

Hello everyone (including bcc to the three people who asked to be taken off the list, explanation later):

I am writing to you all in response to Val Turner's 30 page challenge to my participation in the Parenzee trial ("the Document"). The entire document represents an interrogation to which I will not submit. However I will address some of the questions raised by it, both explicit and implicit.

This is a very difficult email to write. One of my aims has always been to help dissidents work together for a common cause, despite differences in strategic outlook, scientific viewpoint and personal philosophy. This very much includes a desire to work cooperatively with Val and Eleni. I am aware that if I do not respond to their challenges it will mean that I definitely cannot repair this relationship. And I'm also aware that if I respond honestly it still might mean the same thing.

I am concerned that some people confuse a desire to support the scientific work and theories of the Perth Group with a necessity to suppress or eliminate slightly different theories, and to silence or convert those who are not completely aligned with them. In addition some dissidents see the Perth Group's scientific work and their interactions with other dissidents as inextricably linked.

One thing that I want to emphasize is that I still have enormous respect for the scientific contribution of Val and Eleni. And I hold no hostility towards them. I'm sure their hostility to me simply derives from their frustration at not yet having seen the dogma shattered, a frustration I'm sure we all share.

Why am I addressing everyone and not just Val Turner?

I requested that Val, Eleni and I discuss our differences privately so that after we had settled them (I am an optimist) we could release a joint statement to the larger group. Val and Eleni have chosen not to do this. Since they have addressed a large group, I now feel I have no choice but to also address that same group. I have taken the risk of including the three people who requested to be removed (as bcc so they don't get replies to this) so that they are exposed to my viewpoint given the severity of the accusations against me.

What about Andre Chad Parenzee?

My ethic is that the most important person in these trials (and I have been involved in several), despite the scientific issues, is the accused. I do not believe that infighting advances the goals of the accused and the prisoners. Why? Well, because if we learn the lessons of Parenzee trial and start winning in the future there will be a need for justice systems to reconsider all people jailed by the HIV dogma. The only hope for Parenzee (and Leone and Smith and Mzite and Williams et al) is for us to learn from past mistakes and go on to win a case and make precedents that can benefit current prisoners. This is already happening in other domains, such as people jailed on false forensic evidence, and it will eventually happen in HIV/AIDS.

What will the Document Accomplish?

Having received several similar documents from Val Turner, I think that the only way I could satisfy his demands is to admit that I deliberately torpedoed the trial and, in order to accomplish this, hypnotized all other participants (specifically Kevin Borick and Trudy). The only alternative would be to agree that I am so stupid and uneducated that my participation in any trial would be counter-productive. No matter which approach I would take, I would totally discredit myself. If I have accomplished one thing it is to bring dissidents together. To not only remove myself, but discredit myself, would set the dissident movement back, not forwards. It would not advance the cause of Andre Chad Parenzee or other jailed HIV-positives, a number that I expect is going to grow dramatically until we are able to start to put together a legal strategy that wins cases. It would not advance the Perth Group's goals either, in fact I think it would set them back as every other dissident. A team does not advance by eliminating one teammate so another gets an advantage.

I have been accused by Val Turner and others of being a partisan of Duesberg. This is absurd I first wrote about whether HIV exists (based on the work of the Perth Group) about 10 years ago. I was probably the first person to question the existence of West Nile Virus around 2001 (<http://articles.mercola.com/sites/articles/archive/2001/10/03/west-nile-virus.aspx>) which was my attempt to apply a Perth analysis to another virus. I think my earliest available writings questioning HIV's existence date to 1997 (<http://aras.ab.ca/articles/correspondence/199708-Crowe-AIDS-Toxins.html>).

One of the ironies of this situation is that the Perth Group do not apply their analysis to other viruses. Perhaps this is a strategic decision, or based on their lack of research into the evidence (or lack thereof) for other viruses. I can accept this decision of theirs. It does not make me not want to work with them. But it seems hypocritical to decline to discuss the existence of other viruses while heavily criticizing people who do not align with their view that HIV does not exist and, moreover, that the existence of HIV is the only issue that should be discussed in a legal case.

The Document relies on a number of assumptions by the Perth Group that are simply false. I cannot possibly agree to most of the propositions in the document. The Document is divisive and unfair because the propositions are often things that it is easy to see that I will be unable to disprove. I cannot, for example, prove that I never had discussions with Borick in which I twisted his arm to get him to change his strategy. I will just rely on the fact that people who have worked with me over the past decade or so understand my sincerity.

Why Not Discuss the Case Dispassionately?

A very good question. This is what we should be doing. There is a book called something like "The Egoless Programmer" which is well known amongst computer programmers. It was written in reaction to the many bitter disputes that erupted over the development of software programs because the programmer would often see his creation as a reflection of his

personality and refuse to accept criticism. On the other side, reviewers of software often had a different programming philosophy and would harshly criticize people basically for not sharing their tastes. It has been found that when the object in question (in this case the Parenzee Trial) is analyzed without reference to the team members, that in the long run everyone can go away happier.

We should be able to ask questions like ... "What are the constraints on expert witnesses?", "What is the best way to present this information in court?", "Should the case be argued in the alternative?", "Should expert witnesses of high status be introduced to avoid removal of others?", "Should financial conflicts of prosecution experts be emphasized?".

Val Turner explicitly rejected this approach in his statement "There are several factors (our inexperience included) which seriously undermined the value and impact of our evidence at the Parenzee hearing. In this reply however we are focusing only on those issues in which you and RA were contributors and over which you and RA had total control."

What was Rethinking AIDS' (RA's) Role?

RA played no role in this case whatsoever. It is a mistake to believe that because I was on the board of RA and am now the president that RA was involved.

The reality is that in 2006 I arranged a conference call with Andrew Bradie (Windsor) and Kevin Borick at a RA board meeting with the expectation that RA would recognize the importance of legal cases and get involved in this work.

To my surprise they rejected this and to this day RA has not been involved in any legal cases. I emphasize that this is not limited to the Parenzee case. Not a penny of RA funds has been spent. No RA correspondence has been generated. No court interventions have been attempted by RA.

All this legal work has been on my own.

What was my Role in the Parenzee Case?

I started by raising money and was fairly successful. I believe about CAD\$35,000 was transferred to Australia (CAD\$1 is worth less than US\$1 but more than AUS\$1).

I was asked to provide information by Borick (through an intermediary) and complied. Sometimes the requests were quite extensive. I didn't pass these requests on to the Perth Group because obviously Borick had his own line of communications with them and never asked me to act as an intermediary.

Val asks "Could you please tell us exactly how you can contribute as an expert to this case?". I don't know where this question comes from. I never made any pretense of being an expert in this case. The only domain where I could possibly be registered as an expert in a case like this is

related to phylogenetic analysis (consult the November 1981 edition of the journal "Taxon"). Despite the relevance of this specialty area to this case I made no suggestion that I be considered as an expert.

Val also asks, "How is it possible for someone to even contemplate becoming "an advisor to the court"...". I never considered myself an advisor to the court and never claimed this. I wasn't even an advisor to Borick in anything but the most informal use of the word. Mostly I was providing him with information to his specifications. It is quite likely that he did ask me for advice on a few occasions, but it would be inflating my importance to say that this made me an advisor to him.

Ultimately the decision to solicit information from me was Borick's decision. It was not something that I sought out or lobbied for. Note again, that Borick's prime responsibility is to Andre Chad Parenzee, not to the Perth Group or other scientists involved in the case.

Did I Control Borick and Others?

I believe I only talked to Borick on the phone twice. Once during the RA board meeting in 2006 and I have vague recollections of one other time.

I also never emailed Borick directly, but only through an intermediary. These emails were usually in response to requests from him, occasionally I would send him information that I thought might be important. I do remember doing this based on some of the phylogenetic analysis discussions that were occurring in the UK at the time of the trial that seemed relevant.

I never demanded anything from Borick. I never wrote cross examination text for him. I understand that Borick is an experienced, non-nonsense defence lawyer with a mind of his own. If I "convinced" him of anything it was merely by providing him information that caused him to change his mind.

With the tenuous line of communication that I had with Borick it would have been extremely difficult for me to apply any force, and I didn't.

Regarding Trudy, apart from chit chat, especially related to her pregnancy, we communicated mostly regarding transfers of funds. I believe I also asked her for Andre's address in jail so I could write to him. I don't remember ever discussing details of the trial with her, certainly not strategy or expert witnesses. In fact, I was informed that it was "the family" siding with Val and Eleni that persuaded Borick that no other experts for the defence would be called. It is true that Borick was considering some of the experts who I had identified. But clearly I had no clout with the family as they refused to accept this idea. In addition I never tried to apply any pressure on the family. I didn't even know that they were discussing this with Borick and clearly this was their decision to make, in consultation with Andre.

Why Didn't I Communicate with the Perth Group During the Trial?

At the time of the Parenzee trial my company and I were defendants in a multi-million dollar civil trial in the United States. Our lawyers emphasized the dangers of communication throughout the trial. In fact, our trial would never have started if it wasn't for a careless email sent by a friend and colleague of mine (and the main defendant) to a friend of his, who happened to be a lawyer. The email was deemed to be unprivileged and the whole trial hinged around its disclosure. I was very cognizant that carelessly written emails can end up in the wrong hands and cause tremendous difficulties.

In addition, I am currently an expert witness in two cases and this has reinforced my concerns about communication. The lawyers I am working for are very reluctant for me to put anything in writing except when necessary (such as expert reports), even though this is communications to them.

In addition, I had read a well respected book by Jay Katz, a medical-legal scholar, "The Silent World of Doctor and Patient" which talks a lot about medical expert witnesses.

I also recall during the trial the famous communications between one of the prosecution experts and Kary Mullis that became public when Mullis cc'd them to Christine Maggiore who informed me about them. This communication was admitted and I think was a bit embarrassing for the prosecution, having one of their experts essentially pleading with a 'denialist' for some assistance.

My understanding of the law may be too strict (I, after all, have no legal training) and North American centric. However even Val in the Document quotes legal documents stating that "An expert witness is not an advocate for a party." and "An expert witness's paramount duty is to the Court and not to the person retaining the expert". A careless reply from Val or Eleni in response to an email from me or others could have compromised their position of independence if the email had become public.

Even a message as simple as "Val, good luck, I hope you get Parenzee off" with a response like "We'll do our best" could have totally blown his credibility. And Sulan, as I point out, did rule that the Perth Group's credibility was compromised by their "lack of independence".

This is definitely an area that should be discussed dispassionately -- what are the appropriate lines of communication in a trial composed of lawyers, expert witnesses, and activists trying to fund the trial, get publicity, document it and so on. I would love to learn more about this important area.

Why Did I Feel There Should Be Other Defence Experts?

I was concerned about the status of Val and Eleni. This includes their academic credentials (neither have a PhD) and area of work (neither work in virology or research). Based on my reading of Katz's book I was aware of the role that status plays. Katz describes quite well that high status individuals (high academic credentials, high paying employment in the

area in which expertise is sought) can give opinions freely, but low status individuals (lower academic qualifications, lower paying employment or not in the area of expertise) will be rejected, even if they are actually more knowledgeable.

This is not a personal feeling, it is a recognition of how the status-oriented legal expert witness works.

The reality was that Sulan rejected both Val and Eleni on these grounds. For example: "Ms Papadopulos-Eleopulos has no practical experience. She has never worked with patients who are said to be infected with HIV, or with any virus. She has never treated or diagnosed patients who have viruses. She has never worked in laboratories or conducted research. She has no practical experience."

And, for Val, "Dr Turner's knowledge of the subject matter is limited to reading. He has no formal qualifications to give expert opinions about the virus. He has no practical experience in the treatment of viral diseases. He has no practical experience in the disciplines of virology, immunology or epidemiology. His opinions are based on reading scientific literature, studying of scientific literature, and spending a considerable amount of time thinking."

I don't believe that the same rejection by Sulan could have occurred for de Harven, Duesberg, Rodney Richards and a few others.

Why Did Val and Eleni Reject Other Experts?

I was told by my intermediary with Borick that he had never experienced a trial where the expert witnesses tried to exert control over the case. I was also told that Val and Eleni had said that they would refuse to testify or otherwise cooperate if other experts were called.

This is definitely something that should be discussed at length in a dispassionate analysis of the Parenzee trial. If some legal experts support their viewpoint and could explain why there should only be defence experts who are precisely aligned on the issue of HIV, and do not wish to discuss anything other than its existence, I would withdraw my objection.

Did I Play Any Role in Val & Eleni's Rejection as Experts?

I do not believe that anything I did had any impact on Sulan's rejection of Val and Eleni. It seems clear to me that they would have been eliminated without my involvement in the case. What if other experts had been included? Things might have been different. It is possible that someone like Etienne de Harven could have said much the same things as Val and Eleni and would have had those accepted. It is also possible that Sulan would have been less motivated to reject Val and Eleni knowing that there would be some witnesses that he couldn't find an excuse to reject.

It is possible to make the argument that Sulan knew other witnesses might be called, was scared that he couldn't reject them, and thus got rid of Val and Eleni while he had the opportunity. I have no evidence for this,

it seems a very tenuous hypothesis, and I think it quite likely that the timing of events won't support this hypothesis either. However, it is something that should be investigated.

In summary, my hope is that Val, Eleni and I can work together in the future. I think I have a lot to offer in terms of knowledge of the HIV/AIDS literature as well as managerial, computer and communication skills. I have a good knowledge of the fundamental science, but nowhere near as deep as Val and Eleni. I would probably never have thought to question the existence of HIV without their work, and by comparison, my questioning of the existence of West Nile Virus was not a major intellectual achievement.

The Parenzee trial was not an unmitigated disaster. If we openly and honestly dissect what was done, with a view towards recommending a modified strategy in the future, we can eventually win one of these trials and then start focussing back on the many jailed HIV-positives.

It's not going to be easy and it might still take some time, but it is possible. All those HIV-positive people in danger of going to jail or losing their children need our help. We need to get our egos out of the way.

I am sure that I am not without blame in the trial. I probably did a number of things wrong and would like to find out exactly what. What has to stop are the accusations from the Perth Group that I deliberately torpedoed the trial or that I pushed everyone else around. Those are false and, ironically for people who refuse to accept the existence of HIV until proven, rely on the Perth Group imagining things that never happened. In addition, the Perth Group appears to be unwilling to open up their own contributions to the trial for dissection, something that is also necessary. Not necessary to point fingers, that's a waste of time, but to plot a more effective strategy for next time.

If that strategy involves David Crowe not being involved I will accept that judgement. I suspect, however, that a healthy discussion will identify areas where all of us could have operated differently, and that in future trials a larger, more diverse and more coordinated team will evolve.

Best regards to everyone,
David Crowe