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SCIENCE, which is now combined with THE SCIENTIFIC MONTHLY, is published each Friday by the American Association for the Advancement of Science at Business Press, Lancaster, Pa. The joint journal is published in the SCIENCE format. Entered at the Lancaster, Pa., Post Office as second class matter under the Act of 3 March 1879. SCIENCE is indexed in the *Reader's Guide to Periodical Literature*.

Editorial and personnel-placement correspondence should be addressed to SCIENCE, 1515 Massachusetts Ave., NW, Washington 5, D.C. Manuscripts should be typed with double spacing and submitted in duplicate. The AAAS assumes no responsibility for the safety of manuscripts or for the opinions expressed by contributors. For detailed suggestions on the preparation of manuscripts, book reviews, and illustrations, see *Science* 125, 16 (4 Jan. 1957).

Display-advertising correspondence should be addressed to SCIENCE, Room 740, 11 West 42 St., New York 36, N.Y.

Change of address notification should be sent to 1515 Massachusetts Ave., NW, Washington 5, D.C., 4 weeks in advance. If possible, furnish an address stencil label from a recent issue. Be sure to give both old and new addresses, including zone numbers, if any.

Annual subscriptions: \$8.50; foreign postage, \$1.50; Canadian postage, 75¢. Single copies, 35¢. Cable address: Advancesci, Washington.



Oaths and Disclaimers

On 24 June the Senate Labor and Public Welfare Committee reported the Kennedy-Clark bill (S 819), a bill that would eliminate from the National Defense Act of 1958 the section that requires a teacher or a student who applies for a loan or a grant under the provisions of the bill to sign an oath of loyalty and an affidavit that "he does not believe in, and 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. . . ."

What will happen to the bill now is anybody's guess. The action of the committee in reporting it put it on the Senate calendar, but it will not come up for a vote unless the Senate majority leader, Lyndon Johnson, decides to put it on the agenda.

In the hearings on the bill (a copy of the testimony may be obtained from your senator) the great majority of those who testified—the secretary of the Department of Health, Education, and Welfare and representatives of the American Council on Education, the Association of American Colleges, and the American Association of University Professors, among others—strongly favored elimination of the disclaimer affidavit. Opinion about the loyalty oath was divided: some thought it perfectly proper, some thought it proper but ineffective and cumbersome to administer, and some thought it improper in that it singled out students and teachers as a special class whose loyalty was impugned. Those who felt this most strongly wondered why other recipients of government aid—farmers, veterans, bankers, airline operators, and so on—were not also required to take a loyalty oath.

The middle position was represented by those who were willing, in some cases reluctantly, to let the loyalty oath stand but who were strongly in favor of eliminating the affidavit or disclaimer oath. Thus, both the American Association of University Professors and the Association of American Colleges, as well as many individuals, agreed that the disclaimer was undesirable. It was objected to, as was the loyalty oath by some, for discriminating against teachers and students, for being superfluous if the loyalty oath were retained, for being a "test oath" of opinion reminiscent of the religious and political test oaths of bygone ages, and for being vague (what organizations one is supposed not to "believe in" is nowhere specified) and possibly unconstitutional.

The arguments advanced against the disclaimer oath on the basis of principle are somewhat subtler. They center around the importance of trust in the educational process and in democracy. Fairly representative of this stand is the comment of the American Association of Colleges to the effect that the disclaimer affidavit created "apprehension and timorousness on college and university campuses" and that the "real security of the country lies in the maintenance of freedom of spirit as well as in fact, and that democracy depends upon trust in the individual. . . ."

This is a good and moderate statement, but it does not go far enough. Neither the oath nor the disclaimer is going to give pause to anyone who is disloyal to the country. Thus both are ineffective and impose unnecessary financial and administrative burdens on the colleges and the government. We agree with Secretary Flemming and others that the oaths are unnecessary, that our present security laws provide adequate safeguards, and that anyone who violates them "should be prosecuted immediately under the laws designed directly and specifically for such offenses."—G.DuS.