

Black's confusion almost matched his grief on this Saturday evening, September 18, 1965. How could a cold or the flu that had only mildly affected his children, he asked, suddenly kill a young woman with no history of rheumatic fever, high blood pressure, allergies or broken bones and who was, as another doctor stated, "considered to be a young, healthy female—healthy enough to have more children"? Aside from routine prenatal examinations, Black recalled, Betty Jo's only previous medical treatment during their eight years of marriage had been for two sore throats and irregular menstruation.

Although Catholic, his wife, Black said, had obtained their priest's approval a year earlier to use Enovid, a pink birth control pill prescribed by her obstetrician-gynecologist to obtain regularity in her menstrual cycle. She had stopped taking it in mid-February and looked forward to regularity and an ability to lose the twenty pounds gained during her last pregnancy. The hoped-for regularity of her menstrual cycle did not occur, however—she failed to get her period for over 50 days. Enovid was represcribed by Dr. O. Norman Forrest, one of her three obstetrician-gynecologists in a group practice. Five months later she was dead.

Dr. Dolezal ordered an autopsy. Betty Jo was found to have died from pulmonary embolism, a large, solid blood clot that had formed in her right ovarian vein and passed through the heart before lodging—and closing—the pulmonary artery leading to the lungs. Particles of the same type of clot, believed to have formed at least two weeks before Betty Jo had died, also were clinging to veins extending from the right ovary to the lungs.

After learning that the Pill's principal function is to prevent a fertilizable egg from leaving the ovaries, Black wasted little time. After Betty Jo's funeral, he tried to connect her blood clot and the Pill.

It was a complicated project for the 31-year-old, soft-spoken engineer. First of all, he was busy as supervisor of the Bendix Corporation's contract to ascertain that the LM (Lunar Module) capsule would not topple upon landing. When he finished work, he had then to care for his five daughters, all under seven years old.

Of equal importance was the fact that, at this time in 1965, there had been almost no public challenge to the general belief that the Pill was completely safe. But Black soon found a doctor in South Bend who looked at the autopsy report and, Black maintains, said that he personally knew of two similar types of deaths and one near-fatality that he believed had been caused by the Pill. He said he could not testify in any suit, however, for fear of being sued for contributing to his patients' deaths.

Undaunted, Black began searching for pharmaceutical companies' newsletters—including Searle's—to doctors and found one dated nearly two years before Betty Jo was prescribed Enovid. The newsletter revealed: "As of this date in the United States there have been reported to us 272 cases of thromboembolic disease [clotting of blood in circulatory veins] in Enovid users. In these reports are 31 fatalities."

Yet Black did not become infuriated, he recalled, until after reading another newsletter, one indicating that women with tilted uteruses might be "predisposed to thrombosis" if they used the Pill. Betty Jo's uterus was tilted, he thought, but her only warning was a sentence in the manufacturer's two pamphlets, *For Your Information and Planning Your Family*, stating that Enovid might cause such temporary side effects as nausea and breast tenderness. By this time, Black was convinced that pharmaceutical companies were under-reporting to physicians the Pill's possible risks; in turn, doctors were minimizing the hazards to patients.

He immediately sought the advice of two attorneys, only to be cautioned about the improbability of winning a suit. Articles are considered "hearsay" in court unless the author testifies, while many drug companies can call upon countless physicians or medical researchers (some of whom are supported by their research grants) to affirm a medication's safety.

"I don't care if I win the case or not," Black fumed. "I want this under-reporting out in the open."

On the second anniversary of Betty Jo's death, Black filed suit for \$750,000 in damages against G. D. Searle & Company, a Skokie, Illinois, pharmaceutical firm that manufactures Enovid, on counts that Searle: 1. was "negligent"; 2. had "breached the implied warranty of its product"; and 3. was "strictly liable" for the Pill's known hazards that caused his wife's death.