Federal panel endorses Baylor fraud claim

[SAN DIEGO] One of the most legally contentious US scientific misconduct cases ended last week with the federal government deciding that a former neuroscientist from Baylor College of Medicine in Houston, Texas, fraudulently falsified data in published articles and grant applications.

A federal appeal panel ruled that Kimon J. Angelides, who was fired from the college in 1995 and subsequently moved to the University of Durham in Britain (see *Nature* **383,** 107–108; 1996), engaged in "a pattern of dishonesty" in falsifying 40 figures in five articles and five applications for $4 million in National Institutes of Health (NIH) grants.

"What the panel found here was not honest error, not disputes in interpretation of data, not preliminary results that later proved overly optimistic, not even carelessness, but rather intentional and conscious fraud," said the panel's report, which was released on 10 February.

Both Angelides, who quietly resigned his chair at Durham last November, and his Houston attorney declined to comment on the conclusion of a case that had been played out in numerous courtrooms. But Angelides signed an agreement with Baylor accepting the panel's decision, under which he will be barred from receiving federal research grants for five years.

And the toll on those involved meant that, although Baylor scientists, former Angelides colleagues and attorneys threw a party to celebrate the success of their marathon legal fight, the victory was bittersweet.

"If someone had told me up front what this would take out of my life, I would have

run away," says Susan M. Berget, a biochemist who chaired the Baylor committee that investigated Angelides' conduct.

Universities running away from their responsibilities for investigating misconduct allegations is exactly what officials at the NIH's Office of Research Integrity (ORI) fear may happen in the aftermath of the closely watched Angelides case.

When Baylor fired Angelides following a three-year investigation that found he falsified research, Angelides sued Baylor, its investigating committee members and several former students and postdocs who gave evidence against him. Angelides alleged that the accusers had slandered him and destroyed his career.

After a series of legal manoeuvres, the fact that the trial on Angelides' allegations began last month in the state court was of particular concern to Baylor and federal officials. Baylor and the federal agencies believe the university and its investigating scientists should be immune from such lawsuits, as the college was fulfilling the NIH's requirements for grant monitoring.

But just as Angelides was completing the presentation of his case in the Houston courtroom, the final federal administrative decision was issued. A research integrity adjudication panel of the Departmental Appeals Board for the NIH issued a 172-page report confirming the findings of Baylor and ORI.

With the report having probably destroyed his chances in the civil lawsuit, Angelides agreed to dismiss the lawsuit and entered into a settlement with Baylor. As part of the settlement, Baylor agreed to pay $500,000 of Angelides' legal bills.

Baylor feared that Angelides and his attorney, James V. Pianelli, would try to fight the panel's decision in the federal court. Angelides' legal costs were reportedly around $800,000; Baylor's were more than double that amount.

"I hope this case serves as a wake-up call to legislators and regulators for the need to enact laws protecting institutions and their investigative committees from lawsuits of this nature," says Baylor's attorney, Gerard G. Pecht.

To prevent accused scientists from using the courts to block or undermine investigations of scientific integrity, Pecht argued that academic institutions and their investigating committees should have limited immunity from such lawsuits and that any legal complaint be held in abeyance until the federal administrative review process is complete.

NIH officials argued similarly during earlier legal proceedings in the case. ORI officials say they hope to secure legislation providing the necessary safeguards.

Chris B. Pascal, acting director of ORI, said Angelides' lawsuit "was a threat to the ability of institutions to conduct these necessary investigations. Hopefully, this decision will discourage other lawsuits of this type."

Pascal also noted that there had been threats to those who testified for Baylor. "Scientists involved in the investigation were forced to take valuable time out from their research to defend themselves. Some scientists were falsely accused of wrongdoing, forced to live under a cloud of suspicion. This decision vindicates them."

Berget says that discussions with jurors after the settlement left no doubt in her mind about the need for institutional diligence in addressing misconduct allegations. "Jurors easily bought Pianelli's argument that scientists do this (falsify data) all the time," says Berget. "That tells us we have to conduct thorough investigations." Rex Dalton

Anticancer activity of endostatin redeemed

[WASHINGTON] The National Cancer Institute (NCI) announced last week that it had finally succeeded in replicating the high-profile experiment of Harvard researcher Judah Folkman with a compound that shrinks tumours in mice by choking off their blood supply.

The NCI's success with mouse endostatin – just months after it had announced publicly that it could not replicate the results – led the institute last week to begin soliciting proposals for phase I (safety) trials of the human version of the drug.

NCI officials said that the reason they succeeded where they had failed earlier was that they had visited Folkman's laboratory at the Children's Hospital in Boston, Massachusetts, where they learned his techniques for dealing with the volatile natural compound.

The announcement more than doubled the share price of EntreMed, Inc., of Rockville, Maryland. The small company, which has obtained from the Children's Hospital in Boston the rights to develop the drug commercially, had seen its shares tumble to $12.77 earlier last week after Bristol-Myers Squibb announced that it was withdrawing its support for EntreMed's development of a similar compound, angiostatin.

They said it was not clear that angiostatin could be made in large enough amounts for human testing. The NCI announcement sent the share price up to $25.71.

The potential of both drugs – which in Folkman's experiments have worked most powerfully in combination – came into sharp public prominence last May after the *New York Times* ran a front-page story quoting Nobel laureate James Watson as saying that Folkman would "cure cancer in two years" (see *Nature* **393,** 104; 1998). Meredith Wadman