

# The Gallo Factor: Questions Remain

*While the press focuses on Popovic, Richards panelists ponder his former boss's role...and the future of OSI*

ON 12 JULY A SELECT GROUP OF DISTINGUISHED scientists became the first outsiders to read the long-awaited draft report of the NIH Office of Scientific Integrity (OSI) investigation of Robert Gallo and Mikulas Popovic. As members\* of the Richards Panel (named after its chairman, Yale biochemist Fred Richards), the group had been chosen by NIH officials from a list provided by the National Academy of Sciences in response to congressional allegations that NIH was incapable of keeping its own house in order. Their job was to validate NIH's highest-stakes investigation—a probe into allegations that Popovic and Gallo had committed scientific fraud during their early AIDS work—to be a “watchdog,” as one panel member has put it.

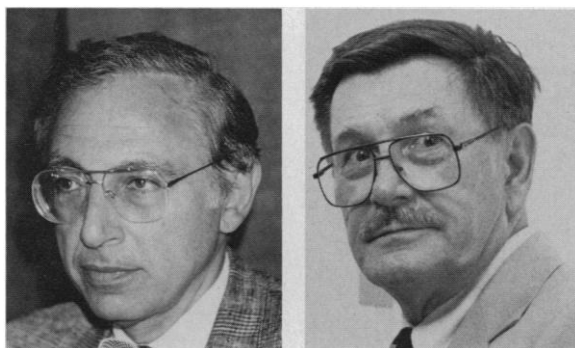
From exclusive interviews and documents, *Science* has learned that these watchdogs, while not prepared to bark in public, are by no means sanguine about OSI's work. The panel appears to be deeply disturbed by the form of the report authored by OSI investigator Suzanne Hadley. In addition, some panel members have questioned its conclusions relative to NIH's Gallo. Acting chairperson Mary Jane Osborn is bound by rules of confidentiality not to address the contents of the report, but in an interview with *Science*, she characterized her panel's view of the report as follows: “If we had seen the draft report before it had gone out, it might not have gone out....”

Why is the panel so disturbed? A tantalizing hint has come to *Science* in the form of a set of handwritten notes by none other than OSI Director Jules Hallum, who 3 days after the Richards Panel met penned what he calls a “Recap of Consultants Mtg

\* The panel: Frederic Richards (Chair), Yale University; Judith Areen, Georgetown Law School; Alfred Gilman, University of Texas Southwestern Medical Center, Dallas; Arnold J. Levine, Princeton University; Howard Morgan, Geisinger Medical Center, Danville, Pennsylvania; Mary Jane Osborn, University of Connecticut Medical School; Joseph Sambrook, Southwestern Medical Center; John D. Srobo, Johns Hopkins University; Robert R. Wagner, University of Virginia.

(Richards).” Those notes, which Hallum concedes are his, suggest that at least some panel members are unhappy about OSI's main conclusions—which charge Popovic with misconduct while criticizing Gallo but not accusing him of scientific misconduct (see story on p. 728). Hallum's recap bears the words a “180-degree turn”—indicating

**Chronicler.** Hallum (right) noted concerns about Gallo.



Recap of Consultants Mtg

1. re-write Report after rec. fr. G & P  
Doesn't list chgs/findings/

2. Popovic: def. of contin. (not in report)  
- concept of continuities  
- clone  
- put in early draft of paper - growth of LAV  
- G. removed  
180° turn

that some Richards Panel members wanted to see a reversal of the draft report's conclusion: Gallo cited as the primary offender and Popovic criticized less stringently.

While Hallum has declined to comment on his notes, confirmation of how some Richards Panel members are thinking comes from a member who agreed to speak only on the promise of anonymity: “The members of the panel remain concerned about Dr. Gallo's role and responsibility.” The panel member also took direct issue with the interpretation of the report Gallo has been propagating to friends and colleagues: that the report concludes that he has done nothing approaching misconduct but simply needs a more “structured lab.” Asked whether it would be fair to say that the report finds Gallo innocent of

misconduct, the Richards Panel member said: “That, I think, is an overstatement.”

In spite of their reservations about the level of criticism directed at Gallo, it appears the “180-degree turn” mentioned in Hallum's notes will not take place: The Richards Panel has not demanded substantive changes in the report. They have, however, asked for recasting to address what everyone interviewed by *Science* called poor writing. The charges and findings, Hallum notes, are not succinctly presented, and there isn't even a good description of the basis for the report's determination regarding Gallo and Popovic—or at least so the Richards Panel felt.

Acting chairperson Osborn went further in her interview with *Science*. Nearly a year ago, Osborn said, the Richards Panel was given an earlier OSI draft report—on the initial inquiry phase. “It was diffuse, absolutely full of editorial comments and editorial verbiage. At no point was there a crisp, concise statement of the issues, of the findings, of the conclusions. In our judgment it was a very amateur and inappropriate document.” Many of the same criticisms apply to the current draft report, Osborn said, making common cause with NIH Director Bernadine Healy, who has publicly lambasted the report's style and approach.

But despite the chorus of complaints about the report's style, *Science* has learned that there will be no rewriting—except that Jules Hallum may produce an Executive Summary. What will happen then is not entirely predictable. Both Hal-

lum's notes and information from NIH insiders suggest that the draft report will call for yet another panel to be

formed (Hallum calls it an “adjudicating body”) to mete out sanctions to Popovic and Gallo, should they be deserved. Richards Panel members aren't sure what role they might have in this process, but they are already looking beyond the Gallo investigation. Says Osborn: “Clearly the panel is concerned to see the Gallo investigation close in a just manner, and that is not a trivial concern. But the more serious question is: What is going to happen to NIH's mechanism for investigating misconduct in general in the future?” With the level of criticism of NIH's ability to handle these investigations getting, if anything, only higher—and coming now from the highest quarters within NIH, as well as from Congress—this worry may be well placed. ■ ELLIS RUBINSTEIN