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Federal Regulations: Make the Punishment Fit the Crime

The federal government seeks to achieve a multitude of objectives. Two that have been of considerable concern, particularly to the academic and scientific community, are (i) advancement of scientific research and the ensuing technological developments, and (ii) achievement of equal opportunity.

Solicitous of the welfare and will of the people, the federal government has a stake in the advancement of research, much of which leads to improved health and well-being. The elimination of poliomyelitis within the last two decades is an example par excellence. Without continued federal support for research, we would enjoy fewer solutions to our major problems in health and energy, as well as in the social and economic domains.

The federal government also has a stake in equality. Citizens should not be discriminated against because of their race, color, religion, sex, national origin, or handicapped status; thus, in the ideal university these factors will not determine whether a citizen is admitted for study, given financial aid, employed, or allowed to do research. Achievement of equality is therefore a high-priority national objective, as is the advancement of research.

The federal government makes receipt of its funds for scientific research contingent on satisfactory compliance with the affirmative action regulations designed to achieve equal opportunity. Receipt of research funds is also contingent on compliance with other regulations, such as those pertaining to research on human or animal subjects, or to occupational safety and health. Even non-compliance with the Buckley Amendment, which broadens students' access to their educational records, leads to federal threats to remove certain funds from institutions.

Setting aside the issue of whether the government should be regulating everything from birth control to rat control, and whether the regulations affecting universities should be improved or clarified, the question addressed here is: Why piggyback the government regulations onto the support of scientific research? When a university or other institution makes a scientific advance, all citizens benefit, but no individual or institution benefits exclusively. Thus, if funds were cut off from the top 10 or 100 universities for failure to comply with, for example, affirmative action regulations, society would be the big loser. Removal of research support as a punishment for alleged noncompliance with statutes that are at times not even marginally related to scientific objectives is an irrelevant and undeservedly harmful punishment—harmful not only to a particular investigator and institution, but also to the countless beneficiaries of that institution's research. In short, the current system subverts one national objective, advancement of science and technology, in an effort to achieve other national objectives, such as equality.

The objective of equality appeals to us all; so do safe working conditions and protection of the rights and privacy of students. The problem is implementation. Government and university officials would do well to consider how these objectives, which have given rise to endless regulations, could be accomplished without endangering scientific goals. It has been suggested,* for example, that the affirmative action objective would be enhanced by a program of early identification and training of talented women and members of minority groups. This strategy would serve the goal of equality far better than countless difficult, possibly even unenforceable, regulations. Another strategy: instead of regulations, why not some system of incentives? Why not "the carrot instead of the stick"?†

If the regulations are here to stay, the government should consider alternative ways to enforce them, which do not conflict so drastically with the advancement of science. For example, why not tie the regulations to the Guaranteed Student Loan Program, or to the accreditation process, or even—if it came to that—to the university's tax-exempt status? Why not fine universities that fail to comply? Better yet, how about throwing the university's officers in the pokey along with other lawbreaking rascals!—ELIZABETH F. LOFTUS, *American Council on Education Fellow, Harvard University, Cambridge, Massachusetts 02138*

*F. P. Thieme, *Science*, 19 December 1975.

†P. H. Abelson, *Science*, 17 October 1975.