

School Prayer Case Spotlights Church-State Separation Issue

By FREDERICK H. TREESH
New York — (UPI) — William J. Butler, the soft-spoken, Harvard educated lawyer who successfully argued the supreme court case against the New York State School prayer, gets his Irish dander up when anyone suggests the decision was anti-religious.

"To say the decision is sacrilegious or anti-religious is baloney. It just isn't true," Butler said. "What the court said was that there is not to be any state involvement in religion."

Butler, a Roman Catholic and a successful corporate attorney, said he volunteered to take the case because he believes it is unconstitutional for a state to use its facilities to carry out a religious function.

Ruled 6 to 1
The Supreme Court, in a 6-1 decision, ruled that the New York regents prayer was a violation of the first amendment to the U.S. Constitution, which prohibits "an establishment of religion" by government. The prayer had been written by the New York state board of regents and suggested for use by local school districts.

Butler argued the case for five parents from New Hyde Park, a Long Island suburb of New York City. The parents, two Jews, a Unitarian, a mem-

ber of the Society for Ethical Culture and an agnostic, opposed adoption of the prayer by the local school board.

"It was the first time in U.S. history that a state had composed an official prayer," Butler said.

The basis of the parents' objection, Butler said, was that they believe that once a state can determine what religious observance is orthodox, then it can start preferring one belief over another.

Beginning of End
"In our society, which is pluralistic in nature, that is the beginning of the end of religious freedom," Butler said.

The court's opinion, while restricted to New York's state-composed prayer, inevitably must be interpreted in a wide range of other cases involving the relationship of church and state, Butler said.

One of these will be the future of Bible reading and the recitation of the Lord's Prayer in schools. A Pennsylvania case in which those points are at issue is pending before the Supreme Court.

And to what extent will the court's strict interpretation on separation affect the future of federal aid to sectarian schools?

Butler said the whole question of religion in public life will be at issue in the coming interpretations of the Su-

preme Court decision on the New York prayer case, known as Engel vs. Vitale.

May Be Classic
The case may become a classic in constitutional law.

"It will be the case on separation," Butler said. "No matter what happened after this, it has to happen within the framework of this case or the whole structure of our

constitutional law breaks down."

Butler said the five parents who instigated the prayer case have received many indignant letters and telephone calls since the Supreme Court returned its decision, and at various times their homes have been picketed.

"Most of the letters say the parents should either go to

hell or go to Russia. The writers don't seem to care," Butler said.

He dismisses the letter writers and callers as "cranks" and said at no time have the parents considered asking for police protection.

Originally, Butler said, about 50 or 55 parents in New Hyde Park actively opposed the mandatory prayer. But be-

fore the case went to court 34 years ago, there were only five petitioners. The others, he said, did not want to become parties to the action because of possible social or economic reprisals.

The case had been argued and lost in three lower courts before the Supreme Court issued its order banning the New York prayer, Butler said.

Two Youths Drown As Canoe Capsizes

Ephrata, Wash. — (UPI) — Two Indian youths drowned Wednesday night when their 19-foot cedar dugout canoe capsized under the spillway at Priest Rapids dam on the Columbia river.

The victims were John Buck, 16, Beverly, Wash., son of Frank Buck, chief of the Wanapum Tribe, and Melvin Luci, 24, White Swan, Wash.

Mental Health Chairman Elected

Salem — (UPI) — The new state advisory committee on mental health Wednesday elected Dr. Herman Dickel, Portland psychiatrist, chairman.

The committee, which voted to meet quarterly, was welcomed by Secretary of State Howell Appling Jr., state treasurer Howard C. Belton, and Dr. Joseph Treleven, director of the state Board of

Control's mental health division.

Treleven said Oregon needs a comprehensive, long term plan to combat problems of mental health.

The board, to advise Treleven's division, is composed of professional and lay members. It has nine members representing public health, psychiatry, education and other fields.

Many Americans Said Involved in Testing of Drugs

Editor's note: The case of the drug thalidomide, which was used experimentally by doctors before it was found to cause babies to be deformed, has focused a spotlight on testing procedures for new drugs. The following dispatch explores these procedures and the controversy that surrounds them.

By JERRY LANDAUER
Washington — (UPI) — Thousands of Americans are involved in the testing of new drugs, but many of them never know it.

They are the human beings upon which all new drugs must be tested before they can be sold.

Before the drugs are sent to selected doctors to give to their patients as experiments, the drugs are tested on animals. But, as a Food and Drug Administration official pointed out, "animals don't answer all the questions."

There is always the possibility that the answer to the human tests may be tragedy. Officials are praying that no tragedies befall the thousands

of persons who may have been given the drug thalidomide as an experiment.

Thalidomide may cause as many as 5,000 babies in Europe to be born deformed.

Not Sold in U.S.

The drug never went on sale in this country, thanks to a suspicious FDA medical officer named Dr. Frances Kelsey. But it was tested on human beings from 1959 until last December, when its U.S. maker warned doctors not to give it to women of childbearing age.

The thalidomide tragedy has stirred anew the controversy over government's laws regulating the drug industry. Sen. Estes Kefauver (D-Tenn.) and a handful of his constituents, plus some medical authorities and government officials, believe Congress must arm the FDA with more power to deal with unproven drugs.

As drugs grow more potent, the officials argue, they grow more dangerous. And, they charge, the present laws are too full of holes to protect the public.

21 Products Withdrawn

Since the summer of 1958, drug manufacturers have been forced to withdraw from the druggists' shelves 21 of their products which had proven to be dangerous. All had met the necessary FDA regulations.

Several of these drugs passed by the FDA, turned out to cause such possible fatal maladies as blood disease, liver damage and hepatitis.

In order to get a drug on the commercial market, a drug manufacturer first tests it on animals. Then, if it passes that test, the company sends it to a selected list of doctors who have agreed to give it to their patients and report back on the results.

There is no FDA regulation that the doctors must inform their patients that the drug they are taking is in the experimental stage. An FDA official said that in some cases, it might be wise to tell the patient this.

Then, if the company feels tests show the drug is worthwhile, it submits a full statement of its qualities, with the results of the experiments, to the FDA. There is no stipulation as to how long the drug may be tested on animals before being used on human beings.

Can Appeal Decision

The application filed with the FDA is considered automatically approved unless the federal agency, within 60 days, disapproves it or orders further tests.

The drug manufacturer whose new pill is rejected can appeal the decision in court.

Kefauver submitted a sweeping drug reform bill that would repeal the law allowing the drugs to go on sale in 60 days without specific approval, a law he claims permitted many dangerous medicines to get on druggists' shelves because of the pressures on the FDA.

"Under existing procedures it is the American people who unknowingly serve as guinea pigs for experiments by drug companies," Kefauver says.

But his bill was almost entirely rewritten by the Senate Judiciary Committee, leaving out the repeal of the 60-day law, and the outlook for enactment of any bill at all on the subject becomes dimmer with each passing day.

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Bonneville Chief Lauds Senate Vote

Portland, Ore. — (UPI) — Bonneville Power Administrator Charles F. Luce Wednesday hailed the vote by the Senate on the Hanford, Wash., nuclear reactor.

The Senate approved an amendment to an Atomic Energy commission bill which would allow the Washington Public Power Supply System to build electric generating facilities at the reactor.

"Logic and economic common sense dictate that the Hanford project should go forward," Luce said.

Luce called on the private utilities of the Pacific Northwest, who have opposed the project, "to come forward now and publicly support it."

Navy Plane Feared Down in Pacific

Manila — (UPI) — A U.S. Navy patrol plane carrying 13 persons was missing and presumed down at sea in the Pacific 150 miles northwest of here, the Navy said today.

The plane failed to return on schedule to Sangley Naval Base here after a night training mission. The Navy said no radio messages had been received from the P-5M Martin aircraft.

Twelve planes and the carrier Valley Forge were participating in a search for the missing plane, a spokesman said.

Civil Service Repeal Petition Needs Signers

Salem — (UPI) — Marion County Clerk Henry Mattson says sponsors of a petition for repeal of the county's civil service system need nearly 3,000 signatures by next Tuesday, rather than 2,100.

Sponsors thought earlier 2,100 would be enough, but Mattson said the minimum is eight per cent of the highest vote cast for a state Supreme Court justice in November, 1960.

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