

# Worker who gave tip on drug patent backlog is fired

By Barbara Reynolds

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WASHINGTON — Norman Latker, a government patent counsel who told Congress that the Department of Health, Education, and Welfare, delayed the release of potentially life-saving drugs to the public, has been fired.

For more than two years, inventions by government-funded scientists have been caught in a HEW bottleneck because of a dispute over whether universities and private firms or the federal government should retain patent rights.

While senators, university officials, and inventors have condemned HEW policy, they have praised Latker, HEW's chief patent counsel, for fighting behind-the-scenes to release cancer-fighting techniques and other new technology from the department.

NOW LATKER, a 47-year-old native Chicagoan, is looking for a job after 22 years with the federal government—15 of them in HEW's patent office.

Latker said he did nothing heroic or outlandish. "The worst thing I could have done as HEW might see it was to tell the truth when I was questioned before Congress. I didn't think anyone would want me to lie."

Last June, Latker told a Senate committee hearing that HEW had held up patent rights on inventions developed by scientists with federal funds.

"I didn't think I had any choice but to respond truthfully," he said, "although I avoided interpreting what the holdup meant."

Unless limited patent rights are transferred to pharmaceutical firms, the firms will not invest the millions needed for clinical testing and clearance through the Federal Drug Administration for eventual public use.

IN AUGUST Sen. Robert Dole (R-Kan.) accused HEW of "pulling the plug" on biomedical research in an attempt to hold down medical costs. Latker also provided information for Sen. Dole, which was used to write legislation making it more difficult for HEW to hold on to patent rights.

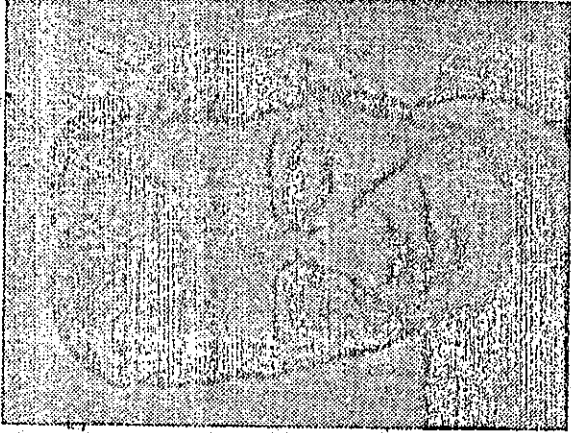
The day after Sen. Dole launched his attack, HEW Secretary Joseph A. Califano ordered his aides to release some of the patents, which had been delayed as long as two years. However, only half of the 29 patent projects identified by Sen. Dole were released.

Once Califano released some of the patents, Latker said, "he went looking for the guy who blew the whistle."

LATKER ADMITTED he wasn't hard to find, since he was the only one who had argued with his superiors over the patent policy. He had also been reprimanded for sending out public statements critical of the delay, "although I also sent out public statements that agreed with HEW's decision."

On Nov. 9 his superior, Richard Beattie, asked for his resignation. Latker said, "He really berated me saying that it bogged his mind that I could criticize the department. He also told me that I should have learned to say 'no.'"

Beattie, who was recently promoted to special assistant to Califano, told the Tribune that although he had started the action against Latker, he did not know



Norman Latker

of Latker's firing. He did not comment on the reasons for the firing.

AN HEW spokesman said the department will prepare a detailed list of reasons for Latker's firing.

John Blamphin, a press spokesman for HEW said, "Latker was dismissed for a number of improper activities and not, as he has reportedly claimed, for the disagreements over departmental patent policies, or because of any testimony before Congress, or any disclosure he may have made about the department."

Latker's activities, Blamphin said, included the use for personal purposes of government personnel, materials, and facilities. Blamphin said Latker also mailed nongovernment material under government frank.

Dr. Ralph Davis, patent manager at Purdue University, said that the firing is not only an issue involving Latker's future, but also the future of life-saving inventions. "He cared about the public, he cared about people more than policy," Davis said.

According to Dr. Davis, the federal government owns about 23,000 patents, but less than 1,500 have been licensed for commercial use. "What is there to gain by holding on to the rights," he said, "when they don't have the resources to get new products on the market."

BARRY LESHOWITZ, a former aide to Sen. Dole and now a scientist at the University of Arizona, said: "Latker never went to the press. Congress came to him and he cooperated. It is now clear that HEW will not alter its policy of holding up patents if they fired the only guy who tried to get inventions to the public."

Latker said he is still worried about the closed atmosphere in HEW. "People are scared to death to say anything that challenges the department line," he said. "Scientists can't operate that way. They have to be free to explore new ways."

Another problem for Latker is personal. Eight years ago he signed a waiver placing him in a special civil service category, which may mean he is not entitled to severance pay. And he said it will be 15 years before he qualifies for a pension.