French scientists rebel against review system

- Lawsuits charge favouritism, vote trading
- New rules passed to improve process

Paris

WIELDING the power of the courts, mass petitions and the scientific trade unions, researchers in the laboratories of the top French science agency are rebelling against what they claim is a scientific review process that has become corrupt. Government documents obtained last week reveal that about 60 French scientists are now engaged in lawsuits against the Centre National de la Recherche Scientifique (CNRS), some charging favouritism, illegal lobbying, and vote trading in the review committees that determine the future of more than 22,000 government researchers.

Although government officials say that approximately two thirds of the cases are based on such individual issues as radiation exposure and pension eligibility, at least 20 lawsuits stem from researchers who claim to have been victims of bias at the hands of the review committees. According to government records, a total of 28 cases are at the first court level (known as an administrative tribunal), three are in the court of appeals, and 28, including the 20 dealing with review issues, are in the highest court.

In a sign of growing recognition at CNRS that it has a problem on its hands, Claude Paoletti, director of the agency's life sciences programme, sent a memorandum in May to all CNRS directors warning there should be no more "informal communication" with scientists who have brought suit against the agency.

"CNRS has paid special attention to reducing the constraints and easing the procedures which could hinder [a free scientific] dialogue", Paoletti wrote. "It is in this climate of mutual confidence that research is, as one might say, 'administered'. However, over the past few years, persons who are nevertheless members of our community have chosen to depart from this confidence and serenity and have gone to trial to settle cases in which they are in opposition to the direction of CNRS." Paoletti cited "about 100" such cases at the time.

Jean Marie Bertrand, the CNRS secretary general, says he does not find the number of cases especially alarming. "A government organization like CNRS has to use administrative procedures to settle disputes," he says. "Many kinds of problems that do not require judicial procedures in the United States do in our system. Sixty [the official total of current cases] is not such a big number when you

have 25,000 employees [including support staff]."

But researchers say that conflict with management over scientific review has become a real problem in recent years. And when asked for a culprit, many point to arcane bureaucratic rules that have allowed scientific review groups to become virtual dynasties.

France's national scientific review committees are split between members elected by the scientists and those appointed by the science agencies themselves. CNRS has historically interpreted French law as allowing committee members to be reappointed indefinitely, so some scientists have served on essentially the same committee — although its name may have changed — for several decades. Adding to that is what appears to many as conflict of interest: in addition to the research of all CNRS scientists, the committees are also allowed essentially to review themselves.

"The tradition in France has been that the members of an evaluation committee are themselves evaluated — with great indulgence — together with their team by the committee to which they belong", says Jacques Ninio, a biologist at the CNRS Institut Jaques Monod who sued CNRS in 1990 after he was denied promotion to the equivalent of full professor for the seventh consecutive year.

As public servants, Ninio says, "we are subject to such a heap of constraining legal and administrative rules that nothing can be done without a certain amount of cheating". If a laboratory director wants to offer a permanent position to a technician who has worked for years within the laboratory on grants alone, he must first issue a public job offer, to which as many as 40 unemployed candidates may apply. "Every one will go through an exhausting selection procedure before an 'objective' audit committee, usually ending with the predictable victory of the insider", he says.

A survey conducted in April by the French scientific trade union SNCS at INSERM, the biomedical research agency which has a review committee structure like CNRS, found that applicants for government research positions who had a close colleague on the review committee had 4.6 times the chance of being selected as those who did not.

Yet despite the obvious biases in the selection process, researchers might not have to resort to the courts if scientific

AIDS

Leaked report queries Gallo patent

Washington

A DOCUMENT purporting to be an official government analysis of the validity of the AIDS patent awarded to scientists at the US National Institutes of Health in 1984 has been leaked to the *Chicago Tribune*, which ran a story headed "Probe finds fraud in AIDS studies" in its 11 August issue. According to the *Tribune*, the document says that AIDS researcher Robert C. Gallo made "untrue and misleading statements" in a sworn statement about the development of a blood test for AIDS. The *Tribune* adds that "the report offers no evidence to show that Gallo knew or should have known that some of the statements were untrue".

Attorneys for Gallo and his colleague Mikulas Popovic are livid not only about the leak but also about the report itself, which they find "nonsensical" and "full of errors". The report is presumed to have been written by Suzanne Hadley, who has recently been pulled off the case by NIH director Bernadine Healy.

One issue, for instance, is whether Gallo told the truth when he said he was growing virus in 'continuous' culture for five months when, as stated in the *Science* paper, the culture was re-fed with fresh cells along the way. The report finds the use of the word 'continuous' to be untruthful, according to the *Tribune*. Whether anything in this leaked document has real bearing on the validity of the US AIDS patent is not clear at present.

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trade unions like SNCS had more clout with the government. In the last six years the unions have lost over 50 per cent of their membership — a reflection, researchers say, of a decreasing confidence in their effectiveness and independence.

The picture, however, may be improving. Earlier this year, CNRS instituted several new rules that it hopes will improve the process and quell some of the criticism. Perhaps the most significant reform is that the agency will no longer let committee members serve more than two four-year terms, something that officials hope will bring in new blood. CNRS also announced that it would reduce the number of national scientific review committees from 49 to 40. "This is a way to reduce lobbying and 'unclear attitudes' among the committee members, by bringing together more people from different communities" who can police each other, says Bertrand. Despite the problems, he adds, "it is a great advantage to have scientists reviewing science. We want to keep that." In short, CNRS is counting on the reforms to win the day before the lawsuits do.

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