

such as forms the foundation of professional observatories like that at Fordham University. Nevertheless, this instrument has in the short term of its operation recorded one major earthquake 3,300 miles away, in Fairbanks, Alaska, and a

number of other shocks at lesser distances.

Mr. Lubin is a winner in the Seventh Annual Science Talent Search, and will be in Washington from Feb. 27 through March 2, at the Science Talent Institute.

Science News Letter, February 21, 1948

GENERAL SCIENCE

Scientists in Legal Mixup

Criminal prosecution endangers America's greatest scientists for their roles in contributing to the winning of World War II.

➤ HUNDREDS of America's greatest scientists "stand in theoretical danger of prosecution under the criminal statutes because of their contributions to the winning of a war," a former official of the wartime Office of Scientific Research and Development charged.

This ironic situation involves legal technicalities and some obscure legislation which Congress did not get around to passing. The scientists include Dr. Vannevar Bush, president of the Carnegie Institution of Washington and former director of OSRD, Pres. James B. Conant of Harvard and countless other leaders in science and education.

These men, who organized the scientific effort which produced radar, the proximity fuze and many other important developments which played important roles in winning World War II, served on OSRD and other groups without getting a salary. This made it possible for these men to continue in their positions as leaders of non-government organizations. Many of them might not have been able to serve as important planners and advisers to victory if they had been required to resign their peacetime jobs.

But this also has left them in a position of having violated the law, Pres. Irvin Stewart of West Virginia University, disclosed in a new book, "*Organizing Scientific Research for War*" (Little, Brown and Company, Boston, 358 pp., \$5.00).

The legal difficulty comes from the fact that OSRD and some of its committees entered into contracts with several of the nation's best-known scientific institutions while leading officials of the institutions were serving with OSRD. Examples cited by Dr. Stewart include Harvard University, Massachusetts Institute of Technology, California Institute of Technology, Columbia University, University of Illinois, University of

Pennsylvania, Johns Hopkins University and Bell Telephone Laboratories.

Dr. Stewart, who served as deputy director of OSRD under Dr. Bush, points out that the wartime organization did not permit members to participate in consideration of contracts with their own organizations. But the legal dilemma was never formally solved.

In 1941, Dr. Bush received an opinion that his own position was not in violation of the law. Then, in 1943, a ruling on local OPA boards apparently made the scientists liable under sections 109 and 113 of the Criminal Code. In both the Seventy-seventh and Seventy-eighth

Congress legislation to make the scientists exempt from these sections of the code failed to pass.

Under the Criminal Code, violators of section 109 "shall be fined not more than \$5,000 or imprisoned not more than one year, or both. . . ." Maximum penalties under section 113 are a fine of \$10,000 and not more than two years' imprisonment.

Dr. Stewart believes that, as things stand, many famous scientists have violated these sections.

"Fortunately, it does not seem at all likely that any of them will ever be prosecuted for those technical violations, for in practice the OSRD avoided situations involving actual conflicts of interest," he explains, "but there is no denying the theoretical possibility is there."

The legal tangle is only one of several technical difficulties, outside the laboratory, which OSRD faced in organizing American scientists for World War II. Manpower, supplies, security and publicity were all a part of the administrative headaches which plagued science leaders as well as military officials in the war. And Dr. Stewart's report on administering science indicates that even leading scientists were not able to develop a completely satisfactory "redtape-snipper."

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HALF-TON MOVER—Claimed to do work of four men with wheelbarrows, this machine has a capacity of 1000 pounds of wet or dry materials and the ability to climb a 20 per cent grade with a full load. It has a three horsepower air-cooled engine and operates for eight hours on three gallons of fuel. It can be equipped with a bucket or a sturdy steel and wood platform deck and there is even a snow plow attachment available.