

Use of single grant support will "obviously be limited," NIH says, but the technique "will be cautiously extended to other institutions where considered appropriate."

On the question of scientific quality, NIH rejects Fountain's assertion that there has been "continued lowering of research standards." Indeed, says NIH, "the available evidence . . . suggests quite the opposite trends."

Fountain's allegation, which had also been made in reports issued by his subcommittee in 1961 and 1962, was based largely on an analysis of priority ratings assigned by NIH study sections to applications found acceptable for support. In 1956, for example, 40 percent of the approved grant applications were rated in the highest priority class, but in 1966 only 26 percent made the top category. In rebuttal, however, NIH cautions that the priority scores are less a measure of absolute scientific quality than a means of ranking applications that have already been deemed worthy of support. The scores thus reflect subjective decisions about what kind of work most needs to be done,

as well as judgments on scientific merit. Two projects of corresponding scientific quality might well end up with different priority scores.

Moreover, NIH argues that it is misleading to compare scores from the relatively small program of 1956 with scores from a 1966 program that is "of a wholly different order of magnitude." In this context, NIH hints that there may indeed have been some drop in quality from the early years, for in 1956 "only established investigators, research programs and institutions were being supported," whereas in recent years NIH has deliberately provided support "not only for men who have achieved distinction but for the men of promise." Nevertheless NIH argues that since 1960, the end of the initial period of rapid growth, the distribution of priority scores has remained virtually constant. In fact there has been an increase in the highest priority group over the past 2 years, from 22 percent in 1965 to 30 percent in 1967.

NIH also notes that the quality of its research rated high in outside

evaluations published by the Wooldridge Committee in 1965 and by the American Medical Association in 1967. The Wooldridge group found an "impressively low" ratio of ill-advised projects and "good evidence that the average quality is steadily improving." This is not likely to impress the Fountain committee, which considered the Wooldridge report and rejected its findings, at least partly on the basis of an analysis by Harold Orlans, of the Brookings Institution.

What happens next in the feud between NIH and Fountain is largely up to the subcommittee. Though NIH acknowledges merit in a few of Fountain's charges and recommendations, neither the congressman nor his subcommittee staff are expected to be pleased by the NIH response. Assuming the subcommittee genuinely believes NIH is guilty of "inadequate administrative performance"—and there is no reason to doubt the sincerity of this belief—Fountain may well push for hearings on the matter, a prospect that NIH administrators find none too inviting.—PHILIP M. BOFFEY

University of Hawaii: Turmoil after President's Surprising Resignation

The feelings associated with the Vietnam war have helped upset several American universities and colleges recently, but seldom has the disruption been so severe as it has been at the University of Hawaii. An understanding of the complex dispute at Hawaii may well help other universities wishing to avoid bitter division in these politically turbulent times.

During Thomas H. Hamilton's 5-year service as president, the University of Hawaii has made considerable progress in moving from an institution noted for its near-by surfing to a university of academic quality. It is the only university in the state, and Hawaii's citizens care a great deal about the university's future and activities. Consequently, Hawaii residents were understandably distressed when Hamilton abruptly resigned on 23 December over a ten-

ure case involving a Vietnam war protester.

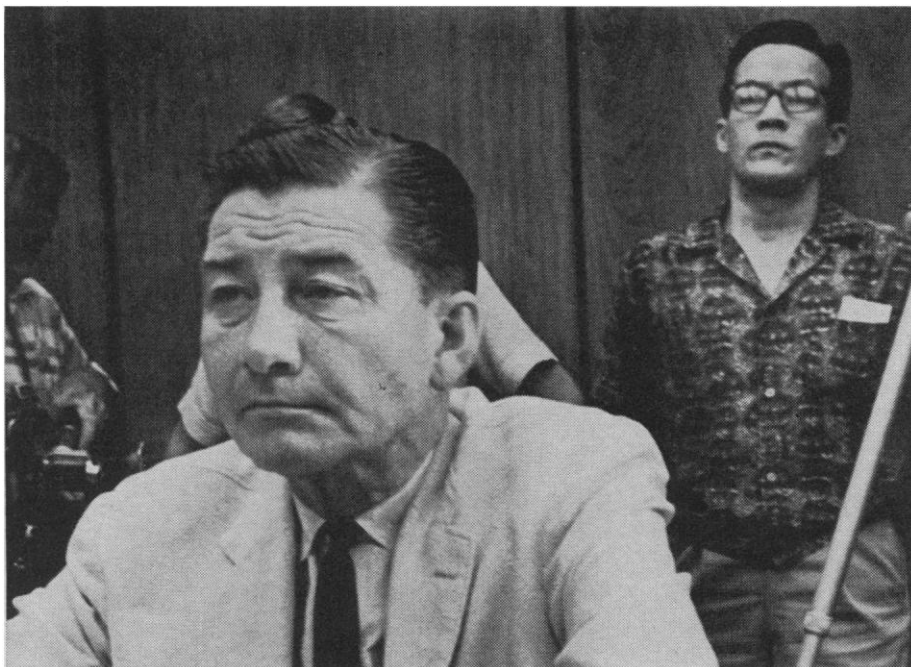
In the following weeks, many of Hawaii's professors and citizens tried to persuade Hamilton to change his mind. But Hamilton, who served as head of the state university system of New York from 1959 until 1962, has remained firm in his intention to leave Hawaii. Since he made his determination clear to the university and to the trustees in January, the angry furor has seemed to subside. But the precipitating event for his departure, the tenure case of political scientist Oliver M. Lee, is still undecided. The present lull is almost surely only a warning of future storms which will further lash the university.

Oliver M. Lee has been on the faculty of the University of Hawaii since 1963, but in that relatively brief time

he has become perhaps the best-known professor in the state. Lee, who is 40, was born in China, the son of a Chinese Nationalist diplomat father and a German mother. He came to the United States at the age of 18 and became a naturalized citizen 9 years ago. He is a graduate of Harvard College. After doing some graduate work at Boston University and Johns Hopkins, Lee received his Ph.D. from the University of Chicago. Before coming to teach at Honolulu, Lee held a teaching post at the University of Maryland.

In the context of American political views, Lee is far to the "left" in his orientation. He is not only intellectually "left," but he is also a political activist. Lee is a vehement critic of the Vietnam war and carries placards in political demonstrations such as those held when President Johnson makes periodic stops at the Honolulu airport. Some groups, including an organization called "We, the Women" and the Waikiki Lions Club, have been highly critical of Lee's presence on the faculty. Last May, 40 members of the Waikiki Lions urged Hamilton not to renew Lee's contract.

Until the latter part of May of last year, Hamilton and other university of-



President Thomas H. Hamilton and Professor Oliver M. Lee at the University of Hawaii Regents' hearing on 28 June. [Honolulu Advertiser Photo by Jerry Chong]

officials defended Lee against outside attacks. On 29 May, with Hamilton's approval, W. Todd Furniss, the Dean of the College of Arts and Sciences, wrote Lee that he had received the report of Lee's tenured colleagues in the political science department, recommending that Lee should have tenure effective 1 July 1968 and that he expected to accept and forward their recommendations on tenure to the Regents.

The "genuine Aloha" which Furniss and the university administration wished Lee in the 29 May letter changed from a greeting to an attempted farewell within a week. On 5 June, Hamilton, after conferring with Furniss and the Regents on Oahu, publicly rescinded the letter of intention to grant tenure to Lee. This retraction is the crux of the controversy which has developed.

What happened in the week which intervened between the letter of intention to grant tenure and the reversal was not that the Hawaii administration had discovered evidence that Lee is an incompetent scholar. Instead, it seems that members of the Student Partisan Alliance, a group for which Lee served as the faculty adviser, issued a statement which was picked up by the Honolulu press. In inflammatory language, the students' statement recommended that "radical and revolutionary elements infiltrate the U.S. armed forces" where they were encouraged to perform a variety of disruptive acts including "sabotaging military vehicles and other

equipment" and "eliminating officers and noncoms in combat."

The administration's position is that the statement is illegal and that Lee was irresponsible in letting the students publish it. Lee's supporters now point to the Justice Department decision not to prosecute the student group as an indication that the statement is not illegal. Lee says that he expressed his disagreement about parts of the statement to the students, but that he did not regard it as his job to serve as an authoritarian adviser to the students by dictating to them about the propriety of their actions.

Lee thinks that the administration caved in to the outcry which followed publication of the radical statement. In an interview held when this reporter visited the university in late December, Lee mentioned that Dean Furniss had "referred to a massive number of phone calls and used this as an argument." Lee's contention is that "even a state university should be able to withstand these kinds of pressures."

During the whole of this dispute, Lee has received much support from his chairmen and colleagues in the political science department. The tenured members of his department voted 7-1 to grant Lee tenure last spring, and the department has not reversed its position. On 8 June, Harry J. Friedman, then chairman of the political science department, and Marshall N. Goldstein, the chairman designate, is-

sued a detailed memorandum asking why the administration's decision was made in such haste and why they were not informed in their talks with Furniss and Hamilton in early June about the administration's decision to reverse the tenure decision on Lee.

In the weeks which followed, people outside Hawaii became interested in the Lee case. On 30 June, Jordan E. Kurland, an Associate Secretary of the American Association of University Professors (AAUP), wrote a four-page letter to Hamilton urging him to rescind the 5 June letter denying Lee tenure. Kurland said that "it may well be possible—by *prima facie* evidence now on hand—to construe the decision to issue the contrary notification of June 5 as constituting a violation of Professor Lee's academic freedom."

In August, the University Senate Committee on Privilege and Tenure reported that the university should either reverse its decision denying tenure to Lee or supply a written explanation to a senate hearing committee. Hamilton agreed to send his reasons to the hearing committee. This five-man committee announced its findings on 22 December. In summarizing the report, the committee said that "the Administration failed to follow academic due process in dealing with Dr. Lee and his Department . . . the Committee concludes that the Administration revoked its letter of intent without providing Dr. Lee with an adequate opportunity to defend himself against charges and that the Administration did not have reasonable cause to revoke the letter of intent."

On the next afternoon, Hamilton exploded his bombshell. He said that he thought the hearing committee report on Lee "fundamentally wrong. What was done last June, I then thought was proper. Today, I still think it was proper." Hamilton also said that he had long stood for academic freedom and academic due process but that "it is time for someone to stand up for academic responsibility, and I do so now." After announcing his resignation, Hamilton wished the crowd a "Merry Christmas"; 3 days later he took off on a brief trip to Tahiti and Fiji.

Hamilton's resignation produced a great commotion at the university and in the state. Although backing their hearing committee, the faculty senate made it known that they thought Hamilton should stay. Various public officials emphasized their support for Hamilton.

Angry letters and articles filled the Honolulu newspapers. The associate editor of the Honolulu *Advertiser*, Gardiner B. Jones, one of Lee's most persistent journalistic critics, began a major article by asserting that "It was a bum deal" to lose President Thomas Hamilton over Professor Oliver Lee.

Many observers did not agree with Hamilton that circumstances compelled him to resign. Harold A. Jambor, who was the chairman of the faculty committee which examined the case, was quoted as saying, "This is going to be a tremendous loss. I just don't understand why Dr. Hamilton thought it necessary to do this. Seems to me he's putting more weight on this matter than it deserves."

On Christmas Day, the Honolulu *Star-Bulletin*, called Lee "a professor of middling abilities and execrable judgment" but criticized Hamilton as well: "Of all the judgments Dr. Hamilton has made in his distinguished five-year career, we are inclined to think this will stand as the poorest." The newspaper said that Hamilton's decision

"amounts to a censure of the university by its President" even though "it was hardly intended as such."

Although somewhat dormant at the moment, the Lee case is still a live issue. On 8 February, the Regents of the university returned the report of the faculty senate's hearing committee to the body with their "objections." Lee has still not been granted tenure; unless the administration reverses itself, he will be forced to leave the university. Hamilton has agreed to stay on for as long as 18 months if necessary while the university searches for a new president.

By resigning, Hamilton greatly escalated the intensity of the conflict. The university has not solved its dilemma. If Hamilton's decision on Lee's tenure is finally reversed, some of the more militant elements in the community will cry out against the university and will probably demand financial revenge against it in the state legislature.

If Lee is not granted tenure, many faculty members will be disturbed,

and there have been reports that some will resign. Unless further cause is shown to support a decision to refuse tenure for Lee, the AAUP is likely to conduct a formal investigation of the case and, eventually, move toward censure. This ambitious university, which has to work hard to find first-rate faculty members because of its isolated location and other factors, would be severely hampered in faculty recruiting by AAUP "blacklisting."

In Hawaii, there has been some tendency to view the conflict in personal terms, to back either Hamilton or Lee, and to deplore the actions of those of contrary views. However, to this observer, there seem neither heroes nor villains in this dispute. Physically, both Hamilton and Lee are unhurt and unbleeding, but, in a very real sense, they are civilian "casualties" of the passions engendered by the confusing war in Vietnam. Thomas Hamilton and Oliver Lee are among the first important university casualties of this war; they are, sadly, unlikely to be the last.

—BRYCE NELSON

Speaker Ban: Court Decides North Carolina Controversy

One of the many uses of judges and courts of law is that sometimes they can resolve controversies which politicians fear to deal with forthrightly. Ever since that day in late March 1966 when student leaders of the University of North Carolina (U.N.C.) at Chapel Hill brought suit to invalidate the state's restrictive policy on campus appearances by ultra-leftist speakers, U.N.C. officials have hoped that the courts would dispose, once and for all, of the "speaker-ban" controversy. On 19 February, nearly 2 years after the suit was filed, a decision was at last forthcoming. A three-judge federal district court ruled unanimously that the state policy—whereby campus speaking appearances by communists and 5th-Amendment pleaders in loyalty investigations were to be kept "rare" and "infrequent"—was unconstitutional.

Although U.N.C. and other state institutions may not yet be out of the woods of political controversy, the ruling was a signal victory for the student plaintiffs and is regarded as a significant legal precedent. According to William W. Van Alstyne of Duke University Law School, author of a brief filed by the American Association of University Professors in the case, and an authority on academic freedom and the law, "this is the first ruling to grant relief to student plaintiffs with respect to inviting political guest speakers on campus."

In its opinion, the court did not rule directly on the question of whether, under the 1st Amendment guarantee of freedom of speech (and the corollary "freedom to listen"), students can invite speakers of their choice on campus. The court chose, instead, to invalidate

the state policy on other grounds—that it was unconstitutionally vague in its reference to "known" Communists and some of its other terminology, and that it penalized persons who had invoked the protection of the 5th Amendment. Van Alstyne observes, however, that the fact that the court allowed the U.N.C. students to sue was in itself implicit recognition that they had a right to select speakers for campus appearances.

Although the decision, which will not be appealed, is binding only in North Carolina, such lower-court rulings often have a persuasive influence on state and federal judges in other jurisdictions. Indeed, the decision could have a bearing on the outcome of several other current speaker-ban controversies. Illinois and Louisiana both have speaker-ban statutes of sorts. In Mississippi the Board of Trustees of Higher Education permits no outsiders to speak on state campuses who will "do violence to the academic atmosphere," who are charged with any "crimes or moral wrongs" or are otherwise in "disrepute in the area from whence they come," or who advocate the overthrow of the government of the United States. Court tests of the Mississippi and Illinois speaker-ban policies are now pending.

The history of the North Carolina