

strategy, apparently on the theory that protest activities defy effective definition and that, by spelling out punishment, it might paint itself into a corner. The deans are relying on the power of precedent.

An informal Gospel has grown up about the Dow demonstration, and the quick formation of the student faculty committee is part of it. Book One of the Gospel says that the incident, despite its inconveniences, was "healthy" for the university—that it laid bare many of the students' deep frustrations and opened the way for a better understanding of the war's impact on the university. Book Two says that the reason Harvard was so successful in resolving the problem without splintering the community was the smallness of its full-time professional administration and the easiness of faculty-student dialogue. Book Three contends that, even in a disorderly demonstration, Harvard men acted with restraint: after all, they did let Leavitt go, they always permitted the deans free access to Leavitt's room, and never once during the protest was anyone, regardless of viewpoint, shouted down by the demonstrators.

There is more than a skeleton of truth to each of these claims. It is also true that they have given rise to some feeling of self-satisfaction and complacency: Fortune has tested her, and Harvard, as always, has survived. As long as the war continues, that feeling will probably be misplaced. Most Harvard students have come to oppose the war for fundamentally different reasons: moral ("Why are we burning babies in Vietnam?"); political (We're drastically overextended, trying to achieve impossible goals at the cost of destroying America drastically"); and personal ("General Hershey, why don't you leave me alone?").

These differences deny the antiwar movement a certain coherence, even at a place like Harvard. Those faculty members and students who first opposed the war on essentially moral grounds have been—and continue to be—the most vocal, the most angry critics of the conflict. But as the frustration of fruitless protest builds, as the war moves unfalteringly forward, and as the threat of the draft lurks closer for many, the reasons for opposing the war blur: moral arguments are made by those whose first opposition was political. More and more students borrow the "radical" perspective, because the "radicals" have been proved consistently "right" by events. The

draft-resistant movement, small to begin with, is still small, but getting larger. Students' respect for established authority diminishes because the established means and institutions seem totally unresponsive to their anger. They come to believe that, as Barrington Moore, Jr., a lecturer on sociology, noted: "No system of law and order has been politically neutral in practice. At the present moment in the United States, law and order protect those who conduct, support, and profit from a war that more and more of us regard as atrociously cruel and strategically stupid."

For students, this apparent rigidity is especially frustrating, because their political time horizon is measured in days and months, not years and decades.

This does not mean that a whole generation of Harvard students is being irreparably "alienated." The Dow demonstration posed the problem of putting opposition to Vietnam policy above allegiance to the established institutions and procedures which created that policy; an overwhelming number of students still believe that Lyndon Johnson's government is legitimate, even if they think it is stupid, wicked, and wrong.

The balance is tipping, however, and no doubt will continue to tip. The irony is that, when more and more people at Harvard are coming to view the war with greater and greater horror, protest against the war is focusing on, or at, the university. This is a measure of the accelerating anger of many students, and the seeming ineffectiveness of out-

side demonstration. The weekend before the Harvard Dow protest, many Harvard students had journeyed to Washington for the march against the Pentagon. It was, for some, a profoundly disillusioning, frightening experience; it contributed to the anger and frustration that produced the Dow sit-in 4 days later.

Some students and faculty believe the antiwar outrage has given rise to a romantic vision of politics and reality—a fuzzy fantasy that leads to the attacking of the university, however indirectly, for the war. Even some of the earliest critics of American involvement have raised this point. One apparent reaction—to the frustration and the sometime student feeling that the university is side-stepping the war issue—has been the formation of several informal student-faculty ventures to channel their protest together.

The history of the antiwar protest, at Harvard at least, is that it is unpredictable. The frenzy of the Dow demonstration and its aftermath have both frightened many students—very few really want to get kicked out—and relieved the tension. This disappoints some radicals who insist the war is so bad that one cannot cease to be demonstrably angry. But the war continues. Each incoming Harvard class enters with a more developed antiwar consciousness than its predecessor. Someday the unpredictability of passion may return to Harvard, and, if it does, the next "intolerable" demonstration may not have a "healthy" ending.

—ROBERT J. SAMUELSON

Un-American Activities: Court Rule Aids Stamler in Contempt Case

Two and a half years after Jeremiah Stamler, a distinguished medical researcher in Chicago, was subpoenaed by the House Un-American Activities Committee (HUAC), a three-man U.S. District Court has ruled, as the result of action initiated by Stamler and two others, that HUAC must defend its constitutionality. The significance of the action, Stamler's legal counsel noted, is that "the validity of the Committee's enabling act and procedures will be tried."

Stamler was one of 16 persons subpoenaed by HUAC in May 1965 to testify during its hearings on Communist activities in the Chicago area (*Science*, 23 July 1965). The District Court ruling follows two civil suits filed against the committee and a criminal indictment charging Stamler and two other defendants with contempt of Congress.

What is significant in the Stamler case is that he, an employee of the city of Chicago, chose, along with Mrs.

Yolanda Hall and Milton M. Cohen, to test HUAC's constitutional grounds rather than answer the committee's questions. This refusal to submit to questioning led to the contempt of Congress charges.

Stamler, who is 48, is director of the Heart Disease Control Program and the Division of Adult Health and Aging for the city of Chicago. After the indictment he was placed on inactive status by the Chicago Board of Health pending the outcome of the case. Stamler is also the executive director of the Chicago Health Research Foundation, the Board of Health's research arm, an associate professor in the department of medicine at Northwestern University Medical School, and Western Hemisphere editor of the *Journal of Atherosclerosis Research*. He has published more than 150 articles on diseases of the heart and blood vessels and has written several books since 1949, the year he was licensed to practice medicine.

In May 1965, on the day he was named to receive the Albert Lasker Award in Medical Journalism for his coauthorship of a series of articles on the prevention of heart disease, Stamler and Mrs. Hall, a research nutritionist associated with him at the research foundation, were subpoenaed to appear before the HUAC hearings. Along with Cohen, a Chicago social worker, they filed a civil suit against HUAC on 24 May 1965, the day before the hearings were to open. The suit, which attempted to enjoin the hearings and to have the committee's enabling act declared unconstitutional, was dismissed as premature.

Stamler, Mrs. Hall, and Cohen then appeared during the HUAC hearings, along with 13 other witnesses who had been called. But unlike the 13, who cited the Fifth Amendment as grounds for refusing to testify, Stamler, Mrs. Hall, and Cohen refused to testify at all, except for giving their names and addresses. As a consequence, the three were cited for contempt of Congress in October 1966. HUAC never revealed why they had been called. However, their attorney contends that the committee was attempting to deter Mrs. Hall from any involvement in civil rights activities by harassing both her and Stamler.

For 9 months following the congressional action the government did nothing to secure criminal indictments against the three. Then, on 7 July

1967, the government announced its intention of seeking indictments. Albert E. Jenner, Jr., a well-known Chicago attorney who was a senior counsel to the Warren Commission, heads the legal team working on Stamler's, Mrs. Hall's, and Cohen's behalf. Jenner sought an injunction to halt the government action, but the request was denied, and before review could be sought, the government presented the cases to a grand jury and obtained criminal indictments.

As a result of the indictments, the Chicago Board of Health, which had given Stamler a vote of confidence following the HUAC hearings, placed him on inactive status, without salary, pending the outcome of the contempt proceedings. Eric Oldberg, president of the Chicago Board of Health, told *Science* in a telephone interview that Stamler was placed on "inactive" status rather than suspended—as Chicago rules demand when city employees are under indictment on criminal charges—because Oldberg felt there was less stigma attached to being made inactive. Although Stamler is not receiving his \$21,800 annual salary from the Board of Health, he does continue to receive his salary from the privately operated Chicago Health Research Foundation, of which Oldberg is president. If Stamler is eventually cleared of the contempt charge, he will receive his back pay from the Chicago Board of Health.

Second Suit Filed

Following the HUAC hearings in Chicago, Jenner filed a second civil suit, on 6 December 1965, against the committee. That suit updated the first civil action and described in detail what had taken place before the subcommittee. The second suit requested a judgment which would have declared that the hearings were invalid, that the subpoenas served on Stamler, Mrs. Hall, and Cohen were invalid, and that the committee's enabling act was unconstitutional. Like the first suit, the second was dismissed on the basis that it involved certain "threshold" questions. Jenner immediately appealed the decision and consolidated the appeal action with the appeal for the first suit.

What opened the door for the latest judicial decision, challenging the committee to prove its constitutionality, was a ruling on 10 November 1966 by the U.S. Court of Appeals for the Seventh Circuit, which overturned the

prior judgments by a lower court that had dismissed the first and second civil suits filed by Stamler, Mrs. Hall, and Cohen.

On 9 November 1967, just one day short of a year after the Court of Appeals paved the way for the suits against HUAC to be heard, the three-judge U.S. District Court for the Northern District of Illinois unanimously denied a motion by HUAC to dismiss the suit against it. The court ordered HUAC's members to file an answer to the charges relating to the committee's constitutionality by 8 January 1968. The court also, with one judge dissenting, ruled that the Attorney General of the United States and the U.S. attorney for the Northern District of Illinois be added as defendants to the suit, along with the members of HUAC.

Jenner, in a letter written to heart surgeon Paul Dudley White, who is chairman of Stamler's Legal Aid Fund,* noted on 22 November that the latest "rulings are a milestone in this litigation. The House of Representatives Committee on Un-American Activities and the members are subject to being called to testify at pre-trial depositions."

To date, the costs in the various suits brought by Stamler, Mrs. Hall, and Cohen, and those in preparation for their defense in the suits brought against them, have run about \$100,000—an amount nearly equal to that raised by more than 2000 sponsors of Stamler's legal aid fund.

The criminal indictments against Stamler and his fellow defendants have been consolidated, but no trial date has been set. On 12 January, a status report will be issued by the court, 4 days later than HUAC is supposed to answer the charges brought against it in court. Clearly, the outcome of the battle between Stamler and HUAC will rest largely on the final action in the civil suit. Jenner stated in his letter to White that he hopes "eventually to obtain a general order of continuance of the criminal cases pending outcome of the civil case." If the civil case, in which HUAC's constitutional basis is challenged, is decided in favor of Stamler, Mrs. Hall, and Cohen, there would appear to be little on which the contempt of Congress charges could be based.—

—KATHLEEN SPERRY

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