

# PREVENTING PREVENTIVE MEDICINE

## MUTAGENS AND MANAGERS

*Brian Martin*

*(Note: This article was originally written in 1980 to publicise the IMVS-Coulter case, and was revised in 1981. The text has been left unaltered).*

Dr John Coulter has been a leading environmentalist in South Australia since the 1950s. His research, advice and public statements have helped workers and citizens challenge health hazards on the job and in the community on numerous occasions. Not surprisingly, this activity has been most unwelcome in the top levels of chemical corporations and their allies in government and the scientific community.

On 30 June 1980 John Coulter was sacked from his job at the Institute of Medical and Veterinary Science (IMVS) in Adelaide, and the environmental mutagens testing unit which he headed was closed down. There are many cases of suppression of scientists who speak out or do research on issues affecting the public interest, thereby posing a threat to corporate and bureaucratic vested interests.<sup>1</sup> The Coulter case is the most serious of such cases in Australia to be publicised in recent years.

### **Background**

After receiving his M.B., B.S. degrees and practising general medicine for a few years, John Coulter joined the IMVS in 1959 at the age of 28. His position was a surgical research officer. His early work included research into staphylococcal hospital cross infection, purification, properties and mode of action of staphylococcal alpha toxin, gas chromatographic separation of amino acids and the levels and medical effects of chlorinated hydrocarbon pesticides and cadmium. In about 1967 he was promoted to the position of specialist pathologist.

During his time at the IMVS Dr Coulter was outspoken on numerous environmental and health issues, including water fluoridation, uranium mining, the proposed petrochemical plant at Redcliff in South Australia, the consequences of nuclear weapons tests at Maralinga, South Australia, in the 1950s, and the health hazards of drugs and industrial chemicals. Because he has been willing to write articles and speak at public meetings and rallies on such topics, Dr Coulter has often been called upon by environmental organisations, trade unions and other organisations. In all this activity he has been careful to emphasise that he speaks in his private capacity only.

Often Dr Coulter has been willing to speak out when others with the same knowledge have kept quiet. At one stage in the proposal for a petrochemical plant at Redcliff, it was planned to produce and export ethylene dichloride, a toxic intermediate product, rather than the usual final product polyvinyl chloride. The ethylene dichloride was to have been taken out of Spencer Gulf in 30,000 tonne tankers. Dr Coulter publicly pointed out that ethylene dichloride is highly toxic and a potential cause of cancer. Health Commission staff were aware of this hazard, but no one said anything publicly. No doubt they felt vulnerable due to their position in a government department. It is now accepted by the US National Cancer Institute that ethylene dichloride does cause cancer.

Epichlorhydrin is a bonding agent, one of numerous chemicals used in the pulp and paper industry. About two years ago, Dr Coulter provided information to workers in the Amalgamated Metal Workers' and Shipwrights' Union at Mount Gambier, South Australia, about the health hazards of epichlorhydrin. The workers knew what chemicals were being used in the manufacturing process, but could not obtain information about their hazards through normal channels.

In speaking out about risks to environment and health it is easy to offend corporate and government interests which have a financial or bureaucratic stake in products, practices or policies linked with the risks. Research institutes such as the IMVS depend on government money provided through government bodies and individuals sensitive to corporate interests, and to some extent on direct grants from corporations. As a result, those who speak out about risks to environment and health may experience pressures to keep quiet. This has happened to Dr Coulter on a number of occasions.<sup>2</sup>

In 1978 the Bayer company brought an action against the Australian Broadcasting Commission, partly over remarks Dr Coulter had made on a television program regarding one of its products containing the mutagenic pesticide dichlorvos. The action was subsequently dropped about two years later but in the interim pressure was brought to bear on Dr Coulter through the Agricultural Chemical Trade Association and the Director of the IMVS. Dichlorvos is currently under urgent review by the National Cancer Institute in the US, as some animal tests have suggested that dichlorvos may be carcinogenic.

In 1979 Velsicol Australia complained to the Director of the IMVS about a lecture Dr Coulter had given, in a private capacity, to a Melbourne seminar on pesticides. Dr Coulter had mentioned the way the parent company in the US had handled information on the carcinogenicity of two of their products, chlordane and heptachlor.<sup>3</sup>

Perhaps more threatening to the management of the IMVS was Dr Coulter's mutagenicity testing. In the late 1970s Dr Coulter, on his own initiative, set up in the IMVS a unit for testing the mutagenicity (capacity to cause mutations) of substances, using the Ames test. This test uses bacteria to look for mutagenic potential, and is considered one of the best available ways to obtain a cheap, quick and fairly reliable (80 to 90 per cent accuracy) assessment of the cancer-initiating potential of substances. This environmental mutagens testing unit (EMTU) provided a service for the testing of chemicals, and was found useful by many groups.<sup>4</sup> A more reliable assessment of carcinogenic properties would require experiments with large numbers of animals over a period of years; no testing of this sort takes place in Australia.

Some of the samples submitted for testing came from groups outside the scientific and medical communities, in particular from workers' health organisations. Dr Coulter on occasion provided results directly to the groups or workers involved as well as to the IMVS. Such action escapes the control over the dissemination of scientific information typically exercised by the management in government scientific organisations.

A few years ago, workers who were coating steel pipes with pitch for the South Australia Engineering and Water Supply Department were concerned about possible health risks from fumes. Dr Coulter investigated for the workers and found that levels of polycyclic hydrocarbons in the atmosphere were very high. Each 100 kilograms of pitch used in the coating process released 1.2 kilograms of benzpyrene. In terms of total mutagenic activity, this was equivalent to four million cigarettes, released in a fairly closed area.

After the workers protested, the job was contracted out to private industry. The South Australia Health Commission then inspected the work conditions. Unlike Dr Coulter, the Commission provided figures on benzpyrene levels to the employer but not to the workers.

On 16 April 1980 Dr Coulter submitted a report to the Fire and Safety Committee of the IMVS on the mutagenic and potentially cancer-causing properties of ethylene oxide, which was being used in an IMVS laboratory as a sterilising agent.<sup>5</sup> At the same time that he released the report to the IMVS Committee, Dr Coulter provided copies to the workers at

the laboratory using the chemical. The Director of the IMVS rebuked Dr Coulter for releasing the report to the workers.<sup>6</sup> But the significance of the findings was not disputed: the use of ethylene oxide was immediately discontinued, and \$40,000 is being spent on the construction of an alternative sterilising apparatus.

As a result of stories circulating in the IMVS about the ethylene oxide report, Dr Coulter posted the report and related correspondence on noticeboards of the IMVS.<sup>7</sup> The Director of the IMVS then instructed Dr Coulter not to make available to any staff member of the IMVS any material dealing with the affairs of the IMVS without his, the Director's, express approval.<sup>8</sup>

Earlier, in March 1980, Dr Coulter was informed that on 30 June the EMTU would be closed and that he would be transferred and demoted with a drop of \$10,000 in annual salary.<sup>9</sup> But instead of being transferred and demoted, on 30 June Dr Coulter was sacked outright, having been informed of this a few days earlier.

### *The Arguments*

The Director of the IMVS, Dr J. A. Bonnin, has said that the decision to dismiss Dr Coulter was based not on his environmental activities but on financial and professional considerations.<sup>10</sup> Such claims are usual in suppression cases, and do not rule out the role of deeper underlying reasons. In any case it is instructive to evaluate the stated reasons for the dismissal and the closure of the EMTU.<sup>11</sup>

1. Dr Bonnin has said that the IMVS cannot afford the \$85,000 per year needed to support Dr Coulter, his ancillary staff and laboratory.<sup>12</sup> In reply, Dr Gouldhurst<sup>13</sup> noted that "On March 26, 1980 the IMVS had a credit balance \$882,000 above its budget expectations for this point in the year, despite Dr Coulter's laboratory having been funded in the present year". Dr Bonnin has not responded to this point. Nor has any note been made by the IMVS Council of the public value of Dr Coulter's work. The ethylene oxide case yields a minimum figure of \$10,000 per worker to remove a mutagenic risk to young fertile workers. A similar costing of some of the EMTU's findings might well yield a net positive value for its efforts in South Australia alone, apart from the wider scientific benefits.

2. Dr Bonnin has said that "Many drugs and chemicals are now tested by, or for, their manufacturers and there is little need for this work in Adelaide which manufactures almost none of these substances".<sup>14</sup> However, it is well known that results of such testing by or for manufacturers are often unavailable, poorly publicised, inadequate or misleading.<sup>15</sup> Whether or not the chemicals are manufactured in Adelaide appears irrelevant if workers and consumers are being exposed in Adelaide.

Work at the EMTU showed the mutagenic properties of the drug tinidazole.<sup>16</sup> Unknown to Dr Coulter at the time, two earlier researchers<sup>17</sup> had obtained the same results using samples provided by the pharmaceutical producers Pfizer. Whether or not the earlier work had existed, a case for the EMTU can be made. Showing the mutagenicity of tinidazole was itself important. But if it is objected that this had already been done<sup>18</sup>, the question remains as to why this work was not mentioned by the pharmaceutical company in its promotional literature when tinidazole was launched on the Australian market.<sup>19</sup> This case illustrates the necessity for independent testing facilities.

3. Dr Bonnin has said that mutagen testing would better be done elsewhere, such as in the chemistry division of the Department of Services and Supply.<sup>20</sup> While this may be true, it does not justify the termination of an existing unit before any alternative is available.

Similarly, the South Australia Minister for Health, Mrs Jennifer Adamson, has said that the SA government regards testing of potentially carcinogenic materials "as a

matter of utmost importance”, that a national testing laboratory should be set up and that “there is no useful purpose in individual States duplicating aspects of the work which will be carried out effectively and on a comprehensive basis by a national laboratory”.<sup>21</sup> There are two flaws in this rationale for the shutdown of the IMVS unit. First, there is no guarantee that a national testing laboratory will be free from political and economic pressures and that it will be responsive to the public interest. Part of the effectiveness of any testing process is its independence, and a set of separate laboratories may be more effective in achieving this than a single large facility.

Second, the Minister’s statement talks about a national laboratory which *will* carry out effective work. The establishment of such a laboratory could easily take several years. The promise of future efficacy, even if kept, is no excuse for terminating a current program.

4. Dr Bonnin has said that Dr Coulter had not been successful in attracting research grants from appropriate bodies such as the Anti-Cancer Foundation or the National Health and Medical Research Council.<sup>22</sup> Apart from the scarcity of grant funds even for well-qualified applicants<sup>23</sup>, the role of the IMVS management must be questioned here. Since it is obvious from statements by Dr Bonnin published in the *Adelaide Advertiser*<sup>24</sup> that there is much personal discord between Dr Bonnin and Dr Coulter, it is doubtful that Dr Coulter would have received the wholehearted support of the IMVS Council necessary for the success of most grant applications.<sup>25</sup> Also to be taken into account is the possibility of political or personal bias in the allocation of research grants.<sup>26</sup>

5. In justifying the decision to demote Dr Coulter, Dr Bonnin has said that Dr Coulter was prematurely promoted to the position of specialist pathologist, since the position now requires that the recipient hold a higher degree or qualification.<sup>27</sup> However, this requirement postdates Dr Coulter’s promotion by ten years or so and does not apply.<sup>28</sup> In any case, the decision to sack rather than demote Dr Coulter invalidates this argument.

6. Dr Bonnin has written that Dr Coulter has had “markedly low productivity as a full-time research worker”, and noted that Dr Coulter “has published only three papers in recognised journals in more than two years”.<sup>29</sup> Dr Bonnin has not provided sufficient evidence to justify this point.<sup>30</sup> First, Dr Bonnin has not provided any evidence concerning publication rates of other IMVS staff. Mean publication rates for scientists are of the order of one or two papers per year, with the median considerably lower. Second, the IMVS has no official policy or requirements for publication by research staff. Nor is demotion or dismissal specified as a penalty for failing to publish. Nor has other IMVS staff with poorer publication records than Dr Coulter been sacked. Third, no mention has been made of the practice by which senior staff in many scientific organisations have their names attached to papers to which they have contributed little or nothing, so distorting even further the formal data on publications which supposedly reflect research productivity.

A related point is raised by Dr Bonnin’s statement that “I really respect both Dr Coulter and his views but the point is that if he is going to do that at the expense of his official duties I have got to be responsible for this”.<sup>31</sup> This implies that spending one’s time doing esoteric research of interest to only a handful of specialists is acceptable, while evaluating environmental hazards to the community at best counts for nothing professionally. For the manager of a research organisation to take this view is to take a narrow official charter for his organisation. Dr Coulter’s view is the contrary one — that scientific knowledge should be used for the benefit of the community, and that public knowledge and awareness is the best way to ensure that this occurs.

7. Dr Bonnin has said “It is not the role of this institute to establish a large routine testing service for the testing of chemical substances for cancer-producing properties”.<sup>32</sup>

In a sense this is the key point. Who makes the decisions about the direction of scientific research, and who benefits from the particular decisions made? The Council of the IMVS obviously believes that it should be making these decisions. Dr Coulter and his supporters believe that the IMVS actions are serving the interests of chemical and drug companies at the expense of the public interest: "As a public institution the responsibility of the IMVS is to defend the public — not to defend the private interest of drug and chemical companies. . . . This is the fundamental difference between us".<sup>33</sup>

Since the closure of the EMTU, there are only two mutagen testing facilities in Australia. Only one is truly independent — the one run by Dr Don MacPhee of the Microbiology Department at La Trobe University in Melbourne. Dr MacPhee, like Dr Coulter, has done testing for unions. The other laboratory, headed by Dr Robert Baker in Sydney, is under the control of the Commonwealth Department of Health, and therefore is subject to the same sorts of pressures as the IMVS.

### **Responses**

Many individuals and groups have expressed their concern about the sacking of Dr Coulter and the closing of the EMTU at the IMVS. Many letters have been written to newspapers, to the South Australian Minister for Health and to parliamentary leaders in South Australia. Trade unions, led by the United Trades and Labor Council of South Australia<sup>34</sup>, have expressed concern about the removal of a service which frequently benefited their members. The opposition Labor Party in South Australia has called for a public inquiry into the IMVS<sup>35</sup>, and questions have been asked in the South Australian Parliament by members of the Australian Labor Party and the Australian Democrats. An inquiry into the IMVS has been held, though this was mostly concerned with issues besides the Coulter case.<sup>36</sup> Dr Coulter has mounted a challenge against his dismissal in the South Australian Industrial Conciliation and Arbitration Court.

The Coulter-IMVS dispute illustrates clearly the type of conflict that can arise where there is the possibility of pressures on the direction and use of scientific research exerted by corporate and bureaucratic vested interests on the one side and by workers and the general public on the other. Usually such conflict is muted. It is precisely because Dr Coulter has been outspoken about issues of public concern that his dismissal is also a public issue.

The issue is also a public one because there are no formal avenues for appeal or adjudication within the IMVS or the South Australian government for those opposed to the closing of the EMTU or the sacking of Dr Coulter. It remains to be seen whether public pressure will be sufficient to change the decision of the IMVS Council which is backed by the present South Australian government. But it is certain that this struggle will not be the last one of its kind.

### **Postscript**

Early in July 1980 Dr Coulter initiated a case against the IMVS in the South Australian Industrial Court, alleging wrongful dismissal. Such cases often require two years to complete. After 18 sitting days in court and 1237 pages of evidence, the hearing was adjourned *sine die* when the IMVS undertook to certify that Dr Coulter had been retrenched for the reason that there was no longer work available for which he was suitable and qualified. The IMVS also undertook to support an application by Dr Coulter for superannuation on the basis of this certification. In other words, the court case was suspended while Dr Coulter tried to obtain superannuation, in the hope of a quick settlement, with support from the IMVS which now said that he had been retrenched rather than dismissed.

The Superannuation Board initially rejected Dr Coulter's application. This decision was appealed to the Superannuation Tribunal, which in December 1981 ruled that Dr Coulter

had been retrenched under section 67.1.D of the *Superannuation Act*.

The resolution of Dr Coulter's case raises several points. First, the court procedure is heavily weighted against the victim of dismissal (or retrenchment). Dr Coulter, without income, was legally pitted against the IMVS, with, by comparison, virtually unlimited financial support, and whose executive members had nothing at risk financially. Nor indeed did they risk anything morally, since the dismissal (or retrenchment) was the responsibility of a corporate body, namely the IMVS.

Second, the court is not a forum for getting at the truth. Anything that did not apply specifically to the issue of whether the alleged dismissal was harsh, unjust or unreasonable was not considered. Once the case was taken before the Superannuation Board the underlying issues were submerged even further.

One interpretation of the events is that Dr Coulter was in fact wrongfully dismissed, but that the IMVS later found it preferable to interpret its action as retrenchment. This of course is not the official interpretation, which can be presented thus. Officially, the South Australian government could not afford to spend \$33,000 per year to pay Dr Coulter to work on mutagenicity testing, hence his retrenchment. But the South Australian government can afford to pay over \$50,000 in legal and other costs to obtain Dr Coulter's retrenchment, and henceforth to pay Dr Coulter \$22,000 per year in superannuation to do nothing.

Dr Coulter now no longer has access to IMVS facilities. He is however free to carry out research on his own and to speak freely on environmental and health issues.

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## *PARALYSIS OF THE CONSCIENCE*

*Clyde Manwell and C. M. Ann Baker*

### *Introduction: Professionalism versus Conscience*

The previous chapter, "Mutagens and Managers", examined the more immediate events associated with the attempt to remove Dr John Coulter, a leading Australian environmentalist, from his position in the Institute of Medical and Veterinary Science (IMVS) in Adelaide.

This chapter probes the *background*, including the behaviour of other scientists, their attitudes towards the removal of a colleague under unusual circumstances, the responses by various groups within the wider community, and the recent history of intellectual conflict in

South Australia. Thanks to the Parliamentary Debates, to official documents arising from investigations of the IMVS, to news reporting, and to transcripts of legal proceedings, there is a wealth of material available for the case of the IMVS versus Coulter.

We are seeking to understand how intellectual conflict arises, how attempts are made to bias information flow (especially for socially significant matters such as the environment and public health) and how such problems might be avoided in the future, or at least how the damage done to people might be reduced as much as possible.

In the previous chapter Brian Martin presented evidence that the case of the IMVS versus Coulter contained elements of suppression and of unfairness. *When a case of this kind occurs, why do scientists, academics or other professionals fail to protect intellectual freedom and fail to protest injustice?* We circulated a rather bland petition (calling for an investigation into the attempt to dismiss Dr Coulter) to more than a hundred South Australian scientists and academics. We found that only five were willing to sign. Yet, several hundred members of the wider community were willing to sign similar, or stronger, petitions. *Is there any connection between the paralysis of conscience in intellectual organisations and the low morale within those organisations?*

Gerald Holton, physicist and historian of science at Harvard University, has reached what he himself acknowledges to be a “more pessimistic” conclusion: the “pursuit of science as currently fostered and understood” and “societal concerns” are “possibly even antithetical traits — antithetical both in terms of the psychodynamics of the majority of individual scientists and in terms of the social structure of science as a profession”.<sup>1</sup> Holton, surveying data on the psychology of scientists and some case histories, builds up a composite picture of the average scientist as indifferent to human problems. Holton emphasises the need to encourage and to protect the tiny minority of scientists who are willing to speak out. These are our only hope to curb the evils arising from the misuse of science and technology.

If Holton is correct — and our own reading of the relevant literature supports his conclusions<sup>2</sup> — then we must look very closely at the wider background of suppression cases, seeking what roles other sections of the community, such as the mass media, the legal system and the general public, might play in providing feedback on abuses. We must also look at the interactions among different elites, representing the professions, politicians, bureaucrats and corporate interests — what collectively, if vaguely, can be called the *establishment*. Within various groups individuals differ in their values, some being more *cosmopolitan* and others more *local* in their latent social roles.<sup>3</sup>

We note the similarities among suppression cases, even when the dissenters are from different walks of life and the issues, too, are different. As described in the introduction to this book, there are certain basic similarities between cases, similarities which allow one to consider suppression as the most reasonable explanation for the events. However, we are also looking at something deeper: the non-independence of suppression cases, a reflection of the climate of community attitudes and the effectiveness (or lack thereof) of feedback mechanisms, with, of course, the attitudes of the establishment often dominating the outcome. Is it possible that there is a hypocrisy factor: *the more strongly an establishment believes in its own innate superiority, the more difficult it becomes to rectify wrongs?* A certain pattern of behaviour becomes apparent in cases of intellectual dissent in South Australia. It does not mean that every example results in suppression and victimisation, but it does mean that these outcomes are more common than one would expect and that details of cases, which on the surface appear to be different, are remarkably similar.

In this chapter we do not consider the accuracy of the charges themselves that were used to justify the dismissal of Dr Coulter from the IMVS. The evaluation of the information available to us pertaining to the specific published allegations is set off in its own chapter: “Charges and Cross-examination”.



## *The Charges Against Coulter Are Published in a Local Newspaper*

Initially, the then Director of the IMVS, Dr J. A. Bonnin, a member of a prominent Adelaide family, gave the impression, in an article written by a reporter, that financial reasons were paramount in the decision to demote Dr Coulter, which would have meant a loss of one-third of his salary, and to close the mutagen-testing laboratory (as described in the previous chapter).<sup>4</sup> It was claimed that the IMVS had to find an extra \$85,000 a year to support Coulter and his research. From the beginning of the publicity, however, Coulter maintained that he was being victimised because of his outspoken views on a variety of local environmental and medical matters.<sup>5</sup>

However, the financial reasons looked less compelling when another medical doctor<sup>6</sup> revealed that in the same year the IMVS “had a credit balance \$882,000 above its budget expectations” — a sum ten times that said to have been needed by the then Director for Coulter and his laboratory.

The Director himself wrote to the *Advertiser*, stating that the reasons for downgrading Coulter “have become confused with finance”<sup>7</sup> and proceeded to list the charges against Coulter (which are quoted in “Charges and Cross-examination”).

The publication of the Director’s letter to the editor, attacking the competence of Coulter, seems surprising, to say the least. Most newspapers would be hesitant to publish such obviously defamatory material. We do not know what evidence, if any, the Director of the IMVS provided to the editor of the *Advertiser* for the accuracy of the charges. Less damaging allegations made against local politicians or other individuals of prominence have been the subject of successful libel actions. One can only speculate as to why the newspaper was willing to publish such charges — and why, then, for balance, it did not also report the details about those charges when the case finally came before the Industrial Court at the end of 1980 (and when the testimony of witnesses could have been reported verbatim).

But more than one force was at work. As will be described later, the *Advertiser* in October 1980 published the results of investigative news-reporting on the problems within the IMVS. We cannot recall any other recent situation where the *Advertiser* has published anything quite so critical of a local institution that has several prominent local names associated with it.

There was evidence that relations between the IMVS and certain newspaper reporters were not good. In the transcript of the first court case involving Coulter, the Director, under cross-examination, said: “I said that Mr Halestone [presumably Barry Hailstone, now a senior reporter with the *Advertiser*, who wrote several articles on the IMVS] should not come into the [IMVS] building, nor should other press or people without approval”.<sup>8</sup> The December 1980 Report of the Committee of Inquiry into the IMVS concluded that “the Institute’s relations with the public media have become unsatisfactory, and it is important for the Institute to improve them”.<sup>9</sup>

We do not know what were the causes of the IMVS–reporter conflict. We do not presume to know who was right and who was wrong. The conflict may have had the effect that the *Advertiser*, if unfair to Coulter over the charges themselves, was at least willing to publish several letters in support of Coulter (although it refused to publish two letters from a scientist who could comment professionally on certain of the charges). The *Advertiser* also published an article by Bill Guy which provided the pros and cons concerning the closing of Coulter’s mutagen testing laboratory.<sup>10</sup>

In examining cases of this kind we must consider historical factors. It would be unwise to assume that a local newspaper will always ferret out the facts behind an unfair dismissal case. Controversy may help to sell newspapers — but too much criticism of powerful local figures can lead to repressive action. For example, only a few years earlier Rohan Rivett, then editor of the *News* in Adelaide, was charged with seditious libel, a criminal offence

punishable by a long gaol sentence. Rohan Rivett had the audacity to question the fairness of the handling of the Stuart case, where an Aboriginal had supposedly “confessed” to raping and murdering a child.<sup>11</sup> Several people claimed that the “confession” was obtained by torture. Rohan Rivett, as a courageous editor, found himself charged in 1960 for the same crime William Cobbett was persecuted for in early nineteenth century England. The charge of seditious libel is reminiscent of the “slander of the state”<sup>12</sup> charges commonly used against Soviet dissidents, at least before the Soviets discovered the use of psychiatry. Although the jury failed to convict Rohan Rivett of seditious libel, Rivett found it necessary to leave South Australia. The message, of state-sanctioned repression, had made its mark.

Not only do the local newspapers tread carefully where the establishment is concerned. There is evidence that some individuals in the local establishment can use reporters for their own ends. In comparing the personal experiences of South Australian dissidents, in five cases (including the authors of this chapter: see “The Fruit Fly Papers” chapter) the dissidents or their wives first learned of the dismissal attempt from a reporter on the *Advertiser*. Even the same reporters are used in different cases. This example of where the media are manipulated is most simply explained as “softening up” the dissident or his wife. It may be perceived necessary in cases where the charges themselves lack substance or accuracy.

### ***The Hidden Phase of the Controversy***

Before discussing the hidden phase of the Coulter case, it must be stated, in fairness to both Dr Coulter and the IMVS administration, that there had not always been antagonism over Coulter’s interests in preventive medicine and the environment, nor objections to his public appearances and activities in community organisations. An earlier senior administrator of the IMVS, Dr Earle Hackett, supported Coulter. Hackett’s own ABC radio programme contributed to public discussion of a number of scientific and medical controversies. For more than fifteen years Coulter worked in the IMVS and made public forays without conflict with the IMVS administration.

Problems arose in 1978 when Coulter appeared on a television program, warning of the dangers from the mutagenicity of dichlorvos, a commonly used household pesticide. A member of the IMVS Council, who was also a representative of the South Australia Department of Agriculture, wrote a letter of complaint to the Director. We have not seen that letter and can only guess its nature from comments in the transcript of the court case. We find it difficult to understand what concern the matter was of the SA Department of Agriculture. Bayer, the offended chemical company, brought a “gag writ” for \$10,000,000 damages against the ABC — but did not pursue it in court.

In October 1979 the Caulfield Institute of Technology, in Melbourne, held a seminar under the general title “Plants, Pesticides and People: Where Are We Going?”. The seminar included several speakers with pro-pesticide views, as well as Coulter, who spoke on the genetic hazards of pesticides. Coulter’s talk was important. Not only did he review the use of bacterial mutagenesis in assisting in the search for carcinogens (see “Mutagens and Managers”), Coulter also pointed out the long-term dangers arising from any substance that is mutagenic.<sup>13</sup>

During that talk Coulter discussed the difficulties in effecting adequate control of toxic substances. He presented a slide which summarised the situation for two organochlorine pesticides: chlordane and heptachlor. These substances first became commercially available around 1950. Only around 1965 did it become realised that these substances were carcinogenic in certain experimental animals. The first legal proceedings to restrict the use of chlordane and heptachlor did not occur until 1974. Coulter’s slide also included, as evidence for the delay in effective action, the following comment, based on Samuel Epstein’s *The Politics of Cancer*<sup>14</sup>: “December 1977, six senior executives of Velsicol found guilty of conspiring to conceal information on carcinogenicity of chlordane/heptachlor”.

The contents of this talk were rapidly relayed back to the Velsicol corporation for action. That company sent a letter of complaint, not to Coulter but to Coulter's boss.

It is important to examine in its entirety the reply from the Director, Dr J. A. Bonnin, to the Marketing Manager of Velsicol Australia Ltd, dated 16 November 1979:

Thank you for your letter of 24th October, 1979, which you wrote to me for the attention of Dr J. Coulter, concerning the paper he presented at a seminar entitled "Plants, Pesticides and People — Where are We going", held in Victoria in October, 1979.

I have discussed this matter with Dr Coulter and sent him a copy of your letter. Dr Coulter has made it quite clear to me that he was acting as a private individual on this occasion and did not give this talk as a member of the staff of this Institute. He claims to have made a clear announcement of this fact at the lecture.

Although I regret that this should have happened and I will be considering the matter further with Dr Coulter, I feel that this Institute should divorce itself from this whole matter and that any further correspondence should be addressed to him as a private individual.

The Director appears to have accepted the fact that Coulter appeared at that seminar in a private capacity. (Recall that this allegation also figured in other South Australian cases — see the chapter "The Fruit Fly Papers"). Indeed, quite properly in our estimation, the Director suggests that any further correspondence from Velsicol should be sent directly to Coulter.

Why then should the Director "regret that this should have happened"? Presumably he is referring to the subject of Velsicol's complaint, that Coulter had mentioned that six of its executives, or former executives, had been convicted of conspiring to withhold evidence. It was true. The following passage appears in Epstein's *The Politics of Cancer*:

On April 4, 1977, it was reported that a special grand jury in the Federal Court of Chicago was investigating Velsicol on charges that the company had criminally conspired to conceal information on the carcinogenicity of C/H [chlordane/heptachlor]. Specifically, Velsicol was charged with withholding the findings of carcinogenicity arrived at by its own consultants in 1972...

In December, 1977, the federal grand jury handed down an eleven-count felony indictment, naming six present or former company executives, all of whom face prison terms, charging: "From August 1972 to July 1975 the defendants... conspired to defraud the United States and conceal material facts from the United States Environmental Protection Agency by failing to submit data which tended to show that Heptachlor and Chlordane induced tumors in laboratory animals and thus might pose a risk of cancer to humans."<sup>15</sup>

Nor is this the only example of suppression that Velsicol has been involved in. Frank Graham, in *Since Silent Spring*<sup>16</sup>, details how Velsicol attempted to suppress the publication of Rachel Carson's *Silent Spring*, the book that alerted millions to the dangers of the abuse of pesticides.

It is also true, as the letter from Velsicol to the Director of the IMVS pointed out, that in April 1979 a higher court reversed the grand jury indictment. But this was on a legal technicality, not on the merits of the case — withholding of information on carcinogenicity. This reversal of the grand jury's indictment appeared in a small news item in the *Chicago Tribune*, and Coulter could hardly be expected to know of it in Australia, where even more internationally prominent newspapers are difficult to obtain. Anyway, it is irrelevant to Coulter's basic point, the long delay in getting effective action to limit the use of carcinogenic pesticides.

Neither Bayer in 1978, nor Velsicol in 1979, complained about the substance of Coulter's comments: there are inadequacies in controlling pesticides for adverse effects on non-target organisms, including humans.

### *“Infinitely Squalid Local Politics”*

Readers may wonder why the relative innocuousness of Coulter’s activities should provoke such a reaction from the Director of the IMVS. After all, if it is accepted that Coulter’s comments were both correct and made in a private capacity, why should the Director write in his letter to the Marketing Manager of Velsicol Australia Ltd: “. . . and I will be considering the matter further with Dr Coulter. . .”? That has an ominous ring to it, especially when viewed in the light of what happened later.

To understand Coulter’s situation more fully, it is necessary to examine briefly other recent South Australian cases of suppression and personality conflict in a historical perspective.

South Australia had at one time such a degree of tolerance for religious and intellectual diversity that it was widely known as “the Athens of the Antipodes” and “a paradise for dissenters”. South Australians have always regarded themselves as better than the rest of Australians, for the state was settled by free men: “no convicts here” is an unofficial state motto. South Australia had much to be proud of in the early days. It gave women the right to earn university degrees and the right to vote long before these rights were given to women in the rest of Australia.

However, the isolation of South Australia meant that its local establishment received few intellectual challenges. The original tolerance of diversity slowly metamorphosed into hypersensitivity towards any sort of criticism, into factional fighting within the establishment, and into sporadic episodes of scapegoating outsiders. In certain of the recent cases of conflict, outsiders were punished in unnecessarily nasty ways.

An example is provided by the case of the former Vice-Chancellor of the University of Adelaide, A. P. Rowe.<sup>17</sup> After his distinguished service during the Second World War, when he administered the large group of scientists involved in the development of radar, Rowe was invited to become the Vice-Chancellor of the University of Adelaide. Rowe made many improvements in the University, including a study leave program, greatly improved salaries, and the initiation of surveys of students’ problems and performance. In the official history of the University, written to commemorate its centenary, Rowe is considered one of the two best Vice-Chancellors.<sup>18</sup>

Gradually, Rowe fell out with some of the senior staff. He realised this and indicated that he would not be seeking reappointment. Thus, Rowe had provided the perfect opportunity to be allowed to leave gracefully and without open hostility. Instead, the major academic committee of the University of Adelaide, the Education Committee, drove Rowe out with a vote of no confidence.

Rowe himself phrased the basic question which applies not only to his own case but to others: “. . . how could the few persuade the many to act so swiftly and ruthlessly?”<sup>19</sup>

South Australia was the first Australian state to establish a festival of the arts, in 1960. The festival has been very successful, both locally and internationally. However, in recent years it has been plagued by conflicts between some members of the local establishment and the cosmopolitan talent brought in to direct the festival or to perform.<sup>20</sup> The local-cosmopolitan conflict involving the festival reached a peak in the same years as the attempt to sack Coulter from the IMVS. It was when the noted English festival organiser Christopher Hunt left that his play-directing colleague Peter Brook complained of Adelaide’s “infinitely squalid local politics”.<sup>21</sup>

Some of the sackings in South Australia have had a more sinister element — the covering up of dubious activities. “Jock” Marshall, then Professor of Zoology at Monash University, Melbourne, when reviewing the causes for the decline or extinction of many species of vertebrates in Australia, wrote the following:

Three years later came a sordid and much publicised affair involving the Adelaide Zoo. This is a poor-class institution: nevertheless, it is run by a group of socially-acceptable Adelaidians who

always include the "Lord Mayor of Adelaide for the time being". A gentleman, described as the son of a former Lord Mayor, but who was nevertheless a bird dealer and at the same time the appointed agent of the Zoo, was convicted of making false customs declarations in the attempted export of birds. A local bird-dealing firm with whom he did business was convicted at the same time. According to press reports, this gentleman bought birds from Zoo officers as well as from dealers in the course of his allegedly illegal exports. In the year 1961-62, 75% of all birds sent abroad went from Adelaide Zoo, and 24% were despatched from Taronga Park, Sydney. These birds were consigned to foreign zoos, great and small, but how many ever went on public display is conjectural. From February 1961 to June 1963, nearly £12,000 was got by the Adelaide Zoo from the sale of fauna but, as an official inquiry found, the "*financial transactions were dealt with through a separate account and did not form part of the Council's income and expenditure statement as published*". At the same time, however, no evidence was found that any of the money received had found its way into the pockets of Councillors. It was during this unsavoury affair that the Adelaide Zoo found itself the centre of a second scandal concerning its dismissal of a new and universally respected director. . . .<sup>22</sup> (emphasis added)

We have been informed from several sources that the director, to whom "Jock" Marshall refers, had made himself unpopular with certain powerful people because he blew-the-whistle on the animal smuggling (and this resulted in the call for a Royal Commission). Local-cosmopolitan conflict still is manifested at the zoo. Although the reasons behind the conflict have not been made public, recently one zoo director was sacked and the present zoo director has had his position threatened, despite the fact that many members of the public, and the zoo staff, feel that he has made many improvements.<sup>23</sup>

The sacking of the highly regarded Police Commissioner, Harold Salisbury, drew widespread local and international protest. He was dismissed by the then Premier of South Australia, Donald Dunstan, for allegedly failing to inform the government fully about the existence of secret files on certain citizens. Although the government defended its actions in terms of concern about citizens' right to privacy, there is evidence from one of our case histories ("The Fruit Fly Papers") that the government had little if any concern about unnecessary invasion of privacy. Information contained in two books dealing with recent political events in South Australia suggests that the primary concern was about the *kind* of information the police had on certain local establishment figures.<sup>24</sup>

Police Commissioner Salisbury had nothing to do with the secret files, which had been organised under a predecessor, with help from ASIO and the CIA. Salisbury, originally distrusted because of his overseas origin, had quickly become popular with both the police and the people of South Australia. He introduced a variety of reforms, rather along the lines of "community policing". During his period in South Australia there were no allegations of police corruption, as have occurred subsequent to his sacking and are an endemic problem in some other Australian states. Salisbury had on a number of occasions spoken out against lax standards of discipline, inaction on corruption, overly lenient convictions for crimes of violence, and against child pornography. Salisbury's public comments had brought him into conflict with certain important politicians. The situation has been summarised by Max Harris:

It soon became apparent that Mr Salisbury belonged to an alien and exotic breed. His presence was a continuing culture shock. He ran the cleanest and most respected police force in Australia. He also represented a totally non-political conservativeness which ran quite counter to the libertarian trendiness which was the pride and joy of the Government and its surrounding Establishment.<sup>25</sup>

Far from favouring secret dealings, Salisbury had been one of the few individuals in authority in South Australia who favoured publishing a secret document about the death of a lecturer at the University of Adelaide. This lecturer was alleged to have been a homosexual.

He was killed when thrown into the Torrens River, adjacent to the University of Adelaide campus. Three members of the police force resigned after refusing to answer questions about the death of the lecturer. Salisbury had brought in overseas investigators to prepare a report on the case and he had wanted that report, known to be critical of the police, to be published. The local establishment has successfully kept that report secret and the police officers were never indicted — although the Police Commissioner believed that there was a good case against them. We have been told that an important local establishment figure was also at the scene of the crime, though not an active participant; there appears to have been a desire to spare his feelings about why he was present at a place where it was known that homosexuals congregated.<sup>26</sup>

Salisbury's sacking resulted in considerable public disquiet. There was also a statement from the former Governor of South Australia, Sir Mark Oliphant, who believed that Salisbury had been unfairly treated. Although estimates of the numbers vary, some 7000–15,000 people demonstrated in Victoria Square on behalf of the sacked Police Commissioner, as compared with only 100–200 supporters for the Dunstan government. While the government made a series of attempts to excuse its handling of the situation, it decided (*after* the popular protest) to pay the remainder of Salisbury's salary, plus expenses and pension.

These recent cases, ranging from the arts to the zoo, from academics to the police, represent a minority of South Australian cases in the sense that only these cases have been the subject of published disapproval. There are other cases known to us where there has not been protest to expose unfairness.

The existence of so many cases in a relatively small community must raise questions about the nature of those who rule in South Australia — the establishment. This is not to say that all members of the establishment are in agreement about such cases. It is not to say that most members of the establishment would participate in such unfair means of suppressing dissent. But the existence of such a series of cases (and the unpublished ones are as bad) does raise the question of why certain members of the establishment do not keep their colleagues in better order. Also, why have establishment members so rarely spoken out against such abuses? There has been a poor showing in attempts to rectify wrongs. Differences in opinion, personality clashes, even public rows, occur everywhere. What is special about these South Australian cases is a consistent pattern of behaviour:

1. The victim is an "outsider", often from overseas.<sup>27</sup>
2. There are many who feel that the victim had performed well in his job.
3. The allegations to justify the sacking (or equivalent) have often been vague, insubstantial or erroneous.
4. Although the opportunity exists to allow the victim to leave quietly, it is deliberately ignored by those in charge. For example, the Police Commissioner was sacked almost one year before he would have had to retire. Elsewhere, the humane and sensible way to settle such differences is to offer a fair "golden handshake", allowing the individual to leave with a minimum of acrimony. Instead, there is an obsession to destroy the individual and his reputation, regardless of the cost (which is passed to the taxpayer).
5. The establishment is extremely reluctant to admit that a mistake has been made, or to admit that the procedures used to get rid of some dissident were unfair. Some partial measure of compensation for a damaged reputation is given begrudgingly only for the minority of cases where the establishment must quiet an outraged public.

With these other recent examples in mind, the reader can perhaps understand Coulter's position a bit better. For Coulter was more than the average dissenter. He is widely regarded as an extremely effective public speaker. A Western Australian in origin, Coulter converses

in a pleasant and direct Australian manner. While he has an encyclopaedic knowledge of medical and environmental matters, he never forces this learning down the listener's throat. He has been an elected official in a number of community organisations and has often appeared as their representative at governmental enquiries. Coulter is a formidable adversary for government bureaucrats and industrial witnesses: patient but quick, and just aggressive enough not to be intimidated. He is probably the opponent most feared by a variety of local vested interests. He must have been at the top of any local "hit list".

### *Local Conscience: Parliamentarians and the Politics of Preventive Medicine*

Coulter's popularity with many local groups meant that there was quite widespread public support for him. Many petitions on his behalf were sent to parliamentarians. Coulter also received strong support from part of the trade union movement, notably a delegation from the United Trades and Labor Council. The Environmentalists for Full Employment, a group with links to the trade union movement, also supported Coulter.

However, the Australian Labor Party (ALP) itself appeared less interested in the case. Certain ALP politicians in South Australia (who were then in opposition to the government in power) did a splendid job on behalf of Coulter (and the public) by bringing to light a number of deficiencies within the IMVS. In particular, Terrence Hemmings raised issues in the state Parliament involving the IMVS. This ALP politician was joined by Robin Millhouse, then representing the Australian Democrats (and later appointed to the Supreme Court of South Australia).

Why was the overall support from the ALP rather weak? Three explanations are worth considering:

First, in South Australia there are some establishment members who are in the ALP, although there are more in the Liberal Party. The two main parties differ little in their political positions.

Second, the ALP has strong representation from professional elites, notably lawyers and academics. Politicians recruited from these professions may not be really establishment — but some strongly seek to become establishment. There are often tensions between ALP politicians representing the professions and those who are from the more traditional Labor base, namely the trade unions.

Third, the ALP, both nationally and locally, has been ambivalent over many environmental issues. Nothing makes this clearer than the recent contortions over uranium mining. The last traces of credibility were lost when the South Australian ALP delegates pushed for a platform that excluded uranium mining except for Roxby Downs, to which the state ALP is strongly committed.<sup>28</sup> Surely, if there are ethical and environmental reasons to oppose uranium mining, these apply with equal force across state boundaries. There is a feeling among some ALP members that cleaning up the environment means a loss of jobs. We will not pursue here another inconsistency, that the ALP (with the exception of Barry Jones) has been passive to the inroads on employment arising from automation and computerisation. Accordingly, one can see how an intelligent environmentalist would be viewed as a threat to the policy manoeuvrings of some influential ALP politicians.

The issues Coulter has raised over the years have a strong unifying theme. The emphasis on a healthy lifestyle and a clean environment, both at home and at work, raises the issues of individual independence, local control and accountability of elites. This threatens corporate, bureaucratic and professional interests. Preventive medicine, largely in the form of better sanitation, better nutrition, and less pollution, has been more effective than curative medicine in improving the health of the community.<sup>29</sup>

But, curative medicine is more profitable to many medical doctors and to the entire "medical-industrial complex". Coulter made a cogent case for restoring the balance between preventive and curative medicine in his 1980 submission to the Committee of Enquiry into

the Provision of Pathology Services in South Australia. Coulter pointed to the exponential rise in the cost of IMVS services to consumers (gross payments to the IMVS went from \$2,000,000 in 1970 to \$17,000,000 in 1980 and are still rising). He contrasted this with the nearly static morbidity and mortality patterns in South Australia during the same period. Others have called attention to the contrast between the rapidly rising cost of medical care and the failure to improve the health statistics of the population, or even the decline in health for certain occupational groups.<sup>30</sup> In the United States the “medical-industrial complex” consumes fully 10 per cent of the gross national product, though there have been only minor improvements in health statistics in the last twenty years. Where improvements have occurred, notably in the reduction of cardiovascular mortality, it is believed that the improvements have come from encouraging people to adopt a healthier lifestyle (for example, by cessation of smoking, taking moderate exercise, and reducing the amount of saturated fat and salt in the diet) rather than by new developments in curative medicine (for example, coronary bypass operations).<sup>31</sup> At the same time, certain forms of cancer are increasing in frequency. Some of these cancers are associated with exposure to carcinogens, such as asbestos and chlorinated hydrocarbons, in the work environment.<sup>32, 33</sup>

There is a significant group of medical doctors who support Coulter’s position on the importance of preventive medicine. There is probably a healthier state of dissidence within the medical profession than among other professional groups — witness recent public criticism by surgeons of the examples of “overservicing” (unnecessary operations) by their colleagues. Both the Doctors’ Reform Society and the Australian Society of Microbiologists were groups who protested to Members of Parliament about the removal of Coulter from the IMVS.

However, Coulter’s views would be less attractive to those professionals whose profits and prestige come from curative medicine. This includes not only many practising medical doctors *but also a large portion of the biomedical research community*. Research involving cures gets more rewards than research devoted to prevention. In terms of vested interests, the one exception proves the rule: preventive medicine based on vaccines has often been rewarded (as indeed it should be in most cases). Vaccines are highly profitable to drug companies, for they are given to large numbers of healthy people and, thus, represent a proportionately larger market.

Coulter’s proposed restoration of a better balance between preventive and curative medicine has important implications for elites outside the “medical-industrial complex”. Preventive medicine would focus on both alcohol and the motor vehicle as major causes of death and disability. Motor vehicle accidents are not only a major cause of death, especially for young males, but account for nearly half of the patients in long-term care in neurologic wards (the paraplegics and quadriplegics). The motor vehicle is also the source of much profitable litigation for the legal profession and has spawned a massive “captured bureaucracy” within the government. Preventive medicine poses a direct challenge to the many intellectuals who staff the custodial services, dealing with the debris left by drink, drugs, unsafe working conditions, and the chronic unemployment characterising the modern “welfare state”. Thus, perhaps it is not too surprising that there was not strong support among many professionals, including politicians, for Coulter’s right to free speech and a fair trial in the IMVS.

### ***Conflicts-of-Interest: “I’m Not Suggesting Everybody Would Do That”***

Although they were only a minority in Parliament, Terrence Hemmings and Robin Millhouse were effective in raising a number of issues about the IMVS. After the sacking of the dissident came the deluge. There had been warning signs: an earlier investigative committee had criticised the management and accounting procedures in the IMVS. There



were widespread rumours of staff dissatisfaction — and several of these cases involved actions in the Industrial Court.

On 17 September 1980, nearly six months after the announcement of the Coulter sacking, Terrence Hemmings put before the South Australian Parliament the results of his detailed investigations into a number of problems at the IMVS. He concentrated on the desirability of accurately accounting for the sources of funds for travel expenses:

... the Deputy Director [of IMVS] was Dr R. G. Edwards... [and] he had been overseas 17 times in the last 10 years... the cost of his travel had been borne as follows: from Dr R. G. Edwards' personal funds, or by international professional organisations, 70 per cent; by I.M.V.S. funds, 6 per cent; and by private companies, 24 per cent. The companies contributing to the 24 per cent were Pfrimmer, \$1504; *Technicon*, \$7720; and Hoffman-La Roche, a Swiss [-based drug transnational], \$400.

The Deputy Director had taken 17 trips in 10 years, at a total cost of \$38,000, representing a little more than \$2000 a trip. One would suggest either that the Deputy Director is a frugal traveller and possibly a future contributor to *See Europe on \$15 a day*, or that the answer given to the Minister was not correct.

Hemmings went on to compare those numerical figures with what appeared in the transcript of "... a case held before the Industrial Court on 19 February 1979. This case dealt with an action taken by Dr R. G. Edwards, who wanted to carry on private practice as well as being a public servant":

*Question:* Have the I.M.V.S. in the time you've been in your situation benefited at all from that sort of work [attending meetings and taking trips]?

*Answer:* Yes. Best illustrated by placing a direct cash value on it of approximately \$400,000.

*His Honour:* Question: Sorry, who has put the cash value on this?

*Answer:* That is cash received by the institute in the form of various grants or other direct support from —

*Question:* Overseas?

*Answer:* Industry overseas, industry local, other funding bodies.

*Question:* How do you say that's directly related to your trips overseas?

*Answer:* It's derived, well I could illustrate it point by point if you wish, but it's been derived much of it from specific conferences that I've held with people overseas. For example, I will be going to Sydney tomorrow to receive \$25,000 which is derived directly from a meeting held in Basle, Switzerland.

*Question:* Do I draw the inference from that that if someone hadn't gone to that conference in Basle, Switzerland, you wouldn't have got the \$25,000?

*Answer:* That in that instance is absolutely correct, yes, sir. I have a somewhat unusual role, shall we say, in an unusual expertise. *I'm not suggesting everybody would do that.* [emphasis added]

Mr Hemmings then emphasises the discrepancies in the IMVS accounts:

That organisation was called Hoffman La Roche, which is a drug company. We have not been able to find in any reports a reference to \$25,000; nowhere have we been able to find, in past reports, a figure of \$400,000. This is the kind of thing which we want to know and which a public inquiry could bring out, but up to now, the Government and the Minister [for Health] have chosen not to give any form of answer to our request.<sup>34</sup>

A week later Lynn Arnold raised in Parliament another problem: the IMVS had purchased a number of very expensive medical testing machines, including some from Technicon, which may not have been satisfactory:

I do not know what these machines do, but I have been informed that in fact some of these machines do not do very much, that they have been sitting at the institute for substantial periods of time in some cases without being used at all, or at least without being used until questions were raised in this place [Parliament] earlier this year. Suddenly, I am informed, some of these machines got their first usage to try to justify the purchase of that equipment. I think that a public inquiry could very usefully find out not only the relationship of the purchase of these items of equipment with donations to the institute but also whether that equipment was necessary to the operations of the institute.<sup>35</sup>

### “Suffer the [Aboriginal] Children”

Also in the parliamentary debates Hemmings refers to where Coulter (not mentioned by name but readily identifiable) and a colleague had sought to publish in the *Medical Journal of Australia* on the mutagenicity of Flagyl and other 5-nitroimidazole drugs.<sup>36</sup>

A critical point to know is that G. D. Searle and Co., which manufactures Flagyl, had been in trouble with the US Food and Drug Administration (FDA) over inadequacies in its testing for safety. The journal *Nature* published the following comments about G. D. Searle and Co.:

A relatively unremarkable scientific paper, published early in 1972, has touched off a major scandal over the testing and regulation of drugs in the United States. It has led to allegations that some drug companies have conducted sloppy animal tests, faked results and presented misleading toxicity reports to the federal government. . . .

The concern over the quality of drug testing was triggered by a study published in the *Journal of the National Cancer Institute* by Mario Rustia and Philippe Shubik of the Eppley Research Institute. The study indicated that a commonly prescribed drug, known as *Flagyl*, increases the incidence of pulmonary and lymphoid tumours in mice. The paper raised eyebrows in FDA because the agency had in its files reports of two studies submitted by the drug’s manufacturer, G. D. Searle and Co., which claimed to show that *Flagyl* is not carcinogenic in rats.

A thorough check on Searle’s study was then conducted by Adrian Gross, an FDA scientist. Gross concluded that Searle’s study did indeed show evidence of carcinogenicity, but the company’s report didn’t reflect all the data. FDA officials took the matter up with Searle, and two years later the company re-submitted its report. This time, Gross said in an interview last week, the summary agreed with the data, which would have been fine except that it was the data, not the summary, which had been altered.<sup>37</sup>

Coulter and his colleague had wished to include in their manuscript sent to the *Medical Journal of Australia* part of this quotation from the article in *Nature*. Hemmings, in his 17 September 1980 contribution to the South Australian parliamentary debates, describes what he believed then happened:

On 14 July 1977 Professor V . . . , who was, I think, the head of the tissue pathology unit at the I.M.V.S., came into the office to discuss the paper with the two gentlemen [Coulter and colleague?] from the I.M.V.S. I want to quote what was given to me, because I feel that it is important that we have it down correctly. Professor V . . . said he wanted a quotation from *Nature* removed and also any reference to, or use of, the terms “drug company” or “drug firm”, and he made a statement as follows:

“This institute gets money from drug companies to carry out research.”<sup>38</sup>

At that point in the debates Hemmings was interrupted by a question from a fellow parliamentarian: “Was a transcript taken of the conversation?” Hemmings replied: “Both gentlemen were present when this was said, and I understand that statutory declarations will be forthcoming if required.” He then continued:

The purpose of Professor V... 's demand was quite clear. A higher priority was being set on the protection of one of the institute's sources of funds than on the protection of the public by making relevant information more widely available. It was also protecting the interests of the drug companies. The gentlemen concerned became extremely angry over this request and even the morality of such a request. Professor V... made it perfectly clear that he was acting on instructions from a higher authority, and he stated that he was not going to involve his own ethical standards to disagree with an instruction from a higher authority.

The following week a similar request was made by Dr E..., then head of the Division of Clinical Chemistry and the Acting Deputy Director. The same reasons were given, namely that the I.M.V.S. received money from drug companies and chemical companies [,] and that a paper such as that proposed could have had adverse effects on that kind of money coming into the organisation.

Hemmings then goes on to describe the alleged act of suppression itself:

The two gentlemen were forced to delete this passage [the original quotation from *Nature* commenting on the drug companies' inadequacies] and any references to drug companies or chemical companies. I maintain that that is direct suppression of information which could be of value to the public and to medical practitioners, and one would have thought that it was the duty of the I.M.V.S. Director and his Deputy Director, and the council, to make sure that that kind of information was forthcoming to the general public, but it was suppressed.<sup>39</sup>

At this point we turn to the paper by Coulter and Turner<sup>40</sup> which was published in the *Medical Journal of Australia*. Coulter and Turner pointed out the medical significance of their earlier work on the mutagenicity of 5-nitroimidazole drugs. Medical doctors and researchers had been giving 5-nitroimidazole drugs to Aboriginal children. This was not just for the treatment of *diagnosed* protozoan gut infections. There were also instances where these 5-nitroimidazole drugs were being given to Aboriginal children as a prophylactic — or just as part of the “control” in an experiment. In these latter situations there is a question of medical ethics: *individuals who are not suffering from a disease are being given a treatment which carries an unknown but potentially serious risk.*

One might also wonder if some of these medical doctors and researchers (to whom Coulter and Turner had addressed their article) had obtained informed consent from these human “guinea pigs”. Probably they needed decent sanitation and better nutrition more than a prophylactic drug or to be experimented upon. Drug companies, and compliant medical researchers, have long used the disadvantaged in society as experimental objects, even though their disadvantages may invalidate the scientific conclusions from the experiments.

The fact that a drug company involved in producing these 5-nitroimidazole drugs had recently been in trouble with the US Food and Drug Administration in regard to the suppression of results indicating carcinogenicity of a 5-nitroimidazole compound, was then (and still is) of paramount importance. It should have been mentioned in the *Medical Journal of Australia* paper; and Coulter and his colleague had endeavoured to do so. The fact, that there had been inadequacies in the information flow concerning possible toxic side effects, was something that medical doctors needed to know in making their own cost/benefit decisions as to whether or not to prescribe these drugs. The thalidomide disaster is only the most conspicuous of a number of examples of where inadequate drug testing, combined with suppression of information, has had tragic human consequences.<sup>41</sup>

### ***Report of the Committee of Inquiry into the IMVS***

After successfully preventing a full inquiry into the IMVS and the Coulter dismissal for several months, the then Minister of Health, the Honourable Jennifer Adamson, M.P., announced on 28 October 1980 that there was to be a wide ranging inquiry into the IMVS.

Three individuals were appointed: Dr Ronald Wells, a medical practitioner, Professor Neville F. Stanley, a biomedical researcher, and John E. Burdett, an accountant.

After the delay of almost a year, the government wanted results fast. The committee conducted its inquiry between 17 November and 19 December and its report was published in the latter month. The committee stated that it believed “a full and frank report was sought in our terms of reference”<sup>42</sup> — but the Coulter case received only the briefest possible mention. We cannot find any discussion about the alleged suppression incident raised by Terrence Hemmings in the parliamentary debates, although he claimed he had two witnesses prepared to give statutory declarations.

The report does dwell on “weaknesses in the recording and reporting of financial transactions”.<sup>43</sup> On the question of private firms financing overseas trips by senior staff, the report said the following:

Of particular concern has been the financing of trips by potential suppliers for Institute staff to test or view equipment. The Institute of Medical and Veterinary Science Act requires that the Institute conform with the requirements of the Public Service Supply and Tender Act in its acquisition procedures. The Public Supply and Tender Act has been framed to ensure fair and equal competition for all tenderers and while there is no evidence to suggest that the Institute has contravened the spirit of the Act, it has left itself open to criticism. The Committee considers that the Institute should discontinue accepting financial assistance from private companies to view or test equipment either prior to or during a tender call.<sup>44</sup>

The committee also suggested:

... the Institute revise its procedures for approving overseas travel to ensure that travel funded by a Specific Research Grant is referred to the [State] Overseas Travel Committee for approval.<sup>45</sup>

We find the longer quotation given above to be ambiguous. If the overseas travel practices were within “the spirit of the Act”, what about the letter of the Act? If everything was satisfactory, why the proposed changes mentioned in the shorter quotation? Was the Public Service Supply and Tender Act actually breached by the examples given in Parliament by Terrence Hemmings and Lynn Arnold? If not, why didn’t the committee defend the Deputy Director openly? Surely, if Hemmings and Arnold were wrong, and the situation capable of misinterpretation, should this not have been clearly stated, with the evidence presented to Parliament and the public? And, if the Public Service Supply and Tender Act had been violated, why weren’t the appropriate individuals in the IMVS prosecuted?

Another serious deficiency in the committee’s report was its failure to acknowledge how one of its recommendations corresponds exactly to the position that Coulter (and Earle Hackett) had argued for years; quoting from the report:

Increasing awareness of and concern about environmental pollution, including the contamination of food [,] and the abuse and iatrogenic effects of drugs [,] is likely to cause an increased demand for testing and monitoring by the Institute.<sup>46</sup>

Closing Coulter’s mutagen testing laboratory runs counter to the committee’s recommendation.

On other matters the report is more explicit. To see this better we now go back two months in time.

### ***The Advertiser Wades in on the IMVS: “a Web of Intrigue, Tension and Unrest”***

In October 1980 the *Advertiser* “tipped the bucket” on the IMVS, to use an Australian colloquialism. Barry Hailstone, the medical writer for the *Advertiser*, alleged that:

Behind the sedate, white-coated, cool professional appearance of the SA Institute of Medical and

Veterinary Science on Frome Road is a web of intrigue, tension and unrest. . .

An interplay of temperament, blended with innuendo, allegation and spite is shaking the foundations of the institute, often regarded as an SA bastion of professional standards and discrimination. . .<sup>47</sup>

Seven members of the higher administration of the IMVS wrote a letter to the editor stating that "morale within the divisions is generally good".<sup>48</sup> Their letter did not deal with the other allegations raised in Parliament and in Barry Hailstone's article.<sup>49</sup>

A longer letter to the editor, from A. G. McGregor, Chairman of the Council of the IMVS (and a well-known local lawyer, cattle-breeder, and patron of the arts), replied as follows:

It would be idle to pretend that in an organisation the size of the IMVS there are not a few disaffected individuals or disagreements over organisation or professional and scientific matters from time to time. . .

The heads of the divisions of the institute wrote to you recently stating that morale within the divisions was generally good.

As they are the senior officers in charge of the staff in their divisions they would know the attitudes of their staff well.<sup>50</sup>

It is thus of interest to read what the Report of the Committee of Inquiry into the IMVS concluded:

There is a strong body of opinion within the Institute, which has been supported in a significant number of well documented submissions to the Committee and in discussion with Institute staff, that there is . . . a lack of confidence in, and hostility to senior management, with staff hostility extending in some instances to a questioning of the integrity and fairness of senior management. . . [There is] a degree of unrest and low morale existing within the Institute.<sup>51</sup>

### ***"Suffer the Animals"***

No sooner had the Minister for Health finally allowed an inquiry into the IMVS than a new scandal broke out. Robin Millhouse announced in the House of Assembly that he had received documents from a previous Acting Director of Veterinary Pathology at the IMVS. The new allegations were that experiments on animals were not properly supervised in some instances, and that "the 'bioethics' committee was a ghost committee" whose function "was simply to deceive any inquisitive animal welfare organisations into believing that the welfare of animals was adequately protected".<sup>52</sup>

This prompted yet another official investigation into the IMVS. Professor Bede Morris, an immunologist from the Australian National University, was brought in to investigate the treatment of animals at the IMVS, and at other research institutions in Adelaide. His report, *Enquiry into the Use of Laboratory and Experimental Animals*, deserves a wider readership than most such government reports get. Bede Morris's report is an excellent statement of the various perspectives and practices on animal welfare. The report also ranges out into other subjects that are relevant; for example:

The present system of funding much of medical research in Australia leads to research grants being given to so-called Senior Investigators who are only prepared to devote minimum periods of time to the research. Grants are given to them to fund salaries of relatively junior Research workers and Technicians who actually do the work. The 3 to 4 days a month devoted to the research by the Senior Investigator is questionably adequate for the science but unquestionably inadequate for the animals.<sup>53</sup>

Professor Bede Morris makes no attempt to whitewash what went on in the past at the IMVS:

There are no satisfactory excuses for the circumstances that were allowed to develop in the Institute over a period of several years prior to 1978. The administration of the operating theatres and the supervision of the post-operative care of animals were just not good enough. A major part of the problem seemed to rest with the Institute administration allowing a contumacious technical staff to exploit their position in the operating theatres in a quite outrageous way. The people who were using the operating theatres at this time appeared to be unable, unwilling or indifferent to reporting an unsatisfactory situation that was working against their own individual best interests and against the corporate interests of the Institute. There was no adequate supervisory arrangement to ensure that malpractice would be quickly detected and eliminated, and as a consequence the operating theatre complex acquired a shady reputation among some Institute staff as a place where unsavoury arcane operations were being done to animals.<sup>54</sup>

Professor Morris drew attention to the problem that was also mentioned in at least two other inquiries into the IMVS: the awkward position of the veterinarians vis-a-vis the medical doctors.

The public criticisms of the incidents with experimental animals led to press reports which referred to the maltreatment of animals at the "Vet Institute" and it was suggested subsequently that members of the Institute's veterinary staff were to an extent responsible for allowing these misdemeanours to occur. This was quite wrong and these suggestions should have been corrected by the Institute's administration. As a consequence the delinquency of medical practitioners resulted in obloquy for the veterinarians which further alienated the Institute's veterinary staff.<sup>55</sup>

The IMVS had been founded around 1938 with the high hopes that medical doctors and veterinarians could work together in research and in practical problems. This was a sensible plan from at least two standpoints: a number of diseases are transmitted between man and animals; and, farm livestock are especially important to the economy of South Australia.

Unfortunately, the plan did not take into account the sociology of complex research organisations dealing with biomedicine. Medical doctors are among the most highly paid professionals, rivalled only by lawyers. Medical doctors tend to take a condescending view towards other scientists. The IMVS is not alone in having serious tensions between medical doctors and non-medical research staff, which includes veterinarians. Medical doctors insist on, and get, higher salaries, more research money, and more perks.

The arrogant treatment received by non-medical researchers in medical institutes drives many highly trained and competent scientists out of medical research. Yet, the nature of modern research is such that neither medical doctors alone, nor any other single group, have a monopoly on expertise. Each needs the others. These social-structural problems, manifested in conflict between different professional groups, ensure that the non-medical researchers, the taxpayers, and the animals, all suffer. At least it can be said in fairness to the IMVS that when, in the following year, Professor Bede Morris returned to inspect the animal facilities he was impressed with the improvements in the physical plant and with the high standard of care provided by the animal attendants.

### *Is the Setting Responsible for the Paralysis of Conscience?*

This background on both the community setting and the institutional setting helps to provide an understanding of Coulter's plight. Within the general community Coulter received widespread support. There is no paralysis of conscience in many sections of the South Australian community; quite a number of ordinary citizens were prepared to protest, to sign petitions, and to provide support for Coulter in other ways. Where the paralysis occurred was among the powerful local establishment and among certain professional groups.

The dissident from outside a community brings in new ideas and refers his observations to broader international standards. This is resented and resisted by locals who are intolerant

of any kind of criticism, as well as by that certain class of cosmopolitans whose major aim in life is the pursuit of fame or profit.

The background to the Coulter case reveals how he was caught in "a web of intrigue, tension and unrest"<sup>56</sup>, to quote one of the newspaper items on the IMVS. Even though ultimately some attempt was made to investigate some of the problems at the IMVS, the individual who had the courage to speak out on issues of preventive medicine and the environment was considered expendable in the "infinitely squalid local politics".

It is the long-suffering patient who carries a double burden for this "web of intrigue, tension and unrest". The fees charged for medical testing by the IMVS are expensive. This has facilitated the growth of what Terrence Hemmings terms "the millionaire pathologist" and various "empire-building exercises".<sup>57</sup> This is all part of the uncontrolled inflation of the "medical-industrial complex".

The point has been reached where many patients must forgo adequate medical testing and treatment because of the money consumed by petty squabbles among bureaucrats, consumed by equipment which is either unnecessary or inadequate, or consumed for research which is irrelevant to the task of reducing human suffering.

We now pass to the questions about the substance and the accuracy of the charges laid against Coulter by the then Director of the IMVS.

### References

1. Gerald Holton, *The Scientific Imagination: Case Studies* (Cambridge University Press, 1978), especially chapter 7. The quotations are from p. 235 with some italicised sections in normal type.
2. The authors have sampled over three thousand references dealing with the history, sociology and psychology of scientists, and are in the process of preparing a more general review of the evidence for Holton's conclusions and the consequences for man of unchecked abuse of science and technology. The basic point, the lack of altruism among scientists, the result of some combination of intrinsic personality characteristics and of the pressures from within and outside the scientific community, is evident in many studies. For the interested reader we recommend the following, chosen to show how similar conclusions are reached by individuals taking quite different analytic approaches: Joseph Haberer, *Politics and the Community of Science* (New York: Van Nostrand-Reinhold, 1969); Daniel S. Greenberg, *The Politics of American Science* (originally published as *The Politics of Pure Science*) (Harmondsworth, Middlesex: Penguin Books, 1969 edn.); Bernice T. Eiduson, *Scientists: Their Psychological World* (New York: Basic Books, 1962); Jerome R. Ravetz, *Scientific Knowledge and Its Social Problems* (Oxford: Clarendon Press, 1971); Brian Martin, *The Bias of Science* (Canberra: Society for Social Responsibility in Science, 1979).
3. We are using the terms *local* versus *cosmopolitan* rather along the lines of A. W. Gouldner, "Cosmopolitans and locals: toward an analysis of latent social roles — I". *Administrative Science Quarterly* 2, pp. 281–306 (1957). As with all dichotomous classifications it is an oversimplification, but nevertheless a useful one, upheld in further studies: E. V. Morse and S. Gordon, "Cognitive skills: a determinant of scientists' local-cosmopolitan orientation", *Academy of Management Journal* 17, pp. 709–23 (1974). Although these references discuss refinements, the terms local and cosmopolitan are basically self-explanatory. Locals are committed to immediate organisational values. Cosmopolitans are individuals who are committed to a broader set of values; these values may be those of a particular profession, such as medicine or science, or they may be those of a particular dissenting movement, either within a profession (for example, preventive medicine versus curative medicine) or uniting a number of different community groups, i.e., cutting across other social boundaries (for example the

environment movement, peace movement, or, of course, political parties, right or left). Our discussion of local versus cosmopolitan does not imply any value judgement. Local values may be fine and fair, or so supportive of self-interest and hierarchy within an organisation as to be destructive of broader community interests. Cosmopolitans too may become overly committed to self-interest and this can be expressed in their private ideologies and in their "pressure group" actions vis-a-vis the broader community interests. However, commitment to cosmopolitan values does allow greater possibility for identification with broader community concerns, and reference to more time-tested ideals.

4. Barry Hailstone, "Director gives reasons for scientist's move", *Adelaide Advertiser*, 1 April 1980, p. 8.
5. Barry Hailstone, "Sacked for speaking out — scientist", *Adelaide Advertiser*, 31 March 1980, p. 12.
6. P. R. S. Gouldhurst, "Cancer research" (letter to the editor), *Adelaide Advertiser*, 10 April 1980, p. 5.
7. J. A. Bonnin, "Cancer research work" (letter to the editor), *Adelaide Advertiser*, 12 April 1980, p. 5.
8. *Coulter v. IMVS and Public Service Board*, South Australia Industrial Court 4 December 1980, p. 913 of transcript.
9. R. Wells, N. F. Stanley and J. E. Burdett, *Report of the Committee of Inquiry into the Institute of Medical and Veterinary Science*. 207-page printed document, dated December 1980, but with no other identification. Obtained from the South Australian government publications outlet. (Quotation on p. 25).
10. Bill Guy, "Conservation campaigner in crisis: does Dr Coulter have to go?", *Adelaide Advertiser*, 17 June 1980, p. 5.
11. Peter Ward, "The trial of journalism", *Australian*, 23 April 1981, p. 11. A summary of the Stuart case is provided by Ward McNally, *Aborigines, Artefacts and Anguish* (Adelaide: Chi Rho, Lutheran Publishing House, 1981), Ch. 9.
12. Peter Reddaway (ed. and trans.), *Uncensored Russia: the Human Rights Movement in the Soviet Union* (London: Jonathan Cape, 1972).
13. There has been a mistaken belief in some epidemiological circles that genetically caused diseases are totally separate from environmentally caused diseases. Many genetically based diseases originate as a consequence of mutagens, which may occur either naturally or by human intervention in the diet, from other aspects of the environment, or even produced by metabolic activation of natural substances brought into the body. Increasing the human mutation rate, either by exposure to increased amounts of radiation or by exposure to mutagenic chemicals, poses both short and long term threats. Deleterious genes are removed by the death of individuals, or their failure to reproduce. A sizeable body of expert opinion regards somatic mutation as involved in both ageing and in the genesis of certain cancers. Even for some cancers of known viral causation, exposure to low levels of radiation, or to certain chemicals, can activate the latent virus and start the oncogenic process (see Natalie M. Teich and R. A. Weiss, "Beware the lurking virogene" in: R. F. Beers, Jr. and E. G. Bassett (eds), *Recombinant Molecules: Impact on Science and Society* (New York: Raven Press, 1977) pp. 471–83; and reviews in *Comprehensive Virology*).
14. Samuel S. Epstein, *The Politics of Cancer* (San Francisco: Sierra Club, 1978), p. 280. The interested reader will find the following articles useful: Samuel S. Epstein and Joel B. Swartz, "Fallacies of lifestyle cancer theories", *Nature* 289, pp. 127–30 (1981); and Samuel Epstein, "Polluted data", *Ecologist*, vol. 9, issue 8/9, pp. 264–72 (November–December 1979).



15. *ibid.*
16. Frank Graham, *Since Silent Spring* (London: Hamish Hamilton, 1970), see especially p. 49.
17. A. P. Rowe, *If the Gown Fits* (Melbourne University Press, 1960); see also Sir Mark Oliphant, "Book reviews: the quality of Australian universities", *Vestis*, vol. 3, pp. 45–9 (1960).
18. W. G. K. Duncan and R. A. Leonard, *The University of Adelaide 1874–1974* (Adelaide: Rigby, 1975).
19. Rowe, *op. cit.*, p. 222.
20. For reports on some of these incidents see: Christopher Hunt, interviewed by James West, "The arts: a hunt in the sun", *National Times*, 2–8 March 1980, p. 44; Christopher Hunt, "Festival must satisfy an establishment", *Adelaide Advertiser*, 24 March 1980, p. 3; Anne Chisholm, "The martyrdom of St Christopher the unwise," *Observer* (London), 23 March 1980, p. 37; Bernard Levin, "Adelaide, as an Englishman sees her", *The Times* (London), 2 April 1980, p. 16; Lance Campbell, "Director to leave festival", *Adelaide Advertiser*, 28 March 1983, p. 1; Peter Ward, "Why Sharman quit as shaman", the *Australian*, 7 April 1983, p. 14; Sally Gibson, "Exit Moshinsky in festival dramatics", *National Times*, 29 April–5 May 1983, p. 29; Lance Campbell, "Fight to fix SA's festival", *Adelaide Advertiser*, 16 July 1983, p. 7; Lance Campbell, "Resignation call contrived: Earle", *Adelaide Advertiser*, 6 August 1983, p. 13; Shirley Stott Despoja, "Struggle of titans behind centre's best show", *Adelaide Advertiser*, 21 June 1984, p. 7; L. Campbell, "Walking out on controversy", *Adelaide Advertiser*, 18 August 1984, p. 2.
21. Peter Brook, quoted in Sheridan Morley, "Peter Brook quarrying theatre in Australia", *The Times* (London), 7 April 1980, p. 7.
22. A. J. Marshall, editor and part author, *The Great Extermination* (London and Melbourne: Heinemann, 1966), pp. 67–8.
23. Chris Milne, "Society gags zoo staff and director", *Adelaide Advertiser*, 30 March 1984, p. 1; Chris Milne, "Urgent Council meeting considers sacking zoo director", *Adelaide Advertiser*, 30 March 1984, p. 1; Jane Willcox, "Zoo controversy — Council wanted to get director out of the way", *On Dit* (University of Adelaide student newspaper), vol. 52, issue 6, 9 April 1984. This controversy is especially unfortunate as the past and present zoo directors have made many improvements and the zoo is very popular with the public.
24. Stewart Cockburn, *The Salisbury Affair* (Melbourne: Sun Books, 1979); Des Ryan and Mike McEwen, *It's Grossly Improper* (ISBN 0 9595162 0 4, privately published, 1979).
25. Max Harris, "Dunstan sacked God's Englishman", the *Australian* (*Weekend Australian Magazine*), 10–11 June 1978, p. 2.
26. See also the comments by Anne Summers, "New questions in the dossier affair", *National Times*, 30 January–4 February 1978, p. 5, who refers to "... a well known and respected Adelaide citizen who had in the past been the victim of police entrapment techniques in public lavatories. He fears giving evidence against police and of having his record disclosed".
27. There is an interesting exception that proves our rule. On p. 132, we mentioned the attempt to convict the editor of the *News*, Rohan Rivett, of seditious libel after he had questioned the fairness of the procedures used to obtain a conviction of the Aboriginal, Rupert Max Stuart. There is another dissenter involved in this case, the well-known scholar of Aboriginal language and legends, T. G. H. Strehlow, at that time a lecturer at the University of Adelaide. Strehlow, one of the few people who could converse with Stuart in his own language, proclaimed that he was innocent. Furthermore, Strehlow

used his knowledge of the language to show that Stuart could not possibly have expressed the kind of thoughts that were in the "confession". This brought Strehlow into a head-on clash with a powerful local establishment figure who also had great influence within the University of Adelaide. Strehlow did not have his university position threatened, perhaps because it would have provoked further protest, especially from non-conformist church groups or the emerging "Aboriginal rights" groups. He was not a member of the local establishment, but he was the son of a respected minister who had worked on a mission in South Australia. However, Strehlow, despite being a world recognised authority on Aboriginal cultures, never received the Chair of Anthropology he had expected the University of Adelaide to provide, although in 1970 he was given a personal professorship in Australian Linguistics. The result was that it was not until Strehlow was close to retirement (and death) that the University created a Department of Anthropology. Was this because the powers-that-be wanted to avoid Strehlow's competition with less accomplished candidates for the job? Thus, while University of Adelaide administrators deny that Strehlow was discriminated against because of his act of dissidence, not only did Strehlow himself believe he was victimised (see the Ward McNally biography in note 11 above), but others have told us of a similar interpretation. It is difficult to evaluate these claims, but it is otherwise hard to explain why the University waited so long to set up a Chair of Anthropology, especially given the proximity of the University to several important Aboriginal tribes. However, our point here is that, as a local and not an "outsider", Strehlow was at least partly protected from the kind of vindictive treatment others have received.

28. See: "Uranium — the split widens", the *Australian*, 12 June 1984, p. 1; Peter Logue and Greg Sheridan, "Hawke gives in on uranium to save Roxby", the *Australian*, 13 June 1984, p. 1. Of one South Australian politician, originally a vocal opponent to uranium mining on both ethical and practical grounds who switched to supporting the big Roxby Downs project in South Australia, the political reporter on the *Adelaide Advertiser* commented that he had "castrated his effectiveness and credibility in the anti-uranium debate": Matt Abraham, "Survival sparked a glow", *Adelaide Advertiser*, 21 July 1984, p. 28.
29. T. McKeown, *The Modern Rise of Population* (London: Arnold, 1976); A. J. Culyer, "What do health services do for people", *Search* 10, pp. 262–8 (1979).
30. Douglas Black, J. N. Morris, C. Smith and P. Townsend, *Inequalities in Health* (Department of Health and Social Security, UK, 1980). This report, obviously unpalatable to the Minister, was not actually suppressed but its release made without publicity and without adequate numbers of copies being distributed: "so grudgingly made available by DHSS", as an editorial in the *British Medical Journal*, 20 September 1980, p. 762, puts it.
31. Editorial, "Why has stroke mortality declined?", *Lancet*, 28 May 1983, pp. 1195–6. In a single year in the USA \$3,250,000,000 was spent on 160,000 coronary bypass operations: see Eugene Braunwald, "Editorial retrospective: effects of coronary-artery bypass grafting on survival", *New England Journal of Medicine* 309, pp. 1181–4 (1983).
32. See note 14 above.
33. For information on asbestos, see: International Agency for Research on Cancer, *IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man*, vol. 14, *Asbestos* (1977); B. K. Armstrong et al., "Epidemiology of malignant mesothelioma in Western Australia", *Medical Journal of Australia*, 21 July 1984, pp. 86–8.

For information on carcinogenesis by chlorinated hydrocarbons see the appropriate IARC monographs, and C. Heidelberger, "Chemical carcinogenesis", *Annual Reviews of Biochemistry* 44, pp. 79–121 (1975).

Among the most powerful pieces of evidence for the importance of anthropogenic chemicals in the environment in causing cancer are the data from geographical differences in the incidence of certain types of cancer: see W. J. Blot, T. J. Mason, R. Hoover and J. F. Fraumeni, Jr., "Cancer by county: etiologic implications", in: H. H. Hiatt, J. D. Watson and J. A. Winsten (eds), *Origins of Human Cancer*, Book A, *Incidence of Cancer in Humans* (Cold Spring Harbor Conferences on Cell Proliferation, vol. 4, 1977), pp. 21-32.

It would be misleading to give the impression that all types of cancer have risen in incidence. A marked decline in gut cancer in Western countries has been observed in recent years; the reasons for this are not known with certainty but have been suggested to be the result of people eating less food preserved with nitrates.

34. Terrence Hemmings, *Parliamentary Debates* (South Australia: 17 September 1980), p. 880.
35. Lynn Arnold, *Parliamentary Debates* (South Australia: 24 September 1980), p. 1089.
36. Terrence Hemmings, *Parliamentary Debates* (South Australia: 17 September 1980), p. 881. The 5-nitroimidazole drugs include Flagyl, also called Metronidazole. These compounds are used to treat infections such as amoebic dysentery and vaginal trichomoniasis. Some of the individuals' names in Hemmings's quotation are deleted.
37. Colin Norman, "Where lies the test?", *Nature* 264, pp. 308-9 (1976).
38. Hemmings, op. cit.
39. *ibid.*
40. John R. Coulter and John V. Turner, "Treatment of amoebiasis and giardiasis", *Medical Journal of Australia*, 9 September 1978, p. 268. See also: John R. Coulter and John V. Turner, "Tinidazole (TNZ)... is mutagenic in a *Salmonella typhimurium* assay", *Mutation Research* 57, pp. 97-101 (1978).
41. Phillip Knightley, H. Evans, E. Potter and M. Wallace, *Suffer the Children: The Story of Thalidomide* (London: Andre Deutsch, 1979). See also John Braithwaite, *Corporate Crime in the Pharmaceutical Industry* (London: Routledge and Kegan Paul, 1984); and, Stanley Adams, *Roche versus Adams* (London: Jonathan Cape, 1984).
42. Wells, Stanley and Burdett, op. cit., p. 1.
43. *ibid.*, p. 45.
44. *ibid.*, p. 47.
45. *ibid.*, p. 48.
46. *ibid.*, p. 13.
47. Barry Hailstone, "Clash of views: intrigue at the Institute", *Adelaide Advertiser*, 9 October 1980, p. 8.
48. D. J. Cook, T. W. Steele, D. E. Gardner, D. W. Thomas, R. J. Kimber, B. Vernon-Roberts, and B. P. Marmion, "Chiefs defend institute", *Adelaide Advertiser*, 20 October 1980, p. 5.
49. Hailstone, op. cit.
50. A. G. McGregor, "IMVS council replies to criticism", *Adelaide Advertiser*, 27 October 1980, p. 4.
51. Wells, Stanley and Burdett, op. cit., p. 35.
52. "Illegal surgery at vet institute", *Adelaide Advertiser*, 9 October 1980, p. 1.
53. Bede Morris, *Enquiry into the Use of Laboratory and Experimental Animals* (Report to the Minister for Health, dated March 1981, 57-page document), quoting from p. 37.
54. Morris, op. cit., p. 33.
55. *ibid.*, p. 39.

56. Hailstone, op. cit.

57. Terrence Hemmings, in *Parliamentary Debates* (South Australia: 24 February 1982), quoting p. 3098.

## CHARGES AND CROSS-EXAMINATION

C. M. Ann Baker and Clyde Manwell

### Introduction

Here we confine ourselves to a brief examination of the charges laid against Dr Coulter. The administration of the Institute of Medical and Veterinary Science, Adelaide, considered that these charges were sufficiently *serious* to warrant first demotion and then dismissal. The administration of the IMVS was, we presume, convinced of the *accuracy* of the charges.

For many case histories it would be difficult to publish this kind of analysis of the charges. Usually there are no court transcripts or equivalent verbatim records of where witnesses are examined and cross-examined.

This chapter has three main objectives: first, to present the facts available to us that are related to the charges the Director laid against Coulter in the local newspaper. Fair play demands that the charges be answered in at least as conspicuous a place.

Second, to provide a model for individuals who must defend themselves against certain types of charges.

Third, to integrate the results of the study of the IMVS versus Coulter, and to seek to understand how information flow within an organisation becomes biased. It is an oversimplification to think that, if A brings charges against B, and those charges are shown to be wrong, that A was entirely at fault. Are there C, D and E in the background who provided misinformation to A about B? Is the bearing of tales within an organisation a mode of adaptation to survival, or advancement, in a demoralised institution?

We consider only the first court case. The second court case did not concern the charges, or Coulter's competence, in any way. After the settlement had been agreed upon by Coulter and the IMVS, it was then necessary for Coulter to fight a second court case to obtain his pension rights. We do not know the reasons behind this second court case. It may have been simply a harassing tactic on the part of the South Australian government. It was an exercise in naked bureaucratic power, symptomatic of the scene as reviewed in the chapter "Paralysis of the Conscience".

### Particularising the Charges

For the person who wishes to understand such a dismissal case — or needs to organise a defence against administrative action — the first problem is to decide just what are the charges. Administrations often use a multiplicity of charges. Is this in the hope that at least some of the charges will stick, or at least find a sympathetic resonance of disapproval in the organisation itself or in the wider community? A multiplicity of charges can conceal the fact that, individually, each charge lacks substance. It is helpful to distinguish between two categories of charges: those that are just general allegations and those that are illustrated with one or more specific allegations.

In some cases the charges are shifted around. New charges are brought in when old ones are found to be unsatisfactory. This situation is summarised in W. H. C. Eddy's exhaustive study of the sacking of Professor Orr from the University of Tasmania: "Charges were not only many; they were mobile".<sup>1</sup>

The Coulter case typifies these problems, but the situation is simplified by the fact that

the then Director of the IMVS could use the local newspaper as a vehicle to list his complaints. It is to these published charges that primary attention is drawn. A few additional charges crept in by the time the case reached the court. The nature of these additional charges was like their predecessors. An example is dealt with by quoting the Director under cross-examination. Some general allegations in regard to obtaining research grants were reviewed by Brian Martin in "Mutagens and Managers".

### **Charge 1: Degree Qualifications**

Barry Hailstone's first reporting of the reasons the Director gave for Coulter's demotion, in the 1 April 1980 news item, focused largely on matters of the supposed expense and value of Coulter's mutagen testing laboratory. These matters have been dealt with in preceding chapters. However, Bonnin also levelled a specific charge: "Dr Coulter had been prematurely promoted to medical specialist status and salary on his undertaking to write up earlier work in the form of a thesis for his degree of doctor of medicine".<sup>2</sup>

This charge is also the first listed in Dr Bonnin's letter of 12 April 1980 to the editor of the *Adelaide Advertiser*:

His broken agreement to submit his work for an appropriate postgraduate qualification. It was on the basis of this agreement that he was promoted. Senior research workers are required to obtain such qualifications, which he could easily have done. He has for many years been paid as a specialist pathologist for which he has no qualification.<sup>3</sup>

As indicated by Brian Martin<sup>4</sup> this charge is cancelled by the undisputed fact that Coulter was promoted to medical specialist status in 1967 and, at that time (and for a number of years afterwards), there was *no requirement* for any degrees beyond the basic medical degree, which Dr Coulter had. In the court testimony two other facts emerged: there were other staff in the IMVS promoted to medical specialist without any more further-degree qualifications than Coulter had; and, of particular importance, the issue of having further degree qualifications only arose, at the earliest, in 1977, according to the IMVS administration — although the first written documentation appears to be in a letter dated 28 February 1980 addressed to Coulter.<sup>5</sup>

We cannot determine whether or not Coulter gave some special "undertaking" involving a specific commitment by some given date. We can find no claims for the existence of any special contract; presumably the "undertaking" was verbal. "Undertaking" might well have been understood differently by different parties. We would be surprised if anything more than a vague arrangement would, or could, be "undertaken". First, the requirements for such advanced degrees are usually stated imprecisely, leaving the interpretation of pass or fail to the judgement of senior administrators in the IMVS (several of whom have joint appointments with the University of Adelaide).

Second, given the problems that arose for Coulter, starting in July 1977, discussed in "Mutagens and Managers" and "Paralysis of the Conscience", we can well understand why Coulter would be hesitant to submit his work where the same decision-making superiors would be involved. It must also be realised that such advanced degrees are usually given for a large number of publications and, as explained elsewhere ("Academic Exploitation" and "Evaluation of Performance"), the accumulation of large numbers of publications is sometimes obtained by parasitising the efforts of others. Coulter did all of his work alone, or with one or two colleagues. He covered a broad area of preventive medicine and environmental contamination. At least with the permission of the Director, and on some occasions as a result of specific requests from the Director, Coulter investigated a wide range of topics, often having to learn, or develop, new techniques on each occasion. It cannot be held against Coulter (or any other scientist in a similar situation) that not every one of these investigations resulted in a publication. The necessity to change research topics makes it

obligatory to wait much longer to accumulate enough material on a coherent theme to fit the usually narrow requirements of a thesis.

In summary of this charge, contrary to the description in the *Advertiser*, that Coulter “had been prematurely promoted to medical specialist”, it would have been fairer to say that, at the time he had been promoted he had all the necessary degree requirements and that any further requirements occurred after — long after — the promotion. The charge itself would basically be an allegation of incompetence in the previous group of administrators who had “prematurely promoted” a member of staff.

### **Charge 2: Failure to Publish and Low Productivity**

The second charge comes in two overlapping forms, quoting from Bonnin’s letter to the editor of the *Advertiser*:

His failure to publish the results of past research. All research workers are expected to publish their work in reputable scientific journals and, despite repeated requests, and written direction, this has not been done.

His markedly low productivity as a full-time research worker, for which he is employed and which has been drawn to his attention. He has published only three papers in recognised journals in more than two years. The institute is criticised for allowing this state of affairs to continue for as long as it has. Several of the institute’s routine service personnel are far more productive, fitting in their research studies along with their other duties.<sup>6</sup>

This charge lacks precision in its particularised example: “He [Coulter] has published only three papers in recognised journals in more than two years.” “More than two years” allows one to interpret the claim in any way, from three papers in two years and one day to three papers in, say, fifty years.

Inspection of the Report of the Committee of Inquiry into the IMVS reveals a list of staff publications for the period 1977–80. Coulter is first or sole author on two publications in 1977–8 and second author on a third publication in that period. Coulter is first or sole author on three more publications in 1978–9. He has no publications listed for 1979–80, which is hardly surprising, given the circumstances. Considering only first or sole authorship, that represents five publications in something over two years. For the three overlapping year periods, there is a total of 361 publications (including many abstracts) for all of the IMVS staff involved in research. Given that there are more than 100 staff members or equivalent (including temporary appointments, fellowships etc.), this is about one publication per person per year.

We conclude that Bonnin’s allegation is in error. Coulter had six publications, on five of which he is first or sole author, not three, over the two-plus year period. The evidence to reach a correct publication count should have been easily available to the Director, or to whomever he delegated responsibility to evaluate Coulter’s performance.

### **Charge 3: Failure to be Cited**

In Bill Guy’s *Advertiser* article, entitled “Does Dr Coulter have to go?”, Dr Bonnin is quoted as follows:

You assess a research worker’s work by reading his published work. If that published work is quoted by others you know that people are accepting that work.

All we know is that Dr Coulter has published very little indeed that is refereed . . . and basically he isn’t quoted by other people.<sup>7</sup>

As we explain in more detail elsewhere (“Evaluation of Performance”), the situations with regard to both refereeing of manuscripts and citations of publications are complex. As the papers by Coulter which are listed in the IMVS inquiry report<sup>8</sup> are published in journals like *Mutation Research*, *Medical Journal of Australia*, *Australian Journal of Pharmaceutical Science*

and *Lancet*, we will pass to the editors of those journals the essence of Bonnin's allegation of "very little indeed that is refereed". We do not believe that such an allegation would be accepted by the editors of those journals. In any case, certain of those journals, notably *Medical Journal of Australia* and *Lancet*, are places where a number of the staff of IMVS publish.

What about the second part of the Director's allegation, that Coulter's work "basically . . . isn't quoted by other people"? A few minutes inspecting *Science Citation Index* (discussed in "Evaluation of Performance") allows that allegation to be settled. The following table compares the number of citations to papers where Coulter is the first author with two types of convenient "controls". One is the Director himself, J. A. Bonnin, and the other is the average publishing scientist, a figure which is available in the *Science Citation Index*:

Year	J. R. Coulter	The Director of IMVS, J. A. Bonnin	Average citations per cited scientist
1970	8	5	6.52
1971	15(1)	0	6.67
1972	14	6	6.65
1973	11	2	6.95
1974	14	3	7.05
1975	9	4	7.05
1976	18	3	7.48
1977	11	4	8.01
1978	10(1)	0	8.12
1979	10	2	8.05
1980	10	1	8.28
1981	9	2	8.48
1982	4	2	8.34

The numerical data dispose of the Director's allegation that Coulter isn't cited. Coulter is not a prolific publisher, but several of his papers receive a number of citations over the years. This suggests the pattern of a perfectionist, who has a small output but which includes some items which have made an important impact. In every year but the last one Coulter receives more citations than does the average publishing scientist. The sudden drop in 1982 might be the result of the damage done to Coulter by the sacking attempt and the concomitant publicity without the clearing of his name.

As mentioned earlier, Coulter changed research topics, although keeping to the paradigm of preventive medicine. This shows up in his low incidence of self-citation — only two such self-citations in the period sampled. If you publish several papers in a field, you have more opportunities for self-citation and you also attract proportionately more attention to your work, for multiple publication in a specialised topic is often thought to mark the individual as an authority.

As our earlier discussion about preventive medicine and environmental problems revealed, *these topics are under-represented in research effort and in publication outlets*. Thus, researchers like Coulter tend to receive fewer citations than researchers in popular fields, such as curative medicine. Yet, even when these qualifications are ignored, Coulter has a reasonable citation count.

At this point in discussing the charges, a somewhat legalistic matter should be raised. As the Report of the Inquiry into the IMVS says:

It must be accepted that the Institute is not primarily a research organisation, but an extensive array of laboratories designed to carry out diagnostic procedures to assist clinicians in human and veterinary medicine, and to provide health surveillance throughout the State of South Australia.<sup>9</sup>

Thus, there appears to be no official requirement for publication, or for being cited. True, as a nearly full-time researcher, it would be fair to expect some publication and it would be fair to expect that the work is occasionally cited. It is an interesting reflection on priorities and procedures that this requirement for publication (and for being cited) is not officially stated, let alone enshrined in the Statutes, but it can be invoked, if capriciously.

### ***Charge 4: Failure to Have Papers Approved by Higher Authority in the IMVS***

This charge appears in the following form in the Director's letter to the editor of the *Advertiser*:

His failure to comply with the Regulations under the Institute of Medical and Veterinary Science Act with respect to submitting any manuscript for approval before sending it for publication.<sup>10</sup>

This appears to refer to an incident which was explored in the cross-examination of the Director.<sup>11</sup> Coulter had taken his holiday leave to attend the ANZAAS conference which, in that year (1979), was held in New Zealand. Coulter delivered a paper on one of his research interests. As to the allegation that Coulter's paper had not been vetted beforehand, consider the following sample of the Director's testimony under cross-examination:

Q. You remember receiving that letter, Doctor.

A. [Bonnin] Yes.

Q. Do you remember reading the last paragraph of the letter which again referred to the copy of the paper that Doctor Coulter was going to read at the A.N.Z.A.A.S. conference *being submitted to Professor Vernon-Roberts*.

A. Yes.

Q. Do you remember now reading that.

A. Not particularly but I note, it has got noted "J.A.B." in my handwriting, so I've obviously read it.<sup>12</sup>

On the following page of the transcript the Director makes an important admission:

Q. Did you read the paper [that Coulter delivered in New Zealand]?

A. [Bonnin] No.

Q. If you had doubts about whether it had anything to do with Institute business, why didn't you ask to read it, doctor.

A. I don't really consider the matter is a major issue... *if it is read by someone to whom I had delegated that authority*... He didn't choose to show it to me as having anything controversial... *I will accept what I am informed on by the people to whom I delegate that work*, and I can't for the life of me remember what I was told about that paper now.<sup>13</sup> [emphasis added]

### ***Charge 5: Not Justified Some of His Statements About Environmental Matters***

The remainder of Bonnin's letter to the editor deals basically with Coulter's mutagen testing and the issues are discussed in "Mutagens and Managers". Two issues are not discussed there and are explored briefly here; there is also the general allegation which implies sloppiness and error in his public statements. In the *Advertiser*, Bonnin alleged:



Dr Coulter has not justified, scientifically or practically, some of his statements about hazardous environments.<sup>14</sup>

As there is no specific example given, no example of where Coulter made an erroneous or misleading statement (with his exact words in a quotation), this allegation has little value. It is purely the Director's *opinion*.

Against the Director's *opinion* we place our opinions and the evidence from the case. We have heard Coulter speak publicly on several occasions. He was more careful in qualifying his conclusions and in checking out his facts than are some others who speak on medical or environmental matters. In all the copious testimony, correspondence, and other documentary detail this case has spawned, there are remarkably few allegations of error on the part of Coulter.

At this point we can also clear up an allegation which received some prominence, namely that Coulter had made his talks or articles appear as if they were official to the Institute of Medical and Veterinary Science. This type of charge seems to be popular in Australia (see, for example, "The Fruit Fly Papers" chapter). Yet, those high enough in the hierarchy can have it both ways, for example, "I appear in a personal capacity as well as representing the Australian Vice-Chancellors Committee".<sup>15</sup> For practical purposes it is difficult to avoid providing a work affiliation; indeed, to conceal that affiliation could itself be misleading and thus the object of administrative complaint. In any event, many academics and scientists write letters to the newspapers, or give talks to the public, identifying themselves in terms of their employment address without this being grounds for sacking, or less severe discipline, even though the comments made have nothing to do with either academic business or their professional qualifications. The irony is that, on all the occasions we have heard Coulter talk, he was scrupulous in emphasising that his opinions were being expressed as a private citizen.

This point, that Coulter was talking in a private capacity, has an important bearing on charge number 5. If it is accepted that his remarks were made in a *private* capacity, then the *nature* of those remarks cannot become an *official* matter (except perhaps where the remarks brought conviction on some criminal charge or were a direct attack on the IMVS).

### ***Charge 6: Usurping Priority***

The following passage appears in the Director's letter to the editor:

His claim to be the first in the world to demonstrate the mutagenicity of Tinidazole repeated by Dr Gould-Hurst [sic] ("The Advertiser", 10/4/80) is not correct as this observation was made by Drs Lindmark and Muller in a paper published two years earlier.<sup>16</sup>

The specific example given by the Director involves a third person (a Dr Gouldhurst, whose name is not hyphenated), not Coulter. No example is given where Coulter himself has ignored or stolen priority. Accidental or deliberate assumption of priority is a common sin among scientists and there are many examples of where it has led to feuds.

Inspection of Coulter and Turner's paper<sup>17</sup> reveals that they *do* acknowledge priority, writing that "This work confirms that of Lindmark and Müller" and citing the correct reference.

Where Coulter and Turner do have priority is in the very important matter, discussed in the previous chapter, of pointing out the potential dangers in using this widely prescribed compound (and related 5-nitroimidazole drugs) in situations where there is no clear benefit to be gained by the patient.<sup>18</sup>

### ***Charge 7: Using IMVS Facilities for Private Purposes***

We have covered all the allegations made by the Director, either in his own letter to the editor<sup>19</sup>, or in the comments attributed to him by *Advertiser* reporters.<sup>20, 21</sup> Several similar

charges were brought into the Industrial Court hearing, where, in our opinion, none of them stood up well to thorough cross-examination. To avoid making this chapter too long or too tedious, it is sufficient to select one example. Many pages of the transcript are devoted to determining how much of Coulter's xeroxing involved private matters. Basically, we are sympathetic to the Director here — having frequently had important and urgently needed material for teaching or research delayed in the University because of other staff, or outside people, using the xeroxing machines for copying private material, totally unrelated to institutional functions. However, the Director did not prove the offence in Coulter's case. Consider the following passage from the transcript:

- Q. [question] Numbered paragraph 7 of the reasons for the resolution to remove Dr Coulter from his previous position is "used the facilities of the Institute for his own private purposes", do you see that.
- A. [answer: Dr J. A. Bonnin being cross-examined] Yes.
- Q. You signed that document, didn't you.
- A. Yes.
- Q. Was the use of the photostat machine one of the facilities that he [Coulter] used for his private purposes that you were referring to in that paragraph.
- A. Yes.
- Q. And the photostating of articles when he could have written off for re-prints.
- A. Well that's something that the staff were asked not to do but —
- Q. — lots of staff did it.
- A. Yes, I'm aware of that.
- Q. Well Doctor [Bonnin], how did you know that he [Coulter] was using the photostat machine for his private purposes.
- A. How did I?
- Q. Yes.
- A. *Well it was reported to me.* [emphasis added]
- Q. Who by, Doctor.
- A. Later on —
- Q. Later on, when Doctor.
- A. Oh I can't remember. It was pretty well known . . .
- Q. When Doctor.
- A. I can't remember when.
- Q. You can't remember.
- A. No, two years ago I really can't remember — two years ago probably.
- Q. *Did you mention that to Dr Coulter at any stage.* [emphasis added]
- A. No, but he's — I've seen him myself photographing — xeroxing things in the evenings he's —
- Q. — well how do you know that was for his private purposes, Doctor.
- A. I don't, I didn't say they were . . .
- Q. What you've just told us, Doctor, you just told us that staff have told you that he used the photostat machine to photostat some of his talks, private letters —
- A. — I've never taken it up.
- Q. And yet you regarded that as a reason for his dismissal.
- A. Yes, it's become — it's one of the — it's one of the (what's the word they say) it's one of the facilities of the Institute which he has used for his own private purposes. It's one of them.

Q. What have you observed, doctor.

A. I have observed Dr Coulter quite extensively using the copying machines.

Q. But you don't know what he was photocopying.

A. No.

Q. Well, then you don't know that he was using it for his private business?

A. —

Q. You just said "No" then didn't you, doctor?

A. Yes. Some of the times when he was copying and I saw him I have no doubt he was using them copying them [*sic*] for work which concerned his work.

Q. It may well be that every time you saw him photostating he was doing it on work concerning the Institute.

A. It is conceivably possible but in my opinion unlikely.

Q. But you've got no evidence otherwise have you.

A. No, I haven't.<sup>22</sup>

This passage, not atypical of much of the transcript, shows four important points:

1. No hard evidence existed for the alleged offence.
2. The Director got at least some of his information about Coulter from tales told by other staff.
3. No complaint about the alleged offence was made to Coulter prior to the decision to dismiss him.
4. It was well known that other staff in the IMVS were doing what Coulter was alleged to have been doing. During the court case, Coulter's lawyers produced several examples of where other IMVS staff had used the facilities of the Institute for private purposes. There is also a worrying aspect about this allegation against Coulter. Coulter had considerable official responsibility for knowledge about a number of areas of preventive medicine and the environment. At any time he could be called upon (and, indeed, was called upon) by the Director, or other Institute staff, for advice. Xeroxing is often the fastest and most accurate way to keep source material ready for such requests for information. In addition, scientists often keep abreast of developments by exchanging xeroxed material with their colleagues. This has a number of advantages, not least of which is that journals can be kept in the library and are readily accessible to all staff. The use of reprint request forms, instead of xeroxing, is actually uneconomic for short papers, as the cost of postage (which the IMVS has to pay) exceeds the cost of the xeroxing. There are also the possibilities that there will be a delay of months in receiving reprints requested by mail or that the author will not have any reprints for distribution. Thus, we feel that this allegation was, without evidence of the xeroxing of purely personal items, singularly unfair. As came out in the first part of the transcript, "lots of staff did it", and we would add: for good reason.

### ***Evidence for Suppression?***

The case of the IMVS versus Coulter has been explored in depth: the setting itself, both the community and the institution, the first signs of conflict between Coulter and certain members of the administration of the IMVS, the closing down of Coulter's mutagen testing laboratory; and, finally, the cross-examination of the Director of the IMVS. Our explorations reveal evidence satisfying certain criteria for suppression, as laid down in the "Introduction". The evidence is summarised below:

1. As described by Terrence Hemmings in the South Australian Parliament, an alleged direct incident of suppression occurred on 14 July 1977: a senior administrator in the IMVS told Coulter and his colleague to delete a quotation (originally published in *Nature*) from a manuscript Coulter and colleague were submitting to the *Medical Journal of Australia*. The suppressed passage referred to the difficulties that a drug company had had with the US government about inadequate testing for safety. The suppressed passage had direct relevance to the humanitarian object of the paper by Coulter and colleague: the same or closely related drugs were being given to Aboriginal children who had *not* been diagnosed as having the diseases which the drug was intended to combat. The children were being given a drug for which there was no clear medical benefit and for which an unknown but potentially serious long-term risk existed.
2. Coulter objected strongly to the administrative command to delete this quotation from *Nature* in the manuscript intended for submission to, and ultimately published in, the *Medical Journal of Australia*.<sup>23</sup> From around that time onward certain senior administrators in the IMVS found fault with Coulter's performance.
3. Further conflict occurred when Bayer in 1978 and Velsicol in 1979 complained about public statements Coulter had made about the inadequacies in the safety tests of certain widely used pesticides (of which Bayer and Velsicol were among the manufacturers). *In both instances the complaints were made not to Coulter but to people higher up in the IMVS hierarchy.*
4. We cannot claim to know the motives of those senior administrators in the IMVS. We can only point to the information that was revealed in the South Australian Parliament, much of which also appeared in the local newspaper<sup>24</sup>, that certain powerful figures in the IMVS received research funds and travel expenses from drug companies and other private organisations — and that these funds were not accurately summarised in the IMVS's reports.
5. Despite the fact that only a short time earlier Coulter had begun his studies on mutagenic toxicity with the authorisation of the then Director of the IMVS, that Director decided to close down Coulter's laboratory. Yet, considerable evidence existed for the utility of Coulter's testing, both for a number of public and private organisations (including several trade unions), and to the IMVS itself (the ethylene oxide incident described in "Mutagens and Managers"). Furthermore, Coulter's work also complied closely with both the letter and the spirit of the IMVS's charter, which includes monitoring the health of South Australia.
6. *The charges for which Dr Coulter was first to be demoted, then dismissed, and finally "retrenched", were lacking in substance and in accuracy.* It is especially important to contrast this situation with the examples of behaviour by other staff members — none of whom were considered for such action. Besides the examples mentioned throughout these three chapters on the Coulter case, there were yet other examples: the Director in cross-examination<sup>25</sup> admitted that one IMVS staff member had "smacked one of the girls over the face for inadequate reasons" and another IMVS staff member "had been stealing things from the operating theatre" and "was contravening the Veterinary Practitioners Act".

True, these examples of differential treatment (sacking for Coulter, on incorrect charges, and less severe or no punishment for others on what may well have been correct charges) are not in themselves proof of suppression. It could be that in the IMVS sacking is a random process, unrelated to what you actually do, or don't do. It could be a means of controlling subordinates by demonstrating the *real* power of the elite. This has historical precedents, for example the Inquisition. It can also be the case, as discussed later in "Elites and Suppression" that the grievousness of an offence is judged by its challenge to

bureaucratic authority, as in the ethylene oxide incident. This is perceived as a more important “offence” because it is a direct challenge to a hierarchical system — even though one outside observer, the Member of Parliament for Napier, Terrence Hemmings, considered that Coulter’s action (of informing the affected workers, the appropriate IMVS committee, and the Director, of the dangers from ethylene oxide, more or less simultaneously) was appropriate under the circumstances.

In any case, when these examples of capricious standards for dismissal are added to the other information, they strengthen our belief that the Coulter case is basically one of suppression.

### *Misinformation or Disinformation?*

There is also a largely unexplored dimension of suppression involving the accidental or deliberate distortion of information flow about individuals within an organisation. The problem is apparent in many places in the Director’s testimony during examination and cross-examination. It is so striking that one cannot help but feel some sympathy for the Director, as well as for Coulter. Repeatedly the Director points out how he relied upon other staff members for information about Coulter.

It can be argued strongly that the Director should have taken adequate precautions to ensure the accuracy of his charges against Coulter. However, the Director is entitled to assume that the person to whom he delegates the responsibility in such a matter will obtain full and accurate information. The Director is entitled to assume that information about Coulter, given to him by other staff, is given for no other reason than the welfare of the IMVS and its mission in public health and diagnosis.

Did the misinformation given to the Director by others cause the situation to become unnecessarily complicated by polarisation and personality conflict? Was the Director unwittingly tricked into taking the action he did? Was the Director himself a pawn in the power struggles involving corporate, professional and bureaucratic elites at the local establishment level?

We would have thought that supplying misinformation to the Director was a serious offence and one that would have been investigated fully. Was any of that misinformation really disinformation; that is, a deliberate attempt to bear false witness? Was crucial information deliberately withheld in order to create a false picture? Were easily ascertainable “facts” not properly checked? Evidence for individuals passing misinformation or disinformation about a dissident occurs in several of our cases, especially the Orr case (“Not Merely Malice”).

It may be of significance that it was only when the cross-examination of witnesses other than the Director began, that the IMVS suddenly agreed to settle out of court.<sup>26</sup> Thus, unfortunately, the full role of these other witnesses in the spread of misinformation cannot be ascertained.

Organisational intrigues occur in many intellectual institutions, and feuds among academics and scientists are, as Arthur Koestler wrote, carried out “with a remarkable degree of bitchiness”.<sup>27</sup> However, it is our distinct impression that interpersonal rivalries and tale-bearing are more common in Australian institutions than in American or English ones. We have had similar opinions given to us, quite spontaneously, by Australian scientists with overseas experience. We suggest that tale-bearing is a mode of adaptation (if a reprehensible one) employed by some to survive or advance in an institution with low morale. Others just “opt out”, or “drop out”, but do much less harm.

To explore this hypothesis further one would need quantitative data on the level of dissatisfaction within different intellectual organisations in Australia and elsewhere. Few data exist and, to our knowledge, none for the institutions that figure in our major case histories.

However, contrary to the claims made by IMVS administrators, the Committee of Inquiry into the IMVS concluded in its report that there was “a degree of unrest and low morale . . . within the Institute” and based that conclusion on “a significant number of well documented submissions to the Committee and . . . discussion with Institute staff . . .”.<sup>28</sup> The only cross-national quantitative study of staff morale we can find establishes clearly that one Australian institution of higher education has a much higher state of demoralisation than the average American university.<sup>29</sup>

Such a situation of extreme demoralisation is loaded with the potential for positive feedback. Once staff learn that one of their colleagues is “fair game”, the opportunity is seized. Apparently, a significant number of intellectuals feel that they must release their frustrations, or consider that someone who is a bit different is a threat.<sup>30</sup> In particular, a dissident, known or suspected of having criticised powerful vested interests that might be a source of money or influence for some other academics, is perceived as an enemy.

### *Paralysis of the Conscience*

There is a responsibility to get to the bottom of cases, such as the Coulter one, where the charges are so obviously inaccurate. It is more than just a matter of finding out who said what about whom, although clearly much of the charges was based on hearsay. It is a matter of finding out what went wrong to ensure that it does not happen again.

We can understand the management view, of wishing to let the issue die quietly. However, as is evident from certain of our cases, the obsessive vindictiveness of some intellectuals makes “rehabilitation” of the victim impossible. Indeed, there is often response generalisation so that the aggression is directed at the victim’s supporters, wife, and students.<sup>31</sup> Thus, the rather cynical strategy of administrative convenience, of failing to find out exactly what did go wrong and why, is only remotely acceptable if it is combined with adequate protection and compensation for the victim whose reputation was unfairly damaged. If our case histories show nothing else, they show the lack of even this level of pragmatism. The real integrity that is necessary to admit that a mistake has been made, and to make restitution, seems almost absent.

For Coulter, confronted with sheer bureaucratic power, and the indifference or antagonism of many of his colleagues, the consequence of this paralysis of the conscience was that he had to accept a not entirely fair settlement. Had it not been for the protests from the general public, it is unlikely that he would have got even that. He had heavy legal bills and a severely injured child to support. The financial settlement was placed at two-thirds of his 1980 salary. The wording of “demotion” or “dismissal” was changed to “retrenchment”. Coulter had to agree not to comment on his case in the future — itself a revealing admission on the part of the local establishment that obtained this settlement.<sup>32</sup>

We conclude by asking a question whose implications spread much wider than this particular case history: *Is the paralysis of conscience a terminal case — terminal for the society that cannot evolve adequate checks on the abuses of science and technology?*

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24. Barry Hailstone, "Clash of views: intrigue at the Institute", *Adelaide Advertiser*, 9 October 1980, p. 8.
25. *Coulter v IMVS and Public Service Board*, South Australia Industrial Court, 9 December 1980, pp. 1025-6.
26. This situation is remarkably similar to the authors' experiences in South Australia. When the defamation case reached the Supreme Court, we were told by our legal representative that the administration "had declared war to the death". However, just before it was time for the three witnesses to appear for the administration, we received the offer to settle before judgement, the offer being essentially to publish the Vice-Chancellor's "Statement concerning the complaint..." and to pay the costs. A careful reading of the Vice-Chancellor's *Statement* allows one to identify the sources of certain misinformation (disinformation?) which crept into the dismissal complaint.
27. Arthur Koestler, *The Case of the Midwife Toad* (London: Hutchinson, 1971), p. 54. There is another observation by Koestler which is especially appropriate to this case history, and to some of our others. After providing a number of examples of misinformation written about Paul Kammerer by eminent biologists, Koestler concludes (p. 147): "What amazes the layman is that all these University professors, who only had to ask an assistant to look up the data in the back numbers of *Nature*, apparently did not feel impelled to do even that. Polemics apart, such cavalier treatment of facts would hardly be forgiven to a reporter in the popular press."
28. Wells, Stanley and Burdett, op. cit., p. 35. These comments on demoralisation are

especially significant in that, with few exceptions, this report is not critical of the IMVS and, at times, is quite extravagant in its praise. The fact that there have been in recent years at least four different enquiries into parts or all of the IMVS certainly does, however, suggest that *something* is wrong.

29. The Dean of Social Sciences at the Western Australian Institute of Technology (WAIT) surveyed attitudes of 259 staff members, a 60 per cent sample of the total staff at the WAIT. His questionnaire used several statements that were in the American study by J. V. Baldridge, D. V. Curtis, G. P. Ecker and G. L. Riley, *Policy Making and Effective Leadership* (San Francisco: Jossey-Bass, 1978). In response to the statement "They [the administration] understand the needs of academics and try to make this a place where staff can work productively", 58 per cent of staff at American universities said "yes", whereas only 17 per cent of the WAIT staff said "yes". In response to the statement "Communication between staff and administration is open, easy and effective", 61 per cent of staff at American universities said "yes", whereas only 17 per cent of the WAIT staff said "yes". In response to the statement "If faced with a campus disturbance they [the administration] would give in to outside pressure", 33 per cent of staff at American universities said "yes", whereas 72 per cent of the WAIT staff said "yes". See: N. F. Dufty, *Academic Staff Attitudes on Institute Decision-Making* (1979), p. 31 (78-page document from the Dean of Social Sciences, WAIT, Hayman Road, South Bentley, W. Australia 6102). It is a matter of urgency that similar studies be done for other Australian intellectual institutions, asking also "open-ended" questions to find out how staff perceive their work environment. If this trend of pronounced demoralisation is evident in other studies, some far-reaching reforms will be needed. That such demoralisation occurs at another Australian institution is suggested by the observation made by a new Vice-Chancellor: "When I returned to university life two years ago, I was struck by the number of academic staff dissatisfied with their life as academics and suffering from a lack of personal security . . . these impressions . . . crystallise in the view that higher education institutions, even for people with tenure, are frequently lonely places, breeding personal insecurities, cynicism and competitive jealousies . . .": K. R. McKinnon in: *Tertiary Education in the Eighties: Paths to Reward and Growth*, Research and Development in Higher Education, vol. 6, p. 13 (1983). Another sign of demoralisation is the increasing exodus of young scholars from Australia at a time when, as a result of tight job markets overseas, other "brain drains" have reduced or stopped. For example, in 1976 11 per cent of all new Australian Ph.D.s took jobs overseas; by 1982 that had risen to 28 per cent: M. Powles, *The Role of Postgraduates in Australian Research* (Council of Australian Postgraduates Association, 207 Lygon St., Carlton, Victoria 3053, dated 1984), especially Fig. 12, p. 124.
30. One of the clearest signs of demoralisation within Australian universities is the recent emergence of covert and overt racism. While there are many theories about the causes of racism, for nearly half a century the most popular ones have been some sort of modification of the original frustration-aggression hypothesis, for example, demoralisation and relative deprivation: See, for example: Carl Iver Hovland and Robert R. Sears, "Minor studies of aggression: VI. Correlation of lynchings with economic indices", *Journal of Psychology* 9, pp. 301-10 (1940); G. W. Allport, *The Nature of Prejudice* (Cambridge, Massachusetts: Addison-Wesley, 1954); Reeve D. Vanneman and Thomas F. Pettigrew, "Race and relative deprivation in the urban United States", *Race* 13, pp. 461-86 (1972). Academics are generally considered among the more racially tolerant groups, in part because, like journalists, lawyers and teachers, their expertise with a language and their often middle-class origins protect them from direct competition with ethnically or racially distinct immigrants. However, in the last ten to fifteen years the academic job market has gradually tightened,



increasing competition among Australians, British, Americans and many other groups for university positions. Recently in Australia attempts have been made to stop Australian universities from hiring staff from overseas: "West toughens entry rules for foreign scholars", the *Australian*, 7 December 1983, p. 21; "Stem flow of overseas academics" (report of 54th ANZAAS congress) the *Australian*, 15 May 1984, p. 4. Even FAUSA is pushing for a modified form of this policy of hiring Australians before overseas applicants: "Stricter line urged on overseas staff", the *Australian*, 7 September 1983, p. 18. Among Australian students and staff racism has recently become more apparent, to such a point that there has been a flood of articles on the subject; of particular interest are the following: Errol Simper, "Racism stalks our campuses", the *Australian*, 19-20 May 1984, p. 10; Helen Trinca, "Academics split on foreign students", the *Australian*, 3 August 1984, p. 3; "Foreigners denying Australians tertiary places, MPs told", the *Australian*, 22 May 1984, p. 3. Students and staff, demoralised by their perceptions of their working conditions, conform to the scapegoating pattern of the regular "working class"; it fits well with the idea of a "split labor market": see Edna Bonacich, "A theory of ethnic antagonism", *American Sociological Review* 37, pp. 547-59 (1972). Another sign of acute demoralisation on the Australian academic scene has been the open conflict in FAUSA over attempts to decrease discrimination against women; compare: P. Le P. Darvall, "No proof" (letter), the *Australian*, 26 September 1983, p. 8; Jo Gaha, "Uni battle for women" (letter), the *Australian*, 3 October 1983, p. 6; L. B. Wallis, "Academic stand" (letter) the *Australian*, 20 October 1983, p. 8.

31. The case of Patrick O'Brien at the University of Western Australia (see "Archives of Suppression") has been described: "The harassment of his family, at the same time as his prosecution by the university, indicates that what his political and ideological enemies have been incapable of achieving academically, they are now seeking to do in other ways." Quoting Roger Gale, "The universities: a new 'Orr case' brewing in the west?", the *Bulletin*, 17 March 1981, p. 40. See also, Patrick O'Brien, "Fabian chickens come home to roost", *Times Higher Education Supplement*, 6 March 1981, p. 11.
32. According to the agreement, this arrangement is also supposed to apply to the IMVS administration. However, the situation is unequal in that Coulter's reputation was publicly damaged in the newspaper without the facts about the charges ever being published. Such agreements are no protection for the victim, for they cannot be applied to those other individuals who were not disciplined and who can continue to bear tales.

### *Postscript by Brian Martin*

On 28 February 1984 I sent a copy of earlier versions of the previous three chapters to the Institute of Medical and Veterinary Science inviting a response from someone representing the Institute, or anyone else appropriate, to be included in this book. On 6 April B. J. Kearney, Director of the IMVS, replied, offering no comments for publication.