accompanying litigation are stepchildren of the civil rights movement. Students shifted the movement's confrontation tactics from the lunch counter to the college president's office. The 1961 landmark student legal rights decision, Dixon *vs.* Alabama Board of Education, grew out of southern civil rights demonstrations.

The board dismissed students from Alabama state colleges for taking part in the demonstrations. A federal court said the students could not be expelled without such due process considerations as notice of charges and a hearing. Since Dixon, the students have mounted a more or less systematic campaign to secure their rights and to consolidate student power. The National Student Association (NSA), for example, has launched a legal rights program which offers students both legal advice and legal assistance.

Student leaders have learned to use court action, or the threat of such action, as a political tool. Robert S. Powell, Jr., former NSA president, has said that even the threat of a suit helps students in negotiations with campus officials.

But the courts so far have ruled that the Constitution applies only to students enrolled in tax-supported institutions. It does not apply to private colleges and universities, because "state action" must be involved before the courts will intervene. However, many legal scholars believe the legal distinction between public and private institutions will not stand, since private institutions are drawing more and more financial support from state and federal governments.

Even in public institutions, students are still battling for some of the same legal rights that other citizens enjoy. It is generally accepted, for example, that procedural due process in campus proceedings does not carry all the trappings accorded in criminal trials. The Dixon decision and others require that students be given notice of charges, a hearing, and discipline based only on substantial evidence. There are no requirements that the hearing be public, that students may cross-examine witnesses, or that they may be protected from self-incrimination.

The courts have not dealt with the legitimacy of campus rules that are made without student participation, or with the makeup of campus tribunals. It is enough that the rules are fair and reasonable. A recent federal court decision in Wisconsin, however, held that the rules of the University of Wisconsin were "void for vagueness."

The courts are clearer about students' First Amendment rights. A federal court in Alabama ruled that a student editor could not be expelled for defying campus authorities in an editorial. The U.S. Supreme Court has laid down broad guidelines for freedom of speech on campus.

In Tinker *vs.* Des Moines Independent Community School District, the court upheld the right of high school students to wear black armbands to protest the Vietnam war. The court said, "Clearly, the prohibition of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with school work or discipline, is not constitutionally permissible." The court also has made it clear that disruptive activities are not protected by the First Amendment. It declined to hear an appeal from students dismissed from Bluefield, West Virginia, State College, following a demonstration at a football game. In a brief statement, then Justice Abe Fortas said the lower court record showed that the demonstration had been violent. Still open is the question of activities intermediate between mere speech and violence. Are student strikes, picket lines, and nonviolent demonstrations protected as long as they do not interfere with the rights of others?

While students were eager to seek judicial relief, the universities turned to the courts with some reluctance. They generally were on the defensive until the Free Speech Movement at Berkeley in 1964 ushered in the era of confrontation. Since then, the universities have battled back in the courts, first with

Salvador Luria Excluded by HEW

Salvador Luria, one of the three winners of the Nobel prize for physiology or medicine last week, was recently revealed to have been among the many scientists "blacklisted" by the Department of Health, Education, and Welfare (HEW).

Luria, an M.I.T. microbiology professor, has been proposed for service on National Institutes of Health advisory panels on several occasions in recent years but has been rejected by the HEW security office for unspecified reasons. In a statement, Luria said, "I have expressed publicly my disapproval of the use of political tests by government agencies in selecting advisors for non-classified research and my unwillingness to serve unless such practices were officially discontinued. . . . I trust that the unwise use of tests of political conformity by the National Institutes of Health and other agencies will promptly be discontinued."

Luria's blacklisting was reported in the *New York Times* by reporter Richard D. Lyons on 20 October. Lyons reported that the names of 93 scientists, 7 of whom are members of the prestigious National Academy of Sciences, are on lists in the possession of the *Times*, and that hundreds of scientists had been barred by the blacklisting. The newspaper also reported that 75 Academy members had prepared a resolution to be voted on by the entire Academy membership condemning HEW blacklisting. The fact that many noted scientists have been excluded on grounds of security and suitability from HEW advisory panels was first revealed publicly in *Science* (27 June, p. 1499).

Hubert Heffner, deputy director of the White House office of Science and Technology (OST), said in an interview that OST, the President's Science Advisory Committee, and the President's science adviser were all "very concerned" about this matter. It was also learned that the advisory council of the National Institute of Mental Health has passed a resolution condemning the exclusion of scientists from HEW advisory groups on nonscientific grounds.

When Luria won the Nobel prize, HEW Secretary Robert Finch sent him an effusive telegram saying that Luria had "amply earned the gratitude of all Americans." In HEW, as in so many other government agencies, it is obvious that the upper hand does not realize what the under hand has been doing.—BRYCE NELSON