# Official fired after revealing HEW sat on miracle cures for 2 years

POTENTIAL cures for muscular dystrophy, schizophrenia and 20 other possible medical breakthroughs that might have saved hundreds of lives were kept from the public for nearly two years by the government, charges a group of senators. And the official who finally blew the whistle to Congress has been fired.

The senators claim the Department of Health, Education and Welfare knowingly sat on the patents for the medical data and devices — apparently to cut government health research costs. Finally a HEW patent official, Norman Latker, complained. As a result, Latker was kicked out of his job without severance pay after 22 years of government service.

By NORMA LANGLEY

According to Sen. Robert Dole (R-Kans.): "HEW pulled the plug on development of research and withheld from the American public potential cures and revolutionary diagnostic techniques for treating such diseases as cancer, arthritis, hepatitis and emphysema."

The medical techniques that were stonewalled by HEW also included:

- A blood test that would show the presence of cancer long before tumors appear on X-rays.
- A method of determining the best cancer treatment without using the patient as a guinea pig.
- A new arthritis remedy.
- An appliance to help babies with cleft palates.
- A new breathing device for asthma sufferers.
- A thermometer that pinpoints the optimum temperature needed to kill individual cancer cells.
- Medicine to prevent raging fevers from striking children born without normal resistance to disease.
- A new antibiotic.

Dole said one of the worst examples of HEW stonewalling was the revolutionary new blood test for detecting cancer of the breast, digestive tract and pancreas. It was developed by one of the world's most prominent research centers.

Latker says that the day after Dole demanded action on his complaint, HEW Secretary Joseph Califano ordered that half the new drugs and treatments be released to the inventors. Then Latker says, Califano came looking for the whistle blower.

Latker's job was returning the patent rights to inventors who used government money to start their research. Most of the inventors are leading scientists who exchange the patent rights for National Institutes of Health grants to study hundreds of medical problems.

When the grant money is used up, the normal procedure for the last 10 years has been to quickly return patent rights to the inventor. Drug firms then would put up millions of dollars to make some of the treatments available to the public.

Latker took over the patent transfer office 10 years ago and made it a model of efficiency. He returned many patents that proved worthless, and some that proved very valuable when put into production — including the vaccine for rubella. But, Latker said, "as soon as Mr. Califano came in, he shut us down."

Inventors and drug companies began to complain to senators. Last August Latker was called to testify before a congressional committee. He told them his office had processed 30 inventions that his superiors would not release.

Dole demanded an explanation from Califano and quickly found 15 other senators, including Birch Bayh (D-Ind.), to co-sponsor a bill that would give investors exclusive rights for a limited time to their inventions. Sen. Bayh's wife, Marvella, suffers from inoperable cancer.



Norman Latker: Kicked out without severance pay for blowing whistle on U.S. agency

After several months of harassment, Latker says, he was finally fired in November.

He was offered no severance pay and is not eligible for a pension until 1994.

John Blamphin, Califano's spokesman, denies that Califano had any personal interest in Latker. "Mr. Califano was not involved in the firing," Blamphin said.

Latker was dismissed for a number of improper activities he explained, including using his office, materials and personnel to lobby for the Dole bill; mailing a congressional press release from his office, and helping the Association of American Medical Colleges prepare a lawsuit against HEW.

"These activities are explicitly forbidden a government employee to engage in," Blamphin said.

As for the delay of the patent releases, Blamphin said that "the public has some rights. They funded the research and they have rights that have to be balanced against a private company developing the treatments." Occasionally the government does indeed develop a product itself. But mostly, sources say, HEW and other government agencies are simply reluctant to look like they're giving away taxpayers' money to private industry.

Latker called this profit motive on behalf of the taxpayer ridiculous. "One in a million of these inventions would really return important money," he contended. "Remember, if HEW thought they had a winner, they would have continued funding them."

# DHEW R & D IN LIMBO

## *Mystery Surrounds Former Licensing Head*



Norman J. Latker

**Editorial**

Norman Latker, up to December 13, 1978, had been working as a patent attorney for the U.S. Government for the entire 22 years of his professional career and for the last 10 years, at least, he was instrumental for licensing all patents and know-how of the Department of Health, Education & Welfare (DHEW) — the results of the many billions of dollars spent each year in the Institutes of Health and indirectly in the 70 odd institutions, e.g., Johns Hopkins University, California Institute of Technology, Northwestern University, etc., supported by grants from the various agencies of the huge DHEW.

So successful was he in this last position that some 100 inventions were licensed to 70 companies in the U.S. and in such countries as Germany, France, Japan, etc., whereas in the many years prior to 1968, nothing was ever licensed.

Because of his success he was made chairman of a U.S. Government inter-agency group, the "Ad Hoc Committee on University Patent Policy," to study licensing, resulting in other agencies such as Agriculture, National Bureau of Standards, etc., following the example set by DHEW.

The then President of the U.S.A., Gerald Ford, in fact sent him a very congratulatory letter during his term of office which is reproduced here.

THE WHITE HOUSE
WASHINGTON

March 5, 1975

Dear Mr. Latker:

Dr. Betsy Ancker-Johnson has called my attention to the important service which you rendered in connection with the Senate-Executive Branch negotiations which led to the passage of the Federal Nonnuclear Energy Research and Development Act of 1974.

It is a tribute to your skill and resourcefulness in the drafting of the Patent Policy Section of this legislation that it was accepted almost unanimously, and without the alteration of a single word, by both houses of the Congress. You improved upon the original Senate language so that I was able to sign this measure into law without fear of abridging the research and development effort upon which our energy future depends. I congratulate you for this accomplishment.

Although my schedule precluded the convening of a formal signing ceremony, I am pleased, nevertheless, to forward the enclosed presidential pen which I was unable to present to you personally. Please accept it as a tangible reminder of my appreciation.

With warm regards,

Gerald R. Ford

Mr. Norman J. Latker
Chief, Patent Branch
National Institutes of Health
Room 5A03, Westwood Building
Bethesda, Maryland 20014

It was with considerable surprise that we recently learned that Mr. Latker had been summarily dismissed, with no reasons being given in his notice of dismissal letter — a copy of this is also reproduced here. We talked to Mr. Latker and found that he is not clear as to the why and wherefore and so we contacted the DHEW and finally reached an official spokesman — Mr. John Blamphin, who at first declined to discuss the reasons but when challenged said that they could not give them to us, but "a response is being developed." It seemed unusual. Either there were reasons, or not, or possibly they were seeking to find a nice way to say something otherwise unpalatable, to one or other of the parties involved.

Again, on our further insistence three reasons were given which may or may not be complete. These were read by Mr. Blamphin from a detailed report he promised to send us — but which has not been received as of press time:

1. Mr. Latker used Government postage to send out releases to holders of Institutional Patent Agreements with the DHEW.
2. Mr. Latker advised a group of University grantees who are believed to be preparing a suit against DHEW.
3. Mr. Latker was lobbying Congress, and such a position should not have been taken by a Government employee.

As to No. 1 — Dr. Dvorkovitz & Associates is on the mailing list referred to — along with about 70 U.S. University Administrators. We have been receiving such releases since 1968 and can see no difference in what we received at any time — unless of course there was a basic change in policy recently that we did not know about.

As to No. 2 — The universities which include the most famous names in U.S. Education are as much part of America as, and in fact predate, DHEW. As far as we have been able to determine, they are not preparing a suit against DHEW but are only involved in trying to explain their position on a certain matter — "Peer Review" — which they feel would threaten the benefits so far obtained from the official DHEW Patent Policy that, so far, has been changed. In a telephone conversation where one of our reporters questioned Mr. Latker on this particular subject, Mr. Latker said, "I did nothing more than state the official DHEW policy on 'Peer Review' to the concerned and affected institutions who asked about the DHEW position. This is based on an official policy going back to DHEW then General Counsel, William Howard Taft, IV, on this question and which was never changed by the DHEW Counsel's Office or any appropriate official of DHEW."

As to No. 3 — We understand from the office of Senator Robert Dole, who was the Congressional contact involved, that Mr. Norman Latker did nothing different from 1000 other DHEW employees and any such reason to dismiss Mr. Latker should involve the dismissal on the same day of the other 1000 DHEW executives.

We have just had access to Mr. Latker's personnel file and find that DHEW has now inserted an official reason for his dismissal. We quote the reason in its entirety: "Services no longer required."

We are aware of Mr. Califano's crusade against smoking, and whether or not he is successful in his

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OFFICE OF THE GENERAL COUNSEL

NOV 16 1978

TO BE OPENED BY ADDRESSEE ONLY

Norman J. Latker, Chief
Patent Branch
Business & Administrative Law Division
OGC, OS
Room 5A-03 Westwood Building
Bethesda, Maryland 20014

Dear Mr. Latker:

This is to notify you that your services as Supervisory Attorney-Advisor (General) in the Office of General Counsel of this Department will be terminated, for the reasons stated to you in our meeting on Thursday, November 9, effective close of business December 13, 1978.

Very truly yours,

Richard I. Beattie
Deputy General Counsel

efforts will have relatively little impact on Ame
ica, as compared to the damage that this arbitra
dismissal of Mr. Latker will do to America. If y
subscribe to the domino theory then this acti
could result in all the research money spent
DHEW and all other Government Agencies su
as Defense, Energy, etc., to be completely wast
— with absolutely no practical results. At the ve
least it will mean that lifesaving drugs and dia
nostics, prosthetic devices that will allow t
handicapped to live a successful life, etc., will n
be produced or used and that eventually some
the world's great medical researchers will becon
disillusioned and leave both their profession a
the great Institutes of Health that up to now a
the envy of the world and should be the pride a
joy of the American people.

We think this matter is of interest to any scie
tist or engineer working in a U.S. Government I
stitute or working on one of the many grants giv
to the Universities and Industries of Americ
Probably this accounts for over 60% of all the r
search done in the USA.

Today, we hear constantly about a drastic dr
in inventions and innovations and committees a
formed daily, and editorials written daily, in an a
tempt to find the reason and to find a solution.

Actions like this taken by DHEW under M
Califano's direction seem to us a sufficient cau
for this drop in itself — inventions and innov
tions must be nursed and not smothered or stra
gled by removing the incentive — the satisfactio
an inventor always has to see his brainchil
brought to fruition. Because of the importance
this subject we will continue our investigative r
ports and hope in the next issue of UNIT to give
more complete story. We would welcome any le
ters for, or against, and certainly, we would we
come letters or phone calls from anyone knowin
more facts about this matter.

the great Institutes of Health that up to now a
the envy of the world and should be the pride an
joy of the American people.

We think this matter is of interest to any scie
tist or engineer working in a U.S. Government I
stitute or working on one of the many grants giv
to the Universities and Industries of Americ
Probably this accounts for over 60% of all the r
search done in the USA.

Today, we hear constantly about a drastic dr
in inventions and innovations and committees a
formed daily, and editorials written daily, in an a
tempt to find the reason and to find a solution.

Actions like this taken by DHEW under M
Califano's direction seem to us a sufficient cau
for this drop in itself — inventions and innov
tions must be nursed and not smothered or stra
gled by removing the incentive — the satisfactio
an inventor always has to see his brainchil
brought to fruition. Because of the importance
this subject we will continue our investigative r
ports and hope in the next issue of UNIT to give
more complete story. We would welcome any le
ters for, or against, and certainly, we would we
come letters or phone calls from anyone knowin
more facts about this matter.