

of California oil from the Elk Hills naval petroleum reserve and from the application of tertiary recovery methods to other fields.

If construction of a pipeline to move some of the surplus crude eastward does not begin before long, it will not be for a lack of interested applicants. A remarkable variety of proposals has been put on the table. Besides the Sohio and the ARCO projects, there are four other pipeline proposals, not to mention proposals to move Alaskan crude to eastern or northern tier markets by such unusual means as unit trains or icebreaking tankers plying the hazardous Northwest Passage across the Canadian arctic. The pipeline proposals include:

- One by a Guatemalan company (supported by several American engineering and construction firms) for a 227-mile trans-Guatemala pipeline. But promoters of the project thus far have not come forward with evidence of having

any real hope of either an assured throughput of oil or adequate financing.

- A proposal by Foothills Pipe Lines Ltd. of Calgary, Alberta, to build what under one option would be an all overland Alcan pipeline of 1500 miles that would in part at least share a common corridor with the pipeline already approved to transport Alaskan natural gas. This proposal is little known and little mentioned.

- A proposal by a number of substantial Canadian and American oil and pipeline companies, including Sohio and Ashland Oil Canada, to build a 753-mile pipeline from Kitimat, a small British Columbia port situated 650 miles north of Seattle at the head of a long fjord, to Edmonton. If this proposal is not dead, it is at least moribund. The report issued last February by the commissioner assigned by the Canadian government to conduct a special inquiry concluded that Canada does not now need such an oil

port and pipeline. The commissioner indicated, moreover, that even if the project were needed the justification for it should be gravely examined in light of the risk of oil spills.

- Finally, there is the proposal by the Northern Tier Pipeline Company of Montana, and, apart from the Sohio project, it now seems to be the one with the chance of getting somewhere. Although none of the major oil companies are behind the project at this point, the U.S. Steel Company is a participant in it; furthermore, refiners across the northern tier who have in the past counted on Canadian oil must now look to some other crude supply, and North Slope crude may be their best bet. The Northern Tier project calls for construction of a deep-water terminal for supertankers at Port Angeles, some 15 to 20 miles west of Puget Sound on the Strait of Juan de Fuca. From there, the pipeline would extend 1550 miles to Clearbrook, Minnesota. It

## Briefing

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### Court Upholds Refusal To Be Medical Good Samaritan

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A Pittsburgh man named Robert McFall, who may be dying of aplastic anemia, recently filed—and lost—an extraordinary lawsuit to compel his cousin to donate bone marrow to him in a desperate attempt to save his life. Acknowledging that the law was clearly on the cousin's side, attorney John Murtagh, Jr., asked the court to "change a centuries old law in our favor," but Allegheny County judge John P. Flaherty ruled that to do so "would defeat the sanctity of the individual."

Although this particular case was quickly resolved without creating a new legal precedent, it brings attention to questions about whether one individual can be forced to help another by making a life-saving donation, be it of blood, bone marrow, or some transplantable organ such as a kidney.

McFall, a former asbestos worker, was diagnosed as having aplastic anemia in June when he went to the hospital because of a nosebleed. There is speculation that his disease, in which bone marrow fails to produce blood cells, was brought on by exposure to an industrial chemical, but no cause has been pinpointed.

Aplastic anemia is one of those diseases, often fatal, for which there is no

cure. Sometimes, the patient's bone marrow regenerates spontaneously. Sometimes, drugs will induce bone marrow to resume blood cell production. And sometimes a patient can be saved by a bone marrow transplant from a genetically compatible donor. McFall's physician, Louis Pietragallo, who told the court that a successful marrow transplant would increase his patient's chances of surviving a year from 25 percent to 40 to 60 percent, asked McFall's relatives to submit to tests to see if any of them was genetically compatible. In only one case was the preliminary answer yes. McFall's cousin, David Shimp, was a perfect match according to one index—the HLA test for tissue compatibility. He was asked then if he would be willing to be tested again, this time to measure genetic compatibility according to the MLC or mixed lymphocyte culture test (each is an *in vitro* test for which the potential transplant donor supplies only a small amount of blood), but Shimp refused. Even if he had turned out to be a perfect match, he had decided not to donate bone marrow to his cousin.

That was when Murtagh went to court as McFall's attorney. "The situation was extreme," Murtagh told *Science* in a telephone interview. "We tried to compel him to go through with the test, even though in this country we have no legal 'duty to rescue.'" Anglo-Saxon common law holds the sanctity of the individual to be complete so that there is no legal obligation on one person's part to come to the

aid of another, as there is in countries whose legal system rests on a different base. "Here, you don't even have to throw a drowning man a rope," Murtagh said. In court, he had argued in part that Shimp should be compelled to donate bone marrow because the procedure is essentially harmless to the donor, whose own marrow will be replenished within a short time, much as blood is replenished after donation. However, the donor is hospitalized and given an anesthetic for the procedure, which can be extremely painful. (It should be noted that, although giving bone marrow may be quite safe, from the recipient's view it is a risky proposition. If the transplant is successful, the patient might be saved; but if it is not, he could die from graft versus host disease, as the transplanted marrow destroys the recipient's tissues.)

But Judge Flaherty did not see it that way. Though he called Shimp's refusal to try to help his cousin "morally indefensible," he acknowledged that a ruling to compel marrow donation would "require forcible submission to a medical procedure. Forcible extraction of bodily tissues causes revulsion to the judicial mind."

Following the court ruling in his favor, Shimp told reporters in Pittsburgh that he had refused to be a donor because he was afraid that he might become paralyzed during the process of giving marrow, in which physicians insert needles into the pelvis and withdraw marrow cells from the bone. "There's no guarantee that when doctors stick more than 100

would not cross Puget Sound but would go around the sound's south end, then swing north toward Seattle before crossing the Cascade Mountains and continuing eastward through the northern tier.

This project, which would have a design capacity of up to 1.2 million barrels a day, has gained enough political support and momentum to be quite seriously regarded. Senator John Melcher of Montana, a resourceful legislator who is determined for his region to have an assured supply of oil, is strongly behind it, as are a number of other political, business, and labor leaders across the Great Northern Plains and the upper Midwest. Furthermore, the project may have received a substantial political boost last winter when the House and Senate conferees working on the National Energy Act (which is still not law) agreed to have the Department of Energy (DOE) study alternative ways of meeting the need for new oil delivery systems, with particular

attention to be given the needs of the northern tier states.

The conferees also called for expedited federal permitting procedures once the President has decided, on the basis of the DOE study, which project or projects should go forward. But, unlike the situation that existed with respect to TAPS, the major hang-ups facing the Northern Tier proposal and other pipeline projects have as much or more to do with state and local permits as they do with federal approvals.

In the state of Washington, the Northern Tier project has now become the focus of a paradoxical political situation. On the one hand, this proposal represents a big increase in tanker traffic in state coastal waters, and few people want that. Indeed, many of the citizens of Port Angeles and Clallam County, where the oil terminal would be built, are up in arms.

But, on the other hand, some environ-

mental groups such as the Coalition Against Oil Pollution (which draws most of its members from the Seattle area) see in the project their best and perhaps only chance to eliminate most of the *existing* tanker traffic from inside Puget Sound. This traffic, which serves four refineries at or to the north of Anacortes on the east side of the sound, increased dramatically after the Canadian government cut off the flow of Alberta crude that was coming to the refineries through the Trans Mountain Pipeline. Yet, if linked to the Northern Tier Pipeline by means of a spur, the refineries would no longer have to be served by tankers. It is precisely this possibility that the environmentalists have seized upon.

During his last years as governor, Dan Evans, who since leaving office in early 1977 has been president of the Evergreen State College in Olympia, also became persuaded that the Northern Tier project, if built with a spur to the refineries,

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## Briefing

needles in me something won't go wrong," Shimp is quoted as saying. "What if I become a cripple? What if my marrow doesn't regenerate?"

There is a large body of data that suggests Shimp's fears are unfounded, but the legal point is that he is entitled to say no whether others accept his reasons or not. Furthermore, had the judge issued an order compelling Shimp to be a marrow donor, other legal considerations, such as informed consent, surely would have entered into the case on appeal.

According to Murtagh, now that a marrow transplant is out of the question, McFall will begin treatment with experimental drugs. Murtagh says he plans no further legal action, but Shimp's attorney is worried that there might be a "wrongful death" suit against his client if McFall dies.

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### Leaning over Backwards on a No-Politics Rule

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An incident at this year's Gordon Conference on Nuclear Chemistry has brought to the surface questions about the proper relationship between science and politics that, in generic terms, have been assuming increasing importance in recent years.

During informal conversation one evening, a small group of participants drafted

two petitions—one to the Soviet Academy of Scientists and one to the International Union of Pure and Applied Physics—having to do with mistreatment of dissident scientists and scientists' right to travel to meetings. The next day, James Griffin of the University of Maryland, in a brief announcement, informed his colleagues of the petitions' existence and said anyone wishing to sign could do so during the break. There followed what Griffin and a colleague named Philip Siemens described to *Science* as a heated confrontation that ended at lunchtime when one of the conference directors actually ripped the petitions in half. The Gordon Conference as an organization, it turns out, has a policy against "organized political activity of any kind" at its meetings.

Speaking for the Gordon Conference, Alexander Cruickshank told *Science* that the Conference's policy dates to 11 April 1972 and was reaffirmed by the board of trustees in 1977. The purpose of the Gordon Conference, he said, is to hold meetings designed only to foster "pure scientific inquiry." To mix in politics is "distracting." Furthermore, the Conference's legal counsel advises that the introduction of politics into the meetings could jeopardize the institution's non-profit tax status. The policy prohibits scientists attending one of the many week-long summer meetings from using the "name, facilities or occasion" of the Conference for anything other than science. In short—no politics.

Thus, according to what seems to be little-known Conference policy, any individual scientist who tries to engage his colleagues in any kind of stand-taking on political matters is in violation of the rules. In fact, Cruickshank said, the policy extends not just to issues of international politics—such as dissidents—but to the politics of science itself. When, in 1973, participants at a Gordon Conference wrote a letter calling public attention to recombinant DNA research, they were, says Cruickshank, "in violation of our policy."

To Griffin and Siemens (on sabbatical at the Lawrence Berkeley Laboratory) and some of their colleagues, the no-politics policy raises a serious question about being asked to "check their citizen's rights" at the door when they go to a Gordon Conference, especially because any political discussions or actions that do take place occur during the free time of those attending the Conference and are not part of the formal agenda of the meeting.

It has become increasingly common for scientists gathering at meetings to use the occasion to talk politics as well as research, especially right now in the wake of all of the attention given the issue of Soviet refuseniks. It seems entirely reasonable that the Gordon Conference wants to protect its name from abuse and preserve the scientific nature of its meetings, which is, after all, what makes them so popular. But one needs to ask where to draw the line.

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