

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
NEW YORK UNIVERSITY POST-GRADUATE MEDICAL SCHOOL
550 FIRST AVENUE, NEW YORK 16, N. Y.

OFFICE OF THE DEAN

March 7, 1955

OREGON 9-3200
Cable Address: POSTGRAMED

PLAINTIFF'S EXHIBIT

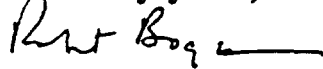
MET-581

Dr. W. E. Smith
Institute of Industrial Medicine
550 First Avenue
New York, New York

Dear Doctor Smith:

This letter is to reaffirm the decision conveyed to you in June of 1954 by Doctor Lanza that your appointment with the University will not be renewed for the academic year 1955-56. Should unavoidable delays occur in your transfer to another activity, continuation here could be on a month to month basis.

Sincerely yours,



Robert Boggs, M.D.
Dean

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
NEW YORK UNIVERSITY POST-GRADUATE MEDICAL SCHOOL
550 FIRST AVENUE, NEW YORK 16, N. Y.

OFFICE OF THE DEAN

OREGON 9-3200

May 19, 1955

Dear Doctor Smith:

This is to notify you that the University does not intend to reappoint you to the staff for the year 1956-57. Your attention is called to the fact that the maximum salary you have received in any one year from budgetary sources was \$4,000. plus whatever salaries are assigned you from special funds.

It is the interpretation of the proper University authorities that you would not reach tenure status until 1956-57.

If you desire to discontinue your services prior to June 30, 1956 I am sure that will be satisfactory.

May I take this opportunity to thank you for your very effective services on behalf of the School and the University.

Sincerely yours,



Robert Boggs
Dean

Dr. William E. Smith
Institute of Industrial Medicine
New York University

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

C O P Y

OF NEW YORK UNIVERSITY
INSTITUTE OF INDUSTRIAL MEDICINE

325 EAST 38TH STREET
NEW YORK 16, N.Y.

Mailing Address: 477 FIRST AVENUE, NEW YORK 16, N.Y.
Telephone: MURRAY HILL 9-1580

June 29, 1955

C O P Y

Dr. Donal Sheehan, Acting Director
New York University - Bellevue Medical Center

Dear Dr. Sheehan :

This is to request a hearing upon the decision conveyed to me by Professor Lanza regarding termination of my appointment.

I understand that provisions exist for a matter of this nature to be considered by an appropriate faculty committee. I further understand that a full stenographic record of the hearing will be available to me.

I make this request with reluctance, but in the belief that it is warranted.

Very sincerely yours,

William E. Smith, M.D.

Associate Professor of Industrial Medicine

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

OF NEW YORK UNIVERSITY

550 ~~XXX~~ FIRST AVENUE, NEW YORK 16, N.Y.

OFFICE OF THE DIRECTOR

June 30, 1955

OREGON 9-3200

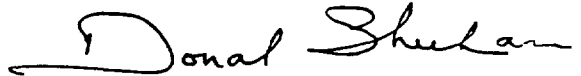
William E. Smith, M.D.
Associate Professor
Industrial Medicine

Dear Dr. Smith:

I have received your letter of June 29th requesting a hearing in regard to the termination of your appointment.

I am taking up this matter with the Chancellor and will let you know.

Yours sincerely,



Donal Sheehan, M.D.

DS/dh

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

OF NEW YORK UNIVERSITY

INTEROFFICE COMMUNICATION

July 6, 1955

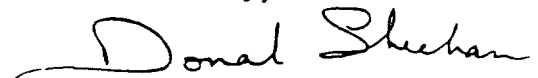
William E. Smith, M.D.
Seal Harbor
Maine

Dear Dr. Smith:

I have sent you an official acknowledgement of your letter dated June 30th and I am following the matter up. In the meantime, I think it would be very helpful if you could state to me in writing what is your exact contention and upon what facts it is based. This I am sure could be of great help to the central authorities in reviewing your case.

With very kind regards,

Yours sincerely,



Donal Sheehan, M.D.

DS/dh

Seal Harbor, Maine
July 11, 1955

Donal Sheehan, M.D.
New York University-Bellevue Medical Center
550 First Avenue
New York 16, N.Y.

Dear Dr. Sheehan :

I have your letter of July 8 and appreciate your advice that you are taking action upon my request for a hearing.

In response to your inquiry as to my contention, I believe that the Faculty Handbook indicates that I should be informed in writing of the charges against me in advance of a hearing. Such charges, or the reasons for termination of my appointment, have never been stated to me. I believe that it would be necessary for me to have a copy of these charges in order to prepare a response to them.

Very sincerely yours,

Wm. E. Smith

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
NEW YORK UNIVERSITY COLLEGE OF MEDICINE
477 FIRST AVENUE. NEW YORK 16, N.Y.

OFFICE OF THE DEAN

OREGON 9-3200

August 9, 1955

Dr. William E. Smith
Seal Harbor, Maine

Dear Dr. Smith:

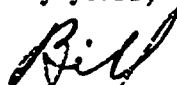
In Dr. Sheehan's absence I am writing you regarding the status of your request for a hearing on non-reappointment.

On August 3rd Chancellor Voorhis replied to Dr. Sheehan's letter stating that your length and rank of service had not qualified for tenure at New York University. Since the right of a hearing on account of non-reappointment is limited to those faculty members who have a continuing or tenure appointment, it follows that you are not eligible for this consideration.

Chancellor Voorhis suggests that since the position of the University has been stated it is now up to you to inform the Administration if you feel that your case is an exception to the University policy.

Dr. Sheehan will return at the end of August and in the meantime I will be very happy to follow through on any request that you may have.

Sincerely yours,



Wm. N. Hubbard, Jr., M.D.
Associate Dean

COPY

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
OF NEW YORK UNIVERSITY
INSTITUTE OF INDUSTRIAL MEDICINE

325 EAST 38TH STREET
NEW YORK 16, N.Y.

September 22, 1955

Mailing Address: 477 FIRST AVENUE, NEW YORK 16, N.Y.
Telephone: MURRAY HILL 9-1580

Wm. N. Hubbard, Jr., M.D.
Associate Dean
New York University College of Medicine

Dear Dr. Hubbard :

This is in response to your letter of August 9 in regard to my request for a hearing on termination of my appointment. I note the advice that I am not eligible for this consideration since my service to the University has been interpreted as not qualifying for tenure. I would appreciate advice as to the grounds for this denial of tenure.

I contend that I reached tenure status not later than June 28, 1954. In support of this contention, may I cite the following excerpt from page 23 of the 1948 edition of the Faculty Handbook, which I understand was the edition current at that time :

"Under any of the following conditions the reappointment of an associate professor carries with it the right of continuous or permanent tenure: if the reappointment is for the fifth year as a full-time teacher at New York University and follows a term of more than three years of full-time teaching in one or more institutions of higher education other than New York University."

On June 28, 1954, I was reappointed for a second year as an associate professor following four years of full-time service as an assistant professor at New York University, prior to which I had served full-time for three years at the Harvard Medical School, four years at the Rockefeller Institute for Medical Research and two years at the Sloan-Kettering Institute for Cancer Research.

Further, I note that the 1955 edition of the Faculty Handbook in its section on tenure states, on pages 32-33, that it "While applicable at the time of its adoption, is not intended to modify existing commitments ... "

From perusal of my letters of appointment and in view of the above considerations there is no doubt in my mind that the decision conveyed to me in your letter is at variance with policy stated in the Handbook, and I submit that I should be accredited as having attained tenure. If the language of the Handbook is set aside by an administrative decision in the present instance, other members of the Faculty could have little confidence in the provisions for tenure and this situation would impair the defined purpose of tenure as a means to assure freedom of teaching and research.

Trusting that you will forward the attached copy of this letter to the proper authorities, and awaiting further advice,

With best personal regards,

Sincerely yours,

William E. Smith, M.D.

NEW YORK UNIVERSITY
WASHINGTON SQUARE
NEW YORK 3, N.Y.

OFFICE OF THE VICE CHANCELLOR
AND SECRETARY

3 October, 1955

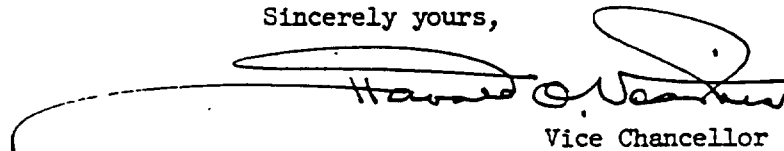
Dear Doctor Smith:

I have your letter of the 22d to Dean Hubbard which was forwarded to me for attention by Dean Sheehan.

The facts of the situation to which you refer, according to our records, are these: You entered the University in September, 1949 as Assistant Professor after previous academic service in the Harvard Medical School as an Assistant in Bacteriology. By ruling of our University Senate, January 13, 1949, service as an officer of instruction may be counted toward tenure, whether rendered here or elsewhere, only if it has been performed on a full time basis in the rank of instructor or above, that is, assistant professor, associate professor, or professor. Service in the rank of assistant does not qualify under this regulation, nor does service of any character in non-teaching posts such as those you occupied at the Rockefeller and Sloane-Kettering Institute.

Your service here, therefore, is the only service that we can take into account in determining your eligibility for tenure. You served as Assistant Professor during the academic years 1949-1950, 1950-51, 1951-52, and 1952-53. You served, moreover, during the years 1953-54 and 1954-55 as Associate Professor. Referring to the rules governing tenure which you yourself have cited, you will not have attained tenure here until or unless you serve as a full time teacher here in one of the qualifying ranks throughout the current year 1955-56 and unless and until you are reappointed in similar capacity here for the year 1956-57, beginning July 1st, 1956, which would mark the beginning of the eighth year of your service here in a qualifying rank.

Sincerely yours,



Vice Chancellor
and Secretary

Dr. William E. Smith
170 Glenwood Road
Englewood, New Jersey

NEW YORK UNIVERSITY

WASHINGTON SQUARE

NEW YORK 3, N.Y.

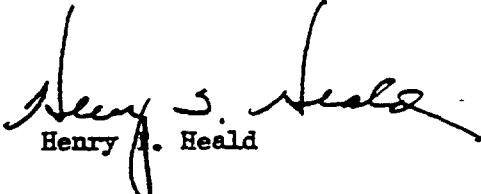
OFFICE OF THE CHANCELLOR

October 28, 1955

My dear Professor Smith:

In accordance with the notice given you by Dean Boggs May 19th last that the University does not intend to retain you on its staff beyond the current appointive year ending June 30th next, I wish to advise you that the University Council has approved and confirmed action of the Board of Trustees of the New York University-Bellevue Medical Center in giving you a terminal appointment for the year 1955-1956, beginning July 1st last and ending June 30th next, with the title of Associate Professor of Industrial Medicine.

Sincerely yours


Henry S. Heald

Associate Professor William E. Smith
170 Glenwood Road
Englewood, New Jersey

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
OF NEW YORK UNIVERSITY
INSTITUTE OF INDUSTRIAL MEDICINE

325 EAST 38TH STREET
NEW YORK 16, N.Y.

Mailing Address: 477 FIRST AVENUE, NEW YORK 16, N.Y.
Telephone: MURRAY HILL 9-1580

June 12, 1956

The Chancellor
New York University

Dear Mr. Beald :

The enclosed copies of letters to Dr. Armstrong request extension of my appointment in the University with leave of absence pending resolution of matters which I believe to be at variance with your statement that the most priceless asset of our University is the right to seek the truth.

Scientists engaged in the study of industrial cancer hazards have had their research terminated or been driven from their laboratories on one pretext or another. I believe that a courageous stand in the present matter will advance this field and bring more support than compliance with the all too customary practices indicated in my letter.

I would be grateful for your advice and guidance.

Sincerely yours,

William E. Smith, M.D.

Associate Professor
of
Industrial Medicine

cc: Dr. George E. Armstrong

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

OF NEW YORK UNIVERSITY
550 FIRST AVENUE, NEW YORK 16, N.Y.

OFFICE OF THE DIRECTOR

JUNE 22, 1956

OREGON 9-3200

DR. WILLIAM E. SMITH
INSTITUTE OF INDUSTRIAL MEDICINE
NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
NEW YORK, NEW YORK

DEAR DOCTOR SMITH:

ON MONDAY OF THIS WEEK WE RECEIVED YOUR LETTER OF JUNE 11, 1956, IN WHICH YOU REQUEST "EXTENSION OF MY APPOINTMENT IN THE UNIVERSITY WITH LEAVE OF ABSENCE PENDING RESOLUTION OF MATTERS DETAILED IN THE ENCLOSED LETTER".

DURING THE INTERVAL, I HAVE PERUSED THE FILE WHICH CONCERNS YOUR CASE AND DISCOVER THAT YOU WERE NOTIFIED BY DEAN BOGGS ON MARCH 7, 1955, THAT YOUR APPOINTMENT WITH THE UNIVERSITY WOULD NOT BE RENEWED FOR THE ACADEMIC YEAR 1955-56. THIS WAS MODIFIED ON MAY 19, 1955 IN ANOTHER LETTER ADDRESSED TO YOU BY DEAN BOGGS IN WHICH HE NOTIFIED YOU THAT THE UNIVERSITY DID NOT INTEND TO RE-APPOINT YOU TO THE STAFF FOR THE YEAR 1956-57. THIS LATTER COMMUNICATION ALSO STATED THAT IT WOULD BE SATISFACTORY IF YOU DECIDED TO DISCONTINUE YOUR SERVICES PRIOR TO JUNE 30, 1956. I UNDERSTAND THAT DR. SHEEHAN SINCE THAT TIME HAS REAFFIRMED THE STATEMENTS MADE IN DEAN BOGGS' LAST COMMUNICATION TO YOU.

AFTER DISCUSSING THIS MATTER WITH DR. SHEEHAN AND CHANCELLOR HEALD, I AM ADVISING YOU THAT WE CANNOT ACCEDE TO YOUR CURRENT REQUEST FOR EXTENSION OF YOUR APPOINTMENT.

SINCERELY,


GEORGE E. ARMSTRONG, M.D.
DIRECTOR

GEA:LL

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

OF NEW YORK UNIVERSITY

550 FIRST AVENUE, NEW YORK 16, N.Y.

OFFICE OF THE DIRECTOR

JUNE 22, 1956

OREGON 9-5200

DR. WILLIAM E. SMITH
INSTITUTE OF INDUSTRIAL MEDICINE
NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
NEW YORK, NEW YORK

DEAR DOCTOR SMITH:

I HAVE RECEIVED THIS WEEK YOUR LETTER OF JUNE 12, 1956, IN WHICH YOU REQUESTED A HEARING RELATIVE TO TERMINATION OF YOUR APPOINTMENT WITH NEW YORK UNIVERSITY. SINCE SUCH A HEARING WOULD BE MANDATORY IN CASE YOU HAD ATTAINED TENURE STATUS, AND SINCE IT WAS DETERMINED LAST YEAR THAT YOU HAVE NOT ATTAINED SUCH STATUS, I AM OBLIGED TO INFORM YOU THAT WE CANNOT ACCEDE TO YOUR REQUEST.

DESPITE THE FACT THAT WE ARE TERMINATING YOUR APPOINTMENT AS OF 30 JUNE 1956, I ASSURE YOU THAT WE DEEPLY APPRECIATE THE CONTRIBUTIONS TO TEACHING AND RESEARCH WHICH YOU HAVE MADE WHILE WITH OUR UNIVERSITY AND THAT WE WISH YOU WELL IN YOUR FUTURE CAREER.

SINCERELY,


GEORGE E. ARMSTRONG, M.D.
DIRECTOR

GEA:LL

NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER

OF NEW YORK UNIVERSITY
550 FIRST AVENUE, NEW YORK 16, N.Y.

OFFICE OF THE DIRECTOR

JULY 2, 1956

OREGON 9-5200

DR. WILLIAM E. SMITH
INSTITUTE OF INDUSTRIAL MEDICINE
NEW YORK UNIVERSITY-BELLEVUE MEDICAL CENTER
550 FIRST AVENUE
NEW YORK 16, NEW YORK

DEAR DOCTOR SMITH:

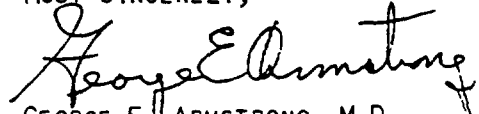
SINCE RECEIVING YOUR LETTER OF JUNE 25TH WE HAVE AGAIN REVIEWED YOUR CASE VERY CAREFULLY. IT WOULD SEEM THAT THE MATTER NOW RESOLVES ITSELF INTO TWO DISTINCT PROBLEMS: THE PROBLEM OF TENURE AND THE PROBLEM OF A HEARING, THE LATTER BASED ON YOUR CONTENTION THAT YOUR ACADEMIC FREEDOM HAS BEEN IMPINGED UPON.

AS TO TENURE: THIS MATTER RECEIVED FULL REVIEW OVER A YEAR AGO AT WHICH TIME YOU WERE NOTIFIED THAT YOU HAD NOT ACQUIRED TENURE STATUS. THIS DECISION WAS BASED ON POLICIES SET BY THE UNIVERSITY COUNCIL AND STILL REPRESENTS THE POSITION OF THE UNIVERSITY. FROM THE LATEST INFORMATION YOU HAVE SUBMITTED THERE SEEMS TO BE NO BASIS FOR A REVERSAL OF THIS POSITION.

YOU HAVE ALSO RAISED THE ISSUE OF YOUR ACADEMIC FREEDOM HAVING BEEN COMPROMISED AND REQUEST A HEARING ON THIS MATTER. SUCH A HEARING WOULD NOT BE RECOMMENDED BY ME TO THE PRESIDENT'S OFFICE ON THE BASIS OF THE CHARGES WHICH YOU HAVE SUBMITTED. IN THE ABSENCE OF CLEAR INFRINGEMENTS SUCH A HEARING AS YOUR PROPOSE IS, IN MY OPINION, WITHOUT MERIT.

FROM YOUR POINT OF VIEW I AM SORRY THAT MY INVESTIGATIONS ARE NOT MORE FAVORABLE TO YOU BUT I ASSURE YOU THAT THEY ARE BASED UPON COMPLETE IMPARTIALITY AND OBJECTIVITY.

MOST SINCERELY,


GEORGE E. ARMSTRONG, M.D.
DIRECTOR

GEA:LL

1831-32

One Hundred Twenty-fifth Anniversary
A Private University in the Public Service

1956-57