

# Stanford Psychiatrist Resigns Under a Cloud

*Questions raised about professional conduct of schizophrenia researcher Philip Berger*

**I**N May, Stanford University issued a terse press release announcing that its renowned schizophrenia researcher Philip A. Berger had resigned, effective next 1 December, and had been granted immediate leave of absence.

It said that \$128,804.86, part of a 10-year, \$5-million grant from the National Institute of Mental Health (NIMH), was being returned to the government after an audit showing that "certain costs incurred over the past 4 years had not been substantiated as properly chargeable to the grant." The statement added: "There was no sign of misappropriation of the funds to Dr. Berger's personal use."

Stanford officials readily admit that the university's statement raises far more questions than it answers. They have been reluctant to talk about the case, citing issues of "privacy" and concern that "personal" matters not be bandied about in public. "We don't want to give any personal details that shouldn't be matters of public concern," says Robert Cutler, associate dean for faculty affairs. "Nobody knows the details except Dr. Berger and the university administration," says Jack D. Barchas, a close colleague of Berger's at Stanford. Rumors were rife on campus for months.

The departure of Berger, 44, from Stanford and from the Palo Alto Veterans Administration (VA) Hospital, where he headed two clinical research centers, marks the abrupt fall from grace of one of the nation's most visible and prolific researchers on the biochemical roots of mental illness. Says Barchas, "this was an absolute and total surprise. You cannot imagine the pain this has caused. . . ."

There has been no suggestion of scientific misconduct; rather the situation has apparently resulted from an accumulation of questions surrounding Berger's professional conduct, none of which by itself would have been grave enough to require his departure. These included questions about the salary given Berger's wife, Meredith; about excessive outside consulting by Berger; and about procedures involving private patients.

Berger's career began unraveling last September when David Korn, dean of the medi-

cal school, ordered an audit of the NIMH grant, extending back to 1982. This was spurred in part by concerns about Meredith Berger's salary, a matter that, sources say, had been bothering some of Berger's colleagues for several years. In 1981 Berger married Meredith who was then doing office work at the Stanford-VA Clinical Research Center where he served as director and principal investigator. From 1982 onward, Mrs. Berger continued to draw paychecks while spending much of her time working at



**Philip Berger.** Few know the details of his fall from grace, and they are not telling.

home. According to Stanford general counsel Iris Brest, no satisfactory documentation could be produced demonstrating that the work she did was in connection with the NIMH grant. Brest says the bulk of the refunded money is for salary and overhead costs related to Mrs. Berger's activities.

But Mrs. Berger's salary was not the only problem. A month after the Stanford audit began, a committee at the VA—whose disciplinary procedures are separate from those of the university—voted to relieve Berger of his duties as head of the VA-funded Schizo-

phrenia Biologic Clinical Research Center. Brest says the reason he was replaced by the VA is that "his supervision was not believed by the staff to be optimal," and had declined over the prior 2 or 3 years. This was apparently because outside consulting activities were consuming ever larger portions of his time. VA officials have declined to comment, citing a pending investigation by the VA Inspector General. No misuse of grant money is alleged, however, according to the center's new director John Csernansky.

In November, a month after Berger left the schizophrenia center, he stepped down from active directorship of the clinical research center, and Mrs. Berger resigned her job there. Soon afterwards, Berger obtained a court injunction against Stanford to prevent the university from divulging anything while he was on a trip to Australia. This injunction was subsequently loosened to allow relevant parties to have information, but all the documents are still sealed.

In February, Berger resigned from the VA hospital and VA officials referred the case to the Inspector General. The same month, in response to questions raised by the audit report, Korn named a four-member faculty committee, headed by Cutler, to review Berger's conduct.

According to Cutler, the main reason for this step was that auditors had found in the course of looking through records that, in about dozen cases, laboratory slips bearing a patient's name were found in the same file with a card bearing another (veteran) patient's name. It appeared that the veterans' names had been used to facilitate the use of VA facilities for diagnostic work (mostly dexamethazone suppression tests for depression, according to a Stanford doctor) on nonveterans. Stanford officials are still puzzled as to why Berger did this, and say they have received several different explanations. Brest says there appears to have been no reason to mislabel most of the slips since most of the patients in question were also legitimate research patients. Another source says the reason may have been the desire to bypass the red tape involved in charging the tests to another grant. At any rate, the university has established that no patients received inappropriate treatment as a result of the confusion.

The faculty committee submitted its report on all this, which is still secret, in March. In May, after a meeting with provost and acting president James Rosse, Berger resigned from Stanford.

Many details of the affair are still vague. For example, the auditors found files containing invoices from private patients, but it is not clear whether Berger was seeing them in violation of any rules. Stanford requires

that private patient fees be turned over to the university, but officials say Berger has not been dunned for any such fees. Berger and the university are still at odds over his consulting activities, which the university claims to have been in excess of those permitted by the rules (which permit consulting one day in seven—fees from anything more must be turned over to the university). The university has deducted an unspecified amount from his salary, although officials say Berger claims that much of this consulting was “public service.”

Berger's problems seem to have come as a surprise to everyone. He has a reputation as a brilliant teacher as well as researcher and an eloquent spokesman for mental illness research. A graduate of Dartmouth College and Harvard Medical School, Berger had been at Stanford since he arrived there as a psychiatric resident in 1970. He became a full professor in 1984. He has participated in the authorship of more than 200 books and published papers on subjects ranging from the biochemistry of schizophrenia and depression to alcoholism, amphetamine psychosis, and the neurobiology of aging.

According to a lengthy article in the 7 June San Jose *Mercury News*, Berger's personality may have had a lot to do with turning potentially remediable errors into serious offenses. The newspaper quotes several sources to the effect that people who worked for Berger felt he was arrogant and unable to admit mistakes.

Barchas, whose esteem of Berger's professional accomplishments knows no bounds, says, “I have a feeling that he has learned a very profound set of lessons from all this.” Ironically, he adds, Berger “is more the type to be brought in as chair of a committee to look into a matter like this.”

NIMH is still reviewing the case, although after a site visit in April it decided that scientific activities at the clinical center had not been compromised. Stanford does not plan any further action at present. There have been some internal conflicts over the university's attempt to stay as mum as possible. Although officials are allegedly concerned with protecting the privacy of psychiatric patients, the silence seems to have more to do with protecting Berger's privacy.

Berger's lawyer, Michael Flicker, has little to say other than that the reason the audit and faculty review have been kept confidential is that they are not “complete”—that is, Berger chose to resign rather than follow procedures to dispute them. Berger, who has declined to be interviewed, has given no reason for his departure other than “I believe that this is the appropriate time for me to seek a new position elsewhere.” ■

CONSTANCE HOLDEN

# Religious Groups Join Animal Patent Battle

*Farm organizations, religious leaders link with animal rights groups and activists to campaign for a moratorium on animal patents*

ON 3 April the Patents and Trademark Office ruled that genetically engineered animals could be patented. The decision produced an outcry from animal rights groups and activists. A wave of press reports and congressional hearings followed. But the issue seemed to fade in June after a House-Senate conference committee rejected a proposed moratorium on animal patents. Now, however, it is apparent that the controversy is growing more intense.

Religious leaders and farm organizations are joining with an informal coalition of animal rights and public interest organizations to add new dimensions to the debate. These groups have seized upon the patent controversy as a way to force Congress to address broader moral and economic questions related to genetic engineering.

At issue is how far industry should be allowed to go in using biotechnology to make livestock production more profitable, and how farmers will be affected by the technology and animal patents. “The gift of life from God, in all its forms and species, should not be regarded solely as if it were a chemical product, subject to genetic alteration and patentable for economic benefit,” says Arie R. Brouer, general secretary of the National Council of Churches. “Moral, social, and spiritual issues deserve far more serious consideration before binding decisions [patent awards] are made in this area.”

The effort to intertwine religion, morality, and farm economics with patent policy has presented the biotechnology industry with a challenging political problem. “The interjection of religion into the issue of patenting will undoubtedly heighten the emotionality of the debate,” says Bruce Mackler, general counsel for the Association of Biotechnology Companies. Mackler and other industry officials contend it is improper to use the patent system as a forum for raising moral, religious, and economic issues.

“The act of issuing patents is morally neutral and ought to be kept that way,” asserts William H. Duffey, a patent attorney for Monsanto. Arguing on behalf of the biotechnology industry on 23 July before

the House subcommittee on courts, civil liberties and the administration of justice, Duffey said it would be “wrong ... to consider limiting protection for biotech inventions in response to those groups who play upon the emotional components of a burgeoning science. . . .”

Mackler contends that a moratorium on patents will hurt industry and curtail private sector support for research that could produce patentable animal inventions. Representative Charlie Rose (D-NC) is not persuaded by such arguments. He plans to introduce legislation soon for a 2-year moratorium on new animal patents.

Rose says the historic step of patenting animals “should not simply be done through the patent office without any direction from Congress.” Companion legislation is expected to be sponsored in the Senate by Senator Mark Hatfield (R-OR), whose earlier moratorium bill was rejected by a House-Senate conference committee. These legislative efforts are sure to be aided by other House subcommittee hearings on the animal patent issue that are scheduled for August and September.

Predictably, social activist Jeremy Rifkin, head of the Foundation on Economic Trends, has played a central role in forming the loose coalition of animal patent opponents. So far, it consists of 14 animal welfare organizations, 13 farm groups, 5 religious denominations, and assorted other activists. Rifkin claims he will broaden the coalition to include Catholics and Jews in the coming weeks.

The concerns of these crusaders vary. The National Farmers Union, for example, says it favors a moratorium on patenting animals until the impact on the farm animal gene pool can be assessed and royalty obligations understood. The Humane Society of America worries that animals will suffer as a result of human genes being spliced into their genetic code for experimental and possibly for commercial purposes.

Whether the opposition can ignite a meaningful debate in Congress may hinge on the imposition of a moratorium on animal patents. There are about 15 applications for animal patents before the patent office.