with Ralph Nader's Health Research Group, offers another motivation: "Most of the FDA officials are worried by controversy, but you should see Hutt once a fight gets started—he really loves it. He probably saw more fights going on in the FDA than in defending people like Abbott Laboratories."

The chief fights with which Hutt has been associated during his 10 months as general counsel are the DES controversy and the Freedom of Information Act. It is rumored that Hutt was not entirely happy that the FDA had gone so far down the line in defending the carcinogenic additive. Be that as it may, it was he who devised the legal tools for keeping DES on the market up until last week's belated decision to ban it. More important than DES in the long term is the new information policy Hutt has engineered for the FDA. Under the Freedom of Information Act of 1967, all federal records are meant to be open to the public, except for specified exceptions such as trade secrets (*Science*, 4 February 1972). The FDA's policy until this May had been to suppress everything, including the vast amounts of scientific information supplied by industry, which, in theory, form the basis of the FDA's regulatory decision-making. Although unfortunately illegal, this policy had the advantage of preventing consumer advocates and other intrusive members of the public from second-guessing the bureaucrats' decisions. But the secrecy was also self-defeating from the viewpoint of public relations, about which the FDA has recently begun to care more.

"The first thing Commissioner Edwards asked me to do was to tackle the problem of secrecy," Hutt told *Science*. Hutt's solution, a set of regulations stipulating what kinds of information the FDA will make available to the public, is an acid test of his and his agency's intentions. The new regulations, he said in a recent speech, are the "cornerstone of a new openness at the FDA . . . [which] forces us to make better decisions and permits the public an opportunity to understand our decision-making." The new regulations will, in fact, make available some 90 percent of the data in the FDA's voluminous files. The information that would be withheld is chiefly the safety and efficacy data submitted by manufacturers in support of new drug applications (NDA's). Yet, in the view of the consumer advocates, this is precisely the information that the FDA should not withhold from the public.

To make available the scientific data submitted with an NDA, Hutt argues, would be to give an unfair advantage to a manufacturers' competitors. In answer to the consumer advocates' objections Hutt points out he is requiring manufacturers to submit a summary of the NDA data. The summary, vetted for accuracy by FDA officials, will be made public. This solution does not sit well with the consumers. "Hutt is a master of liberal rhetoric," scoffs Johnson, the Nader Center's resident expert on the Freedom of Information Act. "The summaries will be perfectly useless. No competent scientists trying to assess the safety or efficacy of a drug would rely on summarized data."

James S. Turner is another consumer advocate who is unimpressed with Hutt's new regulations. "All he has done is eliminate some of the FDA's more outrageous restrictions." Turner has a suit pending against Hutt (Morgan *v.* FDA), in which he is invoking the Freedom of Information Act to prize open the FDA's files on birth control pills. A suit calling for all the FDA's files to be opened (Turner admits that the FDA should be allowed a few secrets) has been filed by Ralph Nader's Center for the Study of Responsive Law. Hutt is looking forward to this upcoming legal scrap. In fact, to make it a better fight, he asked the Pharmaceutical Manufacturers' Association to file an *amicus curiae* brief contending that the FDA should reveal nothing. This way, the full spectrum of positions, from total secrecy to total openness, will be presented to the court. The FDA has not yet made firm its position on the Freedom of Information Act.

Hutt has been assiduous in trying to establish rapport with the consumer movement. He and Edwards hold a monthly meeting at which they thrash things over with consumer advocates. "I appreciate the work these people do and there should be more of it," Hutt says. Despite the harsh words the consumerists had for Hutt's appointment—Choate called for his nomina-

Briefing

Senate Bans Use of Weather, Fire as Weapons by DOD

Probably one of the most formidable friends of the Department of Defense (DOD) in Washington is Senator John Stennis (D–Miss.), who presides over the Senate Armed Services Committee. With his authority over the annual DOD budget, and his committee's traditional sympathy to the military's point of view, Stennis has been a major obstacle in the past to Senate doves seeking to tack end-the-war amendments and other favorite liberal items onto the authorization bill.

Yet, to the surprise of many, on 28 July, Stennis accepted without objection or even debate an amendment to the 1973 authorization bill proposed by Senator Gaylord Nelson (D–Wis.) which would prohibit use of the funds for creating "so-called firestorms or fires over a large area" or weather modification techniques as modes of warfare. The amendment would bar DOD from "entering into or carrying out any contract with" anyone else who might do so. Nelson introduced the legislation in the wake of allegations that both of these tactics had been employed in the course of the Vietnam war (see *Science*, 16 June, 21 July).

Why Stennis, who traditionally presents a stony facade to liberals' potshots at the Pentagon, suddenly accepted the amendment is something of a mystery. One theory is that, since the Mississippi Democrat is one of the few members of Congress who has been given a classified briefing on military use of weather modification, he cannot discuss it freely, and accepting the amendment outright was a means of limiting debate on the Senate floor.

Two problems remain. One is that the amendment will probably go by the board when the House and Senate confer on the authorization bill next week. Even should it slip by, however, and find its way into law, the amendment could be virtually unenforceable. Despite references in the *Pentagon Papers*, whether the military has used weather modification in Indochina has been remarkably difficult to prove. Presumably, proof will be equally elusive in the future to lawmakers tracking down alleged violations.—D.S.