

recently, Dr Everett Koop (President George Bush's Surgeon-General) irritated his political masters by speaking out on AIDS, and on the means by which people might avoid it. President Bill Clinton has been no luckier. That, at least, is what he may think.

At the end of last year, Clinton demanded the resignation of Dr Joycelyn Elders after she had told a meeting of a UN committee on sex education that children should be told something about masturbation. Her opinions were widely and even sensationally reported. There is no suggestion that she was advocating onanism as a male way of life, or even as a means of contraception, but merely that she regarded this information about the working of the human body as necessary to young people's understanding of themselves. But the opinion was evidently judged politically incorrect. Humbugged indignation was everywhere to be heard. The president did not lift a finger to defend Elders. She was quickly gone.

Clinton is no luckier, as he will see it, with the project to replace Elders with Dr Henry Foster, a black gynaecologist from Tennessee whose standing with his professional colleagues in the United States is unquestioned. The trouble is that Foster, being a gynaecologist, has in his time performed abortions on pregnant women. Saving those who have exercised the proper conscientious right to decline, what practising gynaecologists has not performed a few operations of this kind? But with two (male) 'abortionists' already murdered on that account in the United States, and with the anti-abortion lobby more sure than ever that it has Congress on its side, it was inevitable that a gynaecologist nominee for the post of surgeon-general would be given a drubbing in the Senate's confirmation hearings.

That is how it has been, but worse. There are differing accounts of how many abortions Foster has carried out or supervised. The White House says "fewer than a dozen", Foster himself acknowledges "39", but others claim that the number is much larger. Nobody suggests that, whatever the number, Foster has behaved illegally, nor would it be entirely unreasonable that a busy gynaecologist should have carried out some hundreds of abortions in a professional lifetime. The plain truth is that the number is entirely irrelevant to Foster's competence for the post to which he has been nominated. Nor should it matter that he may have used hysterectomy as a means of sterilization more than 20 years ago. It is also plain that the White House appears not to have had the wit to anticipate the sensitivity of this issue. Is it possible that the people there are ignorant of what gynaecologists do for a living, and too busy to find out?

In the past two years, Clinton has made several good appointments and as many bad ones. He has a reputation for letting his nominees swing in the wind when the Senate committees make the going rough. On this occasion, he has a duty not merely to give Foster his full backing, but to insist that the number of legal abortions a gynaecologist may have carried out is strictly irrelevant to his competence as surgeon-general. Unless he fights for Foster, the Senate may deny him all the appointments he wishes to make in the two years ahead. □

France's blood scandal

France should commission an independent inquiry in the contaminated-blood saga.

THE mob's thirst for vengeance can take precedence over justice. Many of the darker decisions of the tribunals in the French Revolution showed that, memorably in the case of Lavoisier. So did a Paris tribunal last week, when it refused parole to one of the four men convicted over the contaminated-blood affair, on the astonishing grounds that his release would prevent "appeasement of the justifiable resentment of the victims" (see page 550). The ruling lends credence to the cynical view that the French judicial system, under pressure from the public, has not let facts or the law impede its search for scapegoats. As well as the four people already tried and convicted, those now arraigned include Laurent Fabius, a former prime minister, and François Gros, the distinguished cell biologist and former government adviser.

Circumstantial evidence supports the suspicion that the courts all along have delivered the verdicts that the public wanted. Despite the complexity of the case, the court that heard the initial trials did not commission an independent expert report. The investigation of the main charge (that haemophiliacs were given HIV-contaminated clotting factors when heat-inactivated alternatives were available) was carried out rapidly by judges and police, and was full of errors. Thus a mistranslation of a text from October 1984 led the rapporteur to the Conseil d'Etat — France's highest court — to affirm that, on that date, the efficacy of heat-inactivated blood products "should be taken as established"; the original text reads "remains to be proven". Similarly, the rapporteur claimed that Luc Montagnier, from the Institut Pasteur in Paris, stated at a meeting on 8 October 1984 that the "transmission of the virus by Factor VIII was possible but that it was inactivated by heating". Montagnier had actually referred to a solution of the virus in a test tube, which is a very different matter.

The danger now, for France, is that the hunt for scapegoats will become perpetual. Who is to say, and how, when the "appeasement of the justifiable resentment of the victims" will be complete? The French press, which has played the part of the women who used to take their knitting to the guillotine to urge on the executioners, is unlikely to be much help. The victims themselves, or the relatives of the real victims, who must sense they are pushing at an open door, are unlikely to declare themselves content. Yet at no point in the past trials have the courts taken sufficient account of the many extenuating circumstances of the mid-1980s — uncertainties about the importance of AIDS and the quality of reagents on the market. So what will happen if Fabius and Gros are sent to jail and appeasement remains elusive? Better act now to avoid that evil prospect. The government of France needs to get off the unjust road it has been travelling, and may find that a serious inquiry by an international commission is the only way of doing so. □