

Mosher Sues Stanford

Steven W. Mosher, the anthropology student who was dismissed from his graduate studies at Stanford in a dispute about his performance as a researcher in China, has sued the university for alleged breach of contract, libel, slander, and violation of his right of free speech. The suit, filed on 29 September by California attorney Melvin Belli, charges Stanford with interfering with Mosher's ability to earn a living by denying him a graduate degree in anthropology, and demands damages "in an amount not yet ascertained." Belli suggests the figure will be large.

Stanford defends its actions in the Mosher case, which began in 1983 when he gained notice after publishing an article in a Taiwanese magazine about forced sterilization and late-trimester abortion in the People's Republic of China (*Science*, 13 May 1983, p. 692). Subsequently, Chinese officials alleged that Mosher had acted illegally while working in a small village near Canton. An investigation into Mosher's behavior by the anthropology department resulted in a decision to oust him from the doctoral program. In accordance with Stanford procedure, the decision has been reviewed on appeal by various Stanford bodies. It was ultimately sustained last year by Stanford president Donald Kennedy (*Science*, 18 October 1985, p. 298), who concluded that Mosher was not honest with him during the course of his investigation. "Stanford remains confident of its case," the university said in a recent statement, while officials noted that, when all the appeals were finished, Mosher's expulsion had been reviewed and "sustained without dissent" by 19 people from Stanford and elsewhere.

Many of the details of the specific allegations against Mosher of illegal and unethical conduct have never been revealed by Stanford, which says it must maintain confidentiality in order to avoid harm to innocent persons in China. Mosher, too, has declined to speak publicly about the specifics.

Mosher, still without his Ph.D., has just been named director of Asian studies at the Claremont Institute in Montclair, California. "We in Claremont have long believed that America's principles and her foreign interests are essentially connected," said Institute chairman Larry Arnn in announcing Mosher's appointment. Referring to Mosher's published work about "China's coercive population control campaign," a Claremont statement paints Mosher as a hero. "Disregarding warnings from his col-

leagues at Stanford University, Mosher made public his explosive research findings and photographs (of women undergoing abortion)," it says.

Although Mosher has accused Stanford of expelling him in order to placate angry Chinese officials and thereby preserve the university's good relations with China, Stanford has steadfastly maintained that its actions against Mosher were based solely on his activities as an anthropology graduate student. ■ **BARBARA J. CULLITON**

AAU Praises New Version of A-21 Rules

To the delight of the Association of American Universities, which represents more than 50 of the country's major research campuses, the Office of Management and Budget has agreed to an important revision in the rules governing reimbursement of indirect costs for federally sponsored research. The revision in what is



Robert Rosenzweig helped negotiate deal with OMB.

known as OMB Circular A-21 sets a fixed reimbursement rate of 3.6% of modified total direct costs for the administrative work of department heads, faculty, and professional research staff, thereby relieving them of the onerous (many would say impossible) task of trying to separate administrative, teaching, and research activities with sufficient precision to satisfy accountants. In June, OMB had proposed an overhead rate of only 3%, down from the 5 to 6% that many universities have received in years

past. AAU president Robert M. Rosenzweig says the A-21 revision is "welcome news" for faculty who will no longer have to engage in "effort reporting," which is an attempt to make faculty account for their time much the way lawyers do. According to the new A-21, "No documentation is required to support this allowance," of 3.6% administrative overhead. Research universities have been battling OMB for months to undo the requirement for time and effort reporting.

OMB saw the 3% cap as a way of saving \$100 million from the federal budget while, in AAU's words, it was "ignoring a set of cost principles developed over the years and closely linked to the nature of our peculiar system of higher education." Considerations linked to the budget should not drive accounting principles, AAU says.

Rosenzweig, who is publicly thanking OMB deputy director Joseph R. Wright, as well as members of Congress for their cooperation, says "Reaching this agreement has been a long and difficult process." Discussions on the matter held through the National Academy of Sciences' Government-University-Industry Roundtable were also vital to the outcome, Rosenzweig says. "The efforts of OMB to respond to university concerns affirm the importance of working together on important national research policy issues," he declares. ■

BARBARA J. CULLITON

OECD Urges Case-by-Case Review for Releasing Engineered Organisms

The Organization for Economic Cooperation and Development has backed away from recommending that international guidelines be established in the near future to cover the conditions under which genetically modified organisms can be released into the environment.

The OECD council has passed a resolution suggesting that the risks of releasing organisms containing recombinant DNA into the environment be evaluated on a "case-by-case" basis. For industrial and laboratory applications of genetic engineering, it is sufficient to specify the use of "appropriate containment measures," the resolution said.

The development of general international guidelines governing agricultural and environmental applications of recombinant DNA organisms "is considered premature at this time," the council stated, adding that

"there is no scientific basis for specific legislation to regulate the use" of these organisms.

The council's recommendations, which have been forwarded to the governments of its 24 member states, are based on the conclusions of a 3-year study of the safety aspects of the applications of recombinant DNA techniques carried out by an ad hoc group of experts. The study is being published in Paris this week.*

The report's conclusions represent a compromise between some member states, particularly in Europe, which had been seeking common international guidelines to use as the basis of domestic legislation, and others, such as the United States, which had been seeking to minimize efforts to create a strict regulatory framework.

Negotiations over an almost completed draft were delayed for several months last year when representatives of the U.S. Food and Drug Administration asked for major revisions, reflecting their conviction that no special regulatory regime, beyond that already established for conventional microorganisms, is required for recombinant DNA research and applications.

The final draft now accepts that for industrial applications using organisms of intrinsically low risk, the level of control should be based on existing good industrial practices. The report says the "vast majority" of industrial applications to date have used low-risk organisms. But for release of recombinant organisms into the environment, "the final establishment of internationally agreed safety criteria may be some way off," according to the group's chairman, Roger Nourish of Britain's Health and Safety Executive. Further research may be needed, he says, before this can be achieved; "accordingly, we suggest a provisional approach incorporating independent case-by-case review of potential risks of such proposals prior to application."

The delay in publishing the report's conclusions has already prompted two OECD member countries—Denmark and West Germany—to press ahead with their own legislation. What is being claimed as the "first national law" covering all applications of recombinant DNA techniques was passed by the Danish Parliament in June, and similar proposals covering the environmental release of genetically altered microorganisms were included in new guidelines published by the German federal government in Bonn.

In both cases, the environmental release of altered microorganisms is forbidden, but exemption from the ban can be obtained for specific applications.

Officials at the Commission of the European Economic Community in Brussels, which is trying to establish a single regulatory framework for all 12 member countries of the Common Market, say they are disappointed that the OECD report was not able to suggest how this could be achieved. ■

DAVID DICKSON

Dispute Over Earthquake Engineering Center Grant Aired on Capitol Hill

When the National Science Foundation selected a group of universities headed by the State University of New York at Buffalo to establish a national earthquake engineering center, scientists and engineers associated with a rival proposal under the aegis of the University of California at Berkeley took public exception to the choice (*Science*, 5 September, p. 1031). Recently, the two sides have found active protagonists in Congress and new charges have been made.

Senator Pete Wilson (R-CA) has stepped in on the California side. He released a letter from Caltech engineering and applied science division chairman Paul C. Jennings to NSF director Erich Bloch, asserting that parts of the SUNY Buffalo proposal had been copied from material written by him and by another Caltech faculty member. Wilson and Senator Alan Cranston (D-CA) have also now asked the General Accounting Office, the auditing arm of Congress, to carry out an investigation of the award. Linked to the GAO study is a threat by the senators to introduce legislation to block federal funding of the center, projected at up to \$25 million over 5 years.

SUNY Buffalo's cause has been taken up by Representative Jack F. Kemp (R-NY), congressman for the Buffalo district. Kemp issued a statement acknowledging that the copying charge is a serious one, but arguing that the portions of the proposal involved appear to be "boilerplate" language that does not affect the "heart of the proposal."

The Jennings letter invites Bloch to note the similarities between specific passages of the Buffalo proposal and a 1984 report of the Earthquake Engineering Research Institute, of which Jennings was principal author. He also points out that the first paragraph of the Buffalo proposal's section titled "description of research" is identical to a paragraph in "Proceedings of the U.S. National Workshop on Strong-Motion Earthquake Instrumentation," which was written by Caltech professor Wilfred D. Iwan. Jennings notes the irony that the paragraph "is

lifted verbatim and without attribution from the writings of one of the Principal Investigators of the opposing proposal."

In his response to the Jennings letter, which was also released by Wilson, Bloch says, "The issues you raise are serious, and we are actively reviewing the entire matter. Pending completion of the review, however, we have no basis for suspending or rescinding the agreement the Government has executed." NSF sent \$834,000 in "startup" funds to the New York group in late September under the budget for the fiscal year that ended on 30 September.

Kemp, for his part, has released a letter from SUNY Buffalo provost William R. Greiner to university president Steven B. Sample making a preliminary response to the Jennings allegations. The letter says that use of the language in question in the proposal occurred as part of the "cut and paste" process common in preparation of grant applications. He notes that the material in question amounts to less than 2% of the total text of the proposal, is not "original research, and it has no bearing on the substance of the proposal."

Bill Livingstone, Wilson's press secretary, says that the senator made the request for an investigation to GAO because of concern that the decision on the project was not made on its merits. Livingstone says there were "sufficient improprieties" that Wilson wanted to be sure that "both sides had received equal attention and consideration." Specifically, Wilson asked GAO to inquire whether peer review broke down. "This is not sour grapes," said Livingstone. If GAO says the decision was made on its merits, Wilson has indicated he will accept the finding. ■ JOHN WALSH

Counting the Homeless

Arguments continue to rage over just how many homeless people there are in the United States. Two recent surveys indicate that the numbers are considerably lower than the 2 to 3 million figure usually endorsed by advocates. Observers agree, however, that the numbers, especially of homeless families, are growing rapidly, and that economic recovery will not solve the problem.

One of the surveys, conducted by economist Richard B. Freeman of Harvard University, was based on interviews with 500 homeless people in shelters, welfare hotels, and on the streets of New York City during the summer of 1985. Using statistical extrapolations, Freeman estimated that there

*"Recombinant DNA Safety Considerations," O.E.C.D., Paris, 1986. 60 francs/\$12.00.