

NEWS IN BRIEF

● ERVIN QUERIES BLACKLIST:

Senator Sam Ervin (D-N.C.) has sent a sharply worded, four-page letter to Secretary Robert Finch of Health, Education, and Welfare questioning the department's security procedures which have barred scientists from serving on advisory panels (*Science*, 27 June). The Senator is chairman of the subcommittee on constitutional rights of the Senate Committee on the Judiciary. According to a committee staff member, Ervin sent a letter in November to Finch but received a noncommittal reply. The second letter, dated 11 December, queries Finch about controls on a computer system allegedly operated by HEW as part of its clearance procedure; Ervin fears the system may violate an individual's right to due process. The letter also contains a list of 100 names of scientists who are reportedly on the blacklist; Ervin asked for information on each. HEW has not admitted the blacklist exists, and it has not yet released a report done by staff members on its clearance procedure.

● **CLEAN WATER BILL:** House-Senate conferees have agreed to appropriate \$800 million in matching grants for water-treatment plants this year. This is the largest appropriation approved so far by Congress for the 1966 Clean Waters Restoration Act. The Nixon administration had requested \$214 million, the same amount spent last year.

● **RELABELING CONTRACEPTIVES:** The Food and Drug Administration will order combination and sequential oral contraceptives relabeled before next year. The relabeling will indicate that combination oral contraceptives are more effective than the sequential, and that data suggest, but do not confirm, an "excessive risk" of blood clotting with the sequential. The new warnings will not mention cancer or mental depression.

● **FLORIDA DIPHTHERIA OUTBREAK:** A small outbreak of diphtheria in Miami has stricken nine children so far and caused three deaths. Another death, and four more cases of the sickness, were reported in Monticello and Jackson, Fla. None of the Miami children had been vaccinated, and all came from a low-income neighborhood.

Local authorities are trying to contain the outbreak by vaccinating about 74,000 children. An official at the National Communicable Disease Center, Atlanta, Ga., said small outbreaks such as the Miami one are common, particularly in poverty areas; 187 cases of diphtheria nationwide had been reported to the Center as of 12 December this year. The median number of cases over the past 5 years is 197. Florida officials estimate only 88 percent of that state's population has been vaccinated, but say there is little danger of a major epidemic.

● **H. P. HEINEKEN PRIZE:** Britton Chance, professor of biophysics and director of the Eldridge Reeves Johnson Foundation for Medical Physics at the University of Pennsylvania, has been awarded the H. P. Heineken Prize for 1970. The prize is awarded every 3 years by a committee of the Royal Netherlands Academy of Science for achievement in biochemistry, biophysics, or microbiology. Chance was awarded the prize, consisting of 100,000 guilders (about \$27,000), for his research on the mechanism of intracellular respiration and photosynthesis.

● **AAU ELECTION:** The Association of American Universities has elected to membership the University of Maryland, Case Western Reserve University, the University of Southern California, and the University of Oregon. The AAU is an organization of about 50 universities in the United States and Canada that are considered preeminent in graduate and professional study and research.

● **WAR ON STARFISH URGED:** A group of U.S. scientists recently blamed man's interference with the balance of nature, primarily through dredging coral reefs and polluting water by DDT, for a population explosion of the crown-of-thorns starfish. The starfish, previously rare, are nibbling at coral reefs around Pacific islands, and have already destroyed 100 square miles of Australia's Great Barrier Reef. The scientists suggested a systematic hunting program. They rejected a suggestion made last week by a committee of the Australian Academy of Science to the effect that the starfish population explosion is a natural cyclical event.

tional than Yannacone's Ninth Amendment argument.

Many lawyers doubt that the courts are ready to accept that argument. Most judges are extremely wary about venturing beyond precedent and known law and about deciding questions, such as the general public's interest in clean air (as opposed to a mill's interest in cheaply disposing of its wastes), normally left for legislative determination.

Yet E. F. Roberts, professor of law at Cornell, said at the September conference on environmental law that the Ninth Amendment allows enough "growth" in the interpretation of the Constitution to extend constitutional protection to the environment. The Ninth Amendment, he noted, was cited by the Supreme Court a few years ago in invalidating a Connecticut law against dissemination of birth-control information. This statute was declared an unconstitutional infringement on personal privacy, even though a right of privacy is not explicitly mentioned in the Constitution.

Enunciation of a right to environmental protection, Roberts said, would "require every agency of government, whether a local zoning board or a federal home mortgage lending agency, to review their plans to make certain that their activities did not actually exacerbate deterioration of the environment." Obviously, however, recognition of a right to environmental protection would have to be reconciled with such necessities as carrying on industrial and commercial activities, providing systems of mass transport, and building homes for an expanding population.

The "trust doctrine" also was discussed at the September conservation law conference. This ancient doctrine holds that all land was once held in trust for the people by the sovereign—or government—and that the government cannot divest itself entirely of responsibility for the uses to which land is put, even though most of it long since has passed into private hands. The government must, according to the trust doctrine, see that no land, public or private, is abused or otherwise used in ways contrary to the public interest. The trust doctrine, though recognized by the courts in certain cases involving submerged lands and publicly owned lands, has not been applied to lands generally.

Joseph Sax, a University of Michigan law professor and specialist in the field of conservation law, views the trust doctrine as a particularly useful