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The Honorable Janet Reno
Attorney General of the United States
Tenth Street and Constitution Avenue N.W.
Washington, D.C. 20530

Dear General Reno,

As Chairman of the Subcommittee on Oversight and Investigations, I am requesting a full investigation of very disturbing charges involving employees of the Department of Justice in Washington and the Office of the United States Attorney in Houston, Texas. I am enclosing copies of the written and oral testimony of Richard Jaffe, Esq., counsel to Dr. Stanislaw Burzynski. According to this testimony, Dr. Burzynski has been the victim of an extraordinary abuse of our legal system. The FDA together with its attorneys in the Office of Chief Counsel and the U.S. Department of Justice have brought his case before between three and four federal grand juries that have refused to indict him. All of this "criminal" investigation has occurred subsequent to a 1983 decision by a U. S. District Judge to deny the FDA an injunction against his practice of medicine. Currently, the government's allegations are before yet another federal grand jury in Houston.

It is extraordinarily rare for a grand jury to fail to indict at the request of the U.S. Attorney. As far as I know, a grand jury failing to indict some three to four times on essentially the same base of facts is virtually unprecedented. It would appear that the FDA and the Justice Department are abusing the grand jury process to harass and punish Dr. Burzynski for persuading a federal judge that he is not violating the law by practicing medicine within the State of Texas.

Regardless of the merits of their case, the transcript also suggests that other abuses of prosecutorial discretion have occurred. These include violations of Rule 6(e) relating to grand jury secrecy and the violation of statutes and rules designed to protect physician/patient confidentiality.

We expect that either the Inspector General or the Public Integrity Section of the Department of Justice, with the assistance of the FBI, will begin this investigation immediately. I would appreciate a report on its progress, no later than the close of business, Thursday September 21, 1995.

U.S. House of Representatives
Committee on Commerce
Room 2125, Rayburn House Office Building
Washington, DC 20515-6115

September 7, 1995

The Honorable Janet Reno
September 6, 1995
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The Subcommittee will be conducting its own investigation of the role of the FDA and the Department of Health and Human Services in what appears to be an egregious violation of the rights of Dr. Burzynski. By copy of this letter, including the attachments, I am referring the matter to the Judiciary Committees of the Congress for their consideration of the role of the Department of Justice in this case.

In order to facilitate the Subcommittee's inquiry, we need the names and present locations and phone numbers of all HHS, DOJ and U.S. Attorney personnel who have been involved in the referral, preparation or presentation of any allegation involving Dr. Burzynski to federal grand juries from 1985 to the present. Please provide the Subcommittee with this information no later than the close of business, Thursday, September 21, 1995.

We are making no document requests of the Department of Justice at this time. However, the Subcommittee staff will be contacting some or all of the individuals whose names are requested above to pose questions or to request interviews. I would expect that you will instruct the DOJ personnel to cooperate fully with our investigation. I further request that you order that all documents relative to these investigations, including drafts and those recorded electronically, be maintained until all investigations into this matter are complete.

I look forward to working with you on this matter. Should you have any questions regarding this request, please contact Alan Slobodin of the Committee staff at (202) 225-2927. Thank you for your cooperation with the work of the Committee.

Sincerely,



Joe Barton
Chairman
Subcommittee on Oversight
and Investigations

cc: Honorable Thomas J. Bliley, Jr., Chairman
Honorable John D. Dingell, Ranking Minority Member
Honorable Ron Wyden, Ranking Minority Member,
Subcommittee on Oversight and Investigations

Enclosures