

RIVKIN, RADLER, DUNNE & BAYH

1575 EYE STREET, N.W.
WASHINGTON, D.C. 20005-1105
(202) 289-8660

TELEX 11: 7108221106 • TELECOPIER: (202) 371-0069 • CABLE: AT LAW GRCY

EAB PLAZA
UNIONDALE, NEW YORK 11556
(516) 357-3000

805 THIRD AVENUE
NEW YORK, N.Y. 10022
(212) 418-5200

30 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602
(312) 782-5680

2049 CENTURY PARK EAST
LOS ANGELES, CA 90067
(213) 201-0510

BIRCH BAYH
PARTNER

June 7, 1989

Mr. John Crewdson
L.A. Bureau Chief
Chicago Tribune
417 South Hill Street
Suite 630
Los Angeles, California 90013

Dear Mr. Crewdson:

I have had two conversations with Dr. Robert Gallo in regard to your inquiry about correspondence from Jean-Claude Chermann to Dr. Gallo. You inquired specifically about two versions of basically the same content, the "longer version" and the "shorter version."

It is Dr. Gallo's opinion that the "longer version" is the actual letter which he received. He did not receive the "shorter version" and was unaware of its existence when I asked him about it.

Permit me to address another subject which I have been contemplating bringing to your attention for some time. During our earlier communications, we discussed your lengthy efforts to compile a history of the discovery of the AIDS virus. This is a most worthwhile undertaking and must require a laborious effort on your part. I would not know where to begin. Certainly I would not pretend to advise one of your recognized expertise how to proceed on such a task.

However, in my capacity as legal counsel for Dr. Gallo, I must admit growing concern over a number of allegations which have been made concerning the manner in which you are gathering information. Over a period of several months, I have received a variety of communications from distinguished scientists in several countries following conversations with you about Dr. Gallo and his work. These observations include misrepresentation of statements and opinions to others, false representations to

Mr. John Crewdson
June 7, 1989
Page 2

gain access to the premises, and, overall, hostility toward Dr. Gallo and his work. If accurately described, these observations are inconsistent with objective journalism.

I am sure you realize that any individual who is successful, whether in science, politics or journalism, is confronted with detractors. Often these nay-sayers are more interested in pursuing their own agenda than the truth. Several of the scientists you have interviewed concerning Dr. Gallo and his work have expressed concern that you may have unwittingly been exposed to such detractors who have provided you with simplistic but erroneous data. From a lay perspective, this information may make sense on first examination. However, upon closer scrutiny and exposure to the experienced scientific eye, this information is exposed as either irrelevant, not supported by scientific consensus, or out-right fraudulent.

In your pursuit of a fact-based history of AIDS, I trust that you fully appreciate that, because of your reputation, what you write will receive considerably more attention than that accorded many other reporters. Further, I assume that you are sensitive to the fact that the presentation of inaccurate opinion as if it were scientific gospel in a major treatise on the history of AIDS could do serious damage to Dr. Gallo's reputation. In fact, last year before the announcement of the 1988 Nobel Laureates, one publication was already speculating "that Crewdson's article will cost Gallo the Nobel Prize."

When we last spoke, you said that you would write that "Dr. Gallo refused to be interviewed." As I said then, you and I both know that this is not true. Dr. Gallo had already talked with you at length on the telephone. In addition, you will recall that we had arranged for an interview to take place on December 20, 1988. And, by mutual pre-arrangement, you committed to submit a list of questions for Dr. Gallo's review in advance of the interview so that he could provide you all the pertinent information from his files.

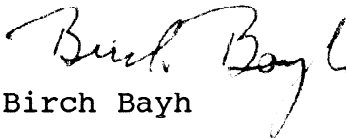
The interview broke down when late on the afternoon preceding the interview, you submitted approximately 200 questions too voluminous to be researched and documented overnight by Dr. Gallo. Your action strongly suggested to Dr. Gallo that you were not seriously in pursuit of the facts which he could provide, but rather that you had already made up your mind about the substance

Mr. John Crewdson
June 7, 1989
Page 3

of your treatise. The continuing reports forwarded to Dr. Gallo and me have done nothing to relieve this concern.

This is a most regrettable situation. Dr. Gallo has made a major scientific contribution to mankind's efforts to recognize, understand and conquer the AIDS virus. The public would benefit from an objective, unbiased accounting of these facts.

Sincerely yours,



Birch Bayh

BB:bw

P.S. Since several of the individuals with whom you have communicated have forwarded their responses to Mr. James Squires, I believe it is appropriate for me to follow this same course.