

## Slanging match with Sullivan

### Washington

RELATIONS between the US government and AIDS activists took a turn for the worse last week when Health and Human Services Secretary Louis Sullivan released a statement calling on health officials to avoid all but "necessary and productive" dealings with the radical protest group ACT-UP (AIDS Coalition to Unleash Power).

The statement is Sullivan's response to a noisy demonstration, led by ACT-UP, which drowned out his closing speech at last month's International Conference on AIDS in San Francisco. Upset by the attack, during which he was pelted with wads of paper and other makeshift missiles, Sullivan now says that he will not "let [his] department be used as a punching bag" or "have dealings with people who behave as ACT-UP did".

Peter Staley, a spokesman for ACT-UP, says that initially his organization took Sullivan's statement "very seriously". If the threats implied by this "politically naive" statement were carried out, says Staley, "it would be tantamount to a declaration of war".

But the Secretary's bark may well prove bigger than his bite.

When pressed for details, James Brown,

a spokesman for the Public Health Service, was unable to give specific examples of the kinds of dealings with ACT-UP that will be curbed, although he said that the positions currently held by members of the group on research advisory panels are not in jeopardy. The Secretary will not stop "certain programmes" from drawing on ACT-UP's knowledge and expertise, Brown said.

ACT-UP says that so far there has been no evidence of any pressure on their many contacts in the Food and Drug Administration and National Institutes of Health (NIH) to stop communicating with its members.

Sullivan's words come at a time when activists and public health officials, particularly at the Food and Drug Administration and NIH, are nurturing a growing relationship. Members of ACT-UP currently sit on two of NIH's research advisory panels and expect to be awarded more committee places when the AIDS Clinical Trial Group at the National Institute of Allergy and Infectious Disease, which oversees the bulk of US AIDS research, is opened up to community representatives later in the year. "We certainly hope those won't be jeopardized", says Staley.

David Concar

## Another early case identified

### Washington

THE date of the first known death from AIDS has been pushed back to the 1950s. Researchers at the medical school of Manchester University, England, have found evidence of HIV (human immunodeficiency virus) genetic material in tissue specimens from a 25-year-old caucasian seaman who died of severe pneumonia in Manchester in 1959.

Previously, the earliest recorded cases of HIV infection, identified retrospectively, were in three members of a Norwegian family who contracted AIDS in the 1960s and died in 1976. HIV antibodies have also been found in a blood sample collected from a patient in Zaire in 1959 — but in that case there is no evidence that the patient died from AIDS.

The new finding will not initiate a rethink in the epidemiology of HIV infection. According to Roy Anderson of Imperial College in London, epidemiological analysis of high present-day infection rates in places such as Malawi indicates that HIV must have been present in Africa for at least 30 to 40 years. More reports of early sporadic cases of AIDS will emerge, says Anderson, as researchers look back over the records. He also emphasizes that the Manchester seaman represents an unlikely

point of origin for the current AIDS epidemic in Britain.

To obtain evidence for HIV infection, the Manchester researchers used the polymerase chain reaction (PCR), a technique that allows trace amounts of genetic material — in this case proviral DNA — to be amplified so that its identity can be determined using a DNA probe. One drawback with PCR is its sensitivity to contaminants, a problem which in the past has led to false results. Gerald Corbitt, one of the three researchers who reported the case in the British medical journal *The Lancet*, says that every precaution was taken to prevent contamination of tissue samples. They performed the analysis in a "remote" laboratory and their PCR assay gave the same result when repeated on different tissue samples.

The researchers do not yet know whether the patient was infected with HIV-1 or HIV-2, but are planning to sequence the proviral DNA to find out. Their main limitation is a dwindling supply of genetic material.

Sadly, there is little information on the seaman himself — his earlier medical history and the countries he visited before 1959 are apparently unknown.

David Concar

## Lawyer talks tough

### Boston

IN the coming months, many biomedical researchers are likely to receive a disturbing memorandum in their mail, warning them that their research could be breaking the law and they could be punished by imprisonment for life. The memorandum will come from the office of Francis A. Boyle, a professor of international law at the University of Illinois at Urbana-Champaign who was instrumental in drafting recently passed legislation which incorporated provisions of the international Biological Weapons Convention into US domestic law (see *Nature* 345, 192; 17 May 1990).

Boyle's memorandum, addressed to "all life science researchers" and circulated first to several scientific publications including *Nature*, alerts researchers to the provisions of the Biological Weapons Anti-Terrorism Act of 1989, Public Law 101-298. In effect, the law makes it a federal crime for a US citizen "knowingly" to develop, produce, stockpile, transfer, acquire, retain or possess "any biological agent, toxin, or delivery system for use as a weapon", or to aid a foreign state or any organization to do so.

Chuck Dasey, spokesman for the Army's Medical Research and Development Command, says that the Army has abided by the Biological Weapons Convention since its inception and thus by definition abides by the new legislation as well.

In a telephone interview last week, however, Boyle stated that the Army's contention is precisely what may now be challenged through either civil or criminal lawsuits involving specific research projects. In his memorandum to researchers, Boyle states that in his "professional opinion" many research projects that have already been funded by the US Department of Defense's Biological Defense Research Program (BDRP) "raise serious compliance problems" with the new law. Consequently, Boyle urges researchers who are receiving or applying for funding from the BDRP to "obtain legal advice and counsel from a competent attorney" about their research or grant application.

Boyle is not shy about his opposition to the BDRP programme. He stresses that in his view, "the first step is to warn researchers about the law" in the hope that they will look carefully at whether their work is fully in compliance. For researchers who continue to receive military funding, however, Boyle acknowledges that he may be personally involved in a legal challenge against them in the future if their work appears to him to stand in violation of the law.

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