

Healy Returns Fire at Dingell Hearing

The congressman summoned the biomedical chief to call her to account, but she ended up challenging him

THERE WAS TO BE HIGH DRAMA LAST THURSDAY, when Rep. John Dingell (D-MI), notorious within the science establishment for his investigations of university indirect costs and Nobel laureate David Baltimore, summoned Bernadine Healy before his oversight and investigations subcommittee. As the self-designated protector of NIH's Office of Scientific Integrity (OSI), Dingell's principal mission was to make Healy explain her "curious activities," including her decision to relieve former OSI official Suzanne Hadley of the investigations of Tufts immunologist Thereza Imanishi-Kari and intramural AIDS researcher Robert Gallo (*Science*, 26 July 1991, p. 372).

But it wasn't Dingell's day. Throughout the morning and into the early afternoon, the feared chairman surprised observers by allowing the proceedings to dwell upon inconsequential minutiae in Healy's own investigation of misconduct allegations last year while still at the Cleveland Clinic Foundation. As it happens, OSI is now investigating that case, setting Healy and Hadley in conflict, for Hadley has written a draft report critical of Healy's inquiry at the clinic. While the subcommittee eventually did manage to raise some intriguing questions regarding that case, its failure to ask Healy to account for her treatment of Hadley left the hearing only half-finished when Dingell unexpectedly gavled it closed at two o'clock.

Dingell's lost opportunity, however, was quickly seized by Healy, who made it clear she didn't think she needed personal reasons to be worried about the OSI. Stating that she had serious concerns about the "due process, confidentiality, fairness, and objectivity" of many OSI procedures, Healy vigorously defended her actions as necessary to restore the office's integrity. "All my actions recounted here were based on careful and deliberate judgment, and were taken in good faith," she told the subcommittee.

According to Healy, the trouble began a

few months after she assumed the directorship of NIH in April, when she learned of "significant problems" in the Gallo and Imanishi-Kari investigations. For example, she said she was unhappy that Hadley, who left the deputy directorship of OSI for another NIH position last March, continued to lead the Gallo and Imanishi-Kari investigations. Even worse, she said, Hadley was opening new "spinoff" cases, such as a recently disclosed OSI investigation of former Gallo



Hostile witness. Bernadine Healy called Rep. Dingell's charges about her handling of OSI "preposterous."

aide M.G. Sarngadharan, "outside the proper supervision of the OSI office."

Healy also complained about an unusual conflict-of-interest definition that she said OSI used when it requested a scientific panel member in the Imanishi-Kari case to resign, and she castigated Hadley for revealing the Sarngadharan investigation in the Gallo draft report before Sarngadharan himself was notified.

After discovering these problems, Healy said, she insisted that Hadley return her records to OSI and oversee none of the spinoff investigations. Additionally, Healy said she has ordered a review of OSI's legal and procedural shortcomings. "I walked into a mess," she said in an interview with *Science*. "That's the only way you can describe it. Everywhere you turned, it was a mess."

Hadley, not surprisingly, disputes Healy's testimony: "I don't think she knows the facts," she says. Hadley denies that she was operating without OSI supervision, noting that she sent copies of all letters and draft reports in the investigations she was handling to OSI director Jules Hallum, and deputy NIH director William Raub. Furthermore, she says, Raub, Hallum, and NIH general

counsel Robert Lanman were all informed of her actions in opening the spinoff cases—which include an "institutional response" investigation of MIT and Tufts University in the Imanishi-Kari affair as well as the Sarngadharan investigation. (Hallum confirms both points.) Hadley does admit, however, that an administrative problem delayed OSI's notification of Sarngadharan until after the draft report was sent out.

Dingell also questioned Healy's version of events, suggesting that she might have intervened in OSI affairs in retaliation for Hadley's draft report. But Healy dismissed this charge as "preposterous," noting that she has long since recused herself from matters concerning the Cleveland Clinic, and now has also withdrawn from decisions affecting OSI—until the Cleveland Clinic case is settled. She agrees that her preliminary investigation in mid-1990 found no evidence of misconduct. But she says she was "haunted" by flaws in the inquiry to the point that she convened a second inquiry a few months later, prompted by "new evidence" and claims by the accused scientist that he'd been treated unfairly.

To members of Dingell's staff, who are openly skeptical of Healy's explanations, the first inquiry's failings were serious enough to impeach her judgment on matters of misconduct. Hadley, who conducted the OSI investigation into the case last December, testified that OSI found that the incriminating "new evidence" had been available to the first panel, but went unexamined; that Healy had included a co-investigator of the accused scientist in the inquiry; and that its report excused what appeared to be false statements as "anticipatory writing."

Healy, however, wasn't about to back down. Her confrontational approach to the Dingell subcommittee—days later, she described the hearing as "misguided" and criticized Dingell's opening statement as "filled with innuendoes, misstatements, and, sad to say, falsehoods"—have led some observers to wonder if this was a wise tack, considering what has happened to Baltimore and Stanford president Donald Kennedy—the last two prominent figures in the scientific community to stand up to the combative chairman.

For his part, Dingell is unlikely to give Healy much rest once Congress returns from its August recess. He noted in his opening remarks: "These events raise again the question of whether NIH has the institutional will to investigate...when issues of misconduct arise. If not, perhaps it will be necessary to remove the OSI from the NIH, or perhaps to see that other removals go forward at NIH." The fireworks at OSI are far from over.

■ DAVID P. HAMILTON