

A Protest against ORI's Irresponsible Decision

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HIGHLIGHT

A clear-cut plagiarism research misconduct or outright credit-robbery scientific crime was even rejected for investigation by the Office of Research Integrity (ORI). Why would ORI catch only some minor misconduct but does not even touch a truly offensive scientific crime?

ABSTRACT

Public money has been misused and public trust has been betrayed by the Office of Research Integrity as it catches only low-level data manipulation research misconduct but ignore high-level idea plagiarism and history-distortion misconduct which actually amounts to a credit-robbery scientific crime. However, if the high-level more offensive scientific crime is not even touched, can scientific research and publishing really be established on any ethical ground? The distortion of a scientific history and a credit robbery by Thomas A. Rando in a key biological research area should not be ignored by the scientific community and ORI's irresponsible decision should be condemned by the public.

KEY WORDS

Discovery, Deception, Pioneer, Plagiarism, Cell asymmetry, DNA segregation, Misconduct, Crime, ORI

To:
Dr. Chris B. Pascal
Director
Office of Research Integrity
240-453-8200 (Phone)
301-443-5351 (fax)
Chris.pascal@hhs.gov

June 20, 2007

On May 25, 2007 I filed a formal complaint against a major scientific misconduct by Thomas A. Rando of Stanford University School of Medicine.

However, ORI rejected the case on two grounds. First it claimed that it "did not find any reference linking Rando's research to PHS funding support".

Second, it stated that it "found no allegations or evidence of research misconduct".

I am appalled given the ORI conclusion according to which it did not find PHS funding support to Rando's research. I knew that ORI deals only with cases that have PHS funding support and therefore I specifically pointed out the support for Rando's research by the National Institute of Health Director's Pioneer Award (NDPA). As far as I know, NIH is an agency within the United States Public Health Service (PHS) in the Department of Health and Human Service (HHS). Unless I was wrong on this affiliation, I simply do not understand why ORI officers should choose to ignore this PHS funding support which is clearly printed in Rando's publication as "This work was supported by a National Institute of Health

Director's Pioneer Award to TAR". I should point out that this Pioneer Award is not a personal award for any past achievement but a grant for supporting innovative research (<http://nihroadmap.nih.gov/pioneer/>).

The Overview of this award states very clearly that "the term "award" is meant as a grant for conducting research, rather than a reward for past achievements" and the award is not a one time deal of a little amount but a "\$500,000 in direct costs per year for five years". Is this denial of PHS funding support to Rando an oversight by ORI or a deliberate attempt for escaping its responsibility?

When I talked with the ORI compliance Officer (John Butler) I made it very clear that the misconduct by Rando is much more severe than the low-level data falsification and fabrication misconduct. I specifically pointed out that Rando's action it is actually a scientific robbery or a high-level plagiarism.

According to the official definition on research misconduct (Federal Register 42 CFR Section 93.103) "plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit". This definition is perhaps too abstractive and thus subject to different interpretations. By comparison, more detailed explanations on plagiarism can be found in "Guidelines for Responsible Conduct of Research by the University of Pittsburgh (<http://www.pitt.edu/~provost/ethresearch.html>)" which was provided to the ORI compliance officer for reference. However, it is amazing that ORI will still reach a wrong conclusion that Rando's failure to cite my work is not research misconduct.

Let us see how plagiarism is clearly defined in the Guidelines for Responsible Conduct of Research by the University of Pittsburgh:

"Authors who present the words, data, or ideas of others with the implication that they are their own, without attribution in a form appropriate for the medium of presentation, are committing theft of intellectual property and may be guilty of plagiarism and thus of research misconduct. This statement applies to reviews and to methodological and background/historical sections of research papers as well as to original research results or interpretations."

"The work of others should be cited or credited, whether published or unpublished and whether it had been written work or an oral presentation."

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Now let us see how Rando presented some published ideas as his own "surprising discoveries" in his recent publication in *PLoS Biology* (5: 1120-1126, 2007).

The ideas that were presented by Rando as his own but had already been published by others (me first) include: (1) a generalized conclusion based on experimental observations on bacterial life that **cell division** (should really be called **reproduction**) is **asymmetric** in the sense that one cell is different (at least in chronological age) to another in any reproduction pair (see *Sci. in China* 42: 644-654, 1999 and US Patent 6767734B) and (2) a general conclusion that **DNA strand segregation is very regular in cell reproduction** that old original template strand stays with the true mother cell and young copied template strand goes to the true daughter cell (see *Sci. in China* 42: 644-654, 1999 and *Logical Biology* 5: 51-55 and 109-116, 2005). Although Rando can argue that he did not read these publications before he started his research that does not give him any excuse to still ignore the prior knowledge when he wrote the paper for publication, after he was informed the existence of these prior publications (in person by me at a conference we both attended). Even if Rando will argue that the prior knowledge was not based on so-called "solid" evidence of wet-lab experimental data that should not give him any right to show no respect for the prior discovery, especially when his later experimental observations are exactly as precisely described in the previous publications. Thus, Rando's misappropriation of another person's ideas, processes, results, or words without giving appropriate credit is a straight plagiarism even by the very ORI definition of misconduct.

I should point out that Rando not only gave no acknowledgement to the existence of the prior knowledge but also described his experimental observations as "surprising", "unexpected", and "striking". The repeated use of those astonishing and exciting words were very inappropriate considering the fact that (at least before he started writing the paper) he already knew his experimental observations were not anything unexpected but were already precisely described in some earlier publications. Rando may argue that he does not cite low or no impact factor journals and even patent that published these observations/prediction first in the world, should he also disrespect some later than mine but still earlier than his publications in the "top" journals such as *Science* (311: 1146-1149, 2006 and 315: 100-101, 2007)?

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It is very clear that Rando intentionally painted his true rediscovery as a false new discovery just in order to grab the undeserved credit. However, his outright distortion of scientific history constitutes not only a plagiarism-type misconduct but also a credit robbery-type scientific crime. If we do not condemn such severe research misconduct/scientific crime then scientific ethics cannot be upheld at all because anyone can just claim a novel discovery by ignoring the prior knowledge.

Unfortunately Rando's plagiarism and credit robbery apparently succeeded because his publication was highly appraised as an "unexpected discovery" (See News from Stanford University at <http://news-service.stanford.edu/news/2007/april18/med-adultstem-041807.html>). A Commentary in *PLoS Biology* (5: 960-961, 2007) even states that "This discovery is more than a reminder that some of the things we think we know "just ain't so"". However, the truth is, what Rando "unexpectedly" discovered later was already discovered earlier. He knew those prior publications but "just ain't so honest" in telling a truth.

Given such a clear case of plagiarism misconduct and credit-robbery crime how could ORI see no evidence of misconduct? Rando's research for this credit-robbery publication was financially supported by a grant from NIH (which is part of PHS), how could ORI even deny the very fact of this PHS funding support?

I believe the evaluation of my complaint against Rando's misconduct was poorly performed and the decision is erroneous. Thus, I appeal to you to re-open this important case and give it a thorough consideration. If ORI even do not wish to deal with this clearly documented plagiarism misconduct and scientific robbery case, then ORI is really sending a bad signal to encourage more "scientists" to claim their "discovery" simply by ignoring prior publications!

Sincerely yours,

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* The publication above is the same as sent to Dr. Pascal except for the added highlight, abstract and keywords.

Appendixes added in publishing

1. My formal complaint to Rando sent to ORI (2007-05-24)

May 24, 2007

John Butler
Office of Research Integrity
US HHS
240-453-8800
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Dear Dr. Butler,

Per our conversation over the phone I am sending you the following files that describing the severe publishing misconduct that I have reported to you.

1. The *PLoS Biology* publication by Thomas A. Rando's group (PLoS Biology20070417_V5N5P1102_Non-randomSegregation_Rando.pdf);
2. The Commentary paper in *PLoS Biology* to show the significance of this discovery (PLoS Biology20070417_V5_Non-Random Chromosome Segregation in Stem Cells_Robinson.pdf);
3. My publication denouncing Rando's re-invention and scientific mistakes (LB2007V7N2A4_Mother.pdf);
4. My publication condemning Rando's and *PLoS Biology's* unethical behaviors in scientific publishing (SE2007V2N2A4_Rando.pdf);
5. My publication containing timeline of my pioneering research and public disclosure and publication and the ignorance of my works by mainstreamers (2005_LB_V5_I1_A17_Barking.pdf);
6. My publication showing the most original discovery of bacterial aging and the earliest prediction of a link between DNA aging and cell aging (1999_SIC_BactLife.pdf);
7. My publication clearly depicting non-random DNA template strand segregation over repeated cell reproduction and connection between the genetics and epigenetics over the cell aging process (2005_LB_V5_I1_A12_DNACell.pdf);
8. My publication showing the existence of a molecule-cell-organism aging axis in the development of multicellular organism and the respective role of genetics and epigenetics in cell differentiation and

- disease formation (2005_LB_V5_I2_A4_AgingMulticellular.pdf);
9. My poster presented in the 2006 Italy meeting where I met Rando and told him (in front of public audience) my answers to his puzzling observations (2006_Italy_Poster_Title.ppt & 2006_Iyaly_Poster_Body.ppt);
 10. My (selected) publications in other widely distributed and highly respected journals/magazines (TIB2005_V23P9_Liu.pdf & Microbe2006_V1N1P1_Liu.pdf);
 11. My related US Patent (2004_US_patent_6767734.pdf);
 12. Rando's information especially his NIH Director's Pioneer Award (Rando_NIH_Award.pdf);
 13. Goodell's basic information (goodell.pdf);
 14. Guidelines for responsible conduct of research by the University of Pittsburgh which shows more clear definition and explanation of plagiarism (UP_ethical_guidline_research.pdf).

I wish that, after you review all of the above documents, you will find the reported case is a very severe high-level scientific misconduct that needs to be addressed at high priority.

If you need more information please do not hesitate to contact me (I suggest to use both of my work and home email addresses so that the information passage will not be delayed).

Thank you for your attention!

2. Response form ORI (2007-06-18)

Dr. Liu:

I'm writing to you in response to your recent queries regarding ORI's possible involvement in concerns you raised about your pioneering scientific work having been suppressed or unacknowledged.

We have reviewed all the materials you provided in order to make a determination whether or not ORI has jurisdiction in the matter you presented. As we noted in our previous conversation, in order for ORI to pursue a misconduct allegation, two criteria must be met; 1) the allegation must fall within the Public Health Service (PHS) definition of research misconduct (which is generally defined as

fabrication, falsification or plagiarism in proposing, reviewing research, or in reporting research results (42 CFR 93.103)), and 2) the research in question must have been supported by PHS research funding.

First of all, we did not find any reference linking Rando's research to PHS funding support. This by itself prevents ORI from questioning that research, regardless of the strength of the allegations. And secondly, even if there were PHS support, we found no allegations or evidence of research misconduct. The alleged failure to cite you work, assuming Rando was aware of it, is not research misconduct under the current PHS definition.

Based on this assessment, the Division of Investigative Oversight (DIO), ORI, will take no further action on this accession, and we consider this matter closed.

John J. Butler
Compliance Officer
Division of Investigative Oversight
Office of Research Integrity

3. My protest against ORI sent to ORI director (2007-06-20)

Dear Dr. Pascal,

I am writing to you to make a formal complaint against an irresponsible decision made by the Division of Investigative Oversight's Compliance Officer (see message copied below). The complete protesting letter is attached as a PDF file. Thank you for your attention!

4. Reply from ORI director (2007-06-22)

Dr. Liu,

In response to your e-mail to me dated 6/20/2007, I requested that DIO staff re-review the record of their assessment of your concerns. They determined that their earlier statement regarding Dr. Rando's lack of NIH support in the paper you questioned was in error. Dr. Rando's NIH award was acknowledged in the article published in PLoS Biology. However, notwithstanding this error, I agree with the original assessment that Dr. Rando's alleged failure to cite your work does not fall under the current Public Health Service definition of research misconduct.

I regret that ORI cannot offer any further assistance.

Sincerely,

Chris B. Pascal, Director, Office of Research Integrity