

News of Science

Loyalty Provisions of National Defense Education Act Meet Opposition from Educators and Congressmen

The opposition to the loyalty provisions in the National Defense Education Act has led to a swelling tide of formal protests by individual scholars, their institutions, and their professional organizations. Section 1001 (f), Title X, of the act requires the recipients of scholarships and fellowship funds to execute two oaths: (i) a disclaimer affidavit that the recipient does not "believe in, is not a member of, and does not support any organization that believes in or teaches the overthrow of the United States Government by force or violence or by any illegal or unconstitutional methods"; and (ii) the oath of allegiance to support the Constitution.

These provisions received scant attention when they were inserted in the act by Senator Karl E. Mundt (R-S.D.) during the hurried closing days of the 85th Congress. Now they are the basis for repeal action in five bills before the House and one before the Senate. On 12 February Senator Mundt indicated through one of his aides that he would not oppose revision of his amendment.

In general, most academic people are not too concerned about the inclusion in the act of the traditional oath of allegiance, although they would like to see it dropped because they consider it at best unnecessary and absurd. But they view the disclaimer affidavit as potentially dangerous. One of the first warning notes about its implications was sounded by the American Council on Education in a report on the Education Act in the 28 August issue of *Higher Education and National Affairs*. It said: "The stale aroma of McCarthyism envelops one general provision of the bill, SEC. 1001 (f)."

Implications of the Loyalty Provisions

Shortly thereafter the American Association of University Professors, which has nearly 600 chapters in colleges and universities throughout the country, began to plan action to combat the measure. On 1 November the officers of the 40,000-member organization sent a letter of protest to members of the Senate

Labor and Public Welfare Committee and the House Education and Labor Committee. The letter, signed by Bentley Glass, president, and William P. Fidler, general secretary, described the following specific objections to Section 1001 (f):

"A person required to execute a disclaimer statement is given no guidance as to the organizations which are of the designated variety, and no definition of the support to such organizations which he must disclaim. We submit that it is a denial of due process of law to compel an individual to gauge his conduct by such vague criteria, when criminal liability may turn on his action. . . .

"There is ground for grave question concerning the validity of requiring a disclaimer of the sort specified in the Act, as a condition of enjoying governmental benefits. . . . Moreover, the provision here in question is not in terms limited to 'knowing' support of the specified type of organization. . . .

"It is difficult to leave unquestioned legislation which borders so closely on unconstitutionality in a First Amendment area, and which may well overstep the line. . . .

"A disclaimer requirement or test oath by its nature cannot fail to be invidious. If an individual refuses to sign, he raises a suspicion that he is unworthy of public trust or benefit. If he signs, he endorses the pertinency of the general suspicion about him and his kind which is embodied in the requirement. Social safeguards should be directed to specific dangers; they should not, as in this instance, take the form of inescapable and unwarranted derogatory implications directed toward a whole class of persons and all its members. . . .

"The Act seems to say to members of the educational community: 'You are an important part of American life and you have an admitted real need, but let there be no mistake about the fact that you are a particularly suspect part of the population and will have to pass a special test that other citizens need not take.' This is a prejudgment of the teach-

ers and students of America which we cannot believe the Congress intended to make."

An early published comment on the possible harmful effects of the controversial subsection was presented in an editorial entitled "Big Brother Again" that appeared in the 14 November issue of *Science*.

University Presidents Protest

Since then the public outcry from educators has grown steadily, so that it has now assumed impressive proportions. Secretary of Health, Education, and Welfare Arthur S. Flemming, former president of Ohio Wesleyan University, told a press conference in December that he felt that the loyalty subsection would do little or no good, that subversives would "have no scruples about signing such an affidavit and taking such an oath." He also pointed out that administering the measure would require Government expenditure that would not contribute to the national security.

Three days later, on 19 December, the president of Yale University, A. Whitney Griswold, sent a letter to Flemming urging repeal of the section and saying that "oaths and affidavits of this sort are especially distasteful when they are required of young people who are just entering upon the most important phase of their educational experience" and that such provisions "are at best odious, at worst a potential threat to our profession."

Subsequently, three other university presidents wrote to Flemming to endorse Griswold's comments: Nathan H. Pusey of Harvard, Robert F. Goheen of Princeton, and Gaylord P. Harnwell of Pennsylvania.

In January and February nine more presidents offered public protests; however, these asked solely for the elimination of the disclaimer affidavit. The members of this group represented Bryn Mawr, Haverford, and Swarthmore (all in Pennsylvania); Bates, Bowdoin, and Colby (all in Maine); Reed (in Oregon); the University of Rhode Island; and American University (in the District of Columbia). The *New York Times* reported that Conrad A. Elvehjem, president of the University of Wisconsin, had also objected.

So far, five institutions have gone a step further than public statements and have refused to accept educational aid funds until the act has been amended. This group includes Bryn Mawr, Haverford, Swarthmore, Princeton, and Reed. It has been noted that officials of a number of other institutions were not aware of the requirement embodied in Section 1001 (f) until after they had become participants in the loan program.

Some of the college presidents an-

nounced their opposition in strong terms. Charles F. Phillips of Bates, James S. Coles of Bowdoin, and J. Seelye Bixler of Colby issued a joint statement that the disclaimer provision constitutes a "serious threat to academic freedom." Hugh Borton of Haverford said that the requirement "is tantamount to signing away one's right to freedom of thought, as well as endorsing a Government action which makes the individual's opportunity for education contingent on his personal beliefs." Courtney Smith of Swarthmore observed: "It is as though we asked our children to take an oath that they love us before we gave them their allowance."

Professional Organizations Speak Out

In addition to the American Association of University Professors, other major professional educational organizations have taken a firm stand on the issue and have approved emphatically worded resolutions.

The Association of American Colleges polled its 750 member institutions and adopted a statement that disapproves the disclaimer affidavit and urges its repeal. The American Council on Education's Committee on Relationship of Higher Education to the Federal Government voted unanimously to support the elimination of the disclaimer oath; the majority of the committee also believed the oath of allegiance to be "unnecessary and undesirable." The State Universities Association has announced that it is opposed to all disclaimer oaths. And finally, the American Association of Land-Grant Colleges and State Universities, which represents 92 institutions, has reported that it opposes disclaimer oaths "except in cases of employment directly and clearly related to national security."

Congressional Action

The legislation on repeal of the loyalty provisions that is being considered by Congress is for the most part brief and to the point. Representative Frank Thompson, Jr. (D-N.J.), introduced the first of the five bills before the House, HR 284 (the only one of the group that also contains other recommendations), on the opening day of the 86th Congress. His bill asks that the disclaimer oath be omitted and the oath of allegiance retained, as do two other bills, those of Representative James Roosevelt (D-Calif.), HR 2437, and Representative Peter Frelinghuysen, Jr. (R-N.J.), HR 2332. It should be noted that Frelinghuysen has often been the sponsor of Administration legislation. The two other House bills, HR 4038 and HR 4066, were introduced by Representative James C. Oliver (D-Me.) and Representative Edith Green (D-Ore.), respectively. They both propose elimination of the entire subsection.

The bill before the Senate, S 819, which is sponsored jointly by Senator John Kennedy (D-Mass.) and Senator Joseph Clark (D-Pa.), also proposes that all of Section 1001 (f) be deleted from the Education Act. In a speech on the Senate floor in connection with the introduction of his bill on 30 January, Senator Kennedy commented on the singling out of recipients of federal scholarships and student loans and not those who "receive old age benefits, crop loans or other unrelated payments." At the end of his talk, in a reference to the fact that the National Defense Education Act had been set up especially to develop scientific talent, Kennedy observed:

"But surely, in our efforts to attract into scientific pursuits the best talents, the most inquiring minds of our nation, we do not wish to exclude the non-conformists and the dissenters. . . .

"And we in the Congress should be concerned . . . as to whether this unnecessary, futile gesture . . . will not defeat the very purposes of last year's bill. For, unlike the Soviets, we cannot take steps to keep our brightest minds in scientific careers—but we can take steps that keep them out."

Senator Kennedy's remarks are a reminder that so far scientists and scientific societies have not taken a stand on the loyalty provisions of Section 1001 (f). Spokesmen for some of the major professional educational organizations are attributing this to timidity.

Committee on Bio-Astronautics Established by Academy of Sciences

The National Academy of Sciences-National Research Council is organizing a committee which will advise the Armed Forces in any matter concerning the biological or medical aspects of space exploration. The group, called the Armed Forces-National Research Council Committee on Bio-Astronautics, will have more than 100 members, of whom at least half will be nominees of the various military services. It will serve as a conference or forum of active investigators, meeting periodically to review scientific and technical problems, exchange information, and establish liaison between investigators with allied interests. In addition to the basic goal of "providing specific answers to specific problems posed by the Armed Forces," the committee will direct its attention to other related matters. Among these matters, as developed at a recent organizational meeting, are the dissemination of research information on bio-astronautics, stimulation of research on hitherto neglected problems, and the acquainting of scientific investigators with problems that the military faces in making space an operational medium for man.

The committee, which will be administered by the Academy-Research Council's division of medical sciences, will concern itself with any field of science or technology that it finds necessary in the pursuit of its objectives. Major fields that will bear on the committee's work will be astronautics, biology, chemistry, medicine, physiology, and psychology.

In structure and origins the new group will be similar to the Armed Forces-NRC committees on vision and bio-acoustics which have been in operation under the Academy-NRC division of anthropology and psychology since 1945 and 1952 respectively. Financial support for the new group is being provided equally by the three services, with the Air Force serving as the contracting agency.

Origins of Committee

In the early spring of 1958 a group of military men working in research and development discussed the need for a group similar to the existing Armed Forces-NRC committees to devote its attentions to the field of bio-astronautics. A planning group was set up, working procedures formulated, and a draft recommendation was submitted to Detlev W. Bronk, president of the National Academy of Sciences.

Bronk accepted the proposal and work began on organization. The first group formed was an executive council consisting of three military members, six persons from the Academy-Research Council membership, and three ex-officio members. In November of last year 66 specialists from the research and development branches of the three services were appointed to serve on the committee. A second group of committee members, to be appointed from the academic world and industry, will bring the membership up to 100 or more.

Relationship to Other Agencies

At present there are three other committees in either the government or the national scientific organizations that are concerned with bio-astronautics. One comes under the National Aeronautics and Space Administration, one under the Advanced Research Projects Agency and the Research and Engineering unit of the Defense Department, and a third is also a sub-unit of the National Academy of Sciences-National Research Council. In an interview, Sam F. Seeley, acting executive secretary of the new committee, said great care has been taken to make the various committees contributive to one another, rather than competitive. Seeley suggested that two factors, in practice, accomplish this end. The first is that each committee has a significantly different orientation. Thus, the Life Sciences Committee (the Lovelace Committee) of NASA is designed