

# Science and the News

## Scientific Advisers: The Current System of Getting Advice Seems Awkward but Unavoidable

The latest in what has now become a series of congressional studies of the government's, and particularly the Defense Department's, scientific consultants is being organized by the investigations subcommittee of the House Armed Services Committee. The committee is chaired by Edward Hebert of Louisiana. It is looking into possible conflict-of-interest situations, a particularly delicate area since it is difficult nowadays, when 60 percent of the country's research is financed by the federal government, to find a scientist likely to be called on to give the government advice who does not also have connections with universities and corporations that stand to gain from contracts that may be awarded partly on the basis of his advice. When the New York Bar Association published a book-length study of the conflict-of-interest laws last year, it singled out scientists as the subject of the chapter detailing the great difficulty the government and its consultants have in living with a group of conflict-of-interest laws that grew out of scandals in military procurement during the Civil War. The general conclusion of the study was that the present conflict-of-interest laws are just not strictly enforceable except at the price of cutting the government off from its most valuable sources of advice, a price hardly anyone believes the country can afford to pay. The Bar Association recommended, and the Administration has generally endorsed, a complete rewriting of the conflict-of-interest laws which would tighten the code in some ways but which would set up a formal procedure for allowing exceptions where this is clearly in the national interest. The real problem with the present code, so far as scientists are concerned, is not that it is keeping the government from getting the advice it needs but that, because laws written so long ago are

unworkable today, they are often just ignored, with the result that if a major scandal arose it could look just so much the worse because of failure to enforce the conflict-of-interest laws.

The staff of the Herlong committee has been gathering data to be used in a public investigation after Congress reconvenes in January. Apparently they have come up with some fairly juicy items relating to stock speculation, where evidence has been developed that some consultants have used advance knowledge of where contracts would go to turn quick profits in the stock market. The staff is also trying to find evidence of the much more serious offense of consultants using their influence to direct contracts to their own universities or corporations, but this is a far more difficult charge to prove than stock speculation, which can sometimes be demonstrated quite easily simply by subpoenaing a man's stock broker. The whole business causes a good deal of uneasiness within the executive branch, for it would be a miracle if, among the thousands of possible offenders, there were not a few who had tried to make improper use of their positions, and it would be a disaster if a scandal developed of sufficient proportions to make it more difficult for the government to obtain the services of the men it wants.

### Scared Off

An extreme example of the kind of thing the people who are worried about the investigation worry about is that of the lawyer who turned down a nonsalaried appointment to the Fine Arts Commission on the grounds that, under the conflict-of-interest laws as now written, it would be a violation of the law if he or any member of his law firm handled a tax case or any other case involving the government while he was serving on the Commission. It seems likely that the lawyer, in this case, was more interested in pointing up the absurdity of the conflict-of-interest laws as now written

than in protecting himself and his law partners, but the triviality of this case only emphasizes how awkward the situation could become if scientific advisors, almost all of whom have equally unavoidable and far less trivial conflict-of-interest problems, should become leery of fulfilling government requests for their advice for fear of public attack.

The other side of this problem of getting adequate scientific advice involves the position of the several dozen nonprofit corporations which have been set up in recent years primarily to serve the Defense Department. It is these corporations (the Rand Corporation is the oldest and best known) more than the conflict-of-interest problem itself that is the main subject of congressional interest. In the last couple of years they have been studied by the House Civil Service Committee, the Government Operations Committee, and the Science and Astronautics Committee, which apparently would have held public hearings this fall except for the death of its chairman, Overton Brooks, who had planned to chair a special subcommittee handling the investigation. The great reason for congressional interest in these corporations is that, although the executive branch is willing to cite any number of reasons for their existence, their primary advantage is that they offer a way to get around the civil service salary restrictions. Though it is far from being the sole source of annoyance, there is clearly a great reluctance on the part of Congress to have the government pay anyone below the rank of a cabinet member more than a Congressman earns. The problem for the government is that it has trouble getting the kind of people it wants without offering a salary and amenities that it is impossible to offer within the civil service regulations. The corporations usually serve in areas such as advanced weapon development, space, and atomic energy, where the government has had to build up its scientific staffs from scratch in a very short time, and where, therefore, the nonprofit corporation device, with its special attractions to prospective employees, seemed to be the most effective means of attracting the needed talent. The Air Force, as the newest service, relies most heavily on these corporations, and indeed would be completely lost without them.

Partly to forestall congressional

critics, the Administration initiated its own review of the nonprofit corporations last summer. Its report was supposed to be ready this week, but it became apparent weeks ago that the deadline could not be met, and the submission date has been put off until sometime early next year. The Defense Department, though, has let it be known that it is preparing a code of conduct for the nonprofit corporations intended to guard against conflict-of-interest abuses and to limit the use of the device to work which clearly could not be conducted directly by the services themselves, using regular government employees, or by industrial contractors.

But as a matter of practical politics it is hard to see how any major change is going to come out of either the congressional or the Administration's investigations. There have been some fairly serious charges made of abuses in the nonprofit corporations: the staff preparing for the Brooks investigation, for example, believed it had found evidence of one or two cases where a member of the board of a nonprofit corporation became part owner of a small profit-making corporation and then used his influence on the board of the nonprofit corporation advising the Defense Department to steer contracts to his newly formed profit-making corporation.

An entirely different sort of abuse, without moral overtones, is involved in the charge that some of the nonprofit corporations have been spending more money than is necessary, even under the usual justification for the nonprofit corporations, for high salaries and fancy buildings. Here it is difficult to define exactly when people have been unnecessarily free with the taxpayer's money, for it can be argued that if a complete organization has to be built up immediately it may be necessary to offer especially attractive pay and amenities—especially attractive even by the standard of other nonprofit corporations—to get the right kind of people as quickly as they are needed.

But there has been no indication that whatever abuses exist have been widespread enough to lead to a really major change in the handling of the nonprofit corporations. And on the level of less radical changes, nothing the government or Congress can do can completely eliminate abuses, to say nothing of mistakes in judgment, in the areas of scientific organization for the government any more than these can be

completely eliminated in any other area of human activity. Ideally, what the Administration hopes will come of the investigations is the development of a more widespread understanding of the government's problems in getting adequate scientific advice, and from this, acceptance of the need for some realistic steps toward narrowing the gap between salaries and working conditions inside and outside the government. Until this is done there will hardly be much choice but to continue to use devices like the nonprofit corporations to get the services of people the government needs. The Administration apparently intends to back a special pay scale for scientists, engineers, and perhaps some other special categories of key employees, but it is most doubtful if any reforms that get through Congress, if any get through at all, will be sufficient to really cut the need for devices to get around the civil service regulations.

#### Top People

Near the heart of the situation is the government's special requirement for people in rapidly developing scientific areas. Government salaries, except at the lowest levels, are now always decidedly lower than salaries for equivalent responsibilities in private employment. This makes it difficult for the government to attract and keep the most outstanding people. In areas where the need for major changes in policy does not come up too often, it is possible to get by with a good man instead of an excellent man, for even if the money saved by restricting the salaries of government employees is shortsighted economy, the loss of effectiveness is almost impossible to pinpoint. When a major series of policy changes are wanted, as when a reform-minded Administration comes to office, first-rate people can be attracted to the government to serve for 2 or 3 years to work on the new policies. One of the real accomplishments of the Kennedy Administration has been its success in drawing people to Washington. In an area like tax policy, for example, the Administration not only could get Professor Surrey to come down from Harvard Law School to head the Treasury's tax policy section, but could generate enough of a feeling of excitement to enable Surrey to recruit an elite staff of younger men, usually serving at very substantially lower salaries than they had been earning in private life, to help

work out new policies. These men are not likely to stay more than 2 or 3 years, but they can accomplish a good deal, and when they leave, the new ways of doing things can be carried on reasonably well by less-imaginative men. Things are quite different in the scientific areas, where what is urgently needed is continuously available staffs of first-rate minds.

To meet this need, the devices of the part-time consultant, such as the members of the President's Science Advisory Committee, and the government-sponsored nonprofit corporation, have grown up. Both devices have their weaknesses: the part-time consultant necessarily has outside interests, and therefore conflict-of-interest problems. The nonprofit corporation arouses the resentment of Congress, which realizes that the corporations are mainly devices to get around the government salary restrictions, and it creates difficult morale problems among the regular government scientists, who, not surprisingly, resent the double standard. But one unanswerable thing to be said for such devices is that until the public and Congress are prepared to revise their thinking about the value of government workers, the government can hardly get along without them.

Congress, or at least a sufficiently large and influential part of Congress, realizes this perfectly well, and this is why, even though the Administration is unlikely to be able to get through sufficiently far-reaching salary reforms to enable it to lessen its reliance on the nonprofit corporations, it is also unlikely that Congress will do anything to seriously impede the use of devices that have grown up to get around the restrictions Congress has been unwilling to openly abandon. For the same reason, the Congressional investigations of abuses of these devices, despite their potential, if sensationally handled, to cause a good deal of mischief, are unlikely to stir up very much of a fuss. During McCarthy's early years, there were a good many responsible Republicans who, after being out of power 20 years, were willing to encourage anyone who seemed to be undermining public confidence in the Democratic Administration. But there is no substantial group that wants to undermine public confidence in the scientific effort when it is so obviously connected with the nation's security.—H.M.