

NEW WORLD

Congress Backs Down on NIH Budget

by our Washington Correspondent

CONGRESS has finally given up its attempts to pass an appropriations bill for the Department of Health, Education and Welfare which is acceptable to President Nixon. With only four months of the present fiscal year left to run, both the House and the Senate last week reluctantly decided to extend until June 30 the arrangements under which HEW has been operating for the past eight months. The upshot is that the Administration will simply fund the agencies of HEW, which include the National Institutes of Health, at a level considerably lower than Congress wishes.

The long struggle between Congress and the White House over the HEW budget is just one facet of the bitter dispute which is now raging over which branch of government should have final control over the pursestrings, but it is a struggle which particularly concerns the scientific community since the HEW budget contains the bulk of the federal government's expenditures on biomedical research.

Last year, the HEW budget became an election year political football, with Congress twice passing measures which President Nixon vetoed as inflationary. Finally, in the dying days of the last session of Congress in October, a continuing resolution was passed which allowed HEW to receive funds until February 28. The idea was that when Congress reassembled in January, it would have another crack at drawing up a budget for the department which would either be acceptable to President Nixon in his present parsimonious mood, or which would have sufficient support on Capitol Hill to allow a presidential veto to be overridden.

But last week, Congress backed down and simply extended the continuing resolution for the rest of this fiscal year. Explaining why the appropriations committees decided not to try for another bill early in this session, Mr Daniel Flood, chairman of the appropriations subcommittee which deals with the HEW budget said "frankly, our committee believes that an attempt to enact a third bill would be a wasted effort. It seems very unlikely that a bill which would be acceptable to a majority of the Congress would also be acceptable to the President". He also pointed out that it is now time for Congress to start work on the 1974 appropriations bill.

The continuing resolution, in short, provides authority for the Administration to spend money on HEW programmes up to the lowest level for individual items contained in either of the separate appropriations bills passed by the House and the Senate last June. The resolution thus allows the Administration to spend up to about \$28,000 million this fiscal year through HEW. But even this amount, which is some \$600 million less than the first vetoed bill entailed, is still more than \$1,000 million greater than President Nixon's original budget request of \$26,800 for HEW. Moreover, at the end of last year, when Congress was trying to ram through an appropriations bill increasing President Nixon's budget request, the Office of Management and Budget was busy revising the request downwards, and in January this year the

OMB proposed a revised budget for HEW of \$26,100 million.

The irony of the whole business is that it makes no difference what level of funding Congress finally decided upon, since the Administration will spend only as much as it wishes. In other cases in which Congress has tried to increase budgets this fiscal year, the Administration has simply impounded some of the appropriated funds and Senator Norris Cotton of New Hampshire, speaking for the Administration last week, said that "if this continuing resolution should pass in its present form, it is the purpose of the Department of Health, Education and Welfare, for the remainder of the year, to make its expenditures on the basis of the President's revised budget of \$26,100 million". That, of course, is what Congress is getting angry about.

UNIVERSITIES

Free Speech in California

by our Washington Correspondent

CHARLES SCHWARTZ, a professor of physics at the University of California at Berkeley, has won a lawsuit against the Lawrence Berkeley Laboratory on the grounds that he has been refused summer employment because of his radical political activities. The court ruled that such activities are constitutionally protected, and directed the laboratory to compensate him for loss of salary. The ruling is the latest, and perhaps the final, step in a dispute between Schwartz and the laboratory's management over the question of whether scientists should be allowed to take part in political activities on the laboratory's premises in their free time.

The issue was first raised in the autumn of 1969, when political activism was at its height on university campuses throughout the United States. At that time, a group of scientists at the laboratory proposed holding lunchtime political discussions about the Vietnam war, but their proposal was vetoed by Dr. E. M. McMillan, the laboratory director. McMillan later appointed a committee to examine the laboratory's policies with respect to political activities on the campus, and in March the following year, the committee backed McMillan's actions in excluding political meetings from the laboratory.

Later that year, however, Schwartz, who was employed by the laboratory during the summer, held two lunchtime seminars in defiance of the ban on meetings, and was promptly suspended for two weeks, a sentence which was later reduced to two days. The following year, Schwartz was informed that his request for summer employment had been denied, and he immediately filed complaint with the faculty Committee on Privilege and Tenure. When the committee failed to find fault with McMillan's action, Schwartz appealed to the Academic Freedom Committee, the President of the University and the Board of Regents, all to no avail. Finally, the local branch of the American Federation of Teachers took the case to court, the upshot of which was Schwartz's victory last week. While the legal dispute was going on, however, McMillan announced a new policy at the laboratory allowing complete freedom of speech.

Schwartz, who is very much a radical thorn in the University of California's flesh, promptly accused the administration of the University of California at Berkeley of not living up to its dedication to free speech by backing up his fight with the laboratory management. His victory may, however, be shortlived, because the court ruling included the statement that "this decision should not be construed as affecting future summer job placement opportunities for petitioner which may be dictated by budgetary considerations".