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ORAU-30048

ORINS | ORAU Total Body Irradiation;  
Program Correspondence, Articles  
1981, 1982

1098193

*Jes  
Carrington*

October 6, 1981

C. C. Lushbaugh, M.D.  
Medical & Health Sciences Division  
Oak Ridge Associated Universities  
Post Office Box 117  
Oak Ridge, Tennessee 37830

Dear Lush:

I became greatly disturbed when I heard of the malignant article in "Mother Jones". I finally found a copy of the article but I appreciate having you send me the reprint.

As I related to you, I was involved with Andy in the original design concept of the medical experiment. As you are aware, Andy's original interest was the effect of low dose whole body radiation. There is a body of information concerning the effects of low dose radiation which is certainly well documented in the older literature and has been present for many many years. I have used it myself with Wayne Rundles at Duke on occasion using orthovoltage radiation. The experience at Memorial in the early days using the Heublin room was, of course, another attempt and there are many others. Andy's initial interest though was in the radiobiologic effects of extremely low dose radiation as the capability to do this had not been previously present and by the use of the facilities at Oak Ridge and utilizing artificially produced radioactive sources, both cesium and cobalt, a variety of dose rates could be developed. Hi dose total and partial body radiation has been widely used and there is even now a resurgence of interest in this technique. I do remember a number of conferences held at Oak Ridge where I acted as a consultant and actually advised on the dose rate to be used. Unfortunately, my files on this work were destroyed and I do not have the information available, but I'm sure the files at Oak Ridge would contain this information.

Later NASA became involved simply because they were interested in the effects of space radiation. It just so happened that the General Electric facility here in Daytona was interested in this aspect as well and I became a consultant to NASA in this regard and had a number of

REPOSITORY Oak Ridge Institute for Science & Education  
Medical Sciences Division  
COLLECTION ORINS/ORAU Total Body Irradiation  
BOX No. \_\_\_\_\_  
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conversations with their investigators, as well as a visit to their space radiation laboratory in King of Prussia, Pennsylvania. They were interested in possible effects of space radiation on manned space vehicles and, of course, you further developed data in this area. I can assure you that there was never any interest in the use of human patients that was directed to other than medical biological results, and the information obtained on radiation effects that NASA was interested in was certainly a serendipitous side effect. I, of course, realize that they later supported and funded some of the program.

My greatest concern is the fact that Gould Andrews' expertise and reputation is being threatened in this instance. Those of us who knew and worked with Gould know that he was not only a medical scientist of highest caliber, but was also one of the most compassionate physicians that I know and was an authority on oncology as well as hematology. The present criticisms of the use of certain patients, particularly the Sexton child, and the implications that patients were uninformed of experimental therapy, is entirely fallacious. During all of my associations with Oak Ridge, the patients and their families were informed specifically of the experimental nature of treatment and the patients were selected after group conferences and were patients where standard current accepted therapy had failed or was not indicated. In addition, the allegations of no peer review, or inadequate peer review, are simply erroneous. There was peer review with committees from all of the universities that supported the entire program as you well know. This was not of the same intensity that presently exists in the NCI, but they were present.

This entire article in "Mother Jones" is an example of "investigative reporting" with the objective to provide sensation and distort facts and conditions rather than expose mismanagement or incompetency.

I think the article in "Science" which relates remarks of a number of current prominent oncologists were rather mixed, but in general confirm that standard therapy, at least for the Sexton child, was utilized and that the experimental aspects of treatment were, although unusual by today's standards, were certainly provocative and well worth investigating. In some instances I believe their statements were out of context and they probably were unaware of the total program or the specifics of the individual case. In any event, I certainly wish to convey to you that if there is anything at all that I can do to aid in this matter, please do not hesitate to let me know.

Sincerely,

H. D. Kerman, M.D.  
President

HDK:cb

cc: Frank Comas, M.D.

1098195

# Human Guinea Pigs at Oak Ridge?

*Scientists respond to a report that they used cancer patients to test man's tolerance of radiation in space*

The investigations subcommittee of the House Committee on Science and Technology is planning to hold hearings later this month on a report that got a lot of attention on 20 August: a charge that during the 1960's cancer patients at a small clinic linked with the Oak Ridge National Laboratory in Tennessee may have received unnecessary doses of gamma rays in an experiment aimed at learning just how much radiation astronauts could tolerate before becoming sick and choking in their oxygen masks. The hearings will be chaired by a Tennessee, Representative Albert Gore, Jr. (D).

Oak Ridge officials were caught somewhat unprepared when the author and publisher of the report, Howard Rosen-

interviewing officials, and reading "thousands of pages" of government documents.

The 20 August press conference made a splash on the national evening news. Among those who spoke before the cameras were Mary Sue Sexton, distraught mother of Dwayne, the 6-year-old Tennessee who died at the hospital in 1968; Karl Morgan, former chief health physicist at Oak Ridge, who said he felt "sorrow and dismay" that he had once sent a friend to the Oak Ridge clinic; and Peter Wiernick, a physician from the Baltimore Cancer Center, who said that he thought the clinic made a mistake in not telling patients about the uses to be made of the radiation research. He also thought the Sexton child might not have

until 1969, the year after Sexton's death. The animals had a separate air supply system. Cages and debris were moved through hallways where patients walked, but laboratory officials say there was no risk of contamination because the trash was kept in airtight plastic bags.

Rosenberg released other documents, including the summary of an unfavorable review given the clinic by the parent agency, the old Atomic Energy Commission (AEC), in 1974. According to the AEC summary, the clinic's facilities were "substandard with respect to licensing and accreditation guidelines," the entire medical division was "essentially isolated from the critical climate of academic clinical investigation," the main laboratories were inadequate, and the hematology program was particularly deficient. The irradiation programs were declared to be "without adequate planning, criticism, or objectives." The bone marrow immunology program was cited for "severe criticism" because "ethical questions were raised with respect to the protocols employed. . . ."

In addition, Rosenberg cited the fact that NASA financed some of the clinic's equipment and paid the salaries of some researchers. He claimed that the cancer program was "corrupted" by the desire to find data for NASA, and that patients were given nontherapeutic doses of radiation.

A team led by Oak Ridge pathologist Clarence Lushbaugh, now chairman of Oak Ridge's entire medical division, was recruited to study the nausea-inducing effects of radiation. Lushbaugh analyzed the records of 3000 patients in 46 hospitals to learn about the dangers that would confront the astronauts. Oak Ridge was not the primary source of Lushbaugh's information, for it gave radiotherapy to no more than 186 patients.

The man who was then chairman of Oak Ridge's medical division and designer of the treatment protocols, Gould Andrews, died in 1980. Speaking in his place, Lushbaugh now claims that Andrews made all decisions on therapy and was in no way influenced by NASA's concerns. Karl Hübner, a member of the hematology staff, said that the therapy offered at Oak Ridge in the 1960's and early 1970's was perfectly in keeping with standard approaches of the day.

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berg and *Mother Jones* magazine, held a press conference before network television cameras in Washington, D.C. A spokesman for the medical division at Oak Ridge, Wayne Range, essentially denied the thrust of the article, but challenged few of the facts. (The hospital itself has been closed since 1974.) Although the National Aeronautics and Space Administration (NASA) did pay for some of the research, Range said, its involvement was passive. Cancer therapy given at the hospital, he claimed, was a standard variety for 1965, and all that NASA gained was an opportunity to examine some patients' records.

Rosenberg's report focused on the case of Dwayne Sexton, a child with acute leukemia who was treated at the Oak Ridge Institute of Nuclear Studies between 1965 and 1968. The author explained that Sexton was the only one of "at least 89 cancer patients . . . systematically exposed to large doses of radiation between 1960 and 1974 in two specially designed chambers" whose record he was able to reconstruct. Rosenberg said he had spent 18 months canvassing Tennessee for information on patients,

received normal care in that he was not given a standard course of chemotherapy before other, untested therapies were used.

According to Rosenberg, doctors at the Oak Ridge Institute of Nuclear Studies who treated Sexton between 1965 and 1968 "belatedly began treating Dwayne Sexton with chemotherapy" only after they tried and failed to help him with an unusual experiment in immunology. Rosenberg also stressed that Sexton was later given a large dose of total-body radiation and sent to recover in a radiation chamber (not in operation) used to treat other patients. Beneath the chamber was an area where animals were kept. When the room was in use, they were exposed to gamma rays along with patients. Rosenberg suggested that people like Sexton, highly susceptible to infection, could have been exposed to dangerous bacteria. Sexton did, in fact, die of strep and staph infections, a common pattern for acute leukemia patients. Oak Ridge officials insist that bacteria from animals were not a problem, since the chamber was the cleanest area in the hospital, and no animals were present

(continued)

Range said. "We are quite proud of our record. At a time when patients with acute leukemia had a survival outlook of about 6 months to a year, our patients were surviving on the average something like 4.5 years." The record compares well with those of other clinical centers in the 1960's. Range said.

William Bibb, the former AEC official in charge of funding the program, said that the Oak Ridge clinic was opened in 1950 "to take advantage of some of the technology coming out of the atomic energy business before it was generally available." The clinic was closed in 1974 for two reasons: other centers nearby with broader skills were giving comparable medical care, and the meager research output from Oak Ridge no longer justified the cost. Bibb said that in the final years, the clinic had only about seven patients at any given time.

Bibb described NASA's involvement as minimal. NASA came to him in the early 1960's because it was worried about the possible effects of solar flares, encounters with the Van Allen belt, and other radiation hazards in space. In 1964, 14 years after the Oak Ridge clinic had opened, the AEC agreed to run a retrospective study to collect the data NASA wanted from its own records and from other places. Later on, Bibb said, NASA agreed that in addition to paying the salaries of those doing the paper analysis, it would also provide some state-of-the-art monitoring equipment to record changes in the vital signs of patients undergoing whole-body irradiation at Oak Ridge. Patients sometimes stayed 3 days in the specially designed whole-body irradiation room, a chamber suspended in a concrete cell and flooded with gamma radiation at a level of about 1.6 roentgens\* per hour. With the aid of NASA's equipment, nurses could monitor a patient's pulse and temperature without entering the room. The data were examined by the physicians and then turned over to Lushbaugh's staff. NASA also paid for a computer to help sort through the voluminous files.

"It would have been as stupid as hell," Bibb said, for NASA to try to get significant data from the Oak Ridge clinic alone, because it treated only 186 patients. Any conclusion based on data, he said, "wouldn't have been worth the paper it was written on because there wouldn't be enough data points to mean a damn thing."

Bibb pointed out that much of the research done for NASA was incorporated in the book, *Radiobiological Factors*

\*Roentgens measure radioactive emissions, and rads measure absorbed radiation.

in *Manned Spaceflight*, published by the National Academy of Sciences in 1967. Nevertheless, he conceded that Oak Ridge did perform some NASA-financed prospective studies with cancer patients between 1969 and 1974. The purpose, he said, was to use the new monitoring system to try to find physiological signals indicating that a patient was about to become nauseous before the patient sensed nausea himself. No warning signals were found. Although the research was funded by NASA, Bibb insisted that the space agency had no influence over clinical procedures.

Hübner specifically denied the charge that Dwayne Sexton was given improper treatment. According to the medical records, Hübner said, the doctors first extracted a sample of bone marrow from the child in July 1965. Then they immediately started him on a course of chemotherapy lasting 17 days. The chemotherapy was stopped while they attempted an immunologic experiment. They irradiated the child's leukemic marrow cells, injected them into his mother, and then reinjected fluid from the mother back into the boy. The hope was that the mother would produce antibodies to fight the leukemia. Meanwhile, the leukemia was judged to be in remission, probably as a result of the first dose of chemotherapy. For 15 weeks the child received no chemotherapy. Then the disease reasserted itself, proving that the immunologic experiment had failed. The child was given chemotherapy again. The remission-relapse-chemotherapy routine was repeated for five more cycles, until December 1968.

Then the physicians decided that the drugs were failing. On 3 December 1968, the child was given his first and only radiation: a whole-body dose of 353 roentgens (or 265 rads) over a period of 3 hours and 38 minutes. The hospital record states: "Definite relapse from the acute leukemia had occurred. . . . It was decided to try to induce another remission by giving total-body irradiation. . . . The patient received 353 roentgens of exposure. . . . The patient experienced no adverse effects during the time of the irradiation and amazingly did not have any nausea nor vomiting during the time of exposure or immediately thereafter. The patient was then kept in as sterile an environment as possible. . . . It became quite apparent that the leukemic process was still not under control." He began to bleed internally and developed infections which could not be controlled by antibiotics. On 29 December, a little more than three weeks after irradiation, he died.

Radiologists at Harvard's Joint Center

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for Radiotherapy, at the National Cancer Institute (NCI), and at St. Jude's Hospital in Memphis, Tennessee (which has a renowned childhood leukemia program), agreed that the treatment given Sexton sounded reasonable in its context, that of an experimental center in the mid-1960's. Samuel Hellman of Harvard added, however, that the record "doesn't sound to me like anything that approaches conventional therapy." Yet he said, "One could make a rationale for its efficacy, and there are people who believe in whole-body irradiation." Today, whole-body doses are given only to prepare a patient for a bone marrow transplant, a procedure quite different from the one tried at Oak Ridge and not in use then. When large doses (over 100 rads) are given these days, they are nearly always focused in small areas and spread over many days.

Eli Glatstein, chief of the NCI's radiation oncology branch, said, "I don't think whole-body irradiation is a particularly good treatment myself, but a lot of it was done in the 1960's and 1970's, and is still done for certain types of chronic leukemia."

Alvin Mauer of St. Jude's Hospital said that several centers experimented with whole-body irradiation in the 1960's, although they never produced techniques considered useful now. By the mid-1960's, he said, it was "pretty well recognized" that chemotherapy was the standard technique for treating childhood leukemia. It was also generally known, he claimed, that the major sanctuary for leukemic cells which could not be reached by drug therapy was the central nervous system. By 1965 St. Jude's had started a program in which chemotherapy was augmented with strong doses (2400 rads) of radiation to the cranium to kill leukemic cells in the nervous system. The exposures were spread over a period of 2½ weeks. The procedure was improved in 1967 to include radiation of the spinal cord. From then until the mid-1970's, Mauer claimed, this was the standard approach for treating acute lymphocytic leukemia in children. Although he would not have used Oak Ridge's techniques, Mauer said, "I don't think they were necessarily out of keeping with what other people were doing at this time."

Oak Ridge officials have begun to respond to questions raised by the 20 August press conference, and Bibb said that he looks forward to appearing at Representative Gore's inquiry, for he thinks the laboratory will benefit from a closer scrutiny of the record.

—ELIOT MARSHALL

Oak Ridge  
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Universities

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*CB*  
*File*  
*Concurrence*  
Medical and  
Health Sciences  
Division 615/576-3090  
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October 14, 1981

H. D. Kerman, M.D., President  
Association of Community Cancer Centers  
P. O. Box 1089  
Daytona Beach, Florida 32015

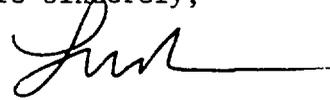
Dear Herb:

I certainly appreciate your thoughtful letter of October 6 in which you confirm again the high quality of the research done at ORINS under Gould Andrews' direction. I am forwarding it to Representative Albert Gore, Jr., who heads the Subcommittee on Investigations and Oversight of the Committee on Science and Technology and who on September 23, 1981, conducted hearings on the allegations printed in the "Mother Jones" magazine. Congressman Gore stated after the hearings that these allegations were "essentially refuted" by the testimony presented and the extensive investigation that his staff conducted. While preparations for the hearings required an inordinate amount of Dr. Karl Hübner's, my, and others' time, I believe it was worth the trouble because it forced us, thereby, to review the clinical experience (in which we personally were not involved). We learned that these studies were never published and really needed to be reported. We are going to try to do that as there seems to be growing interest in total-body irradiation in the therapy of the acute leukemias and also in bone-marrow transplantation.

Your letter sets the record straight very succinctly and I am sure Congressman Gore will like to have it. We do not anticipate having to testify further in this matter but should Congressman Gore need to know more about those early days, you would be the obvious one to supply that information.

I appreciate your willingness to help. Thanks.

Yours sincerely,



C. C. Lushbaugh, M. D.

CCL:fb

1098198

November 3, 1981

Mr. Norman Isaacs, Chairman  
National News Council  
One Lincoln Plaza  
New York, New York 10023

Dear Norm:

Recent reports in the media regarding cancer research have prompted me to write to you as Chairman of the National News Council to indicate my dismay and concern in the unfairness of reporting and apparent irresponsibility of the media in some of their presentations. Specifically, I refer to the four part series of articles in the Washington Post by Staff Writers, Ted Gup and Jonathan Neuman, which is now being widely syndicated. This series concerns experimental anti-cancer drug research and in coming months the Post apparently will examine other areas of the "War on Cancer". It is my understanding that these investigative reporters have spent a year and a half in obtaining data involving the entire National Cancer Program and National Cancer Institute, and future similar articles will undoubtedly be forthcoming. On the same vein a recent hour long critical TV program by ABC's, 20/20 on cancer research and, in addition, an article appearing in a periodical called Mother Jones by Howard L. Rosenberg on alleged human experimentation for other than medical research at the Oak Ridge Institute of Nuclear Studies were quite disturbing. All of these articles have the affect of distorting cancer research efforts and present a complete lack of understanding of the problems involved.

It is my perception that the National News Council was formed by American journalists as an independent body to hear complaints and criticisms of the media and render unbiased judgments of censure when necessary. Let me state at the outset that a mark of professionalism is self-criticism, monitoring, and establishment of professional standards and ethics of responsibility and accountability. This should apply to the media without any erosion of the rights of the first amendment, a right, which I fiercely support.

My concern with the Washington Post articles is that they are lurid recitals of anecdotal incidents of complications and deaths of Phase I

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Mr. Norman Isaacs  
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studies (toxicity) of drug development of the program of the National Cancer Institute which, while they may be partially factual, are written in a manner as to substantially impugn the entire effort of drug development of the NCI. The positive results which have occurred in the fight against cancer, while mentioned, are de-emphasized. The articles show no evenhandedness or fairness in presentation, and are so distorted as to deny the very great advances made in the experimental drug research effort.

The ABC 20/20 show also de-emphasized the benefits of cancer research and the National Cancer Program and emphasized some scientifically unproven drugs and methods. In essence, a pro and con report was lacking. A more recent TV, MacNeil/Lehrer report on the same question was evenhanded and afforded an opportunity for open debate between scientists with differences of opinion and an opportunity for a reasonable discussion on controversial issues ensued. This type of presentation should be encouraged.

A more flagrant and thoroughly distorted article appeared in Mother Jones about a research effort in Oak Ridge about which I have intimate firsthand knowledge, and I can state unequivocally that the article's implications were false. This latter report resulted in a congressional investigation by Representative Albert Gore of Tennessee and, in essence, refuted the statements of the journalist.

My reason for writing this letter stems from over thirty years of involvement in treating cancer patients and their families, and watching slow but progressive positive results of ever increasing small improvements and sophistication in care, techniques, equipment and drug management of cancer which translates into improved survival and lessened morbidity for patients. The present interest of the media in cancer and the way it is being presented results in erosion of confidence and questions the credibility and integrity of, not only the medical research scientists, but also the practicing community oncologists who apply the methodology evolved from the research efforts in the treatment of over 85% of all patients with cancer. While the public eagerly awaits a monumental "breakthrough" in cancer management, this is more than likely never to occur and the benefits and progress of treatment methods must rely on small increments of increasing knowledge which can be applied to cancer management only through the present methods of investigation.

It would be my hope that the media itself, perhaps through the influence of the National News Council, could be urged to develop a more evenhanded approach to their reports and give as much emphasis to the compassion, quality of patient care and support, and concern of the investigators who overwhelmingly are concerned with the humanistic factors as well as the scientific factors of research which involves

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Mr. Norman Isaacs  
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patients and their families. The medical and bioscientific community has little opportunity to be heard in the same forum and under the same circumstances as the media, and we can only rely on the journalistic profession to impose the characteristics of professionalism and ethical behavior in journalism.

I am enclosing copies of some of this material for your information.

On a more personal note, some of my fondest memories are those of our days in Louisville and of our camaraderie and discussions in our poker group, and hope that I may have an opportunity at sometime in the future to renew our friendship.

With warmest regards, I am

Sincerely yours,

H. D. Kerman, M.D.  
President

HDK:cb

Enclosures

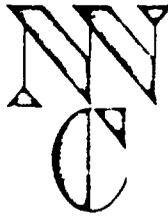
cc: Lee Mortenson  
Board of Trustees  
bcc: Vincent DeVita, M.D.  
Jane Henney, M.D.  
Mr. Alan Davis

ENCLOSURES:

10-14 Letter from Dr. Lushbaugh  
10-6 Letter to Dr. Lushbaugh  
Mother Jones article  
Washington Post article 10-18  
Washington Post article 10-19  
Science article 9-4  
Science article 10-23

*Since 3/10/88  
Charles Bell has  
Jerry Day*

1098201



COMPLAINT NO. 198

(Filed November 3, 1981)

HERBERT D. KERMAN

against

THE WASHINGTON POST, ABC NEWS "20/20," and MOTHER JONES

Complaint: Dr. Herbert D. Kerman, M.D., president of the Association of Community Cancer Centers, complained that three recent news reports on cancer research exhibited unfairness and irresponsibility. He specified a four-part series in The Washington Post October 18-21, 1981; an hour-long ABC News "20/20" program October 22, and an article in the September-October issue of Mother Jones.

The Washington Post articles focused on defects in the testing of experimental cancer drugs by the National Cancer Institute. Dr. Kerman called the articles lurid recitals of complications and deaths which "may be partially factual," but "are written in a manner as to substantially impugn the entire effort of drug development of the NCI." He said, "The positive results which have occurred in the fight against cancer, while mentioned, are de-emphasized. The articles show no evenhandedness or fairness in presentation, and are so distorted as to deny the very great advances made in the experimental drug research effort."

Dr. Kerman said, "The ABC '20/20' show also de-emphasized the benefits of cancer research and the National Cancer Program and emphasized some

scientifically unproven drugs and methods. In essence, a pro and con report was lacking." He said a more recent "MacNeil-Lehrer Report" from WNET/Thirteen on cancer research "was more evenhanded and afforded an opportunity for open debate between scientists with differences of opinion and an opportunity for a reasonable discussion on controversial issues ensued."

Dr. Kerman said, "A more flagrant and thoroughly distorted article appeared in Mother Jones about a research effort in Oak Ridge about which I have intimate firsthand knowledge, and I can state unequivocally that the article's implications were false. This latter report resulted in a congressional investigation by Rep. Albert Gore of Tennessee and, in essence, refuted the statements of the journalist."

Dr. Kerman said his concern about the three reports grew out of 30 years of treating cancer patients during which he has seen "slow but progressive positive results of ever increasing small improvements and sophistication in care, techniques, equipment and drug management of cancer which translates into improved survival and lessened morbidity for patients. He feared that:

The present interest of the media in cancer and the way it is being presented results in erosion of confidence and questions the credibility and integrity of, not only the medical research scientists, but also the practicing community oncologists who apply the methodology evolved from the research efforts in the treatment of over 85 percent of all patients with cancer. While the public eagerly awaits a monumental "breakthrough" in cancer management, this is more than likely never to occur and the benefits and progress of treatment methods must rely on small increments of increasing knowledge which can be applied to cancer management only through the present methods of investigation.

It would be my hope that the media itself, perhaps through the influence of The National News Council, could be urged to develop a more evenhanded approach to their reports and give as much emphasis to the compassion, quality of patient care and support, and concern of the investigators who overwhelmingly are concerned with the humanistic factors as well as the scientific factors of research which involves patients and their families. The medical and bioscientific community has little opportunity to be heard in the same forum and under the same circumstances as the media, and we can only rely on the journalistic profession to impose the characteristics of professionalism and ethical behavior in journalism.

A note on this report: The News Council employed two people with specialized knowledge to analyze this complaint. They are David Zimmerman, a free-lance science writer, and Gerald Delaney, director of Public Affairs for Memorial Sloan-Kettering Cancer Center in New York. Mr. Zimmerman was recommended by Barbara Culliton, news editor of Science magazine and president of the National Association of Science Writers, after Ms. Culliton discovered that she did not have time to do the analysis herself. She recommended Mr. Zimmerman as an experienced science writer who enjoyed the respect of his colleagues for his integrity and his concern with the ethics of science writing. Mr. Delaney was recommended by Lewis Cope, science editor of the Minneapolis Tribune, as a person within the cancer establishment who had enough detachment to make a reliable evaluation of attacks on that establishment.

Their analyses were sent to Council members as background material. So were an article from the January-February, 1982, issue of the Washington Journalism Review and an "explainer" article from the October 23, 1981, issue of The Boston Globe. Richard A. Knox, The Globe's medical writer, felt compelled to write the explanatory article because he and The Globe's ombudsman received a number of phone calls and questions

after The Globe published parts of the Washington Post series.

The three complaints are dealt with separately here. .

The Washington Post

The series: The Post series consisted of four articles and a number of sidebars about the National Cancer Institute's Phase One testing program for experimental cancer drugs. The Phase One program is the first phase of human testing after laboratory tests have shown some results against cancer in animals. The Post described its series as follows in the first article:

A one-year study by The Washington Post has documented 620 cases in which experimental drugs have been implicated in the deaths of cancer patients.... And they amounted to merely a fraction of the thousands of people who in recent years have died or suffered terribly from cancer experiments conducted in the nation's hospitals.

The Post devoted its first two articles to case studies of 21 of the experimental drugs tested under the NCI's Phase One program. The third article focused on one of the clinics in which experimental drugs are used. The fourth article described the slow path of an experimental drug from hunch to the point where it can be used in human experiments.

The Post's response to the complaint: Ben Bradlee, editor of The Post, said it was unsophisticated to take Dr. Kerman's complaint seriously. He implied that the complaint was part of a "full court press" mounted against the articles by "the cancer establishment." He noted that the complaint did not allege inaccuracy and said, "I see no reason why, in the absence of anything like a specific charge, The Washington Post or any of its staff should share its thinking and insights or anything else with you."

Staff replied that the complaint did allege that the articles were unfair and that unfairness, as much as inaccuracy, was a concern of The News Council. Mr. Bradlee replied that the complaint, to the extent that it implied that the cancer series was not fair or not in the proper context, differed little from hundreds of other complaints he received in the course of a year. He said, "If you want to investigate us, be my guest," but he did not offer his thinking or that of his staff on the allegations in the complaint. That being the case, Council staff did not consider that his second response differed significantly from his first.

The Council received on April 6 from Vincent T. DeVita, director of The National Cancer Institute, a 52-page list of what he called "inaccuracies, omissions, or distortions of fact" in the Post series. Council staff was concerned that the list might consist of new criticisms that The Post had not had an opportunity to answer. However, it appeared from references within the DeVita list that the gravamen of the criticisms had been communicated to The Post in one or more of three letters from Dr. DeVita -- one that was published in The Post October 19, and two others dated October 19 and 21, which were not published. Nonetheless, the appearance of the DeVita criticisms at the last minute led Council staff to try again to elicit a response from The Post to the DeVita complaints and to the original Kerman complaint. Richard Cunningham called Mr. Bradlee April 9; told him about the DeVita material; said he was uncomfortable about not having a response from The Post, and offered to make himself and the material available to receive a response from Mr. Bradlee and/or his staff. Mr. Bradlee declined. He said it ought to be clear that Dr. DeVita had an axe to grind.

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Mr. Cunningham sent a copy of Dr. DeVita's criticisms to Mr. Bradlee. Mr. Bradlee replied with a letter noting that in his view the DeVita material did not constitute a challenge to the accuracy of the series and that the complaints had been largely dealt with in a statement from Dr. DeVita published by The Post.

The complaint against ABC News

The program: The "20/20" segment against which the complaint is directed was an hour-long program entitled, "The War on Cancer: Cure, Profit or Politics?" The program opened with the question:

The national war on cancer -- ten years and \$10 billion of your tax money, sophisticated research, free-flowing federal grants, power politics, relentless publicity, and public pressure for a breakthrough -- has it done any good?

Critics charge scandal, cover-up, manipulated statistics, monopoly of research funds, and they say worthy researchers with innovative treatments are harassed, stifled, discouraged.

Hugh Downs said:

...10 years and \$10 billion later, we are in the midst of a cancer epidemic. Both the incidence and the death rate from cancer have climbed higher than ever before. Why so little progress after so long a battle? Well, here with our report is Geraldo Rivera.

Rivera reported:

...So despite sophisticated new technology, and despite the expenditure of billions of tax dollars, the odds today are the same one-in-three odds that faced the cancer patient back in May of 1958... But cancer is not just a disease, it's a political and economic phenomenon, a \$30 billion-a-year

business -- one that reaches deep into the halls of Congress, deep into the national pocketbook, and deep into the soul of the nation.

Mr. Rivera reported that an interlocking leadership existed between the National Cancer Institute and the American Cancer Society. That interlock, critics said, created a monopoly on cancer research funds and information. Mr. Rivera outlined the stories of Dr. Stanislaw Bruzynski and Dr. Joseph Gold, who were allegedly frozen out of funds and credit for their innovative efforts to find new cancer therapies. Mr. Rivera outlined what he called "press misbehavior" in hyping the promising cancer therapy, Interferon. He concluded the program:

Declaring our so-called war on cancer 10 years ago was a grand public relations gesture, but as every year passes without victory, frustration and fear continue to mount. And as the multi-billion-dollar campaign enters its second decade, all of us -- the scientists, the politicians, the press, and the people -- have to be more careful, because, it's been said, in all wars -- and that includes this figurative one -- the first casualty is often the truth.

The response of ABC News: George Watson, vice president of ABC News, supplied The News Council with a complaint about the "20/20" program from Dr. Robert P. Hutter, president of the American Cancer Society, and his answer to that letter. Since the Hutter letter is more specific in its complaints than the Kerman complaint to The News Council, both it and Mr. Watson's response are incorporated into this report as a fair insight into the network's defense of the program.

Dear Mr. Goldenson (Chairman of the Board and Chief Executive Officer, ABC-TV):

Cancer is the disease most feared by people all over the world. Thus the television news media must be especially careful not to create undue fear or hopelessness in current patients or those recently treated. This is why the American

Cancer Society is deeply concerned with a recent "20/20" special program on cancer.

The program's opening assumptions began with: "We are in the midst of a cancer epidemic."

This is a totally inaccurate thesis. The United States is most definitely not in the midst of a cancer epidemic. Except for lung cancer, 85 percent of which is caused by the smoking of cigarettes, the age-adjusted death rate of almost all cancer is flat or declining. Actually, five-year survival of all cancer patients with serious cancer in the the United States has now risen to 45 percent.

It is important to separate lung cancer deaths from those of other forms of the disease, because these tumors are highly fatal. Yet the cause of the great majority of lung cancers is completely controllable through personal life styles. This basic truth was obscured by "20/20." When Dr. Vincent DeVita, Director of the National Cancer Institute, tried to explain this to Mr. Rivera, the latter asked: "Aren't we playing games?"

Mr. Rivera described cancer as a "thirty billion dollar a year business." This sounds sinister. What does it mean? This was never explained. Since the program dealt in the main with cancer research, it might have pointed out that the total research budget of the Society is currently \$55 million annually; and the total research portion of the budget of the Institute is \$600 million a year. This money is divided among hundreds of scientists and physicians. The Society's average grant to researchers is about \$63,000 a year.

Dr. Samuel Epstein was introduced on the program as a "world renowned expert of the politics behind cancer research." Dr. Epstein went on to say that "our ability to treat and cure the major cancer killers has not materially advanced for decades." This is completely false and a disservice to the thousands of patients undergoing treatment at this time. In the past decade alone, the longterm survival rate for 17 out of 35 sites of cancer has increased significantly among U.S. men and women.

Dr. Epstein's accusation of "overlap in virtually every single area of boards, committees, grants, even publications" between the Society and the Institute is also completely inaccurate. The Society receives no funds from the Institute as a matter of policy. And there is no representation on its board or committees by members of the Institute. This practice ceased four years ago. With this misinformation Dr. Epstein posited a "cancer establishment" on "20/20."

Building further on this wrong evidence, "20/20" devoted undue emphasis to the work of Dr. Stanislaw Bruzinski and Dr. Joseph Gold, identified as researchers with so-called cures slighted by the "cancer establishment." Dr. Bruzinski practices entirely within the state of Texas and has not submitted his drug to the Federal Food and Drug Administration. Dr. Gold's substance is currently under clinical investigation by the

Institute, again a fact unreported by "20/20."

A viewer of the program could easily misconstrue that the purported therapies offered by these two physicians provide the panacea to cancer. What a shocking piece of information to offer cancer patients. Each year hundreds of applications for grants are turned down for lack of funds or proper protocols. Why single out these two cases as the possible answer to cancer?

In the past, ABC has shown sensitivity in this area. We hope that there may be an opportunity to present a balanced portrayal of cancer control to your vast viewing audience. We would be more than pleased to work with your staff toward that end.

Sincerely yours,  
Robert V. P. Hutter, M.D.  
President (American Cancer Society)

Dear Doctor Hutter:

Leonard Goldenson asked me to respond to your letter about the program "The War on Cancer: Cure, Profit or Politics?" which was broadcast by ABC News as a special report on "20/20". Since the broadcast last October, we have recently received a number of similar letters from various affiliates of the American Cancer Society. I want to address this correspondence at some length because of the seriousness of some of the charges made and our concern that the purpose and procedures we employed in making the program are better understood.

Let me begin by saying that the program was the result of many months research and careful documentation. Several hundred physicians and researchers were consulted. Our purpose was to examine issues involving policies, politics and attitudes toward cancer research and funding. The program did not endorse any form of treatment, established or experimental, and that point was emphasized in written replies to viewers who wrote or telephoned ABC News about it. We are acutely aware that desperate or distraught persons may seize on any information that seems to offer hope, or at the other emotional extreme, hopelessness. At the same time, we do feel an obligation to inform the general public about significant issues affecting its health and welfare. Therefore, we believed that the broader public interest was in fact served by forthrightly dealing with the topic. Indeed, we felt that this area of investigation is of great concern and has been largely neglected.

Let me now turn to the specific points of your letter and take them in the order that you raised them:

1) When speaking of a cancer "epidemic," we primarily had in mind the incidence of the disease. While there is, as

we reported, a "confusing array of statistics from a variety of sources," we concluded that "epidemic" was an accurate word to describe the increasing incidence of cancer.

We also observed that not only had the incidence increased, but that also the death rate of cancer was rising. We consulted many statistical sources. To take one conclusion from the ACS publication, "Cancer Facts and Figures, 1981," "There has been a steady rise in the age-adjusted death rate."

We decided we could not ignore the death rate from lung cancer because it happens to be the greatest killer of all. Additionally, we did not feel the death rate could be excluded just because some preventative measures are known.

While the statistics we reported are bleak, we also noted at the beginning of the program significant progress in treating some forms of cancer. Both Dr. Vincent DeVita, Jr., director of the National Cancer Institute, and Dr. Frank Rauscher, Jr., of the American Cancer Society, pointed out the accomplishments of cancer research. The correspondent, Geraldo Rivera, also recognized the progress made in treating several forms of cancer.

2) You questioned Mr. Rivera's statement that cancer is a "thirty billion dollar a year business." That described the total cost our society pays in detection, diagnosis, treatment, research and economic loss to individuals and the economy. I would agree that "business" is a rather loose word in this context and should have been explained more fully. The statistic itself, however, is substantiated by our research.

3) Dr. Samuel Epstein's assertion that "our ability to treat and cure the major cancer killers has not materially advanced for decades" refers back to the statistical question. Dr. Epstein is discussing the major killers such as lung cancer where there has been little or no progress according to the statistics.

4) On the matter of whether a cancer "establishment" exists, we were convinced that it does. In a general sense, establishments can be found in virtually all government, institutional, corporate or organizational endeavors. Specifically, there does appear to be substantial overlap on the boards and committees of the National Institute and the American Society. For example, when we cross-referenced the ACS advisory board members with the NCI Research Index we found that of 169 advisory board members, six were employed by the NCI, and that 84 persons were recipients of a total of 184 grants.

5) On the work of Dr. Stanislaw Bruzinski and Dr. Joseph Gold, ABC News did not endorse or debunk the work of either. We focused on these two doctors and their experiments because they were illustrative of what we believed were important issues concerning the funding and encouragement of cancer research. We discussed both the apparent positive results of their work

and the criticisms expressed by other cancer specialists. We did not portray their work as the "possible answer to cancer." We did ask the question whether potentially significant research is being effectively supported. In responding to inquiries from the public, we emphasized that the program "does not endorse any specific therapy or treatment for cancer, as this is a medical decision between patient and physician."

Since the program was broadcast, we have learned that important members of the international community of oncologists will be joining certain U.S. colleagues in a clinical evaluation of both treatments. It is my understanding that Dr. Bruzinski will soon submit various peptide compounds to the Food and Drug Administration. As for Dr. Gold, we are aware of three clinical trials approved by the F.D.A. It is our further understanding that these results are to be presented at a forthcoming ASCO meeting. We stated that hydrazine sulfate was recently used in clinical trials.

Finally, I would like to make several observations in response to your more general concerns and similar ones expressed in other letters from affiliated groups. There seems to be an implication that we should report only the good news about cancer research and treatment. We have reported positive aspects many times and shall continue to do so in the future. At the same time, we cannot ignore more critical or even negative aspects of the subject. Our responsibility is neither to encourage nor discourage the public. It is simply to provide information on which informed citizens can reach their own conclusions. Another implication in some letters to us suggests that we have a special obligation to amplify the voices of the medical and bioscientific community. They are in fact often heard on ABC News broadcasts, and indeed in the program to which you object, virtually all of the voices are those of physicians and scientists, even if they are ones with which you disagree. It is a debatable subject of enormous consequence to all citizens.

We are committed to accuracy and fairness in all of our reporting, and to stimulating debate on important issues. We believe those commitments were met by the program. You can be assured that in future reports we shall be attentive, as we have, in the past, to the activities and views of the American Cancer Society.

Yours Sincerely,  
George Watson

Council action: Hard-hitting reporting on the battle against cancer has been overdue. The news reports complained of represent attempts to provide that kind of reporting.

The News Council finds that it is neither necessary nor desirable to establish special standards for the reporting of medical research in general or cancer research in particular. However, it is most important to be accurate and fair in reporting these fields.

The Council rejects the suggestion of the complainant that the medical and bioscientific communities are somehow cheated in the arena of public discussion of their programs. The press has developed some specialized reporters and editors competent to handle the complexities and subtleties of bioscientific subjects. The bioscientific community has developed public relations skills. Unfortunately those skills have often been used to limit rather than increase public discussion of the ethical issues in medical science. The cancer research program appears to both of the experts employed by The News Council to be one of the areas in which there has been too little public discussion.

The complaint against The Washington Post

The News Council commends The Washington Post for spending months of reporting time on a series of articles focused specifically and in depth at the complex and little known experimental drug testing program of the National Cancer Institute.

Unfortunately The Post adopted a sensational, accusatory tone and failed in some cases to supply information that would help the reader make

up his or her mind independently about the issues involved in the experimental drug program.

As one example of the inappropriate tone of the articles: "Cancer did not kill Sheri Beck. Her treatment for cancer did. She died of congestive heart failure brought on by Mitoxantrone, an experimental drug derived from a dye used in ballpoint pen ink." The article does not report what the Beck child's doctor said: That the child was not responding to any other chemical therapy; had received maximum radiation treatment, and had survived under treatment with Mitoxantrone with a diminution of tumor size for five months before her death. The mention of ballpoint dye is egregious. Many drugs are related to harmful substances -- nitroglycerin to explosives, coumadin to rat poison, and the cancer drug, MOOP, to mustard nerve gas -- yet the reporters mention the relationship of Mitoxantrone to ballpoint ink three times. Furthermore, they report at one point that the drug changes the colors of bodily secretions; so do a number of other conventional drugs.

The Post series left no doubt that the writers found it unacceptable that some experimental drugs were continued in testing long after the Post writers thought they should be discontinued. But the Post writers, perhaps because they are not science reporters, did not present the NCI's explanation of how a drug might legitimately be under test against one type of cancer long after it had proved ineffective against other types: the NCI selects 6 to 8 of the more than 100 types of cancer for testing. Tests are conducted in 30 patients with each type of cancer, and they are tested at different dose levels and different schedules of administration. With only two dose levels and two schedules of administration almost

1,000 patients are required and the full test may take years.

Similarly the Post writers in many cases use numbers to draw a negative picture of a drug when numbers might be used to draw a positive picture. As an example Dr. Vincent DeVita, head of the NCI, cites the Post report that Mitoxantrone had been tested on 586 people with only one complete and five partial responses -- and many cases of heart toxicity. The Post failed to note that the reporting was complete on only 314 patients -- not 586 -- and The Post did not report that the one complete response and three of the partial responses were among a group of only 84 terminal breast cancer patients, a quite different picture of the drug, which is still considered promising as an anti-cancer therapy. In general The Post does not put the number of drug-related deaths it discovered into a context that might suggest what is an appropriate number of deaths.

The reporters also point out that some of the drugs they judge to be unacceptable were on a "high priority" list created by Dr. DeVita. They do not describe the process by which these drugs were selected for testing from hundreds of other experimental drugs, nor do they make clear that "high priority" indicated only that the drugs had had some effect against animal cancers, not that they had aroused unusual hope that they might be effective in humans.

Furthermore, the Post writers do not emphasize adequately that therapies now accepted in cancer treatment once produced the same kind of side effects the writers deplore; or that any response at all in a terminally ill patient may warrant using a drug in combination with others. Nor do the writers provide adequate information on animal testing of experimental

drugs or on the system that does exist to supervise testing.

It is a significant demonstration of accountability that The Post did publish well displayed along with the third article in the series a protest by the head of the NCI and that it did publish letters to the editor critical of the reporting.

While The News Council cannot accept the broad charges of the complainant against the useful and important Post series, it does find the series flawed to some extent by sensationalism and failure to supply important information that would allow the reader to put the defects of the testing program into reasonable context. The series, therefore, falls below The Post's own standards for journalistic fairness.

Concurring: Abel, Ayers, Benson, Brady, Hornby, Huston, Isaacs, Pulitzer, Scott, van den Haag and Williams.

Complaint against Mother Jones

Action on this complaint has been deferred.

Complaint against ABC News "20/20"

Dr. Kerman complained that "20/20" unfairly and irresponsibly de-emphasized the benefits of cancer research and overemphasized a couple of "scientifically unproven drugs and methods." Dr. Robert P. Hutter, president of the American Cancer Society, charged more specifically that the program was wrong in saying that cancer is epidemic in the United States; in implying that our ability to treat and cure cancer

has not advanced, and in suggesting that the American Cancer Society and the National Cancer Institute have formed a monopoly on cancer research funds that has denied a chance to at least two researchers with promising therapies.

The News Council commends ABC News for investing months of reporting time in what "20/20" calls a "hard, cold look" at the "well intended efforts" of the national war on cancer.

The impression comes through clearly that "20/20" believes that although billions of dollars have been spent, little progress has been made, and that fault lies with a cancer "establishment" consisting of the American Cancer Society and the National Cancer Institute. However, the program's use of innuendo and its failure to supply adequate samples of contrary views raises suspicion about the validity of that message.

The program makes statements that cancer is "no longer the other guy's disease;" that we are in a cancer epidemic, and that cure rates have not improved. Yet there are no figures from biostatisticians who would dispute those conclusions; "epidemic" has a specific meaning not justified by the present incidence of cancer, and viewers are not given an opportunity to hear and judge for themselves the NCI's argument for leaving 85 percent of lung cancer out of the death rate statistics.

An example of tilting the information is provided by the "20/20" treatment of Dr. Frank Rauscher's assertion, "We're winning this war..." The reporter translates that statement into a "claim that victory is at hand."

"20/20" clearly believes that the NCI-ACS "monopoly" has shouldered researchers with promising therapies out of the path of research grants and

has denied them recognition. The report appears to place the blame on the peer review system, which, whatever its shortcomings, is essential to the prudent expenditure of research funds and to the reliable evaluation and supervision of research.

The report did not answer any number of "why" questions as it detailed the difficulties of two cancer researchers in obtaining funds or peer acceptance of their work. Such failure, which frequently occurs in adversarial reporting, tends to detract from the believability of the reporting.

The ABC News response to Dr. Hutter indicates that the program's treatment of two outsiders with promising therapies did prompt queries from the public about those therapies. Those calls illustrate the sensitivity that news media must take to the task of reporting on medical research.

A news program that takes a point of view has a right, The Council has held, to marshal fact in support of that point of view. However, the producers must be accurate and fair.

The Council rejects the charge that ABC was deliberately unfair. However, it finds that this program fell short in accuracy and responsibility.

Concurring: Abel, Ayers, Benson, Brady, Hornby, Isaacs, Pulitzer, Scott, van den Haag and Williams.

Dissenting; Huston

Dissenting opinion by Huston: The majority of The Council has rejected what it said was the "charge that ABC was deliberately unfair." I cannot concur. The complainant never charged that "ABC was deliberately unfair." In fact, the precise nature of the complaint was never defined to my

satisfaction. Even David R. Zimmerman, the science writer who was employed by The Council to examine the complaint, noted: "The original complaint and its restatements are imprecise."

In my opinion, The Council must make a great effort to define the precise nature of each complaint. I have long suggested that forms be used as a starting point and that complainants be required to pinpoint their particular problems. Only then, can The News Council responsibly address the concerns. Anything less is shooting in the dark.

April 23, 1982

1098219

February 1, 1982

Mr. Richard P. Cunningham  
Associate Director  
The National News Council  
One Lincoln Plaza  
New York, New York 10023

Dear Mr. Cunningham:

This is in reply to your letter of January 19th in which you requested a waiver of rights claim form to sue the news agencies about which I have complained. I have signed this waiver and am returning it.

In regard to letters to The Post concerning this matter, I can assure you that there was a flood of letters protesting the articles, particularly on the drug evaluation program of the National Cancer Institute and also on the rather harsh treatment afforded to Dr. DeVita during the Hatch/Hawkins Congressional Hearings. There were any number of letters to the editor and commentary in such prestigious scientific journals as Science reporting dismay concerning this matter.

Very sincerely yours,

H. D. Kerman, M.D.  
President

HDK:cb

Enclosures

cc: Vincent T. DeVita, M.D.  
Jane Henney, M.D.

1098220



## W A I V E R

I, Dr. Herbert D. Kerman, individually and on behalf of the Association of Community Cancer Centers, waive any claim for libel or slander against anyone who provides The National News Council with information concerning my complaint against Mother Jones, ABC-News, The Washington Post. I also hereby waive any claim against The National News Council, its members and staff, and against any medium, electronic or printed, for the publication of information acquired by The Council concerning my complaint or included in The Council's report of its proceedings concerning my complaint.

I declare that no court or administrative action based on the subject matter of my complaint is now pending, and I hereby waive any right I may have to bring such action.

In the event that The National News Council finds this complaint unsuitable for adjudication, this waiver will cease to be binding.

Signed, *Herbert D. Kerman*

By \_\_\_\_\_

Date 1/28/82



January 19, 1982

CB  
Reply on Dictaphone  
⑩

Herbert D. Kerman, M.D.  
President  
Association of Community Cancer Centers  
11600 Nebel Street, Suite 201  
Rockville, MD 20852

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Richard Miller  
Michael E. Pulitzer  
Frank Stanton  
Ernest van den Haag  
Franklin H. Williams

Dear Dr. Kerman:

The News Council staff is investigating your complaints against The Washington Post, ABC-News and Mother Jones. We have asked all three for responses to your charges.

I just realized that we have not asked you to sign a routine waiver of your rights to sue the news agencies against which you have complained. Enclosed please find a waiver form. I hope you will sign it and return it to me. The purpose of the waiver is to allow editors and news directors to answer Council inquiries candidly without any fear that their answers may be used against them later in a court or before a regulatory agency.

It would be helpful if you would detail whatever efforts you and others made to obtain redress from ABC-News and Mother Jones for the defects you found in their reports. It is clear that The Post did publish a rebuttal letter. Were there other such letters to The Post that you know of?

Cordially,

*Richard P. Cunningham*  
Richard P. Cunningham  
Associate Director

STAFF

William B. Arthur  
Executive Director

A.H. Raskin  
Associate Director

Richard P. Cunningham  
Associate Director

RPC:cc  
encl.: waiver form

# News Council Faults Series On Cancer

STANFORD, Calif. (AP) — A series by the Washington Post on experimental cancer drugs was flawed by sensationalism, the National News Council says.

The panel said Friday that hard-hitting reporting on the battle against cancer has been needed, but that it had found fault with the Post's effort, as well as with an ABC "20-20" program on cancer research.

It also said a separate "20-20" report had left the unfair impression that a visiting Polish scholar might be a spy.

The council, founded in 1973, offers a public forum for people who want to protest against news reporting they find inaccurate or unfair.

During a two-day meeting at Stanford University, the council acted on a complaint from Dr. Herbert D. Kerman, president of the Association of Community Cancer Centers, against the Post's four-part series on the experimental drug testing program of the National Cancer Institute.

The articles focused on case studies of patients suffering while on experimental drugs, clinics using the drugs, and the evolution of drug testing — from hunches to human experiments.

Kerman complained that the articles were not evenhanded or fair and were "so distorted as to deny the very great advances made in the experimental drug research effort."

The council agreed in part with Kerman, finding the series "flawed to some extent by sensationalism and failure to supply important information that would allow the reader to put the defects of the testing program into reasonable context."

Kerman also complained that an ABC "20-20" program of Oct. 22, 1981, said too little about the benefits of cancer research and gave too much emphasis to "scientifically unproven drugs and methods."

Dr. Robert P. Hutter, president of the American Cancer Society, complained that the show had suggested that the American Cancer Society and National Cancer Institute had formed a monopoly on cancer research funds.

"The council rejects the charge that ABC was deliberately unfair," the council said. "However, it finds that this program fell short in accuracy and responsibility."

In a March 4 "20-20" segment, "A Target for Spies," the council found that the juxtaposition of scenes had made it seem that Fulbright scholar Merek Samotyj was included in a charge that all Soviet-bloc students are spies. The story portrayed the scholar "in a way that can have serious consequences for him and his career," said Professor Lyle M. Nelson, a Stanford University communications professor who complained to the council.

Connie Kastelik, an ABC News spokeswoman, said the network stood by the story.

In other actions, the council decided complaints were unwarranted against a CBS news series on political action committees and against a Reader's Digest story on nuclear power.

St Louis Times Dispatch

APR 25 1982