legal means by which Finch's decision could be implemented. It accomplished this task by declaring that cyclamates were no longer food additives, but would be considered a new drug which was in no way a food additive even though its principal usage was in such items as canned peaches and soft drinks. The reason for FDA's denial of food status to cyclamates was that the law specifies that any food item that causes cancer in animals or man cannot be sold. The Delaney Amendment does not apply to drugs.

Aside from these problems of nomenclature, there were other difficulties with marketing cyclamates as drugs. Since 1962 FDA has required proof of efficacy before any new drug can be offered for human consumption. No such proof had been presented for cyclamates, and, in fact, there was reason to believe that they were not effective. A report in *Nature* [L. M. Dalderup and W. Visser, **221**, 91 (1969)] shows that cyclamates stimulated the appetites of rats, causing greater gain in weight and more efficient utilization of food. Clearly, the rechristening of cyclamates as drugs was a decision of administrative expediency and did not involve the normal procedures of scientific evaluation.

After the Fountain subcommittee hearings on cyclamates last June, HEW apparently had second thoughts about permitting cyclamates to be sold even as drugs. The Medical Advisory Group on Cyclamates was reconvened in August and, after examining essentially the same data that it had examined in November, the Advisory Group concluded that cyclamates should not be used for consumption, even as drugs. HEW heeded this advice, and on 14 August 1970 the sale of all cyclamate products was banned.

Fountain in commenting on his subcommittee's findings called the HEW and FDA actions on cyclamates a subterfuge aimed at circumventing the law. "It is discouraging," he concluded, "to find such conduct among public officials at the very time we are trying to impress upon our young people the importance of law and order."

—ROBERT J. BAZELL

Tenure Controversy: Rejected San Jose Engineer Is Wed to a Red

San Jose State College in California is currently experiencing a tenure controversy that reveals how strongly the mood of political reprisal is afflicting the nation's campuses. The controversy involves Jack H. Kurzweil, a 32-year-old assistant professor of electrical engineering, who has been adjudged a superior teacher by his departmental colleagues, by a campus hearing board, and by the college administration. Yet Kurzweil's appointment to a permanent position has been opposed by a small band of conservative engineers, and, as of this writing, he has been denied tenure by the chancellor of the California state college system.

Kurzweil's sin, so far as can be determined, is that he is literally "in bed with a Communist." His wife, the former Bettina Aptheker, is an avowed Communist whose father, Herbert Aptheker, is often described as the leading scholar of the Communist party in the United States. Kurzweil himself has not been publicly accused of being a Communist, but he declines to reveal just what his beliefs are on the grounds that they are irrelevant to the issues involved in his tenure case.

Whatever the outcome of the controversy, Kurzweil's case will have an impact that extends beyond the narrow question of his own professional advancement. For, in the process of trying to get rid of Kurzweil, his opponents have undermined and even openly altered the tenure and grievance procedures that affect all faculty members at the 20 or so state colleges in California. Kurzweil's opponents have deliberately trumped up evidence against him (according to a hearing board of faculty members at San Jose State); and they openly flouted the normal campus grievance procedures by refusing to testify in support of their allegations against him. Moreover, the state college trustees, in a move reportedly aimed at Kurzweil, recently curtailed the faculty's role in grievance procedures and gave increased authority to the chancellor of the state college system. "Reds or husbands of Reds get fired all over the place," Kurzweil told *Science*, "but this has turned into an attack on the whole tenure system and grievance procedure."

The opposition to Kurzweil was at first rather openly based on his associations with Communists, but as the controversy reached higher levels of political sophistication, the Red-baiting aspects of the case tended to disappear from sight and be replaced by seemingly scholarly discussions of whether Kurzweil is or is not professionally qualified for tenure. Still, nobody seems much fooled about what the real issue is. As Hobert W. Burns, who was acting president of San Jose State when the Kurzweil case reached one of its climaxes this past summer, remarked in a detailed 23-page report supporting Kurzweil: ". . . there is reason to believe that many if not all of those faculty members who opposed granting tenure to Dr. Kurzweil in the first place were indeed those who were most concerned with his alleged political beliefs or affiliations. I know some of these faculty members and I know they are honest, sincere men. They conscientiously believe the use of such political criteria is a defensible, even mandatory, practice in the assessment of academic performance . . . they truly believe his alleged political beliefs in and of themselves should automatically disqualify him from professional service in the College. Even so it is wrong, in law and in academic practice, to base a personnel decision on essentially political rather than academic reasons."

Burns suggested that Kurzweil's chief problem was his choice of a marriage partner. "Flamboyant language though it may be," Burns said, "the assertion in the testimony that Dr. Kurzweil would have been recommended for tenure in the first instance if he had married Bettina Smith instead of Bettina Aptheker may have more than whimsy in it."

Kurzweil first came to San Jose State in 1968 after a 2-year stint at San Francisco State, where he was teaching on a temporary appointment. It was no

secret that he had long been politically active on campus. As a graduate student at Berkeley, he was deeply involved in the Free Speech Movement of the early 1960's. And at San Francisco State, he is said to have retained his leftist interests, though he does not seem to have been deeply involved in the disturbances which shook that college and made its fiery president, S. I. Hayakawa, something of a national hero. Before hiring Kurzweil, San Jose officials looked into his political activities and concluded that they had not interfered with his academic work. Indeed, a San Jose dean noted on an internal hiring document that Kurzweil was regarded at San Francisco State as "a political activist but not . . . troublesome."

Instant Controversy

Nevertheless, Kurzweil almost immediately became a controversial figure at San Jose. In the summer of 1968, a local newspaper disclosed that Kurzweil was married to Miss Aptheker—a fact which caught the San Jose administration by surprise. According to Burns's 23-page report, three state legislators promptly wrote to ask the college to explain the situation, and a score or so citizens wrote in to protest the hiring of Kurzweil. (One letter writer complained that Kurzweil "shares the oneness of his married life with a militant Communist.") Meanwhile, the state college system obtained a rundown on Kurzweil from the Senate Factfinding Committee on Un-American Activities in California. That committee produced information indicating that Kurzweil had been a member of the DuBois Club of America, that he had once been photographed in the company of a known Communist leader, and that his wedding reception had been held "at the residence of the chairman of the Communist party for the Northern District of California," among other associations.

San Jose officials were clearly upset at the tide of unfavorable publicity. One engineering dean was quoted in the local press as saying that "engineering professionals are, by and large, in the middle of the spectrum—they are not far left or far right. They are usually capitalist oriented. . . . There is some concern that an element may be introduced into our pattern of activities that doesn't fit into the middle stream." Despite the controversy, the San Jose administration decided to retain Kurzweil because there were no legal or academic grounds for terminating his contract.

In the fall of 1969, however, the controversy was revived when a decision had to be made on whether to grant Kurzweil tenure. Burns reports that, in his role as acting president, he received communications from three state legislators, six members of the faculty, and one member of the support staff suggesting that Kurzweil be denied tenure because of his political activities. Burns described some of these requests as "very strong, perhaps threatening, and very demanding." He said one legislator "promised to insure that I would not long remain acting president and certainly would never be president if Dr. Kurzweil received tenure." Perhaps the most serious attack on Kurzweil was made by six tenured members of his own electrical engineering faculty who suggested that Kurzweil might have been guilty of "unprofessional conduct" under a section of the California Education Code which defines membership in certain Communist front organizations as constituting unprofessional conduct. The San Jose administration, after consulting legal counsel, told the objecting engineers that the state colleges were under court injunction not to enforce those particular sections of the code. But in a bizarre series of twists and turns, the administration at first denied Kurzweil tenure anyway, then flip-flopped and granted him tenure, only to see higher authority step into the case and again deny Kurzweil tenure.

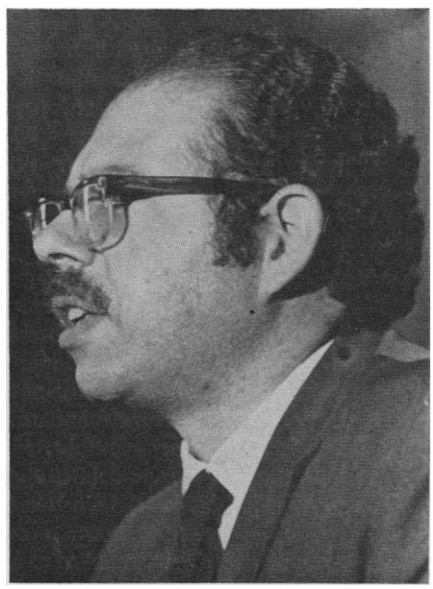

Photo by R. Burda

Jack H. Kurzweil

In the first go-round, a majority of Kurzweil's colleagues in the department of electrical engineering recommended tenure, the school of engineering and the dean of engineering recommended against tenure on the grounds that Kurzweil's professional qualifications were not good enough, an all-college committee recommended tenure, and acting president Burns ended up denying tenure on the grounds that "an inconsistency in peer judgment . . . must be resolved conservatively and in favor of the institution."

Distortion of Facts

Kurzweil appealed the decision to a college grievance panel, however, and when the grievance panel finished dissecting the frailty of the case against him, Burns reversed himself and concluded that "If an inconsistency exists in the evaluation of his [Kurzweil's] teaching, it turns on the point of whether he is excellent or merely superior." Among other findings, the hearing board discovered that Kurzweil had earned his doctorate while many of his senior colleagues had not; that Kurzweil had written something for publication, albeit minor, while many of his tenured colleagues had not; and that Kurzweil was already considered one of the better teachers in the school of engineering by his departmental colleagues and students. The hearing board also concluded that the School of Engineering Committee on Promotion and Tenure had applied different evaluative standards to Kurzweil and to another candidate for tenure, and that it had "distorted the facts" in its evaluation of Kurzweil in a "not so subtle attempt to belittle [Kurzweil's] intellectual, scholarly, and professional activities." The school committee refused to participate in the grievance hearing, and the dean of engineering was ill, so in effect Kurzweil's chief critics were unwilling or unable to stand behind their charges. Obviously miffed, the hearing board "strongly censured" the school committee for "academic and professional irresponsibility."

As things stand now, Kurzweil has been denied tenure and will be dismissed at the end of the current academic year. As soon as Burns indicated that he was going to reverse his decision and grant Kurzweil a permanent position, he was overruled by Glenn S. Dumke, chancellor of the state college system, who asserted jurisdiction over the case. Dumke, ironically, used Burns's original argument for denying

tenure. Noting that there was considerable difference of opinion at various review levels and that Burns had reversed his own decision, Dumke said that "any serious doubts in a tenure decision must be resolved in favor of the institution." Kurzweil has again appealed—this time to a statewide faculty panel—but his opponents have been changing the rules of the game faster than he can win appeals. Previously the statewide panel had had final authority over grievance cases, but last month the state college trustees made the panel purely advisory to the chancellor.

Ultimately, Kurzweil expects to have to argue his case in the courts. If litigation takes place, it will presumably reveal whether there is any merit at all in the case against Kurzweil or whether the attempt to denigrate his professional competence has been as trumped-up as it looks. In the opinion of Burns, who was replaced as top administrator at San Jose in August:

"The overriding fact in the entire situation is that Dr. Kurzweil has violated no law of the State, no regulation of the Trustees, no executive order of the Chancellor, no directive of the President, no policy or procedure of the College. He is innocent of any wrong-doing. He is academically competent. He has earned tenure."

—PHILIP M. BOFFEY

Nobel Prize: Three Share 1970 Award for Medical Research

The 1970 Nobel prize for medicine or physiology was announced last week. Following are appreciations by researchers familiar with the recipients and their work.

1. Von Euler and Axelrod

Ulf von Euler and Julius Axelrod made their notable contributions in the area of the sympathetic nervous system. Research in this field has led to an understanding of the actions of many drugs in cardiology, psychiatry, and neurology. The introduction of α-methyldopa (α-methyldihydroxyphenylalanine) for the treatment of hypertension and more recently of L-dopa for the treatment of Parkinson's disease are direct outgrowths of basic research on the sympathetic nervous system. I am sure that the Nobel committee was aware that many individuals have made important contributions to this field. However, in selecting Ulf von Euler and Julius Axelrod they have shown excellent judgment. Before referring to their scientific contributions, it would be of interest to give something of their backgrounds, which happen to be in sharp contrast. Ulf von Euler was born in Stockholm in 1905. His father, Hans von Euler, who received the Nobel prize in chemistry (1929) was, at the time, director of the Chemical Institute at the University of Stockholm. His mother, Astrid Cleve, was also a prominent scientist. After a false start in engineering, he obtained an M.D. degree at the Karolinska Institute in 1930. His interests turned to physiology and were directed to humoral transmitters as a result of collaborations with Sir Henry Dale, Sir John Gaddum, and Corneille Heymans. Much later he was to be influenced by Bernardo Houssay. By 1939, von Euler had become professor and director of physiology at the Karolinska Institute, a position he has held since then. Over the years he received many notable awards and honors and served on many committees around the world. At present he is president of the Nobel Foundation, which, I gather, is more of a handicap than an asset in this instance. Von Euler lives with his wife, Dagmar, in an apartment in Stockholm. He has four grown children by a previous marriage.

Ulf von Euler

Julius Axelrod's background is quite different. He was born in New York City in 1912. His parents were of modest means, and he attended the free College of the City of New York where he obtained the B.S. degree in 1933. In the United States, the 1930's was hardly the time for a young man without money to begin a scientific career. As a result, Axelrod had to work at many menial and irrelevant jobs to earn a living. After 8 additional years he managed to obtain an M.S. at New York University in 1941. This led to a job as a technician with the Laboratory of Industrial Hygiene. Fate led this organization to seek the help of Bernard B. Brodie in some problem, and as a result the two were brought together. They were to remain together for about 9 years, first at the New York University Research Service located at Goldwater Memorial Hospital in New York and later at the National Heart Institute in Bethesda, Maryland.

During this time Brodie was developing his new concepts of drug metabolism which later revolutionized modern pharmacology. These influences rubbed off on Axelrod, who, by the early 1950's, had himself become an authority in drug metabolism. At this time he still had no doctorate, although he had by then produced the equivalent of several Ph.D. theses. The late Paul K. Smith, professor of pharmacology at George Washington University, was instrumental in arranging for Axelrod to obtain the Ph.D. degree. He was awarded the doctorate in 1955 at the age of 43. Shortly before this, Seymour Kety managed to lure Axelrod to the National Institute of Mental Health, where he has been ever