

NIH report not the final word on Baltimore case

- Call for "letter of correction" to *Cell*
- Another congressional hearing to come?

Washington

THE US National Institutes of Health (NIH) have at last released the final report of their investigation of possible scientific misconduct in the publication of a paper in *Cell* (45, 247-259; 1986). The report absolves the authors of the paper of misconduct, but the dust has not yet settled.

The report is almost identical to a draft circulated last November which concluded that there is no evidence of misconduct, but that the published paper contained "significant errors of misstatement and omission", as well as "lapses in scientific and inter-laboratory communication". The principal authors are Thereza Imanishi-Kari and Nobel laureate David Baltimore, together with four others (see *Nature* 336, 505; 1988).

The handling of the investigation has become a contentious issue between a House of Representatives congressional committee and NIH. Before the publication of the report, NIH asked the subcommittee on oversight and investigations whether it had further evidence bearing on the inquiry. In a letter dated the day before the report was released, the chairman, Representative John Dingell (Democrat, Michigan), said it would be "improper" for the committee to advise NIH, but that its function was to monitor NIH's conduct of inquiries such as this.

Complaints about the *Cell* paper, which reports unexpected immunological characteristics of transgenic mice, were first made in 1986 by Margot O'Toole, a post-doctoral researcher in Imanishi-Kari's laboratory at the Massachusetts Institute of Technology, and became public when Walter Stewart and Ned Feder, two NIH scientists known for their investigations of scientific misconduct, took up the case. After two internal inquiries (one at Tufts University) and two years of debate, NIH established a panel of three to investigate the affair and to report.

But by that stage (early last year) the dispute had been taken up by a powerful congressional subcommittee headed by John Dingell, who "borrowed" Stewart from NIH to investigate charges that NIH are soft on scientific misconduct. And in April Dingell's subcommittee held a congressional hearing on "Fraud In NIH Grant Programs" in which the controversy

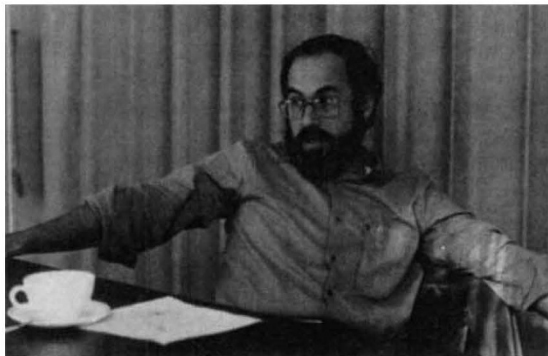
over the *Cell* paper featured prominently.

The panel's report concludes that there are errors sufficient to warrant a letter of correction in *Cell* in addition to a correction already published by the authors of the paper in November. NIH director James Wyngaarden, in a letter to Imanishi-Kari and her co-authors, asks that they send him a copy of the correction before submission so that NIH may consider its "completeness and accuracy". The report also recommends submission to *Cell* of a brief report on the "problems" associated with the relative sensitivity and specificity of the reagents and assays used in the experiments.

Reaction to the report is varied. Baltimore says he feels "vindicated" because the report puts to rest all accusations of improper conduct and supports the central conclusions of the original paper.

But, while accepting the panel's recommendation to provide *Cell* with a discussion of the reagents and assays (subject to the proviso that the journal agrees to publish it), Baltimore and two of his co-authors, in a letter to NIH responding to the draft report, say that there are no "errors" that need correction, only "differences of judgement".

Although Baltimore says that their rebuttal "seems to have passed NIH by without notice", Katherine Bick, NIH deputy director for extramural research, says Baltimore's concerns were carefully considered, but that they did not change the investigating panel's opinion that a



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correction is needed.

O'Toole, who submitted detailed criticisms of the draft report, still believes that NIH's investigation was "wholly inadequate". None of her criticisms prompted any substantial change in the final report, one of which is that the panel failed to interview Stewart and Feder, who spent

Fifty years of fission



THE now-familiar mushroom cloud — first seen in 1945, six years after fission was first observed. To mark the fiftieth anniversary of the discovery of the fission of uranium, *Nature* will be publishing a series of articles on fission and its consequences. The first appears on page 499.

considerable time and effort probing into the affair. O'Toole says she was asked to clarify some of Stewart and Feder's criticisms of the investigating panel.

NIH did seek the opinion of the Dingell subcommittee, to which Stewart has been seconded from NIH. In a letter dated 20 December, William Raub, NIH deputy director, asked Dingell if the subcommittee had "any information ... inconsistent with the confidential draft report of the NIH panel of scientists".

In a reply dated 31 January (the day NIH released the report), Dingell pointed out that, as the subcommittee has responsibility for oversight of NIH activities, it would be "improper" to provide advice and help in the completion of the NIH investigation. Dingell said he regards NIH's performance in this case as a "crucial test of their ability to deal with cases of questioned science". Dingell pointed to some of the criticisms of the draft report by Baltimore and O'Toole and said he "trusts that these matters will be resolved" in a "factually unimpeachable manner" in the final report. Peter Stockton, a member of the Dingell committee staff, says the final report is "adequate in as far as it goes". The subcommittee is particularly pleased that Wyngaarden is insisting on written corrections for the errors in the *Cell* paper, and chastises the authors for not responding sooner to initial criticism of their paper. But Stockton says this is "not the end of the Baltimore issue" and that the subcommittee will "probably" hold another congressional hearing.

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