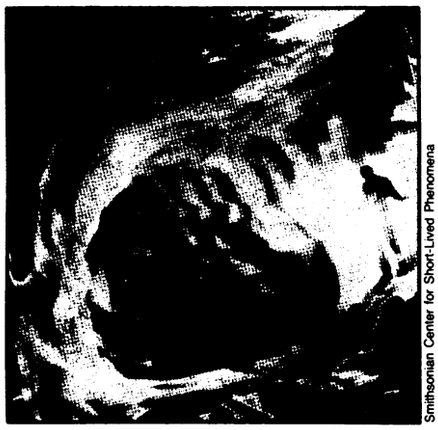

Smithsonian Center for Short-Lived Phenomena

Route of Lake Linda's vanishing waters.

the glacier after the initial drainage always shut off the flow. Sometimes the glacier will fracture from having been picked up, says Bugh, letting the entire body of water recede away to nothing.

On such a scale, in fact, even community planners have to take the potential danger into account. So great are the surges, called Jökulhlaups, from the draining Icelandic lakes that valleys have been scoured clean by the rushing waters.

Lake Linda poses no such problem—yet. But in the last two years, says Bugh, about 20 homes have been built in Mt. Lemon valley, a sort of mini-suburb of Juneau, at the end of the valley away from the glacier. If the rapid growth of the Juneau area continues to spread civilization up the valley, he says, "it will become increasingly vital to understand and predict this phenomenon."

Researchers on Lemon Glacier, largely sponsored by the Foundation for Glacier and Environmental Research, based in Juneau, are now studying the lake's hydrologic mass balance, comparing the input from rain and snow with losses due to evaporation, drainage (the less-than-catastrophic variety) and other sources. In addition, because the lake itself is visible in satellite photos taken by Landsat, the investigators want to find out whether the amount of water in the lake can also be monitored from orbit.

Yet, says Bugh, despite the weirdness of the disappearing lake, there is a more fundamental question: How does a basin big enough to hold a lake form on top of a glacier in the first place? □

Rand grants Ph.D.'s

The Rand Corp.—the California-based think tank—has just become the first private research company in the world accredited to grant doctoral degrees. The Rand Ph.D. is only in one field, policy analysis, with three degrees granted so far. The academic advisory board has four Nobel laureates, and research topics will be based on the corporation's current projects. □

Academy's private status is upheld

A long-simmering issue that bubbles to the boiling point periodically in Washington is whether the National Academy of Sciences can, for legal purposes, be considered an agency of the Federal Government. Academy officials have long contended the answer is no. Certain critics, anxious to get at the records of Academy committee deliberations on controversial technological issues, have maintained that the answer is yes. If the Academy were judged to be a Federal agency, it would be forced to comply with the open-meeting and open-records provisions of the Federal Advisory Committee Act and the Freedom of Information Act.

A recent court decision has now resolved the matter. U.S. District Judge John J. Sirica has ruled that the Academy is not a Government agency under any of the definitions used by the two Acts. The decision gets the Academy off the legal hook on the whole issue, and allows it to decide its own policies on openness of its advisory committee deliberations. Academy President Philip Handler has gradually been implementing a more open policy (SN: 5/17/75, p. 317), but some critics feel it does not go far enough in meeting needs of public accessibility (SN: 6/21/75, p. 406). The Academy's voluntary new policy provides for making available, upon request, minutes of committee meetings, subcommittee reports and copies of all external information and documents considered in a study, but only after the full report is published.

In his 21-page decision (Civil Action 74-431, July 28), Sirica said the fact that the Academy receives a great deal of Federal money through Government contracts (three-fourths of its total revenue) and that Congress and the executive branch solicit its advice does not indicate that the Academy has "agency" status. "What the plaintiffs have not shown, and what the Court fails to perceive, is any significant delegation of governmental authority, jurisdiction, administrative function or power. The Academy may be an ally of the Government, but it is not an 'authority of the Government of the United States.' Thus, the plaintiffs' major contention, that the Academy is an 'agency' for purposes of the Federal Advisory Committee Act, must be rejected."

Similarly rejected was the contention that the Academy is an "agency" under the 1974 Amendments to the Freedom of Information Act. Sirica based his decision on a review of the legislative history which convinced him the Act was not intended to apply directly to private entities that merely contract with the Government to conduct studies. He found that the Academy was not an "establishment in the executive branch of the government," not a "Government corporation," not a "wholly Government-owned enterprise," not a "Government controlled corporation," not an "authority of the Government" and not a performer of "Governmental functions"—all definitions of "agency" under the FOI Act.

The decision also rejected claims that the Academy's Committee on Motor Vehicle Emissions is an "advisory committee established by and utilized by" the Environmental Protection Agency. Sirica said it was clear that Congress intended to exclude from the coverage of the Federal Advisory Committee Act groups providing advice to Federal agencies under contract, and specifically committees of the Academy.

The suit was brought by the Public Interest Campaign, a nonprofit educational and charitable association with a special interest in air pollution, and its president, Louis Lombardo. They contended that the closed-door deliberations of the Academy's Committee on Motor Vehicle Emissions were being conducted in violation of the law. The plaintiffs appealed the Sirica decision to the U.S. Court of Appeals on Aug. 20. □

'New monkey law' struck down

Just over 50 years after a Dayton, Tenn., high school biology teacher, John Scopes, was fined $100 for teaching evolution in violation of state law, the latest legal barrier to public school acceptance of the theory was struck down. A Federal judge and the Tennessee Supreme Court last week declared unconstitutional a 1973 law requiring biology textbooks to provide equal space to Biblical and scientific theories.

In a stinging rebuke, U.S. District Judge Frank Gray Jr. ruled, "Every religious sect, from the worshipers of Apollo to the followers of Zoroaster, has its belief or theory. It is beyond the comprehension of this court how the legislature, if indeed it did, expected that all such theories could be included in any textbook of reasonable size." To provide equal space to religious theories in public school texts would violate First Amendment guarantees of separation of church and state, Judge Gray decided.

Earlier, the Tennessee Supreme Court had affirmed a ruling by a county official that the "New Monkey Law" violated both state and Federal constitutions. One district Federal court had failed to act on the case, but a Court of Appeals ruled such abstention was inappropriate.

(Scopes' conviction in the famous 1925 trial was eventually overturned because the fine had been set too high, but the original "Monkey Law" remained on the books for many years.) □