that it would not much restrain competition in this dynamic new field of weapons technology. But, by continuing the 1972 agreement's freeze as to numbers of ICBM silos and numbers of "heavy" ICBM's, Vladivostok would at least fix some boundaries to the MIRV problem.

There is wide agreement among arms control specialists that nothing would promote strategic stability more than to begin phasing out most, if not all, ICBM's, or intercontinental ballistic missiles. This is so because fixed ICBM forces are potentially vulnerable to an all-out "counterforce" attack and thus constitute a kind of lightning rod. Given a deep crisis, doubts as to the survivability of ICBM's in the event of war could encourage, on both the Soviet and U.S. sides, hair-trigger responses to any sign of attack. Moreover, as many arms controllers view the matter, ICBM's are not necessary to a strong deterrent posture and they do not offer advantages sufficient to offset the nuclear instability that they create.

The Federation of American Scientists (FAS), whose position is representative of a good bit of critical thinking about such missiles, has proposed that the superpowers eliminate all their ICBM's pursuant to three successive 5-year agreements, with one-third of these forces being destroyed during each phase. The destruction of the missile sites could be readily verified by such "national technical means" as reconnaissance satellites.

The elimination of ICBM's would eliminate the part of the problem about MIRV's that most worries military strategists. MIRV's encourage counterforce doctrines because they make it possible to assign two or more warheads to each ICBM silo targeted. But if ICBM's are eliminated, or even if they become an increasingly small proportion of each side's total deterrent, MIRV's will be left without any conceivable counterforce role.

To be negotiable, any proposal for the phased elimination or drastic reduction in ICBM's would almost certainly require that the first to go include those missiles (such as the Soviet Union's SS-18) big enough to carry extremely powerful multiple warheads. Otherwise, the present fear of MIRV's as a counterforce threat would be compounded.

With the elimination or downplaying of the ICBM as a strategic weapon, the present "triad" of forces would be reduced essentially to a "diad," made up of submarine-launched ballistic missiles (SLBM's) and bombers. To many, this seems a safe thing to do because there is currently no prospect that either side will ever be able to destroy all of the other's missile submarines simultaneously. The failure to destroy even one such submarine would result in a devastating retaliatory attack; a single Polaris submarine carrying 16 MIRV'ed Poseidon missiles, with 10 warheads to the missile, would have more than enough weapons to destroy

Briefing

Scientists Win Right To Sue NIH

Scientists who have been denied training grants by the National Institutes of Health (NIH) now have the right to sue NIH if they can show they suffered specific economic and professional losses, according to a recent federal court ruling. The scientists must also have evidence that NIH denied their constitutional rights or violated laws or administrative procedures, the court said. NIH says it will not appeal the ruling.

Previously, only institutions had standing to sue NIH over training grant awards—and they rarely did. But even though the door is now open for individuals to sue, it seems unlikely that the courts will be stormed with angry scientists. Helen Hart Jones, the lawyer for the plaintiff, thinks that the criteria scientists must meet to bring such cases are difficult; besides, few scientists have the time or the money to involve themselves in litigation. "I think it is an important, minor victory," says Jones.

The ruling was made by Judge Donald P. Lay of the Seventh Circuit Court of Appeals in a case involving Julia T. Apter, Professor of Surgery at Rush-Presbyterian–St. Luke's Medical Center in Chicago. Apter appealed a lower court ruling that only her institution had standing to sue NIH. Apter first brought NIH to court alleging that in 1971 she was denied a $580,000 5-year training grant because of sex discrimination and demanding that NIH reconsider the application.

Standing in court is one thing; winning a case is another. Apter's case against NIH will now proceed in a lower court. Although Judge Lay avoided passing on the merits of her case, he did outline the criteria Apter met which gave her—and by inference any other chief investigator—standing to sue. She successfully argued that she had suffered economic injury, as well as professional injury such as "loss of professional prestige and the chance to associate with and train students." She had sufficient personal stake in the outcome of the grant application, by showing she had invested 800 hours of time in its preparation. Finally, Judge Lay noted that the allegations made against NIH in the suit, such as violations of constitutional rights and administrative procedures, fell within a "zone of interests" with which that agency should legally be concerned.

The ruling is one of a number of recent court decisions opening up the government's award of research monies to public scrutiny. Last year, another federal appeals court declared that most of the contents of research grant applications sent to the National Institute of Mental Health (which is not now part of NIH), are public documents under the Freedom of Information Act (*Science*, 15 November 1974). The Association of Women in Science has, in still another lawsuit, obtained court backing for the release of previously secret information about appointments to NIH review committees.

According to one lawyer familiar with these cases, these decisions are part of a trend for courts to broaden the definition of who is eligible to bring a case to court. At the same time, when government agencies have been brought to court the trend has been for judges to order them to open up as many of their deliberations to scrutiny as possible and make them more publicly accountable in other ways. If both trends continue, scientists in the future will be finding out a lot more about how the government doles out its billions of research dollars each year—and asking more questions about that process.—D.S.