W.Post, June 26, 1968

Bethesdans Criticize Route of Water Main

The Montgomery County Council's decision to reroute a proposed major water main away from Chevy Chase, where it drew angry citizen reaction, and through Bethesda is now under fire from Bethesda residents.

The Bethesdans contend that while the original routing through Chevy Chase involved no right-of-way condemnation, the alternate line through Bethesda will take land away from 44 property owners and require the destruction of one home.

"It is difficult to understand how the County Council could disregard two studies of the Washington Suburban Sanitary Commission and opt for a location which is the most expensive of all the alternatives and will affect the property holdings of considerably more residents," said a letter sent to the Council yesterday.

It was written by Dr. Anthony F. Czajkowski, who heads the Ad Hoc Committee on Water Supply Line formed to fight the revised route.

The Council acted early this month to block the Sanitary Commission's original plan to put its 60-inch pipeline under residential streets in Chevy Chase. The latest routing is at least eight blocks north of the Chevy Chase route and would largely follow the Baltimore and Ohio Railroad's right-of-way.

The water line would provide a key two-mile link from Wisconsin Avenue to Connecticut Avenue to pump water from the Commission's Potomac filtration plant to Silver Spring.

The Sanitary Commission considers completion of this line as vital to relieve a main pipeline that provides water to hard-pressed southern Prince George's County, which has found itself short during the past few summers.

However, the pipeline could not be completed by the end of this summer along either route.

In a letter sent yesterday to Sanitary Commission chairman Peter A. Bozick, Prince George's Commission chairman Gladys N. Spellman demanded that in the event of a water shortage this summer, "Prince George's County (should) be given its full quota and Montgomery County accept the consequence" of delaying the Bethesda line.

The Montgomery Council has agreed to pay the additional right-of-way cost for the B&O route, which the Sanitary Commission estimates at $320,000. Construction costs for either route would be approximately the same, about $1.9 million.

The routing through Chevy Chase was abandoned by the County Council after a storm of protest from residents who objected that the pipeline would disrupt traffic and inconvenience them.

County Council Orders Main Elsewhere

Chevy Chase Cheers as Water Line Is Shifted

The Montgomery County Council today bounced a 60-inch water main out of Chevy Chase and hundreds of residents gathered burst into cheers.

By a 7-0 vote, the Council ordered the Washington Suburban Sanitary Commission to turn back to two alternate routes previously rejected or find an altogether new way to carry water to Silver Spring and Prince Georges County.

The Council decision followed 90-minute presentations by representatives of the Chevy Chase residents and the WSSC. The residents maintained the WSSC plan, from Wisconsin-av, along Leland-st, Thornapple-st, Meadow Lane, and Leland-st to Connecticut-av, would cause damage to "the schools, houses, streets, trees and the health and safety of residents."

James Miller, the citizens' lawyer, insisted the WSSC had "explored only recently and then half-heartedly the B&O alternate route." Another citizen representative told the Council that railroad officials told him extra land in the roadbed was available and the line "would be happy to make the right-of-way available in the absence of unforeseeable problems."

DUBIOUS

WSSC Chief Engineer and Acting General Manager Robert McLeod told the Council he hoped the citizens had gotten that "in writing because it's quite contrary to the usual reception given us by the B&O."

He reiterated his feeling that construction of the water pipe should not be delayed since low pressures could be experienced if 1968 were as dry a year as 1966. He said the pipe was needed to supply Silver Spring with water and to relieve pressure on another water line which would send water to Prince Georges County.

Howard Monderer, representing the Rollingwood School P-TA, said it was "mandatory that no work be done during school hours during the school year." He said construction "would cause hazardous conditions even if the proper safeguards are taken."

IMPRESSED

The Council was obviously convinced. The vote followed an announcement by WSSC Chairman Louis Gravelle that regardless of the action the Council would take the vote in the afternoon not to award the contract for construction of the water pipe in Chevy Chase.

"The people here are very substantial and very disturbed," he said. "They're asking for help."

Mr. McLeod had said previously that the B&O route was rejected because it would cost $250,000 plus the cost of 20 private right-of-ways over the cost of the Chevy Chase route. The third route, along East-West Highway, was rejected because of the disruption to traffic that construction would cause, he said.

What Goes on Here

District Mayor Walter E. Washington backed up an earlier endorsement by the former Commissioners of a subway line into the Southwest and elimination of the Columbia Heights route. In a letter to Senate District Committee Chairman Alan Bible (D., Nev.), the Mayor also urged mass transit service to the Seventh-st corridor be furnished "as expeditiously as possible."

Confusion over who owns the copyright to the $250,000 Passow report on Washington schools has delayed a second printing, promised after numerous teachers and officials complained copies of the far-reaching study were unavailable. The District School Board and Columbia University Teachers College both claim the rights. However, several lawyers have expressed the opinion that the report is a public document, not subject to copyright law.

Prince Georges civic leader Julian C. Holmes charged the Maryland State Roads Commission has jeopardized a $3.5 million Federal grant to widen Indian Head Highway by failing to acquire and maintain access onto the route. Mr. Holmes produced a letter from U.S. Public Roads Director F .C. Turner warning access controls will have to be provided before a request for Federal funds can be approved.

The firing of three Prince Georges Purchasing Department employes amid charges and counter-charges over buying practices was labeled illegal by Del. William J. Goodman, head of a legislative delegation investigating the Department. The County Merit Board called charges by the three that their boss favored certain bidders on Government contracts "mischievous, unfounded. . . ." in ousting them. But Del. Goodman, whose subcommittee found "startling deficiencies" in the Purchasing Department, has demanded a new hearing for the employes.

Alexandria Corporation Court Judge Franklin P. Backus, Corporation Court Judge George M. Coles of Charlottesville, and Circuit Judge Dixon L. Foster of Lively have been named to supervise a Dec. 16 recount of the recent General Assembly contest in which Del. James M. Thomson won over Harry S. Fleming by 64 votes.

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They concede that the biggest hurdle to overcome is the weight of conventional wisdom. It goes something like this. Such a bill would permit the founding of monopolies that can charge high prices for the fruits of tax-aided research. It's a free lunch, say the critics, and it's not fair. One Senate aide who was skeptical of the bill put it this way. "At the stroke of a pen," he said, "you are creating billions of dollars of property that did not exist before, property that is created with taxpayer support. We are not about to jump on the bandwagon. We have an obligation to the public and to other patent holders. We want to make sure this is good public policy before we start touting its wonders."

For more than 30 years, the government has operated on the assumption that the economic rewards from federally funded R & D should be captured by the government, or shared only grudgingly with others, since public funds were used. Hence, the government's collection of 30,000 patents. That policy, however, has not produced an astounding record of economic returns, and the conventional wisdom on public money and private gain may be in the midst of change. The innovation "lag," moreover, is becoming pop drama, as evidenced not only by the Administration's domestic policy review but by media coverage such as the 4 June *Newsweek* cover story on innovation, subtitled "Has America lost its edge?" The winds of opinion are shifting. It may no longer take a leap of logic to see that good public policy might include a modicum of private gain, especially when the alternative is patent portfolios that gather dust on government shelves.

—WILLIAM J. BROAD

Whistle Blower Reinstated at HEW

For more than a decade, Norman J. Latker, while working as patent counsel for HEW, urged the department to give the patents derived from HEW-funded research back to the universities that originally did the work. During this time, HEW patent policy became a model for many federal agencies. Then, last December, Latker was bounced out of government service after denouncing an attempt by his superiors to put a lid on patent transfers. He has now, however, been reinstated.

Latker returned to his post as HEW patent counsel at the end of July. The action was called for by a civil service review board that overturned Latker's firing on procedural grounds. HEW, which hedged for 1 month before commenting on the action of the review board, has decided not to appeal the ruling.

The reinstatement is timely. Support is now building for the Bayh-Dole patent bill, and Latker's return to HEW is seen by many university researchers and patent-transfer fans, to whom Latker is something of a hero, as a shot in the arm for their cause.

Latker is anything but a revolutionary. A 22-year veteran of government service, with 15 of them in HEW's patent office, he is credited with helping develop such mild-mannered innovations as Institutional Patent Agreements (IPA), which aid the flow of patent rights from government to universities. The story of their rise at HEW is simple. In 1968, the Government Accounting Office (GAO) investigated the pharmaceutical programs at the National Institutes of Health (NIH) and found no evidence that drugs developed with NIH support ever reached the public. GAO blamed the lack of technology transfer on HEW's practice of retaining all rights to inventions.

After a departmental shake-up in 1969, Latker helped develop a system whereby HEW automatically gave patent rights to the university where a discovery was made and allowed it to license the patent to a private company, which could then develop and market the product. Such IPA's were issued only to universities with a good track record of technology transfer. Latker, however, also urged the transfer of patent rights to universities without such an IPA, eventually releasing 30 to 40 patents a year on such a case-by-case basis. For some time everything sailed along smoothly. Then in August 1977, Latker was ordered to send all requests for patent waivers up to the HEW general counsel's office. And there they sat. Up until that time, Latker had final say on patent transfers. But no more. The public position of HEW was that all patent matters were "under study," and that no one in the general counsel's office was quite sure just when the review would be finished.

By the fall of 1978, more than 30 requests for individual patents and three requests for IPA's were gathering dust in the general counsel's office. Universities got upset and complained to Congress. So did Latker.

In September 1978, Senator Dole accused HEW of "pulling the plug" on biomedical research. To support the charge, he quoted an internal memorandum from the HEW general counsel's office. "Recent experience with the high cost of proliferating health care technology," it read, "suggests that there may be circumstances in which the Department would wish to restrict or regulate the availability and cost of inventions made with HEW support." HEW Secretary Califano and his advisers had decided to wage war on "runaway medical technology." One way to do so was apparently to deny universities the transfer of patent rights from government-funded research. On 13 September 1978 Dole and Bayh held a press conference and announced a bill that would cut through the backlog. HEW responded quickly. The next day Califano ordered his staff to transfer the patents back to the universities. Within weeks, HEW released 20 of the 30 patents. Soon afterward they also released Latker.

Departmental spokesmen now insist that Latker was not given the boot for blowing the whistle on HEW. Latker was dismissed, they say, because his superior, Richard Beattie said Latker did not meet "professional standards," and because of "specific instances" of misconduct including "forms of lobbying flat out forbidden by the government's codes of conduct."

Latker recently told *Science*, however, that official charges were never brought against him. He was simply fired. But now that the civil service has reinstated him and HEW has decided not to appeal the ruling, Latker says he is simply glad to be back. "It's been a difficult period in my life," he says. "I'm happy to once again have the chance to work with the department."—W.J.B.

Sun.Star, June 30, 1968

Two Montgomery Areas Renew Pipeline Battle

Residents of East Bethesda narrowly avoided declaring war on their Chevy Chase neighbors yesterday in the latest round of the battle over the routing of a controversial 60-inch water supply line.

When the dust settled after 2½ hours, though, residents of the two communities said they were still friends, despite their differences over where the pipeline should go.

After peace was established, the East Bethesda Citizens Association, which had called the meeting, voted unanimously to carry its protest to the Montgomery County Council at a July 15 public hearing on a proposal to reroute the pipeline along the Baltimore and Ohio Railroad right of way.

Originally, the line was to have followed a route through the residential streets of Chevy Chase Section four, Rollingwood and Hamlet. However, residents of these areas strongly protested the plan last November and, finally, were victorious earlier this month when the county council ordered the Washington Suburban Sanitary Commission to reroute the line along the B&O.

No sooner had the council made this decision than the East Bethesda residents affected by the line organized an ad hoc committee to protest the rerouting. Yesterday's meeting, in Bethesda, drew some 100 East Bethesda residents and a handful from Chevy Chase Section Four.

During the raucous proceedings, the East Bethesdans hooted and hollered when Raymond E. Jager, chairman of the Section Four Waterline Committee, attempted to defend his community's stand on the issue.

Jager and councilwoman Marjorie H. Sonnenfeldt said if the line were constructed through their community it would mean fire and rescue vehicles would be blocked from entering various streets during the construction period. In addition, they cited potential dangers to school children and destruction of trees and property as other reasons for opposing the line.

But East Bethesda residents were not convinced. They claimed the line as proposed through Chevy Chase would affect only the streets while in East Bethesda it would cut through 19 homesites and possibly result in demolition of some homes.

6/12/68

WSSC Told to Switch Route of Water Main

By Thomas W. Lippman
Washington Post Staff Writer

The Montgomery County Council ordered a rebellious Washington Suburban Sanitary Commission yesterday to shift the proposed route of a 60-inch water main off the quiet streets of Chevy Chase and on the right-of-way of the B&O Railroad.

Angry Commission members from Prince George's County immediately served notice that they still support the original route and may refuse to finance the project in this location.

The dispute could go to the courts and prolong the recurrent summer water shortages faced by residents of southern Prince George's County, for whose benefit the $1.8 million project is designed.

Peter A. Bozick, vice chairman of the Commission, called the Council's action ridiculous, and said he would urge the Prince George's members to vote against expending funds for the project. John J. McBurney, the other Prince George's member in attendance at the Council meeting, said, "I'm not going to reverse my vote. If I was right then, I'm right now."

The scene in the County Council Chamber in Rockville was almost identical to that of last November when the Council first sidetracked the project: Prosperous residents of Chevy Chase opposing the plan, members of the Commission supporting it, and the Council siding with the home owners.

The project originally was scheduled for completion this year. Residents of Chevy Chase Section 4 insisted that it would cause inconvenience, traffic jams and danger to their homes and families in the area of Leland and Thornapple Streets.

In November, the elected Council instructed the appointed Commission to defer construction and reconsider two alternate routes that previously had been rejected by Commission engineers. Last month, the Commission returned with a unanimous reaffirmation of its original decision. The three Montgomery members, who are appointed by the elected Council, joined the Prince George's members in that vote.

The Council's action yesterday was taken under a new provision of State law that gives the Council authority to veto, amend or initiate projects in the Commission's five-year sewerage program. The Council previously had only the power to veto, which in this case it probably would not have done.

Councilman Richmond M. Keeney reminded McBurney that "unfortunately for you" the Council now has the power to amend Commission projects, even when they already have received Council approval. The Commissioners in turn reminded the Council members that they have virtually no fiscal control over the Sanitary Commission and that rewriting the plans on paper was not the same as turning the earth.

Council President William W. Greenhalgh said that if necessary the Council would go to court to force the Commission to begin construction along the railroad route.

McBurney, waving at the crowd of about 60 persons, said the Council was substituting "psychic effects" for the conclusions of Commission engineers who said the Chevy Chase route would be cheaper and faster.

Worker who gave tip on drug patent backlog is fired

By Barbara Reynolds
Chicago Tribune Press Service

WASHINGTON — Norman Latker, a government patent counsel who told Congress that the Department of Health, Education and Welfare delayed the release of potentialy life-saving drugs to the public, has been fired.

For more than two years, inventions by government-funded scientists have been caught in a HEW bottleneck because of a dispute over whether universities and private firms or the federal government should retain patent rights.

While senators, university officials, and inventors have condemned HEW policy, they have praised Latker, HEW's chief patent counsel, for fighting behind-the-scenes to release cancer-fighting techniques and other new technology from the department.

NOW LATKER, a 47-year-old native Chicagoan, is looking for a job after 22 years with the federal government—15 of them in HEW's patent office.

Another problem for Latker is personal. Eight years ago he signed a waiver placing him in a special civil service category, which may mean he is not entitled to severance pay. And he said it will be 15 years before he qualifies for a pension.

Latker said he did nothing heroic or outlandish. "The worst thing I could have done as HEW might see it was to tell the truth when I was questioned before Congress. I didn't think anyone would want me to lie."

Last June, Latker told a Senate committee hearing that HEW had held up patent rights on inventions developed by scientists with federal funds.

"I didn't think I had any choice but to respond truthfully," he said, "although I avoided interpreting what the holdup meant."

Unless limited patent rights are transferred to pharmaceutical firms, the firms will not invest the millions needed for clinical testing and clearance through the Federal Drug Administration for eventual public use.

IN AUGUST Sen. Robert Dole [R., Kan.] accused HEW of "pulling the plug" on biomedical research in an attempt to hold down medical costs.

Latker also provided information for Sen. Dole, which was used to write legislation making it more difficult for HEW to hold on to patent rights.

The day after Sen. Dole launched his attack, HEW Secretary Joseph A. Califano ordered his aides to release some of the patents, which had been delayed as long as two years. However, only half of the 29 patent projects identified by Sen. Dole were released.

Once Califano released some of the patents, Latker said, "he went looking for the guy who blew the whistle."

LATKER ADMITTED he wasn't hard to find, since he was the only one who had argued with his superiors over the patent policy. He had also been reprimanded for sending out public statements critical of the delay. "although I also sent out public statements that agreed with HEW's decision."

On Nov. 9 his superior, Richard Beattie, asked for his resignation, Latker said. "He really berated me, saying that it boggled his mind that I could criticize the department. He also told me that I should have learned to say 'no'."


Norman Latker

Beattie, who was recently promoted to special assistant to Califano, told The Tribune that although he had started the action against Latker, he did not know of Latker's firing. He did not comment on the reasons for the firing.

John Blamphin, a press spokesman for HEW said, "Latker was dismissed for a number of improper activities and not, as he has reportedly claimed, for the disagreements over departmental patent policies, or because of any testimony before Congress, or any disclosure he may have made about the department."

LATKER'S activities, Blamphin said, included the use for personal purposes of government personnel, materials, and facilities. Blamphin said Latker also mailed nongovernment material under government frank.

Dr. Ralph Davis, patent manager at Purdue University, said that the firing is not only an issue involving Latker's future, but also the future of life-saving inventions. "He cared about the public, he cared about people more than policy," Davis said.

According to Dr. Davis, the federal government owns about 28,000 patents, but less than 1,500 have been licensed for commercial use. "What is there to gain by holding on to the rights," he said, "when they don't have the resources to get new products on the market?"

BARRY LESHOWITZ, a former aide to Sen. Dole and now a scientist at the University of Arizona, said: "Latker never went to the press. Congress came to him and he cooperated. It is now clear that HEW will not alter its policy of holding up patents if they fired the only guy who tried to get inventions to the public."

Latker said he is still worried about the closed atmosphere in HEW. "People are scared to death to say anything that challenges the department line," he said. "Scientists can't operate that way. They have to be free to explore new ways."

sometimes Government is equipped to deal with industrial question which require a highly specialised expertise. The most realistic position perhaps is to accept the increasing interaction between Government and industry, also in the fields of R & D, as a given fact and devote systematic thoughts to this interaction in order to be prepared to encounter the situation in the most fruitful way for the enterprise".

R. SCHULZ (EIRMA)

DIAGRAM 1

EIRMA : AIM AND PURPOSE

THE ASSOCIATION SHALL THEREFORE PROMOTE :

- THE STUDY OF THE ORGANISATION AND MANAGEMENT OF INDUSTRIAL RESEARCH, INCLUDING SCIENTIFIC RESEARCH AND TECHNOLOGICAL DEVELOPMENT ;
- THE DEVELOPMENT AND THE WIDER USE IN INDUSTRY OF IMPROVED MORE ECONOMICAL AND EFFECTIVE METHODS AND TECHNIQUES OF MANAGING INDUSTRIAL RESEARCH ;
- WIDER UNDERSTANDING OF THE PLACE OF RESEARCH WITHIN THE FIRM, OF THE ROLE AND REQUIREMENTS OF RESEARCH IN INDUSTRY GENERALLY, AND OF THOSE ASPECTS OF ECONOMIC, EDUCATION AND SCIENCE POLICY WHICH HAVE A SPECIAL BEARING ON RESEARCH IN INDUSTRY OR WHICH RESEARCH IN INDUSTRY CAN INFLUENCE.