

US congressman attacks NIH investigation

■ Investigators accused of leaks ■ Misstatements admitted

Washington

THE National Institute's of Health (NIH) investigation of possible scientific misconduct in the 1986 paper in the journal *Cell* has been attacked by Representative John Dingell, the powerful Michigan Democrat who has been aggressively investigating the case. In a letter to Secretary of Health and Human Services Otis Bowen, Dingell claims that NIH leaked the conclusions of its investigation to Massachusetts Institute of Technology Nobel-laureate David Baltimore, one of the paper's authors, and colluded with Baltimore to allow him to preempt its findings.

In a 23-line note published in the 18 November issue of *Cell* (55, 541; 1988) Baltimore and three of the five co-authors of the disputed paper acknowledge that the paper contained "three instances of misstatement". But they say the corrections "are not material alterations and do not affect the conclusions of the paper".

The validity of the original paper (*Cell* 45, 247; 1986), was questioned in 1986 by Margot O'Toole, a postdoctoral researcher working in the laboratory of Thereza Imanishi-Kari, the paper's principal author. The controversy became public after Walter Stewart and Ned Feder, two NIH scientists known for their controversial inquiries into scientific misconduct, tried unsuccessfully to publish an analysis of the *Cell* paper (see *Nature* 332, 670; 1988) based partly on records alleged to have come from a notebook in Imanishi-Kari's laboratory.

What began as a minor scientific dispute soon turned into a major political issue. NIH began their own inquiry but ran into difficulties and had to begin again. Upset with the lack of progress in the inquiry, Dingell's powerful investigation and oversight subcommittee conducted a hearing on scientific misconduct that centred on the case. Since that hearing, there have been no public pronouncements on the case until last week's letter in *Cell*. NIH continued their own investigation, and a final draft was circulated last week.

In his account of a meeting between Baltimore, his attorney and the NIH panel earlier this autumn, Dingell claims his subcommittee staff was told by NIH general counsel Robert Lanman that Baltimore "was still not prepared to admit voluntarily that the *Cell* paper contained any errors". Dingell claims that Baltimore was able to infer the NIH panel's findings from the questions he was asked during

the meeting, "and realized what the panel would conclude". Dingell claims that Baltimore and his attorneys then asked what they could do, and "it was suggested . . . that they write the letter to *Cell* admitting the errors and misstatements".

Dingell goes on to accuse Baltimore and his co-authors of writing a letter to *Cell* that makes it appear that the errors in the original work had only recently come to their attention. "It is quite clear that this is not what actually happened: the authors were informed of these same misrepresentations two and a half years ago, but were only willing to admit them publicly when they realized they could no longer be kept secret."

Dingell's letter was prompted by a meeting on 4 November between attorneys for Baltimore and his own subcommittee's staff at which Baltimore's lawyers presented his note to *Cell*. They argued that as the three "misstatements" had been corrected, there was no need for Dingell's committee to continue its inquiry.

But Stewart is far from satisfied that the Baltimore note answers "the simple scientific arguments" he and Feder have made. The original paper presented evidence that the presence of a rearranged exogenous immunoglobulin gene affected the expression of the host mouse's own immunological repertoire. One important part of the data was provided by monoclonal antibodies that Baltimore and co-workers claimed would distinguish between the products of host and transplanted gene. In last week's note to *Cell*, they say they had made "an overstatement of its [the monoclonal antibody's] specificity".

While Baltimore now appears to concur with one of Stewart's main criticisms of the paper, Stewart comments that "they say it's an 'overstatement' but they don't say what the facts are or whether the specificity was adequate to allow them to do the job they claimed they had done".

The NIH inquiry seems likely to agree, at least in part. Although the report has not been officially released, sources say that it does not accept that Baltimore has answered all the doubts about his paper in his note to *Cell*.

Dingell is seeking an investigation by the inspector general of the Department of Health and Human Services of NIH's handling of the affair, and wants the inspector general to brief his subcommittee on his findings by 28 November.

Alun Anderson & Joseph Palca

Universities' heads accuse governments of interfering

London

RELATIONS between British universities and the government have taken a turn for the worse as the government attempts to draw up the guidelines for the relationship between itself, the new Universities Funding Council and the universities. A draft memorandum of the guidelines has been sent for consultation to the Committee of Vice-Chancellors and Principals (CVCP). The vice-chancellors claim that the guidelines would negate everything that was gained in universities' struggle for independence during the passage through parliament of the Education Reform Act 1988. The guidelines give the government a "licence to interfere" with the running of the universities, says Professor John Ashworth of the University of Salford. But the government says that such fears are groundless.

The vice-chancellors object to two clauses in the guidelines. One states that the university must seek the approval of the Secretary of State for Education before it can borrow money. The Department of Education says that approval will be necessary only in cases where the universities borrow money against public assets. But this would override assurances by the government that it would not interfere with individual institutions, leaving that to the funding council.

The other clause which has angered the vice-chancellors is one which says that the council will monitor universities' finances, making no distinction between public and private funds.

But the vice-chancellors had previously succeeded in adding to the Education Reform Bill before it became law an amendment which stated that the powers of the new funding council would apply only to funds from the council. The CVCP is now seeking legal advice as to whether this clause in the guidelines would be illegal and is confident that it would be.

The Department of Education says the concern of the CVCP over this clause is unnecessary because there exists in the act a provision that funds from public sources cannot be reduced simply because the university's income from private sources is increased.

But the CVCP claims that ministers are trying to claw back powers taken from the before the education Bill become law. And it is now seeking meetings with government ministers in order to hold the "meaningful discussions" which were promised by the Education Secretary, Mr Kenneth Baker, during the passage of the act.

Christine McGourty