

1926 Jan 16

Nanking, China,  
Jan. 16, 1926Mr. A. J. Glover,  
Hoard's Dairyman,  
Fort Atkinson, Wisconsin

Dear Mr. Glover:

Dodging the military forces in China and keeping out of the way of bandits has so disarranged our train and mail schedule that we got a batch of thirty odd letters the other day that included some that had been floating around from early October until December. Among them was your letter giving additional thought to the matter of patents on investigational work of the experiment station.

For over two weeks now I have been laid out in the hospital with a severe attack of the "grippe" and not yet out of bed so I will not attempt to go into this discussion in any very detailed way. I think you quite misunderstood the way in which it was proposed to operate some of the results of scientific discovery. As I understand it, your criticism lies in the fact that no private corporation should have the right to take public property, and as you say, that is what it is when public money is paying for it. The one theory on which we have been proceeding is that this is not a private corporation in the ordinary sense of the word. A private corporation exists wholly for the profit of its share-holders, and this is exactly what this is designed not to be. The members will not participate in any profits which may possibly arise from the operation of any patent. It is unworkable for patents to be taken out in the name of the public unless it is expected they may be turned open with entire freedom to whoever may want to use them. That to my mind, is exactly what would happen if, in the case of the Steenbock discovery, no effort was made to control the ultimate disposition.

As I see it there are only two ways in which this matter can be handled; the public can be given the matter by free publication, and anybody who desires to use the method can do so; the other method is for the inventor to take out a patent if he has got anything which is patentable, and then the disposition of it in such a way that the public welfare will be best served. It will cost a good many thousand dollars that will have to be furnished by

someone before it can be ascertained whether there is anything in these discoveries that can be made of any value to mankind. Manifestly, the university as a legal corporation is not in a position to do this kind of work effectively. It was the feeling on the part of those of us who had given the matter most attention that a non-profit-sharing, quasi-public foundation that was small enough to have within it the limits of business efficiency, and yet imbued with the ideals of university and public service, would be better than to let the whole thing go scot-free to whoever wanted to use it.

This is not taking a public property and turning it over to a private corporation any more than would be the case with any other legal body such as the trustees of a charity or educational foundation. A corporation is the best legal thing that has yet been devised by which business can be transacted. The Board of Regents of the University is a corporation and yet no one thinks of abusing them because they are a private corporation, of misusing the trust which is placed in their hands.

It will be impossible for me to advise or even consult with the people at home as to what is the best method of approach to this problem. I had taken it up with various persons who naturally would be interested (including yourself) before I left and I had assumed that our points of view regarding the fundamental question under consideration were the same. I am therefore quite surprised to note that the attitude of your later communication is materially different from that which we talked over while in your office. I recognize, of course, that the more a man thinks of these matters, the more he is entitled to change his opinion if in his mature judgment there is reason to do so.

Morrison tells me that both he and Hatch have had a talk with you on this subject and it was far from being a perfectly clear and evident line on which you can seem to agree. I have heard nothing yet as to whether the patents have even been granted, and as it is not of much use to settle all of these problems until we know whether we have anything that is worth selling, I presume that further discussion will be forthcoming as new data is available.

I am quite pessimistic about the immediate future of this country. The chaotic condition in which everything is, due to the fact that the larger proportion of the tangible resources have to go for military operations which are mainly directed against each other, makes the possibility of an immediate advance of China exceedingly improbable. The nationalistic movement has gained such sway, and it has

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been fed in no small measure by the attitude of liberally minded returned students presupposing for its success an education on the part of the populace which does not at all exist. To talk about a republic under these conditions or a democratic form of government is simply preposterous. Ever since the republic was organized the country has gone backward rather than forward in its living, health conditions, and general welfare of the people at large.

With best regards,

Very truly yours,

HLR/WS