

Baltimore hearing ends without resolution

- O'Toole gives evidence
- Disputed paper upheld

Washington

A SECOND gruelling day of congressional investigation into the handling of allegations of error in a paper published in the journal *Cell* by Nobel laureate David Baltimore and four others ended on Tuesday 7 May with little sign of progress or direction.

The controversy over the paper has survived two university inquiries, a National Institutes of Health inquiry (recently reopened) and four congressional hearings, but still refuses to die, despite charges from the scientific community that the inquiry has turned into a witch-hunt. The Secret Service is to continue its forensic investigation of the laboratory notebooks of Thereza Imanishi-Kari, the principal author of the paper, for evidence of misconduct.

Compared to the confrontation between John Dingell, (Democrat, Michigan) chairman of the Energy and Commerce subcommittee on oversight and investigations, and David Baltimore the previous Thursday (see *Nature* 339, 83; 11 May 1989), the Tuesday hearing lacked high drama. But the day finished with an unexpected twist as sub-committee member Norman Lent (Republican, New York) suddenly revealed divisions in the subcommittee by attacking Margot O'Toole, the post-doctoral researcher who had complained about the paper soon after it was published in 1986.

The focus of the day's hearing was O'Toole and the two early attempts to deal with her complaints at Tufts University and Massachusetts Institute of Technology (MIT). Both inquiries were informal, convened long before the case came to be seen as a critical test of the ability of the scientific community to police itself.

At the hearing, O'Toole portrayed herself as a wronged whistleblower whose complaints, encouraged by university officials, meant that "I was left without a recommendation, I was left without a job and I was left without any support from anybody in the [immunological research] community".

Dingell, whose opening speech stressed the need to protect "whistleblowers who have the courage to come forward", sympathized. "O'Toole is sitting here with her career in ruins while others prosper mightily. Where's the justice in that?" he said, contrasting her fate with those she had criticized.

But minutes later, fellow subcommittee

member Lent attacked O'Toole's conduct by saying that he would not tolerate anyone in his own office who had acted as O'Toole had done, copying records belonging to another person and passing them to outsiders.

"I am very very positively impressed by the thoroughness and fairness with which . . . Dr O'Toole's complaints have been considered", said Lent.

Dingell left out the accolades as he searched for weaknesses in the way



No progress in Baltimore investigation.

inquiries had been conducted by the panellists from Tufts University and MIT who testified at the hearing. But even Dingell's toughest questions were thrown back by Henry Wortis of Tufts University.

Was Wortis disturbed by the finding that there was "no back up data for the fourth point on approximately six of the eight curves on figure one [of the *Cell* paper]?" "We're not talking about errors that have no meaning for science", said Wortis, "we're talking about whether the basic claim is true. And that is true."

How did corrections to the paper later ordered by the NIH committee reflect on the quality of Wortis's own examination of the paper, which concluded that no correction was necessary? NIH did not order "corrections" said Wortis, just "clarifications" that "left the central conclusion standing".

No progress was made on the case's central issue of when it is reasonable to ask to see a scientist's raw data and laboratory notebooks.

O'Toole's challenge, she accepts, is to the "state of the evidence at the time of publication" of the *Cell* paper. She still stands by her assertion that the "principal claim of the paper is not supported by the data". Her dispute is not of the traditional kind that sets one interpretation or set of results against another.

Neither of the first two investigatory panels examined the raw data, something O'Toole finds hard to understand. "Scientists should not regard their notebooks as personal diaries", she says, and requests for raw data should not imply a lack of trust. That view sets her apart from Baltimore, she says, who would not examine the data even "after I told him there was something wrong with it". If there had been more open access to data, O'Toole says the dispute would never have been dragged into the political arena. "This is the wrong forum", she said, "we're stuck here because we couldn't work out another one." O'Toole's views on data access have not found many supporters. As another of the subcommittee members Alex McMillan (Republican, N. Carolina) pointed out, testimony had already been given that a scientist's notes are there to support that person's work; everyone has a different style and some people substitute and add information. This view, he said, is very different from one that assumes that all notes have to be made "as if I am going to be challenged legally on their validity".

Although the issue shows no sign of resolution, and the possibility of legislation on the status of scientific data has not completely vanished, O'Toole's three-year spell of isolation as a whistleblower may be drawing to an end. She has hopes of another scientific job and an early return to the laboratory bench.

Alun Anderson

INDIA

Quick imports scheme

New Delhi

To speed imports of essential scientific equipment, the Indian government will now permit publicly funded research institutes and universities to import such equipment without paying customs duty.

Research institutes and universities will receive passbooks from the Department of Science and Technology entitling them to import equipment and consumables with self-certification. Eligible institutions can import equipment worth \$660,000 annually, and consumables worth half that much, by just showing the passbook to customs officials.

K.S. Jayaraman

AIDS

Industrial injury

Paris

A FRENCH nurse who developed AIDS after having pricked herself while dismantling transfusion apparatus from an AIDS sufferer has won a battle to define her illness as the result of an "industrial injury". This is the first case of its kind in France and, for the moment, means that she will receive state health benefits.

Peter Coles