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March 19, 1990

NOTE TO DR. RAUB:

I am writing in regard to my concerns about the status of the assembling and securing of the laboratory notebooks from the Laboratory of Tumor Cell Biology. I thought it would be important for you to have a snapshot of the sequence of recent events, hence this note.

As of this date, I have not received any of the notebooks, despite having made numerous requests and having received several assurances over the past several days. Specifically:

(1) On February 28, in my letter to Dr. Robert Gallo, I informed him that we would need to obtain custody of the laboratory notebooks in the very near future. On Friday, March 2, I spoke personally with Dr. Broder, who had been contacted previously by you about the need to secure the notebooks. Dr. Broder informed me that Dr. Adamson was responsible for handling this matter, and assured me of the NCI's interest in facilitating the inquiry.

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(2) On Monday of the following week (March 5), Dr. Adamson informed me that staff of the LTCB had been "working through the weekend" to assemble the notebooks, but there was no way they could be provided within the next few days. I emphasized the need to have the notebooks secured as soon as possible.

(3) On March 8, I called Dr. Adamson to inquire about the status of the notebooks, and was informed he would be going to the laboratory at 2:00 p.m. that afternoon to check on the matter. Dr. Adamson told me that Dr. Gallo (who was out of town) had instructed Howard Stricker not to release any of the notebooks until he (Gallo) had reviewed them and approved the release. That afternoon, Daniel Singer, reportedly an attorney and personal friend of Dr. Gallo, telephoned the Office of the General Counsel, stating that in Dr. Gallo's absence, he was instructing the laboratory staff to "lock the doors." Mr. Singer was also reported to have stated that we could "cook the data" as readily as the laboratory staff.

(4) Later that same afternoon, I returned a telephone call from Dr. Gallo's attorney, Joseph Onek, who said there had been a misunderstanding among the laboratory staff about my letter to Dr. Gallo, but he (Onek) had instructed the staff to begin the copying

process, and to prepare a log of the notebooks and their contents. I emphasized we must have the notebooks no later than Monday, March 12, and was assured by Mr. Onek that this "would be no problem."

(5) On Friday, March 9, I spoke to Dr. Gallo personally (he called me) concerning the notebooks. We discussed his concerns about whose notebooks were being sought, and I informed him that we would be seeking Lee Ratner's sequencing data, as well as any data from Drs. Wong-Stahl and Popovic. Later that day, Mr. Onek contacted me and among other things, emphasized that he would coordinate the preparation and transmission of the data books.

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(6) Also on Friday, Dr. Adamson and I discussed several "possible problems" regarding the notebooks, namely, the desire of the staff to have the notebooks logged and dated, concerns about protecting the identity of patients, and how to handle the large numbers of photographs and x-rays. We discussed methods to handle all of these issues. We discussed who would contact Drs. Wong-Stahl and Popovic and how this contact would be made. Ultimately, we agreed Dr. Adamson would contact them by telephone, with a follow-up letter, if necessary.

(6) On March 12, I contacted Mr. Onek to inquire about the status of the notebooks, which had not arrived. He did not know the status, but checked with the laboratory staff, and then informed me we would have "some" of them by Wednesday. Later that afternoon, Dr. Nancy Miller of the LTCB contacted me asking for the time period we were seeking, the subject matter, and when the notebooks would be returned.

(7) On the following day, in response to Dr. Miller's request, I faxed her a formal request for notebooks covering the period mid-1982 through 1985. Late that day, she called me to read a memorandum she was preparing to distribute to the staff, requesting them to assemble the notebooks! I expressed my consternation that such a memorandum was going out only at that time, and she assured me the staff had been hard at work on the task, and the memorandum was only a formality. She assured me we would have the key notebooks other than Dr. Popovic's by Wednesday afternoon.

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(8) As of 7:00 p.m. on Wednesday, I had received no notebooks, nor any other communication concerning their status.

(9) On Thursday morning, after speaking with you, I spoke with Dr. Broder and relayed to him my concerns about the failure to provide the notebooks. We discussed several aspects of the case, including Dr. Gallo and Dr. Adamson's availability for interviews, and Dr. Broder told me he would "issue a directive" that the notebooks be provided. We agreed that the due date would be C.O.B. Monday, March 19. That deadline came and went, and no notebooks were produced.

I am deeply concerned about the delay in this process, and about the appearance this may create as to the inquiry process.

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I would very much like to break this log jam, and would be glad of any thoughts you might have about how this could be done. What do you think? Please let me hear from you.

Many thanks,

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