The academy has suffered through several internal management crises over the past decade or so. One executive director "got off on tangents that proved to be a scientific embarrassment and a financial embarrassment as well," according to one officer of the academy. Another executive director was fired when the board of governors lost confidence in the individual. At one low point in relations between the board and an executive director, the academy's bylaws were amended to make the president—an elected officer who serves on a part-time basis for only a year—the "chief executive officer" of the academy, while the full-time executive director was defined as an "operating executive" responsible to the president. That provision is expected to remain in force even after Borowitz, who has more academic and scientific stature than his predecessors, becomes executive director. "He can't do things without checking with the president and the board of governors," says Siekevitz. "We keep a tight rein on the executive director."

The decision to hire Borowitz on a full-time basis was made largely because the governors wanted the academy to graft new ventures on top of its traditional scientific programs. Siekevitz says that, while the academy was "doing quite well" in maintaining its traditional programs with part-time scientific leadership and a full-time administrative head, it clearly needed full-time policy leadership to deal with "the whole new area" of public policy and public education.

Just what the academy—a Johnny-come-lately to the public policy arena—might do now has not yet been determined. Siekevitz speculates that the academy might want to offer advisory services to public officials in New York City and New York State. New York is one of a relatively few states that have governmental science advisory offices, which could prove a fruitful contact point for the academy. Siekevitz suggests the academy may also want to beef up its public education efforts to help avoid such collisions between the public and scientists as occurred when pickets recently demonstrated against allegedly cruel treatment of research animals at the American Museum of Natural History in New York City (see *Science*, 8 October 1976).

"The demonstrators are not a monolithic group," he said. "There are fanatics whom you can't talk to. We know about the viciousness and hate in some of the letters and phone calls. But there's also a huge group of sympathizers who won't go along with the hate and paranoia but who will still say there's something to this. We feel there's a lack of understanding. The public doesn't really understand why scientists do certain experiments and how they set about to solve a problem." The academy has been sponsoring public lectures on scientific topics, but Siekevitz feels these have not reached a significant audience. "Perhaps we can go to radio or TV or films," he says.

Other ideas being tossed around by one of more influential figures in the academy include beefing up the organization's scientific efforts in the public schools (some academy members have already been giving lectures and teaching whole courses to junior high school students in a depressed area); distributing science films that might be used as short fillers in thousands of movie houses across the country; and developing a catalog of technical resources in the New York area that might help attract industry back to the city.

Borowitz, who will begin phasing into his new responsibilities after 1 January preparatory to serving full time on 1 July, told *Science* that he sees three possible new roles for the academy. One is to explore new methods of interpreting science to nonscientists. The second is to determine what role science and technology can play in solving social and economic questions. And the third is to act as an "honest broker" in controversial public issues involving science and technology. Beyond that, Borowitz said, he is "not prepared to go public" with his plans and aspirations.

Borowitz, who earned a B.S. from City College of New York in 1937, and a Ph.D. from New York University in 1948, has published some 30 papers on atomic physics. He has consulted for numerous corporations and government agencies. He has held various posts at NYU from instructor up to chancellor, the number two job on campus. He was a holdover from the previous university administration and continued in office after John Sawhill, former energy czar for the federal government, became the latest president of NYU. Borowitz says he was not asked to leave by Sawhill; but it was the change in administration at NYU that gave the academy's talent scouts the nerve to approach Borowitz and try to entice him away. Although some observers believe Borowitz has a conventional background in academic administration that shows no particular flair for public policy matters, the search committee that interviewed him found him highly qualified and keenly interested in the new directions they had in mind.—PHILIP M. BOFFEY

Briefing

Edelin Conviction Overturned

It has been almost 2 years since Boston obstetrician Kenneth Edelin was convicted of manslaughter in the death of a legally aborted fetus that the prosecution argued had been born alive and subsequently suffocated during the course of the abortion (*Science*, 7 March 1975). The jury's finding that Edelin was guilty stunned his supporters who believed there was no way that 12 men and women, good and true, could have concluded that he behaved "recklessly and wantonly," in the course of the surgical abortion of a young, unmarried woman who, with her mother, had sought and consented to the end of her pregnancy.

Edelin's lawyers, headed by William P. Homans, Jr., promptly filed an appeal. A couple of weeks ago, on 17 December, the strain of waiting for the court to answer ended when the Massachusetts Supreme Judicial Court overturned the conviction and acquitted Edelin on the grounds that there simply was not evidence to find him guilty. Thus, the controversial case finally has ended. Edelin "had no evil frame of mind, was actuated by no criminal purpose and committed no wanton or reckless acts," the court ruled.

More important to the medical community at large, the Supreme Judicial Court chose to expound on its view of the relationship between physicians and criminal acts. "A large teaching of this case may be that whereas a physician is accountable to the criminal law even when performing professional tasks, any assessment of his responsibility should pay due regard to the unavoidable difficulties and dubieties of many professional judgments," the court wrote.

The age of the fetus in the Edelin abortion case was variously estimated to have been between 20 and 28 weeks—no one was ever able to pin it down to everyone's satisfaction—and much was made at the 6-week trial over the issue of whether the fetus had been "born alive" during the abortion. The prosecution presented, for instance, some sophisticated pathological evidence that the fetus had taken breath. The appeals court decided that, for all practical purposes, that kind of evidence did not fit centrally in a manslaughter trial. It said: "Although the fetus may have been born alive in the very narrow sense of some postnatal gasping of air as revealed by microscopic analysis of preserved lung tissue long after the

event, nothing of the sort was observable by Dr. Edelin as he carried out the operation. To all appearances, the fetus was dead."

Edelin, who has been free pending the outcome of the appeal, has continued to practice at Boston City Hospital, where the abortion took place and where his colleagues and the hospital's board of trustees have from the start given him a full vote of confidence. What would have happened had his conviction been sustained is anybody's guess, but it is known that some members of the Massachusetts Medical Society were prepared to try to pull his license if they could.

The court's ruling in this case does not resolve any of the nonlegal issues that were raised—about the beginning of life, and the matter of whether an abortion must automatically mean the death of a fetus—but, in light of the fact that abortion is legal and Edelin behaved in a medically reasonable way, the decision seems to be a paradigm of common sense.—B.J.C.

Carter OK Needed for NCI Job

Benno C. Schmidt, chairman of the President's Cancer Panel, has nominated Mayo Clinic pathologist Arnold (Bud) Brown to be the new director of the National Cancer Institute (NCI). However, inasmuch as the job is a presidential appointment, nothing much can be done to make it official until Schmidt finds somebody in the organization of President-elect Jimmy Carter to say whether or not it is ok. Even though Brown is acceptable to the Ford White House and could be named to the post by President Ford before he leaves office, Brown has said he is not interested in the job if he is not acceptable to Carter as well. "There's no point in moving to Washington for three weeks," he says sensibly. The NCI position has been vacant since September when Frank J. Rauscher, Jr., resigned because he could not get a pay raise. It is likely that no decision will be made until Carter names a new secretary of Health, Education, and Welfare.

Brown, an M.D., describes his research career modestly. "I've worked largely on such things as the fine structures of tumors and the chemistry of growth. It's been a standard pathology career." At Mayo he is chairman of his department.

He is the first to point out that he has had "no experience at all running a program as big as NCI," but feels up to taking on what he calls "the biggest job in biomedical research." He was for several years a member of the NCI's advisory council before it became the presidentially appointed National Cancer Advisory Board, and then served a couple of years on it, so he is familiar with the NCI.

At present, Brown is the chairman of the newly established National Clearinghouse on Environmental Carcinogens whose job is to identify potential cancer-causing agents in the environment and single out those most in need of testing and evaluation, design experimental protocols for improving bioassay techniques, and find ways to assess the risk of various chemicals to human health. It is reasonable to suspect that if Brown gets the NCI post, he will be favorably inclined toward moves to strengthen the institute's still inadequate capacity in carcinogenesis. During his term on the cancer board he pressed for a greater emphasis on research in this area and says he thinks the situation has "improved" considerably in recent years.

Frank A. Rauscher, Jr., previous NCI director, resigned last fall because he was unable to get his pay raised from the congressionally imposed ceiling of $37,800. If Brown comes to NCI he will fare better than Rauscher because, as an M.D., he will be able to join the Public Health Service's Commissioned Corps, drawing pay as an officer that will boost his salary to the high $40,000's, but he will be taking a cut if he leaves Mayo. Obviously, Brown has decided that it is worth it. Now, it's up to Carter.—B.J.C.

FCCSET Fixes It

It appears that crisis has been averted in the relationship between scientific journals and the U.S. Postal Service. The Postal Service has recently threatened to revoke special mailing privileges for journals that levy page charges and to require that articles be labeled as "advertisements." (*Science*, 29 October)

However, subsequent negotiations conducted by members of the Federal Coordinating Council of Science, Engineering and Technology (FCCSET) with Postal Service lawyers have resulted in a compromise, recently formalized by an exchange of letters, that appears satisfactory to most journal publishers.

It is very simple. According to FCCSET member Betsy Ancker-Johnson, the postal lawyers agreed to pull back on their demands on the condition that journals make it clear on their mastheads that all contributions to page charges are voluntary and that decisions to publish are not related to page charges. "This handles the problem for the great majority of scientific society publishers," she said, since most of the page charge systems are not mandatory anyway.

Since money for page charges will continue to be included in federally awarded research grants, the representatives from FCCSET didn't feel there would be too many authors who would default on payments. Ancker-Johnson said if there were any problems, journals should notify her committee on intellectual property and information which would then intervene with the sponsoring agency.

Some journals with mandatory page charges are unsatisfied with the compromise. James Wright, counsel for the National Academy of Sciences, said putting page charges on a voluntary basis was unfeasible for the *Proceedings* of the NAS. He has had further discussions with the Postal Service. A possible solution will be for the PNAS to publish with each article a statement indicating the source of funding for the research and pointing out that under Postal Service regulations it might be construed as an advertisement. The journal's postal rates will not be affected.

There is still a gray area between what is voluntary and what is mandatory that the compromise arranged by FCCSET hasn't cleared up. For example, some journals put papers on a two-track system where authors who pay get published faster than those who don't. Also, if it is the policy of a certain laboratory not to pay the charges, a journal may adopt a policy not to accept papers from that lab. A participant at the meeting said it took some "stretch of imagination" to regard these practices as part of a voluntary system; yet if journals are required to drop "jawboning," payments are likely to drop off.

Some journals still want to go for redress in Congress for, as one society representative said, "we can't let the Postal Service face us off." Ancker-Johnson warned, however, that "Congress is a very mucky route." Action might take years, opening up the law would be an invitation to other special interest groups to try to pull it apart, and the final outcome might be worse for the journals instead of better, she said.—C.H.