

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ATOMIC NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
MAY 21, 1943

1938
Captain R. A. Lavendar
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavendar:

I am writing to you concerning the United States Patent No. 161985 in which you expressed a certain amount of interest. I told you in Washington that this patent falls under an agreement which I have with a third party and that, therefore, I am not at present free to assign it to the Government. I also told you that about six weeks ago the third party indicated to my lawyer that he would be willing to agree to the cancellation of this agreement against payment of \$6000. When I saw you, I thought that I might ask for a three months' option on this basis and accordingly telephoned my lawyer yesterday in New York. He very strongly advised, however, against this procedure on the grounds that, in the circumstances, it would be a mistake to give any indication of the fact that a third party is interested in the patent and his opinion is that if I do so, the price will immediately be raised. Knowing the circumstances I am inclined to think that my lawyer is right, and I am, therefore, asking you whether we could not proceed in the following way.

You could examine the patent (I gave some explanations concerning it to Lt. R. A. Anderson) and if you should come to the conclusion that the patent would be worth \$6000 to the Government, perhaps you would be in a position to give me a binding offer or a letter of intention to the effect that if I assign this patent to the Government within a year it would be prepared to pay the sum of \$6000 for it. I believe that if I had a binding assurance to this effect I could arrange right away for a cancellation of the disturbing agreement using private funds. It is, of course, not my intention to make a separate agreement with the Government concerning this patent but rather to throw this patent into the general report; only in case our negotiations should fall through for some reason or other would I consider whether or not to assign the patent to the Government against a consideration of \$6000.

Kindly let me know whether this procedure is compatible with the authorization which you have, and if it is not, maybe you can suggest some other satisfactory procedure. I am rather convinced now that asking for an option would be a mistake.

Sincerely yours,

Leo Szilard

Mr. Wells for his information
The University of Chicago
Metallurgical Laboratory
L. Szilard

May 21, 1943

MIDWAY 0800
EXT. 1290

Draft

Captain R. A. Lavendar
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavendar:

I am writing to you concerning the United States Patent No. 161985 in which you expressed a certain amount of interest. I told you in Washington that this patent falls under an agreement which I have with a third party and that, therefore, I am not at present free to assign it to the Government. I also told you that about six weeks ago the third party indicated to my lawyer that he would be willing to agree to the cancellation of this agreement against payment of \$6000. When I saw you, I thought that I might ask for a three months' option on this basis and accordingly telephoned my lawyer yesterday in New York. He very strongly advised, however, against this procedure on the grounds that, in the circumstances, it would be a mistake to give any indication of the fact that a third party is interested in the patent and his opinion is that if I do so, the price will immediately be raised. Knowing the circumstances I am inclined to think that my lawyer is right, and I am, therefore, ~~asking~~ *wondering* you whether we could not proceed in the following way:

You could examine the patent (I gave some explanations concerning it to Lt. R. A. Anderson) and if you should come to the conclusion that the patent would be worth \$6000 to the Government, perhaps you would be in a position to give me a binding offer or a letter of intention to the effect that if I assign this patent to the Government within a year it would be prepared to pay the sum ~~of~~ \$6000 for it. I believe that if I had a binding assurance to this effect I could arrange right away for a cancellation of the disturbing agreement using private funds. It is, of course, not my intention to make a separate agreement with the Government concerning this patent but rather to throw this patent into the general *pot* report; only in case our negotiations should fall through for some reason or other would I consider whether or not to assign the patent to the Government against a consideration of \$6000. *Perhaps*

Kindly let me know whether this procedure is compatible with the authorization which you have, ~~and if it is not, maybe you can suggest some other satisfactory procedure. I am rather convinced now that asking for an option would be a mistake.~~ *My lawyer has me*

up to
Sincerely yours,

up to
~~Leo Szilard~~

for a sum of \$6000 or less.

May 24, 1943

Capt. R. A. Lavender,
Office of Scientific Research & Development,
1530 P Street, N.W.,
Washington, D. C.

Dear Capt. Lavender: -

Last Saturday Dr. Szilard and I discussed the matter of my representing him in the negotiations with you concerning certain inventions of his. I have given the matter very careful consideration and feel that because of the surrounding circumstances I cannot represent Dr. Szilard.

I appreciate the difficulty in obtaining representation for Dr. Szilard in view of the nature of the work. However it appears to me that the contractual phase could well be handled entirely apart from the subject matter.

I am sure that you will understand my position with regard to the ethics of representing conflicting interests and I am indeed sorry that the circumstances prevent my taking part.

Very truly yours,

GW:DM

cc- Dr. L. Szilard

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONN 6491 MAY 31 1943
AND WAS TURNED OVER TO
DR. LEO SZILARD ON

W.P. [unclear]

~~SECRET~~

Mr. Greek Wells
Zabel, Carlson, Gritzbaugh
and Wells
2030 Bankers Building
Chicago, Illinois

Dear Mr. Wells:

Receipt is acknowledged of your letter of 24 May 1943 in which you stated that you did not feel free to represent Dr. Szilard in the coming negotiations of the transfer of rights to certain of his inventions. I appreciated fully the position you have taken in the matter and were it not for other reasons your decision would be accepted without question.

However, in the coming negotiations it is felt that Dr. Szilard should be given the opportunity of having as counsel an attorney who has some general knowledge of the history and background of the situation as well as the technical details of the project, to such an extent, at least, that the general position of Dr. Szilard could be evaluated. In other words, the proper compensation to be paid to Dr. Szilard involves more than the mere analysis of the language of a contract.

If it is considered necessary by Dr. Szilard to seek other counsel, it would, of course, be necessary that that counsel be cleared for this project, in which case there would always be a question as to what should be disclosed to him as the details of the project must be disclosed only to the absolute minimum required to evaluate Dr. Szilard's contribution, in relation to the contributions of other scientists working on the project.

In view of the fact that both Dr. Szilard and I fully understand your previous connection with the project and as you as apparently satisfactory to both parties, it is requested that you reconsider your decision in the interests of the security of the project.

Very truly yours,

Robert A. Lavender
Advisor on Patent Matters

cc: Dr. L. Szilard ✓
RAL:ew

RAL

to A.M.C.

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
31 May 1943

C O P Y

Mr. Greek Wells
Zabel, Carlson, Gritzbaugh
and Wells
2030 Bankers Building
Chicago, Illinois

Dear Mr. Wells:

Receipt is acknowledged of your letter of 24 May 1943 in which you stated that you did not feel free to represent Dr. Szilard in the coming negotiations of the transfer of rights to certain of his inventions. I appreciated fully the position you have taken in the matter and were it not for other reasons your decision would be accepted without question.

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If it is considered necessary by Dr. Szilard to seek other counsel, it would, of course, be necessary that that counsel be cleared for this project, in which case there would always be a question as to what should be disclosed to him as the details of the project must be disclosed only to the absolute minimum required to evaluate Dr. Szilard's contribution, in relation to the contributions of other scientists working on the project.

In view of the fact that both Dr. Szilard and I fully understand your previous connection with the project and as you as apparently satisfactory to both parties, it is requested that you reconsider your decision in the interests of the security of the project.

Very truly yours,

Robert A. Lavender
Advisor on Patent Matters

CC: Dr. L. Szilard
RAL+ew

X

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.

WASHINGTON, D. C.

23 September 1943

VANNEVAR BUSH
Director

THIS DOCUMENT HAS BEEN
REMOVED FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
1988

SECRET

MRD

J. H. ...

Mr. James P. Hume
Wilkinson, Huxley, Byron & Knight
First National Bank Building
Chicago, Illinois

Dear Mr. Hume:

Receipt is acknowledged of your letter of 16 September 1943.

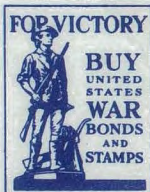
It is appreciated that the translation of the German agreement involves the construction placed upon the document by the translator and it was for that reason that the request was made for Dr. Szilard's interpretation of the agreement that there could be no question as to what his position is as to the scope of the agreement. The last paragraph of your letter clearly supports the desire to have Dr. Szilard's approved translation for, as you point out, Dr. Szilard has requested you to state that the word "integration", which is found in the first line of the translation submitted by Dr. Szilard, does not properly express the meaning of the term employed in the original German text.

The most particular concern in determining the scope of the agreement is whether the agreement covers "inventions" during the period prior to October 1941 or only "applications". It was for this reason that a request was also made for copies of the correspondence that has been incorporated by reference into the agreement. If the correspondence clearly shows that Mr. Adam understood that it was "applications" of Dr. Szilard that were to be filed during the period of the contract under which Mr. Adam was securing "most favored treatment" and not "inventions", although Dr. Szilard has represented the agreement extends only to "applications", then the particular interpretation of the contract would not be so important.

It may appear that I am being unduly particular but it is only because I have been placed on notice of certain correspondence as being incorporated by reference into the contract and my desire to avoid any future conflict as to what Dr. Szilard had a right to transfer. Before I can recommend the approval of any agreement to transfer rights under the involved invention I must have copies of the correspondence and a certified statement by Dr. Szilard that the translation represents the true and complete agreement.

Very truly yours,

Robert A. Lavender
Advisor on Patent Matters



(Standard receipt form form for use in transmitting CLASSIFIED Material)

TO: Dr. Leo Szilard

RE: Receipt of CLASSIFIED Material.

Original to be signed personally by the recipient and returned to sender.

Duplicate to be retained by the recipient addressed.

Triplicate to be retained by sender for suspense file.

I have personally received from (sender) R. A. Lavender
(sender's address) 1530 P. St., N.W.;

the CLASSIFIED documents as identified below. I assume full responsibility for the safe handling, storage, and transmittal elsewhere of these documents in accordance with existing regulations of the O.S.R.D governing the handling of CLASSIFIED Material. The CLASSIFIED Material, including enclosures and attachments is identified as follows (In identifying CLASSIFIED Material avoid any reference which might cause the receipt to become CLASSIFIED):

Class.	Secret,	Description, Nature*	Dated	From	Ref. or	Addressed	Date
Confidential		(Letter, Report, etc.)			File No.	To	
Secret		CC:Letter	9/23/43	RAA	Szilard	Hume	9/24/43

*SO: Signed Original

PC: Photostat Copy

CC: Carbon Copy

TC: Typed Copy _____ (Signature)

(Date)

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
FEDERAL BUREAU OF INVESTIGATION
AND WAS FORWARDED OVER TO
DR. LEO SZILARD ON
JUNE 7, 1943
1943

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

I wish to thank you for the copy of your letter addressed to Mr. Wells and dated May 31, 1943.

When I received this copy, I made another appointment with Mr. Wells and we discussed rather thoroughly all the possibilities which we could see. At the end of this discussion, Mr. Wells expressed his willingness to sit in at the negotiations if he is desired to do so and to help to find a form of contract which might be suitable for the occasion. He could do this, however, only as an observer representing the University of Chicago and he feels that he could not act as my attorney in the negotiations for a contract. It would, therefore, be necessary for me to have an attorney to act as my representative.

I am now considering whether or not it appears indispensable that my attorney should be cleared if Mr. Wells is able to act as a sort of neutral conciliator with whom you and I can discuss the merits of this case.

I shall try to make up my mind about this point after I have your answer to my letter dated June 2 as well as your reaction to the present one. I regret it very much that Mr. Wells continues to feel that he cannot take on this case as my attorney since I am convinced that he could have handled the case in a manner satisfactory both to you and me. It seems to me, however, that we now have to accept his stand as final.

Sincerely yours,

CC: Greek Wells

Leo Szilard

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
FEDERAL BUREAU OF INVESTIGATION
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
June 2, 1948

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

On my return to Chicago, I contacted, following your advice, Mr. Wells with whom I had a long conversation. After some hesitation Mr. Wells finally decided that he would be in a position of incompatibility if he agreed to represent me. I understand he has written to you and explained his situation. I fear that before we are through with this matter, I may have to have an attorney and unless I can talk to him freely about the nature and scope of this work, I am afraid he would not be much good for the job.

In the meantime, I have handed to Mr. York a rough draft of a patent application which should be sufficient for you to determine how much this patent application would be worth to the Government. I am continuing to work on it in order to amplify the specification and may add other examples in support of the claims which are at present in the case. Since these additions can only improve the value of the application and cannot detract from it, I believe that you can base your opinion on the presentation which is in your hands and be on the safe side.

I now expect to hear from you whether you want to negotiate on the basis of this rough draft or whether you want me to file a patent application and negotiate after the application is filed.

Mr. York has a copy of the draft of the patent application; thus, he has an opportunity to try and improve upon the draft of the specification and the drawings.

Captain R. A. Lavender

June 2, 1943

THIS DOCUMENT HAS BEEN TAKEN FROM A FILE OF THE ARGONNE NATIONAL LABORATORY AND WAS TURNED OVER TO DR. LEO SZILARD ON 1-2-1966

When I saw you, we were both agreed that it would be useful to include in the agreement to be concluded between the Government and myself, the U. S. Patent 161985. At present, this patent falls under an agreement with a third party and I am, therefore, not free to dispose of it. The lawyer of this third party indicated to my lawyer about two months ago that he may agree to the cancellation of that agreement against the payment of \$6000. I suggested to my lawyer that he try to obtain an option on this basis for a period of three months, but he stressed that if we give any indication that somebody is interested in this patent, it will be impossible to have the agreement cancelled. I believe that in the rather special circumstances my lawyer is most probably right and I shall, therefore, abide by his advice. The question now arises whether you would be able to let me have a binding statement or an equivalent letter of intention to the effect that the Government would be willing to take over this U. S. Patent against the payment of \$6000 if it were offered to it within six months or a year. If I had such a statement from you I could most probably arrange, using private funds, the cancellation of the agreement within a couple of weeks and would then be free to include this patent into the projected agreement with the Government. I would be very glad if I could straighten out the matter of this old U. S. Patent at an early date.

Sincerely yours,



Leo Szilard

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.

9 June 1943

VANNEVAR BUSH
Director

Dr. Leo Szilard
Metallurgical Laboratory
The University of Chicago
Chicago, Illinois


Dear Dr. Szilard:

Your letter of 2 June 1943 has been received and as I had not heard from Mr. Wells after sending my letter to him of 31 May 1943, I called him on the telephone today to inquire whether he would re-consider acting as your counsel. Mr. Wells said that he had given the matter thorough consideration, but felt that he should not attempt to act as your counsel in view of his former connection with the project. I see his viewpoint and while I believe he is a little extreme in his conclusion, yet I am willing to accept his position as being one that is normally taken by attorneys under such circumstances.

Your letter of 7 June 1943 is now at hand. It is my present intention to go to the West Coast in the near future, and I expect to stop off in Chicago. I would like to see you for a few moments to discuss the situation with a view, perhaps, of coming to some conclusion in general, in the matter.

Will you please let me know whether you intend to be in Chicago continuously after the 26th of June and when it would be convenient to have the conference. I shall confirm my arrival by telegram.

Very truly yours,


Robert A. Lavender
Advisor on Patent Matters



No. ML-7158

METALLURGICAL LABORATORY

LONG DISTANCE CALL

Time *10³⁰ am* Date *6-12-43*

Toll \$ *3.05*
Report
Telegram
Tax *67*
Total \$ *366*

Time *'6''*

To

Name *Capt Laverdier* *Rep 7500*
Address *Washington DC*
City *Washington* State *DC*

Business
Personal
Collect
Reversed

Made By

Name *Sybil* Station

Remarks *Paid 6-12-43* *ES-*

Attendant

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON

1988 June 12, 1943

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

Many thanks for your letter dated June 9. After receiving your letter, I called you over the telephone and I am writing in order to confirm that I shall be at your office Monday, the 21st, in the morning. I shall go to your office straight from the station on my arrival.

Should you find that, contrary to your expectation, you will not have, by Monday, all the authority required to deal with all aspects of the issue; or should you find that you are otherwise not ready by Monday to start conversations, would you be kind enough to let me know by sending me a telegram to Chicago?

I am assuming that we shall be through with our conversation by lunch time and shall accordingly make other arrangements for Monday afternoon. Should you, however, find it advisable to continue the conversation, I could then stay over in Washington and see you again Tuesday morning.

Very truly yours,

Leo Szilard

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT
1530 P STREET NW.
WASHINGTON, D. C.

VANNEVAR BUSH
Director

21 June 1943

~~SECRET~~

MCP
Jhm


Dr. Leo Szilard
Metallurgical Laboratory
The University of Chicago
Chicago, Ill.

Dear Dr. Szilard:

It was a pleasure to see you here in Washington today, and since your departure I have made arrangements with Lt. Col. Metcalf who is in my office, to come to Chicago to make a survey of the situation regarding all of the inventions made there and by you, and I am sure that you will assist him in every way to obtain the information that is necessary for me to have before I can come to a conclusion as to the value of the inventions the Government desires to investigate with a view to rounding out its patent holdings in regard to this project.

I expect to come to Chicago, as planned, towards the end of next week, and I will see both you and Lt. Col. Metcalf at that time.

Very truly yours,


Robert A. Lavender
Advisor on Patent Matters



(Standardized receipt form for use in transmitting CLASSIFIED MATERIAL)

TO: Dr. L. Szilard

RE: Receipt of CLASSIFIED material.

Original to be signed personally by the recipient and returned to sender.

Duplicate to be retained by the recipient addressed.

Triplicate retained by sender for suspense file.

I have personally received from (sender) R.A. Lavender, (sender's address) 1530 P St. Wash. D.C.; the CLASSIFIED documents as identified below. I assume full responsibility for the safe handling, storage, and transmittal elsewhere of the handling of CLASSIFIED material. The CLASSIFIED material, including enclosure and attachments, is identified as follows (In identifying CLASSIFIED material avoid any reference which might cause the receipt form to become CLASSIFIED).

Class.-Secret Confidential	Description, Nature* (letter, report, etc.)	Date	From	Ref. or File No.	Addressed To	Date
Secret	SO	6/21/43	RAL	Metcalf	Szilard	6/21/43

*SO: signed original

CC: carbon copy

PC: photostat copy

TC: typed copy

(Signature)

(Date)

(Standardized receipt form for use in transmitting CLASSIFIED MATERIAL)

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Class.-Secret Confidential	Description, Nature* (letter, report, etc.)	Date	From	Ref. or File No.	Addressed To	Date
Secret	SO	6/21/43	RAL	Metcalf	Szilard	6/21/43

*SO: signed original

CC: carbon copy

PC: photostat copy

TC: typed copy

(Signature)

(Date)

COPIED FROM ORIGINAL
IN THIS COLLECTION

X

The University of Chicago

Metallurgical Laboratory

July 23, 1943

MIDWAY 0800
EXT. 1290

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

After you had left Chicago, I had various conversations with Dr. Dempster concerning my inventions as disclosed in A-55. It seems that a number of the essential points ^{were considered by} ~~were interpreted by Dr. Dempster differently~~ ~~from what I think is the correct interpretation~~, and I am attempting to clear up these misunderstandings by going with Dr. Dempster carefully through the whole report. I believe by Tuesday of next week, Dr. Dempster will be in a position to reevaluate A-55.

Consequently, if I were wrong about these essential points, I would have to refuse your offer on the grounds that it is too generous.

However, I have now gone carefully through my disclosures from February 1940 and ~~was~~ also looked into other questions which appear to be pertinent, and I am now satisfied that the paper sent to Physical Review on February 14, 1940 with those corrected pages which were written between February 14 and February 21, 1940 and which are available in the form of photocopies stamped February 21, 1940 by the U.S. Post Office would have enabled a man skilled in the art of inducing radioactivity by neutrons to build a chain reacting unit. I believe that, given an opportunity, I could demonstrate this to your satisfaction. If I ~~know~~ ^{know} which of the questions are considered pertinent in this connection, I ~~could~~ ^{can} probably also find some written statements to corroborate my contentions in my files.

X | | | | |

July 23, 1943

In the meantime, I shall give Mr. York a short resumé of my contentions and I shall give Mr. Dempster also a written statement of my contentions concerning my disclosures in February, 1940.

I do not feel that I can proceed in this matter any further without having advice of council and I have, therefore, sent a memorandum to Dr. Compton asking that Mr. James P. Hume of the firm Wilkinson, Huxley, Byron and Knight, First National Bank Building, Chicago be cleared for this purpose. His private address is 1350 North State Street, Chicago, Illinois. I suppose his typist will also required clearance. Her name is Ellen L. Kelly, 1133 Home Avenue, Oak Park, Illinois.

I should appreciate very much if you could find how whether my request for clearance of Mr. Hume has reached the O.S.R.D. and if you could do something to accelerate ^{this} ~~his~~ clearance.

Very truly yours,

L. Szilard

July 31, 1943

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
JULY 28, 1958

Dear Captain Lavender:

I have asked Mr. Compton after your Chicago visit for the clearance of Mr. James F. Hume of the firm Wilkinson, Huxley, Byron and Knight, First National Bank Building, Chicago, Illinois. Mr. Hume's private address is 1350 North State Street, Chicago, Illinois. I suppose that his typist will also required clearance. Her name is Ellen L. Kelly, 1133 Home Avenue, Oak Park, Illinois.

I would very much appreciate your letting me know whether Mr. Hume's name has been put in for clearance and I would appreciate anything you can do to accelerate his clearance. I feel that I need the help of a patent attorney in order to obtain advice in connection with the tentative offer which you made me and also in order to help to arrive at a correct evaluation of my inventions.

It seems to me that a serious attempt at a correct evaluation of these inventions might be worth the trouble it would involve. I would hesitate to accept your tentative offer if I came to the conclusion that the only value my inventions have is their nuisance value in a possible interference in the patent office.

Captain R. A. Lavender

-2-

July 31, 1943

On the other hand, I feel reasonably certain (as certain as I can be in the absence of competent counsel) that I could demonstrate the value of these inventions if I were given opportunity to put questions to those whom you have consulted and perhaps others, and have the questions and answers recorded so that they could be studied at leisure by you and your associates. It might be even worth while to go through a form of a mock trial since there is no other equally good way to demonstrate contentions of this kind.

There are essentially two questions involved: One is the true content of A-55 and the other is the state of the art in 1940. I have given a memorandum to Dr. Dempster to the former and to Mr. York with respect to the latter.

After conversation with Fermi, I am now quite sure that you did not receive a correct picture of the state of the art in 1940. This is probably most strikingly demonstrated by the fact that the so-called "exponential" experiment which was performed sometime in 1941 had already been proposed by Fermi on June 13, 1940. I remember that quite clearly, but I was glad to have it confirmed by Fermi. From my conversation with Fermi, I saw that if you had a joint talk with Fermi and myself rather than separate talks, it would take much less time to develop a clear picture.

Without wishing to go into the question of what was invented by me and what was invented by Fermi at this juncture, I think I could demonstrate if given an opportunity to do so, that as far as the pertinent

Captain R. A. Lavender

-3-

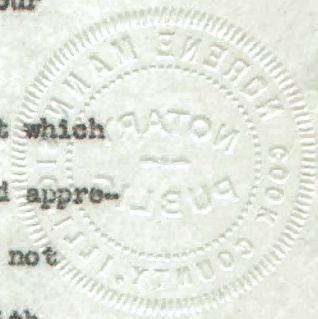
July 31, 1943

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
LABORATORY
AND WAS TURNED OVER TO
OF REVO GAW DWA
inventions are concerned Mr. Fermi and I were through with inventing
by November 1940. As more and more material will be found in our
files, this will become clearer and clearer.

Should you have available the text of the agreement which
you tentatively proposed on your last visit to Chicago, I would appreciate it if you could let me have it. I presume that it would not contain any secret matter and I could, therefore, discuss it with Mr. Hume even before he is cleared.

Yours very truly,

L. Szilard



OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.
6 August 1943

VANNEVAR BUSH
Director

*MR D
Jan*
~~SECRET~~

Dr. Leo Szilard
University of Chicago
Chicago, Illinois

Dear Dr. Szilard:

Referring to your letter of 31 July 1943, I have already taken steps to have Mr. Hume cleared with the request that clearance be expedited as much as possible. You will be informed of his clearance as soon as I receive information to that effect.

A memorandum has been prepared and forwarded requesting the clearance of Miss Kelly, Mr. Hume's secretary.

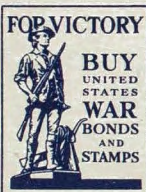
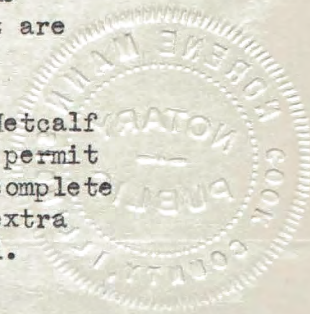
Col. Metcalf has been transferred permanently to Chicago and I have requested him to draw up a tentative draft of an agreement covering the details discussed between us while at Chicago. He will forward such draft agreement to me. When the tentative agreement has been approved, I will be in a position to say whether you can show it to Mr. Hume before he is cleared. However, I doubt very much if this can be done because of the necessity of the inclusion of certain words and phrases in the agreement that are classified as secret.

In this connection it is suggested that you give Col. Metcalf the original and one copy of all letters addressed to me to permit his forwarding the original to me as I wish to keep him in complete touch with the details of the negotiation. If you have an extra copy of the letter of 31 July will you please give it to Col. Metcalf.

Very truly yours,

Robert A. Lavender

Robert A. Lavender
Advisor on Patent Matters



(Standardized receipt form for use in transmitting CLASSIFIED MATERIAL)

TO: Dr. Leo Szilard

RE: Receipt of CLASSIFIED material.

Original to be signed personally by the recipient and returned to sender.

Duplicate to be retained by the recipient addressed.

Triplicate retained by sender for suspense file.

I have personally received from (sender) R. A. Lavender, (sender's address) 1530 P. Street, N.W.; the CLASSIFIED documents as identified below. I assume full responsibility for the safe handling, storage, and transmittal elsewhere of the handling of CLASSIFIED material. The CLASSIFIED material, including enclosure and attachments, is identified as follows (In identifying CLASSIFIED material avoid any reference which might cause the receipt form to become CLASSIFIED).

Class.	Description, Nature*	Date	From	Ref. or Addressed	Date
Confidential	(letter, report, etc.)		File No.	To	
Secret	SO: Letter	8/6/43	RAA	Clearance Szilard	8/7/43

*SO: signed original

CC: carbon copy

PC: photostat copy

TC: typed copy

(Signature)

(Date)

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON

August 19, 1943

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

I saw Dr. Compton yesterday and he said that he would forward my letter to Dr. Bush. I gave the letter to Dr. Compton today so that I assume that it will reach Washington this week. The letter is substantially identical with the draft which you saw except that the last paragraph of the letter has been shortened.

Colonel Metcalf tells me that we have no news concerning the clearance of Mr. Hume and that the notice previously received only states that the clearance procedure has been started. I am asking Colonel Metcalf for an expurgated version of the draft agreement which I might show Mr. Hume even before he is cleared.

Yours sincerely,

L. Szilard

7

~~SECRET~~

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.

23 August 1943

VANNEVAR BUSH
Director

MRD
John

Dr. Leo Szilard
Metallurgical Laboratory
University of Chicago
Chicago, Illinois

Dear Dr. Szilard:

Receipt is acknowledged of your letter of 19 August informing me that Dr. Compton is forwarding your letter to Dr. Bush.

I have been informed by General Groves' Office that a teletype message has been sent to Chicago definitely clearing Mr. Hume.

A letter has been received from Colonel Metcalf in which it is stated that in 1939 you entered into some arrangement with a "third party" whereby if you filed any patent applications, these patent applications would be submitted to this party and if this party gave you \$5,000.00, then this party would be "in a most favorable position". There was also stated in the letter that inasmuch as you only had the issued patent and the abandoned patent application during this critical period, none of your inventions on which you had not filed during that time came within this agreement with the third party.

In discussing the question of your compensation in my Office in Washington, you definitely stated that it would be necessary for you to regain certain rights under your issued patent before you could assign it to the Government. At another time mention was made to the fact that there were some outstanding rights in the abandoned application. But now for the first time I am informed that you have an agreement with a third party whereby you are required to submit your applications to the third party and upon the payment by the third party of \$5,000.00 to you, the third party is then placed "in a most favorable position". I am informed that your agreement with the third party relates to applications "filed by you", and I note in your memorandum of 9 August to Dr. Compton that you agree to assign any patent application that might "be prepared by the Government". If you are making a distinction between rights under inventions covered in the application prepared and "filed by you", and rights



~~SECRET~~

Dr. Leo Szilard

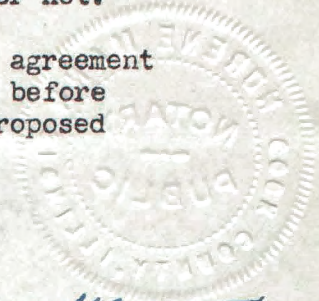
- 2 -

23 August 1943

under your inventions in applications filed by the Government, you are advised that no such distinction can be made between such conditions by me as the applications merely crystallize the inventions, and if you have granted an option under your inventions under your 1939 agreement, then you are not a free agent to agree to assign your inventions as defined in applications whether prepared by the Government or not.

It is, therefore, necessary that I have a copy of this agreement and any others that you may have made relating to your work before 1 November 1940, before I feel justified in approving the proposed contract of assignment.

Very truly yours,


Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters

cc: Lt. Col. Metcalf

August 26, 1943

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

Thank you for your letter dated August 23. There seems to be some misunderstanding concerning the agreement which I mentioned to Colonel Metcalf. That agreement was concluded with one Mr. Adam in 1936 (not in 1939) and I have previously mentioned to you its existence in connection with the issued American patent. I told you, at the time, that I thought cancellation of the agreement might be obtained against the payment of about \$6000. I gave the German text of the agreement to Colonel Metcalf and also an English translation which was sent to me and which I have not checked. Colonel Metcalf will have photocopies sent to you as soon as possible.

As you will see from the pertinent Articles 4 and 5 of the agreement, ~~the~~ patent applications which I file after October 15, 1941, do not fall under the agreement. This, I believe, fully answers the question which you raised in the last paragraph of your letter.

Please note also that the last paragraph of Article 4 specifies that, in the case of a change in my employment (in 1936 I was employed at the Clarendon Laboratory at Oxford and the agreement was submitted to the Clarendon Laboratory for approval) it may be impossible for me to give any rights to any further patent applications to Mr. Adam and that I am, in that case, free from any such obligation.

August 26, 1943

This point does not need to concern us now, but it would have been pertinent had I actually filed patent applications during my employment at Columbia University prior to October 15, 1941.

Please note further, as a point of interest, the last sentence of the third paragraph in Article 4 which specifies quite generally that patents which are assigned by me to the Government, free of financial consideration, do not fall under the privileges which Mr. Adam might otherwise enjoy.

Very truly yours,

L. Szilard

P. S. I wish to take this opportunity to state that the content of the abandoned American patent application of 1939 was not communicated to Mr. Adam, one of the reasons being that I realized its possible bearing on national defense at that time.

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT
1530 P STREET NW.
WASHINGTON, D. C.

VANNEVAR BUSH
Director

28 August 1943


Dr. Leo Szilard
Metallurgical Laboratory
The University of Chicago
Chicago, Illinois

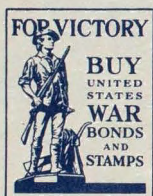
Dear Dr. Szilard:

Receipt is acknowledged of your letter of 26 August 1943 advising me that you have delivered to Colonel Herbert E. Metcalf the German text and an English translation of the agreement entered into by you with Mr. Adam in 1936.

As soon as I have examined the agreement I shall communicate with you further.

Very truly yours,


Robert A. Lavender
Advisor on Patent Matters



x

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.

WASHINGTON, D. C.

2 September 1943

VANNEVAR BUSH
Director


Dr. Leo Szilard
Metallurgical Laboratory
University of Chicago
Chicago, Illinois

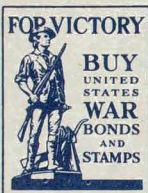
Dear Dr. Szilard:

The translation of the 1936 Agreement forwarded with your letter of 26 August states that it concludes an agreement based upon an exchange of letters between you and Mr. Adam and it would therefore be appreciated if you would forward copies of the said letters, and if in German, an approved translation thereof for consideration in studying the Agreement.

It is noted that you have not checked the translation of the 1936 Agreement and in order that there can be no question as to what your representation to the Government is as to your understanding of what the Agreement covers, please check the translation carefully and advise me if the same is approved by you. If you do not agree with the translation, your basis for disagreeing with the interpretation should be noted.

Very truly yours,


Robert A. Lavender
Advisor on Patent Matters



Metallurgical Laboratory

September 14, 1945

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

Your letter of September 2 reached me today when I returned to Chicago from a vacation in New York. I had left my address with Colonel Metcalf with the request of informing me if he heard from you, but I understand that no copy of your letter dated September 2 was sent to Colonel Metcalf.

I do not have, in Chicago, the correspondence of September 1936 to which the preamble of the agreement refers. I might possibly find that correspondence in my files in New York, but I have no visit to New York scheduled at present. It seems to me, however, that that correspondence should be irrelevant in any case, since it is superseded by the agreement. Moreover, as far as I remember, it contains nothing but the general outline of the agreement and the provision that the terms should be worked out in detail at a later date.

As to your suggestion that I should certify the translation, I am forwarding your letter to Mr. Hume with my observations, and I will ask him to write to you as soon as he can.

Very truly yours,



L. Szilard

CC: H. E. Metcalf
J. P. Hume ←

In the United States Patent Office

POWER TO INSPECT AND MAKE COPIES

Honorable Commissioner of Patents
Washington, D.C.

I, LEO SZILARD, having made applications for Letters Patent, hereby give to Robert A. Lavender of Washington, D.C., the power to inspect and make copies of any and all applications for Letters Patent, either pending or abandoned, filed by me between January 1, 1935, and this date.

Signed at Chicago, in the County of Cook, State of Illinois, this 14th day of September, 1943.

L. Szilard

Draft

1155 East 57th Street
Chicago, Illinois
November 24, 1943

Captain R. A. Lavender
O.S.R.D.
1530 P Street, N. W.
Washington, D. C.

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEONARD ON

Dear Captain Lavender:

I understand that the sum of \$25,000 has been authorized as monetary consideration for the rights in my inventions which you propose that I should assign to the Government.

I am writing to you in order to state that I prefer to limit the sum which I accept to expenses which I have incurred in connection with these inventions, in connection with arrangements relating to their transfer to the Government and to compensation for my time covering a certain period during which I worked on these inventions without a salary or other financial consideration. Of the expenses incurred I prefer to recover only that part of the expenses which represent as yet undischarged financial obligations toward third persons.

In the following you will find an itemized statement:

During 1939 and 1940 I spent for experiments carried out at Columbia University a sum exceeding \$2,000. This was partially financed by a personal loan which I obtained for this purpose from Dr. Benjamin Liebowitz in the amount of \$2,000. This represents an as yet undischarged obligation... .. \$2,000.00

An agreement concerning certain of my inventions which was concluded with Mr. I. Adam in 1936 and this agreement was subject of a controversy. I understood that this controversy stood in the way of the proposed transaction with the Government and ~~Mr. Adam~~

~~cancel this agreement~~ I have settled this controversy and canceled the 1936 agreement. Out of this settlement arose an obligation to pay \$8,000 to Mr. G. Jacobson, attorney for Mr. Adam. I was able to raise \$2,000 out of this sum by entering into a commitment to assign to Dr. Benjamin Liebowitz the American patent No. 2,161,985 and the British patent No. 440,023 which had previously fallen under the agreement with Mr. Adam. There remains an uncovered obligation to pay \$6,000.00

In connection with the negotiations for the cancellation of the 1936 agreement I received a bill dated October 11, 1943 from my attorney, Mr. F. Moses, amounting to \$600 of which I have already paid \$300 leaving an undischarged obligation of 300.00

In connection with the same negotiation for the cancellation of the 1936 agreement I have received an attorney bill from the firm Wachtell, Manheim and Group dated October 5, 1943 amounting to 75.00

In connection with the negotiations with the government I received a bill from Mr. James P. Hume amounting to 375.00

I started experimental work at Columbia University in the field in which the government is now interested ~~on~~ ~~March 1, 1939~~ March 1, 1939 and after that date until November 1, 1940 I did not do any other work and worked exclusively along this line and received no financial consideration from any source. As a compensation for my time during those twenty months I arrive, on the basis of a monthly compensation of \$ at the sum of 6666.60

Total . . . 15416.60 . . .

I therefore propose that the monetary consideration for the proposed transaction be \$1547.60 which includes the above items with the addition of one dollar (\$1.00).

Very truly yours,

Leo Szilard



draft

1155 East 57th Street
Chicago, Illinois
November 24, 1943

Captain R. A. Lavender
O.S.R.D.
1530 P Street, N. W.
Washington, D. C.

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
1958

Dear Captain Lavender:

I understand that the sum of ~~\$25,000~~ has been authorized as monetary consideration for the rights in my inventions which you propose that I should assign to the Government.

I am writing to you in order to state that I prefer to limit the sum which I accept to expenses which I have incurred in connection with these inventions, in connection with arrangements relating to their transfer to the Government and to compensation for my time covering a certain period during which I worked on these inventions without a salary or other financial consideration. Of the expenses incurred I prefer to recover only that part of the expenses which represent as yet undischarged financial obligations toward third persons.

In the following you will find an itemized statement:

During 1939 and 1940 I spent for experiments carried out at Columbia University a sum exceeding \$2,000. This was partially financed by a personal loan which I obtained for this purpose from Dr. Benjamin Liebowitz in the amount of \$2,000. This represents an as yet undischarged obligation... .. \$2,000.00

An agreement concerning certain of my inventions which was concluded with Mr. I. Adam in 1936 and this agreement was subject of a controversy. I understood that this controversy stood in the way of the proposed transaction with the Government and ~~in order to~~

~~cancel this agreement~~ I have settled this contro-
 versy and canceled the 1936 agreement. Out of this
 settlement arose an obligation to pay \$8,000 to Mr. G.
 Jacobson, attorney for Mr. Adam. I was able to raise
 \$2,000 out of this sum by entering into a commitment to
 assign to Dr. Benjamin Liebowitz the American patent
 No. 2,161,985 and the British patent No. 440,023 which
 had previously fallen under the agreement with Mr. Adam.
 There remains an uncovered obligation to pay \$6,000.00

In connection with the negotiations for the cancela-
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 ing to \$600 of which I have already paid \$300 leaving
 an undischarged obligation of 300.00

In connection with the same negotiation for the
 cancellation of the 1936 agreement I have received an
 attorney bill from the firm Wachtell, Manheim and Group
 dated October 5, 1943 amounting to 75.00

In connection with the negotiations with the govern-
 ment I received a bill from Mr. James P. Hume amounting to ^{375.00} . . .

I started experimental work at Columbia University
 in the field in which the government is now interested on
~~March 1, 1939~~ March 1, 1939 and after that date until
 November 1, 1940 I did not do any other work and worked
 exclusively along this line and received no financial
 consideration from any source. As a compensation for
 my time during those twenty months I receive, on the basis
 of a monthly compensation of \$333.33 at the sum of 6666.60
 Total 15,416.60

I therefore propose that the monetary consideration for the proposed transaction be \$1547.60 which includes the above items with the addition of one dollar (\$1.00).

Very truly yours,

~~_____~~
Leo Szilard

[Handwritten signature]
MY COMMISSION EXPIRES JULY 10, 1928

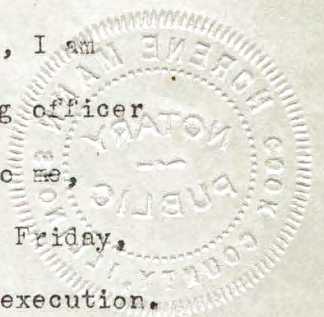


Not sent Dec 1943

Dear Captain Lavender:

I am writing to you with reference to the copies of the proposed contract which have been signed by me and which I gave you to hold in escrow. First of all I wish to inform you that I am in receipt of checks of the University of Chicago covering eleven months' of pay for 1943.

Secondly, acting on the advice of Mr. Hume, my counsel, I am writing to you in order to ask you to acquaint the contracting officer of the United States Engineers, whose identity is not known to me, of the circumstances under which my signature was obtained on Friday, December 3, 1943, before you deliver to him the contract for execution. You will find an enumeration of these circumstances further below for your convenience. As you know, I was not able to ^{have} communicate with Mr. Hume, ^{on that day and} on December 3rd, since he was out of town ^{and} I signed the copies of the contract on that day at your insistence because you ^{felt me} felt that it might not be possible to put through my employment at the University of Chicago before December 31, 1943. if I delayed my signature until the scheduled return of Mr. Hume on December 6, 1943.



The following were some of the circumstances under which I put my signature on the copies of the proposed contract on December 3, 1943:

- (1) It was my understanding that Dr. Compton was instructed ^{by Gen. Groves} sometime in 1943 not to put me on the payroll of the Metallurgical Laboratory until he was authorized to do so by General Groves and that this authorization was not expected by him to be forthcoming until I signed the proposed agreement. I have in fact worked throughout 1943 at the Metallurgical Laboratory without receiving any salary up to December 3, 1943.

(2) On December 3, 1943 I ^{saw} ~~put in a protest~~ in your presence ~~with~~ General Groves and in response to question which I put to General Groves,

(a) General Groves explained to me that he was not willing to say that ~~xxxxxxx~~ he would bar me from employment at the Metallurgical Laboratory if I refused to sign the proposed agreement, ~~saying~~ ^{assuming} if he said this I would be acting under duress in signing the agreement.

(b) General Groves said that he was not willing to authorize my employment irrespective of whether or not I signed the proposed agreement. ^{of. l.} I thereupon explained that I did not consider the proposed agreement an equitable settlement but that I would sign the copies of the proposed agreement in the ~~later~~ course of the day for fear that otherwise I ~~would be put in a position in which I would not be~~ ^{would not be} employed by the Metallurgical Laboratory and ~~would~~ ^{might} have to leave my work there. The ~~whole~~ conversation with General Groves took place in your presence. ^{and} Subsequently I signed ~~on that day~~ the copies of the proposed agreement ^{which I gave you} and gave you the copies in escrow.

I am by virtue of this letter authorizing you to deliver to the contracting officer the copies of the contract for execution provided that ~~prior to the signature by the contracting officer~~ you communicate to the contracting officer ^{prior to his signing the contract} the full contents of this letter.

I wish further to state that in case the contracting officer should desire to give the facts contained in this letter consideration before he executes the agreement it would be agreeable to me that execution of the contract be delayed until the end of January 1944 with the stipulation that at that time the copies should either be executed by the contracting officer or returned to me unexecuted ~~by the contracting officer.~~

^{to} It ~~was~~ Mr. Hume's ~~advice~~ ^{opinion} that in view of the fact that in this

particular case the negotiating officer and the contracting officer are
two different persons I should insist that the contracting officer
be acquainted with the circumstances above referred to.

Yours very truly,



Dupl 665 1

January 27, 1944

Captain Robert A. Lavender
1530 F Street, N. W.
Washington, D. C.

Dear Captain Lavender:

It was suggested to me that I should sign the oath and assignment attached to a proposed patent application, Case S-1/501, which was prepared by the Government under your supervision. I explained to Mr. Metcalf that I was somewhat puzzled about this suggestion coming at the present time and that I tried to get hold of Mr. Hume in order to obtain his advice. Unfortunately, Mr. Hume is out of town. He is expected back on February 5.

I also explained to Mr. Metcalf that in the last few days I became somewhat doubtful whether or not we are justified in saying that we believe Case S-1/501 to be a joint invention of Mr. Fermi and myself and that I would like further to clarify my thoughts on this point by discussing this case with Mr. Hume upon his return. There was previously no opportunity for such a discussion since, as you know, Mr. Hume was out of town at the time when you asked me to sign the text of the agreement on December 3rd. Mr. Metcalf gave me a copy of Case S-1/501 and procured special permission that will enable me to show this case to Mr. Hume. Otherwise under the limitations which were previously put on the clearance of Mr. Hume I would not be free to show him this case.

Upon the return of Mr. Hume on the 5th of February I shall talk over these matters with him and after the return of Mr. Metcalf, which I understand is scheduled for February 7, there will be an opportunity for Mr. Hume to talk to Mr. Metcalf if the need arises.

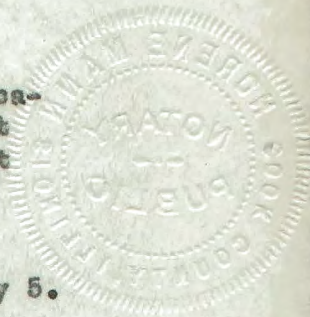
Mr. Metcalf told me after I spoke to him that he would inform you by telegram and I am writing only to confirm my conversation with Mr. Metcalf.

Very truly yours,

Lh.

Leo Szilard

LS:s
cc: Mr. Metcalf
Mr. Hume



MY COMMISSION EXPIRES JULY 15, 1945

~~SECRET~~ *Sh. J. W.*

June 27, 1944

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

WRD
THIS DOCUMENT HAS BEEN TAKEN FROM A FILE IN THE ROTARY AND IS BEING RETURNED TO THE NATIONAL LABORATORY OF STANDARDS
MUC 45-250
This document consists of 2 pages and 0 figures
No. 5 of 5 copies. Series A

Dear Captain Lavender:

A short while ago Lt. Johnson showed me the draft of a patent application and explained to me that this draft had been approved by you and that you desire to have it filed in the names of Fermi, Wigner and myself. He also told me that Wigner had spent considerable time in going through the application and making certain minor corrections.

I asked Lt. Johnson to let me have a copy at his earliest convenience together with a covering letter stating that it is your desire that this application be filed under the names of Fermi, Wigner and myself and authorizing me to show a copy of the application to Mr. Hume so that I may discuss with Mr. Hume whether I ought to say that I believe the subject matter to be a joint invention in the meaning of patent law.

It is my understanding that the mere fact that an application contains contributions of different inventors is in itself not sufficient to make the patent a joint invention. On the last occasion when you wanted Fermi and me to sign a joint application, I asked for authorization to show a copy of the application to Mr. Hume and I signed the application only after I was advised by Mr. Hume that the application can be considered to describe a joint invention. Incidentally, Mr. Hume later on reversed his opinion with respect to this application in a letter addressed to me dated March 3, 1944. By that time, however, I had already signed the application. This occurrence shows that the question what constitutes a joint invention is not a simple one and I feel that I ought to have competent advice with respect to this question.

Early last week I had a conversation with Col. Metcalf, Lt. Johnson, and Mr. York and Mr. Metcalf informed me he talked to you over the telephone and that it will not be made possible for me to receive a copy of the proposed application and show it to Mr. Hume. I asked Mr. Metcalf to confirm in writing what Lt. Johnson and he told me about the position which you are taking in this matter with respect to the proposed application and with respect to showing this proposed application to Mr. Hume before I attach my signature. I have so far not received such a confirmation from Col. Metcalf and it seemed advisable for me to write to you in the meantime in order to put my own attitude on record.

~~This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, U. S. C. 50; 31 and 32. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.~~

~~SECRET~~

Captain R. A. Lavender

-2-

June 27, 1944

I am taking the position that I am entitled to have the advice of a patent attorney in whom I have confidence in connection with any document connected with patents to which I have to attach my signature and I am therefore repeating the request originally expressed to Lt. Johnson that (unless there are objections on the part of the Army Intelligence to Mr. Hume specifically) I be authorized to show to Mr. Hume any patent applications or other documents connected with patents before I attach my signature.

As far as I know Mr. Hume has been cleared by the Army Intelligence and I am not aware of any reason of military security which might stand in the way of my consulting Mr. Hume in this matter.

Yours very truly,

Leo Szilard

ls/s

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, U. S. C. 50; 31 and 32. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

July 1, 1944

MUC-LS-26

This document consists of 1
pages and 1 cc. figures
No. 8 of 3 copies, Series A

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

In accordance with your teletype which I received this morning I am inclosing a copy of a letter from Mr. Hume addressed to me and dated March 3, 1944. This is the letter to which I referred in my last letter to you.

Very truly yours,



Leo Szilard

ls/s
incl.

cc: Metcalf, Yonk
and Johnson

DOMESTIC SERVICE	
Check the class of service desired, otherwise this message will be sent as a fast telegram	
TELEGRAM	
DAY LETTER	
NIGHT LETTER	

\$
S
E

WESTERN UNION TELEGRAM

1211 (4-55)

W. P. MARSHALL, PRESIDENT

INTERNATIONAL SERVICE	
Check the class of service desired, otherwise the message will be sent at the full rate	
FULL RATE	
LETTER TELEGRAM	
SHORE SHIP	

NO. WDS.-CL. OF SVG.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

OCT 6/59

DR J K LATTIMER

180 FORT WASHINGTON AVE NYK

VERY GRATEFUL FOR YOUR WILLINGNESS TO TAKE ME ON AND FOR
YOUR KINDNESS AT VISIT TO YOUR OFFICE STOP FIND MYSELF
UNABLE TO OVERCOME RELUCTANCE OF TAKING SURGEON WHO IS AS
BUSY AS YOU ARE STOP WONDER IF YOU COULD GIVE ME NAME OF
SEVERAL MEN ASSOCIATED WITH MEDICAL CENTER WHO MAY NOT BE
AS SUPERB IN THEIR WORK AS YOU ARE BUT ARE GOOD AND NOT
QUITE AS BUSY STOP SHALL CALL YOUR OFFICE LATER TODAY STOP
YOU HAVE IMPRESSED ON ME THAT I MUST NOT PROKRASTINATE
ANY LONGER THEREFORE I PROPOSE TO SHOP AROUND TOMORROW
STOP IF I CAN COMPLETE ARRANGEMENT TOMORROW AND IF I MAY
KEEP ROOM IN HARKNESS YOU HAVE RESERVED THEN I WOULD CHECK
IN SATURDAY REGARDS & LEO SZILARD

Leo Szilard

RECEIVED
OCT 6 1959
WESTERN UNION TELEGRAMS

COPIED FROM ORIGINAL
IN THIS COLLECTION



WASHINGTON LIAISON OFFICE WASH D C 1, JLLY 1944

1453 Z

CHICAGO AREA, CHICAGO ILL
FOR DELIVERY TO DR L SZILARD

MAIL ME COPY OF LETTER ADDRESSED TO YOU REFERRED TO IN PARAGRAPH
THREE OF YOUR LETTER 27 JUNE DATE. END REF EIDM WL-2820

ANO

ROBERT A LAVENDER

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON 25, D. C.
11 July 1944

VANNEVAR BUSH
Director

*M.D.
John*

~~SECRET~~

Dr. Leo Szilard
Metallurgical Laboratory
P. O. Box 5207
Chicago 80, Illinois

Dear Dr. Szilard:

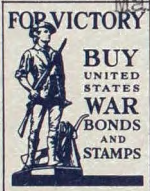
Your letter of 27 June has been received in which you request authority to show a copy of a proposed application for patent to Mr. Hume with a view of securing his advice as to whether you should sign the application as a joint inventor. You make reference to a previous request for authority to show another application to Mr. Hume, which request you state was approved, and upon his advice, you signed the application as a joint inventor. Mr. Hume later reversed his opinion in a letter addressed to you, dated 3 March 1944.

The execution of an application concerns facts particularly within the knowledge of the signer and he should, when he feels uncertain as to the legal significance of signing an application, seek the advice of competent counsel. Before the signing of a joint application, certain principles may be explained to the proposed signer but the interpretation of such principles is within the signer himself because of the technical facts are within his knowledge and he must come to the conclusion as to whether he is or is not one of the joint inventors in accordance with principles explained to him.

I consider that Lt. Colonel Metcalf is perfectly competent to give you an analysis of the principles of joint inventorship.

As to your particular situation, were there any possibility of conflict of interest as between the Government and yourself, I would not hesitate to recommend the showing of the application to a properly cleared attorney. Such, however, is not the case for under your contract with the Government you have agreed to assign all inventions, applications of which are prepared by the Government, and agreed to abide by the judgment of the Government as to the character and scope of any particular application presented to you for signature.

While Mr. Hume may have been cleared to receive certain limited information relating to the Manhattan District, it is the definite policy of the Manhattan District to restrict as much as absolutely possible the disclosure of



Dr. Leo Szilard

Page 2

11 July 1944

technical information, and I can see no reason why the information contained in the proposed application need, under all of the circumstances, be disclosed to Mr. Hume.

By a copy of this letter, Lt. Colonel Metcalf is directed to show you again the proposed application and explain to you fully the principles of sole and joint inventorship. If, after Colonel Metcalf has explained the principles of sole and joint inventorship, you do not feel that you can sign the same as a joint inventor, it is requested that you so inform him in writing, giving your reasons therefor and particularly as to whether you consider yourself to be the sole inventor of the subject matter of the proposed application or any integral part thereof.

Very truly yours,



Robert A. Lavender
Advisor on Patent Matters

cc: Lt. Col. H. E. Metcalf

~~SECRET~~

dupl. bbs 1

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DR. LEO SZILARD ON

1958

Lawrence G. Johnson

July 26, 1944

Capt. R. A. Lavender
1530 "P" Street, N. W.
Washington, D. C.

Dear Capt. Lavender:

As you remember, I was anxious that the transaction represented by the agreement between the Government and myself, signed by me on December 3, 1943, should be a transaction without profit. In computing the sum of \$15,417.60, there was included an item of an outstanding obligation to pay \$6,000.00 plus 4% interest in installments to Mr. Adam. Mr. Adam has now agreed to accept in place of \$6,000.00 plus 4% interest in installments, a cash payment of \$5,000.00, and I have settled with him on this basis. This now creates a profit of \$1,000.00 less \$25.00 attorney expenses, i.e., a profit of \$975.00.

I am writing to you in order to inquire whether you feel that this upsets the original non-profit character of the transaction and whether you wish to make any suggestions concerning some suitable method by which the original non-profit character of the transaction could be restored by letting the Government have the benefit of the settlement above referred to.

Very truly yours,

Leo Szilard

L. Szilard/sf
~~cc: Col. Metcalf~~

July 26, 1944

Capt. R. A. Lavender
1530 "P" Street, N. W.
Washington, D. C.

Dear Capt. Lavender:

I refer to the agreement concluded between the Government and myself which was signed by me on December 3, 1943, and with respect to which you acted as advisor to the Government. According to the text of the agreement, I received \$15,417.60 in hand paid. You explained to me at that time that for technical reasons two weeks may elapse after the execution of the agreement before I actually receive the check.

I am writing now to inform you that I have not received this check up to now and would appreciate your comment.

Very truly yours,
L.S.

L.Szilard/sf
cc: Col. Metcalf

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT
1530 P STREET NW.
WASHINGTON, D. C.

*NRD
John*

VANNEVAR BUSH
Director

3 August 1944

~~SECRET~~

Dr. Leo Szilard
Metallurgical Laboratory
University of Chicago
Chicago, Illinois

Dear Dr. Szilard:

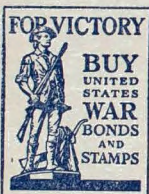
Receipt is acknowledged of your letter of 26 July 1944 with respect to the computation of the amount of the expressed consideration in Contract W-7401 eng. 156.

You will appreciate that one of my interests in the drawing of the contract was in being sure that there was adequate consideration for the contract as well as being sure that there were no outstanding liens or obligations affecting your rights to enter the agreement.

In view of the preceding, you will appreciate that I should not concern myself with whether any profit in fact was made by you as that determination of fact has no bearing on the adequacy of the consideration.

Very truly yours,

Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters



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August 4, 1944

1221
1944
1530 P Street, N. W.
Washington, D. C.

MUC-LS-34
This document consists of 1
pages and 0 figures
No. 3 of 3 copies, Series A

Dear Captain Lavender:

I refer to a letter written to you by Colonel H. E. Metcalf dated July 21, 1944 in which he asked you whether application identified by #S/501 has been filed in the patent office and if so what the filing date is.

As you perhaps remember, the agreement which I signed in December 1943 specifically states that this application is about to be filed. Naturally I assume that this application was filed immediately after it was signed by the inventors but still I believe it is my responsibility to obtain a direct statement from your office that this application has in fact been filed. For this reason I would appreciate it if Col. Metcalf's inquiry would be answered at an early date.

Very truly yours,



Leo Szilard

LS:ls

X

~~SECRET~~

August 19, 1944

THIS DOCUMENT HAS BEEN TAKEN FROM THE LIFE OF THE ROSSINI NATIONAL LABORATORY AND WAS TURNED OVER TO DR. BO STILARD ON

MIC-LS-37
This document consists of 2 pages and 0 figures No. 3 of 3 copies, Series A

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

I refer to my letter dated June 27th and your reply dated July 11, 1944. Upon receipt of your letter I wrote to Colonel Metcalf according to the inclosed copy, dated July 21, 1944.

In response to this letter Colonel Metcalf supplied me with excerpts of a number of court decisions obviously in the belief that I shall be able to arrive at an interpretation of the law on the basis of these court decisions with respect to the question of joint inventorship.

I discussed this question with Mr. Hume who was not at all enthusiastic about my interpreting the law on the basis of excerpts from court decisions. Since it so happens that Mr. Hume's clearance had been recently canceled I am asking for a new clearance for Mr. Hume and I am asking that no limitations should be imposed upon his clearance that would prevent me from discussing with him the question of sole or joint inventorship. I can only reiterate that in my opinion the only really satisfactory way of handling this is for me to explain to my own patent attorney what I believe to be the facts controlling this case and for my attorney to interpret the law for me. I could then express a belief concerning the joint inventorship based on my knowledge of the controlling facts and the interpretation of the law as furnished by my own patent attorney.

In case it should not be possible for me to obtain an extended clearance for Mr. Hume, we ought to consider the possibility that I submit to you a statement concerning the technical facts which in my opinion are controlling this case and that you thereupon give me an interpretation of the law based upon my statement. Clearly I could not ask you to accept my version of the facts but merely to say what the interpretation of the law would be assuming that my interpretation of the facts were correct. I believe that your interpretation of the law would be a better basis upon which I could express a belief concerning the joint inventorship than the excerpts of court decisions which have been given to me by Colonel Metcalf.

If I am unable to obtain a clearance for Mr. Hume and if you tell me that you are willing to give an interpretation of the law based on my statement of the controlling facts, I would have to prepare

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SECRET

Captain R. A. Lavender

-2-

THIS DOCUMENT HAS BEEN
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AT BETHESDA, MARYLAND
DATE 10-1-68

August 19, 1944

an analysis of the facts which I consider controlling in this case. I would base this analysis solely on the claims since only the claims define clearly what the patent application is supposed to cover.

I have in the meantime read through the application and the claims and made a number of observations of minor importance concerning the specifications for the consideration of Lt. Johnson. As to the claims I have the impression that claims 59, 60 and 61 are so broadly drawn as to cover inventions communicated to us by the British group, I believe by Mr. Halban, at an early date. Whether or not Mr. Halban has applied for a patent for this invention, I do not feel that we ought to claim inventions which were made by Mr. Halban, and I would like to be satisfied on that point before agreeing to these claims.

Very truly yours,



Leo Szilard

LS:ls
incl.

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~~SECRET~~

August 28, 1945

*NRT
JH*

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

I have gradually come to the conclusion that I must not consider myself as the inventor of Application S-668X, which was prepared at Los Alamos. It is barely possible that I might be a joint inventor with someone else who did further work along the lines which I have tentatively suggested.

I am returning, enclosed, a letter by Teller so that its existence should not block his reconsidering whether or not he or someone else might be the inventor, sole or joint, of S-668X.

If you know of any reasons why I should consider myself as the sole inventor of this application, I shall be pleased to give your arguments my full attention. The only written document in this case, of which I am aware, is a suggestion which I made in 1941 with reference to the desirability of a study of the possibility of auto-catalytic methods of detonation and this document does not furnish sufficient basis for my claiming sole inventorship of S-668X.

Very truly yours,



Leo Szilard

CC: H. E. Metcalf
F. Daniels ✓

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~~SECRET~~

CLASSIFICATION CANCELLED
Date 9/21/56
For The Atomic Energy Commission
C. A. Marshall
Director, Division of Classification

SECRET

Copy 4 of 4 copies, A.

*W.P.D.
Ogum*

August 28, 1945

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

I have gradually come to the conclusion that I must not consider myself as the inventor of Application S-668X, which was prepared at Los Alamos. It is barely possible that I might be a joint inventor with someone else who did further work along the lines which I have tentatively suggested.

I am returning, enclosed, a letter by Teller so that its existence should not block his reconsidering whether or not he or someone else might be the inventor, sole or joint, of S-668X.

If you know of any reasons why I should consider myself as the sole inventor of this application, I shall be pleased to give your arguments my full attention. The only written document in this case, of which I am aware, is a suggestion which I made in 1941 with reference to the desirability of a study of the possibility of auto-catalytic methods of detonation and this document does not furnish sufficient basis for my claiming sole inventorship of S-668X.

Very truly yours,

LS

Leo Szilard

CC: H. E. Metcalf
F. Daniels

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CLASSIFICATION CANCELLED

Date

9/21/56

For The Atomic Energy Commission

C. K. Marshall/TCR

Director, Division of Classification

SECRET

G7240

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.
1 September 1944

VANNEVAR BUSH
Director

Dr. Leo Szilard
Metallurgical Laboratory
University of Chicago
Chicago, Illinois

Dear Dr. Szilard:

Receipt is acknowledged of your letter of 19 August 1944 together with a copy of your letter of 21 July 1944 to Colonel Metcalf with respect to your execution of an application prepared by the Chicago Patent Group and transmitted to you by Colonel Metcalf for execution as one of the joint inventors.

As was stated to you in my letter of 11 July 1944 there is no possibility of conflict of interest as between the Government and yourself for under your contract with the Government, you have agreed to assign all inventions, applications of which are prepared by the Government, and agreed to abide by the decision of the Government as to the character and scope of any particular application submitted to you for signature. I therefore hesitate to make any recommendation that you show the application to a properly cleared attorney or submit to him the question of joint inventorship.

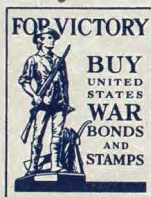
If you will submit to me in accordance with your suggestion a statement concerning the technical facts which in your opinion are controlling as to this particular application, I will on the basis of your version of the facts together with such other facts as are submitted to me in connection with the application, make a determination in accordance with the facts as gathered as to your being one of the joint inventors of the subject application. However, I hesitate to request such a statement from you unless I can be assured that you will abide by my decision in this matter, appreciating that my interest is solely in securing valid patents in order to properly protect the Government's interest in the Project.

The decision, as you state, it to be based upon an analysis of the facts in the light of the claims of the application.

It would be appreciated in your submission of the statement that you likewise submit your notes as to the observations made by you in your examination of the specification both as to the contents of the specification and claims and in your analysis, it would be appreciated if you would examine the claims carefully and if you feel that any of the claims cannot be properly made by you, that you advise me thereof and point out the particular claim or claims that you feel

MP
Jan
SECRET

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~~SECRET~~

Dr. Leo Szilard

-2-

1 September 1944

can be properly made by you, either solely or jointly, indicating in the latter instance whom you consider to be one of the joint inventors with you.

You will appreciate that I am anxious to secure early filing of this application and therefore would appreciate the receipt of your statement at an early date.

Very truly yours,



Robert A. Lavender
Advisor on Patent Matters

cc: Colonel Metcalf

September 21, 1944

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Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

1944
This document consists of 1
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No. 4 of 4 copies, Series A
File

Dear Captain Lavender:

I received your letter of September 1st with some delay since I was out of town. I too am anxious to settle the matter of this draft application as soon as possible. I asked the War Department for suitable clearance for Mr. Hume on August 19th and have since telephoned twice to the Area Office but I have so far not received a definite reply to my request. It is this reply for which I am waiting and I shall not be able to decide how to proceed until I receive it.

In my last letter to you I tentatively raised the question whether you could perform the function of Mr. Hume if the War Department should refuse to clear any attorney of my own choice. What I had in mind was that you could give me an analysis of the situation from the legal point of view based upon my version of the facts which in my opinion are controlling in this case. Judging from the third paragraph of your letter you propose to play a different role from that which I had in mind, since you would like me to give an assurance in advance that I shall abide by your decision. It would seem to me that such an assurance would be tantamount to saying that whether or not I believe myself to be a joint inventor after having obtained your analysis of the legal aspect, I would sign an oath that I believe myself to be the joint inventor if you should decide that I am a joint inventor.

With respect to the last paragraph of the first page of your letter, I wish to state that I have already examined the claims and indicated to you in my last letter certain claims, namely #59, 60, and 61, of which I do not consider myself to be the inventor, either joint or sole. As far as the specification is concerned, I gave my observations to Lt. Johnson orally and I made no notes. I assume that you will agree that it is not necessary for me to go over the specification once more, particularly since I have no copy of it at my disposal.

Very truly yours,

L. Szilard

ls/ls

cc: Lt. Johnson
Col. Nichols

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.
2 October 1944

VANNEVAR BUSH
Director

*M.D.
John*

~~SECRET~~

Dr. Leo Szilard
P. O. Box 5207
Chicago 80, Illinois

Dear Dr. Szilard:

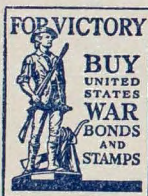
Receipt is acknowledged of your letter of 21 September 1944.

I do not expect you to give assurance in advance that you will abide by my conclusion as to sole or joint inventorship, for such is a decision that ultimately rests with you. You must, however, take a reasonable position based on the facts you present in their relation to all facts that may have a bearing on individual cases, and the precedents established by law.

You wish me to advise you on your version of the facts which, in your opinion, are controlling. You have ignored the fact that when there is a question of joint inventorship there are at least two persons involved. Do you wish to maintain that I should confine my conclusion to the facts as you view them when facts within the knowledge of others are involved in the very nature of the question? Your position is inconsistent.

Very truly yours,

Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters



October 30, 1944

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

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LS-44
document consists of 2 figures

~~SECRET~~ WRO
J

Dear Captain Lavender:

I am writing to acknowledge your letter of October 2nd. I was glad to learn that you would not expect me to give an advance assurance that I will abide by your conclusions.

In the second paragraph of your letter you seem to take exception to my having expressed a desire to be advised on my version of those facts which in my opinion are controlling in this case. I believe that you have misunderstood my position. Clearly, any conclusion must be based on all the facts available, but if there are certain facts which are not within my knowledge and which you consider relevant they ought to be communicated to me before I sign the oath which accompanies the application. I am not aware that there is any divergence of opinion between Mr. Fermi, Mr. Wigner and myself concerning the facts upon which the proposed application would be based; however, if there were such a divergence of opinion it ought to be cleared up by discussion prior to signing of the application. I believe that all these questions are of academic interest only. It seems to be clear though that since the joint application is not accompanied by a joint oath but by individual oaths of the individual inventors, the decision of each inventor to take the oath ought to be based on a version of the facts which he is ultimately able to accept as true. This being the case I do not see that, apart from misunderstanding each other's position, there is any possibility of conflict of opinion as to the proper procedure.

Since it is now over two months since I asked the War Department for the clearance of Mr. Hume, and since I have so far neither received a positive nor a negative answer to my request, it does not seem advisable to wait for the decision of the War Department any longer. Accordingly, I suggested last week to Lt. Johnson to prepare the case in the final form, obtain the approval of Mr. Wigner and Mr. Fermi, and submit it to me for signature. As far as I can see the changes which I have suggested are of a minor nature and it should be possible to incorporate them in a very short time. The only essential point was the case of a few claims (which I previously quoted to you by number) which are formulated too broadly and therefore at present cover inventions of others which I cannot claim to be my own. I suggested to Lt. Johnson that the application should be submitted to me for signature at the time when you are actually ready to file it; for if there were a long delay between my signing of the oath

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Captain R. A. Lavender

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DR. LEO SZILARD ON
1958

-2-

October 30, 1944

and your filing of the application, complications might arise which I desire to avoid.

May I ask you to let me know whether the above procedure appears satisfactory to you and whether you wish to go ahead on this basis?

Very truly yours,

Leo Szilard

ls:ls

P. S. I understand that the matter of clearance of Mr. Hume has been referred to Col. Nichols and so I wrote to Col. Nichols on September 21st urging an early decision on my request. No communication in answer to this request has reached me to date.

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OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON, D. C.

6 Nov. 1944

VANNEVAR BUSH
Director

MPD
John

~~SECRET~~

Dr. Leo Szilard
Post Office Box 5207
Chicago, Ill.

Dear Dr. Szilard:

With reference to your letter of 30 October and to previous correspondence, I have come to the conclusion that we have been discussing what would be done if certain generalizations were supported by facts, whereas all of the facts upon which the decisions were to be made have not as yet been made available to me.

Colonel Metcalf has informed me that you have considerable original records in the form of laboratory notebooks and copies of correspondence relating to this Project. It, therefore appears that as a preliminary matter, all of the facts of your work should be made available to me, that conclusions may be reached as to your position in the art and later decisions may then be reached as to the facts and the procedures to be adopted.

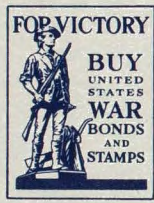
Some of your original records have been turned over to Colonel Metcalf and to me, but inasmuch as you have signed the contract transferring all of the rights to inventions involved in your work as defined in these original records, it is requested that all of the records be delivered to Colonel Metcalf that a survey may be made and a course of procedure outlined and adopted.

Very truly yours,

Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters

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OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.

WASHINGTON 25, D. C.

12 February 1945

VANNEVAR BUSH
Director

MCP
John
~~SECRET~~

Dr. Leo Szilard
P. O. Box 5207
Chicago 80, Illinois

Dear Dr. Szilard:

It is understood that you recently requested that copies of all applications filed by the Government on your behalf be made available to you for your files.

It is the definite policy of the Manhattan District that copies of applications covering inventions made in the Special Project shall not be furnished to the inventor because of security requirements. However, copies of applications will be furnished the inventors upon request when the secrecy restrictions on any individual application have been removed. Furthermore, office copies of applications are upon request, made available during office hours to the inventors involved for their inspection and examination.

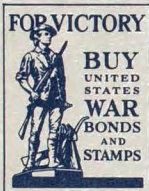
The Chicago Patent Group has been required to follow the above policy in all cases. Colonel Metcalf is being advised by copy of this letter that you may, during office hours, examine the Chicago Patent Group office copy of any applications for United States Letters Patent in which you are either the sole or one of the joint inventors. Applications in which you are either the sole or one of the joint inventors may likewise be examined by you in the Central Office here in Washington.

I am sure that you appreciate that reasons of security require the foregoing policy and procedure.

Very truly yours,

Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters

CC: Col. Metcalf



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OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.
WASHINGTON 25, D. C.

VANNEVAR BUSH
Director

20 February 1945

M.D. Jones
SECRET

Dr. Leo Szilard
Metallurgical Laboratory
P. O. Box 5207
Chicago 80, Illinois

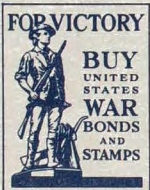
Dear Dr. Szilard:

Receipt is acknowledged of copies of your two memorandums to Lieutenant Johnson of 9 February 1945 relating to the furnishing to you of copies of applications for patents that are executed by you. It is noted that you propose to send the requested copy to Dr. Oppenheimer at Site "Y" for safekeeping in the guarded area of Site "Y".

It is fully appreciated that you should ultimately have a copy of all legal papers signed by you for your personal file and copies of such legal papers prepared by or for me in which you are involved. However, for secrecy reasons, these copies can not now be delivered to you but will be kept by my organization for delivery to you when secrecy conditions so permit. In the meantime, copies of all such legal documents will be available to you for your inspection whenever you so desire, as set forth in my letter of 12 February 1945.

Very truly yours,

Robert A. Lavender
Robert A. Lavender
Advisor on Patent Matters



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Metallurgical Laboratory

MUC: 45-58

47

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2 of 2 copies, Series C

February 27, 1945

THIS DOCUMENT IS TAKEN FROM A FILE OF THE ARGONNE NATIONAL LABORATORY AND WAS TURNED OVER TO DR. LEO SZILARD ON 12/28/58

Captain R. A. Lavender
1530 P Street, N. W.
Washington 25, D. C.

Dear Captain Lavender:

Thank you for the assurance contained in your letter of February 12. I am advised, however, that the assurance which you give me does not bind the United States Government and that if you left the O.S.R.D. or if the O.S.R.D. were dissolved I could not be sure that I could see the text of these patent applications which I sold to the Government.

A situation could thus arise many years from now that I might invent something which I believe to be new, having forgotten that it was already contained in one of these patent applications which I sold to the Government. I might then file an application for this supposedly new invention and might sell it to someone.

In the circumstances, I feel I must have copies of all patent applications which I assign to the Government and have such copies as my personal property in my own custody. In order to safeguard secrecy I would keep such copies as a safe deposit in an area guarded under the auspices of the Armed Services under conditions comparable to those of the Metallurgical Laboratory in Chicago. In particular, patent applications which were prepared at Site Y I would send to Site Y to be kept in safe deposit for me.

If you do not feel that you are able to let me have copies of my own patent applications under these conditions, then the best thing appears to be that I take up this matter with Dr. Bush. I do not wish to bother him about this at present, but I hope to see him about something else in the next few months and I might then have the opportunity of discussing this point with him also.

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Very truly yours,

Leo Szilard

LS:sw

cc: Director, Metallurgical Laboratory

This document contains information affecting the national defense of the United States within the meaning of the Espionage Act, U. S. C. 80, 31 and 32. Its transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

~~SECRET~~

Metallurgical Laboratory

February 27, 1945

21C P189

Captain R. A. Lavender
1530 P Street, N. W.
Washington 25, D. C.

MUC-LS-58

This document consists of 1
pages and 0 figures
No. 7 of 4 copies, Series A

Dear Captain Lavender:

Thank you for the assurance contained in your letter of February 12. I am advised, however, that the assurance which you give me does not bind the United States Government and that if you left the O.S.R.D. or if the O.S.R.D. were dissolved I could not be sure that I could see the text of these patent applications which I sold to the Government.

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Very truly yours,

Leo Szilard

METALLURGICAL LABORATORY
P. O. Box 5207, Chicago 80, Ill.
OFFICE OF THE DIRECTOR

LS:ls

cc: ✓ Director, Metallurgical Laboratory

FEB 28 1945

A.M. P.M.
7|8|9|10|11|12|1|2|3|4|5|6



~~SECRET~~

MUC-LS-58

Metallurgical Laboratory

P.O. BOX 5207
CHICAGO 80, ILLINOIS

This document consists of 1 pages and 0 figures
No. 1 of 2 copies Series C

Copy

February 27, 1945

BUTTERFIELD 4300

*MRD
John*

Captain R. A. Lavender
1530 P Street, N. W.
Washington 25, D. C.

Dear Captain Lavender:

Thank you for the assurance contained in your letter of February 12. I am advised, however, that the assurance which you give me does not bind the United States Government and that if you left the O.S.R.D. or if the O.S.R.D. were dissolved I could not be sure that I could see the text of these patent applications which I sold to the Government.

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Very truly yours,

Leo Szilard

LS:sw

cc: Director, Metallurgical Laboratory

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~~SECRET~~

February 27, 1945

MUC-LS-58

Captain R. A. Lavender
1530 P Street, N. W.
Washington 25, D. C.

This document consists of 1
pages and 0 figures
No. 4 of 4 copies, Series A

Dear Captain Lavender:

Thank you for the assurance contained in your letter of February 12. I am advised, however, that the assurance which you give me does not bind the United States Government and that if you left the O.S.R.D. or if the O.S.R.D. were dissolved I could not be sure that I could see the text of these patent applications which I sold to the Government.

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Very truly yours,



Leo Szilard

LS:ls

cc: Director, Metallurgical Laboratory

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

1530 P STREET NW.

WASHINGTON, D. C.

5 March 1945

VANNEVAR BUSH
Director

Dr. Leo Szilard
P. O. Box 5207
Chicago 80, Illinois

~~SECRET~~

W.P.D.
[Signature]

Dear Dr. Szilard:

Receipt is acknowledged of your letter of 27 February 1945 in which you give your reasons for desiring to have copies now of executed applications as your personal property as being that you might invent something which you believe to be new and having forgotten that it was already contained in one of the executed applications, you might then file an application on the supposedly new invention and might sell it to someone. It is noted from your letter that in order to avoid delaying the filing of any patent applications you are willing to take upon yourself the responsibility of making copies of these applications.

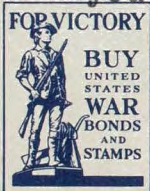
In my letter of 12 February and in my letter of 20 February, you were advised that copies of these applications would be made available to you for your inspection and examination and that when the secrecy restrictions are lifted by the Manhattan District, there will be made available to you copies of all applications.

As to applications prepared at Site "Y", a copy of such applications will be kept in the files of the Patent Group at that site for you.

Should you make inventions in the future and desire to sell them, you will of course have access to any applications involved to see whether there is a conflict of subject matter or examine the application for any other reason. This applies even though the secrecy restrictions have not been lifted.

With reference to the first paragraph of your letter, you of course know that the applications on file in the Patent Office are available to the inventors for examination.

I therefore can not visualize any circumstances in which you could not have access to a copy of your applications should you have an occasion to desire to examine them.



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~~SECRET~~

With reference to the last paragraph of your letter, it is not that I am not perfectly willing to make or furnish you copies of your applications. It is not necessary that you go to that trouble and expense as I already have copies of the application to furnish you when secrecy restrictions are lifted. It is a matter of security, policy and restriction that I am not permitted to furnish you the copies requested.

I hope that with this detailed explanation of the security, policy and restrictions involved, that you will execute promptly the applications that have been presented to you.

Very truly yours,



Robert A. Lavender
Advisor on Patent Matters

March 17, 1945

Captain R. A. Lavender
1530 P Street, N. W.
Washington, D. C.

Dear Captain Lavender:

Inclosed is a copy of a memorandum from Mr. Szilard to Mr. Stearns, Director of the Metallurgical Laboratory.

Yours very truly,

Secretary to Mr. Szilard

Report

~~SECRET~~

June 18, 1945

Captain R. A. Lavender
O. S. R. D.
1530 P Street, N.W.
Washington, D. C.

THIS DOCUMENT HAS BEEN
REMOVED FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO S. CREUTZ OF LLNL
MUC-28-68
This document consists of 2 pages and 0 figures
No. 3 of 3 copies, Series A
W. J. Sawyer

Re: Kjellgren and Sawyer
Reduction of UF₄ by Mg.
O.S.R.D. Case No. S-3949

Dear Captain Lavender:

Col. Metcalf has requested me to write you stating my recollection of the early work performed by Brush Beryllium Company respecting production of uranium metal by reaction of uranium tetrafluoride with magnesium.

In July of 1942 I was concerned with the problem of developing an adequate source of uranium metal of high purity. In view of certain similar characteristics of beryllium and uranium, it occurred to me that uranium metal could perhaps be made from uranium tetrafluoride in the same way in which beryllium is made from beryllium fluoride. Knowing that the Brush Beryllium Company had developed a process for producing beryllium from beryllium fluoride, I discussed our problem with Dr. Sawyer. Dr. Sawyer advised me that their process consisted in the reduction of beryllium fluoride by means of magnesium metal. Dr. Sawyer stated that he would be willing to try reduction of uranium tetrafluoride by magnesium if we would send him uranium tetrafluoride. I pointed out that the main issue to my mind consisted of the question whether or not the uranium produced by such a process is sufficiently free from magnesium. Dr. Sawyer said that he would make arrangements for having the product analyzed for magnesium and advise us by telegram of the result.

As stated in my letter of August 2, 1942, to Dr. Sawyer, I arranged to have uranium tetrafluoride delivered to the Brush laboratory for experimental work. The general process and objects are described in my report of August 15, 1942 (CE-236) and also in Dr. Creutz's report (6A-243) for August 22, 1942. I recall that Dr. Creutz and I were present on August 20, 1942, when an early experiment involving reduction of uranium tetrafluoride with magnesium was performed.

The reaction was conducted in a heated reactor provided with a cover. Portions of uranium tetrafluoride and magnesium were introduced into the reactor at intervals. One of these reactants was molten, the other was added in the solid state. I do not recall specifically whether the magnesium or the uranium tetrafluoride was added molten, but I recall that the process was conducted using the procedure established for beryllium production. During the operation argon was introduced into the reactor to prevent oxidation of uranium.

~~SECRET~~

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~~SECRET~~

Captain R. A. Lavender

June 18, 1945

THIS DOCUMENT HAS BEEN
TAKEN FROM A FILE OF THE
ARGONNE NATIONAL LABORATORY
AND WAS TURNED OVER TO
DR. LEO SZILARD ON
10/22/50

I have examined the photostatic copies of pages 107 and 108 of the Brush notebook which were submitted to Col. Metcalf by your office. These notes are generally in accord with my recollection of the experiment which we witnessed.

I am of the opinion that the fact that uranium tetrafluoride can be reduced by magnesium and yields uranium metal substantially free from magnesium may form the basis of a patentable invention if this fact was not previously known. Nothing in this letter may be taken to mean that Dr. Sawyer is not either the joint or the sole originator of this invention.

Yours very truly,

Leo Szilard

ls:ls

~~SECRET~~

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1 Nov. 1945

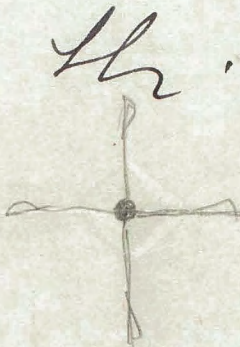
Captain Robert A. Lavender
Office of Scientific Research & Development
1530 P Street, N.W.
Washington, D. C.

Dear Captain Lavender:

With reference to my letter of August 28, 1945, relating to Application S-668X which was prepared at Los Alamos.

As I told you in that letter I do not consider myself as the inventor of the said application and therefore do not believe I can execute the oath to the application.

Very truly yours,

Sh.


Captain Robert A. Lavender

8 April 1946

Dr. Leo Szilard

S-532

1. I have examined case S-532 in which I am included as one of the inventors and after examination I do not consider that I am either the sole or one of the joint inventors of the subject matter covered therein, the reason being that I do not believe that the same contains any *useful* invention.

Lh.

Leo Szilard

DRAFT

Captain R. A. Lavender
O.S.R.D.
1530 P Street, N.W.
Washington, D.C.

Dear Captain Lavender:

With reference to the negotiations for the assignment of rights under my inventions and with reference to a conference held in Chicago on November 17, 1941, I wish to state that I do not desire to accept the offer of \$25,000 as the monetary consideration for signing the contract as I do not desire to make any personal profit by such assignment. I prefer to have the money consideration be on the basis only of the expenses incurred in connection with these inventions which are classified as follows:

Total _____

It is, therefore, proposed that the monetary consideration in the contract be _____, which includes the above total with the addition of \$1.00.

Very truly yours,

DRAFT

Dr. Leo Szilard

Receipt is acknowledged of your letter of
_____ and in accordance with
your proposal the monetary consideration ^{if} is being
inserted in the contract to be signed rather than the
sum of \$25,000 as originally proposed.

*represented
as expenses
only*

Your willingness to make the assignments
provided for in the contract without profit to yourself
is appreciated.

Very truly yours,

Capt.

ROBERT A. LAVENDER

3701 33RD PLACE, N.W.

WASHINGTON 8, D.C.

Ack: May 15th 1960
11 April 1960

Dear Dr. Sjolund -

An article appearing in our local paper and originating in New York told of your being in the hospital. This is the first indication I have had of the possibility of your needing medical care.

I hope that the doctor's diagnosis is not correct and that you, in any event, will respond to treatment. We need persons of your ability and experience.

Very sincerely

Robert A. Lavender

Dr. Leo Sjolund
Memorial Center
444 E 68 Street
New York, N.Y.