

Civil Defense officials attribute much of it to the Berlin crisis, and some, with an instinct for finding silver linings, have privately gone so far as to express the hope that the crisis will continue long enough to convince the remaining doubters of the need to make preparations.

The difficulty is that the Administration has no desire or intention to go all the way in civil defense. The reason is not merely financial. In weighing relative values, the Administration came to the conclusion that it was worth an eventual expenditure of perhaps \$20 billion to put men on the moon in this decade, vastly more than it plans to spend for civil defense. In considering the resources to be allotted to protecting the civilian population, it rejected the multi-billion-dollar proposals for deep blast shelters and settled on a program that for the present totals only some \$300 million in federal expenditures. Private spending of at least \$100 per family for civil defense preparations has also been recommended, but assuming even a large-scale response, it is clear that the Administration's program is a restrained one. Its choice was deeply influenced by students of strategy, including Herman Kahn, who have warned of the intentions that the Soviets might attribute to us if we embarked on a massive program of civilian protection.

Accordingly, the program offered by the President in his 25 July address to the nation is relatively modest in its goals, and aims principally at locating, marking, and stocking existing structures that would offer substantial protection against fallout: that is, the program is intended not to protect against the initial blast and fire effects but to protect the population that survives these effects. The amount of money involved is approximately 5 times what has been spent in each of the past 10 years, but there are no funds for—and apparently no serious thoughts of—large-scale and extremely costly deep shelters.

The Administration program reflects an awareness of many of the problems that have been pointed out in scholarly analyses of the strategic implications of civil defense. For example, a program built around fallout shelters, as opposed to blast shelters, cannot contribute to a mood of national truculence based on the assumption that the civilian population is extensively protected against a counterattack. And, while offering

some protection, such a program would not loom so large in everyday life as to afflict the national psychology with a preoccupation about the imminence of sudden catastrophe.

The public concern in this country can be gauged to some extent by the inquiries about shelter construction which have been received by civil defense organizations. At the Office of Emergency Planning, which is the newly established presidential body overseeing civil defense efforts, it is reported that mail inquiries have risen from an average of 4500 a week in July to 6500 a day through August and September. Smaller, but still substantial increases have been reported at state civil defense offices.

Newspaper accounts tell of a sharp increase in home shelter construction. In many cases, it is reported, the purchasers conceal the purpose of the construction, sometimes to avoid curiosity seekers, but in other cases to make certain that if the need for shelter arises, the neighbors will not attempt to crowd in. There have been accounts of discussions on the morality of barring one's neighbor from shelter. And a financial newsletter recently told of investment opportunities in civil defense supplies and equipment.

Thus, while the program is relatively modest, the public response is not, and this has been particularly noted by European visitors to this country. The answer may be that other nations are turning their backs on a catastrophic possibility, while we are realistic enough to attempt to do something about it. Regardless of the wisdom inherent in the conflicting reactions, the fact is that, in the United States alone, there is widespread public concern about protection against nuclear attack. Students dispute whether the Soviet Union is making similar preparations for its population. Repeatedly, it says it is not, and this conforms to the observations of the *New York Times* correspondent in Moscow. However, it has also been reported that without being conspicuous or noisy about it, the Soviet government has taken extensive steps to protect its civilian population.

Whatever the Russians are doing, the Administration has charted a program that seeks to balance difficult and often conflicting requirements. While seeking protection for the American public, it cannot be oblivious of the effects that would be produced both on the American character and Soviet suspicions if

a massive program for constructing blast-proof shelters were undertaken.

In the course of ending their apathy toward civil defense, great numbers of citizens have come to contemplate what steps they should personally take to survive an unfathomable horror. It is the Administration's desire that the emotional wrench involved will not nurture thoughts of dangerous solutions to the East-West conflict.—D.S.G.

### **Reapportionment: The Supreme Court Takes Up an Issue with Far-Reaching Implications**

The Supreme Court this week heard an appeal from a group of urban Tennessee voters who claim that, in violation of the state constitution, their areas are underrepresented in the state legislature.

The case is of far-reaching significance for the political alignments in numerous state legislatures and, ultimately, in the House of Representatives. A ruling for the plaintiffs could redress the imbalance between urban and rural representation on the state level. Since the state legislatures decide the boundaries—and therefore the size of the electorate—in congressional districts, such a ruling also could eventually give urban areas heavier representation in the House.

The Tennessee group contends that while the state constitution calls for reapportionment of the legislature every 10 years, the legislature last acted on this in 1901. As a result, say the plaintiffs, one rural vote in Tennessee can be worth as many as 19 urban votes in selecting members of the lower house. In many states afflicted by this problem, city voters find that the bulk of state revenues originate in urban areas, but are controlled by rural-dominated legislators who have no sympathy for urban problems of schooling, traffic, air and water pollution, and redevelopment.

The case that came before the Supreme Court is restricted to a state issue, but the implications are clear for congressional reapportionment, which often reflects similar urban-rural disparities of population and representation. Reapportionment of congressional districts could sharply affect the political makeup of the House, which in the last session repeatedly blocked or reduced Administration programs, such as the comprehensive education bill, that easily passed the Senate.

In accounting for the differing political temperaments of the two houses, it has been suggested that senators, with their majorities often based on urban areas, are more inclined to reflect the liberal leanings of the cities. Thus many Republican senators have far more liberal voting records than many rural Democratic representatives.

An additional possibility that could follow a ruling in behalf of reapportionment could be new revenue programs that would give big cities a larger share of state revenues and lessen the pressure that makes them seek federal aid.

Regardless of how the Supreme Court rules, however, the effects of its decision will be slow to arrive, and reapportionment will probably be fought long and hard in states where the disproportionate representation is greatest.

### Conference on Quackery

The American Medical Association, which has had a difficult time recently doing anything without being attacked for putting its members' economic interests ahead of the public interest, devoted 2 days last week to sponsoring a national conference on quackery, an enterprise which brought only favorable publicity. Everyone is against quackery, which, the conferees agreed, is flourishing.

A figure of \$1 billion a year was suggested by the AMA as the annual cost of quackery, broadly defined to include all unnecessary or worthless medication. This includes most of the \$350 million spent on vitamin pills, which few Americans need but many buy in response to advertising that suggests it costs only a few cents a day to be on the safe side; almost all the \$260 million spent on laxatives and patent medicines; and a good deal of the \$68 million spent on aspirin. Another \$250 million a year is spent on cures for arthritis and rheumatism, for which there is no cure.

The grosser class of quacks, peddling magnets, packets of uranium ore, condensed sea water, and such, guaranteed to cure any and all diseases, are, in terms of total business, comparatively small stuff, with the exception of cancer-cure peddlers. Fifty million dollars a year are spent for cancer cures, a good deal of it, apparently, by people who do not have cancer, but think they do, and who thereupon are likely to write thank-

ful testimonials to the quack they believe saved their lives.

The business of quackery is thus divided into the large-scale, but borderline, quackery promoted by nationally known firms selling products of some value, such as vitamin pills and laxatives, and the full-blown quack, offering a cure for anything the customer may think he has. The large firms cannot get too far out of line, since the Federal Trade Commission and the Food and Drug Administration have only to turn on a TV set to find out what they are telling their customers. A continuing game is played between these firms and the government regulatory agencies to see how far they can go in exaggerating the benefits or need for their products without providing the government with clear enough evidence to get a court to support a finding of misleading or fraudulent advertising. (An especially charming gambit was used several years ago by a laxative manufacturer who suggested that "if you have Asian flu, and need a laxative, take ———." Nothing came of this, because the Asian flu epidemic, and hence the advertisement, was gone before the government could act, but presumably a claim that "if you have cancer, and need a laxative, take ———," would stir the Federal Trade Commission to prompt action.)

What borderline quackery does is to encourage people to waste their money, usually in small enough quantities that no single customer is noticeably harmed. The authentic quack, on the other hand, may be doing a good deal of harm by depriving his customers of proper treatment and, since he operates on a less-efficient scale, often completing each sale with a personal call, he must make each customer pay well for his services. But exactly because the operation is normally carried on on a small scale, not using the national advertising media, it is difficult for the federal agencies to control this kind of quackery: it is expensive to track down each practitioner and to get a court conviction. The penalties for getting convicted are not severe, usually a small fine for a first offense. The result is that new quacks spring up as fast as the old ones are put out of business. The constant threat of harassment by federal agencies, though, presumably limits the temptation to go into the business, and consequently keeps down the prevailing level of quackery lower than it would otherwise be.

Two methods of attack on this grosser quackery were suggested at the conference: an AMA official suggested that the state medical associations exert themselves to attempt to see that laws with reasonably strict penalties for the unlicensed practice of medicine were passed and enforced. This has already been done in California and several other states, although the stricter provisions of the laws are often limited to cancer quacks. Another line of attack was suggested by an FDA official who reported that the Administration's version of the Kefauver drug bill would ask for powers to require proof of efficacy for all drugs before they could be put on the market. Kefauver's version of the bill applies only to prescription drugs. Under the FDA version the bill would apply to nonprescription drugs and would greatly simplify the FDA's problem in dealing with quackery. Under current laws FDA must prove that the questionable medicine will not cure what it is presented as curing. If the bill passed, the burden of proof would shift to the medicine man, for it would be illegal to sell a drug until after satisfactory proof that it will be effective has been presented to the government agency.

For dealing with the borderline quackery, Paul Rand Dixon, formerly Kefauver's chief counsel and now chairman of the Federal Trade Commission, said the agency would begin experimenting with a little-used power to ask a court for an injunction to stop misleading advertising in food and drug cases pending the final determination of the case. Indeed Dixon said he would ask Congress for the power to issue the injunction directly, without going to a court. He is unlikely to get this power, but if the FTC can make wide use of the court-issued injunction it will greatly increase the efficiency of the organization. Under present law there is an incentive on the part of an advertiser to fight a case out as long as possible even if he has little hope of winning, since he can, without penalty, continue the misleading advertising as long as the matter is still before the courts. Lacking this incentive, offending advertisers would presumably tend to settle their cases more willingly, and the FTC could use its limited resources to fight more cases. The prize for such delaying action goes to the manufacturers of Carter's Pills, until recently Carter's Little Liver Pills. On 28 May 1943 the FTC issued a complaint charging that