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June 10, 1991

Bernadine Healy, M.D.
Director
National Institutes of Health
Shannon Bldg, Room 126
Bethesda, MD 20891

Dear Dr. Healy:

I am concerned about two issues which have come to me as originating in your office and for which I feel I must express my opinion as Director of the Office of Scientific Integrity (OSI). These issues are your order to re-write our report on the Gallo case without any discussion with me and your direction to Mr. Robert Lanman to obtain certain records in my office without an allegation of malfeasance and, again, without consultation with me.

The first of these orders to come to my attention was your directive to re-write the Gallo report. This directive came to me third hand. According to what I was told by Dr. Hadley and Dr. Raub, the report was in a format unacceptable to you. "It read like a novel", was the phrase imputed to you. The re-write was to be carried out with no further discussion. For me as Director of the OSI, this meant with no discussion at all. The report was to be done in the style of a scientific paper, not a narrative.

The style of our reports has derived from our experience, which I believe to be more extensive than that of any other office. To present our findings in the form of abstract or summary, introduction, materials and methods, results, discussion and references would be damaging and enervating to the reports. In effect, it would force a separation by several pages of the findings and the conclusions from the evidence and thereby weaken the force of the findings. In addition, the subtleties and complexities of these cases are such that the single point which a scientific paper seeks to make and support would less honestly express the consequences of a thorough investigation.

If it is your wish, I will, with your advice, try to develop a different format for future cases. I hope we can be successful in this attempt, but I fear it could be seen by some outside of NIH as a means of reducing the independence of the OSI.

Accordingly, it seems to me that the critics of NIH in the case of the Gallo investigation, perhaps having seen the current version of the report as well as a possible revision, based on your directive, would perceive that the revised version, as vitiated and accuse us, as has been expected by them since the beginning of this case, of having produced a "whitewash" of Dr. Gallo, regardless of what your intention might be.

The reports of the OSI are not, as I am advised by Mr. Lanman, reports of the Director, NIH. They are reports to the cognizant agency head and the ASH from an independent office quartered in the NIH. The agency head may concur or not concur, but cannot order a re-write of the report which changes the thrust of our findings. Your directive seems to do just that. The agency head has the responsibility to review our reports and to make recommendations to reconsider or readdress aspects of the report which are not convincing. It is most important to us that any faults in our logic in dealing with evidence be pointed out to us for reconsideration.

Any further action by the agency head in dealing with our reports could create the appearance that the OSI must negotiate the force of our findings with each agency head before proceeding.

Thus, I cannot in all conscience accept your order for a re-write of the Gallo report, a report accepted by our advisory panel, without further discussion and negotiation with you. Your action could put OSI in the position of having to satisfy each agency director on the force of our findings. I do not believe this was the intent in the establishment of the OSI. It was surely not the intent expressed to me during my recruitment. In fact, in the Gallo case I was specifically told by Dr. Raub as Acting Director to prepare the report as the evidence directed and to, "let the chips fall where they may"! That is exactly what OSI has done and I stand by the report.

The second issue is even more disturbing to me, that of asking the counsel for NIH to obtain the OSI records of all phone conversations with Dr. O'Toole to determine if Dr. Hadley was too close to her to be objective in this case.

As I mentioned above, this was done without contacting me in any way and, more dangerously, without a charge of malfeasance being made against Dr. Hadley. I have given Dr. Hadley my complete trust in this case and in my view that trust has been totally justified. In fact, in much of the case, she was functioning as the Acting Director of OSI as was Dr. Brian Kimes before her. All of Dr. Hadley's contacts were within her functions as Acting Director.

Most of the O'Toole calls were made to Hadley, not by Hadley. As Acting Director she could hardly walk away from calls that could provide information on this, or any other case. I certainly would not do so.

It appears to me that you may have embarked on an investigation of my office simply by a request or order to Mr. Lanman. This investigation has not been based on any allegation or evidence. However, it could appear to critics outside the NIH to be a "fishing expedition". The experience of the OSI in general and that of Dr. Hadley in particular have been concurred in by the scientific advisory panel. Further, any attempt to force the OSI to re-write its report could be seen by individuals as a threatening intimidation of the OSI by the Office of the Director. In her letter to you of this date, Dr. Hadley describes her concern for these same matters. I agree with Dr. Hadley in all the substantial issues she discusses.

Therefore, I have instructed the staff of the OSI and have so informed Mr. Lanman, that I will not supply those telephone notes unless a specific allegation is made against Dr. Hadley, Dr. Kimes or any member of my staff. If such an allegation of malfeasance is made, I will cooperate in full in supplying these materials.

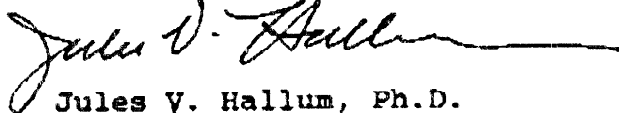
It is far from my intention, Dr. Healy, to be obstructionist in these matters. I consider myself a loyal employee of NIH and as such, I believe the greater duty of that loyalty is to inform you, as my superior, when I think you are making a mistake. The two issues I have described above are exactly of that nature.

I have become accustomed to being attacked by the lay and scientific press and by plaintiffs' attorneys (4 or 5 of them). In spite of this criticism, the OSI has succeeded in achieving the respect of good scientists and scientific administrators as well as, but less important, the people on Capitol Hill. We have done this because we have demonstrated our independence from politics, powerful scientists, major issues and administrators, inside and outside the PHS. Largely, we owe this to the unflagging support we have had from the NIH and the ASH. Now, it appears that we have lost this support and are being attacked from both within and without the NIH. Your support is vital to our continued operations. Without it the OSI could become a mere rubber stamp in the hands of all of the agency directors. I urge you to reconsider your orders of the past week. If you cannot do this in good conscience, I will respect your wishes but ask that the order to re-write the Gallo report and to confiscate my office records be transmitted to me in writing.

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I am indeed sorry that these two issues have arisen in such a way as to cause any friction between us. I believe that you have not had the time so far in your two months of tenure as Director, NIH to learn about the operations of the OSI. It is my hope that our meeting on Thursday, June 13 will give me an opportunity to brief you on what we do, how we do it and the philosophy of our operations. Also, it will provide me with a chance to learn how you wish to interact with this office.

Respectfully,

A handwritten signature in cursive script that reads "Jules V. Hallum". The signature is written in dark ink and extends across the width of the typed name below it.

Jules V. Hallum, Ph.D.
Director
Office of Scientific Integrity