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COUNSEL

January 21, 1970

Dr. Paul Berg
Stanford University Medical Center
Department of Biochemistry
Stanford, California 94305

Dear Paul:

Many thanks for your letter of January 19, 1970. I could not disagree more with the thoughts you expressed, and under the circumstances I should, in fairness, give you my reasoning.

As you know, in the past the blacklist operated almost entirely at the level of NIH and was "administered" by the executive secretaries of the study sections on the basis of information collected historically by one or two lower level clerical types in the various institutes. You will recall that it was very difficult for us to persuade the top level at HEW that blacklists actually existed simply because no one at the level of HEW downtown was involved in the maintaining of any list of people who were ineligible. All the dirty work was done at NIH, in anticipation of avoiding problems that people at NIH thought might arise if certain names were sent forward to the Secretary of HEW for appointment.

As you know, in any large organization, there are always several people who simply do not get the message, even assuming (as you do and as I do not) all the good will in the world on the part of the executive secretaries. Although it may be that the particular executive secretaries with whom you have had direct dealings are men of good will who would on their own account reintroduce names previously vetoed, I feel quite certain that not all of the executive secretaries are so inclined. Further, none of them will undertake to test such policy if there is any potential liability whatsoever. The only way the executive secretaries are going to be persuaded to make a test of the new regulation is for some pressure to build up within the Study Section (a constituency to which the executive secretaries are also responsible) and

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that pressure in my judgment will not build up absent some outside stimulus such as me.)

Last weekend, several Study Sections were meeting here in Washington and I had occasion to talk with several members of each of those Study Sections about proposed names. Although, in general, various members of each Study Section were enthusiastic about the idea of proposing names, all of them shared my view about the institutional reluctance of the executive secretaries to expose themselves by making a test, absent some pressure from the members of the Study Section to do so. All felt it was useful to make a test and most of the discussions I had concerned the names of people who might be scientifically appropriate and who might be or might have been on blacklists. All agreed that it was important to undertake promptly to raise the issue directly with the executive secretaries and to proceed literally to test the integrity of the new system.

I do not share your view that making a test is "needlessly provocative". Indeed it seems that several such tests are absolutely necessary if the confidence of the public in the new policy is to be established. I know that you disagree with what I have said above, Paul, and would be delighted to expand further on my views about governmental inertia if you think it useful.

All good wishes. I know Maxine is looking forward to her visit with you in March.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dan", written in a cursive style.

Daniel M. Singer