

I read coming from the association of which you are a member, the Pharmaceutical Manufacturers Association. So, I wish you to know that your company is welcome to come before this committee at your request at the earliest possible date we can schedule. That has been said repeatedly for every company in the country. I have, and I am sure the committee has no objection, made this statement because we intend to give to the industry an opportunity to respond to anything that is said at these hearings. We have made that position clear from the very beginning, and, as I understand it, your request to appear came a very short time ago and we scheduled it as you desired, forthwith. That has been our practice in the past and is our intent for all future hearings.

Senator SCOTT. Mr. Chairman, may I congratulate the chairman on the promptness in which this company has been given an opportunity to reply to a good many statements, many of which are derogatory to it and some of which, I am sure from having looked over some of their statements, they are prepared to rebutt.

I am aware that medical journals take one point of view on the matter and that the American press generally may be able to report only what it hears in this room and what the chairman or I or other members of the committee say. I do regret that there appears to be some effort to try this case in the press before it has been heard fully in the hearing room. I have not been entirely sympathetic to the position of the American Bar Association in its effort to inhibit the press in its reporting of crime news, but I think it is a crime in itself for the press to put any witnesses under a shadow before he testifies, and it is wrong to do this. I had read in a book once that you should never criticize the press, and I am now doing the worst thing that any politician should do, but I am doing it, I think, under this rather intensive provocation.

My criticism, however, is not directed as much to the press—and I hope they will give the same three-column treatment to your testimony as they gave to your opposition yesterday—but my criticism is fundamentally to the fact that the Food and Drug Administration, which often comes in to us to make recommendations, whom we listen to with a great deal of care, nevertheless seemed with altogether too much eagerness yesterday to have launched themselves into a series of attacks on this company, and the merits of this will develop as we hear all the testimony.

But I do not like the fact that Mr. Goodrich's testimony was so timed yesterday as to carry more than the implication of a threat in saying, as reported in the press, that decisions whether to recommend prosecution to the Justice Department now rests with him, the clear implication being that if you gentlemen and your company do not behave yourselves or if you give him too much trouble, you will pay for it. Dr. McCleery, as acting director of the FDA's Division of Medical Advertising, criticizes the advertising practices as seriously misleading. I am going to examine the entire testimony when we are through, with a particular eye on the credibility of Government witnesses and the motivation of Government witnesses and the timing of the appearance of Government witnesses for the purpose, apparently, of influencing or affecting the testimony of subsequent witnesses. I have been a member of the bar for more than 40 years, and I think I know slanted testimony when I see it. I think I know timing when I see it, and I