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University Research and the New Federalism

Interactions with state governments pose problems and opportunities for university scientists.

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The President's budget for fiscal year 1975 continues to place emphasis on the philosophy of the "new federalism" which calls for strengthening the role of state and local governments. Between fiscal 1970 and 1973, federal research and development funds directed to state and local governmental bodies increased from \$99 million to \$250 million (1). As a consequence, major public and private universities are becoming increasingly involved with state and local governments in both research and service activities. Table 1 shows expenditures for selected institutions for sponsored programs from state governments for 1970 and 1973.

As a result of this shift some universities and their faculties are operating in a new environment, one that affects many aspects of their teaching, research, and service. Some of these new relationships are healthy and result in new vigor for academic programs; others are not and lead universities and their faculties into value-laden political arenas, into contractual restrictions which can erode academic freedom, and into fiscal arrangements that potentially could alter university priorities. These issues need to be discussed more thoroughly in the academic community. For example, we hear with great concern that an official of a state agency has told a professor that his research project, which is important to the state, will not be funded because the professor belongs to the wrong

political party. In another situation, a state agency refuses to allow a social scientist to publish his findings without prior approval of the agency because an official feels that "he who pays the piper calls the tune," and that the university owes first allegiance to the agency rather than to the general public. In yet another situation agencies are willing to pay only partial costs for university involvement in service operations that are somewhat peripheral to its academic programs. Thus some universities are finding themselves in the position of hammering out anew, with a myriad of state, local, and regional agencies, policies relating to such matters as peer review, freedom to publish, copyrights, and cost reimbursement policies that were already carefully worked out with federal agencies 20 years ago.

Background

Although the implementation of much of the "new federalism" (2, 3) is attributed to the present national administration, its roots can be seen much earlier. In 1958 Melvin Laird (at that time R-Wis.) introduced the first revenue sharing bill in the House of Representatives. Economists Walter Heller (University of Minnesota) and Joseph Pechman (Brookings Institution) also developed plans for redistribution of federal funds in the early 1960's, and recommendations of the Advisory Commission on

Intergovernmental Relations in 1967 called for a redress of the general power imbalance that worked in favor of the federal government and against states and localities, and hence against a strong decentralized form of government (4). The result of these recommendations, even though they were directed toward revenue sharing, has been to send a much larger flow of federal money into the states for numerous categorical programs that often involve university faculty. Among them are funds for research on water resources, housing and urban development, community education, vocational training, career education, occupational safety, and energy conservation. In addition there are the two major programs of block grants in law enforcement assistance and health planning created by the Omnibus Crime Control and Safe Streets Act of 1968 and the Partnership for Health Act of 1966.

The state agencies that are recipients of these funds have tended to develop counterpart regional organizations at the substate level, creating a layerism that results in more red tape, and more overlapping of political boundaries between municipal, county, and multi-county governmental units. Often the staffs of the organizations do not have the professionalism and objectivity that the academic community has come to expect in its relationships with staffs at the federal level. Having been committed to a "nationally dominated system of shared power and shared functions" (2, p. 145), we are witnessing an increasing amount of bureaucracy to make operational the rhetoric of the movement, a movement in which relatively few faculty members have yet involved themselves or realize what the implications of that involvement will be.

Another new development relates to the State Commissions for Postsecondary Education—"1202" commissions, as they are often called—that

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were authorized in the Higher Education Amendments of 1972. Active support of this federally supported arrangement has come from, among other sources, the Education Commission of the States and the State Higher Education Executive Officers Association. These comprehensive statewide planning bodies, when established, will have purview over public and private junior colleges, community colleges, postsecondary vocational schools, technical institutes, colleges, and universities. They will study duplicative programs, costs, freedom of access, and the educational needs of all adult citizens in a state. It is expected that they will also have a review-and-comment role for research proposals to the Fund for Postsecondary Education and for proposals involving community colleges and vocational education. They will create a problem if their authority overlaps with existing university governing boards. Several states have already created such coordinating bodies and West Virginia's has become a governing body.

Other reviews are required by the Metropolitan Development Act of 1966 and the Intergovernmental Cooperation Act of 1968. These acts created the A-95 clearinghouses and require that universities inform all interested state and local agencies before applications are forwarded to the federal government for funds to work in areas such as environmental demonstration projects, crime prevention, solid waste treatment, intergovernmental science and research utilization, vocational education research, and child welfare and demonstration research, to name but a few. An advance notice of as much as 60 days must often be given to the review agencies.

Recently the Secretary of Health, Education, and Welfare administratively authorized the operation of a regional review of proposals for 117 discretionary projects that ostensibly affect the community service delivery. The list, however, includes university research proposals in the areas of child welfare, foreign language, the handicapped, environmental education, dental health, and social rehabilitation. In some regions HEW offices are sending two-page proposal abstracts or entire proposals to state planning agencies, which in turn distribute the information to other governmental bodies for answers to questions such as the following:

1) Does the proposed activity parallel or duplicate activity funded in your area or proposed to be funded?

Table 1. State funds for sponsored programs at selected universities.

Institution	Amount (\$)	
	1970	1973
Northwestern University	271,909	500,961
University of Minnesota	669,035	2,905,396
Texas A & M	710,623	1,627,188
University of Iowa	726,253	1,192,779
University of Missouri	1,419,754	2,975,276
University of Michigan	1,634,149	2,072,464
University of Kentucky Research Foundation	1,700,000	2,300,000
University of Washington	1,860,603	2,125,559
Yale University	2,198,952	2,744,996

2) Could this activity be improved by: a different approach, contractor or grantee, site target group, combining it with another activity, or coordinating with other agencies?

3) Does the proposed activity address a current need in this geographic area?

4) Would the proposed activity have any adverse effects locally?

5) What is your assessment of the applicant's capability to perform the project as proposed?

Although review and comment by regional, state, and local officials are appropriate for proposals that are directly related to the solution of problems at these levels, it must also be clearly understood that most federal support for academic science is for the solution of problems of a national nature. If the next step to be taken is a large-scale transfer of federal funds for academic science to the states for disbursement, academic science would be severely fragmented and its ability to respond to national needs would be badly eroded (5).

Some Problems

The cumulative effect of these complicated new arrangements poses a serious threat to the sound and successful "system of federal grants and contracts by which universities and industrial corporations were brought into a relation of dependence on federal policy and federal funds, but with a high degree of independence with respect to their internal affairs" that evolved after World War II (6). This has brought problems to researchers, administrators, and universities in four areas. First, is the matter of review. For example, in a field such as crime prevention, faculties of universities in some states who wish to conduct studies in local areas must now explain their objectives to review boards that can be expected to

ask about the methods to be used and the results to be expected. These boards, composed of informed lay people, want to know about the significance of a project for local use, methods to be used in doing the study, and the practical applications of the possible findings for the local community. This means that researchers must appear, often in the presence of the press, before review groups of local citizens who are unacquainted with the language of science and technology, to respond to questions and criticisms and to defend the objectives of their projects. Consequently, faculty members must be prepared to talk to the manager of the local hardware store regarding the value of developing a computer model to simulate the local court review process. Or, they must be prepared to persuade a review board that the money they need is more important than funds for a second community halfway house for released prisoners. These are new requirements to say the least.

Second, faculties are learning that state agencies are sensitive to premature release of data which may be harmful to the political party in power. Many of the surveys and statistical analyses performed for state agencies deal with sensitive local issues that can have political overtones. Consequently, restrictions are frequently inserted in contracts and agreements prohibiting the release of preliminary data that might be misinterpreted or used in a way that would be contrary to public interest as perceived by those in power at the time. It is quite possible that the publication of the results of a study could be a factor in the reelection of a politician who endorsed the original study. According to an analysis in the *National Journal* (7), the Administration's field experiments in new federalism are stripping power from functional bureaucracies operating both in Washington and in the states and localities, and

are meant to build up the power and competence of elected officials in general-purpose local governments. One of the major problems that has surfaced as a result of the new policies is the rivalry that exists between the elected politicians in state and local governments. It is very easy for the academician to become caught in a crossfire that may have effects counter to a university's interests.

A third problem relates to university resources. For assistance in the solution of state and local problems, agencies petition universities to assume roles that the agency cannot afford to undertake. These requests are frequently not scrutinized centrally within the universities and often dilute the resources of the institution. Faculty members are sought as experts to serve on state and local committees, often without remuneration to the university or them. Further, there is a temptation in some states to house state agencies on university campuses in order to obtain the leadership from a competent faculty member and to reduce facility costs.

Another fiscal concern for universities arises from the fact that state and local agencies do not understand the cost principles that the U.S. Office of Management and Budget has set forward for educational institutions in their basic circular A-21 (8). As a consequence, they typically have difficulty in accepting the legitimacy of reimbursing indirect costs. This lack of understanding is frustrating to university administrative officials who are well aware that in 1966 Congress established the appropriateness of these charges (9). Conversely, it ought to be a matter of public concern that many state agencies are not asking the federal government to support their agencies' indirect cost expenses, because they assume that these charges reduce the funds available for direct support of the program's mission. However, by not collecting these actual administrative expenses, they shift this portion of the program's support unwittingly to the taxpayers of their state.

Finally, universities are finding that many state agencies are not widely publicizing availability of categorical grant funds. Grants and contracts are awarded to groups previously known to the agency, application procedures are not defined, deadline dates are not established, and communication lines are not being developed to advertise for bids for contract.

Some Solutions

Thus far we have mentioned only the negative aspects of involvement with state and local government, but these problems can be overcome by officials in the universities who insist on having prior agreements that permit flexible operation under regular institutional policies and procedures and that allow the university to exercise administrative control and responsibility for the work.

Specifically, we need to be aware of the important work of the Committee on Governmental Relations Task Force on Grant and Contract Relationships with State and Local Agencies (10). This group of business officers from nine major universities has developed, for federal and state governments and for universities, recommendations that are designed to improve grant and contract relationships between state and local agencies and universities. The adoption of these recommendations by all of the groups involved will go a long way toward overcoming many of the problems now being encountered.

No arrangements with state and local governments should be agreed upon by universities without prior consideration of the cost burdens that the institution must assume and without weighing the relative benefits and disadvantages for their academic programs. Generally, they do not have the resources to respond to the need for solutions for all social ills, and each university must consider carefully the external assignments it can and should undertake. The importance of determining full costs in the planning of sponsored programs cannot be overemphasized if an institution is to provide sound fiscal management within its total available resources. Failure to receive reimbursement for full costs from the external agency means that another source of revenue must be found to cover the expenses associated with the project. Usually this means either increased tuition, reduction in funds for quality instruction, or less money for basic research that may be of little direct interest to the particular governmental agency (11).

Universities must guard against having their researchers drawn into the political arena. In Iowa we attempt to avoid this by distributing to state agencies a manual which makes clear that Regent institutions will only enter into grant and contractual agreements that are consistent with the following framework of objectives: the education of

the undergraduate, graduate, and post-doctoral students; the advancement of knowledge through research and scholarship; the preservation and dissemination of knowledge; and the advancement of the public welfare. A careful review of all proposals to state agencies at the departmental, collegiate, and central level assures that this policy is adhered to.

With regard to the frequent requirement for approval by a state agency prior to release of data on state surveys and research relating to the development of state policy, traditional university policies on freedom to publish will need to be reexamined to find legitimate compromises that do not sacrifice the principles of academic freedom. In one of our model contracts we now include a statement that findings may not be released without the agency's approval prior to the termination of the contract.

To avoid another source of agency-faculty misunderstanding, faculty must expect to prepare their reports in language that is comprehensible and useful for the consumer. One of the frequent criticisms heard from state agencies is that reports from faculty are often not only late, but written in such esoteric language that they can only be published in obscure scholarly journals where they are of little use to the public. The criticism is stated so frequently that the faculty must take note of the expected form and forum for reporting the results of their work.

Finally, even though state programs are not well publicized, university administrators may properly encourage faculty to become involved in state and local problems because "such scholarly involvements can bring back to the campuses broader and clearer visions of public life and a much needed antidote to some of academe's curious myopias" (12). Faculties can become very engrossed in their traditional lines of scholarly inquiry that may result in their having a narrow, parochial perspective of the world around them. A good administrator should be generalist enough and observant enough of the current social scene to identify emerging social needs and to attempt to relate at least aspects of those needs to the mission and skills of the faculty. This means frequent visits by the administrator to state and local agencies to learn about their research requirements and the development of a clearinghouse function for identifying faculty with the kinds of talents that might

be available to tackle particular problems.

Undoubtedly, the academic R & D community has the capability to provide much needed help to states and localities. More funds should be made available for this purpose by the states and the federal government, but they must be in addition to those provided by the federal government for the solution of problems of a national nature. Associations that represent state and local interests at the national level, such as the Education Commission of the States, should inform their members both of the desirability of the use of academic scientists to analyze state and local problems and of the practical problems that must be overcome on both sides if the relationship is to work well. They might also sponsor a conference of state and university research administrators to discuss the problems that have been identified.

Summary

In this brief article we have touched on some of the solutions to problems universities are encountering in working with the expanding "new federalism."

These arrangements will bring faculties into new kinds of relationships, which they can find stimulating if they are prepared ahead of time to accept the kind of public scrutiny that they have not encountered at the national level and to learn about the political system and the politician (13). Universities will find advantages for their academic programs if they involve faculty and students in programs that promote the advancement of public good provided that caution is exercised to prevent the development of arrangements that restrict academic freedom, push the university into the political arena, and drain its financial resources. Faculties need to work closely with their university administrations to make sure that valid academic principles are upheld. The exercise will be time-consuming and frustrating, but vital to the objective and the high quality support the public expects from universities.

References and Notes

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2. M. D. Reagan, *The New Federalism* (Oxford Univ. Press, New York, 1972).
3. Professor Reagan feels that the term "new federalism" is simple "romantic rhetoric, a facade behind which the national government is to abrogate its domestic role, to reduce its pres-

ence merely to that of an onlooker." He proposes a new label, "permissive federalism" which conveys that there is a sharing of power and authority between national and state governments, but that the state's share rests on the permission and permissiveness of the national government (2, p. 163).

4. Advisory Commission on Intergovernmental Relations, 14th Annual Report, *Striking a Better Balance—Federalism in 1972* (Government Printing Office, Washington, D.C., 1973), pp. 4-5.
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9. Appropriations Acts for Fiscal 1966 for Departments of Defense; Labor; and Health, Education, and Welfare.
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11. R. S. Woodrow, *Science* 176, 885 (1972).
12. G. W. Bonham, *Change* (May 1973), pp. 13-14.
13. L. M. Campbell, "A program for improving intergovernmental science programs," in *Science for Society*, J. E. Mock, Ed. (Georgia Science and Technology Commission, Atlanta, 1970), p. 67.
14. This article is an adaptation from a report by a study committee within the National Council of University Research Administrators. Committee members were Robert C. Anderson, University of Georgia; Donald R. Baldwin, University of Washington; Doris H. Merritt, Indiana University-Purdue University at Indianapolis; and Sidney G. Roth, New York University. D. C. Spriestersbach, University of Iowa, served as chairman.

NEWS AND COMMENT

Manslaughter: The Charge against Edelin of Boston City Hospital

Boston, Massachusetts. In October 1973, Kenneth Edelin, then chief resident in obstetrics and gynecology at Boston City Hospital (BCH), performed an abortion on a woman who was somewhere between 5 and 7 months pregnant. During the course of the abortion, the fetus died. Six months later, on 11 April, a grand jury indicted Edelin for manslaughter in the death of that fetus.

The case of the Commonwealth of Massachusetts v. Kenneth Edelin is medically and legally complex; it is one in which a lot of people besides the citizens of the Bay State and one black doctor defendant have a stake. Whatever its outcome, this case could affect physicians, medical researchers,

women seeking abortions, and "right-to-life" groups that are trying to end abortions altogether. Boston attorneys and prosecutors involved in the case think there has never before been one like it.

Whether the Edelin case will ever go to trial is a decision that is now in the hands of Superior Court judge James McGuire who, early this month, heard a defense motion to dismiss. It is expected that it will take him a couple of weeks to contemplate the issues and hand down a ruling. If he rules for Edelin and dismisses the case, that's that. If he rules for the prosecution, there will be a trial at which a number of perplexing questions besides Edelin's guilt or innocence will be aired.

The Edelin case came to light early in 1974 when officials from the district attorney's office, investigating the hospital for reasons that had nothing to do with Edelin, came across the body of a "well-nourished black male fetus" in the pathology department morgue. It was the body of the fetus Edelin had aborted in October. For reasons that are not clear, no one had signed a death certificate* and the body had never been removed from the hospital. Assistant district attorney Newman A. Flanagan made further inquiry into the circumstances of the abortion and came to the conclusion that Edelin had killed the fetus. Flanagan decided to prosecute.

The grand jury obviously felt he had cause and handed up an indictment for manslaughter alleging in startling language that Edelin "did assault and beat a certain person, to wit: a male child described to said jurors as Baby Boy and by such assault and beating did kill the said person."

* In Massachusetts, a certificate of stillbirth is required for any fetus of more than 20 weeks gestational age.