Scientific Misconduct: The Lessons of Time

Commentary on “The History and Future of the Office of Research Integrity: Scientific Conduct and Beyond” (C. Pascal)

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The history of federal involvement in scientific misconduct is a case example of the shifting boundary between normalcy and deviance, custom and law. A once-blurred definition of “prevailing community standards” in the conduct of research is becoming increasingly clear and codified. With it, the collegial basis for negotiating the process of claims-making has crossed into the land of due process, defamation of character, and lawsuits that decry and defend researchers’ behavior in the production of scientific knowledge.

I’ve often said that public funding of research defines the public interest. How to protect and advance that interest remains contentious. It should be no surprise, then, that the federal government has grown a bureaucracy to monitor and adjudicate misconduct disputes. The U.S. Department of Health and Human Services’ (DHHS) Office of Research Integrity (ORI) is the “granddaddy” of investigatory federal science organizations. As its home page <http://ori.dhhs.gov/> declares, “The ORI oversees and directs the Public Health Service (PHS) research integrity effort.” PHS consists of eight agencies, including the $15 billion (in fiscal 1999) National Institutes of Health (NIH), with only the Food and Drug Administration conducting its own (in the words of the web site) “regulatory research activities.”

Ad Hoc to Now

Pascal’s paper¹ admirably chronicles the work of ORI, but it omits much critical history that forms the larger context for heightened accountability—beyond NIH, PHS, and the federal agencies more generally. What he rightly demarcates is the beginning of the “bureaucratization” of misconduct with a 1981 hearing chaired by then-Representative Albert Gore (Democrat-Tennessee), and the current strain toward standardized investigatory practices both by federal sponsors and the recipient institutions responsible for research performance.

What Pascal does not discuss is the early puzzling over what constituted misconduct and why it posed threats to science as an implicit challenge to the perception of

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researchers as trustworthy and deserving of continuing public support. The current
tagonizing by ORI and similar organizations that serve other federal agencies has a richer
and more diverse history than Pascal allows.

The puzzling, which I self-consciously recall (and cite) in this commentary, was
done by a tiny agglomeration of academic social scientists, enterprising journalists,
vigilant journal editors, and renegade federal staff. I was a sometime member of an ad
hoc “fraud squad” that would travel to universities for a day to engage local faculty and
administrators in reflecting on the bigger picture: federal research funding, the limits of
journal peer review, and the ethical responsibilities of the campus to constituencies
beyond, say, the medical school and its current students. These dialogues would reveal
the deepest fears of impeding scientists’ freedom of inquiry and often scapegoat the
messengers who were accused of sensationalizing and overgeneralizing the misbehavior
of a few rotten apples as “betrayals of the truth.”

For most analysts in the mid- to late-1980s, the core issue in scientific misconduct
was exposing scientists’ flawed conception of control—if not autonomy—in dealing with
what most believed was the psychopathy of a few misguided miscreants. Congressional
and agency interest was unwanted and unneeded, they argued. Yet research institutions
were reluctant to institute an apparatus that would investigate allegations of misconduct
on their campus. Such anticipatory action they deemed to be overkill—an over-reaction
to an infrequent occurrence. Why not handle such an unlikely event via an ad hoc
committee?

Arguably, such a posture invited more “intrusion” by those stewards of federal
research funds. Soon, editors of biomedical journals—Relman, Stossel, Lewin—
weighed in too, then the American Association of Medical Colleges and the Association
of American Universities. Celebrated cases—the familiar names back then were Dansee,
Straus, and Soman—brought more attention, scrutiny, and distrust of research—what I
later called “front-page science.”

And so it went, from outrage and denial to today’s rulemaking and investigatory
units. In the last decade and a half, science has become a site for legal wrangling and
clouded careers. Allegations involving Gallo and Imanishi-Kari in particular forced
reconsideration of what employing universities, federal watchdog organizations, and the
U.S. Congress construed as “due process”. During this very public parade of cases,
science as a profession—its constituent disciplines and research-performing
institutions—grappled with a full range of responses from preemptive to punitive.
Science has, in a phrase, “come of age” in our litigious society. (Some would say it has
just caught up.) The culture of collegiality, symbolized by grant and journal peer-based
review procedures, has expanded to include a larger circle of specialists, each with a
client, a reputation, and an interest to protect.

Is science better, or better off, for all this vigilance? It depends on whom you ask.
Pascal reports that “By the end of 1997, ORI had closed 243 cases and over 1500
allegations since the office first opened and reduced its backlog to a manageable level of
25 cases.” That’s a lot of “bad apples”. More telling is that over 900 “institutional
policies for conformity with the regulatory requirements” for receiving PHS research
grants were reviewed by ORI between 1994 and 1997. Standardization has evolved from
institutionalization in “handling, investigating, and reporting allegations to ORI”.

Does this signify a proliferation of misconduct, or improved stewardship of federal
research funds? I favor the latter. Detection of illegal acts committed in the process of