

Trouble at Nevada Research Center

The University of Nevada's fast-growing Desert Research Institute (DRI)—a recognized leader in certain fields of atmospheric and arid lands research—is at a critical crossroads because of the forced resignation of its director and chief architect, Wendell A. Mordy. Mordy was asked to resign by the university regents last spring in what appears to have been the climax of an increasingly bitter struggle between Mordy and the university's new chancellor, Neil Humphrey.

Mordy was brought to Nevada in 1960 by a previous chancellor and given the task of building up the then newly-authorized research institute. Over the next 8 years he attracted several leading researchers to the staff, organized a prestigious scientific advisory board that included six members of the National Academy of Sciences, greatly increased the institute's annual dollar volume of research (to a level currently in excess of \$3 million), and won the institute an international reputation in certain fields, notably cloud physics, desert biology, and water resources (see *Science*, 30 August 1968).

Last April, however, Mordy was forced to resign under circumstances that have never fully been made public. Reports in Nevada newspapers indicate that Chancellor Humphrey, at a closed meeting of the regents, stated that either he or Mordy would have to go. Humphrey reportedly told the regents that he had to fight constantly with Mordy over a variety of policy matters. The regents, by a split vote, decided that Mordy would have to vacate his posts as director of DRI and as a vice-chancellor of the university, though he was allowed to remain as research professor earning essentially the same salary.

Sources of the Conflict

University observers differ in their interpretations of what lay behind the struggle between Humphrey and Mordy. Some believe it was primarily a "personality conflict" between two strong-willed men. Others describe it as a "power struggle." And two scientists in Mordy's camp believe the clash developed from a basic philosophical disagreement. They picture Humphrey, who has a business administration background, as a man interested in balancing the books and keeping the university's political fences mended, in contrast to Mordy, whom they see as a freewheeling entrepreneur interested in building a first-rate institution but not terribly concerned about administrative niceties or about how many enemies he might be making in the process. Mordy and Humphrey are said to have clashed on a number of issues over the years—including DRI's bookkeeping practices and the operation of the university's computer center.

Whatever Mordy did to offend the Nevada administration seems not to have bothered officials of the University of Montana, who quickly signed Mordy up as a consultant to help them organize a new Center for Natural Resources. Two Montana officials sent down to Reno to investigate Mordy found that "even Mordy's worst enemies had considerable respect for what he had done."

What impact Mordy's departure will have on DRI remains to be seen. The institute was faced with a budget squeeze this year because of the nationwide cutback in National Science Foundation support, a planned reduction in funds from a Nevada-based foundation, and the failure of the state legislature to appropriate enough extra money to make up the difference. Whether DRI can continue its remarkable growth will depend largely on whether the university is able to attract another first-class director, and on whether that director is successful in persuading the state to increase its level of support. The outcome may hinge on how Nevadans answer the question of whether their relatively poor and unpopulated state needs—or can afford—a high quality research institution.—PHILIP M. BOFFEY

dent Nixon invoking "Executive privileges," the subcommittee inquired. No such claim was being made, Assistant Secretary Creed Black said—but he was unable to cite a legal basis for refusing to open the files. After lunch, Goodrich testified, Finch was briefed on the situation. The Secretary authorized that the files be opened. Goodrich phoned at 3 p.m. to tell Ley of the decision.

Once the files were examined, subcommittee chairman Fountain told the hearing, it was "apparent that the decision with respect to the marketing status of this drug [Panalba] was made by the Secretary, rather than the Commissioner." This was unprecedented: In the approximately 15 years during which a succession of Secretaries had delegated their power over antibiotic certification to the FDA, none had ever been known to try to prevent a commissioner from acting to protect patients from a serious hazard.

Plans Endorsed

At 3:10 p.m., soon after Finch knew that the documents revealing his involvement would be discovered by the subcommittee, he rescinded his earlier order to FDA to leave Panalba on the market while a hearing was being held and endorsed the commissioner's plans for Panalba.

(Finch's defenders claim that he was misled, at the meeting with Upjohn executives and counsel, into believing that the FDA had inexcusably reneged on a promise to hold a hearing. Such a hearing, of course, is available so long as the issue is efficacy alone. But efficacy had been the sole issue in the Panalba case only for a time.)

On 27 May, the Upjohn Company responded by asking Judge W. Wallace Kent for a temporary restraining order and an injunction to stop the Food and Drug Administration from decertifying Panalba without a hearing. In granting the order (after a discussion in chambers) and the injunction the judge constructed a legal structure whose intricacy awed students of food and drug litigation. A primary question was how *any* court could assume jurisdiction in a case in which the FDA had pending before it, and was required to rule on within 30 days of filing, the company's objections to the agency's declared intention to stop certifying Panalba as safe and effective. Judge Kent answered the question simply by holding that, in issuing the decertification order, the FDA in fact had completed final ad-