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CABLE  
LAWBYRINTH

August 14, 1978

Senator Robert Dole  
Russell Senate Office Building  
Washington, D. C. 20510

Dear Senator Dole:

This is in regard to your news release stating that the DHEW is deliberately suppressing life saving medical technology. I offer my heartiest congratulations for the stand you have taken which is eminently logical and sound.

Prior statements regarding government "give aways" by your colleagues Nelson and Long may sound good to the folks back home, but simply do not stand up to careful scrutiny. Even Ralph Nader has joined in their chorus without belaboring his thinking with facts.

The basic problem which you so clearly recognized is not unique to the DHEW. It has existed throughout other agencies of the federal government for many years. In fact, the abuses are even more blatant in some of the other agencies.

I first encountered the problem with the Atomic Energy Commission twenty years ago when I spoke with Roland Anderson and others within the AEC. I explained that the government's handling of the patent rights was similar to the raising of cattle. As you know, most of the male calves that are born are castrated. This is fine if you merely intend to raise the animals for meat. However, if you expect to use them for breeding stock, you can forget it because you've already made the determination that that is not going to occur. That is precisely what the government does when it takes title to inventions. This is also one of the major reasons why we are falling behind technologically with respect to the rest of the world, as Senator Stevenson has so ably observed.

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The Office of Education encountered the same problem with regard to the handling of copyrights. Their original policy was that any books or materials developed with their funds had to be freely available to all. The result was that not a single publisher would touch these works because there was not a large enough potential market to justify such risk.

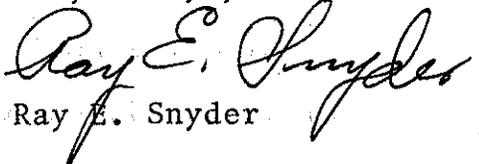
The DHEW also created a similar problem years ago on the screening of chemical compounds. The services of private laboratories were necessary to determine if these compounds were effective for any useful purposes. The DHEW said if any of their money was involved in the development, the compounds had to be freely available to all. The result was that no screening laboratory would touch such compounds. This was all verified in the government sponsored Harbridge House study of several years ago.

My present concern in these matters is in dealing with the university researcher. When one comes up with what he thinks is a worthwhile invention, he is immediately faced with a mountain of red tape and paper work to even report it, much less request greater rights. Then when he finds out that the government is going to take it away from him anyway to merely sit on it, he wonders why he bothered to report the thing in the first place.

At the risk of encroaching on your time, I enclose copies of letters I have written to others on this subject over the years. Your news release came as such a welcome change on the heels of statements of Senators Nelson and Long that I could not resist the opportunity to commend your stand.

Thank you again for stating your position in such a forthright manner. If I may be of any service to you in this regard, please feel free to call on me.

Very truly yours,

  
Ray E. Snyder

RES:cs  
enc.

BCC:Donald W. Banner, Esq.  
Dr. Howard Bremmer ✓