

Date: January 6, 1954

To: Dr. Selman A. Waksman

No. 2

I suppose I ought to repeat the caveat that Schatz may, if the story is in print, bring a suit for libel, even though there is no basis for it. For that reason it would be wiser to exclude any fact that cannot be documented. If Schatz were so unwise as to bring suit, it would, of course, be most unpleasant; but it might be to your ultimate advantage, for the result would be predictable.

You do refer, at page 425, to your giving up your royalties, etc. I think that section could be expanded and put in context. Some people may have been led to believe by the law suit, and the news reports, that you induced Schatz to assign his interest in the patent in order to secure some private financial gain. The facts that you first transferred all your interest in the patent, then demanded that the part returned to you be halved, and then gave away half of the small share retained, should be stated in refutation. (There is a brief sentence to that effect on page 425, but you leave too much to be inferred by the reader.) You should indicate the size of the fortune you donated in the interests of science; and unless you think it too personal a matter, you might indicate the extent of your personal savings at the time you assigned your rights in the patent.

Now, a few minor details:

Is it necessary, at page 422, to include the statement about your former student? It was a single incident of that kind in 35 years of teaching; the reference to it magnifies its importance.

P. 423, line 17 - delete the sentence beginning, "To call this claim preposterous, scandalous, etc.", and substitute something to this effect, "I will not dignify the charge by refutation." Schatz or his counselors might claim that the adjectives are libellous. For the same reason, delete, in paragraph 4, page 425, the word "moral."

P. 424, delete the sentence, "The university paid us our salary ... etc." For reasons you explained to me, it would be unwise to give substance to any claim that the university had any legal right to the royalties.

Also delete the sentence beginning, "There were two", 7 lines from the bottom of page 426. The reference to the one or two disgruntled students might give credence to Schatz's lies, - and detracts from the important fact that virtually all of your students came to your support.