

National Health Federation

BULLETIN

NOVEMBER 1976

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**Fed Up With
Discrimination,
Naturopaths Go
On Offensive**



LAWYER CROW

**61 Doctors, 10 Groups
Including NHF Are
Plaintiffs in Class
Action to Challenge
Natural Healing Ban**



DEAN BURK

**West Virginian
Leads Action to
Legalize Laetrile** ▶

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◀ **Profile of a
Great Scientist:
Dr. Dean Burk**



ED KEENE

**One Story Too Hot for Hearst Chain
FDA Feeling Heat from Congress
Tic Douloureux Yields to Chiropractic**

THE
NATIONAL HEALTH FEDERATION
BULLETIN

Protection of Health Freedoms

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CONTENTS

Naturopathy Takes Its Case to the Courts.....	1
One Gal — With Help — Saved the Day for Naturopathy in Kansas	5
Minnesota Chiropractor Deals With Tic Douloureux.....	7
Chiropractic 'Winning Battle for Respectability'.....	9
Someone in Hearst Chain Plays Establishment Game.....	11
Laetrile Court Test Shaping Up, Thanks to Ed Keene.....	13
Hear It from a U.S. District Court Judge!.....	16-17
Scientific Achievements Only One Facet of Dean Burk's Fulfilling Life	18
ADA's \$15,000 Donation to Washington Dentists.....	24
Hail to Brainerd — and A Selfless Lawyer (Editorial).....	25
Clinton Miller's New Base of Operations.....	26
Highlights of Upcoming New York Convention.....	26
A Few Courageous Doctors Stand Up to FDA Harassment.....	27
Dr. Schmidt Refuses to Accept Panel Recommendations for In-Depth Investigation of Food & Drug Administration.....	28
FDA Tangles With NIH/NCI Over Drug-Testing.....	29
In the Market for Real Estate? Check NHF Listings.....	31
We Welcome More Perpetual, Life Members!	32

The Bulletin serves its readers as a forum for the presentation and discussion of important health issues including the presentation of minority or conflicting points of view, rather than by publishing only material on which a consensus has been reached. All articles published in the NHF Bulletin — including news, comments and book reviews — reflect the individual views of the authors and not necessarily official points of view adopted by the Federation.

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Tired of Discrimination

Naturopaths in 25 States Take Bull By Horns: Sue

After being subjected to intimidation and outright legal persecution for most of this century, the branch of the healing art dealing with natural methods and treatment of the "whole person" — naturopathy — has gone on the offensive.

A class action suit, aimed at obtaining a declaratory judgment defining the scope of naturopathy and the constitutional right of physicians to practice, and patients to be treated, was filed Sept. 3 in 25 states by 10 organizations, 61 doctors, and six individuals.

Since the right of freedom of choice is a primary tenet of its goals, the National Health Federation has joined the action as a plaintiff.

Representing the plaintiffs is 34-year-old Attorney Stanley D. Crow of Boise, Idaho, who has done extensive research into the constitutional aspects of the case, and has studied the ramifications touching upon such issues as the rise of health-care costs, and the role of pharmaceutical manufacturers and "regular" medical practitioners in promoting the drug approach as opposed to natural methods of healing. Mr. Crow was valedictorian of his high school class, was graduated summa cum laude from Northwest Nazarene College in 1964, and three years later from

Harvard Law School where his third-year paper on constitutional law received special recognition. He opened his practice in Boise in 1967, and served on the Idaho Commission on Human Rights in 1969-70.

During a press conference in Los Angeles in late August, Dr. Kurt W. Donsbach, chairman of the Board of Governors of the National Health Federation, described the move as "probably the most significant development in the entire history of naturopathy." He said the Federation "strongly advocates the right of the physician to practice naturopathy, and the patient to receive these services — denied up to this time because of discriminatory and monopolistic practices of the American Medical Association and the Food and Drug Administration.

"To deny the naturopath the right to practice on grounds of insufficient education is belied by the fact a naturopath is required to take the same basic college courses as is the allopath, with exception of surgery. It is incorrect to say the existing system of medicine is perfect, or even adequate. Witness the steady increase in incidence of chronic disease — heart disease, cancer, diabetes, and hyperkinetic children — all in spite of

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the availability of 'the finest medical care in the world.' Medicine has become a world of specialization, whereas many citizens desire a 'family doctor.' It is neither prudent nor right for one branch of the healing art — allopathy — to insist it has all the answers. To deny another philosophy within the healing profession the right to practice is to strangle progress in an arena of prime importance to every human being—personal well-being. The National Health Federation will campaign vigorously through its membership to restore this health freedom to Americans."

NATUROPATHY

Naturopathy deals with "the art, science, and philosophy of natural healing, by applying the laws of nature to the body for its care, and to prevent disease by any means that will assist in the body's self-healing processes. It utilizes dietetics, nutrition, and exercise. By studying natural and biological laws, the naturopathic physician seeks to understand the nature of an individual's ailment, and provides treatments to remove the cause of the problem — not merely the symptoms.

Among materials used in naturopathic treatment are natural medicines — vegetable drugs listed in the *U.S. Pharmacopoeia* "in their whole state . . .", biochemical or colloidal chemical substances, herbs, endocrines, pharmaceuticals of inorganic nature for external use for antiseptic purposes, substances listed in the *Homeopathic Pharmacopoeia*, natural processed foods,

cell salts found in the normal body, botanicals as described in *Naturae Medicine and Naturopathic Dispensatory*, published by the American Naturopathic Physicians' and Surgeons' Association, or any recognized naturopathic physician handbook for such botanicals and their administration . . . Excluded from naturopathic practice are inorganic pharmaceuticals for internal use; "controlled substances" except in emergency for preservation of human life or function; radium, X-ray, or other tissue-destroying radioactivity for therapeutic purposes; major surgery; advertisement of "cures."

'END RESTRICTIONS'

The civil suits ask the courts to overturn state and federal statutes which restrict or prohibit the practice of natural healing methods, and to invalidate laws discriminating "in favor of M.D.s and against osteopaths, chiropractors, and naturopaths."

"While monopolistic control over American health-care by the 'regular' medical profession is being challenged," said Mr. Crow, "the litigation is directed to the state and federal legislation which makes that monopoly possible, rather than directly against representatives of the 'regular' medical profession."

Defendants include the U.S. Food and Drug Administration, "because of its contention that the right to prescribe even simple natural medications must be confined to 'regular' M.D.s"; such state agencies as pharmacy boards which

prohibit physicians practicing natural healing from obtaining natural medicines; state agencies which limit access to clinical laboratories and hospitals to members of the "regular" medical profession to the exclusion of equally-qualified physicians who use natural methods; states with medical expense reimbursement programs which refuse to reimburse employees for treatment by physicians in the natural field; states and federal agencies which discriminate in funding health-care programs such as Medicare, Medicaid, and federal hospital funding, against physicians practicing natural healing methods; and states and the federal government in their capacities as prosecutorial agencies to prohibit them from instituting criminal procedures against physicians engaged in natural healing.

Defendant states include Arizona, Montana, Kansas, Illinois, Texas, Washington, Connecticut, Florida, California, Wyoming, Utah, Alaska, Oregon, New York, Pennsylvania, Idaho, Missouri, Michigan, Colorado, Massachusetts, Wisconsin, Maryland, Hawaii, North Carolina, and Nevada.

CRITICISM

Attorney Crow pointed out that the "regular" medical profession "indulges in a prejudice in favor of high-cost hospital care. Since 1950 the cost of keeping a patient for one day in a community hospital has risen by 500%. In major university hospitals, administrative costs have multiplied since 1964 by 700%, and laboratory costs have risen by

500%, while medical salaries have risen by only 200%." Quoting Ivan Illich in *Medical Nemesis* (Random House 1976), Mr. Crow said "Between 1968 and 1970, Medicaid costs increased three times faster than the number of persons served . . ." The frequency of reported accidents in hospitals is higher than in all industries except mines and high-rise construction. Twenty per cent of the patients admitted to a typical research hospital acquire an iatrogenic (treatment-related) disease—in one case in 30, leading to death (*Southern Medical Journal*, May 1967), the attorney continued.

"American doctors write twice as many prescriptions per patient as do doctors in Scotland, even though world health studies show that Americans and Scots are about equally healthy (Rollins, June 1967 *Good Housekeeping*).

"Medical doctors have been transformed from artisans who exercised skills on personally-known individuals into technicians who apply scientific rules to classes of patients, to the point so much anonymity has been introduced into the doctor/patient relationship that malpractice suits have become almost respectable. The personal experience of thousands of patients could be marshalled to demonstrate the frustration and sense of depersonalization felt by a patient when told to take a toxic medicine. But the doctor has neither time nor inclination to explain to the patient what is being done, why it is being done, the risks, etc.

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It is a sad state of affairs when it is the patient, not the doctor, who must bring out the information about the nature of the treatment and what to expect from it. There was a time when the doctor was considered to be an aid to the patient, who had the right to make the necessary decisions. Now the doctor is supreme, and it is considered impertinent if the patient wants to know the details."

QUALIFICATIONS

In discussing the qualifications of naturopathic physicians, Attorney Crow said "The first two years of naturopathic education parallel the basic sciences curriculum taught in the initial years of any medical school. The third and fourth clinical years include modern laboratory and diagnostic techniques, as well as patient contact. The practical aspects of naturopathic therapies are taught, including such methods as nutrition and homeopathy. The National College of Naturopathic Medicine in Portland, Ore., prescribes courses in biochemistry, histology, embryology, human anatomy and physiology, pathology, microbiology, immunology, basic medical sciences, public health, nutrition, clinical pathology and laboratory diagnosis, roentgenological diagnosis, body mechanics, botanical and homeopathic pharmacology, pharmacodynamics, principles of minor surgery, neurological diagnosis, preceptorship, obstetrics and obstetrical minor surgery, orthopedics, proctology, gynecology, gastrointestinal diseases, endocrinology, acute in-

fectious diseases, pediatrics, trophology, and others."

Naturopathy and homeopathy are recognized and permitted by statute in Arizona, Connecticut, Florida, Georgia, Hawaii, and Oregon, and by judicial decision in Idaho. In Tennessee, the practice of naturopathy is a criminal offense.

An estimated 3,500 to 5,000 physicians practice naturopathy in the United States. The idea for a suit to eliminate discriminatory laws originated in Idaho where for years the profession has been harassed and prosecuted. A state supreme court decision finally ruled the restrictive legislation unconstitutional, but adopted the narrow dictionary definition of naturopathy as the official definition to be used in Idaho. A "permanent solution" was deemed to lie in the course of action now underway.

HOMEOPATHY AND AMA

Homeopathy in America (Johns Hopkins Press, Baltimore, \$10) by Martin Kaufman is "both enjoyable and informative," says the Committee on Public Health and Safety *Newsletter*, 2125 S. St. N.W., Washington, D.C. "Written by a historian, this book reads easily. It contains numerous insights into the history of medicine which make the story of homeopathy come alive. As the author states, this book covers more than homeopathy. In fact, the tactic employed by the AMA in its harassment of homeopathy are the same as it uses against other alternative forms of health care."

Intelligence, Dedication Saved the Day!

Kansas Solons Reject Bid to Phase Out Naturopathy

Thanks to the determination, persistence, and acuity of a University teacher/student and the wholehearted support of the National Health Federation and its friends, a proposal aimed at eliminating the practice of naturopathy in Kansas was stopped in its tracks when halfway through the legislature.

House Bill 2310 sailed through the House and was scheduled for hearing before a Senate committee when the Federation received an S.O.S. call from Ann Allbrecht of Lawrence, Kan. She had learned about the bill only a few days earlier. It would prohibit the practice of naturopathy by preventing naturopaths from using the *Materia Medica*, an index of herbs and homeopathic medicines. A study committee would be established to evaluate naturopathy over a three-year period, during which time use of *Materia Medica* would be banned. "This would put our few remaining naturopaths out of business," said Miss Allbrecht. "To evaluate the profession, it must first be wiped out."

Following her call to the National Health Federation, Board Chairman Kurt W. Donsbach wrote Kansas NHF members and friends that the proposed legislation "would seriously inhibit if not eliminate the practice of naturop-

athy in Kansas. Such monopolistic moves by organized groups to eliminate freedom of choice in health care has been the target of the Federation's effort throughout the years. We earnestly request your support by writing your state legislators, and encouraging your friends, neighbors and relatives to do likewise, in order that we may preserve one of the great health practice concepts in the United States . . ."

Enclosed was a sample letter addressed to senators pointing out that: ". . . Naturopathic medicine is one of the oldest branches of the healing art still practiced in the world. It encompasses the concept of 'family physician' so grossly ignored by specialistic medicine.

"I am deeply concerned that even the thought of disenfranchising a profession which has contributed so much to the health of millions could cross the minds of lawmakers. Is it an organized attempt to eliminate competition?

"Study commissions are notorious in their inability to grasp entire concepts, particularly when the study group may be dominated by individuals whose sympathies and allegiance are with a conflicting mode of treatment . . .

"I earnestly request that you seriously consider the intent of this

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bill (to eliminate the practice of naturopathy), and the effect it will have upon those who avail themselves of the effective services rendered by practitioners of naturopathic medicine under current provisions and scope of practice.

"Kansas might well consider placing naturopathy under the same discipline as in Oregon where the profession is recognized as an important segment of the healing art, with a Naturopathic Board of Examiners discharging the same responsibilities to naturopathic physicians as does the Board of Medical Examiners to allopathic physicians."

HOW IT WAS DONE

The campaign's success—and the role not only of the National Health Federation but of a dedicated proponent of naturopathic medicine—is contained in this description of events by Miss Allbrecht—a letter addressed to Dr. Donsbach, Legislative Advocate Clinton R. Miller, and the NHF staff:

"I notified you at the last moment concerning House Bill 2310 in the Kansas Senate committee, and yet you were able to help us. Since I am an assistant instructor at the University as well as a student, I had been engrossed in my own pursuits.

"Shortly before the Senate committee was to vote on the bill, my naturopath in Atchison informed me of it. Not knowing where to start, I began by typing a hand-out concerning the issue, and petitions, distributing as many as I

could to friends who might be able to help.

"Then I contacted our Senator, Arden Booth, who is very sympathetic to our concern. Finally I called you. The California secretary (Mrs. Helena Young) was very helpful and suggested that I call you, Clinton. You were wonderful! You really briefed me on how to go about approaching the problem—something I needed to know. Also, your enthusiasm encouraged me to drive to Topeka that afternoon.

"On arriving in Topeka, I mentioned to Senator Booth that you had suggested that I represent NHF. He felt it would be better to make my appeal as a local consumer since the committee was rather touchy concerning the bill. The best approach seemed to be a 'low-key' approach, one which would be the least threatening to committee members. I was able to speak to three senators that afternoon. All seemed willing to listen, and although one senator was definitely against naturopathy, she said she would be willing to reconsider her opinion!

"The following week I called several of the senators' offices, relating my concern for naturopathy. By the end of the week the hearing was held, and thanks to the letters you sent to Kansas NHF members, there were several more sympathizers at the hearing. I represented the naturopathic organization and spoke to the Senate committee for half an hour, reminding them how naturopathy is our medical heritage, and of the

Minnesota Chiropractor Has Made Thousands Happy

Tic Douloureux Yields to Dr. Baker's Skillful Touch

Tic douloureux—that frighteningly painful and—to the medical profession—baffling and insoluble ailment except through crippling

surgery—does not scare a chiropractor in Southern Minnesota. He successfully treated two cases—both women past 80—during the last half of 1975. Here's the



story:

After suffering three months with trigeminal neurology (the medical name for tic douloureux), the first woman decided to see her favorite chiropractic doctor—Francis A. Baker, D.C.—whose expertise had the 81-year-old patient off Valium and Dilantin in a matter of days.

importance in understanding the philosophy of naturopathy and homeopathy. I also spoke from the viewpoint of a concerned consumer of naturopathic health care, and how I would be forced to seek treatment outside the state.

"The next day I learned the bill had been killed. What a relief!

"Senator Booth suggested that we ourselves could design a committee to investigate naturopathy to determine its right to be licensed. Such a plan would include specifications concerning the investigators to insure an unbiased

The Bulletin editor was astonished—and so impressed—with the report on how chiropractic treatment overcame tic douloureux (a seemingly intractable affliction from which many suffer), that we decided to publish the story. A friend of some 45 years, we vouch for Dr. Baker's veracity!

Dr. Baker—an extremely knowledgeable physician, with rare dedication and compassion—recalls that the patient came to his office in the Graif Building on July 29, 1975. The pain had started May 2, and she had consulted a doctor who referred her to a specialist who referred her to another specialist who would "inject the nerve with alcohol." She then saw still another

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study, and would also provide that naturopaths not be prohibited from using the *Materia Medica* during the course of the study. The Senator believed that such a proposal properly phrased in legal terminology, would stand a good chance of passage.

"Already I am considering possible candidates for the investigative committee, and thanks to NHF, Arden Booth, the Senate committee members and others, we have another year to work these details out. The future looks promising!"

neurologist who confirmed the diagnosis of trigeminal neurology. But she was trying to avoid the injection, despite "4 plus pain" so severe she could not chew on the right side of the mouth.

"The nerve is a cranial nerve, fifth," he reports. "Usually the chiropractic connections are sympathetic to the blood supply, cervical or neck area. I found no area in the neck that justified adjusting, but did find a lesion on the third dorsal between the shoulder blades, a subluxation of the right sacroiliac joint, and a low backache. I ignored the latter. She has osteoporosis. I treated the third dorsal with a very gentle manipulation, in a sitting position. Touched *nothing* else.

"That was July 29. On Aug. 1 she returned, said, 'My face feels a little better, yes, really better.' On Aug. 6 she ate steak at the Holiday House, no pain. Then she spoke of her chronic backache which I had left alone. I adjusted her sacroiliac in a walking stride, no thrust. October 10 — patient released — all O.K."

Last December 22 an 82-year-old woman who had suffered from tic douloureux since the previous August went to his office, complained of severe pain in the left jaw, extending from upper lip, to chin. She could not wear her lower denture because of the pain. A trip to her medical doctor had produced no promise of relief.

After three treatments in which Dr. Baker adjusted "only one subluxation," the patient was pain-free,

and released from his care on Dec. 26.

THEY'RE HAPPY — SO'S HE

The skillful fingers of the Minnesota chiropractic doctor have made thousands of persons comfortable—and happy—in the more than 50 years of practice.

Another patient had been diagnosed atophica dermatitis. The man's back was "like a first-degree burn that had been scratched, with acute itching. My name for it was neurodermatitis," says Dr. Baker. "The only place I adjusted was the atlas, and the fourth cervical vertebra. Nothing else. No physical therapy, but diet correction. His first visit was April 2, 1974. On the 5th he returned, said he felt 'much better.' He had slept well, couldn't believe it. The skin looked better. There were three treatments in April, one in May, the last one June 7. The bill was \$22. He had been to many specialists, had used all the salves, for years. He is very happy — and so am I." (He was reminded of that case because 18 months later the patient returned for adjustment of "a little neck pain.")

"I never have made much money — a living, with a frugal family, so it has worked out okay," says Dr. Baker. "I have a lot of fun in practice, and try to act as dedicated as possible and not be a quack. A quack is a person who professes to medical knowledge he does not possess. The medics are too busy to open a magazine or book. Yesterday I was in the college library, and Saturday too, catching up on

'Winning Battle for Respectability'

Chiropractors' 'Vital Service For Establishment Medicine'

Eighty years ago, D. D. Palmer of Iowa adjusted the spine of a deaf man and the man's hearing returned. On that day chiropractic medicine was born, and it has lived with controversy ever since. Today there are 20,000 chiropractors and 36 chiropractic colleges in the United States, and Medicare, Medicaid and many private health-insurance plans will pay for chiropractic services. Chiropractors treat about five million patients a year.

Now, the prestigious National Institute of Neurological and Communicative Disorders and Stroke plans to spend up to two million dollars to find a scientific basis for the spinal manipulation that chiropractors rely on. The first studies will concentrate on the mechanics of the process and its effectiveness in treating back pain.

issues of the *New England Medical Journal* and *Lancet*."

His busy life has included eight years as a member of the Minnesota State College Board, serving as Resident Director of Mankato State College, as well as years of active participation in professional groups. He walks several miles a day, plays golf for exercise and recreation. This story wouldn't be complete if it didn't disclose his age: "Doc" Baker is nearing his eighty-first birthday.

Ed. note: Titled "The Chiropractic Controversy," this piece was excerpted by Jack Horn in Psychology Today (Feb. 1976) from an article appearing in The New England Journal of Medicine, Vol. 293, No. 13.

Chiropractic is winning its battle for respectability despite strong opposition from individual doctors and the American Medical Association, which has called it "an unscientific cult whose practitioners lack the training and background to diagnose and treat human disease."

Psychiatrist Gregory Firman and sociologist Michael Goldstein argue that chiropractors actually perform a vital service for establishment medicine. They provide an outlet for "many potentially time-consuming and trouble-making patients whom (doctors) cannot serve well, owing to a variety of physiologic, social and psychologic factors . . . at the same time, establishment medicine can point to dramatic abuses by chiropractors as a partial justification for maintaining its own professional prerogatives."

Firman and Goldstein contrast the medical establishment's attitudes toward chiropractic and acupuncture. Both therapies have proved effective in many cases, and

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both lack scientific rationale acceptable to Western medicine. Yet acupuncture is being investigated seriously by medical researchers and used by many doctors. In some places, doctors have co-opted acupuncture so completely that the procedure can be used only by a licensed physician or under the supervision of one. Since acupuncture is foreign and has few non-Oriental practitioners in the United States, its adoption by doctors was easy and nearly free of conflict.

Chiropractic is a different matter. It's a home-grown procedure and has many American practitioners. The competition between physicians and chiropractors for patients has continued since the early 1900s, producing what the authors call "a pool of hostility between the two groups that is not easily overcome." But the competition has forced doctors into treatment areas they have resisted in the past. "Manipulation, the historic mainstay of chiropractic," the authors point out, "has in fact gained acceptance in orthopedics and physical medicine in relatively recent times."

Firman and Goldstein add that chiropractic has succeeded because it fills needs not met by conventional medicine. The chiropractor offers a common-sense, single-cause theory of disease (misalignment of the vertebrae) that fits the value systems of the poor and rural people to whom chiropractic typically appeals. The treatment is more direct, takes less time, and is less expensive than the methods doctors use. People go to chiropractors

AMA LOBBYING AGAINST CHIROPRACTIC RELATED

The April 1976 issue of *Caveat Emptor*, P.O. Box 336, South Orange, N. J. 07079, reviews the attempt by the American Medical Association to banish chiropractors. It is based on findings of their own special investigation. An important article in that issue (Vol. 6, No. 4) describes how legislators' voting patterns changed after receiving A.M.A. money. A copy may be had by sending 50 cents to Back Issues, *Caveat Emptor*, in South Orange.

— Newsletter

Committee on Public Health and Safety

for another basic reason: chiropractors often succeed when physicians fail.

Chiropractic also helps legitimize the sickness of patients whose problems doctors have sloughed off as psychosomatic or "just nerves." The chiropractors' acceptance that something is wrong and their efforts to do something about it, make their patients feel better whether a cure takes place or not.

Chiropractic has its "mixers" and its "straights," each represented by a national organization. The National Chiropractic Association believes in supplementing manipulation with treatments of heat, light and water, while the International Chiropractic Association insists that these additions dilute the uniqueness of chiropractic. The mixers, who have the upper hand at the moment, are pressing for an expanded role and the recognition that they too are physicians.

It Was Page One in Baltimore — Then Axed

Who Killed Cancer/Fluoride Story in the Hearst Chain?

Although it was page-one news in the first two editions of the *News American* in Baltimore, an interview with Dr. Dean Burk on the link between fluoridation and cancer deaths by Lee Belser of Hearst's Washington bureau was not released to the other newspapers in the chain. The National Health Federation is curious as to why the story was squelched, and Clinton R. Miller has urged William Randolph Hearst, Jr., to assign a "top investigative team to the story."

Dr. Burk told Ms. Belser what he has been saying for the past year — ever since he confirmed the findings of Dr. John A. Yiamouyiannis that cancer deaths and fluoridation of big-city water supplies is more than coincidental.

In fact, he called the situation "a tragedy equivalent to mass murder" — strong words, and bitterly resented by the HEW bureaucracy which has formed a "defense ring" around the National Cancer Institute — the agency which refuses to acknowledge the validity of the Yiamouyiannis-Burk findings, and to do an objective, conscientious study instead of attacking the two scientists (as some of its officials did when contacted by another *News American* staff writer after the Belser story had appeared).

In the first two editions of the

September 2 *News American*, the story received top billing — top of the page with this headline: "Cancer, Fluoridation Linked." The story was moved to page 2 in the third edition. And in the fourth edition, with page-one top treatment, came the lady on the white horse — Medical Writer Joann Rodgers — who contacted establishment people and wrote a story headed "Scientists Say Fluoride-Cancer Link 'Ridiculous'."

After quoting two paragraphs from the Burk interview to lay the groundwork, Ms. Rodgers went on to quote two NCI officials and an epidemiologist at Johns Hopkins School of Public Health.

Dr. Frank Rauscher, NCI director, repeated what he has been saying since the first NCI denial of validity of the Yiamouyiannis-Burk studies: "There is absolutely no basis for saying fluoridated water causes cancer. Our NCI scientists thoroughly examined U.S. death rates over a 15-year period and found no evidence of cancer risk attributable to either naturally or artificially-fluoridated water."

Dr. Leon Gordis, chairman of the Department of Epidemiology at Johns Hopkins, told the *News American* medical writer: "Communities all over the country have had fluoridated water supplies for more than 20 years, with no evi-

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dence whatever of an increased risk of cancer, and no evidence of excess deaths from this source." (Ed. note: The "evidence" has come only since January 1975, when Dr. Yiamouyiannis, using government statistics, discovered the relationship).

Dr. Abraham Lillienfeld of NCI told Ms. Rodgers: "I have seen enormous numbers of research papers on this subject, which conclude there is no relationship whatever between fluoridated water and cancer." (Ed. note: Again, Dr. Yiamouyiannis was the first to discover this link, about two years ago. There have been no "enormous numbers of research papers on this subject" — only the Yiamouyiannis-Burk papers).

Said Ms. Rodgers' story: "... Spokesmen at the NCI in Bethesda said Burk's claims were 'ridiculous on the face of it, and part of the same old tune he has been singing for years.' (Ed. note: Dr. Burk has been involved in the fluoridation-cancer study for about 15 months — not "years".)

In his letter to Mr. Hearst in New York, Mr. Miller said that after learning about the Baltimore story, he "naturally expected the Los Angeles *Herald-Examiner* to carry at least an abbreviated report, since Los Angeles, following the editorial leadership of your great newspaper, overwhelmingly defeated fluoridation a year ago last spring. Not a word appeared. I called the Los Angeles newspaper this morning and learned the story had not been sent here from Baltimore.

"More than 25,000 United States citizens are avoidably dying of cancer every year due to drinking artificially fluoridated water. I cannot conceive of a more important front-page story for the entire Hearst newspaper chain than the one carried by the Baltimore *News-American* last week. I wonder whose editorial judgment decided that the other Hearst papers could not decide for themselves whether or not they wanted to carry the Baltimore story?"

"I urge you to assign your top investigative and editorial reporters to this story at once, and to give it total Hearst coverage. For a starter, I urge you to personally contact immediately Dr. Dean Burk, former chief, cytochemistry section, National Cancer Institute, who was interviewed by Lee Belsler for the Baltimore *News-American* story."

Copies of the letter went to the Cancer Control Society, International Association of Cancer Victims and Friends, Committee for Freedom of Choice in Cancer Therapy, Arlin J. Brown Cancer Information, Congressman James J. Delaney — attention Dennis Wood; Congressman L. H. Fountain — attention Dr. G. Goldhammer; Senator William Proxmire — attention Howard Shuman; Dr. John A. Yiamouyiannis, and Dr. Dean Burk.

**YOUR CONTRIBUTIONS
TO N.H.F.
GET THE JOB DONE**

West Virginia Man Makes a Stand

Class Action Suit May Take Laetrile Off Black Market

It has taken years to reach this point, but a fullscale court test to establish the right of individuals in this country to obtain Laetrile, and of doctors to administer it, is now under way as a result of a class action suit filed in West Virginia.

The man who decided to "stand up and fight" is Ed Keene, a 61-year-old electronics salesman who in March 1975 was told, following exploratory surgery, that he was suffering from terminal cancer of the pancreas.

After three months in a hospital, he decided to go to Tijuana for Laetrile treatment under Dr. Ernesto Contreras with whom he had discussed his case before entering the hospital. (His doctor tried to stop him as he was being wheeled from the hospital, but Mr. Keene assured him he would "be back if it's necessary"). He made the trip west, spent two weeks in Tijuana in June of 1975, returned to his home in Huntington, W. Va., and in September again went to Mexico for a checkup and more Laetrile. His recovery was steady — weight up from the low of 145 to 168 pounds 15 months later, and in the autumn of 1975 he formed a chapter of Cancer Control Society and decided to institute a court action to establish the right of any American to obtain Laetrile with a prescription any time, anywhere in

this country.

The case was tried in federal court before Judge Charles Hayden II, who was so impressed by the testimony of Mr. Keene, and by the apparent lack of information about Laetrile on the part of the government's principal witness — a doctor — that he issued an order permitting Mr. Keene, "and others," to obtain Laetrile without confiscation or harassment. Mr. Keene's doctor wrote an 18-month prescription, the FDA — faced with the court order — agreed to a six-months-at-a-time supply, and so he flew west again in mid-August, this time to make the test. After a couple of "dry runs," he entered the United States with \$300 worth of Laetrile, August 19, and at the Customs checkpoint, declared the Laetrile.

A woman official told him, "Oh, that's not legal." He told her he had a court order giving him the right to have it. She asked him to pull to the side and to drive slowly — and moments later she was joined by male officers, one of whom, said Mr. Keene, was "belligerent and sarcastic."

"He ordered my wife and a television cameraman in the car with us to catch the action if there was any, to stop taking pictures. He told me to turn off the tape recorder, I refused, told him there

(Please turn the page)

was nothing illegal about taping the conversation. We were ordered out of the car and into the administrative building where I was reminded of Gestapo tactics. This belligerent officer forced me — by giving me a shove — to place hands flat on the counter and spread my legs while he searched me — he said to see if I had a gun. He was not very gentle, in fact pinched my breasts, and when he felt the tube in the abdomen for drainage, fingered it until I told him to stop, he was hurting me."

He was ordered to empty his pockets, his wife to empty her purse where contents were inspected and money counted. His request to use a telephone to call his attorney was refused. The TV cameraman was permitted to place a call, and established that he had a right to take pictures. But by the time he reached the Keenes, much of the action was over — at least the spread-eagling. Other officers were not as officious as the one, he said, who also had returned to the Keenes' rented car, erased the tape on the recorder, emptied the contents of a briefcase and inspected it while the Keenes were inside.

Following consultation, the Customs officials agreed to let the Keenes enter the country with the Laetrile, after payment of the 5% duty on the \$200. Mr. Keene considered this a victory of sorts — "at least I have the receipt that I brought Laetrile in, and if it were illegal, how could they let me bring it in?"

He happened to be a friend of Senator Robert C. Byrd, and

when he made his second trip (with Laetrile) a week later, word apparently had reached the border to "treat Mr. Keene with respect." At least, he told *The Bulletin*, they "were very pleasant, and when I told them how I'd been roughed up — and so was Mrs. Keene by the belligerent officer — they said they were sorry."

Mr. Keene is grateful for the gratis services of Attorney Richard K. Stacer, San Diego, active in the International Association of Cancer Victims and Friends, while in California on the August trip. The Keenes returned to West Virginia Aug. 29 where he will continue to carry on the fight, making speeches, and biding time while the suit works its way through the courts.

He doesn't "feel like a hero," he says. "Glen Rutherford did an admirable thing by going to court for his right to get Laetrile, and I admire him. I decided, however, that there are lots of people who need Laetrile who don't have the money to pay lawyers, and who should be able to get it freely in this country. So that's what led to the decision to start a class action which, if resolved in our favor, will open it up throughout the country."

He knows the Food and Drug Administration will fight it all the way, as was done in Oklahoma where a three-judge appeals court heard the Rutherford case in July.

He is pleased with his attorney, Joseph Martorella, who "is sold on it himself, and is being very patient about money, not pushing for it. But of course the fees must be

HE DOESN'T 'RUN SCARED' — NO, SIR!

In mid-September, in an effort to intimidate him, the FDA contacted the local district attorney who in turn told Mr. Keene's lawyer that "Ed Keene smuggled \$4,000 worth of Laetrile across the border." Another form of harassment was the rumor, heard several times until he scotched it on radio, and later an NBC television program, that "Laetrile isn't helping him now — he's dead." These forms of harassment do not intimidate him — in fact he told *The Bulletin*, "it just makes me mad, and I fight harder." He also was grateful for the notices through *NHF Newsletter and Bulletin* that funds are needed to pay legal costs as the case progresses through the courts.

paid."

And so he is asking every American who feels this is a just cause to help by sending whatever contributions they feel moved to make.

Mr. Keene says it may cost \$50,000 before it gets to the highest court — and he's determined to go to the U.S. Supreme Court if necessary. Local citizens are already contributing to the Ed Keene Legal Fund, P.O. Boxes 9182 or 9154, Huntington, West Virginia. It was they, in fact, who financed his trip to Tijuana in August to make the test at the border. And when he makes speaking appearances, he asks that expenses be

provided, since he is not wealthy, lives on a pension.

"I could live a quiet life, continue getting my own supply of Laetrile without getting into all this. But I have decided that someone has to make a stand, and that if done on a class action basis, and we win, it will be effective nationwide. There are many not as fortunate as we — who can get by with a modest pension and spend what is necessary each month to keep the cancer controlled — but many are on Social Security, and they may need it just as much as those who can afford it. And there are young people who will need it, and they don't have the financial resources to pay for it at today's prices. It should be available as a prescription item, at a price that will enable people to use it as a preventive, costing maybe a couple of hundred dollars a year.

"Our class action suit — with 60 plaintiffs who do not have cancer, eight do — will cover the entire population instead of making it necessary for a lone individual here and there to be able to find a judge who understands. So we are asking now that everyone who believes in the right of people to get this substance if they want it — and who want doctors to be able to prescribe and administer it if they choose — get behind this court case, with money, and we'll fight it to the highest court in the land. I believe God is with me in this battle, and I'm willing to hang in there for as long as it takes to get this issue settled."

16 IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT
OF WEST VIRGINIA
AT HUNTINGTON
CIVIL ACTION NO. 76-0249-H
ED KEENE, Individually, and
on behalf of all other persons
similarly situated,
Plaintiff,
vs.

UNITED STATES OF AMERICA,
DAVID MATHEWS, Secretary of
the Department of Health,
Education and Welfare,
et al.,
Defendants.

NATIONAL HEALTH FEDERATION BULLETIN - NOVEMBER 1976 17

ORDER

Counsel for the plaintiff, Joseph Martorella, having filed a Motion for a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, and notice having been served upon counsel for the defendants, and the Court having on the 12th day of August, 1976, heard testimony and oral arguments in regard thereto by counsel for the plaintiff and counsel for the Federal defendants and the contentions of these various parties having been given due consideration and review,

THE COURT FINDS that in the context of this case:

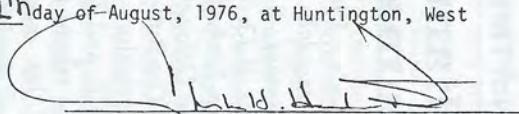
- (1) There is a present and serious danger of irreparable harm as concerns the health and welfare of the plaintiff, Ed Keene;
- (2) There is no adequate remedy at law to redress these particular grievances;
- (3) A comparison of the relative hardships to the parties and the compelling interest of the government, as balanced with the interests of the plaintiff, weighs obviously and decidedly in favor of the plaintiff, Ed Keene.

In view of the foregoing, and pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and the discretionary power vested in this Court to fashion suitable temporary equitable relief, IT IS HEREBY ORDERED that the defendants, their employees, agents, attorneys, those in active concert with them, and all others with actual notice hereof, are hereby temporarily restrained from preventing the plaintiff, Ed Keene, from purchasing and moving in interstate commerce, and having for his own personal use, not for sale or barter, a supply of Vitamin B-17 or Laetrile, or Amygdalin, for a period of ten days from the date of entry of this Order.

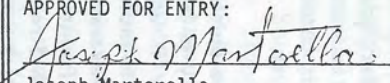
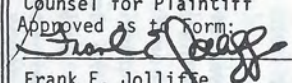
It is further ORDERED that the testimony of Ed Keene and George J. Hill, II, M.D., taken at the hearing for the Temporary Restraining Order, shall become part of the record and need not be repeated upon the trial on the merits.

This Order is imposed without necessity of cash security or bond.

So Ordered this 12th day of August, 1976, at Huntington, West Virginia.

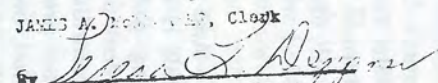

UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:


Joseph Martorella
Counsel for Plaintiff
Approved as to form:

Frank E. Jolliffe
Assistant United States Attorney

A TRUE COPY, certified this
18th day of August, 1976

JAMES A. McNEELY, Clerk


Deputy

ENTERED

AUG 17 1976

ORDER BOOK
NO. 32 PAGE 456

Dean Burk: Brilliant, Ethical Scientist, and Humanitarian

As close friends say about Dr. Dean Burk, "Everyone is interested, but very few know anything about him and his accomplishments."

The Bulletin is pleased—and proud—to present in considerable detail facets of this remarkable man's life, with intimate glimpses into the past explaining why he turned out to be the talented, precise, and dedicated servant of mankind which has marked his career—a career still far from over.

And we might say at the outset, this is one reason the story is being published—hopefully it will reach persons in a position to make contributions to the tax-exempt, non-profit Dean Burk Foundation, Inc., 4719 Forty-Fourth Street, Washington, D.C. 20016. Such contributions, in whatever size, will insure that Dean Burk's brilliant and ethical standards will be employed to continue "fighting our battles for many years to come."

The Foundation, incorporated Nov. 18, 1974, is devoted to research on health, nutrition, and chronic and degenerative diseases including cancer. It publishes reports on such work, "will assist groups and individuals with common goals, and provide related educational material." The Foundation has published two briefs:

Foods, Vitamins, Vitamin B-17 (Amygdalin, Nitriloside, Laetrile), Vitamin B-15 (Pangamate), Vitamin B-13 (Orotate), and Fluoridation-Linked Human Cancer, and the Delaney Amendment.

The Bulletin published Dr. Burk's curriculum vitae in September 1975, and for reasons of space will not repeat it, except to recap some of his more recent appointments and awards (1973-74): Foreign Scientific Member, Max Planck Institute of Biochemistry, Munich, Germany; honorary president, German Society of Medical Tumor-therapy, Heidelberg, Germany; editorial board, *Krebsgeschen*, Heidelberg; editorial board, *Cancer Biochemistry and Biophysics*, Brunswick, N.J.; Cancer Control Society Award of Honor, Los Angeles; Knight of Mark Twain Society (Succession to Sir Alexander Fleming), Missouri; Distinguished Service Award in Biochemistry, Dictionary of International Biography, England; Humanitarian Award, International Association of Cancer Victims and Friends, Los Angeles.

PROLIFIC SCIENTIST

A prolific, disciplined scientist, Dean Burk has been deeply involved in plant, bacterial, and animal research. He has summarized the major laboratory projects as follows: thermodynamics of nitro-

gen fixation, biochemistry, and cancer; photosynthesis with and without green plants; biology and biochemistry of nitrogen fixation by bacteria; enzyme kinetics (Line-weaver-Burk)—publicly considered his most important contribution and the most-often-cited paper in the entire field of biochemistry); trace mineral elements; B vitamins (co-discoverer of biotin); optical activities of various biochemical racemates; cancer metabolism in all kinds of cancers and leukemias in animals and humans; polarographic analysis of cancer and normal blood; antibiotics; cobalt models of hemoglobin-oxygen systems; cell tissue cultures; mitochondrial control of metabolism; iron binding compounds in blood; chromatographic separations; manometric techniques for measurement of gases; efficiency of photosynthesis in green plants; origin of cancer cells; conventional anti-cancer agents' mode of action; cytotoxic actions of human sera; insulin; correlation between cancer growth rate and magnitude of metabolism (Domagk Prize, 1965); purification of tobacco smoke; effects of amygdalin (Vitamin B-17, Laetrile) on cancer cells; and most recently, a correlation of human cancer mortality with public water fluoridation.

ARTIST, TOO

You might think his laboratory work would have kept him so busy there would be no time for anything else, but no—"Life neither begins nor ends with science," he says, "and one thing that will never

end for me is music." He started with a foot-pump church organ willed by his paternal grandmother, followed by a long series of pianos, violins, and "last but not least, record players."

"The fact is," he says with the trace of a smile, "any and all sounds, good, bad, and indifferent, I find of intense interest, culminating with Bach and Beethoven" whom he discovered when he was 16, when with a friend he heard Benno Mossevitich play Beethoven's Op. 57 piano sonata in San Francisco Civic Center Auditorium with 9,999 other music-lovers. "I can see and hear him go through it to this day."

Shortly after that, his Aunt May in Honolulu provided him with "the-then-considerable sum of \$50 a month for music lessons and printed music," and this continued for several years, during which he acquired "a pretty complete collection of printed music, including the complete Bach Gessellschaft edition of Bach's keyboard music while in Leipzig in 1927." He says his "favorite of Bach favorites" are "his two-part invention, 'No. 1 in C,' and his 'Well-Tempered Clavichord Book 1 Prelude' in seven bloody sharps. I started learning the former in 1921 and am still hard at work on it, and the latter I started in the spring of 1975 . . . Playing the piano offers a great time and place to think, to solve current problems."

Music is only part of his esthetic life—he has been painting since he was 60. And—"here it is impossible

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to think of anything but the next brush stroke or strokes yet to come. One is transported to a quite other world, doubtfully on this planet. Winston Churchill writes the same, which doesn't necessarily make it true, but is at least confirmatory of what is nevertheless true anyway." He has completed 160 oil portraits, "the majority all fairly different from each other, very few ever started with reference to anything I have seen or done before." He has done about 15 portraits of Nobel Prize-winning friends, babies less than a year old, many children, and many of friends and relatives. "In my experience," he opines, "portraits require mood to get the most pleasure out of them, but seldom analysis, cold-blooded or otherwise . . ."

HE RESPONDS

As if his daily work routine and his relaxation with painting and music did not absorb all his time, he has found time to answer inquiries by telephone and mail from "thousands of cancer patients, relatives or friends, for biochemical and metabolic advice with respect to nontoxic putatively effective cancer ameliorants." In recent years he also has found time to give "scores of public lectures at national cancer society meetings, make scores of radio and television appearances based upon some 50 years of experience in the cancer field involving extensive experimental collaboration with hundreds of scientists and medical doctors." He has published more than 200 scientific papers, "all now in line

with the principal objectives of the newly-established Dean Burk Foundation, Inc.: research, education, and charity."

CANCER-FLUORIDATION

During the past year he has been "deeply involved in an entirely new aspect and approach to the problem of public water fluoridation, which bids fair, later if not sooner, to eliminate all such imposed public water fluoridation in the United States. Regardless of any argumentation as to the pros and cons of this process with respect to improvement of children's teeth, it has now become clear that a large increase in human cancer mortality in the United States is associated with and linked to public water fluoridation, in which case the Delaney Amendment to the Federal Food, Drug, and Cosmetic Act of 1958 requires cessation of public fluoridation of all food and drink intended for humans.

"As distinguished from cancer treatment or prevention, we have here an excellent example of potential elimination of a large amount of cancer by the simple means of not putting a potent industrial pollutant into the drinking water, for what now amounts to some half the population of the United States.

"Further details of this very new development are to be found in the *Congressional Record* of July 21, 1975 (pp. 7173-7) under authorship of Congressman James J. Delaney, Dean Burk, and John Yiamouyiannis, and under auspices of the law as set forth by the

American Congress, and to be implemented by agency regulation under direction of the Secretary of the Department of Health, Education, and Welfare."

THE GOOD OLD DAYS

Dean Burk has vivid recollections of boyhood days, family: "I was lucky to start and continue life by being born of wonderful — from my point of view unsurpassable — parents, and to have further enjoyed excellent general health up to my present age of 72 (born March 21, 1904), with reasonable expectancy of decades more to come, particularly in view of many long-lived ancestors, octogenarians and nonagenarians.

"Added to this, I grew up in Marin County (Calif.) on a remarkable five-acre place on which also grew nearly every kind of deciduous and citrus fruit tree, wood tree, berry, vegetable, ornamental plant, and a wide variety of animals including a herd of 20 goats, rabbits, chickens, ducks, a horse, and cow. For his four boys and neighborhood boys, my father built a swimming tank — in those days a rarity. Two large wells provided water, with the aid of a somewhat cantankerous pump that nevertheless still exists as a museum piece.

"This little heaven, now entirely built over with new and nestling housing on the non-hilly part, was a part of Kentfield, named after Albert Kent who arrived from the east in 1871. As an unincorporated town, it became filled during pre-World War I days with Germans,

Italians, Irish, and a sprinkling of Japanese and Chinese, all of whom coexisted with no evident trace of what would now be called racial bias, let alone racism. Next to our place was a recently-abandoned hotel left by its owners in excellent condition, including a tennis court, bowling alley with large and small pins, barns, orchards, much hill (with three caves!), all amounting to about 80 acres, and another wonder-playground for boys, with total freedom from adult interference."

UNIVERSITY AT 15

"At the age of 15 I tearfully sold my herd of goats and departed for a year at the University of California Farm School at Davis where I continued to study all aspects of agriculture (plant, animal, and construction), and at the end of the year took second place as stock judger (cattle, sheep, horses, hogs), which entitled me to be sent to the Fall national stock-judging contests in Chicago as part of the Davis team."

On his father's recommendation, he went to University of California, Berkeley, where he earned a B.S. degree in entomology in 1923, and a Ph.D. in plant nutrition and chemistry in 1927, still only 23 years old. Additionally, he recalls, he "spent considerable time auditing all kinds of courses, to my intense satisfaction." As an undergraduate and a graduate in summer sessions, he played violin in University orchestras. In early col-

(Please turn the page)

lege days he took piano lessons from private teachers including George Stewart McManus who had made a couple of world tours as accompanist to Pablo Casals. He even did oratorios in Handel for the Berkeley Oratorio Society, and says "I was seldom more than two notes off-tune."

FAMILY HISTORIAN

While at Davis his father, president (1899-1924) of the school which is now San Francisco State University, bought young Burk a violin (\$15), which started him on his musical "career."

Dean Burk's father arrived in San Francisco the last week of 1869 (with \$50,000 to his account). His mother's grandfather, J. W. Foster, a portrait painter and cabinetmaker in Boston from 1834-1849, reached San Francisco in 1849 via the "good ship *Sylph* from Panama," thus qualifying Dean to become a member of the Society of Pioneers. Fannie Foster, a daughter, later became church organist in Hangtown (now Placerville, Calif.), and in 1856 married Walter Frear, Dean's mother's father, a Congregationalist minister in Hangtown, and for many years the oldest living Yale graduate. His son Walter (Governor of Hawaii under Roosevelt, Taft, and Wilson) lived several years after celebrating his 60th Yale Reunion (and 55th Yale Law School Reunion).

Frederic Burk, Dean's father, in 1903 was one of the five founders of the Commonwealth Club of California, a prestigious organiza-

tion which has held weekly Friday luncheon meetings ever since. His mother was a Wellesley graduate, active in the Wellesley Club and in the Tamalpais Center Women's Club Dramatics Section.

GOVERNMENT CAREER

"Upon hatching out as a Ph.D.," continues Dr. Burk, "I took myself off to Europe as a National Research Council/International Education Board Fellow for more than a year of study in England and Germany, followed by a short year at Harvard before starting a scientific Civil Service career in Washington Feb. 16, 1929," shortly after his marriage to Mildred Chaundy. They were parents of two daughters and a son.

Starting in 1929 as an associate physical chemist with the Fixed Nitrogen Research Lab in the Department of Agriculture, Dr. Burk served as chemist from 1937-39 when he became senior chemist at the National Cancer Institute until 1948. He was advanced to principal chemist at NCI, serving until 1951, then became head chemist until 1958, and chief chemist until 1974. From 1939-1941 he was associate professor of biochemistry at Cornell University Medical College, and since 1947 has been research master graduate on the faculty of George Washington University.

His career was terminated when he reached mandatory retirement age of 70 after 45 years with the government. He was appointed Guest Scientist at the U.S. Naval Medical Research Institute in Bethesda in July 1974.

"During the years in government," he says, "I rounded out a total of five years in England, five in Germany, learned to speak and lecture in German well enough, with a smattering of French and Russian, with several months of study in Russia, and miscellaneous travels in most west European countries where I made many friends and met hosts of scientists at innumerable international congresses.

"In Russia in 1937, during my second visit there, I worked at the Academy of Sciences in Moscow under the aegis of Prof. A. N. Bach, then 78 and in charge of three quite different institutes. He had worked in industry in Peoria, Ill., for a year in 1895, having left Russia as a 'revolutionary' in 1888, returning there after World War I at the invitation of Lenin whom he had befriended and supported in Switzerland before the war. Bach married a wealthy Swiss woman and had made a world-wide reputation as a biochemist and as developer of a famous theory of biological oxidation that never has been quite overthrown. I was also under the aegis of his colleague, V. I. Engelhardt who headed an institute in Leningrad where he spent part time and made many biochemical discoveries of first rank."

HIS 'GREATEST MENTOR'

"Certainly my greatest mentor, and colleague in due course, was Otto Warburg of Berlin whom I first met while studying with Otto Meyerhof in 1928, both being in

the then Kaiser Wilhelm Institute for Biology, both Nobel Prize winners, along with later a considerable number of their students (Krebs, Lynen, Ochoa, Lipmann), some of whom were contemporaneous with my early Berlin days.

"Although I met with Warburg off and on for 20 years, in 1949 he came to my laboratory in the National Cancer Institute in Bethesda where we worked together on photosynthesis (!), ending up the summer at the Woods Hole Marine Biological Laboratory. Upon Warburg's return to his Berlin laboratory, he invited me to spend 1950 with him there. I returned to Berlin for most summers up until 1969, the year before his death at the age of nearly 88. I have recently written an extensive scientific and personal biography of him for the Dictionary of Scientific Biography (Scribner's), following upon an earlier, shorter one I wrote on Richard Kuhn, Director of the Max Planck Institute for Medicine. I have translated in the past 20 years a number of Warburg's most important contributions on cancer and photosynthesis. Warburg is universally conceded to be the most accomplished biochemist of all time. I was made a Foreign Member of his Institute in 1953, followed by becoming a Foreign Member of the general Max Planck Association in 1953, and a Foreign Member of the Max Planck Institute for Biochemistry in 1973 (Prof. F. Lynen, Director.)"

ADA PUMPS 15 GRAND INTO WASHINGTON FIGHT BUT COURT RULES INITIATIVE NOT ON BALLOT

In an editorial titled "New Twist by Antifluoridationists," the *ADA News* (official publication of the American Dental Association), in its September 6 issue revealed that the ADA Board of Trustees voted unanimously to grant \$15,000 to the Washington State Dental Association "to be used with funds from the state dental association, the state medical association, and other sources in combating this new approach by antifluoridationists" (the ballot initiative to outlaw fluoridation).

Said the editorial: "It hasn't been unusual over the years to hear or heed a call for help in pushing for state legislation to fluoridate public water supplies. But now we have a new game going, the loss of which would be more catastrophic than the loss of a public referendum to fluoridate.

". . . Initiative 322, if passed, would make fluoridation of public water supplies illegal in the State of Washington . . . The need to fight such a move is obvious. All dental and public health groups should be aware of this new twist to opposing fluoridation, and be on the lookout for it."

(Ed. note: The ADA can save its money — the Washington initiative did not make the ballot. A state law provides that signatures appearing on more than one petition shall be stricken. The committee believes this law unconstitutional, however, and on this basis, and because the secretary of state was one day late in informing the Antifluoridation Committee that the dual signatures were counted invalid, and also because Dr. John Yiamouyiannis' statistical analysis of a sample indicated that the petitions did carry a sufficient number of signatures — the committee took the case to court, with Attorney John Graham of St. Paul, Minn., handling the matter without charge. Superior Court Judge Baker ruled against the Committee on all counts, and this ruling the committee voted unanimously to not appeal. A new effort will be made for the 1978 ballot, with the petition drive kicking off in February of that year).

Top-Notch Speakers Slated for National

While a few speakers are still listed as "tentative," the lecture program for the 22nd annual convention of the National Health Federation Jan. 28, 29 and 30 in the Pasadena Center, Pasadena, is "star-studded," says Convention Manager Carole J. Smith.

Here are some of the names — the completed program will be carried in a later issue of *The Bulletin*: Charles Walters (Acres, U.S.A.), V. Earl Irons, Dr. Paavo Airola, Dr. John R. Christopher, Dr. Kurt W. Donsbach, Dr. John Ott and his films, Dr. Lendon Smith (the "children's doctor"), Dr. Irl Clary, Gaylord Hauser, Attorney Stanley Crow, Charlotte Gerson Strauss, Dick Gregory, Betty Lee Morales, Dr. William Ellis, Clinton R. Miller, Dr. Walter Hodson, and Dr. Linus Pauling.

With the Editor . . .

Brainerd Fights On! . . .

For persistence and pluck when the odds seem stacked against them, the people of Brainerd, Minn., and a dedicated lawyer deserve the rating of "matchless."

Back in 1962 that northern Minnesota city voted 2,846 to 1,427 to keep fluoride out of its water supply. In 1967 the state Legislature passed a mandatory fluoridation law which took effect in 1970. The council, reflecting public sentiment, refused to fluoridate. In 1972 a group of residents went to court to get an injunction against enforcement of the law but the plea was denied. A referendum was held and residents voted 1,863 to 199 against fluoridation. Then the Minnesota Department of Health obtained a court order to force compliance, and the city appealed on grounds the law is unconstitutional, an invasion of privacy.

The Minnesota Supreme Court ruled against the city last March, but after the Council voted to take the case to the U.S. Supreme Court, stayed its order to fluoridate pending outcome of the case at the top level. If the court refuses to hear the case, Brainerd will have to fluoridate.

A star of this unique struggle is altruistic Attorney John R. Graham who has handled the case from inception, and agreed to take it to the highest court for a paltry \$600. If the court agrees to hear the case, he estimates the full cost at \$3,500. Know of another lawyer who takes cases for such fees? (Although a member of a well-to-do family, and a teacher of constitutional law at Midwestern School of Law in Minneapolis, that still doesn't mean he has to handle cases "for love.") NHF Science Director John Yiamouyiannis, in Brainerd twice to offer his expertise, describes Attorney Graham's brief for the final appeal as "a masterpiece."

Another unique aspect of this case was the "Convention of the People" in July, 1974, at which delegates (including Mayor Tom O'Brien, Council members, and the Brainerd Water and Light Board) approved a six-page document prepared by Attorney Graham challenging as unconstitutional the law and the Public Health Regulation which mandated fluoridation, terming both "null and void and of no lawful force and effect." Unfortunately, that action was not recognized as "legal" by a state court.

A lot of people in this great country are wishing the good people of Brainerd and their attorney, Godspeed!

— D. C. M.

CLINTON MILLER ON SPLIT ASSIGNMENT

For an indeterminate period, NHF Legislative Advocate Clinton R. Miller will be handling Washington, D.C., legislation while working out of the Monrovia, Calif., offices.

Until further notice, those wishing to make contact with Mr. Miller may reach him by phone at 213-358-1155, or by mail, P.O. Box 688, Monrovia, Calif. 91016. He will divide his time between Washington and Monrovia, as directed by NHF's Executive Committee, but his telephone and mail contact will be at the Monrovia headquarters.

"The relocation does not mean the Federation will be any less active in national legislation," said President Charles I. Crecelius. "It will give us the benefit of his expertise on state issues which arise, as well as national ones such as the current campaign on the swine flu program, the Symms Bill, and the campaign to permit patients to receive nontoxic therapies in treatment of degenerative disease."

**YOUR CONTRIBUTIONS
TO N.H.F.
GET THE JOB DONE**

Lively Program for New York Convention

A diversified roster of speakers will be presented during the National Health Federation's Northeast Regional Convention Nov. 13-14 in the Hotel Roosevelt, New York, Convention Coordinator Carole Smith said.

Two special segments will include a presentation by Dr. J. Anthony Morris, fired by the Food and Drug Administration for speaking out against swine flu vaccination, and his attorney, James Turner, author of *Chemical Feast*.

"The second special segment will give convention attendants opportunity to support the federal suit to regain the right of naturopaths to practice natural healing throughout the United States," said

Ms. Smith. "You can expect to hear some exciting news!" (Ms. Smith may be contacted for programs and additional hotel information).

Others to speak will be Dr. John Ott, with his film, "Exploring the Spectrum," recording his observations of the correlation between plant and animal health and exposure to the visible and invisible rays of the total electromagnetic spectrum; Dr. John R. Christopher on herbs; Dr. H. Ray Evers, chelation therapy; Drs. Dean Burk and John A. Yiamouyiannis, cancer/fluoridation link; Dick Gregory on Vegetarianism; Ed Keene, Laetrile champion; and Betty Lee Morales on "Health and Cancer Therapies from Around the World."

Their Testimony Triggered Investigation

FDA BADGERS DOCTORS FOR DEMANDING SAFETY

Three former and current Food and Drug Administration officials charge the agency harassed, threatened and humiliated them—because they refused to approve unsafe or ineffective drugs.

Claiming the agency is manipulated by the drug industry, the FDA dissidents' testimony before a Senate subcommittee on health triggered a congressional review panel to investigate the allegations, including harassment.

"I've been placed in limbo with nothing to do for weeks at a time . . . and they're paying me \$37,800 a year," claimed Dr. John Nestor, of the Office of Compliance, who spoke out against the FDA. "In the last four years I doubt if I've been assigned four months of meaningful work."

He said FDA has been hassling him ever since 1962 when he helped prove that the Richardson-Merrill Co. had falsified animal test data on MER-29, a cholesterol-inhibiting drug. "Eventually it was taken off the market, but not before it had caused extensive injuries in humans," said Dr. Nestor.

FDA organic chemist Dr. Burton Appleton claimed FDA tried to fire him in 1969 after he had recommended against continued testing of a new drug by Upjohn Co. until the firm could better demonstrate the drug's purity.

"The drug testing was removed from my hands, and a few months later I got a dismissal notice on grounds of 'inefficiency' and 'failure to follow instructions.'"

However, Civil Service regulations require proof of such charges—and FDA was unable to substantiate them against Dr. Appleton, who remains with the agency.

The new drug eventually was found to be unsafe and was not put on the market . . . but that didn't stop FDA abuse. Recalled Dr. Appleton: "When our division moved in 1970, every professional was given an office, with one exception—me. I was placed in a corridor with some secretaries and packing cartons. I was in the corridor only one day because I complained—but for about a year was given little or no work to do. Finally, with my consent, I was transferred in 1971 to another division."

Dr. J. Marion Bryant, another physician who left FDA, said he was subjected to "years of pressure and humiliation that defies documentation" because he refused to approve the drug Dilantin for use in treating heartbeat irregularities. He said he based his decision on the grounds "there was a great lack of information" about its effectiveness.

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Panel Vice-Chairman Calls It 'Disgrace'

Recommendation for Further FDA Probe Rejected by HEW

Early in June HEW Secretary F. David Mathews told the seven-member panel by letter that he would not accept its recommendation that an independent investigator be named to look further into charges of corruption, personnel abuse, and undue industry influence at FDA.

Responding to that letter of refusal, Norman Dorsen, the panel's vice-chairman, said it was "a disgrace" that Dr. Mathews had given no reasons for his decision.

"It was a triumph of bureau-

cracy over the people who put their careers on the line when they made sworn allegations concerning FDA before Senate subcommittees in August 1974," said Mr. Dorsen, a law professor at New York University. "I don't know who was responsible for it, but it does not make me any more confident in the government of the United States."

His comments were made at a meeting of the HEW Review Panel on New Drug regulation. Two weeks earlier that panel had issued a report stating that FDA

Dr. Bryant was transferred away from investigation of cardiovascular drugs — his field of expertise for more than 30 years, "and I was subjected to eight months of intensive pressure, derogatory of any professional dignity," he said.

The drug still has not been approved for use.

The Food and Drug Administration denies all the dissidents' charges — and gave *The Enquirer* this incomprehensible gobbledygook in rebuttal:

"If someone is transferred, and is never told why — if a memorandum is corrected, properly, but without notice to the author who accidentally discovers the change — if a formal recommendation is given by someone as part of his or her job, and the advice is not followed and rejection never ex-

plained — if supervisor and employee, or two equal colleagues aren't speaking to each other but are engaged in exchanging damaging broadsides — if meetings with industry are properly held, but interested parties not in attendance never informed of the results of the meeting — if personnel problems are not directly and rapidly resolved, but left to fester untended — and every effort is not always made to disseminate and enforce policy — then the logical result will be misinterpretation, suspicion, false conclusions, unhappiness, and poor morale. Unfortunately, all these events have occurred in the past decade: some will undoubtedly recur."

— ALLAN A. ZULLO

National Enquirer

Commissioner Alexander M. Schmidt's investigation of his own agency had been "inadequate," and asked Secretary Mathews to name an independent investigator.

Another member of the panel, Marsha N. Cohen, San Francisco

CHALMERS QUILTS

In a letter to Secretary F. David Mathews, Dr. Chalmers stepped down as chairman of the panel, stating that the discord between him and the other six members had reached "an intolerable level." The discord, he said, was precipitated by his dissent to the panel's criticism of a report by FDA Commissioner Alexander M. Schmidt denying accusations that drugs of questionable safety are being marketed with FDA approval.

consumer attorney, commented that "we were led to believe HEW wanted truly independent advice.

But HEW's apparent retraction of unlimited support after we have rather bitterly criticized a component of that agency leads one to question how independent we were supposed to be. We are the 'blue-ribbon' panel to be giving recommendations, and our recommendations were not liked so you give them over to someone else. (Mathews has referred the matter to HEW's general counsel for "analysis"). If it weren't so tragic, it would be amusing."

Robert W. Hamilton, another panel member, said he resented the secretary's letter which he construed as saying "thank you very much but we didn't like your conclusion." He said Mathews' rejection of the "unwelcome advice" is "very analagous to what happened in the FDA."

Dr. Thomas C. Chalmers, panel chairman, dissented from the request for a further investigation, and said he concurred with the secretary's decision.

FDA Feeling the Heat from Congress

Agency Insists on Adequate Safety Data from NIH, NCI

The Food and Drug Administration, after candidly admitting it has been lax in requiring the National Institutes of Health to comply with federal standards in the development of new drugs, is girding for a crackdown on its sister agency.

At a top-level March meeting between FDA and NIH officials, Dr. J. Richard Crout, director of

FDA's Bureau of Drugs admitted that "FDA, over the years, had accepted much investigational new drug (IND) information from NIH on faith rather than fact, presumably because of the confidence we had in their program."

In other words, IND information submitted by NIH researchers and clinical investigators did

(Please turn the page)

not receive adequate scientific scrutiny from FDA to ensure safety and efficacy. "And these new drugs then were tested in human beings even though the data supporting them was insufficient," said an FDA insider, aware of the problem. "NIH drug developers have always behaved toward FDA in an arrogant way," he said.

An account of the high-level meeting at which FDA brass bluntly informed their counterparts at NIH that FDA would require NIH scientists to comply strictly with federal drug regulatory standards, is contained in a memo obtained by *Federal Times*.

NCI TARGETED

Facing the brunt of FDA's new get-tough policy is the National Cancer Institute (NCI) whose resources and drug research program have expanded considerably the last few years. "FDA can no longer operate in good faith in this area," an FDA official informed the meeting.

One of the reasons the meeting was called was because officials and investigators working on NCI-supported drug development programs had complained to FDA that numerous cancer INDs were being held up at FDA — an unusual occurrence.

Dr. Crout made it plain this "was not because of a single medical officer or bureaucratic problems, but because of a real concern about the safety decisions which could not be resolved because of insufficient data."

In other words, whereas in the

past, FDA "on faith" had allowed NIH to conduct clinical or human studies with a new drug even though there was insufficient data provided on animal testing, now there would be an end to this permissive attitude.

Gary J. Dykstra, an official in the office of FDA's associate director of compliance, said in a phone interview there was no reason NIH "should not be held to the same standards as we hold private industry."

The memo quoted Dr. Crout as listing three main reasons for FDA's new policy: expansion of cancer-related research, pressure on FDA to apply IND standards evenly, and staffing changes within FDA and NIH.

CONGRESSIONAL PRESSURE

Dr. Crout was unavailable for comment. But Mr. Dykstra who summarized the meeting in the memo obtained by this newspaper, explained that the pressure referred to by Crout came largely from Capitol Hill.

In recent years, FDA has been the subject of scathing indictments by congressional committees for its alleged failure to uphold federal drug approval standards, and is the object of continuing scrutiny by a special panel appointed by the HEW secretary.

FDA Commissioner Alexander Schmidt, also present at the meeting, indicated that FDA's action was necessary to avoid further probes from Capitol Hill — many of which have been personally embarrassing to him.

Mr. Dykstra said in an interview that it was better to iron out the problem now than to have the issue emerge on the Hill and "face bad publicity."

"It is true," he said forthrightly, "over the years FDA has been overly solicitous to NIH. We haven't held them to the same tight standards as we hold industry. Some time ago there was

criticism from the Hill regarding FDA's dealings with INDs from the Defense Department. As a result FDA and Defense had to come up with a memorandum of understanding to solve the problem." It was better to head off a congressional investigation about NIH now by meeting the problem head on, he suggested.

— FEDERAL TIMES

'NIH Researchers Think They're Above Law'

The Food and Drug Administration's decision to make sure that National Institutes of Health scientists comply with federal standards in the development of new drugs is a bitter pill for some NIH researchers to swallow.

They object to FDA's plans to examine NIH drug data more closely, and to send trained investigators to ride herd on National Cancer Institute projects.

In the past, FDA has accepted on faith much of the animal test data submitted by NIH to support the use of drugs in human experimentation.

FDA's Richard Crout, director of the bureau of drugs, believes the bending of rules is confined to the National Cancer Institute.

Wrong, say many FDA insiders. One notes that "researchers from all over NIH think they are above the law and regulations. They think they walk on water. They think it's their birthright to go about giving experimental drugs to humans even though adequate animal studies have not been completed."

— FEDERAL TIMES.

FOR SALE BY NATIONAL HEALTH FEDERATION

From time to time gifts (other than money) are made to the Federation as a means of supporting the ongoing work or special projects. These gifts have been in the form of jewelry, furniture, office equipment, stocks/bonds, and real estate. Most items can be easily converted into cash. However, we are now in possession of 4 pieces of real property located in areas extending from New York to California:

2 building sites (adjacent) in Florida

1 building lot, near lake, No. California

1 building lot, near Salton Sea, California

A share of property in Suffolk County, N.Y.,

and a small parcel in Sebring, Florida.

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THIS IS THE NATIONAL HEALTH FEDERATION

The National Health Federation is America's largest, organized, noncommercial health consumer group. It is a nonprofit corporation founded in 1955. Its membership is comprised of men and women in all walks of life, belonging to a variety of religious faiths and political persuasions, and engaged in nearly every profession and trade.

Its members believe that health freedoms are inherently guaranteed to us as human beings, and our right to them as Americans is implied in the words, "life, liberty and the pursuit of happiness." Yet, frequently, these freedoms and rights have been and continue to be violated. Too often, as a result of the unopposed pressures from organized medicine, the chemical industry, pharmaceutical manufacturers, and others, laws and regulations have been imposed which better serve these special-interest groups than the public at large. We see and hear of new instances daily. To name a few: spiraling health-care costs, consumer exploitation by leading industries, excessive devaluation and adulteration of our foods, restriction of certain types of treatment, banning of certain health books from the mails, the harassment of those who advocate natural methods of healing and natural foods, the poisoning of our air, water and soil through greed and carelessness, and many other health-related issues.

The NHF opposes monopoly and compulsion in things related to health where the safety and welfare of others are not concerned. NHF does not oppose nor approve any specific healing profession or their methods, but it does oppose the efforts of one group to restrict the freedom of practice of qualified members of another profession, thus attempting to create a monopoly.

The public needs a strong voice, such as the NHF provides, to speak and act in their behalf in these health-related matters. Legislators need your support to balance the pressures exerted upon them by the special interests. The National Health Federation, through a special legal and legislative staff in Washington, keeps its members apprised of all health legislation, opposes inadequate or undemocratic health legislation, while supporting or drafting bills to protect the individual's health freedom.

Will you join us in this worthy effort?

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1. Support the principle of freedom of choice and liberty in health matters.
2. Be a part of a strong and united consumer's voice in all health matters.
3. Work for beneficial and needed health legislation and, at the same time, oppose proposals which are detrimental to the health interests of the people or which do not provide for equality of recognition of all legally established health professions.
4. Support a united effort to reduce the cost of health care.
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7. Secure fair and impartial enforcement of food and drug laws and regulations.
8. Insist that all monies raised for health research and care be used exclusively for these purposes.
9. Compel all health fund-raising organizations to disclose in an annual report, the amount of funds collected and how the funds were expended.

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