

# Despite Biden Pardon, Fauci Still Faces Legal Perils. Here They Are...

BY TYLER DURDEN  
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*Authored by Paul D. Thacker via RealClearInvestigations,*

President Biden's pardon of **Dr. Anthony Fauci** may protect the former National Institutes of Health official from immediate criminal prosecution, **but some critics say he is not completely out of legal jeopardy and that public sentiment might still condemn the man who became known during the COVID-19 pandemic as "Mr. Science."**

In the days before Biden offered the pardon to Fauci, along with other critics of Donald Trump, some experts who have followed Fauci's career and handling of the pandemic, as well as members of the Trump transition team, reiterated their assertion that **Fauci perjured himself on several occasions during the pandemic** – especially regarding his agency's links to the lab in Wuhan, China, that might have created the virus that causes COVID-19.

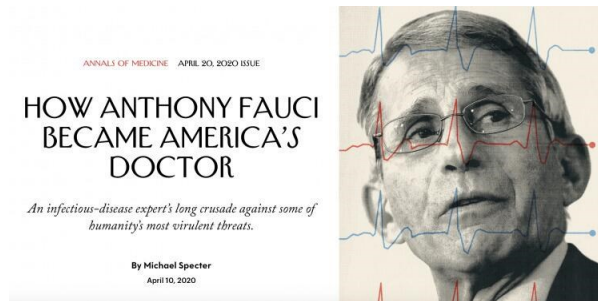
The pardon addresses any COVID-related offenses, and is backdated to 2014—the year a U.S. ban on so-called "gain of function" virus research took effect -- research Fauci is accused of outsourcing to China.

**Despite reporting that Trump is bent on revenge, the appetite among MAGA appointees for holding Fauci accountable hasn't been particularly vocal.** But former Senate investigator Jason Foster, who now runs the whistleblower nonprofit Empower Oversight, says that Biden's pardon creates new legal jeopardy for Fauci. Sen. Rand Paul has vowed to continue investigating the COVID origins question, and sources tell RealClearInvestigations that Sen. Ron Johnson and House Republican investigators plan to do so as well. **When testifying in those inquiries or answering written depositions, Fauci will be unable to dodge questions by invoking his Fifth Amendment protections against self-incrimination.** "They can ask him if he lied before, replough old ground," Foster said. "And if he lies about any prior lie, he can be prosecuted for that or held in contempt."

Andrew Noymer, associate professor of population health and disease prevention at the University of California, Irvine, said such hearings are necessary for scientific and historical reasons. "I'm hopeful that he will now come clean about

everything he knows about the origins of the virus,” Noymer said. “For the sake of public trust in science – explaining what killed 20 million people – that a complete account is much more important than speculation about what criminal penalties he may have avoided.”

**“These pardons will not stop Department of Justice investigations,”** said one adviser to the Trump transition team, who spoke on the condition of anonymity. **“We expected this and look at it as a predicate to get truth from people who can no longer use the Fifth Amendment. Now we can bring every one of them in front of a grand jury.”**



*Legacy media outlets promoted Fauci throughout the pandemic.*

There is no consensus on Fauci’s handling of the pandemic. Legacy media outlets have promoted Fauci throughout the pandemic as “America’s doctor” who “sticks to the facts” and applauded him as “the nation’s top infectious disease expert.” When he retired from the NIH after five decades in 2022, the New York Times granted him space on its opinion page to advise the next generation of scientists, citing his own accomplishments.

**Numerous social media outlets have provided a polar opposite perspective. Several X accounts have uploaded videos that show Fauci’s inconsistencies.** For example, Fauci claimed in early 2022 interviews that he never recommended lockdowns, but later said he recommended shutting the country down. Independent journalist Matt Orfalea circulated another set of clips that show Fauci claiming he kept an “open mind” about how the pandemic started while alleging in others that the evidence points against a lab accident and “strongly” in favor of a natural spillover.

As Fauci’s flip-flops generated attention in Republican circles and on social media, he charged that such criticism was “totally preposterous,” adding, **“Attacks on me, quite frankly, are attacks on science.”**

Fauci’s many contradictory statements even caught the attention of a New York Times contributing opinion writer, Megan K. Stack, who chastised Fauci for “the largely one-sided nature of his public remarks” about the possibility the pandemic

started from an accident at a lab his agency had helped fund – the Wuhan Institute of Virology. Initially, Fauci dismissed as a “conspiracy theory” the possibility of a Wuhan lab accident on a Feb. 9, 2020, podcast hosted by Newt Gingrich. Afterward, Fauci reversed himself, stating in several interviews that he had always kept an open mind.

**Later reports zeroed in on Fauci’s secret involvement in prominent March 2020 research**, called the “proximal origin” paper, that turned public and scientific sentiment against the possibility of a lab accident. “Our analyses clearly show that SARS-CoV-2 is not a laboratory construct or a purposefully manipulated virus,” the paper concluded, adding, “We do not believe that any type of laboratory-based scenario is plausible.” Published in the prestigious Nature Medicine journal, “proximal origin” is the most-cited scientific paper of 2020.

Subsequent emails showed that Fauci helped guide the “proximal origin” paper to publication, as congressional probers found, **“without revealing that he had been involved with its creation and had even, according to the emails, given it his approval.”**

Distancing himself from his own emails, Fauci later told the Times that he wasn’t sure he even got around to reading the paper. But the House later released a multi-day deposition of Fauci where he was asked about his involvement in the “proximal origin” paper. Under oath, Fauci admitted to having received and read several drafts of the paper.

But while dissembling to the media is not a crime, lying to Congress is illegal. And the Department of Justice has two referrals from Congress already requesting that Fauci be prosecuted for lying under oath.



*Fauci and Sen. Rand Paul, facing off in the public arena.  
“He definitely misled the senator,” said the ex-head of the CDC.*

Fauci’s habit of bending the truth, as some see it, was notably on display at a July 2021 Senate hearing when Rand Paul, the Kentucky Republican, bore into the funding Fauci approved for gain-of-function research at the Wuhan Institute of

Virology. While Fauci attempted to downplay his financial involvement with the Chinese government lab, reports were already percolating.

**In April 2020, Newsweek reported that Fauci had approved a grant for risky “gain of function” virus research at the Wuhan lab.** The Washington Post editorial board in March 2021 then called for an independent investigation into EcoHealth Alliance, a nonprofit funded by the Fauci-run National Institute for Allergy and Infectious Diseases. With this grant, EcoHealth subcontracted research to the Chinese, the Post noted, to do experiments involving “modifying viral genomes to give them new properties, including the ability to infect lung cells of laboratory mice that had been genetically modified to respond as human respiratory cells would.”

**Fox News reported Sunday that the U.S. Department of Health and Human Services has barred EcoHealth Alliance Inc. and its former president, Dr. Peter Daszak, from receiving federal funds for five years.** EcoHealth allegedly failed to report dangerous gain-of-function experiments to the government, which eventually led to the five-year ban.

A month prior to Fauci’s hearing with Paul, Columbia University professor Jeffrey Sachs confirmed that U.S.-funded research at the WIV consisted of gain-of-function virus research that could have started the pandemic. “[I]t is clear that the NIH co-funded research at the WIV that deserves scrutiny under the hypothesis of a laboratory-related release of the virus.” At that time, Dr. Sachs led a commission formed by a British medical journal, The Lancet, to investigate how the pandemic began.

But when Paul began grilling Fauci about these details and called him out for what he characterized as evasive answers, Fauci pointed the finger back at Paul. “If anybody is lying here, senator, it is you,” Fauci said. Paul then sent a criminal referral to the Department of Justice requesting they investigate whether Fauci had committed perjury.

**“He definitely misled the senator,”** said former Centers for Disease Control and Prevention Director Robert Redfield. When Redfield looked at all the evidence, including still-classified information, he said the weight falls in the direction of a lab accident. “Fauci manipulated the public to believe there was only one possible cause for the pandemic, a natural spillover.”

Months after Paul’s referral to the Justice Department, liberal news nonprofit ProPublica released new documents confirming the Wuhan lab had conducted such studies. “Grant money for the controversial experiment came from the National

Institutes of Health's National Institute of Allergy and Infectious Diseases, which is headed by Anthony Fauci," ProPublica reported on September 9, 2021.

**"NIH admits funding risky virus research in Wuhan,"** Vanity Fair reported a week after ProPublica, referencing a letter NIH sent to Congress.

Paul sent a second referral to the Department of Justice in July 2023, reiterating his demand that Fauci be investigated. At that time, House investigators released emails showing that, in early 2020, Fauci admitted that scientists were concerned the COVID virus had been engineered and researchers in Wuhan were engaged in gain-of-function research.

"Everything he has been telling us from the very beginning has been a lie," Sen. Paul told Fox News. "We have documented it's a lie and it's a felony to lie to Congress." Biden's pardon negates the two Senate referrals for criminal activity. But future hearings could still require Fauci to respond to evidence that he might have perjured himself, and open him up to future prosecution if he stands by statements that can be proven to be false.