

News and Comment

Congress: With New Sides Chosen It Appears the Next Game May Be Played under Some New Rules

The election gave the Democrats their biggest majorities in Congress since the New Deal high-water mark in the mid-thirties, and now the speculation season is in full swing, not only on what legislation will be enacted but also on whether Congress will liberalize the rules under which it operates.

Until President Johnson sends up the fiscal 1966 Budget after the new Congress meets in January, his legislative program will remain at least partly under wraps. A cut in excise taxes and the long-debated provision of medical care for the aged have been given priority by the administration. Vice-President-elect Hubert Humphrey last week said that President Johnson plans to ask Congress for an ambitious program of federal aid to education.

The swing of the electoral pendulum is not expected to result in great changes in federal science policy, which, by and large, has been a bipartisan affair. There is an annual uncertainty, however, over whether the big space budget will get bigger. A major expansion of the federal water desalinization program apparently will be part of the President's program, and other new initiatives in science and technology may well develop when returns are all in from the multiplicity of panels and study groups now grinding away.

In the matter of changing the rules of Congress, the focus of attention will be on the House of Representatives. While the Democrats gained just two seats in the Senate, to raise their majority to 68 to 32, they made a net gain of 37 seats in the House, so that the party division now stands at 295 Democrats and 139 Republicans (one race is still undecided). The House in recent years has been regarded as more conservative than the Senate, in part because committee and subcommittee

chairmen have exercised tighter control than in the Senate and because the House has been malapportioned in favor of traditionally more conservative rural areas. The prospect of rules changes to remove some of the brakes on straight majority rule in the House appears to have been aided not only by the election of so many "liberals" but by the removal, by retirement or defeat at the polls, of so many conservatives of both parties. (Of 54 House Republicans who in June signed a statement saying that nomination of Senator Goldwater would result in substantial Republican increases in Congress, 17 were defeated, 4 retired, and 1 resigned to run for the Senate and failed to win the nomination.)

The pressure for reform of the rules is coming primarily from younger Democrats representing city and suburban districts, mostly on the East and West Coasts and in the Midwest. Many of them started their congressional careers during the Eisenhower administration and feel that the rules of the House helped make it possible for them to be outvoted or simply outmaneuvered many times in the past by the so-called conservative coalition.

Seeing in the election arithmetic a golden opportunity for change, the reformers have called for action. The leadership of the House will have a decisive hand in any rules changes, however, and, it can be assumed, the White House will also be interested.

Currently regarded as the likeliest changes are (i) institution of a "21-day rule" to create a way for legislation around the roadblock of the Rules Committee, and (ii) an increase in the ratio of Democrats to Republicans on standing committees to reflect more exactly the division of the House between the two parties. The liberals also hope to see two Southern Democrats who endorsed Senator Goldwater for the Presidency—Representative Albert W. Watson of South Carolina and Repre-

sentative John Bell Williams of Mississippi—deprived of seniority rights and committee assignments by the Democratic caucus as an act of party discipline.

The 21-day rule, in its most familiar form, requires that any piece of legislation reported favorably by a committee and sent to the Rules Committee not be held there more than 21 days before being sent to the floor for action. The Rules Committee's power lies in its jurisdiction over the flow of bills to the floor and over the terms of debate. Rules Committee chairmen have often used their authority to waylay legislation.

A 21-day rule prevailed in the 79th Congress in 1949 and 1950 and was credited with permitting the passage of several bills, including the act creating the National Science Foundation. But some partisans of congressional reform have reservations about the 21-day rule since it may lead Congress to legislate in haste, or allow easy progress to the floor of a bill which a majority of legislators disapprove but are reluctant to vote against because of heavy pressure from a strong lobby—a World War I veterans bonus bill is an example taken from the last session of Congress.

House Speaker John W. McCormack (D-Mass.) reportedly might favor institution of a 21-day rule and, perhaps, some means of taking bills to conference more easily. The most significant thing in this is that a Speaker, at this point, is willing to talk about reform at all.

More sweeping plans for changes in the rules are being bruited, most of them centering on modification of the iron-clad seniority system, which distributes power according to length of continuous service in the House. Richard Bolling (D-Mo.), a liberal member of the Rules Committee and a lieutenant of the late Speaker Rayburn, for example, urges that the Speaker of the House, now a Democrat, be given authority to nominate all committee chairmen, posts now filled through seniority, and also to name the majority members of the Rules and Ways and Means committees. All of this would be subject to ratification by the Democrats meeting in caucus.

Such a change would mean reversion to a system actually in effect early in this century until the excesses of the autocratic Speaker Joseph Cannon caused a revolt. Behind Bolling's plan is an argument for greater party re-

sponsibility through tighter discipline. It is risky to predict the temper of the new House, but, while some reforms are likely, it seems unlikely that the House will demolish the seniority system. Too many members have a stake in it, and a reluctance to give the leadership and the White House broader powers to reward and to punish is very deeply ingrained.

The reformers, in their intent to increase the Democratic ratio on regular committees, have the tax-writing Ways and Means Committee square in their sights. Not only does Ways and Means wield authority over medicare, but the Democratic members of Ways and Means serve as the party's committee on committees, which assigns Democrats to committee posts. Enlargement of the committee and assignment of liberal Democrats to Ways and Means might well serve the reformers' aim of making the membership of the most influential committees more representative of the total membership of the House.

On the medicare issue, Ways and Means Committee chairman Wilbur Mills (D-Ark.), who has opposed the administration plan for providing medical care for the aged under the Social Security system on the grounds that the actuarial soundness of the Social Security program might be damaged, has indicated that he will bring the matter up in committee after Congress convenes.

The medicare controversy seems to have been largely responsible for one interesting election statistic. Of 15 physicians who ran for Congress, only three were elected—one Democrat, who is a committee chairman, and two Republicans, one of them an incumbent. The medicare issue apparently played varying roles in the campaigns involving physicians. In the case of Representative Thomas E. Morgan (D-Pa.), chairman of the House Foreign Affairs Committee, both he and his opponent were doctors, and Morgan was viewed as favoring and his rival as opposing medicare. Another physician incumbent in Pennsylvania, Republican James D. Weaver, lost by a mere 2 percent of the vote, while Missouri Republican congressman Durward G. Hall, also a doctor, won by the same margin. The only newcomer to Congress who is a physician will be Representative-elect Tim Lee Carter of Kentucky, elected to succeed a retiring G.O.P. congressman in a district which

has been a Republican stronghold since the Civil War.

Weaver was one of four Republicans on the House Science and Astronautics Committee to meet defeat at the polls. However, the committee, which oversees the programs of both the National Aeronautics and Space Administration and the National Science Foundation, is one of the committees where a large degree of bipartisan agreement prevailed, and even if the Democratic-Republican ratio is altered, no great change in the views or actions of the committee is expected.

Among legislators influential in matters affecting research, perhaps the most noteworthy defeat at the polls befell Representative Kenneth Roberts, one of the five Alabama House Democrats cut down in the Republican surge in their state. Roberts has been chairman of the House Commerce subcommittee on health and safety and an authoritative voice on health and drug matters in the House for a number of years. Ranking Democrat on the subcommittee, and heir apparent to the chairmanship, is George M. Rhodes (D-Pa.).

Departures and Arrivals

Another electoral casualty was Representative Abner W. Sibal, a Republican moderate from Connecticut, who sponsored a proposal to create a science advisory committee for Congress (*Science*, 21 June 1963).

An addition to the thin ranks of House members with scientific or technical training comes with the election of William R. Anderson (D-Tenn.), a 43-year-old retired Navy Captain who was skipper of the nuclear submarine *Nautilus* in the first voyage under the polar ice cap. Another House freshman will be an upset winner, California Republican Ed Reinecke, a mechanical engineer and Caltech graduate who has headed his own small industrial firm.

In the Senate, reformers biennially set their sights on the rule which permits unlimited debate and, therefore, the filibuster. An attempt to modify the rule may well be made. A proposal for a much more sweeping change, a major reorganization of Congress as a whole, was put forward last week by Senator A. S. Mike Monroney (D-Okla.). Monroney was cosponsor of a reorganization act in 1946 which did a good deal to modernize committee operations and staffing, and he would again use the device of a special com-

mittee made up of members of both Houses to conduct a thorough study and make recommendations for an overhaul. Monroney has long advocated improving the machinery by which Congress deals with the budget and with appropriations matters.

As for the legislative prospects in the coming session, the usual practice of looking at unfinished business in the past session for clues to action in the next may not be too helpful. The administration's extraordinary success with major legislation in the last year of the 88th Congress left the cupboard relatively bare. The President's Appalachia program seems sure to be pushed, and there is a good deal of talk about a plan put forward by Walter W. Heller, chairman of the Council of Economic Advisors, to earmark a portion of surplus federal tax revenues for transfer to the states. The plan is favored by some who see in it a promise of a way to effect substantial federal aid to education and at the same time avoid the federal control and church-state issues which have stymied federal aid in the past. Resistance to the proposal seems to be building rapidly, however, particularly in the federal agencies, and it is impossible to predict what the outcome of the debate on this new idea will be.

One proposal which apparently has President Johnson's blessing is expansion of the national program on water desalting technology. Under the plan developed by the Interior Department and the Atomic Energy Commission the government would spend some \$37 million a year for 5 years on desalting technology, more than triple the present rate of spending. An additional \$220.5 million would be spent over a 10-year period on nuclear reactor development—in addition to the regular AEC civilian power reactor program—to further the idea of combining nuclear power and desalination plants.

This program calls for a hefty supplemental appropriation immediately, and the fate of this item will have to await the advent of the President's budget, along with the larger question of how the President intends to start constructing the Great Society, the Johnsonian successor to the New Deal, Fair Deal, Great Crusade, and New Frontier. If the path to the Great Society is to be paved with new legislation, the President will immediately be faced with the problem of how to reconcile the costs of major new programs

with his effort to keep a \$100-billion limit on the budget, a lid which he said last week may have to be lifted.

With a 2-to-1 Democratic majority in the House, President Johnson will be expected to surpass his legislative feats of the past year. It should be remembered, however, that his majority is not necessarily a 2-to-1 liberal majority. At least two unknowns are likely to be quite important. The first of these will be the conduct of the reduced Republican minority, which has leadership and policy problems of its own to settle. The second question mark hangs over the swollen ranks of the Democratic majority. It is one of the perverse facts of congressional history that a big majority is sometimes more awkward to manage than a small one. President Roosevelt learned this after his landslide victory of 1936, and the Senate Democrats, after their tribe increased sharply in the election of 1958, failed to find the unity which would have given them power proportionate to their numbers.

Seasoned observers note that many of the incoming congressmen may well be "one-term wonders," and that they know it. Under these circumstances the scope for absenteeism, back-biting, factionalism, and sheer eccentricity is greater than when the House is more narrowly divided. Errant behavior on a significant scale may very well not materialize, but the shape of the 89th Congress will be much clearer after the matter of the rules is settled, at the beginning of the session.—JOHN WALSH

Krebiozen: Government Indicts Sponsors of Alleged Cancer Drug; Ivy, Durovic, among Those Named

The federal government has finally made its long-promised move against the sponsors of the alleged anticancer drug, Krebiozen. Late last month a federal grand jury returned an indictment against Andrew C. Ivy, former vice-president of the University of Illinois and one of the country's most prominent medical scholars and educators; Stevan Durovic, the Yugoslav refugee who discovered the drug; attorney Marko Durovic, his brother; and William F. P. Phillips, a Chicago general practitioner. Named with the four individuals was the Krebiozen Research Foundation, the organization which dispensed Krebiozen and was supposed to be responsible for scientific investiga-

tion of the drug. The indictment contained 49 charges, including one count of conspiracy, five counts of submitting false information to the government, 38 counts of violating the Food, Drug, and Cosmetic Act with intent to defraud, and five counts of mail fraud.

The following charges are among the grand jury's specific allegations.

1) In 1961 Durovic wrote to the National Cancer Institute concerning the cost of supplying Krebiozen for a government-sponsored test, saying that he would be able to produce up to 15 grams of Krebiozen for \$170,000 per gram (a single gram being equal to 100,000 doses). In fact, the grand jury charges, Krebiozen was "creatine monohydrate, a common substance which could be purchased at approximately 30 cents per gram." Even if Krebiozen could be produced by the alleged method, the indictment states, it would cost only about \$8000 per gram.

2) Krebiozen was falsely labeled as having been extracted from the blood of horses, and shipments of it contained misleading claims that the drug was the object of scientific study when in fact it was being sold commercially. Documenting this assertion, the grand jury claims that Krebiozen was once shipped for treatment of a patient reported to Ivy and Durovic as having had both lungs removed, a condition which would be immediately fatal, and that on two other occasions it had been sent to patients who reportedly had had both kidneys removed, which would also be fatal. As further evidence that the drug "was not intended solely for investigational use by experts," the indictment lists several instances in which, it claims, orders were sent directly to lay individuals.

3) In several instances, it is alleged, the defendants submitted false reports to the Food and Drug Administration regarding the results of their treatment of patients with Krebiozen. The indictment charges that a report submitted to FDA by Ivy and Durovic in 1963 about a patient, Leonard Taietti, contained the notation: "June, 1961: The patient has been well and free of complaints now for over nine years since the start of Krebiozen." In fact, according to the indictment, Taietti died of cancer in 1955. The defendants are also alleged to have submitted a report about another patient, Mrs. Helen Best, reading: "August, 1953: This patient contracted a virus pneumonia and died in August. Autopsy was refused." The

grand jury charges that the defendants knew that Mrs. Best died of cancer in 1954, that an autopsy was performed, and that her death certificate was signed by defendant Phillips, who had a copy of the autopsy report. The jury also charges that the defendants stated that Mrs. Best had received no radiation therapy, when in fact she "had been subjected to extensive radiation therapy upon orders of the defendant, William F. P. Phillips."

Despite the gravity of these and related charges, the Krebiozen forces do not appear to be disheartened. While it would be wrong to say that they actually welcome the trial, the defendants appear to be relieved that the charges that have been discussed *sub rosa* for such a long time have finally been brought into the open, and they believe that the trial may give them an opportunity to make an effective presentation of their case. "You can't settle scientific controversies with a big stick," Ivy said in a telephone interview last week, "you can only settle them by a cooperative scientific test. That is still what we are after."

The trial has been set for early January. The maximum penalty could be fines totaling several hundred thousand dollars, and extended prison sentences.

—ELINOR LANGER

Announcements

The Herbert H. Lehman Fund has been established by the Institute of Physical Medicine and Rehabilitation at New York University Medical Center. Financed by a grant of \$250,000 from the Edith and Herbert Lehman Foundation, it will be used to establish an endowment fund enabling foreign physicians to receive postgraduate training in physical medicine and rehabilitation at the N.Y.U. Medical Center. The income from the grant will establish two annual **Herbert H. Lehman memorial fellowships**, the first of which is to be awarded early next year. Further information is available from the Office of Public Information at the Institute, New York 10016.

The **Boston Museum of Science** has announced the establishment of the Bradford Washburn Award. It will be given annually "to an individual, anywhere in the world, who has made an outstanding contribution toward public understanding of science, apprecia-