

But the government argues that anyone with the lot numbers could trace where the medications were shipped and sold. Then, because Reye's syndrome is such a rare disease—only 204 cases were reported to the CDC in 1984—it would be possible to make a pretty accurate guess as to who was a subject in the pilot study. Other indirect identifiers include histories of chronic illnesses, the ages of the subjects, and their sexes—in short, much of what Plough considers essential to its analysis of the study's conclusions.

Michael Pietrangelo, who is a vice president for consumer operations at Plough, says he has been down this road before. Five years ago, when the results of the first of the state studies alleging an association between aspirin use and Reye's syndrome were reported, his company also sought raw data. At that time, they were trying to determine whether warning labels on aspirin were justified, he says. "We asked the CDC for the raw data, and the CDC advised us

that neither it nor the FDA had the data. The raw data were in the hands of the states. Yet the CDC was asking the FDA to require warning labels, and no one at the CDC had looked at the raw data."

The states refused the company's requests for the data, stating privacy and confidentiality considerations. So, says Pietrangelo, "We filed suits to get the data and we were successful. Then we gave the raw data to the CDC and the FDA. After analyzing the data, the government said there's not enough here and that a major study is needed." Pietrangelo emphasizes that when Plough looked at the raw data from the states' studies, it was entirely uninterested in identifying the patients or physicians involved. "We were actually given some names and we returned them," he says.

The Department of Justice and Westat decline to comment other than in their legal documents. The crux of their argument, however, is that, as the Justice Department says in one of its motions,

"The United States does have a compelling interest in preserving the privacy and confidentiality of information contained in those records and, in fact, required as much in its contract with Westat."

Walter Dowdle of the CDC says his agency has been meeting with aspirin industry representatives and trying to reach some sort of accommodation. The CDC gave Plough the information from the questionnaires, for example, but not the questionnaires themselves. "We provided raw data but not the rawest raw data," Dowdle remarks.

So the matter will be decided in the courts. And the decision is by no means clear-cut. Key information on the study's participants could indirectly identify them. Yet without such information, Plough says it will find it hard to defend itself in the current and future lawsuits. As Grufferman remarks, "It's a damned if you do, damned if you don't situation."—GINA KOLATA

## Stanford President Upholds Mosher Expulsion

*Kennedy criticizes the former anthropology graduate student for "lack of candor" and lying to him; Mosher plans rebuttal*

On 30 September, Stanford University president Donald Kennedy upheld the expulsion of graduate student Steven W. Mosher from the anthropology department, reaffirming an earlier faculty decision to dismiss him\*. Kennedy cited an alleged pattern of behavior by Mosher that "destroyed the confidence" of Stanford faculty in his ability to meet the requirements of the profession. Kennedy also accused Mosher of lying to him in the course of his investigation.

Mosher said in an interview with *Science* that he is preparing a detailed rebuttal to Kennedy's ruling and that he will sue the university.

In 1983, the Stanford anthropology department voted 11 to 0 to expel Mosher for engaging in "illegal and seriously unethical conduct" while doing research as a graduate student in China. In upholding the department's judgment against Mosher, Kennedy put great weight on what he called Mosher's "lack of candor" in dealing with his advisors

and the committee investigating charges against him.

However, Kennedy also noted that, on the basis of recently available information, it is not clear that allegations of illegal conduct can be sustained. Observing that from the beginning Mosher could have refuted the allegations against him by offering more than just a blanket denial, Kennedy said, "Had you been forthcoming with the committee, you could have availed yourself of many opportunities to raise doubts [about the charges], but by the attitude you adopted, you left a record that permitted no conclusion other than the one they reached."

The anthropology department has consistently refused to lay out the specific evidence against Mosher, which is contained in a report by an ad hoc Stanford committee that investigated the case, contending that disclosure might endanger Chinese villagers.

Mosher, who also has refused to release the report, has argued that the department bowed to political pressure from the Chinese and American Sinologists after he published an article in Taiwan about birth control practices in

China. The article was accompanied by photos of Chinese women, whose faces were not masked, undergoing abortion (*Science*, 24 June 1983, p. 1334; 13 May p. 692).

In his decision, Kennedy spoke to Mosher's charge that Stanford bowed to pressure from the Chinese government, which is displeased with Mosher's behavior. "I find no evidence that, prior to this review, anybody involved received any threats," Kennedy said. "The situation has changed, however, during my consideration of your appeal." On 22 July 1984, Kennedy received a letter from a Chinese official who said that Mosher's "behavior seriously damaged the cultural and scholastic exchange between China and the United States . . . I trust that you will make a correct judgment, based on the facts, and properly handle this matter."

Said Kennedy in reply to Mosher, "That does sound like a threat. . . . It is wrong to give in to a threat. It is equally wrong, however, to alter a decision in order to avoid the appearance of yielding to a threat."

Since the anthropology department decision in 1983, Mosher has unsuccessful-

\*Single copies of Kennedy's decision are available free upon request from Stanford News and Publications Service, Press Courtyard, Santa Teresa Street, Stanford, Calif. 94305.

fully appealed his case to the dean of the graduate school and the university provost. Kennedy's decision represents Mosher's final recourse at the university.

In a lengthy letter to Mosher, which has been made public,\* Kennedy describes for the first time the conclusions of the report by the Stanford investigating committee. In addition, he discusses new evidence that in part helped Mosher and in part hurt his case. Kennedy's letter and an appendix recount a difficult investigation that involved a myriad of players, many identified with code names. According to Kennedy's report, the university hired private investigators from a Hong Kong agency to aid in the case.

In reaching a decision to oust Mosher, the investigating committee and the anthropology department were influenced by evidence that he had been involved in illegal and unethical conduct while in China. Charges against him were based largely on accusations made by Mosher's former wife, Maggie So, who was with Mosher for at least part of the time while he was conducting field research in her ancestral village in southern China. In response, Stanford says, Mosher only issued blanket denials of her charges until his case came before Kennedy.

So, for example, claimed that Mosher had tried to smuggle antiquities out of China. According to Kennedy's report, information from a former roommate of So's casts some doubt on the credibility of her story as a whole. That, coupled with Mosher's recent detailed rebuttal and other information acquired by Stanford investigators, challenges evidence that Mosher engaged in illegal activity.

Based on new evidence, Kennedy also reversed two rulings by the committee, including one that Mosher did not have proper authority to go into the off-limits province of Guizhou. In June, Mosher gave Kennedy a copy of a travel permit, recently retrieved from his papers that had been scattered in Taiwan, Hong Kong, and the United States. Although Chinese officials continue to hold that the permit was not valid for the use Mosher made of it, ambiguity about the interpretation of a Chinese character on the permit led Kennedy to conclude that the committee's judgment against Mosher on this point should be modified.

But information in Mosher's favor was not sufficient to alter Stanford's judgment. In his decision, Kennedy extensively criticizes Mosher for his "manipulativeness," and "extreme lack of candor and truthfulness" with him and fac-

ulty members, and that this has been a major concern since the university began its review. Kennedy cites several examples that he says illustrate his point. According to Kennedy:

- Mosher did not inform his Stanford advisor and eminent Sinologist, G. William Skinner, that he had been arrested by Chinese officials during his travel into off-limits Guizhou province and was compelled to write an apology on pain of not being allowed to leave China. Mosher claims the incident was minor and closed.

- Mosher made a "unilateral attempt to foist off on the faculty" a dissertation that was on an entirely different subject than planned, without consulting his advisor. The dissertation originally agreed to was a comparison between a fishing village and a farming community in Taiwan. Instead, Mosher submitted what appeared to be a draft of his book, *Broken Earth*, which describes his observations in China.

- He told "conflicting stories" about whether a van he purchased was to be used as "an inducement for cooperation" to the brigade he was studying or donated as "a gift of the heart." Kennedy quotes several letters by Mosher to Skinner in which he says he will use the

---

### Some allegations against Mosher have been cast in doubt by new information, but it was not enough to change Stanford's position.

---

van to "establish . . . an obligation" to him by commune officials. Mosher later told the Stanford committee that he gave the van away with no strings attached.

- Mosher was "not candid" about bringing a research assistant with him to the Chinese village. She was already with him when Mosher told Skinner that he was still negotiating permission.

- He gave "misleading information" about payments for the article and photos published in the Taiwan magazine. The department chairman advised Mosher that it would be improper to be paid. Mosher then reportedly responded that payment was only given to the translator of the article. The translator subsequently became his second wife.

Kennedy drew particular attention to two incidents that he said underscored Mosher's "lack of candor and truthfulness." Mosher was asked to account for

\$2,000 worth of camera equipment that he said he purchased with grant money. Mosher presented Kennedy with a receipt that he said had been written by a shop clerk in Hong Kong. A handwriting expert, however, determined that the receipt was written by Mosher. In response, Mosher explained that he was unable to find the original receipt. "Left no alternative," Mosher told Kennedy, he filled in a blank invoice.

"I cannot accept your explanation," Kennedy said. "I conclude that you deliberately lied to Professor Skinner . . . and to me personally."

Mosher says that Kennedy was "probably correct that I should have written an explanation about the camera receipt. But that has nothing to do with charges of illegal activity in China."

Kennedy also relates an incident that occurred in 1977, before his work in China, in which Mosher, a former Naval officer, passed himself off as a military officer and hitched a free plane ride from a California air base to Japan. Mosher also told military authorities that he had top secret clearance and was given confidential documents as a military courier on the flight. The incident came to light in a tape recording that Mosher sent to Maggie So, and which she submitted to Kennedy. Mosher said in the recording, "[D]on't you think it's hilarious that me, a fake naval officer and a fake holder of a top secret clearance, got to serve as a courier and take all this top secret material" overseas?

Kennedy said the incident played no part in the specific allegations against Mosher, but that it "cast light" on his honesty.

Mosher says the the issue of his candor "is a red herring. What I've been accused of are sins of omission. Because I didn't immediately write to Skinner and tell him I was forced to write a confession when I was arrested doesn't constitute a lack of candor."

Mosher says that he is preparing a detailed response to the "factual errors" in Kennedy's report. He says Kennedy was "unable to sustain the original allegations." He also charges Kennedy with improperly widening the investigation in its final stages by asking him to account for the camera and the use of grant money.

Mosher says he has not yet consulted with his lawyers about grounds for suing the university. He suggested that he might charge Stanford with breach of contract because the university did not grant him his doctoral degree. "I have completed the requirements," he asserts.—MARJORIE SUN