

Preface

Early in 1951 a group of interested members of the faculty of The University of Michigan Law School conceived the idea of a research project, the purpose of which would be to investigate the principal unique legal problems being created and likely to be created in the future by peaceful uses of atomic energy. The group planned the preparation and publication of a series of manuscripts which might ultimately emerge as one or more printed volumes dealing with the legal problems affecting this new form of energy. Many phases of the subject were scrutinized, including the rule-making and licensing powers of the Atomic Energy Commission, the censoring of scientific information, liability for radiation injuries to persons and property, patent rights, state regulatory activities, and other areas of possible interest.

In July 1951 the Michigan Memorial-Phoenix Project, the University's major program of research in all phases of peaceful uses of the atom, made a substantial grant in support of the proposed study of legal problems. The law faculty group, consisting at the outset of Professors Samuel D. Estep, William J. Pierce, and the undersigned, organized and embarked upon the program. Later Professors Eric Stein and William W. Bishop were added. A small research staff was recruited and the studies were commenced, beginning with an intensive examination of the legislative history of the Atomic Energy Act of 1946.

In the summer of 1952, an Institute on Industrial and Legal Problems of Atomic Energy was organized and held in the Law Quadrangle in Ann Arbor. This proved to be one of the earliest of the many conferences held in this country resulting from the development of atomic enterprise, and it served to give very great stimulus to the research work being carried on within the staff of the Law School. The proceedings were published by the School and were widely distributed.

In 1956 a second summer conference was held, this time a "workshop," with a prepared agenda and working papers distributed in advance to the invited participants, who included not only lawyers but also engineers, A.E.C. staff members, scientists, health officials, and economists—a truly "inter-disciplinary" undertaking. The objective was to elicit concentrated thinking and interchange of ideas between knowledgeable people concerning atomic legal problems, and to precipitate these ideas in concrete form for the guidance of those responsible for current legal developments in the field. Again, proceedings were published and were widely distributed.

Throughout the years manuscripts on various phases of the subject have been prepared by the research staff or by the members of the faculty engaged in the project. Little by little the materials, which now emerge as this volume entitled *Atoms and the Law*, took shape in manuscript form. Principal interest finally centered on tort liability for radiation injuries, workmen's compensation for such injuries, federal statutory and administrative provisions regulating atomic activities, state regulation of atomic energy, and finally, in the later years, the international aspects of the subject. These became principal headings in the volume which is now being published.

As the project unfolded, those of us who were participating in it became increasingly impressed with the feeling that here was something unique in legal research, for we were engaging in a task that involved not only frontiers of the law but also one which was ever so closely interwoven with the science and technology of tomorrow. In carrying out the project, it became necessary for us to proceed as far as possible to master a new scientific field, one with a new vocabulary and a radically different set of concepts. This certainly enhanced interest in the task, not to mention increasing the difficulty of carrying it forward. In addition, it afforded us an even more fascinating prospect, namely, the possibility of creation of a center for legal studies related to the new technological world, with its great variety of new facets—automation, water resources problems, aviation, etc., thus to make our contribution in providing the legal framework to facilitate the adjustment of scientific advances to the social order of which we are a part.

The acknowledgements which we should make to those who have helped in the preparation of this volume are almost too numerous to mention. On the financial side we have already mentioned the Michigan Memorial-Phoenix Project, which made the initial grant-in-aid, and whose Director, Dean Ralph A. Sawyer, and Assistant Director, Professor Henry J. Gomberg, have been continuously helpful and encouraging. We have also received most generous support from the Detroit Edison Company, whose President, Walker L. Cisler, has led the way in the field of private atomic enterprise; from the William W. Cook Endowment Fund of the Law School; and from the Ford Foundation, whose grant-in-aid made in 1958 has not only helped with the completion of this volume but has made possible the continuation and broadening of the Law School's program of atomic legal research. Finally we must mention the most encouraging support of several of our loyal alumni who have been attracted by the project and have wished to contribute to it.

Acknowledgements must also be made to the many who have contributed to the research and preparation of the manuscript for the volume. Those of us who assume responsibility on the title page could never have completed the task without the participation of Professor Eric Stein and his one-time United States Department of State associate, Bernhard G. Bechhoefer, who wrote the chapter on the International Atomic Energy Agency; Courts Oulahan, now on the legal staff of the Atomic Energy Commission, who wrote on the Commission's administrative procedures; and Professor Horace W. Dewey, a graduate of the Law School, now in the Department of Slavic Languages of the University, who wrote the chapter on Soviet atomic developments. Then there has been the valued contribution of the several research assistants who have worked on the project—Rinaldo L. Bianchi, John W. Birchall, Mrs. Mimica Janez, Frederick Juenger, Lawrence P. King, Charles D. Olmsted, Ivor M. Richardson, Michael Scott, and Marvin O. Young. Finally, credit must be given for the skillful and diligent assistance of those who helped prepare the manuscript for the printer—Miss Alice J. Russell, Assistant Editor, Michigan Legal Publications; Miss Sharon Greene; and Mrs. Jean Hershenov. This has truly been a team project, and each member of the team has served faithfully and well.

One unique and worthy by-product of the Law School's Atomic Research Project is the extent to which those who have been engaged in it have been called upon to take active parts in outside activities related to the atomic age. We have participated in Congressional hearings on atomic matters; in activities of American Bar Association and State Bar committees; in the Power Reactor Development Company's Fermi Reactor, now under construction near Monroe, Michigan; in the drafting of state regulatory legislation on the subject; in the activities of the Fund for Peaceful Atomic Development; in the offering of a seminar as a part of the Law School curriculum; and in giving innumerable public addresses to all manner of groups, legal, lay, and technical. These by-product features have added interest and value to the task, and in a very real sense have, we believe, given us the opportunity to render some statesman-like service on one of the unique frontiers of the current scene.

A principal difficulty confronting us at all times has been the velocity with which changes have taken place during the period. New technical developments, new statutes, and even new concepts have followed one another in rapid succession—some of them even during the recent

weeks during which the manuscript has been in the printers' hands. This kaleidoscopic nature of the scene has made it impossible to keep the manuscript completely current with respect to all details, but it has seemed wiser to publish while the manuscript is reasonably timely than to lose the advantage of timeliness in the interest of technical perfection. Notwithstanding the difficulties, however, the task has been rewarding, and we hope the end result will make a worthwhile contribution to a fascinating new field.

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