

Werner Baum, the chancellor of the university campus at Milwaukee, who had charged that the secrecy order was unconstitutional and smacked of McCarthyism ("It would be ironic if McCarthyism came back to haunt Wisconsin," he said at the time), disagrees with Inman. The academic freedom issue did not revolve around the patent itself, Baum told *Science*. "The gutsy issue here was that the secrecy order's language is . . . fairly broad wording that puts a damper on a line of research."

And Davida himself, free to talk about the incident now that the secrecy order has been lifted, notes that the order's exact language forbade him to disclose "any significant part of the subject matter" of the application. "In cryptogra-

phy, a significant part of the subject matter is mathematics, and if you can't do mathematics, you can't work."

Inman disputed the widespread interpretation that the order was rescinded because NSA did not intend to classify work done at universities, or work done, like that of Davida and Wells, under the sponsorship of the National Science Foundation. "We would . . . [classify] any application where we feel there is a valid national security use or concern. But we're going to be dialoguing with the Commerce and Defense Departments over whether the existing procedures are adequate. . . ."

"Baum told me that Davida got a cold postcard in the mail. . . . You ought to be able to have a way to tell the person

why the order is being imposed." Inman told *Science*.

In the Nicolai case, a group of four inventors led by Carl R. Nicolai, invested \$33,000 of their own funds into development of a "phaserphone" device, which would add on to ordinary radios and, using a code division multiplexing technique, scramble conversations. They estimate the device could sell for less than \$100 and have a large commercial market. As first reported in *Science* (8 September 1978, p. 891), they received a secrecy order requested by the NSA 6 months after filing their patent application. They were seeking legal redress, and even considering a court test of the constitutionality of the secrecy order law, when the order was lifted on 11 October.

Briefing

"Devastating Blow" Dealt Water Projects Pork Barrel

Environmental lobbyists on Capitol Hill believe that a time-honored congressional institution, the water projects pork barrel, was struck a "devastating blow" by President Carter's veto of the public works bill and the House of Representatives' rejection of the attempt by the Appropriations Committee and the House leadership to override that veto.

The vote to override was 223 to 190, or 53 votes short of the two-thirds majority which the leadership needed. Brent Blackwelder, an Environmental Policy Center lobbyist and the point man for the conservation groups in their effort to support the President on water policy reform, says that the vote to sustain the veto was large enough to undermine "the politics of retaliation" practiced so effectively by the Appropriations Committee in the past to persuade House members to go along with pork barrel legislation.

By this he means that, with 190 Democrats and Republicans voting with the President, any threat to punish them by cutting out projects in their districts in future public works bills would have a hollow ring.

At this writing, the President seems to have won a sweeping victory. The Senate Appropriations Committee already has reluctantly agreed to drop from the bill 17 projects to which the White House objected. In addition, the committee has agreed to eliminate some 2300 new jobs for the Corps of Engineers and the Bureau of Reclamation and, at the same

time, to restore funds for the Water Resources Council, a planning group whose functions the President wishes to enhance. "The pork barrel will never be the same again," says Blackwelder.

Federal Nutrition Research Is Misdirected, Says OTA

The Office of Technology Assessment (OTA) has just issued a report which says, in effect, that the federal research effort on human nutrition has its priorities upside down.

"The consequences of continuing to pursue the present preoccupation with nutritional deficiency diseases will seriously affect the quality of life of present and future generations into the 21st century," the OTA report says. It adds that the emphasis should be on investigating the relationships between the abundant diet most Americans now enjoy and the increased incidence of chronic illnesses such as cancer and heart disease.

The U.S. Department of Agriculture, the Department of Health, Education, and Welfare, and five other departments are engaged in nutrition research, with total spending coming to between \$50 million and \$117 million a year (depending on how narrowly or broadly nutrition research is defined). Viewed overall, this research effort follows "no coherent strategy for the solution of current diet-related health problems," the report says.

According to Catherine Woteki, leader of the OTA's "nutrition cluster," among

the score of academicians who served on the nutrition assessment steering committee or participated in assessment workshops there was general agreement as to the finding that present federal nutrition research priorities are topsy-turvy. The steering committee was chaired by Johnna Dwyer, director of the Frances Stern Nutrition Center at the New England Medical Center in Boston.

American Physical Society Foil Threat to Tax Status

The scientific and engineering societies have been keeping a careful weather eye on the Internal Revenue Service (IRS), and last winter the sky began clouding up ominously for the American Physical Society (APS) together with several other scientific and engineering groups. The Manhattan district office of the IRS informed the APS it was proposing that the society be reclassified from a nonprofit, charitable educational and scientific organization to a "business league" (*Science*, 23 June). Now, however, there has been a break in the weather, for the APS at least. The North Atlantic regional office of the IRS in New York recently reversed the position of the district office, concluding that the society's status as a Section 501 (c) (3) organization "should not be disturbed."

Had the district office's position been upheld by the IRS regional and Washington headquarters, the consequences for the APS could have been serious. For in-

Inman told *Science* he personally had authorized the Nicolai secrecy order. The application "was reviewed under the new procedure and there was disagreement among the reviewing principals as to whether it merited classification or not. And, given the disagreement, I elected to ask for the secrecy order to be put on. Where there is uncertainty, I believe we should err on the side of national security."

But Inman complained that the delay in making a final determination—about which the inventors also griped—was partly the inventors' fault. "The whole process would have gone much more quickly if we had had a loan of the equipment, but they wanted an exorbitant amount of money to loan us the equip-

ment." He was referring to the inventor's wish for \$50,000 as the price of such a loan, and NSA's offer to pay the inventors \$2,000.

Inman also disputed the inventors' claim that they were deprived of their rights. For instance, he said that NSA general counsel Daniel Silver wrote Nicolai that NSA was willing to talk about settling for damages. The inventors' response to this, Inman said, was to announce they were cutting all contact with the NSA.

Inman declined to comment on why the order had been lifted, for fear of commenting on the device itself and interfering in the inventors' future market. But he said that in lifting the order when it did, the agency had considered that

the inventors had a 20 October deadline for filing for foreign patent rights.

In the Nicolai and the Davida cases, Inman repeated his view that new procedures might allow an inventor to be told why a secrecy order had been placed on his patent application.

In discussing both cases, Inman complained that the principals had used the press to manipulate the NSA. He denied a *Time* magazine report that the NSA had tried to hire the Seattle investigators as consultants.

Inman also said that Davida "was very bright and realized that if you go to the media you're likely to get the attention of the top faster than through routine appeals." Both Chancellor Baum and Davida deny having gone to the press. Da-

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stance, the second-class mailing privileges for its journals would have come into question, as would its right to receive tax-exempt contributions. But most serious of all in the opinion of William W. Havens, executive secretary of the APS, would have been the "impugning" of the APS's reputation as an objective scientific organization and a lessening of its credibility when it speaks out on major issues such as nuclear reactor safety and radioactive waste management.

The case made by the IRS district offices for changing the status of the APS rested on a finding that several of the society's activities were directed primarily at "promotion of the profession of physics and the common business purposes of its members." These suspect activities included the APS's job placement service and educational programs and even the work of its panel on public affairs which has been responsible for several major studies, including those on reactor safety and the nuclear fuel cycle which have been widely regarded as objective and of high quality. The president of the APS, Norman F. Ramsey of Harvard University, says that physicists can take pleasure in the fact that the IRS has now "recognized the scientific and educational character of the [society] and its role in the science of our nation."

Still pending at the regional level of the IRS are district office proposals to revoke the tax-exempt status of the American Institute of Physics and the American Chemical Society. Although the outcome of the APS case can perhaps be taken by these groups as a good omen, not all the signs are favorable. District office proposals to reclassify three engineering societies as business leagues have been

upheld by the North Atlantic Regional Office and are now on appeal to the IRS headquarters in Washington. It is not clear how, if at all, the final resolution of these cases could affect other scientific and technical groups, such as the AAAS.

Inter Alia

- In the National Science Foundation Appropriations Act for fiscal 1979, Congress has decreed that the rate of pay for principal investigators under NSF grants ordinarily shall not exceed \$3,958.33 a month or \$47,500 a year, the pay ceiling for federal civil servants. This comes as bad news for a small but significant fraction of investigators. A fiscal 1977 survey made of 5024 investigators, or somewhat less than half of all investigators under NSF grants, showed that 342 of them (or 6.7 percent) were being paid at a higher rate than will now be allowed; 226 were paid at a rate equivalent on an annual basis to between \$48,000 and \$54,000, with the rate of pay for the other 116 being equivalent to between \$54,000 and more than \$78,000 (but with all but 12 paid at a rate not exceeding \$66,000). In unusual circumstances, the NSF director may permit an investigator to be paid at a rate higher than the newly prescribed ceiling, but all such waivers and exceptions must be reported to the Appropriations Committees of the House and Senate.

- In an effort to lighten the burdens of outside reviewers and its own staff, the NSF is directing grant applicants to hold

the "project description" portion of their proposals to a maximum of 15 typewritten pages, single spaced. It seems that, as the competition for NSF money has increased, so has the length of project descriptions. Those received by the agency's behavioral and neural sciences division have been running typically at about 35 pages; although those received by the mathematical, physical, and engineering directorate usually have been shorter than that, there have been occasional blockbusters coming in at up to 75 pages, long enough to give any reviewer a queasy stomach.

- Attention pot smokers! The Congress of the United States, so often stuffy and unsympathetic where your interests are concerned, seems on the point of doing you a good turn. House and Senate conferees on foreign assistance authorization legislation have approved a provision to bar any more U.S. funds from being spent on Mexico's use of the dangerous herbicide paraquat in the spraying of marijuana patches unless the chemical is made readily detectable by a colorant or odorant. Jane Aiken, an aide to Senator Charles Percy (R-Ill.) who has been a leader of the effort to protect the some 16 million regular users of "grass" from paraquat, says that the Department of State is investigating five colorants and two odorants. The most promising of these, she says, is the odorant *d*-limonene dimercaptan (an extract of orange peel) which, when the pot smoker lights up, smells remarkably like a skunk. Use of this chemical is still in an experimental stage, but Aiken says that it is expected to be ready for application in the Mexican spraying program before the end of the year.

Luther J. Carter