

National Institutes of Health  
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June 10, 1991

MEMORANDUM

TO: Director, National Institutes of Health

FROM: Special Assistant, Office of the Director

SUBJECT: Request for Revisions to Investigative Report

I write to express my concerns about your recent request that the draft investigative report concerning Drs. Robert Gallo and Mikulas Popovic be rewritten. I assure you that despite these concerns, I remain strongly loyal to the NIH and to you as Director. However, I believe I would not be true to that loyalty, nor would I fulfill my responsibilities to the NIH and to you if I failed to express these concerns. I hoped to discuss these matters with you, but was informed that you do not wish to discuss it further. Therefore, in order to ensure that you are aware of my views, I state them for the record:

(1) The several factual items you believe should be in the report, as recounted in our June 4 telephone conversation, are already in the report (e.g., identities and functions of the various panels that have dealt with this matter, members of the panels, numbers of meetings, interviews, etc.). Nearly all these items were in the earliest draft of the report, of which you have a copy. Those not in the early draft were added in subsequent revisions.

(2) The report is the product of the Office of Scientific Integrity (OSI). It follows the model successfully employed by the office in a substantial number of cases. OSI reports, including this one, have been solidly praised for their detailed, careful exposition of the relevant events, and for their literate style.

(3) The report reflects faithfully the views of the members of the expert advisory panel that worked on this case with the OSI. The members of this panel have made substantial contributions to the draft report and have reviewed all three versions to date. They have unanimously endorsed and praised both the substance and style of the report.

(4) I take your criticism of the report that it "reads like a novel" to refer to its narrative style and the ample use of quotations. The narrative style is traditional with these reports; it has been demonstrated to be the most effective way to present the facts. We have learned this by experience, and it is particularly true in a case like the present one, in which the events in question stretch over many years, in which there are a number of involved individuals and a number of relevant issues.

The extensive use of quotations is a very effective technique that allows the principals to "tell the story" as they see it; the narrative style heightens the impact of the report; this is precisely what it is intended to do. Thus, the instruction that I revise the report from the narrative style to that of a "scientific report" is troublesome. Also troublesome is the request that I "remove the editorializing" from the presentation of findings. The whole purpose of an investigation is to determine the facts and make judgements about them. To be maximally effective, it is essential that evaluative statements be juxtaposed with statements of fact. Thus, the requested changes have the potential to significantly vitiate the findings of the draft report.

(5) There are significant concerns, in principle, with any request from the Office of the Director, NIH, to revise the report, on any grounds than those of thoroughness, fairness, and objectivity. The request threatens to violate the principle of independence of the OSI from pressure of any agency head. This is one of the fundamental principles underlying the creation of the office; it has been consistently honored. It is a principle on which we are closely watched by those who question if the NIH can investigate its own scientists and grantees, and where necessary, "make the hard calls."

We have taken great care in this investigation to be objective and fair, yet to be thoroughgoing in our efforts. Any revision of the draft report at the request of the NIH Director, even on what might seem to be purely stylistic grounds, would call into question the independence and integrity of the entire investigative process, as well as raise an appearance of interference with it.

(6) The fact that this case is centered on two NIH intramural scientists of some reknown, the extensive publicity, the international implications--all make the integrity of the investigative process in this case a particularly salient issue. The fact that, as I understand it, the pressure for changes in the draft report originated at least in part with the Director of the National Cancer Institute (NCI) is a deeply troubling circumstance. The fact that you shared an early draft of the report with the NCI Director is extraordinary and now it appears,

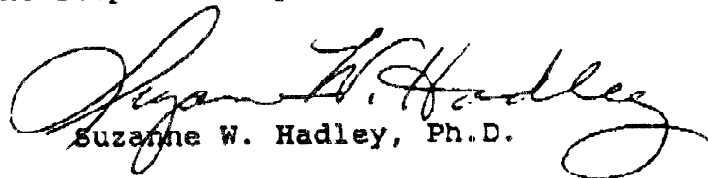
regrettable. As head of the cognizant Institute, the NCI Director will receive a copy of the draft report when it is provided to the principals; this is the time at which he may register any objections or comments. His seeking changes at this juncture is highly inappropriate; it has the potential to damage the NIH and the OSI, as well as the draft investigative report.

You have every right, of course, to concur or not concur with the OSI report when it reaches you in the normal course of events. If despite further consideration you persist in your request that the draft report be revised, then I request that you provide me with a written order to that effect and that the order detail the changes you wish to have made. This will enable me to consider what is the most constructive way to respond.

I also take this opportunity to object in the strongest possible terms to the "investigation" of my own conduct, i.e., my objectivity with respect to the "Tufts/MIT" investigation. I was astonished and very disturbed when Mr. Lanman came to me last week, at your request, to seek the telephone notes of my conversations with Dr. Margot O'Toole. Since there has been no notice to me about this matter, nor have you even discussed it with me, I cannot imagine what basis you believe there is for questioning my objectivity in the Tufts/MIT investigation.

The fact is that I have been scrupulously objective in the investigation, as have all the individuals who worked on it. The suspicion of a lack of objectivity threatens to impugn the integrity of the entire process, as well as my own personal and professional integrity. Dr. Hallum has dealt with this matter at some length in his memorandum; I trust our concerns will be promptly and appropriately addressed. In particular, I ask that if I am to be investigated, I be properly informed of the nature of any concerns and the basis for them. Absent such notice, I will understand that my conduct and objectivity are not being questioned.

In conclusion, I reiterate my belief that revising the Gallo/Popovic draft report at the request of the NIH Director, perhaps at the initiative of the Director, NCI, would be wrong. It would violate principles of integrity in which I place my highest loyalty. The report is nearly ready to be transmitted to the principals. I would appreciate having your approval to move forward with this important next step in the process.

  
Suzanne W. Hadley, Ph.D.