

case report form that would list a patient's name or initials, the age, the drug used, the dose used, and then a table of checklists as to whether it is better than the barbiturate or equal to it or less effective, whether side effects were experienced, and the indications for its use, that is, the reason you give it, associated with or resulting from a list of disorders, including obstetrical conditions. Are you familiar with that report form?

A. We never filled out — so far as I know, I believe we never filled out anything like that so far as Kevadon is concerned, but we did fill out something like that for MRD-640 (an aspirin compound containing thalidomide).

Spangenberg asked: "Doctor, you recall your article, which you said they wrote for you in draft form, listed a study of cases, and as I remember reading that article, there was quite a bit of detail as to the age groups and the effects and percentages of those who got as good relief and so forth. What kind of reporting or written detail was there to support those statements in the draft of the article Merrell wrote?"

"I don't remember," Dr. Nulsen said. "It may have been we filled out these original report things Dr. Pogge

suggested or it may have been I put figures down on paper and stuck it in my pocket and gave those figures at lunch one time. I don't remember."

Since thalidomide the Kefauver amendments have helped tighten new drug testing procedures. The circumstances under which Dr. Nulsen's "clinical investigation" were carried out, however, have not altogether changed. As Congressman L. H. Fountain's hearings last year disclosed, drug companies still ghost-write articles for doctors, and medical journals publish them, without making clear their origin. The FDA now has authority to veto a drug company's plan of clinical investigation into new drugs if it does not seem adequate. But in practice the FDA is short-staffed and may well not get around to examining the details of a new drug investigation until the product is on the market. There is little to ensure the investigators themselves have sufficient background in the research they undertake. And a doctor's patients still need not even be told they are the guinea pigs for a new drug. Under federal law, this is unnecessary if, in the "investigator's professional judgment, [it] is contrary to the best interests of the subjects."

## Dollars (15,000) for Democrats

Of all the honored rules of American politics, the ones setting limits and restrictions on campaign contributions are the most consistently, and casually, breached. The Hatch Act says a party committee can raise or spend no more than \$3 million a year; so in 1964, 107 national-level committees operated to get up the \$29 million both parties (officially) blew on their national campaigns. Law decrees, too, that neither corporations nor unions can contribute to elections, but there are thousands of technical ways around the proscription, and most of them are used.

In all, Americans spent about \$200 million on politics in 1964 — an expense item that might fall somewhere between entertainment and education, if deductible on a tax return. Unfortunately, it is not — at least in the form of outright contributions to political committees. That does not stop the fund-raisers. Corporate "advertising" is still a deductible expense, and late last year, the Democratic National Committee "sold" 66 pages of advertising, at \$15,000 a page, to major American companies to promote their wares, or their images, or their interests, in a book called *Toward an Age of Greatness*. The purpose of the project is to raise funds for Democratic candidates, and it appears that it will be entirely successful, probably netting the party a million dollars

or so for the 1966 campaign.

Exactly what advertising benefit the 178-page book will produce is unclear. By curious coincidence, most of the advertisers happen to be inordinately interested in government policy: as defense suppliers, or objects of regulatory commission interest, or contractors of one kind or another, or simply as huge elements of an economy which is increasingly government-controlled. Lockheed, Grumman, Douglas aircraft companies are in the book; so are Pan American, Eastern, TWA, American airlines; so are Ford, General Motors, Chrysler.

The books were copied after the enormously profitable national convention programs the Democrats published in 1964; it contained ads (also at \$15,000 a page) and raised about \$1.5 million to help defray the \$2 million the convention cost. *Toward an Age of Greatness* is to be distributed at a series of movie "premieres" staged across the country for the help of congressional candidates. The movies vary. Some congressmen have had *Thunderball*, the new 007 film. Rep. David S. King, the Democratic congressman from Salt Lake City, Utah, got *The Heroes of Telemark* (he sold 900 tickets at \$10 a single, \$15 a couple).

But from embarrassment or muddle, the books have not been arriving in time for all the premieres. Okla-

homans, for instance, got something called "Keep Oklahoma Moving Forward," instead of the national publication. It carried advertising from state firms. Rep. Charles L. Weltner, of Georgia, reckoned his constituents would see the book unsympathetically as a gimmick, and refused to pass it out at his premiere of *Thunderball* in Atlanta (\$15 a ticket).

Weltner may have looked good with the voters, but he had to fight off Democratic Committee functionaries, who were humiliated at the rejection. After all, they had thoughtfully provided a little slot for congressmen to put their photographs, and another pocket for instructions in local voting laws. The book, which proclaims the marvels of the Democratic political program, could do nothing but good, and besides, they had promised the advertisers a wide distribution.

On the other hand, the advertisers were reaching their major market most effectively merely by signing their checks. Although no coercion was ever used, it probably occurred to the proper executives in the proper companies that \$15,000 directed at the White House might be as well spent as \$15,000 aimed at the three million subscribers to *Time* (space rates in both publications are about the same).

Doubts the companies may have had about the legality of it all were dispelled by a memorandum prepared by Richard C. O'Hare, an attorney with the firm of Corcoran, Foley, Youngman and Rowe (the Corcoran is the President's good friend and so is the Rowe). The official line was that the booklet would benefit *non-partisan* "voter education committees" set up, spontaneously or something, in the various states. In the lawyer's opinion, the committees would "encourage the most effective use of the republican process of government by assisting in the achievement of the maximum popular participation therein . . . without regard to political party."

Such stirring sentiments did not exactly jibe with a memo sent earlier in the year to Democratic congressmen from the Democratic National Committee staff. According to Walter Pincus, who has made a fine profession of probing money and politics for the *Washington Evening Star*, the congressmen were told that the "voter education committees" would be "pointed to the election and reelection of congressional candidates which support the Democratic views of the Committee," and that the nonpartisan committees would include National Committee staff workers.

Quite apart from possible problems with the law (Section 610 of Title 18 of the *United States Code*) which prohibits corporations from contributing to the election campaign of a US representative, there is some question whether the tax people will let the firms take the cost of the ads off their returns. If they do, it will amount to an indirect subsidy of political campaigns by the government. That may not be such a bad idea, or

so some political theorists believe, although in the present form the process of "subsidy" is rather whimsical. But there is a movement for reform of campaign financing, based on the assumptions that the present restrictions are both unreasonable and unenforceable, and that it is in the interests of democratic government to broaden participation in politics, in contributing as well as working.

After his election, President Kennedy set up a bipartisan Commission on Campaign Costs, which was charged with recommending improvements in the law and practice of financing Presidential campaigns. Kennedy had come out of his election with a \$3.8 million deficit in the Democratic kitty, and the energies required for fund-raising were draining the whole political effort. The Commission at length produced a set of recommendations — including tax credits for small contributions, and tax deductions for larger ones, the removal on ceilings for contributions and expenditures, and tightened procedures for reporting finances. Kennedy submitted the proposals to Congress, which did nothing. President Johnson did not even bother to re-submit them.

In many ways, the Commission's recommendations no longer suit the Democrats. The regime of Richard Maguire as treasurer of the National Committee (he left last month) was a bumper era for the party's finances. The "President's Club" (\$1,000 minimum membership) has grown to about 4,000, the ad books were published, and the electoral success of the party and the Johnson-Goldwater campaign turned the customary pattern of party contributions on its head. Now, the Democrats get most of their money in large sums; the Republicans have spread their base of contributors very thin, and they would be favored by small tax benefits.

Campaign contributors have always had political leverage — the biggest have a way of turning up on Honors Lists. Maxwell H. Gluck gave \$26,500 to the Republicans before the 1956 elections and became ambassador to Ceylon. One donor, who with his wife gave \$20,000 to the Democrats in 1960, got a full Presidential pardon from Kennedy in 1962 for a mail fraud conviction.

More than that, reliance on the very richest individuals and corporations for political success necessarily limits the flexibility of policy a party or an official can employ. Politics, like education, suffers most when it is in the hands of the very few. For a long time, government has been subsidizing education (tax deductions for contributors, tax freedom for institutions, preferential radio and television licenses, and outright grants). Some of the same might be done for politics (free TV time could cut campaign costs by a third). At the moment, the alternative seems to be bigger and bigger program books and advertising sales.

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