

tute's 75 medical investigators were meeting in Miami behind closed doors. Said the *Times*: "Because science prides itself on being conducted openly, it is unusual for scientific organizations not to

open scientific meetings to interested, qualified researchers."

To help shake the shroud of secrecy, the institute says it is distributing copies of its latest annual report to libraries at

every American medical school. The report, a hard-cover tome of some 290 pages, contains lists of the investigators' scientific publications and the names of present and past Hughes investigators

Briefing

Medical Students at Record High

The current word from official Washington is that the United States is in danger of being surfeited with doctors. Health, Education, and Welfare Secretary Joseph A. Califano, Jr., recently asked medical schools to hold the size of their classes down. But for now, the country is still feeling the effects of earlier federal policy based on the notion that we faced a doctor shortage that could only be met by increasing the numbers of students in medical schools.

This year, according to a recent report from the Association of American Medical Colleges, there are 62,242 men and women in the nation's 124 medical schools—4 percent more than last year. Califano says that, once they graduate, each new M.D. will cost the health care system about \$300,000 a year for services to patients, which is one reason he wishes there were fewer of them.

Carter Orders Environmental Review of U.S. Projects Abroad

In the long-standing battle over whether to require environmental assessment of federal projects in foreign countries similar to those required for projects at home, the environmentalists have recently won a round. Just before leaving for the Guadeloupe summit conference, President Carter signed an executive order saying that all federal agencies must consider the environmental consequences of what they do overseas. Charles Warren, chairman of the White House Council on Environmental Quality (CEQ), says that the order "responds to a growing worldwide concern that governments are undertaking major actions without enough consideration of the consequences." The CEQ, which last year formally proposed that the requirements of the National Environ-

mental Policy Act (NEPA) of 1969 apply to international as well as domestic activities, played a major role in convincing the President to take the action he did. The State Department, along with other institutions such as the Export-Import Bank, whose business is international affairs, consistently opposed the measure on grounds that it would further impair American exports. Foreign governments, it was argued, might simply decide to do business with other countries rather than put up with the inconvenience of America's environmental conscience.

Although the executive order goes a long way to meet the demands of environmentalists, it is a compromise document, to be sure. It gives federal agencies 8 months to develop regulations to implement environmental assessments—regulations which could be more or less stringent. And it exempts from NEPA-like requirements a number of activities, among them intelligence activities, projects undertaken in cases of disaster or armed conflict, as well as arms transfers, and shipments of fuel for nuclear reactors.

Nevertheless, nuclear reactors themselves are included among projects requiring environmental impact assessment, as are projects involving radioactive hazards of any kind. Also included under the order are federally supported programs abroad that could affect the oceans or the atmosphere or broad resources of worldwide importance, such as tropical ecosystems.

Physicians Sued for Failing to Give Genetic Counseling

In a decision that is likely to have far-reaching implications, the New York State Court of Appeals recently ruled that an obstetrician who fails to offer his patients genetic counseling can be held financially liable for the lifelong care of a child born with an inherited disorder that could have been predicted. The 5-to-2 majority opinion from the state's highest court clears the way for trial of two cases

in which parents are suing physicians for damages.

In one case, *Becker v. Schwartz*, a woman who was 37 years old when she became pregnant is suing her physician because he did not warn her that the risk of having a baby with Down's syndrome increases with age. Mrs. Becker gave birth to a Down's baby. Had she been warned, she might have had amniocentesis, by which Down's syndrome can be detected in utero, and an abortion.

In the second case, *Park v. Cheskin*, the parents of a child who died of an inherited kidney disease are suing their doctor for neglecting to warn them that any subsequent children might also inherit the disease. In fact, they allege that the doctor told them there was virtually no chance that any other children would be afflicted. A second child was born with kidney disease and died before she was 3.

The court saw the issue of the parents' right to sue in fairly straightforward terms. Judge Matthew J. Jason said in the majority opinion that "assuming the validity of the plaintiffs' allegations, it can be said in traditional tort language that but for the defendant's breach of duty to advise plaintiffs, the latter would not have been required to assume these obligations [cost of care for a sick child]." The cases will be tried in the Nassau County Supreme Court on Long Island.

Although the Court of Appeals granted the parents' case for bringing suit to recover the cost of care, it denied other aspects of their claim. The court ruled against a claim for damages for "mental anguish" suffered by the parents and it dismissed an action in which the parents sought to sue on the child's behalf for "wrongful causation of life." "Whether it is better never to have been born at all than to have been born with even gross deficiencies is a mystery more properly to be left to the philosophers and the theologians," the majority stated.

Cases such as these remain relatively rare, but students of this medicolegal domain expect them to increase as genetic counseling and amniocentesis move more and more into the mainstream of contemporary medicine.

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