

**Memorandum**

Date June 29, 1994

From Chief, Laboratory Tumor Cell Biology, BCP, DCE, NCI

Subject Culturing "LAV" in LTCB

To Director, DCE, NCI

As you know this is a topic that much has been made of on and off since 1984, most particularly by the Pasteur lawyers, registered French agents from New York, in attempts to use some form of pseudo-logic in their arguments for more patent money.

Most chilling in those lawyers' repeated public assertions (always to our detriment) is that they did not know of any "LAV" culturing by us at the time of the '87 agreement. This is flagrantly erroneous. It is in my very declaration ('86) in memos to Fischinger ('85) for the NCI Director, in Science Magazine ('86), in letters to French scientists ('85 or '86), and in my '89 OSI testimonies and Popovic's, in Dr. Chermann's statements, as for example, in his Introduction to the French edition of my book, and in Dr. Montagnier's July 1984 letter to Nature, quoting me, - that I told him the second sample of LAV did grow. Dr. Broder has said to me that he was not aware of any of these documentations. I would have thought he might have read the NCI portfolio on this subject.

It is a subject thoroughly explained in the '89-'90 long and detailed OSI Inquiry. It was explained again in the OSI brief Investigation (1991). It was explored again by Dr. Healy and advisors (1992). It was explored again by S. Hadley after she formally moved out of OSI and to the staff of Mr. Dingell (1993). It was explored again by Dr. Broder a few months ago apparently at the prodding of S. Hadley, but Dr. Broder told me he has not read my responses. Nor does Dr. Broder wish to hear a full explanation in its context. Instead, I am asked quick yes or no answers to events of 10 years ago that are not only complex but depend on the information available to me at any given point in time.

I have just been reminded that in a meeting with Dr. DeVita in 1986 in the presence of 10 people, Dr. Popovic presented in detail his culturing history of "LAV", including his presentation of over 20 electron micrographs of "LAV" in HUT 78 and Ti 74. Dr. Popovic also thoroughly explained why he considered "LAV" production temporary. He also explained what he learned from "LAV" culturing - only that the RT assays by Sarin were not optimum - not nearly as good as Sarngadharan's. He further explained that original LAV samples did not grow and why there was some confusion with the properties of the last "LAV" sent to us that he did have some success in growing. Of course, in 1991 we learned that the confusion produced by the different behavior of the last sample of "LAV" sent to us was due to the fact that the last sample was not really LAV but an unwitting Pasteur contamination with another virus (LAI).

grow "LAV" in the H9 cells. His attempts to grow "LAV" in H9, the best producer of IIIB or of other HIV isolates, failed. He showed me and Dr. Fischinger the negative EM report of LAV in H9. This had a major impression on me in 1985 when I first was asked to go over his "LAV" culturing history by Dr. Fischinger. This was the first time I had any need to go over what were to me time wasting and irrational requests. The information I sent to the NCI Director then is the same information I know now.

An important aspect of the 1986 DeVita et al, meeting is that there were 10 people present. One of them was Dr. Broder. Clearly Dr. Broder did not remember all that he had heard.

I have learned I cannot trust the "system" as it is now "functioning". The HHS-IG report proves to the nth degree the magnitude of errors, bias, unfairness, and persecutorial slanderous attitudes that can occur, and it proves the persuasive influence of S. Hadley and of the politics now governing our ability to work.

I would be pleased to go over my best recollections of my knowledge and statements about "LAV" culturing but only in the presence of unbiased intelligent witnesses as was planned in the Temin open forum (not allowed), as occurred by Popovic in his hearing (to his gain) and was planned in my appeal (canceled).

Further questions submitted to me by Dr. Broder (as announced by Crewdson, to my public detriment), instigated by S. Hadley, and now occurring with some regularity, by which I am threatened, and which I have told by Dr. Adamson that Dr. Broder said must be quickly answered and without a lawyer's advice or else I am unable to attend scientific meetings i.e., I will be denied his approval to travel. These things obviously are; (1) totally destroying our research efforts on AIDS and cancer research; (2) are somewhat bizarre in that Dr. Broder does not read the response; (3) extremely redundant, and (4) have seriously impaired my efforts to negotiate a position out of this place.



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