Thar's Gold in Them Bills

When a citizen has been wronged or thinks that he has been wronged by the Government, he may not, in certain cases, resort to the courts for re- 
dress; he must instead appeal to Congress, which may pass a bill authorizing 
the Treasury to pay a specified amount or which may refer the matter to the 
Court of Claims for determination of the facts and a recommendation 
about what damages, if any, should be allowed to the plaintiff.

A case in point—and it is one in which we have had a continuing interest 
because of the way it pits scientific evidence against commercial interests—
is that of the battery additive AD-X2. This case originated when the 
Federal Trade Commission and the Post Office Department asked the National 
Bureau of Standards to test the additive in 1952. The Bureau reported that 
AD-X2 had "no beneficial effect on the properties or performances of bat-
teries," and the Post Office promptly barred the use of the mails for the 
promotion of the product. This order was suspended a few days later at 
the request of Senator Thye, chairman of the Senate Small Business 
Committee; on 24 March 1953, the Assistant Secretary of Commerce asked for 
the resignation of Allen V. Astin, director of the Bureau of Standards; 
Astin's resignation was accepted on 31 March. Thanks to vigorous reaction 
by scientists and the press, Secretary of Commerce Weeks reversed the 
decision and on 17 April asked Astin to serve till late summer or early fall; 
and 21 August he announced that Astin would be kept on as permanent 
director of the Bureau.

Despite the fact that the Bureau's findings were approved by a committee 
of the National Academy of Sciences that was especially appointed to ap-
praise them, the Federal Trade Commission, acting on the basis of the 
testimony of users, dismissed the charges of false advertising against the 
manufacturer of AD-X2, Pioneers, Inc., of Oakland, California.

This put the company back in business but left it with a grievance. Ac-
cordingly, Representative John J. Allen, Jr., of California, introduced a 
bill (H.R. 3875) "for the relief of Pioneers, Incorporated, and Jess M. 
Ritchie, individually." The bill left the amount of damages unspecified, but 
by virtue of a resolution introduced by Allen (H. Res. 167) it was referred 
to the Court of Claims with the request that the court should make "such 
findings of fact and conclusions thereon as shall be sufficient to inform 
the Congress of the nature and character of the demand . . . and the 
amount, if any, legally or equitably due from the United States to the 
claimant."

The petition of Pioneers, Inc., to the Court of Claims is directed against 
the Department of Commerce and the Bureau of Standards and asks com-
penstation for losses sustained in the amount of $2,369,064.52. The Gov-
ernment will respond to the petition on or before 24 January 1958. It is 
probable that the court will hold hearings and that a good deal of familiar 
ground will be reworked.

Meanwhile, any observer of the political scene may ponder the following 
facts, which are not in dispute: Representative Allen, who introduced the 
bill and the resolution, was defeated when he ran for reelection last month; 
this month President Eisenhower announced his intention of appointing 
Allen to the post of Undersecretary of Commerce early next year. If the 
appointment is confirmed, Allen will doubtless follow the progress of the 
AD-X2 case with especial interest, for he will be in a sense in the unusual 
position of being simultaneously plaintiff and defendant.—G.DuS.