

# ***Fraud and Australian Academics***

*By Brian Martin*

**O**ver the past several years, a series of highly publicized cases of alleged fraud has rocked the Australian academic community. These cases reveal several deficiencies in academic and scientific institutions.

**Michael Harvey Briggs**, professor of human biology at Deakin University in Victoria, conducted extensive research on the effects of oral contraceptives, especially in developing countries. His work attracted \$1 million in research funds from pharmaceutical companies.

In the early 1980s, Dr. Jim Rossiter, chairperson of the Deakin University Ethics Committee, heard rumors about problems with Briggs's research. In a 1983 letter to Briggs, Rossiter ques-

tioned the research reported in papers that Briggs, in collaboration with his wife, had published in 1979 and 1980. Rossiter specifically queried the method used to recruit women for the research and the analyses of specimens in the papers. Dissatisfied with Briggs's reply, Rossiter filed a formal complaint with Professor Fred Jevons, Deakin's vice-chancellor (equivalent to the president of a U.S. university).

Jevons set up a preliminary committee to assess whether charges should be brought. But Briggs opposed creating the committee and sought an injunction from the Victorian state Supreme Court. In an extraordinary sequence of events, the university "visitor"—an appointed individual with ultimate but rarely exercised power over university

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**Brian Martin** is a lecturer in the Department of Science and Technology Studies, University of Wollongong. He publishes in the areas of science and society, environment, peace, and education. Martin, the author of *The Bias of Science* (Society for Social Responsibility in Science, 1979) and *Uprooting War* (Freedom Press, 1984), is also co-editor of *Intellectual Suppression* (Angus & Robinson, 1986). He holds degrees in physics from Rice University and Sydney University.

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affairs—ruled that Jevons had failed to establish a prima facie case before initiating his inquiry. The visitor ordered the inquiry halted.

Later in 1985, Rossiter and two other scientists filed another complaint that included new material. Deakin began, then terminated a new inquiry when Briggs resigned. The allegations about his work continuing, Briggs lived in isolation in Spain and died in 1986 of natural causes.

Just before Briggs died, Deakin set up still another inquiry into all aspects of the case. This inquiry was designed to clear the reputations of Briggs's co-workers and help rehabilitate Deakin University's own reputation. In 1987 this investigating committee reported that data in some of Briggs's publications was at least partially fabricated. The committee exonerated his collaborators at Deakin.<sup>1</sup>

**Dr. Ronald Wild was professor of sociology and dean of the School of Social Sciences at La Trobe University in Melbourne.** A productive and influential scholar, Wild had been president of the Sociological Association of Australia and New Zealand. In 1985, Allen and Unwin published his latest book, a textbook entitled *An Introduction to Sociologi-*

*cal Perspectives*. Soon after, several academics noticed that extensive passages in the book were nearly identical with materials published elsewhere, including a British introductory sociology text. The academics noted that Wild offered little or no attribution.

Under increasing pressure on the apparent plagiarism, Allen and Unwin withdrew the book. The vice-chancellor of La Trobe University set up an inquiry into the allegations. In mid-1986, Wild resigned. Because of his resignation, the incomplete inquiry into the plagiarism was disbanded.<sup>2</sup>

Wild quickly obtained a high-paying academic job at Hedland College of Technical and Further Education, in the far northwest of Australia. The director of Hedland College was reported to say that Wild's appointment had been approved in full awareness of the allegations of plagiarism, and that he was selected for his "academic experience and his leadership."<sup>3</sup>

**In December 1987, Australian newspapers published allegations that medical researcher Dr. William McBride had manipulated and invented scientific data.**<sup>4</sup> McBride had achieved fame in the early 1960s by demonstrating a

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link between the use of the drug thalidomide by pregnant women and limb deformities in their children. He established and headed Foundation 41, a Sydney-based medical research foundation concerned with the causes of birth defects.

In 1980, McBride instructed Foundation 41 junior researchers Phillip Vardy and Jill French to test the effect of scopolomine on rabbit embryos. Scopolomine is closely related to one of the ingredients in the morning sickness drug Bendectin. In 1982, Vardy and French discovered that, without their knowledge, McBride included them as his co-authors of a paper published in the *Australian Journal of Biological Sciences*. Their original data, it appeared, had been altered and augmented to show that scopolomine had a significant effect on the embryos. A series of drafts of the paper revealed changes in McBride's handwriting.

Vardy and French confronted McBride with the evidence but obtained no satisfactory answer. As a result, both junior researchers later resigned. Seven other scientific staff of Foundation 41 wrote to its Research Advisory Committee about the allegations. Shortly afterwards, McBride informed all seven that they were

retrenched due to "lack of funds." Vardy and French sent a letter to the *Australian Journal of Biological Sciences* about the issue. It was never published.

McBride testified a number of times in the United States against Bendectin before the manufacturer Merrell Dow withdrew the drug in 1983. The fraud allegation surfaced only after a lengthy investigation by science reporter Dr. Norman Swan of the Australian Broadcasting Corporation. The intense publicity forced Foundation 41 to set up an independent inquiry in July 1988.

The committee of inquiry reported last November that McBride had deliberately falsified material in the 1982 paper in the *Australian Journal of Biological Sciences*. It concluded that in this instance "Dr. McBride was lacking in scientific integrity."<sup>5</sup> McBride immediately resigned from all positions at Foundation 41. These events have devastated the Foundation, which relies mainly on public contributions.<sup>6</sup>

**The Briggs, Wild, and McBride** cases have all received considerable attention. But perhaps the most vexing case in Australia still continues after a decade of controversy. In early 1977, Dr. Alan Williams took up a professorship

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in the Department of Commerce at the University of Newcastle. In 1978, a senior lecturer in the same department, Dr. Michael Spautz, raised questions about the methods and conclusions of Williams' Ph.D. thesis.

The Spautz challenge was a very serious matter. Williams' 1975 Ph.D. from the University of Western Australia had played an important role in his appointment at the University of Newcastle. His only other publications were based on this thesis.

In the Australian academic system, a professor is roughly equivalent to a full professor in the United States. Typically, some one out of seven academic positions are professorships. An Australian senior lecturer is roughly equivalent to a U.S. associate professor, and an Australian lecturer to a U.S. assistant professor. Professor Briggs at Deakin, Professor Wild at La Trobe, and Professor Williams at Newcastle thus represented the elite of Australian academia.

The Williams thesis, a substantial work of some 750 pages, presented various statistics about Western Australian small businesses and focused particularly on the reasons for their failure and success. The thesis concluded that the inability of entrepreneurs to

cope psychologically with the stress of business life is a prime cause of business failures: "Individuals who can adapt to and cope with the stress of managing a small firm are the best performers."

Spautz initially criticized the thesis on two grounds. First, he claimed that many statistics in the thesis were either unsubstantiated by evidence or inappropriately calculated. Second, Spautz claimed that Williams had confused cause and effect. Business failure may be the cause of emotional stress rather than its consequence.

Spautz first presented his criticisms to Williams in private. Spautz also wrote some short, sober rebuttals to the thesis. But two journals, *Rydge's* and *Real Estate Journal*, refused publication. *Rydge's* said the paper was defamatory. *Real Estate Journal* said that readers would not remember the original Williams article, which had been published some years earlier. Arguably, Spautz should have kept trying to find an academic outlet for his criticisms.

Spautz then circulated hard-hitting letters and memoranda to other members of the Department of Commerce and to university officials.

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In May, 1979 Spautz accused Williams of plagiarism. He alleged that Williams quoted sources that he had not consulted, and that he failed to cite the secondary sources from which the quotes were taken.

In October, 1979 the University Council (the equivalent of a U.S. board of trustees) established a committee of three professors to look into the dispute. This committee did not seriously examine the Spautz allegations. It focused instead on how Spautz had communicated his criticisms to university staff. After receiving the committee's judgment, the Council directed Spautz to end his campaign against Williams.

Spautz interpreted the Council's decision as an attempt to muzzle his right to comment on academic matters. Instead of keeping quiet, Spautz circulated memoranda that attacked not only Williams but also a host of other university officials.

In February 1980, the University Council set up another, four-member committee, headed by Mr. Justice Kirby, the Deputy Vice Chancellor and the subject of an attack by Spautz. The "Kirby Committee" found that Spautz had disobeyed the Council's instructions. Council then resolved that Spautz be dismissed

from his position.

Spautz, a tenured member of the university staff, was never formally charged with misconduct and given a full and effective opportunity to defend himself.

**There has been almost no public comment by academics about any aspect of the Spautz case.** I found during a visit to the University of Newcastle that some academics are simply afraid to say anything publicly, or even privately. The executive of the University of Newcastle Staff Association, the faculty union, took a very critical view of the Council's actions. But only the executive spoke out; the Staff Association as a whole did nothing.

After his dismissal, Spautz began a legal action against the university for wrongful dismissal. In this legal action, Spautz acted on his own behalf, without support from the Staff Association or any other group. He also launched actions against top academics and administrators at the University of Newcastle for criminal defamation. Legal Aid, a government-funded support service for suitable applicants, financed Spautz's legal challenges.

Spautz continues to produce numerous memoranda about the case. He now alleges that leading

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university officials and members of the New South Wales state government have conspired to obstruct justice. Spautz has certainly defamed many individuals through his memoranda (for example by referring to various named individuals as bootlickers and conspirators to obstruct justice), but no one yet has brought an action for defamation against him. The academics seem to be keeping as low a profile as possible about "internal disturbances."

Spautz has pursued his legal actions since 1980, but the courts move slowly. It will be some years yet before the cases are resolved. In 1983, a magistrate ruled against Spautz, and awarded \$5,000 in costs against him. Spautz refused to pay as a matter of principle, and was jailed on a 200-day sentence as a consequence.

Later, a judge ruled that Spautz had been wrongly imprisoned, and Spautz was released after 56 days in prison (some of it in maximum security). Apparently in Australia one can be imprisoned for not paying costs in an ordinary defamation action, but not in an action for *criminal* defamation. Spautz is taking legal action for wrongful imprisonment.<sup>7</sup> Williams continues as a professor in the Commerce Department.

**Each of these cases reveals** an apparent failure of peer review. The refereeing process did not uncover the possibilities of fraud prior to publication.

Australian peer review is similar to peer review in the United States, which seems to be similarly unable to detect fraud.<sup>8</sup> In Australia, as these cases demonstrate, institutions have found it difficult to mobilize against prestigious figures accused of academic wrong-doing. Formal procedures, even when invoked, have been slow and often indecisive. At Deakin University, the visitor stopped an inquiry. La Trobe University used Wild's resignation to terminate an inquiry. Only massive media publicity forced the inquiry into the allegations about McBride. At the University of Newcastle the inquiries focused on Spautz, the accuser, rather than on Williams, the accused.

Given the difficulties of pursuing fraud allegations, it is likely that many other cases of suspected fraud have not yet come to light. Several factors explain this inaction against fraud. Most important, the individuals who discovered the fraud, usually coworkers of the suspected plagiarist, do not want to risk their careers by making formal complaints or seeking publicity. Their

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reluctance is understandable.

**In the cases discussed here,** the fraud only came to light through diligent effort by a few people. These people took obvious risks and received few rewards. Many colleagues who tried to present the allegations encountered difficulties. Dr. Jim Rossiter received hundreds of threatening phone calls after he persisted with his allegations in the Briggs case. The careers of Vardy and French at Foundation 41 suffered when they raised the issue of McBride's fraud. This may explain why they did not pursue the matter further. Spautz was sacked. Only in the Wild case, where the plagiarism was easy to detect and open for all to see, did the accusers escape penalty.

Extremely strict defamation laws inhibit public comment in Australia.<sup>9</sup> The right to pursue investigations and make comments that may offend powerful figures within the scholarly community is precarious. The response to Spautz's dismissal suggests that very few academics will exercise their "academic freedom" in a way that poses a serious threat to the academic hierarchy.

The Australian Vice-Chancellors' Committee is now developing guidelines for reducing the

incidence of fraud.<sup>10</sup> It remains to be seen whether these guidelines will be implemented and have any effect. At the same time, the federal government is enacting ominous changes that encourage amalgamations of higher education institutions. The federal government now insists on research and teaching oriented to the interests of industry and government. The new emerging amalgamated institutions—and the increased emphasis on group research—may result in greater hierarchy and careerism. This in turn would increase the incentive for fraudulent and academically marginal work. Administrators called upon to serve the "national interest" will hesitate to do anything that may reduce the status of their institutions. In this new atmosphere, the difficulties of exposing fraud will increase.

The mass media, which played such a crucial role in the Briggs, Wild, and McBride cases, may exert some counterpressure. Since the 1960s, higher education in Australia has expanded dramatically, though it still caters for a much smaller fraction of the population than in the United States. As higher education becomes a big business, and is more explicitly tied to "national goals," outside groups, including the mass

media, will exercise greater scrutiny. As long as fraud remains a "good story," the mass media will provide a means for challenging institutional reluctance in dealing with it. Unless academics

can come up with a better system, they face the continuing prospect of hearing, along with the rest of the population, about the transgressions of their colleagues in news reports. ■

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## Notes

<sup>1</sup> "When Published Results are Questioned," *Search* 16 (3-4) (April-May 1985), 65; Deborah Smith, "Scandal in Academe," *National Times* (October 25-31, 1985), 3-4, 26-27; Christopher Dawson, "Briggs: Unanswered Questions," *Australian*, (April 1, 1987), 14. See also Terry Stokes, "The Briggs Enquiry," *Search* 20 (2) (March-April, 1989), 38-40.

<sup>2</sup> Anthony MacAdam, "The Professor is Accused of Cribbing," *Bulletin* (October 1, 1985), 32-33.

<sup>3</sup> Jane Howard, "Dr. Ronald Wild Takes College Job in Far Northwest," *Australian* (July 16, 1986), 13.

<sup>4</sup> Norman Swan, "The Man Who Stopped Thalidomide Accused of Fraud," *Sydney Morning Herald* (December 14, 1987), 1, 4; Bernard Lagan, Malcolm Brown, and Wanda Jamrozik, "Dr. McBride's Rise and Falter: From Fame to Controversy," *Sydney Morning Herald* (December 19, 1987), 8-9.

<sup>5</sup> Harry Gibbs, Robert Porter, and Roger Short, *Report of Committee of Inquiry Concerning Dr. McBride* (Sydney: Foundation 41, 1988).

<sup>6</sup> Bill Nicol, *McBride: Behind the Myth* (Sydney: Australian Broadcasting Corporation, 1989).

<sup>7</sup> Brian Martin, "Disruption and Due Process: The Dismissal of Dr. Spautz from the University of Newcastle," *Vestes* 26 (1) (1983) 3-9; Brian Martin, "Plagiarism and Responsibility," *Journal of Tertiary Educational Administration*, 6 (2) (October, 1984), 183-190.

<sup>8</sup> William Broad and Nicholas Wade, *Betrayers of the Truth* (New York: Simon and Schuster, 1982).

<sup>9</sup> Robert Pullan, *Guilty Secrets: Free Speech in Australia* (Sydney: Methuen, Australia, 1984).

<sup>10</sup> Gavin Moodie, Australian Vice-Chancellors' Committee, GPO Box 1142, Canberra ACT 2601, Australia.

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