



Congress Has Refused To Enforce Perjury, And Now People Like Fauci Lie To Them Constantly

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National Institute of Allergy and Infectious Diseases (NIAID) Director Anthony Fauci appeared perplexed last week at the notion he may be investigated and possibly prosecuted for lying to Congress on multiple occasions.

Republican freshman Rep. Madison Cawthorn pledged to demand exactly that on Wednesday should Republicans regain control of the lower chamber next year.

“When a congressman makes a statement... if they take over the House in 2022 I should be criminally investigated. On what basis is he making that comment?” Fauci said on Fox News.

Given Congress’s poor record pursuing perjury cases with actual enforcement of statutes that prohibit lying to either chamber, one can see why Fauci, who sees himself as the arbiter of “science,” would be confused.

Cawthorn’s threat last week sprang from a repeated exchange between Fauci and Kentucky Republican Sen. Rand Paul over NIAID’s funding for gain-of-function research at a Wuhan lab, where the novel coronavirus saw its first outbreak.

The Wuhan Institute of Virology (WIV), which the Biden State Department confirmed from a Trump administration fact sheet worked in collaboration with the Chinese military, was engaged in high-risk “gain-of-function” research, wherein scientists extract viruses from the wild and engineer them to infect humans to study potential therapeutics, including vaccines. The research was deemed so dangerous by the U.S. government its funding was temporarily banned from 2014-2017 while the Department of Health and Human Services (HHS) put in place enhanced protocols to evaluate grant proposals.

Fauci, however, a champion of gain-of-function research who wrote in 2012 it was worth risking a pandemic over, worked creatively to circumvent the U.S. moratorium by manipulating its technical definition so grant money could flow overseas outside of the purview of the HHS special oversight board. That gap in oversight is currently being probed by both lawmakers on Capitol hill and the HHS inspector general.

From 2014 to 2019, during which U.S. gain-of-function funding was banned, the WIV was the recipient of a \$600,000 annual grant from Fauci's agency to study bat coronaviruses that could transmit to humans. Fauci has vehemently denied the research met the technical definition for "gain-of-function" before lawmakers.

"Gain-of-function research, as you know, is juicing up naturally occurring animal viruses to infect humans. To arrive at the truth, the U.S. government should admit that the Wuhan Virology Institute was experimenting to enhance the coronavirus's ability to infect humans," Paul said in May at a hearing with Fauci.

"With all due respect, you are entirely, entirely and completely incorrect," Fauci said in response to Paul's assertion the NIAID funded the high-risk research in Wuhan. "The [National Institutes of Health] has not ever and does not now fund gain-of-function research in the Wuhan Institute of Virology."

Fauci doubled down on his response three months later when facing questions from Paul again.

"Dr. Fauci, as you are aware, it is a crime to lie to Congress," Paul said, and pressed the NIAID director on whether the doctor would retract prior statements denying gain-of-function research had been supported by taxpayer dollars from the NIH.

Visibly frustrated by a legitimate challenge, Fauci called the senator ignorant and doubled down on denial to evade any connection with research that may have given birth to the coronavirus.

"Sen. Paul, you do not know what you are talking about, quite frankly, and I would like to say that officially. You do not know what you are talking about," the doctor said, potentially committing a crime with denials that confuse many in the scientific community.

Pursuit of a perjury case, however, is unlikely to come to fruition.

Few who have testified on Capitol Hill have been prosecuted for false statements to Congress. Usually the law, Section 1001 of Title 18, is applied to catch celebrities, sports figures, and others who lie to federal prosecutors in order to secure a charge easier to prove than the crimes they're initially investigated. That's how former FBI Director James Comey sent Martha Stewart to jail when he was merely a federal prosecutor 15 years ago.

Others have prominently lied to lawmakers but escaped prosecution as the law becomes something of park sign outlining playground rules: everybody knows it's there but nobody seems to care.

“Almost no one is prosecuted for lying to Congress,” attorney P.J. Meitl wrote in a 2007 Quinnipiac Law Review article on the topic, adding, “in fact, only six people have been convicted of perjury or related charges in relation to Congress in the last sixty years.”

After former Attorney General Eric Holder was held in contempt of Congress in a rare enforcement of congressional statute for his refusal to turn over documents, Holder was caught in an apparent lie before the House Judiciary Committee. In a May 2013 hearing, Holder was pressed on the Justice Department investigating AP journalists.

“With regard to the potential prosecution of the press for the disclosure of material, that is not something that I’ve ever been involved in, heard of or would think would be a wise policy,” Holder said.

Several days later, however, NBC News reported Holder had signed off on a search warrant targeting then-Fox News reporter James Rosen as a possible “co-conspirator” in violation of the Espionage Act. Holder had recused himself from the DOJ investigation of the AP, but his statement before lawmakers was blanket testimony.

More recently, President Joe Biden’s nominee to lead the Bureau of Land Management, Tracy Stone-Manning, misled lawmakers in written testimony when she wrote on a questionnaire she had never been the target of a federal investigation.

Stone-Manning had in fact been a primary suspect in a 1989 tree-spiking case, a form of ecoterrorism wherein environmental leftists jam metal rods into trees that explode and send deadly shrapnel through the air when processed in the sawmill. The lead investigator in the case, retired Special Agent Michael Merkley, even called Stone-Manning the “nastiest of suspects” in a letter to Senate lawmakers earlier this month.

“She was vulgar, antagonistic and extremely anti-government,” Merkley wrote of Stone-Manning, who ultimately took a plea deal for immunity in exchange for testimony against her co-conspirators. While the nominee wrote “to my knowledge I have never been the target of such an investigation,” she had complained about being a target in the local press at the time of the probe.

“It was degrading. It changed my awareness of the power of the government,” she told the Spokesman-Review in 1990. “Yes, this is happening to me and not someone in Panama. And yes, the government does do bad things sometimes.”

Lying to Congress is a federal crime with a maximum penalty of five years in prison. Rare pursuit of the law’s enforcement, however, has rendered the statute effectively pointless.

“I’ve testified before Congress half a dozen times and have always had to swear an oath before doing so,” Cato Institute’s Director of Constitutional Studies Ilya Shapiro told The Federalist. “It’s so frustrating that this oath is apparently meaningless. One can always grandstand at these kabuki hearings, but lying shouldn’t be considered par for the course.”

