

the government's "sovereign immunity" in certain cases. The suit contends that ORI's investigators violated Popovic's rights to due process and privacy. It claims he was not initially informed of the charges against him and that HHS and ORI officials leaked his name and details of their case against him to the press. The suit also contends that the Office of Scientific Integrity—ORI's predecessor—accidentally sent Popovic a tape of a discussion indicating that just after interviewing Popovic, Hadley, then acting OSI director, and her staff were already leaning toward finding him guilty. (Hadley declined to comment on the suit.) "The manner in which this was handled was just atrocious," says Washington, D.C., attorney Paul Thaler, whose firm is representing Popovic.

The suit also claims that the government illegally refused to hire Popovic. He had left NIH just before the probe began for a job that didn't pan out. Gallo then offered him his old position, but NIH said he couldn't return until the investigation was completed. After about 4 years of unemployment, Popovic eventually found work as a visiting scientist at the Karolinska Institute in Sweden, and last July he joined Gallo's new Institute of Human Virology at the University of Maryland, Baltimore.

Popovic's suit says his losses include legal fees of \$350,000 during the ORI investigation and 4 years of salary; he has asked the government and Hadley for at least \$5 million in compensatory damages and legal costs. (Thaler's firm has taken on the case on a contingency basis.) Popovic referred a reporter to his attorneys, saying only that the matter is "very painful," but Gallo says Popovic has indicated that he would spend any award on research. "He was hurt badly and very unjustly. He certainly could use a little help to get started," says Gallo.

In the government's response to the suit last month, the U.S. attorney in Baltimore cited technical reasons why the case should be dismissed. The response says that Popovic waited longer than a 2-year statute of limitations to sue; that several claims amount to libel or slander, for which the government has immunity; and that others, such as NIH's failure to rehire Popovic, do not violate any Maryland law. Thaler says "Nothing in it [the brief] was a surprise to us," and that he is "confident that the claims will survive."

Others aren't so certain. "I think the government may have some strong technical defenses, which is too bad," says Washington, D.C., attorney Joseph Onek, who has represented defendants in several high-profile science fraud cases, including the Gallo case. "Of all the people [investigated by ORI], Dr. Popovic perhaps deserves compensation the most because he was harmed so

much," Onek says. Thaler says the average life for a federal civil lawsuit is 12 to 18 months, and 90% are settled out of court. If there is a trial, he expects it would take place next winter.

The glacial pace of such suits is not always the result of legal skirmishing. A year before filing the suit, Popovic's lawyers sent HHS a

letter notifying the agency of their intent to sue—a standard step that normally would trigger an agency investigation. Popovic never received a response, however. According to the government's brief, "[I]t was confirmed that the mail room had received this letter ... and subsequently had misplaced it."

—Jocelyn Kaiser

SPACE STATION

Russian Money Woes Endanger Project

When Russia was brought into the international space station program in 1993, the move gave the controversial orbiting laboratory a new lease on life by holding out the promise of reduced U.S. costs. But 4 years later, progress on the multibillion-dollar ef-

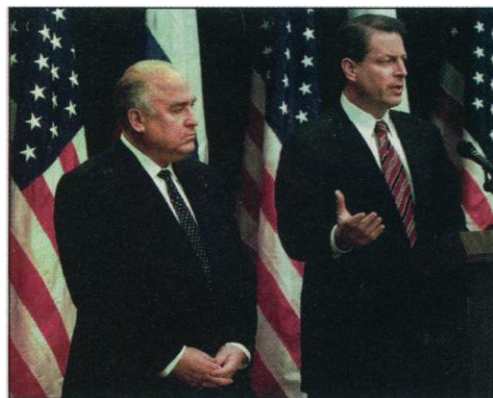
tion in a quandary for well over a year now," a group of legislators complained in a 4 February letter to Gore.

The lawmakers—who include House Science Committee Chair James Sensenbrenner (R-WI) and Representative Jerry Lewis (R-CA), who chairs NASA's funding panel—demanded a "definitive resolution" of the problem during Chernomyrdin's visit last week to Washington. In response, Gore and Chernomyrdin said on 7 February that both sides "are working diligently to overcome the difficulties," and that the Russian government will provide RSA with the money to complete its part of the program. "The prime minister has promised to give us the money," RSA Director Yuri Koptev told *Science*. NASA Administrator Daniel Goldin said the agency could begin reaching contractors before March, and it could even speed up the schedule by a few months.

In the meantime, frustrated NASA officials are trying to be flexible. They have agreed, for example, to advance RSA \$20 million from a fund the U.S. agency has set aside to cover future NASA work on the Mir space station. They are also working frantically on various contingencies, such as adapting existing U.S. and Russian hardware to make up for the delay in the service module. Goldin said he expects the agency to decide by March which path makes the most sense.

Sensenbrenner, who scheduled a House hearing on the subject earlier this week, will visit Paris, Bonn, and Moscow later this month to press the Russians to act quickly. Lewis says he expects Russia "to give this commitment a high priority" despite its financial woes. It would be harder to sell the station to Congress without Russian participation, Lewis admits, "but I'm convinced members would still go along with the program." Senator Barbara Mikulski (D-MD), ranking minority member of the Senate panel that funds NASA, agrees with Lewis that the station could survive a Russian pull-out, but she's betting that Gore can convince the Russians to ante up.

—Andrew Lawler



Limited partners. Gore and Chernomyrdin hope to preserve Russia's role in space station.

fort is being threatened by Russia's failure to come up with money to build critical portions of the station. If this impasse continues, it could take an additional bite out of NASA's wallet and credibility, and U.S. legislators are now demanding that the White House do something about it.

Last week, U.S. Vice President Al Gore won a promise from Russian Prime Minister Viktor Chernomyrdin that the funding will be freed up soon. But supporters have heard that refrain before. They worry that the Russians won't be able to fix their financial problems before Congress votes later this year on U.S. funding for the station, for which the first components are slated to be launched at the end of this year.

The concern centers on the Russian Service Module, which contains many of the station's control functions. Although the Russian parliament, or Duma, has appropriated the necessary money, the funding has not found its way to the Russian Space Agency (RSA) or to the contractors who are building key components of the module. The original launch date was to be spring of 1998, but it has now slipped to late fall. "This situation has placed the international space sta-