 New Civil Liberties Alliance

June 3, 2024

VIA First Class Mail and Electronic Mail

Mr. Adam Kirschner
U.S. Department of Justice
1100 L Street, NW
Washington, D.C. 20530
Adam.kirschner@usdoj.gov

Dr. Anthony Fauci
C/O David Schertler, Esq.
Schertler, Onorato, Mead, & Sears LLP
555 13th St., N.W., Suite 500 West
Washington, D.C. 20004
dschertler@schertlerlaw.com

Dr. David Morens
Senior Scientific Advisor
Office of the Director
National Institute of Allergy and Infectious
Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dr. Peter Daszak
EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018

Dr. Gerald Keusch
Boston University National Emerging
Infectious Diseases Laboratories
620 Albany Street
Boston, MA 02118
keusch@bu.edu

Dr. Richard Roberts
New England Biolabs
240 County Road
Ipswich MA, 01938
roberts@neb.com

Dr. Francis Collins
Building 1, Room 126
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Bethesda, MD 20892
Collinsf@mail.nih.gov

Halimah DeLaine Prado, General Counsel
Google LLC
Corporation Service Company
251 Little Falls Drive Wilmington, DE 19808

Mr. Christopher Hammond
Office of the General Counsel
Public Health Division
NIH Branch
31 Center Drive, Building 31
Bethesda, M.D. 20892
Christopher.hammond2@nih.gov

**Re: Notice of Request to Preserve All Documents and Electronically
Stored Information as Defined by Federal Rule of Civil Procedure 34**

Dear Mr. Kirschner, Dr. Fauci, Dr. Morens, Dr. Daszak, Dr. Keusch, Dr. Roberts, Dr. Collins,
Ms. Prado, and Mr. Hammond:

Please be advised that the New Civil Liberties Alliance (“NCLA”) represents Drs. Jayanta Bhattacharya, Aaron Kheriaty, Martin Kulldorff, and Ms. Jill Hines (“Plaintiffs”) in *Missouri v. Biden*, 3:22-cv-1213 (W.D. La. 2022). Dr. Anthony Fauci is one of the government defendants in this case, which was originally brought by the Attorneys General of Missouri and Louisiana and joined by Plaintiffs. Plaintiffs allege that government defendants violated their First Amendment rights through their involvement in social media censorship, specifically with respect to their speech that was not in line with the government’s position on Covid-19 and related matters. Indeed, Drs. Fauci and Francis Collins explicitly targeted Drs. Bhattacharya and Kulldorff for a “takedown” on the grounds that their Great Barrington Declaration, rejecting a lockdown approach to the Covid-19 pandemic, was dangerous and warranted suppression.¹

¹ The Editorial Board, *How Fauci and Collins Shut Down Covid Debate*, THE WALL STREET JOURNAL (DEC. 21, 2021).

The District Court denied Defendants' motion to dismiss on March 20, 2023 and granted Plaintiffs a preliminary injunction later that year. Proceedings have been stayed in the District Court while the injunction is on appeal.²

On November 23, 2022, plaintiffs deposed Dr. Fauci at the NIH headquarters. In response to the question, "Would you have CC'd one of your personal e-mail addresses on this?"³ Dr. Fauci responded, "No, I very rarely do that." When counsel asked, "Have you ever done that? Have you ever CC'd your personal e-mail on a work-related matter?" Dr. Fauci answered, "You know, I don't recall. I doubt that. I doubt that."⁴

Later on, Dr. Fauci was asked, "[w]ere you involved in the response to the various FOIA requests for your e-mails from NIAID and NIH?" to which he replied, "I'm - I don't understand what you mean was I involved in them. I don't - a FOIA request does not come to me, and I look through my e-mails and give the e-mails that they ask for. We have a system at the NIH where FOIA requests come in and a different component of the institutes tap into the e-mails and provide the e-mails that are requested. I don't decide which e-mails go and don't go."⁵

Just last week, on May 22nd, Dr. Fauci's Senior Advisor, Dr. David Morens, testified before the Select Subcommittee on the Coronavirus Pandemic. The Subcommittee simultaneously released documents Dr. Morens produced indicating that Dr. Fauci likely both perjured himself during the deposition and engaged in unlawful practices in order to avoid having to make productions pursuant to FOIA as well as discovery requests in our clients' lawsuit. For example, on April 21, 2021, Dr. Morens stated in an email to Peter Daszak, President of the EcoHealth Alliance, a recipient of government funds and implicated in the creation of coronavirus by virtue of its gain-of-function research, "i forgot to say there is no worry about FOIAs. I can either send stuff to Tony [Fauci] on his private gmail, or hand it to him at work or at his house. He is too smart to let colleagues send him stuff that could cause trouble."⁶

Several weeks later, in an email to Dr. Daszak, along with Gerald Keusch, a professor of medicine at Boston University, and Richard Roberts, of New England Biolabs, Morens wrote: "I suggested Arthur try to interview Tony directly and connected him to our 'secret' back channel. He emailed Tony a few hours ago."⁷

These emails strongly suggest that Drs. Fauci and Morens intentionally schemed to use personal email accounts in order to avoid revealing emails pursuant to FOIA requests. It also appears that they undertook a widespread effort to deny controversial documents to Congress and the public. Obviously, avoiding controversy is not a lawful basis for noncompliance with FOIA requests.

² The Fifth Circuit affirmed the injunction in part and reversed in part. See *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023). The appeal is now under consideration in the Supreme Court, with a decision expected within the next month. See *Murthy v. Missouri*, No. 23-411.

³ Fauci Dep. 55:8-10.

⁴ Fauci Dep. 55:12- 16.

⁵ Fauci Dep. 122: 6- 16.

⁶ See Email from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy and Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D, et. al. (April 21, 2021), attached as Ex. 1.

⁷ See Email from Morens to Gerald Keusch, M.D., et. al. (May 13, 2021), attached as Ex. 2.

Additional emails constitute strong corroborating evidence that Drs. Fauci and Morens were attempting to avoid having to reveal communications about gain-of-function research and the lab leak hypothesis, which the White House had pressured tech companies to censor.⁸ For instance, on April 26, 2020, Dr. Morens had written to Daszak: “This is sent from my gmail account. Please send all replies here to gmail[.] I have let Tony know but have not spoken to him directly. There are things I can’t say except Tony is aware and I have learned that there are ongoing efforts within NIH to steer through this with minimal damage to you, Peter, and colleagues, and to nih and niaid.” “To steer through this with minimal damage” suggests there was some crisis associated with publication of emails to be averted. Dr. Morens sent a plethora of other emails instructing recipients to be careful to use gmail or other non-official channels of communication.¹⁰

Furthermore, Dr. Morens’s emails suggest that Dr. Fauci committed perjury, or at the very least gave intentionally misleading testimony, in his November 23, 2022 deposition. According to Dr. Morens’s emails, Fauci was purposefully using gmail (or handservice) because he was “too smart to let colleagues send him stuff that could cause trouble.”¹¹ Likewise, “Tony” used a “secret” back channel, in Dr. Morens’s words.¹² That Dr. Fauci was frequently using private emails is inconsistent with his deposition testimony that he “rarely” or never copied his personal addresses. At the very least, his deposition testimony was obviously designed to intentionally mislead as the nature of his use of private email to evade public disclosure.

Dr. Morens sent numerous emails indicating that he and others were intentionally deleting emails, which is also a violation of the law. For example, on February 24, 2021, he wrote to an unidentified recipient, “You are right, i need to be more careful. However, as i mentioned once before, i learned from our foia lady here how to make emails disappear after i am foia’d but before the search starts, so i think we are all safe. Plus i deleted most of those earlier emails after sending them to gmail.”¹³

Plaintiffs have more than a colorable reason to believe that the recipients of this letter are in possession or control of emails that were not produced by Defendants in response to discovery demands in this case (as well as numerous FOIA requests made by a variety of individuals), but that are pertinent to litigation about, *inter alia*, the Great Barrington Declaration, Plaintiffs Bhattacharya

⁸ Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, THE WALL STREET JOURNAL (Jul. 28, 2023).

⁹ See Email from Morens to Daszak (April 26, 2020), *attached as Ex. 3*.

¹⁰ See Email from Morens to Keusch, et. al. (November 19, 2021), *attached as Ex. 4* (“BOTH my gmail and phone calls are now safe. Tex is NOT, as it can be FOIA’d, as can my govt email”); see Email from Morens to Keusch (May 12, 2020), *attached as Ex. 5* (“Please try to send only to my gmail”); see Email from Morens to Keusch (November 18, 2021), *attached as Ex. 6* (“Basically, my gmail is now safe from FOIA ... Thus, it should be safe to communicate safely with you, Peter, and others, as long as we use my private gmail”).

¹¹ See Ex. 1.

¹² See Ex. 2.

¹³ See Email from Morens (February 24, 2021), *attached as Ex. 7*. See also Email from Morens to Daszak (Oct. 5, 2021), *attached as Ex. 8* (“However, Ron Johnson is all over it and now after me. Tony will be pissed, rightly so. I deleted that email but now I learn that every email I ever got/sent since 1998 is captured and will be turned over, whether or not I instantly deleted it. Gmail, phone, text ... i need to scrupulously rely on those.”); Email from Morens to Daszak (June 16, 2020), *attached as Ex. 9* (“We are all smart enough to know to never have smoking guns, and if we did we wouldn’t put them in emails and if we found them we’d delete them.”).

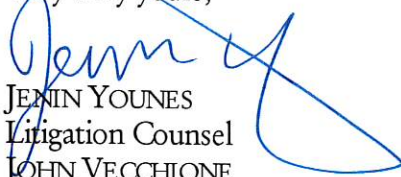
and Kulldorff, the lab leak theory and gain-of-function research, the efficacy of masking and vaccines for Covid, and Dr. Fauci's unlawful involvement in suppressing speech about all of the above via use of his authority as a government actor. Given Dr. Morens's statements about deleting emails, Plaintiffs have every reason to believe that Dr. Fauci and others have erased or may very well be in the process of attempting to delete emails from their private accounts to subvert discovery efforts.

Plaintiffs hereby notify Drs. Fauci, Morens, Daszak, Keusch, Roberts, Collins, and Ms. Prado of their obligation to preserve all documents and electronically stored information, drafts, copies and backups, as defined by Federal Rules of Civil Procedure 34 and 45, along with any paper files they and their employees maintain. Since Drs. Fauci and Morens were unlawfully using private email, it is likewise unlawful to delete or attempt to delete *any* emails sent or received in their official capacity as employees of the NIH. Moreover, as there is already evidence of deletion of emails, the recipients of this letter are instructed to maintain relevant hard drives and all other sources of electronic storage (i.e. cellular telephones, thumb drives, personal data devices) that may contain remnants of email messages as they are, with no further deletion or alteration of meta data and no opportunity to further overwrite data. Maintenance of such records will be necessary to determine whether or which unlawful deletions constitute spoliation, or aiding and abetting spoliation, as well as being otherwise unlawful.

This hold notice also applies to any communications made through other unofficial channels, including but not limited to third-party messaging applications, social media accounts, and direct messaging programs. *Cf. Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149 (D.C. Cir. 2016) (“[A]n agency always acts through its employees and officials. If one of them possesses what would otherwise be agency records, the records do not lose their agency character just because the official who possesses them takes them out the door or because he is the head of the agency.”).

Plaintiffs will seek leave from the Court to issue subpoenas and document requests during the current stay of the case or as soon as otherwise possible in order to alleviate further risks of deletion and to minimize the burden on third parties to maintain data. Thank you for your time and attention to this matter.

Very truly yours,



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Cc:

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Counsel for Co-Defendant Jim Hoft

Exhibit 1

BOSTON UNIVERSITY CONFIDENTIAL TREATMENT REQUESTED

From: [David Morens](#)
To: [Peter Daszak](#)
Cc: [Keusch, Gerald T](#); [Rich Roberts](#); [Robert Kessler](#); [Alekssei Chmura](#)
Subject: Re: Zoom meeting with Tony tomorrow
Date: Wednesday, April 21, 2021 12:59:02 PM
Attachments: [Political letters, bills, re. CoV research in China, GoF etc..docx](#)

PS, i forgot to say there is no worry about FOIAs. I can either send stuff to Tony on his private gmail, or hand it to him at work or at his house. He is too smart to let colleagues send him stuff that could cause trouble. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Apr 21, 2021, at 12:43, Peter Daszak [REDACTED]@ecohealthalliance.org> wrote:

Thanks for the email David - comments below. Also please see the attached word doc with links to some of the political actions that I'm concerned about. Tell Tony that this is very early days, with most of these coming from the Right, and many that can be headed off at the pass by positive outreach to Democrats, which I believe people will be doing.

I've also put in a link to the new " Covid Commission Planning Group (Covid CPG)" that has no official role from USG, but boldly states as its core mission "to prepare the way for a National Covid Commission". Members include David Relman & Marc Lipsitch and I have heard from many on the conspiracy theory chatter networks online that this will focus partly on advocating for reduction in biosafety labs, viral work in wildlife, and gain-of-function.

Please feel free to share any docs that I've sent to you, with Tony. Hopefully you can do that in a way that avoids FoIA, and if not possible, just show him stuff on screen share on Zoom.

Please also see comments below...

Cheers,

Peter

Exhibit 2

From: Keusch, Gerald T [REDACTED]@bu.edu >
Sent: Thursday, May 13, 2021 5:30 PM
To: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >; Roberts, Rich [REDACTED]@neb.com >
Cc: Peter Daszak ([REDACTED]@ecohealthalliance.org) [REDACTED]@ecohealthalliance.org >
Subject: RE: Early appearance of two distinct genomic lineages of SARS-CoV-2 in different Wuhan wildlife markets suggests SARS-CoV-2 has a natural origin - SARS-CoV-2 coronavirus - Virological

He asked who the small band of scientists I referred to were, and I told him he could probably figure it out.

He sounds reasonable and smart, and on your recommendation I fired both barrels.

Jerry

-----Original Message-----

From: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >
Sent: Thursday, May 13, 2021 5:17 PM
To: Keusch, Gerald T [REDACTED]@bu.edu >; Roberts, Rich [REDACTED]@neb.com >
Cc: Peter Daszak ([REDACTED]@ecohealthalliance.org) [REDACTED]@ecohealthalliance.org >
Subject: RE: Early appearance of two distinct genomic lineages of SARS-CoV-2 in different Wuhan wildlife markets suggests SARS-CoV-2 has a natural origin - SARS-CoV-2 coronavirus - Virological

Thanks, Jerry, for speaking to him. I sent him the article you mentioned shortly after I saw it, and I have also been talking to Arthur on background about this over recent months.

Bravo for what you said, which is pretty much what I have been saying to him.

I suggested Arthur try to interview Tony directly and connected him to our "secret" back channel. He emailed Tony a few hours ago.

David M. Morens, M.D.

CAPT, United States Public Health Service Senior Advisor to the Director
Office of the Director National Institute of Allergy and Infectious Diseases
National Institutes of Health Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

B [REDACTED] (assistants: Kimberly Barasch; Whitney Robinson) ([REDACTED]

[REDACTED]@nih.gov

Disclaimer: This message is intended for the exclusive use of the

Exhibit 3

Date: Sun, 26 Apr 2020 11:46:46 AM -0400
Sent: Sun, 26 Apr 2020 11:46:45 AM -0400
Subject: Re: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06
From: David Morens [REDACTED]@gmail.com >
To: Peter Daszak [REDACTED]@ecohealthalliance.org >; [REDACTED]@bu.edu;

Jerry and Peter,

This is sent from my gmail account. Please send all replies here To gmail

I have let Tony know but have not spoken to him directly. There are things I can't say except Tony is aware and I have learned that there are ongoing efforts within NIH to steer through this with minimal damage to you, Peter, and colleagues, and to nih and niaid. No guarantees, but let us hope. I imagine this will be handled at the level of Francis and Tony, within nih, and I don't expect to be in the loop.

I don't have any insight into what happened or how it happened, but the fact that your termination letter came from "Building 1", that is, the NIH directors office, and not from NIAID, is telling

Whatever is going on, I very much doubt that Tony or any of our niaid leadership would willfully throw you under the bus, or any grantee, for that matter. Indeed, I expect we would do everything possible to protect you. I have reason to believe that there are already efforts going on to protect you

What I said on the phone last night stands. I urge you to meet asap with this guy Lauer and with Eric and Emily. Lauer may well decline to meet with you, but I think you should press him. You have a right to demand a face to face explanation for such an unprecedented action. If your grant is from DMID Virology you may also want to meet with Virology Branch Chief Mark Challberg, and of course with Cristina, who is Emily's deputy and a respiratory virologist. These DMID folks will be your advocates. If any part of the grant goes through Columbia, or UNC (isn't that where Ralph is?), or any University, they may be able to apply pressure too.

If you can get down here, these meetings should be in person, although of course many nih folks are working from home, so that may not be possible.

In the meantime I would NOT go to the press. The first step is to find out in detail what happened and what your rights are. But I would line up advocates, as I suggested and Jerry as well. The press may find out about this in any case, but I think if so it is better to let friends defend you than for you to fight on your own. At least for now. Of course, however this plays out in the short term, it will end up in the public domain and the truth will come out. So hold on to that certainty, small comfort now, I know

Finally, I am so sorry you and your colleagues are going through this. You don't deserve it; if anything you deserve a medal. Please hang in there and press ahead firmly but collegiality

As a coda, Tony knows about your work. Sometime around 1 Feb I sent him an email outlining your work over recent years, and why it was so important to science. This was mostly because I anticipated new money, but also in the back of my mind was the possibility that something really dark like this could happen

Again, whatever role NIH might be playing in these events, I truly expect that we will be doing what is possible to protect you and your research over the long haul

I think I need another Scotch, and it's only 1145 am
David

Sent from my iPhone

Exhibit 4

Date: Wed, 1 Dec 2021 5:13:48 PM -0500
Sent: Wed, 1 Dec 2021 5:12:28 PM -0500
Subject: RE: Wpost: NIH director: 'Conspiracies are winning here'
From: Peter Daszak [REDACTED]@ecohealthalliance.org >
To: Keusch, Gerald T [REDACTED]@bu.edu>; David Morens [REDACTED]@gmail.com >;
CC: Aleksei Chmura [REDACTED]@ecohealthalliance.org >;
Attachments: image001.gif; image002.jpg; image003.jpg; image004.jpg; image005.jpg

Dear David,

Hope all's well – Jerry forwarded me a response to him. Please start cc'ing me back in – I'll be extremely careful to only use your gmail account.

Great to hear the news about this vaccine commentary paper – please let me know when it's coming out and in which journal so I can get ready...

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens [REDACTED]@gmail.com >
Sent: Friday, November 19, 2021 5:05 PM
To: Keusch, Gerald T [REDACTED]@bu.edu >
Subject: Re: Wpost: NIH director: 'Conspiracies are winning here'

Good news, keep it up.

I had a long off the record chat with PBS Newshours's Nick Schifrin this morning. The craziness is receding at least a bit.

I forgot to clarify in my email yesterday that BOTH my gmail and phone calls are now safe. Text is NOT, as it can be FOIA'd, as can my govt email.

So you and Peter and others should be able to email me on gmail only, with the caveat that no other govt. employee is copied at a govt address, as all govt emails are potentially FOIA'able.

I think Tony has calmed down a little about his attacks. In our recent meetings he has been relaxed and curious about the science. The corona vaccine commentary paper he asked me to write and which I sent him the final yesterday, with Jeff Taubenberger as a coauthor (since he and I are working on coronavirus vaccines), has a section that says that before we start making next generations vaccines we need to characterize the sarbecovirus universe and essentially work together with China and the SEA countries to study bats, animals, humans esp. in various occupations, all; the stuff that Peter has been doing. he seemed to like that and his name will be on it.

david

David M. Morens, MD

[REDACTED]
[REDACTED]@gmail.com
[REDACTED] work)
[REDACTED] cell)

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

On Fri, Nov 19, 2021 at 2:32 PM Keusch, Gerald T [REDACTED]@bu.edu> wrote:

How utterly ironic.

I did follow up with Peter regarding your new secure cyber connections.

And when the Washington Post rejected my Opinion piece I got a lead into Science from Jon Cohen and today I reworked it and submitted it to them a short while ago. Jon says to expect rejection and plan for the next submission in line. He suggested Michael Hiltzig at the LA Times. Its big and influential enough to garner attention in Building One. There is The Hill and Politico still to be considered. Its really a lot easier to get fake news and junk published than it is to shed light and truth.

Jerry

From: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >
Sent: Friday, November 19, 2021 9:09 AM
To: Keusch, Gerald T [REDACTED]@bu.edu >
Subject: FW: Wpost: NIH director: 'Conspiracies are winning here'

David

Exhibit 5

Date: Tue, 12 May 2020 6:38:18 PM -0400
Sent: Tue, 12 May 2020 6:38:17 PM -0400
Subject: Fwd: NIH termination of research grant
From: David Morens [REDACTED]@gmail.com >
To: Gerald Keusch [REDACTED]@bu.edu>

Jerry, my private gmail account is where i sent this from, after forwarding to myself from my nih account

Please try to send only to my gmail, as we were doing a couple weeks ago. But i messed up a few times and sent from my nih acct, because on my phone the two are merged, and then when you respond by hitting reply it goes to nih

After some recent issues, i am going to try to strictly use only my gmail in these discussions, that is, [REDACTED]@gmail.com

TY, david

Sent from my iPhone
David M Morens
OD, NIAID, NIH
Begin forwarded message:

From: "Morens, David (NIH/NIAID) [E]" [REDACTED]@niaid.nih.gov >
Date: May 12, 2020 at 18:31:11 EDT
To: David Morens [REDACTED]@gmail.com >
Subject: Fwd: NIH termination of research grant

Sent from my iPhone
David M Morens
OD, NIAID, NIH
Begin forwarded message:

From: "Keusch, Gerald T" [REDACTED]@bu.edu >
Date: May 12, 2020 at 18:23:41 EDT
To: "Morens, David (NIH/NIAID) [E]" [REDACTED]@niaid.nih.gov >
Subject: RE: NIH termination of research grant

I think I asked before, but do you have a personal email account?

From: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >
Sent: Tuesday, May 12, 2020 5:30 PM
To: Keusch, Gerald T [REDACTED]@bu.edu >
Subject: Re: NIH termination of research grant

Jerry, yes please forward to who without my name

The only places i know of for her to go within nih are Lauer, his boss, whose name she can look up, or i can help, and his boss, Francis Collins. She could also ask Tony, although he may not know the whole story, and may not

Exhibit 6

Date: Thu, 18 Nov 2021 5:06:31 PM -0500
Subject: Re: Opinion for WaPo
From: David Morens [REDACTED]@gmail.com >
To: Keusch, Gerald T [REDACTED]@bu.edu>

Jerry,

I am updating you on my computer and gag order situation.

With the help of our IT folks, I went over the whole computer and phone situation. They loaded some ant-hacking software on my phone and discussed the situation with me.

Basically, my gmail is now safe from FOIA and hacking on all of my devices, including government computer and phone, and my private computer and iPad.

Thus it should be safe to communicate safely with you, Peter, and others, as long as we use my private gmail.

You may have noticed that I have intentionally forwarded you news clips I get daily, sent from my govt email, but that is ok as long as you don't reply to that email. I have done this because this should not show up in a FOIA, is innocuous as it's just forwarding a third party item already in the public domain, and because it saves me forwarding to my own gmail and then on to you.

Please pass this on to Peter and I ask you both that NOTHING gets sent to me except to my gmail, and make sure that what gets sent to my gmail doesn't have a cc to another government employee who could be FOIA'd.

Today is day 2 of the Trop Med meetings and Peter gave a great if pre-recorded talk. I congratulated him on the talk with my name signed in the chat session associated with his talk.

On Tuesday and again today I had face to face meetings with Tony to discuss science issues. He seems much less alarmed and even a bit philosophical about the whole thing. He asked how Peter was doing, as he often does, and seemed to commiserate with him to a degree.

You may be amused at the following aside that was a big surprise to me. He was asking my opinion about what is wrong with CDC and in the process said, out of the blue, that it was HE who got Rochelle Wolensky her job as CDC director by lobbying for her to Ron Klain. Well, she does wear a skirt.... I poured a little cold water on her but he was undeterred in thinking she is the cat's pajamas....

His main interest at the moment is making "universal" coronavirus vaccines, the COVID-19 end game, and things related to COVID immunity. He's asked me to co-write with him 2 or 3 papers on these subjects, this being in the context of giving him ideas to communicate in his weekly WH press conferences and meeting with Biden's higher ups on a

regular basis, plus being on TV.

Please give my best wishes to you-know-who
david

David M. Morens, MD

[REDACTED]
[REDACTED]

[REDACTED]@gmail.com

[REDACTED] (work)

[REDACTED] (cell)

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

On Fri, Nov 12, 2021 at 11:24 PM Keusch, Gerald T [REDACTED]@bu.edu > wrote:

>

> Hi David,

>

>

>

> On the basis of the Holden Thorpe piece in Science you sent I revised my last version of the Opinion and didn't mind going over the suggested word count by 125 words. I figured if what I wrote was compelling enough they would allow the small change increase in words.

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>

> So although it was my intention I didn't work with the edited version you spent time on. My thanks for doing it, but with the Science editorial I felt the window to submit was closing as there would be other follow up editorials and letters etc. I also felt I couldn't let EHA off the hook entirely, as Thorpe points out there were missteps on the part of both EHA and NIH. But my focus was squarely on NIH, Collins and Tabak. And besides, NIH dealt in misinformation, and EHA was not in front of the inevitable attacks they could and should have anticipated, or as Thorpe says "a self-inflicted wound" but not arising from the deception NIH was engaged in.

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> I sent it on to WaPo this afternoon. I will let you know what, if anything they say.

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> Jerry

Exhibit 7

Date: Wed, 24 Feb 2021 2:11:47 PM -0500
Sent: Wed, 24 Feb 2021 2:11:45 PM -0500
Subject: RE: Briefing Tony
From: "Keusch, Gerald T" <[REDACTED]@bu.edu>
To: Peter Daszak <[REDACTED]@ecohealthalliance.org>; David Morens <[REDACTED]@gmail.com>;

Trash stuff. Any news outlet with a heading for Patriots on their banner is one I would normally avoid. I think this, and the republicans gambit mentioned in the article (which of course is full of innuendo, hyperbole, and out of context associations), make it even more important to brief Tony on the WHO team visit to China.

Before there is a knee jerk response to the provocation, it would be wise to think more carefully about any next step to take.

Jerry

From: Peter Daszak <[REDACTED]@ecohealthalliance.org>
Sent: Wednesday, February 24, 2021 1:53 PM
To: David Morens <[REDACTED]@gmail.com>
Cc: Keusch, Gerald T <[REDACTED]@bu.edu>
Subject: Re: Briefing Tony

Apologies - here's the story: <https://dailycaller.com/2021/02/23/gop-lawmakers-demand-nih-investigation-wuhan/>

Cheers,

Peter

Peter Daszak
(Sent from my iPhone)

President
EcoHealth Alliance

460 West 34th Street, New York, NY10001, USA

www.EcoHealthAlliance.org

On Feb 24, 2021, at 1:14 PM, Peter Daszak <[REDACTED]@ecohealthalliance.org> wrote:

Here's the latest bullshit from the Republicans. My problem is that the White House says "no plans to continue funding". It's very disappointing. I mean there is actually still NO evidence that the virus escaped from the lab, for F's sake!

Cheers,

Peter

Peter Daszak
(Sent from my iPhone)

President

EcoHealth Alliance

460 West 34th Street, New York, NY10001, USA

www.EcoHealthAlliance.org

On Feb 24, 2021, at 9:21 AM, David Morens <[REDACTED]@gmail.com> wrote:

You are right, i need to be more careful. However, as i mentioned once before, i learned from our foia lady here how to make emails disappear after i am foia'd but before the search starts, so i think we are all safe. Plus i deleted most of those earlier emails after sending them to gmail. D

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On Feb 23, 2021, at 21:53, Keusch, Gerald T <[REDACTED]@bu.edu> wrote:

We need you alive and well, so pay attention to the email address you use. If you get FOIA'ed and have to respond it will have Peter and, of lesser importance, me on the correspondence. The less we provide the enemy the better.

That said, thanks for planting the seed for this conversation to be. It will provide Tony with insights and it will be Peter who provides them - pointing out how amazingly connected (and important) he, Peter, is. Tony too.

Jerry

Gerald T. Keusch, M.D.
Professor of Medicine
Associate Director
National Emerging Infectious Diseases Laboratory
Boston University, Boston MA 02118

-----Original Message-----

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@gmail.com >

Sent: Tuesday, February 23, 2021 2:36 PM

To: Keusch, Gerald T <[REDACTED]@bu.edu >

Cc: Peter Daszak ([REDACTED]@ecohealthalliance.org) <[REDACTED]@ecohealthalliance.org >

Subject: Re: Briefing Tony

Thanks for reminding me, but I am pretty sure it is OK now to use my NIH email because 1) I haven't been a bad boy, and 2) the brown shirts have left town, and 3) it is no longer a cardinal sin to know Dr. Daszak!

However, your point is well taken, as I often do say subversive things without realizing it.....

Exhibit 8

Date: Tue, 5 Oct 2021 7:39:18 PM -0400
Sent: Tue, 5 Oct 2021 7:38:52 PM -0400
Subject: Can you call my cell sometime?
From: Peter Daszak <[REDACTED]@ecohealthalliance.org>
To: David Morens <[REDACTED]@gmail.com>;
CC: Aleksei Chmura <[REDACTED]@ecohealthalliance.org>;

I want to just check on the scope of the foIA and who's doing it. There are plenty of things that we said in emails back and forth to your NIH address that would be a bit embarrassing, but not horrific. Mainly from the point of view that I'm talking about political attacks.

Maybe it's not that bad if the dates are tightly grouped, and if the scope (subject) is v. narrow.

Can't the NIH FoIA group actually help to reduce the scope and make some useful redactions.

The fact that we're contesting our NIH funding termination/suspension might make that redactable based on a "law enforcement" category?

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens <[REDACTED]@gmail.com>
Sent: Tuesday, October 5, 2021 6:28 PM
To: Peter Daszak <[REDACTED]@ecohealthalliance.org>
Subject: Re: Talking with Elizabeth Warren's staff

Peter, i just got news that a foia picked up an email i sent you saying that tony commented he was braindead, jokingly of course. However, Ron Johnson is all over it and now after me. Tony will be pissed, rightly so. I deleted that email but i now learn that every email i ever got/sent since 1998 is captured and will be turned over, whether or not i instantly deleted it.

Gmail, phone, text.... i need to scrupulously rely on those exclusively. d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Oct 5, 2021, at 18:21, Peter Daszak <[REDACTED]@ecohealthalliance.org> wrote:

Exhibit 9

Date: Tue, 16 Jun 2020 2:22:55 PM -0400
Sent: Tue, 16 Jun 2020 2:22:54 PM -0400
Subject: Re: Two reporters might contact you in the next couple of weeks.
From: "Morens, David (NIH/NIAID) [E]" [REDACTED]@gmail.com >
To: Peter Daszak [REDACTED]@ecohealthalliance.org >;
CC: Gerald Keusch [REDACTED]@bu.edu >; Robert Kessler [REDACTED]@ecohealthalliance.org >; Aleksei Chmura [REDACTED]@ecohealthalliance.org >;

The FOIAs are dreadful and paranoia-inducing. In the old days we had to do them ourselves, by hand. I mean finding and printing out thousands of emails coming in and going out. Now they sometimes FOIA text messages too. Many FOIAs turn up thousands of pages of docs, and of course, most of meaningless. We are all smart enough to know to never have smoking guns, and if we did we wouldn't put them in emails and if we found them we'd delete them. In my 22 years at NIAID I have never seen a FOIA that turned up useful information d

On 6/16/2020 9:32 AM, Peter Daszak wrote:

Didn't realize there were so many FoIAs, and a bunch targeting our grant. I'll pass that info on to the reporters.

Maybe you can redirect these foia requests to my home address. I can print off all my emails, plus the grants, and for a small fee can just leave them out on the doorstep. Sounds like a good way to monetize research!

Seriously, sounds like this FoIA malarky is a huge time sink for folks at NIH.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1201
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens [REDACTED]@gmail.com >
Sent: Tuesday, June 16, 2020 7:58 AM
To: Peter Daszak [REDACTED]@ecohealthalliance.org >
Cc: Gerald Keusch [REDACTED]@bu.edu >; Robert Kessler [REDACTED]@ecohealthalliance.org >; Aleksei Chmura [REDACTED]@ecohealthalliance.org >
Subject: Re: Two reporters might contact you in the next couple of weeks.

Peter, if you are in contact with with these guys about their foias you should tell them to be aggressive. We (NIAID) are way behind on responding to foias, and one or two groups is already suing us. Good! I myself have about 5 foias related