

response to pressure from creationists." In addition, noted Mattox, "The 'meaning of human existence' is not the stuff of science but rather, the province of philosophy and religion. By its injection into the rules language which is clearly outside the scope of science, the board has revealed the non-secular purpose of its rules."

The attorney general's opinion is, as State Board of Education chairman Joe Kelly Butler is quick to point out, only that—an opinion. There is no statutory requirement that agencies must follow attorney general's opinions, though there is substantial precedent. The board would, however, be in a difficult position if it chose to ignore it. From a very practical point of view, if litigation were brought against the board, the attorney general would not be in a position to defend, as would normally be the case. In which case the board might incur considerable expense in hiring outside lawyers, in addition to attracting a great deal of political unpopularity. Hudson says that People for the American Way will bring suit if the board fails to repeal the rules at its mid-April meeting.

The state textbook committee begins hearings on possible adoptions in July, but texts will be available several months earlier. If the rules have been repealed, Hudson expects committee members, who are drawn from state educators, to be in a strong position to reject offerings that are considered weak on evolution, just as the New York committee did. And, unlike in previous years, committee hearings will not be restricted to protests against books, which process has been dominated by the Gablers; positive comments from scientists and educators will be heard too, a change in procedure secured by intense lobbying by People for the American Way. If the rules are not appealed, People for the American Way will file for delay of textbook selection by injunctive relief, until the merits of the case are settled in court.

Even if the rules are taken off the books, says Hudson, the board's activities will have to be closely monitored. Chairman Butler has been a strong proponent of the rules, in spirit and letter. According to board procedure, decisions to accept or reject the textbook committee's recommendations can be made without explanation. "If we want to reject a book because we don't like the way someone parts his hair, that's our prerogative," said Butler at a hearing last May. "We've never had to tell anyone why we don't like a book and that's the way it's going to be as long as I'm chairman."—**ROGER LEWIN**

Reagan Intends to Resist Congress on ASAT Treaty

Last fall, there was surprising unanimity when the Senate approved legislation requiring the Reagan Administration to certify, by this spring, that it is "endeavoring in good faith to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite [ASAT] weapons." As a result, a good many legislators will be disappointed when the Administration formally responds that no such negotiations are anticipated because an ASAT ban is unverifiable.

This statement, which is due by 31 March, has not yet been officially released, but the latest draft is said by informed sources to reflect the Administration's unanimous view that the difficulties of verifying compliance with a ban on ASAT possession are so great as to render negotiations useless. As Richard Perle, an assistant secretary of defense for international security policy, recently told the Senate Armed Services subcommittee, "we cannot now foresee the means of verification" primarily because the diminutive size of an ASAT makes it easy to conceal, either on the ground or in space. Even a ban on ASAT testing would be too difficult to monitor, he said, because various components of a full-fledged system could be tested surreptitiously.

This position puts the Administration at odds with a panel of expert scientists convened last year by the Union of Concerned Scientists (*Science*, 28 October 1983, p. 394), and with the Senate Committee on Foreign Relations, which concluded last November that "the failure to pursue space arms limitations could be a catastrophic mistake" and that verification was a difficult problem which "can only be resolved at the bargaining table." Various committee members say they intend to seek the elimination of funds for production and testing of the existing U.S. ASAT during congressional deliberations on the annual defense authorization and appropriations bills.

The Administration, of course, has different plans, as evidenced by the latest annual report issued by Richard DeLauer, the Pentagon's top scientist. "Ambitious tests are planned this

year" to demonstrate the capability of the present ASAT, his report says, adding that "we have directed a comprehensive study to select a follow-on system with additional capability to place a wider range of Soviet satellite vehicles at risk."—**R. JEFFREY SMITH**

House Panel Denies Exception for Drug

The House version of the National Organ Transplant Act (H.R. 4080) has emerged from the Ways and Means health subcommittee minus what has come to be called the "cyclosporine amendment." The deleted provision would have extended Medicare coverage to include payment for long-term use of immunosuppressive drugs that are deemed essential to transplant patients' survival. One of the leading immunosuppressants is cyclosporine.

Transplant patients require immunosuppressant therapy indefinitely. Opponents of the cyclosporine amendment argued that it would break the prevailing precedent under which Medicare pays for drugs only while a patient is in the hospital. There is a statutory prohibition against payment for self-administered drugs.

Cyclosporine became the focus of dispute largely because it is substantially more costly than many other immunosuppressant drugs. One estimate put the cost of use of the drug by a kidney transplant recipient at \$6000 a year. Representative Henson Moore (R-La.) in opposing the proposal said it would cost the government \$120 million over 4 years for all Medicare recipients who have received transplants.

In addition to objections based on precedent and cost, opponents of the change also question whether cyclosporine, which is made by Sandoz, is clearly superior to other immunosuppressant drugs. Subcommittee staff members cite three reports indicating that kidney transplant patients using the drug showed only marginally better results.

The matter is far from settled, however. Cyclosporine has made a substantial impact in the organ transplant field in the past 2 years, being credited by some, for example, with a near doubling of the 1-year survival rate of