

tions into communism were proper because the nation's interest in defending itself against communism was greater than the individual's interest in not disclosing his political associations. The Civil Liberties Union's recent rehearing petition held that this judicial balancing doctrine needs further examination and pointed out that, prior to the Barenblatt decision, "it had been settled constitutional doctrine that freedom of speech and association, expressly protected . . . against any governmental infringement, has a special constitutional status not subject to being outweighed except by a proved most compelling interest." In his dissent Justice Hugo Black said of the balancing test: "I do not agree that laws directly abridging First Amendment freedoms can be justified by a congressional or judicial balancing process."

Another part of the minority opinion held that the committee itself, as well as its activities, is unconstitutional. After emphasizing that the court's ruling gave sanction to the use of the contempt power to enforce questioning by congressional committees in the realm of speech and association, Black outlined the constitutional violations in the case as follows:

"(1) Rule XI creating the Committee authorizes such a sweeping, unlimited, all-inclusive and indiscriminating compulsory examination of witnesses in the field of speech, press, petition and assembly that it violates the procedural requirements of the Due Process Clause of the Fifth Amendment. (2) Compelling an answer to the questions asked Barenblatt abridges freedom of speech and association in contravention of the First Amendment. (3) The Committee proceedings were part of a legislative program to stigmatize and punish by public identification and exposure all witnesses considered by the Committee to be guilty of Communist affiliations, as well as all witnesses who refused to answer Committee questions on constitutional grounds; the Committee was thus improperly seeking to try, convict, and punish suspects, a task which the Constitution expressly denies to Congress and grants exclusively to the courts, to be exercised by them only after indictment and in full compliance with all the safeguards provided by the Bill of Rights."

California Teachers Subpoenaed

Many observers interpreted the Barenblatt decision as an endorsement of

the work of the House Un-American Activities Committee, which has continued its investigation of education. Last February the committee announced plans to study the extent of Communist influence among faculty members of public and private schools in California. Hearings were scheduled for the end of the month, and 30 subpoenas were issued, including five to Los Angeles teachers. An injunction suit that challenged the validity of the subpoenas was filed in federal court, and several organizations in the state opposed the committee's activities from the start as a "needless harassment." Nevertheless, the hearings were held; on the second day, however, Committee Chairman Francis Walter cancelled the teacher subpoenas, saying that the committee did not want to go about the investigation in education on a "piecemeal" basis and that "at least three dozen teachers . . . a barn full . . . will be called when we come back to Los Angeles."

On 5 June the committee served 110 subpoenas on California school teachers—70 in southern California and 40 in northern California—for hearings on 12 June in San Francisco and 24 June in Los Angeles. (The names of those served in northern California were released to the press.) A week later the committee postponed the hearings until September, stating, "The ramifications of the Communist operation in California are so extensive and malignant that additional investigative work must be done before the actual hearings can be held."

During August the hearings were first postponed again until October and then were cancelled. At that time the committee reported that the names of the subpoenaed teachers and any data about them that could be disclosed without jeopardizing sources or security procedures would be turned over to California school officials.

The American Civil Liberties Union immediately appealed to the federal court to prevent this, saying that much of the committee's material is "unsworn, unevaluated data from unidentified informants concerning political and social beliefs, opinions and associations that would be used to punish the plaintiff teachers in the attempt to cause them loss of employment and to harass them." Before any restraining order could be issued, a House Committee investigator delivered the files on 93 of the teachers to the state superintendent of public instruction. Subsequently, the material was sent to the state attorney general,

and it is reported that he in turn has distributed the records to various county district attorneys and boards of education.

Public Protest

Meanwhile, the public opposition grew, and on 22 September chairman Walter threatened to have his committee return to California and reopen the hearings "if responsible authorities in California 'pigeonhole' or in any other manner attempt to suppress committee findings on Communist activities." California district attorneys and school officials are apparently following the advice of the state attorney general, issued on 18 September, to the effect that "no legal or administrative bodies in any of the Counties [should] take any irrevocable action regarding teachers while court cases are pending" in order that they should not "permit themselves to be placed in a position of technically evading federal or state court decisions or of being used to render pending court cases moot." A number of lawsuits have been filed by the subpoenaed teachers. Four of these suits are now pending before the federal and superior courts in California.

Public protests against the House Committee hearings have come from churches, labor groups, newspapers, political organizations, professional teacher societies, and civil liberties and community groups. While responsibility for the cancellation of the hearings was widely distributed, the primary opposition stemmed from the leadership of the subpoenaed teachers themselves through their Northern and Southern California Teacher Defense Committees.

The Barenblatt decision seemed to some observers to give the House Committee on Un-American Activities *carte blanche*, especially in dealing with teachers. This effect has been at least partly offset by the cancellation of the California hearings.

Darwin Centennial Celebration Being Held at University of Chicago

An international Darwin Centennial Celebration will be held next week at the University of Chicago, through the cooperation of the National Science Foundation, the Wenner-Gren Foundation for Anthropological Research, and

the National Institutes of Health. Commemorating the impact of Darwin's theory of evolution on scientific thought, the celebration will open on 24 November, the centenary of the publication of the *Origin of Species*, and continue through 28 November.

The meeting will bring together leading figures in the social and biological sciences to discuss the evolution of life, of man, and of the mind. Centering on common problems that cut across disciplinary lines, the discussions will comprise a series of five 3-hour public panels. These will be devoted to the origin and nature of life, the evolution of life, man as a biological organism, the origin and nature of mind, and social and cultural evolution. Each panel will trace the growth, over the past 100 years, in man's understanding of the processes of evolution; forecast trends of research and thought in the century to come; and appraise the significance of such trends for mankind.

The discussions will be presented by 50 specialists on biological and cultural evolution, who will assemble in five sections to form the panels. Anthropologists, biologists, and psychologists predominate among the participants, who represent the widely varied areas of thought most influenced by the theory of evolution. Thirty-six of the participants are American. The 14 foreign members of the group are: Francois Bordes, University of Bordeaux; MacDonald Critchley, National Hospital, London; Sir Charles Darwin, retired head of Britain's National Physical Laboratory; E. B. Ford, Oxford University; G. F. Gause, Academy of Medical Sciences, Moscow; Sir Julian Huxley, England; L. S. B. Leakey, Coryndon Memorial Museum, Nairobi, Kenya; A. J. Nicholson, Commonwealth Scientific and Industrial Research Organization, Canberra, Australia; Stuart Pigott, University of Edinburgh; Fred Polak, University of Rotterdam; N. Tinbergen, Oxford University; Alexander von Muralt, University of Berne; and C. H. Waddington, University of Edinburgh.

Supplementary Programs

In addition to the panel discussions which form its core, the celebration will include supplementary programs for special groups, as well as ceremonies and social events.

The University of Chicago's department of education has arranged a con-

ference for high-school science teachers. The improvement of biology and science courses at the high-school level and changes needed in the current science curriculum will be the major concerns of this group, which will explore the effects on traditional biology of findings from paleontology, psychology, and anthropology.

During the celebration the Federated Theological Faculty of the University will hold an Institute on Science and Theology. The institute will include lectures on the philosophical and theological implications of the theory of evolution, and a panel discussion to examine the relation of science and religion.

The centennial day will be celebrated with a dinner sponsored by the University of Chicago Citizens Board. After a welcome by Lawrence A. Kimpton, chancellor of the university, an introduction to the celebration will be given by Sol Tax, chairman of the committee, and Sir Charles Darwin, Darwin's grandson and a theoretical physicist and mathematician, will give an illustrated lecture about the voyage of the *Beagle*.

The program for Thanksgiving Day includes a special convocation at Rockefeller Memorial Chapel, with an address by Sir Julian Huxley, and the first performance of *Time Will Tell*, an original musical play based on Darwin's life.

International Atomic Agency Reports Year's Activities

This month the International Atomic Energy Agency submitted its annual report to the United Nations General Assembly. The report is the first to cover a full operational year for the IAEA. It reviews the period 1 July 1958 to 30 June 1959 and is brought up to date by a preface.

Technical Assistance Expanded

Developments cited in the annual report include these, among others:

Sixty-two requests for technical assistance covering a "wide range of activities" have been received so far, and as of 15 September the agency was in the process of carrying out 46 of them. The organization's experts are in the field, and equipment has been supplied in connection with several of the projects.

Preliminary assistance missions from the agency have visited, on request, a

number of countries in Southeast Asia, the Far East, and Latin America. Another team left for countries in the Mediterranean and the Near East on 12 October, and smaller missions have visited Greece, Morocco, Tunisia, and the United Arab Republic.

Regulatory Activities Progress

In the regulatory field, considerable progress was made last year, the annual report indicates. A manual on the safe handling of radioisotopes was approved and will be followed in 1960 by a manual on the safe operation of critical assemblies and small research reactors. The agency, together with Yugoslav authorities, is writing a report on an accident at Vinca in October 1958.

Two agency panels are working on problems connected with the transport of radioisotopes and large radiation sources, such as irradiated fuel elements. Another panel has almost completed its draft recommendation on the disposal of radioactive wastes in the sea, and the whole range of waste disposal problems is being discussed at a scientific conference organized by the agency in Monaco and being held this month in Monaco with the United Nations Education, Scientific, and Cultural Organization as cosponsor.

A draft convention on civil liability and state responsibility for nuclear hazards has been drafted by a group of international lawyers convened by the agency.

The guiding principles for a system of safeguards against diversion of nuclear materials to noncivilian ends have been provisionally approved by the Board of Governors. Detailed regulations will now be worked out on the basis of these principles.

Conferences and Publications Sponsored

A series of scientific conferences has been initiated by the agency. The first, held in Vienna in February 1959 and cosponsored by the World Health Organization, dealt with radioisotope-scanning techniques for medical purposes. Other conferences have dealt with the use of large radiation sources in industry (Warsaw, September 1959), the collection and analysis of small amounts of radioactive materials (Vienna, June 1959), training and education in nuclear energy (together with UNESCO, Saclay, France, July 1959), radioisotope teletherapy units (with the World Health Organization,