

Poles—and many others who are vulnerable to prejudice and who to this day suffer the effects of past discrimination. Such groups have only recently begun to enjoy the benefits of a free society and should not be exposed to new discriminatory bars, even if they are raised in the cause of compensation to certain racial minorities for past inequities.

Most of the pro-Bakke commentators seek to reconcile the goal of increasing the representation of minority students in professional education with the constitutional principle of equal opportunity for all citizens. In practical terms, this means finding a substitute for selection on the basis of race.

Developing and using more flexible criteria would be the task of educational institutions. For reasons separate from the Bakke case, professional schools have, for some time, made efforts to expand criteria for selection. Whatever the outcome of the case, it appears certain that Bakke will have spurred attempts to come to terms with such issues as culturally biased objective tests and with the need to develop better means of identifying ability and potential in minority students.

Which way the court will turn in the legal labyrinth of the Bakke case is unpredictable. Historically, the Supreme

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Court has been reluctant to rule on a constitutional issue if it has been possible to decide on a narrower issue in a case. It is possible that the court could again decline to address the issue of reverse discrimination directly. It has been argued, for example, that the court should not decide the broad question unless it can be determined that Allan Bakke would actually have been admitted to medical school except for the minority admissions program. The court might also opt for a narrowly based decision applicable specifically to the Davis program, which would not settle the broader question.

Most observers, however, feel that the

court recognizes that reverse discrimination is an issue whose time has come and that a decision on fundamentals is required. It will be no easy decision. In *Brown v. Board of Education*, the finding that "separate cannot be equal" had the virtues of simplicity and compelling force. No similar, simple formulation is available in the Bakke case. In addition, the court must grapple with the argument that there is no firm, constitutional foundation for the preferential programs for minorities of the last decades.

On the other hand, the court must be conscious of the potentially profound impact on society if it reaches a decision that appears to reverse the flow of the law against racial discrimination. Such a decision would tend to confirm the suspicion still widely held among racial minorities and ethnic groups that the law protects minority rights so long as these do not interfere seriously with the interests of the majority.

The conflict of imperatives is a genuine and difficult one, and there is considerable irony in the fact that Bakke invokes the Fourteenth Amendment, which, after all, was a product of the Civil War and of the effort to undo the effects of slavery.—JOHN WALSH

OTA: Daddario's Exit Heightens Strife over Kennedy Role

The surprise resignation of Emilio Q. Daddario from the Office of Technology Assessment (OTA) has triggered an urgent search for a successor. It has also made OTA board chairman, Senator Edward M. Kennedy (D-Mass.)—who is thought by some to have driven Daddario out—more vulnerable to accusations that he is trying to dominate the OTA. Some tricky navigation through the political crosscurrents will be required if Kennedy is to convince his critics that he wants OTA to retain its independence and its reputation for objectivity.

The OTA picture has been further complicated since Daddario's resignation by the resignation of two members of its congressional governing board: Representative Marjorie Holt (R-Md.) and Senator Richard Schweiker (R-Pa.) and by the contemplated resignation of

Representative Olin E. Teague (D-Tex.).

Although Schweiker maintains that he is leaving in order to devote more time to committee duties, Holt and Teague have made it clear that they feel Kennedy, particularly through his representative on the OTA staff, Ellis Mottur, is trying to take over the organization and turn it into his personal committee. Holt, a conservative Republican, said in her goodbye letter to Kennedy that she perceived that OTA's role as an "unbiased, independent research arm of Congress is threatened. I have been unable to make a contribution in determining the direction of OTA and therefore feel I cannot continue as a member of the Technology Assessment Board."

She has made it clear that what she means is that "Senator Kennedy has taken over this office and made it his per-

sonal political vehicle." Says Holt, "It's become a one-man operation." She feels Kennedy has stacked the technology assessment advisory council (a group of 12 distinguished individuals who are supposed to advise the board) with his own selections and that he now wants it to be the determining voice in the selection of the new director.

The likely resignation of Teague adds considerable weight to these charges. Teague, after all, is the chairman of the House Science and Technology Committee, the committee that originated the OTA concept. Chairmanship of the board has alternated between Teague and Kennedy. Teague feels that management of OTA has become so unbalanced in favor of the Kennedy forces that he wants out. "Kennedy did a great job in his first 2 years as chairman," he told *Science*, but "now he's using the board for personal political purposes. . . . He wants to run the thing like a committee . . . if that's the way he's going to run the thing I don't want to have any part of it."

Teague is particularly bothered by the fact that the six senators on the board have their own representatives as staff members on OTA, whereas most of the House members don't. (Teague doesn't believe that people who serve as liaisons

between board members and OTA should also be on the OTA payroll.) He also claims that the senators have their own people represented on the advisory council (council chairman Jerome Wiesner, president of the Massachusetts Institute of Technology, for example, is closely identified with Kennedy) but that again, most House members don't.

The presence of Kennedy's aide Mottur has exacerbated the conflicts, both rumored and real, surrounding OTA and has contributed to the heated atmosphere in which council and board members are attempting to locate a new director. It is no secret that Mottur, who was assistant director to Daddario, now wants the top job, although both he and Kennedy insist that he is "not a candidate." (The only announced candidate is deputy director Daniel V. DeSimone, who will be acting director when Daddario leaves.)

Assessments of Mottur vary. Some believe he is doing a good job. One program manager says, "Ellis has helped us—made it possible for us to do our job, has expedited things, and understands the problems of being a program manager and dealing with a political system." Another OTA staffer characterizes Mottur as a "total lickspittle" driven by the prevailing political winds, and says that many believe that as director

"he would be an absolute total disaster." Teague says "other members of the board feel he is a lock, stock, and barrel Kennedy staffer who does exactly what should be done to promote Senator Kennedy."

General tension around OTA is reflected in the extraordinary reaction, partly Mottur-generated, to a recent article about OTA in *Chemical and Engineering News*. The article implied that Mottur had dubious qualifications for the director's job, other than his association with Kennedy, and stated that he would be an unpopular director, mainly because of this association.

Mottur immediately swung into action in his own defense and contacted several top chemists, including Nobel laureate Glenn Seaborg and Herman Bloch, who called top American Chemical Society officials to express concern over the article. He also helped six OTA program managers draft a letter to the editor criticizing the article and affirming their confidence in Mottur and his professional qualifications.

Mottur has been active on other fronts, according to Teague, who says he has gotten a lot of mail urging that Mottur be appointed OTA director. "He's got a real campaign going," says Teague.

Kennedy and Mottur have always insisted they want the selection process for

the new director to be a fair and open one. Mottur points out that accusations of a Kennedy takeover make no sense in view of the fact he only has one vote on a 12-member board composed equally of Democrats and Republicans. The House and Senate members tend to vote as blocs, but Kennedy is usually in the winning lineup because Representatives Morris Udall (D-Ariz.) and George Brown (D-Calif.) often vote with the senators, leaving the four most conservative board members [Teague, Holt, Clarence E. Miller (R-Ohio), and Larry Winn (R-Kan.)] behind.

It is possible to chalk up conservatives' dissatisfaction simply to the fact they usually don't get their way. However, a lot of suspicions have been stirred up. It is the nature of politics that if enough people believe something then it is, for all intents and purposes, so. A Mottur appointment therefore seems highly unlikely, because if OTA had the appearance of being in Kennedy's pocket its reports would lose credibility no matter what their quality.

The board and the council meanwhile have enough problems. Kennedy has written 80 organizations asking for nominations for director, and the council and board are going to have to work fast if they don't want a long hiatus between the time Daddario departs on 1 July and a permanent new leader comes aboard. Members of the board are divided on how much power the council should have in selecting the new director—Kennedy wants the council to play a very active role; others, like Senator Ted Stevens (R-Alaska), want the board involved in all stages rather than just voting on candidates proposed by the council.

On top of this, OTA is still struggling with what its role should be vis à vis Congress. Although OTA was originally intended to be independent, along the lines of the General Accounting Office or the Congressional Research Service, some council members at a meeting in June observed that the OTA board looked more like a joint congressional committee, with OTA as its staff.

Everyone agrees OTA has performed valuable services and shouldn't be "politicized." Whether Kennedy is politicizing it, or whether he is being used by conservatives as a focal point to attack the liberal leanings of the board depends on whom you talk to. Things are messy now, and they're probably going to get worse before they get better.

Within OTA, according to one staffer, the prevailing feeling is "we want to get on with our work."

—CONSTANCE HOLDEN

Daddario Speaks

In an interview with *Science*, departing OTA director Emilio Q. Daddario seemed generally sanguine about OTA's future, although his opinions were shrouded in the caution for which he is well known.

Asked if he had any unadvertised reasons for leaving, he said no. "I have said over and over again I never intended to spend any more time than I felt necessary to get the basic concept going."

He said the job had brought him no disappointments, although he acknowledged that the concept of the office had taken a little longer to catch on than he had anticipated. Nonetheless he opined that OTA is in a "much stronger position than is generally recognized."

As for rumors that Kennedy forced him out, Daddario said there was nothing to them. He acknowledged that Kennedy had not pleaded with him to reconsider his decision, but "I never gave him the opportunity."

Daddario had no ideas about a desirable successor and emphasized only the need for "full participation by the board" in the selection process.

Daddario would not buy the idea that Kennedy is trying to take over OTA, although he observed that "it would be unusual for him not to want to be heavily involved. . . ." Daddario went on to indicate that some of the board members had difficulty learning that productive participation required them to step away from narrow, partisan concerns and occupy themselves with the loftier, nonpartisan problems facing Congress as a whole.

Daddario also indicated that a possible problem area was the practice of allowing representatives of board members to be on the OTA payroll. He asserted that he had not felt his own authority undermined by this circumstance, but he thought the practice needed to be examined "very seriously."—C.H.