

HEW Blacklists: New Security Procedures Officially Adopted

The Department of Health, Education, and Welfare (HEW) has adopted new administrative procedures aimed at eliminating the clandestine "blacklisting" practices which previously barred some of the nation's most eminent scientists from serving on government advisory panels. The new procedures, which were officially approved by HEW Secretary Elliot L. Richardson on 20 September, appear to eliminate most, if not all, of the practices that were regarded as objectionable.*

However, some past critics have adopted a "wait-and-see" attitude before passing judgment on the significance of the department's action. They note that HEW has supposedly been following the new procedures on an interim basis since early this year; yet when one of the scientists previously blacklisted—Stephan L. Chorover, an M.I.T. psychologist—was renominated for an advisory post in what was regarded as a "test case" of the department's sincerity in following its new rules, he again failed to win appointment. At this writing, the Chorover case has apparently not yet received final disposition, but efforts by two successive directors of the National Institute of Mental Health (NIMH) to have him appointed are said to have been sidetracked, at least temporarily.

The "blacklisting" practices were first brought to wide public attention in *Science* last year (27 June and 18 July). Under these practices, many leading scientists had been barred from HEW advisory groups—including the so-called "study sections" which review applications for grants—for personal and political reasons unrelated to their professional competence. As it generally worked out, the scientists would have their names recommended by their peers on these committees and would have the backing of an agency head, but prior to appointment, HEW's Office of Internal Security would run a name check on them with the FBI, the Civil

Service Commission, and others. If the name check turned up derogatory information that seemed to reflect on the loyalty or "suitability" of the nominee, he was often dropped from consideration and, in effect, "blacklisted"—generally without any knowledge that he had even been considered and without any chance to challenge the supposedly derogatory information that had torpedoed his nomination. Among the scientists said to have been blocked in this clandestine manner were Nobel laureate Salvador E. Luria; M. Brewster Smith, chairman of the psychology department at the University of Chicago; Clement L. Markert, chairman of the biology department at Yale; Theodore M. Newcomb, former president of the American Psychological Association; and Stuart W. Cook, former chairman of the psychology department at the University of Colorado.

In the latter half of 1969, sharp criticism from scientific organizations and from the press led HEW to launch an intensive study of its procedures for appointing members to the department's hundreds of public advisory committees. The upshot was that, on 2 January, Robert H. Finch, then secretary of HEW, announced his approval of revised procedures (see *Science*, 9 January). The new procedures—based largely on a report and recommendations made by Harlan Reed Ellis, a 26-year-old research associate at Columbia University—went into effect last March on a trial basis. But, much to the dismay of critics, HEW never seemed to get around to instituting the new system on an official basis. At a background briefing session for newsmen last week, HEW officials explained that this was partly because the replacement of Finch by Richardson as HEW secretary necessitated a new look at the situation and partly because HEW regarded the whole blacklisting flap as a relatively low priority item which was subject to deferral while department officials attended to more pressing business.

The period of review and inaction ended with Richardson's official endorsement of new procedures on 20 September. The new procedures are

essentially those which had been recommended by Ellis and announced by Finch on 2 January, with one or two significant changes based on experience gained during the trial period. The most significant aspects of the new system are as follows:

► The old procedure by which the Office of Internal Security conducted a preappointment name check of FBI and other files for derogatory information has been discontinued.

► Heads of HEW's constituent agencies, such as the National Institutes of Health, the Office of Education, and the National Institute of Mental Health, are responsible for determining the professional competence and "suitability" of a candidate before nominating him to a policy advisory committee or appointing him to a scientific or technical committee. The judgment is to be based on checks with personal and employer references, professional organizations, and colleagues. A nominee is to be deemed unsuitable "only if his conduct is such as would substantially and adversely affect the performance of his work or the overall efficiency of the Department." At the background briefing last week, HEW officials indicated that they would bar a nominee as unsuitable only if he had personal qualities—such as dishonesty or blatant drunkenness—that would directly undermine his performance or the work of his committee. They would not, they indicated, bar a nominee simply because he was controversial and thus might indirectly cause the department problems in its relations with Congress.

► If an agency head decides, after checking references, that a candidate is unsuitable, he will simply drop the matter there and will probably not inform the candidate why he was dropped. This is a retreat from the position, originally announced by Finch, that individuals would be given an opportunity to challenge the evidence against them. At the background briefing last week, HEW officials indicated that agency heads were not apt to relish getting into wrangles with prospective candidates over whether their drinking habits, say, might undermine their job performance. They also suggested that it would be administratively difficult to give all discarded candidates a chance to be heard.

► If the agency head, in checking references, comes across information which casts a "reasonable doubt" on a candidate's loyalty, he must inform the HEW secretary. Such reasonable doubt

* Copies of "Procedures for Selecting and Appointing Members of Public Advisory Committees in the Department of Health, Education, and Welfare" may be obtained by writing to the HEW Press Office, Room 5541, HEW North Building, 330 Independence Avenue, SW, Washington, D.C. 20201.

would be created "if an individual advocated the violent overthrow of the Government of the United States and intended to carry out that objective." If the Secretary, after further investigation, including perhaps a name check of FBI files, concludes that the nominee should be disqualified on the basis of loyalty, he must inform the nominee of the adverse information "to the extent consistent with the interests of national security." He must also give the nominee an opportunity to comment on the information. Thus it is no longer possible to blacklist a scientist for security reasons without informing him of the fact.

► After a candidate has been appointed to a committee, HEW's Office of Internal Security will conduct a name check of FBI and Civil Service files. If that check turns up information reflecting on the person's loyalty or suitability, he will be given an opportunity to challenge the adverse information before action is taken to terminate his appointment. HEW officials say the postappointment name check is routine throughout the government and is regarded as mandatory by the Civil Service Commission under existing executive orders.

► The new procedures depart in one particularly significant aspect from those previously announced by Finch. There is no requirement that individuals sign an affidavit attesting to their loyalty before they are appointed. HEW officials said the loyalty oath was dropped after a brief trial because lawyers could not concoct an oath that would not be subject to objection.

Some figures prominent in the fight to end the blacklisting were cautiously optimistic last week that the new procedures constitute a major step forward. Daniel M. Singer, an attorney representing the American Orthopsychiatric Association, the scientific group which was most vociferous in attacking HEW's blacklisting practices, told *Science* that the procedures seem to represent "a major change for the better." Singer would not comment in detail since he had not yet seen a copy of the new procedures, but based on information supplied by this reporter, Singer said the procedures "on balance represent an advance—especially if they are administered in the spirit of the thing by people of goodwill." Singer said the significance of postponing the name check until after appointment is that a man is not apt to be removed for petty reasons once he is appointed, whereas

NEWS IN BRIEF

● **MORE STUDENT SELF-GOVERNMENT:** A survey of the 101 major member institutions of the National Association of State Universities and Land-Grant Colleges (NASULGC) reveals that students are being involved in an unprecedented fashion in university governance and policy-making. Students are serving on all types of policy, advisory, screening, and, in some cases, curriculum committees, and they often hold equal representation with faculty members. The survey also shows that 21 NASULGC institutions have let students onto their university or faculty senates, and 12 have student members on their boards of trustees. Efforts to increase communication among students, faculty, and staff include establishment of the office of ombudsman to hear and investigate student complaints. According to NASULGC, the new half-student, half-faculty senate at the University of New Hampshire may be responsible for the university remaining open during last May's nationwide campus strikes.

● **AIR BILL PASSES SENATE:** Senator Edmund Muskie's (D-Maine) tough new antipollution bill, the National Air Quality Standards Act of 1970, last week passed the Senate, 73 to 0. The most controversial part of the bill, fought by automobile manufacturers, requires a 90 percent reduction in contaminating engine emissions by 1975. The Senate beat back softening amendments by Senators Robert Dole (D-Kans.) and Edward J. Gurney (D-Fla.). The bill also requires newly constructed power plants to use the latest pollution control technology and sets new clean air standards for the states. The bill now goes into conference with the House, which last June passed a less stringent version containing no new auto emission standards.

● **OIL SPILLS:** Oil spills cause heavy damage to the marine food cycle and may pose a danger to public health, according to two Woods Hole Oceanographic Institution scientists. Max Blumer and Howard L. Sanders, testifying recently before the House Subcommittee on Conservation and Natural Resources, said that an oil spill off West Falmouth, Mass., in September 1969 has had these effects: pollution now covers at least 5000 acres offshore

and 500 acres of marshes and tidal rivers; seabed plants and most varieties of animals were killed and the affected areas were not repopulated; and cancer-causing chemicals that are present in oil have been picked up by the remaining animals, which include fish and shellfish normally eaten by humans.

● **NATURE TO BE PUBLISHED THRICE WEEKLY:** *Nature*, Britain's 101-year old science weekly, will be published in three separate issues each week, starting in January, according to an announcement in the 19 September issue. The new *Nature* will appear Monday, Wednesday, and Friday. The Monday and Wednesday issues will be heavily weighted with original research. The Friday issue will contain, in addition to research papers, discussions of articles presented in the midweek issues. It will also present a wider range of news of interest to scientists and non-specialists than space has heretofore permitted. Current subscription holders will receive the weekend edition, which will be sold at the present subscription price of \$48 a year (air cargo) in the United States. The cost of the Monday and Wednesday issues has not been announced.

● **BIOLOGISTS CONGREGATE:** The First National Biological Congress, sponsored jointly by the American Institute of Biological Sciences (AIBS) and the Federation of American Societies for Experimental Biology (FASEB), will be held 6 to 10 November in Detroit. The primary purpose of the congress is to inform the public, and the theme this year is "Man and Environment." With the exception of the morning meetings, which will be devoted to basic science presentations, the sessions are planned to give nonscientists a picture of developments in ecology, disease, pollution, nutrition, population control, and the uses of chemicals in drugs and food production. Evening sessions, open to the public without charge, will feature panel discussions where various public officials will exchange views on health and environmental issues. The registration fee for participation in the congress is \$20. Additional information may be obtained from AIBS Meetings Department, 3900 Wisconsin Ave., NW, Washington, D.C. 20016.

he might easily be dropped from consideration for those same reasons before his appointment. Singer also expressed satisfaction that judgments of "suitability" will be made at the agency level—presumably by peers—and that candidates will be told of information that reflects on their loyalty or, once appointed, on their suitability as well. Still, everything depends on how the procedures are administered. Singer is concerned over how "suitability" will come to be defined in practice, and over what sort of rights a candidate will actually have to challenge the evidence against him.

More vociferous concern has been expressed by supporters of Stephan L. Chorover, an associate professor of psychology at M.I.T., one of the scientists who had previously been blacklisted. Chorover had been asked to serve on the Neuropsychology Research Review Committee at NIMH in 1967 but was blocked by the HEW security office for reasons that have never been revealed, but which Chorover believes involve his left-wing political activities.

Last January, after then Secretary Finch announced that the appointment

procedures were being revised, Richard Louttit, the NIMH official who had originally been responsible for nominating Chorover, decided to resubmit his name as a test of whether the new procedures constituted a significant change. Louttit, who has since left NIMH to become chairman of the psychology department at the University of Massachusetts, told *Science* that Chorover's nomination "has remained blocked." Louttit asserts that Stanley Yolles, former director of NIMH, tried to renominate Chorover but was directed by "higher echelon department staff" not to invite Chorover to join the committee. Louttit also claims that Bertram Brown, who succeeded Yolles as head of NIMH, again sought to free Chorover's nomination but the nomination has run up against "endless delay." In Louttit's view, "this has been another instance in which concerted action on the part of the scientific community and the press to right a clear wrong appeared to meet with appropriate action" only to have it discovered later that "meaningful change did not, in fact, occur." Chorover, who is spending the year at Berkeley, believes his

case raises questions as "to what extent a gap exists between procedures publicly announced and practices actually followed." However, an HEW spokesman asserts flatly that Chorover's name has never been officially resubmitted by NIMH, and other sources suggest that Chorover's appointment was not actually blocked but merely got caught in the confusion of the "trial period" for the new procedures.

At this point it's hard to say just what Chorover's case proves. Louttit says he knows of at least a dozen other formerly "blacklisted" scientists who have been appointed to NIMH panels under the new procedures, so there doesn't seem to be any wholesale ignoring of the new rules. But Louttit says these were mainly men who had been blacklisted long ago—at the tail end of the McCarthy era or under the Eisenhower or Kennedy administrations. Thus Louttit believes that Chorover's case—which he understands may be put up to HEW Secretary Richardson for a decision—may reveal how the department will handle more controversial cases under the new procedures.

—PHILIP M. BOFFEY

Research Priorities: New Program at NSF Reflects Shift in Values

The government agencies responsible for supporting basic research are trying hard, but the product isn't selling well in the atmosphere that prevails today in Washington.

What is doing relatively well is fundamental science's attractive neighbor, utilitarian research. And, one consequence is a reordering of priorities and the initiation of programs aimed at producing something useful relatively fast. A measure of the reach of this process is that even the National Science Foundation, once the federal establishment's lone bastion of nothing but basic research and related educational activities, has initiated a program aimed at producing practical results. Significantly, it appears to be the fastest growing activity in NSF's large

array of programs, having commenced last December with an annual budget of \$6 million, and now slated for \$13 million in the new fiscal year.

Referred to as IRRPOS, from its title of Interdisciplinary Research Relevant to the Problems of Our Society, its statutory basis is in the 1968 amendments that, among other things, strengthened NSF's authority to support applied research. Possessing the authority, but lacking additional funds, NSF chose to move slowly toward accepting any new demands on its resources. But the Bureau of the Budget, presumably reflecting the preferences of the White House, told NSF to move quickly and thus on short notice—in fact very late in the lengthy budget planning process—IRRPOS came forth

last year as a new bundle of NSF support for selected applicants out there interested in pursuing its ends.

Contrary to some fears, these fall far short of putting NSF into the business of backing the development of gadgetry, but IRRPOS is a new departure—actually an extremely imaginative and well administered one—and it merits notice both for its substance and its organizational concepts. Administered in the Office of Interdisciplinary Research, which is headed by Joel A. Snow, a 33-year-old physicist who formerly headed NSF's theoretical physics program, IRRPOS is described in NSF literature as being aimed at promoting "the contribution of fundamental scientific research in resolving major national problems." What that may mean, every man can infer for himself from the score or so of grants that have so far been made. But there appears to be no grounds for doubt that NSF is holding to its statement that "Key factors which determine the decision of eligibility are the potential societal impact of the anticipated research and its dependence on an interdisciplinary approach." And possibly