

The decisions firmly repudiated the government's legal rationale for the regulations, by asserting that Section 504 of the Rehabilitation Act, which forbids discrimination against the handicapped, was not intended to apply to medical treatment decisions involving infants.

If the government appeals the circuit court decision, it will have to go before the same body that denied its request for the records. An alternative is to attempt to go straight to the Supreme Court.

The suit was brought by the American Medical Association and five other medical associations. They broke ranks with a group of associations led by the American Academy of Pediatrics (AAP), which had decided they could live with the regulations. The AAP never thought they were legal, though, and says it is "pleased" with the ruling.

To date, there have been no complaints testing the Department of Health and Human Service's intervention strategy under the new regulations, which were issued in February.

However, the same day as the Manhattan decision, another treatment case was decided in court. A Bronx judge ordered an operation to relieve the intestinal blockage of a Down's syndrome baby born on 8 May. The parents opposed the operation on the baby, who also has cataracts and a heart defect, but it was recommended by the bioethical review committee of the North Central Bronx Hospital. The hospital brought the case to court.

—CONSTANCE HOLDEN

## Western Academies Seek Help for Sakharov

In an unprecedented move, the science academies of the United States, France, Britain, and Sweden have sent a joint telegram asking the Soviet Academy of Sciences to help secure proper health care for Andrei Sakharov and his wife, Elena Bonner. Sakharov, who was exiled to Gorki in 1980, began a hunger strike on 2 May to try to pressure the Soviet authorities to permit Bonner to leave the country for treatment of a serious heart ailment.

The telegram, sent on 24 May, also asks the Soviet academy to help secure permission for Sakharov and Bonner to return to their scientific work, and says that "Such a move would significantly reinforce the bonds among scientists of all nations."

In the meantime, the U.S. National Academy of Sciences is monitoring Sakharov's situation before deciding whether to go ahead with plans to seek a new scientific cooperation agreement with the Soviet academy (*Science*, 18 May, p. 696).

—COLIN NORMAN

## Creationism Defeated in Louisiana Senate

The much heralded trial over the constitutionality of the Louisiana creationism law, which was due later this summer, may never happen. On Thursday 24 May, the state senate voted to repeal the law by a 21 to 16 margin. The House of Representatives education committee is due to consider a similar repeal bill on 7 June. If approved, the bill will go to the house floor on 14 June.

The impending trial over the creationism law, which was enacted in July 1981 and mandates equal presentation of evolution and creationism, is likely to cost the state at least \$1.5 million in legal fees, and more if the case is lost. A similar law was struck down in Arkansas in 1981.

This potential financial burden and the governor's desire to entice biotechnology companies into the state, are said to be influencing lawmakers' decisions.—ROGER LEWIN

## Appeals Court Upholds Legal Block on Experiment

A federal appeals court in Washington, D.C., has upheld a decision by Judge John J. Sirica to halt a gene-splicing experiment proposed by researchers at the University of California (*Science*, 1 June, p. 962).

The university filed an emergency motion to overthrow Sirica's decision on the grounds that it misconstrued the legal arguments and that the uni-

versity would suffer irreparable harm if the experiment were delayed. The appeals court ruled, however, that the university "has not made a sufficient showing, either as to the merits or as to its irreparable harm to warrant the extraordinary and expedited relief sought."

This means that the experiment, proposed by a team headed by Steven Lindow of the University of California at Berkeley, will not now take place until the fall, at the earliest. The experiment involves spraying potato plants with bacteria modified to prevent the formation of ice crystals in plant tissues. The testing can only be done in the spring and fall, when freezing conditions are right.

Neither Sirica's decision nor the appeals court ruling concerned the potential hazards or benefits of the research. The decision was based strictly on whether the National Institutes of Health followed the correct procedures in approving the experiment.—COLIN NORMAN

## EPA Overhauls Pesticide Office

"Office directors shouldn't have life tenure in one office," says an aide at the Environmental Protection Agency (EPA), explaining why Edwin L. Johnson was reassigned out of the Office of Pesticide Programs in late May. Johnson has been in charge of pesticides for 9 years, having survived three presidential administrations and many public controversies. Johnson now becomes head of the Office of Water Regulations and Standards, whose director, Steven Schatzow, moves into Johnson's old job.

At the same time, the EPA hierarchy is asserting more direct control over pesticide actions. Henceforth, according to a memo issued in late May, the pesticide office will have to get clearance from the assistant administrator over its head for first-time uses of chemicals on foods and for "special reviews" of problem chemicals, also known as RPAR's (Rebuttable Presumption Against Registration proceedings). Close observers of EPA think the agency is beginning a general shake-up of the pesticide program.—ELIOT MARSHALL