

# Whose Notes Are They?

*On day two of the Dingell hearings, Congress heard a proposal to open scientists' personal data books to general scrutiny*

TUESDAY, 9 MAY. It was a very different John Dingell on Day Two of hearings by the House subcommittee on oversight and investigations on scientific conduct. On Day One, which focused on the so-called "Baltimore affair," the Michigan Democrat seemed determined to find fraud (*Science*, 12 May, p. 643). But a less antagonistic John Dingell was in the chair as a second day's hearings opened on the way scientific institutions handle allegations of error, misconduct, and fraud.

Appearing to be concerned about the fact that university inquiries often lack the rigor and procedural finesse of a legal investigation, Dingell elicited a couple of ideas for reform from the day's witnesses. Perhaps the most startling (some scientists called it chilling) idea came from postdoc Margot O'Toole, a Dingell protégée and whistleblower whose challenge to data in a 1986 paper in *Cell* coauthored by Nobel laureate David Baltimore lies behind the subcommittee's interest in the case.

O'Toole called into question the validity of experiments compiled by coauthor Thereza Imanishi-Kari of Tufts after she examined just 17 pages of Imanishi-Kari's raw data. Examining someone else's raw data, O'Toole told Congress, is not considered the right thing to do.

"Our notebooks are paid for by the government," she said, yet "The NIH treats scientific data for publicly supported published work as one would a personal diary. I think the policies that emanate from this attitude should be changed."

In light of her testimony, the question: "Whose notes are they anyway?" is likely to be on the agenda of future forays into an institution's ability to investigate fraud.

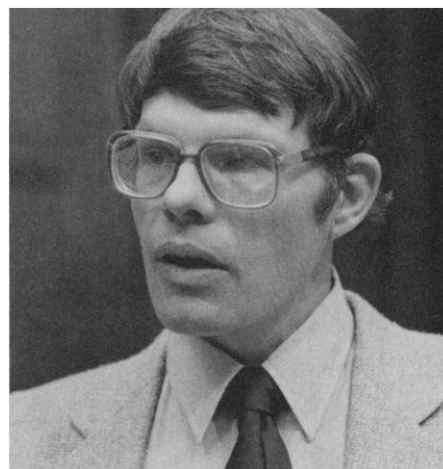
O'Toole got a sympathetic hearing from the Democrats on the subcommittee, including the chairman and Doug Walgren of Pennsylvania, who seemed surprised when O'Toole told him that even though she was asked by the coauthors to review the *Cell* paper prior to publication, by convention she was not expected to look at the raw data.

But Republican Alex McMillan of North Carolina, who like the other Republicans on the subcommittee seemed well versed in the traditional norms of science, took a more skeptical attitude. "All of my notes would have to be written differently if I thought

they were public documents" that could be subject to a legal, IRS-like audit, he said.

Herman Eisen of the Massachusetts Institute of Technology—a member of MIT's committee set up to review O'Toole's original charges—was asked what he thought about ownership of data. Eisen told Congress that data ownership "is not a clear matter." The public does have some "rights" to information it has paid for, he replied, adding that "how those rights are exercised becomes a very important matter."

The idea of auditing data, either in response to an allegation or as a prophylaxis, has gained some currency lately. NIH fraudbusters Walter Stewart and Ned Feder, who are currently working "on loan" for Dingell, have proposed the idea. So have some journal editors, including Drummond Rennie of the *Journal of the American Medical Association* (*Science*, 4 November, p.657). And NIH is now about to launch a point-by-point audit of the raw data as part of its decision to reopen its own investigation of the *Cell*



Ken Heinen  
**Walter Stewart.** *The man behind Dingell.*

paper (*Science*, 5 May, p. 520).

There may be no easy answers, as Republican congressman Thomas J. Bliley of Virginia made plain in his remarks at the Dingell hearing. "What we should be asking is how far scientific research should be investigated for fraud," he said. "When research is carried out and reported openly, results verified by the same, similar, and different methods, and the conclusions drawn are at least logical, we must question whether this is not, indeed, all we can ask from scientists."

The answer to that is crucial as Congress contemplates new antifraud legislation and the scientific establishment moves to get its own house in more rigid order.

■ **BARBARA J. CULLITON**

## It's Not Over Yet

As the Baltimore/Imanishi-Kari case wends interminably along, the charges against coauthor Thereza Imanishi-Kari by postdoc Margot O'Toole and Congressman John Dingell's temporary staffer Walter Stewart are being narrowed down. As one charge is answered, another is made, leading scientists to charge O'Toole with creating a constantly moving target.

First, her charge was error—erroneous data had gotten into a published paper by mistake. Then, Dingell called in the Secret Service to do a forensic analysis of laboratory notebooks. Charges escalated to altering dates and recording data long after experiments were done. In an interview with *Science*, Imanishi-Kari's lawyer, Bruce Singal, said "We don't deny the facts, as we testified [at Dingell's first May hearing]. We just don't think they mean anything." Indeed, Imanishi-Kari explained that she often fails to keep contemporaneous notes.

Now, O'Toole and Stewart are going further. During a break in the second-day hearing they hinted that forensic evidence will show that experiments Imanishi-Kari claims were done before her paper was published were actually done after it came out. The data exist, O'Toole conceded to *Science*, but she now alleges that they were generated after the fact. Stewart says the Secret Service will date the countertapes on which data were recorded to see whether the tapes could have been made before 1986.

Why wasn't this possibility brought out at the hearing? Why was this charge made only to a group of reporters during a break?

"We haven't brought it out because it's not complete," Stewart said.

Attorney Singal is incensed. When queried by *Science* about the latest allegation he said it was "very disturbing" that charges are being made through the press when the scientists involved have heard nothing about it. "It is typical of them to claim to have evidence that they don't present to us," he said. "It's an outrage." ■ **B.J.C.**