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## Dingell Hearings on Science Fraud: More Overkill than Oversight

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As chairman of the House Energy and Commerce Committee, which oversees the NIH, and its subcommittee on oversight and investigations, Rep. John Dingell (D-Mich.) has been investigating scientific fraud for over a year. No one questions the subcommittee's legitimate role of investigating fraud and ensuring that public funds are wisely spent. But many object to Dingell's unfair conduct and heavy-handed tactics.

The subcommittee seems to have overstepped its mission as a watchdog of public funds. The recent hearings, held in May, leave the impression that Dingell is presiding over a kangaroo court, not a congressional inquiry.

The Dingell subcommittee has focused specifically on a disputed 1986 paper published in *Cell* (vol. 45, pages 247-259) and coauthored by David Baltimore, a Nobel laureate. Two university reviews and an official NIH investigation of the paper agree that certain data were misinterpreted but not intentionally misrepresented. All agree that the paper is an example of scientific error, not fraud.

This important distinction is lost on Dingell. At the May hearings,

Dingell stressed his interest in preventing the waste of taxpayers' money on "faked" research. He has implied that a composite autoradiograph in the paper was a "fabrication," despite the authors' explanation that composites are commonly used.

Dingell's obvious bias has alarmed scientists and his own colleagues. Reps. Norman Lent (R-N.Y.) and Alex McMillan (R-N.C.) felt compelled to set the record straight. They stressed the NIH panel's conclusion that no evidence of fraud or misconduct was found. Lent also expressed misgivings about Dingell's aggressive prosecutorial style and the growing impression that Baltimore was being singled out for harassment. He cautioned against "misguided attacks and public efforts to discredit our best and brightest."

But this caution fell on deaf ears. Dingell bluntly greeted Baltimore and his colleagues by saying he had concerns about their integrity. After hearing their testimony, Dingell accused the authors of not being forthright.

Sensing a public relations disaster, subcommittee staffers mounted a "spin control" campaign

when the May hearings ended. That is, they tried to convince the press that the hearings really were intended to strengthen broad institutional processes for dealing with fraud allegations. They did not succeed.

A *Washington Post* editorial (May 9, 1989, page A22) stated that "congressional chivvying of this kind...will put scientists on the defensive and cause them to dig in their heels....To the degree that Rep. Dingell comes to appear to scientists to be persecuting Dr. Baltimore for no purpose, his ability to bring about changes in their outlook will necessarily be impaired."

An editorial in the *Wall Street Journal* (May 15, 1989, page A8) used stronger words to describe the Dingell hearings: harassment, hounding, and intimidation. It stated, "Rep. John Dingell is taking steps that would police science and cripple it. He'll succeed unless science fights back....David Baltimore's travail is only the beginning if scientists remain silent and

let John Dingell become the Auditor General of American science."

Scientists should indeed fight back, but with action and not words alone. Scientists must prove they are willing to respond quickly and openly to alleged misconduct. Institutions must show the ability to investigate misconduct charges thoroughly and conclusively. The scientific community must also demonstrate respect for whistleblowers and sensitivity to their concerns. Until these actions are taken, Congress will stay involved in what should be the internal affairs of science.

That would be unfortunate, because Congress is not an appropriate forum for adjudicating disputes over scientific error or misconduct. Congress cannot even resolve ethical questions about its own members without partisan recrimination. Unless scientists do a better job of settling misconduct cases among themselves, they will invite more of the same rough treatment by their congressional overseers. ■