

Saga of Boy Clone Ruled a Hoax

Philadelphia. Nearly 3 years after an irate British geneticist filed a \$7-million defamation suit against author David M. Rorvik and his publisher, a U.S. District Court judge has ruled that the nonfiction book *In His Image: The Cloning of a Man* is a "fraud and a hoax." Last year, Rorvik admitted that three minor characters in the book were fictitious. The ruling, which is a finding of fact and has not yet ended the litigation, has considerably quickened the pace of the heretofore sleepy proceeding. Rorvik now says the father of the purported clone will communicate directly with the Philadelphia judge and that the child will be available for a blood test.

The ruling, handed down on 2 February, came because Rorvik for more than 2 years has failed to prove the veracity of his book and because he has given "dilatatory and evasive" answers to questions by the attorney for the British geneticist. Rorvik, who now lives in San Francisco after moving from a cabin on Flathead Lake in western Montana, has yet to make an appearance in Philadelphia, the headquarters of J. B. Lippincott Co., his publisher, and has instead been represented by his attorneys.

Judge John P. Fullam ruled that the plaintiff had "finally and conclusively established" that the book "is a work of fiction," that "the cloning described in the book never took place," and that "all of the characters mentioned in the book, other than the defendant Rorvik, have and had no real existence."

Published in 1978, the book alleged that an aged millionaire, known only by the code name "Max," had enlisted the aid of Rorvik in producing the perfect genetic copy of himself (*Science*, 24 March 1978). Rorvik wrote that he helped Max locate a gynecologist, "Darwin," who was then taken by the millionaire to an unidentified spot in the tropics where Max owned rubber plantations, nutmeg trees and rice paddies, where he had built a hospital, and where he had on hand an abundant supply of compliant Oriental women who donated their eggs and wombs for the cloning experiment. Rorvik said that a cloned child was born to a surrogate mother in December 1976.

After the book had been out for only a few months, Oxford University geneticist J. Derek Bromhall filed suit, charging that the book was a hoax, that the cloning technique described in the book had been developed by Bromhall in work on rabbits, and that Rorvik had used his name in the book without his permission. Before publishing the book Rorvik had written to Bromhall, asking for information on "the current, acknowledged, state-of-the-art" in mammalian cloning for a "new book . . . I am currently working on." Rorvik wrote in May 1977, some 5 months after the alleged birth of the cloned baby.

Speeding up the pace of the proceedings has been a continuing concern for Bromhall since the start. This is because of a revelation, made by Rorvik in July 1978 after the suit was initiated, that the cloned boy had developed a "defect." Wrote Bromhall's attorney in a memo to the judge: "This lends itself nicely to another revelation, namely, a convenient death of the alleged cloned boy and destruction of the proof of [Rorvik's] claim."

In the course of the Philadelphia proceedings, Rorvik admitted that three minor characters had been made up.

One was the editor of a financial publication who Rorvik allegedly had contacted in order to check the credibility of Max. Another was a bioethicist at Columbia University. "He does not exist as a single individual," wrote Rorvik in a sworn affidavit. "The character represents a composite of various bioethical views of several real individuals." The third was Roberto, a hired hand at the tropical location who allegedly helped Max round up women for the cloning experiment.

Rorvik's attorney is fighting the ruling on the grounds that "an apparent administrative error" kept him from realizing that such a ruling was about to be handed down. He has now asked the court to rescind the order and to accept conclusive evidence of the credibility of the book. As of this writing, the judge has not ruled on the appeal.

The proposed evidence is of two types. The first is a sworn affidavit by Rorvik that would finally answer all of Bromhall's questions. This affidavit, however, would be for inspection by the judge alone. The second type of evidence would be a blood test.

The elaborate conditions of the proposed blood test are spelled out in a remarkable memorandum filed before the court on 6 February. "Detailed and time-consuming discussions with Max have produced the following results," wrote Rorvik's attorney. "Max has demanded the right to communicate directly and confidentially with the Court; he refuses to disclose the nature or subject matter of the proposed communication, and insists that such communication be for Judge Fullam's eyes only. Max also insists that counsel refrain from any further contract [sic] with blood experts.

"With respect to the technique of a blood test, Max would not agree to having blood drawn by Court-appointed technicians. The fear is that the technicians, even though they would not be informed of the reason for drawing the blood, would nonetheless have their curiosity piqued by the court appointments and could possibly connect their services to the litigation. Accordingly, Max would reserve the right to select two separate technicians who would draw blood and certify whether the blood was taken from an adult or a child. It would be essential that all parties agree in advance that no one would ever attempt to contact either of the two technicians. The blood samples and affidavits would then be mailed to two separate blood analysts, one to examine the blood taken from Max, the other to examine the boy's blood. A model would be agreed upon in advance by the parties to show how the two analyses might coincide in order to establish that a cloning occurred."

Doubts about the ability of such a blood test to definitively prove the existence of a human clone have been expressed in the past by experts. Rorvik himself, in an interview published in the June 1978 *Penthouse*, said that "there is only one way to prove that this child was cloned from this individual, and in order to do it conclusively, you have to have both of these individuals physically present." Max and his offspring, Rorvik continued, should each be able to accept tissue transplants from each other with no sign of rejection. "Anything short of that," he said, "could be faked with ease."—WILLIAM J. BROAD