



Memorandum

Date October 13, 1993

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

Subject September 21 Request from the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce,

To See Below

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PROGRESSIVE SURVIVAL

I recognize that Mr. Lanman did not speak with intention but was following Congressman Dingell's unfortunate language (in referring to the "Gallo-Zagury vaccine" collaboration) which in turn was based on Mr. Crewdson's usual distortions. However, I must speak out my strongest protest at this language, because I have learned that the old adage is true: to repeat over and over is to make true.

Specifically, there is (was) NO "Gallo-Zagury" vaccine. I never knew of the plans, the protocols or data--until papers were submitted. My role, like several others at NIH, in Israel and in Belgium, was advisory during Zagury's early in vitro and animal experiments. I also helped with training in virology and made reagents available to Zagury specifically for in vitro or animals studies, and this was always specified. I did not know about children or about deaths. Even now I am unsure that deaths were due to Zagury's vaccine instead of terminal AIDS. Moreover, I never felt that I was part of these studies.

The so-called patent issue is simple. Zagury came to the U.S. with data of improvement in CD4 counts. It was suggested to him by others that he patent those results. He felt because NIH and (especially my lab) had helped him so much in training in virology, with reagents in his animal work and in giving some intellectual input about sequences in HIV which might be immunogenic, that I should be a co-inventor. He insisted on this. However, after evaluation, NIH legal advisers believed my role was insufficient so my name was removed. That is the story. Is there now to be guilt by association in addition to all the other defamations heaped on me?

Crewdson's distortions end up as delusionary visions. He relates Zagury's "vaccine" to "dangers" to the U.S. population from the Microgenesis GP160 vaccine (and presumably also Genentech since they are doing the same thing). Of course, gp160 has nothing to do with what Zagury was doing.

Regarding the unfortunate, accidentally infected individual Crewdson uses in his piece ("Bernard"), I did not even know this person existed. Moreover, I have seen documents from Dr. Zagury in which the person pleaded not to be included in the paper (even under a coded name) because he did not want to risk someone finding out he was HIV positive. Thus, Crewdson's attack on Zagury, and inferentially on me, regarding the necessity of including this person in the paper, is one more malignant distortion.

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Finally, the key in all of this is obviously Zagury. Why doesn't OPRR just ask Zagury? He, his colleague Dr. Picard, and everyone else will tell OPRR the role I played, as will Michael Feldman of the Weizmann Institute in Israel and Arsene Burny in Belgium, or several NIH persons as well. It was purely advisory on some technical issues in the experimental (non-clinical) stages of his work. We made reagents available to him and offered discussions of some concepts during his early in vitro and animal work.

Finally, does Mr. Dingell really believe that if I were masterminding a secret vaccine trial that it could possibly remain secret?! Does anyone believe that if I played a significant role in these studies that I would accept a middle author position with 10 persons listed as authors? Am I now accused of undue modesty? Someone must stand up to this kind of bullying and incredible attempts to make people guilty of whatever they wish.



Robert C. Gallo, M.D.

Addressees:

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