

Utah physician accused of supplying Howard Hughes with codeine

United Press International
OGDEN, Utah — A Logan, Utah, physician was indicted Tuesday on a charge that he illegally supplied Howard Hughes with 5,500 units of codeine during the last 20 months of the billionaire's life.

Hughes aides were indicted on similar charges in Las Vegas, Nev., in March — John Holmes, a vice president of Summa Corp., and Dr. Norman Crane.

Max Wheeler, assistant U. S. Attorney for Utah, said Dr. Thain "ordered and delivered" 5,500 doses of codeine phosphate, the liquid injectable form of codeine, to Hughes from August 1974 until Hughes' death in April 1976.

"The law says a doctor can only

distribute drugs if he does so pursuant to a legitimate medical purpose," Wheeler said. The evidence showed, he said, that there was no legitimate medical purpose in this case.

Thain, 53, is currently director of the Exceptional Child Center at Utah State University in Logan, but was formerly under a five-year contract to Summa Corp., as a medical advisor and consultant. He is a brother-in-law of Bill Gay, who was

on the board of directors of Summa and became president of the corporation after Hughes died aboard an airplane en route from Mexico to Texas.

The indictment charges Thain with making deliveries of the drugs to Hughes in Acapulco, Mex., and the Bahamas.

Conviction could bring a maximum penalty of 15 years in prison and up to a \$25,000 fine. Wheeler said a summons would be issued for Dr. Thain.

Carter's hospital bill plan before Commerce Committee

United Press International
WASHINGTON — With HEW Secretary Joseph Califano cautiously predicting victory, President Carter's plan to limit the increase in hospital bills to 9 percent a year went before the House Commerce Committee Tuesday.

Califano said recently that hospital costs rose an average of 17 percent between 1975 and 1977 and warned the inflationary trend must be stopped.

Chairman Harley Staggers, D-W.Va., indicated the panel will

take up several major amendments during debate on the bill, which is opposed by most of the nation's 7,000 hospitals.

Despite claims by the American Hospital Association that its members already have begun cutting costs on a voluntary basis,

Califano said Monday he felt the bill will pass Congress.

"I think the situation is improving. I believe we will get it," said Califano after a Cabinet meeting at the White House. He predicted the vote would be close due to strong lobbying on both sides.

Supreme Court hands down ruling that local governments may be sued

United Press International
WASHINGTON — Overruling a 1961 decision, the Supreme Court ruled 7-2 Tuesday that local governing bodies may be sued under a Reconstruction-era civil rights law for depriving people of their constitutional rights.

Speaking for the majority, Justice William Brennan said such suits may be brought against local governments — and local officials in their official capacities — where the claimed unconstitutional action carries out an officially adopted policy, ordinance or regulation.

In addition, the opinion said, local governments may be sued for damages and injunctions because of denials of rights arising from governmental "custom," even though the practice has not received formal approval.

Dissenting Justice William Rehnquist, speaking for himself and Chief Justice Warren Burger, predicted Congress will have to act to overcome the effect of the ruling.

The test case was brought by some New York City employees who were forced by the school board to take unwanted leaves of absence during pregnancy. The policy now has been changed.

The women invoked the 1871 Civil Rights Act, which punishes "any person" who under color of state law deprives another of his constitutional rights.

In 1961, the court ruled that cities themselves cannot be sued as "persons" for damages. The complainants argued that officials may be.

In today's opinion, the court said

both cities and officials may be sued, but cities are not responsible for acts of their employees which are simply wrong and do not arise from a law or a policy.

School boards may not be distinguished from other governing bodies, Brennan said.

Rehnquist said the court's decision that a city is not subject to liability as a "person" has been in effect for 17 years, and that Congress has not seen fit to change it. The court itself has affirmed the principle three times, he said, but now

abandons it on the basis of the same background it had in 1961.

"Only the most compelling circumstances can justify this court's abandonment of such firmly established statutory precedents," the dissenters said.

"The doctrine of municipal immunity enunciated in (1961) has protected municipalities and their limited treasuries from the consequences of their officials' failure to predict the course of this court's constitutional jurisprudence.

"None of the members of this

court can foresee the practical consequences of today's removal of that protection. Only the Congress, which has the benefit of the advice of every segment of this diverse nation, is equipped to consider the results of such a drastic change in the law.

"It seems all but inevitable that it will find it necessary to do so after today's decision."

Americans will eat out more by 1980

United Press International
DES MOINES, Iowa — By 1980, Americans will be spending half their food dollars in restaurants, a restaurant association official said today.

Between 35 and 37 percent of the food dollar at present goes to meals eaten in restaurants and that amount is growing, Peter Canakes, executive director of the Iowa Restaurant Association, said.

Canakes said rising food prices are among the main reasons for the projected increase.

"People are finding it as cheap to take their family out as it is to go to the supermarket and buy a roast," he said. "So when this occurs they are often going to the easier alternative — taking the family out."

Canakes said families with several children are finding they can eat out for less than it would cost to produce a similar meal with all the trimmings.

But the growing number of customers does not mean a sudden boom for the restaurants, he said. Some restaurants will not be able to survive.

"On the contrary, there will be some closures," he said. "I wish this weren't the case."

The fast-food restaurant is tops today in family eating with the supper-club atmosphere right behind for couples.

"This is when you consider your average eating habits," Canakes said.

"When mom and dad are taking the kids out, they want a good deal for their money and a lot of food."

"We will be seeing more and more fast-food restaurants springing up around the country," he said.

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