

Congress of the United States
Washington, DC 20515

January 13, 2022

Christi A. Grimm
Acting Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, DC 20201

Dear Ms. Grimm,

Pursuant to your powers and responsibilities as Acting Inspector General of the Department of Health and Human Services (HHS), we hereby ask you and your office to launch an investigation into potential criminal conduct by Dr. Anthony Fauci under 18 U.S.C. §227. On December 22nd, 2021, Dr. Fauci called on Fox News to fire political commentator Jesse Watters “on the spot”.¹ Dr. Fauci did so while acting in his official government capacity as NIAID Director and Chief Medical Advisor to the President of the United States. Dr. Fauci’s attempt to influence Mr. Watters’ private employer to terminate him on the basis of partisan political affiliation may constitute a violation of federal law.²

The criminal statute in 18 U.S.C. §227 is clear in that it prohibits, among other things, “influencing private sector employment decisions—based on partisan political affiliation—using government blackmail or bribery.”³ The statute defines a “covered government person” as including any “executive branch employee.”⁴ Further, the statute provides that no such person may, “solely on the basis of partisan political affiliation,” take an “official act” with “the intent to influence” an “employment decision” of “any private entity.”⁵ If a covered person engages in such prohibited conduct, that person “shall be fined ... or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.”

Dr. Fauci’s portfolio is broad, and his official acts include communicating with the American public. Dr. Fauci is regularly called upon to appear on various media outlets in his official capacity. When Dr. Fauci speaks to national audiences, he does so as a representative of his office and communicates the official positions of the National Institute of Health, HHS, and the President. It is precisely because of the broad nature of Dr. Fauci’s official responsibilities that we became concerned with his conduct detailed below.

Dr. Fauci has used the weight of his office and his national presence to call for the firing or disciplining of journalists who have criticized his official conduct. During recent appearances on national television, Dr. Fauci pushed for Fox News to take employment action against Ms. Laura

¹ Oliver Darcy, *Fauci calls for Fox News host to be fired ‘on the spot’ for ‘kill shot’ comments*, CNN (Dec. 22, 2021, 5:24 AM), <https://tinyurl.com/faucienn1>

² See Inspector General Act of 1978, 5 U.S.C. App. 3 § 4(d); see also *Mount v. Nielsen*, No. 16-cv-2532 (CRC), 2018 WL 707485, at *2 (D.D.C. Feb. 5, 2018) (noting an Inspector General’s duty to investigate suspected violations of federal criminal law by agency employees).

³ *Storms v. Shinseki*, 319 F. Supp. 3d 348, 357 (D.D.C. 2018) (internal citations omitted)

⁴ 18 U.S.C. §227(b)(3)

⁵ 18 U.S.C. §227(a)

Logan after she made comments with which Dr. Fauci disagreed.⁶ This is part of a pattern of violating federal law, further evidenced by Dr. Fauci's recent national television appearance in an official capacity, calling for Fox News employee Jesse Watters to be "fired on the spot."⁷ Dr. Fauci called for the firing of Mr. Watters despite the fact that Mr. Watters' comments clearly did no more than encourage students to exercise their First Amendment right to question Dr. Fauci. As Mr. Watters' employer stated following Dr. Fauci's comments, "it's more than clear that Jesse Watters was using a metaphor for asking hard-hitting questions to Dr. Fauci about gain-of-function research and [Watters'] words have been twisted completely out of context."⁸ There is, of course, no exception in 18 U.S.C. §227 that permits a covered government employee to call for the firing of a private sector employee simply because the government employee does not like what the private employee said about him.

Suggestive of partisan motivation on Dr. Fauci's part is the fact that he has intermixed his public calls for adverse employment actions with an apparent boycott of media outlets like Fox News that have a more conservative viewership.⁹ For months, Dr. Fauci has refused to make appearances on Fox News while freely giving interviews to other networks. Since media appearances are an essential function of Dr. Fauci's position, his behavior in granting or withholding such appearances may also be regarded as official acts. Dr. Fauci's repeated attempts in the course of his official duties to obtain adverse employment actions against journalists is deeply concerning. And his notable absence from certain networks only adds to that concern.

In your recent testimony before the Senate Finance Committee, you vowed that, if you are confirmed, your office will "follow the facts wherever they lead and conduct itself in a wholly nonpartisan manner."¹⁰ In the same testimony, you also committed to responding to all "congressional requests within my authority under the IG Act and other applicable statutes."

In accordance with your promises of candor to the Senate Finance Committee, and per your obligations as Acting Inspector General of HHS, we ask that your office investigate whether

1. Dr. Fauci intended to influence Mr. Watters' private employer to terminate him on the basis of partisan political affiliation, in violation of 18 U.S.C. § 227, and
2. Whether Dr. Fauci engaged in an "official act" under § 227 when he publicly called for the firing of Mr. Watters while giving an interview in his official capacity.

Investigating these potential violations of a federal criminal law falls squarely within the statutory obligations of your office. Thank you in advance for your prompt attention to this important matter. I look forward to hearing back from you within 30 days.

⁶ See Isabel van Brugen, *Dr. Fauci 'Astounded' Fox News Has Not Disciplined Lara Logan*, Newsweek (Dec. 3, 2021, 6:27 AM), <https://tinyurl.com/laralogan1> ("How they can let her say that with no comment and no disciplinary action. I'm astounded by that.").

⁷ Oliver Darcy, *Fauci calls for Fox News host to be fired 'on the spot' for 'kill shot' comments*, CNN (Dec. 22, 2021, 5:24 AM), <https://tinyurl.com/faucicnn1>.

⁸ Joe DePaolo, *Fox News Vigorously Defends Jesse Watters After Fauci Calls for His Firing: 'Kill Shot' Remark Taken 'Completely Out of Context'*, Mediaite (Dec. 21, 2021, 12:48 PM), <https://tinyurl.com/foxstatement>.

⁹ See Alex Thompson, Sarah Owerhohle & Tina Sfondeles, *A Fauci no longer in the Fox house*, Politico (Dec. 1, 2021, 6:41 PM), <https://tinyurl.com/faucifox>.

¹⁰ *Hearing to Consider the Nominations of Christi A. Grimm, of Colorado, to be Inspector General, Department of Health and Human Services and Neil Harvey MacBride, of Virginia, to be General Counsel for the Department of the Treasury Before S. Comm. on Finance*, 117th Cong. 17 (2021) (Christi A. Grimm, Official Responses to Questions for the Record).

Sincerely,



Warren Davidson
Member of Congress



Scott Perry
Member of Congress



Bill Posey
Member of Congress



Jeff Duncan
Member of Congress



Randy K. Weber
Member of Congress



Thomas Massie
Member of Congress



Jody Hice
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