Geologist loses 'creationism' challenge

[SYDNEY] Australia's 'creationism' trial ended dramatically last Monday (2 June) when the judge dismissed the main plank of the case that had been made by Ian Plimer, a geologist at the University of Melbourne, against Allen Roberts, a fundamentalist church elder who claimed to have found scientific evidence for the remains of Noah's Ark.

PETER POCKLEY

Plimer: faces high bill for legal costs.

The verdict in the case, which had been closely watched in Australia and abroad, is likely to widen the gulf between scientists and Christian fundamentalists over biological evolution versus the literal truth of the biblical story of creation (see *Nature* **386**, 529, 638 & 748; 1997).

Plimer and his US co-applicant, David Fasold, lost the case primarily because the judge rejected their argument that Roberts had acted in trade or commerce and had therefore illegally misled those who had provided him with financial backing.

But Judge Ron Sackville expanded this into a wider principle. "Courts should not attempt to provide a remedy for every false or misleading statement made in the course of public debate on matters of general interest," he concluded. "Some issues — no matter how great the passions they arouse — are more appropriately dealt with outside the courtroom."

Sackville accepted that Roberts had infringed the copyright in a drawing of the supposed Noah's Ark by Fasold, a former believer in the existence of the Ark. But Fasold described the award of A$2,500 (US$1968) in damages as "a slap in the face", pointing out that he had won US$40,000 and US$42,500 in two US cases for similar breach of copyright.

After the verdict, Roberts said that he and his supporters had been "completely vindicated when it comes to this nonsense that's been set up under the Fair Trading Act". He claimed the verdict "preserved the free speech of anyone who has something important to say publicly", and hoped that the judgement would deter people from being "harassed and pursued through the courts" by someone "who disagrees with them ideologically".

But the judge had described as "false" Roberts's statements in lectures that he had carried out scientific tests on objects retrieved from the 'Ark' site in eastern Turkey. "Had the Fair Trading Acts applied, [these remarks] would have constituted misleading or deceptive conduct on Roberts's part," said Sackville.

In the five years before the court hearing, Plimer had devoted much time to presenting a public assessment of Roberts's ideas. Although Plimer has lost the latest round, he has already promised to fight on at a press conference held in more supportive territory — the fossil gallery of the Australian Museum in Sydney.

Vowing a renewed fight in public against "snake oil salesmen" and fundamental literalism which he sees as "a dark force in today's world", Plimer argued that free speech had been inhibited by the judgement and by the refusal of Roberts and other creationists to debate openly with scientists.

At a separate press conference, Roberts said: "I thank God that my colleagues and I are at last free." Casting doubt on Plimer's investigation of the supposed Ark site in 1994, he remains undeterred by scientific evidence. "The only way to settle the question is to get on the site with the Turkish scientists and archaeologists and others from all over and dig the thing responsibly and well," he said.

In his verdict, Sackville dismissed Plimer's allegations that Roberts's references to his doctorate in Christian education from Freedom University, Florida, as evidence of his academic qualifications in presenting archaeological results and conclusions constituted misleading or deceptive conduct.

IMAGE UNAVAILABLE FOR COPYRIGHT REASONS

Roberts: could face further actions.

Roberts's lawyers are preparing a submission for legal costs, likely to run to many hundreds of thousands of dollars. Plimer has stated that such costs would make him bankrupt. His solicitor says there may be grounds for appeal. **Peter Pockley**

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US threat to end science agreement with India over patent law

[NEW DELHI] The United States is threatening not to renew its science and technology agreement with India if the Indian government fails to amend its patent laws to provide additional protection for intellectual property rights. About 130 projects could face the axe as a result.

India's current patent legislation, passed in 1970, does not allow patents in the food, chemicals and pharmaceuticals sectors.

After India joined the World Trade Organization in 1995, the government drafted legislation conforming to the organization's guidelines on intellectual property. But the proposed legislation has been blocked by the parliament's upper house, most of whose members come from opposition parties.

They argue that patents would make essential drugs too expensive for the poor, and allow seed companies to make agriculture too costly for marginal farmers. They also oppose patenting of any life forms.

Washington's warning of the potential consequences for collaboration in science and technology was conveyed to India by Frank Wisner, the US ambassador in New Delhi. He said last week that both his government and US industry were "deeply concerned about the lack of adequate intellectual property rights protection provided by current Indian law, regulation and practice".

Wisner said that, until the situation is changed, the United States would be unable to negotiate a new science and technology agreement, and that "certain areas of research and training will be closed to cooperation". Wisner was speaking to senior Indian and US scientists at a meeting intended to draw up a strategy for future scientific collaboration.

The US decision has already generated strong reaction. India's Council of Scientific and Industrial Research, for example, which is responsible for about 40 laboratories and has agreements with 35 countries, said that it objected to "any conditions being placed for scientific and technological cooperation".

M. G. K. Menon, a physicist and former Indian science minister, says that any changes in Indian patent law should be made in a way that suits "our best national interests", and should not be dictated by the United States. "We can do without US help," says Sandip Basu, director of the National Institute of Immunology in New Delhi.

Scientific cooperation between India and the United States has been operating in low gear since 1987, when differences about intellectual property rights first surfaced.

Roughly 130 projects, in different stages of completion, would have to terminate at the end of this year, when the US-India Fund, through which joint projects have been funded since 1987, will dry up. The US embassy in New Delhi says that the fund will not be replenished. The only project that would continue would be a vaccine research programme for which there is an assurance of continued funding.

Officials in the Indian ministry of science and technology are uncertain about the future shape of scientific and technological collaboration between the two countries. But they remain optimistic that collaboration will continue with individual US scientists and their funding agencies, where the work is carried out without the direct involvement of the US State Department. K. S. Jayaraman