

onable attorney's fee, the amount to be fixed by the screening board. If the proceedings reach the stage of an agency hearing board and if the employee is later cleared, similar reimbursement should be authorized, the amount to be fixed by the hearing board.

(3) Employees of private employers contracting with the government should be entitled to reimbursement by the government for attorney's fees on the same basis as government employees.

(4) Bar associations are urged to make provision through lawyer reference plans or otherwise for adequate representation of employees in security proceedings.

15. Final Determination

The head of the charging agency should have the power to make the final security determination.

16. Successive Security Determinations

(1) It should be the policy of the government to prevent insofar as is practicable and consistent with national security the repetition of security proceedings on substantially the same facts as to the same person, whether in the same agency or in different agencies.

(2) In the absence of new evidence a security clearance should not be reopened.

(3) When there is new evidence a security clearance should be subject to reopening only with the concurrence of the screening board and the head of the agency concerned. If a new hearing is directed, all relevant evidence, whether or not presented in the earlier proceeding, may properly be considered in making the new security determination.

(4) The regulations to be promulgated by the Director should include provisions for reciprocal recognition of clearness wherever feasible, and such regulations, upon approval by the President, would be binding on the agencies affected.

17. Applicants for Positions and Probationary Employees

(1) So far as consistent with the interests of national security, an applicant for a position covered by the programs who is denied employment should, upon request, in accordance with regulations to be established, be furnished with a statement of all adverse security information concerning him, such statement to be as specific as security considerations permit, or a statement that there is no such adverse information.

(2) An applicant furnished with a statement of adverse security information should have the right to file an affidavit denying or explaining it. Such affidavit should be placed in the personnel file which contains the adverse security information and should be part of any report of an investigation of the applicant.

(3) A governmental agency should

also afford an informal interview to an applicant for, or a probationary employee in, a sensitive position so that he may have an opportunity to explain adverse security information, in any case where the general counsel of the agency recommends that an interview be given because of the importance of the employment of the person to the agency.

F. Name

18. Name of the Program

The name of the personnel security programs as a whole should be:

"The Federal Personnel Security System."

The Committee believes that with the adoption of these recommendations the future personnel security system would be substantially free of the weaknesses and defects which have appeared in connection with the present programs. National security would be adequately protected and no reasonable citizen could feel that this was being achieved at the sacrifice of our basic principles of liberty and our sense of fairness.

Individuality in Chimpanzee Behavior

The high degree of anatomical variability among chimpanzees, even among those of the same species, is well known; and, as might be expected, physiological variability has also been recorded, even though investigations in this area have not been numerous. H. W. Nissen, on the basis of studies of 151 chimpanzees (all presumably of one species) at the Yerkes Laboratory in Orange Park, Fla., during a period of 25 years, concludes that the behavioral variability of these animals is even more striking than their anatomical and physiological variability [*Am. Anthropol.* 58, 407 (June 1956)]. These observations are especially significant, since particular effort has been made to maintain uniform environmental conditions for some 60 animals born since 1939.

Excluding three obvious sources of individual variability,—namely, age, sex, and experience—Nissen considers only those instances of individuality that may have a genetic basis. Differences have been noted among adults in locomotor, postural, oral, and manipulative acts that have no apparent basis in differential experience—for example, extent to which bipedal locomotion is used, manner of quadrupedal gait, grooming, manner of eating, food preferences, manner of rocking or swaying, occurrence of thumb-sucking. Furthermore, variability is also evident in more general behavior traits, such as intelligence, dexterity, skill, inventiveness, emotionality, drive, persistence, aggressiveness, and timidity—for example, thresholds of excitability, attitude of the mother toward her young,

speed of learning, tool-using and instrumental problem-solving.

Nissen believes that the 57 chimpanzees now at Orange Park are as distinctive as an equal number of human beings drawn from any place on this planet. Although they do not differ in as many details of behavior—since the repertoire of human behavior is much larger—the range is sufficient to guarantee each chimpanzee its own individuality. It is well recognized that culture has a very great role in shaping human behavior and so producing variability therein. The Orange Park chimpanzees, however, show pronounced behavioral individuality, although they live in roughly the same environment. Nissen, however, emphasizes that this does not definitely prove that their behavioral variability was not environmentally determined, for it is possible that minute elements of early experience act cumulatively to produce wide variability in later life. But the same differences could well be produced by minute hereditary differences in endowment and propensities. Thus, on the basis of present knowledge, it appears likely that both environmental and genetic factors are involved in the production of individual variability in chimpanzee behavior.

Whatever future experiments along this line may reveal, it is obvious that Yerkes was entirely correct in calling the chimpanzee "a rugged individualist."
—W. L. S., JR.

Patent Ruling

The received date printed at the end of an article in a publication can no longer be employed by the U.S. Patent Office to bar a patent to an inventor, according to a ruling by the Court of Customs and Patent Appeals. The court's holding reverses a long line of decisions of the board of appeals of the Patent Office.

The decision was handed down on 21 June, in the case of *In re Emil Schlittler et al.* Schlittler is vice president and director of research of CIBA Pharmaceutical Products Inc., assignee of the patent application involved in the decision. The legal issue involved in the case was of such widespread significance that three patent law associations—the American Patent Law Association, the Connecticut Patent Law Association, and the New York Patent Law Association—filed briefs *amicus curiae*, all of which urged reversal of the Patent Office's policy of reliance on the "received" date.

In its rejection of the Schlittler *et al.* application, the Patent Office relied on a single reference, which was an article in the *Journal of the American Chemical*