

August 24, 1979

TO: Senator

FROM: Joe

Re: New attempts to fire Norman Latker, HEW Patent Counsel

COPIES: Kevin, Mary, Linda, Tom, Eve, Jim, Bob, Ann M; Leg. (2), Indiana Dept.

As you remember from the hearings on your patent bill, one of the issues that was raised by many of our university witnesses and also commented on by you and Senator Dole was the firing of Norman Latker who was HEW's very effective patent counsel for alleged improper lobbying activities in connection with your bill.

You met with Dick Warden, HEW Assistant Secretary for Legislation, shortly after the HEW action was announced, and stressed that Latker's involvement in the bill was entirely proper as far as you were concerned. Warden told you that this contact was not the issue and that there were unspecified criminal charges that would be brought against Latker. No such charges were ever made.

The Civil Service review board which considered the Latker case ordered him reinstated at HEW because the action against him had been improperly carried out (he was called in one Friday after 20 years of government service and told to resign by Monday or risk losing his benefits if he had to be fired).

Latker reported to work about 3 weeks ago and seemed to be doing well when Assistant General Counsel Grinstead asked him to come in and discuss the charges against him. They met yesterday and 3 of the 4 charges are directly related to his involvement with your bill.

One of the charges is that he reproduced copies of your press release announcing the introduction of the patent bill last year and sent it to 8 university officials who had requested it.

The other two charges related to your bill are that Latker advised Howard Bremner (President of the Society of University Patent Administrators and one of the principal supporters of the bill) that the attempts of the university community to contact their Senators were not effective because they were not talking with the correct staff people. I had discussed this on the phone with Latker and sent him a list of the various staff contacts in the different Senate offices which he then sent to Howard Bremner.

The only other charge deals with a brief that Latker worked on that was used by the Association of American Medical Colleges. Latker feels confident that his involvement in this instance was directly supportive of the existing HEW policies.

I believe that the real problem is that the Califano people began interfering with the HEW patent policies which Latker had implemented (and upon which your bill is based) and were publicly blasted by Senator Dole at ~~the~~ joint press conference last year. Dole charged that unnecessary reviews of patent grants by HEW were needlessly delaying the delivery of important medical discoveries to the public. The people who are again raising these charges against Latker are all Califano holdovers.

I think that it could be extremely important for you to call HEW immediately and express your concerns that this whole unfortunate situation seems to be starting all over again. Dick Warden's number is 245-7414. You should know that after talking with Eve last week, I called Bill Wise to see if he could find out what was going on and to inform him that you had already expressed your concern with the previous HEW Actions. Wise never called back and when I reached him on Monday he said that he didn't think that you were very concerned because you had recently talked with Dick Warden and never mentioned Norman Latker. I told Bill that this was not surprising because you did not even know that HEW was starting this whole thing all over again.