

1926 Jan 16

Nanking, China,
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Prof. F. B. Morrison,
College of Agriculture,
Madison, Wisconsin

Dear Morrison:

In the multitudinous changes which we have been compelled to make in our itinerary in our efforts to escape getting tangled up in the war my mail has been badly mixed up. A consignment of about thirty letters came in a few days ago which had been floating around from as far back as the Imperial Hotel of Tokyo in October.

For the last two weeks I have been flat on my back with a severe attack of "grippe". Fortunately I was able to get into the university hospital here at Nanking, but with the inadequate facilities which they have in their homes, even the Europeans have a hard time keeping warm in winter and the minimum drop of temperature which they had in twenty odd years caught me short. I am just getting over a run of fever of about two weeks, but will probably not be able to get out of the hospital for several days more. Were it not for the importance of the matters raised in your letter, inclosing Glover's letter I should not now attempt to handle as delicate a question as this.

I am very greatly surprised at so complete a change in point of view as that which is represented by Glover's letter of the 22nd, in comparison with my conference held with him a little more than a month before. From a practical point of view there are two things that can be done; either a discovery which is patentable can be patented or it can be given freely to the public. There is nothing that I could imagine that would give the oleo interests greater joy than for us to open these findings for free use of the public. In this way it would be wholly possible for them to irradiate oleo and nobody could stop them. A plan which we have had in mind all along was that in place of leaving this thing wholly open to the public to use or mis-use as the case may be, if some kind of a business device could be organized which will keep this under the control of the university. We certainly will be in a position to better meet the problems which may arise than would be the case if there was no specific control.

Glover now says it is not right to use public money to discover new truths and then permit them to be patented by a corporation. Would he take the same attitude and object to this being done if the patent were controlled by the university instead of a corporation? The whole theory on which we have been proceeding has been that in essence this patent would be for the advantage of the university, and not for any corporation. It is, of course, entirely possible to say that a small group of apparently public spirited and public minded alumni are going to handle these advances from a purely commercial point of view, but the articles of incorporation of the organization set forth explicitly that it is the purpose of the corporation to promote, encourage, and aid, scientific investigations and research. There is no possibility of personal gain being permitted, and the whole purpose has been to create a workable legal entity that could act like a corporation so far as the public is concerned, but which would be imbued with an entirely different point of view than that which the word "corporation" usually connotes.

It will be one of the larger problems which an organization like this will have to meet as to what they will have to do when they come to the problem of licensing the irradiation of oleo. You state that you think it is entirely ethical and moral to license other food stuffs and products and yet withhold the license which concerns oleo and butter substitutes, and you put this on the basis of a tariff wall in national economy to protect our present standard of living. On this same basis it would of course, be wholly legitimate for this group who have the responsibility of this matter to withhold, as you say, the granting of the license for butter substitutes. When the synthetic indigo people discovered a cheap method of producing a substitute which took the place of natural indigo, it put the growing of indigo out of commerce. The same thing is happening now in connection with camphor here in China and the vanilla bean in the South Sea islands. In both of these cases it has wiped out a major industry in certain portions of the earth to have a substitute which could be produced so much more cheaply that it has displaced the original product in a large measure.

If there was no way in which this matter of irradiation could in any way be controlled, the dairy interests would be as helpless as the camphor or indigo people are today. An even more striking situation is that which is now rapidly coming to the fore in the matter of rayon or artificial silk. China and Japan are both trembling in their boots at the viscous silk which threatens to sooner or later drive them into bankruptcy; but Japan with her usual astuteness has already invested over 50,000,000 yen in artificial silk manu-

facture, so that she will be able to meet this coming competition on her own ground. It is perfectly clear to me that we owe it to the interests of the state that a thing of this type should be patented, for if we do not take the initial step to at least put ourselves in a position where we can deal with the problem as it assumes different shapes we will have lost all opportunity to set in on further developments of the matter.

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Your feeling/that because this matter would be acted upon by the board of directors of alumni origin, these men are naturally bound to have a capitalistic point of view instead of that of the Wisconsin farmer. I do not anticipate any such difficulty myself. I am perfectly willing to assume that men who have done for the university what George Haight has done, and Judge Evans of Baraboo, and Louis Hanks of Madison, will be willing, if not anxious, to take the best advice which the college can give them with reference to what is the wise mode of procedure to follow.

But I do not think that it is worth the effort in my present physical shape to discuss this matter to a finality. As yet I have heard nothing as to whether any further progress has been made on the securing of a patent. It is going to take a lot of somebody's money ^{to sell} down to a basis of where it can be actually used in commercial practice. If the college has something to sell in the shape of an idea that has a commercial value these problems will gradually have to be solved. But it is a cinch that I can't solve them even to my own satisfaction with no more knowledge of the progress the matter is making than I have.

Sommers' discovery. I am very glad to hear of Sommers' finding and its importance in ice cream manufacture. This is one of those things which it would have been quite impracticable to have attempted to patent, and I am glad you took the early action that you did with reference to its public announcement.

I have forgotten whether I wrote you as to what the Japanese are doing along the line of their Physical and Chemical Institute. They are taking some of the practical findings of research work and putting them on a successful commercial basis. I wrote Slichter en extenso regarding this institute which was the best equipped institution which I saw in all Japan, and it had been made possible through the financial avails of some of its best scientific men. The possible charge that it has resulted in the deterioration of Japanese science is perhaps answered by the fact that the most highly regarded and most productive men in physics and chemistry in the entire empire are connected with this enter-

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prise.

I inclose a clipping reative to Carlyle that I wonder if you have heard anything further about. This I found in "Time".

I shall be glad to get headed south, hoping to be able to come back a little more rapidly when I can strike warm weather.

Yours very truly,

HLR/WS