

draft

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM FOR THE CHIEF OF STAFF

Through: Steve Weinberg, Director, Volunteer Support
From: Tyler S. Posey, General Counsel
Date: January 27, 2004
Subject: Publication of Madagascar PCV Medical Test Results

Issue: As a means of exerting control over past, present, and future PCMOs and enforcing its PCMO contracts, should Peace Corps risk adverse publicity and write a letter to the New England Journal of Medicine, advising that, without Peace Corps permission, it published a letter to the editor by Dr. Peter Leutscher containing Peace Corps-owned data on cysticercosis testing of Madagascar Volunteers?

Background: The attached draft letter has been proposed by Dr. Weinberg and cleared by me, in response to Dr. Leutscher's letter (copy attached) to the New England Journal of Medicine, which concludes that Madagascar PCVs are at risk of contracting cysticercosis. With the permission of the Madagascar CD, who was his contracts officer also, Dr. Leutscher, a part-time PCMO, tested Madagascar PCVs for cysticercosis, apparently at COS, from February 2001 to April 2002. During that time, as known to and encouraged by certain OMS staff in writing as late as April 2, 2002, he was planning on publishing a medical journal paper on his findings. OMS merely advised that the paper would have to be cleared before it could be published.

As you will recall, due to political events in-country, approximately 106 Madagascar Volunteers were evacuated to Nairobi, Kenya in late April 2002. The Volunteers had their COS physicals done in Nairobi. None of the Volunteers had cysticercosis testing, as this was not, according to OMS at the time, a COS screening test which was routinely done on any Volunteers.

Dr. Peter Leutscher, created great uncertainty and anxiety among the Madagascar Volunteers by disseminating to a number of them a document stating that they would receive cysticercosis testing at COS. Dr. Leutscher was subsequently in touch with certain of these Volunteers and caused them to believe that testing for cysticercosis was vitally important. OMS disagreed, though it is not clear why, since they had allowed Dr. Leutscher to do cysticercosis testing on Madagascar PCVs previously, and since the

paper had actually been presented at an Africa CME conference in the spring or summer of 2002.

In October 2002, the acting Madagascar CD, Bill Bull, wrote to Dr. Leutscher and told him not to publish the article he had written based on the data he collected from cysticercosis testing of Madagascar PCVS in 2001 through early April 2002. That letter is attached and proposed for inclusion with our letter to the New England Journal of Medicine. In response, Leutscher withdrew the article, temporarily. Bill Bull has told me it was his second-hand impression that even after he wrote to Leutscher, there were still ongoing discussions between Dr. Leutscher and OMS about them helping him revise his paper and having him promoted to a full-time PCMO. Steve Weinberg says this was not the case; by October 3, 2002, even Dr. Von Arx, who had arguably encouraged the Leutscher study, wrote that Leutscher should be told in writing by Dr. Weinberg that it was inappropriate for him to involve PC in his study. In any event, Leutscher's contract as a part-time PCMO was not renewed, and he left Peace Corps, very embittered.

Conclusion: Although we have a good legal case that the data published by the NEJM belong to us and were published without our permission, Dr. Leutscher would be able to point to facts that cloud the issue of whether he had Peace Corps permission to collect the data and publish them. He will also likely say that Peace Corps is engaging in a medical cover-up, i.e., it was not until he started pointing out that there were, in his opinion, serious health risks to PCVs from cysticercosis, testing for which we refused to make standard at COS, that Peace Corps attempted to muzzle him.

Decision Sought: Whether to send the letter and risk a public debate with Dr. Leutscher.

Yes _____

No _____

Needs Further Discussion _____

Attachment(s): As stated

cc: Henry McKoy, Associate Director, Africa