

**Memorandum**

Date February 14, 1992

From Associate Director for Biological Carcinogenesis  
Division of Cancer Etiology

Subject Implementation of the July 9, 1991 Memorandum from Drs. Healy and Broder  
to Dr. Robert C. Gallo

To Dr. Samuel Broder, Director, NCI, NIH

The following is a list of steps that have been taken as of February 14, 1992 to implement the 14 points of the memorandum of July 9, 1991 from Drs. Healy and Broder to Dr. Gallo.

**Point #1. Dr. Gallo should familiarize himself with the regulations.**

Dr. Gallo has asserted that he has familiarized himself with the regulations. Furthermore, in my interactions with him since the memorandum was issued, I have not observed any lack of knowledge of the regulations applicable to his duties as laboratory chief.

**Point #2. Terminate all professional or consultative outside activities, with or without compensation.**

Dr. Gallo has been told that any professional or consultative outside work activities must be ended. He has told us in writing that he has resigned from Novacell, Savin Biomedica, and from adjunct professorships at Cornell and Rutgers.

The following requests for outside activities have been denied:

World Laboratory  
Swedish Agency for Research  
in Developing Countries (SAREC).

(Dr. Gallo was also informed in a memorandum from Dr. Stonehill that the following additional outside activity approvals were canceled until a new form 520 was filed:

Farma-Biagini S.P.A.  
Council for Cancer Research  
Foundation for Biomedical  
Research  
L.I.F.E.  
The Wistar Institute

Dr. Gallo submitted copies of his letters of resignation to these.)

The following requests for outside activities were approved:

Medical Science Advisory Committee  
of the U.S. Information Agency  
One-day workshop at Institute  
of Medicine on July 26, 1991  
Brookings Institution Seminar, December 3-5, 1991  
Basic Books (related to his previously  
published book)  
Adjunct Professor, Johns Hopkins University  
Adjunct Professor, George Washington University

The following outside activity was conducted by Dr. Gallo  
without having requested clearance:

Ceremony at Whitman Walker Clinic, around  
December 19, 1991, as reported in The  
Washington Post.

Point #3. Obtain advance written permission for publication of any  
manuscript.

The following requests for publication clearance were denied:

Letter to Science (about the failure of articles to  
reference his virus strains); denied November 18,  
1991.

Letter to Time (in response to their comments about  
him); denied September 27, 1991.

Numerous scientific manuscripts were approved for clearance.

The following manuscripts were submitted for publication by  
Dr. Gallo without requesting clearance:

Two papers in Science, in press as of January 1992.

Point #4. Obtain advance written permission for interviews with the media.

Permission for the following interviews was denied:

<u>Interview</u>	<u>Date of Interview</u>
Santé Magazine	September 17, 1991
Fox Morning News	November 22, 1991
Gina Collatta, New York Times	November 26, 1991
BBC documentary	February 14, 1992

Permission for the following interviews was approved:

<u>Interview</u>	<u>Date of Interview</u>
USA Today	September 17, 1991
M. Gladweller, Washington Post	November 8, 1991
Mr. Hiller, Gannett News	November 13, 1991
Susan James, Genetic Engineering News	December 17, 1991
R. Yogeshwar, German TV-WDR (Cologne)	January 8 or 9, 1992

On two other occasions, Dr. Gallo inadvertently gave telephone interviews without clearance. In one case (Journal of NIH Research, interview of July 31, 1991) he informed us of it; in the other, he confirmed it upon inquiry (Paul Rayburn, Associated Press, October 29, 1991).

Point #5. Obtain advance written permission to make any speech.

Dr. Gallo has requested permission for speeches. However, most of these were also requests for travel funded by non-government sources, so they are discussed below.

- Point #6. Sign all documents needing laboratory chief signature or initials.

I told Dr. Gallo (verbally and in writing) that the request that he sign all documents as laboratory chief applies to all documents with a line for the LTCB laboratory chief signature. These could not be signed by an acting laboratory chief in his absence. Dr. Gallo appears to have complied fully with this request.

- Point #7. Refrain from travel paid for by sources other than the United States government.

The following requests for travel funded by non-government sources were denied:

<u>Destination</u>	<u>Approximate Dates of Travel</u>
Atlanta University of Virginia Calgary and Vancouver, Canada	February 2-4, 1992    February 18-23, 1992
Israel	March 21-28, 1992
University of Maryland	April 21-22, 1992
University of South Florida	May 30 - June 1, 1992
Nagoya, Japan	June 3, 1992
Berlin, Germany	June 13, 1992
San Marino, Italy	1992

In addition, an attempt has been made to discourage Dr. Gallo from spending too much time away from the laboratory even on official travel funded by the U.S. government. The following trip of this type was denied:

<u>Destination</u>	<u>Dates of Travel</u>
Mexico City, Mexico	October 13, 1991

- Point #8. Obtain written approval for any collaboration with scientists outside the United States.**

A large number of requests for approval were submitted for foreign collaborations that are already in progress. Dr. Gallo is aware that all new foreign collaborations are to be submitted for clearance before they begin.

- Point #9. Ensure that shipping of biological substances, etc., meet all DHHS, PHS, NIH, and NCI regulations.**

Dr. Gallo was informed that all shipping must meet regulations and a signed Materials Transfer Agreement (MTA) must be on file for each shipment.

- Point #10. Suspend and resubmit for approval any membership in foreign organizations.**

Dr. Gallo requested approval of service in two foreign organizations, SAREC and the World Laboratory. Both were denied (see Point #2, above).

- Points #11, 12, 13.**

**Review of primary data leading to any publication on which he is a co-author; maintain adequate laboratory notebooks; cooperate with periodic audits of laboratory notebooks.**

Dr. Gallo asserts, and members of his laboratory confirm, that he has formally looked through many of the notebooks since July 9, 1991.

I informed Dr. Gallo that he will be expected to review all primary data of all non-tenured employees who report to him. In addition, he is responsible for reviewing primary data of any paper of which he is a co-author, including collaborative studies and studies conducted by other tenured employees of LTCB.

The first audit was held October 4, 1991. The second audit is scheduled for February 21, 1992.

At the October audit, the notebooks were found to be generally adequate with some exceptions. After the audit, Dr. Gallo was given a copy of the results of the audit and was informed in writing:

You must make greater efforts to ensure that the notebooks in LTCB are complete. I was told by your scientists that you have looked through some of their notebooks recently. This current audit suggests that you must make a stronger effort to monitor the notebooks and to ensure that your senior scientists do so. Adequate laboratory notebooks must be maintained for each manuscript.

Both Dr. Adamson and I feel strongly that your laboratory notebooks should be in such good condition that they will be above criticism. Your notebooks, because of your prominence and visibility, should meet the expectations of the public perception of what a good scientist's notebooks should be, even when that perception is more strict than what is common practice in many laboratories.

Please inform all of your senior investigators that data that are stored on gel radiographs or computer tapes must be identified in the written notebooks, and the gel number/computer file number and the location where it is stored must be stated. This is particularly true for data that subsequently appear in publications.

Point #14. Submit a written report of steps being taken to comply.

Dr. Gallo submitted such a report on July 16, 1991.

Edward Tabor, M.D.