 when anything important is to be said, Tony says it.

2814 Q. Okay. The next paragraph:

2815 "But today, to my total surprise, my boss  
2816 Tony actually asked me to speak to the  
2817 National Geographic on the record about  
2818 origins. I interpret this to mean that  
2819 our government is lightening up but that  
2820 Tony doesn't want his fingerprints on  
2821 origin stories."

2822 Before I get to the National Geographic  
2823 specific, the comments in that article, what did you  
2824 mean by Dr. Fauci "doesn't want his fingerprints on  
2825 origin stories"?

2826 A. What I meant is he didn't want people to think  
2827 that he might have a closed mind about the origins.  
2828 Remember, he was getting death threats at this time. I

2829 think that on -- I don't want to speculate.

2830           Obviously, I said here in this paragraph that  
2831 I was speculating. I interpret this to mean, or  
2832 something like that is what I said. I don't know what  
2833 it meant. I was surprised when he asked me to do that.  
2834 But it was out of the ordinary and I thought, hmm,  
2835 that's interesting. With Tony, he asks you questions,  
2836 but you don't ask him questions.

2837           Q. That was going to be my next question.

2838           Did you ever have any conversations with  
2839 Dr. Fauci regarding you speaking to the press and what  
2840 you would say or not say?

2841           A. This would be the only thing. I don't  
2842 remember the context. In fact, I don't remember this  
2843 letter, but I do remember that at one time he asked me  
2844 to talk to the press or approved me talking to the  
2845 press, which normally he wouldn't do. He wouldn't get  
2846 involved in that, the press office would handle that.

2847           Q. Do you have any idea as to why this was an  
2848 out-of-the-ordinary situation?

2849           A. In retrospect, it seems just as strange as it  
2850 did then.

2851           Mr. Benzine. I want to introduce as Majority  
2852 Exhibit 7.

2853                           (Whereupon, Majority Exhibit 7 was marked

2854 for identification.)

2855

2856 BY MR. BENZINE:

2857 Q. This is the corresponding National Geographic  
2858 article.

2859 A. This is the one that I was --

2860 Q. Quoted in.

2861 A. Oh, okay. I don't remember it.

2862 Ms. Ganapathy. Dr. Morens, do you want to  
2863 take a read through it?

2864 Mr. Benzine. Take a read through this.

2865 The Witness. Do they quote me in this?

2866 Mr. Benzine. They do. I'm looking for the  
2867 page.

2868 The Witness. I see something on page 3 of 14.

2869 Mr. Benzine. Yes.

2870 (Witness reviews document.)

2871 BY MR. BENZINE:

2872 Q. So I want to ask about your quote in this.

2873 There's a progenitor virus out there

2874 somewhere, and we should look for it...

2875 but at some point, it crosses over from

2876 doing due diligence to wasting time and

2877 being crazy. We may have seen that point

2878 already."

2879                   And you're attributed as Senior Scientific  
2880 Advisor on Epidemiology to Anthony Fauci, Director of  
2881 NIAID.

2882                   No one told you what to say for this  
2883 interview?

2884           A.    No.

2885           Q.    We asked Dr. Fauci about this quote, and he  
2886 said that he would disagree with you, that it's not  
2887 wasting time and being crazy to continue to look for a  
2888 progenitor virus or the origins.

2889                   I guess I'm just wondering why if this came  
2890 out in summer or fall of 2021, why at that point it was  
2891 wasting time?

2892           A.    As I said earlier, the real progenitor virus  
2893 would already have been gone by then. By continuing to  
2894 look for it, we're never going to find it; it's wasting  
2895 time in my opinion.

2896                   As I also said earlier, the more we learn  
2897 about it, the more we triangulate it, the more we look,  
2898 even if we can't find it, we'll get ancillary  
2899 information that will fill in the picture.

2900           Q.    I'm happy to blame a reporter for cutting the  
2901 quote short. That obviously wasn't included in the  
2902 article, the extra, the continuing to search?

2903           A.    What I just said now is what I'm saying now.

2904 I don't remember what I said at the time. I'm sure that  
2905 I talked to this reporter for much longer than that and  
2906 probably said a lot of things that didn't end up in the  
2907 article, which is the normal way they do things.

2908 Q. So in this statement you're more referencing  
2909 the search for a progenitor virus than the search for  
2910 origins?

2911 A. Yes. As I'm reading it now, it says:  
2912 "There is a progenitor virus out there  
2913 somewhere, and we should look for  
2914 it...but at some point, it crosses over  
2915 from doing due diligence to wasting time  
2916 and being crazy."

2917 Q. Perfect.

2918 I'm going to shift gears a little bit and talk  
2919 about just your general understanding and knowledge of  
2920 the Wuhan Institute of Virology and anything you've  
2921 gleaned from both working or just talking to other  
2922 scientists.

2923 One of the things that's come up an awful lot  
2924 in these interviews is how NIAID or NIH certifies their  
2925 foreign labs in order to receive U.S. grant money.  
2926 We've heard a couple of different versions.

2927 In Dr. Daszak's interview, he said that the  
2928 burden falls on NIH. Some others have said the burden



2929 falls on the grantees. Some others have said the burden  
2930 falls on the State Department. Some others have said  
2931 the burden falls on the CDC.

2932 Do you have any knowledge on how NIAID would  
2933 vet foreign labs before they receive money?

2934 A. That's over my pay grade. I used to receive  
2935 grants myself, and I do foreign -- do work with foreign  
2936 scientists, I'm talking about decades ago. But I have a  
2937 vague memory of all that stuff, and it's probably  
2938 changed a lot now. So I wouldn't want to speculate.

2939 There is a mechanism that involves all of  
2940 those agencies you mentioned. But how it works and the  
2941 nuts and bolts of it, I have no idea.

2942 Q. Do you know how it would work for foreign  
2943 collaborators versus the lab?

2944 A. It depends on whether the grant is working  
2945 with so-called select agents, because there are certain  
2946 types of research with select agents. Selects agents  
2947 means certain bugs that are particularly dangerous for a  
2948 certain reason. It's kind of arbitrary and it's very  
2949 complicated.

2950 After 9/11, a law was passed that posed  
2951 restrictions on foreign collaborators for being involved  
2952 either in the United States or abroad on our research.  
2953 I can't give you the details on that, but it's designed

2954 to protect us basically in our research, and our  
2955 scientists.

2956 Q. So we've seen some examples of grants that  
2957 have gone through a U.S. company or nonprofit and then  
2958 to individuals that I think Congress would prefer U.S.  
2959 money don't go to, like a couple people affiliated with  
2960 the PLA in China, and trying to figure out how that  
2961 works.

2962 I'll speak for us. We agree international  
2963 collaboration is important, but that at some point there  
2964 needs to be a line in the sand where U.S. money  
2965 shouldn't go to the Chinese Army, U.S. money shouldn't  
2966 go to the labs affiliated with the Chinese Army.

2967 Would you agree that there needs to be that  
2968 kind of oversight on grant money?

2969 A. I would agree that there should be and I  
2970 thought that there was. If you're saying that we don't  
2971 have that oversight, I'm surprised to hear that. I  
2972 assumed we did have it.

2973 Q. You also said in the last hour, kind of along  
2974 this same line, that it's your understanding that the  
2975 BMBL regulations -- are they global or are they only  
2976 U.S.?

2977 A. Well, they're only U.S. But because we've  
2978 done all the work to promulgate them, I think they're

2979 accepted pretty much worldwide, maybe not worldwide but  
2980 all the major countries in the world, developed  
2981 countries at least, I believe follow them.

2982 Q. Do you have any direct knowledge of whether or  
2983 not the Wuhan Institute follows BMBL standards?

2984 A. Direct knowledge, no.

2985 The only thing I know is having discussions  
2986 with Jim LeDuc told me that they adhere to the highest  
2987 standards, same as in the United States.

2988 Q. Do you recall -- and we could ask Dr. LeDuc  
2989 this, but do you recall the last time that he was  
2990 involved with training any of their scientists?

2991 A. I don't know. He may have even retired, I'm  
2992 not sure. I don't know, no. He's of an age where he  
2993 could have retired by now.

2994 Mr. Benzine. I'm going to introduce Majority  
2995 Exhibit 8.

2996 (Whereupon, Majority Exhibit 8 was marked  
2997 for identification.)

2998 BY MR. BENZINE:

2999 Q. So I'm not going to dive too deep into the  
3000 content of the cable, but this is an unclassified cable  
3001 from the State Department regarding the opening of the  
3002 Wuhan Institute of Virology.

3003 Are you generally aware of this cable?

3004 A. No.

3005 Q. One of the individuals involved in this cable,  
3006 not a drafter but her work was involved, was Dr. Ping  
3007 Chen. You said earlier no conversations with her.

3008 Have you had any conversations with her  
3009 regarding her trip to the Wuhan Institute?

3010 A. I really don't know who she is even.

3011 Mr. Benzine. Keep that one in front of you  
3012 and go to Majority Exhibit 9.

3013 (Whereupon, Majority Exhibit 9 was marked  
3014 for identification.)

3015 BY MR. BENZINE:

3016 Q. This is an e-mail chain obtained via FOIA and  
3017 that we do not have between you and Jeffrey Taubenberger  
3018 regarding the State Department cable that I just  
3019 introduced as Exhibit 8.

3020 The vast majority of the e-mail chain is a  
3021 Washington Post article about it. The e-mail from you  
3022 to Dr. Taubenberger is all redacted.

3023 Do you recall any conversations with him about  
3024 the cable?

3025 A. No.

3026 Q. What is Dr. Taubenberger's role at NIAID?

3027 A. He is in what we call the intermural program  
3028 which is full-time research, and he is the director. I

3029 forget his title, but he is the section chief in the  
3030 laboratory of infectious diseases. And his section  
3031 is called something like molecular biology and  
3032 pathogenesis.

3033 Q. Would there be a specific reason that you  
3034 would communicate with him regarding Wuhan Institute  
3035 biosafety?

3036 A. Well, yes. He's intensively involved in  
3037 biosafety stuff. He deals with BSL3 level stuff.

3038 A huge part of his job is to be aware of  
3039 safety issues. He himself is -- part of his job is  
3040 dealing with safety issues every day.

3041 Q. I'm sorry, I'm being redundant, but I want to  
3042 cover all my bases.

3043 Do you recall any conversations with anyone at  
3044 NIAID regarding that State Department cable?

3045 A. No.

3046 Q. I just want to state for the record that this  
3047 document has been responsive to Majority letters since  
3048 February and we have not received it.

3049 I want to shift gears again and talk a little  
3050 bit more about EcoHealth and Dr. Daszak, understanding  
3051 your relationship with Dr. Daszak.

3052 First, a blanket question. How long have you  
3053 known Dr. Daszak?

3054 A. Just about 20 years.

3055 Q. How did you first meet?

3056 A. I'm trying to think of how to say this. In a  
3057 sense, I met him before I actually met him. If I could  
3058 give you some context before I answer your question.

3059 There is now a major category of infectious  
3060 disease research called emerging infectious diseases.  
3061 That term and that concept didn't exist until after 1992  
3062 when the Institute of Medicine, now National Academy of  
3063 Medicine report put it on the map. It was a  
3064 transformative document that created a whole new field  
3065 in infectious diseases and really transformed the type  
3066 of research that is done by everybody in the world  
3067 really, not just the United States.

3068 And when that happened, I realized that  
3069 without ever knowing it, I had, starting at my CDC days,  
3070 become an expert in emerging infectious diseases, and  
3071 that I had been interacting with and reading the science  
3072 of other people who had similar interests and  
3073 experiences. But there were very few of us, and we all  
3074 either knew each other or read each other's papers. In  
3075 a sense, we became a fraternity. There were so few of  
3076 us at that time.

3077 And I knew of Peter's work and his people.  
3078 When I say Peter, I mean the EcoHealth people,

3079 Peter Daszak, Jon Epstein, Kevin Olival and others. But  
3080 I had never met Peter.

3081           And then in around 2004, I'm guessing the  
3082 date, NIH convened a meeting on the mechanisms of  
3083 emerging infectious diseases. Since I was the expert, I  
3084 sort of went to that meeting. And Peter Daszak and  
3085 Eddie Holmes and some of the key people were at that  
3086 meeting. That's when I first met Peter and all the  
3087 other people, too. We published a paper which has  
3088 become a classic paper from that meeting.

3089           From then on, it solidified the fact that this  
3090 small group of people were kind of an elite -- I don't  
3091 mean elite in an elitist way, but elite in the sense of  
3092 very few with very specific experience in emerging  
3093 infectious diseases. And we all basically stayed in  
3094 tune with each other.

3095           Peter and I became good friends after that,  
3096 beginning with that meeting. I read all his papers. I  
3097 asked him questions about stuff, what does he think  
3098 about this. He's a conservation biologist, not a  
3099 virologist.

3100           I'd be asking Peter about the research he was  
3101 doing. I'd be asking Eddie Holmes about phylogenetic  
3102 stuff. There was Don Burke and there were various other  
3103 people involved in this. It was sort of like a

3104 fraternity. There are women in fraternities. A  
3105 fraternity/sorority, I guess I would say.

3106 Q. Going forward in time, it was recently  
3107 reported that Dr. Daszak had taken Dr. Shi from the WIV  
3108 and a couple other Chinese scientists for a meeting at  
3109 NIAID in 2017. Do you have any knowledge of that?

3110 A. I don't have any knowledge of it. Tell me  
3111 what meeting it was. What was it about?

3112 Q. It was on, I believe, a SADS paper?

3113 A. It doesn't ring a bell with me. I don't have  
3114 any knowledge of ever meeting Dr. Shi.

3115 Q. Moving again another year or so in time, but  
3116 it's recently become public, did you ever have any  
3117 conversations with Dr. Daszak about the DEFUSE proposal?

3118 A. The what?

3119 Q. The DEFUSE proposal that they proposed to  
3120 DARPA?

3121 A. I have not heard that term. I don't know what  
3122 it is.

3123 Q. And then Dr. Daszak was also involved, now  
3124 going into 2020, with Dr. Farrar in publishing a letter  
3125 in The Lancet condemning conspiracy theories surrounding  
3126 the origin of COVID-19.

3127 Did you have any conversations with him about  
3128 that?



3129 A. No, I didn't. I mean, I don't remember at  
3130 all. I don't think I ever read it.

3131 Q. I'm going to shift then into when NIH  
3132 started --

3133 Mr. Strom. Can I --

3134 Mr. Benzine. Yes.

3135 EXAMINATION BY COUNSEL FOR THE MAJORITY

3136 BY MR. STROM:

3137 Q. One of the things that our committee's  
3138 interested in is reviewing sort of disclosures of  
3139 potential competing interests from scientists.

3140 I think your point about there being a small  
3141 group of virologists and other specialties that work in  
3142 this infectious disease space, I think, has rung true  
3143 throughout this process for us.

3144 I'm trying to understand, though, when -- for  
3145 example, do you believe that Dr. Daszak, acknowledging  
3146 that he's a good friend of yours, had a competing  
3147 interest when he joined the WHO China team or when he's  
3148 writing in The Lancet and other papers about the origins  
3149 of SARS-CoV-2?

3150 A. What do you mean "competing interest"?

3151 Mr. Strom: I'll make this Majority  
3152 Exhibit 10.

3153 (Whereupon, Majority Exhibit 10 was

3154 marked for identification.)

3155 BY MR. STROM:

3156 Q. This is a definition of competing -- well,  
3157 conflict of interest, but alternatively titled competing  
3158 interests from Taylor & Francis, which I believe is an  
3159 academic publishing house.

3160 So I'll just read the first paragraph here.

3161 It says:

3162 "A conflict of interest can also be known  
3163 as a 'competing interest.' A conflict of  
3164 interest can occur when you, your  
3165 employer or spouse have a financial,  
3166 commercial, legal or professional  
3167 relationship with other organizations or  
3168 with the people working with them, that  
3169 could influence your research."

3170 On the second page, there's a subtitle called  
3171 "Examples of Non-Financial Conflicts of Interest." The  
3172 second and fifth points there are the ones that I'm  
3173 interested in. I'll give you have a minute to read it  
3174 and then I'll just ask you some questions.

3175 (Witness reviews document.)

3176 BY MR. STROM:

3177 Q. Going to the examples of nonfinancial conflict  
3178 of interest, it says:

3179 "Access to data repositories, archival  
3180 resources, museum collections, by an  
3181 entity that might benefit, or be at a  
3182 disadvantage financially or  
3183 reputationally from the published  
3184 findings."

3185 It strikes me that -- this is not perhaps  
3186 unique to Dr. Daszak saying concerns with anybody that  
3187 would work on China and the origins of COVID, given the  
3188 sensitivities around it. But that would strike me as if  
3189 you're reliant on China for viral sequences, that would  
3190 be -- particularly if you're talking to a lay audience  
3191 -- a potential competing interest that would be, in the  
3192 interest of transparency, worth disclosing.

3193 Mr. Belevetz. Is there a question?

3194 Mr. Strom. Yes.

3195 BY MR. STROM:

3196 Q. Do you think that the same group, because it's  
3197 a small, close-knit group, they have collaborations with  
3198 Chinese researchers, a lot of the virus samples they  
3199 need are collected by Chinese researchers, stored in  
3200 China or the bats themselves reside in China, are these  
3201 competing interests or conflicts of interest that should  
3202 have been disclosed?

3203 A. Competing interests with who? Other

3204 scientists?

3205 Q. No.

3206 Competing interest is essentially that you  
3207 have some sort of interest that could influence your  
3208 research. So the example given here is that if you  
3209 relied on access to data repositories from an entity  
3210 that might benefit or be at a disadvantage  
3211 reputationally from the published findings.

3212 So the fact that China's made very clear that  
3213 they don't support the laboratory origins, that they  
3214 are willing to cut off data access, is that not a  
3215 potential competing interest?

3216 I guess my hypothetical would be -- I can show  
3217 you the one that he had to file for The Lancet, which is  
3218 quite extensive. But The EcoHealth Alliance that he  
3219 heads has a long-term collaboration with the Wuhan  
3220 Institute of Virology, and they're sort of in the mix of  
3221 the origin's discussion.

3222 Does it make sense to strengthen those  
3223 conflict-of-interest statements, or should they have  
3224 been more proactively disclosed?

3225 A. This is really not my field, I can't answer  
3226 that.

3227 Conflict-of-interest statements are important.  
3228 And whenever we publish a paper, we have to sign

3229 conflict-of-interest statements and various other things  
3230 that we do professionally as well.

3231           Specifically with respect to sequences of  
3232 viruses, it's standard practice around the world that  
3233 the minute you get a sequence of a virus that's of any  
3234 importance, you put it in an international database.  
3235 Everybody can see it beginning on the same day. If that  
3236 wasn't done, then I think that's a problem.

3237           Q. We have an example that was published  
3238 yesterday in the "Wall Street Journal" where that wasn't  
3239 done.

3240           A. I saw that.

3241           Q. What about like Dr. Holmes has multiple  
3242 collaborations, a close working relationship with a  
3243 number of Chinese universities. I think those  
3244 collaborations, candidly, helped us get the sequence out  
3245 early on. But he was also instrumental in some of the  
3246 pangolin sequences that were in the early origin debate  
3247 and got those papers published.

3248           Does that research relationship with the  
3249 Chinese institute on an issue of national security  
3250 importance to China, does that merit some public  
3251 disclosure when he's weighing in and saying I think it's  
3252 natural, I'm eliminating the lab leak as a possibility?

3253           A. I don't know. I haven't thought that through.

3254 I know a little bit about Eddie and the  
3255 pangolin sequences. For my relationship with Eddie, I  
3256 mean, he's a pure scientist; all he wants to do is get  
3257 science done.

3258 I don't know, but I mean I would trust Eddie.  
3259 He's an honorable guy. He's just in it for the good of  
3260 science.

3261 Mr. Strom. Okay.

3262 EXAMINATION BY COUNSEL FOR THE MAJORITY

3263 BY MR. BENZINE:

3264 Q. I want to talk to you specific to the  
3265 EcoHealth grant situation. I know it severed the WIV,  
3266 terminated, reinstated, immediately suspended, and then  
3267 there's been a number of actions and letters back and  
3268 forth since then.

3269 Like I said, we talked to Dr. Daszak last  
3270 November and he testified that he talked to you  
3271 regarding the suspension and termination of EcoHealth's  
3272 grant.

3273 Do you recall those discussions?

3274 A. I don't recall any specific discussions. But  
3275 what I recall is basically he was very upset and he  
3276 needed somebody to talk to about it, more or less to  
3277 vent and sort of cry on my shoulder.

3278 Q. Do you -- go ahead.

3279 A. But I was never involved in the grant. I've  
3280 never read it. I don't know what's in it, except I can  
3281 imagine because I've read the papers that were published  
3282 from it. I was not involved in any way with the grant  
3283 or the termination of the grant.

3284 My focus in discussing it with him was just to  
3285 try to support him at a time when he was depressed and  
3286 upset and not understanding what had happened.

3287 Q. Did you have any discussions with him on your  
3288 belief on whether or not NIH had the ability to  
3289 terminate the grant?

3290 A. No.

3291 Q. And we'll get a couple more specifics, but did  
3292 you have any discussions with him on assisting how to  
3293 respond to the termination?

3294 A. Yes.

3295 Q. What were those?

3296 A. I said to him multiple times, I believe on the  
3297 phone, but also probably in e-mail, I said to him  
3298 basically I don't know how the process works, but there  
3299 is a process.

3300 You have a program officer. Your program  
3301 officer will be aware of your mechanisms of appealing  
3302 the decision and having a fair hearing. Start with your  
3303 program officer and work through that channel. That's

3304 your channel of communication.

3305 Q. Did you ever advise him to litigate it?

3306 A. No.

3307 Q. Did you ever assist in any of the drafting of  
3308 the correspondence that he sent back?

3309 A. No. No.

3310 Q. I'm going through some of the back and forth,  
3311 but not a lot, understanding that you weren't kind of  
3312 directly involved.

3313 There was an original letter sent April 19  
3314 that severed just the WIV portion, but really the  
3315 termination started on April 24. So I want to submit  
3316 that as Majority Exhibit 11.

3317 (Whereupon, Majority Exhibit 11 was  
3318 marked for identification.)

3319 BY MR. BENZINE:

3320 Q. For the record, this is a letter from  
3321 Dr. Lauer to Drs. Chmura and Daszak at EcoHealth dated  
3322 April 24, 2020. In the letter, Dr. Lauer terminates  
3323 EcoHealth's grant entitled "Understanding the Risk of  
3324 Bat Coronavirus Emergence."

3325 Were you previously aware of this letter?

3326 A. I don't remember it.

3327 Q. Do you have any knowledge on how the letter or  
3328 the decision to terminate the grant originated?



3329 A. No, except that I do remember that everybody  
3330 saw on TV that President Trump said that he was going to  
3331 make sure that that grant was -- something was going to  
3332 happen to it.

3333 Q. Did anyone ever discuss the termination with  
3334 you?

3335 A. Not discuss it, no. I knew about it, Peter  
3336 told me about it.

3337 Q. But you didn't hear it from NIH or NIAID prior  
3338 to it being sent?

3339 A. No. Most of what I know about it I read in  
3340 the press.

3341 Q. We talked a little bit about it, but did you  
3342 discuss this particular letter with Dr. Daszak?

3343 A. I'm pretty sure I did not. I don't recognize  
3344 this letter at all; I've never seen it.

3345 Mr. Benzine. I want to introduce Majority  
3346 Exhibit 12.

3347 (Whereupon, Majority Exhibit 12 was  
3348 marked for identification.)

3349 BY MR. BENZINE:

3350 Q. This is an e-mail chain with you and  
3351 Mr. Folkers discussing EcoHealth and Dr. Daszak. It's  
3352 dated April 25. The original e-mail from you is April  
3353 25, 2020, so the day after the termination letter was

3354 sent.

3355 And you said:

3356 "Greg, do you or does Tony know anything  
3357 about the following? Peter Daszak and  
3358 the EcoHealth people have had and still  
3359 have a \$3.5 million coronavirus grant to,  
3360 among other things, study bat  
3361 coronaviruses in China. They have been  
3362 doing this work for about six years and  
3363 the research has been hugely successful  
3364 with many publications in Science,  
3365 Nature, PNAS, and other top journals.  
3366 Peter just called to say he received a  
3367 letter from Michael Lauer in building one  
3368 saying the entire grant is immediately  
3369 terminated and the funds must be  
3370 returned, as not being in line with NIH's  
3371 research interest in coronaviruses.  
3372 What is going on? This is going to make  
3373 us look very bad. Surely Tony doesn't  
3374 know about this?"

3375 Does this refresh your recollection a little  
3376 bit?

3377 A. Yes.

3378 Q. Obviously, this is consistent with what you

3379 just said, that you didn't know the letter going  
3380 beforehand and Dr. Daszak just called you and said he  
3381 just received it.

3382 Do you recall -- apologies if this is  
3383 redundant. Do you recall anything that he may have said  
3384 at that time?

3385 A. He being Peter?

3386 Q. Yes.

3387 A. What I recall is he said the grant was being  
3388 terminated. I don't know what else he said. That was  
3389 enough. That's all he said.

3390 Q. Mr. Folkers' response a little while later  
3391 says:

3392 "David, I think Tony Fauci knows about  
3393 this. I don't know the details. I have  
3394 heard that some money is to be returned.  
3395 I think this is fallout from the  
3396 conspiracy theory that SARS-CoV-2  
3397 'escaped' from a Wuhan lab which got some  
3398 NIAID money indirectly, perhaps through  
3399 EcoHealth. I am afraid that's all I  
3400 know -- will let you know as/if I learn  
3401 more."

3402 So you had at the bottom of your e-mail  
3403 expressed concern that terminating the grant was going

3404 to make us -- meaning NIAID; is that right?

3405 A. And Tony.

3406 Q. And Tony.

3407 (Continuing) -- look very bad. Surely Tony

3408 doesn't know about this.

3409 Why did you think it was going to make NIAID

3410 and Dr. Fauci look back?

3411 A. Because the termination of a grant without due

3412 process virtually never happens in government science.

3413 It would be and was a huge thing. I knew people were

3414 going to be blamed by this.

3415 The reason for me writing this e-mail to Greg

3416 was that if Tony didn't know about this and got

3417 blindsided, it could be really bad. This is what I do.

3418 If I think a tidal wave is coming at Tony, my job is to

3419 let him know what's happening.

3420 Q. Mr. Folkers responded that he thought

3421 Dr. Fauci did know about this. Dr. Fauci did and

3422 testified as such in front of us and in front of, I

3423 believe it was, the House in 2021.

3424 Did you have any further conversations with

3425 Mr. Folkers about steps NIAID should take?

3426 A. No, I don't recall such a thing, and it's very

3427 unlikely I would have said anything. Remember, he's a

3428 chief of staff, he's not a science or a program person.

3429 Q. So the primary concern of NIAID looking bad  
3430 was that this kind of action was rare and never happened  
3431 before?

3432 A. Yes. In fact, we did look bad. There was an  
3433 outcry around the developed world about this, and I  
3434 think we took a lot of criticism.

3435 Q. Have you followed the process of the NIH  
3436 enforcement efforts since April of 2020?

3437 A. No.

3438 Q. A really short summary is that it turned out  
3439 EcoHealth was almost two years late on a progress  
3440 report, they declined to provide NIH with laboratory  
3441 notebooks from the Wuhan Institute of Virology and had  
3442 improper subawards agreements with Wuhan Institute of  
3443 Virology. So in the end, EcoHealth was violating the  
3444 terms of their grant.

3445 Do you, sitting here today, still think that  
3446 it was a bad idea to terminate the grant?

3447 A. It's not for me to say. Since I've never seen  
3448 the grant and I don't know what was in it, I can't give  
3449 an opinion on terminating it.

3450 Q. You were willing to give an opinion that it  
3451 was going to make you look bad, not knowing what was  
3452 going on, but unwilling to say whether or not today it  
3453 wasn't the right decision?

3454 A. There was clearly a lack of due process.

3455 First of all, a grant that's terminated -- and  
3456 this is my understanding from when I used to have grants  
3457 when I was outside of NIH. It's a rare thing for a  
3458 grant to be terminated.

3459 It has to be terminated for due cause, and  
3460 that's usually something like a fraud or stealing money  
3461 or something like that. And that before the grant is  
3462 terminated or in the process of terminating, the  
3463 investigator has an opportunity to answer any concerns  
3464 or give alternative information that might change the  
3465 decision. To my knowledge, that didn't happen with  
3466 Peter, it was just ended.

3467 Q. But he was allowed to provide alternate  
3468 information throughout the process?

3469 A. I don't know.

3470 Q. Throughout 2020 and 2021, Dr. Lauer sent a  
3471 number of letters back and forth with Dr. Daszak and  
3472 Dr. Daszak sent a number of back. Were you involved  
3473 with any that Dr. Lauer sent?

3474 A. No.

3475 Q. Were you involved with any that Dr. Daszak  
3476 sent back?

3477 A. No.

3478 Q. "Involvement," meaning did you provide any

3479 advice --

3480 A. No.

3481 Q. -- or anything on how to respond to the NIH?

3482 A. No.

3483 Q. So I learned a little bit of what Dr. Lauer  
3484 and NIH found during their enforcement actions. One of  
3485 the big ones was that the year five progress report that  
3486 was due September 30, 2019, was not turned in until  
3487 August 3, 2021, so pretty close to two years behind.

3488 You've said you've gotten grants. Is it  
3489 common for an annual report to be 23 months late?

3490 A. To be late, it's very common. To be 23 months  
3491 late, no.

3492 Q. Would being 23 months late on a progress  
3493 report violate the grant terms?

3494 Mr. Belevetz. Do you know the grant terms?

3495 The Witness. No.

3496 BY MR. BENZINE:

3497 Q. You've received grants. There's standard  
3498 grant terms. One of them is producing annual progress  
3499 reports.

3500 Understanding that there's wiggle room on what  
3501 "on time" means, would 23 months late violate the grant  
3502 terms?

3503 A. It might, yes. What Peter told me about this

3504 is that the reason it was two years late is his own  
3505 program officer told him he didn't have to turn it in.

3506 Q. That would be Dr. Stemmy?

3507 A. I think it was Dr. Stemmy.

3508 Q. Do you have any more information about that?

3509 A. What Peter told me -- this is at the time that  
3510 I remember it -- was that he was late with a progress  
3511 report for sure, going to be late, and the program  
3512 officer said, Since you've already submitted a new grant  
3513 that replaces the old grant and all the information that  
3514 would have been in the progress report for the other one  
3515 is already in the application for the new grant, we  
3516 don't need it.

3517 And Peter told me, he said that he thought  
3518 Stemmy, or whoever it was, was telling him that he  
3519 didn't need to turn in the fifth year report. Probably  
3520 what -- there was a miscommunication. Probably what he  
3521 was saying was we don't need that information because we  
3522 already have it, not you don't need to turn it in  
3523 anyway.

3524 Q. I want to be clear on something.

3525 Dr. Daszak told you that he was for sure going  
3526 to be late on the progress report?

3527 A. No, he didn't tell me that.

3528 Q. What did you mean by what you just said, he



3529 was for sure going to be late?

3530 A. Well, he was late, and I think he knew that.

3531 Q. He testified to us that they tried to turn it  
3532 in in the summer of 2019, so on time, and were locked  
3533 out of the NIH system?

3534 A. He told me that, too.

3535 Q. Dr. Lauer testified to us that NIH did a  
3536 forensic analysis of their system and found no evidence  
3537 that he was locked out of the system.

3538 Have you heard anything about that?

3539 A. I have not heard it.

3540 Q. Before continuing on other enforcement  
3541 letters, we've talked a little bit about publishing both  
3542 experiments and sequences.

3543 Do researchers publish every experiment that  
3544 they conduct under a grant?

3545 A. No.

3546 Q. Do researchers publish every virus that they  
3547 sequence under a grant?

3548 A. They submit it to a database, but they don't  
3549 usually publish it. The sequence is thousands of things  
3550 long. They don't usually publish it, but they put it in  
3551 a database that's accessible to everybody.

3552 Q. Is it accepted practice that you put every  
3553 sequence that you have into the database?

3554 A. Everything that's of importance and interest  
3555 to everybody.

3556 Q. Who makes the interest determination?

3557 A. It's voluntary.

3558 Q. So one of the things that I know the chairman  
3559 has expressed to me is that when you're -- China is a  
3560 different regime than the United States. They behave  
3561 differently and have fewer open standards of data and  
3562 practice, and that it would be feasible that they would  
3563 want something not published.

3564 So we've heard a lot of, well, all the  
3565 like -- we know for sure it didn't come from the WIV  
3566 because they've never used a backbone, they've never  
3567 used this reverse genetic system. And we're trying to  
3568 understand when people say there isn't a published  
3569 backbone that would fit COVID-19, there isn't a  
3570 published reverse genetic system that would fit  
3571 COVID-19, is that a fair characterization?

3572 A. Yeah. I mean, it's like we were saying  
3573 before: You don't know what you don't know. And you  
3574 don't have proof of something that didn't happen. It's  
3575 the same thing.

3576 Q. It's been a theme throughout these of people  
3577 making kind of very declaratory, unequivocal statements  
3578 when you don't know what you don't know and it's a

3579 foreign lab that has been accused by two administrations  
3580 now of having military connections. Our military  
3581 doesn't publish everything we do. I think it would be  
3582 only fair to assume that the Chinese military doesn't  
3583 publish everything that they do.

3584           Anyone saying that they know what the WIV was  
3585 doing, they know what the WIV is capable of, would not  
3586 be operating with a full picture?

3587           A. That's a fair point, yes.

3588           Q. In the year five progress report, there was an  
3589 experiment that EcoHealth reported that showed a  
3590 multi-log growth in an experiment and more humanized  
3591 mice became sicker based on their work. EcoHealth had  
3592 language in their grant that required them to report any  
3593 one log or greater growth immediately to NIAID stop  
3594 working.

3595           Did you have any conversations with Dr. Daszak  
3596 about any of that?

3597           A. I had one conversation about that.

3598           Q. What was that?

3599           A. He told me about that and said something  
3600 like -- remember that he's not a virologist and I am, so  
3601 he's asking me to interpret what this means.

3602           As I recall, the language said something about  
3603 one log virus growth or higher, something like that.

3604 There was nothing about that in his report. It was not  
3605 one log growth. It was based on PCR, polymerase chain  
3606 reaction, which doesn't reflect live virus, it reflects  
3607 antigen which could come from live virus.

3608 So, a one-log titer of a living virus  
3609 replicating that's measured in a living system and a  
3610 similar increase in the polymerase chain reaction, the  
3611 amount of RNA that's detected would be not equivalent.  
3612 That's not necessarily one --

3613 Mr. Benzine. I can feel John wanting to jump  
3614 in, so I'm going to let him.

3615 Mr. Strom. Did it seem odd to you that if the  
3616 measuring stick is one-log growth that his experiment  
3617 wasn't using that measuring stick?

3618 The Witness. That's right.

3619 Mr. Strom. If the measuring stick is meters,  
3620 it seems like he was measuring in inches. Is that --

3621 The Witness. That's fair to say, but he  
3622 wouldn't have done that. It would have been somebody  
3623 else. Peter's not a virologist. Somebody else would  
3624 have done that.

3625 Mr. Strom. The WIV was doing it, yes, Dr. Shi  
3626 Zhengli.

3627 The Witness. There's a reason that --  
3628 titering a virus, and particularly a virus that has some

3629 safety concerns, is extraordinarily difficult.  
3630 Measuring PCR is extraordinarily easy. When you're  
3631 trying to cut corners or you have a small budget or it's  
3632 not important, you do the PCR, you don't do the viral  
3633 titer.

3634 Mr. Strom. If the WIV isn't using the  
3635 measuring stick, if they're not testing for that one-log  
3636 growth until after the experiment is done, then there's  
3637 no way that they know whether or not they violated the  
3638 policy?

3639 The Witness. Fair to say.

3640 BY MR. BENZINE:

3641 Q. I guess that's our point.

3642 We talked to Dr. Daszak. He said a very  
3643 similar thing, that he measured it in PCR and not in  
3644 viral titers. But the grant required him to measure it  
3645 a certain way, so it just seems odd that when the  
3646 experiment came back or when the experiment was  
3647 conducted, there weren't instructions given to measure  
3648 the outcome in a certain way.

3649 A. I don't know. I think when he asked me that  
3650 question, I think Peter was unaware that there was a  
3651 difference, because when I told him that viral titers  
3652 are not the same thing as PCR, he didn't know that. Why  
3653 would he? And he's not a virologist.

3654           Somebody somewhere substituted viral titer for  
3655 PCR, and he was not made aware that that's what he  
3656 should have done.

3657           Q.    So the experiment being conducted at the WIV,  
3658 it would have been the WIV scientist that would have not  
3659 measure --

3660           A.    It could have been Ralph Baric, a virologist  
3661 in North Carolina, who was also working on that project.  
3662 And he is very good at doing viral titers and PCRs and  
3663 things like that.

3664           Q.    All right. When we talked to Dr. Daszak, and  
3665 this has been his position in letters, too, is that even  
3666 if the year five report did qualify as something that  
3667 they should have notified NIAID about, they already  
3668 reported it in year four. It was the same experiment  
3669 between year four and year five, just different results.  
3670 NIH disagrees with that certification. Dr. Tabak and  
3671 Dr. Lauer both disagree that it was one experiment; they  
3672 think it was two.

3673                   Did you have any conversations with Dr. Daszak  
3674 about that?

3675           A.    No.

3676           Q.    When we asked Dr. Daszak how he knew it was  
3677 one experiment, he said he made one phone call to  
3678 Dr. Shi. Dr. Shi said it was one experiment and then he

3679 never followed up again.

3680 Who has the burden to ensure that what they're  
3681 reporting to the government is accurate? Is it the  
3682 prime recipient or is it the subrecipient?

3683 Mr. Belevetz. If you know. Do you have any  
3684 background on this?

3685 The Witness. I do know.

3686 BY THE WITNESS:

3687 A. It's the principal investigator. The buck  
3688 stops at the principal investigator.

3689 BY MR. BENZINE:

3690 Q. So if the WIV was lying to him and he didn't  
3691 follow up, it would still fall under his responsibility?

3692 A. Yes.

3693 Q. Another thing that we touched on is that  
3694 Dr. Lauer at NIH asked for from Dr. Daszak the  
3695 laboratory notebooks, in essence words, to corroborate  
3696 what the experiments were.

3697 Did you have any discussions with Dr. Daszak  
3698 about providing those notebooks?

3699 A. I didn't have any discussions, but he told me  
3700 once that he was asked to provide the notebooks and that  
3701 he was sure the Chinese wouldn't give them to him.

3702 Q. So that's another question of mine, and NIH  
3703 has kind of formalized this in a new rule in the past 12

3704 months or so, but when NIH makes a request for  
3705 laboratory notebooks, whose responsibility is it to  
3706 provide them?

3707 A. If it's a grant, the principal investigator on  
3708 that grant, whether that's an American like Peter or a  
3709 Chinese person or whatever, it's the principal  
3710 investigators.

3711 Before this happened, I'm not sure there was  
3712 any mechanism for forcing a collaborating scientist to  
3713 give laboratory notebooks over. That's the last thing  
3714 you would ever do historically, because laboratory  
3715 notebooks, by definition, going back 100 years, have to  
3716 stay in the lab.

3717 Q. Now they would be electronic --

3718 A. Yes.

3719 Q. -- so they could just be e-mailed over?

3720 I guess it's the same kind of question with  
3721 where the burden lies.

3722 NIH, Dr. Daszak for this, Dr. Daszak said  
3723 China's not going to give it to me, but it is  
3724 Dr. Daszak's responsibility to provide it; is that  
3725 correct?

3726 A. If he can.

3727 Mr. Strom. My understanding of this  
3728 experiment is that on the four corners of the experiment



3729 that we know about, it couldn't have led -- the viruses  
3730 aren't sufficiently related to SARS-CoV-2, they're miles  
3731 apart.

3732 Did he say why he didn't think the WIV would  
3733 hand over the laboratory notebooks for this experiment?

3734 The Witness. He didn't say, but I wasn't  
3735 surprised to hear that because laboratory notebooks are  
3736 like sacred, they stay in the lab. You have to refer to  
3737 them all the time.

3738 You just made the point that you could always  
3739 copy them, true. But Peter felt the Chinese would  
3740 consider that a betrayal, you want our lab books, nobody  
3741 does that around the world. Nobody turns over their lab  
3742 books.

3743 Mr. Strom. We paid for the experiment,  
3744 though.

3745 The Witness. I'm not trying to defend Peter  
3746 or not defend him. I'm just saying that the way you  
3747 described this thing playing out, I'm totally not  
3748 surprised that the Chinese said no or he thought they  
3749 would say -- I don't know if they ever said no. He  
3750 thought they would say no.

3751 Dr. Wenstrup. As the proprietors of the  
3752 taxpayer dollars that are being invested in this  
3753 research, do you think it's a good idea that the people

3754 we're investing with can keep things from us?

3755 The Witness. No.

3756 Mr. Benzine. I know we're a little bit over  
3757 our hour, but I'm going to finish the quick EcoHealth  
3758 line of questioning and then we'll take our break.

3759 BY MR. BENZINE:

3760 Q. In the past year, the grant was reinstated.  
3761 Were you involved at all in that?

3762 A. I learned it was reinstated, but I wasn't  
3763 involved with it in any way.

3764 Q. Did you have any discussions with Dr. Daszak  
3765 regarding the reinstatement?

3766 A. He told me it was going to be reinstated, and  
3767 he said that's great. He said something like but the  
3768 Chinese won't be a part of it, something like that.

3769 Q. So that was one of the conditions put on it.  
3770 Obviously, since then, the WIV has been debarred, so no  
3771 federal money can go to the WIV at this point.

3772 One of the conditions of the reinstatement is  
3773 that they had to be able to conduct the work out of  
3774 China and without the WIV.

3775 Another reason we were told by Dr. Erbeling  
3776 was that EcoHealth had access to samples that the  
3777 U.S. government had already paid for, and obviously we  
3778 wanted to be able to use those samples.

3779 Is that consistent with anything you've heard?

3780 A. That's what Peter told me.

3781 Q. Did Dr. Daszak tell you where those samples  
3782 reside?

3783 A. I think he said they were outside of China.

3784 Q. He told us that the samples reside at the WIV,  
3785 which, according to Dr. Erbeling, he did not tell her.  
3786 Sounds like he did not tell you.

3787 A. We might be talking about different samples.  
3788 I'm not sure what samples you're talking about.

3789 Q. We asked him in our interview with him, the  
3790 grant was reinstated largely because you had access to  
3791 samples. And then I believe John asked where are those  
3792 samples and he said they're at the Wuhan Institute of  
3793 Virology?

3794 A. It would be worth exploring a little further.  
3795 What probably happened was that the sequences  
3796 of those samples were already determined. And although  
3797 Peter didn't physically have the bat guano samples, he  
3798 had the sequences, which is really all you need.

3799 Q. Are there advantages to having the samples?

3800 A. Not really. Not with respect to what they  
3801 were doing.

3802 Mr. Benzine. We can go off the record.

3803 (Whereupon, a recess was taken

3804 from 2:30 p.m. until 2:39 p.m.)  
3805 (Drs. Ruiz and Wenstrup exited the  
3806 interview.)

3807 BY MR. BENZINE:

3808 Q. I have a few kind of final COVID-specific  
3809 questions, and then I went to ask more about emerging  
3810 pandemics generally and prevention strategies and  
3811 mitigation strategies.

3812 So John mentioned the World Health  
3813 Organization's mission to China in 2021 to investigate  
3814 the origins. They were there from January 14 to  
3815 February 10, 2021.

3816 Are you generally aware of the  
3817 investigation --

3818 A. Generally, but I forgot probably whatever I  
3819 once knew about.

3820 Q. They produced a very long report, it was 300,  
3821 400 pages.

3822 Did you happen to read it?

3823 A. I did not read it. I think I printed it out  
3824 or at least saved the PDF, but I don't think I ever  
3825 looked at it.

3826 Q. The team was comprised of 17 international  
3827 scientists and 17 Chinese scientists, and the only  
3828 American on the team was Dr. Daszak.

3829                   It's our understanding that the U.S.  
3830 government at the time submitted three names to be on  
3831 the team. Do you have any knowledge of that?

3832           A.    No.

3833           Q.    Did Dr. Daszak ever discuss with you how he  
3834 got in the team?

3835           A.    I don't remember. I mean he could have, but I  
3836 don't remember it.

3837           Q.    And then John touched on this a little bit  
3838 earlier, and we've kind of walked through the EcoHealth  
3839 stuff, the relationship with the WIV. This was directly  
3840 investigating the work the WIV did, the origins of the  
3841 pandemic.

3842                   Do you think Dr. Daszak should have disclosed  
3843 a conflict of interest on that trip?

3844           A.    You know, I don't know enough about it to  
3845 know. I mean, I don't know what his conflict might have  
3846 been. I was not involved in that.

3847           Q.    All right. I want to ask one question about  
3848 the intelligence side of this.

3849                   At any point were you contacted by anyone in  
3850 the intelligence community to assist in their  
3851 assessments of the origins of COVID-19?

3852           A.    Yes..

3853           Q.    Which agencies?

3854 A. FBI.

3855 Mr. Belevetz. Intelligence community.

3856 Mr. Strom. They're part of the intelligence  
3857 community.

3858 Mr. Belevetz. Did you understand them to be  
3859 part of the IC or another part of the FBI?

3860 The Witness. I don't know.

3861 BY MR. BENZINE:

3862 Q. To the best of your recollection, where did  
3863 the discussion take place? Was it in a SCIF or was it  
3864 in a conference room?

3865 A. It was in a conference room in the Office of  
3866 the Director at NIAID where I work.

3867 Q. So it's safe to assume it was not a classified  
3868 discussion?

3869 A. I think so, yes.

3870 Q. Did they tell you that you were not allowed to  
3871 discuss what you discussed with them?

3872 A. No.

3873 Q. What did you discuss with them?

3874 A. There was two people, an FBI agent and a young  
3875 lady who was with him, maybe another FBI agent. I was  
3876 introduced to her, but I can't remember her name. She  
3877 basically just sat there.

3878 He told me that he was the lead investigator

3879 of the FBI to try to get information on the origins of  
3880 the pandemic and that I was a content expert and other  
3881 people had given him my name as somebody to talk to.

3882 And so we had a discussion for maybe two  
3883 hours. He just asked me a lot of questions and I  
3884 answered them.

3885 Q. To the extent that they asked overlapping  
3886 questions with what we asked today, did you answer  
3887 substantively the same?

3888 A. Yes.

3889 Q. I'm going to go a little bit back in time to  
3890 when the pandemic first started.

3891 We've talked about origins an awful lot and  
3892 asked the baseline question we asked about conspiracy  
3893 theory and various other things.

3894 Do you think the origin of COVID-19 is  
3895 unsettled science?

3896 A. I don't feel it is unsettled. It's settled in  
3897 my mind.

3898 Q. And then you answered yes to do origins help  
3899 kind of inform pandemic prevention.

3900 How do the origins of an emerging virus help  
3901 us prepare for the next possible pandemic?

3902 A. Because with respect to COVID-19, it's going  
3903 to happen again, a similar virus is going to happen

3904 again. Everything we know about it gets us a step  
3905 ahead.

3906 Q. And then, again, we discussed a lot, kind of  
3907 two primary viable pathways for spillover, whether it's  
3908 direct from animals to humans or animals to an  
3909 intermediary host to humans or multiple hosts, however  
3910 long it takes, and then a potential laboratory accident.

3911 When I'm using "accident," I'm going to  
3912 differentiate between what the IC has clearly said it  
3913 was not an intentional release, it was not an  
3914 intentional bioweapon, but possible that it was an  
3915 accident.

3916 Spillovers of coronaviruses before, SARS-1 and  
3917 MERS being the big ones, both under 10,000 known cases  
3918 through their life span, at least SARS might have gotten  
3919 close to 10,000, and COVID-19 up near 800 million.

3920 I'm not the virologist and epidemiology  
3921 expert, but I'm just wondering, in your opinion, why  
3922 such a big difference?

3923 A. They're three different viruses and they have  
3924 three different properties. The number of cases is  
3925 related to the transmissibility and how hard it is to  
3926 stop it.

3927 SARS-CoV-2 was more transmissible than either  
3928 of the other two viruses between people.



3929 Q. Our understanding, too, is in the SARS related  
3930 in the sarbecovirus lineage, there hasn't been a furin  
3931 cleavage site prior to COVID-19. Is that your  
3932 understanding as well?

3933 A. No, it's not. Furin cleavage sites are  
3934 relatively common. Coronaviruses have them, not  
3935 commonly but occasionally.

3936 Q. But not in the SARS-related lineage?

3937 A. I think in sarbecoviruses. I've never done  
3938 this research, but let me put it another way.

3939 Furin cleavage sites occur in lots of RNA  
3940 viruses, sometimes commonly, sometimes not so commonly.  
3941 You would expect to find them if you looked far enough  
3942 for them.

3943 Q. Is that a property that would make it more  
3944 transmissible?

3945 A. Not necessarily. I mean, it's -- no. I don't  
3946 know. It could be, but not necessarily.

3947 Mr. Strom. Do you know the approximate whole  
3948 genome similarity of SARS-CoV-2 compared to the next  
3949 either coronavirus or sarbecovirus that has a furin  
3950 cleavage site? Is it 50 percent similar or 60 percent  
3951 similar?

3952 The Witness. It's highly similar, but I don't  
3953 know the answer. It's not 60 percent. It's higher than

3954 that.

3955 Mr. Strom. Do you recall the name of that  
3956 virus?

3957 The Witness. No.

3958 Mr. Strom. Okay.

3959 BY MR. BENZINE:

3960 Q. I'll just say it's kind of our understanding,  
3961 and John can correct me if I'm wrong, but to this point,  
3962 no one's found a furin cleavage site in sarbecoviruses  
3963 and obviously people have been looking nonstop for four  
3964 years. Later we can work through HHS, but I would love  
3965 to see the research that there has been some.

3966 A. Well, it wouldn't be my research, it would be  
3967 in the literature.

3968 Q. But if you've seen it, we would love to see  
3969 it, too.

3970 A. Part of the difficulty because a SARS-like  
3971 virus or a sarbecovirus because there's a -- certainly  
3972 it's been seen in coronaviruses that are like  
3973 sarbecoviruses, but whether you call those a  
3974 sarbecovirus is sort of a gray area there.

3975 Q. We'll follow up with the department and get  
3976 that research.

3977 You gave an answer before when you were asked  
3978 if lab accidents had happened before that led to humans

3979 getting infected, and I believe you said no?

3980 A. I think I said I'm not aware of any.

3981 Q. Okay. There have been anthrax spilled from a  
3982 Russian lab in Siberia. The last SARS-1 death was a lab  
3983 accident. Marburg virus is named for a lab in Germany  
3984 where the germ virus spilled over. I mean, do you care  
3985 to --

3986 A. All those things are true, and I know they're  
3987 true. I think somehow I misunderstood your question  
3988 because I thought we were talking about lab accidents  
3989 that resulted in a release of a virus. But lab  
3990 accidents that occur in the lab and harm somebody,  
3991 there's a number of them.

3992 And the Sverdlovsk anthrax outbreak was not,  
3993 strictly speaking, a lab accident, it was an explosion.  
3994 And the people who got killed were downstream of the  
3995 anthrax spores, it wasn't a lab-related thing.

3996 Q. The lab exploded?

3997 A. The lab exploded.

3998 Q. It wouldn't have been released but for the lab  
3999 explosion?

4000 A. That's right.

4001 Q. I want to shift now to when you first heard  
4002 about COVID reported for the first time on ProMED on  
4003 December 30, 2019; China reported it December 31, 2019.

4004 Do you recall when you first heard?

4005 A. I don't recall the exact date. It was over  
4006 the Christmas -- over the holidays, I know that. So it  
4007 would have been late December or early January.

4008 Q. Do you recall if it was prior to public  
4009 notification?

4010 A. I don't remember.

4011 Q. And then the genomic sequence was first  
4012 publicly made available January 10 or 11 by Dr. Holmes.

4013 Did you have any discussions with Dr. Holmes  
4014 during the course of him making that public?

4015 A. I had discussions with him, but I can't  
4016 remember whether it was before or after he made it  
4017 public, probably after.

4018 Q. And then as Energy and Commerce put out  
4019 yesterday, it appears that a Chinese researcher  
4020 attempted to put that sequence on the gene bank database  
4021 in late December.

4022 Did you have any conversations where anyone  
4023 hinted at China knowing the sequence prior to it being  
4024 reported?

4025 A. No. The first I heard of it was yesterday  
4026 when I read it in a newspaper report or something or a  
4027 pre-release report.

4028 Mr. Slobodin. Going forward, do you have any

4029 thoughts -- I mean, I take it NIAID would have wanted to  
4030 know in realtime. I know it didn't meet the quality  
4031 control standards at NLCBI, but it was 99 percent there.  
4032 So going forward -- well, let's get it on record. You  
4033 agree NIAID would have wanted to know in realtime?

4034           The Witness. About the sequence that Eddie  
4035 published on the 12th?

4036           Mr. Slobodin. No, no, what Mitch just  
4037 mentioned to you, which was that it came out in the news  
4038 yesterday.

4039           The Witness. Every country in the world would  
4040 have wanted to know that.

4041           Mr. Slobodin. Going forward, do you have any  
4042 thoughts on how we could avoid that situation in the  
4043 future?

4044           The Witness. I think it has to do with  
4045 intercountry diplomacy, that government scientists and  
4046 other scientists that create this knowledge should be  
4047 part of a system that are ethically bound to report it  
4048 immediately in an open way so the whole world can see  
4049 it. How to make that happen, I don't know.

4050           Mr. Slobodin. Well, I'm looking at a somewhat  
4051 different issue, but that's a very valid point.

4052           But the situation here was this researcher in  
4053 China did make a submission of the gene sequence of

4054 SARS-CoV-2 into the gene bank at NIH, and there were  
4055 people working there, screening -- they're technicians,  
4056 they're not virus experts. So all they're looking for  
4057 is whether it has all the data elements for it to be  
4058 posted, which is why it wound up getting deleted by the  
4059 NIH because she didn't respond to their information  
4060 requests.

4061           Should there be some type of way in that kind  
4062 of situation where people in our government in early  
4063 January were frantically trying to see if they could get  
4064 a gene sequence out of China, when, in fact, we didn't  
4065 even realize we had a pretty good sequence to work from  
4066 and we didn't know it.

4067           So what would be your idea? Because this is  
4068 internal, it's not about diplomacy. Sequence is in the  
4069 National Library of Medicine's database.

4070           How does the rest of NIH get plugged into  
4071 that? Or, given the circumstances where there was  
4072 something of concern in the very early part of January  
4073 2020, that experts at NIH or, for that matter, anybody  
4074 else in our government would be able to interrogate the  
4075 database in our government -- in this case, it's at NIH  
4076 -- to find out, hey, did you guys happen to get any  
4077 SARS -- well, whatever it was called, you know, any  
4078 sequences of this virus in China we're hearing about?

4079 Mr. Belevetz. Do you understand the question?

4080 The Witness. I think I do.

4081 So from what you've told me -- I don't know  
4082 this independently, but from what you've told me, the  
4083 problem was that NIH received the stuff and then didn't  
4084 process it and make it available, receive the sequence  
4085 from this scientist.

4086 Ms. Ganapathy. Is that what you're saying,  
4087 Alan?

4088 Mr. Strom. To summarize, they received it on  
4089 the 28th. It would have been helpful for leaders across  
4090 the U.S. government to know that we had a sequence two  
4091 weeks before China slowly released it.

4092 I guess admittedly in hindsight, is there some  
4093 sort of triggering mechanism that we can use to where if  
4094 you have like a PROMED notice that we then check our  
4095 holdings just to see if we have something uploaded?

4096 The Witness. I think that's a good idea.

4097 Mr. Strom. Do you have any elaboration on it?

4098 The Witness. No, because I don't know what  
4099 happened.

4100 What I was going to say is that apparently  
4101 there was some snafu at the level of GenBank when the  
4102 sequence was received and they didn't end up being  
4103 posted.

4104           The way this is supposed to work is when the  
4105 scientist submits the thing to GenBank, it's there  
4106 immediately and everybody gets to see it. Something  
4107 fouled that up, and I don't know what it is.

4108           Mr. Slobodin. Well, it was a quality-control  
4109 issue, what we would call a quality-control issue. So  
4110 they were --

4111           The Witness. Well --

4112           Ms. Ganapathy. Wait for him to finish  
4113 speaking before responding, please.

4114           Go ahead, Alan.

4115           Mr. Slobodin. Sorry, I was just trying to  
4116 explain.

4117           I wouldn't say it was actually a snafu, they  
4118 were following their procedures. These were  
4119 technicians, so all they're looking for is does this  
4120 sequence -- did it give us information on the -- I don't  
4121 remember exactly what elements, but did it come from a  
4122 human being or an animal? What day was the sample taken  
4123 from whence the sequence came?

4124           It didn't have all those pieces of information  
4125 when it was submitted. So after the submission came in,  
4126 they didn't post it because it didn't meet their  
4127 predetermined quality control standards that before we  
4128 post it, we have to have all these pieces of



4129 information. That's what we were told is what happened.

4130 So this was a situation where it never even  
4131 got to being posted, but it was kind of in this category  
4132 of submission that wasn't posted.

4133 So what we're looking at is, what can we do in  
4134 the future to make sure that our government could be  
4135 sure they don't already have a sequence that they're  
4136 desperately looking for. So John suggested one idea.

4137 The Witness. You know, I think those are good  
4138 ideas.

4139 Obviously, we should investigate what happened  
4140 and figure out what we can do to make sure it doesn't  
4141 happen again. This is not rocket science, this is  
4142 administrative bureaucratic stuff.

4143 BY MR. BENZINE:

4144 Q. I'm going to stick with the sequence for a  
4145 little bit.

4146 In Dr. Ferrer's book -- I don't know if you  
4147 read Dr. Ferrer's book -- he wrote:

4148 "Eddie Holmes has screenshots taken from  
4149 social media in China about the  
4150 coronavirus sequence. They suggest the  
4151 full genome was known by a genomics  
4152 company in China by December 27, 2019,  
4153 and then reported to both China, CDC, and

4154 the hospital who provided the sample on  
4155 the 27th and 28th of December."

4156 You said in an e-mail and you said today that  
4157 you talked to Dr. Holmes a lot, especially early in the  
4158 pandemic. Did he ever say anything about that to you?

4159 A. No, not that I recall.

4160 Q. Dr. Daszak testified similarly, that he was  
4161 told the day before New Years Eve there was a new  
4162 coronavirus 20 percent different to SARS and that was  
4163 strangely accurate information because COVID-19 ended up  
4164 being pretty close to 20 percent different from SARS,  
4165 and that he heard this information from one or two  
4166 individuals that worked in the Chinese public health  
4167 infrastructure.

4168 Did he ever share that information with you?

4169 A. I don't remember that he did, he could have.

4170 Q. One of the overarching questions on the  
4171 sequence is that both of these suggest -- and have since  
4172 been confirmed, even if the sequence was not eventually  
4173 published -- that China had the sequence well before  
4174 Dr. Holmes made it public. Actually, we'll talk about  
4175 it, but he made it public on behalf of someone else. It  
4176 wasn't his own sequence, he just kind of did it. And  
4177 yet he still subsequently reported it as an undiagnosed  
4178 pneumonia instead of reporting it as this is a

4179 coronavirus, here's the sequence, let's get to work.

4180 Do you think that's concerning?

4181 A. I don't know what happened, I don't know the  
4182 details. It sounds like that's only part of the story.  
4183 I don't know enough about it to say -- it's the first  
4184 I've heard this, so I don't know.

4185 Q. Going back to Dr. Holmes. He published the  
4186 sequence on behalf of Dr. Zhang Yongzhen in China. And  
4187 then the next day, Dr. Yongzhen's was shut down for  
4188 recertification.

4189 Did you have any conversations with Dr. Holmes  
4190 about that?

4191 A. No.

4192 Mr. Benzine. That's all I have. John or Alan  
4193 might have some to wrap-up.

4194 Mr. Strom. Yes.

4195 EXAMINATION BY COUNSEL FOR THE MAJORITY

4196 BY MR. STROM:

4197 Q. You mentioned some of the work that was done  
4198 in the market and the efforts by the Chinese government  
4199 to determine the origins of the virus.

4200 What's your professional opinion about the  
4201 adequacy and completeness of the Chinese investigation,  
4202 to the extent we know what they've done, that they've  
4203 made public?

4204 A. You're talking about this pandemic?

4205 Q. For this pandemic.

4206 A. I think at first the Chinese did what  
4207 authoritarian governments always do, cover it up.

4208 But the Chinese and Chinese scientists have  
4209 been trying for decades now to be big players in the big  
4210 world and to do things properly. They learned a hard  
4211 lesson when they weren't forthcoming about the first  
4212 SARS thing.

4213 I think at some point in time, the Chinese  
4214 government stopped the defensive, let's not give anybody  
4215 information, and they bent over backwards to do just the  
4216 opposite, reveal everything.

4217 Q. Is there a particular event or announcement in  
4218 your mind that signals that shift?

4219 A. No.

4220 Q. I guess what I'm asking is, they're adamant,  
4221 the Chinese government -- and I take your point about  
4222 the Chinese scientists. I do think having read their  
4223 work on outbreaks and other viruses, they show a high  
4224 degree of proficiency.

4225 The Chinese government is adamant that there  
4226 were only 177 cases in December of 2019. The first case  
4227 they were able to find through their retrospective  
4228 search or otherwise is December 8th. You've mentioned

4229 that you think the outbreak was before that.

4230 Is it credible that that's as far back as  
4231 they're able to trace it?

4232 A. It depends on what methods they used. It is  
4233 credible, but I wouldn't be able to answer it unless I  
4234 knew what methods they used.

4235 Remember, it's hard to go backwards in time  
4236 and find something that you didn't know existed back  
4237 then. People are getting pneumonia all the time.  
4238 People are getting respiratory diseases all the time.  
4239 You almost never make a diagnosis. Particularly, are  
4240 you unable to make a diagnosis about a virus that hasn't  
4241 been discovered yet?

4242 Q. One of the issues has been their initial case  
4243 definition -- I think we talked about it earlier -- was  
4244 highly restrictive. And you want it to be sensitive  
4245 and, to your point about the pneumonia, not cast too  
4246 wide a net for it not to be useful.

4247 But by one of their own estimates, if they had  
4248 used the more refined case definition that they came to  
4249 towards the end of that early outbreak stage, they would  
4250 have had 11,000 cases by January 1st.

4251 Does that sound more in line with what you  
4252 would expect?

4253 A. It sounds like more than I would have

4254 expected, but I'm not surprised by it.

4255 Q. And just to go over my understanding, and  
4256 maybe we can take this time to do it a little more  
4257 completely, your belief this is a natural outbreak is, I  
4258 guess, primarily because of the -- well, you said the  
4259 sequence looks natural to you, but also the association  
4260 with the market and some of the earliest identified  
4261 cases.

4262 Are there other data points that off the top  
4263 of your head -- and I know you don't have your notes and  
4264 some of the seminal papers in front of you -- that  
4265 really drive home that this is a natural virus, in your  
4266 opinion?

4267 A. Well, the virus is very close to bat viruses  
4268 that are found in Southeast Asia. However it happened  
4269 or however it appeared, it wasn't very long before that  
4270 that this virus was in a bat somewhere in Southeast  
4271 Asia.

4272 Q. For the benefit of the lay audience, when  
4273 you're saying it's very, very similar to the bat  
4274 viruses, you're saying it didn't have a lot of time to  
4275 pick up host-specific mutations outside of a bat?

4276 A. As well as recombinations.

4277 Q. Thank you.

4278 So I guess part of what I think -- and there's

4279 the John Stewart line of, well, isn't it strange that it  
4280 emerged in the same town as the laboratory that's  
4281 studying these?

4282           You mentioned you thought the distance between  
4283 these December and January cases and the lab facilities  
4284 would have counted against it being a lab. But if I was  
4285 the WIV, I would consider myself extremely unlucky that  
4286 this happened in my hometown because they've been  
4287 conducting 20-plus years of surveillance of these  
4288 viruses and, to your point, they always thought they'd  
4289 emerge in Southeast Asia and Southern China. So while  
4290 they're looking hundreds of miles away from their home  
4291 offices, it's actually sort of on their front doorstep.

4292           You mentioned you weren't aware of the DEFUSE  
4293 proposal, either contemporaneously or since?

4294           A. That's right, I'm not aware of it. I don't  
4295 know what it is.

4296           Q. My understanding of it is that EcoHealth and  
4297 the WIV were going to go looking in the viral hotspots  
4298 of Southern China, for the purposes of this project, and  
4299 they were looking for SARS-related coronaviruses whose  
4300 spike protein were between 10 and 25 percent divergent  
4301 from SARS-1, that the spikes bound to human ACE2, and  
4302 they were particularly interested in viruses that have  
4303 furin cleavage site.

4304               So it just seems remarkable to me that a year  
4305 and a half after they proposed this grant, it  
4306 immediately wasn't funded by DARPA, that you have a  
4307 virus that fits that description, and probably the only  
4308 virus that we know of that fits that description  
4309 appearing in Wuhan. Wuhan, for what it was worth is a  
4310 -- I mean, the WIV and their studies used it as a  
4311 negative control because the people wouldn't be exposed  
4312 to bats that live there.

4313               Is there something that, as an attorney, as a  
4314 layman here, that I'm missing? You said there's no  
4315 proof of the lab outbreak. I grant you there's no  
4316 direct proof, they don't have a backbone or they didn't  
4317 publish a backbone. It does seem like a lot of  
4318 circumstantial evidence from an if you're solving a  
4319 crime perspective. If I'm missing something, please...

4320           A. I mentioned before that as an epidemiologist,  
4321 I'm used to putting together puzzle pieces that are  
4322 complicated.

4323               From my expertise and my experience, these  
4324 strange coincidence things happen all the time, you  
4325 always find them. They don't necessarily mean anything.  
4326 There's going to be a coincidence every time you  
4327 investigate an outbreak, and you're going to say, "Isn't  
4328 it strange that..."



4329 But as I explained before earlier today,  
4330 there's a lot of reasons why we had reason to believe  
4331 that this was going to happen. It was predicted as long  
4332 ago as 2007.

4333 Q. Well, I mean, the cruel irony is that that's  
4334 what they were trying to get ahead of, see around the  
4335 corner of.

4336 A. Right.

4337 And the experiment you mentioned -- I forget  
4338 the name of it, I don't know about it, but that would  
4339 have been a very logical thing to do. If I were a  
4340 researcher in China, I would have wanted to do something  
4341 like that. I wouldn't have put the stipulation of the  
4342 furin cleavage site in, but all the rest of it -- the  
4343 genetic similarity, the spike for protein similarity --  
4344 that's what you would want to do. That's good science.

4345 Mr. Slobodin. Why wouldn't you want to put  
4346 the furin cleavage site in?

4347 The Witness. Because we have no reason to  
4348 believe it means anything. Furin cleavage sites appear  
4349 in viruses all the time.

4350 A furin cleavage site could make some viruses  
4351 under some circumstances better able to infect mammals,  
4352 including human beings. But most of the viruses that  
4353 have furin cleavage sites are no more able to replicate

4354 in humans than any other.

4355 Q. Is that also a function of sort of where in  
4356 the genome that furin cleavage site develops?

4357 A. Yes.

4358 Q. As we recently found out from a FOIA release,  
4359 the spot that they were looking in is the S1/S2 junction  
4360 of the SARS-related virus. That's exactly --

4361 A. That's where you would want it to be.

4362 Q. Right, and exactly where DEFUSE proposed to  
4363 put it and exactly where the Alliance for SARS-CoV-2.

4364 My last question along this line is, one of  
4365 the things that has bugged me since I was working on  
4366 this issue -- and you mentioned it earlier -- where you  
4367 had the Spanish flu outbreak. You had near simultaneous  
4368 or contemporaneous sort of explosions of the virus  
4369 continents apart.

4370 And that's because, as I understand it -- and  
4371 correct me if I'm wrong -- you have the virus  
4372 circulating in a population of animals. Those animals  
4373 are being shipped all over and they're infecting people  
4374 throughout that process of either them moving around or  
4375 they're staying put and the people are moving around.  
4376 And when you have a super-spreader event or a critical  
4377 mass of infections is when you notice it.

4378 When you were talking about that for the

4379 Spanish flu, it struck me as that's pretty much exactly  
4380 what happened with SARS-1 on a small scale. You had  
4381 within a year period a dozen graphically separate  
4382 Chinese cities experiencing sort of flash outbreaks.

4383           This one, based on the data that China has  
4384 shared, not only is it just one city, but it's one  
4385 market. And then for a virus that can infect so many  
4386 mammals, different kinds of mammals, particularly farm  
4387 mammals, it seems a little strange that we don't have an  
4388 outbreak in Huva or in Wuhan, followed up by an outbreak  
4389 three months later in Beijing, followed up by an  
4390 outbreak three months later somewhere else. That it was  
4391 just one jump, maybe two jumps. And then for an RNA  
4392 respiratory virus, that doesn't seem like that's how  
4393 that happens.

4394           Some of it could be that just we don't have  
4395 the complete data picture from China, I'm trying to be  
4396 fair on that point.

4397           Is there something, as an amateur, as a  
4398 layperson, that I'm not thinking of?

4399           A. I think you're thinking along the right lines,  
4400 but this is a virus that has a relatively long serial  
4401 generation time, the time from when I get it until the  
4402 person that I infect gets it.

4403           Therefore, for it to explode in multiple

4404 places takes far longer than would have happened for the  
4405 Spanish flu, which has a serial generation time of two  
4406 days, seven days versus maybe two days.

4407           So I would say the fact that we didn't see a  
4408 lot of other stuff in China early on, we saw it  
4409 eventually. Eventually, it spread all over China.

4410           I don't know any way to distinguish between  
4411 whether it only occurred in one place and then spread  
4412 from there to other places or whether places were seeded  
4413 but they just showed up later because they were a  
4414 smaller population size with less crowding.

4415           Q. Obviously, it's four years out, so it's  
4416 probably too late. But at least in that first year,  
4417 six-month period, wouldn't you expect it to get  
4418 additional spillovers and to find some evidence of -- if  
4419 it's a pre-human lineage circulating in some dense  
4420 mammal population? I'm just thinking about how the  
4421 virus is spread throughout mink farms in North America,  
4422 mink farms in Europe. I think you even have some  
4423 mink-specific variance in a population of people.

4424           Wouldn't you expect to see the same thing in  
4425 China?

4426           A. Not necessarily because I would expect -- I  
4427 would expect that the first time the virus got out of  
4428 bats into something else was probably into animals

4429 before it got into humans,

4430           It's very possible that it wouldn't make those  
4431 animals sick. You wouldn't even know they were  
4432 infected. Obviously, at some point it got into human  
4433 beings.

4434           Since the virus is more Southeast Asian-like,  
4435 it's plausible that the epizootic, the first outbreak of  
4436 it, happened in a civet cat farm in Cambodia. And then  
4437 it got shipped up north to the Wuhan area where the  
4438 virus doesn't exist in an independent state. But it was  
4439 seeded in a sense. It broke out in animals, got into  
4440 people, people traveled or the animals traveled and it  
4441 got to Wuhan.

4442           Q. I appreciate the candor about it being in  
4443 September, October, November.

4444           So the best market survey we have is this one  
4445 that was conducted by a Chinese and Canadian team of  
4446 researchers that shows a relatively small number of  
4447 susceptible animals in six Wuhan area markets.

4448           On a 30-day basis if you only have 30 of these  
4449 animals coming in and out of six different markets, so  
4450 maybe averaging two-and-a-half, two civets at a given  
4451 stall, it strikes me as low density compared with what  
4452 we saw with SARS. Does that make sense?

4453           A. It's a statistical thing. It only takes one.

4454 Q. Right, but it helps to have a lot of dense  
4455 populations.

4456 A. It would be more likely to break out if there  
4457 were a lot of animals who were infected than fewer,  
4458 obviously, but in a statistical way. I can't judge  
4459 whether there's no risk until you have five animals or  
4460 one, I don't know.

4461 Q. We just don't have enough of a clear picture.

4462 A. I don't think anybody knows that. I don't  
4463 know it.

4464 Mr. Strom. Thank you for your indulgence of  
4465 amateur epidemiology.

4466 The Witness. Good questions.

4467 EXAMINATION BY COUNSEL FOR THE MAJORITY

4468 BY MR. SLOBODIN:

4469 Q. I wanted to ask a few questions. This is more  
4470 in the realm of I need your help, I'm a nonscientist.  
4471 We're looking at things as part of our review. So I  
4472 wanted to ask you a few questions here on a couple of  
4473 documents.

4474 I don't know what exhibit number we're on.

4475 The Reporter. 13.

4476 (Whereupon, Majority Exhibit 13 was  
4477 marked for identification.)

4478 Mr. Slobodin. And I highlighted it. I don't

4479 want to spend too much time on it or delve into it.  
4480 What this is -- I'm sorry, I gave you the wrong  
4481 document. You can hold onto that because we'll have a  
4482 question on that.

4483 This will be Exhibit 14.

4484 (Whereupon, Majority Exhibit 14 was  
4485 marked for identification.)

4486 BY MR. SLOBODIN:

4487 Q. This is from EcoHealth Alliance's grant  
4488 application which got its award, you know, the one  
4489 that's been in all the news. It should be highlighted  
4490 on what you're looking at. I just wanted to ask you  
4491 about that sentence on page 124:

4492 "Laboratory mice. Lab mice will be  
4493 sourced commercially by the Wuhan Center  
4494 for Animal Experiment at Wuhan  
4495 University."

4496 Why would such information be included in an  
4497 application, that kind of detail about the lab mice?

4498 A. Well, because there are animal protection  
4499 laws. When you do experiments with any animals,  
4500 including mice, you have to -- there are safety and  
4501 humane procedures that have to be followed. You usually  
4502 report the source because laboratory mice are bought  
4503 from companies.

4504 Q. And then going to the next page, there's a  
4505 section on laboratory mice that goes into a little more  
4506 detail.

4507 "Humanized mice will be bred at the  
4508 University of Wuhan. Mice will be  
4509 inoculated with a specific dose of virus  
4510 through different routes."

4511 Why would that information be included? Is  
4512 that also animal care stuff?

4513 A. Well, it's describing what they're going to do  
4514 actually.

4515 Q. Okay.

4516 A. A humanized mouse is a mouse that has some  
4517 genes inserted that are human genes.

4518 Q. Is that different from transgenic mice?

4519 A. It is transgenic mice.

4520 Q. It's the same thing, interchangeable?

4521 A. But a transgenic mouse doesn't have to be  
4522 inserted with human genes.

4523 Q. So humanized is more specific?

4524 A. Yes, more specific. Usually what the genes  
4525 are for is a receptor, because you want the mice to have  
4526 receptors that mice don't have that people do, like an  
4527 ACE2 receptor.

4528 Q. Okay. And then further down on this page:



4529 "Humanized mice for experimental  
4530 infection for Specific Aim 3. In order  
4531 to understand whether bat coronaviruses  
4532 that utilize receptors found in people  
4533 have the potential to infect people, we  
4534 will use Swiss albino mice (standard  
4535 breed at Wuhan University) that have been  
4536 genetically modified to have human  
4537 receptors."

4538 Is there something special about Swiss albino  
4539 mice --

4540 A. I don't think so. It's a common mouse used on  
4541 experiments all over the world.

4542 Q. And then later on in that paragraph, it says:

4543 "Humanized mice will be genetically  
4544 modified to carry human ACE2 or DPP4 gene  
4545 will be used to evaluate pathogenesis of  
4546 CoVs."

4547 So what does that mean? If you're using a  
4548 humanized mouse and you're infecting them with some bat  
4549 coronaviruses and you're using it to evaluate  
4550 pathogenesis, you're trying to find out what viruses  
4551 could be a threat to humans by using the mice?

4552 A. Essentially, yes. It's a very blunt screening  
4553 tool, it doesn't really tell you much.

4554 Q. Okay. At the top of the next page:  
4555 "...we will identify approximately 20  
4556 viruses that will be used for the mouse  
4557 infection experiments. This will require  
4558 a total of 80 mice over the study  
4559 period."

4560 If they're talking 20 viruses approximately  
4561 with 80 mice, it's like four per group. Do you have any  
4562 concerns about the only four per group?

4563 A. I do. I think the number's too small.

4564 Q. Okay.

4565 A. I wonder whether they made a mistake.

4566 Mr. Strom. Could it be like a pilot program?

4567 The Witness. Could be. Could be.

4568 If you only have four mice per virus and then  
4569 two of them are controls and two are experiments, you've  
4570 got two mice to determine everything that happens. It's  
4571 not enough, clearly.

4572 BY MR. SLOBODIN:

4573 Q. Okay. That's all I had on that document.

4574 Now back to the one I first gave you. So now  
4575 this is from EcoHealth's year two report. Again, we're  
4576 back to the highlighted section:

4577 "Specific Aim 3: Testing predictions of  
4578 coronaviruses through inter-species

4579 transmission."

4580 We're trying to go back and understand what  
4581 they were trying to do here, the dehumanized. It's on  
4582 that first page. I'm just looking at the subheading.

4583 So that looks to be -- again, looking for your  
4584 guidance, your professional judgment guidance on this,  
4585 what are they trying to do here? Are they again trying  
4586 to predict which coronaviruses could be a threat to  
4587 humans through these experiments, inter-species  
4588 transmissions? Again, this is going back to...

4589 A. It doesn't look like that. I would have to  
4590 read it and study it carefully. It does not look  
4591 like -- they're trying to look at human transmission.

4592 Q. If you go to page 18, I've highlighted this  
4593 line. I'm just making a point here because I think a  
4594 lot of this analysis was trying to show that these  
4595 particular strains, coronavirus strains, were -- they  
4596 talked about "WIV16 is identical to" two other strains  
4597 "in NTD and RBD of the spike protein, respectively, and  
4598 is highly homologous to SARS-CoV in both the NTD and  
4599 RBD." And that this SARS-like coronavirus is "most  
4600 closely related to the direct progenitor of SARS-CoV  
4601 discovered to date."

4602 So is it fair to say we're looking at strains?  
4603 I mean, in my amateur review, it sounds like they're

4604 saying it's pretty similar to SARS?

4605 A. Sounds like it.

4606 Q. I guess the point being, you had

4607 countermeasures for SARS but not for ones that might be

4608 slightly different. We're trying to see if the slightly

4609 different SARS-like viruses could be a threat to human

4610 health and then the idea is to build countermeasures?

4611 A. I don't know what they're trying to do here.

4612 I'd have to read over it. And there's probably more

4613 information; I don't know what they're trying to do.

4614 Q. If you flip to the last page on this, they

4615 have additional year two items.

4616 The second bullet:

4617 "Two chimeric bats SARS-like coronavirus

4618 strains were constructed by replacing the

4619 S gene in the backbone of WIV1."

4620 So they're modifying these coronavirus strains

4621 by replacing this S gene?

4622 A. Yes.

4623 Q. And then the next bullet:

4624 "Permission to import mice with human

4625 ACE2 to China was obtained, so as to

4626 conduct the experimental infections

4627 proposed in our ROI1 specific aims."

4628 It shows you in the application they were

4629 talking about using mice from Wuhan University. Why  
4630 would they import mice with human ACE2, they have mice  
4631 with human ACE2 there at Wuhan University?

4632 A. I don't know. There's potentially a number of  
4633 different human ACE2 mice strains that have different  
4634 properties. There may be some reason that I'm not aware  
4635 of.

4636 Q. And then it says in the "Goals Not Met":  
4637 "Animal infection experiments of  
4638 SARS-like coronaviruses were not done  
4639 because of the unavailability of mice  
4640 with human ACE2 in year two. We now have  
4641 secured these mice and will begin this  
4642 work in year three."

4643 One of the things is they didn't begin the  
4644 work until year four because it doesn't appear that's an  
4645 accurate statement that they, in fact, had secured the  
4646 mice.

4647 Again, there's not a lot of specifics. It's  
4648 not obvious to me from reading this why there's an  
4649 unavailability problem when they had it right there in  
4650 China.

4651 A. I mean, it's not obvious to me either. I  
4652 can't tell you anything based on this. There's not  
4653 enough information.

4654 Q. Okay. Next I would like to --

4655

4656 (Whereupon, Majority Exhibit 15 was

4657 marked for identification.)

4658 BY MR. SLOBODIN:

4659 Q. This is a letter from program officers to a

4660 grantee about certain experiments that could be

4661 conducted under the gain-of-function research clause.

4662 I just want to direct your attention to the

4663 second bullet at the bottom of this page. It says:

4664 "NIAID's determination is that the work

4665 proposed under Experiment 4 to generate

4666 SARS-like viruses with enhanced affinity

4667 for human receptors (via both reverse

4668 genetics and serial passaging) is subject

4669 to the gain-of-function research funding

4670 pause, and therefore may not be conducted

4671 under this grant. Given the lack of

4672 empiric evidence that increased receptor

4673 binding alone is insufficient to increase

4674 pathogenicity, NIAID has determined that

4675 the proposed work is reasonably

4676 anticipated to result in a SARS-like

4677 virus with enhanced pathogenicity."

4678 What does that mean in plain English? It's

4679 SARS-like virus? In the first paragraph they said:

4680 "The research funding pause pertains to  
4681 gain-of-function research projects that  
4682 may be reasonably anticipated to confer  
4683 attributes to influenza, MERS, or SARS  
4684 viruses such that the resulting virus  
4685 would have enhanced pathogenicity and/or  
4686 transmissibility in mammals via the  
4687 respiratory route."

4688 What is going on in this bullet where they're  
4689 saying, well, this particular experiment is subject to  
4690 the pause and not one of the named viruses but SARS-like  
4691 viruses?

4692 Mr. Belevetz. Do you have any familiarity  
4693 with this?

4694 The Witness. No.

4695 Mr. Belevetz. Have you ever seen this report?

4696 The Witness. No.

4697 Mr. Belevetz. Do you represent HHS in  
4698 connection with this matter?

4699 The Witness. No.

4700 Mr. Belevetz. Fire away.

4701 BY MR. SLOBODIN:

4702 Q. What is happening here? Why did you think  
4703 they would not let this experiment go forward?

4704           A. I believe the person who wrote this is  
4705 concerned that doing this experiment could create a  
4706 virus that was harmful to human beings, in other words,  
4707 a virus that in nature had not been shown to be harmful  
4708 to humans but could be with this experiment.

4709           Q. What is this "given the lack of empiric  
4710 evidence that increased receptor binding alone is  
4711 insufficient to increase pathogenicity," what does that  
4712 clause mean?

4713           A. This is a bit complicated, but the SARS virus  
4714 infects people and animals by attaching to ACE2  
4715 receptors which are receptors that all mammals have. In  
4716 general, mammal receptors are kind of species in general  
4717 specific.

4718                 So a receptor for some other virus might be --  
4719 the human one would be very different from the dog, one  
4720 for example. So, in general, the analogous receptors on  
4721 different mammals are very different so that a dog virus  
4722 doesn't infect a human and a human virus doesn't infect  
4723 a dog and so on, in general.

4724                 But the ACE2 receptor is very different. It's  
4725 similar on all mammals. What that means is any virus,  
4726 any coronavirus that attaches to any ACE2 receptor on  
4727 any mammal is kind of pre -- what's the word I'm looking  
4728 for? It's kind pre-adapted to human beings even if that



4729 animal virus had never seen a human being.

4730           So I think the person who wrote this was  
4731 saying we don't know about this original virus before  
4732 they mutated or were added on the ACE2, the part that  
4733 bonded to the ACE2. But if we do that, they are saying it  
4734 could inadvertently create a virus that was harmful to  
4735 people and therefore we shouldn't do it.

4736           Q. If you flip to the other side on the top  
4737 paragraph it says:

4738                        "If your research evolves to include  
4739                        experiments that may be subject to the  
4740                        pause or you observe enhanced  
4741                        pathogenicity and/or transmissibility to  
4742                        influenza viruses in mammals via the  
4743                        respiratory route at any time during the  
4744                        course of conducting these experiments,  
4745                        you must immediately stop these research  
4746                        activities and provide the NIAID Program  
4747                        Officer and Grants Management Specialist  
4748                        with the relevant data and information  
4749                        related to these unanticipated outcomes."

4750           So one of the questions I'm trying to figure  
4751 out, like on this or enhanced virus growth, is when you  
4752 do these measurements with these experiments, if you  
4753 have a two-week experiment and you're taking

4754 measurements, you know, viral load from various body  
4755 parts and other things like looking up body weight,  
4756 you're getting specimens. But when do you run the  
4757 actual tests to tell you whether or not you have an  
4758 enhanced virus growth? Would you do it while the  
4759 experiment is going on or you would do all the  
4760 measurements at the end? If it's at the end, well, then  
4761 what's the point? There's nothing to be stopped. Do  
4762 you see the conundrum here? So what's your  
4763 understanding? How does this work?

4764 A. My understanding is that you would do a  
4765 screening test to see if there was increased virus  
4766 growth while it was going on. But the harder parts, the  
4767 more definitive tests you would bank and do them  
4768 afterwards because those experiments take -- a PCR test  
4769 takes hours to do, but viral culture might take days to  
4770 do. So you can't do it in realtime.

4771 They would do screening tests if they had any  
4772 indication if there was enhanced virus growth. That  
4773 would be enough to get them to stop.

4774 Q. Screening for what? What would you be  
4775 measuring?

4776 A. Well, polymerase chain reaction, a  
4777 quantitative test that measures viral RNA, doesn't  
4778 measure infectious viruses.

4779 Q. Could you do that in lung tissue?

4780 A. It's usually done in what we call tissue  
4781 culture, but it could be done in experimental animals,  
4782 in mice, for example.

4783 And an infected animal will have RNA -- SARS  
4784 is an RNA virus -- in body tissues and perhaps in the  
4785 blood and that can be redetected and quantified.

4786 The amount of RNA is not necessarily  
4787 correlated with viral growth. It would give you a  
4788 heads-up that maybe the virus is growing more than you  
4789 wanted it do.

4790 Q. So there are ways to get measurements during  
4791 the course of the experiment, you do not have to wait?

4792 A. You do not have to wait. But let me just  
4793 specify that the PCR tests are not a definitive answer,  
4794 they're just sort of a heads-up that something could be  
4795 going on.

4796 (Whereupon, Majority Exhibit 16 was  
4797 marked for identification.)

4798 BY MR. SLOBODIN:

4799 Q. Majority Exhibit 16 is an exchange of letters  
4800 between EcoHealth Alliance and the NIAID review people.

4801 By the way, are you at all familiar with the  
4802 NIAID gain-of-function committee? It's an internal  
4803 group of officials at NIAID, including the relevant

4804 subject matter experts, to review research proposals  
4805 that come up in funded grants. And this would have been  
4806 either from 2014 to 2017 when there was a  
4807 gain-of-function research pause to see if there was an  
4808 issue, and, if so, how to deal with it.

4809           Similarly, would the HHS P3CO framework  
4810 replacing that, same -- very similar, they did some  
4811 tweaks to it. But it's a similar thing where they would  
4812 review a research proposal to see, is it involving  
4813 enhanced pathogens, do we have an issue here that  
4814 implicates P3CO? Do they have to change anything? Do  
4815 we have to refer it, blah, blah, blah.

4816           Are you familiar at all with an internal  
4817 review group like that?

4818           A. I know such a thing exists. I've never been  
4819 involved with it myself, but I generally understand what  
4820 it is. As you said, it's to screen proposed work to  
4821 make sure there's nothing that's unsafe.

4822           Q. Okay. As mentioned earlier, there had been a  
4823 disagreement between EcoHealth Alliance and NIH about  
4824 these humanized mice experiments, whether it was one  
4825 experiment or two experiments. And this issue figured,  
4826 among other things, because there were a lot of issues,  
4827 in what resulted in the debarment of the Wuhan Institute  
4828 of Virology from NIH funding. And that decision was

4829 rendered by the department but on the recommendation of  
4830 NIH.

4831           One of the issues was they were NIH experts  
4832 that looked at what EcoHealth had submitted in the  
4833 reports about these experiments and they said -- I  
4834 forget the exact wording -- something along the lines of  
4835 we think it's more probable than not that there were two  
4836 experiments. There's uncertainty, but they were leaning  
4837 in the direction of two experiments. Dr. Daszak has  
4838 maintained in the press and with us in transcribed  
4839 interviews a single experiment.

4840           I want to know, were you one of the experts  
4841 that were consulted on this?

4842           A. No. I know nothing about this.

4843           Q. Who would be the experts to consult on this?

4844           A. You mentioned the P3C -- I'm bad with  
4845 acronyms.

4846           Q. It's pathogens with pandemic potential?

4847           A. There is such a committee. It's not widely  
4848 known who's on that committee, but I believe it's  
4849 government experts, people from NIH --

4850           Q. You're talking about the HHS?

4851           A. Yes.

4852           Q. Right.

4853           A. Those would be the people to ask.

4854 Q. But this memo was internal, this was to NIH.  
4855 It didn't involve PC30 at all. This was strictly --  
4856 must be virus experts of some sort. If we looked at  
4857 these experiments, it says the details here suggest to  
4858 us it kind of looks like two experiments.

4859 All right. We've got about a minute here.

4860 So there was correspondence, but I guess we're  
4861 not going to have the time to get into it. I wanted to  
4862 ask because NIH was asking for it.

4863 "Please provide a detailed explanation  
4864 for this determination that it's not  
4865 subject to gain-of-function pause."

4866 And the second part is:

4867 "...and detailed descriptions of the  
4868 experiments you plan to conduct."

4869 So what would be a detailed description of the  
4870 experiments you plan to conduct? What would be the  
4871 details?

4872 A. Well, the details should be in the grant  
4873 application. Since I have never seen the grant, I don't  
4874 know what they did.

4875 Q. Would it include the biosafety level of the  
4876 lab?

4877 A. Yes.

4878 Q. Would it include the number -- we're talking

4879 about the humanized mice experiment --

4880 A. Yes.

4881 Q. -- the total number of mice in the sample

4882 size?

4883 A. Yes.

4884 Q. Would it include -- because they were testing

4885 different kinds of viruses, would it include the dose of

4886 the virus they were giving?

4887 A. Yes.

4888 Q. Would you expect it would include the method

4889 of the inoculation?

4890 A. Yes.

4891 Mr. Slobodin. I think I'm out of time.

4892 That's helpful. Thank you.

4893 Mr. Benzine. We can go off the record.

4894 (Whereupon, a recess was taken

4895 from 3:41 p.m. until 3:50 p.m.)

4896 EXAMINATION BY COUNSEL FOR THE MINORITY

4897 BY [REDACTED]

4898 Q. Good afternoon again, Dr. Morens.

4899 A. Good afternoon.

4900 Q. I just want to quickly clarify the last couple

4901 of exhibits that were shown to you by the Majority,

4902 Exhibits 13 to 16, I believe.

4903 This was your first time viewing those

4904 documents, correct?

4905 A. I believe so. I didn't mark the numbers on  
4906 mine.

4907 Q. 13 is the one at the top that says "Year Two  
4908 NIAID"; 14 is the animals; 15 a letter to  
4909 Kevin McKoskey; and 16 is a bunch of letters but starts  
4910 with a letter to Mr. Chmura.

4911 A. I don't have knowledge of any of these letters  
4912 as far as I remember.

4913 Q. So the answers you were given to the questions  
4914 about them was speculation based on your experience but  
4915 wasn't about the specific documents?

4916 A. No. It is speculation from my own experience  
4917 and the premises that the questioners asked me.

4918 Q. Thank you.

4919 Moving on to a separate topic. How many  
4920 grants a year, on average, does NIAID oversee?

4921 A. Thousands. I couldn't tell you the number,  
4922 but thousands.

4923 Q. So would it be possible for the Director of  
4924 NIAID to have specific knowledge of all of those grants?

4925 A. No. He probably wouldn't have specific  
4926 knowledge of any of them except in a rare case.

4927 Q. What might a rare case be?

4928 A. Something like the Peter Daszak grant. When



4929 it was taken away, he would have had knowledge of it  
4930 then, if not before.

4931 [REDACTED] I'm going to introduce Minority  
4932 Exhibit A.

4933 (Whereupon, Minority Exhibit A was marked  
4934 for identification.)

4935 BY [REDACTED]

4936 Q. So this is an e-mail chain that includes you.  
4937 I'll give you have a moment to look it over.

4938 (Witness reviews document.)

4939 BY [REDACTED]

4940 Q. I just want to draw your attention to the  
4941 bottom of the second page or the back of the first page.  
4942 There's an e-mail from you dated January 7, 2020.

4943 A. Okay.

4944 Q. In it you say:

4945 "Tony doesn't maintain awareness of these  
4946 things and doesn't know unless program  
4947 officers tell him, which they rarely do  
4948 since they are across town and may not  
4949 see him more than once a year or less."

4950 What were you referring to when you said that?

4951 A. I'd have to read down.

4952 Q. Take your time.

4953 A. I think the context of it was that something

4954 was happening in -- something was happening in China  
4955 that turned out to be the pandemic. I was trying at  
4956 that time to make sure that Tony was up on things. This  
4957 correspondence was apparently with Peter Daszak and then  
4958 above that with Christina Cassetti who was the  
4959 supervisor of the program officers.

4960 As I think from looking at all this stuff --  
4961 there's several letters in here -- this was trying to  
4962 keep everybody in the loop about what was going on  
4963 because at the very beginning, none of us knew anything.

4964 Peter and Eddie Holmes were the primary source  
4965 of knowledge.

4966 Q. And at the top of the fourth page, you are  
4967 receiving information about EcoHealth Alliance's grant,  
4968 correct?

4969 A. Oh, I see. They're front and back.

4970 Q. Trying to save some trees.

4971 A. That's Peter e-mailing me, January 27th.

4972 Q. So he's giving you some cursory information  
4973 about his grant?

4974 A. Yeah.

4975 Q. And then your e-mail which I read from is  
4976 thanking him for that information. "Great info, thanks"  
4977 is how it starts, right?

4978 A. Right.

4979 Q. So you were gathering information because you  
4980 didn't have knowledge of this at that time, or specific  
4981 knowledge?

4982 A. Well, the knowledge -- I had -- the knowledge  
4983 was increasing.

4984 Over January, it's like every day some new  
4985 information came in. It started off being like this is  
4986 probably a nothing to, wait a minute, maybe it's really  
4987 something to this certainly is something. I think all  
4988 of us were becoming more alarmed day by day because I  
4989 have to know this stuff and I have to report it to Tony.

4990 I was basically doing my job trying to  
4991 interact with all the people involved, the grantee, the  
4992 program people, anybody in the system that could provide  
4993 information that Tony would need to have to stay on top  
4994 of it.

4995 Q. So you were gathering information for  
4996 Dr. Fauci that he did not already have?

4997 A. Well, I don't know that he didn't have it.  
4998 I'm sure at the beginning he didn't have it.

4999 Q. But you were assuming he didn't because he  
5000 doesn't maintain knowledge of specific grants?

5001 A. As I said in there, Tony's the director of an  
5002 institute that's an \$8 billion institute. He doesn't  
5003 even know all the people in the institute. He knows

5004 very few of them. He doesn't know the grants.

5005           Usually it's not important that he has to know  
5006 that stuff. He has to run the institute at a  
5007 30,000-foot level. But when specific things come up  
5008 that he needs to know about, I and others will bring it  
5009 to his attention.

5010           He always said, "David, if you think there's  
5011 something important, let me know. Don't guess; let me  
5012 know."

5013       Q.    Great.

5014           So you were getting the information that you  
5015 thought might be important so you could bring it back to  
5016 your boss?

5017       A.    Right.

5018       Q.    Drawing your attention back to Majority  
5019 Exhibit 6 -- sorry to go back. It has yellow at the  
5020 top. It's an e-mail from Eddie Holmes at the top.

5021           I just wanted to draw your attention to the  
5022 second page or back of the first page where you said:

5023                       "Tony doesn't want his fingerprints on  
5024                       origins stories."

5025           I want to clarify that Dr. Fauci didn't tell  
5026 you he didn't want your fingerprints on origins?

5027       A.    He never told me that, no.

5028       Q.    So that was your thoughts on the situation?

5029 A. It was my thoughts because he was getting  
5030 death threats. I certainly saw the emotional toll that  
5031 took on him, so I was trying to not do anything that  
5032 made the situation worse.

5033 Q. Absolutely.. Thank you.

5034 Finally, I just have a couple of questions to  
5035 wrap things up for us.

5036 You are not testifying today that there was an  
5037 NIH cover up related to gain a function research,  
5038 correct?

5039 A. I'm not testifying to that. I have no  
5040 information that there was.

5041 Q. And you are not testifying that Dr. Fauci lied  
5042 to cover up gain-of-function research at the Wuhan  
5043 Institute of Virology, correct?

5044 A. I'm sure he never did that.

5045 Q. And if anyone walked out of this room and  
5046 characterized your testimony today as having established  
5047 that Dr. Fauci lied to cover up gain-of-function research  
5048 at the WIV, that would be wrong?

5049 A. I've never known Dr. Fauci to lie about  
5050 anything. He's absolutely a straight arrow,  
5051 tell-the-truth kind of guy.

5052 Q. And if anyone walked out of this room and  
5053 characterized your testimony as revealing that COVID-19

5054 was likely created by gain-of-function research funded  
5055 by Dr. Fauci and the National Institute of Allergy and  
5056 Infectious Diseases, that would be inaccurate and a  
5057 misrepresentation of your statements today, correct?

5058 A. I believe so.

5059 [REDACTED] Thank you very much, Dr. Morens.

5060 We can go off the record.

5061 (Off the record.)

5062 EXAMINATION BY COUNSEL FOR THE MAJORITY

5063 BY MR. BENZINE:

5064 Q. You were just asked a number of questions  
5065 about charactering your testimony regarding  
5066 gain-of-function research.

5067 Do you recall us asking you a question about  
5068 gain-of-function research today?

5069 A. I don't believe you did.

5070 Mr. Benzine. Perfect. We can go off the  
5071 record.

5072 Ms. Ganapathy. Are we done?

5073 Mr. Benzine. Yes.

5074 (Proceedings concluded at 3:59 p.m.)