

## WHISTLE-BLOWING

# More Monkey Business Alleged at NYU

A year after being ousted as director of New York University's (NYU's) Laboratory for Experimental Medicine and Surgery in Primates (LEMSIP), geneticist Jan Moor-Jankowski is suing the university and a federal agency for at least \$17 million. The researcher alleges he is being victimized for blowing the whistle on the university's failure to meet federal guidelines for primate care. In his suit, filed on 8 August in U.S. District Court in New York, Moor-Jankowski also charges that the U.S. Department of Agriculture (USDA)—which regulates primate research—failed to investigate his charges adequately.

Hostilities began in December 1993, when Moor-Jankowski submitted a resignation letter from NYU Medical Center's (NYUMC's) animal-welfare oversight panel, protesting the treatment of some monkeys in experiments conducted by a non-LEMSIP NYU scientist. The studies had also attracted the attention of the USDA, which consulted with Moor-Jankowski after launching an investigation. By February 1995, Moor-Jankowski says he

had filed his own complaint with the USDA, charging that the NYUMC officials obstructed his attempts to upgrade LEMSIP because of his earlier protests.

As the inquiry continued, NYUMC began trying to sell LEMSIP, and in August 1995 accepted a bid from the Frederick Coulston Foundation in New Mexico. Contending that Moor-Jankowski's position at LEMSIP was redundant as the foundation would assume the facility's management, NYUMC removed him from his LEMSIP post on 9 August 1995 and allowed his annual contract as a nontenured research professor to expire on 31 August.

The USDA's initial inquiry concluded, in April 1995, by charging NYUMC with 378 violations of the Animal Welfare Act, including water deprivation of monkeys; in a consent agreement last June, NYU agreed to pay \$450,000 in fines. The agency was not so receptive, however, to Moor-Jankowski's whistle-blowing charges. Last May, agency officials informed Moor-Jankowski by letter that "the evidence does not support" a retaliation complaint.

Moor-Jankowski, however, asserts that he was being punished and also links his dismissal to his protests. He claims in his suit that the USDA denied him due process because it failed to enforce a subpoena against NYUMC Associate Dean David Scotch, his supervisor, that would have required Scotch to testify about the decision to end the geneticist's contract. And he's not the only one with a complaint against the school. The American Association of University Professors (AAUP) in 1990 put NYU on its list of "censured administrations," now numbering 52, that have failed to redress complaints of violations of academic freedom and tenure. AAUP Associate Secretary Robert Kreiser says his organization has "handled more complaints from individual faculty members at NYU than from any other university."

NYU officials declined to comment on the AAUP statements or the Moor-Jankowski suit; USDA also declined comment on the suit. In a September 1995 letter to USDA's general counsel office, however, lawyers for NYUMC claim that "NYUMC's course of conduct was not dependent on Dr. Moor-Jankowski's actions and opinions. . . ." Now it's up to the court to decide on the validity of that statement.

—Richard Stone

## MARS MISSIONS

# 2003 Is Earliest to Retrieve Samples

A group of scientists wants NASA to keep its feet on the ground in planning future Mars missions despite the recent flurry of excitement over evidence of possible ancient life on the red planet. Meeting last week at NASA headquarters in Washington, D.C., the group said that NASA should not send a spacecraft to return samples of rocks until researchers have collected and analyzed data on possible landing sites and refined robotic technologies for gathering samples. That would mean a mission no earlier than 2003, just 2 years ahead of the schedule NASA was previously planning.

This down-to-earth advice contrasts with public expectations that scientists would quickly come up with more definitive evidence for or against life on Mars, following the dramatic announcement that an Antarctic meteorite consisting of a chunk of Mars rock bears tentative signs of ancient life (*Science*, 16 August, p. 864). The group did, however, begin looking at how NASA can speed up and modify its current plans for a five-mission, \$1 billion program over the next decade to thoroughly ana-

lyze Mars's climate and geology with orbiters and rovers of various sizes before moving on to concentrate on finding evidence for past or present life. That program, called Surveyor, included a tentatively scheduled mission in



**Choice location.** Search for life on Mars may target sites such as Gustav crater, where a meteor impact and rivers have exposed ancient rocks.

2005 to return samples. Now "we can step more quickly to the search for life," says Daniel McCleese of NASA's Jet Propulsion Laboratory in Pasadena, California, who heads the agency's Mars science effort and chaired the 2-day meeting of 30 scientists and engineers from NASA and several universities.

In the course of their deliberations, NASA Administrator Dan Goldin made a surprise visit and told them not to worry about public attitudes toward future missions or the politics of funding them. He said to find "the right answer scientifically," McCleese recounted. Goldin also eased the fears of some scientists that NASA wanted a quick and simple answer by asking the group to organize its recommendations for return missions into three levels of activity—from "relaxed" to "fast"—and by telling them they should take as much time as necessary.

In particular, the group discussed how best to find more rocks that might yield chemical and fossil clues such as those in the 4-billion-year-old ALH84001 meteorite found in Antarctica. The scientists noted that deep digging won't be needed—at least at first—to find the two kinds of rocks that may contain evidence of ancient life. Natural processes such as meteor impacts and the action of rivers have excavated once-buried igneous and sedimentary rocks on parts of Mars's surface, particularly in its ancient cratered highlands. NASA can modify the Surveyor pro-