

firmed reports that since May the birds that were candidates for release had been fed directly by humans, rather than through blinds using condor puppets. As a result they became tame, and biologists determined that deprogramming was essential before releases could occur.

Even if this effort succeeds, the capturing of the six wild adult condors, elevated lead levels in the blood of one bird, and the need for birds to reach age six or seven to reproduce, makes the near-term release of young condors doubtful. Without the presence of adult condors in the wild to guide young birds to historical nesting and feeding sites, the chances of their survival are reduced. "The intention is still to put [birds] in the wild," says Interior's Smith. "But there are major blocks to doing that." Indeed, department and Audubon scientists concede that releases may not occur before 1990.

Absent condors in the wild, sustaining research to understand the species' high-mortality rate could prove difficult in the future. Similarly, it will be harder to protect roosting, nesting, and foraging areas within the condor's 50,000-square-mile range. To accomplish all of this a unified effort is needed, but working relationships among federal and state agencies, the scientific community and the zoos have been strained by years of infighting over whether to capture the wild flock and over program direction. Disgruntled by Interior's failure to consult with members of the recovery team prior to deciding to capture the birds and to defer acquisition of Hudson Ranch, Audubon may pull its professional staff from the recovery effort. Audubon has played a central role in the condor program for years and has persuaded Congress to augment Interior's \$800,000-annual condor budget by \$300,000.

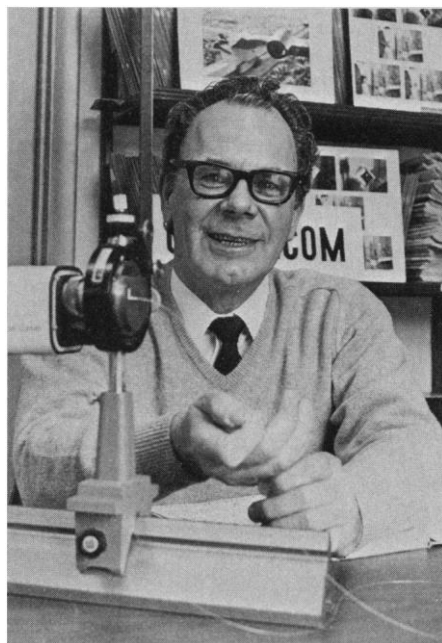
"There has to be a fundamental change in how the program is run," says Enos, who complains that decisions should be made by field biologists, rather than bureaucrats in Washington. Interior's Smith hopes to patch up frayed relations with participants in the condor's recovery, but he wants Interior and the State of California to call the shots. Audubon, the zoos and other participants would serve in an advisory capacity. Just how this power struggle will sort out is uncertain, but "there has to be a more clearly defined sequence of authority," says Lloyd Kiff, director of the Western Foundation for Vertebrate Zoology. "The one thing we always ask is: 'Who is running the condor program?'" The House Appropriations and Merchant Marines and Fisheries Committees are likely to ask the same questions when they probe the condor program in coming hearings. ■ **MARK CRAWFORD**

Briefing:

Appeals Court Backs Gould's Laser Claim

Inventor Gordon Gould won a victory and the Patent and Trademark Office (PTO) suffered a sharp rebuke in a case involving lasers decided in the U.S. Court of Appeals on 19 December.

In the decision, Judge Thomas Flannery wrote that he was "thoroughly convinced that the PTO made several material errors" in denying Gould a patent on the gas-discharge laser. Flannery brushed aside at least 20 times the "erroneous," "mistaken," "irrelevant," and "incorrect" views of the Patent Office and sided with Gould, saying Gould had a fair claim that should be recognized. The Patent Office is normally assumed to be correct, as the court said, unless its "findings are demonstrably inaccurate to



Gordon Gould

First applied for patent in 1959.

a material degree." The judge relied heavily on the testimony of Gould's chief witness, Peter Franken of the University of Arizona at Tucson, in rejecting the government's argument.

In his final judgment, Flannery ordered the government to stop delaying and issue a patent "forthwith." If Gould does win a patent and enforces it, he may collect royalties on the helium-neon laser and the CO₂ laser, a market said to be worth several hundred million dollars. Automated supermarket checkout counters, for example, use helium-neon lasers.

Gould sold shares of his laser claim to

other investors, including his lawyers, to finance his marathon quarrel with the PTO. A majority interest now belongs to the Patlex Corporation of Westfield, New Jersey, whose stock leaped up when the decision was announced. Gould himself calls the ruling a "vindication" and an "exposure of the bureaucratic incompetence" of the PTO. However, Gould warns that the PTO may appeal the decision or insist on a reexamination of the patent. A spokesman for the PTO said no decision has been made as yet.

One remarkable aspect of the case is its longevity, for it reaches back 26 years to the time when Gould first applied for a patent in April 1959. His ideas were incorporated in a military research program for several years after that, in an unsuccessful attempt to produce laser weapons. During this time, Gould's patent application was classified. Later, he began to press for patents that would entitle him to royalties on commercial lasers. His original filing was split into many pieces, the gas-discharge part being one of three major cases still active. The other two deal with optically pumped lasers and industrial applications. Both have been in and out of the courts for years.

Despite Gould's legal success, many other inventors disparage his claims. William Bennett of Yale, coinventor in 1960 of the first working gas-discharge laser (a helium-neon device), says it is "ridiculous" that Gould should be recognized as the inventor of the helium-neon laser. "We saw nothing of Gould's work until much later," says Bennett, "and it contained no useful information whatever." Bennett describes Gould as a "clever guy" who pursued his legal claims assiduously. ■ **ELIOT MARSHALL**

CIA Funding Dispute Claims Victim at Harvard

Since the early 1970's, when the Central Intelligence Agency (CIA) was first implicated in a series of unethical activities and hidden political manipulations, the acceptance of its money by academic researchers has frequently created turmoil on university campuses. Recently, the taint of a CIA connection claimed a new victim, Professor Nadav Safran, a highly regarded scholar and director of the Center for Middle Eastern Studies at Harvard University.

Last August, Safran negotiated a \$45,700 contract with the CIA to organize a small conference on "Islam and Politics in the Contemporary Muslim World." The conference, which attracted such well-known experts as Michael Cook of the University of