

cine, and the university dismissed some of the staff members who were involved (*Science*, 4 August 2000, p. 706). Milstein filed a complaint on behalf of 19 patients, alleging that the doctors had engaged in "careless, negligent and reckless conduct," violating the patients' dignity and privacy. By invoking international standards, Milstein elevated the case from a local to a national matter, suitable for trial in a federal court.

In throwing out the federal case, Cook reasoned that no "fundamental" constitutional rights were at stake. He said "there is no private right of action for an alleged violation of international law," such as guidelines for the conduct of research. He also argued that the "right to be treated with dignity" enshrined in the Nuremberg Code is too "vague" to serve as the basis for a civil suit.

Milstein says he has already filed an appeal with the federal appeals court in the 10th Circuit. "We believe we can show that the American people believe it is a fundamental right not to be treated as a guinea pig," he says, adding that Cook's opinion "assumes that these people gave their consent when in fact there was no informed consent."

Arthur Caplan, director of the Center for Bioethics at Penn, says he isn't surprised by the decision. He calls the Nuremberg argument "a balloon that would burst anytime it got near a judge." (Caplan himself was named, and later dropped, as a defendant in Milstein's first Penn lawsuit.)

Milstein's three other human-rights lawsuits are still in preliminary stages; no trial dates have been set. Paul Lombardo, associate professor of law and medicine at the University of Virginia in Charlottesville, calls Milstein's argument "creative" but predicts it will be "very tough" for him to prevail.

—ELIOT MARSHALL

## FRANCE

### CNRS Under Fire From Government Auditors

**PARIS**—France's mammoth basic research agency has come under blistering attack from the nation's government accounting body. In a report issued last week ([www.ccomptes.fr](http://www.ccomptes.fr)), the Cour des Comptes took the Centre National de la Recherche Scientifique (CNRS) to task for a variety of alleged faults, including a lack of overall research strategy, organizational rigidity, and lackadaisical efforts to recruit young scientists and encourage them to become independent. But CNRS officials argue

that the report did not take into account recent initiatives or the organization's prodigious scientific output.

With a \$2.2 billion annual budget and 11,400 researchers, CNRS is often a target of the Cour des Comptes' annual scrutiny of government operations. But the report for fiscal year 2001 is particularly harsh. "The



**Chief defender.** CNRS head Geneviève Berger.

Cour des Comptes was particularly alarmed about the "aging" of CNRS's scientists—nearly 30% of whom are due to retire between 2008 and 2010—and concluded that current recruitment is too slow to fill the looming gap.

CNRS director-general Geneviève Berger dismissed most of these complaints. "Having a strategic vision does not mean stifling the researchers," she says. Others also reject the complaint that labs have too much autonomy. "The Cour des Comptes did not understand that the CNRS can't be run like the post office," says Anne-Marie Duprat of the Center for Developmental Biology in Toulouse. "You can't do whatever you want, but the labs must have a certain amount of freedom." Berger says the agency does think strategically, such as in its efforts to commercialize its research, a primary reason why Berger, a medical researcher, was tapped to run CNRS (*Science*, 8 September 2000, p. 1667). Since 1994, annual license and royalty income from the agency's scientific patents has soared to \$26 million, a 10-fold increase.

Berger also argues that the report "hardly mentions" the scientific output of CNRS, whose researchers are authors or co-authors of more than 70% of all scientific papers published in France. She does agree, however, with the auditors' criticisms that CNRS needs to encourage more interdisciplinary research and collaborate more with other European countries.

The Cour des Comptes saved much of its fire for CNRS's treatment of young researchers, who—under the hierarchical

recent history of the CNRS is marked by the incapacity of the organization ... to get beyond the stage of collective reflection and working group discussions to launch strategic orientations," the auditors declared. They also complained that many labs were pursuing their own research strategies with too little guidance from CNRS administration. The

French system—often find it difficult to set up their own labs. The auditors complained that most so-called new units were the result of reshuffling old ones and few truly new teams were being created. But Berger and other CNRS researchers counter that this critique does not take into account measures begun last year to set aside funds for young scientists. "That is really starting to work well," says Duprat. "The young teams are starting to take off."

—MICHAEL BALTER

## GENETICS

### Germany's Elite Tie Knot With Big Pharma

**MUNICH**—Germany's top research organization, the Max Planck Society, took a leap into the unknown this week when it inked a multimillion dollar deal to form a joint institute with one of the world's largest pharmaceutical companies. GlaxoSmithKline (GSK) will establish a new Genetic Research Center on the campus of the Munich-based Max Planck Institute of Psychiatry, dedicated to finding genetic links to common diseases.

GSK will buy and install the sequencing machines and computers needed to process the genetic data from patients, pay rent for a whole floor of the institute's lab building to house the center, and employ the center's technical staff. The Max Planck Institute, in turn, will provide clinical data and scientific expertise on collaborative projects. Institute scientists will have access to 15% of the center's sequencing and data-crunching capacity for their own projects.

Such a close alliance with big pharma is a first for the organization, but it mirrors a trend in Germany. The society has been aggressively establishing new biotech spin-offs on or near its campuses. In contrast, few academic scientists had any connections to industry 7 years ago, says molecular biologist Axel Ullrich of the Max Planck Institute for Biochemistry in Martinsried, near Munich. Ullrich, who helped found Genentech

CREDITS: (TOP TO BOTTOM) CNRS; GLAXOSMITHKLINE



**Dealmakers.** Officials announce Max Planck-GlaxoSmithKline collaboration.