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**March 21, 1991, Thursday, Late Edition - Final**

**NAME:** David Baltimore

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**HEADLINE:** **Crucial Data Were Fabricated In Report Signed by Top Biologist**

**BYLINE:** By PHILIP J. HILTS, Special to The New York Times

**DATELINE:** WASHINGTON, March 20

### **BODY:**

After one of the most celebrated investigations of scientific misconduct in the United States, the National Institutes of Health has concluded that crucial data were faked in a report signed by a leading molecular biologist.

The researcher, Dr. David Baltimore, said today that he would ask that the paper be retracted. Until then Dr. Baltimore, a Nobel laureate who is president of Rockefeller University, had steadfastly defended both the paper and Thereza Imanishi-Kari, a co-author whose laboratory findings used in the paper were criticized by the health institutes. He had also attacked the investigation by the health institutes as inappropriate prying.

But he said today that it would be "up to Thereza Imanishi-Kari" to defend the paper.

### Finding Is Unconfirmed

The paper described findings suggesting that transplanted genes could stimulate a recipient's immune system to produce certain antibodies. The finding, which would have been a significant advance in immunology, has not been confirmed.

In a draft report, which has not been made public, the health institutes drew a picture of data falsification that appeared to extend over several years, both before the publication of the paper in 1986 and after it in efforts to cover up the lack of data or the false data in

the paper. The investigation may go through several more steps, but it could eventually result in Dr. Imanishi-Kari's being barred from receiving Federal money to support research.

Dr. Baltimore was named president of Rockefeller University in New York in 1989 despite some faculty members' questioning how he handled the falsification accusation. They contended it reflected poorly on Dr. Baltimore's ability to lead the university.

Ronald C. Breslow, a chemist who is on the university's board, said today that he did not believe that the report would revive the dispute about Dr. Baltimore's appointment. "I think he has been a very successful president and people there are very happy with the things he has been doing," he said. Other board members, including David Rockefeller, could not be reached for comment.

The disputed work, reported in the journal *Cell*, was not done in Dr. Baltimore's laboratory. But the health institutes accused him of brushing off allegations of fraud and making suggestions that researchers were not obliged to keep truthful records as long as they did not publish them.

In the draft, the investigators said it was "difficult to comprehend" his stance.

The report praised as "heroic" Dr. Margot O'Toole, a junior researcher who lost her job after she drew attention to the disputed findings.

#### 'Serious Scientific Misconduct'

The accusations against Dr. Imanishi-Kari, a professor at Tufts University, included statements that notes in her laboratory notebooks had been altered.

"The actions of Dr. Thereza Imanishi-Kari constitute serious scientific misconduct," said a cover letter written by Dr. Suzanne Hadley, deputy director of the health institutes' Office of Scientific Integrity. The letter also said Dr. Imanishi-Kari "repeatedly presented false and misleading information to the N.I.H., the Office of Scientific Integrity, and the expert scientific panels which assisted in the N.I.H. investigations."

Dr. Baltimore himself was not included in the charges of misconduct by the institutes. Officials at the institutes said his conduct, along with that of other officials at the laboratories and universities in question, would be reviewed as part of a separate inquiry.

The case has dragged on through investigations by the health institutes and three Congressional hearings. It has brought hundreds of scientists to meetings and hearings where some spoke out against what they said were unwarranted interference and unsubstantiated charges.

But in a telephone interview today Dr. Baltimore said the draft report, "if it stands without major changes, raises very serious questions about serological data in the paper."

He added: "Therefore I am today asking the other authors to join with me in requesting that the journal retract the paper until such time as the questions are resolved. It is up to Thereza Imanishi-Kari to resolve them."

### 'I Was Quite Confident'

Asked why he did not make a similar statement when the charges were first made, he said, "I didn't believe it then. I had lived through the experience. I was quite confident that the paper reflected the data as it unfolded."

But he said the new report raised issues "serious enough to ask carefully whether there was misconduct here."

Dr. Imanishi-Kari referred all questions to her lawyer, Bruce A. Singal of Boston, who said that neither he nor his client would have a comment on the report.

Dr. Joseph Byrne, associate provost for research of Tufts University, said the university would give Dr. Imanishi-Kari a chance to respond to the report before taking any action. Tufts looked into the charges when it hired her and found no evidence of misconduct.

Dr. Imanishi-Kari did the work faulted in the health institutes' draft report while at the Massachusetts Institute of Technology, which also investigated the matter and found no evidence of misconduct. Dr. Herman Eisen, who led the investigation there, said in an interview today that he did not believe he should have acted differently, given the information presented at the time. He said that he still believed some conclusions of the paper, if not the parts being questioned.

The new investigation by the health institutes was opened because of new evidence offered to it by Dr. O'Toole and others, Dr. Hadley said. A panel that conducted an earlier inquiry for the institutes concluded there was no evidence of misconduct. But the chairman of the panel, Dr. Joseph M. Davie, president for research and development at Searle Laboratories, later told Congress at a hearing that he felt Dr. Imanishi-Kari had published conclusions without data to support them.

The incident began in 1986 when Dr. Imanishi-Kari was a researcher at M.I.T.'s Center for Cancer Research. She was a senior scientist and Dr. O'Toole was a postdoctoral fellow working under her. After working for a year on an experiment that would have confirmed Dr. Imanishi-Kari's data and being unable to make it work as she said it should, Dr. O'Toole reported to the department head that the data published in *Cell* were not correct.

The report says Dr. O'Toole discovered 17 pages of a notebook that gave the data that were supposed to support the conclusions for part of the *Cell* paper. But the data did not support what Dr. Imanishi-Kari told her superiors and the conclusions in the paper.

Years of investigations have resulted, including those at M.I.T. and Tufts, as well as the

health institutes' investigations and hearings by the House Oversight and Investigations Subcommittee.

Dr. Imanishi-Kari offered some unpublished data to support her claims. At the request of Representative John, D. Dingell, the Michigan Democrat who is chairman of the investigations subcommittee, the Secret Service examined the notebooks for the experiments and concluded that they could not have been written when Dr. Imanishi-Kari said.

Notebook pages had altered dates and were marked with different pens and on different paper from one another, though they were supposed to be written in close chronological sequence.

Further, the report said statistical analysis of the data showed that it was very unlikely that the data had come from a natural experiment and that it was more likely that the data were concocted.

Information on these issues were gradually made public during the various investigations. Many scientists rallied around Dr. Baltimore and Dr. Imanishi-Kari, and were critical of Dr. O'Toole.

Though Dr. Baltimore was not cited for misconduct in the N.I.H. report, the investigators did express surprise at his role.

"It may be understandable that Dr. Baltimore initially failed to credit the questions raised about the Cell paper, and rose to the defense of Dr. Imanishi-Kari," their draft says. "However it is difficult to comprehend his maintaining this stance as the evidence mounted that serious problems existed."

The views Dr. Baltimore expressed in an interview with Office of Scientific Integrity investigators in April 1990 "are the most deeply troubling," the report said. It said he "asserted" that if the data were fabricated, "the N.I.H. was somehow responsible for this act of scientific misconduct."

The process that the health institutes must now follow is long and complex. The draft report has been sent to Dr. Imanishi-Kari for her comments. If, after her comments, the findings are sustained by the Office of Scientific Integrity, that office can recommend sanctions including permanent debarment from receiving Federal money.

These recommendations would be reviewed by the health institutes' director and other officials of the Public Health Service. If debarment is still recommended, a new hearing must be held before the punishment can be imposed.

The health institutes could also refer criminal matters, such as perjury before Congress and making false statements to the Government, which are felonies, to the Justice Department.

**GRAPHIC:** Photos: Dr. David Baltimore (Marilynn K. Yee/The New York Times) (pg. A1); Dr. Margot O'Toole, left, lost her job as a junior researcher after she drew attention to the disputed findings in a scientific paper. Tereza Imanishi-Kari, a co-author of the paper, made the findings. (Paul Hosefros/The New York Times; Rick Friedman for The New York Times) (pg. B10)

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