Smallpox shots made students sick

by Derek Rose
New York Daily News

Healthy college students injected with the smallpox vaccine in clinical trials have developed aches, pains and fevers that laid them up for days.

The symptoms have been temporary, but they underscore the dangers of the vaccination strategy under consideration by the Bush administration, experts say.

Unlike other vaccinations, smallpox immunizations involve injections of a live virus called vaccina that can cause flu-like symptoms, rashes, sores and more serious ailments. In extremely rare cases, the vaccine can kill.

"You get swelling, you get tenderness, you can get pain, you may get chills," said Dr. William Schaffner of Vanderbilt University in Nashville. "Getting a smallpox vaccine is not like getting a tetanus shot."

As the White House considers reintroducing the inoculations 30 years after they were stopped, the National Institutes of Health is sponsoring a study of the smallpox vaccine at Vanderbilt and three other research centers.

Because vaccina supplies are limited, the study is aimed at determining whether a diluted version is still effective. The vaccination involves 15 pricks in the upper arm with a needle injecting the vaccina virus.

A pus-filled scab develops within a week that must must be kept covered to avoid spreading the virus to other body parts - or other people. The dressings also must be changed daily and the scab monitored carefully.

Study participants said they developed symptoms in about a week, ranging from nausea, fatigue, itchiness and pain where they got the shot.

"At one point I was like, 'Just cut it off, just cut my arm off! Be done with it!" said Elizabeth Forrester, 26, a Vanderbilt doctoral student vaccinated Oct. 14. "It just hurts, it aches and it's not fun."

Forrester missed a day and a half of work a week after being immunized, but others' symptoms were less severe.

Dr. Patricia Winokur of the University of Iowa estimated that about a quarter of the 218 people vaccinated there missed a day of work or school. A few missed two or three days.

Supreme Court enters debate over affirmative action on campus

by Shannon McCaffrey
Knight Ridder Newspapers

The Supreme Court set the stage Monday for what could be a landmark ruling on affirmative action, agreeing to decide whether universities can use race as a factor in admitting students.

The high court in recent years has chipped away at government affirmative-action programs dealing with such things as government contracts. But it has not spoken on the use of racial preferences in higher education in more than two decades, which leaves legal experts wondering how it will rule.

At issue is whether the University of Michigan in Ann Arbor and its law school violated the Constitution by rejecting white applicants while accepting minority students with lower grades and test scores.

If the high court strikes down such public university programs, it would be a near-fatal blow to the use of affirmative action, which was conceived of as a remedy for discrimination. If it supports the university, it could provide a blueprint for how such programs should work.

James Cott, associate director of the NAACP's Legal Defense and Education Fund, called the pending challenges to affirmative action, both involving the University of Michigan in Ann Arbor, the "most important civil rights cases to come before this court in a quarter of a century."

The high court's rulings in the Michigan cases will apply directly only to public colleges and universities. But experts say all schools, public or private, that use race-conscious admission policies are likely to take cues from the high court's ruling.

"Whatever the court decides, it will have a profound impact on who goes to colleges and graduate schools in this country. It will have a profound impact on the face and complexion of higher education," said Mark Rahdert, a constitutional law professor and associate dean at Temple University's Beasley School of Law in Philadelphia.

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The white students who were turned away claim they were discriminated against in violation of federal civil-rights laws that ban race-based bias, and the Constitution's guarantee of equal legal protection. The university says its intention was simply the enhanced educational benefit that comes when students of diverse racial and ethnic backgrounds live and learn together.

The law school case involved Bàrbara Grutter, a businesswoman who was denied admission to the Michigan law school in 1996 when she was 43. She claims that minority applicants received preferential treatment, and she still wants to attend law school at Michigan.

In the second case, which involves undergraduates, Jennifer Gratz and Patrick Hamacher argue that they also were denied admission because of race.

The 6th U.S. Circuit Court of Appeals in Cincinnati ruled in favor of the University of Michigan's law school in a 5-4 decision handed down in May. The court heard arguments in the undergraduate case but has yet to rule. The high court's decision to hear that undergraduate case before the lower federal court had ruled is unusual.

Attorneys for Grutter called on the Supreme Court to clear up confusion from its 1978 ruling on affirmative action.

In that case, Allan Bakke, a white man, was turned down for admission to medical school at the University of California at Davis while minorities with lower scores were admitted. The school reserved 16 percent of its admission slots for minorities.

In a 5-4 decision, the Supreme Court ruled that such racial quotas were impermissible. But Justice Lewis Powell wrote in a separate opinion that schools could consider race as long as they did not use quotas. Universities often have used the late justice's opinion as a benchmark for affirmative action. It also has been criticized as vague.

Grutter's attorneys said there was a "sharp and substantial disagreement in the lower courts about the lawfulness of using race and ethnicity as a factor in admissions to achieve a 'diverse' student body."

They noted decisions in the U.S. Court of Appeals' 5th and 11th circuits that ruled against affirmative action plans at public universities.

University of Michigan President Mary Sue Coleman said overturning the Bakke ruling "could result in the immediate resegregation of our nation's top universities, both public and private."

Terry Pell, president of the Washington-based Center for Individual Rights, a conservative public-interest law institute that is representing the white applicants, acknowledged that minority enrollment dropped sharply at flagship public universities in Texas and California after race was eliminated as a factor in admission. But those numbers are rebounding, proof that racial preferences are not needed to secure minorities' educational opportunities, Pell said.

The court is expected to rule by the end of June.