

physics from Columbia University. From 1954 to 1961 he served on the physics faculty at Ohio State University, and he then joined the Lawrence Radiation Laboratory (now LBNL) as a theoretical physicist. During his tenure as the lab's director from 1973 to 1980, the annual budget tripled to \$146 million. Sessler's theoretical work, primarily in the physics of particle beams, has led to a deeper understanding of accelerators and colliders and has opened the door to new devices. As an advocate of arms control and human rights, he served on the APS Study of Directed Energy Weapons in the mid-1980s and helped found the group Scientists for Sakharov, Orlov and Sharansky.

In other results of the APS elections, the new chair-elect of the APS nominating committee, which selects the slate of candidates for elections, is Gerard M. Crawley of Michigan State University. The four new general councilors are Daniel Auerbach of the IBM Almaden Research Center, Donald Hamann of AT&T Bell Laboratories, Susan J. Seestrom of Los Alamos National Laboratory and Ronald Walsworth of the Smithsonian Astrophysical Observatory.

1996 Vice President of AAPT is O'Kuma

Members of the American Association of Physics Teachers recently elected a new vice president: Thomas L. O'Kuma of Lee College in Baytown, Texas. On 1 January he succeeded Ronald D. Edge, who is now AAPT's president-elect. This year's president is Robert C. Hilborn.

O'Kuma earned a BS in physics and mathematics in 1971 and an MS in physics in 1972, both from Louisiana Technical University; he did additional graduate work at the University of Florida and the University of Houston. In 1976 he became a physics and mathematics instructor at San Jacinto College, and in 1989 he joined Lee College as a physics instructor. In O'Kuma's physics education research, he has been studying how students' problem-solving abilities develop and how laboratory activities affect their understanding of physical phenomena.

Several other newly elected AAPT officers also began their terms this month: Alexander K. Dickison of Seminole Community College in Sanford, Florida, is the new AAPT treasurer, and Yvette A. Van Hise of High Technology High School in Lincroft, New Jersey, is now the high school representative on the AAPT executive board.

In Brief

The 107-inch telescope at the McDonald Observatory near Fort Davis, Texas, has been renamed in honor of Harlan J. Smith, who was director of the observatory for 26 years. Smith, who died in 1991, also served as chairman of the astronomy department at the University of Texas at Austin, which operates the observatory. The telescope was planned and built during Smith's tenure at the observatory; as he had insisted, it remains open to the public for viewing several hours each month.

Germany's breeder reactor facility in Kalkar will be reborn as the "Nuclear Water Wonderland," complete with hotels, sports facilities and water rides. The nearly completed power plant, begun in 1973, had been largely abandoned after the 1986 Chernobyl disaster. Proposals to convert it into a conventional power plant or a nuclear

waste storage site fell through, and so it went up for sale in early 1995. This fall it was picked up by a businessman who owns a chain of amusement parks in the Netherlands.

James Powell and Morris Reich, two senior engineers at Brookhaven National Laboratory, have founded a consortium to develop, demonstrate and implement new technologies aimed at helping rebuild the nation's infrastructure. In addition to Brookhaven, the consortium, known officially as the National Infrastructure Center for Engineering Systems and Technology, includes Northrop-Grumman, Raytheon-Ebasco and 13 universities in New York State. It has received an initial grant of \$500 000 from the New York State Science and Technology Foundation. Among the technologies under development is a magnetic imaging technique to locate underground pipes and determine their state of corrosion. ■

Challenge to Scholarly Surveys Again Rejected

Following a recent court ruling, the American Physical Society and the American Institute of Physics issued the following joint statement:

Judge Leonard B. Sand, of the United States District Court for the Southern District of New York, issued a decision on November 2, 1995, reaffirming the First Amendment right to publish surveys analyzing the prices of scientific journals. The decision represents a significant confirmation of the legal protection afforded speech, and is of importance to the scholarly community.

In 1986 and 1988 The American Physical Society (APS) and the American Institute of Physics (AIP) published surveys, prepared by Professor Henry Barschall of the University of Wisconsin, Madison, analyzing the comparative prices of physics journals. A suit challenging the articles was brought by Gordon & Breach Science Publishers (G&B). As noted by Judge Sand, "[a]s it happened, journals published by AIP and APS scored near the top of the articles' rankings and several of G&B's journals were ranked at or near the bottom." G&B filed suit in New York, as well as a series of related actions in Europe, claiming that the articles constituted false or misleading advertising.

The recent decision arises from G&B's request that the court modify its previous decision holding that publication of the articles was speech entitled to constitutional protection. Judge Sand stated that "it is plainly inconsonant with justice to grant [G&B's] requested relief," noting that G&B

"seek[s] back-door entry to revisit the issue, after undertaking the exact discovery that the court cautioned against in the first instance."

G&B also challenged various "secondary uses" of the surveys, including advertising, letters, and presentations by APS and AIP officials. Judge Sand ruled for AIP and APS on several of these claims, but found there were factual issues as to others that had to be resolved at trial. For the remaining secondary uses, G&B will now have to show that the surveys were false or misleading—claims that have previously been rejected in Switzerland and Germany after thorough review.

C. Kumar N. Patel, President of The APS, and Roland W. Schmitt, Chair of the AIP Governing Board, stated that "we are extremely gratified by Judge Sand's decision. His action provides important protection for studies of an issue of significant importance to the scientific community as a whole, and to libraries—the escalating price of journals in a period of declining library budgets."

They said, however, "we are distressed that, in having to litigate the remaining secondary uses, AIP and APS will have to defend again in the US what has previously been found in Germany and Switzerland—that the surveys are not false or misleading. Although we are confident that we will prevail on the remaining issues, the scholarly community is not served by the diversion of scarce resources into the defense against G&B's lawsuits."