

the Pharmaceutical Manufacturer's Association, and there are more than a thousand lesser companies. Kefauver proposed that a drug manufacturer be required to license any of his competitors to produce a patented drug after three years. He also wanted to bar patents for molecular modifications—minor changes in a known drug which will produce a patentable variation—unless the variation were proved superior to its predecessor.

In this way, Kefauver felt, the high profit margins the manufacturers were enjoying on many drugs would be forced down by the loss of the patent monopoly. He argued that the three years of normal patent protection plus royalties on all sales of the drug for the remaining 14 years of the patent protection, when compulsory licensing would be in effect, would give the companies all they needed to enable them to recover the heavy investment in research and testing usually needed before a useful new drug was produced. He argued that the second patent provision, prohibiting protection for minor variations of known drugs, would complete the job by removing the incentive for the industry to aim much of its research at producing patentable variations of known drugs at the expense of concentrating fully on producing new drugs of the most benefit to the public. As a result, he believed, even though the first provision might lead to less spending on research, the second would offset this loss by assuring that the money that was spent would be spent in a more productive way.

Doubts

There is little doubt that Kefauver's patent limitations would indeed force down the price of drugs. Where Kefauver ran into serious difficulty was on the question of what else they might do. All of Kefauver's proposals are intended to have an effect on the price of drugs. The provision in the first part of the bill giving FDA a stronger hand against the makers of sub-standard drugs, for example, will, Kefauver hopes, make physicians more willing to prescribe by generic name instead of trade name. More active FDA supervision of manufacturers, Kefauver believes, will tend to lessen the feeling among physicians that in order to assure that their patients get first-quality drugs it is best to specify the trade name of a manufacturer of known reputation. In fact, the effect may be just the op-

posite, for although the great majority of unbranded prescriptions are just as good as those sold under well-known trade names, the more active FDA is in taking action against substandard drugs, the more often physicians will be reminded that there is at least a slightly greater chance that their patients will get a substandard product if they fail to specify a known trade name. It is perfectly possible that the effect of this reform will be both to make it even safer than it is now to prescribe by generic name and at the same time to make physicians even more wary of doing so.

This typifies the difference between the proposals in the two parts of the bill: in the first half, you have widely supported, long-discussed reforms which may or may not have a significant effect regarding Kefauver's special interest in lowering the cost of drugs. In the second half of the bill, you have provisions which will have a direct effect on drug prices, but which may or may not have good effects on the overall performance of the industry. In the first instance, pressure is on those who oppose the reforms to show what is wrong with them; in the second instance, those who oppose the reforms have only to raise a reasonable doubt about the wisdom of the proposal and they will have assured that the most Congress will do will be to say, "Let's look into this thing more carefully before rushing ahead." This is what the industry did very well.

Kefauver, for example, had assembled a good deal of data on the discovery of important new drugs in countries with varying degrees of patent protection. He interpreted the data to show that his proposals would not lead to a reduction in the number of important new discoveries even though they were likely to reduce the total overall number of new discoveries. The industry was able to offer an alternate interpretation of the same data which suggested just the opposite. This was all the industry had to do. Its interpretation was not convincing enough to thoroughly refute Kefauver, but it was convincing enough to raise doubts that Kefauver was right. On point after point, the industry was able to raise similar doubts, and sometimes quite convincing ones. Kefauver had not been proved wrong but as for his immediate chances of getting his patent proposals enacted into law, he might as well have been proved wrong.—H.M.

Population Boom: Administration Presents a Policy Statement That Is Ingeniously Confusing

In a speech that received surprisingly little attention, the Administration recently set forth its policy on the "population explosion" in lesser-developed countries.

The speech contained the Administration's first comprehensive statement on this politically sensitive subject. As is the style in virtually all official pronouncements that touch on birth control, bones were available for the watchdogs of all partisans. Behind the cautious verbiage and qualifications, however, was an acknowledgment that the Kennedy Administration desires to come to grips with the population problem.

Since the attitude of its predecessor was strict aloofness, the distance traveled to date by the Administration is relatively considerable. It has publicly exhumed the subject and has deemed it respectable for public discussion by government officials. It publicly acknowledges, in addition, that it has gone to the extent of helping some lesser-developed nations survey their population problems. Such surveys must inevitably precede any attempt to develop a population control program. And some officials say privately that in a few countries, U.S. assistance has gone beyond the census-taking stage.

Assistance Offered

The speech setting forth the U.S. position on population control was delivered 30 November in Washington by William T. Nunley, special assistant to Under Secretary of State George W. Ball. Nunley spoke at the National Conference for International Economic and Social Development, which comprises several hundred organizations and individuals supporting U.S. foreign aid efforts. He described his speech as an officially approved statement.

Sentiments favorable to U.S. assistance for population control predominated in his audience, and what Nunley had to offer was denounced as evasive by several persons present. In many respects it unquestionably was evasive, but strewn here and there through its five pages were some of the most remarkably frank public statements ever issued by a U.S. official on the subject of population control.

Nunley pointed out in the course of

his address that the State Department is "thinking about population problems and talking about them." This may seem a modest claim, but it is a marked departure from the situation that prevailed in the previous Administration and that for a short time was carried on by the current Administration. Eisenhower's attitude was summed up when he said in relation to population control assistance: "I cannot imagine anything more emphatically a subject that is not a proper political or governmental activity or function or responsibility." Taking their cue from the Chief Executive, Eisenhower Administration officials rarely referred to the subject. In the early days of the current Administration, the taboo remained in force until President Kennedy publicly referred on several occasions to his concern about the problem. It then became safe to talk about it publicly, and the existence of a population problem has been stressed with increasing frequency in the speeches of Kennedy's officials.

Nunley seemed for a moment to be announcing that the United States will directly assist other governments that seek our aid in population control: "Finally, we are prepared to consider on their merits certain types of requests for assistance to other governments. In fact, we have already begun to advise and assist a few governments in their efforts to acquire additional knowledge about their own population problems, specifically in the conduct of censuses."

Policy having been brought to this point, it was promptly enveloped in an obfuscating swarm of words, and on the basis of the text as a whole it would be impossible to say just what the United States is prepared to do about the population problems of lesser-developed nations.

The seeming decision to offer assistance would appear to have been set aside by the following: "I do not know whether or not the United States government will ever consciously provide specific assistance in controlling population growth, and I am even less certain whether we will ever offer assistance in support of birth control programs. At the present moment, incredible as it may seem to some Americans, birth control is not a major issue in most parts of the world. It certainly is not a policy objective of the United States Government."

The speech undoubtedly deserves a

place in the archives of confusion, but since its subject is one on which official evasiveness has generally been the keynote, it commands attention. Most notably, it did not shut the door to U.S. assistance in population control efforts, and, on balance, it seemed to be saying such assistance may be forthcoming.

In response to inquiries on the provocative statement that "we are prepared to consider on their merits certain types of requests. . . ." the State Department said: "We are not closing the door to anything. We will consider any request for help and decide whether it is suitable."

Privately, however, it was stated that the Administration is determined to move in this area and is cautiously testing the political terrain. In that context, this ingeniously confusing speech makes considerably more sense.—D.S.G.

Civil Defense: Like It or Not, Believe in It or Not, the Program Will Soon Be a Reality

While debate continues on what type, if any, civil defense program the United States should adopt, the program selected by the Administration is rapidly becoming a part of the American landscape. The confusion that has attended the effort—especially on the question of private versus community shelters—has obscured the managerial achievements involved in putting together a program and bringing it into being.

Civil defense has been a policy objective of the United States for over a decade, but after having labeled it as such, both the Truman and Eisenhower administrations left it to languish with small appropriations, inadequate leadership, and poorly defined goals. As a result, it took on an aura of unreality, and few citizens came to feel that it had a bearing on their lives.

In the past 4 months, however, the Administration has set clear goals—they are relatively modest—and put the program in the hands of effective managers backed by ample funds. Whatever the program's merits and implications may be, civil defense for the first time will soon be a functioning, visible undertaking that will make its presence felt in the lives of virtually every American.

Amid the debate over what should be done, it is therefore meaningful to survey the considerable amount that

has already been done and determine how it was done.

The most significant administrative step involved the movement of the civil defense effort from the Executive Office staff of the President to the Department of Defense. The resources of the department, which is the best-financed, biggest, and most geographically widespread in the government, gave the civil defense program a powerful operating base which it previously lacked.

At the same time, Kennedy spoke out openly and repeatedly in behalf of civil defense, far in excess of anything done by his two immediate predecessors. The program was developed and put into operation against a background of an international crisis created by the Soviet resumption of nuclear testing, the walling off of East Berlin, and communist incursions in the Far East.

The civil defense program that Kennedy presented to Congress was clearly limited to attainable goals. In this respect it differed from earlier efforts which were enmeshed in a variety of concepts, many of them fuzzy and conflicting. The program, he stressed, was to be regarded as insurance against "an irrational attack, a miscalculation, an accidental war which cannot be either foreseen or deterred." He acknowledged that "it cannot give an assurance of blast protection that will be proof against surprise attack or guaranteed against obsolescence or destruction. And," he added, "it cannot deter a nuclear attack."

The program, as it was broadly outlined before Congress, was to be built around existing structures which would offer protection against fallout. In addition, steps would be taken to stockpile supplies and expand warning and training measures. The raging controversy over private and community efforts, incidentally, was touched off by Kennedy's observation that "financial participation will also be required from state and local governments and from private citizens . . . every American citizen and his community must decide for themselves whether this form of survival insurance justifies the expenditure of effort, time, and money." Subsequent references to individual efforts, coupled with the rapid growth of the fallout-shelter business and do-it-yourself articles in popular publications, tended to obscure the fact that the community shelter program was primary in the Administration's planning.