

May 31, 2023

Public Health Service

HHS

Re: NIH FOI Case No. 58915

On August 29, 2022 I submitted a FOIA request to the National Cancer Institute (NCI), FOIA Office which was received in that office on September 1, 2022.

I requested:

(1) All email communications between Eric O Freed and Oliver Schildgen for the time period 20th August 2021 to 31st May 2022.

(2) All email communications from/to Eric O. Freed containing the phrase "expression of concern" or the name "Jiang" in the body of the email.

In an email dated on 8/31/22, you amended and perfected item (2) to "any emails containing the word "Jiang" and any of the words "paper," "expression," "concern," "retract," or "retraction".

The NIH FOIA Office conducted a search for records and located 490 pages responsive to my request. The office under Gorka Garcia-Malene chose to withhold all records in full pursuant to exemption 4 of the FOIA, 5 U.S.C. § 552 (b)(4), and section 5.3 l (d) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. The records withheld are communications about the review process and content is confidential.

There is an important public health benefit to releasing these unredacted communications. These records document the decision making process behind how science regulates itself. Specifically, the methodology used to establish a claim by Eric O. Freed of the NCI that a paper written by two researchers in Sweden was invalid. Many esteemed researchers have reviewed Eric's arguments used to force this retraction at MDPI Viruses and are astonished by the weakness of Mr. Freed's Expression of Concern. Further, the authors of the paper faced severe retaliation, with one even losing a permanent position despite having caved to the pressure to retract. Additionally, another study was recently published in conjunction with scientists from NAIAD that validates the findings of the researchers in Sweden.

The public health importance of the information contained in Eric Freed's communications with a foreign agent (Oliver Schildgen) cannot be understated. This study revealed a link between various cancers and the COVID vaccine spike protein, with a heightened focus on female cancers like breast and ovarian cancer. If this cancer/

vaccine link is valid, then delaying, obfuscating, or obscuring the release and review of this data is potentially a threat to national security.

Mr. Gorka-Malene and the NIH/NCI have failed to give sufficient weight to the public's interest in disclosure. MDPI is a non-profit business entity in Switzerland which operates a collection of scientific journals. The damage from exposed 'review process' trade secrets will be non-existent unless the communications reveal evidence of malfeasance.

"An informed public is the most potent of all restraints upon misgovernment[.]"  
*Grosjean v. Am. Press Co.*, 297 U.S. 233, 250 (1936).

Thank you,

John Davidson  
Executive Producer  
Magic Feathers Corp.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health  
Freedom of Information Office  
Building 31, Room 5B-35  
31 Center Drive, MSC 2107  
Bethesda, Maryland 20892-2107  
phone: (301) 496-5633  
fax: (301) 402-4541

Via E-mail: [jdavidson@magicfeatherinc.com](mailto:jdavidson@magicfeatherinc.com)

April 14, 2023

John Allen Davidson  
Executive Producer  
Magic Feathers Corps.  
911 US 80 E  
East Dublin, GA 31027

Re: NIH FOI Case No. 58915

Dear Mr. Davidson:

This is the final response to your Freedom of Information Act (FOIA) request dated August 29, 2022, addressed to the National Cancer Institute (NCI), FOIA Office which was received in that office on September 1, 2022. Your request was referred to this office. You requested:

- (1) All email communications between Eric O Freed and Oliver Schildgen for the time period 20th August 2021 to 31st May 2022.
- (2) All email communications from/to Eric O. Freed containing the phrase "expression of concern" or the name "Jiang" in the body of the email.

In an email dated on 8/31/22, you amended and perfected item (2) to "any emails containing the word "Jiang" and any of the words "paper," "expression," "concern," "retract," or "retraction".

We conducted a search for records and located 490 pages responsive to your request. I have determined to withhold all those records in full pursuant to exemption 4 of the FOIA, 5 U.S.C. § 552 (b)(4), and section 5.31 (d) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. The records withheld are communications about the review process and content is confidential.

You have the right to appeal this determination to deny you access to information in the Agency's possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart F of the HHS FOIA Regulations (<https://www.federalregister.gov/documents/2016/10/28/2016-25684/freedom-of-information-regulations>) to the Assistant Secretary for Public Affairs at <https://requests.publiclink.hhs.gov/App/Index.aspx>.

Clearly mark the communication "Freedom of Information Act Appeal."

If you are not satisfied with the processing and handling of this request, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Denean Standing-Ojo  
Office of Communications and  
Public Liaison  
Building 31 Room 5B52S  
31 Center Drive  
Bethesda, MD 20892  
301-496-5077 (phone)  
nihfoia@mail.nih.gov (email)

OGIS

National Archives and Records Admin.  
8601 Adelphi Rd – OGIS  
College Park, MD 20740-6001  
202-741-5770 (phone)  
1-877-684-6448 (toll-free)  
202-741-5769 (fax)  
[ogis@nara.gov](mailto:ogis@nara.gov) (email)

In certain circumstances provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. Because no unusual circumstances apply to the processing of your request, there is no charge associated with our response.

If you have any questions about this response please call 301-496-5633.

Sincerely,

Gorka Garcia-Malene  
Freedom of Information Act Officer, NIH