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April 13, 1992

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Donald P. Francis, M.D. D.Sc.
California Department of Health Services
2151 Berkeley Way, Room 715
Berkeley, California 94704

Dear Dr. Francis:

I am writing on behalf of Dr. Robert Gallo concerning erroneous statements made by you about a meeting in early April 1984 at the Institut Pasteur. Dr. Gallo and you have recently spoken about this matter; this letter is a further effort to clarify the historical record.

1. You stated on ABC's "Primetime" that Dr. Gallo and Pasteur scientists agreed at the April meeting that the Pasteur scientists would be given credit for having discovered the AIDS virus. This is patently false. What was agreed to at the meeting was that Dr. Gallo's laboratory and the Pasteur scientists would conduct a joint study of their respective HIV isolates after publication of Dr. Gallo's papers (submitted to Science on March 30, 1984) demonstrating that HTLV-III was the cause of AIDS. If the joint study demonstrated that the French isolate and the American isolates were the same, then the French would receive credit for having reported (in May 1983) the first isolation of the virus that was subsequently proven by Dr. Gallo and his colleagues to be the cause of AIDS.

The agreement on credit you allege was made could not possibly have been made in April 1984. In April 1984, there was still no agreement that the French and American viruses were the same; thus there could be no agreement on what credit the French deserved. Indeed, in May 1984, Dr. Luc Montagnier of the Pasteur prepared a handwritten protocol (Attachment A) in which he insisted on significant differences between the French and American viruses. (Dr. Montagnier contended that the French virus did not have the protein gp41 in its envelope.) Moreover, a paper that you and the Pasteur scientists submitted to Science on May 4, 1984 (Attachment B) stated only that "it is possible that the two viruses are the same."

It was not until the fall of 1984 that the joint work of the two laboratories demonstrated that the French and American viruses were of the same type. Only then could it be definitively concluded that the Pasteur scientists deserved credit for the first reported isolation of the AIDS virus.

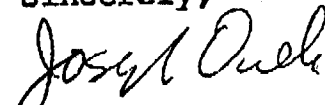
2. You have also stated to several persons that at the April meeting you showed Dr. Gallo data demonstrating that Pasteur scientists had obtained serology results with their virus as good as the American results. This too is clearly false.

By the time of the April meeting, Dr. Gallo and his colleagues had already submitted to Science a paper (Sarngadharan et al.) showing positive serology to HTLV-III antibodies in 88 percent of AIDS patients. The Pasteur scientists had no comparable data at this time. This is demonstrated conclusively by the paper that you and the Pasteur scientists submitted to Science on May 4, 1984. This paper showed positive serology to LAV antibodies in only 41 percent of AIDS patients. (A footnote "added in proof" states that a new ELISA test had obtained positive serology in 70-95 percent of AIDS patients. This data obviously was obtained after the May 4 submission, a fact confirmed to us by Dr. V.S. Kalyanaraman, the lead author of your paper.) In short, you did not have meaningful data comparable to Dr. Gallo's data at the time of the April meeting.

April 1984 is a long time ago, and it is possible that your memory has played tricks on you. Now that Dr. Gallo and I have refreshed your memory, I request that you promptly write a letter to Dr. Gallo retracting your previous statements and setting the record straight. If you do not do so, we will take appropriate legal action to determine whether your erroneous statements were the result of faulty memory or of deliberate misrepresentation. Of course, if you continue to make these statements in the face of the evidence we have provided, we will know that you are engaging in deliberate misrepresentation.

Dr. Gallo looks forward to hearing from you.

Sincerely,


Joseph N. Onek