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Monday, February 20, 2012

Elizabeth Silva
Associate Editor
PLoS ONE

Re: **Appeal** regarding your decision on PONE-D-12-03472
Analysis of Key Experiments Obtained in Discovery in a Qui Tam Case

Dear Ms Silva,

I respectfully appeal your editorial decision not to publish the above named paper.

First, you state that our manuscript does not address a specific research question or describe a research study per se.

1. The first research question that we explore is “do the numerical results of Bishayee’s Coulter and colony counts conform to the null hypothesis for randomness or uniformity?” We clearly conclude that they do not, whereas similar results of others do so conform.
2. The second research question that we explore is “are Bishayee’s radiation biology results consistent with those reported in the literature for similar experimental conditions?” We conclude that they are not, whereas results obtained by Howell and Lenarczyk are so consistent.

We could rewrite our paper to address these questions more succinctly. However, we chose to let the reader draw his/her own conclusions, in order to avoid making any direct accusations of research misconduct.

Next, You raise questions regarding “accepted procedures in publishing ethics” without, in fact, specifying what these are. PLoS ONE is a member of COPE. Editors under the COPE Code of Conduct are exhorted to

1. Strive to meet the needs of readers and authors: we hold that this paper is needed by your readers as it demonstrates processes that underlie data presented in papers that are entirely opaque and that, if known, would completely change the conclusions to be drawn. It further emphasizes the need for raw data to be made available so that readers can verify for themselves the conclusions that are drawn.
2. Champion freedom of expression.
3. Maintain the integrity of the academic record. This is clearly a role that our paper plays.
4. Preclude business needs from compromising intellectual standards. We must ask whether this is the reason you have chosen to reject our paper?

5. Base their decisions only on **the paper's importance, originality and clarity.**
6. Editors have a duty to encourage debate. "Cogent criticisms of published work should be published unless Editors have convincing reasons why they cannot be."
7. "Editors have a duty to act if they suspect misconduct. This duty extends to both published and unpublished papers. Editors should not simply reject papers that raise concerns about possible misconduct. They are ethically obliged to pursue alleged cases."
8. Ensure the integrity of the academic record. "Whenever it is recognized that a significant inaccuracy, misleading statement or distorted report has been published, it must be corrected promptly and with due prominence."

In addition, the following items are listed under your Guideline for Authors, item 2: Criteria for Publication:

1. **The study presents the results of primary scientific research.** We argue that this applies to our paper. Our study involves an analysis of data that were obtained through legal means and are publicly available. We posit that such an analysis represents primary analytical scientific research just as do interpretations of gels or quantification of numerical data in case-control studies. As Louis Agassiz famously said "look at your fish", we have applied a microscope to data that supported as many as 8 publications in peer reviewed journals. This is primary scientific research.
2. **Results have not been published elsewhere.** This is true.
3. **Experiments, statistics, and other analyses are performed to a high technical standard and are described in sufficient detail.** This statement applies to our study, *cf* the **Methods** section of our paper.
4. **Conclusions are presented in an appropriate fashion and are supported by the data.** This statement applies to our study, *cf* the **Summary** and **Conclusions** sections of our paper.
5. **The article is presented in an intelligible fashion and is written in standard English.** This applies to our paper which has been certified by American Journal Experts (certificate verification key: DBFD-0979-287A-DD09-FACA).
6. **The research meets all applicable standards for the ethics of experimentation and research integrity.** Our paper is about the ethics of experimentation and research integrity.
7. **The article adheres to appropriate reporting guidelines and community standards for data availability.** All of the data that we analyzed were made available to us during Discovery in the *qui tam* case and all are intended to be posted as supporting material so that any other researcher/statistician can verify the integrity of our results.

We urge and fervently hope that you will reconsider your decision and submit our paper for review. We firmly believe that your reviewers will see the importance of our analysis and that public interest in the subject matter will become evident once the paper has been published and the scientific community has an opportunity to weigh in regarding its impact.

Sincerely yours,

A handwritten signature in black ink that reads "Helene Z Hill, PhD". The signature is written in a cursive, slightly slanted style.

Helene Z Hill, PhD
Professor of Radiology
NJ Medical School