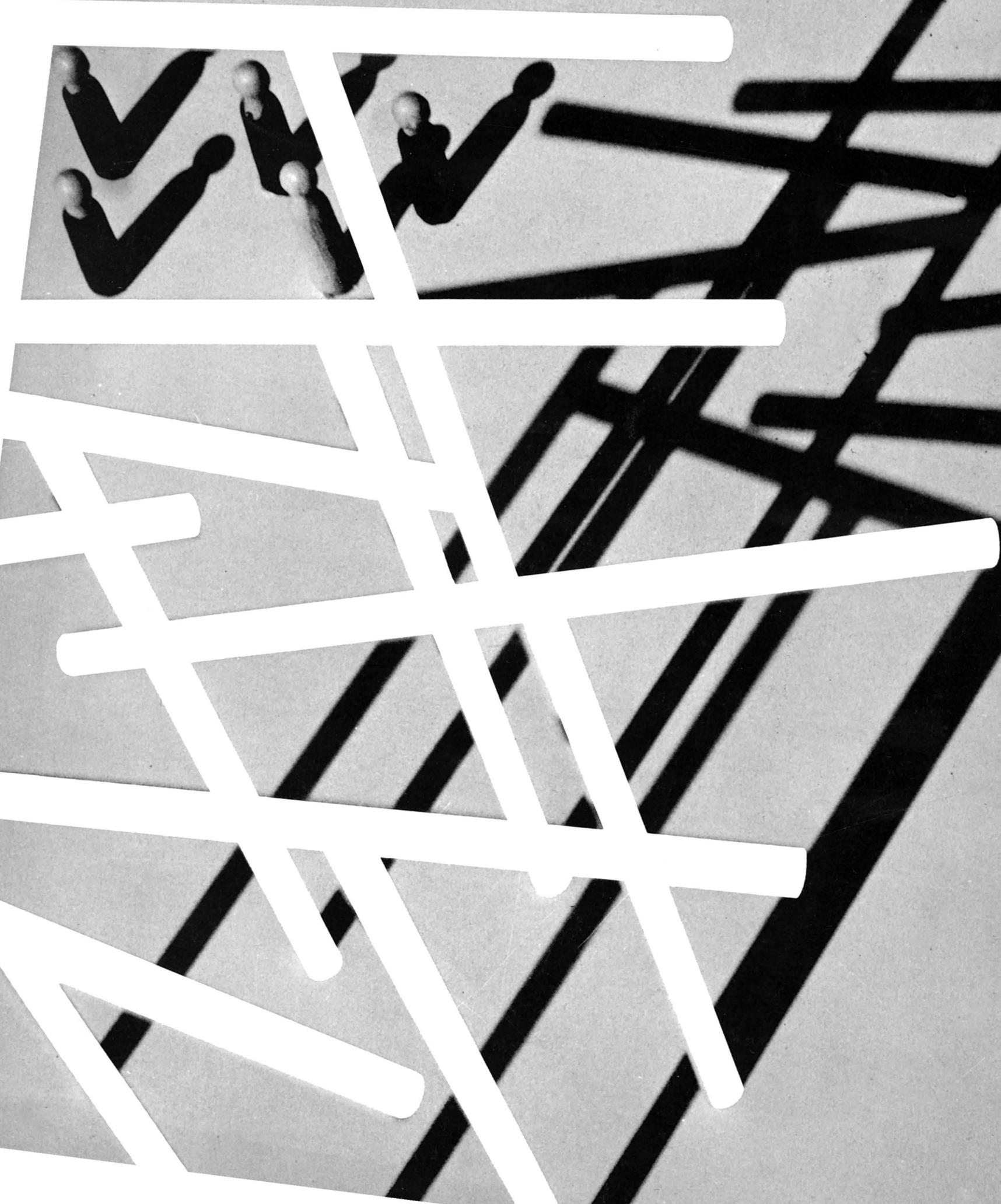
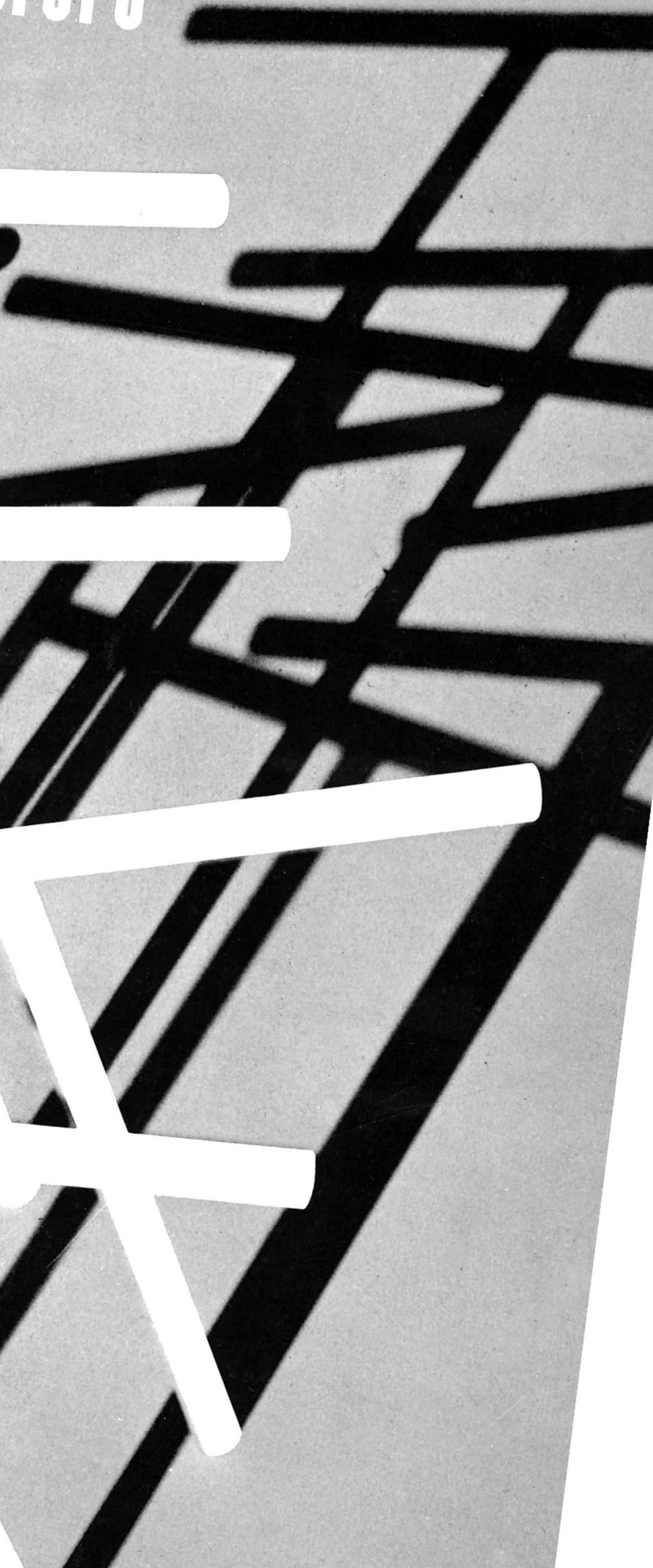
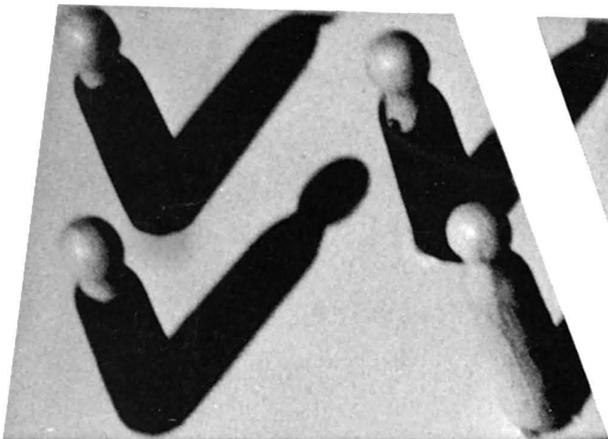


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Cover: Detail from "Sculptural Research" by John Follis, (see page 32).

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books

VISION + VALUE edited by Gyorgy Kepes (Geo. Braziller, 3 Vol., \$12.50 each).

Vision, the way in which we perceive the world, offers us not only a picture of the material realm but inspires and shapes our values as well. Thus, for example, when Jacob Burckhardt, the great 19th-century historian, wished to understand the civilization of the Renaissance in Italy, he concentrated on its *Weltanschauung*, or world-view. As Burckhardt realized, it was the startling vision of the 15-16th-century artist-scientists and of the machiavellian rulers of the "state as a work of art" which pierced the existing veil "woven of faith, illusion, and childish pre-possession through which the world and history were seen clad in strange hues," disclosing a new world of perception and value which we call the "modern" period.

Today, our "post-modern" scientific-technological society again requires new ways of seeing. The union of art and science, of sensory awareness and of conceptual knowledge which underlay the Renaissance achievement (symbolized by Leonardo da Vinci), has broken into fragments. It is the great merit of Gyorgy Kepes, himself a creative artist, to take up the effort to unite anew the two cultures (or, better yet, the "n" cultures) and to reconcile the insights of the studio and the laboratory. In three imaginative and daring volumes (soon to be six), Kepes and his collaborators have attempted not only to identify but also to shape the "world-view" of our contemporary culture.

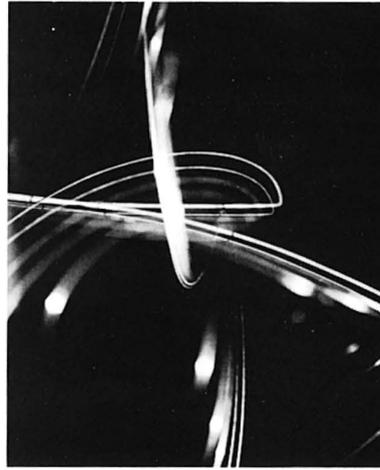
The roster of contributors to these volumes is international — though Germans and Italians, in addition to Americans, loom especially large — and is drawn from fields as diverse as psychology, physics, mathematics, metallurgy, philosophy, architecture, art history, painting, and sculpture. Naturally, such an attempt at interdisciplinary and international collaboration has its problems, and not all of the essays are equally successful or pertinent. Nevertheless, it is extraordinary how often and unexpectedly the findings from different fields dove-tail.

As for the lavish illustrations — there are even two full pages which are entirely white, and two entirely black, simply to prove a point — these are not mere decorations, but integral and equal parts of the text. For example, they illustrate concretely the desired union of science and art by spreading before us the X-ray diffraction pattern of beryl and a proposed plan of a city (by Eduardo Catalano), so close in their vision that we *see* as well as *understand* our habitation of one world. The combined result of text and pictures is a feast for the eyes and the mind.

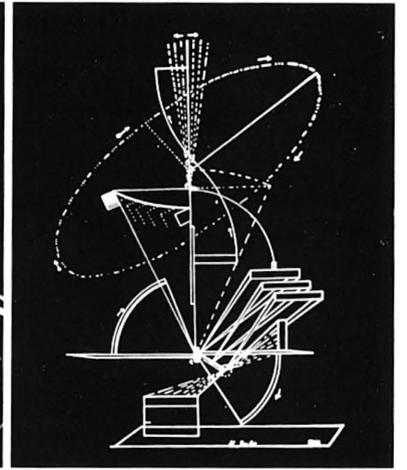
Two main themes are heard in all of the volumes. The first is that ours is a chaotic, colorless, mechanical, and formless world, where, in an insanely accelerating environment, we suffer from "motion sickness," and where our experiences, personal and social, are fragmented. While Kepes perhaps overstates this note of *Angst* — his judgment that in previous centuries "men moved with confidence born of familiarity" in a "smaller, friendlier world" emphasizes only one side of the fear-ridden universe filled with hobgoblins and evil demons, afflicted by plagues and famines, which surrounded our ancestors — his general point is valid. Today, man fears only himself; it is the world that he has created which threatens to destroy him. In this world, according to Kepes, the artist is our seismograph. His task is to sense and then to integrate the sensory, emotional, and rational elements of our culture.

The second theme is that "modern" art, based on scientific laws of perception, structure, motion, etc., offers a universal communication, a world-wide "style," which matches the objective, universally valid constructions of the natural sciences. This is a breath-taking assertion, stated baldly, for example, by Nervi, supported by the essay of Maki and Ohtaka, and restated implicitly or explicitly by Staber, Ackerman, Rickey, Kuh, and others. The proposition is based on the notion that the world is no longer the superficial appearances offered to us by our untutored senses, but "nature's laws": Newton's laws of motion, the laws of typology, the laws controlling the physiology and psychology of vision. The artist's task is not to imitate appearances, but, recognizing nature's laws, to expose the underlying processes and to offer us a common vision of the "real" world as an ordered affair.

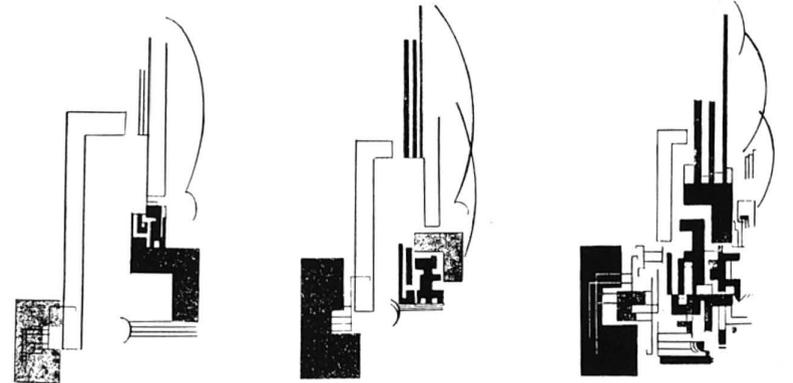
All of the volumes stress the role of perception as fundamental to



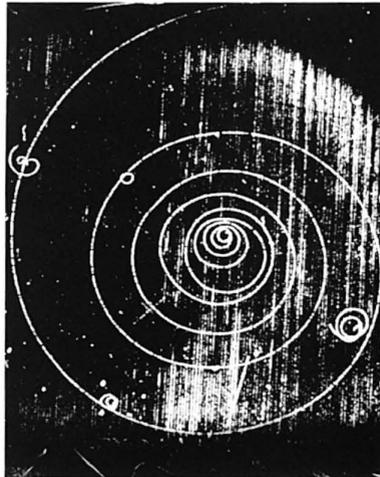
Light study, M.I.T.



Drawing for kinetic sculpture by Naum Gabo



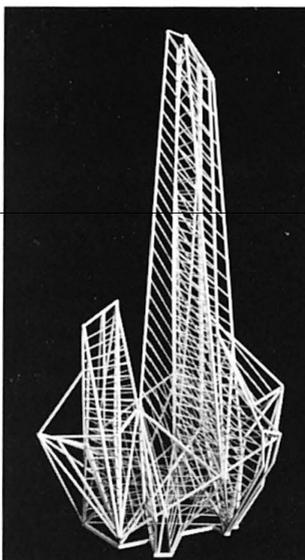
Hans Richter



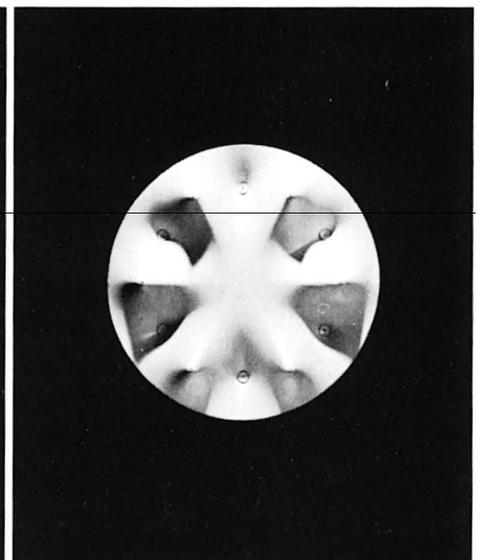
Electronic track, University of California



Mobile light mural, Gyorgy Kepes



Form and design study, M.I.T.



Membrane roof, Horacio Caminos

ARTS & ARCHITECTURE

art and science. Not the simple sensate perception of the 17th-century, but a view of perception which makes room for the insights, at least, of Gestalt psychology, "tacit knowledge," subliminal communication, and psycholinguistics is requisite. As Rudolf Arnheim in his contribution, "Visual Thinking," puts it, "seeing consists primarily in the grasping of such abstract features as 'triangularity,' whereas individual differences are acknowledged only secondarily." Another contributor, Richard Held, in a fine treatment of the history and present state of research on perception studies, "Object and Effigy," also emphasizes the powers of pattern recognition and concludes that "having been presented with a relatively small sample of instances, the system can recognize an unlimited set."

It is the rare talent of the artist to be able to create an image that makes meaning instantly whole and visible. Thus, the volume on *Education of Vision* seeks to show how visual thinking can better inform our learning experiences. To give a few instances, the volume includes suggestive essays on such topics as the use of demonstrations in science courses (Gerald Holton); the design of models, such as a basic cell, to show immediately the relation of parts to whole (Will Burtin); and the work of industrial designers in exposing through form the "structural and functional relations which convert an object into a coherent unity" (Tomas Maldonado). In this volume, too, the problems of education in the visual arts in both emerging nations and advanced nations is surveyed (by Julian Beinart and by Bartlett H. Hayes, Jr.); to Beinart, the problem seems to be the retention of native vision and value and their fusion with more modern inspirations to make new images which can help create a national culture; in the case of Hayes, the problem appears to be the recognition that modern art is as difficult to understand as modern physics or mathematics, and needs the same attention in the university curriculum.

Structure appears, we are told, "wherever elements combine into a meaningful whole whose arrangement follows definite laws." In the volume devoted to this theme, it is pursued from crystals to city planning, and we are made to see that structure on one level gives rise to a new kind of structure on a larger level: crystal lattices form metals, and cities arise as the collective form of numerous buildings. Indeed, the scientific revolution of the 20th century is characterized in this volume (for example in the provocative chapters by Lancelot L. Whyte and of Jacob Bronowski) as an emerging awareness of structure; that is, of complexities involving order and disorder, regularity and irregularity, in place of mere measurement of surface simplicities. As we know today, it is the arrangement of atoms not their elemental substance which determines the key properties of different materials. The link of scientific and artistic perception is made delightfully apparent to us by Bronowski's remark that the discovery of X-rays by Roentgen in 1895 changed the taste of a generation from form to structure; "From that moment, the upholstered forms of Victorian furniture and Victorian women were on their way out."

Integral to the perception of structure is motion, for our present model of nature is one in which the stable, solid world of substance has given way to a conception of things as fields of dynamic energies. Yet, as James Gibson tells us in "Constancy and Invariance in Perception," our perception of objects is "constant and stable although the sensations are changing and mobile." New possibilities, however, are now presented to us by technology: of visualization (from a plane, a moving train), of new forms (as in aerodynamics), of novel means of communication (photos, TV, and motion pictures, where motion can even be reversed or speeded up), and of new effects on our personalities (mechanical rhythms and tempi). The artist responds by making "mobiles," futuristic paintings, constructivist sculpture, and machine-driven assemblages. Moreover, to demonstrate his awareness that in this dynamic world the observer is part of the observed motion and structure the artist today removes the outer frame from his pictures, thus placing them in the same space as the observer (Gordon B. Washburn), or involves the viewer directly in kinetic or op art (George Rickey, Katherine Kuh, Hans Richter). Compare this with the Heisenberg indeterminacy principle in natural science.

Although I have hardly touched on the number or breadth of the individual essays or, alternatively, on their limitations, it should be clear that, taken singly or together, these three volumes provide an unusual insight into the art and science of our time. They challenge us in a sort of "See what I mean" fashion. In a most impressive way, Gyorgy Kepes' encompassing vision has pulled together disparate fields and thinkers into a pattern of meaning and value. All involved are to be congratulated on an extraordinary project.

—BRUCE MAZLISH, Associate Professor of History, M.I.T.

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After three years of intensive work on a project involving many of the world's foremost authorities in the arts and sciences, we are proud to announce the publication of the VISION + VALUE series, edited by Gyorgy Kepes, Professor of Visual Design, M.I.T., and author of *Language of Vision*.

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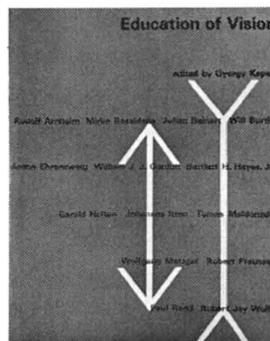
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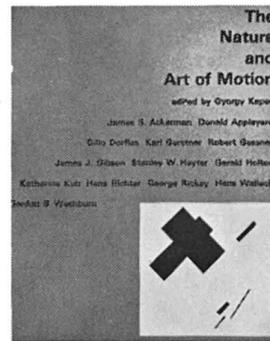
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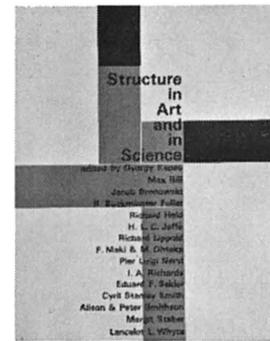
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art

DORE ASHTON

The passion for exclusivity which has long since infected critical approaches to painting now threatens to engulf sculpture. By exclusivity I mean that devotion to the absolute of the moment which refuses both tradition and eccentricity. For instance, in the merited excitement over the new use of plastics, many critics can see only its way-out manifestations. Anything which carries over and enlarges inherited rhetoric is considered *vieux jeu*, and, as one West Coast critic would have it, "genteel modern."

Perhaps it is the increasing pressure of the exclusive point of view which prompted Isamu Noguchi to make a brief manifesto to accompany his exhibition of stone sculptures at the Cordier-Ekstrom Gallery. Noguchi has always felt that there can be no material that isn't modern if it is used properly, and in his statement acknowledges the Italian firm which made its quarry and modern machinery for stone-cutting available to him. "This unique opportunity enabled me to pursue further the possibilities inherent in modern tools to help reveal the freshness of stone to our times."

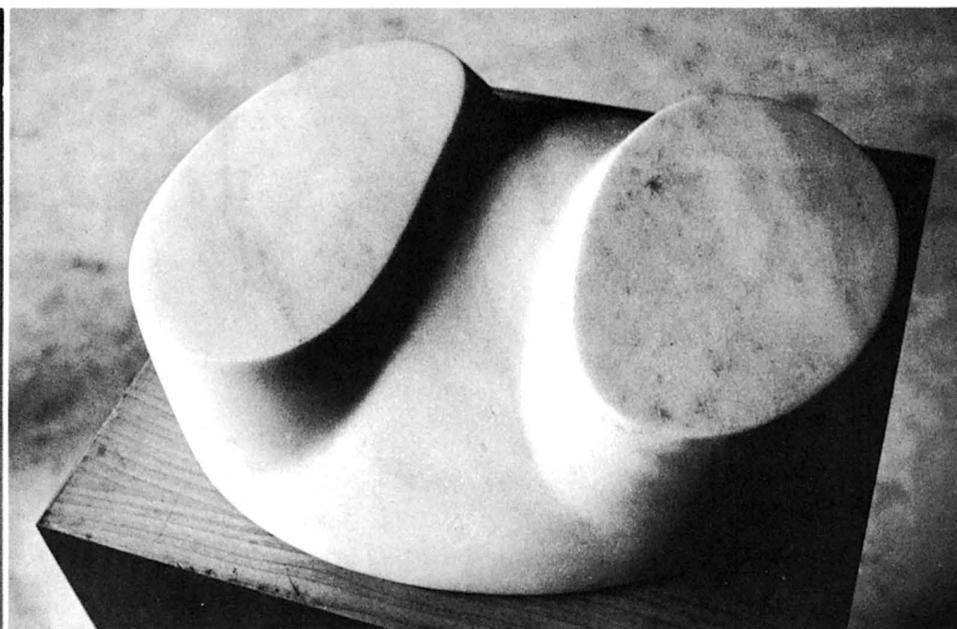
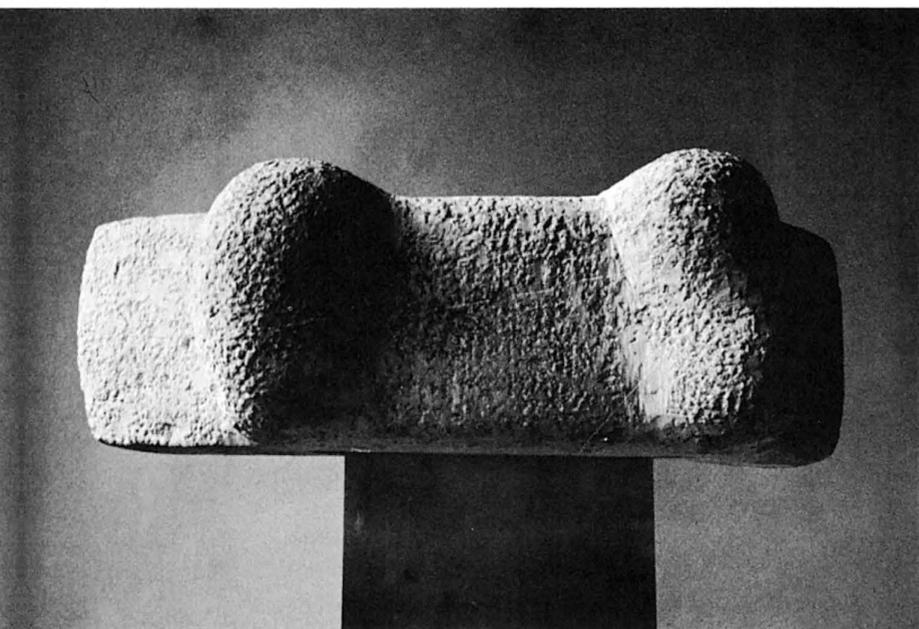
It is certainly true that Noguchi's latest stone sculptures have a quality that was never there before and that probably emerged from the unfamiliar technological routines that stimulated Noguchi's imagination. But whether we know that he calculated on paper, approaching problems of mechanical engineering, or whether we are

Greek sculptors; because the shadows fall gently on its curving contours; because the human figure is absolutely indicated, there can be no mistaking the intention. On the other hand, the two ovals (arm sockets or faces, however you choose to read them) recall Bancusi's ovoid forms and the conscious ambiguities of the surrealists.

Ambiguity, in which the forms speak first of life and only later of the human nude, marks as modern his horizontal sandstone nude—in essence a high relief in which suggestiveness turns the mind in both directions: to the past in its bone-flesh analogies, to the present in its abstraction.

Pastness, as an assurance of eternal presentness, haunts Noguchi. I can remember no exhibition in which there was not some visual allusions to sidereal time and to the primordial. Here, it is epitomized in a magnificent conception called "The Mountain." A looming hump, a mass that seems to rise from the earth in order to be shaped by the elements, "The Mountain" is a prodigious moment of insight. Noguchi has chosen a Persian travertine which is the color of earth itself, reddish-orange with pinkish undertones. He has given it a seemingly frangible surface, a porous crust which because of its loose consistency, seems capable of resisting and surviving anything, much as the sapling resists the storm. Yet travertine we know to be strong. It can be polished to look hard, heavy. Noguchi, no doubt, chose this ambiguity of the material itself to express the specific primordial timelessness we get in this and a few of the other pieces.

His colloquy with history—not only art history but human history—



ignorant of the process, the work itself speaks of other things. Whatever the machines did for Noguchi, they did not in any way disturb the continuing dialogue with nature and history which is the strength of his style.

As a matter of fact, it is precisely the continuity from year to year—both in terms of motif and material—which removes Noguchi from the gambits of time and makes possible imaginative inventions in terms of material. All inspired solutions, whether to artistic or scientific problems, are prepared over long periods of time by the working unconscious imagination. The mathematician Poincare often asserted that his flashes of intuition were probably derived from long, arduous sessions in his unconscious mind. Similarly, by recapitulating and refashioning the prepossessing motifs in his imagination, Noguchi prepares the flashes of brilliance which make his recent work seem at once totally fresh and totally integrated in his lifelong *oeuvre*.

Specifically: For many years Noguchi has nourished a reverence for the classical—classical Greek or classical Oriental—and nearly always includes an homage to one or the other in his work. In his last exhibition of bronzes, he had a "Prophetess" very similar in form to the white marble prophetess in this show. Because the white marble is handled with the smooth, tactile grace of the old

takes various forms. Impressions of India and the Far East, and more especially Japan, almost always find their way into his work at one time or another. In this exhibition there is "Jomon," a granite form of great density—here there is nothing but the tightly packed hardness of the stone—which in its apparent simplicity sums up several ideas with impressive economy. It stands on two legs, but the aperture between them is an ancient gateway, roughly squared in front and arched as you look through. A monument, the eye reports. But as the eye travels up, there is a waist, and the monument becomes a flexing torso, the expressive gesture subtly described by an assured division of planes. That is not all, for the firmly rounded shape suggests still another form and as the eye travels to the back of the piece, there is the great, sweeping curving wall, polished high, as endless as the plains or the sea.

A good portion of Noguchi's imagination has always been involved with what I think of as a fantasy of intellection. He often approaches the schematic problems posed by the presence of geometric forms in man's mind. He has always pondered certain physical problems such as weight, gravity, density and even atomic energy. But the geometer's simple symbolism becomes in Noguchi's hands a fantasy of possible metaphors. He may be capable of determining the mathematical divisions of the interior of his marble cube on paper,

but it is not this intellection that arrives at a vital sculpture.

The proof is in the most recent marbles, particularly those cut from the block mechanically to Noguchi's specifications. Take "Of Weight and Motion" for instance: Here is an admirably balanced marble astride a thick sheet of anodized steel. Faceted in strong diagnosis, the piece is nevertheless self-contained, eminently stable. The striated marble, highly polished so that many colors are read in rhythmic patterns, was calculated in the block by a practised eye. The machine that sliced into it was guided by a sure instinct, an infallible eye and touch.

This sculpture and a few others which also straddle broad verticle planes show Noguchi moving out into new territory (although I can remember a few pieces in the last show in which the protrusion of full-bodied forms was played against broad flatness). Even though the heavy marble, perched astride the steel mount is paradoxically treated as though weightless, Noguchi most often stops short of *tour de force* eloquence.

Among the stones which best reveal both Noguchi's fantasy and his preoccupation with intellectual conundrums are two small variations on the square. One, aptly called "Life of a Square," is a study in the dynamics of a cube. But it is more than that—it is a genuine metaphor for a deep-seated feeling of mystery emanating from these man-made geometric structures. The solid square is shaped to emphasize the living stone, the stone that has in its close grain thousands of coursing movements which press to its edges. The edges are bowed, slightly askew. The walls are warped. The square is mobilized and stone lives. As a pendant, Noguchi performs

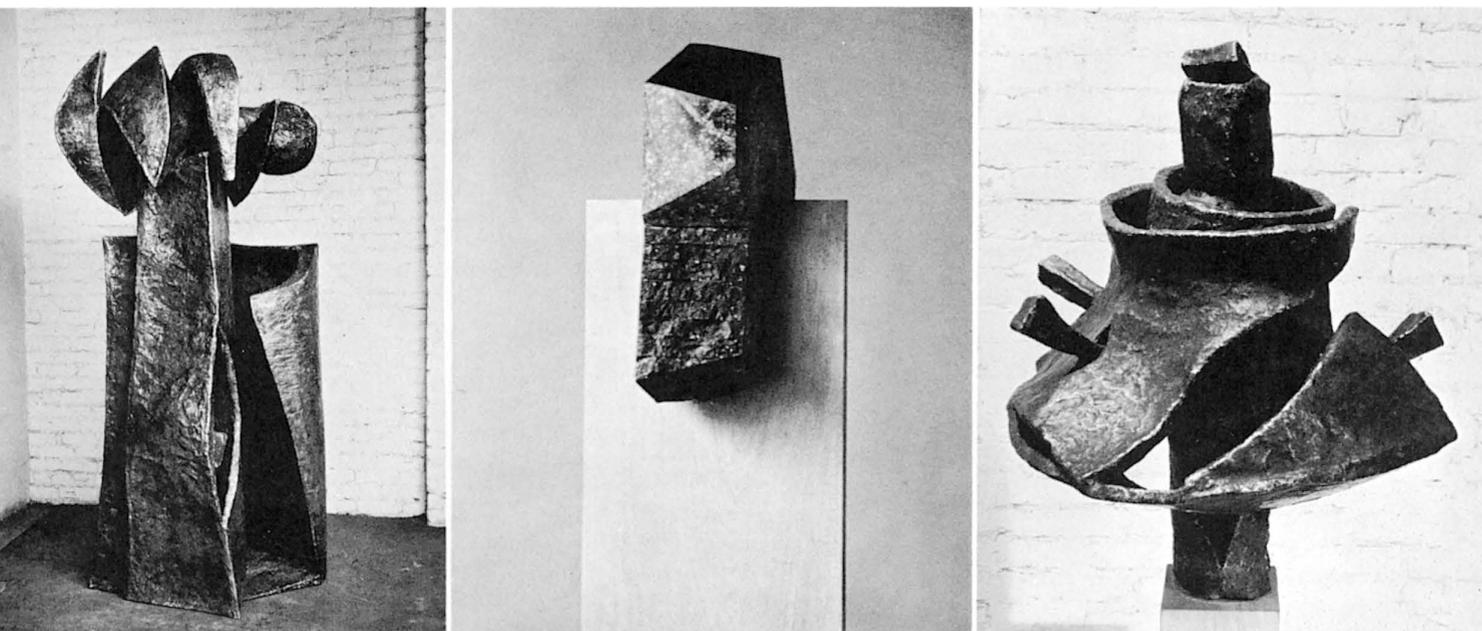
cram, open-out, cut back or extend at will. All of this gives considerable license and choice to the sculptor who, if he has the literary interests of a Lipton, can run riot with it.

Now Lipton has never deviated from the technique he established some fifteen years ago. Not only has he not altered his method of composing elements, he has never changed the brazed, beaten surfaces to my knowledge. These surfaces are monotonous and often gratuitously textured. They do little to direct the light and tend to deaden the impact of bold forms. Since he has not refreshed his technique, there is a certain loss of variety and intensity in his work when seen in an ensemble.

Yet, for all that, Lipton has struggled through to a resounding statement, a summary of years of preoccupation with biological versus mechanical motifs.

I found "The Empty Room" a curious resolution of irritants in previous work: The stumpy proportions that refuse monumentality, apparent older works, now serve to bring out a masculine strength. The rigid silhouettes of his boxy shapes which I found repetitive before are now a means to emphasize the organic forces within. The obvious sexual thrust of the spiralling form with its phallic terminal really works here. Why?

I think it is because Lipton has brought himself to part with qualifying detail. "The Empty Room" lives in terms of the simple enclosure—the walls that invite the spectator into warm germinal depths. The support, a tower-like robust structure, with its suggestive slit revealing a rounded shape within, is no longer a pretext. It really forms the fusion of sexual and mechanical and natural



Left to right:

Isamu Noguchi
"The Nude"

Isamu Noguchi
"White Prophetess"
Courtesy Cordier &
Ekstrom, Inc.

Seymour Lipton
"The Empty Room"
Courtesy Marl-
borough-Gerson
Photo: O. E. Nelson

Isamu Noguchi
"The Vertical Man"
Courtesy Cordier &
Ekstrom, Inc.

Seymour Lipton
"Earth Bell"
Courtesy Marl-
borough-Gerson
Photo: Oliver Baker

an act of amusing wizardry: he offers an "Open Square," dissected into slightly irregular parts that open out like a living organism. When Noguchi is given a retrospective, the power of his shaping imagination will be seen in its proper dimension.

A very different matter is the body of work produced by Seymour Lipton who is roughly a contemporary of Noguchi. Lipton has also driven hard through many years to reach an heroic statement. In his exhibition at the Marlborough Gallery, he does demonstrate that his single-minded intensity has rewarded him with many respectable and some singularly impressive sculptures.

Lipton's heroic aspirations have been evident for many years. He has persistently attacked the grand themes, searching diligently for large, symbolically readable forms. In the past, the flexibility of his medium led him too often into redundancy or overemphasis. But lately, he has mastered his tendency to loquacity with outstanding results.

I should explain that by flexibility of his medium, I refer to the additive possibilities inherent in his technique. When he makes a sculpture, he hammers, beats and welds numerous parts together. Like all direct metal sculptors, he benefitted from modern techniques in that he could shuffle and re-shuffle incongruent parts until a satisfactory image resulted. He could also pierce, stuff, intertwine,

forces Lipton has always sought in his work.

It is obvious that Lipton has long contemplated Chinese bronzes with their uncompromising severity of shape, their squat masculinity, their somber self-containedness. Something of this powerful Eastern severity informs the most recent work. I think particularly of "The Ring" with clapper-like discs posed in strong tension, and of "Earth Bell." The latter, a take-off on temple bells, is a strongly inventive use of another tradition. Lipton's ingenious piercing of the bell wall, suggesting both gentle organic unfolding and aggressive rending, makes this piece exceptional in his *oeuvre*. There is a fierceness here that rings true.

In his essay on Lipton, Sam Hunter has correctly pointed out Lipton's relationship to the postwar abstract expressionist movement. Like many painters of his generation, Lipton seems to have derived strength from the surrealist approach to form. He is perpetually seeking to suggest ambiguous, metamorphosing shape. He invokes primeval forces. He seeks out hidden portals on which to knock hopelessly like the Kafka voyager. In fact, he uses the term "voyage" in the identical way certain painters, notably Motherwell, have used it to epitomize the spiritual journey of existence. He is fascinated, as was Pollock, with the idea of the labyrinth. And of course, a thirst for the heroic marks him as a man of his generation.

music

PETER YATES

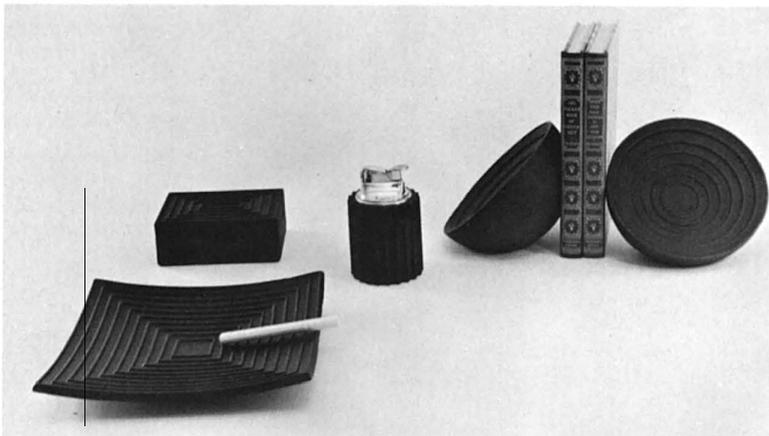
A FORD TO TRAVEL

I—*The Climatron at St. Louis*

The Ford Foundation, thinking it advisable to encourage reporters, editors, and critics of the arts to travel outside their provincial boundaries, in March 1964 selected eleven of us across the continent to do so. Several of the chosen went to Europe, others like myself preferred to seek and try to digest what is happening in America. During these last years my own provincialism has been eroded by frequent calls to lecture or confer in several parts of the country, and I have made a particular effort to become acquainted with the more radical composers, and more recently the poets, of what I call the "American Experimental Tradition," or, referring especially to the poets, the "American poetic underground" — the latter I don't capitalize, because it isn't a tradition but a state of mind reacting against a state of mind, a circumstantial condition.*

When the award of a fellowship came through, I was already traveling eastwards, lecturing and visiting on the way, driving with zigs and zags twice the width of the continent, six thousand miles, and then to Europe; afterwards another four thousand devious miles across the continent homewards. Since then I have visited in San Francisco and will soon be off again to the midwest and east. So for several months I shall be telling where I have been, whom I have met, and what I have encountered. The fellowship and the issue of money have not altered my long-range plans, only made them more possible. But, conscience-stricken at being so well paid to do what I should have been working at in any case, I have suddenly seen spreading out on every side the vast prairie of my commitment and moving across it, like herds of elk and bison a hundred years ago, perhaps ten thousand active composers and who can

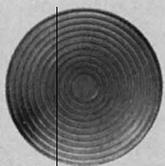
*See my *Amateur versus Professional* and *Thou Kenneth: A Collage in Arts and Society*, published by University of Wisconsin Extension Service, Madison.



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begin to estimate how many poets.

In 1963 I visited St. Louis as a member of a conference sponsored by the Greater St. Louis Arts Council and Washington University. Driving eastwards I returned to the university as a guest of Leigh Gardine, Chairman of the Department of Music. My lectures were incommode because the St. Louis Symphony had requisitioned all of the larger tape and sonic equipment of the university for a program entirely of electronic music. I should be the last to complain!

My seatmate on the right at the previous year's conference was Frits Went, Director of the Missouri Botanical Gardens and inventor of the Climatron, a Buckminster Fuller geodesic dome equipped with controls of temperature, humidity, and other factors of climate. Invisible means divide the open space into four areas of totally distinct atmosphere, from near-desert to rain-forest. The divisions are not merely theoretical; as you walk from area to area through that domed space packed with growing trees and plants of previously incompatible species, your eye recognizes and your skin feels the differences. Even breathing is affected.

The business of my previous visit to St. Louis had prevented me from getting to the Climatron. This time we made it; when we asked for Dr. Went, we were told that he had resigned as director of his own invention. I don't presume on hearsay evidence to judge why, but the report was that he had quit because the policy for the use of the Climatron was divided between those who believe that it should be a place to which citizens can come to enjoy the exotic variety of plant and bloom and those who believe that it should be an experimental laboratory, bloom a by-product.

Happiness, Jiddu Krishnamurti told a group of listeners in 1949, is no more than a by-product of learning to see life as it is. Happiness is no more a goal of life than cynicism or despair.

Here, at the start of our journey, we encountered in a scientific setting what is perhaps the most seriously divisive impediment among American cultural attitudes. Are the content, the style or structure, the aim, of a magazine article or book; of a public presentation, lecture, concert, drama; of a university curriculum; of a community project, art center, concert hall or auditorium, museum, botanical garden; of any cultural or scientific program or foundation award; and so on and so on into every ramification of our nation-wide spiritual-intellectual-esthetic experience; are these to be determined in each instance by far-seeing purpose or by somebody's calculating estimate of what the public will go for? (Isn't this how we usually estimate the public happiness?) We do not, for example, operate astronomical observatories to entertain the public; people are permitted to circulate through these places only at fixed hours by prescribed paths.

Promoters rise to fortune riding on a "hit" — song, show, gimmick — and the purveyors to public ignorance vaguely lump this "art" in the same vague cloud as the esthetic. A similar cloudiness, vaguely gilded by a nobler sunlight, controls nearly all public programming and cultural planning.

No question but that those who work by guidance of the public ignorance are presently controlling, refuting by their logic all pleas that they might hold to a higher estimate of public competence, both immediate and potential. Though under continual attack by radical guerrillas, the reactionary caution governs. An unceasing censorship, disguised as policy and usually well intentioned, protects the American audience from experiencing, except in small part, what it does not already know. And that small part has been so thinned and trimmed by editorial caution, the public is persuaded to believe that whatever it does not know it cannot want.

Listeners have not needed to learn counterpoint or thematic analysis to take to themselves the Bach *Brandenburg Concertos* and Stravinsky's *Rite of Spring*, once thought of as specialties for the initiate. The appetite for Shakespeare is not failing. The public is not fundamentally incompetent. Adult evening classes and university extension courses proliferate.

The absurd premise of the television rating systems, that the arbitrarily balanced opinions of a few hundred or a few thousand viewers should decide the opportunities of millions, presently governs most means and media of spiritual, intellectual, and esthetic learning throughout the United States. Should a church judge the worth of its message by the numbers of its congregation? We presume so. But we know that a good pastor will seek his congregation one by one, if he has to, that they may hear the message.

Do we, measuring us by millions, prefer the knowledge or the bloom? In our culture, the most knowledgeable in human history, the fear of knowledge is endemic, and our unprecedented means of

ARTS & ARCHITECTURE

communication do not labor together to overcome that fear but to preserve it. The proprietors defend that fear because they share it. Compare the reporting of the world's news as we receive it day-long by radio, television, newspaper, magazine, with what is to be learned any day by reading thoroughly *The New York Times*. But we have no hours for so much! Among us time is given to be wasted as never before; the effluvium of leisure threatens sanity. We apply to psychiatrists to tell us what to do with ourselves. Learned men gather in council to ask, How are we to make use of all our present and constantly increasing leisure time?

We must have both knowledge and bloom, but never by sacrificing the increase of knowledge to the short life of the bloom. In the Netherlands the tulip-growers chop off the flowers and spread them by the roadside, so that for a brief time passers may enjoy the color while the farmer cultivates the bulbs.

Consider however that the majority of those whose narrowing decisions, like tiny directional rockets, determine what is to be done immediately in and for the arts, depend for their jobs on the goodwill of a more reticent elite, whose money and authority too often swing the balance against decision for a change. Abysmal must be the experience of a man who knows that he must act against his wisdom or else sacrifice income and position, that there is neither appreciation nor mercy among the inner resources of the hierarchy which controls him, nothing that his better judgment can appeal to, and who therefore draws down before his face the bland blind of a polite conformity! Are we to expect martyrs? And after the momentary gesture of heroism, what shall they do then? Americans have short sympathy for the ghost of former power who goes about wailing with his head under his arm.

We can only strengthen courage by offering new incentives, different alternatives, by bringing fresh news from the creative battlefield, by taking on ourselves some of the odium of insisting that there shall be change. The program I represent and some of those I visit, and a good number of the people I expect to meet on my travels stand as evidence that, however slowly, a new era of religious-intellectual-esthetic comprehension is beginning. Or shall I say, more cautiously, that it is possible.

Religious! someone will exclaim incredulously in this still secular era. The power of leadership is passing from the old pragmatic-agnostic liberals and their magazines (*The Nation, The New Republic*) to a new spiritual revolt among the laity (read *Commentary, Commonweal, Jubilee, Motive* — Jewish, Catholic, Methodist), led not least by a large body of totally unexpected heroines, the educationally emancipating nuns of the Roman Catholic teaching orders. We cultural laymen should try to be as courageous in challenging repeatedly and at risk the appointed secular hierarchy who accept, though in many instances disguisedly, the conviction that money (as gift, subsidy, reward, in terms of boxoffice, buildings, numbers of audience, or statistics relating to the sale of advertising) must be the ultimate authority.

"It is in this unity of faith and culture that the ancient world offers the modern world one of its most fruitful lessons. The ancient city, for all its failings, represented, at least in principle, a tradition of life and work in which there was no distinction or separation between the secular and the religious. In the modern city, for many reasons, this condition is no longer universal, and it is no longer taken for granted. In the modern city the culture is sometimes generated independently by individuals or groups within the city, and the Church either holds aloof from this culture or makes an effort to participate within it; but when the Church attempts to participate, it is often on the terms of the culture rather than on the terms of the Church. This is one area in which the Church today ought to serve as a prophet . . ." (Glanville Downey: *From the Pagan City to the Christian City*)

Like this attitude or fear it — and for either attitude there is historic cause — the spiritual revolt of the laity is working today to renovate both the secular culture and the churches.

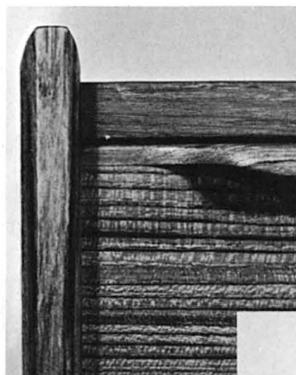
For these reasons we should question, however sympathetically, the setting up of art councils and commissions to advise on the arts at any level of government, examining the accreditation of each appointee so far as we are able to do so (for they are not less important than police commissioners and judges), insisting that the spending of funds assigned to them should not go up in talk, while scrutinizing for its real usefulness each public action. Only by such seemingly dubious and quarrelsome means have successive generations repeatedly reinstated our public liberties and enabled us to resume our democratic purpose.

Here is Alfred Frankenstein writing in the *San Francisco Chronicle* (Continued on page 14)

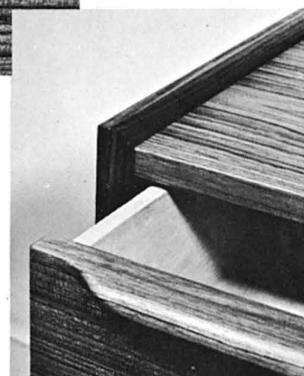


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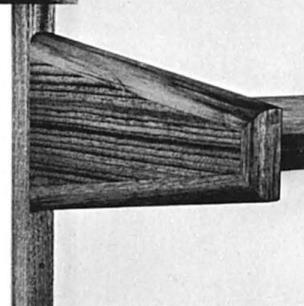


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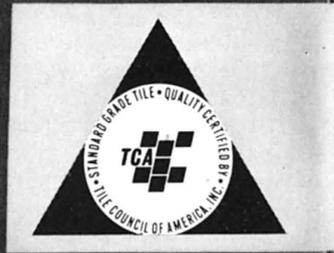
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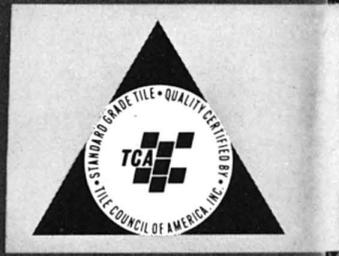
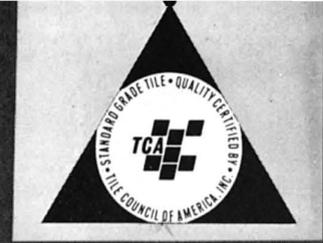


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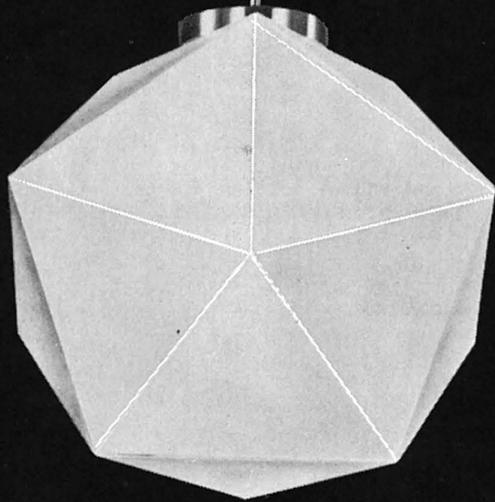
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about the new California State Arts Commission. "The legislation which brought the commission into existence stipulates that its 15 members 'shall be broadly representative of all fields of the performing and visual arts and shall be appointed from among private citizens who are widely known for their professional competence and experience in connection with the performing and visual arts.' . . . The phrase 'professional competence and experience in connection with the performing and visual arts' clearly implies that creative artists should play a major role in the affairs of the commission in addition to people engaged professionally in peripheral activities (which, granted, are of great importance). But this commission contains only one person who can be called a creative artist. . . . There is no painter, no sculptor, no architect, no composer, no playwright."

In America we do not yet really believe in the creative arts but only in the entertainment arts. And this lack of belief pervades all programming and planning. The work of the living creative artist denies standards, is not safe, may not please. "When we program a major work by an American composer, the public votes No by staying away in massive numbers." I have heard that cynically jaundiced jest a dozen times. Those who recall Mencken's slaps at the "booboisie" know that in his young heyday the American public did not go for Beethoven.

Any work for the arts requires a strong executive, but not secrecy or dictatorship; the majority does not make decisions but confirms or rejects them; and its spokesmen should not satisfy themselves by the polite chaffering of committee compromise. If compromise is needed, as it will be, the issues should be clearly evident and publicly understood.

But what do I mean by "religious"? Do I refer to the churches, militant or mendicant? To God, liturgy, dogma? Each of these, as a term, is too exclusive; one can deny or refuse any participation in them. It is an almost universal fallacy to believe that religion requires adherence to the beliefs and tenets of some religious group; we have applied this belief in our policy towards conscientious objectors. I believe that we should try to define religion in terms independent of any sect or dogma. Not to reduce it or to run it down but to examine what seems to me to be its essential principle.

I define religion as an integrating hope growing out of the conviction that all phenomena are rationally ordered, even though that order may be beyond human understanding or conception.

"And he who is befuddled by self or
by habit,
by what others say,
by fear, by sheer chaos of unbelief in
God
and in God's fundamental orderliness . . .
will perish."

(R. Buckminster Fuller:
No More Secondhand God)

Religion is in practice what a man acts on: what a human being, being human, does at any moment because that is why he does it. His morality, being shaped by the community and differing with different communities, will try to shape his religion within its multifaceted box. When the human being loses the hope which grows from a conviction, however obscure, that phenomena are somehow rationally ordered, when he believes there is no more purpose in existence than he can get for himself out of some short-range deception, his religion is negative, a disintegrating despair of emptying conviction and irrational disorder. If an artist, reporting this disorder, throws it back at us, the morality his art reports and therefore challenges is no more his fault than ours.

Yet everything we have been able to learn about the universe denies this unbelief. Knowledge, our ability to do, has increased in the proportion that the universe revealed by the two hundred-inch telescope on Mount Palomar is larger than the night sky over Ur, under which the first philosophers (the word means "lovers of knowledge"), compounding naked observation with elementary mathematics, acted on that faith to predict the cyclic ordering of stars and planets with the seasons.

I omitted what Fuller put at the center of the quotation:

". . . God's fundamental orderliness
ticking along on those dials . . .
And he who unerringly
interprets those dials
will come through."

Philosophy, the love of knowledge, mediates between the conviction of fundamental orderliness and our ability to do. Philosophy is the

(Continued on page 37)

It has long been the policy of *Arts & Architecture* to present projects without any accompanying critical analysis. In effect, the buildings have been allowed to speak for themselves and explanatory text limited to a brief statement, usually based on a description of the program and structure supplied by the architect. The reasons behind this policy are simple enough and do not include fear of offending an advertiser (!) or architect, as has been suggested. To be selected for presentation, a project must in our judgment be one of exceptional architectural merit and interest. It need not be free from fault, but the good qualities must heavily outweigh the bad (that not everyone, or anyone, agrees with our judgment is another, though closely related, matter). Where the reverse is true, we do not publish the building. (Why single out a few when so many are guilty, has been our line. We have left the pillorying of architects in the capable hands of their colleagues.) It is unfortunate that we must rely largely on photographs in making our judgments. But, though it might change our opinion of the merit of a project, still a first-hand inspection—an impossibility in most cases, yet the minimum requirement for even a cursory analysis—would not change our policy.

Assuming, then, that the architectural level of projects presented is relatively high within the limits of what is submitted for consideration (you should see what isn't published!), a truly responsible critical appraisal would require an omniscience that we don't lay claim to. A building is the result of too many decisions based on considerations that no stranger to the project can possibly know. Unlike today's artist, who by choice smells more of the Rialto than the atelier, the architect *must* work in the market place, reconciling the often mutually exclusive needs and desires of the client, his budget, confused and contradictory code requirements, site restrictions, available labor and materials and many more factors—all interrelated and all complicated by the professional skill and conscience of the architect. This tangled skein of considerations and decisions makes any but the most superficial criticism impossible in a building that fulfills its purpose well but not perfectly. Some compromise is inevitable and who is to judge which compromises were unnecessary, again assuming the building to be of exceptional merit.

The result is that the bulk of what passes for criticism today is actually esthetic nit-picking. In a time when as in no other there is a need for faith in architecture and architects, I have no sympathy for critics who, having lost touch with reality, can and do condemn a building because it "turns a corner badly" or "has a poor sense of entry." If this is the worst they can say about a building, why say it? Why go on

at length on the dais or in print straining at such gnats while swallowing whole the latest novelty from the boards of the current darling of high fashion architecture? Who cares whether the building works so long as it is photogenic and new? Who did you say—the client? Oh...

The typical architect whose project is shown in *A & A* (we're not always right; are you?) doesn't impress the form of his building on the program like a cookie cutter. He first sees that the needs which initiated the building are served, enclosing it as suitably and pleasingly as his knowledge and skill allow. If he is touched with genius he may create something for the critics *and* the client to rave about.

Responsible architecture is found in that area between too many and too few compromises. I was asked recently by students at USC, "What is wrong with young architects today?" I responded, "The same thing that is wrong with old architects." There is a dichotomy—a Don Quixote and a Sancho Panza—in architects as in all of us. A desire to do good, to make the world a little better for our having been here—but not anonymously or without temporal reward. The trouble lies in the imbalance between the two. Where one or the other predominates (always) there is discontent, which is the cause of the best and the worst that man has done. In the architect, this dissatisfaction may lead him to make too many questionable compromises with the client in order to ensure more commissions and success (i.e. prosperity); or he may refuse to compromise with the client but, then, out of what Gregory Ain calls "fear of anonymity," compromise his principles and design "groundless novelty."

Both brands of compromise are evident in the new Los Angeles Art Museum. Because the result is so egregious and because it is a building designed, not for a private client who alone would suffer, but for the public, we are departing from the policy I have just tried to explain and defend. The photographs of the museum are accompanied by an analysis which does not pretend to be exhaustive and merely indicates those faults we believe to be inexcusable in an architect of Mr. Pereira's experience and stature.

One final word of caution to the many architects who will read our review of the museum with smug self-satisfaction in the belief that the judgments expressed apply only to that project and that architect. They don't. The review should be read as if you had designed the Los Angeles County Museum because most of you have. "I have sinned" is emblazoned across the facades of far, far too many buildings for us to feel easy about singling out this one. Too, we may get a taste for blood.



WILLIAM L. PEREIRA & ASSOCIATES, ARCHITECTS

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We enter upon this presentation of the new Los Angeles County Museum of Art with conflicting feelings (see Notes in Passing). It is—or could have been—an important building, the largest art museum built in the U.S. in 25 years and located in a city second only to New York in importance and second to none in growth and vitality. And while the architecture is not the kind ordinarily, or up to now even extraordinarily, seen in Arts & Architecture, it has happened on our front stoop and demands comment. Over the past two years and more we have watched construction progress with increasing concern but firm in our resolve to withhold judgment, convinced that as usual the truth would lie somewhere between the critical hiss and the public acclaim with which the finished buildings were sure to be greeted. And, indeed, both choruses have been heard. On one hand, the museum and its opening have been documented effulgently, though sketchily, in *Time* and the local press and scheduled for treatment in *Life*; and the public has been flocking to it in such delighted numbers (28,000 estimated on the Sunday following the opening and that many or more the subsequent Sunday) that lines a half-hour long form in front of the two main exhibition buildings. On the other hand, local architects and critics

ive square concrete bench planters compete successfully with the sculpture and should be replaced by smaller scale seating.

The overall effect of the complex however, is theatrical rather than dramatic, pitiful rather than sad, Don Quixote without Sancho Panza; the buildings seem to reflect a longing to recreate a world that actually never existed, except in the disconnected images of neighboring Hollywood. Symptomatic of the self-defeating excesses of the museum's exteriors is the recent curious addition of blood-red dye to the water of the free-form reflecting pool that surrounds—in fact, seems to be flooding—the buildings. The fountains appear to be spouting pink champagne.

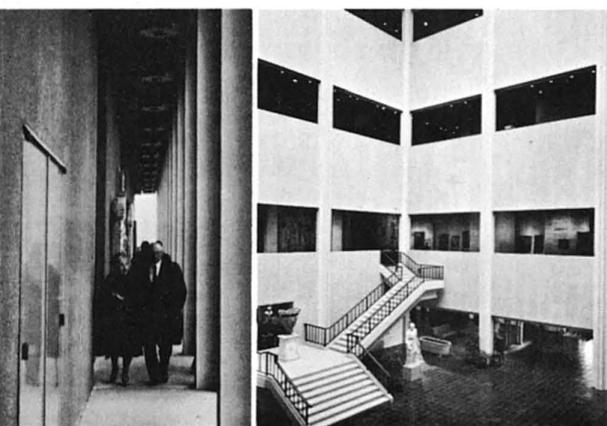
Still, the heart of an art museum is its collection and the goal here was to create exhibit spaces of an excellence that would induce collectors to lend and donate first-rate art works. If successful in this respect, the level of the exterior design need not be fatal—just a depressing commentary, another awkward architectural handspring.

Yet, though the museum's interiors have been handled with relative restraint, it is precisely here that it fails most abjectly. A sign over the door saying so couldn't proclaim more baldly that the exteriors were dedicated to the public, the interiors to the founding benefactors and the

that the lighting system was designed and installed untested. Project credits bear witness to the nonchalance with which the lighting was treated—nowhere is a lighting consultant mentioned, though there is credit for the consultant advising on the Trajanic lettering used in museum inscriptions.

Before this fundamental blunder all else becomes trivial, further appraisal academic, though perhaps of interest. The largest of the three units is the four-story Ahmanson Gallery which houses the permanent collections. Its plan is a variation on the Guggenheim scheme with exhibition spaces on the four levels surrounding a 60-foot-square central atrium. A luminous ceiling admits natural light into the atrium well during the day and simulates it at night. The atrium is altogether a handsome space warmed by the use of beige marble facing and deeper brown glazed floor tile, though to look down from the fourth level is to invite vertigo and it might be beneficial to install a 25- or 30-foot sculpture to stop the eye from diving to the bottom.

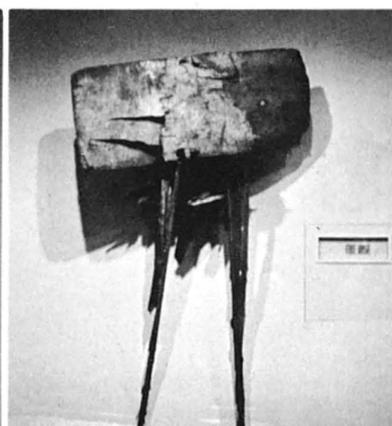
Lighting aside (?), the exhibition spaces are also pleasant with warmth imparted by carpeting, leather covered furniture, and walls and dividers covered in either velvet or monkscloth in varying neutral shades. Partitions throughout



A & A photo

exhausted their invective — and consequently their interest — on the exterior architecture even before completion. As a result, the interiors, the most important aspect of an art museum, have received little if any critical attention. In a *Saturday Review* article, for example, the *Kuh de grace* was administered to the exterior forms and spaces, dismissed as “singularly oppressive,” and the writer passed directly to a discussion of the art collection without mention of the interiors and how they served the art.

A bit more could be said about the exteriors, though not much need be. The three pavilion-like buildings are steel frame with light steel trusses, each faced in different proportions with split Cipolino marble tiles and surrounded by a screen of non-structural columns which create uncomfortably narrow colonnades. The three wings enclose a pleasant and spacious sculpture plaza overlooking the entrance causeway with views between buildings of the Hollywood Hills and a stand of eucalyptus. Unfortunately, mas-



A & A photo

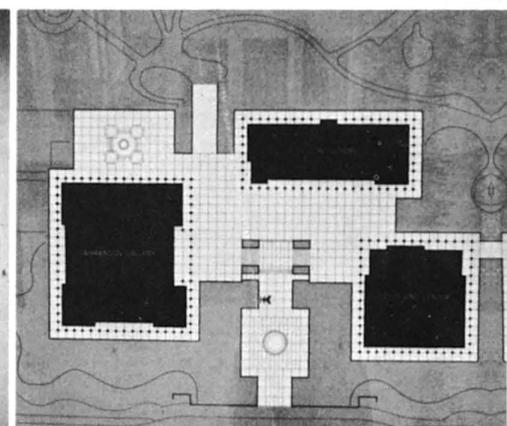
program to oblivion. The lighting, which one would expect to be high if not highest among the design considerations, is so abominable that it must be seen to be believed. Each painting is lighted by a group of flush incandescent ceiling fixtures to achieve “flexibility.” What is actually achieved, however, is a lack of uniformity and a multitude of frame shadows. As many as six overlapping shadows may cut horizontal strips several inches wide off the top of a painting. Similar distracting shadow lines are cast below and beside the work. Frameless modern paintings fare better, though not the sculpture: where a work stands near the wall, its shadow competes with it, making a new and confusing composition of the two.

Even the most favorably disposed collector will think long and hard before subjecting his paintings and sculpture to such conditions. It is a fault that goes to — and undermines — the very reason for the museum's existence. One is forced to the conclusion—incredible as it may seem—

all of the museum's galleries are free-standing, permitting the visitor unaccustomed freedom except at peak hours when random movement results in something of a melee.

Vertical circulation in the Ahmanson Gallery also was not designed in anticipation of crowds of 28,000. Two elevators serve all floors and there is a stairway which is capacious but inconspicuous behind emergency exit doors. Crowds tend to build up on the plaza level then spill down to the first level by means of the atrium staircases which are functionally and esthetically much too narrow, failing by half to achieve the intended elegance. An emergency during a period of near capacity could result in disaster.

Other buildings in the complex are the Lytton Gallery, which will generally be reserved for temporary and loan exhibits, and the Leo S. Bing Center, containing a 45,000-volume research library, children's art gallery, member's lounge, cafeteria and a 600-seat auditorium.





KILLINGSWORTH-BRADY-SMITH & ASSOCIATE, ARCHITECTS

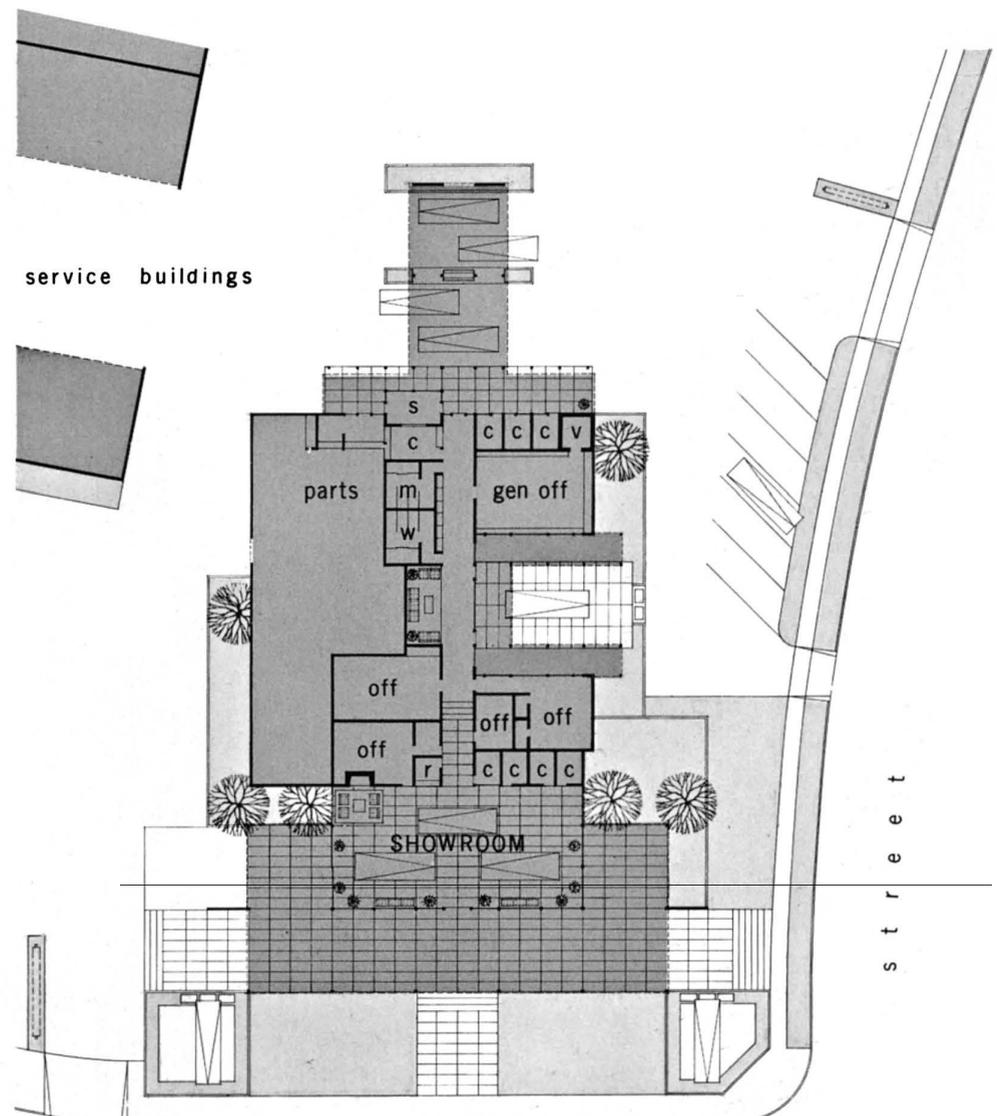
The automobile agency is located on a 3½-acre site on a north-south arterial highway in Long Beach, California. The primary intent of the design was to create a structure which would reflect the quality and character of the Lincoln Continental, and provide the necessary advertising for the agency without the major use of signs. To achieve this the showroom was developed on the corner as a twenty-foot-high pavilion-like structure set away from the street behind an expanse of close clipped lawn. On either side of the lawn extending to the sidewalk are located two-foot-high pedestals for single car displays. The twenty-foot-high glass areas of the showroom are sheltered on the west by a twenty-foot-wide canopy, and on the north and south by large olive trees set in extensive planting areas.

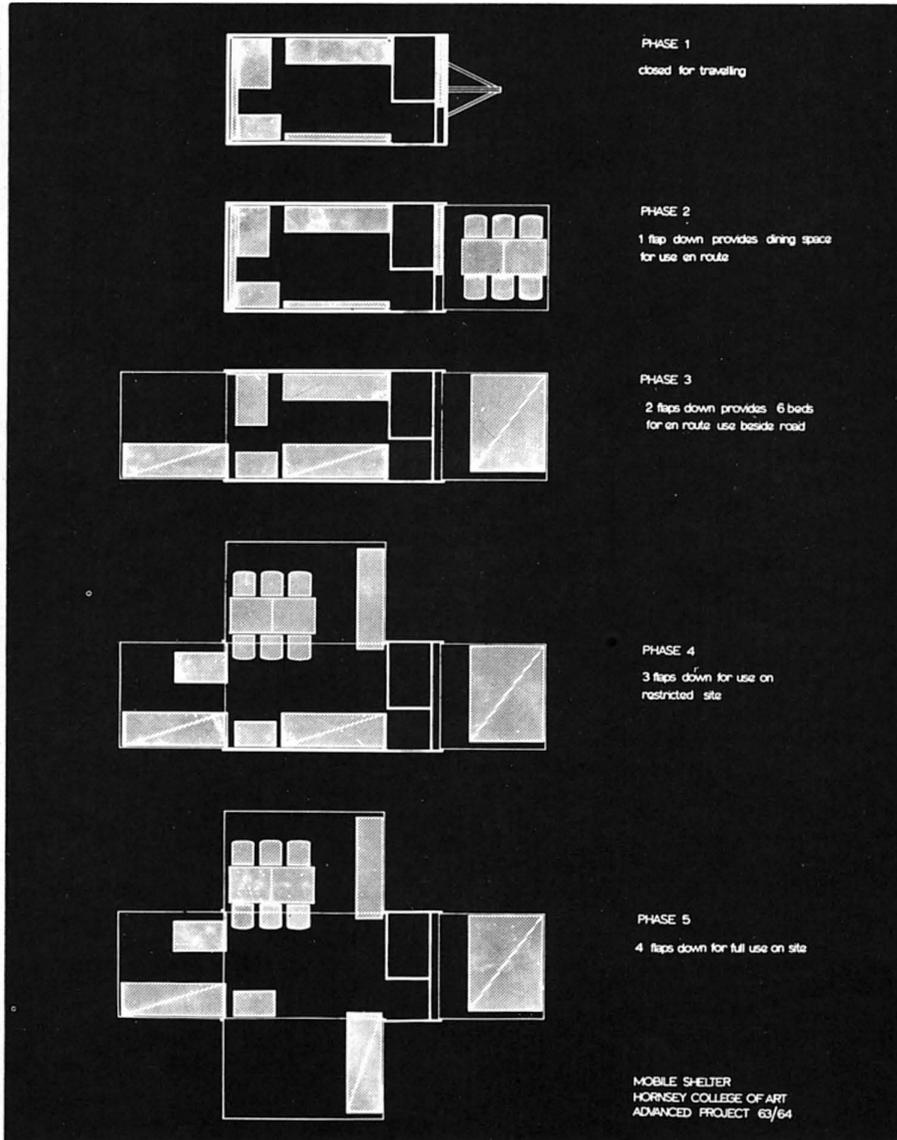
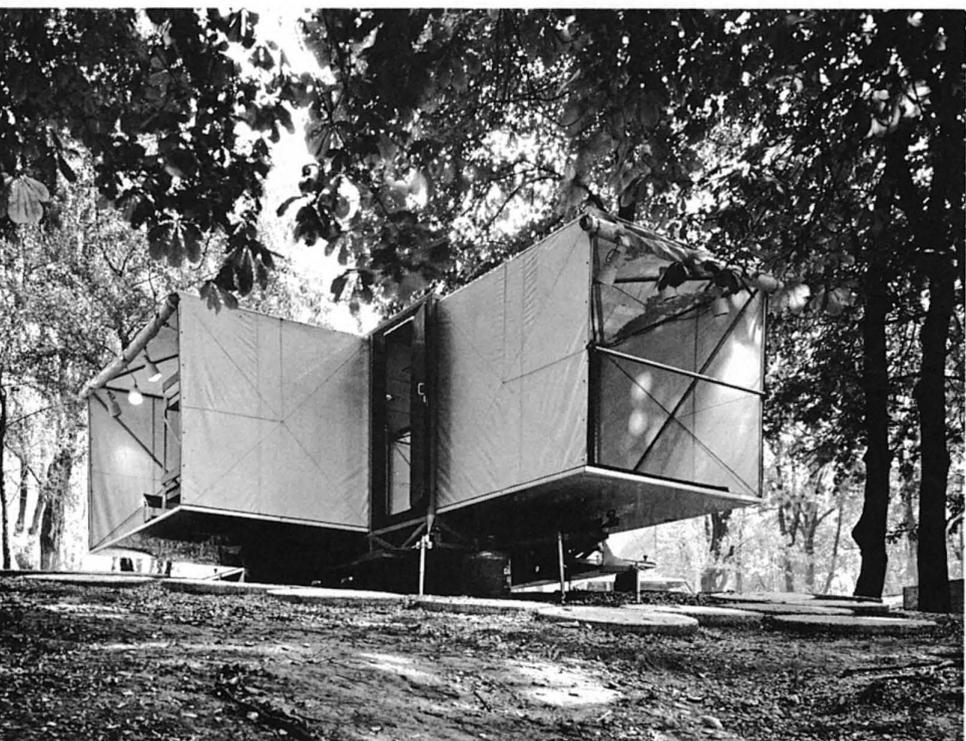
The showroom connects to the service facilities by means of a wide central corridor. On either side of this are located the business offices and closing rooms. At the mid-point of the corridor the customer waiting room faces a small courtyard displaying a single Lincoln Continental. Service facilities are entered by car from the side street and are controlled from a central office located under a canopy which connects to the business offices.

The structure of the building is wood frame and plaster. The twenty-foot-high columns at the canopy are steel. Flooring in the showroom is terrazzo. All other paving is stained concrete. Colors of the building are muted grey-gold and white at the plaster, white trim and a deep grey-brown on the sunscreens and thin fascias. Lighting in the showroom is recessed incandescent so that the automobiles rather than the ceiling are dominant.



Photos by Julius Shulman





EXPANDABLE HOUSE TRAILER

The mobile shelter was designed and made at the Hornsey College of Art in North London as an advanced project to bring together practicing designers, the college's technical staff, students and industry. It received a Grand Prize at the recent Milan Triennale.

The mobile shelter is a trailer type consisting of a central core with flap down sides which individually open to give more living space. The 100-square-foot shelter is closed for traveling; one flap can be let down to provide dining space for use en route; two flaps can be let down to provide stopover night sleeping for six people; three flaps can be let down to provide dining and sleeping space for six people on a restricted site; while all four flaps can be let down to provide the maximum of 344 square feet of living space on a camping site.

The flaps, which are cantilevered from the base of the central structure, are supported by steel cables with PVC covered nylon walls and ceilings. Self erecting, these extensions have been specially designed so that they can be opened out at high speed in darkness as well as light, in windy and wet weather as well as in dry and calm weather.

The central core is supported at each corner by adjustable jacks so that it can be parked on either sloping or rough ground.

The two sets of two-tier bunks, the wardrobe and the combined kitchen store, cooker and sink unit swivel out into the extension areas. There is a fixed shower, chemical lavatory unit and storage cupboard. The mobile shelter has its own specially designed foldaway tables, chairs, cutlery and cooking utensils.

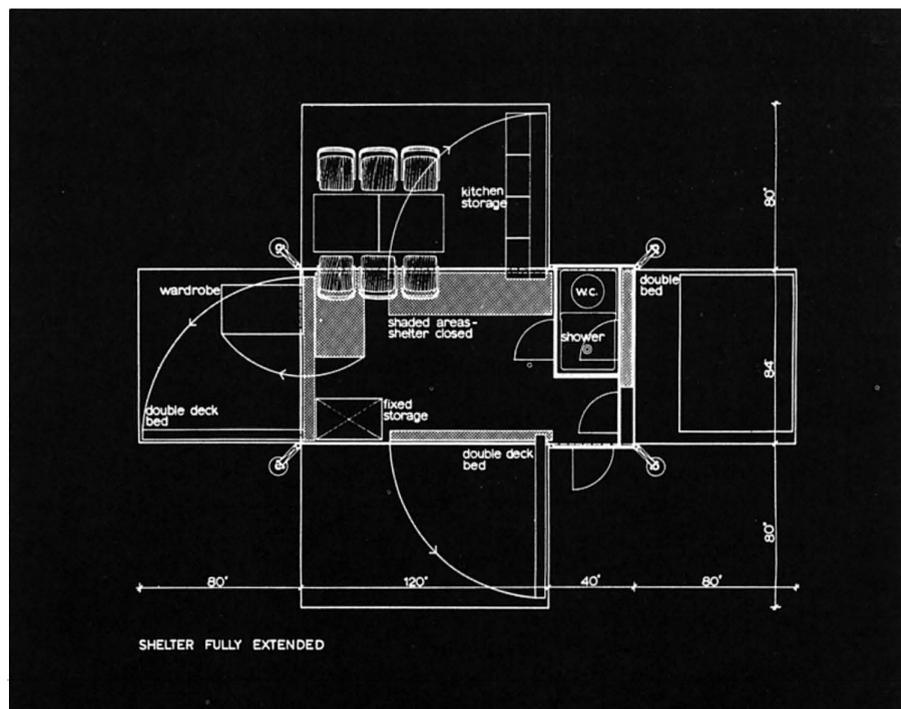
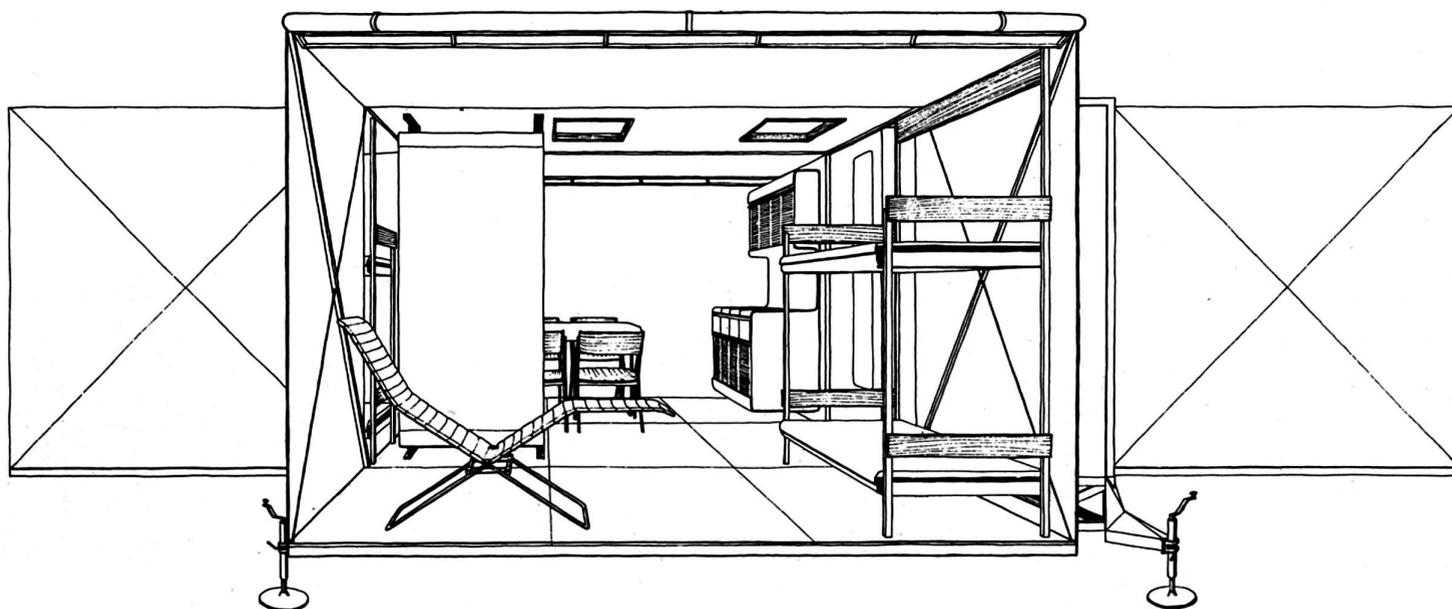
The stainless steel saucepans (prototyped in nickel silver) drop into the hobs right up to their rims and the gas heads under them are lit by automatic ignition. Because the heat is trapped there is a greater ratio of heat exchange, thus cutting costs, and because the saucepans cannot be knocked over the cooker is much safer than most other gas cookers.

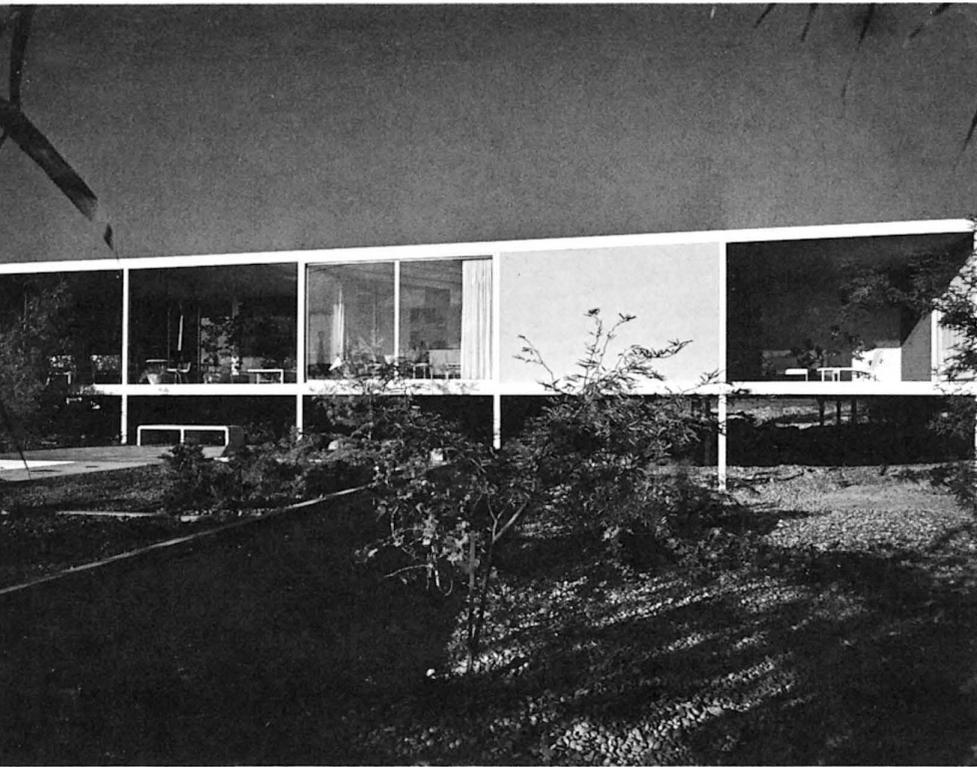
In the same way, the sink and taps are integrally designed and the shutters (normally expensive items) for the kitchen units are made of corrugated vacuum-formed ABS plastic. They are flexible enough to go around corners, rigid crosswise so that they hold in place, and they have the added advantage of being cheap.

The chassis of the mobile shelter was designed to have a high stiffness as any warping would be carried through the whole structure. The central core carrying the suspension, is of light gauge folded steel sheet with diagonal bracing. The panels have steel tube frames, with a filling of rigid PVC foam to which is bonded aluminum alloy sheet. The floor surface is in mahogany plywood, finished with polyurethane varnish. The extensions are covered in PVC coated nylon.

The water supply is from a 25-gallon tank, the pump controlled by electric tap switches. Electricity is on two voltage systems — 220/240 volts for the mains and 12 volts (supplied via a battery charger) for low voltage fluorescent lighting and water pump.

The shower unit is made out of moulded plywood lined with Formica. Its bottom is in one piece Perspex to provide a small bath for children. The mirror is a lightweight mist-free type used in aircraft. The storage furniture, tables and beds are of moulded plywood 6 mm. thick, faced with Formica. The chairs are made of aluminum alloy tubes and moulded birch plywood; the beds have aluminum alloy frames with "Yana" upholstery.





DAILEY ASSOCIATES

This exposed steel-frame house in Phoenix, Ariz., contrasts sharply with a strong, organic setting, characterized by an undulating profile and a natural wash which carries seasonal run-off water in depths of as much as three feet. Stilting the structure left the site relatively undisturbed and gained elevation for the view to the south. The framing is on a 12'-4" x 14' 4" grid.

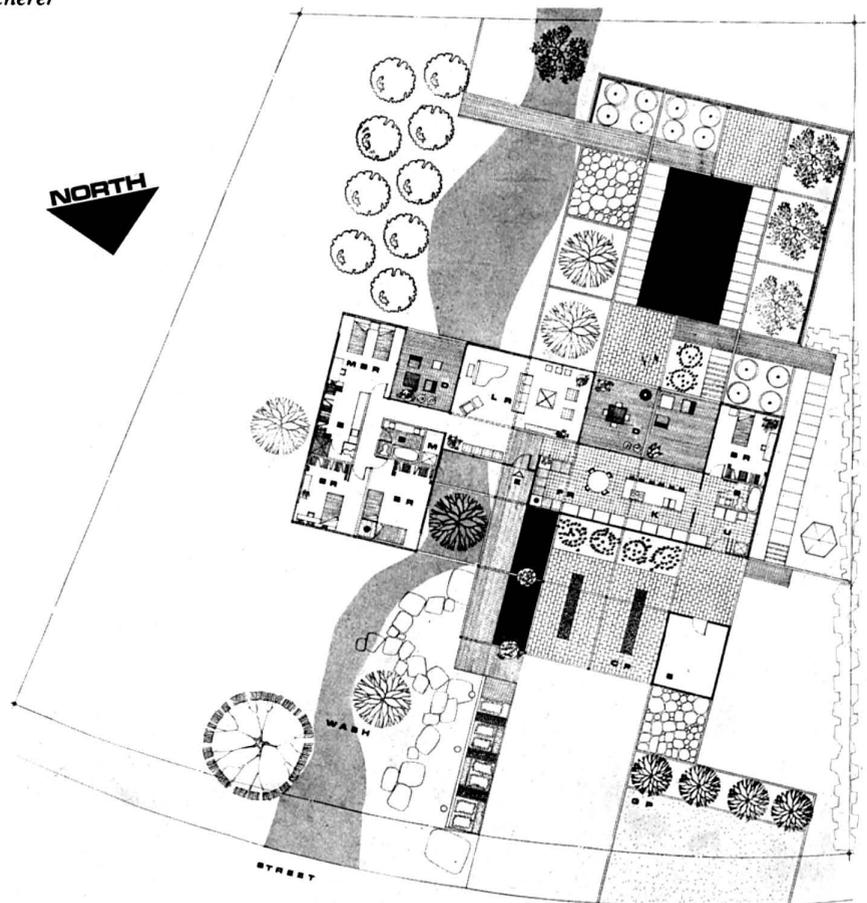
Designed by the owner, the 4800-foot house (2400 interior, 2400 under roof) is zoned to accommodate a family with five children; and a close relation of interior to exterior and an integration of the outdoor areas has been achieved.

The pool level is four feet above the natural grade and four feet below finish floor level. The intermediate placing was to prevent flooding during run-off season and yet keep the pool low enough to coordinate esthetically with the living area.

Furnishings are by Knoll Associates, Herman Miller, Laverne and Van Keppel-Green.



Photos by Jerry Duchscherer



DESIGN PIRACY

Prepared by the National Committee for Effective Design Legislation

A judge (of all people) was recently faced with the task of determining whether a wrist-watch can be considered a "work of art." His job was made no easier by the novel argument put forward by the designers of the watch. They contended that their creation must be considered a work of art because it was so difficult to tell time from the watch!

Most of us would agree that a product can be artistically or attractively designed and perform its function at the same time. This has long been the two-fold challenge to designers in such industries as furniture, wearing apparel, silverware and textiles. But today consumers insist upon a combination of utility and a pleasing appearance in almost every item they buy; there is an ever-increasing demand for articles which not only work but look attractive or distinctive as well.

Examples of this trend may be seen everywhere. We all expect our automobiles to run, our refrigerators to cool and our fly swatters to accomplish their mission. Yet we find the following developments:

1. A vice-president of the Ford Motor Company has stated that beauty of design had become as important as the functional value of an automobile. The company has recently established a Fashion Trend Department.
2. General Motors has commissioned the famous French artist Jean Cocteau to decorate some of its refrigerators while Westinghouse has designed a wood-enclosed refrigerator to serve as a room divider.
3. The plastics industry reports that fly swatters are among the many items produced by its members which have been subjected to "design piracy."

Knoll Saarinen Group



Copies by Evans



Lightolier Original



Copy



Design piracy is the evil with which this article is concerned. It consists of the unauthorized copying of the appearance of someone else's product. It thus amounts to appropriating artistic work which is commercially valuable to its creator. The practice of design piracy is rampant in many industries. It spreads malignantly as each industry becomes conscious of the importance of "dressing up" its goods.

The pirate relies on the proven success of another's venture. He not only undertakes no designing expense but takes no risks as to popular approval of a design. He is thus enabled to undercut the originator in price and usually tries to add to his profits by using inferior materials and workmanship. He obtains the design for unauthorized copying in many ways but often merely sketches the competitor's product as soon as it is displayed.

This practice is possible because of a gap in the present laws concerning patents, copyrights and unfair competition. Experts in the field have long recognized the inadequacy of present laws and the need for new legislation giving effective protection to creative designs. A judge of the New York Supreme Court in 1956 deplored the fact that under existing precedents he was unable to prevent the copying of an original design for a ladies' dress. He had this to say in the course of his written opinion:

"What must be made crystal clear despite this disposition, is that . . . (it) implies no approval or condonation of a pernicious practice that warrants some legislative or judicial interdiction . . ."

"No compelling reasons exist for excepting the style creators from the application of the basic rules of fair and honest dealing . . . Surely there can be no serious quarrel with the proposition that one should be held to strict account for purloining the possessions of another created and developed through exceptional talent and experience . . ."

"Some method must be devised to meet this urgency."

This article will describe the important steps which have recently been taken to secure the legislation which was urged by the judge. It will outline a concrete proposal which has already been introduced into Congress and represents the efforts of eminent members of the patent bar, designer groups, manufacturers, trade associations and advisers from the United States Patent and Copyright Offices. The following will demonstrate the need for design protection and explain an effective and equitable means of fulfilling that need.

Design Piracy and the Designer. The United States Constitution devotes twenty-seven of its few thousand words to the protection of authors and inventors. As a result, we have long had somewhat elaborate copyright and patent laws on the books. These laws, however, make some curious distinctions. For example, a sculptor who creates a cocker spaniel in plaster for purposes of reproduction and sale in a dime store may obtain a copyright which can give him fifty-six years of protection against anyone who copies his particular cocker spaniel. His art school classmate who designs the shape of household appliances or women's hats or a chair may be unable to obtain effective protection for a single day, once his creation is displayed.

The basis of this anomaly will be analyzed later. The injustice to the designer of functional items, who is an important contributor to the American cultural scene, is immediately apparent. Let us examine some of the consequences he suffers from this situation and how effective legal protection for his designs will reward his creative efforts.

Designers generally do not own their own facilities for manufacturing the products embodying their designs. They must sell or license their designs to manufacturers either on an employment or free-lance basis. Their remuneration, of course, depends on the value of their artistic product to the manufacturer. It is equally clear that the value of their product is sharply reduced by the fact that it is *their* product only until it is copied by someone else.

As long as a manufacturer is unable to purchase a design which, if popular, will inure to his benefit, he can afford to invest only a limited

amount of money in securing better designs. Thus, under present conditions, the designer cannot be fully rewarded for his creativity and his ability to appeal to the public's taste.

It has been suggested that the practice of copying produces opportunities for designers who must continually develop new designs to outrun the copyists. It will suffice here to note that any such opportunities which might be enjoyed in special situations by relatively small numbers of designers will hardly compare with the increased demand for designers at all levels, once the law of the land recognizes that each producer must do his own work.

Legal protection for designs would thus produce economic benefits to designers in the form of increased demand for their product as well as a more adequate reward for a good design. In addition, designers would be relieved of the degrading, wasteful and troublesome practices forced upon them by widespread piracy. For example, in some industries, designers devote considerable effort to producing consciously a design difficult to copy. And a designer of men's sport shirts recently assumed the unenviable burden of selling a "mystery shirt," sight unseen, because of his certainty that his original design would be destroyed by copying as soon as it was revealed. Others are faced with the unfortunate directive to copy the work of another designer with only such variation as will permit the otherwise reputable manufacturer to deny copying. Freed from burdens such as these, designers will be able to concentrate on creativity and enjoy its rewards.

Design Piracy and the Manufacturer. The immediate financial loss inflicted by copying upon a manufacturer who introduces an original design is an incontrovertible fact. Although it is by no means the only harmful result felt by manufacturers, it is the most obvious.

A concrete example of this effect is offered by a recent survey of

textile converters who specialize in printed designs:

"Without exception, all of these converters have had some of their designs copied exactly in the past five years. In most cases the copy, insofar as the design and colors in the design are concerned, was an exact facsimile. The only discernible difference was that in most cases the quality of the fabric was inferior. Invariably the copyist sold his product at a considerably lower price either to the same customers with whom the originator dealt or their competitors. Without exception, the originator of the design was compelled to stop production immediately of that design and sell off whatever inventory he had at a loss to meet the price of the copyist."

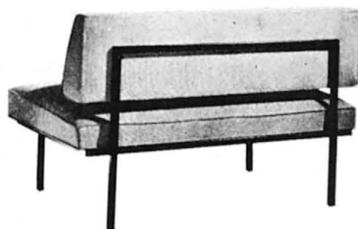
The direct loss to such converters was estimated roughly at \$3,000,000 per year. In the vinyl fabrics industry, an industry plagued by copying since it began creating new designs and new styles, pirating of individual designs has cost the originator anywhere from an estimated \$100,000 to \$500,000.

As indicated above, this loss is caused by the copyist's ability to undersell the originator by reason of: (1) the saving of designing expense; (2) the copying of only those designs which have proven popular; (3) the use of inferior workmanship and materials. It should also be noted that copying floods the market with the same design and thereby drastically reduces the life of the design. Even the copyist loses out by reason of early public apathy toward the particular design and the fact that his copy is in turn copied by others.

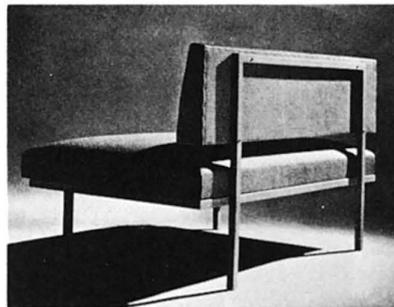
The overall effect of design piracy is to discourage not only creative designing but also higher standards of workmanship and quality since the low standards of the copyist must be met in order to compete. Since all may use the same design, this factor drops out of competition. Thus, the originating manufacturer justifiably asks himself why he should undertake the risks and burdens of introducing original designs when he cannot effectively reap the benefits.

One more word about those manufacturers presently living off copying, since many of these manufacturers, recognizing the ethical weakness of their position, do not make themselves known at airings of this problem. It is true that effective design protection would require some

Laverne Original



Copy



adjustments for such manufacturers. But the ingenuity, time and money they expend in copying could be channeled to original designing without loss of profit. Designing expense, when spread over the cost of the larger number of sales which design protection would permit, could well be absorbed. Under a system of protection, the copyist of today might be surprised at the capabilities of his own organization. He need no longer be deceived, as was at least one manufacturer who employed a "designer" merely to copy designs of others. The manufacturer was favorably impressed with a design presented to him (and actually created) by his designer, but was reluctant to take the chance of introducing it. The designer finally convinced him by assuring him that it was copied from the successful design of a competitor.

Design Piracy and the Distributor and Retailer. It must be admitted that in the past retailers have often opposed legislation giving greater protection to designs. It is clear, however, that this opposition has generally been based on the fear that under such proposed legislation retailers would be held liable as infringers and harassed by lawsuits. As will be demonstrated below, by an analysis of the Willis Bill (H.R. 8873, 85th Congress), legislation can be drafted with an appreciation of the problems of retailers and with provisions for solving them.

The present piracy situation places substantial burdens on distributors and retailers which effective protection would remove. No matter what price line a distributor offers, he finds that copies of items he markets are sold elsewhere, usually underselling his item. He must then cut his price, often to the point where he is selling his goods as distress merchandise. The customer who purchased from him is dissatisfied, both as a result of seeing the item elsewhere at a lower price and the erratic pricing policy of the distributor himself. Cancellations

and returns from customers are forced upon the distributor who attempts to shift the burden to the manufacturer, all with attendant difficulties and ill-will.

The distributor today is not merely prevented from fully satisfying his customers by reason of the limited number of designs in a particular product presently available; he is also uncertain whether his investment in particular active designs will be undercut by cheaper copies. Under a system of design protection, retailers at all levels would be able better to anticipate their needs for an original design on a more reliable basis. Their merchandising and pricing policies could be determined by supply and demand rather than the salvage operations often forced upon them by design piracy.

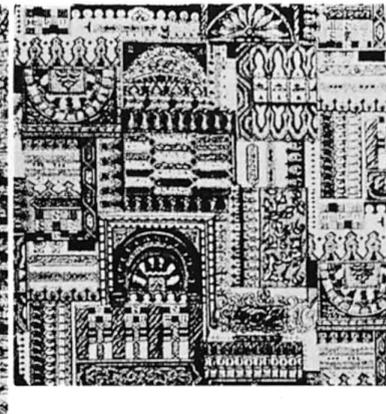
Design Piracy and the Supplier. The suppliers of cotton to the textile converter, wood to the furniture maker, and chemicals to the vinyl fabrics producer, have an important stake in the fight for design protection. Suppliers have begun to recognize the link between the overall prosperity and stability of their industry and their own particular well-being.

The growth of institutional advertising has emphasized the fact that the consumers of the end-product of an industry are of vital importance to the entire industry. Moreover, removal of the instability and uncertainties caused by design piracy cannot help but produce a steadier flow from the supplier to the manufacturer. And with a greater number of designs being produced under conditions of confidence, overall productivity should experience a marked upswing. It is thus not surprising that the chairman of a leading cotton manufacturer, in urging the textile industry to realize its potentialities, emphasized "developing increasingly brilliant and original styles and designs" as well as the need for "proper scheduling of manufacturing and the most efficient and economic use of the men and machines available." Both of these objectives would be greatly aided by the elimination of design piracy.

Peter Pan Print



Copy



Many suppliers of basic materials have themselves taken an active role in promoting and encouraging creative designs. Perusal of the national and trade press makes this abundantly clear. The Aluminum Company of America recently advertised candle holders in a national magazine, calling attention to "graceful aluminum that will inspire designs, textures and colors" in great number. Moreover, architects and interior design exhibits are usually graced with offerings of such suppliers as U. S. Plywood, U. S. Rubber Co. and Reynolds Metal Company. Such promotion of creative American designs can receive no greater push than by the enactment of new Federal legislation granting for the first time effective legal protection to original designs.

Design Piracy and the Consumer. Before turning to the injurious effects of piracy on the consumer, it may be well to answer a question which may legitimately be asked — will design protection raise the price the consumer pays for desirable designs?

This problem involves the products being offered by manufacturers who presently originate designs and those offered by the copyists. The price set by the originator, even if shielded from copying, should not be any higher and may even be lower than is the case today. This is borne out by experience with consumer items protected by design patents, as well as pricing of books such as low cost paper books, covered by copyright. One reason for this result is the fact that no single design can be so popular as to be priced substantially out of line with competing designs. Moreover, the economic waste caused by piracy and presently shared by industry and the consumer would be removed. A manufacturer need not price his popular item for a quick "killing" in advance of its being copied. In addition, he can anticipate his needs more reliably and thus order supplies and gauge production schedules more efficiently. Since he can depend on a more certain

period of protection he can produce more items at a single time and effect economies which can be passed on to the consumer.

Under a system of reasonable protection of creative designs, the offerings of the present copyists could not immediately duplicate, as they do today, designs created by others. They could, of course, after the expiration of a term of protection for an original design, copy such designs. In addition, there will be every incentive to present-day copyists to offer original designs themselves which are in style as well as popularly priced. The lack of such incentive today is illustrated by the recent claim of a textile manufacturer that he is the *first* American company to commission Swedish designers to create an inexpensive line of fabric designs. As indicated above, designing expenses will be spread over a great number of items. The result should be maintenance, and in some instances lowering, of the general price levels existing today.

The foregoing discussion touched upon several of the adverse effects of piracy on the consumer and how design protection is in his interest. Today the consumer is faced with confusion by the array of identical and near-identical copies of a design. He is often deceived as to the quality and workmanship of a design which has been copied from a well-advertised and higher priced item. Moreover, no matter at what price level a consumer purchases, he has had the experience at least once in his shopping career of seeing the copy of an item he has purchased displayed at a still lower price.

The consumer is short-changed by the copyist in other ways. Since the copyist attempts to capitalize on a design already popular while others are waiting to copy from him, the variety of designs offered the consumer is relatively limited. In being deprived of a wider choice, the consumer is being deprived of his own originality of selection.

It is difficult to believe that a consumer earnestly wishes to wear the exact dress, buy the identical wall-lamp, or use the same kitchen clock as his or her neighbor. We all wish to be stylish. But design piracy discourages individual expression of a general style trend. The shop-girl

Lightolier Original



Copy



hardly wishes to wear the "same" dress as a prominent socialite wore if everyone else is wearing that same dress. The consumer would prefer to buy designs which are right in style but a little different from his neighbor's. And at least he wants to have the choice of buying something different or not. Today he does not have that choice.

We have discussed briefly the need for design protection from the point of view of the designer, manufacturer, distributor, retailer, supplier and consumer. There are other points of view, including those of interested Government agencies, the patent and copyright bar, the trade press, and labor. Some of these will be noted below. But how design piracy harms various groups should not obscure two fundamental points. Design piracy is morally wrong and inhibits proper cultural growth in the United States.

In a comprehensive study of design piracy conducted under Government auspices, twenty-five years ago, the authors observed that the unethical nature of design piracy was a point of agreement by all concerned. This is not surprising. American society generally condemns taking something created by another without his permission. This has been crystallized in our views of plagiarism of books, music, drama as well as painting, drawing, sculpture and other so-called fine arts. We should not tolerate plagiarism of designs.

The cultural harm is equally serious.

The problems faced by the automobile industry in catching the public's fancy were, not many months ago, of national urgency. Even today, the unusual success of foreign-made cars remains somewhat puzzling. At least one prominent industrial designer has attributed this phenomenon in part to the tendency of American manufacturers to pounce upon and exhaust a particular design of appearance rather than emphasize an imaginative design of their own.

We find a similar situation in ladies' fashions where we seem to be content to play second fiddle to Paris. Furniture manufacturers hope to enhance the sale of their wares by billing them as "Scandinavian modern." Imported chinaware is often considered particularly desirable.

The lack of effective legal protection for designs in this country reduces the incentive for producing creative designs. This has been repeatedly noted by manufacturers, designers and other observers. It is clear that designers in the United States have the creative abilities to make the United States a leader rather than a follower. It is high time that they be given a real opportunity to do so.

Basically, there are two types of patents. The type usually thought of when one hears the word "patent" is a mechanical patent, a grant by the U. S. Government protecting the functional operation of a machine, manufacture or process. In addition, there are patents protecting appearance. The latter are called design patents and differ from mechanical patents only with respect to length of protection (the term for mechanical patents is seventeen years while design patents last for three and a half, seven or fourteen years, depending on whether the applicant chooses to pay a fee of ten, fifteen or thirty dollars). In order to qualify for a patent, an applicant must introduce something new to a particular field. But he must do more than merely take a step forward—it must be a large step. The contribution must be such that it was not "obvious" to those in the field. These requirements are what patent lawyers mean when they speak of "novelty" and "invention".

It is apparent that many attractive and successful designs in such fields as wearing apparel, kitchen-ware, automobiles and furniture fail to meet these high standards. The results in the Patent Office and the courts have convinced designers and manufacturers that design patents are difficult to obtain and difficult to enforce. And even if the requirements were not so high, it is apparent that judgments about appearance must be highly objective and unpredictable.

Knoll Saarinen Pedestal Chair



Copy



In view of the requirement that a design be novel, a search of earlier designs must be conducted by the Patent Office before it can issue a patent. Until the patent is actually granted, the designer or manufacturer markets his design at his peril. The time lag, which can be many months, is thus crucial.

Finally, the overall expense of design patents is much greater than the statutory fees mentioned above. Even such fees must be multiplied by the number of designs introduced by a manufacturer each year. But in addition, a manufacturer who decides to rely on a patent must usually first seek the advice of patent counsel. Thus the cost of a preliminary search and legal fees also add to the expenses of securing a design patent.

Copyright protection for "works of art." A copyright is not as difficult to obtain as a patent. The author need only originate the work himself, that is, refrain from copying from someone else's work or from the common fund of works known as the "public domain." And he can obtain a copyright not only for a book, play or musical composition, but also for a "work of art."

Can the design of a useful article be considered a "work of art" as that term is used in the copyright statute? This is a question which has been troubling the courts and the U. S. Copyright Office for some time. The answer is that sometimes such designs have been considered "works of art," but more often they have not.

Neither the courts nor the Copyright Office set themselves up as art critics. In fact, the function of the latter is much more restricted than that of the Patent Office. The Copyright Office merely examines claims to copyright to determine whether the work seems to fall within the subject matter which Congress has said is copyrightable; it does not search, for example, to see whether the same work has

been created by someone earlier or whether something offered as a "work of art" is a particularly good work of art. Nevertheless, this office, as well as the courts in infringement suits, must decide whether Congress intended the particular work in question to be included within the protection of the copyright law.

The court referred to at the opening of this article decided that the watch there involved, although attractively designed, could not be deemed to fall within such protection. This follows a line of decisions that, for example, a dress design cannot be considered a work of art.

A significant pronouncement in this field was made by the Supreme Court in 1954. The Court held that the usefulness of an article did not prevent its being a work of art; but the Court did not define what a work of art is.

Involved in this case was a human figure used as a lamp base. There can be little dispute that this traditional subject of sculpture must be considered a "work of art." But what of the many other designs which do not so clearly fall within this classification? The Copyright Office has taken the view that this decision does not offer any guide as to whether, for example, the shape of a chair or of an egg-beater is to fit, within the category of a work of art. The office thus finds itself without authority to register claims to a wide variety of designs of useful articles.

The 1954 Supreme Court decision has resulted in some expansion of copyright protection. For example, artistic drawings or paintings cannot be denied protection because they are used on textiles. But as to these relatively few designs, different problems arise. Thus, the very technical provisions requiring a copyright notice are poorly adapted to textiles and can result in unintended loss of protection. Moreover, the historic concern of the copyright law with books and music produce other inappropriate results. For example, innocent sellers of a pirated copy of a copyrighted textile design are liable as infringers and the term of protection can be as long as 56 years. Thus, from several points of view, copyright does not provide the answer for

effective protection on the international level by means of a multilateral treaty. It is clear that legislation in the United States should be delayed no longer.

The need for a special statute dealing with designs has long been recognized by lawyers working in the field. When the patent bar, through the National Council of Patent Law Associations, succeeded in a general overhauling of the patent law in 1952, they intentionally reserved designs for detailed treatment later. A year afterwards, a Coordinating Committee on Designs was appointed and Giles S. Rich, now an associate judge of the U. S. Court of Customs and Patent Appeals, became its chairman.

The Coordinating Committee, which broadened its membership to include advisers from industry and government agencies, engaged in four years of study, discussion, drafting and redrafting, which culminated in the careful preparation of a bill well calculated to afford design protection which is not only effective, but equitable as well. In July, 1957, Rep. Edwin E. Willis, Chairman of the House Subcommittee on Patents, Trademarks and Copyrights, introduced the bill into the House by request. It was given the number H. R. 8873 of the 85th Congress. The remarks of Congressman Willis accompanying introduction of the bill made it clear that the bill was being offered at that time for the purposes of study, suggestions and comment on the part of interested groups.

While the Willis Bill differs from the present copyright law in most of its details, it can generally be said to rest upon "copyright principles". Basically, this means two things:

1. A design can be protected if it is the "original" creation of its author. An original design is one which has not been copied from someone else's work or from a design in the "public domain." The protected design need not meet any test of novelty or inventiveness. There is no requirement that the designer introduce something the world has never seen before, or that he create something that marks a recognized advance over previous designs in the field.

Rollei



Yashica copy



Herman Miller Eames Chair



Copy



either effective or equitable protection of designs of useful articles.

Until a design has been made generally available in concrete form, it is considered "unpublished" and may in some instances be protected under certain judicial doctrines. Even in this limited area designers have often found practical problems of proof and other uncertainties in enforcing these rights.

Once a design is placed on the market, common law offers almost no hope of protection. The doctrine of "unfair competition" ordinarily requires that the copied features of the design be closely associated with the originator and that the copyist attempt to palm off his copy as an original. We know that this is not the usual case.

From time to time there are glimmerings of protection by courts which seek merely to prevent a "free ride." An earlier court decision which prevented the appropriation by one news service of the news gathered and published by a competitor has since been narrowly limited to the facts of that case, and most courts have shown a marked reluctance to apply this doctrine to design piracy.

One more word about the inadequacy of a judicial solution of this problem. Courts are not equipped with the resources or tools of the legislature. They cannot investigate the economic aspects of design piracy as can Congress. And a court which finds protection appropriate cannot as easily fashion the compromises required in an area such as this. Thus, a serious problem in leaving this question to the courts is the risk that a judge so disposed will accord protection without being able to prescribe a limitation on its duration or to provide other safeguards.

It should be noted that the problem of design protection is world-wide and that legislative solutions are being sought in a number of countries outside the United States. There is, in fact, interest in providing ef-

2. The original designer is protected only against the unauthorized copying or imitation of the substance of his protected design. If such copying takes place, the copyist is not shielded by making slight variations. On the other hand, if the owner of a similar design can prove that his design was created independently, rather than through copying or imitation, no infringement has taken place.

The other key provisions of the Willis Bill may be summarized briefly as follows:

- (a) *Duration of protection:* Five years, with an opportunity to renew for an additional five years.
- (b) *Condition of protection:*
 - (i) *Registration.* A claim to protection must be registered in a Government office before the design is made known to the trade or public, or within six months after it is made known.
 - (ii) *Notice.* If the design is made known to the trade or public before registration, the design to be protected must bear a prescribed form of notice. Protection is not forfeited if the notice is omitted after registration, though omission may sharply limit the design owner's legal remedies against infringers.
- (c) *Infringement:* The design owner may generally recover from anyone who, without his authority, purposefully makes or imports articles embodying a copy of the protected design. Merely selling copies constitutes infringement only under the most limited circumstances.
- (d) *Remedies:*
 - (i) Injunction;
 - (ii) Damages, which the court can increase threefold;

(Continued on page 36)



ROBBIN & RAILLA, ARCHITECT

Norman Epstein, Structural Engineer



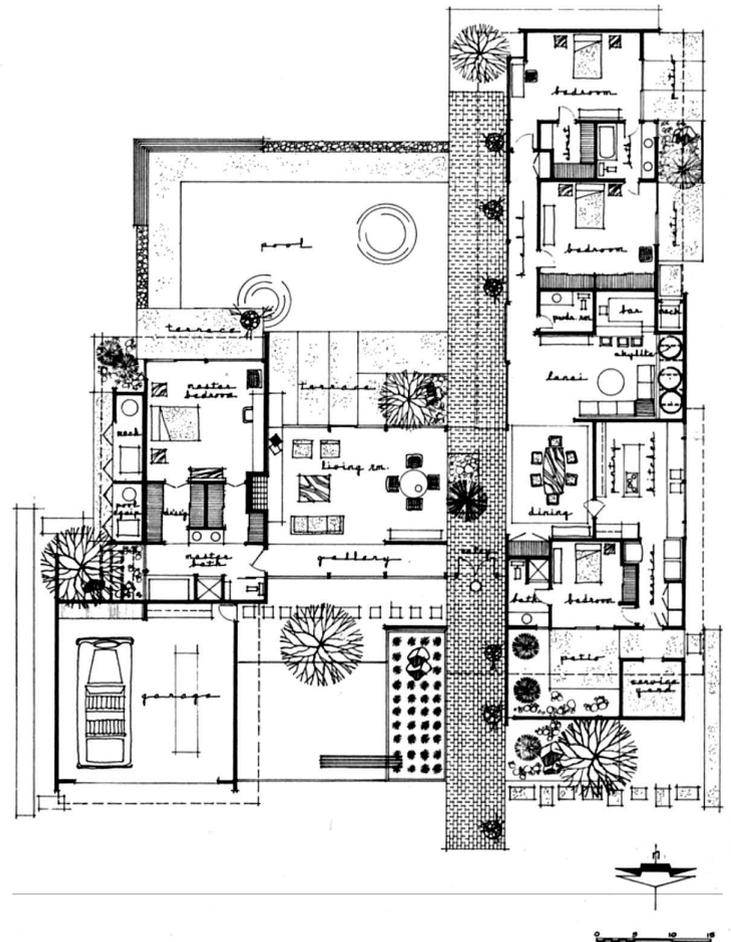
Photos by Julius Shulman

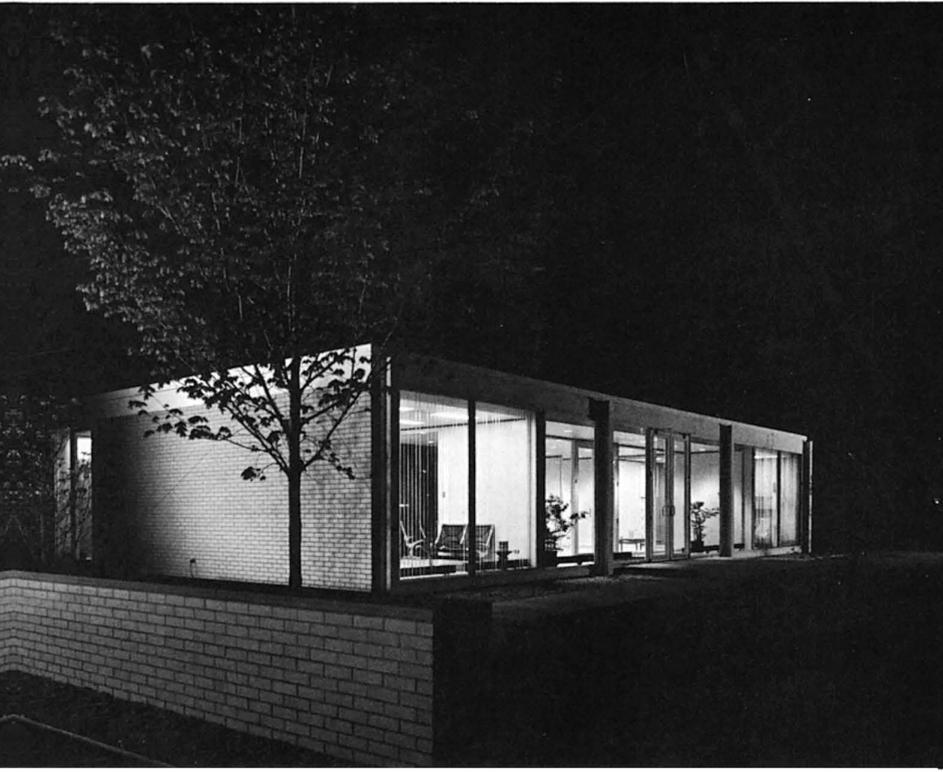
The site is a typically padded lot in a hillside suburb of Los Angeles with a partial view of a mountain canyon to the west. The design intent was to produce a full utilization of the site while maintaining privacy and developing a semi-informal environment for living.

Among the space requirements were to be provisions for a formal living and dining area and a bedroom-studio area that could be used as a studio or guest bedroom, having its own private access. This room was to possibly serve as servant's quarters in the future. Although the house would rest on a partially elevated pad, the design on adjacent properties could not be controlled or anticipated. Therefore, it was decided to turn the house in on itself, creating its own environment within. The use of transparent planes on the three interior sides augments the feeling of integration between house and site. As an additional tie, a continuous spline of quarry tile runs from front to rear of the site. A further design consideration was to split the house into two principal areas, adult and children, so each could function independently when desired. The children's rooms are oriented to open onto their own private garden and play areas.

The materials consist of standard wood stud construction based on a module of eight feet. The exterior wall planes are 1 x 4 redwood siding and machine applied plaster in contrast to the smooth white plaster soffits and ceilings of the lower roof planes. The high pavilion ceiling of the formal living area is 1 x 4 redwood boarding. The fireplace wall and rear wall of the interior skylit garden is faced with broken-face travertine tiles.

Furniture is from Knoll Associates.





Photos by Baltazar Korab

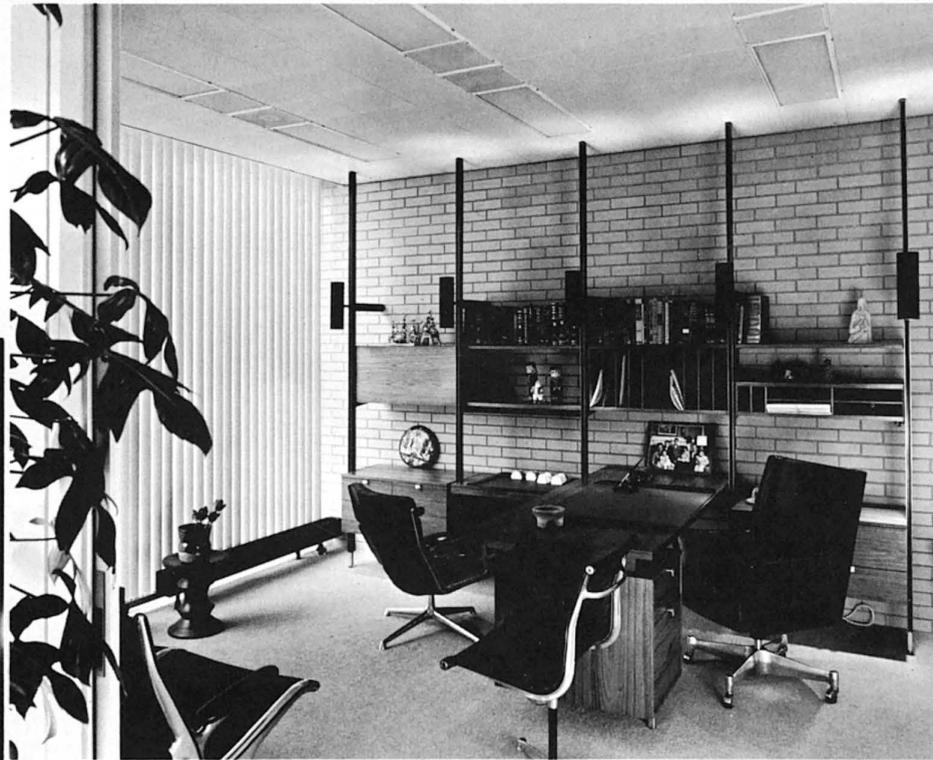


Photo by Robert Fine

HARVEY D. STUBSJOEN / KARL F. ZINTL, ARCHITECT

This small, steel-frame professional building for an orthodontist in Cuyahoga Falls, Ohio, has an open plan, multi-unit operatory which allows the doctor and nurses to work in sequence on several patients at the same time. The basic layout, conceived by the client and developed in detail by the architect, has already become the prototype for similar multi-unit practices.

The radial arrangement of the four chairs in the operatory — the heart of the practice and the building — permits the doctor to work conveniently from an island at the center and faces the patients away from each other for visual isolation. At the same time it affords them a pleasant view of the south yard which, like the north yard, is landscaped with plum trees and flowering dogwood. All operatory equipment with the exception of patient chairs and lamps was designed by the architect in cooperation with the client.

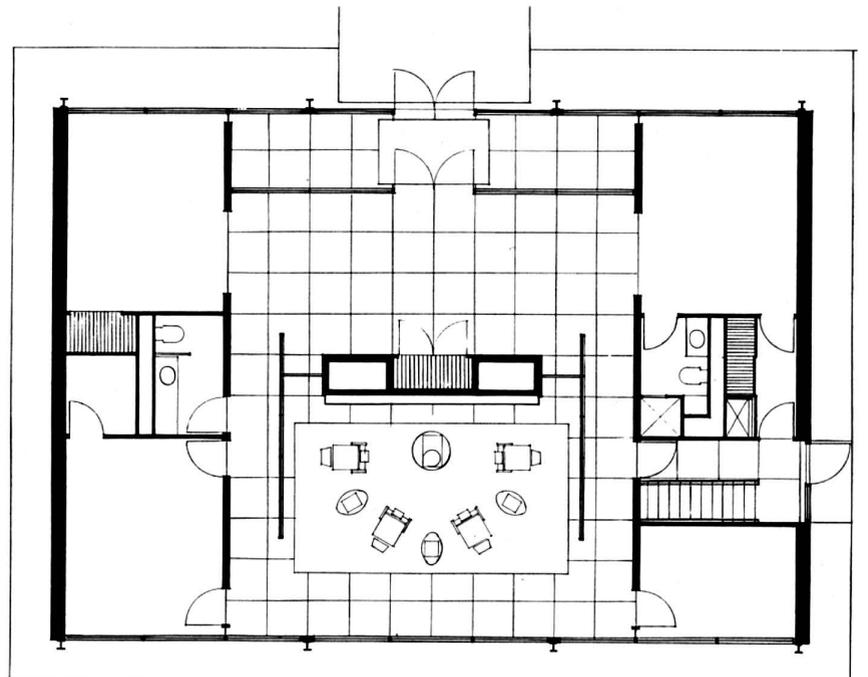
The building, which provides offstreet parking, is set on a platform created by fill and retaining walls. In general, materials throughout were selected for ease of maintenance and esthetic appearance and include floors of terrazzo (traffic and public areas), rubber tile (work areas), wool carpeting (offices), ceramic tile (toilets); exterior walls of brick, steel and glass; and interior partitions of plaster, obscure glass, steel and wood paneling.

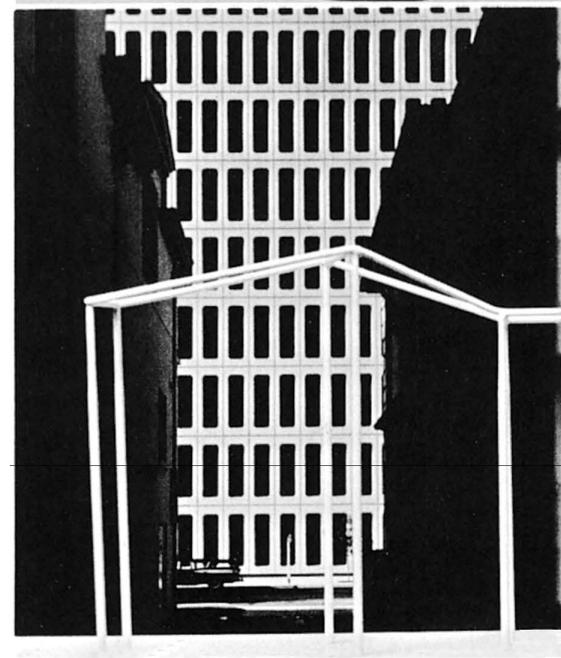
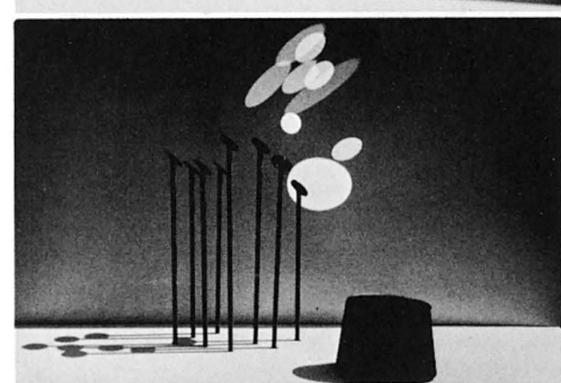
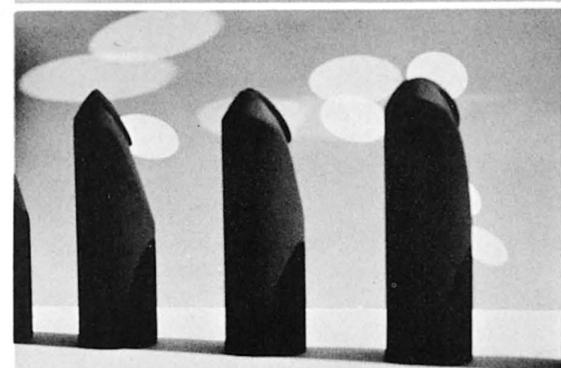
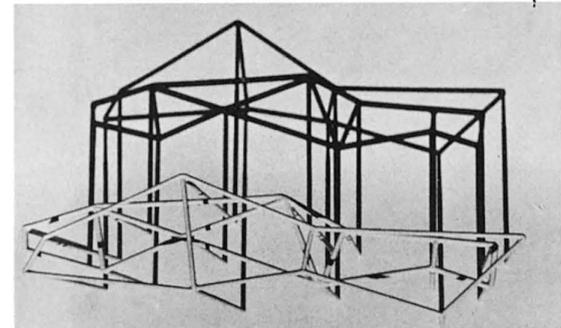
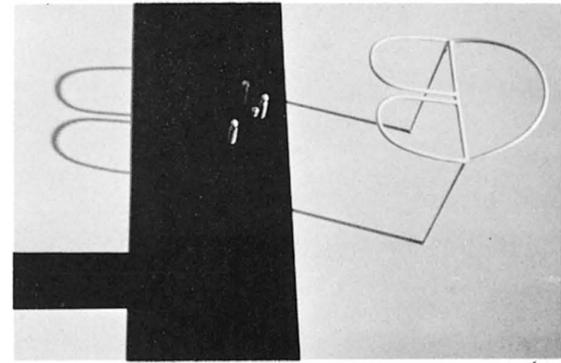
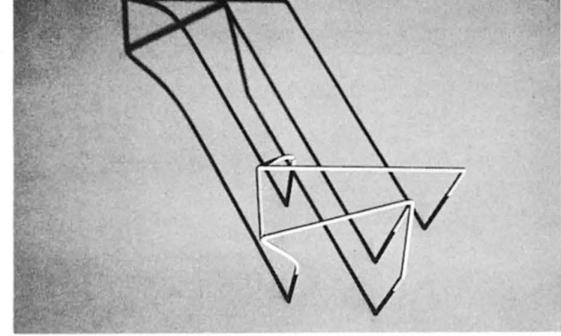
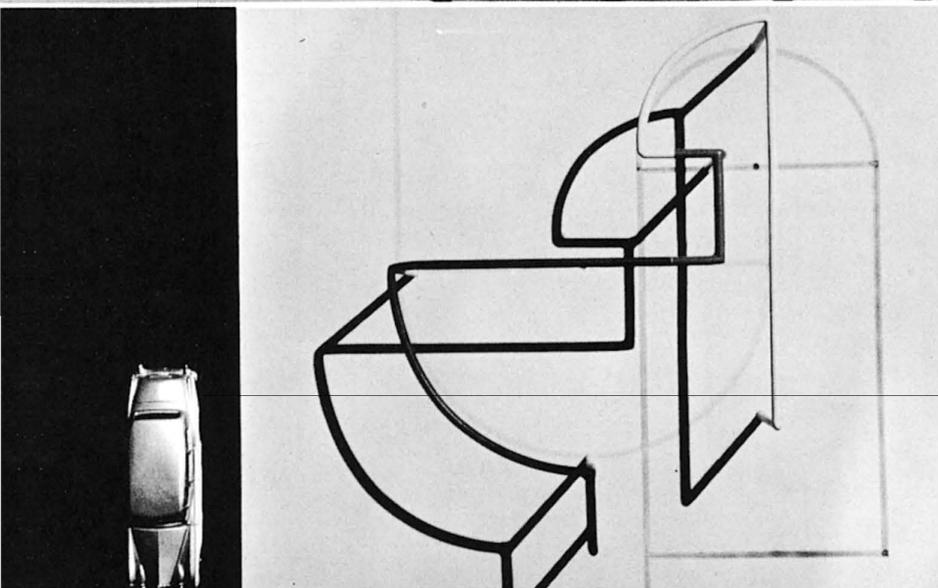
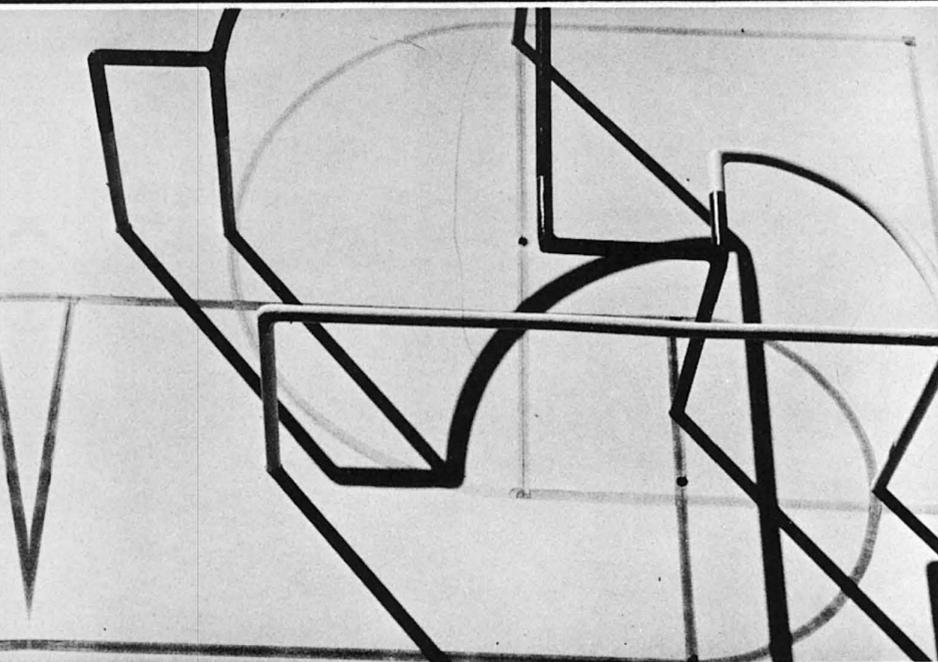
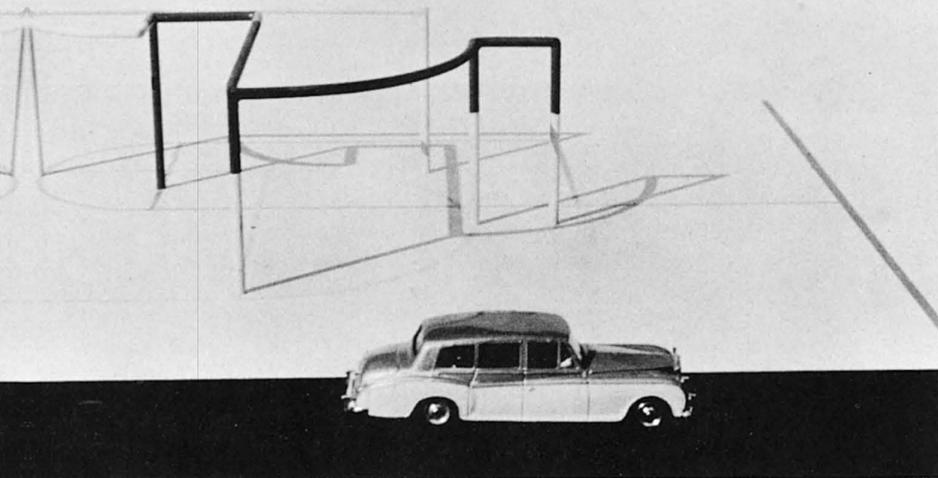
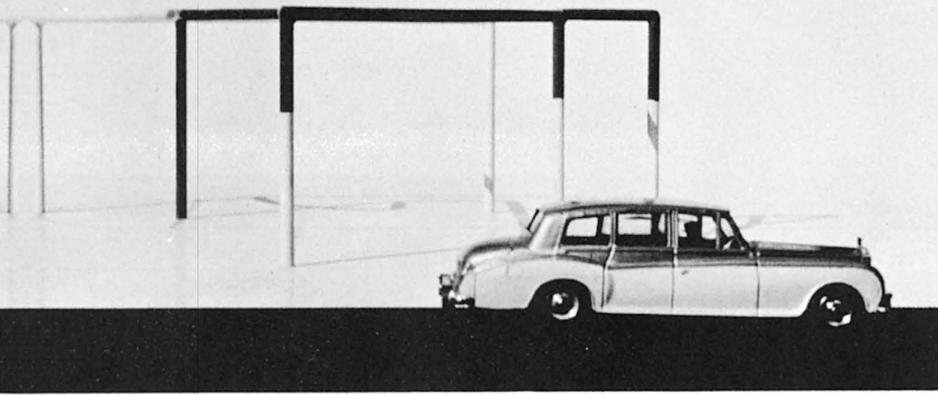
The building is completely air conditioned with five separately controlled zones. Heat and glare reducing glass with vertical louvers are used in the north and south curtain walls.

All furnishings for offices and waiting room are by Herman Miller, Inc.



Photo by Robert Fine





SCULPTURAL RESEARCH BY JOHN FOLLIS

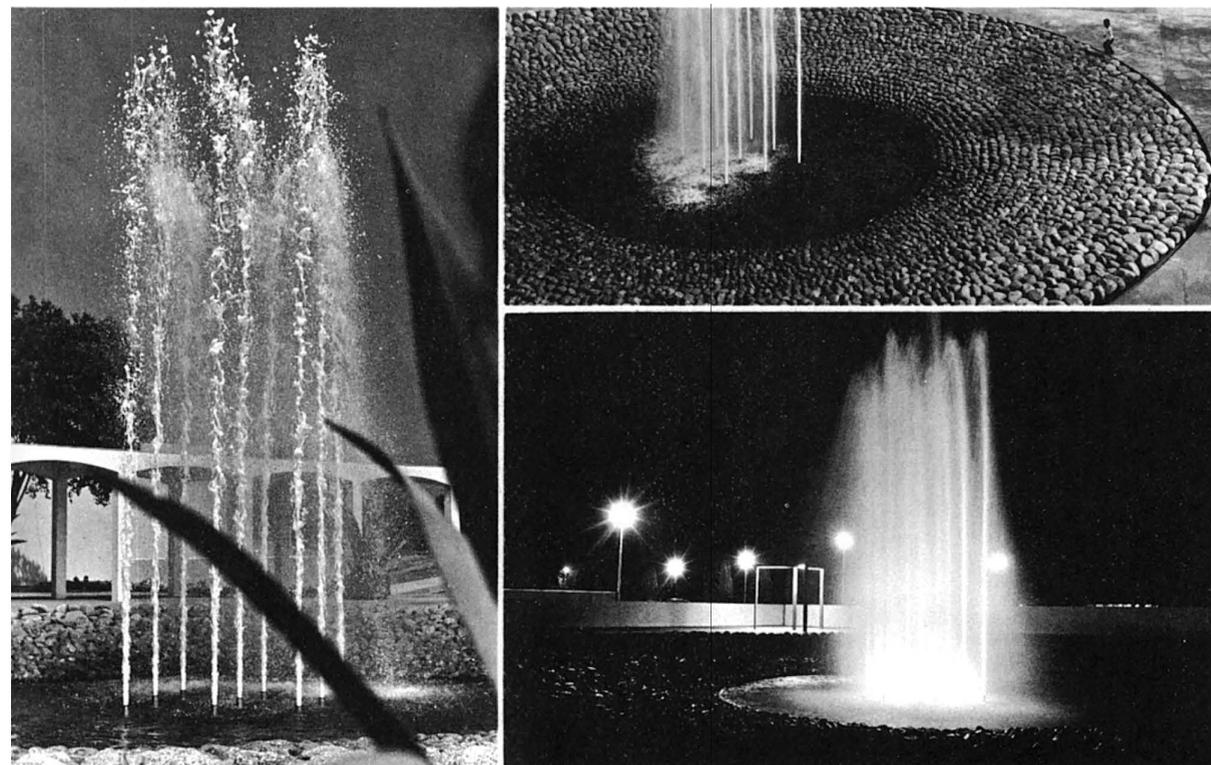
Most sculpture is a personal expression of the artist and may not relate directly to a given site. The kind of sculpture I am interested in does relate architecturally to its surroundings and would be less meaningful if moved. It is itself a type of structure enclosing space in a way not possible to smaller pieces of work. For instance, a structure that is 40 ft. high, 30 ft. wide and 120 ft. long encloses space that can be a wonderful experience to walk through, stand in, look at and meaningful and complementary to its architectural surroundings and the urban scene.

The materials to be used are reinforced concrete and welded metal tube for the smaller configurations. As one approaches these linear structures positive and negative areas shift and pass one another; finally, the shadow becomes part of the composition. The shadow, from the deck or as seen from up high in a building, is the ever-changing element of the total structure.

The study of light images, which was a branch of this architectural sculpture research, when reflected onto a building or a vertical plane, are shown in two basic configurations. The first is a group of vertical stands with circular mirrors, attached to each stand or column which may be adjusted to a desired composition. The reflected image changes as the sun passes overhead. The second is a regimented row of structures with a mirror surface mounted on each, and set at different angles.

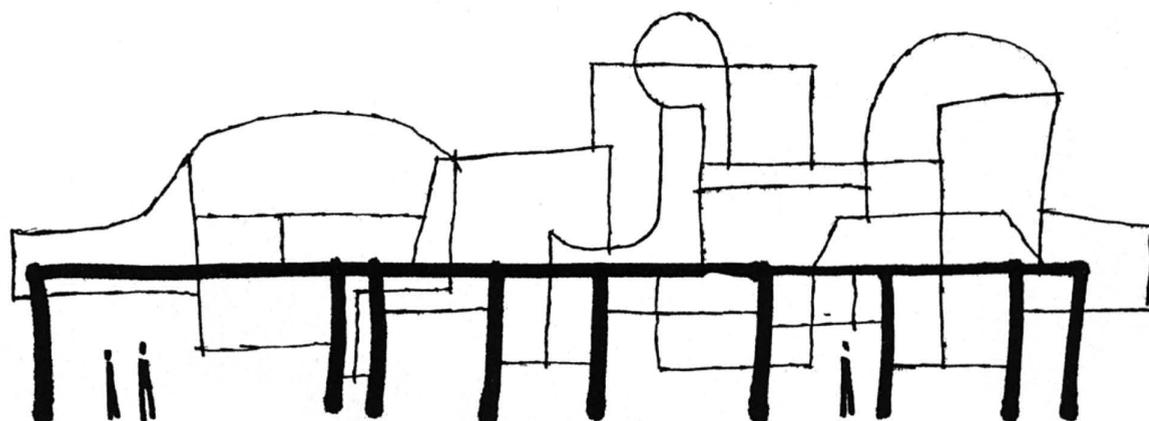
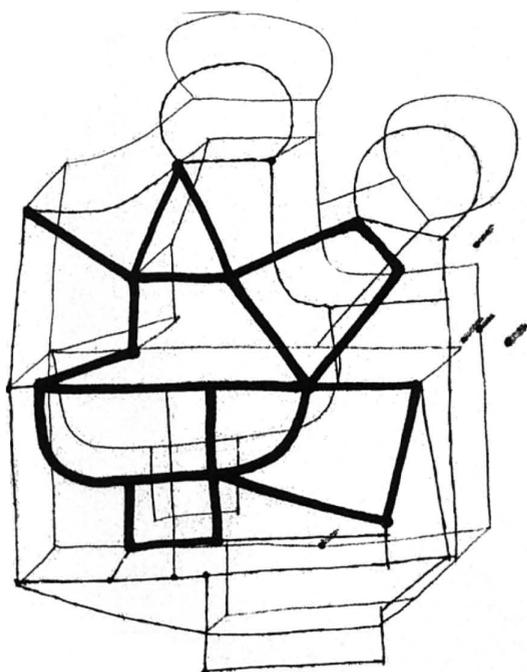
Principles of tension, composition and enclosure derived from the Graham Foundation work were applied in part to the entrance court of the San Antonio Community Hospital in Upland, California where Usher-Follis, Inc. is retained as design consultant. A rock dish 64 ft. long by 53 ft. wide, sloping down 2½ ft., to a 20 ft. by 24 ft. pool, from which nine jets of water are projected 30 ft. in the air. The rocks were hauled in from a nearby canyon, even though similar rocks were to be found on the site: the roundness of the stream rocks was more appropriate to catch cascading water when the overspray left the pool area.

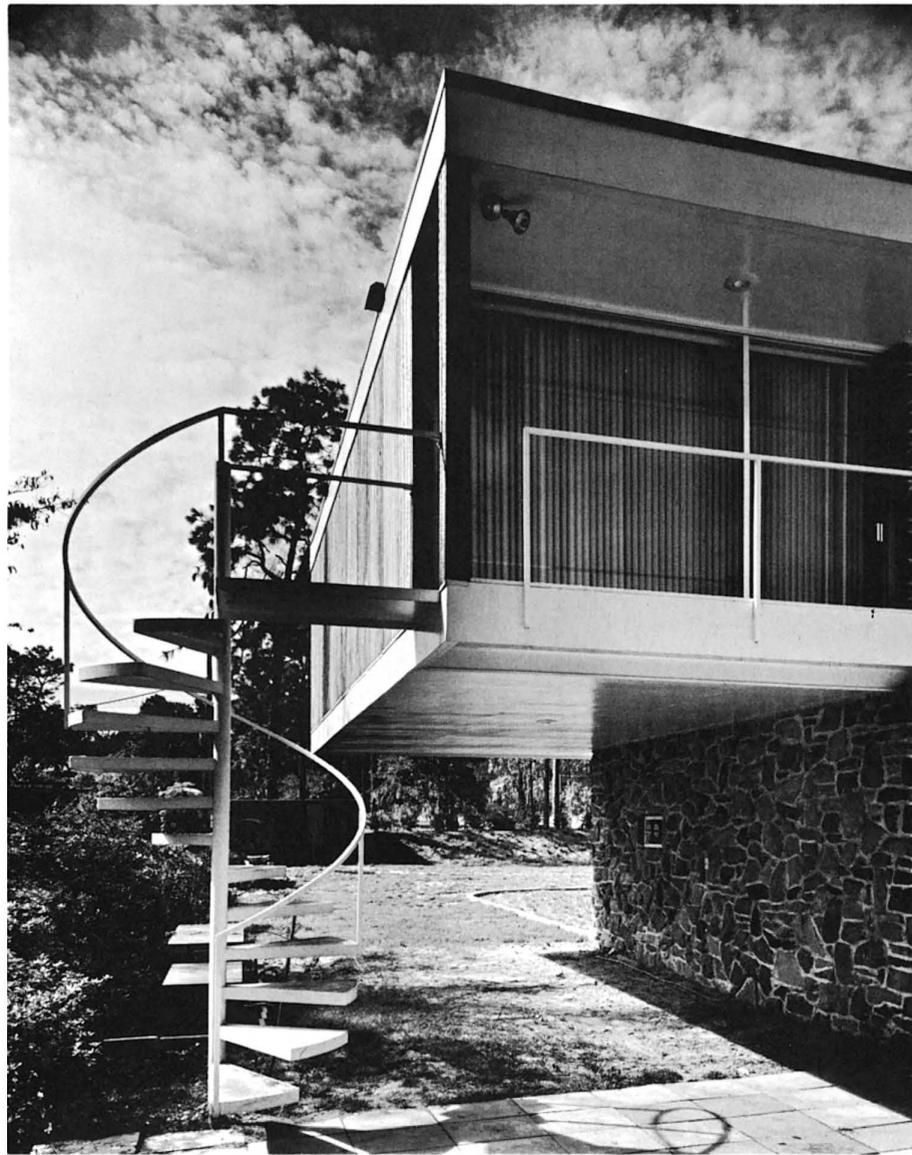
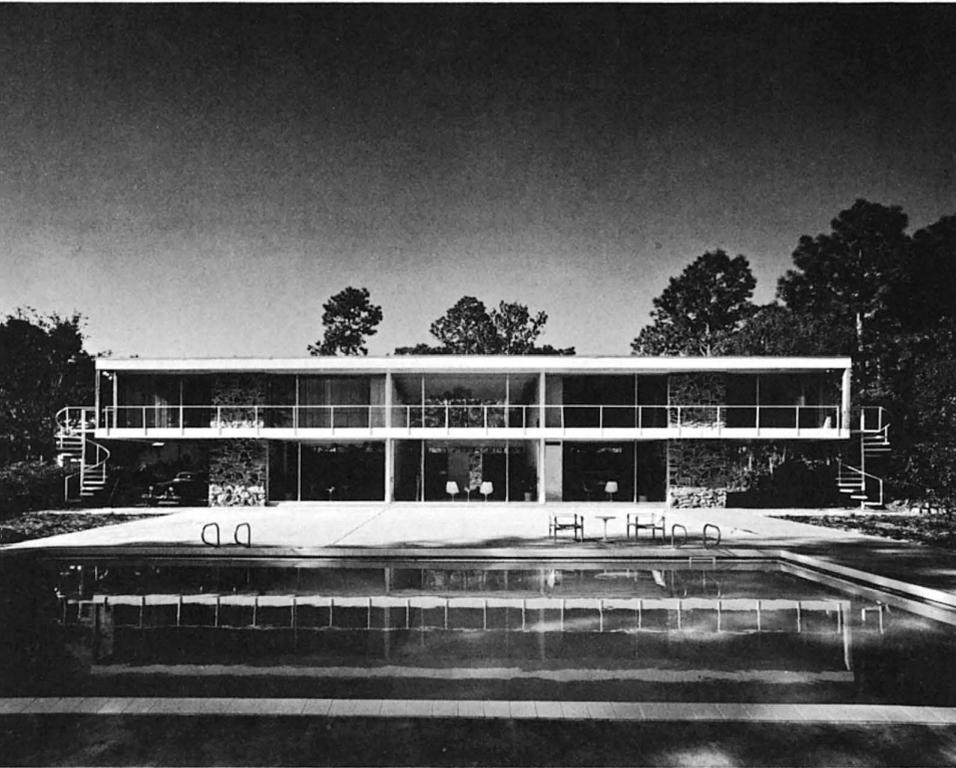
The seating was removed from the court area in the preliminary design stage so that the water, even though the fountain is automatically controlled, would, if the wind were strong enough, have the entire area in which to venture.

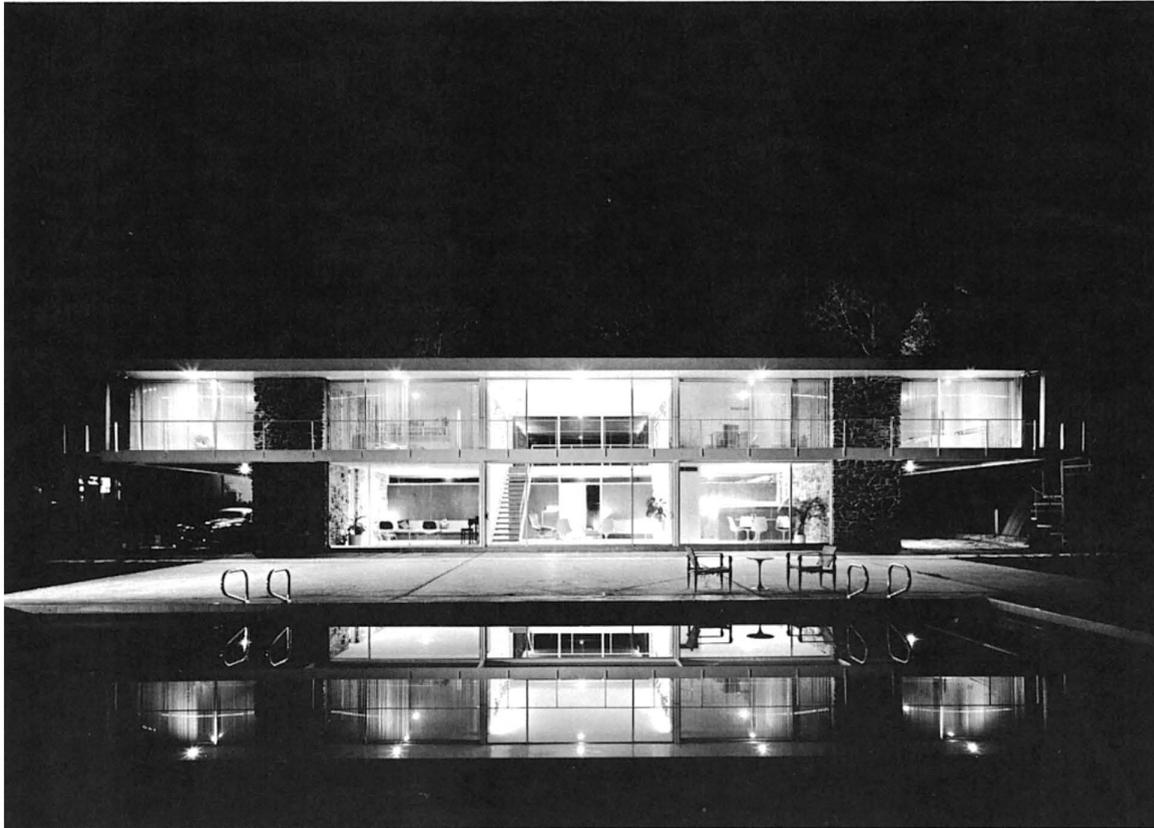


Photos by Marvin Lyons

A Project Developed under a Grant from the Graham Foundation for Advanced Studies in the Fine Arts





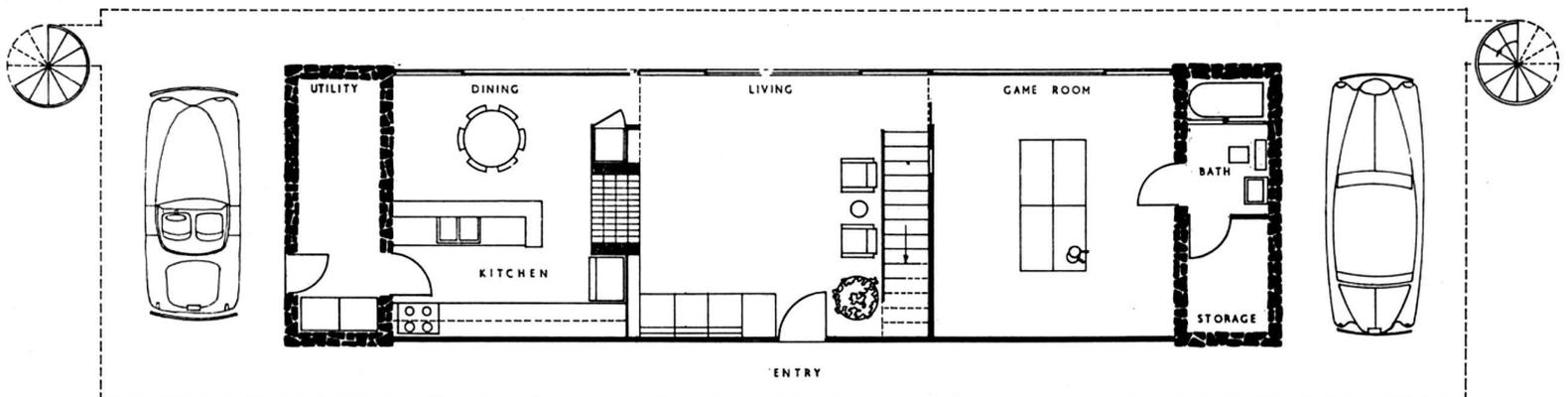
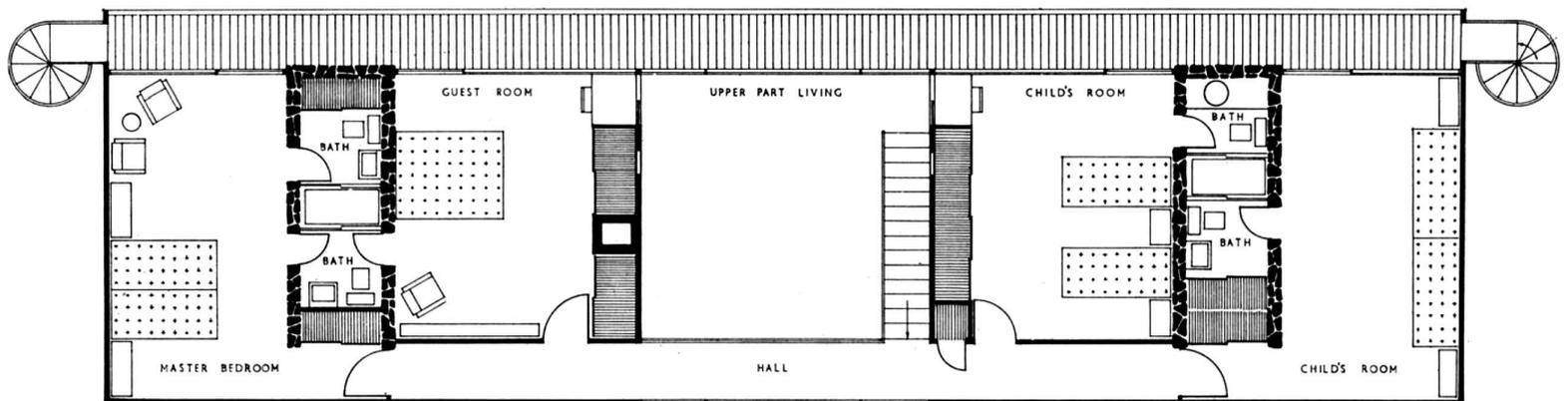


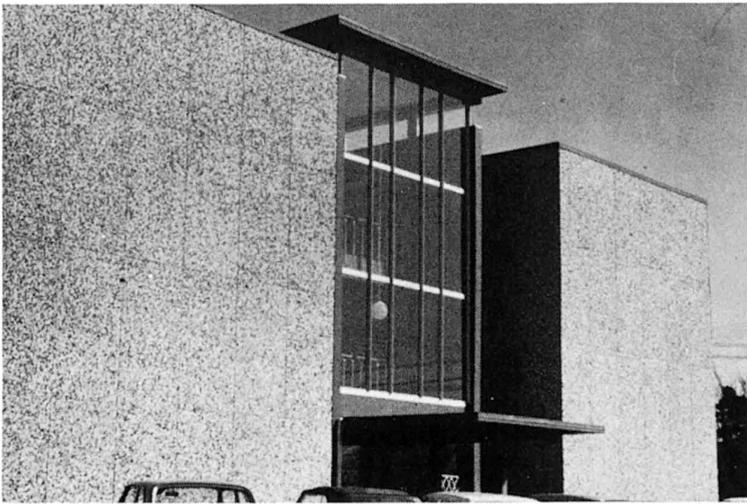
Site for this house is a 100' x 400' lot on the west bank of a river near Jacksonville, Fla. The clients asked for a view of the water, direct access to the swimming pool from every room and a broad paved court for outdoor activities.

Stone towers at either end of the house support the building and contain mechanical equipment and bathrooms. The steel frame roof cantilevers 12 feet from the towers and supports the second floor by means of hangar rods.

The two-story living room is an expandable, continuous volume which dominates the interior space, opening at the second floor to include the balcony on the east and a glass-walled corridor on the west and extending into flanking second-floor rooms which have sliding wall panels.

The first floor is a concrete slab on grade with a Botticino terrazzo finish; ceilings and walls are gypsum wall board except in the walnut paneled living room and tile baths. Roofing is built up tar and gravel and exterior siding is Texture 1-11 abraded cedar plywood.





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DESIGN PIRACY (Continued from page 27)

- (iii) Possible forfeiture or destruction of all infringing articles, plates, molds, etc.;
- (iv) Recovery of costs, and possibly attorney fees.

These summary highlights may be supplemented by a section by section analysis which is available on request.

The Willis Bill attempts to fill the gap created by copyright and patent laws by fashioning a scheme of protection tailor-made to the needs of designs of useful articles. Ideas are borrowed from both of these bodies of law, but they are specially adapted. For example, a notice is to be affixed to the article, as under the copyright law, but without the rigid requirements detailed by that law. Criminal penalties are imposed for fraudulently obtained registration. Lessons have also been learned from prior legislative attempts in this country. Foremost among these are the elimination or limitation of liability of retailers, motion picture producers and periodical publishers.

Several examples will illustrate how protection under legislation such as the Willis Bill would improve the present situation.

1. "A" designs an imaginative shape for modern silverware. He is unsuccessful in securing copyright protection for the design as a "work of art." The design would be protected under the new law.
2. "B" creates a pattern for wallpaper using roses as the theme. The previous season a different rose pattern had been used by a competitor. The Patent Office might today deny a design patent on the ground that B's design was "obvious" from prior art and thus not "inventive." B could obtain design protection under the new law and prevent anyone from copying his particular rose pattern.
3. "C" introduces the idea of using human figures for cigarette lighters by designing a metal figurine of a man smoking a pipe with a lever in the pipe producing a flame. He obtains protection for the design under the new law. "D" designs a Santa Claus cigarette lighter with the flame emanating from Santa's hat. No infringement has taken place.
4. "E", a retailer, sells boys' neckties decorated with the picture of a jet airplane. The neckties were produced by a manufacturer, "F", by copying from a tie produced by "G", another manufacturer, and containing the airplane picture which had been copyrighted by G. Under present law, E would be liable as an infringer of G's copyright (which can last for 56 years) even if he were unaware of how F had produced the neckties. Under the new law, E would not be liable to G.

The months following the introduction of the Willis Bill saw a considerable amount of attention being given to the problems of design protection and to the bill in particular. Bar associations, trade associations, designer groups, individual manufacturers and others considered the Willis Bill and a number expressed approval of its principles. Articles appearing in the trade press made it clear that interest was beginning to be widespread.

In May of 1958, a small nucleus of industry representatives met in Washington, D. C. to form a central organization and clearing house for the many different industries and groups throughout the country who look to legislation such as the Willis Bill as their only hope in the fight against piracy. Following a larger organizational meeting held in New York City in June, the group began active operations on July 1, 1958. It is known as the National Committee for Effective Design Legislation and has offices in New York City.

In addition to its organizational function, the NCEDL has undertaken to educate the public on the pressing need for a new design protection law. It also is performing the legislative work necessary for the introduction and enactment of such a law.

While the program of the National Committee has not been rigidly limited by the provisions of the Willis Bill and the group has actively solicited suggestions and comments from many segments of industry in order to improve the bill, the Committee's view has been that four years of invaluable work would have been wasted had not the Willis Bill been the core of the legislative program. The Committee expects an amended version of this bill, improved with suggestions offered since July 1957, to be in the Congressional hopper by the time you read this article.

The membership of the National Committee represents a number of different industries and interests from various portions of the country. These include manufacturers and designers of items ranging from clocks to corsets, lighting fixtures to ladles, high fidelity sets to haut couture. The NCEDL includes trade associations and designer groups of national scope as well as individual manufacturers, designers and

members of the bar from different states.

While greatly encouraged by the substantial progress already made, the NCEDL recognizes the ambitious task ahead. The Committee continues to seek to broaden its membership and welcomes the active, financial and moral support of all groups and individuals interested in design protection. There is at long last cause for optimism. But time, money, energy and initiative are still needed to enable us to complete the job.

MUSIC

(Continued from page 14)

root stock of the sciences. The dial reports for
 “. . . the instruments and the mechanisms that
 work
 reliably,
 more reliably than the limited sensory departments of
 the human mechanism.”

The machine, and the reporting dial, are man's invented extensions of the human physical and sensory apparatus, body, mind, the enlargement of his ability to do. Why should we fear them or insist that they are opposed to art? We shall see that some artists are learning not to fear the machine, are learning to read the dial and use the equipment as an extension of their creative ability to do. If what we call our religion lags behind our knowledge, what we act on will be superstition, dubious of integrity, denying hope, because it cannot rise imaginatively to our expanding conviction of fundamental order. Like all spiritual wars fought with weapons, the war between religion and science of the last century and the war between art and science of this century are superstitious wars. Then men fight in the cause of false gods.

“And God says
 observe the paradox
 of man's creative potentials
 and his destructive tactics.”

(No More Secondhand God)

In the face of war, during 1940, Buckminster Fuller began writing poetry in “spontaneously metered ‘doses,’” and by these he communicates what he has to say more directly and fluently than by his prose. These poems of an enlarged and unhabitual morality, looking at life as it is, failed of publication and remained unpublished for over twenty years. Will these at last be read, understood, be acted on, become knowledge?

Someone is more likely to ask: Is it poetry? Is it art? Here again we encounter the divisive agony. Every critic seems to agree that *For the Union Dead* by Robert Lowell is the book of poetry for 1964.

In *A Test of Poetry*, first published in 1948 and now beautifully re-issued in paperback by Jonathan Williams, Louis Zukofsky prints together poems or parts of poems by various authors, for comparison, not analysis. The choices are self-educating. Let us apply the same method.

Here is a quotation of Lowell, selected for praising by a writer in *Commonweal*.

“He is out of bounds now. He rejoices in man's lovely
 peculiar power to choose life and die —
 when he leads his black soldiers to death,
 he cannot bend his back.
 On a thousand small town New England greens,

the old white churches hold their air
 of sparse sincere rebellion; frayed flags
 quilt the graveyards of the Grand Army of the Republic.”

It may be disconcerting for our better professional poets — though they are perhaps not aware of it — that Buckminster Fuller and John Cage can secrete poetry at need. Because they are not accredited poets, we must seek their poetry where it is published, as one accustomed to the wilderness seeks a bee-tree. I gave my copy of *No More Secondhand God* to John Cage and phoned some local bookstores to order another. They told me they do not stock it. So I wrote to the Southern Illinois University Press at Carbondale, Illinois, asking them to send me a copy.

I have not been digressing. I have been surveying here some of the fundamental questions we must ask, issues we must raise, challenges we must encounter, in our travels among the arts. Our questing is uncommon, for we are seeking the artist, the creative mind, apart from what is commonly thought “appreciation” or taught in the universities.

“For most simply through paradox
 do I usually discover truth.
 A sufficient light within
 a seemingly opaque black object
 may suddenly convert that object
 into a brilliant vari-colored lantern.”
 (No More Secondhand God)

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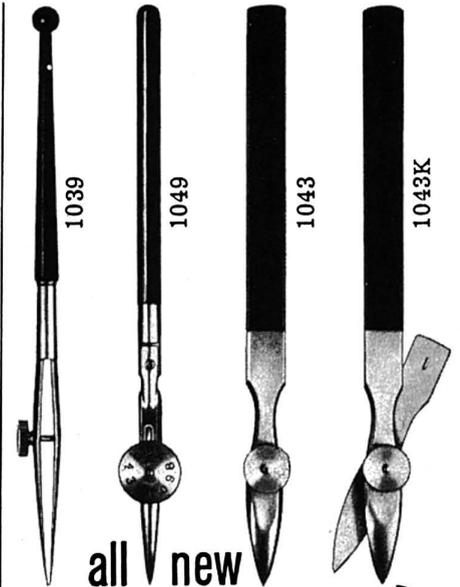
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MINIMUM STANDARDS COMMITTEE RECOMMENDS 3-YEAR GUARANTEE

At its final meeting prior to open public hearings scheduled for May of this year, the Advisory Committee on Minimum Painting Standards for the State of California approved inclusion of a 3-year Guaranty-Warranty on all painting of new construction.

The paragraph added reads as follows:

"A Guaranty-Warranty against defects in materials and workmanship for a period of three (3) years for all painting shall be furnished by the Prime Contractor to the Owner. It shall be signed by the Sub-Contractor as the Warrantor, if there is a Sub-Contractor, and signed by the Prime Contractor, as the Guarantor."

No major paint manufacturer gives a time guarantee on any of his products.

The three-year guarantee on both labor and materials mentioned in the news item reproduced above is needed and yet it may not become part of our minimum painting standards law this year — or next. The proposed law points up the fact that defective paints are being sold and it would be wise for architects, builders, contractors, painters to select a product that is guaranteed *today*. Not for just three years but for *five* years. Taylor Made Paints are the only house paints now available carrying a five-year written warranty against defects, protecting the buyer two years beyond the recommendations of the proposed law. Taylor Made Paints has offered this protection in writing (on paint only) since 1963.

JOE TAYLOR COMPANY

3342 Chapman St., Los Angeles 65, Calif., CL 6-3638



For
Your
Information

Q: I need an incombustible material for roof decking for a large factory now in the design stage. Do you have any suggestions?

A: You might consider one that has been accepted by the Research Committee of the International Conference of Building Officials as an approved material for the construction of incombustible roof decks and roof diaphragms. Developed in western Europe, the material consists of long, chemically treated wood fibers impregnated in a waterproof, fire resistant cement binder and compressed under tremendous pressure. The interconnected fibers form small, uniformly distributed air cells which result in high thermal insulation, excellent sound absorption, and light weight. Because of this, the material can be used for spandrel panels, load bearing partitions, acoustical tile and insulating sheathing as well as structural roof decks. In fact, its uses are limited only by the scope of the architect's imagination. As a roof deck the material will support roof loads of 200 psf ultimate, and its light weight, ease of handling, workability with hand tools, makes it both speedy and economical to use. Displayed at the Building Exhibition Center.

Q: Corrosion in a large water heater tank is my current problem. What is the best method of delaying this condition?

A: Over the past twenty years glass coatings have proved to be the most effective corrosion resistant linings for water heaters and for large volume hot water storage tanks. The pioneer in this glass-fused-to-steel field has now built more than 6,000,000 water heaters. The performance of these glass-lined heaters has made it possible for the manufacturer to offer a full 10-year water heater guarantee.

Q: I am considering using lift-slab construction for a pending project. Is there a limit as to the height of the structure?

A: According to a reliable source, lift-slab has a broad range of applications because it is not restricted to size or configuration. To date, most structures have been limited to 4 or 5 stories. However, last year dramatic examples of high-rise buildings were completed in this area, in Michigan, and in Australia. Our source of information, "Concrete Trends" published by Kaiser Cement and Gypsum Corp., states it is too soon to determine whether or not this is a trend or if this construction will be concentrated on building heights of 10 stories or less. It does state, however, that there is seldom sufficient economic justification for using lift-slab technique for structures smaller than 25,000 square feet.

Q: I would like a little variety in hand rails as a change from the usual aluminum ones. What is available?

A: New wood handrails with an aluminum substructure are now furnished as a complete unit. The solid walnut wood, with a natural hand rubbed oil finish, is bonded to the aluminum at the factory. Components for this new railing are available from the manufacturer to all metal fabricators who build aluminum railings. This makes possible competitive bidding for public and private work. Samples may be seen at Building Center.

Q: I am in need of a very special color stain for a large area of birch paneling in a restaurant. Do you know of any way I can get help in working out the shade I need?

A: If you have a sample of the color to match, or something similar as a guide, the factory representative of Rez Wood-Tones will experiment for you by intermixing their standard colors. He will provide you with either a wet sample of the color you wish or sample chips marked with directions so that the color can be easily duplicated.

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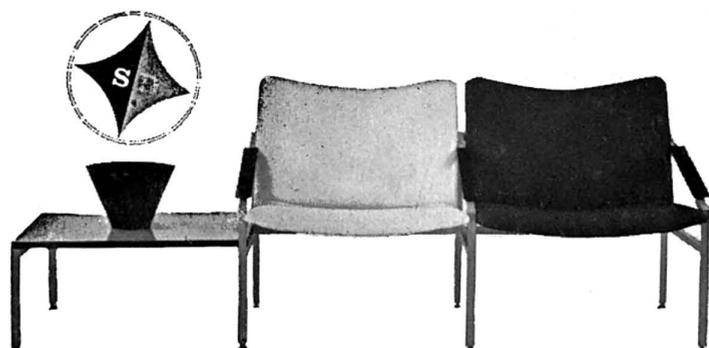
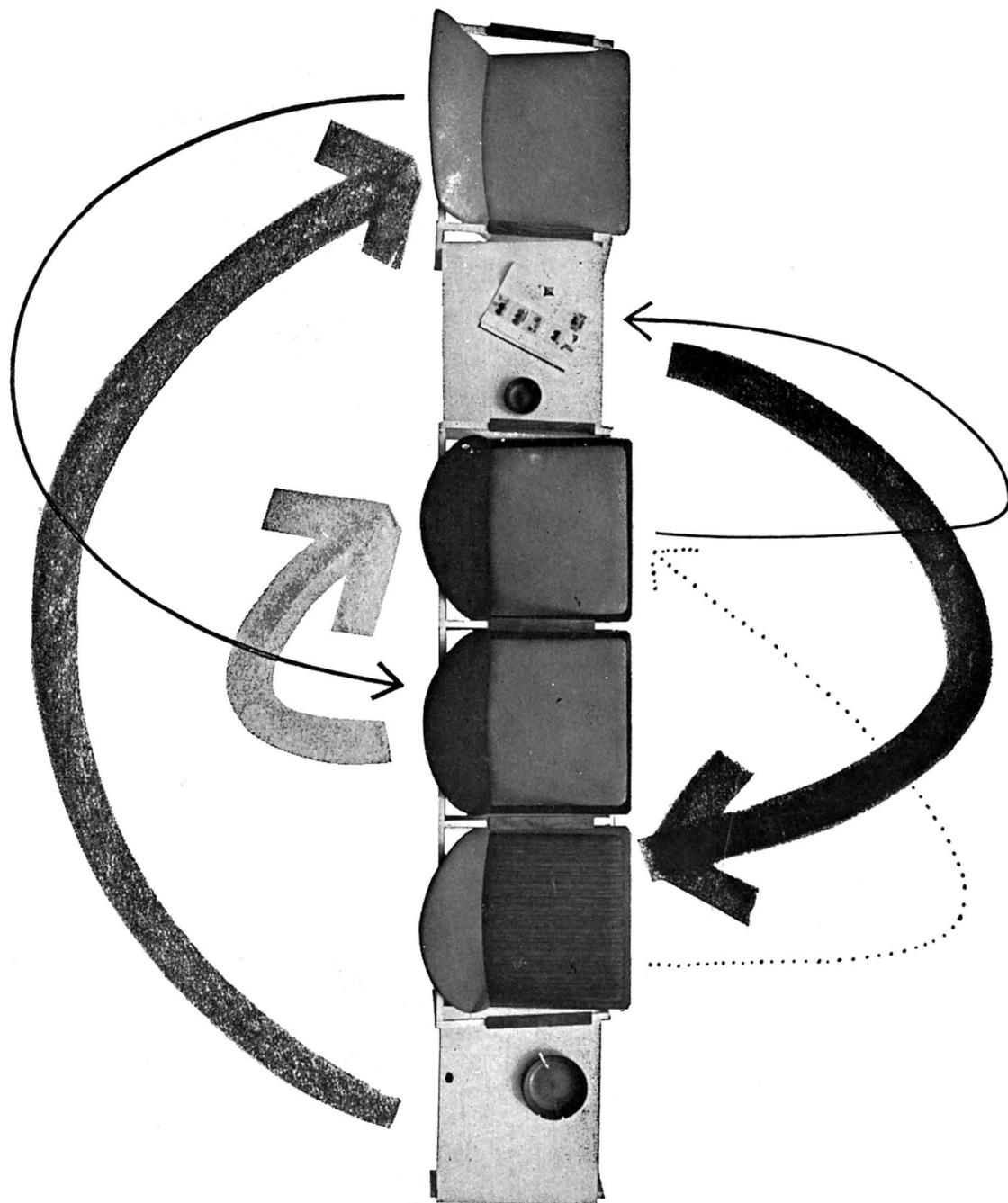
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