in the field who had been most affected by the moratorium. For many of them, their chief concern was for the conference to agree to or amend the safety guidelines proposed so that they could get back to work again. But attempts to get the guidelines debated in detail were repeatedly sidetracked by people who raised more general issues, and the experimenters were generally unable to refocus the discussion. "The consensus here is that people want guidelines and containment so they can go and do their experiments, but no one will come out and say it—they're all chicken," one group leader observed privately.

The central dilemma the experimenters faced was that, despite the various attempts to rank the experiments in order of risk, no one had any real idea of what the risk might be or how to assess it, a point made in the following exchange on how precisely the guidelines could be written:

MAALOE (University of Copenhagen). I think we are misbehaving ourselves very considerably at this moment because it is nonsense to my mind to try to proofread your report. . . . To imagine that we can lay down even fairly simple general rules would be deceiving ourselves. . . .

LEDERBERG. If it is likely to be crystallized into legislation, we had better be sure that it is right.

BERG. If you concede there is a graded set of risks, that is what you have to respond to.

WATSON. But you can't measure the risk. So they want to put me out of business for something you can't measure.

Photocopying: High Court Tie Vote Leaves Issue to Congress

A long succession of inconclusive answers to the question of whether royalties should be paid when copyrighted material is photocopied was further extended on 25 February when the Supreme Court reported a four to four tie vote on the issue.

The court had agreed to consider an earlier Court of Claims decision, and the effect of the tie was to uphold the lower court ruling allowing the National Library of Medicine (NLM) and the library of the National Institutes of Health (NIH) to go on filling individual requests for copies of single journal articles.

The Court of Claims had acted in a suit brought by the scientific publisher, Williams & Wilkins of Baltimore, charging that NLM and the NIH library had infringed copyright laws by their photocopying practices.

Both sides agree that no sweeping implications can be drawn from the Supreme Court action, since the justices wrote no opinion and because the original case bore on such narrow issues involving particular libraries. (Associate Justice Harry A. Blackmun, who would have cast the decisive vote, disqualified himself in the case. Blackmun did not state his reason for doing so, but legal work he had done for the Mayo Clinic in the past may have been the cause.) There is also general agreement that the matter can be settled more satisfactorily by congressional revision of the copyright law of 1909 than by court action.

The Supreme Court deadlock does not quite close out the available legal options open. Williams & Wilkins could petition the court for a rehearing. But the Baltimore publishers have been receiving help from a sizable group of publishers in paying the substantial legal costs of the Supreme Court test, and the consensus of the group is that it would not be wise to press on. This view, which Williams & Wilkins have accepted, seems to be based on an appraisal of the odds in the court and the feeling that the even split in the court's decision would not count against the publishers when Congress came to consider the issue of photocopying.

Congress Likely to Act

Prospects for this happening soon improved when the Senate last September, after more than a decade of wrestling with the complex issues involved, passed a copyright revision law. The 93rd Congress, however, adjourned without the House's acting on the measure. A virtually identical bill has now been reintroduced in the Senate and is expected to be reported to the Judiciary Committee by the end of April by the subcommittee headed by Senator John L. McClellan (D–Ark.).

In the House, the Senate bill has been introduced by Robert W. Kastenmeier (D–Wis.) and will provide the basis for hearings on copyright revision scheduled to begin in late April before the Judiciary subcommittee Kastenmeier chairs. Capitol Hill observers say chances are good for favorable congressional action on copyright revision legislation by the end of the 2-year life of the present Congress.

A fresh element was introduced into the copyright debate at the end of the last session when an interim copyright bill was passed. This hastily concocted measure did such things as extend certain expiring copyright provisions and increase penalties for counterfeiting sound recordings. But it also called for establishment of a National Commission on New Technological Uses of Copyrighted Works. Among the problems created by new technology which the 13-member commission was directed to study was library photocopying. The commission, which has a $2.5 million budget, is to report within 3 years.

It is conceivable that Congress will choose not to act on library photocopying until the commission makes its recommendations, but it seems likelier that the subject will be covered sooner in legislation. If the treatment of library photocopying follows the line developed during Senate work on the bill (*Science*, 28 June 1974) the practice of libraries copying single articles for those who request them would be sanctioned, but there would be limitations placed on "systematic" copying.

There seems to be a growing conviction among people on both sides of the dispute—authors and publishers and librarians—and among those in the middle—legislators and congressional staff people—that even the most carefully drawn legislation on library photocopying can only provide general guidelines and that agreement on actual practice can best be worked out between the interested parties. While the antagonisms developed have not disappeared, the most serious efforts in recent years involving publishers and librarians to find a modus vivendi are reported to be in progress. There seems to be a realization that even after Congress and the courts have acted the two parties will still have to work it out.—J.W.