Bethesdans Criticize Route of Water Main

The Montgomery County Council's decision to reroute a proposed water main through Chevy Chase, where it would upset an already irate community, and through Bethesda, inflames residents. These residents contend that while the original route through Chevy Chase would have involved the least amount of condemnation, the new route through Bethesda would 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 recent studies of the Washington Suburban Sanitary Commission and opt for a route which is the least expensive of all the alternatives and which will affect the property holdings of considerably more residents, said a letter sent to the Council yesterday.

It was written by Dr. Antony J. Caulkowksi, who heads the Ad Hoc Committee on Water Supply Line formed to fight the rerouted route.

The Committee said this month that the Sanitary Commission's original plan to put its 60-inch pipeline under residential streets and Chevy Chase, the latter running at least 2 miles north of the County line, would reduce the old Baltimore and Ohio Railroad right-of-way.

The water line would provide a key two-mile link from Wisconsin Avenue to Connecticut Avenue to Inner Arbor from the Commission's Potomac filtration plant to the Spring Mill pumping station.

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 will not be completed by the end of this summer at a cost of $200,000. The Sanitary Commission chairman, Peter A. Beal, Prince George's Commission chairman, Gladys M. Spellman, demands that in the event of a water shortage this summer, the line be put to use and Montgomery County accept the consequences of delaying the Bethesda line.

The Montgomery Council has agreed to pay the additional $200,000 for the B&O route, which the Sanitary Commission estimates at $320,000. Construction costs for either route would be approximately the same, about $323,000. But the cost of a pipeline through Chevy Chase was abandoned by the County Council, after a form of protest from residents who objected that the pipeline would disrupt traffic and inconvenience them.
Chevy Chase Cheers as Water Line Is Shifted

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, Thorne-qi-e-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 fill Silver Spring with water and to relieve pressures on the water line which would send water to Prince Georges County.

Howard Monderer, representing the Rollingwood School PTA, 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 $550,000 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.
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.
Two Montgomery Areas Renew Pipeline Battle

Residents of East Bethesda were not ready to accept a decision declaring war on their neighbors yesterday. 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 whether 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 its July 15 public hearing on a proposal to "reroute the pipeline along the Ballifarm" 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 those areas strongly protested the plan last November and filed a lawsuit to have it blocked during the construction period. In addition, they cited potential danger to schools, children and destruction of trees and property as other reasons for opposing the line.

But East Bethesda residents were ready to accept the claim that their pipeline would pass through "Hamlet." This only the residents of East Bethesda, it passed by some 100 homesites possibly result in demolition of some homes.

"Rerouting the line along the right-of-way will cost no more than the original plan," said town councilman Maria Sonnenfeldt. "The cost of rerouting will be over $10,000,000."

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

Jager said councilwoman Maria Sonnenfeldt said if the
WSSC Told to Switch Route of Water Main

By Thomas W. Lippman
Washington Post Staff Writer

Montgomery County Council yesterday ordered a rebellious Suburban Sanitary Commission to shift several routes of a 60-inch water main off the quiet streets of Chevy Chase and onto 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.

Chairman Peter A. Bosick, vice chairman of the Commission, called the County'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 homeowners.

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 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 50 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
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)
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.