

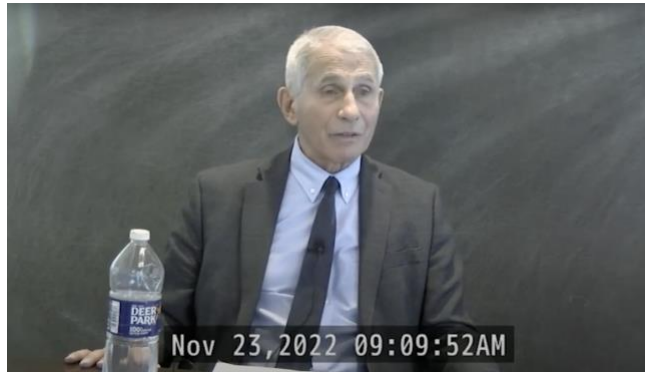


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NCLA Releases Video Depositions in Social Media Censorship Suit After Judge Orders Case to Be Heard

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



Washington, DC (March 23, 2023) – NCLA has released six video depositions taken in its federal lawsuit, *State of Missouri, et al. v. Joseph R. Biden, Jr., et al.*, which provide more clarity on the role that government actors, including Dr. Anthony Fauci, played in censoring people on social media during the pandemic. Earlier this week, Judge Terry A. Doughty of the U.S. District Court for the Western District of Louisiana [denied](#) government defendants’ motion to dismiss, ruling that the case shall continue: “The Court finds that the Complaint alleges significant encouragement and coercion that converts the otherwise private conduct of censorship on social media platforms into state action, and is unpersuaded by Defendants’ arguments to the contrary.”

NCLA, the Attorney General of Missouri, and the Attorney General of Louisiana conducted depositions of [Elvis Chan - FBI Supervisory Special Agent](#), [Carol Crawford - CDC Chief of the Digital Media Branch](#), [Dr. Anthony Fauci - NIAID Director and White House Chief Medical Advisor](#), [Daniel Kimmage - Acting Coordinator of the State Department’s Global Engagement Center](#), [Brian Scully - Cybersecurity and Infrastructure Security Agency](#), and [Eric Waldo - Senior Advisor to the Surgeon General of the United States](#).

As revealed in Elvis Chan’s deposition, the FBI played a major role in working with Big Tech companies to censor speech. Actions ranged from weekly meetings with social media companies to demanding takedowns of specific accounts and facilitating suppression of certain stories. Chan observed that the platforms became far more aggressive in removing misinformation during the 2020 election cycle than in previous election cycles, and they have remained so.

In his deposition, Dr. Fauci testified “I do not recall” 174 times, and “I don’t remember,” at least 212 times. Other evidence—including his own emails and past statements—cast substantial doubt on Dr. Fauci’s claim to have a failing memory. Moreover, his deposition testimony—that he genuinely believed Covid had natural origins—conflicts with emails he exchanged with scientists in early 2020, indicating that he believed the lab leak hypothesis could be accurate. Those emails suggest Dr. Fauci and other scientists made a concerted effort to conceal that information from the public by commissioning scientific papers purporting to confirm that the virus came from a

wet market, possibly because they had funded gain-of-function research and feared being held responsible for the pandemic.

This subject, along with many others, are thoroughly discussed in the recently filed [Supplemental Preliminary Injunction Brief](#) and [Proposed Findings of Fact](#) in this case. These extensive new filings are the first written documents to put together all major facts gathered through discovery and from the depositions thus far. They paint a comprehensive picture of an administration and federal officials engaging in a lawless, expansive censorship campaign that employed illicit tactics against social media companies to suppress the airing of disfavored perspectives on Covid-19 and certain other topics.

NCLA released the following statement:

“These depositions further confirm what other discovery in the case has already demonstrated: dozens of members of the federal government, including unelected bureaucrats like Dr. Fauci, orchestrated a campaign to shut down debate about Covid-19 related subjects, and they deceived the American public on issues ranging from the lab leak theory to efficacy of masks to the protection offered by naturally acquired immunity to whether the vaccines could prevent disease transmission. Now that the judge has allowed this case to proceed, we look forward to learning even more as the case enters the merits discovery phase.”

— **Jenin Younes, Litigation Counsel, NCLA**

For more information visit the case page [here](#) or watch the case video [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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