Marty Gibson 245-7627
HEW
a must !!

To: Senator
From: Joe
Re: Norman Latker firing at HEW
Oct 10, 1979

As you remember from the hearing on the patent bill there is a great deal of concern about the HEW actions that were taken against their patent counsel Norman Latker.

At the time of the first action you talked directly to Dick Warden about your concerns about the Latker case and were assured that none of the charges were related to your patent bill. Latker was ordered to be reinstated by a Civil Service review board because HEW had not followed the proper procedures. This seemed to be the end of the matter until Norman was called in approximately one month ago and presented with four charges, three of which are classified as use of appropriated funds to attempt to influence Members of Congress.

One of these charges is that Latker mailed out 8 copies of your press release to university officials who had requested it when you put in your patent bill.

The second was that he sent Mr. Howard Bremer of the University of Wisconsin a copy of a list of staff for each Senator's office who had responsibility for patent matters.

The third was that he had taken to a meeting of the National Association of College and University Business Officers some of your statements regarding S. 414.

S. 414 is based on the IPA program which Latker implemented at HEW after the 1968 GAO study found that not one drug could be found that had reached the market when HEW retained patent rights. The IPA program is still in effect at HEW and was made available by the General Services Administration to any other agency which would want to use it.

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Additionally when we learned that HEW was planning on renewing its attempts to fire Latker, Tom called and asked that you be kept informed of any actions before they were taken. HEW agreed to this request and them proceeded to initiate their actions without any word to us. ~~The HEW liason's office has not returned numerous phone calls that Tom and I have made in an attempt to find out what the situation was.~~

Patricia Harris also turned down your request that Latker be allowed to work on S. 414 when the bill is considered by the Committee. The Small Business Administration has also asked HEW that they be allowed to use Latker's talents because of his knowledge of Government patent policy and they were also turned down.

The present Acting Assistant Secretary for Legislation is Martin Gleason whose number is 245-7627.

The American Patent Law Association has also expressed its concern over the actions taken against Latker last year and they are preparing another letter to protest the most recent actions.