

hair retains more drug than brown hair. Hence some observers are concerned that the test could discriminate against blacks and other minorities.

Psychomedics isn't short of answers. Baumgartner says washing hair samples removes external contamination—"What goes in easy comes out easy"—whereas "blood-derived stuff is very tightly bound." According to Dupont, contamination is "a totally hokey issue—the only people who are around that stuff are drug abusers."

Nor does Psychomedics see problems from individual differences in hair absorptivity. Says Dupont: "if hair testing finds it's there, it's there." He thinks the government wants to impose a double standard; he notes, for example, that females metabolize alcohol more slowly than men do, but "no one has proposed separate standards" for alcohol testing.

Baumgartner is frustrated by the criticism. "A lot of people say we don't know enough," he says. "You know who doesn't know enough about hair testing? Our critics. They just don't believe what they haven't seen." He sees the government's "campaign" against Psychomedics as symptomatic of an unwillingness to support "creative" science. He complains that the government funds hardly any research on hair testing.

The critics agree that there isn't much funding for hair testing research, but from that point they reach a different conclusion: they say there are too few controlled studies to conclude that hair testing works. Walsh says Baumgartner has been asked for studies to back his assertions, but "every time we ask for data, they [Psychomedics] send another marketing person."

The carping may be affecting Psychomedics, but it has sales offices in four cities and some 80 corporate clients. *Forbes* reports that Psychomedics' fortunes surged after being acquired last year by the A. C. Allen investment group—and the company now has a market value of \$42 million.

Indeed, the financial stakes are climbing in the drug testing business. Sales of test kits and reagents reached \$200 million in 1989, according to the Boston Biomedical Consulting Group, and that is only a small fraction of the total amount industries are spending to have employees tested. How the field develops will depend on both federal funding and regulation. Psychomedics' future may hinge on the outcome of plans in Congress to extend the guidelines that now apply to federal drug testing programs. The company, fearing a new law might lock out hair testing, has hired a Washington, D.C., firm, says Baumgartner, "to help us not be excluded by the urinalysis lobby."

■ CONSTANCE HOLDEN

## Abortion Divides Uniting Germanies

Last week a huge step toward reuniting the two Germanies was taken when the treaty providing the framework for unification was ratified. But many issues still divide the two states, and none is more divisive than those involving human reproduction—both abortion and embryo research. Indeed, until the last minute abortion threatened to hold up ratification of the 1100-page treaty. And related political maneuverings have threatened the freedom of West German scientists to do research on fertility.

The abortion issue hinges on the sharp policy differences between East and West. In East Germany, abortion is free on demand. In West Germany, it is a criminal offense unless a woman can satisfy two reviewers that there are "social or medical reasons" for an abortion. The review often lasts for months, and West German women frequently travel to the Netherlands or Yugoslavia for the procedure. They could now easily go to East Germany—but Chancellor Helmut Kohl had wanted to stop them.

But imposing the West German criminal code on the East would alienate voters there, whereas allowing West German women access to easy abortion in the East would lose Kohl, a Christian Democrat, the support of the right and of fundamentalist churchmen. Kohl's way out of this political bind was to put the problem off. His proposal: for 2 years, former East German states would have liberal abortion, while former West German states would preserve the punitive law. After that, a new Bundestag would decide again for the whole country.

To prevent abortion trips eastward, Kohl had originally proposed that prosecutors would use the woman's home address as the basis for legal action. But using an address rather than a specific act as the basis for punishment turns established legal procedure on its head—and aroused such violent emotions that it threatened the unification treaty.

In the end a compromise was reached. Because Kohl's proposal needed a two-thirds majority to get through the Bundestag, he needed the support of the Social Democrats. In exchange for their support, the Social Democrats insisted no West German women be prosecuted for getting abortions in the East, and that was the form in which the proposal was accepted.

The Social Democrats are also intent on using their political muscle to gain concessions on embryo research. About a year ago a draft embryo protection bill was introduced into the Bundestag. The bill would make a grab bag of activities illegal: cloning humans, crossbreeding humans and other species, surrogate motherhood, egg donation, and experiments on germ line cells or embryos.

Ironically, much of the political furor has centered on a practice that is not rendered illegal by the bill: artificial insemination. As the draft stands, a woman could use sperm from an anonymous donor for artificial insemination. But the Social Democrats want to limit artificial insemination to sperm from a woman's partner. And the government of Bavaria wants to limit insemination to married couples.

While the politicians haggle, reproductive research in Germany has stopped, partly because top scientists in the field voluntarily halted their research 2 years ago so as not to interfere with the legislative process. "De facto, we have a moratorium [on reproductive research]," said Eberhard Nieschlag, who heads the Max Planck clinical research group for reproductive medicine at the University of Münster and was one of those who stopped their research.

Once the five East German states join the legislative process on 3 October, things are bound to get even more complicated. The East Germans are not likely to sympathize with efforts to outlaw embryo research, and it seems probable the Social Democrats will try to push through a measure before then. Wolf-Michael Catenhusen, the Social Democratic chairman of the Bundestag Committee on Research and Technology, has said that he is determined to legislate against germ line therapy and embryo experiments in the current session of parliament, ending on 2 December.

Meanwhile, even before the compromise was reached on abortion in the treaty, some local authorities were taking matters into their own hands. In Berlin where the East-West differences in abortion policy are most keenly felt, pragmatism rules: East Berlin's Magistrat and West Berlin's Senat—both controlled by Social Democrats—have been applying the liberal East Berlin law citywide.

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