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February 10, 1992

Dr. Bernadine Healy  
Director  
National Institutes of Health  
Bethesda, Maryland 20892

Dear Dr. Healy:

I write to make an appeal. Eight months ago you (with Dr. Broder) indicated that if I could not live with the 14 points in your memorandum, I should appeal to you. Now, after eight months I can say I can live forever with many, but I am hopeful that a few can be loosened very soon.

However, my current intense concern is obviously the OSI report and its unfairness to my colleague, friend, and very respected former co-worker, Dr. Mikulas Popovic. I know some of the complexities of the issues facing you, and I recognize that you have had the benefit of many advisers. Yet, I must tell you that I am more than ever convinced of a profound lack of understanding of those events, the pressure, the short time to act, and Dr. Popovic's inherent language and cultural differences. He was (is) a first generation Eastern European immigrant with a deep sense of history, and, in my opinion, the highest integrity. All who know Mika know this very well.

What is lost in the OSI report, perhaps forever, is that Popovic's paper is reproducible, a landmark paper, a breakthrough, key to our understanding of the cause of AIDS, and absolutely critical to the development of the blood test which saved U.S. lives; whereas French lives were lost because of their own lack of this talent and/or inability to accept someone else's test. At the very least, the OSI report should have acknowledged, even highlighted, the critical importance and reproducibility of the Popovic et al. paper. What a profound and cruel conclusion to attack it only on debatable minor points.

I have long emphasized that Popovic made many other key contributions in my lab and in his earlier career in Sweden and Czechoslovakia. He has made excellent and reproducible contributions during his whole career--which numerous European and U.S. scientists can verify. In my opinion Popovic was also a kind of hero. He was one of the first if not the very first in the world to willingly culture AIDS samples regularly and without concern for his life before the true infectious nature of the causative agent was known. Surely, he was the first to do so at NIH and at my request. Consequently, I feel a double responsibility and a double guilt in watching him be unable to work for two years while paying legal fees, and now playing the part of an unaware and confused victim.

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The issues OSI raised about Popovic are essentially untrue. For instance, I know from conversations with Dean Mann that the events described with Hut 78 cell line (and the HLA patterns) are not as described in this report. I also know Popovic had very little time (48 hrs) to handle his paper in its final draft. There were reasons for this extreme and most unusual hurry. Normally, he and I met on manuscripts for hours, but in this case, speed was of the essence. Popovic was away at a scientific meeting and three of our four papers were ready--only his was behind. Science could only offer us this space for all four papers at that moment. An unknown delay time would ensue if his wasn't ready. Several of us contributed to its modification in his absence. He had very little time to be sure of all aspects of the final drafts on his return.

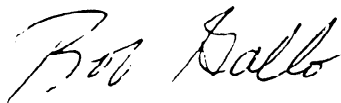
I implore you to carefully read his response, and mine, (and/or our lawyers') to the rather meaningless and not self-serving "inaccuracies" in his paper. Indeed, some of these "inaccuracies" are not even his, and some others are not even inaccuracies. I also emphasize that these were events of eight years earlier. Not everything is recorded, kept, and remembered for such a period by almost any scientist.

I am truly horrified by the cruelty of the attacks on Popovic, by the assumption of guilt for obscure motives, by the extremeness of the criticisms, and by the failure of OSI to exercise judgment. To say the "ends do not justify the means" (as the OSI report states) is clear when one speaks of true criminal behavior, as in murder. But what of the rule--"Keep off the grass," and one finds the head of OSI with a heart attack on the grass. Does one stay off the grass? Or do the ends justify the means and one saves the head of OSI?

I hope you will read carefully our response. I hope you will draw upon reasoned advice from people who were present during this period and close to the problem. There were at least ten people on the NIH Task Force to find the cause of AIDS in the 1982-84 period. As far as I know, OSI interviewed none.

Most and perhaps all of these people know Popovic was stressed, overworked, and vastly underpaid as an immigrant scientist new to the U.S. and that he was extremely self-sacrificing. He deserves an award, not a career death sentence.

Sincerely yours,



Robert C. Gallo, M.D.  
Chief  
Laboratory of Tumor Cell Biology

cc: Dr. Broder  
Dr. Adamson