

son and Nelson may well be important in influencing Kennedy's position. Stevenson's science and space subcommittee has no claim to jurisdiction over recombinant DNA, but Kennedy may invite Stevenson to offer amendments in order to gain his and others' votes. Stevenson, who held hearings on gene splicing last November, has not yet issued his report but is said to favor the general approach of the Rogers bill with certain possibly significant exceptions.

If the House comes out with a strong preemption clause but Kennedy prevails in the Senate with his anti-preemption position, the House-Senate conference meeting could, as one aide put it, be "absolutely bloody." But supporters of preemption believe matters may never get that far: head-counts taken last session on a strong preemption clause written by Nelson suggested he would prevail over Kennedy. Also Jacob Javits, a leading Republican member of Kennedy's health subcommittee, is expected to fight Kennedy on preemption.

Kennedy has not so far really showed his hand; no one knows what position he will eventually take. Probably the closer he comes to the Rogers-Staggers position, the more likely is it that a bill of some kind will emerge from Congress this session.

Another deadlock, however, is not impossible, in which case sentiment may gather within the Administration for using existing powers to regulate gene splicing research. Former FDA general counsel Peter Hutt, who has long insisted that such powers exist in a clause known as Section 361 of the Public Health Service Act, was recently asked by the White House Office of Science and Technology Policy to review the suitability of the section. In a recent letter to OSTP assistant director Gilbert Omenn, Hutt says the section has been used to regulate a variety of matters ranging from pet turtles to blood banking, and would also serve well for recombinant DNA. If Congress fails to enact a gene splicing law, and if the Secretary of HEW declines to assert jurisdiction under Section 361, a "serious regulatory void will exist," which Hutt believes is likely to be filled by the Occupational Safety and Health Administration. "This would, in my judgment, be a serious error," Hutt says.

Another individual whose views may be pertinent is Stanley Cohen, whose arguments have been cited by both Kennedy and Staggers. Cohen opposes all legislation on the grounds that the NIH guidelines describe a standard operating practice which no more needs special

legislation to back it than does any other standard practice. While not specifically in favor of applying Section 361, Cohen cites that as one of the existing legal mechanisms that would render new legislation unnecessary. Cohen opposes (even though Stanford supports) Harvard's attempt to obtain preemption through legislation, his argument being that scientists should rest their position strictly on the scientific merits of the case and not try to "second guess the political process."

Whatever the wisdom of second guessing the political process, even a first guess on the outcome of this session's action on gene splicing could only be made with hazard.

—NICHOLAS WADE

## RECENT DEATHS

**Harlow W. Ades**, 65; retired professor of electrical engineering, physiology and biophysics, and psychology, University of Illinois, Urbana-Champaign; 12 October.

**Harry Alpert**, 64; professor of sociology, University of Oregon; 6 November.

**Alvan L. Barach**, 82; former associate professor of clinical medicine, College of Physicians and Surgeons, Columbia University; 13 December.

**Lester F. Beck**, 68; former professor of psychology, University of Oregon; 29 October.

**Howard W. Deems**, 78; former chairman of agriculture, University of Nebraska, Lincoln; 22 December.

**George W. de Villafranca**, 55; professor and chairman of biological sciences, Smith College; 25 December.

**Robert DeWolfe**, 50; professor of chemistry, University of California, Santa Barbara; 15 December.

**Eugene Feenberg**, 71; professor emeritus of theoretical physics, Washington University; 7 November.

**Charles Fishel**, 58; associate dean, College of Medicine, University of South Florida; 22 December.

**Noel E. Foss**, 72; former dean, School of Pharmacy, University of Maryland; 13 December.

**Frederick J. Gaudet**, 75; professor emeritus of psychology, Stevens Institute of Technology; 12 December.

**Ben R. Gossick**, 63; former chairman, department of physics and astronomy, University of Kentucky; 12 November.

**David A. Grant**, 61; professor of psychology, University of Wisconsin, Madison; 28 December.

**Bernard Gregory**, 58; former head, European Organization for Nuclear Research and French National Center for Scientific Research; 25 December.

**Lexemuel R. Hesler**, 89; professor emeritus of botany, University of Tennessee; 20 November.

**Howard C. Hoyt**, 86; associate professor emeritus of physics, Wayne State University; 9 October.

**K. G. Larson**, 94; professor emeritus of physics, Augustana College; 8 November.

**Edward A. Livesay**, 89; former professor of animal husbandry, West Virginia University; 7 November.

**John Lyman**, 62; professor emeritus of environmental chemistry, University of North Carolina, Chapel Hill; 16 November.

**Walter A. MacLinn**, 66; former chairman of food technology, Rutgers University; 25 November.

**Gerald J. Matchett**, 65; former professor of economics, Illinois Institute of Technology; 11 October.

**Richard W. Mattoon**, 65; chemical physicist, Abbott Laboratories; 24 September.

**Kenneth May**, 62; professor of mathematics and history of science, University of Toronto; 1 December.

**Bruce V. Moore**, 86; professor emeritus of psychology, Pennsylvania State University; 14 November.

**Fernandus Payne**, 96; professor emeritus of zoology, Indiana University; 13 October.

**Norville C. Pervier**, 86; former professor of chemistry, University of Minnesota; 18 October.

**Jean Rostand**, 83; French biologist, historian of science and humanist; 3 September.

**Herbert E. Street**, 65; former professor of botany and founding chairman, School of Biological Sciences, University of Leicester; 4 December.

**Charles H. Vehse**, 81; professor emeritus of mathematics, West Virginia University; 26 September.

**Norman D. Watkins**, 43; professor of oceanography, University of Rhode Island; 2 November.

**Cleveland J. White**, 84; professor emeritus of medicine, Loyola University; 8 October.

**George J. Willauer**, 81; former clinical professor of surgery, Thomas Jefferson University; 19 December.

*Erratum:* In the report by K. Denniston-Thompson *et al.*, entitled "Physical structure of the replication origin of bacteriophage lambda" (9 December 1977, pp. 1051-1056), the T-A base pair at position 1426 (Fig. 6) should be an A-T base pair; also the position of the G-C base pair affected by the *ti12* mutation should be 1453 rather than 1451.