

IMANISHI-KARI CASE

Secret Service Analysis Goes to Pieces

The federal government's marathon scientific misconduct investigation of Tufts University immunologist Thereza Imanishi-Kari suffered a potential setback earlier this year. *Science* has learned that many of the glass plates used in the forensic analysis of data were smashed, apparently accidentally, in shipping. Federal investigators believe that enough plates have survived for them to continue with the case, but the episode has raised concerns about the way this material was handled.

The plates are the record of the thin layer chromatography analysis that the Secret Service conducted on data tapes from Imanishi-Kari's notebooks 3 years ago. They are expected to provide critical support for possible charges that Imanishi-Kari fabricated data supporting a 1986 paper published in *Cell*. The Secret Service has testified at two congressional hearings, for example, that some of the data tapes in question were produced before the experiments that they purport to record were conducted. Imanishi-Kari's attorney has, however, commissioned a competing forensic analysis that disputes that conclusion. The two sets of experts are expected to fight it out eventually in an appeals hear-

ing if the Office of Research Integrity (ORI) concludes that she is guilty of misconduct.

A source close to the investigation, speaking on condition of anonymity, says that when ORI officials first saw the smashed plates, their "hearts sank." The initial ORI reading, the source says, was that the damage was so extensive that the case was "in real trouble." But after closer investigation, it appears that the damaged plates may not include those critical to the case. Others can apparently be reconstructed. ORI now believes that it will be able to base its case on the usable plates and will not have to redo the forensic analysis, which could have delayed the 6-year investigation even further.

Some of the plates apparently were damaged in shipping on 22 April 1992, when they were sent from the U.S. Attorney's office in Baltimore to Imanishi-Kari's Boston-based attorney, Bruce Singal, so he could commission an independent analysis of the data. (The U.S. Attorney had been looking into the case for possible criminal prosecution, but in July 1992 he decided not to proceed.) Singal called the U.S. Attorney's office to report that three or four of the plates

were broken when he received them; he then forwarded the package to his forensic expert, Albert Lyter, in North Carolina. Over the next 4 months, the plates were sent back and forth between Boston and North Carolina, misdirected to ORI once, and were finally returned to the U.S. Attorney's office in Baltimore.

They sat there for nearly 4 months, until the Department of Health and Human Services' Inspector General's office retrieved them so that the Secret Service could prepare a rebuttal to Lyter's analysis. The boxes in which the plates were shipped were in such poor condition when they were returned to the Secret Service from the U.S. Attorney's office on 4 January 1993 that agents videotaped their opening to prove that the damage had occurred before they received them. About half of the 40-odd plates were found to be broken.

The Secret Service has interviewed Singal to try to determine what happened, but there is apparently no reason to suggest that he or anyone else purposely damaged the plates. "I don't know how it happened," Singal says. If anything, he says, loss of the plates would hurt Imanishi-Kari's case by making it more difficult to challenge the Secret Service's forensic analysis.

—Christopher Anderson

NATIONAL INSTITUTES OF HEALTH

Fraudbuster Ends Hunger Strike

Walter Stewart, chemist and self-appointed fraud investigator, has ended the 33-day hunger strike he began when his employer, the National Institutes of Health (NIH), locked him and his colleague Ned Feder out of their lab and seized their files. Stewart and Feder's superiors, claiming that the duo had gone astray by investigating the works of historian Stephen Oates—who has nothing to do with NIH—ordered them to stop looking into allegations of misconduct (*Science*, 16 April 1993, p. 288). When he reached a stage at which malnutrition can do permanent physical damage, Stewart ended his protest on 12 June, declaring victory. But he did so without winning an assurance that he will be allowed to return to fraudbusting at NIH.

Sounding hale and hearty in a telephone interview with *Science* 2 days after ending his fast, Stewart said: "We've gotten a good strong institutional commitment to look at the points we're raising." On 12 May, he and Feder issued a statement demanding, among other things, that NIH conduct a thorough investigation of 17 pending cases, make public all data on the "Baltimore case," and "get to the bottom of why these injustices occur so frequently." He conceded, however, that the commitment comes not from NIH but from the Senate. Several members

wrote letters of support, including Paul Simon (D-IL), Barbara Mikulski (D-MD), and, most important, David Pryor, the Arkansas Democrat who chairs the Government Affairs subcommittee on the civil service.

One of Stewart and Feder's early backers, Representative John Dingell (D-MI), did not come to their rescue, however. In a chilly letter to Stewart's attorney, dated 10 June, Dingell made it clear that he strongly disagrees with Stewart's tactics. Dingell wrote that it was "not unreasonable" of NIH to consider that Stewart and Feder had gone beyond their scientific mission in checking for plagiarism in Oates' historical works. "It is one thing to test the so-called plagiarism machine [a computer system designed by Stewart and Feder]," Dingell wrote. "It is another to undertake an exhaustive inquiry at government expense and send the results to some two dozen scholars as well as members of the press." Dingell also criticized Stewart for injecting an element of "blackmail" into the proceedings with the hunger strike, adding that it showed "exceedingly poor judgment by Mr. Stewart." Finally, Dingell urged Stewart and Feder to make an appeal through "established channels" at NIH and end the hunger strike "immediately."

On the other side of the ledger, Stewart

and Feder received a boost from Pryor, who sent an appeal on their behalf to Health and Human Services (HHS) general counsel Harriet Raab on 11 June. Pryor asked the agency to "thoroughly review the issues raised by Mr. Stewart and Dr. Feder" in their 12 May statement. Pryor also asked Raab to explain whether research into scientific misconduct was "useful to NIH's mission," and whether Stewart and Feder's work has "contributed" to it. Finally, Pryor pointed out that NIH will hold a conference on plagiarism on 21 to 22 June, based in part on Stewart and Feder's work. He suggested it would be smart to clean up the mess "before the conference begins."

Simon, in a rueful letter to HHS Secretary Donna Shalala dated 18 May, conceded that he may have "precipitated" the whole Stewart-Feder affair. It was he who complained last March that the pair was investigating Oates without permission. While the senator doesn't take back what he said, he does want Shalala to give Stewart and Feder access to their investigative files and consider letting them go back to their old jobs. Avis Lavelle, Shalala's spokesperson, says a review should be finished by 16 June.

As for Stewart, his main worry is that, with only 9 days of annual leave remaining, he must report back to work to an assignment that's still undefined.

—Eliot Marshall