EMPOWER OVERSIGHT
Whistleblowers & Research

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May 12, 2022

VIA ELECTRONIC TRANSMISSION: DPH.RAO@STATE.MA.US

Helen Rush-Lloyd, Records Access Officer
Department of Public Health
250 Washington, Street
Boston, MA 02108

RE: Request for Public Records Regarding Lawrence C. Madoff's Participation as a Signatory of a February 19, 2020, Statement Published in *The Lancet*

Dear Ms. Rush-Lloyd:

INTRODUCTION

Empower Oversight Whistleblowers & Research ("Empower Oversight") is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

On February 19, 2020, a group of public health experts, who declared that they had "no competing interests," published a "Statement in Support of the Scientists, Public Health Professionals, and Medical Professionals of China Combatting COVID-19" in *The Lancet*.[1] The statement provides:

> We are public health scientists who have closely followed the emergence of 2019 novel coronavirus disease (COVID-19) and are deeply concerned about its impact on global health and wellbeing. We have watched as the scientists, public health professionals, and medical professionals of China, in particular, have worked diligently and effectively to rapidly identify the pathogen behind this outbreak, put in place significant measures to reduce its impact, and share their results transparently with the global health community. This effort has been remarkable.
>
> We sign this statement in solidarity with all scientists and health professionals in China who continue to save lives and protect global health during the challenge of the COVID-19 outbreak. We are all in this together, with our Chinese counterparts in the forefront, against this new viral threat.

[1] Calisher, Charles, et al., *Statement in Support of the Scientists, Public Health Professionals, and Medical Professionals of China Combatting COVID-19* (February 19,2020), available at https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext (last accessed on May 9, 2022).

> The rapid, open, and transparent sharing of data on this outbreak is now being threatened by rumours and misinformation around its origins. We stand together to strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin. Scientists from multiple countries have published and analysed genomes of the causative agent, severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), and they overwhelmingly conclude that this coronavirus originated in wildlife, as have so many other emerging pathogens. This is further supported by a letter from the presidents of the US National Academies of Science, Engineering, and Medicine and by the scientific communities they represent. Conspiracy theories do nothing but create fear, rumours, and prejudice that jeopardise our global collaboration in the fight against this virus. We support the call from the Director-General of WHO to promote scientific evidence and unity over misinformation and conjecture. We want you, the science and health professionals of China, to know that we stand with you in your fight against this virus.
>
> We invite others to join us in supporting the scientists, public health professionals, and medical professionals of Wuhan and across China. Stand with our colleagues on the frontline!
>
> We speak in one voice. To add your support for this statement, sign our letter online. LM is editor of ProMED-mail. We declare no competing interests.

Peter Daszak orchestrated the creation and publication of the statement, which has been reported to have "played a role in suppressing early debate on the pandemic's origins."[2] Mr. Daszak directs of EcoHealth Alliance, which is non-profit research organization that—pursuant to a multimillion dollar grant from National Institute for Allergy and Infectious Diseases—is reported to have funded "gain-of-function research for the purpose of understanding how bat coronaviruses could mutate to attack humans."[3] The research was conducted by the Wuhan Institute of Virology ("WIV"),[4] which—in contrast to the signatories' claim of "no competing interests"—is the laboratory at the center of the lab leak theory.[5]

It has been reported that a February 6, 2020, email from Mr. Daszak, which circulated a draft of what became the statement published in *The Lancet*, advised "Please note that this statement will not have [the] EcoHealth Alliance logo on it and will not be identifiable as coming

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[2] Chaudhary, Vivek; Blanchard, Sam, *Editor of The Lancet Refuses to Reveal If He Still Supports Notorious Letter He Published Trashing Chinese Lab Covid Theory—and Claims Asking Him About It Invades His Privacy* (Updated June 8, 2022), available at https://www.dailymail.co.uk/news/article-9661605/Editor-Lancet-refuses-reveal-supports-letter-claiming-Covid-started-lab.html (last accessed on May 9, 2022); *see also*, Matthews, David, *Under-fire Lancet Admits Conflict of Interest on Lab-leak Letter* (June 22, 2021), available at https://www.timeshighereducation.com/news/under-fire-lancet-admits-conflict-interest-lab-leak-letter (last accessed on May 10, 2022); Thacker, Paul D., *The Covid-19 Lab Leak Hypothesis: Did the Media Fall Victim to a Misinformation Campaign?* (July 8, 2021), available at https://www.bmj.com/content/374/bmj.n1656 (last accessed on May 10, 2022).

[3] Guterl, Fred, *Dr. Fauci Backed Controversial Wuhan Lab with U.S. Dollars for Risky Coronavirus Research* (April 28, 2020), available at https://www.newsweek.com/dr-fauci-backed-controversial-wuhan-lab-millions-us-dollars-risky-coronavirus-research-1500741 (last accessed on May 9, 2022).

[4] Guterl, Fred, *Dr. Fauci Backed Controversial Wuhan Lab with U.S. Dollars for Risky Coronavirus Research* (April 28, 2020), available at https://www.newsweek.com/dr-fauci-backed-controversial-wuhan-lab-millions-us-dollars-risky-coronavirus-research-1500741 (last accessed on May 9, 2022).

[5] Matthews, David, *Under-fire Lancet Admits Conflict of Interest on Lab-leak Letter* (June 22, 2021), available at https://www.timeshighereducation.com/news/under-fire-lancet-admits-conflict-interest-lab-leak-letter (last accessed on May 10, 2022).

from any one organization or person."[6] Additionally, in another email to Ralph S. Baric, he states that "Linfa"[7] "thinks, and I agree with him, that you, me and him should not sign this statement, so it has some distance from us and therefore doesn't work in a counterproductive way."[8, 9] Dr. Baric is reported to have collaborated with EcoHealth Alliance on a DARPA grant application that included gain of function research on bat viruses, as well as with the WIV on research.[10]

Following revelations of Mr. Daszak's undisclosed conflict of interest (*i.e.*, EcoHealth Alliance's relationship with the laboratory at the center of the lab leak theory that the statement published in *The Lancet* effectively disparaged as conspiratorial),[11] *The Lancet* was forced to post a half-page addendum to the statement that discusses "EcoHealth Alliance's funding of researchers in China and studies involving recombinant bat viruses."[12] Later, *The Lancet* shut down its scientist-led "investigation into how the covid-19 pandemic started because of concerns about its links to EcoHealth Alliance."[13]

Additionally, in contrast to *The Lancet* statement's claim that the signatories have witnessed Chinese scientists and public health professionals, "in particular," who "have worked diligently and effectively to rapidly identify the pathogen behind this outbreak . . . and share their results transparently with the global health community," *The New York Times* and *The Washington Post*, among others, have reported requests by Chinese researchers to have certain

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[6] Thacker, Paul D., *The Covid-19 Lab Leak Hypothesis: Did the Media Fall Victim to a Misinformation Campaign?* (July 8, 2021), available at https://www.bmj.com/content/374/bmj.n1656 (last accessed on May 10, 2022). The February 6, 2020, email is available at https://usrtk.org/wp-content/uploads/2020/11/The_Lancet_Emails_Daszak-2.6.20.pdf.

[7] Perhaps "Linfa" is Linfa Wang, Professor & Director, Emerging Infectious Diseases Program, Duke University, who played a leading role in identifying bats as the natural host of the SARS virus, *see* https://globalhealth.duke.edu/people/wang-linfa (last accessed on May 10, 2022), and collaborated with EcoHealth Alliance on a DARPA grant application that included gain of function research on bat viruses, *see* Lerner, Sharon; Hibbett, Maia, *Leaked Grant Proposal Details High-risk Coronavirus Research* (September 23, 2021), available at https://theintercept.com/2021/09/23/coronavirus-research-grant-darpa/ (last accessed on May 10, 2022) (also claiming that "Linfa" is Linfa Wang).

[8] Thacker, Paul D., *The Covid-19 Lab Leak Hypothesis: Did the Media Fall Victim to a Misinformation Campaign?* (July 8, 2021), available at https://www.bmj.com/content/374/bmj.n1656 (last accessed on May 10, 2022). The email is available at https://usrtk.org/wp-content/uploads/2021/02/Baric_Daszak_email.pdf.

[9] Linfa Wang and Ralph Baric are not signatories of the statement published in The Lancet. *See*, Calisher, Charles, et al., *Statement in Support of the Scientists, Public Health Professionals, and Medical Professionals of China Combatting COVID-19* (February 19,2020), available at https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext (last accessed on May 9, 2022).

[10] The Intercept, *The Lab-leak Theory Is Looking Stronger by the Day. Here's What We Know* (May 6, 2022), https://theintercept.com/2022/05/06/deconstructed-lab-leak-covid-katherine-eban/ (last accessed on May 10, 2022).

[11] The statement published in *The Lancet* provides "We stand together to strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin." In the scientific community, the label "conspiracy theory" can be reputationally catastrophic. *See*, O'Neal, Adam, *A Scientist Who Said No to Covid Groupthink* (June 11, 2021), available at https://www.wsj.com/articles/a-scientist-who-said-no-to-covid-groupthink-11623430659 (last accessed on May 11, 2022); *see also*, Thacker, Paul D., *The Covid-19 Lab Leak Hypothesis: Did the Media Fall Victim to a Misinformation Campaign?* (July 8, 2021), available at https://www.bmj.com/content/374/bmj.n1656 (last accessed on May 10, 2022). Moreover, the statement is nuanced; technically, it condemns only theories suggesting that COVID-19 was wholly man made. But, the nuance flew over the heads of many in the scientific journalism community, who are far less skeptical of their sources and who see their main role as simplifying science for public consumption. *See*, Thacker, Paul D., *The Covid-19 Lab Leak Hypothesis: Did the Media Fall Victim to a Misinformation Campaign?* (July 8, 2021), available at https://www.bmj.com/content/374/bmj.n1656 (last accessed on May 10, 2022). Thus, the statement inhibited frank discussion of the possibility that a naturally occurring virus, which had been manipulated as part of a gain of function research exercise—like the gain of function research on bat viruses that was conducted at WIV, could have inadvertently escaped a laboratory.

[12] Thacker, Paul D., *Covid-19: Lancet Investigation into Origin of Pandemic Shuts Down over Bias Risk* (October 1, 2021), available at https://www.bmj.com/content/375/bmj.n2414 (last accessed on May 10, 2021).

[13] Thacker, Paul D., *Covid-19: Lancet Investigation into Origin of Pandemic Shuts Down over Bias Risk* (October 1, 2021), available at https://www.bmj.com/content/375/bmj.n2414 (last accessed on May 10, 2021).

COVID-19 genetic sequences withdrawn from public access on the National Institutes of Health's Sequence Read Archive.[14] Genetic sequences of the COVID-19 virus are critical to understanding how the pandemic (which has killed more than 998,000 Americans)[15] started, and understanding the origin of the pandemic is essential to furthering the prevention of future pandemics.[16] Moreover, the State Department has noted that China has not been transparent in its handling of the question of the origin of COVID-19 and, as part of its hindrance of efforts to gain an understanding of the virus, has removed genetic sequences from its own online databases.[17]

Lawrence C. Madoff, the Medical Director of the Bureau of Infectious Disease and Laboratory Sciences at the Massachusetts Department of Public Health,[18] and a professor at the Chan Medical School of the University of Massachusetts,[19] was a signatory of the February 19, 2020, statement published in *The Lancet*.[20]

RECORDS REQUEST

To shed light on the Department of Public Health's management of its professional staff, through the lens of Dr. Madoff and his collaboration with Mr. Daszak of EcoHealth Alliance to label as "conspiracy theories" legitimate questions about the origin of the COVID-19 pandemic, and more specifically whether it could have arisen from an accident at the WIV or another laboratory, we respectfully request, under Massachusetts Public Records Law, M.G.L. Ch. 66, Sec. 10, copies of:

1. All communications regarding any statement, report, or essay published in *The Lancet* that was signed or authored by Dr. Madoff. The time span of this request cover February 1, 2019, to the present.

2. All standards that govern, and guidance that informs, the publications and public statements of Dr. Madoff and other staff of the Department of Public Health. The time span of this request cover January 1, 2020, to the present.

3. All communications to/from/copied to Dr. Madoff that are to/from/copied to:

    a. Peter Daszak or any employee, member, or officer of the EcoHealth Alliance. The time span of this request covers September 1, 2019, to the present.

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[14] Zimmer, Carl, *Scientist Finds Early Virus Sequences That Had Been Mysteriously Deleted* (June 23, 2021), available at https://www.nytimes.com/2021/06/23/science/coronavirus-sequences.html (last accessed on May 10, 2022); Achenbach, Joel, Guarino, Ben, Abutaleb, Yasmeen, *Seattle Scientist Digs up Deleted Coronavirus Genetic Data, Adding Fuel to the Covid Origin Debate* (June 23, 2021), available at https://www.washingtonpost.com/health/coronavirus-origin-nih-gene-sequence-deletion/2021/06/23/186e87d0-d437-11eb-a53a-3b5450fdca7a_story.html (last accessed on May 10, 2022).

[15] Johns Hopkins University, *Mortality Analyses*, available at https://coronavirus.jhu.edu/data/mortality (last accessed on May 10, 2022).

[16] *See generally*, U.S. Department of State, *Fact Sheet: Activity at the Wuhan Institute of Virology*, available at https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html (last accessed on May 10, 2022).

[17] U.S. Department of State, *Fact Sheet: Activity at the Wuhan Institute of Virology*, available at https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html (last accessed on May 10, 2022).

[18] Commonwealth of Massachusetts, *Department of Public Health Staff Directory* (2022), available at https://www.mass.gov/lists/department-of-public-health-staff-directory (last accessed on May 10, 2022).

[19] University of Massachusetts, *UMass Profiles* (Undated), available at https://profiles.umassmed.edu/display/129929 (last accessed on May 10, 2022).

[20] *See*, Calisher, Charles, et al., *Statement in Support of the Scientists, Public Health Professionals, and Medical Professionals of China Combatting COVID-19* (February 19,2020), available at https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext (last accessed on May 9, 2022).

b. Shi Zhengli or any employee, member, or officer of the WIV. The time span of this request covers September 1, 2019, to the present.

c. Jeremy Farrar or any employee, member, or officer of the Wellcome Trust. The time span of this request covers September 1, 2019, to the present.

d. Anthony Fauci of the National Institute of Allergy and Infectious Diseases. The time span of this request covers September 1, 2019, to the present.

e. Dean Carroll, formerly with the U.S. Agency for International Development. The time span of this request covers September 1, 2019, to the present.

f. Any journalist or reporter. The time span of this request covers January 1, 2020, to the present.

4. All communications that:

a. Contain the word "Wuhan" or "WIV." The time span of this request covers September 1, 2019, to the present.

b. Contain the phrase "gain of function." The time span of this request covers February 1, 2020, to the present.

c. Include discussions that relate to or reference Shi Zhengli and/or the WIV. The time span of this request covers September 1, 2019, to the present.

d. Include discussions that relate to or reference the Global Virome Project. The time span of this request covers January 1, 2016, to the present.

DEFINITIONS

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data

sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," REGARDING," "RELATES," "RELATING TO," "CONCERNS," "BEARS UPON," or "PERTAINS TO" mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

INSTRUCTIONS

The words "and" and "or" shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this public records request.

If you have any questions about this request, please contact Bryan Saddler by e-mail at bsaddler@empowr.us.

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to $25.00 in applicable fees, but notes that it qualifies as a "representative of the news media" and requests a waiver of any fees that may be associated with processing this request.

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same. Empower Oversight has no commercial interest in making this request.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute to the public understanding of the Department of Public Health's management of its professional staff, the standards that govern their outside activities, and Dr. Madoff's collaboration with Mr. Daszak of EcoHealth Alliance to label as "conspiracy theories" legitimate questions about the origin of the COVID-19 pandemic, and more specifically whether it could have arisen from an accident at the WIV or another laboratory.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this public records request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format.

Thank you for your time and consideration. Please don't hesitate to contact me with any questions.

Cordially,

/Jason Foster/

Jason Foster
Founder & President