DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

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February 9, 1990

The Honorable John D. Dingell
Chairman, Subcommittee on Oversight
and Investigations
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Mr. Dingell:

This is in response to your letter of January 23 regarding an article by Mr. John Crewdson in the November 19, 1989, edition of the Chicago Tribune. Responses to your questions are given below. Questions 2 and 3 are discussed together to facilitate the explication.

1. "Has NIH been aware of the evidence published in this recent account in the Chicago Tribune?" Please state specifically which information NIH was already aware of, and what information, if any, NIH was not aware of.

   Response: The NIH has been aware of much of the subject matter of the Crewdson article since the beginning of the widely publicized patent dispute between the Institut Pasteur and the Department of Health and Human Services (HHS). This litigation was settled on March 30, 1987 (see Enclosure A). Many of the allegations made in the Crewdson article were raised by the Institut Pasteur in the patent dispute. However, Mr. Crewdson offers some allegations and implications that may not have been examined fully during the preparations for litigation and settlement. We are continuing our review of the records of the patent dispute to obtain all pertinent information and will carefully compare that information to Mr. Crewdson's account.

   In addition, many NIH scientists and administrators have been aware of Mr. Crewdson's interest in research on human immunodeficiency virus and related matters. The NCI has responded to over 200 freedom of information requests from

Mr. Crewdson, representing the Chicago Tribune, and his article reports that he received over 5,000 pages of Government documents. NCI staff estimate that scientists and physicians in Dr. Gallo's laboratory alone spent approximately 200 hours complying with these requests. Thus, a significant part of the information base of the Crewdson article apparently was selected from HHS records.

2 & 3. "Has NIH investigated any of these allegations? If so, please specify which allegations were investigated, the findings of those investigations, the factual basis for the findings, and copies of any reports." "What allegations and concerns raised in the article, if any, have not been investigated?"

Response: Enclosure B consists of copies of internal, confidential memoranda dated August 21, August 27, September 10 and September 18, 1985, which report on reviews of allegations made by the Institut Pasteur. The pertinent issues reported on are: primacy of inventorship; whether there was any use in the Gallo invention of material obtained from another laboratory; evidence that Dr. Gallo had numerous HTLV-III isolates before receiving LAV from France; Dr. Gallo's possession of privileged information from Institut Pasteur; and Dr. Popovic's receipt of LAV from the Institut Pasteur. We are continuing to examine the documents relating to the patent dispute to determine if there are other such reports to determine whether the Crewdson article provides information not previously considered, and, if so, to assess its significance.

4. "If they have not been investigated, does NIH plan to conduct an investigation of these allegations?"

Response: The NIH is assembling and analyzing information relevant to several allegations:

a. Dr. Gallo's role in the Pasteur Science paper, 1983.
b. Questions about the manuscript and talk at the Park City symposium.
c. Questions about the Cold Spring Harbor manuscript and presentation.
d. Questions about handwritten notes in the Laboratory of Tumor Cell Biology (LTCB) using LAV as an abbreviation.

e. Questions about gene-map in Cancer Research and the December 6-7 presentation at NIH.
f. Questions about the HTLV-III pool from 10 patients.
g. Questions about contamination in LTCB.
h. Questions about the MOV designation in LTCB.
i. Questions about how many isolates from AIDS patients and when this occurred in LTCB.
j. Questions about the H-9 cell line used in LTCB.
k. Question about the electron microscope pictures.
l. Questions about the deletion in the letter to Squire.
m. Questions about HTLV-IB
n. Questions about LAV growth and usage in LTCB.

In the immediate future, we will be addressing attention primarily to questions i and j because we regard these as the most significant concerns. However, we plan to address all the issues thoroughly.

5. "If so, what office and persons at NIH will be involved in performing the inquiry, and what procedures will be used?"

Response: As stated in my response of December 21, 1989, the Scientific Director of the NCI's Division of Cancer Etiology (Dr. Richard H. Adamson), is conducting the inquiry in conjunction with the Acting Director, Office of Scientific Integrity (Dr. Suzanne W. Hadley) and in consultation with the NIH Deputy Director for Intramural Research, (Dr. J. Edward Rall). At the appropriate times, the NIH will seek the counsel and critique of a panel of outside experts chosen with the assistance of the National Academy of Sciences.

6. "When will the inquiry start and what is the estimated time for completion?"

Response: On November 29, 1989, I recognized the need for an inquiry and conveyed that to appropriate senior staff. As of now, I cannot estimate the completion time with any confidence.

We are proceeding as rapidly as is consistent with a thorough and fair analysis.

With respect to inaccuracies or misleading statements in the Crewdson article, NCI staff have identified and described several. Others may be added to the list as the NIH inquiry proceeds. We plan to reserve judgment on this list as well as the overall significance of the Crewdson article, of course, until we and our advisors have weighed all the evidence. Upon completion of our inquiry, I will send a copy of the annotated list both to you and to the Chicago Tribune. I am concerned that piecemeal dissemination of the findings of our inquiry would not be fair to all parties.

I hope this information is helpful. I will be glad to discuss it with you if that would aid your oversight activities.

Sincerely yours,

William F. Raub

William F. Raub, Ph.D.
Acting Director, NIH