Briefings

edited by DAVID P. HAMILTON

Science Misconduct Legalese Thickens

Now embroiled in a court battle over the way they investigate allegations of scientific misconduct (*Science*, 3 August 1990, p. 471), officials at the National Institutes of Health are putting together a legal defense that may go a long way toward answering critics who claim the agency's Office of Scientific Integrity (OSI) fails to treat the targets of its investigations fairly.

The present suit involves neurologist James Abbs of the University of Wisconsin, whose essential complaint is that OSI rules do not permit him either to confront his accusers or to appeal a judgment of misconduct, unless NIH debars him from receiving federal funding. Thus, his reputation could suffer "irreparable harm" in the absence of what he views as due process. Legally, the basis of Abbs' claim is that his stake in his good name is a "liberty interest" which must be afforded due process protection under the Fifth Amendment to the U.S. Constitution.

NIH attorneys deny that Abbs' reputation is a liberty interest, citing legal precedents in which only employment—not the more nebulous concept of reputation—is constitutionally protected. They add that neither Abbs' position with the University of Wisconsin nor his NIH funding have been threatened by the investigation's progress to date, and that in fact his research grant was recently renewed. Furthermore, these attorneys point out in court papers that Abbs' case is well known (he has publicly replied to two letters questioning his research in the journal *Neurology*), so his reputation could already have been damaged even if OSI was not investigating him.

As far as due process is concerned, NIH's defense team says that OSI procedures—in which suspects get no formal hearing but can provide testimony and evidence to OSI and respond in writing to OSI findings—are adequate. Based on precedent, "[a] hearing on written materials can be enough to satisfy the due process clause," the NIH legal brief states.

Perhaps most interesting, however, is NIH's claim that its sanctions "are not meant to and generally do not irreparably injure a scientist's ability to continue conducting research." For instance, NIH might impose oversight or supervision on a researcher's work that would permit the scientist to continue receiving federal funds while ensuring that such money is not abused, the court papers state.

New Director for Canadian Science

The Science Council of Canada has appointed as its new director Janet E. Halliwell, who is currently director for research grants at the National Sciences and Engineering Research Council.

Trading clout for "influence." *Janet Halliwell, new Canadian science director.*

Created in 1966, the council is an advisory agency on science and technology policy and serves as liaison among government, industry, and academia.

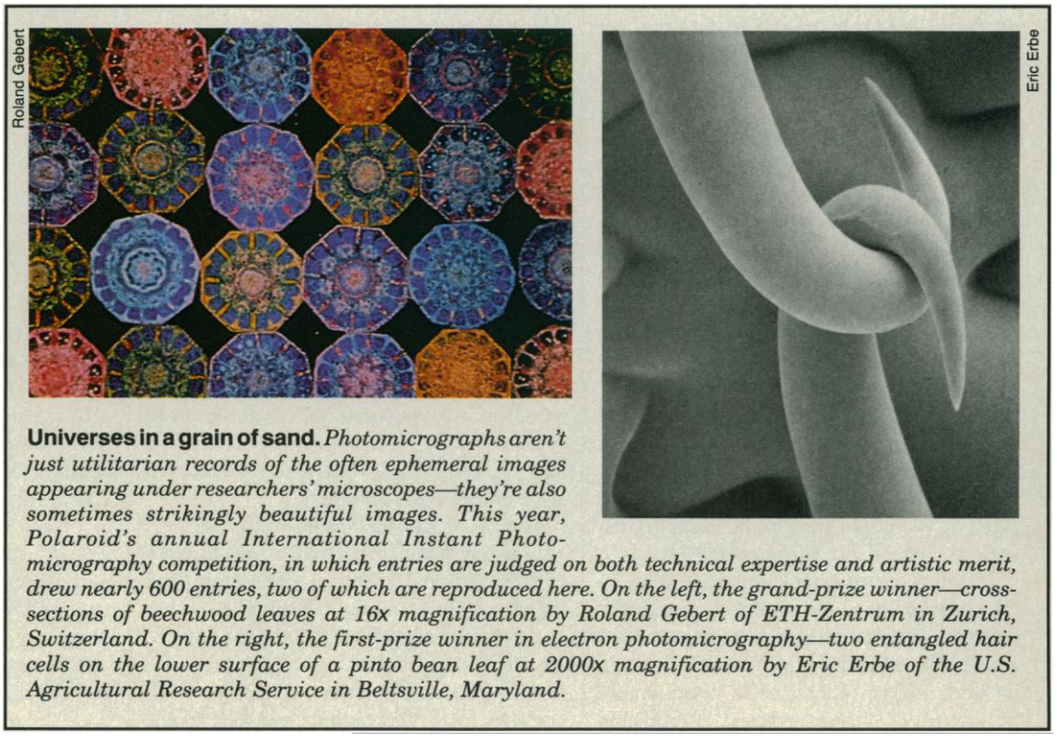
Halliwell has been responsible for the allocation of the bulk of basic research in Canadian universities, some $240 million a year. Now she will be presiding over a budget that is tiny by comparison— $3.3 million—and that has shrunk from $5.2 million in the mid-1980s.

But Halliwell explains that her new position, in which she'll give public advice on science and technology issues to the government, is much more visible and influential. It includes membership on the National Advisory Board for Science and Technology, which provides the government with confidential science advice. She will also be an associate member of the research council.

Biologists Madly Fax A Cool New Journal

Forget *Science*. Forget *Nature*. Definitely forget *Cell*. There's a new journal out there for folks who are in the know, and man, is it *Cool*.

Doubts about *Cool's* admission to the ranks of first-rate life science journals are unwarranted. Its first issue features a cover on "How genes should work." Inside, one finds minireviews on "Cell-cell-cell-cell-cell interactions in development: An astonishingly clever insight" and "Motifs as messages from our maker." Check out the articles "TFIID is not essential for transcription in any cell type," by a Big, Hot Lab, and "TFIID is essential for transcription in all cell types," by Their Rivals. And the Tubingen mafia's discovery of "*tushi*: A new gene expressed in *Drosophila* posterior segments" shouldn't be missed.



Universes in a grain of sand. *Photomicrographs aren't just utilitarian records of the often ephemeral images appearing under researchers' microscopes—they're also sometimes strikingly beautiful images. This year, Polaroid's annual International Instant Photomicrography competition, in which entries are judged on both technical expertise and artistic merit, drew nearly 600 entries, two of which are reproduced here. On the left, the grand-prize winner—cross-sections of beechwood leaves at 16x magnification by Roland Gebert of ETH-Zentrum in Zurich, Switzerland. On the right, the first-prize winner in electron photomicrography—two entangled hair cells on the lower surface of a pinto bean leaf at 2000x magnification by Eric Erbe of the U.S. Agricultural Research Service in Beltsville, Maryland.*