

Frank L. Hereford, Jr., dean of the graduate school of arts and sciences at the University of Virginia, has become provost of the school.

The American Institute of Aeronautics and Astronautics has presented its space science award for 1966 to **Francis S. Johnson**, head of the earth and planetary sciences laboratory at the Graduate Research Center of the Southwest. The award carries a \$1000 honorarium.

Dean Wallace Colvard, president of Mississippi State University, has been named chancellor of the University of North Carolina, Charlotte.

John H. Williams, director of the proton linear accelerator project which the University of Minnesota operates for the Atomic Energy Commission, has been elected president of the recently formed Argonne Universities Association.

The University of Virginia has appointed **Robert M. Berne** professor and chairman of the physiology department, effective next summer. He is currently in England as a postdoctoral fellow in cardiac metabolism, on leave from his post as professor of physiology at Western Reserve University.

Thomas E. Thompson, associate professor of biochemistry at Johns Hopkins University, has been appointed professor and chairman of biochemistry at the University of Virginia, as of 1 July.

John A. Wheeler, professor of physics at Princeton, has become president of the American Physical Society, succeeding **Felix Bloch**, physics professor at Stanford.

Neal Miller, J. R. Angell professor of psychology at Yale, has been named professor at Rockefeller University, effective 1 July.

Daniel X. Freedman, psychiatry professor at Yale University, will become professor and chairman of the department of psychiatry at the University of Chicago on 1 July.

George T. Lewis, chairman of the biochemistry department at the University of Miami school of medicine, has been appointed associate dean of the medical school.

William D. Hagenstein, executive vice president of the Industrial Forestry Association, Portland, Oregon, has been elected president of the Society of American Foresters.

Gordon R. Slemon, professor of electrical engineering at the University of Toronto, will become chairman of the department, 1 July. He will succeed **James Ham**, who is to become dean of the faculty of applied science and engineering.

REPORT FROM EUROPE

Appeal Judges Cut Ippolito's Sentence in Half

London. On 4 February a court of appeals in Rome reduced the 11-year sentence imposed in October 1964 on Felice Ippolito, former head of Italy's nuclear energy agency (CNEN), by more than half, to 5 years and 3 months, and suspended a year of the reduced sentence. At the same time the appeals court completely absolved the nine other defendants in the case, including Ippolito's father, Gerolamo.

These rulings dramatically changed a case which many Italian scientists and other observers believed fundamental. The accusations made against Ippolito—that he had exceeded the powers of his office and used that office for private gain—were thought by many to have arisen in part from almost unfathomable political motives and to constitute a threat to the sound administration of technical agencies in a modern Italy.

The case, and a stream of others

involving corporation-like agencies of the Italian government, aroused intense interest and controversy in Italy and abroad (see *Science*, 14 August 1964; 9 April and 17 December 1965).

Many observers feared that because the charges against Ippolito were not only accusations of individual corruption but also attacks on major policy decisions he had taken with the approval of higher officials, bold administrative action in the public interest might be stifled.

Many of these fears are likely to be removed by the appeal judges' rulings of 4 February. Reassessing the charges against Ippolito, the judges struck down all those which touched on major policy decisions and expenditure of large sums of money and left standing charges of irregularities involving smaller sums.

The judges' actions are certain to change the view of some Italians who

had felt that the judiciary was showing a tendency to interfere in policy questions.

The partial victory for Ippolito's defenders closed an appeal hearing which began 19 January and unfolded dispassionately, according to press reports. The tone of the sessions was in sharp contrast to the bitterly polemical tone of the first trial, in the summer and fall of 1964. Observers at that trial thought the judges were notably hostile to Ippolito. At one point Ippolito shouted at a judge not to interrupt him.

Adding intensity of feeling at the earlier trial was support for Ippolito from a large number of individuals, including 70 physics professors and former ministers who had been charged with supervising CNEN. Many of the scientists felt that Ippolito had served them well and that his prosecution might paralyze the conduct of modern research in Italy. Their fears had been increased by the prosecution of former directors of the Istituto Superiore di Sanità in Rome—Domenico Marotta and Giordano Giacomello.

Ippolito himself maintained that he was being prosecuted for his involvement in the 1962 decision to nationalize the Italian electric power industry, one of the measures taken when Italy came under its present center-left coalition government. This accusation of

Ippolito's raised questions which are at the heart of Italy's current political problems.

All these factors combined to put a great deal of pressure on everybody involved in the case. And yet, at the appeal itself, the charges brought against Ippolito and the other defendants were considered calmly.

As has been noted, some of the charges concerned major policy decisions and large sums. It was charged that Ippolito had illegally enlarged the staff of CENE, that the salaries of unauthorized employees totaled \$11.2 million a year. By achieving "total dominance" of the agency through assumption of responsibilities from the governing commission and supervising members of the cabinet, Ippolito, it was said, was able to approve more than \$6.4 million in unauthorized contracts. Ippolito was alleged to have spent, without authorization, \$1.3 million on houses for employees of the Ispra development center, which Italy had turned over to the European Atomic Energy Community. In granting contracts, it was said, Ippolito favored firms in which he, his father, and others on trial had an interest. Fees to these firms involved in the alleged "criminal plan" totaled \$80,000, and the contracts exceeded \$1.6 million.

All these charges were struck down by the appeals court judges. Upheld were accusations: that Ippolito had (i) maintained a special bank account of \$45,000 and disposed of this outside CNEN's budget; (ii) received a bonus of \$64,000, approved by some legal counselors and disapproved by others, when he left to take a seat on the council that directs the nationalized electric power industry; (iii) spent \$2400 (since repaid) for private trips; (iv) lent \$7200 to a friend in Switzerland, who had paid it back on returning to Italy; (v) paid \$3200 to two employes who did no work; (vi) organized several unauthorized conferences and bought 166 artificial seal-skin portfolios as gifts to journalists attending one of them; (vii) received sums covering expenses for the same foreign trip from CNEN and from one of the firms in which his family had an interest; and (viii) assigned a firm an illegal task.

Two paths to early liberty are now open to Ippolito: a temporary release while he awaits the result of his immediate appeal to the *corte di cassazione*, Italy's highest appeals court, for complete acquittal, or "conditional

liberty" after 18 April, when he will have served half the new sentence imposed 4 February (he has been in custody since 3 March 1964).

The appeals court judges gave a much-changed interpretation of one of the key issues of the case—the extent of Ippolito's control over CNEN. The prosecution said he had achieved "total dominance"—had avoided the control of his superiors and had treated the agency as a personal fief. The judges at the first trial rejected the words *total dominance* and said instead that Ippolito had "betrayed the trust of his superiors." Regardless of the wording, the implication was that either Ippolito had fooled his superiors or they had not paid close enough attention. His superiors answered that Ippolito's acts had their full understanding and approval. Although a lawyer, not of the prosecution but representing the Italian state, maintained during the appeal proceedings that Ippolito had escaped all control, the judges threw out the whole charge of "abuse of power."

This issue was at the heart of a considerable amount of maneuvering within the prosecution office prior to the appeal proceeding.

On 24 November it was announced that one of the deputy procurators general in Rome, Francesco Donato Di Migliardo, had been relieved of the task of pleading the prosecution's case at the appeal. He was replaced by Saverio Gabriotti.

This action was taken by Luigi Giannantonio, the procurator general in Rome who had originated the prosecutions of Ippolito and of directors and former directors of the Istituto Superiore di Sanità and a number of other state agencies, such as the banana monopoly and the tobacco monopoly. Giannantonio was the center of a storm in which the judiciary said it was waging a major campaign to clean up the conduct of corporation-like state agencies and its opponents said the judiciary was entering politics in a dangerous way.

In fact, Giannantonio made the substitution in prosecutors just a few days before he was to take his seat as deputy president of the *corte di cassazione*, which will now hear Ippolito's appeal.

The substitution resulted in no fewer than four critical speeches in the Italian parliament. Press reports said the substitution was made because Donato Di Migliardo didn't want to push the issue of "abuse of power" at the appeal.

To claim doubts about the objectivity

of the forthcoming appeal proceedings, the new procurator general, Giuseppe Lattanzi, announced that the new prosecutor, Gabriotti, would be free to follow his own judgment of the case.

Adding further complication was a recent ruling by Italy's constitutional court. In contrast to American practice, where the Supreme Court judges individual matters while considering the constitutional or procedural issues they raise, Italy attempts to separate top-level criminal or civil appeals from other questions. The top-level appeals are handled by the *corte di cassazione*, other appeals are handled by the constitutional court. This court has ruled that henceforth all defendants have the right to their lawyers' services during the investigatory stage which precedes the full trial. This is the stage, prescribed by Roman law, when a "judge of instruction" goes over the evidence. There is much perplexity in Italy about whether any previous convictions would now be overturned by this ruling. The constitutional court hasn't ended the issue with its statement that the ruling is not retroactive. It is possible, although not likely, that the ruling might give Ippolito grounds for a further appeal, since he wasn't represented by lawyers in the investigatory stage of the proceedings against him. As insurance, his lawyers have maintained this point throughout.

Meanwhile, interest is growing in Italy in the broader administrative issues raised by the case. Paolo Bugialli of *Corriere della Sera* put it this way in an article which appeared on 18 January:

"This case, in which there are undeniable reflections of politics, has in fact brought to light the antiquity of many rules governing the apparatus of public administration. [This is] an antiquity which can counsel boldness to the more dynamic men; such boldness, however, can overleap the boundaries of arbitrary action."

On the bench of the accused with Ippolito, said Bugialli, was a defendant inaccessible to prosecution: bureaucratic complexity: "The prosecution of Ippolito has paralyzed this bureaucracy. . . . [Nonetheless] rules exist and the judges have the precise task of punishing those who do not respect the rules. But one cannot deny the suggestions made in the first trial by the scientists who defended Ippolito: One cannot administer atomic energy with the criteria followed in the era of petroleum lamps."—VICTOR K. McELHENY