

PROFESSIONAL RELATIONS

BULLETIN

Division of Professional Relations
Box 286, Rahway, N.J. 07065



DENNIS CHAMOT, *Editor*

No. 15
April, 1977

FROM THE EDITOR . . .

Election Results

The following are the official returns from the DPR election last November (*elected):

Chairman-elect

Herbert P. Kagan	55
Eugene N. Garcia*	238

Councilor

Dennis Chamot*	220
Don B. Sullenger	75
Jay Weinsten	1

Alternate Councilor

Aspet Meriganian*	162
Claude R. Hudgens	126

Secretary

ESTher H. Hopkins	104
Alan L. McClelland*	185

Member-at-large (2)

Don R. Baker*	232
Stanley W. Drigot	149
Jack P. Gilbert*	159

Ballots sent: 560
Returned: 296 (53%)

Report from New Orleans

As usual, the New Orleans national meeting handed up a mixed bag of results in the professional relations area. I'll highlight only a few.

Both of your Councilors, Dennis Chamot and Norm Pinkowski, attended the executive session of the Council Committee on Professional Relations (Norm is a full member; Dennis is an associate). Among other things, the Subcommittee on Professional Standards reported on their deliberations of several proposed

changes to the Professional Employment Guidelines. Presumably because industrial management gets very confused otherwise, it is currently Society policy to officially revise the Guidelines only every other year. Needless to say, there are many who disagree with that schedule, but that's the current policy.

Once again, the subcommittee rejected the so-called "strike guideline". Let me quote the proposed version.

Chemist: The chemist should use the period of a labor strike in a thoroughly constructive and professional manner, the exact nature of which depends on the personal commitment of the individual chemist; the physiological, psychological and technological capabilities of the individual chemist; and the degree of disruption caused by the strike.

Employer: The employer should not penalize the chemist who for reasons of physiological, psychological or technological capabilities, or for reasons of personal principles, refrains from participating in the operation of the plant during a labor strike.

In other words, the chemist should be free to do plant work in support of management during a strike by plant personnel, but if he does not desire to do so for reasons of health or principle, he should not be *forced* to do so against his will; he would, however, continue to perform his usual job. The question is one of free will versus coercion.

The full committee debated these proposals further, and then voted against them, 8-5. However, it seemed clear that some of the negative voters were unsatisfied by the wording, but were not against the principle. By a vote of 8-4, the committee asked the subcommittee to continue working on these proposals, with the specific task of coming up with clearer language.

Those with long memories will recall that these guideline additions were proposed by Bob Olsen of this Division. We will continue to pursue this.

Another interesting thing occurred at the CPR meeting. About mid-way through, the agenda was set aside for a special session. At President Hill's suggestion, several non-members of the committee who had strong views on areas covered by the committee were invited to present their thoughts. In addition to Henry Hill, some who spoke were Herman Bloch (Chairman of the Board), David Wetstone (Vice Chairman, Council Policy Committee), Ray Mariella (Board member, and Executive Director designate), Madeleine Joullie (Chairman, Committee on Economic Status), and several others. Although no one changed his mind, the exchange of views was useful. Perhaps this kind of meeting should be held again, with more time for full discussion.

The Council meeting was frustrating, as usual. We won a few, and we lost even more. Progress is slow in the ACS.

The first major battle came over the formation of "commissions". There are some (including myself) who look upon these as an unnecessary additional level of bureaucracy. Even Robert Cairns, who, as the Executive Director, usually keeps out of Council debates except to offer official reports, was moved to point out that these commissions could cost the Society as much as \$400,000 per year (keep that number in mind, friends; it means that \$4.00 of your dues will be used just to support the commissions). In the end, the Council voted to set up a Science Commission and an Education Commission, to coordinate and oversee the Society's activities in these two areas. They represent an experiment, so there will be an opportunity to review their usefulness

(Chamot and Pinkowski voted against establishing the commissions). After the vote, Chamot asked that staff be requested to report on the extra costs of running the commissions, and to indicate which dues-supported programs were being cut to pay for them.

Another petition dealt with nomination and election conditions. A constitutional amendment was offered to require that elections for President-elect and Directors provide opportunity for nominating petition candidates, and that biographies and statements accompany the ballot. After much heated debate, this was defeated (Chamot and Pinkowski voted for). However, the Council then took up the accompanying bylaw amendment, which required that statements and biographies accompany the ballot. After making a minor technical change, Council passed this one without debate! I'm glad it passed, but don't ask me how.

The remains of the so-called "Fair Election Procedures" amendment came up again. This one was also the subject of a good deal of debate. The first section was the one that required everyone to file reports if he spent a total of \$25 in cash or goods or services in support of a candidate for ACS office (see the last *Bulletin* for a discussion of this ridiculous and intimidating proposal). This was referred back to the Committee on Nominations and Elections (N&E), so it may come back. Tell your section Councilors what you think of it.

The next part would have defined violations of the election procedures as "conduct which tends to injure the Society", which means you get kicked out. This was defeated by Council, as it should have been.

Part III gives N&E the power to investigate election complaints dealing with section or division elections, and to set aside the result and require a new election. Considering the fact that damn few complaints are raised about the several hundred elections held each year (virtually none, according to ACS officials), the need for this kind of system is not overpowering. I am rather concerned about giving such a small group the power to overturn elections, but the amendment passed. If the membership ratifies the constitutional amendment, we'll see how well it will work. Of course, if past experience is a guide, it might be quite a while before N&E is called upon to exercise its new authority. I hope that the availability of this procedure does not encourage the filing of additional complaints, as a part of an attempt to reverse an election with which one does not agree.

Actually, to give you more of the flavor of these amendments, I should point out that the last sentence of Part III would ban any candidate found to be in violation of these election procedures from being on the ballot. Needless to say, the regulations are becoming so complex, that it would be very easy to commit a technical violation, even a serious one, and not do it knowingly. In any case, the membership should judge the offender; they should not be denied that opportunity by forbidding the person from being on the ballot. Fortunately, this sentence was removed from the amendment.

The last section, Part IV, would have given N&E authority to investigate complaints concerning regional and national elections. The committee would then make a recommendation to the Council, which would have the power to set aside the election. This, too, was recommended.

As I have said before, one would think that there have been massive complaints concerning ACS elections, and a good deal of evidence of fraud or other serious problems. The truth is quite the reverse, so why all the fuss? Why burden every local ACS election with new regulations that aren't needed? Could it be that some people don't like the results of recent elections, especially at the national level, and believe that the only way the membership could vote for such people would be as a result of widespread irregularities? I am insulted by such a view, and I hope you are, too.

With the foregoing in mind, consider also that there was a call for a record vote at this meeting, and it was overwhelmingly defeated. I should think that any Councilor who is unafraid of running in an open election should not be afraid to cast his vote in the open.

By the way, you might be amused by one of the major arguments presented against the record vote, and that was that such votes would cost the Society several hundred dollars when printed in *C&EN*. This from the same bunch who didn't bat an eye when informed that the Commissions would cost upwards of several hundred thousand dollars each and every year. I guess it is too much to demand consistency, but you have every right to insist that your Councilors tell you how they voted when they represent you in Council. Use that right.

Nixon Bloched

A last word on the Council meeting. At the very beginning, President Hill discussed a rather unpleasant situation. He had been strongly in favor of reappointing Alan Nixon to the Committee on Chemistry and Public Affairs (CCPA), which is a joint Board-Council committee that deals with Congressional testimony, public statements on behalf of the Society, and other important matters. It would seem that Dr. Nixon was a perfect choice a past President of the Society, a leader of the Committee of Scientific Society Presidents, an extremely active and thoughtful member of ACS and, indeed, of CCPA (at times, he even seemed to be a one-man fund raising campaign for Project SEED), and one who is vitally interested in the scientific affairs of government.

So what's the problem? Dr. Bloch absolutely refused to agree to Dr. Nixon's reappointment, and Dr. Hill refused to appoint anyone else to the committee until this distasteful episode was resolved. Well, Henry Hill announced that, in order to allow the committee to go ahead with its business, he was agreeing to the other appointments. But he was leaving Dr. Nixon's seat vacant, and was appointing him a special Presidential Representative to CCPA.

My admiration for Dr. Hill as a man of principle and compassion is increased by his behavior in this affair. I have yet to learn the real reason for Dr. Bloch's objection.

Questionnaire Results

Later in this issue are to be found the results of the questionnaire we sent you late last year. We achieved a better than 30% return, which is quite good for something of this kind. We also received several unsigned questionnaires, which were not counted.

I found the results to be rather interesting. For example, question five deals with the desirability of having a direct referendum system for overruling decisions by either the Council or the Board of Directors of the ACS. Petitions to set up such a system have been presented to Council several times, and have always been defeated. Yet our membership voted by a huge margin to support them. It would seem that the Council, before it again determines "what is best for the Society," ask the membership whether or not a referendum system should be instituted. They may be surprised by the result (maybe that's why they don't ask).

The questionnaire also showed that most members were familiar with the ACS Professional Employment Guidelines. Indeed, this area is one of importance to our membership, as one would expect. Three-fourths agree that "professional relations" should be a part of graduate or undergraduate curricula, and a much higher fraction felt that CPR reports of mass terminations should *not* be subject to Board review before publication in *C&EN*. As for *C&EN* itself, 2 out of 3 were not satisfied with its coverage of professional matters.

Question nine dealt with another area that gets a lot of discussion. About half the respondents favor voluntary registration of chemists. The other choices (mandatory licensing, unionization, or no change from current practice) evenly divided the remainder. Another way to view the data, of course, is to say that anyone who voted for one of the first three choices was voting for change, and this they did by five to one.

As to interactions with government, our members voted almost unanimously that ACS efforts be expanded. In the same vein, the vote was three to one that broader input from the membership was needed before the Board issues Congressional testimony or similar public statements.

Finally, by a vote of three to one, our members urge the DPR Executive Committee to formally endorse candidates for national ACS offices. While this is now prohibited by recent bylaw amendments passed by the Council, we can continue, as a group of individuals, to support progressive candidates.

As one of your Councilors, I personally found this questionnaire to be quite useful. For myself and the rest of the Executive Committee, I thank all of you who took the time to complete the form.

-Dennis Chamot

SCIENCE AND ETHICS: THE PERSPECTIVE OF A FORMER CORPORATE SCIENTIST ¹

Louis V. McIntire, Ph.D.
Orange, Texas

Editor's introduction: Dr. McIntire is co-author (with his wife, Marion) of the book, "Scientists and Engineers: the Professionals Who Are Not". He was fired from his job as a chemical engineer about a year after the book appeared, although he claims that his company's management asked him to leave much earlier. Seeing a connection between the appearance of his satirical book and his firing, Dr. McIntire has a suit pending against his former employer.

The following article, originally presented at a talk before AAAS, is strongly opinionated, but is not satire. Indeed, the examples cited are either based on the author's own experiences, or were related to him by other engineers. We invite comments from our readers.

By the way, for those who may be interested in seeing the book that started it all, it is available from Arcola Communications Co., Box 2101, Lafayette, La. 70501. Price, \$10.95, post paid.

One of the most important things to me is the well being of our country. At a time when our government was threatened, I like many of you, put on a military uniform and pledged my life to the preservation of our system of government.

I believe in our capitalistic system. I want very much for this capitalistic system to survive, prosper and grow. I strongly believe that the survival of our capitalistic system may very well depend upon our success in extending this wonderful system to the creative scientists working behind the Corporate Wall.

In reviewing the anti-business feeling spreading throughout our land, we find that pollster Peter Hart² reported that:

1) only 17% of those he polled favor our present economic system; 2) 41% want major changes. 3) Americans favor employees owning most of their company's stock by a 66% to 25% margin. I find myself asking, "Why such anti-business feeling in this land of plenty?"

Looking back into our history, I find two very strong characteristics of our people which may help answer the question:

1. Americans now and always have wanted a fair share of the products of their efforts. To them, this constitutes the very foundation of freedom.
2. In business, when ethics come into conflict with economics—then ethics are ignored. The greater the economic advantage, the stronger is the resistance to moral persuasion and ethical conduct.

The economic concern in our history is so over-riding that our great nation was almost torn apart by a bloody Civil War. No matter how unethical, immoral and illegal one might have thought it was to own another human being—when the combination of ethics, morals and law attempted to bring this practice to an end—millions of men dedicated their lives to dividing our nation rather than give up the economic advantage of slavery.

The study of the Civil War and the observation of how some large organizations can systematically ignore, bypass, and frustrate our laws, has convinced me that a code of ethics for scientists behind the Corporate Wall—without strong legislation to support it—is worthless.

A war and a constitutional amendment declared loud and clear that slavery is illegal—that a person is not a chattel—that a person's body cannot be owned. Now over one hundred years later we ask—but what about his mind?

In our society, only individuals can be made accountable. You cannot send a corporation to jail. The corporation is like a mob. It has no feelings; there is no accountability. It will always have an intimidating effect on the individual facing it.

Without outside help, no individual can stand against a mob or a corporation. Thus, the individual will not support ethical conduct when it comes into conflict with corporate policy unless he can be made legally accountable for his actions. Even when he is legally accountable, we have examples of wholesale violations of the law. This was the case with illegal political contributions.

To expect a "code of ethics" to work without strong legislation to guarantee due process, would be an exercise in futility. Even if we had the laws to back up a code of ethics, we would still have to press most of our cases through the courts in order to enforce the legislation. To verify this, we need only look at the cases now in the courts involving the Age Discrimination Act.

Our laws clearly specify that corporations cannot be granted patents; that only an individual or group of individuals can obtain a patent. The intent of the law is circumvented and frustrated routinely in this respect.

Some of the important early decisions of our courts in the corporate patent field refer to the "master-servant" relationship. These decisions and the early thinking have set the tone for the evolution of our present day corporate-employee patent system. They have made the employer-"master", employee-"servant" relationship acceptable practice.

My own feelings are that these early decisions, a lack of ethics and a skill that has virtually elevated intimidation to a science, have combined to enslave the minds of creative scientists behind the Corporate Wall. If you are going to work behind the Corporate Wall, you must sign a patent contract which waives your legal right to the products of your mind. When the corporation tells you to sign the patent contract—and sign you must without knowing how valuable your inventions might be—is this the science of ethics or is this the science of intimidation?

When a corporation tells you to sign a patent application for an invention which you know was made by a scientist who is no longer employed by the company—is this the science of ethics or the science of intimidation?

You invent a process for making a product after many other researchers have declared, "This cannot be done". Your company has agreements with their licensees to disclose and license all inventions made within a given time period. If the patent for the process issues in your name, it will fall within the specified time period and your company would be required to give the license without charge under the terms of its contract. Now, in order to obtain a patent position which will require additional licensing and more payments, your company decides that your invention should be patented by someone else at an altered date. Is this the science of ethics or the science of intimidation?

Management makes a decision that they want to reduce the number of scientists they employ. Management also decides which scientists they want to fire. As a supervisor, you are told that you must start criticizing the work of the scientists marked for firing. As their supervisor, you know they are performing extremely well and you refuse to criticize their work. The scientists are fired anyway and you are told that you are not management material. The remaining scientists in the organization realize what has happened to you and why. Is this the science of ethics or the science of intimidation?

Suppose you are the scientist picked for firing in a cutback. You are called into top management's office. This usually results in your standing alone and facing two or more management people. Your immediate supervisor is usually absent. Top management says your performance is not good. You protest that it is good. The management people suggest you might be better off somewhere else and that you should leave the company quietly. They always point out that if you leave quietly,

¹Copyright 1975.

²Wall Street Journal, Aug. 22, 1975

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you can expect good recommendations. They also state that if you do not leave quietly and "voluntarily", then, "Well, You Know What That Means . . ." You ask for management to give you their position in writing. Management refuses to give you *anything* in writing. Is this the science of ethics or is this the science of intimidation?

For many years, our activities behind the Corporate Wall have been closely controlled. Now I see attempts to extend the Corporate Wall to outside activities such as politics. Let me cite an example. Over the years, I have developed some measure of credibility with a few elected officials. My wife was elected to the State Democratic Executive Committee. During this time, while I was still employed by DuPont, a new appointment was to be made to the State Air Control Board and the replacement was due to come from our area of the state.

Immediately, someone from the Employee Relations Department called pushing his candidate and asking me and especially my wife to request that the Governor appoint his candidate. We polled the party people with whom we had worked in politics and who had elected my wife. A majority of them refused to support the corporate candidate, fearing a conflict of interest. As a result, my wife and I declined to support the corporate candidate. The man from Employee Relations was extremely upset when I told him how the people felt. I ask again, is this the science of ethics or the science of intimidation?

I have always had a great admiration for Thomas Jefferson. A statement he made helped me through the dark days after my book was published and DuPont fired me. I feel it is very appropriate to recall this statement in this year when we commemorate the struggle of our forefathers to establish this nation two hundred years ago. Jefferson said: "If we purchase safety at the price of freedom, then we shall find that we have neither freedom nor safety".

We need to ask ourselves: What kind of people are we? Are we going to emulate Jefferson, Washington, Franklin and Lincoln who believed in the individual; believed in individual reward, individual merit and individual accountability? Or have we become like Darius and his Persian horde whose basis for reward was the ability to amuse and flatter those who ruled at the King's pleasure?

We know what happened to Darius and his horde when they met the individuals of Greece and a boy named Alexander.

In closing I ask: "What is going to happen to science and ethics behind the Corporate Wall?"

QUESTIONNAIRE RESULTS

For discussion, see page 2.

1. Are you aware of the suggestions for changing ACS structure that have resulted from the A.D. Little Study and associated Task Forces?
Yes 110 No 63

2.a. The local section/division Councilor ratio is currently approx. 450/54. Should *divisional* representation be
greater 61 the same 72 less 18

2.b. If the ratio should be changed, which of the following systems do you prefer (NB -- currently, each division has two councilors, regardless of size; the number of councilors for each section depends upon membership in the section, whether active or not):

12 A. Member may vote for *either* a section or division councilor, not both. Divisional representation to be based on size.

61 B. Member votes for both section and division councilors. Representation of each unit to be based on size.

18 C. As B, but limit to no more than one division.

13 D. As C, but have a constant number of councilors per division, greater than the present two.

3. There are currently Council committees that report to the Council, and Board committees that report to the Board. Should all be combined into joint committees, with membership from (and reporting to) both bodies?
Yes 97 No 44

4. Should the Council have the authority to overrule Board actions?
Yes 103 No 44

5. Do you favor a direct referendum system (vote by the membership at large) for overruling decisions by:
a. Council Yes 139 No 18
b. Board Yes 130 No 26

6. Are you familiar with the ACS Professional Employment Guidelines?
Yes 154 No 18

7. Do you have any suggestions for improving the Guidelines and/or making them more effective? Yes No
If yes, please send comments with this questionnaire.

8. Are you satisfied with *C&EN* coverage of professional matters? Yes 56 No 105

9. Do you favor (check only one):
77 voluntary registration of chemists
32 mandatory licensing of chemists
27 unionization of chemists
27 none of these

10. Should "professional relations" be a part of undergraduate or graduate curricula?
Yes 119 No 43

11. The *Professional Relations Bulletin* has carried articles on a wide variety of subjects. What would you like to see in future issues (old or new subjects)

12. Do you favor increased ACS efforts with government in areas of professional concern to chemists? Yes 154 No 7

13. ACS testimony before Congressional committees, as well as other public statements on selected topics, are issued only by the Board. Do these statements of policy require broader input from the general membership, or is the current procedure (which usually includes selective input by committees and individuals outside the Board) satisfactory?
Currently satisfactory 43
Needs broader input 112

14. Layoffs of chemists are investigated by the Council Committee on Professional Relations, whose reports are then published in *C&EN*. Would you want these reports reviewed first by the Board (this has been suggested. See minutes of Board meeting for June 4, 5, 1976, no. 18). Yes 27 No 135

15. In the past, members of the DPR Executive Committee have endorsed two candidates for ACS Director, Warren Niederhauser and Gordon Nelson. Both have been active in the division. Should the Executive Committee formally endorse candidates?
Yes 124 No 40