



Back to work. Italian space projects include instruments for Cassini mission.

Renewal for European Space Science

European space science is still reeling from major launch failures this year, but last week brought some good news. Italy's space efforts are getting back on track after a long bureaucratic hiatus, and Europe's Cluster-2 mission received scientific approval.

The Italian Space Agency (ASI) appears to be shaking off an image of waste and inefficiency earned over the past 8 years (*Science*, 28 June, p. 1867). At the first ASI board meeting in over 18 months, a new board appointed a new director-general, Giovanni Scerch, a former space industry manager. Coupled with the addition last month of new ASI chair Sergio De Julio, "the agency overhaul is now complete, after a long period of uncertainty," says Italian Science Ministry (MURST) head Luigi Berlinguer.

Satisfied with these changes, MURST officially approved ASI's \$660 million 1996 budget, clearing the way for 700 stalled research projects to move forward. The \$40 million-worth of work includes everything from developing robotics systems to building components of an environmental sciences satellite and the international Cassini mission to Saturn and its moon, Titan.

Meanwhile, the European Space Agency's (ESA's) science panel approved its \$262 million Cluster-2 mission—four satellites that will study Earth's magnetosphere (*Science*, 22 November, p. 1295). ESA makes the final decision in February. The first Cluster mission was lost in June when its launcher blew up.

Protest Over Transplant Rules Prompts Review

The U. S. Department of Health and Human Services (HHS) is about to ask for public input on how to apportion the country's limited supply of donated human livers, indicating that it may become more involved in this area.

Next week, HHS will hold hearings at the National Institutes of Health on the rules by which some 4000 livers are allocated for transplantation each year. At present, a private group—the United Network for Organ Sharing (UNOS)—decides who gets a liver and who

must wait. Last month, UNOS approved a new policy that gives priority to patients with acute rather than chronic disease—favoring those with a better chance of survival. HHS says it wants more public and agency input into such decisions.

One apparent spur to this review was a 30 September letter to President Clinton from Pittsburgh real estate developer David Matter, a friend of Clinton's from college. As first reported in *Transplant News*, Matter wrote that UNOS's plan clashes with the views of the University of Pittsburgh Medical Center, a major transplant center and one of Matter's clients. According to Matter, UNOS's new policies, as well as existing rules limiting the geographic distribution of organs, favor small transplant centers and risk lives unnecessarily. HHS Secretary Donna Shalala replied to Matter on 8 November with a 24-page response and a pledge to hold hearings.

An HHS spokesperson says the Matter letter was "one piece of input" in its decision, and that nearly 100 requests to testify demonstrate "the need for hearings." The 3-day meeting is sure to include some fireworks. For example, Roger Evans, an analyst at the Mayo Clinic, says he may speak about Pittsburgh's need to "maintain market share" as a factor in its dislike of the new rules.

Officials Discount Database Fears

International talks on protecting database rights got under way this week in Geneva, amid an outcry from U.S. scientists who fear that such an agreement could make obtaining data for research more costly and difficult. But Commerce Department officials dismissed these concerns before leaving for the talks. "They are way overreacting," said the delegation's leader, Patent and Trademark Office chief Bruce Lehman.

But William Wulf, acting head of the National Academy of Engineering, says the problem is that Lehman didn't involve the scientific community in drafting the U.S. position until the last minute (*Science*, 15 November, p. 1074). "If he had been somewhat more forthcoming earlier in the game, then we would probably have been a much more receptive group," Wulf says. The scientists' most recent salvo came in the form of a 25 November letter to Vice President Al Gore from Richard Nicholson, executive officer of the American Association for the Advancement of Science (which publishes *Science*). As Wulf wrote in an earlier letter, the AAAS says the draft treaty is too vague, could grant perpetual protection for database owners, and ultimately could impede the free flow of data critical for research.

Commerce and industry officials insist that the draft treaty aims at halting large-scale piracy of data, and that the impact on scientists will be minimal. The U.S. position is classified, but the White House did add a National Science Foundation official to the U.S. team. Lehman, however, makes it clear that he's not bowled over by the comments from the scientist-critics. "It's frustrating when we're trying to solve some very serious problems," he told *Science*. "For them to misinterpret and operate on the basis of a whole bunch of false assumptions—I just can't imagine that they do science that way."

California Affirmative Action Law Halted

Last week, a U.S. district judge in San Francisco ordered a temporary ban on Proposition 209, the anti-affirmative action ballot initiative passed by California voters last month. The ban extends to 16 December, when the court will examine legal challenges to 209 and decide whether to halt its implementation until after a trial on its constitutionality. Further trouble could lie ahead for 209: Judge Thelton E. Henderson writes that "plaintiffs have demonstrated a probability of success on their ... claim."

The temporary order is encouraging news for educators trying to draw minorities into science. Proposition 209 would halve the numbers of black, Hispanic, and American Indian undergraduates admitted to the most selective University of California (UC) campuses, and would force the restructuring

of successful minority outreach programs (*Science*, 15 November, p. 1073). Still, these programs aren't halting their search for other ways to reach minorities. High school efforts such as the Math, Engineering, and Science Achievement (MESA) program would be "irresponsible" not to plan for 209's possible implementation, says MESA director Mike Aldaco.

As for UC admissions, any court action could be moot over the long term. While race and gender preferences could still play a part in the selection of the 1997 UC freshman class, the UC regents have banned the use of these criteria starting in 1998. But a court defeat of 209 "could have some spillover effect," says Ed Chen of the American Civil Liberties Union, one of the plaintiffs, perhaps strengthening legal challenges to the regents' order.