

jurisdiction embraces the Deep South, and its rulings are not necessarily controlling elsewhere), the *Dixon* decision does not apply to a private university such as Howard. Holtzoff cited a Court of Appeals ruling that, despite its dependence on federal funds, Howard is, in fact, a private institution run by a private board of trustees. Moreover, he said, "students entering Howard are formally advised by the university that attendance at the institution is not a right but a privilege. In that important respect, among others, Howard University differs from some state colleges."

"It would be a dangerous doctrine," Holtzoff said, "to permit the government to interpose any degree of control over an institution of higher learning, merely because it extends financial assistance to it . . . In recent years, numerous universities, colleges and technical schools have received government aid of various kinds by being granted funds to carry on scientific research projects. Surely it should not be held that any institution, by entering into a contract with the United States for the conduct of some project of this sort and receiving funds for that purpose, has placed its head in a noose and subjected itself to some degree of control by the federal government."

"Such a result," he added, "would be intolerable, for it would tend to hinder and control the progress of higher learning and scientific research. Higher education can flourish only in an atmosphere of freedom, untrammelled by governmental influence in any degree. The courts may not interject themselves into the midst of matters of school discipline."

The students' appeal from this ruling by Judge Holtzoff, who is one of the more conservative members of the federal bench, was heard by Chief Judge David L. Bazelon of the Court of Appeals for the District of Columbia and by two other circuit judges, J. Skelly Wright and Edward A. Tamm. On 8 September, Bazelon and Wright, in a brief written order, said the students were to be re-enrolled and their request for a reversal of the Holtzoff decision was to be held in abeyance while Howard considered granting the students a hearing. Judge Tamm would have deferred all action pending a complete hearing of the case. Howard University has since asked that the case be heard by the full nine-judge Circuit Court, a request which will have to be voted on by the individual judges.

Without attempting to predict the outcome of any specific case, one may take note of a number of trends which suggest that the courts will be intervening increasingly in favor of student rights. In an article in the Winter 1965 issue of *Law in Transition Quarterly*, Van Alstyne pointed out that higher education is no longer regarded as the prerogative of a small, privileged group but is viewed as something which, in the interest of the nation's economic, social, and political well-being, should be open to all who can benefit from it. Among other changes noted by Van Alstyne were the following. (i) Student academic freedom is now being championed by a number of groups, such as the American Association of University Professors, which 50 years ago took no interest in it. (ii) Today the Supreme Court's concern for constitutional liberties is such that most of its time is taken up with civil liberties cases. (iii) Most students are now enrolled in public rather than private institutions, whereas the reverse used to be true. (iv) The old doctrine of *in loco parentis* is out of date in an age when, at some major institutions, most students are over 21. Clearly, the prospect seems to be for increasing support from the bench for the student who can claim that his right of free speech or other civil liberties are being compromised by his campus overlords.

—LUTHER J. CARTER

APPOINTMENTS

Eugene H. Kopp, professor of engineering, California State College, Los Angeles, to dean of the newly established School of Engineering at the college. . . . **Richard G. Bader**, head of the division of oceanography, Hawaii Institute of Geophysics, University of Hawaii, to associate director, Institute of Marine Science, University of Miami. . . . **John S. Galbraith**, chancellor, University of California, San Diego, to Smuts visiting professor, Cambridge University, England. . . . **Calvert N. Ellis**, president of Juniata College for 25 years, will retire. His successor has not yet been named. . . . **Leonard B. Dworsky**, director, Water Resources Center, Cornell University, to a one-year appointment as senior staff assistant to Donald Horning in the Office of Science and Technology. . . . **Oliver R. Hunt, Jr.**, chief of party

and consultant in medical education to the medical faculty, and assistant dean, University of Asuncion, Paraguay, to associate dean of clinical affairs, State University of New York at Buffalo. . . . **Jan A. Rajchman**, director of the Computer Research Laboratory, RCA Laboratories, to staff vice president, Data Processing Research, RCA. . . . **E. Peter Volpe**, professor of biology, Newcomb College, to the newly created position of associate dean, Graduate School, Tulane University. . . . **James T. Jackson**, assistant base dental surgeon and officer in charge, Dental Laboratory, McGuire Air Force Base, to chief, Central Dental Laboratory, Veterans Administration, Washington, D.C. . . . **Walter F. Stafford, Jr.**, associate professor in neurology, State University of New York at Buffalo, to associate dean for academic affairs at the university. . . . **Lloyd Barr**, professor of physiology, Woman's Medical College of Pennsylvania, to associate dean of graduate education at the college. . . . **Einar Lundsgaard**, who has held the chair in physiology, University of Copenhagen for 33 years, will retire. . . . **Donald P. Ling**, executive director, military systems research division, Bell Telephone Laboratories, to vice president for military systems engineering at the laboratories. He succeeds **Hendrik W. Bode**, who will retire after 41 years of service. . . . **Alan R. Longhurst**, coordinator for EASTROPAC, Scripps Institute of Oceanography, University of California, to director of the Fishery-Oceanography Center, Bureau of Commercial Fisheries, La Jolla, California. He succeeds **Elbert H. Ahlstrom** who will return to his research on larval fishes at La Jolla. . . . **Jean P. Smith**, chief, Special Studies Branch, FDA, to director, Division of Drug Studies and Statistics, Bureau of Drug Abuse Control, FDA. . . . **Gerald N. Wachs**, member of the department of clinical investigation, Schering Laboratories, to assistant medical director of the laboratories, a division of Schering Corporation. . . . **Vincent dePaul Larkin**, assistant dean, Downstate Medical Center School of Medicine, to program director, New York Metropolitan Regional Medical Program at the Associated Medical Schools of Greater New York, and **Caldwell B. Esselstyn**, executive director, Community Health Associates, Detroit, to associate program director, New York Metropolitan Regional Medical Program.