NIH Advisory Committees: The Politics of Filling Vacancies

Donald S. Fredrickson, who has been director of the National Institutes of Health (NIH) since July, has yet to meet with his advisory committee. It is not that Fredrickson has been dilatory. The problem is that, for all practical purposes, he has no committee with which to meet. The NIH director's advisory committee, which reviews all policy issues, is supposed to have 16 members—scientists and lay persons. At the moment, it has only five. One position on the committee has been vacant since 1972. For 3 years, NIH has been sending the names of likely candidates to the Secretary of Health, Education, and Welfare (HEW) who must make the appointments. For 3 years, politically appointed staffers in the Secretary's office have been sending those nominations back—rejected.

The problem has been the same with respect to nominations to committees* that advise the directors of the individual institutes on policy, also appointed by the Secretary, and, reportedly, exists throughout HEW agencies. As of this writing, there are a total of 36 vacancies on directors' advisory committees, out of a total of about 160 positions, leaving the committees to the director and four institutes† operating at half steam or not at all. Until recently, there were nearly twice as many vacancies.

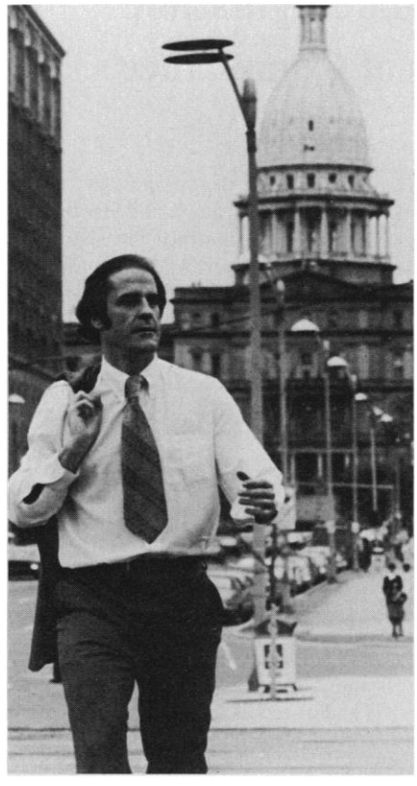
The influence wielded by the NIH policy advisory committees varies from institute to institute and depends in large part on the strengths of their individual members. However, their potential for power is considerable inasmuch as they have final authority over the approval of all grants and contracts supported by the institutes.

One of the most powerful and consistently functional of NIH advisory bodies is the National Cancer Advisory Board which, ironically, is out of the purview of the HEW Secretary. Nominations to that board are channeled directly to Benno Schmidt, chairman of the President's Cancer Panel, who passes his choices on to the White House where appointments are made. Cancer institute officials are frank to admit that because of Schmidt, they have not had the troubles other institutes have had in keeping their advisory board full.

The theme of this story is familiar. Do politicians have any business interfering in seemingly scientific affairs? Or, when scientists choose other scientists for positions of scientific responsibility, why won't the nonscientists in government just go along with it? The answer, of course, is that the appointment of both lay and scientific advisers to NIH is very much a political affair. A prestigious appointment to NIH is vulnerable to the demands of patronage.

The man in charge of the politics of appointments at HEW is William S. Ballenger, a former Republican Michigan state senator, who now works directly for HEW Secretary Mathews. Ballenger says that the vacancy issue is greatly exaggerated and that, although there may have been a crisis a year ago, that isn't his fault. But he readily acknowledges that appointments are governed in the final analysis by political, not scientific, considerations.

It is true that, although there is still a long way to go, some progress has been made since Ballenger began work on 6 January. "When I came here, there were scores of vacancies in HEW advisory committees, perhaps as many as 100, I'm not sure," says Ballenger who optimistically predicts that "We will be up to date by the end of the year."



William S. Ballenger

Nevertheless, dissatisfaction over the whole process remains. As vacancies on NIH committees come up, the staff prepares a slate of nominees for the Secretary's staff, offering a primary and alternate candidate for each position. In selecting nominees, a number of criteria are taken into account: the committee's need for certain specialists, sex—NIH is striving to fill one-third of its policy committees with women—and geography. The NIH staff tries to achieve geographic balance and, as part of the package of material accompanying every nomination, includes a map of the United States showing what the makeup of the committee would be were that person to be appointed. Furthermore, while not taking candidates' political affiliations specifically into account, NIH tries to avoid nominating anyone who is too vocal and conspicuous about his political views. And so, NIH, thinking it has done its homework well, sends its lists downtown to HEW where they are screened, and usually approved by Theodore Cooper, a former NIHer who is assistant secretary for health. As far as NIH is concerned, changes in scientific appointments should not be made beyond Cooper's office. There is reason to think that Cooper agrees.

It is after the lists move from Cooper's office to Ballenger's that the trouble begins. One after another, prominent scientists are turned down with no explanation given. Recent rejects include Edmund Pellegrino of Yale, Sol Spiegelman of Columbia, Ivan Bennett of New York University, and Daniel Koshland of Stanford. There have been dozens. And, sometimes, NIH gets an adviser it did not ask for. A case in point, from pre-Ballenger days, is the appointment of Houston heart surgeon Michael F. DeBakey to the heart and lung institute council. NIH nominees were passed over by former Secretary Caspar W. Weinberger in favor of DeBakey.

Ballenger declares that, while he is not about to be a rubber stamp for NIH, he is willing to "negotiate" appointments to get individuals everyone can live with. He insists, quite credibly, that you do not have to be a staunch Republican to get on an advisory committee. On the other hand, he notes that "these committees are an adjunct to the Administration and there has to be some feeling that appointees will not be an embarrassment to the Secretary or

*Strictly scientific review committees that only judge the scientific merits of grant or contract applications are appointed by the NIH director, not the Secretary. Of more than 300 HEW committees, the Secretary is responsible for only 75 or so.

†Vacancies exist in the Eye, Child Health, and Heart and Lung institutes and in the National Library of Medicine.

the White House." And there is the question of geography and women and minorities. In Ballenger's view, "The agencies may be doing better in these areas than they used to, but they're not doing good enough." If NIH sends in a slate of nominees that does not include women, for example, it must also send a written justification that includes the names of specific individuals whom it considered but declined to nominate and why. Usually, problems occur when an institute is looking for an adviser with some particular scientific expertise in a field that may not have many specialists of either sex.

Two things can happen when NIH nominees are turned down. One is that NIH can submit more names, as it often does. The other is that HEW will suggest persons drawn from its own extensive lists. The latter solution is particularly irksome to NIH officials when they are dealing with scientific rather than lay candidates. As one staffer said, "We'll concede their right to appoint lay people if they'll let us make judgments about qualified scientists."

Ballenger, however, is not about to make any concession. He sees the initiation of nominees from his office as a "positive" rather than "reactionary" action, even though he realizes that agency people are "insulted when we send them names." But he says he has his own problems with respect to drawing up slates of nominees, problems agencies do not share. Suggestions for advisory committee members come pouring in to his office from members of Congress, from special interest groups, from state legislatures, from the White House. He listens to them all and says that, in the general scheme of things, NIH has more clout than any of the rest. But, he declares, the scientific community can be "incestuous and inbred" at times and that his office, searching more broadly for qualified people, finds individuals that are first-rate that the scientific establishment never heard of—just as he has never heard of some of science's establishment, including Pellegrino, Bennett, and others. It would appear that they were rejected more because Ballenger's office wishes to put its own candidates in place than because of any Machiavellian plot against the scientists as individuals.

Furthermore, Ballenger notes that HEW Secretary David Mathews does not necessarily share the scientists' opinion that a vacancy must be filled with an individual of some particular scientific expertise. Mathews, for instance, recently wanted to put a coal miner on a committee of HEW's Center for Communicable Diseases on coal miners' health and safety. CDC scientists apparently said no coal miner could understand the issues. Ballenger claims there was a compromise: no coal miner was appointed this round but one will be when other vacancies occur.

While Ballenger is unwilling to concede any of his and the Secretary's authority, he told *Science* he can promise there will be no more "Sinatra incidents." A few years ago, heart institute officials woke up one day to learn that Spiro Agnew's buddy Frank Sinatra had been appointed to the heart council. They had not been asked, or even told. And it was never quite clear whether Sinatra personally had accepted the invitation to fill an unexpired term. Nevertheless, for a year, a seat was kept waiting for him at council meetings. Ballenger states he will not "force" anyone onto a scientific advisory committee against an agency's will but he sums up his position by saying, "Secretarial committees are not the private preserve of the agencies." Now, if someone would just fill those 36 vacancies. . . .

—BARBARA J. CULLITON

Higher Education and Regulation: Counting the Costs of Compliance

It is no news that inflation has unbalanced the budgets of many colleges and universities, but the financial crisis has a hidden dimension. Compliance with multiplying federally mandated programs is not only imposing added administrative costs but, in the view of some, is seriously compromising traditional academic autonomy.

The record is clear on the rapid rise of the price of fuel, of faculty and staff salaries and fringe benefits, and of the cost of virtually everything the institutions buy and use. It is also easy enough to trace the increase in payments to federal contributory programs, such as unemployment insurance and Social Security. But in the case of new federal social legislation, particularly the so-called "affirmative action" programs to implement antibias laws, it is much more difficult to pin down the costs entailed in satisfying the law and its interpreters.

A different set of problems is posed by the administering of programs of "federal aid" to higher education. Student aid programs involve costs which the institutions say they can't recover. And, not surprisingly, in a period when research funds are declining in terms of constant dollars, the old controversy over the adequacy of indirect cost allowances on federal research grants and contracts has been rekindled. But the sorest point currently seems to be the affirmative action legislation, which carries sanctions providing for the cutoff of *all* federal funding to institutions which do not comply with antibias laws. In addition, the laws not only require that institutions not discriminate against minorities, women, the aged, and the physically handicapped, but that they fully document this nondiscrimination. This boosts administrative costs and also puts demands on the time of administrative staff and faculty members which are virtually impossible to compute.

Why hasn't a hue and cry been raised? In fact, higher education administrators seem universally aware and worried, and the tocsin has been sounded, notably by Yale president Kingman Brewster, Jr., and Stanford president Richard W. Lyman. But, for a number of reasons, the side effects of federal programs are only now emerging as a full-blown national issue.

First, because most of the social programs were enacted in the later 1960's, the regulations took time to write and put into effect, and their impact has only recently been felt. And, the effect is a cumulative one; the implementation of a single program might be endured as a minor irritation, but the combination of programs has had a syndrome result. Besides, the sheer size of the gap between revenue and expenditures facing many institutions distracts attention from problems which, no matter how serious, account for only a portion of the deficit.

Then too, complaining too loudly about programs aimed at achieving social justice puts university officials in an awkward posture. Not only do university people generally support the equalitarian goals of the laws, but they are conscious that many institutions of higher education in the past treated groups of employees—maintenance staff, clerical help, and women in general—rather cavalierly. Criticism of federal programs might make the critics