ing additional salary assistance, circumstances such as these have a direct bearing and perhaps unfortunately complicate matters further."

The letter went to Lucius Sinks, a pediatric oncologist who recently left Roswell Park after 10 years to take a position at Georgetown University. Says Sinks, "When the director of your institute tells you that by standing up for what you believe to be your rights you are jeopardizing the salaries of all your colleagues, you begin to see how the so-called public interest requirement of disclosure becomes a form of tyranny."

The Roswell researchers are not the only group of state employees to challenge Governor Carey's order. Several others have too, among them civil servants in Albany who have challenged the governor's authority to issue such an order. They contend that, if there is to be disclosure, it must be mandated by state law. The civil servants' case is expected to go to court relatively soon and, if they win, the matter is likely to end there. The consensus of opinion seems to be that disclosure will not become a matter of law because politically, there is no way the state legislature could require state employees to disclose their finances unless state legislators and judges did the same. There seems to be little enthusiasm for the latter on the part of the lawmakers. If the suit in Albany fails, the Roswell scientists will proceed with theirs, in which case the uncertainty will drag on for a couple of years more. But while everyone waits, morale at Roswell declines.

California

The disclosure debate in California centers around a conflict of interest statute which some legal experts see as a potential threat to academic freedom and the autonomy of universities within the state system. At issue is the interpretation of the meaning of the term "state agency" in the Political Reform Act of 1974 which was adopted as an initiative measure. Unlike the case in New York where the governor's authority to require financial disclosure by executive order is in doubt, there is no question about the validity of the California law. The issue, rather, is whether the University of California is or is not a "state agency." If it is, the university system must adopt a conflict of interest code that requires financial disclosure and prohibits any university employee—it would include all faculty members—from doing anything that constitutes a conflict of interest. Stretched to the limit, faculty members could be barred from assigning text books they authored or receiving grants for which they applied. Although such consequences admittedly are extreme, some faculty think that, given the appropriate political climate, they certainly could be invoked. Consequently, these faculty members believe, the issues must be defined clearly now.

The focal point of the California debate is at the Berkeley campus. Donald L. Reidhaar, general counsel to the regents of the University of California, is of the opinion that the university is, indeed, a "state agency" within the meaning of the law and must, therefore, submit a conflict of interest code to the state's Fair Political Practices Commission for its approval. Reidhaar has a proposed code ready to go by the filing deadline of 11 April.

However, a group of 12 professors, led by Stephen R. Barnett, a professor of law and chairman of the university-wide committee on academic freedom of the academic senate, have gone to court to challenge Reidhaar's interpretation of the law. Barnett told *Science* that he expects there will be a hearing before 11 April.

Reidhaar and Barnett agree that the basic question is whether the university is a state agency. Reidhaar admits it is "not an open and shut case," even though he has concluded that the university *is* a state agency. Barnett figures there is a 50 percent chance that the court will rule that the university is not an agency of the state but an independent authority governed by the regents.

Proceeding on the assumption that the university will have to comply with the Political Reform Act, Reidhaar has drafted a conflict of interest code that carefully defines those individuals who, in his opinion, can be said to be in policy-making positions and who, therefore, should be required to make financial disclosure. Generally speaking, the proposed code puts university administrators—chancellors, deans, provosts—into this category, along with business managers and others who regularly purchase supplies or services. In addition to defining who would be required to file disclosure statements, the code Reidhaar drafted also spells out just what kind of information would have to be reported and an attempt is made to limit it to information that could somehow be related to the individual's job. Unlike the New York disclosure form, people are not asked to list literally every debt—Reidhaar would not, for instance, want to ask how much you owe BankAmericard.

As presently written, the university conflict of interest code does not apply to ordinary faculty members although there is a dispute about whether it should or whether it could be extended to do so. One group of Berkeley faculty and students are lobbying for financial disclosure from every member of the faculty regardless of rank. Barnett does not take that position but he is afraid that a strict application of the law, stretched to include all faculty, could have disastrous consequences. "The law," he points out, "does not just require that agencies write conflict of interest codes and ask for disclosure. It says that no employee may *have* a conflict of interest. A faculty member seeking a grant, for instance, certainly has an interest in the outcome of the application which he is making, in effect, as an employee of the university. It would be possible to conclude that a faculty member seeking a grant has a conflict of interest."

What concerns Barnett most is the possibility that if the university is judged to be a state agency, it will end up having to relinquish some of its autonomy to the Fair Political Practices Commission which has authority for administering the new law. And he sees a threat to the university's autonomy from the state as a threat to academic freedom. Barnett and the colleagues who joined him in bringing suit have no quarrel with the idea of a conflict of interest code. In fact, he says, he thinks the one Reidhaar has drafted is just fine. It's just that he wants it adopted by and enforced by the university itself, not the state government.

It is ironic that our current enthusiasm for government in the sunshine—for openness and financial disclosure—may create a new and unanticipated set of issues, but the possibility is there. The situations in New York and California are only illustrative of the problem that is likely to grow more perplexing before it is resolved.—BARBARA J. CULLITON

Frank Press Nominated

It's now official. On 18 March, President Carter announced that he will nominate Frank Press, chairman of the department of earth and planetary sciences at the Massachusetts Institute of Technology, as director of the White House Office of Science and Technology Policy and presidential science adviser. Press, who emerged as the leading candidate for the job in early February (*Science*, 25 February, p. 763), has actually been working at the post for several weeks now while the paperwork involved in his nomination passed the appropriate clearance hurdles. Confirmation hearings were to be held before the Senate Committee on Commerce, Science and Transportation within a few weeks.—P.M.B.