

NOT FOR PUBLICATION

1741 Redgate Farms Court
Rockville, MD 20850

July 14, 1992

Ms. Joann Byrd
Ombudsman
The Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

Dear Ms. Byrd:

I congratulate you on your appointment at The Washington Post. I have been heartened at the expression in recent columns of your commitment to objective, factual journalism. Pursuant to these ends, I write to tell you of my deep concerns about the Post's coverage (more accurately, its non-coverage) of an issue of considerable public significance: the story of Dr. Robert Gallo's HIV blood test patent, the French/American dispute over that patent, and an apparent cover-up of possible wrongdoing, a cover-up spanning several years, 1985 to the present, reaching into at least three departments of the Executive Branch of the United States Government.

Enclosed with this letter is a copy of a Letter to the Editor I have recently sent to The Washington Post. I provide you with a copy of this letter in hopes that the concerns underlying the letter will be afforded the attention I believe they warrant.

I also seek to inform you of broader concerns about The Washington Post's coverage of this story. It is my considered opinion that the Post's coverage of this story has been, at best, grossly negligent. At worst, it has been slanted toward a favorable portrayal of Dr. Gallo and the U.S. Government's position in the patent dispute. To substantiate these views, I enclose copies of stories on the "Gallo case" from other major daily newspapers, as well as major scientific journals. I also comment on the Post's most recent stories about the matter: "NIH Vindicates Researcher Gallo..." (April 26, 1992) and "French Reopen AIDS Patent Dispute..." (July 10, 1992).

At the outset, to substantiate my credentials to address these matters, I note for the record that I was chief investigator for the National Institutes of Health (NIH) Office of Scientific Integrity (OSI) investigation of Dr. Gallo's research, from

as well as ABC's "Primetime Live" and BBC's "Horizon," among others. From The Washington Post--the premier newspaper of the city in which the story was playing out--there was only silence.

The Post's absolute silence for this protracted interval concerning the Gallo case is all the more astonishing when contrasted with its performance in other recent cases of possible scientific misconduct (the Georgetown University case involving Dr. Margit Hamosh and the so-called "Baltimore" case involving Dr. Theresa Imanishi-Kari) in which the Post immediately ran front page stories when the draft investigative reports reached the media. The very obvious differences in the Post's coverage of the Gallo case as contrasted with these other cases of scientific misconduct inevitably leads an observant reader to wonder at the reason for the differential treatment of the stories.

The Post Breaks its Silence on April 26, 1992

When Mr. Gladwell finally did publish another story, on April 26, 1992, the story simply did not comport with reality. Following are comments on the most significant problems with the story:

1. Mr. Gladwell's story said Dr. Gallo had been "vindicated" by the OSI final report. The "vindication" characterization was Mr. Gladwell's own. It appeared in Mr. Gladwell's story despite the OSI report's finding that Dr. Gallo had "breached his overall responsibility as head of the LTCB" (the Gallo laboratory) and the report's finding of "numerous instances in which (his) behavior was less than collegial but decidedly beneficial to himself and his causes" reflecting "...a disregard for accepted standards of professional scientific ethics."
2. Mr. Gladwell failed to note the conclusion of one of the three members of the OSI scientific panel that Dr. Gallo's actions did constitute scientific misconduct. Neither did Mr. Gladwell accurately report the conclusions of another panel of consultants, the so-called "Richards Committee." These consultants reported they had observed a "pattern of behavior on Dr. Gallo's part that repeatedly misrepresents, suppresses and distorts data and their interpretation in such a way as to enhance Dr. Gallo's claim to priority and primacy." The Richards Committee went on to accuse Dr. Gallo of "intellectual recklessness of a high degree--in essence intellectual appropriation of the French viral isolate." Mr. Gladwell's watered-down rendering of the Richards Committee conclusions was unrecognizable: "The panel of consultants...wrote that Gallo had behaved in an unacceptably noncollegial manner..."

Mr. Gladwell also reported, falsely, that the Richards Committee did not meet with Dr. Gallo during the course of its deliberations.

3. One of the most significant false statements in the Post's April 26 story was that the OSI final report "confirms that Gallo had numerous other viral isolates of HIV in his laboratory during that period and had no need or motive to steal the French virus." This, of course, is the same untrue assertion that appears in the July 10 story; it is the subject of the enclosed Letter to the Editor. It is evident that Mr. Gladwell has not looked with any care, if at all, at the OSI final report, which says clearly that the OSI inquiry team "...believed the existence of other isolates would not eliminate the possibility that the French virus was misappropriated..." The final report also states that "...the issue of contamination or misappropriation has not been resolved..."

Even more significant, the detailed data included in the OSI report make it clear that all Gallo's own isolates that might eventually have been useful for a blood test were not available until well after the French virus was grown and well after Gallo's HIV blood test had been created. Thus, the existence of these isolates says nothing about Gallo's possible motive for misappropriation, and Mr. Gladwell's assertion that Dr. Gallo "had no need or motive to steal the French virus" is nothing more than an unsubstantiated, incorrect surmise. These questions, therefore, must be asked: "From what source did Mr. Gladwell obtain his clearly incorrect information?" and "Did Mr. Gladwell do any original reporting, including actually reading the OSI final report?"

4. Mr. Gladwell's April 26 story also was noteworthy for its characterization of the ongoing criminal investigations: "Gallo now faces only one remaining hurdle, an inquiry by the HHS inspector general's office into the veracity of statements made by Gallo in support of the patent ..." Mr. Gladwell provided no information about the nature or significance of the alleged false statements by Gallo. Instead, the inquiry was simply disposed of (insofar as Gladwell's story was concerned) by reference to Gallo's attorney, who predictably asserted that the inquiry will not raise "any new or substantial issues of wrongdoing."

The July 10 Washington Post Story

Mr. Gladwell's July 10 story was only a marginally more accurate rendering of the facts, but by comparison to the April story, it shows some development in the Post's understanding of the issues. In the July 10 story, the "one remaining hurdle" of

developed). But the fact is that Dr. Gallo never sent any AIDS samples to the Institut Pasteur prior to May of 1984. Meanwhile, during 1983-84, Dr. Gallo received repeated shipments from Pasteur of DNA, virus, and serum from suspected AIDS patients, along with anti-alpha-interferon, a key ingredient in the successful growth of the AIDS virus. There was no "exchange." The transfers were in one direction, from France to the United States;

(3) Mr. Gladwell says the Pasteur lawyers "managed to pressure HHS into canceling a scheduled hearing at NIH where Gallo was to offer a defense of his conduct in the discovery of the AIDS virus." The fact is that HHS General Counsel Michael Astrue cancelled the meeting because, he said, it was of dubious legality; it appeared to duplicate the ongoing HHS investigative process, which is not concluded; and it had the potential to prejudice or at best complicate a potential appeal of any final finding of scientific misconduct. The simple fact is that the HHS/Gallo "press conference" was a bad idea from the start. In cancelling the meeting, HHS was merely recognizing, albeit belatedly, what should have been evident at the outset.

4. At least as significant as the factual errors in the July 10 story is what Mr. Gladwell did not say. Mr. Gladwell failed to mention that the OSI final report, at first apparently on the "fast-track" for approval, is now in trouble, and will be delayed, at a minimum, for several months, due to significant concerns that have been raised about the accuracy and reliability of its findings. (See the enclosed stories from The New York Times, the Minneapolis Star Tribune, and Science and Government Report. CNN also has recently broadcast a news story on this subject).

Concluding Observations

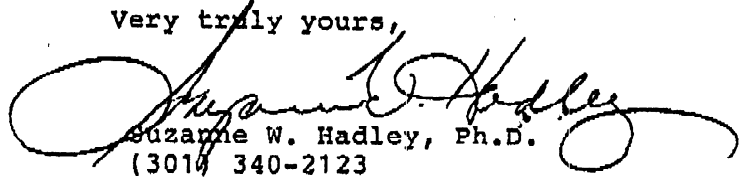
More broadly, neither Mr. Gladwell nor the Post has ever described for the Post's readers what this story is really about. The story is not merely about Dr. Robert C. Gallo. The story is not merely about possible scientific misconduct. It is about possible patent fraud, perjury, and obstruction of justice. It is about a possible cover-up by senior-level officials throughout the United States Government. It is about possible lying under oath to the United States Patent Office and the United States courts. It is an extraordinary story, a story being played out under the very nose of The Washington Post, which has steadfastly turned its head the other way. What in the world is going on?

It goes without saying that the charges under investigation are just that, charges and not findings. But they deserve the

Post's objective, expert attention. I ask that you review this matter for yourself. If you find, as I believe you will, that the Post's coverage has not met its usual standards of journalistic excellence, then I ask that you do whatever is necessary to remedy the situation and ensure objective, factual coverage of the story. The readers of The Washington Post deserve nothing less.

I would be pleased to respond to questions and provide any additional information you may require.

Very truly yours,



Suzanne W. Hadley, Ph.D.
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Enclosures: As noted