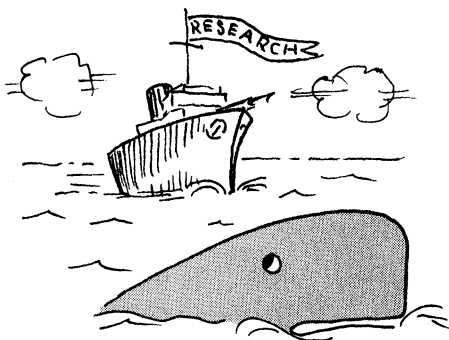


filed suit arguing that the law allowed no discretion on imposing sanctions against breaking the moratorium. The plaintiffs won in federal district and appeals courts but recently lost in the Supreme Court by a 5-to-4 vote.

Although Japan has since renounced commercial whaling, whale preservation groups discount the action, noting a Japanese plan for a program of whaling for research purposes. Antiwhaling sources say operations would be conducted by Japanese whaling vessels and the catch sold on the commercial market in Japan.

The rationale for scientific whaling, as it is termed in IWC discussions, stems from disagreements about the size of surviving whale populations. The moratorium agreement calls for a comprehensive assessment of whale stocks to be made by 1990. However, a major effort has not been organized, and there is debate on methodologies and on whether a satisfactory survey can be made while whaling continues.

Conservation groups charge that research whaling, conducted under the guise of assessing stocks, is a way to circumvent the moratorium. The issue has been sharpened by the plans of other countries to return to whaling under the banner of research.



Iceland has been catching fin and sei whales and proposes to take North Atlantic minke whales, which are on the IWC's protected list. The meat is reportedly to be sold to Japan. Korea is said to be planning a program of scientific whaling in the Pacific with the minke whales caught also going to Japan. Norway, facing possible restrictions on fisheries exports to the United States because it continued whaling, plans a shift from commercial to scientific whaling in 1988.

The IWC began to focus on the issue of scientific whaling at its recent meeting, but seems far from ready to set the terms for such operations. An indication of the official U.S. view of research whaling is likely to surface soon. Iceland exports fishery products to the United States and is, therefore, subject to the provision of fisheries law that

calls for restrictions on such imports at the discretion of the President when IWC rules are violated. The Icelanders are said to be adamant about their prerogatives to whale in northern waters. With their control of bases crucial to NATO they would appear to hold a stronger political hand than the whales. ■ JOHN WALSH

## NY Bar Calls for Overhaul Of R&D Enterprise

A New York State Bar Association report,\* citing a threat by foreign competitors and adversaries, calls for overhauling the administration of the research enterprise in the federal and private sector. A morass of federal regulation, annual funding cycles, and the absence of a focused, goal-oriented scientific agenda, the bar report says, are eroding the productivity of federal research dollars. To address this legal and administrative problem, a 42-member task force recommends that a national discussion of technological goals be undertaken.

Prepared by the association's Task Force on Simplification of the Law, the report asserts that the legal structure for advancing science and technology has become incredibly complex. As a result, the scientific enterprise's potential contribution to economic expansion and national security is not being attained. "Increasingly," the report says, the United States is facing "serious economic competition . . . from technologically advancing nations with lower labor costs."

Richard A. Givens, chairman of the task force, says national security is an equally compelling reason for urgently remolding America's R&D machine. In the near term, the unanimously adopted report concludes that the United States must clamp down on the flow of information to totalitarian states. Secrecy standards should be tightened on the basis of "the difficulty or delay imposed on an adversary by practical efforts to keep information confidential; and the benefits to scientific advance . . . through open circulation of information." The task force faults Congress for leaks of information made through appropriation bills and reports. This should be brought to a halt, the task force asserts, "as part of a balanced approach to the promotion of technological development."

To accelerate the pace of science and

\*"New York State Bar Association Interim Report No. 2 of the Task Force on Simplification of the Law." Available from Richard A. Givens, Botein Hays & Sklar, 200 Park Avenue, New York, NY 10166.

technology, the bar association recommends establishing a National Technology Development Bank to help fund basic research through loans and loan guarantees. The aim of this bank would be to encourage industry to undertake more basic research on its own or in cooperation with the government.

In addition, the task force cites the reluctance of American industry to commit to long-term research. The ground must be laid for a revolution in corporate boardrooms. American financial officers, Givens says, must have the capability of looking beyond the quarterly profits statement, to pursue R&D and innovation. To nurture a new corporate attitude, the task force recommends legislation to:

- Protect corporate assets from being used in hostile leveraged takeovers. This could entail amending company charters, bylaws, or stock certificate clauses.

- Change accounting rules to allow research expenditures and inventions to be reflected as assets—a departure from currently accepted accounting practices.

- Enhance federal tax credits for research conducted by industry. ■

MARK CRAWFORD

## Graham Nomination Still in Limbo

On 3 June, President Reagan announced his intention to nominate William R. Graham to be his science adviser. Graham has yet to take up his new post, however.

As of 4 August, the nomination had not been formally sent to the Senate for confirmation, and Graham was continuing to work full time in his capacity as deputy administrator of the National Aeronautics and Space Administration. He has not so far assumed any of the duties of science adviser and is not participating in the work of the Office of Science and Technology Policy (OSTP).

Administration officials ascribe the delay in nominating Graham simply to routine security checks, which are required even though Graham went through them a year ago when he was nominated for the NASA post. Although the White House insists that the nomination is still on track, there appears to be no effort to expedite the approval process.

In the meantime, OSTP is being headed on an acting basis by Richard Johnson, a space scientist who spent 27 years with Lockheed Missiles and Space Corporation before joining OSTP in 1983. ■

COLIN NORMAN