Congress Told Fraud Issue "Exaggerated"

Congress recently clashed with top federal administrators over the significance of fraud in biomedical research and whether penalties for data falsification are harsh enough. During 2 days of hearings, officials from the National Institutes of Health (NIH) denied the existence of widespread problems, but they also announced significant policy changes.

Most important is a relaxation of the normally tight lid that NIH officials keep on allegations of fraud. According to William F. Raub, an associate director at NIH, results of ongoing investigations will be shared in the future with the individual institute's national advisory councils and boards, which perform high-level review of grant applications. (By legislative mandate, the councils are made up of scientists, physicians, and lay members from outside the formal NIH network.) This is a sharp departure from past practice, as evidenced by the case of Marc Straus, a researcher at Boston University. Straus's research team submitted reports containing repeated falsifications, and he resigned under fire in 1978, insisting that he was the victim of a conspiracy by members of his 20-person staff. When Straus reestablished himself and applied for a new grant, officials at the National Cancer Institute (NCI) did not inform the 28-member National Cancer Advisory Board of the allegations against him. The board approved a $1.32-million grant. When they later learned of the data falsifications at Boston University, the chairman and other members of the board criticized NCI officials for keeping them in the dark.

Science officials called before Congress

Donald Fredrickson of NIH and Philip Handler of NAS

The congressional hearings, the first of their kind, were held in response to a rising national debate over the issue of fraudulent research (*Science*, 10 April, p. 137). They opened on 31 March and were conducted by the House science and technology subcommittee on investigations and oversight, chaired by Albert Gore, Jr. (D–Tenn.), a young third-term congressman.

The subcommittee came down on NIH officials for conducting never-ending investigations and for keeping the funding pipeline open to researchers charged with data falsification. Observed Robert S. Walker (R–Pa.): "It took 10 days for Boston University to investigate Straus and demand his resignation. Yet 22 months later you [NIH officials] are still giving him a grant."

NIH director Donald Fredrickson took the criticism in stride. "We will not allow allegations alone to bar somebody from continuing support in science," he said. "Of the dozen or so cases in the last 5 years, many are still under adjudication. We are extremely cautious about blacklisting. If we moved carelessly and harshly, we could do more harm to the system of science than we could to an individual." Representative Harold L. Volkmer (D–Mo.) seemed to think the delay on Straus might be due to another factor. He kept asking witnesses if they knew where Straus worked before he went to Boston University. None did. Finally, Raub told Volkmer that Straus had served as an NIH clinical associate.

Implicit in much of the congressional criticism was the charge that the peer review system operates as an "old boy" network. Congressmen repeatedly marveled at the "trust" shown by NIH study sections for work that was later found to be obviously falsified.

The continuing NIH reply was that peer review of grant proposals was performed on the basis of technical merit. Further, NIH officials held that potentially damaging information concerning ongoing investigations or allegations of fraud should not be part of these evaluations. Asked why, Raub replied that researchers are presumed innocent until proved guilty. This raised a chorus of complaints from the lawyers on the congressional panel. Representative Bob Shamansky (D–Ohio) said that presumption of innocence was strictly a legal concept that applied to punishment, such as sending someone to jail, but that it was "singularly inappropriate . . . to inject it into a question of whether or not you give someone a grant." The "presumption of innocence" rule was further challenged when chairman Gore asked whether John Long, a researcher who has admitted to falsifying data, could hypothetically still be eligible for NIH funding. Raub answered that there would be no automatic disqualification. This answer again raised eyebrows among the lawyers. "It seems to me," said Shamansky, "that if the man has confessed, he should not be considered worthy."

Although NIH officials conceded at the hearing that procedures for dealing with fraud were under review and that work was still needed, they denied that fraud is a significant problem overall. Fredrickson stressed that cases are few and that most are taken care of by the self-correcting nature of scientific inquiry. Philip Handler, president of the National Academy of Sciences, put it more bluntly, saying that the fraud issue is "grossly exaggerated" and should be handled internally by scientists. Handler also volunteered that he himself had encountered two cases of fraudulent research, a decade apart, at Duke University. "Both individuals left the institution and were never heard from within the world of science again. I cannot imagine what more we should have done."

Handler's denial of any significant problem was at times quite vigorous. When Gore asked whether many experiments were not replicated and thus not subject to scientific review for error and fraud, Handler drew a hard line. He would admit nothing of the sort, and during a 2-minute exchange forced Gore to rephrase the question in a variety of ways. Finally, in frustration, Gore turned to Fredrickson, who tactfully admitted that many experiments were not duplicated. Fredrickson also noted, however, that if an experiment "appears to have significance it will be repeated and retested in numerous ways."—WILLIAM J. BROAD

0036-8075/81/0424-0421$00.50/0