



**Lofty appeal.** Supreme Court is being asked to rule on whether openness law applies to academy.

## Scientists Urge Court To Take Academy Case

Eighty-four prominent scientists, physicians, and engineers are rushing to the defense of the National Academy of Sciences (NAS) in the academy's legal battle over whether it must follow federal openness rules. Their friend-of-the-court brief, filed 3 October as the U.S. Supreme Court considers whether to hear the case, argues that the openness rules would impair the NAS's independence and "inject the federal government into every aspect of committee meetings and deliberations."

The roster of supporters includes 54 Nobel laureates, four former U.S. presidential science advisers, two former Cabinet members, and others such as Charles Vest, president of the Massachusetts Institute of Technology, and former Surgeon General C. Everett Koop. Virtually all are members of the academy. An array of scientific organizations and trade associations helped pay for preparing the brief, including the American Association for the Advancement of Science (*Science's* publisher). "We wanted to kick up some sand and get the court's attention," says Frederick Anderson, a Washington, D.C., attorney who played a key role in the effort. "This is a terrifically important issue."

The government recently decided not to file a petition with the academy, severely diminishing the chances that the court will hear the case (*Science*, 3 October, p. 28). That fact jump-started the effort to file the brief, Anderson added. The justices returned from summer recess this

week and are expected to decide soon whether to hear the case, which pits the NAS against the Animal Legal Defense Fund.

## Flap on NEJM Board Over Ethics Articles

Two prominent AIDS researchers have resigned from the editorial board of *The New England Journal of Medicine* (NEJM) after the journal published two commentaries that branded 15 HIV clinical trials in developing countries as unethical. The trials are seeking low-cost regimens to protect transmission of HIV from mothers to their infants.

David Ho, head of the Aaron Diamond AIDS Research Center in New York City, and Duke University pediatrician Catherine Wilfert both handed in their resignations following publication in the 15 September NEJM of an editorial by Executive Editor Marcia Angell and a "sounding board" by Peter Lurie and Sidney Wolfe of Public Citizen's Health Research Group. The articles criticized clinical trials in developing countries that use placebos to help identify cheap interventions that can interrupt maternal-infant transmission of HIV

(*Science*, 19 September, p. 1751).

Neither Ho nor Wilfert was asked to review the editorials beforehand, and both were deeply offended by a comparison to the infamous Tuskegee syphilis experiments. "Here they have something as important as this is ... and they don't even run it by us," says Ho. "I think that's an inadequate utilization of expertise," Wilfert adds.

Angell says such consultation would have been unusual. "We don't, as a rule, pass editorials by our editorial board." The board's function, she says, is to "advise us about policy at meetings once or twice a year."

The editorials provoked strong reaction from the community, including an opposing view from National Institutes of Health director Harold Varmus and Centers for Disease Control and Prevention director David Satcher. The journal has also been criticized for waiting 2 weeks to run that commentary, but Angell says "we feel no particular compunction in any single issue to air all sides of an issue."

NEJM Editor Jerome Kassirer says he thinks Ho and Wilfert "made a mistake" and that he

"feels bad" that they resigned instead of more fully discussing their concerns. But Wilfert plans to do exactly that at the board's 1 December meeting before she steps down.

## In Policy Change, NIH Funds Marijuana Study

The furor over the Clinton Administration's efforts to clamp down on the medical uses of marijuana has produced a surprise: After reviewing its policies this summer, the National Institutes of Health (NIH) has decided to fund a study on the risks and benefits of smoked marijuana.

This week, NIH was expected to announce that it will finance a study at the University of California, San Francisco (UCSF), involving low-weight AIDS patients who smoke marijuana to stimulate their appetite. NIH rejected an earlier version of the project when it was proposed in 1995 and 1996 by UCSF clinician Donald Abrams. But UCSF confirms that NIH has now approved a \$986,000 grant to Abrams's group.

According to Abrams, the 2-year study of 63 AIDS patients will investigate whether a widely used AIDS drug (indinavir) interacts with an active ingredient in marijuana to cause adverse metabolic effects. In addition, Abrams will monitor the patients for calorie intake and body weight.

NIH's decision comes after a push last winter by White House drug czar Barry McCaffrey to punish doctors who were encouraging patients to smoke pot (*Science*, 24 January, p. 485). In the controversy that ensued, NIH convened a panel of experts, who concluded in August that there were no reliable data for or against the medical value of smoked marijuana and that "more and better studies would be needed." The experts also suggested that NIH might develop a gadget for aerosolizing marijuana's active compounds, but so far, NIH has given no sign that it plans to fund other work on marijuana this year.

## Agencies, White House Clash Over 1999

As Congress finishes its work on 1998 spending, a new budget battle is brewing that could make past fights look trivial. Agency and Office of Management and Budget (OMB) officials are sparring over strict funding limits set by this summer's White House–Congress pact to eliminate the federal deficit by 2002. "It's clear that as a consequence of the budget agreement, civilian R&D funding is going down," one House aide says.

That agreement projects a half-billion-dollar drop in R&D spending for a budget category that includes most of NASA, the National Science Foundation, and the civilian physics programs at the Department of Energy (DOE). As a result, OMB has put the screws to agencies' 1999 requests. NASA, for example, was forced to submit a request that's a staggering \$1 billion below its 1998 level of \$13.6 billion, according to several Administration sources. Especially hard hit could be planetary missions planned for the next decade (*Science*, 12 September, p. 1596). Other agencies, such as DOE, are involved in a similar struggle with White House budget mavens.

There is some room for negotiating, however, as the agreement set funding limits not for specific agencies but for broad spending categories. Veteran science budget watchers aren't panicking yet. "My guess is that [the White House] is trying to smoke out the agencies' priorities," says one congressional aide. The final figures won't be public until January.