sity Attorneys (NACUA) was established in 1961. As of 1964 about 200 institutions belonged to it. Today, some 713 institutions are members and about 1550 lawyers are involved in the organization.

NACUA started publication of a journal in the middle 1960's and increased membership steadily during the period of disruption. But the period of most rapid growth occurred after 1973, when the organization—until that time run essentially by volunteer effort—hired a full-time executive officer, Peter L. Wolff, and opened a Washington office.

A main function of NACUA now is its Exchange of Legal Information Program based on its collection of briefs, opinions, memoranda of law, and other relevant legal documents. In response to inquiries from attorneys in member institutions, NACUA staff searches the collection and, when possible, provides material germane to the question.

By no means all colleges and universities have in-house legal services. Many are still served by lawyers in private practice. A number of state universities rely on lawyers from the state attorney general's office, who may or may not be assigned exclusively to the campus. The patterns vary widely in both private and public sectors, but the trend seems to be in the direction of more "house counsels."

By now, university lawyers have become a distinct enough breed to be recognized by the American Bar Association (ABA) as a specialty bar and to have a seat in the ABA house of delegates with 17 other specialty bar associations.

What about the university lawyers' opposite numbers, the attorneys for the plaintiffs in the cases where colleges and universities are the defendants? So far, no group of trial lawyers with higher education litigation as a specialty seems to have emerged, although some union lawyers have considerable experience in the field. Legal representation often costs more than students and faculty members can pay, and they often seek assistance from the American Civil Liberties Union, legal aid organizations, public interest law groups, or, in some cases, approach regular law firms whose members do pro bono work.

There seems to be no very good general answer to the question of why colleges and universities appear to be getting more than their share of litigation, beyond a suggestion that students and faculty members are well informed about developments in the law and, as a group, tend to be contentious.

Some university lawyers see higher education's legal position becoming more and more like that of a regulated industry. The difference is that industry can pass along the additional costs resulting from litigation as a cost of doing business. For colleges and universities they mean a boost in the cost of education.

To look only at the impact on the university budget and on the "independence" of the institutions is, of course, to ignore that colleges and universities have often acted arbitrarily and that legal action may be the only way for students and faculty to establish and protect their reasonable rights. The increase of litigiousness does, however, appear to threaten the spirit of collegiality which is supposed to encourage teaching and learning. And while the ideal of a community of scholars is doubtless achieved on few campuses, replacing that ideal with a set of adversary relationships would not appear to be a great improvement.—JOHN WALSH

Plutonium: Its Morality Questioned by National Council of Churches

To have scientifically illiterate clergy or laity issue pronunciamentos on behalf of us who are the Church on this tiny issue is insufferable effrontery and intolerable popery. To have statements drawn up for the Church by a group of fine citizens and some good scientists, but most with zero background in, or commitment to, the Christian community or faith borders on the weird. Laity arise, we've nothing to lose except our illegitimate representatives.—RUSTUM ROY, director of the materials research laboratory at Pennsylvania State University, expressing displeasure with the process by which the National Council of Churches reached its decision to question plutonium. Roy was former chairman of the Council's ad hoc committee on science, technology, and the church.

There was another age in which the church meddled in affairs of state and made sweeping pronouncements on what was right or wrong for nations. It was called the "DARK AGES."—Angry comment received by the Council in the course of its nuclear deliberations.

The scientific community is split down the middle on the technical issues. The moral and ethical issues have yet to be clearly delineated. This is unquestionably a job for the churches.—CHRIS COWAP, staff associate for the Council, with prime responsibility for shepherding the plutonium project.

The debate over nuclear power entered a new dimension last month when the governing board of the National Council of Churches (NCC) called for a moratorium on the commercial processing and use of plutonium as an energy source and on the building of a demonstration plutonium breeder reactor.

The action, which was taken at the board's meeting in Atlanta on 4 March, represented a significant victory for antinuclear forces in the scientific community and the churches over determined opposition from the nuclear industry and its allies. It culminated a months-long struggle in which leading scientists, industrialists, and church figures sought to swing the church group behind their point of view.

The struggle was launched when a group of eminent scientists and laymen assembled under the Council's auspices issued a strongly worded condemnation of plutonium. That statement—a deliberately one-sided and provocative one—sparked a strenuous counterattack from industry leaders and eminent pronuclear scientists, with the result that church councils were torn with dissension and debate. The counterattack forced the Council to take somewhat less vigorous

action than originally intended, but the call for a moratorium pending further study of the issues involved was nevertheless considered a defeat by the pronuclear camp.

The performance of the NCC on the plutonium issue has raised questions about the proper role for the churches in dealing with controversial technological issues. There have been charges and countercharges as to whether the Council acted ethically or unethically, fairly or unfairly, competently or incompetently. Many experts consider the Council's stand technically flawed and ethically dubious. But there is no question that it has had the salutary effect of focusing the churches' attention on the moral implications of a plutonium economy. According to Chris Cowap, the Council staffer who coordinated the plutonium project, no sociopolitical issue considered by the Council has caused such controversy since the great debates on racial equality and Vietnam that split the nation in the 1950's and the 1960's.

The NCC is an ecumenical organization of 30 Protestant and Orthodox bodies. It is not a "superchurch" that claims to speak *for* the individual denominations or their members. Rather, its opinions are directed *to* the individual denominations for their consideration. Nevertheless, the stands taken by the NCC are potentially important, partly because the individual denominations are all represented on the governing board, and partly because the imprimatur of the NCC can sometimes swing the opinion of church members—and of political leaders as well—behind a particular policy.

The Council's action is already causing apprehension in some segments of the nuclear industry. A. David Rossin, the chief nuclear engineer for Commonwealth Edison, the big Illinois utility, laments that the Council's stand "will certainly be used as a blue chip" by antinuclear forces in California and other states where citizens are scheduled to vote this year in initiatives on the future of nuclear power. Rossin, who was perhaps the most vigorous of the industry advocates seeking to influence the Council's position, also predicts that antinuclear lobbyists will tout the Council's stand to Congress as "another indication of grass roots opposition" to nuclear power. A spokesman for the Atomic Industrial Forum, the industry's trade association, which launched a futile effort to turn the NCC around, seemed less distressed. "We don't like it," he acknowledged. "But it's not terribly serious. We don't think it will have much immediate or long-term impact. It's just one more statement among many."

But some opinion-makers in the Christian community think otherwise. As an editorial in *Christian Century* magazine expressed it: "While the Congress is not likely to make its final decision on the strength of the NCC's call for a moratorium, the full weight of official Protestantism is bound to have some effect in Washington—and, more immediately, in California, where a referendum on plutonium will appear on the June primary ballot. The NCC has taken a stronger position than might have been expected. . . . Support for the antiplutonium move was almost unanimous on the board."

Those who read the Council's resolution closely will find that it is not directly applicable to the current generation of uranium-fueled reactors that are a prime target of the initiative campaigns in California and elsewhere. Rather, it is aimed at preventing the use of plutonium as a fuel. Plutonium is currently accumulating as a by-product from current reactors, and there are proposals to recycle it as fresh fuel for the current generation of reactors so as to supplement the limited supplies of fissionable uranium. The next generation of fast breeder reactors currently under development would be specially designed to generate and recycle plutonium.

Antinuclear Aura

Proponents of the Council's stand insist that it is not antinuclear, it is merely antiplutonium, but industry leaders think that is a distinction without a difference because, they say, the nuclear age may not last very long if it has to rely solely on uranium. Moreover, the Council's stance inevitably carries a certain antinuclear aura no matter how limited its wording may be. Already the Council has received requests for reprints from church groups in California that hope to blanket the state with leaflets before the June voting. Surprisingly, a similar request was submitted by an engineering society that wants to distribute a packet of varied materials on the nuclear issue.

The key figures in launching the Council into the plutonium controversy seem to have been Cowap and her boss, the Rev. Lucius Walker, Jr., who is head of the Council's division of church and society. The lines of power in the organization are somewhat hazy. The denominations supply much of the money to support the Council's programs (the 1975 budget was $22.7 million) and they appoint representatives to the governing board, which has more than 250 members. The board in turn appoints the executive staff, which currently numbers about 100 and operates out of headquarters at 475 Riverside Drive in New York City. Though the staff is in theory the creature of the denominations, over the years there has been tugging and pulling between the two over the direction the Council's programs should take.

In an effort to bridge the gap between the Council and its constituents, Cowap, the Rev. Walker, and other staffers toured the Midwest and South in 1974 to get grass roots sentiments on the concerns of church people. They found "a whole slew of concerns," according to Cowap, including the nuclear issue in general, and plutonium in particular. Plutonium concerns were especially strong in the South, where there has been controversy over a reprocessing plant that would separate plutonium from spent uranium fuel. "At that point I didn't even know what plutonium was," says Cowap, who holds a bachelor's degree in English from Smith College and studied opera at the New England Conservatory of Music.

Upon completion of the tour, Walker and Cowap in late 1974 asked Margaret Mead, the anthropologist, for advice on how best to go about dealing with the nuclear issue. They picked Mead because she was an eminent scientist and a "very deeply committed Christian" who had worked closely with the Council in the past and could be counted on to approach the subject from a Christian perspective. She also happened to be deeply worried about the dangers of nuclear power. In an article in the November 1974 issue of *Redbook* magazine, headlined "Our lives may be at stake," she warned of the "incredible risks" involved in our nuclear program and of "the demonic capacities of nuclear fission," with particular emphasis on the plutonium breeder.

Mead had already been casting about for an appropriate forum to air concerns over the hazards of an economy based on breeder reactors producing large amounts of plutonium. She served as president of the Scientists' Institute for Public Information, which was party to a suit that successfully forced the government to prepare an environmental impact statement on the breeder program. And she, René Dubos, emeritus professor of pathology at Rockefeller University, and others had been talking about arranging a hearing or setting up a panel to explore the dangers of plutonium. Thus, when the NCC approached her for help, she offered to set up a panel to advise them, with herself and Dubos as cochairmen. Then she and Dubos put together

an initial list of committee members, and the NCC staff, when it noted that the committee was predominantly white males, added some women and some minority group representatives to improve the balance. But the group had a decidedly antinuclear cast. Some had not expressed opinions on the issue, but others—such as Nobel laureates Hannes Alfvén and George Wald—were leading opponents of nuclear hazards. The secretary of the group—responsible for drafting the major background document and providing technical expertise—was Dean Abrahamson, professor of public affairs at the University of Minnesota, one of the most active nuclear opponents in the country. The Atomic Industrial Forum called the committee "a 'Who's Who' of nuclear critics. . . . No one in industry or responsible government agencies or laboratories is on the list, and few with any experience in nuclear power." But Mead retorts: "We were talking about the moral and social justification for a moratorium while there is further discussion before we undertake the second phase of the breeder program designed to establish commercial feasibility. There wasn't any need to have the Atomic Industrial Forum represented. It wasn't meant to be a two-sided report. It was meant to be a report on the dangers and the moral and social hazards."

By the end of August 1975, the Mead-Dubos committee had completed its work and submitted its findings to the NCC. There were three major documents. One was a brief "statement of concern" signed by all 21 members of the committee. It called the use of plutonium as a major energy source "morally indefensible and technically objectionable." It warned that plutonium is highly toxic to human life and that accidents or sabotage might lead to "catastrophic releases." It also said that plutonium can be readily made into crude but effective atomic weapons, and that "nuclear theft and terrorism, weapons proliferation to both national and subnational groups, and the development of a plutonium black market seem inevitable," not to mention the likelihood of a "drastic police reponse" that would trample civil liberties while seeking to prevent nuclear violence. Finally, the statement cited the unsolved problem of perpetual storage of long-lived radioactive wastes and raised the "fundamental ethical question" of our right to burden future generations with "an element of risk comparable to that of our vast store of nuclear arms." In all of these areas plutonium was deemed an "unprecedented" hazard—far worse than the uranium used in existing reactors. The statement was ultimately endorsed by more than 600 other individuals, including at least 17 Nobel laureates.

The second document was a background report, drafted primarily by Abrahamson, that is essentially a primer for laymen on the nuclear fuel cycle and its hazards. It contains a more detailed discussion of the hazards that are mentioned briefly in the statement of concern. The third document was an appendix containing reprints of relevant articles from the literature.

The staff of the NCC, according to Cowap, had not deliberately set out from the start to appoint a one-sided committee that would produce a one-sided report. But when the documents were in hand, she said, the staff concluded that they were a highly useful vehicle for raising important ethical concerns that had received short shrift in the nuclear controversy. "The report has been criticized for not presenting 'the other side,' " she says, "whereas it is, and was designed to *be* the other side, which heretofore had not been sufficiently raised in the public debate. The goal of the Division of Church and Society was to raise the issue of plutonium use for full and wide discussion within the churches, an end which could best be accomplished by suggesting a strong position on one side or the other."

The World Council's Stand

In contrast, the World Council of Churches last year assembled a group of scientists, politicians, theologians, and church leaders, including some strong advocates of nuclear power, which issued a report reviewing the pros and cons of nuclear power—its main conclusion was that the group "would not feel justified in either entirely rejecting, nor in wholeheartedly recommending large-scale use of nuclear energy." But that "balanced" report, says Cowap, "failed to arouse debate on the issues within the U.S. church community." She adds that "to remain 'neutral' is in practice to support continued growth of nuclear capacity."

Under considerable time pressure, Cowap reviewed the documents in September and prepared a proposed policy statement for consideration by the governing board. The proposed policy consisted of a verbatim repeat of the statement of concern issued by the Mead-Dubos group with two new paragraphs tacked on at the front to put it in a "theological context" and a paragraph added at the end urging the churches and individual Christians to study the matter and help legislators make responsible decisions. This proposed policy statement first went to the "unit committee" with jurisdiction over the division of church and society; that committee thought the recommendations were too tame, given the hazards cited in the report, so it tacked on an exhortation that the churches should "seek a moratorium on decisions to pursue plutonium reactors as a major energy source" pending further study of theological, technical, and other issues. However, the unit committee did not specify just what the moratorium should apply to—plutonium recycle? commercial deployment of breeders? research and development work on breeders? or what? In retrospect, Cowap believes, the original policy statement "didn't make sense" because it called the use of plutonium "morally indefensible" but then merely called for a moratorium to study the issue further.

At about this time—in October—outsiders first became aware of the Council's activities through press reports and a press release indicating that the Mead-Dubos report and the proposed policy statement would be discussed by the Council's governing board at its October meeting. Under NCC procedures, all policy statements must go through a first reading at one board meeting, after which they are widely discussed and possibly amended before final approval at a subsequent meeting.

"We weren't prepared for what happened," Cowap recalls. "The next day the roof fell in. The industry declared war and did an excellent job getting its people aroused. We got flooded with letters from good church people working in the industry who said, 'How dare you say that what I'm doing is immoral.' None of us thought this was going to explode the way it has. It was very, very healthy—it became an issue for debate."

The Atomic Industrial Forum says it did not launch "a massive campaign" to sway the Council, partly because it was never able to obtain an up-to-date list of the governing board members from NCC staffers. But it issued statements denouncing the Mead-Dubos documents, it urged its members to appeal to anyone they knew connected with the Council, and it issued a detailed critique of the Mead-Dubos documents prepared by nuclear experts at Westinghouse Electric Corp., a major reactor manufacturer. Meanwhile, Commonwealth Edison's Rossin, acting on his own, had made contact with the Council through the help of his local minister, and he and the Forum then pushed hard for a chance to rebut the Mead-Dubos report. The pressure led the Council staff, which had been

considering such a move anyway, to stage a debate on 28 January in Riverside Church, New York City. There, the proposed policy statement was attacked by three experts appointed by the Atomic Industrial Forum—namely Nobel laureate Hans Bethe, of Cornell, David J. Rose, professor of nuclear engineering at the Massachusetts Institute of Technology, and R. Lynn Seeber, general manager of the Tennessee Valley Authority. It was defended by three members of the Mead-Dubos committee—namely Abrahamson, Alfvén, and John T. Edsall, professor of biochemistry emeritus at Harvard University. Three ethicists chosen by the division of church and society raised questions with both sides.

To the surprise of many supporters of the antiplutonium statement, the ethicists seemed to lean against the statement. Margaret Maxey, associate professor of bioethics at the University of Detroit, said it remains to be proved whether all the dire consequences predicted by the Mead-Dubos group will actually occur; she suggested that the demands placed upon humankind by peaceful nuclear technology might actually bring about a commitment to stable, global social arrangements—"a new level of cultural evolution." Preston Williams, professor of theology at Harvard, found much of the material in the Mead-Dubos report "unbelievable" and based on "fears" that are "passed off as facts." And Roger L. Shinn, professor of social ethics at Union Theological Seminary, criticized the Mead-Dubos group for ignoring the social justice issue—namely, what happens if a curb on nuclear energy throws people out of work or slows the development of Third World countries. In a subsequent letter, he added: "The NCC loses credibility when it lends ethical and religious authority to technically debatable positions . . . is the NCC asking me to hear its ethical pronouncement, or is it asking me to bet on its list of experts against another list of experts, on technical points that I am incapable of judging?"

The controversy caused sharp splits among the churches and the congregations. The United Presbyterian Church appointed a study group—seemingly weighted with nuclear advocates, including John W. Simpson, of Westinghouse, chairman of the Atomic Industrial Forum—that urged the National Council to forebear adopting any policy statement pending further "dialogue." And the Central United Protestant Church, of Richland, Washington, home of the mammoth Hanford atomic installation, called suppression of nuclear power "immoral" because "nuclear power is our nation's best hope to avoid the darker world of civil chaos, unemployment and hunger." Meanwhile, Ralph Nader, in a letter to members of the governing board, urged them not only to call for a moratorium on plutonium, but also to consider "the fact that our present atomic reactors are enormous risks, even without the use of plutonium fuel."

As the controversy mounted, the chairman of the NCC's unit committee for the division of church and society called together an ad hoc group of people from several denominations to revise the proposed policy statement. That group concluded that plutonium was too narrow an issue to consider in a policy statement, so it opted instead for a resolution—a lesser form of pronouncement in the NCC's armamentarium. The NCC's last previous policy statement on nuclear energy—issued in 1960 at a time of enthusiasm for the "peaceful atom"—had called nuclear energy "a gift from God" and had enthused that "Christians look with reverent gratitude upon the well-nigh inexhaustible treasures of nuclear energy for peaceful uses." It spoke in such broad terms about nuclear energy that a statement limited to plutonium did not seem an appropriate successor. The ad hoc group was unable to agree on a definition of the moratorium that was called for in its resolution, so it forwarded two options. Subsequently, the executive committee of the unit committee approved the toughest option—calling for a moratorium on commercial processing and use of plutonium and on building of a demonstration breeder reactor.

The drama reached its climax at the governing board's meeting in Atlanta in early March. The Atomic Industrial Forum met simultaneously in the same city—a coincidence which NCC staffers believe was deliberately arranged but which the Forum insists was pure happenstance based on hotel arrangements made long before the current controversy. At the NCC meeting, the participants were deluged with arguments from Abrahamson, Mead, Gregory Minor, one of the three General Electric engineers who recently resigned in protest against the hazards of nuclear power (he was flown in at NCC's expense), members of Project Survival, which is backing the antinuclear campaign in California, and representatives of the nuclear industry who came over from their own meeting to monitor the proceedings.

When the showdown votes were taken, the resolution was overwhelmingly approved. In some ways, it represented a softening of the position taken by the Mead-Dubos group. Thus the resolution recognized that the consequences of a plutonium economy are "more ambiguous" than it seemed when the original policy statement was drafted. The resolution also referred the original policy statement back to the division of church and society for further study. That study is to examine the theological, economic, sociopolitical and technical implications of all energy use, including nuclear. And it is to involve people with experience in nuclear and related disciplines as well as consumers, industrialists, labor representatives, theologians, ethicists, environmentalists, and Third World groups. The exercise is to result in a report and proposed policy statement for action by the governing board within 2 years.

That elaborate procedure seemed a mild slap at the way the original policy statement was prepared. Indeed, many participants in the struggle faulted the Mead-Dubos report as challengeable on technical grounds and skimpy on examining the moral questions. But it had started the churches on a serious investigation of such ethical questions as the impact various energy systems will have on life-styles, natural resources, human health, civil liberties, the welfare of future generations, and the gap between rich and poor nations and between rich and poor individuals within nations. Such issues tend to get ignored when technocrats dominate the debate, so it may take the churches to tell us whether plutonium is a gift from God or a temptation sent by the devil.—PHILIP M. BOFFEY

APPOINTMENTS

John T. Wilson, acting president, University of Chicago, to president of the university. . . . **Jacquelyn Mattfeld**, dean of faculty and academic affairs, Brown University, to president, Barnard College. . . . **Anthony J. Diekema**, associate chancellor, University of Illinois Medical Center, to president, Calvin College. . . . **Eldon Sutton**, associate dean of graduate studies, University of Texas, Austin, to vice president for research at the university. . . . **Edward L. Henry**, vice president for institutional development, St. John's University, to president, St. Michael's College. . . . **Edward I. Stevens**, dean of academic affairs, Northland College, to president, Lyndon State College. . . . **Helmut P. Hofmann**, vice president, Westminster College, to president at the college.