

June 4, 1992

Note to Dr. Mason regarding OSIR review of the Gallo case:

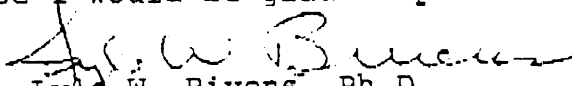
On May 1, Mr. Peter Stockton of the Subcommittee on Oversight and Investigations indicated in a telephone conversation with Roger McClung that the OSI had ignored or misunderstood, or failed to obtain, evidence that Dr. Gallo had engaged in scientific misconduct. Upon hearing this, I wrote to Mr. Stockton and asked him to please provide any evidence in this case that had not been adequately considered by OSI. On May 21 OSIR staff met with subcommittee staff and were given an oral briefing, and then allowed to review (but not remove from the Subcommittee office) a lengthy document which was highly critical of the OSI report. On May 28, OSIR staff again reviewed this document in the Subcommittee office.

As a result, OSIR has identified several specific issues or questions that we want to follow up with the Subcommittee before finishing our review of this case. It is essential that any significant weak points in the OSI inquiry or investigation be identified and dealt with, since the PHS response to this case is likely to be the subject of Congressional hearings. OSIR has scheduled a third meeting with the Subcommittee to look at specific questions and issues we have identified.

Although I had earlier indicated to you that the routine review of this case should be completed by the first week in June, the above events make this review anything but routine, and may cause a substantial delay. If any of the information or evidence provided by the Subcommittee leads OSIR to recommend changes in the misconduct findings of the OSI investigation, Dr. Gallo and/or Dr. Popovic should have an opportunity to review such changes and comment on them.

Due to the visibility and complexity of this case and the highly charged nature of the circumstances surrounding it, the OSIR review must be scrupulously thorough and fair, and we must be prepared to respond to criticisms from several sources. Accordingly, I believe that OSIR will need at least another two months to complete its review of this case, assuming no further delays arise. If it proves necessary for OSIR to obtain expert scientific advice in reaching its conclusions, additional time will be needed.

I know that you do not wish to become involved in substantive aspects of this case until it officially reaches you. However, if you would like an oral briefing on this matter or other procedural aspects of the case I would be glad to provide one at your convenience.


Lyle W. Bivens, Ph.D.

cc: Dr. McGinnis