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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	[Personally Identifiable Information] [partial] (6 pages)	10/02/1995	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
Caplan, Phil
OA/Box Number: 11099

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-October 3, 1995 Event [1]

2019-0803-S

rs3545

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

71503

Don

60871

└─┘

THE PRESIDENT HAS SEEN
10/1/95

THE WHITE HOUSE
WASHINGTON

September 30, 1995

MR. PRESIDENT:

The Advisory Committee on Human Radiation Experiments, which you appointed in January 1994, is scheduled to present its report to you on October 3.

The attached memo, which Phil Caplan prepared and cleared with Leon, briefly reviews the work of the Committee and seeks your approval of recommended actions and statements to make in response to the Committee's report.

Todd
Todd Stern

Has VP seen this?
This - still under his
but looking good to me
RS

THE PRESIDENT HAS SEEN
10/1/95

THE WHITE HOUSE
WASHINGTON
September 30, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: LEON PANETTA

FROM: PHIL CAPLAN 

RE: Advisory Committee on Human Radiation Experiments



I. PURPOSE

To approve several recommended actions to be taken on Tuesday, October 3, when you are scheduled to receive the Advisory Committee's final report.

II. BACKGROUND

You appointed this Committee in January 1994 after Secretary O'Leary made public a number of revelations of the government's conduct during the 1940s and 50s with regard to radiation experiments using human research subjects. You issued an Executive Order charging the Committee with reviewing the records of the Federal agencies and providing expert advice on several issues, including 1) whether human radiation experiments sponsored or conducted by the government from 1944-1974 met the ethical and scientific standards of the time and those that exist today; and 2) whether current human subject research safeguards are adequate to prevent recurrence of such ethical abuses.

The Committee's work essentially falls into three categories: 1) a review of experiments from 1944 -1974, 2) a survey of current human subjects research and 3) a review of secrecy and openness guidelines.

1) 1944 - 1974: The Committee found conclusive evidence that the government sponsored a very large number of human radiation research experiments from 1944-1974. Because of the large number, the Committee did not focus on the particulars of the hundreds of experiments, but rather on identifying the ethical standards that applied to the government and the medical profession. The Committee did examine a few experiments in-depth (those that involved children, vulnerable populations, etc.) and found, (i) that most were not harmful to the subjects, but (ii) that the government did not effectively implement policies to ensure that consent was obtained from the subjects.

The Committee will recommend financial compensation in two categories: 1) For the families of the 18 subjects of the plutonium injection experiments (the *Albuquerque Tribune* won the Pulitzer for uncovering this story). Though it is unlikely physical harm was suffered, this was the most egregious example of the government purposefully concealing the nature of an experiment from an experiment's subjects; 2) For a larger class of people who were subjects of experiments, were harmed to some degree, were not in a position to benefit medically, and did not give the proper informed consent. Experiments in this category include the testicular irradiation of prisoners, and the total body irradiation conducted in Cincinnati. There could be several thousand people in this category, but the number cannot be determined with any precision because many of the records have been destroyed. Nevertheless, the number of people who eventually are compensated will be a small percentage -- probably less than 10% of the total subjects -- because most were not harmed. **OMB is working with the agencies on several options for a compensation scheme. It is premature for you to comment with any specificity at this time, although we recommend that you endorse the Committee's principle of compensating those harmed.**

2) Current Human Subject Research: 1974 - present: The Committee reviewed 125 current or recently federally-funded studies (not limited to radiation research). It interviewed patients at leading hospitals in order to gauge the adequacy of procedures for obtaining informed consent from subjects; evaluated the research risks of the experiments; and sampled attitudes towards human subject research.

While the Committee found that most of the protections and informed consent were up to standard, it did find that some 25% of the experiments were "troubling" in terms of the informed consent and the risks involved in the research. The Committee has notified each of the sponsoring institutions (mostly university research hospitals) of these problems and asked each of the institutions to strenuously review their procedures. **We have prepared a proposed Executive Order directing federal agencies which sponsor human subject research to review their policies and procedures in light of the Committee's report to ensure that such research meets ethical standards.**

3) Secrecy and Openness: The Committee found that there are gaps in the informed consent system that could lead to the conduct of classified research on humans without their knowledge. The Committee's recommendations suggest: 1) additional safeguards for the protection of human subjects involved in classified research, and 2) environmental oversight of classified programs. While you are not in a position to comment on this set of recommendations because DoD and CIA are still reviewing them, preliminary conversations indicate that there should not be any problem in implementing the recommendations easily and quickly.

III. RECOMMENDATIONS

The Administration is officially seeing the final report for the first time, although we have been working closely with the Committee. You are not yet in a position to respond with a great deal of specificity about the Committee's report, but you can lay out a set of

principles that should guide the Administration in implementing the Committee's recommendations. **The theme of your remarks should be that your Administration has "done the right thing," lifting the veil of secrecy on the government's conduct of radiation experiments during the Cold War in order to right the wrongs done to innocent citizens, restore trust in government and ensure that future research meets the highest ethical standards.**

I recommend you take the following actions at the event on October 3rd:

1) Acknowledge the wrong done by the federal government to thousands of Americans and convey your empathy with those who were mistreated. Note that there will be representatives of victims rights groups at the event. By ordering this exhaustive review of the government's conduct, you have placed yourself squarely on the side of those who were wronged and this should come through both at the event and in the press coverage.

2) Endorse the principle that people harmed as subjects in unethical experiments are entitled to compensation, and pledge that your Administration work closely with the Congress to establish a streamlined compensation scheme. **This will be the first time you have substantively commented on this subject and your comments will receive the most media attention out of the event.**

3) Issue an Executive Order that 1) directs all federal agencies to review their policies and procedures with regard to human subject research and 2) establishes the National Bioethics Advisory Committee to, among other things, examine the issue of human subjects research, and develop more rigorous guidelines for informed consent to fill in the gaps that the Committee has found. **A draft Executive Order is attached.**

IV. DECISIONS:

- 1) ☒ Approve general approach: acknowledgement of government's mistakes and endorse principle of compensation
☐ Reject general approach
☐ Discuss further
- 2) ☒ Approve Executive Order
☐ Reject
☐ Discuss

PROTECTION OF HUMAN RESEARCH SUBJECTS AND
CREATION OF NATIONAL BIOETHICS ADVISORY COMMISSION

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Review of policies and procedures. (a) Each executive branch department and agency that conducts, supports or regulates research involving human subjects shall promptly review the protections of the rights and welfare of human research subjects that are afforded by the department's or agency's existing policies and procedures. In conducting this review, departments and agencies shall take account of the recommendations contained in the report of the Advisory Committee on Human Radiation Experiments.

(b) Within [120] days of the date of this order, each department and agency that conducts, supports or regulates research involving human subjects shall report the results of the review required by paragraph (a) of this section to the National Bioethics Advisory Commission, created pursuant to this order. The report shall include an identification of measures that the department or agency plans or proposes to implement to enhance human subject protections. As set forth in section 5 of this order, the National Bioethics Advisory Commission shall pursue, as its first priority, protection of the rights and welfare of research subjects.

(c) For purposes of this order, the terms "research" and "human subject" shall have the meaning set forth in the 1991 Federal Policy for the Protection of Human Subjects.

Sec. 2. Research ethics. Each executive branch department and agency that conducts, supports or regulates research involving human subjects shall, to the extent practicable and appropriate, develop professional and public educational programs to enhance activities related to human subjects protection, provide forums for addressing ongoing and emerging issues in

human subjects research, and familiarize professionals engaged in nonfederally-funded research with the ethical considerations associated with conducting research involving human subjects. Where appropriate, such professional and educational programs should be organized and conducted with the participation of medical schools, universities, scientific societies, voluntary health organizations, or other interested parties.

Sec. 3. Establishment of National Bioethics Advisory Commission. (a) There is hereby established a National Bioethics Advisory Commission ("NBAC"). NBAC shall be composed of not more than 15 members to be appointed by the President. NBAC shall be subject to the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

(b) The President shall designate a Chairperson from among the members of NBAC.

Sec. 4. Functions. (a) NBAC shall provide advice and make recommendations to the National Science and Technology Council and to other appropriate entities regarding the following matters: (1) the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior; and (2) applications, including the clinical applications, of that research.

(b) NBAC shall identify broad principles to govern the ethical conduct of research, citing specific projects only as illustrations for such principles.

(c) NBAC shall not be responsible for the review and approval of specific projects.

(d) In addition to responding to requests for advice and recommendations from the National Science and Technology Council, NBAC may also accept suggestions of issues for consideration from both the Congress and the public. NBAC may also identify other bioethical issues for the purpose of providing advice and recommendations, subject to the approval of the National Science and Technology Council.

Sec. 5. Priorities. (a) As a first priority, NBAC will direct its attention to consideration of: protection of the rights and welfare of research subjects; and issues in the management and use of genetic information, including but not limited to, human gene patenting.

(b) NBAC shall consider four criteria in establishing the other priorities for its activities:

1. the public health or public urgency of the bioethical issue;
2. the relation of the bioethical issue to the goals for Federal investment in science and technology;
3. the absence of another entity able to deliberate on the bioethical issue; and
4. the extent of interest in the issue within the government.

Sec. 6. Administration. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide NBAC with such information as it may require for purposes of carrying out its functions.

(b) NBAC may conduct inquiries, hold hearings and establish subcommittees, as necessary. The Assistant to the President for Science and Technology and the Secretary of Health and Human Services shall be notified upon establishment of each subcommittee, and shall be provided information on the name, membership (including chair), function, estimated duration, and estimated frequency of meetings of the subcommittee.

(c) NBAC is authorized to conduct analyses and develop reports or other materials. In order to augment the expertise present on the NBAC, the Secretary of Health and Human Services may contract for the services of non-governmental consultants who may conduct analyses, prepare reports and background papers or prepare other materials for consideration by the NBAC, as appropriate.

(d) Members of NBAC shall be compensated in accordance with Federal law. Members of NBAC may be allowed travel expenses, including per diem in lieu of subsistence, to the extent

permitted by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(e) To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services ("DHHS") shall provide NBAC with such funds as may be necessary for the performance of its functions. The Secretary of Health and Human Services shall provide management and support services to NBAC.

Sec. 7. General Provisions. (a) Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to NBAC, except that of reporting annually to Congress, shall be performed by the Secretary of Health and Human Services, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) NBAC shall terminate two years from the date of this order unless extended prior to that date.

(c) This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit, trust, or responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person.

THE WHITE HOUSE,



Department of Energy
Washington, DC 20585

OFFICE OF PUBLIC AFFAIRS, PA-1

95 AUG 16 AID: 30

Facsimile Machine Number
202/586-9987

Verification Number
202/586-4940

DATE: _____

TO: _____

Phil Kaplan

Fax Number 456-2215

Verification Number _____

FROM: _____

Carmen MacDugall

Ellen Weiss & Tara O'Toole asked
me to forward this to you. Includes
a very rough press release and fact sheet.
Pls. feel free to call, 202 586-4940

*This transmittal consists of _____ page(s) excluding this
cover sheet.



Printed with soy ink on recycled paper

Press Release

DRAFT

DRAFT

Secretary of Energy Hazel R. O'Leary today released the final and comprehensive list of the Department of Energy's human radiation experiments. Human Radiation Experiments Associated with the U.S. Department of Energy and its Predecessors is the third installment of Secretary Hazel O'Leary's promise to "come clean" with the agency's records on experiments dating back as far as World War II. *release*

This publication includes an extensive list, summary descriptions, and selected references of 435 documented experiments and studies that involved approximately 16,000 subjects over the past 40 years. The Final List represents the culmination of a search of 3.2 million cubic feet of Departmental and contractor records in facilities throughout the Nation. The Final List is the supplement to DOE's February 1995 report, *Human Radiation Experiments: the Department of Energy Roadmap to the Story and the Records*, which placed these experiments into their historical context.

The Department of Energy makes no ethical judgments in providing this information to the public. The information in this report, along with information from other agencies, including the Department of Defense and the Department of Health and Human Services, has been provided to the Presidential Advisory Committee on Human Radiation Experiments. The Advisory Committee, established by President Clinton in January 1994, has been studying the ethical issues associated with these experiments and will make policy recommendations to the President early this Fall.

The entire experiment list, including 250,000 pages of scanned historical documents, is available on the Internet (<http://www.ohre.doe.gov>). Also available are reports and fact sheets on radiation experiments and a collection of historical photographs.

If you would like additional copies of either publication, please don't hesitate to contact:

~~Chet Gray, 586-4444~~

DOE,

FACTS ON DOE HUMAN RADIATION EXPERIMENTS FINAL LIST

* Human Radiation Experiments Associated with the U.S. Department of Energy and Its Predecessors is the third installment of the Department's release of human radiation experiment information for the use of the Presidential Advisory Committee on Human Radiation Experiments and the public. This achievement is another milestone in Secretary O'Leary and President Clinton's continuing commitment to opening government to the American people.

* The final Department of Energy Human Radiation Experiments List includes 435 documented studies from World War II to the mid-1970's, conducted by or paid for by the Department of Energy and its predecessors. We estimate there to have been approximately 16,000 subjects.

* The challenge has been to identify the potentially relevant documents from among the 3.2 million cubic feet of Departmental and contractor records scattered around the country. These would cover the entire Mall, from the Capitol to the Washington Monument, with records six inches deep.

* The experiments can be grouped as follows:

- Studies that helped develop an understanding of how the body functions normally and in a diseased state; (65% of the list);

- Studies that helped develop new diagnostic techniques and treatments (30% of the list);

- Dose response studies to determine the biological effects of radiation; these helped to set standards for the protection of workers and the public (4% of the list).

* Although the Department does not presume that every document has been found, we are confident that enough documentation has been made available to draw independent conclusions about what actually took place.

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

Page 1

To <u>Phil Caplan</u>	From <u>John Weiss</u>
Dept./Agency	Phone #
Fax #	Fax #
NON 7540 01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION	

FACTS ON DOE HUMAN RADIATION EXPERIMENTS FINAL LIST

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Although the Department does not presume that every document has been found, we are confident that enough documentation has been made available to draw independent conclusions about what actually took place.

THE WHITE HOUSE
WASHINGTON

April 10, 1995

MEMORANDUM FOR BILLY WEBSTER

FROM: PHIL CAPLAN 
SUBJECT: Human Radiation Scheduling Request

As we have discussed, attached is an updated scheduling request for the President to participate in the public release of the final report of the President's Advisory Committee on Human Radiation Experiments. Since first submitted to you in March, I have been able to build support for the request from George (see attached memo and e-mail), Secretary Perry, Deputy Secretary Deutch, Secretary O'Leary and Secretary Shalala.

At the suggestion of George the event should be ceremonial and low-key and should probably be on-campus.

The Advisory Committee is in the process of writing the final report and would appreciate an approximate date given printing schedules, etc. My recommended timeframe for the event is late May or early-mid June; June may be better at this point.

Please let me know if you need any more information.

Thank you.

Schedule Proposal

4/10/95

☐ ACCEPT

☐ REGRET

☐ PENDING

TO: Billy Webster
Deputy Assistant to the President and Director of Scheduling
and Advance

FROM: Phil Caplan
Special Assistant to the President for Cabinet Affairs

REQUEST: For the President to receive the final report from the President's
Advisory Committee on Human Radiation Experiments.

PURPOSE: The investigation uncovering what the federal government did
(or did not do) during the Cold War-era has been a very positive
story for the President and the Administration. For the
President to identify himself with the release of the report will
highlight his willingness to reform government and lift the veil
of secrecy. The Committees' final report will receive a great
deal of media attention.

BACKGROUND: The President appointed the Advisory Committee in March
1994. The Committee issued its interim report in November
and will issue its final report in May or June. The Human
Radiation issue is one that garners remarkably positive media
attention; every time the Committee uncovers new information
there are invariably front-page stories. The Administration has
committed a large amount of resources to this investigation and
the final report will be an important historical document about
the Cold War.

PREVIOUS
PARTICIPATION: The President and the Vice President hosted a small reception
for the Committee and the affected Cabinet Secretaries in April,
1994 in the Diplomatic Reception Room. The Reception served
to kick-off the investigation.

DATE AND TIME: Late May or early June.

BRIEFING TIME: 10-15 minutes.

DURATION: 30-45 minutes.

LOCATION: White House

PARTICIPANTS: 14 Members of the Advisory Committee, the principals of the Interagency Working Group on Human Radiation Experiments (Secretaries O'Leary, Perry, Shalala, Jesse Brown, Attorney General Reno, NASA Administrator Dan Goldin, Acting CIA Director Studeman), Deputy Secretary Deutch and appropriate staff.

OUTLINE OF EVENTS: To be determined

REMARKS REQUIRED: Brief remarks.

MEDIA COVERAGE: Open.

FIRST LADY'S ATTENDANCE: Not required.

VICE PRESIDENT'S ATTENDANCE: Requested.

MRS. GORE'S ATTENDANCE: Not required.

RECOMMENDED BY: George Stephanopoulos (see attached memo); Secretary Perry, Deputy Secretary and CIA Director-designate Deutch, Secretary O'Leary and Secretary Shalala.

CONTACT: Phil Caplan, x62572

ORIGIN OF THIS PROPOSAL: White House Staff generated

THE WHITE HOUSE
WASHINGTON

March 21, 1995

MEMORANDUM FOR GEORGE STEPHANOPOULOS

FROM: PHIL CAPLAN 
SUBJECT: Human Radiation Experiments

The President's Advisory Committee on Human Radiation Experiments will issue its final report in late May or early June. I submitted a scheduling request to Billy (attached) for the President to participate in the release of the final report and he initially rejected it; Billy is amenable to re-opening the request.

In an earlier memo to you on this subject (attached) you indicated that you thought the President should be associated with the release of the report. I strongly agree. There will be enormous publicity surrounding the release of the report and the President should get the credit. Virtually every time the Committee uncovers new information it runs in all of the major dailies and makes the network news. This issue is a big win for the Administration and the President should be identified with it. The President and Vice President hosted a reception for the Committee in the Diplomatic Reception Room last year to kick off the Committee's work; after the reception he said that this effort was important and he wanted to be involved with it.

While we do not know exactly what the final report will say yet, it will generally be favorable (if something terrible comes up, obviously the President should not participate). But Secretary Perry, Deputy Secretary Deutch, Secretary Shalala and Secretary O'Leary all feel the President should receive the final report. It can take any form: photo-op, East Room or Rose Garden ceremony, or even an event off campus...probably followed by a briefing by the chair of the Committee.

If you still think the President should publicly receive the report, please let me know and I will pass that along to Billy.

Thank you.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-Mar-1995 11:26am

TO: Phillip M. Caplan
FROM: Heather Beckel
 Office of the President

SUBJECT: Do you read this?

Sorry took so long, but George's opinion is that it would be fine to present the human radiation report to POTUS but it should be done low key and here - not off campus.

ROUTING SLIP

DATE: 3/10/95

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Human Radiation Final Report

Don Baer	<u>X</u>	Abner J. Mikva	_____
Erskine Bowles	_____	NEC	_____
Rebecca Cameron	_____	Leon Panetta	_____
Rahm Emanuel	_____	John Podesta	_____
Mark Gearan	<u>X</u>	Jack Quinn	_____
Jack Gibbons	_____	Carol Rasco	_____
Cindy Gire	_____	Lee Satterfield	_____
Pat Griffin	_____	Steve Silverman	_____
Marcia Hale	_____	Patti Solis	_____
Alexis Herman	_____	Doug Sosnik	_____
Nancy Hernreich	_____	G. Stephanopoulos	_____
Kitty Higgins	<u>X</u>	Ann Stock	_____
Harold Ickes	_____	Stephanie Street	_____
Anthony Lake	_____	Kim Tilley	_____
Bruce Lindsey	_____	Jodie Torkelson	_____
Mike McCurry	<u>X</u>	Melanne Verveer	_____
Anne McGuire	<u>X</u>	Anne Walley	<u>X</u>
Mack McLarty	_____	Maggie Williams	_____

FILE: Regret ✓ Phil Caplan X

FYI _____ ADVICE _____ ACTION _____

REGRET POTUS, suggest a surrogate is needed: _____

COMMENTS: Per BW on 3/10/95

Schedule Proposal

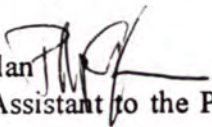
3/8/95

☐ ACCEPT

☒ REGRET

☐ PENDING

TO: Billy Webster
Deputy Assistant to the President and Director of Scheduling and Advance

FROM: Phil Caplan 
Special Assistant to the President for Cabinet Affairs

REQUEST: For the President to receive the final report from the President's Advisory Committee on Human Radiation Experiments.

PURPOSE: The investigation uncovering what the federal government did (or did not do) during the Cold War-era has been a very positive story for the President and the Administration. For the President to identify himself with the release of the report will highlight his willingness to reform government and lift the veil of secrecy. The Committees' final report will receive a great deal of media attention.

BACKGROUND: The President appointed the Advisory Committee in March 1994. The Committee issued its interim report in November and will issue its final report in May or June. The Human Radiation issue is one that garners remarkably positive media attention; every time the Committee uncovers new information there are invariably front-page stories. The Administration has committed a large amount of resources to this investigation and the final report will be an important historical document about the Cold War.

PREVIOUS PARTICIPATION: The President and the Vice President hosted a small reception for the Committee and the affected Cabinet Secretaries in April, 1994 in the Diplomatic Reception Room. The Reception served to kick-off the investigation.

DATE AND TIME: Late May or early June.

BRIEFING TIME: 10-15 minutes.

95 MAR 8
A 4:10

DURATION: 30 minutes - 1 hour.

LOCATION: White House

PARTICIPANTS: 14 Members of the Advisory Committee, the principals of the Interagency Working Group on Human Radiation Experiments (Secretaries O'Leary, Perry, Shalala, Jesse Brown, Attorney General Reno, NASA Administrator Dan Goldin, CIA Director-designate Carns) and appropriate staff.

OUTLINE OF EVENTS: To be determined

REMARKS REQUIRED: Brief remarks.

MEDIA COVERAGE: Open.

FIRST LADY'S ATTENDANCE: Not required.

VICE PRESIDENT'S ATTENDANCE: Helpful but not required.

MRS. GORE'S ATTENDANCE: Not required.

RECOMMENDED BY: Secretary O'Leary; George Stephanopoulos indicated in an earlier memo on this issue that he thought the President should be involved with the release of the report.

CONTACT: Phil Caplan, x62572

ORIGIN OF THIS PROPOSAL: White House Staff generated

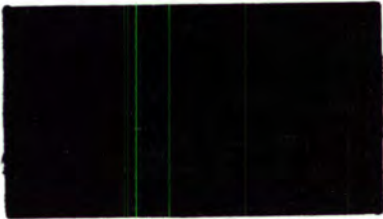
THE WHITE HOUSE

3/7

Billy-

I've been working on the attached issue for over
a year now -- it's the only scheduling request
I will ever personally push for. (Kitty has signed
off on it)

Phil



THE WHITE HOUSE

WASHINGTON

November 21, 1994

MEMORANDUM FOR HAROLD ICKES
BRUCE LINDSEY
GEORGE STEPHANOPOULOS
MARK GEARAN
DAVID DREYER
BILLY WEBSTER

FROM: PHIL CAPLAN *Phil*

SUBJECT: Your thoughts on the Human Radiation experiments investigation.

*To Phil
Fr George S.
Assessing POTUS with
June report is good idea
what else is possible?
(G)*

Attached are two recent front page articles you may have seen about the efforts of the Advisory Committee on Human Radiation Experiments, including yesterday's *Washington Post*.

When this story broke last Christmas, Christine Varney and I were the primary WH staff convening the interagency meetings, setting up the Advisory Committee and handling the politics. Over the past year I have continued to spend a significant amount of time each week on the care and feeding of the Committee, working with the agencies to ensure that they are responsive to the Committee and dealing with other issues as they arise.

This story continues to resonate with the national media. In my opinion, they stay interested for several reasons: the human and often tragic nature of the experiments, the uncovering of Cold War-era "secrets," and the "big brother" nature of the federal government's role. The wire services and local and regional press also write frequently about the issue.

In most of the stories, the President usually gets a paragraph or two of credit for initiating this investigation. It seems to me that this may be an issue to which the President could be, if you wish, more closely tied -- compassion for those who have been harmed; leadership in righting the wrongs of the past, uncovering this "secret" story.

The Committee's six-month report came out last month. The final report is due out in April, but it may slip until May. The Committee, which operates under FACA, meets at least once a month in D.C. There are a few issues which I continue to monitor -- compensation for victims, the vacancy on the Committee, some declassification problems -- but everything seems to be moving along well.

I know that this effort is not topical news (the stories seem to run on the weekends), but I wanted to at least bring it to your attention. It has been successful so far and there may be additional opportunities. The long-range option is for the President to participate in the final release of the report in April or May. In the short-term the President could, for example, meet with some victims, or receive a briefing from the Committee.

If you think this may have value, I would be happy to come up with proposals. Or, in the alternative, if you think we should leave well enough alone and address the issue in the spring, then I'll continue to do what I'm doing.

I would welcome your thoughts and input.

Thank you.

THE WHITE HOUSE

Philbert -

Sorry... I
tried; I
really, really
did.

B.

ROUTING SLIP

DATE: 4/12/95

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Human Radiation Report.

Don Baer	☒	Abner J. Mikva	☐
Erskine Bowles	☐	Laura Tyson	☐
Rebecca Cameron	☐	Leon Panetta	☐
Peg Cusack	☐	John Podesta	☐
Rahm Emanuel	☐	Jack Quinn	☐
Mark Gearan	☒	Carol Rasco	☐
Jack Gibbons	☒	Lee Satterfield	☐
Pat Griffin	☐	Patti Solis	☐
Marcia Hale	☐	Doug Sosnik	☐
Alexis Herman	☒	G. Stephanopoulos	☐
Nancy Hernreich	☐	Ann Stock	☐
Kitty Higgins	☒	Stephanie Streett	☐
Harold Ickes	☐	Kim Tilley	☐
Anthony Lake	☐	Jodie Torkelson	☐
Bruce Lindsey	☐	Melanne Verveer	☐
Mike McCurry	☒	Anne Walley	☐
Anne McGuire	☒	Maggie Williams	☐
Mack McLarty	☐	Phil Caplan	☒

FILE: ☒

FYI ☒

ADVICE ☐

ACTION ☐

REGRET POTUS, suggest a surrogate is needed: ☐

COMMENTS: Regret per Billy 4/12.

THE WHITE HOUSE

95 APR 10 11:10 AM WASHINGTON

April 10, 1995

MEMORANDUM FOR BILLY WEBSTER

FROM: PHIL CAPLAN 

SUBJECT: Human Radiation Scheduling Request

As we have discussed, attached is an updated scheduling request for the President to participate in the public release of the final report of the President's Advisory Committee on Human Radiation Experiments. Since first submitted to you in March, I have been able to build support for the request from George (see attached memo and e-mail), Secretary Perry, Deputy Secretary Deutch, Secretary O'Leary and Secretary Shalala.

At the suggestion of George the event should be ceremonial and low-key and should probably be on-campus.

The Advisory Committee is in the process of writing the final report and would appreciate an approximate date given printing schedules, etc. My recommended timeframe for the event is late May or early-mid June; June may be better at this point.

Please let me know if you need any more information.

Thank you.

Schedule Proposal

4/10/95

____ ACCEPT

____ REGRET

____ PENDING

TO: Billy Webster
Deputy Assistant to the President and Director of Scheduling
and Advance

FROM: Phil Caplan
Special Assistant to the President for Cabinet Affairs

REQUEST: For the President to receive the final report from the President's
Advisory Committee on Human Radiation Experiments.

PURPOSE: The investigation uncovering what the federal government did
(or did not do) during the Cold War-era has been a very positive
story for the President and the Administration. For the
President to identify himself with the release of the report will
highlight his willingness to reform government and lift the veil
of secrecy. The Committees' final report will receive a great
deal of media attention.

BACKGROUND: The President appointed the Advisory Committee in March
1994. The Committee issued its interim report in November
and will issue its final report in May or June. The Human
Radiation issue is one that garners remarkably positive media
attention; every time the Committee uncovers new information
there are invariably front-page stories. The Administration has
committed a large amount of resources to this investigation and
the final report will be an important historical document about
the Cold War.

PREVIOUS
PARTICIPATION: The President and the Vice President hosted a small reception
for the Committee and the affected Cabinet Secretaries in April,
1994 in the Diplomatic Reception Room. The Reception served
to kick-off the investigation.

DATE AND TIME: Late May or early June.

BRIEFING TIME: 10-15 minutes.

DURATION: 30-45 minutes.

LOCATION: White House

PARTICIPANTS: 14 Members of the Advisory Committee, the principals of the Interagency Working Group on Human Radiation Experiments (Secretaries O'Leary, Perry, Shalala, Jesse Brown, Attorney General Reno, NASA Administrator Dan Goldin, Acting CIA Director Studeman), Deputy Secretary Deutch and appropriate staff.

OUTLINE OF EVENTS: To be determined

REMARKS REQUIRED: Brief remarks.

MEDIA COVERAGE: Open.

FIRST LADY'S ATTENDANCE: Not required.

VICE PRESIDENT'S ATTENDANCE: Requested.

MRS. GORE'S ATTENDANCE: Not required.

RECOMMENDED BY: George Stephanopoulos (see attached memo); Secretary Perry, Deputy Secretary and CIA Director-designate Deutch, Secretary O'Leary and Secretary Shalala.

CONTACT: Phil Caplan, x62572

ORIGIN OF THIS PROPOSAL: White House Staff generated

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

29-Mar-1995 11:26am

TO: Phillip M. Caplan
FROM: Heather Beckel
 Office of the President

SUBJECT: Do you read this?

Sorry took so long, but George's opinion is that it would be fine to present the human radiation report to POTUS but it should be done low key and here - not off campus.

THE WHITE HOUSE
WASHINGTON

March 21, 1995

MEMORANDUM FOR GEORGE STEPHANOPOULOS

FROM: PHIL CAPLAN 
SUBJECT: Human Radiation Experiments

The President's Advisory Committee on Human Radiation Experiments will issue its final report in late May or early June. I submitted a scheduling request to Billy (attached) for the President to participate in the release of the final report and he initially rejected it; Billy is amenable to re-opening the request.

In an earlier memo to you on this subject (attached) you indicated that you thought the President should be associated with the release of the report. I strongly agree. There will be enormous publicity surrounding the release of the report and the President should get the credit. Virtually every time the Committee uncovers new information it runs in all of the major dailies and makes the network news. This issue is a big win for the Administration and the President should be identified with it. The President and Vice President hosted a reception for the Committee in the Diplomatic Reception Room last year to kick off the Committee's work; after the reception he said that this effort was important and he wanted to be involved with it.

While we do not know exactly what the final report will say yet, it will generally be favorable (if something terrible comes up, obviously the President should not participate). But Secretary Perry, Deputy Secretary Deutch, Secretary Shalala and Secretary O'Leary all feel the President should receive the final report. It can take any form: photo-op, East Room or Rose Garden ceremony, or even an event off campus...probably followed by a briefing by the chair of the Committee.

If you still think the President should publicly receive the report, please let me know and I will pass that along to Billy.

Thank you.

DATE: 9/14/95

Routing Slip

95 SEP 15 PM 2:11

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Human Radiation Final Report 10/3/95

Don Baer	☒	Abner Mikva	☐
Ersine Bowles	☐	Leon Panetta	☐
Peg Cusack	☐	Laura Tyson	☐
Rahm Emanuel	☐	Todd Stern	☐
Mark Gearan	☐	Jack Quinn	☐
Jack Gibbons	☒	Carol Rasco	☐
Pat Griffin	☐	Paige Reffe	☒
Marcia Hale	☐	Cheryl Rodman	☒
Alexis Herman	☐	Patti Solis	☐
Nancy Hernreich	☐	Doug Sosnik	☐
Kitty Higgins	☒	G. Stephanopoulos	☐
Harold Ickes	☐	Ann Stock	☐
Anthony Lake	☐	Stephanie Streett	☐
Bruce Lindsey	☐	Kim Tilley	☒
Mike McCurry	☒	Jodie Torkelson	☐
Anne McGuire	☒	Melanne Verveer	☐
Mack McLarty	☐	Anne Walley	☒
Phil Caplan	☒	Maggie Williams	☐
Speechwriting	☒	Ellen McCathron	☒

File: ACCEPT

10/3/95

Comments: Per BW on 9/14/95. Ovd Office event. Not big.

Routing Slip

DATE: 7/21/95

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Human Radiation Final Report

Don Baer	<u>✓</u>	Abner Mikva	<u> </u>
Erskine Bowles	<u> </u>	Leon Panetta	<u> </u>
Peg Cusack	<u> </u>	Laura Tyson	<u> </u>
Rahm Emanuel	<u> </u>	Todd Stern John Podesta	<u> </u>
Mark Gearan	<u>✓</u>	Jack Quinn	<u> </u>
Jack Gibbons	<u>✗</u>	Carol Rasco	<u> </u>
Pat Griffin	<u> </u>	Paige Reffe	<u> </u>
Marcia Hale	<u> </u>	Cheryl Rodman	<u>✓</u>
Alexis Herman	<u> </u>	Lee Satterfield	<u> </u>
Nancy Hernreich	<u> </u>	Patti Solis	<u> </u>
Kitty Higgins	<u>✓</u>	Doug Sosnik	<u> </u>
Harold Ickes	<u> </u>	G. Stephanopoulos	<u> </u>
Anthony Lake	<u> </u>	Ann Stock	<u> </u>
Bruce Lindsey	<u> </u>	Stephanie Streett	<u> </u>
Mike McCurry	<u>✓</u>	Kim Tilley	<u>✗</u>
Anne McGuire	<u>✓</u>	Jodie Torkelson	<u> </u>
Mack McLarty	<u> </u>	Melanne Verveer	<u> </u>
Phil Caplan	<u>✗</u>	Anne Walley	<u> </u>
		Maggie Williams	<u> </u>

File: Accept

Comments: per BW 7/21 Oval office event - not big Caplan
East room event. Date TBD Amz
Walley. Sept

Routing Slip

DATE: 7 / 19 / 95

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Human Radiation Final Report 9/27

Don Baer	<u>X</u>	Abner Mikva	_____
Erskine Bowles	_____	Leon Panetta	_____
Peg Cusack	_____	Laura Tyson	_____
Rahm Emanuel	_____	John Podesta	_____
Mark Gearan	<u>X</u>	Jack Quinn	_____
Jack Gibbons	_____	Carol Rasco	_____
Pat Griffin	_____	Paige Reffe	_____
Marcia Hale	_____	Cheryl Rodman	<u>X</u>
Alexis Herman	_____	Lee Satterfield	_____
Nancy Hernreich	_____	Patti Solis	_____
Kitty Higgins	<u>X</u>	Doug Sosnik	_____
Harold Ickes	_____	G. Stephanopoulos	_____
Anthony Lake	_____	Ann Stock	_____
Bruce Lindsey	_____	Stephanie Streett	_____
Mike McCurry	<u>X</u>	Kim Tilley	_____
Anne McGuire	<u>X</u>	Jodie Torkelson	_____
Mack McLarty	_____	Melanne Verveer	_____
		Anne Walley	_____
		Maggie Williams	_____

• oval office event
not big east
room event

• date TBD A.W.

↓
as of
7/21/95

File: accept 9/27 (T)

Comments: per BW on 7/19.

Routing Slip

DATE: 7 / 12 / 95

FROM: Billy Webster
Director of Scheduling and Advance

SUBJECT: Final Report from POTUS's Advisory Comm. on Human Radiation Experiments

Don Baer	☒	Abner Mikva	☐
Erskine Bowles	☐	Leon Panetta	☐
Peg Cusack	☐	Laura Tyson	☐
Rahm Emanuel	☐	John Podesta	☐
Mark Gearan	☒	Jack Quinn	☐
Jack Gibbons	☐	Carol Rasco	☐
Pat Griffin	☐	Paige Reffe	☐
Marcia Hale	☐	Cheryl Rodman	☒
Alexis Herman	☐	Lee Satterfield	☐
Nancy Hernreich	☐	Patti Solis	☐
Kitty Higgins	☒	Doug Sosnik	☐
Harold Ickes	☐	G. Stephanopoulos	☒
Anthony Lake	☐	Ann Stock	☐
Bruce Lindsey	☐	Stephanie Streett	☐
Mike McCurry	☒	Kim Tilley	☐
Anne McGuire	☒	Jodie Torkelson	☐
Mack McLarty	☐	Melanne Verveer	☐
Phil Caplan	☒	Anne Walley	☐
		Maggie Williams	☐



SEE NOTE
PAGE 2

File: ACCEPT

Comments: Per BW 7/12 Billy needs to write a note re how much time they have requested Caplan See

Schedule Proposal

Phil - we need to
get this to 45 min (15 min briefing
+ 30 min "event")
7/11/95
95 JUL 11 All: 28

 ACCEPT REGRET PENDING

TO: Billy Webster
Deputy Assistant to the President and Director of Scheduling and
Advance

FROM: Phil Caplan *Phy*

REQUEST: For the President to receive the final report from the President's
Advisory Committee on Human Radiation Experiments.

PURPOSE: The investigation uncovering what the federal government did
(or did not do) during the Cold War-era has been a very positive
story for the President and the Administration. For the President
to identify himself with the release of the report will highlight
his willingness to reform government and lift the veil of secrecy.
The Committees' final report will receive a great deal of media
attention.

BACKGROUND: The President appointed the Advisory Committee in March 1994.
The Committee issued its interim report in November and will
issue its final report in May or June. The Human Radiation
issue is one that garners remarkably positive media attention;
every time the Committee uncovers new information there are
invariably front-page stories. The Administration has committed
a large amount of resources to this investigation and the final
report will be an important historical document about the Cold
War. I am resubmitting this proposal per your request.

PREVIOUS
PARTICIPATION: The President and the Vice President hosted a small reception
for the Committee and the affected Cabinet Secretaries in April,
1994 in the Diplomatic Reception Room. The Reception served
to kick-off the investigation.

DATE AND TIME: Mid-Late September. (Strong preference for the week of
September 18 or week of September 25.)

BRIEFING TIME: 30 minutes.

DURATION:

30 minutes - 1 hour.

LOCATION:

White House

PARTICIPANTS:

14 Members of the Advisory Committee, the principals of the Interagency Working Group on Human Radiation Experiments (Secretaries O'Leary, Perry, Shalala, Jesse Brown, Attorney General Reno, NASA Administrator Dan Goldin, CIA Director Deutch) and appropriate staff.

OUTLINE OF EVENTS:

To be determined

REMARKS REQUIRED:

Brief remarks.

MEDIA COVERAGE:

Open.

FIRST LADY'S
ATTENDANCE:

Not required.

VICE PRESIDENT'S
ATTENDANCE:

Helpful but not required.

MRS. GORE'S
ATTENDANCE:

Not required.

RECOMMENDED BY:

George Stephanopoulos, Secretary O'Leary, Secretary Shalala, Secretary Perry, Director Deutch

CONTACT:

Phil Caplan, x62702

ORIGIN OF THIS
PROPOSAL:

White House Staff generated

EXECUTIVE OFFICE OF THE PRESIDENT

17-Jul-1995 01:10pm

TO: Colleen A. McCarthy
FROM: Anne Walley
Appointments and Scheduling
SUBJECT: Human Radiation meeting

What about doing it on Sept. 27th?

7/18/95

Phil Caplan is checking on this date & getting
back to me.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

17-Jul-1995 11:06am

TO: Anne Walley
FROM: Colleen A. McCarthy
 Appointments and Scheduling

SUBJECT: Human Radiation Meeting

As you know we have accepted the Human Radiation meeting for 30 mins wit 15 min to brief. Since Phil Caplan is getting married he cannot do the meeting 9/6 - 9/13 and since POTUS is travelling week of Sept 18th he thought the week of the 25th may work. Billy thought that that was a possibility but I wanted to keep you in the loop. Thanks Col

the independent Advisory Committee on Human Radiation experiments -- the investigative Committee you appointed last year. The Advisory Committee has seen these records and their final report will take them into account.

DOE is making the records public, as has been the practice. You are scheduled to receive the Advisory Committee's final report on September 22. The event on the 22nd will mark the culmination of their 18 months of investigative work. Their report covers all of the experiments sponsored by the government (not just DOE's) and will include recommendations about compensating the victims, toughening human research guidelines, and ensuring such experiments do not happen again. There is an interagency staff group at work on responding to the Committee's recommendations.

*OK the
main a big
group to target
w/ info*

TRADE ISSUES

Central Bank Intervention In Foreign Exchange Markets

Yesterday, the Federal Reserve, Bundesbank, Bank of Japan, and Swiss National Bank aggressively purchased dollars on the foreign exchange markets. The central banks' intervention prompted the biggest one-day surge in the U.S. dollar in three years, moving the dollar to its highest level in nearly six months against the D-Mark and the yen. In New York, the dollar jumped from 1.44 DM and 93.6 yen on Monday to 1.47 DM and 96.7 yen yesterday. At noon today, the dollar was trading at 1.48 DM and 97.8 yen. (At the beginning of the month, the dollar traded at 1.38 DM and 88.4 yen. It reached a low of 81 yen in April.) Press reports attribute yesterday's 19-point fall in the Dow Jones Industrial Average to concerns that a stronger dollar will reduce exporters' earnings.

Japan's Trade Surplus

Japan's overall trade surplus fell to \$9.43 billion, from \$12.25 billion a year earlier, as the higher yen boosted imports and restrained exports. In yen terms, the decline in the surplus was even more dramatic (some of the decline in the yen-denominated surplus was offset by the depreciation of the dollar against the yen). At the same time, Japan's dollar-denominated surplus with the United States fell by over 30%, to \$3.87 billion. Imports from the U.S. rose by 29% and exports to the U.S. fell by 3%.

THE WHITE HOUSE

WASHINGTON

September 5, 1995

MEMORANDUM FOR DISTRIBUTION

FROM: PHIL CAPLAN 
SUBJECT: Information on President's event for September 22

The President is scheduled for an event on the afternoon of September 22 where he will publicly receive the report of the independent Advisory Committee on Human Radiation Experiments. We need to discuss several issues and plan for the event on the 22nd, including the press strategy. **Therefore, please come to a meeting on Thursday, September 14, 1995 at 4:00 pm in Todd Stern's office.**

I. Background

The Committee, appointed by the President in January 1994, was charged with reviewing the records of the Federal agencies and providing expert advice on many issues, including 1) whether human radiation experiments sponsored or conducted by the government from 1944-1974 met the ethical and scientific standards of the time and those that exist today; and 2) whether current human subject research safeguards are adequate to prevent recurrence of such ethical abuses.

The event on the 22nd will mark the culmination of the Committee's 18 months of work.

II. Committee's Findings and Recommendations

The Committee's work essentially falls into three categories: 1) a review of experiments from the Cold War, 2) a survey of current human subjects research and 3) secrecy and openness.

1) Cold War: 1944 - 1974

The Committee found conclusive evidence that the government sponsored a very large number of human radiation research experiments from 1944-1974. Because of the large number, the Committee focused on identifying the ethical standards that applied to the government and the medical profession, not the particulars of the hundreds of experiments, although they focussed on a few in-depth. The basic storyline here is that the Committee found that the vast majority of the experiments were not harmful to the subjects, but, nevertheless, the government did not effectively implement policies to ensure that consent was obtained from the subjects.

The Committee will recommend financial compensation for the families of the 18 subjects of the plutonium injection experiments (the experiments for which the *Albuquerque Tribune* won

the Pulitzer) because this was the most egregious example of the government keeping secret an experiment (although it was unlikely physical harm resulted from the experiment itself). The Committee will also recommended compensation for another larger class of people who were subjects of experiments. These people were harmed to some degree, were not in a position to benefit medically, and the experiments were not ethically proper. (There is a staff group led by OMB, Counsel's office and DOE Counsel that is working on the outline of a compensation scheme based on the Committee's broad recommendation.)

2) Current Human Subject Research: 1974 - present

The Committee reviewed 125 current or recently Federally-funded studies (not limited to radiation research) and 1) interviewed patients at leading hospitals in order to gauge the adequacy of procedures for obtaining informed consent from subjects, 2) evaluated the research risks of the experiments and 3) sampled attitudes towards human subject research.

The Committee found that most of the protections and informed consent were up to standard. However, the Committee did find that about 25% of the experiments were "troubling" in terms of the informed consent and the risks involved in the research. The Committee has notified each of the sponsoring institutions (usually a university research hospital) of these problems and asked each of the institutions to strenuously review their procedures. The Committee will recommend 1) enhanced ethics education at med schools and research institutions, 2) a series of measures to ensure that research is clearly distinguished from treatment in obtaining consent, and 3) that Federal oversight be improved and strengthened. (Please see below for how I believe the President should respond to these findings.)

3) Secrecy and Openness

The Committee's recommendations in this section fall generally into two categories: 1) additional safeguards for the protection of human subjects involved in classified research, and 2) environmental oversight of classified programs. The Committee's recommendations are geared to preventing 40s and 50s-style experiments from ever happening again.

III. The September 22 Event

The President has been personally attuned to this issue for quite some time, and has, on several occasions, expressed his desire to do the event. This event will likely get a lot of press attention, even though it is scheduled for a Friday afternoon. *The New York Times*, *The Washington Post*, and ABC, CBS, CNN and NPR have followed the issue closely and *Time* is also interested in doing a big story.

Likely themes for this event: 1) openness in government, lift the veil of secrecy and ensure that our citizens are never subject to such secret experiments again; righting past wrongs, or 2) add a partisan twist by emphasizing regulatory safeguards; GOP is trying to do away with such protections in many aspects of our lives -- food safety, environment. If they had their way, who knows what would happen (although I don't think this second option is a viable one).

Whatever the theme, I recommend that the President take the following actions on the 22nd:

- 1) ask the Interagency Working Group on Human Radiation Experiments (eight Cabinet secretaries and staff) to report back to him in 60 days on specific responses to the Committee's recommendations, after he has laid out some guiding principles in his remarks;
- 2) endorse the Committee's recommendation that those harmed by ethically questionable experiments should be compensated and that the Administration will work with Congress to establish the proper mechanism for doing so.
- 3) in the meantime, direct (probably by Executive Order) that the Cabinet rigorously review all federally-funded human subject research protections by directing all local Institutional Review Boards to review their procedures and experiments;
- 4) create the National Bioethics Advisory Committee to set new standards based on the Committee's recommendations (this Committee, known as NBAC, has been on the verge of being created for almost a year -- now would be a good time to get it going)

This is a very positive story for the President and the Administration. The only potential downside to this event is the possibility of raising false alarms. In other words, there is a chance that this report may raise the question of whether our citizens are being experimented on today without their knowledge like in the 40s and 50s. If not explained correctly, the Committee's findings that some current research is "troubling" could be misconstrued. We need to ensure that this aspect of the story is reported accurately and responsibly. At the very least, I think that if the President is reassuring both to the country and the scientific community, we will not face this problem. The President must extol the positive benefits of research -- e.g., cures for disease, chemotherapy -- in the context of his remarks and assure the public that no "secret" research is being conducted by the government.

Again, we need to discuss these issues more thoroughly and plan for the 22nd. See you on Thursday, September 14, 1995 at 4:00 pm. I'll be out of town until the 13th.

Thank you.

DISTRIBUTION:

John Angell
Jeremy Ben Ami
Elgie Holstein
Cathie Woteki
Jake Siewert
David Shipley
Kitty Higgins
Ginny Terzano
Billy Webster
Tracey Thornton
T.J. Glauthier
Steve Neuwirth

THE WHITE HOUSE
WASHINGTON

August 15, 1995

TO: LEON PANETTA
ERSKINE BOWLES

FR: PHIL CAPLAN *PC*

Subject: Response to the President's note on the August 12 Cabinet Report re:
Human Radiation experiments:

An event is scheduled for the afternoon of September 22 where the President would publicly receive the report of the independent Advisory Committee on Human Radiation Experiments. He appointed this committee, and the event on the 22nd will mark the culmination of their 18 months of work. Their report covers all of the experiments conducted by the government from 1944-1974 and will include recommendations about compensating the victims, toughening human research guidelines, and ensuring such experiments do not happen again. There is an interagency staff group at work on responding to the Committee's recommendations.

The report released tomorrow by Secretary O'Leary (and the one referenced in the Cabinet report) is the fourth installment of a series published by DOE that lists the experiments the agency conducted. This report is based on the President's directive of last year to all agencies to search their files and turn over records to the Advisory Committee. The Advisory Committee has already seen these records, and their final report will take these records into account; DOE is making them public, as has been their practice.

There will be some new news in the release including some experiments done on prisoners, aborted fetuses, etc. I have asked Rich Rosenzweig, Secretary O'Leary's chief of staff, to low-key it as much as possible. One point to emphasize...it's not a bad idea to get the "bad stuff" out now, as far away from the President's event as possible.

(FYI - I brought the human radiation portfolio with me from Cabinet Affairs to the Staff Secretary's office.)

cc: Kitty Higgins

per Todd -
the attached (as a
fax) was sent to
RM - close out.

Leon (Gurham) → summer re: this

THE PRESIDENT HAS SEEN
8-15-95

BK

- **Pacific Northwest Economic Adjustment Initiative/Forest Plan:** Three Intermediary Relending Program loans were recently approved for the Pacific Northwest Economic Adjustment Initiative: Lane Council of Governments, Oregon, \$2 million; Port of Bandon Economic Development Fund, Oregon, \$1 million; Del Norte Economic Development Corporation, California, \$500,000. A Rural Business Enterprise Grant was approved for this Presidential Initiative: Del Norte Economic Development Corporation, Crescent City, California, \$200,000, to provide technical assistance and a revolving loan fund to Eco-Nutrients Inc. to process fish waste into marketable by-products that will foster growth of the fishing industry in the timber and fishing-dependent economy, creating/saving approximately 30 jobs.
- **National Service/AmeriCorps:** Recruitment is beginning for USDA's 1996 AmeriCorps program, which will again feature three National Service models: an anti-hunger team; a public lands and environment team; and a rural development team. The number of AmeriCorps members that USDA will sponsor in 1996 has not yet been determined. During 1995, USDA had the largest program (1,200 AmeriCorps members) among federal agencies participating in the Administration's National Service program. The Rogue River National Forest in Oregon lists several major accomplishments by AmeriCorps in 1995, including the rehabilitation of over 200 campsites, maintenance and rebuilding of 200 miles of trail, construction of eight bridges, transplanting of 720,000 seedlings, and wildfire reduction on several sites.
- **Jill Long Nomination:** On August 8, the Senate Agriculture Committee voted to confirm the nomination of Jill Long of Indiana to be USDA Under Secretary for Rural Economic and Community Development and to be a member of the board of directors of the Commodity Credit Corporation. The full Senate may vote on the nomination by the end of the week.
- **New Zealand Market Opens For California Peaches/Nectarines:** On August 7, USDA announced the opening of New Zealand as a market for California peach and nectarine exports. New Zealand represents a promising new market for California stone fruit producers with near-term market potential projected at \$1 million annually.

DEPARTMENT OF ENERGY

• **Release of Additional Radiation Tests:** The report of your Advisory Committee on Human Radiation Experiments is nearly completed. During the records search of our files, additional radiation tests on humans were discovered. On August 17, Secretary O'Leary will release a list of 435 human radiation studies involving an estimated 16,000 subjects conducted by DOE and its predecessors, the Manhattan Project and the Atomic Energy Commission, from World War II through 1974. This list supplements previously released material and was done pursuant to your direction to Federal agencies of January 19, 1994, to search for records of human radiation experiments and as part of the Department of Energy's Openness Initiative. While much of the research included contributed to medical advancement, some of the experiments will be controversial due to the nature of the study population (children, prisoners, destitute patients), the amount of ionizing radiation involved, or the involvement of pregnant women and fetuses.

September 5, 1995

MEMORANDUM FOR DISTRIBUTION

FROM: PHIL CAPLAN

SUBJECT: Human Radiation Experiments - Administration Response

As you may know, on September 22nd, the President is scheduled to receive the report of the independent Advisory Committee on Human Radiation Experiments

An interagency staff-level group has been at work for about a month on potential Administration responses to the Committee's recommendations. While I do not think ~~we are~~ *we should* planning to issue a recommendation-by-recommendation response on the 22nd, the President should be able to take the following actions:

- 1) ask the Interagency Working Group on Human Radiation Experiments (eight Cabinet secretaries) to report back to him in 60-90 days on the Committee's recommendations and how to respond;
- 2) in the meantime, direct (probably by Executive Order) that the Cabinet rigorously review all federally-funded human subject research protections by directing all local Institutional Review Boards to review their experiments
- 3) create the National Bioethics Advisory Committee to set new standards based on the Committee's recommendations (this Committee, known as NBAC, has been on the verge of being created for almost a year -- now would be a good time)
- 4) endorse in principle the notion that *to have Committee report* we must make whole those harmed by any ethically questionable experiment.

the report
The attached material is a draft of potential Administration responses to the Committee's report (i.e., the beginnings of item #1 from above). The interagency staff split the Committee's recommendations into three categories (recommendations 1-7, recommendations 8-13 and recommendations 14-17), and formed three subcommittees in order to respond to them. The reports of the three subcommittees, along with short summaries, are attached. The Committee's recommendations are in bold; the potential Administration response follows.)

Please review this document and get comments to me by Thursday, September 14. Please keep an eye out towards any items that you think may affect the above four actions that the President might take in the 22nd.

DO WE NEED TO DO THIS NOW?

September 5, 1995

MEMORANDUM FOR DISTRIBUTION

FROM: PHIL CAPLAN

SUBJECT: Information on President's event for September 22

The President is scheduled for an event on the afternoon of September 22 where he will publicly receive the report of the independent Advisory Committee on Human Radiation Experiments -- a Committee the President appointed. I thought it would be helpful to outline some of the history of this investigation, what the Advisory Committee's report will say, why this event is on the schedule, and suggestions for how the President might respond on the 22nd.

I. History

In January 1994, the President appointed a committee of 14 eminent ethicists, scientists, medical doctors and historians to investigate the government's role in human radiation experiments during the Cold War-era. A month earlier, this issue received a significant amount of press attention due to the declassification of documents by Secretary O'Leary. In April 1994, the President and Vice President hosted a reception for the Committee just before their first official meeting in order to give the Committee its mission..

The Committee was charged, by its charter, with reviewing the records of the Federal agencies and providing expert advice to the Interagency Working Group (eight Cabinet secretaries and staff) on many issues, most importantly:

- a) the medical and scientific purposes of human radiation experiments sponsored or conducted by the government from 1944-1974 (in 1974 the federal government promulgated a rule to protect human research subjects);
- b) whether the experiments met the ethical and scientific standards of the time and those that exist today; and
- c) whether current human subject research safeguards are adequate to prevent recurrence of such ethical abuses.

The Committee went beyond its explicit charge in several areas, most notably with regard to the compensation of human research subjects. The Committee was not supposed to comment on compensation, but it ran into a great deal of public expectation about compensation and decided to make recommendations as to which types of experiments deserve financial compensation and apologies.

The event on the 22nd will mark the culmination of the Committee's 18 months of work.

II. Committee's Findings and Recommendations

Without going into excruciating detail (the final report will run hundreds of pages), the Committee's work essentially falls into three categories: 1) a review of experiments from the Cold War, 2) a survey of current human subjects research and 3) secrecy and openness.

1) Cold War: 1944 - 1974

The Committee found conclusive evidence that the government sponsored a very large number of human radiation research experiments from 1944-1974. Many of the records for these experiments were destroyed or were simply not able to be located. The sheer volume of research precluded the Committee from reviewing the details of all of the experiments, although the Committee explored a number of high-profile ones in depth. The Committee, therefore, focused on identifying the ethical standards that applied to the government and to the medical profession in the post-War period, not the particulars of the hundreds of experiments.

The basic storyline here is that the Committee found that the vast majority of the experiments were not harmful to the subjects, but, nevertheless, the government did not effectively implement policies to ensure that consent was obtained from the subjects.

The Committee will recommend financial compensation for the families of the 18 subjects of the plutonium injection experiments (the experiments for which the Albuquerque Tribune won the Pulitzer.) because these were the most egregious example of the government keeping secret an experiment (although no physical harm resulted from the experiment itself.) The Committee will also recommended compensation for another larger class of people (xx,xxx) who were subjects of experiments. By and large, these people were also not harmed by the radiation, but still, in the Committee's estimation, deserve some level of compensation because the experiments were not ethically proper. (There is staff group led by OMB, Counsel's office and DOE Counsel that is working on the implementation of a compensation scheme based on the Committee's broad recommendation.)

2) Current Human Research: 1974 - present

The Committee reviewed 125 current or recently Federally-funded studies (not limited to radiation research) and a) interviewed patients at leading hospitals in order to gauge the adequacy of procedures for obtaining informed consent from subjects, b) evaluated the research risks of the experiments and c) sampled attitudes towards human subject research.

The Committee found that most of the protections and informed consent were up to standard. However, the Committee did find several "troubling" experiments in terms of the informed consent and the risks involved in the research. The Committee has notified each of the sponsoring institutions (usually a university research hospital) of these problems and asked each of the institutions to strenuously review their procedures. The Committee will recommend 1) enhanced ethics education at med schools and research institutions, 2) a series

of measures to ensure that research is clearly distinguished from treatment in obtaining consent, and 3) that Federal oversight be improved and strengthened. (Please see below for how I believe the President should respond to these findings.)

3) Secrecy and Openness

The Committee's recommendations fall generally into two categories: 1) additional safeguards for the protection of human subjects involved in classified research, and 2) environmental oversight of classified programs. As far as I know, there is no classified research on human subjects currently being conducted by the government; the Committee's recommendations are geared to preventing 40s and 50s-style experiments from ever happening again.

III. The President's Response

The President has been personally attuned to this issue for quite some time. On several occasions he has written notes making sure that he be involved in the release of the final report: "I should do this," "Why am I not part of this," "This is a big deal," just to cite a few.

This event will likely get a lot of press attention, even though it is scheduled for a Friday afternoon. In particular, *The New York Times*, *The Washington Post*, and ABC, CBS and CNN follow the issue closely. Whenever the Committee made news over the past year, it was often front page and likely made the evening broadcasts.

An interagency staff-level group has been at work for about a month on potential Administration responses to the Committee's recommendations. While the group does not think the President should issue a recommendation-by-recommendation response to the Committee's report, nevertheless, the President can take several decisive actions on the 22nd:

- 1) ask the Interagency Working Group on Human Radiation Experiments (eight Cabinet secretaries and staff) to report back to him in 60-90 days on how to respond to the Committee's recommendations;
- 2) in the meantime, direct (probably by Executive Order) that the Cabinet rigorously review all federally-funded human subject research protections by directing all local Institutional Review Boards to review their experiments;
- 3) create the National Bioethics Advisory Committee to set new standards based on the Committee's recommendations (this Committee, known as NBAC, has been on the verge of being created for almost a year -- now would be a good time to get it going)
- 4) endorse in principle the notion that we must make whole those harmed by any ethically questionable experiment -- with the details on how to do so worked out by the Cabinet secretaries in consultation with Congress.

The full, detailed interagency responses to the Committee's recommendations are being circulated under separate cover to White House staff for comment.

the Committee's recommendations have been by ethically questionable experiments and state the Administration wishes to work with Congress

In addition to the President's response, I think there are two possible themes for this event:

Option 1: Openness in Government event. Lift the veil of secrecy and ensure that our citizens are never subject to such secret experiments again. A "history" Presidential event, not a current event. Simply receive the report, direct the Cabinet to do a couple of things, and leave it at that.

Option 2: Option 1 with an added partisan twist. Regulatory safeguards. Regulations are important and serve a necessary function. GOP trying to do away with such protections in many aspects of our lives -- food safety, environment. If they had their way, who knows what would happen.

The only potential downside to this event is the possibility of raising false alarms in hospitals with a resulting backlash from the scientific and research community. In other words, there is a slight potential that this report may raise the question of whether our citizens are being experimented on today without their knowledge like in the 40s and 50s. If not managed correctly, the Committee's findings that some current research is "troubling" could be misconstrued. I think, though, that if the President is reassuring both to the country and the scientific community, we will not face this problem. The President must extol the positive benefits of research -- e.g., cures for disease, chemotherapy -- in the context of his remarks and assure the public that no "secret" research is being conducted by the government.

I welcome your comments, particularly on "the President's response" section. I will be out of town until September 13 but hope we can discuss this then.

Thank you.

DISTRIBUTION:

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**Executive Summary
and
Guide to Final Report**

***Advisory
Committee
on
Human Radiation
Experiments***

DOE - O'Leary ✓

~~CIA~~ ~~NO~~

~~DoD~~ ~~NO~~

VA - Hershel ✓

DOT - Reno ? ✓

~~OMB - Alice~~ ~~NO~~

~~NASA - O~~

HHS - Down ✓

10:30

Run 450

Panel Urges U.S. to Apologize for Radiation Testing and Pay Damages

By PHILIP J. HILTS

BOSTON, Oct. 2 — After reviewing 30 years of Government-sponsored radiation experiments on humans, a Presidential Committee has concluded that many were unethical and that the Government should apologize.

The committee also recommended that the Government compensate the patients for at least nine experiments in which they were subjected to radiation without their knowledge and the experiments were concealed from the public.

As far as many other experiments, the committee said there was not enough evidence to say whether apology or compensation was merited, but the search for such evidence should continue, the committee concluded.

The experiments took place in a period between 1944 and 1974. Several of the most egregious ones had come to light earlier, prompting Energy Secretary Hazel O'Leary to recommend a full inquiry, which led to the President's Advisory Committee on Human Radiation Experiments, which worked for 18 months.

The nine experiments for which it recommended apologies and compensation included:

¶ A series of experiments from 1945 to 1947 in which 18 people at the University of Rochester and three other universities were injected with radioactive plutonium without their knowledge.

¶ A series conducted from 1942 to 1945 at three universities in which 29 patients were given radiation over their entire bodies, mainly to see the effects on the body rather than to

A committee says the search for evidence should continue.

treat the patients, and the experiments were concealed.

¶ An experiment in 1948 in which a patient at the University of California was injected with radioactive zirconium, and the experiment was concealed.

¶ Total body irradiation performed at the University of Cincinnati and other universities on hundreds of patients from 1950 until the early 1970's, which was called "therapeutic" as well as experimental.

¶ An experiment in which the testes of 131 prisoners in Oregon and Washington were irradiated from 1963 to 1973.

¶ An experiment at the University of Rochester in the 1940's in which six patients were injected with uranium, plus several experiments at Harvard University.

¶ A trial in which radioactive iodine was given to hundreds of children at schools for the retarded in Massachusetts from the 1940's to the 1960's.

¶ In 1956 and 1957, the United States Air Force administered radioactive iodine to 120 people, most of them Eskimos and Native Americans.

¶ At Vanderbilt University in the 1940's, 820 pregnant women were given small doses of radioactive iron.

Besides these experiments, there was another case the panel's chair-

woman, Dr. Ruth Faden of Johns Hopkins, said that "we were all outraged about. What was done to the uranium miners, though it was not an experiment and not directly under our charge, was unconscionable."

The committee found that the several thousand workers who mined uranium for the Government to make the atomic bombs were exposed to relatively high levels of radiation. Officials knew of the hazard, and were aware that simple ventilation of the mines could significantly reduce it but took no action and did not inform the miners, Dr. Faden said.

In statements today, lawyers and doctors who represent some victims of the experiments praised the committee's work in unearthing so many new documents but criticized it for not finding more fault with the Government and its scientists.

E. Cooper Brown, a lawyer and member of the executive committee of the Task Force on Radiation and Human Rights, an umbrella group for radiation victims, said that "Now we have a far more complete picture." But he faulted the panel for saying it lacked the staff to locate and notify all those who might have been subjects of experiments.

"When they heard that, the victims' community hit the roof," Mr. Brown said. "Also, the people in these experiments have a right to know, they were denied consent and have a right to decide for themselves whether they should consult a physician. What the committee has done tends to perpetuate the original crimes."

Dr. David S. Egilman, of Brown

University said, "Where does the Government come off setting such a high standard for apologies? If I step on someone's toe, I apologize." He said it was important to note that members of the panel were themselves from the institutions where the experiments were carried out, such as Harvard and Johns Hopkins Universities.

Dr. Faden, an ethicist whose parents were both survivors of concentration camps, said in an interview on Thursday that the most difficult problems the group faced were the lack of documentation to say just what happened in the experiments carried out on thousands of people, and then, by what standards ethical violations should be judged.

"We made judgments as best we could, and concluded there were some wrong things done that were wrong today and wrong then — 40 or 50 years ago. Others, we felt were wrong today, but by the standard of the time, it would be hard to hold them out for great blame."

As to the notification of those who were subjects in the experiments, she said, "We as a committee made an absolute commitment to the position that, first, every American citizen should be able to find out what happened and how the government conducted itself, and second, whether they or a loved one was involved in an experiment."

"But it became clear early on in our research," she added, "that we were not talking about hundreds of cases, but about many thousands of cases. Even with huge efforts and years of time would could not recover all the lists of patients in all those experiments."

Instead, the committee created what Dr. Faden called "a road map" to the committee's documents and other records, a citizen's guide to help anyone trace experiments and whether they might have been part of one. The committee's entire record of evidence will be placed in the National Archives.

The committee's report has been passed on to President Clinton, who is expected to hold a press conference on the issue on Tuesday.

Democrats Storm Out of Medicare Session

By ROBERT PEAR

WASHINGTON, Oct. 2 — House Democrats today rebelled against Republican efforts to cut projected spending on health care for the elderly, walking out of a committee session on Medicare that they called a charade. Senate Democrats, taking a different tack, offered an alternative that would reduce spending less severely than the Republican plan.

The Democrats' action was further evidence of a breakdown in relations between the two political parties in the House, especially on the issue of Medicare. Today's developments also showed that Democrats in the two chambers seemed to favor somewhat different strategies.

The plan offered by Democrats in the Senate would cut projected spending on Medicare by \$89 billion over seven years, achieving one-third of the savings demanded by Republicans in both houses.

The Senate Democrats said their proposals would keep Medicare solvent through 2006. They would actually reduce Medicare premiums a bit next year, contrary to what many policy experts suggest.

House Democrats, by contrast, refuse to discuss changes in Medicare until Republicans abandon their proposals to cut taxes.

They walked out of today's session of the House Commerce Committee to protest what they described as Republican efforts to ram the Medicare legislation through Congress without adequate debate.

"Democrats see no reason to participate further in this charade," said the leader of the walkout, Representative John D. Dingell of Michigan, the ranking Democrat on the committee, who has served in Congress for 40 years.

Representative Henry A. Waxman, Democrat of California, said there had been "a fundamental

abuse of power by the Republican leadership in the committee and in the House." Democrats, he said, felt they were "not participating in anything but a sham and a circus."

Republicans said the Democrats were walking out on elderly people, on voters and on the taxpayers. Representative Cliff Stearns, Republican of Florida, said the Democrats were doing "a disservice to democracy."

Despite veto threats from President Clinton, Republicans in Congress say they are determined to cut projected spending on Medicare by

In the Senate, countering the G.O.P. plan.

\$270 billion, or 14 percent, over the next seven years. The Republicans would, at the same time, let elderly people enroll in a wide range of private health plans, with a fixed amount of Federal money for each person to pay the premiums.

Earlier today Republicans allowed a conservative group representing the elderly to march into the Commerce Committee's hearing room and dump mailbags full of telegrams and letters onto the floor.

Jake Hansen, vice president of the group, the Seniors Coalition, said the telegrams showed that many elderly people supported the Republican plans for Medicare. But Democrats who tried to check the source of the telegrams said that one of the supposed senders had died in July.

New estimates by the Congressional Budget Office show that House Republicans would rely on a novel budgetary device to achieve

\$37 billion of the \$270 billion in Medicare savings. This device would automatically cut Medicare payments to doctors, hospitals and other health care providers if spending threatened to exceed certain targets set by law.

In addition, the House Republican bill would, for the first time, set an annual limit on growth in the average Medicare payment for each person enrolled in an H.M.O. The limit would be 5.3 percent in 1996 and 3.8 percent in 1997. While Federal payments to H.M.O.'s would be capped, nothing in the Republican bill would limit the premiums that H.M.O.'s could charge to Medicare beneficiaries, who might have to make up the difference with their own money.

Karen M. Ignagni, president of the Group Health Association of America, which represents H.M.O.'s, said she and her staff were "evaluating the impact" of these limits. Under the limits proposed by House Republicans, Medicare payments to H.M.O.'s would increase more slowly than they have been growing in recent years. Under current law, Ms. Ignagni said, the average per capita payment is expected to increase 10 percent next year.

Medicare finances care for 37 million people and is expected to cost \$178 billion in 1995. Most Republicans on the Commerce Committee staunchly defended the party's Medicare proposals.

But one Republican on the committee, Representative Greg Ganske of Iowa, a surgeon, said the goal of \$270 billion in savings was too high.

Panel Urges Compensation for Radiation Subjects

Thousands of Victims of Cold War Research Could Be Eligible for Financial Remedies

By Gary Lee
Washington Post Staff Writer

A presidentially appointed panel has recommended that the federal government compensate about 30 individuals who were subjects in radiation experiments sponsored by government agencies during the Cold War, and has established guidelines under which thousands more victims of the controversial research could be eligible for financial remedies.

In a 1,000-page report scheduled for release today, the Advisory Committee on Human Radiation Experiments proposed that surviving subjects of three research projects—or the families of deceased subjects—should receive monetary damages and an apology from the government.

The three experiments cited included a highly publicized case from the 1940s in which 18 seriously ill civilians were unwittingly injected with plutonium, another in which a single subject was injected with zirconium (a metal used in the con-

struction of nuclear reactors) in the same period, and a third in which subjects were given total body irradiation during World War II.

The 14-member panel, appointed by President Clinton in January 1994, was charged with setting the record straight in one of the darkest chapters of American history. After Energy Secretary Hazel R. O'Leary expressed outrage over the widespread use of human subjects in radiation research, Clinton responded by enlisting the panel.

The group was asked to uncover the extent of experimentation, to determine whether they government had committed ethical mistakes during the experiments and to establish possible guidelines for compensating victims.

Following an 18-month search of hundreds of thousand of documents from the Atomic Energy Commission and other agencies sponsoring the experiments, the panel found that the federal government backed approximately 4,000 experiments involving tens of thousands of indi-

viduals between 1944 and the mid-1970s.

As startling as the range of the experiments was the apparently unwitting involvement of individuals from vulnerable population groups, including children, pregnant women and African Americans. In one case, mentally retarded teenagers at the Fernald School in Massachusetts were fed irradiated cereal. In another, the testicles of federal prisoners in Oregon and Washington state were irradiated with heavy doses of x-rays.

The panel concluded that subjects should be granted remedies in cases where the government made efforts to keep information about the experiments secret from them or their families in order to avoid embarrassment or potential liability. The report pinpointed three instances, including the plutonium injections, that clearly fit those criteria. These experiments were "assaults on privacy and individual rights," the report said.

The committee also proposed an elaborate set of conditions under

which the victims of other experiments might be eligible for monetary remedies or official apologies from the federal government. For example, it recommended that the government apologize to victims who received no direct medical benefit from participation in research, and provide financial compensation to those who suffered physical injury as a result of participation.

But the panel rejected proposals that the government notify all known victims of the experiments or their families and provide wide-scale medical follow-up to survivors.

The majority of the experiments involved adults who were given very low doses of radioactive tracers that were "unlikely to have caused physical harm" or to have prompted long-term health problems, the report said. Most of the experiments uncovered offered some potential medical benefit to participants, the report concluded.

Clinton plans to respond to the panel's recommendations in a ceremony today, according to a White House spokesman.

moving out of the area.

Having one physician in charge is reassuring to many of the elderly, and even provides a layer of safety, proponents say. For example, having one physician who is aware of all the medications a patient is taking can prevent potentially harmful drug interactions.

"One aspect of HMO care that Medicare patients like in particular is having a personal physician who coordinates care and helps them make their way through the confusing maze of today's health-care system," says Lee Newcomer, chief medical officer of United HealthCare Corp.

(Begin optional trim)

But many seniors remain wary.

Stephen Pearlman, 75, a retired self-employed efficiency expert who lives in Houston, is convinced that he survived a near-fatal episode of pneumonia because he was treated by physicians who were familiar with his chronic pulmonary problems, and could therefore respond quickly to the emergency.

"If I had not had the freedom to choose my own hospitals and my own doctors, I wouldn't be here to talk to you today," Pearlman says. "If they're going to give you a bunch of rinky-dink doctors on a listing, then you become just a number. It removes the intimacy you have with your doctors. If they know you, you'll get better care. Without them, I'd have been a dead cookie."

(End optional trim)

The prospect of switching to managed health care is especially daunting for seniors, many of whom are frail, do not drive, or whose hearing or vision is impaired.

"Managed care may be a harder world for the elderly to navigate," says bioethicist Art Caplan, a member of the Clinton administration's health reform task force.

Some experts warn that shifting millions of seniors into such programs might result in a surfeit of managed care plans "with no accountability, no oversight, and no quality control except the marketplace, which leaves them much more vulnerable than when they had a federally supervised and sponsored program," Caplan says.

"Saying 'caveat emptor' to someone who can't see well, suffers from memory loss and is institutionalized may not be sufficient advice," he adds.

For many of the elderly who are happy with Medicare, and hope to stay with it, the proposals under debate are generating considerable anxiety.

"I can probably afford (the increases), but that's not the point," Pearlman says. "For some people, these costs will absolutely fracture them."

"They're treating seniors as if they're the enemies," he adds. "We've worked all our lives, and were looking toward rest of our lives to be free from worry. And now they're taking that away from us."

Apology, Money for Radiation Experiment Victims To Be Urged By Marlene Cimon= (c) 1995, Los Angeles Times=

WASHINGTON A presidential advisory committee will recommend Tuesday extending an official apology and financial compensation to a handful of the thousands of Americans who were unwittingly exposed to radiation in secret government-sponsored experiments in the years following World War II.

The committee studied nearly 4,000 experiments. But it concluded that only three, involving no more than a few dozen subjects, raised legal and ethical concerns severe enough to

warrant offering apologies and compensation.

While criticizing the conduct of federal officials and others involved, the commission concluded that apologies and compensation were not appropriate in most cases because most of the experiments conducted between 1945 and 1974 posed little danger to participants.

The panel said it believed that people who were used as research subjects without their consent "were wronged, even if they were not harmed."

However, the panel said it was "not persuaded that ... financial compensation is necessarily a fitting remedy when people have been used as subjects without their knowledge or consent but suffered no material harm as a consequence."

An apology and compensation were called for, the report said, in instances where information about the experiment was kept from subjects for the purpose "of avoiding embarrassment" or potential legal liability, "and where this secrecy had the effect of denying individuals the opportunity to pursue potential grievances."

Among the cases meeting this standard were those involving individuals used in experiments that offered "no prospect of direct medical benefit," and where injury from the experiments resulted.

Specifically, the panel recommended that apologies and compensation go to the families of 18 hospital patients, most of whom were terminally ill at the time, who were unknowingly injected with plutonium between 1945 and 1947.

The committee also recommended that several subjects of total body irradiation experiments conducted during World War II, and the subject of a zirconium injection experiment, known only as Cal-Z, also be included.

Noting that these cases have had a lasting impact on the country as a whole even though they occurred decades ago, the commission said, "The greatest harm from past experiments and intentional releases may be the legacy of distrust that they have left," the report said.

Hundreds of intentional releases of radiation "took place in secret, and remained secret for decades," and information about human experiments was kept secret "out of concern for embarrassment to the government, potential legal liability, and worry that public misunderstanding would jeopardize government programs."

The work began at a time during World War II when many such studies were undertaken in secret to help understand radiation risks to workers involved in the development of the atomic bomb. This was long before it became standard practice to issue "informed consent" to medical research subjects, laying out the risks and benefits of participation.

(Optional add end)

Federal investigators are "blameworthy" for not having had policies in place to protect subjects used in research who could not have medically benefited from the work, the panel said. However, researchers were "less blameworthy" in instances where they believed the experiments might be therapeutic, the report said.

The plutonium experiment, for example, was designed to determine how much of the substance remained in patients' bodies after exposure. It was deemed necessary at the time to assess the risks that workers faced when exposed to such materials.

The majority of experiments identified by the panel involved radioactive tracers administered in amounts similar to those used in research today. When used in adult subjects, they were "unlikely to have caused physical harm," the committee said.

But, the panel stressed, some radioisotope exposure involving studies in children "were associated with increases in the potential lifetime risk for developing thyroid cancer that would be considered unacceptable today."

- Starts his morning
focused on comp. |

- add to them
tomorrow

with openness
+ expect it go if
remains revised

- Quarter about report
what it said
what Cante says |

- Logistics |

THE WHITE HOUSE

WASHINGTON

October 2, 1995

**RECEIVE FINAL REPORT - ADVISORY COMMITTEE ON
HUMAN RADIATION EXPERIMENTS**

Date: October 3, 1995
Time: 10:45 am - 11:15 am
Location: Room 450 OEOB
From: Phil Caplan *Phil 92*

I. PURPOSE

To receive the final report of the Advisory Committee on Human Radiation Experiments.

II. BACKGROUND

This report marks the end of the Committee's 18-month inquiry. Your remarks will emphasize your Administration's commitment to open government. Because of the Executive Order you signed in January 1994 that started this investigation, your Administration provided over 840,000 pages of documents to the Advisory Committee, (including the declassification of over 3,200) and placed over 250,000 pages of original material on the Internet for use by the public.

Your remarks will also express remorse to the subjects of the experiments and endorse the principle that compensation is warranted for a) the 18 subjects to the plutonium injection experiments and b) a larger class of people who were subjects of experiments, were harmed to some degree, were not in a position to benefit medically, and did not give the proper informed consent. Experiments in this category include the testicular irradiation of prisoners, and the total body irradiation conducted in Cincinnati.

III. PARTICIPANTS

Dr. Ruth Faden, Chair
Other Committee Members and staff (see attached list of Committee members)
Representatives of victims rights groups
Secretary O'Leary
Secretary Shalala
Attorney General Reno
Deputy Secretary Herschel Gober
Agency staff who led the search for documents

Members of Congress

Senator John Glenn (D-OH)
Senator Bennett Johnston (D-LA)
Senator Dan Akaka (D-HI)
Senator Ted Stevens (R-AK)
Rep. Ed Markey (D-MA)
Rep. Martin Frost (D-TX)
Rep. Bill Richardson (D-NM)

IV. PRESS PLAN

Open (White House pool press plus beat reporters who have been covering this issue.)

V. SEQUENCE OF EVENTS

- Briefing in Oval Office.
- Proceed to Room 450, Old Executive Office Building.
- Greeted by Secretary O'Leary and Dr. Ruth Faden, outside of Room 450.
- Secretary O'Leary welcomes, makes opening remarks and introduces Dr. Faden.
- Dr. Faden makes remarks and introduces YOU.
- YOU make remarks, shake hands with first row and depart.

VI. REMARKS

Provided by David Shipley of speechwriting.

VI. ATTACHMENT

- Advisory Committee list
- Executive Summary of the Final Report (front pocket of notebook)

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	[Personally Identifiable Information] [partial] (6 pages)	10/02/1995	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
Caplan, Phil
OA/Box Number: 11099

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-October 3, 1995 Event [1]

2019-0803-S

rs3545

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

October 2, 1995

MEMORANDUM FOR WAVES

FROM: PHIL CAPLAN
GFL/WW

Subject: Attached

Please clear in the attached list for tomorrow.

If you have any questions, please call me on 6-2702

Thank you

Addition 3

Alice Patricia Bradley

DOB

SSN

(b)(6)

Edwin
~~Edward~~ Dorn

Loretta Young

x55349

U17085

WAVES LIST

450 OEOB

Event with the President, Tuesday, October 3, 1995

Guests enter at 9:45 A.M. -- event at 10:45 A.M.

Human Radiation Report

Azim, Lori
Bailey, Claude
Baldwin, Wendy
Beauchamp, Tom
Bell, Elmerine
Bowling, Miriam
Boyce, Frederick
Brown, Edward Cooper
Burness, Andy
Byrd, Acie Lee
Calderwood, Stuart
Cannon, Caroline
Cassioti, John
Craft, Emma
David, Jim
Ellis, Gary
Engstrom, Lily
Faden, Ruth
Feinberg, Kenneth
Ferguson, Earl
Fitzgerald, Patrick
Flynn, Sarah
Frank, Pam
Galson, Steve
Geller, Gale
Glatstein, Eli
Glynn, J. Patrick
Goodman, Steve
Gracey, Harold
Guttman, Dan
Harrison, Phillip
Herken, Gregg
Holloway, Harry
Hull, Sara Chandros
Hunger, Frank
Hurt, Valerie
James, John

(b)(6)

Kahn, Jeff
Kass, Nancy
King, Patricia
Kittrell, Jacqueline
Klaidman, Steve
Koonuk, Ray
Kruger, John
Labuda, Laurie
Latell, Brian
Lederer, Mark
Lederer, Susan
Mastroianni, Anna
Mather, Susan
Moreno, Jonathan
Mouso, Gerald
Neumann, Ronald
Nordhaus, Robert
Norris, Lois
Norris, Franklyn
O'Toole, Tara
Otchin, Neil
Parthasarathy, Shobita
Pereira, John
Plair, Gwendon
Plaza, Eva
Reicher, Dan
Rhoadarmer, Sally
Rosen, Oscar
Royal, Henry
Russell, Philip
Russell, Constance
Saumweber, David
Schiavo, Lisa
Schneider, Zoe
Smedo, Barbara
Smith, Harold
Smith, Tracy
Sollars, Darcy Jae
Soper, Gordon
Stern, Gary
Stevenson, Mary Ann
Sugarman, Jeremy
Thomas, Nina
Thomas, Duncan

(b)(6)

Tuckson, Reed
Varney, Christine
Volkov, Marina
Weiss, Ellyn
Whittemore, Gil
Yanowitch, Paul

(b)(6)

Tuesday, October 3, 1995

10:00 AM	Phone Call to President Hafiz Al-Asad of Syria	To be forwarded
10:45 AM	Acceptance of Human Radiation Final Report and Remarks	TAB A
Option		
2:45 PM-	Telephone Interview with	
4:30 PM	Newark Star Ledger	TAB B
	- Political Background	TAB C To be forwarded
	- Public Liaison Background	TAB D To be forwarded

SCHEDULE OF THE PRESIDENT

FOR

TUESDAY, OCTOBER 3, 1995

FINAL

APPOINTMENT SCHEDULER: **STEPHANIE STREETT**
HOME: 202-332-5651
OFFICE: 202-456-7560
WHCA PAGER: 4033
CELL PHONE: 202-494-9855

EVENT COORDINATOR: **NICOLE ELKON**
HOME: 202-332-2350
OFFICE: 202-456-7560
WHCA PAGER: 4344

PRESS DESK: **JANNA SIDLEY**
HOME: 202-466-8663
OFFICE: 202-456-7560
WHCA PAGER: 4025

WEATHER: **Washington, D.C.**
Partly cloudy. Wind southwest 5 to 10 knots. Low 59 to 64.
High 79 to 83.

**SCHEDULE OF THE PRESIDENT
FOR
TUESDAY, OCTOBER 3, 1995
FINAL**

tba

MORNING RUN

9:00 am-
10:00 am

MEETING

OVAL OFFICE

Staff Contact: Leon Panetta, Harold Ickes, Erskine Bowles

10:00 am-
10:30 am

**PHONE CALL TO PRESIDENT HAFIZ AL-ASAD OF SYRIA
OVAL OFFICE**

Staff Contact: Tony Lake

10:30 am-
10:40 am

**BRIEFING FOR ACCEPTANCE OF HUMAN RADIATION
FINAL REPORT**

OVAL OFFICE

Staff Contact: Phil Caplan

10:40 am

THE PRESIDENT proceeds to OEOB 450

10:45 am-
11:15 am

**ACCEPTANCE OF HUMAN RADIATION FINAL REPORT
OEOB 450**

Remarks: David Shipley

Event Coordinator: Nicole Elkon

Staff Contact: Phil Caplan

EXPANDED POOL PRESS

- Secretary of Energy Hazel O'Leary makes opening remarks and introduces Ruth Faden, Chair, Task Force on Radiation and Human Rights.
- Ruth Faden makes remarks and introduces the President.
- The President makes remarks.
- The President shakes hands and departs.

11:25 am

THE PRESIDENT proceeds to the Oval Office

11:30 am-
11:45 am

MEETING

OVAL OFFICE

Staff Contact: Laura Tyson

11:45 am-
12:05 pm

**WEEKLY ECONOMIC BRIEFING
CABINET ROOM**

Staff Contact: Laura Tyson

12:10 pm-
12:15 pm

MEETING
OVAL OFFICE
Staff Contact: Stephanie Streett, Anne Walley

12:15 pm-
12:45 pm

SPEECH PREP
OVAL OFFICE
Staff Contact: Don Baer

12:45 pm-
2:45 pm

MEETING
OVAL OFFICE
Staff Contact: Harold Ickes

2:45 pm-
6:45 pm

PHONE AND OFFICE TIME
OVAL OFFICE

OPTION:

Between
2:45 pm-
4:30 pm

PHONE INTERVIEW WITH *THE NEWARK STAR LEDGER*
(10 MINUTE BRIEF/10 MINUTE INTERVIEW)
OVAL OFFICE
Staff Contact: Michael McCurry

HOLD EVENING

BC AND HRC RON

WHITE HOUSE

THE WHITE HOUSE

WASHINGTON

October 2, 1995

**RECEIVE FINAL REPORT - ADVISORY COMMITTEE ON
HUMAN RADIATION EXPERIMENTS**

Date: October 3, 1995
Time: 10:45 am - 11:15 am
Location: Room 450 OEOB
From: Phil Caplan *Philp 9/2*

I. PURPOSE

To receive the final report of the Advisory Committee on Human Radiation Experiments.

II. BACKGROUND

This report marks the end of the Committee's 18-month inquiry. Your remarks will emphasize your Administration's commitment to open government. Because of the Executive Order you signed in January 1994 that started this investigation, your Administration provided over 840,000 pages of documents to the Advisory Committee, (including the declassification of over 3,200) and placed over 250,000 pages of original material on the Internet for use by the public.

Your remarks will also express remorse to the subjects of the experiments and endorse the principle that compensation is warranted for a) the 18 subjects to the plutonium injection experiments and b) a larger class of people who were subjects of experiments, were harmed to some degree, were not in a position to benefit medically, and did not give the proper informed consent. Experiments in this category include the testicular irradiation of prisoners, and the total body irradiation conducted in Cincinnati.

III. PARTICIPANTS

Dr. Ruth Faden, Chair

Other Committee Members and staff (see attached list of Committee members)

Representatives of victims rights groups

Secretary O'Leary

Secretary Shalala

Attorney General Reno

Deputy Secretary Herschel Gober

Agency staff who led the search for documents

Members of Congress

Senator John Glenn (D-OH)

Senator Bennett Johnston (D-LA)

Senator Dan Akaka (D-HI)

Senator Ted Stevens (R-AK)

Rep. Ed Markey (D-MA)

Rep. Martin Frost (D-TX)

Rep. Bill Richardson (D-NM)

IV. PRESS PLAN

Open (White House pool press plus beat reporters who have been covering this issue.)

V. SEQUENCE OF EVENTS

- Briefing in Oval Office.
- Proceed to Room 450, Old Executive Office Building.
- Greeted by Secretary O'Leary and Dr. Ruth Faden, outside of Room 450.
- Secretary O'Leary welcomes, makes opening remarks and introduces Dr. Faden.
- Dr. Faden makes remarks and introduces YOU.
- YOU make remarks, shake hands with first row and depart.

VI. REMARKS

Provided by David Shipley of speechwriting.

VI. ATTACHMENT

- Advisory Committee list
- Executive Summary of the Final Report (front pocket of notebook)

Advisory Committee on Human Radiation Experiments

Ruth R. Faden, Ph.D., M.P.H.-Chair

Philip Franklin Wagley Professor of Biomedical Ethics and Director
The Bioethics Institute
Johns Hopkins University
Baltimore, Maryland

Senior Research Scholar
Kennedy Institute of Ethics
Georgetown University
Washington, D.C.

Kenneth R. Feinberg, J.D.

Kenneth R. Feinberg & Associates
Washington, D.C.

Eli Glatstein, M.D.

Professor and Chair
Department of Radiation Oncology
The University of Texas
Southwestern Medical Center at Dallas
Dallas, Texas

Jay Katz, M.D.

Elizabeth K. Dollard Professor Emeritus
of Law, Medicine and Psychiatry
Harvey L. Karp Professorial Lecturer in Law
and Psychoanalysis
Yale Law School
New Haven, Connecticut

Patricia A. King, J.D.

Professor of Law
Georgetown University Law Center
Washington, D.C.

Susan E. Lederer, Ph.D.

Associate Professor
Department of Humanities
The Pennsylvania State University College of Medicine
Hershey, Pennsylvania

Ruth Macklin, Ph.D.

Professor of Bioethics
Department of Epidemiology & Social Medicine
Albert Einstein College of Medicine
Bronx, New York

Lois L. Norris

Second Vice President of Omaha National Bank
and Omaha National Corporation (Retired)
Omaha, Nebraska

Nancy L. Oleinick, Ph.D.

Professor of Radiation Biochemistry
Division of Radiation Biology
Case Western Reserve University School of Medicine
Cleveland, Ohio

Henry D. Royal, M.D.

Professor of Radiology
Associate Director, Division of Nuclear Medicine
Mallinckrodt Institute of Radiology
Washington University Medical Center
St. Louis, Missouri

Philip K. Russell, M.D.

Professor, Department of International Health
Johns Hopkins University
School of Hygiene and Public Health
Baltimore, Maryland

Mary Ann Stevenson, M.D., Ph.D.

Assistant Professor of Radiation Oncology
Joint Center for Radiation Therapy
Harvard Medical School
Boston, Massachusetts

Deputy Chief

New England Deaconess Hospital
Department of Radiation Oncology
Boston, Massachusetts

Duncan C. Thomas, Ph.D.

Director, Biostatistics Division
Department of Preventive Medicine
University of Southern California School of Medicine
Los Angeles, California

Reed V. Tuckson, M.D.

President
Charles Drew University of Medicine and Science
Los Angeles, California

Advisory Committee on Human Radiation Experiments

Dan Guttman
Executive Director

Jeffrey Kahn
Associate Director

Anna Mastroianni
Associate Director

Stephen Klaidman
Director of Communications
Counselor to the Committee

Sarah Flynn
Editor

*Staff**

Senior Policy and Research Analysts

Barbara Berney
James David
John Harbert
Gregg Herken
Jonathan Moreno
Ronald Neumann
Gary Stern
Jeremy Sugarman
Donald Weightman
Gilbert Whittemore

Research Analysts

Jonathan Engel
Patrick Fitzgerald
Mark Goodman
Deborah Holland
Denise Holmes
Michael Jasny
Gail Javitt
Wilhelmine Miller
Patricia Perentesis
Kathy Taylor
Sandra Thomas
Faith Weiss

Research Associates

Miriam Bowling
Praveen Fernandes
Sara Chandros Hull
Valerie Hurt
John Kruger
Ellen Lee
Shobita Parthasarathy
Nöel Theodosiou

Information Services

David Saumweber, *Director*
Robin Cochran, *Librarian*
Tom Wisner, *Senior Technology*
Consultant

Communications and Outreach

Lanny Keller
Kristin Crotty

Committee and Staff Affairs

Jerry Garcia
Jeanne Kepper

Consultants

Jeffrey Botkin
Allen Buchanan
Gwen Davis
Gail Geller
Steve Goodman
Jon Harkness
Rebecca Lowen

Suzanne White Junod
Nancy Kass
Charles McCarthy
Monica Schoch-Spana
Patricia Stewart-Henney
John Till
E.W. Webster

*includes both full-time and part-time staff

REVISED 10/2/95 8:30 P.M.

PRESIDENT WILLIAM J. CLINTON
STATEMENT ON HUMAN RADIATION EXPERIMENTS
THE WHITE HOUSE
OCTOBER 3, 1995

95 OCT 2 18:54

Acknowledgments: Secretary O'Leary for bringing issue to light; cabinet secretaries and administrators for opening the doors of their agencies; Rep. Markey for his long commitment to this issue; Senators Glenn and Wellstone for their work on medical ethics; citizens groups; and, most of all, Dr. Ruth Faden and the members of the Advisory Committee on Human Radiation.

As President of the United States, I took an oath to protect the rights and safety of the people I was elected to serve. I also promised to change the way government worked: to open it up and make it fully accountable. What I have to say today is an expression of that commitment.

Shortly after I entered office, we discovered that during the chill dawn of the Cold War, when the specter of an atomic armageddon loomed far nearer on the horizon than we can imagine today, the United States government carried out on our citizens experiments involving radiation.

In response to this revelation, I ordered the creation of an Independent Advisory Committee on Human Radiation Experiments. Under the leadership of Dr. Ruth Faden of Johns Hopkins, the committee enlisted many of our nation's most eminent medical and scientific ethicists.

Their mission was twofold. First, to determine whether the experiments conducted or sponsored by the government from 1944 to 1974 met the ethical and scientific standards of that time, and of our time. And second, to see to it that today's research lives up to nothing less than our highest values and most deeply held beliefs.

From the beginning, the committee members were ready to do their part. And we were set to do ours. We declassified thousands of pages of documents. We gave committee members the keys to the government's doors, file cabinets, and safes. For the last year and a half, the only thing left that stood between these dedicated Americans and the truth were late-nights and hard work.

The monumental report I received today is the fruit of the committee's labor.

What they learned, and what I in turn tell you today, must be engraved on our national memory.

Thousands of government-sponsored experiments took place at hospitals, universities, and military bases around the country. The goal was to understand the effects of radiation exposure on the body.

While most of these tests were ethical by any standards, some were unethical not only by today's standards, but by the standards of all time. They failed both the test of our national values and the test of humanity as a whole.

In one experiment, scientists injected plutonium into 18 patients without their knowledge. In another, doctors exposed indigent cancer patients to excessive doses of radiation -- a treatment from which it is unlikely they could ever benefit.

The report also demonstrates that these and other experiments were carried out on precisely those citizens who count most on the government for its help: the destitute and the gravely ill. But the dispossessed were not alone. Members of the military -- precisely those on whom we and our government most count -- were test subjects, as well.

Informed consent means your doctor tells you the risks of the treatment you are about to undergo. In too many cases, informed consent was withheld. Americans were kept in the dark about the effects of what was being done to them. This deception extended beyond the test subjects themselves to encompass the American people as a whole. For these experiments were kept secret. And they were shrouded not for a compelling reason of national security, but out of fear of embarrassment.

That is wrong.

Those who led the government when these decisions were made are no longer among us to take responsibility for what they did. They are not here to apologize to the survivors, the family members, and the communities whose lives were darkened by the shadow of the atom and these culpable choices.

So today, on behalf of another generation of American leaders, the government of the United States offers an apology to those of our citizens who were placed in harm's way by experiments involving radiation. When the government does wrong, we have a moral responsibility to admit it. The duty we owe one another is to tell the truth and protect our fellow citizens from excesses like these. Our government failed that duty and it offers an apology to the survivors and their families -- an apology that should have come a long time ago.

as the Committee has said,
let me be clear, ~~we~~ we should
compensate those harmed by
these experiments, or those kept in the dark
about the nature of these experiments

let me be clear, as this Committee &
experts has said, we should compensate
those harmed or kept in the dark by
these experiments.

let me be clear,

As the Committee has said, there are
circumstances, where comp. is app. as a
matter of ethics in princ. This Admin is
committed to making such comp. available
in those circumstances.

We all know that there are moments when words alone are not enough. Which is why I am instructing my Cabinet [Existing Radiation Working Group] to use and build on the recommendations made in this report and to devise promptly a system of relief -- including compensation ~~where appropriate~~ -- that meets the standards of both justice and of conscience.

And, when called for, we will work with Congress to best serve the needs of those who were harmed.

America's greatness is measured not only in how we so frequently do right, but also in how we act when we do wrong: we confront our mistakes and take action.

And I make you here and now a solemn promise that I will use all the authority of my office to see that nothing like this ever happens again.

This morning I signed an executive order instructing every arm and agency of government that conducts, supports, or regulates research involving human beings to review immediately their procedures and to report back by Christmas.

I have also created a Bio-Ethics Advisory Commission to supervise this process, to watch over all such research, and to see to it that we never again stray from the basic value of protecting our people.

The report I received today will not be left on some shelf to gather dust. Every one of its pages offers a lesson. And every lesson will be learned.

Let me be clear. Medical and scientific progress still depends on learning about people's responses to new medicines and cutting-edge treatments. Without such research, our children would still be dying from polio and other killers. Without responsible radiation research, we would not be making progress in the war on cancer.

There are local citizen review boards. There are regulations that establish proper informed consent and ensure that experiments are conducted ethically.

But in overseeing this necessary research, our vigilance must be limitless. The breathtaking advances in science and technology demand that we always keep our ethical watchlight burning. No matter how rapid the pace of this change, it must never outrun the core convictions that have stood us so well for so long.

I am confident that we will meet the test of our times -- that as science and technology evolve, our ethical consciousness will grow accordingly. Informed consent, community right to know laws, our entire battery of essential human protections -- all these grew up in response to the health and humanitarian crises of the 20th century. They are proof that we are the equal of our challenges.

Science is never simply objective. It emerges from the crucible of historical circumstances. Times of crisis and fear can call forth bad science, even science we know in retrospect to be unethical.

Let us remember the difficult years chronicled in this report, and think about how good people could have done things we know to be bad. Let these pages serve as an eternal reminder to hold humility and moral accountability in higher esteem than we do the latest technology.

Let us remember, too, that cynicism about government also has its roots in historical circumstances. It is because of coverups and stonewallings in the past -- times when a family member or a neighbor suffered an injustice and had nowhere to turn or could not get the facts -- that some Americans lost faith in the infinite promise of our democracy. Government felt too powerful and very far away.

Today, by making ourselves accountable for the sins of the past, we lay the foundation stone to a new era. Under our watch, there will be no hiding of the truth from our citizens. We will act as if all that we do will see the light of day. Nothing that happens in Washington will ever be more important than any one of your lives.

We are doing something else, too. Acting on this report is one more step in our effort to reform the way government does the people's business. We are bringing government in step with our national values, making it as honest, accountable, and responsible as the American people themselves.

In the last three years, I have taken executive action to open government for all to see. I have:

- Declassified thousands of government documents. Files from the Second World War, the Cold War, the assassination of President Kennedy. Action consistent with both national security and our values.

- Moved quickly to address the mysterious illnesses suffered by men and women who served in the Persian Gulf. Declassified information on cancer and other illnesses among veterans. Committed to seeing that the history of Agent Orange does not repeat itself.
- Executive order to protect Community Right to Know laws. Any manufacturer that wants to do business with the government must tell its neighbors what dangerous chemicals it puts into the air, earth, and water. No disclosure, no contract.
- Executive action on lobbying reform. While Congress delays political reforms -- gift bans, lobbying disclosure, campaign finance reform -- I have taken action with an executive order that requires lobbyists who contact the executive branch to disclose their activities in full.
- Barred senior officials from lobbying their agencies for five years after leaving office, and from ever lobbying for foreign governments.
- Fighting for a strong line-item veto. Powerful tool to expose and get rid of the wasteful spending special interests can bury in enormous bills.
- Reinventing government means stripping away burdensome regulations and red-tape. Goal of reform is to create a streamlined government that is true to the purpose of our Framers and our people, and not to the regulators and the special interests.

Fulfilling the promise of American life rests on a simple truth: the government of the United States -- government of the people, by the people, for the people -- must be fully accountable to them as well. Today, we are one step closer to that dream. With your help, we will get there all the way.

Thank you and God bless you.

THE WHITE HOUSE
WASHINGTON

TELEPHONE INTERVIEW WITH THE NEWARK STAR-LEDGER

DATE: October 3, 1995
LOCATION: Oval Office
TIME: 2:45 p.m. - tentative
FROM: Mike McCurry

I. PURPOSE

You will do a brief telephone interview with Bob Cohen, Washington, D.C.-based reporter for the Newark (N.J.) Star-Ledger to preview your meeting with Pope John Paul II.

II. BACKGROUND

The Newark Star-Ledger is the largest newspaper in northern New Jersey, with a daily circulation of 463,000. Bob Cohen is one of two D.C.-based reporters covering Washington and the White House for this newspaper. You have never interviewed with him before.

The Star-Ledger is covering the Pope's arrival and U.S. visit extensively. Your interview with Cohen will add to their local coverage of this event, and give the newspaper exclusive insight to your upcoming meeting with the Pope. The interview is scheduled to last 10 minutes, with Cohen's questions focusing on the Pope's visit. You should be prepared to answer one or two political questions as well.

III. SCHEDULE

Briefing.
Telephone interview.

IV. PARTICIPANTS

The President
Mike McCurry

V. PRESS PLAN

This interview is exclusive to the Newark Star-Ledger. The story will run on Wednesday morning, prior to your meeting with Pope John Paul II.

VI. REMARKS

None.

VII. TALKING POINTS

- * One pager from political affairs.
- * One pager from public liaison on Papal visit.

THE POLITICAL BACKGROUND FOR THE TELEPHONE INTERVIEW
WITH THE NEWARK STAR LEDGER WILL BE FORWARDED

THE PUBLIC LIAISON BACKGROUND FOR THE TELEPHONE
INTERVIEW WITH THE NEWARK STAR LEDGER WILL BE
FORWARDED

PM Radiation Experiments, Bjt,0790

Panel Urges Government to Pay Radiation Experiment Victims

Eds: Clinton scheduled to accept report at 10:45 a.m. EDT

By H. JOSEF HEBERT= Associated Press Writer=

WASHINGTON (AP) A presidential advisory committee is urging the government to pay compensation to victims of human radiation experiments if they were clearly misled and suffered physical harm from the tests.

But the advisory panel in its report to President Clinton is singling out only three experiments where it says compensation clearly is warranted. The panel says most of the 4,000 Cold War-era experiments it documented involved small amounts of radiation and "are unlikely to have caused physical harm."

The 14-member panel also recommends against the government notifying victims of radiation tests or conducting medical follow-up tests, concluding that in most cases that would be of little benefit.

Instead, Clinton today was expected to immediately accept a recommendation to speed the release of documents and improve their accessibility to the public, so that individuals seeking information about radiation experiments will have new sources for their research, said sources familiar with the panel's findings.

Clinton directed the Advisory Committee on Human Radiation Experiments in late 1993 to investigate Cold War-era radiation testing on humans and recommend a compensation policy. He acted after disclosure of a series of experiments in the 1940s in which 18 civilian hospital patients were injected with plutonium to learn more about its effect on the body.

Dr. Ruth Faden, the panel's chairwoman, said Monday that committee members were "morally outraged" by the plutonium experiments and recommended that the victims' families receive financial compensation even if direct physical harm cannot be proven.

"There was active misrepresentation. You can call it lying" to the subjects of the plutonium experiments and their families, said Faden, an ethics professor at Johns Hopkins University.

The panel also recommended financial compensation in connection with the experimental injection of a person in the 1940s with zirconium and a World War II-era experiment in which individuals were subjected to whole-body radiation. The identity of these subjects is not known, however, said the sources, who spoke on condition of anonymity.

The cases involved "deliberate attempts ... to conceal (the experiments) for the declared purpose of avoiding potential liability and public embarrassment," the presidential panel concluded, calling the experiments "assaults on privacy and individual rights."

The advisory committee was less certain about how to deal with some of the other questionable Cold War-era experiments, various details of which have surfaced in recent years.

These cases included the irradiation of prisoners' testicles in Washington and Oregon, experiments involving children at the Fernald School in Massachusetts, and research on pregnant women at Vanderbilt University in Nashville, Tenn.

"It's possible that people there were harmed. And if they were harmed, they ought to be compensated," said Faden. The panel urged the government to issue a formal apology in some of these experiments.

The committee outlined a "framework" that calls for compensation in any experiments where subjects were deliberately misled and did not give clear consent, and physical harm can be shown. Faden said the committee did not rule out eventual compensation in connection with these and other experiments, but did not have enough information to recommend compensation at this time.

Referring to the low-dose radiation experiments at the Fernald School, the report said "there is sufficient evidence that wrongs were committed" and urged an apology.

The experiments reviewed by the panel took place over three decades beginning in the 1940s.

Faden told reporters the panel believed resoundingly that individuals have a right to know whether they were subjected to a government-sponsored experiment, but the process should start by providing them efficient access to documents.

She said among the most troubling aspects of the Cold War-era experiments was the cloak of secrecy that surrounded them. The panel urged new government guidelines for openness and continued declassification of documents related to Cold War-era experiments.

``It is absolutely imperative that this nation never again conduct secret research on human subjects,'' Faden said. ``We don't want 50 years from now there to be another committee ... investigating allegations of abuses of human subjects.''

**** filed by:APE-(MA) on 10/03/95 at 05:43EDT ****

**** printed by:WHPR(JGAI) on 10/03/95 at 07:56EDT ****

BC RADIATION

Panel urges compensation for some radiation subjects

By Vicki Allen

WASHINGTON, Oct 2 (Reuter) - The government should pay compensation to subjects of some top secret Cold War radiation experiments even if they suffered no apparant harm, a presidential advisory panel said in a report released Monday.

The report, to be presented to President Clinton Tuesday, also said the government should compensate people harmed by certain clandestine experiments that had no chance of benefiting them medically.

It said the government owed apologies to people involved in thousands of government-sponsored tests done between 1940 and the 1960s to determine the effect of radiation on humans.

The panel, appointed by Clinton 18 months ago to deal with ethical issues linked to classified experiments, said in some cases the government's actions were so terrible that descendents of those who took part should be compensated.

``...efforts to cover up governmental wrongdoing are assaults upon the polity itself, and not just upon the directly affected individual,' the report said.

``Such a situation warrants the extension of compensation to the next generation.''

Ruth Faden, an ethicist and chairman of the panel, said she expected Clinton to respond to the report Tuesday.

A White House spokeswoman said Clinton ``will address issues contained in the report and recommendations,' but declined to give more details.

The panel released its report on findings from hundreds of thousands of documents from the defunct Atomic Energy Commission, the Defence Department, the CIA and other agencies from between 1944-1974.

Test subjects included children, the mentally retarded, prisoners, and the elderly or terminally ill who in many cases could not give informed consent and were expected to receive little or no medical benefit.

Some of the most wronged victims were about 30 hospital patients injected with plutonium, uraninium and other elements. In its effort to track down the effects of injections in secrecy, the government in some cases had bodies exhumed and gave false reasons to families, Faden said.

Among others who may deserve compensation are surviving prisoners in Oregon and Washington whose testicles were irradiated and children who underwent iodine experiments.

Faden said more cases warranting compensation may emerge as people have a chance to see the tons of documents that the panel had declassified in its work.

She said the report gave a ``citizens guide' to help those who think they may have been affected by the experiments.

Faden added there was no way to know how many thousands had taken the tests, many of which were done for legitimate medical research and involved a trace amount of radiation.

REUTER

**** filed by:RB--(--) on 10/02/95 at 20:40EDT ****
**** printed by:WHPR(JGAI) on 10/03/95 at 07:56EDT ****

2

37

45

6

Agency / Victim,

3

Cab

10

MOC / slat

10

WH slat

35

Press

146

~~MAA-~~

~~DoD~~

~~DoD~~

[57] Victims
Agency

35 Press

45 committed

MOC

(37

178

Event:

40 Committee Members and Spouses and staff

40 Cabinet Secretaries and staff

xx MOC and staff

xx victims

xx WH staff
Christine
Todd

DoD Secretary Perry
Gordon Soper - dob:
Claude Bailey - dob:
Harold Smith - dob:
(John Cassiotti) - dob:

CIA John Deutch
John Pereria
Brian Latell

DOJ Attorney General Reno
Eva Plaza
Pat Glynn
Paul Yanowitch
(Frank Hungar)

VA Jesse Brown
Harold Gracey
Susan Mather
Neal Otchin

OMB Alice Rivlin
T.J. Glauthier
Kathy Peroff
Eric Macris
Emily

HHS Shalala
D.A. Henderson
Wendy Baldwin
Lilly Engstrom

~~145 victims~~
35 press
140

15 victims
34 press



46
34
129

Gary Ellis

DOE Secretary O'Leary
Tara O'Toole
Ellyn Weiss
Steve Galson
Lori Azim
Bob Nordhaus
Lisa Schiavo

NASA Goldin
Harry Holloway
Earl Ferguson

10/2/95 5:30 P.M.

PRESIDENT WILLIAM J. CLINTON
STATEMENT ON HUMAN RADIATION EXPERIMENTS
THE WHITE HOUSE
OCTOBER 3, 1995

Acknowledgments: Secretary O'Leary for bringing issue to light; cabinet secretaries and administrators for opening the doors of their agencies; Rep. Markey for his long commitment to this issue; Senators Glenn and Wellstone for their work on medical ethics; citizens groups; and, most of all, Dr. Ruth Faden and the members of the Advisory Committee on Human Radiation.

As President of the United States, I took an oath to protect the rights and safety of the people I was elected to serve. What I have to say today is an expression of that commitment.

Shortly after I entered office, we discovered that during the chill dawn of the Cold War, when the specter of an atomic armageddon loomed far nearer on the horizon than we can imagine today, the United States government carried out on our citizens experiments involving radiation.

In response to this revelation, I ordered the creation of an Independent Advisory Committee on Human Radiation Experiments. Under the leadership of Dr. Ruth Faden of Johns Hopkins, the committee enlisted many of our nation's most eminent medical and scientific ethicists.

Their mission was twofold. First, to determine whether the experiments conducted or sponsored by the government from 1944 to 1974 met the ethical and scientific standards of that time, and of our time. And second, to see to it that today's research lives up to nothing less than our highest values and most deeply held beliefs.

From the beginning, the committee members were ready to do their part. And we were set to do ours. We declassified thousands of pages of documents. We gave committee members the keys to the government's doors, file cabinets, and safes. For the last year and a half, the only thing left that stood between these dedicated Americans and the truth were late-nights and hard work.

The monumental report I received today is the fruit of the committee's labor.

What they learned, and what I in turn tell you today, must be engraved on our national memory.

Thousands of government-sponsored experiments took place at hospitals, universities, and military bases around the country.

The goal was to understand the effects of radiation exposure on the body.

While most of these tests were ethical by any standards, some were unethical not only by today's standards, but by the standards of all time. They failed both the test of our national values and the test of humanity as a whole.

In one experiment, scientists injected high doses of plutonium into 18 patients without their knowledge. In another, doctors exposed indigent cancer patients to radiation 10 times higher than what is considered safe.

The report also demonstrates that these and other experiments were carried out on precisely those citizens who count most on the government for its help: the destitute and the gravely ill. But the dispossessed were not alone. Members of the military -- precisely those on whom we and our government most count -- were test subjects, as well.

Informed consent means your doctor tells you the risks of the treatment you are about to undergo. In too many cases, informed consent was withheld. Americans were kept in the dark about the effects of what was being done to them. This deception extended beyond the test subjects themselves to encompass the American people as a whole. For these experiments were kept secret. And they were shrouded not for a compelling reason of national security, but out of fear of embarrassment.

That is wrong.

Those who led the government when these decisions were made are no longer among us to take responsibility for what they did. They are not here to apologize to the survivors, the family members, and the communities whose lives were darkened by the shadow of the atom and these culpable choices.

So today, on behalf of another generation of American leaders, the government of the United States offers an apology to those of our citizens who were placed in harm's way by experiments involving radiation. When the government does wrong, we have a moral responsibility to admit it. The duty we owe one another is to tell the truth and protect our fellow citizens from excesses like these. Our government failed that duty and it offers an apology to the survivors and their families -- an apology that should have come a long time ago.

We all know that there are moments when words alone are not enough. Which is why I am instructing my Cabinet [Existing Radiation Working Group] to use and build on the recommendations made in this report and to devise promptly a system of relief -- including compensation where appropriate -- that meets the standards of both justice and of conscience.

And, when called for, we will work with Congress to best serve the needs of those who were harmed.

America's greatness is measured not only in how we so frequently do right, but also in how we act when we do wrong: we confront our mistakes and take action.

And I make you here and now a solemn promise that I will use all the authority of my office to see that nothing like this ever happens again.

This morning I signed an executive order instructing every arm and agency of government that conducts, supports, or regulates research involving human beings to review immediately their procedures and to report back by Christmas.

I have also created a Bio-Ethics Advisory Commission to supervise this process, to watch over all such research, and to see to it that we never again stray from the basic value of protecting our people.

The report I received today will not be left on some shelf to gather dust. Every one of its pages offers a lesson. And every lesson will be learned.

Let me be clear. Medical and scientific progress still depends on learning about people's responses to new medicines and cutting-edge treatments. Without such research, our children would still be dying from polio and other killers. Without responsible radiation research, we would not be making progress in the war on cancer.

There are local citizen review boards. There are regulations that establish proper informed consent and ensure that experiments are conducted ethically.

But in overseeing this necessary research, our vigilance must be limitless. The breathtaking advances in science and technology demand that we always keep our ethical watchlight burning. No matter how rapid the pace of this change, it must never outrun the core convictions that have stood us so well for so long.

I am confident that we will meet the test of our times -- that as science and technology evolve, our ethical consciousness will grow accordingly. Informed consent, community right to know laws, our entire battery of essential human protections -- all these grew up in response to the health and humanitarian crises of the 20th century. They are proof that we are the equal of our challenges.

Science is never simply objective. It emerges from the crucible of historical circumstances. Times of crisis and fear can call forth bad science, even science we know in retrospect to be unethical.

Let us remember the difficult years chronicled in this report, and think about how good people could have done things we know to be bad. Let these pages serve as an eternal reminder to hold humility and moral accountability in higher esteem than we do the latest technology.

Let us remember, too, that cynicism about government also has its roots in historical circumstances. It is because of coverups and stonewallings in the past -- times when a family member or a neighbor suffered an injustice and had nowhere to turn or could not get the facts -- that some Americans lost faith in the infinite promise of our democracy. Government felt very powerful and very far away.

Today, by making ourselves accountable for the sins of the past, we lay the foundation stone to a new era. Under our watch, there will be no hiding of the truth from our citizens. We will act as if all that we do will see the light of day. With the steps we are taking, we have made the government of the United States -- government of the people, by the people, for the people -- fully accountable to them as well. Nothing that happens in Washington will ever be more important than any one of your lives.

Thank you and God bless you.

WHITE HOUSE STATEMENT — draft of Sept 30, Ruth Faden

Mr. President, Secretary O'Leary, and members of the Human Radiation Interagency Working Group:

On behalf of my 13 colleagues on the Advisory Committee, I am proud to submit our final report. We worked extremely hard over the last 18 months in order to be able to inform you and the American people about what really happened to radiation research subjects in the Cold War period.

With the assistance of federal agencies, private research centers and hospitals, and numerous citizens, we have assembled and reviewed hundreds of thousands of documents, many of which were previously secret. In 31 days of open hearings conducted in Washington and throughout the country we have heard from hundreds of public witnesses.

We found that wrongs were indeed committed -- both with experiments involving radiation and with intentional releases of radiation into the environment. In the pursuit of peace and the advancement of medicine--certainly two laudable goals--the rights and interests of individuals and communities were sometimes ignored. We found that government officials and physicians, who had the trust of the public and their patients, abused that trust. Patients were used as subjects of experiments without their knowledge or consent. Information was withheld from affected communities and the public. Secrets were kept to protect the government from embarrassment and legal liability. While the radiation doses in the experiments we studied were usually low, and officials and scientists were often concerned about risk, we do not believe that excuses the wrongs that were done.

We urge you to do the right thing by those who were wronged or harmed by these events. In our report we recommend for your consideration guidelines for compensating former subjects.

But if we are to keep faith with those who have suffered, we must all do more. Your extraordinary efforts have allowed the American people to learn about a piece of their history that they could not otherwise have understood. You have opened the doors of this nation's records; they must stay open. You have recognized the price of secrecy for what it is--a legacy of distrust and cynicism.

If we are to keep faith with those who have suffered, we must do everything possible to guarantee that what happened to them never happens again. The Committee learned that research safeguards have come a long way since the Second World War. Americans can feel much more secure about medical research today. But the system remains imperfect. I urge you to carefully review the Committee's findings and recommendations. Both the government and research institutions must do all they can to protect our fellow citizens.

If this Committee's work is to mean anything, it has to be that 50 years from now, there does not have to be another presidential committee charged with investigating allegations of abuses of human subjects. Information must not be concealed from people in their own time so that it takes two generations for the truth to come out.

Mr. President, your leadership in this area has been indispensable. Without your willingness to open government files to our scrutiny, our work would have been impossible. Your staff, your cabinet and agency heads, and their staffs have been supportive at every turn, helping whenever we asked for help and always respectful of our independence. You have set a new standard for open government in an area that has been largely secret for 50 years.

We on the Committee are both honored and grateful that you have taken our work so seriously. I hope that we have met the challenge that you put before us 18 months ago. Thank you.

INTERAGENCY TALKING POINTS

RELEASE OF THE REPORT OF THE ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

October 3, 1995

President Clinton

President's message: ~~Doing the Right Thing~~

- The President came to office determined to repair the trust between the American people and their government.
- He committed the resources of the government to opening the door to the past; even if wrong did not happen on our watch, we were determined to set it right.
- This is about what people in power owe to those who were governed.
- We are taking steps to make sure that wrongs do not happen again.

Interagency Talking Points

This has been an unprecedented exercise in openness

- The federal agencies searched archives, records centers, vaults, libraries and warehouses around the country.
- Altogether, the agencies delivered about 840,000 pages of documents dating back to World War II to the Advisory Committee.
- Over 3200 documents were declassified.
- Information and the tools to acquire it have been made accessible to the people: electronic databases were created and over 250,000 pages of original documents were placed on the Internet to date -- thousands more will be added to the Internet by all of the agencies in the coming months.
- ~~Approximately 37,000 telephone calls by some 15,000 people, have been received by the Interagency Helpline, an 800 number telephone hotline established in late 1993 to take inquiries on this subject. Many were from persons who believed that they or a family member may have been the subject of a human radiation experiment.~~
- We opened the door on historical human radiation experiments without knowing what was on the other side -- we did it because we believe that, whatever was discovered about the past, it is better to tell the truth in order to rebuild trust with the American people.
- The combined cost of the interagency effort, including support of the Advisory Committee has been about \$31M.

The Advisory Committee found some cases of ethical wrongs, laid out an ethical framework for assessing other cases and found that most radiation experiments

were conducted safely and for valid scientific reasons.

- The Committee identified a discrete set of cases during World War II and the Cold War (about 25) where the government failed to respect the dignity and rights of individuals by misusing secrecy to keep the nature of the experiments from the subjects. (These are the Manhattan Project plutonium injections and a few additional cases) The Committee has recommended compensation for the family members of these persons, all now deceased, and we agree that fair and reasonable compensation should be made available.
- The Advisory Committee laid out an ethical framework for the future: They conclude that if ethical wrong and physical harm was done to a subject, the government should make fair and reasonable compensation available.
- In the coming days, we will consider how to best meet the objectives of these recommendations.
- The Advisory Committee also found, and for this all Americans can be grateful, that the great majority of human radiation experiments were done safely, for valid and often very important scientific reasons, and that they did not place the research participants at increased risk of health problems.

The Advisory Committee highlighted issues of concern in current research that we will vigorously pursue.

- The Committee's review of current research highlighted some issues of concern, particularly for research into new medical therapies, including:
 - the clarity and completeness of consent forms in describing the risks of participation and the true potential for benefit to the participants.
 - the need to distinguish clearly between research and therapy when communicating to patients.
 - fairness in making experimental therapy for disease available to all groups.
- The Committee also found that current research involving radioisotopes is subject to more safeguards and levels of review than human subjects research generally.
- In accordance with the Executive Order issued by the President today, all federal agencies that sponsor human subjects research will immediately review their rules and practices in light of the Committee's findings.

DATE: 10/2/95

ASSISTANT SECRETARY
OFFICE OF ENVIRONMENT, SAFETY AND HEALTH
U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20585

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Phil Caplan456-2215

FROM:

Ellen Weiss

NO. OF PAGES TO FOLLOW:

2☐ For your information☒ Please call upon receipt☐ As requested☐ For review and comment☐ Original copy to follow via mail

COMMENTS/MESSAGES:

TO: Secretary O'Leary
FROM: Tara
October 2, 1995

WHITE HOUSE REMARKS ON RELEASE OF REPORT ON HUMAN RADIATION EXPERIMENTS

Thank Committee and staff -

Today, we receive from Dr. Ruth Faden and her colleagues on the President's Advisory Committee, a report that tells the story of radiation experiments involving human subjects funded by the government.

We did not realize when we began this journey the difficulty of the charge we had given the eminent ethicists and physicians and scientists on this committee.

For the past 18 months, the Advisory committee members and their staff have devoted much of their lives to this investigation. They sacrificed their weekends, vacations and late hours at the end of their actual working days to review documents going back decades and give us their best judgement as to whether persons were wronged.

The nation owes them and their families a debt for their generous public service.

President Clinton's Courage

Why did we do this? Why did we open the door on human radiation experiments?

When President Clinton appointed the Advisory Committee, he committed the whole government to a massive records search that included declassification of over 3200 documents. We have made available to the American people all we could find of the government's records on a question that strikes at the heart of the relationship between the American people and their government: whether the government misused individual citizens.

The President committed to this without knowing where it would lead, or whether the records would reveal government mistakes, cause embarrassment or lawsuits because he believed that it was the right thing to do.

What this event is about

With us are family members of people who were subjects in human radiation experiments and some of the advocates who represent them.

Their presence signifies this Administration's commitment to meet the obligations of power, our willingness to share information, to respect the right of people to know all the facts, and the responsibility to limit secrecy to that which is truly essential.

Bill Clinton came to Washington dedicated to that task of rebuilding the relationship of trust between citizens and government. The Advisory Committee's report and the government actions that will follow are evidence of the President's commitment to rebuild that trust.

95 OCT 2 DATE: 10/2

ASSISTANT SECRETARY
OFFICE OF ENVIRONMENT, SAFETY AND HEALTH
U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20585

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FAX: (202) 586-0956

TO:

Phil Kaplan

FROM:

*John*NO. OF PAGES TO FOLLOW: 1☐ For your information☐ Please call upon receipt☐ As requested☐ For review and comment☐ Original copy to follow via mail

COMMENTS/MESSAGES:

THE WHITE HOUSE
WASHINGTON
September 30, 1995

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: LEON PANETTA

FROM: PHIL CAPLAN 

RE: Advisory Committee on Human Radiation Experiments



I. PURPOSE

To approve several recommended actions to be taken on Tuesday, October 3, when you are scheduled to receive the Advisory Committee's final report.

II. BACKGROUND

You appointed this Committee in January 1994 after Secretary O'Leary made public a number of revelations of the government's conduct during the 1940s and 50s with regard to radiation experiments using human research subjects. You issued an Executive Order charging the Committee with reviewing the records of the Federal agencies and providing expert advice on several issues, including 1) whether human radiation experiments sponsored or conducted by the government from 1944-1974 met the ethical and scientific standards of the time and those that exist today; and 2) whether current human subject research safeguards are adequate to prevent recurrence of such ethical abuses.

The Committee's work essentially falls into three categories: 1) a review of experiments from 1944 -1974, 2) a survey of current human subjects research and 3) a review of secrecy and openness guidelines.

1) 1944 - 1974: The Committee found conclusive evidence that the government sponsored a very large number of human radiation research experiments from 1944-1974. Because of the large number, the Committee did not focus on the particulars of the hundreds of experiments, but rather on identifying the ethical standards that applied to the government and the medical profession. The Committee did examine a few experiments in-depth (those that involved children, vulnerable populations, etc.) and found, (i) that most were not harmful to the subjects, but (ii) that the government did not effectively implement policies to ensure that consent was obtained from the subjects.

The Committee will recommend financial compensation in two categories: 1) For the families of the 18 subjects of the plutonium injection experiments (the *Albuquerque Tribune* won the Pulitzer for uncovering this story). Though it is unlikely physical harm was suffered, this was the most egregious example of the government purposefully concealing the nature of an experiment from an experiment's subjects; 2) For a larger class of people who were subjects of experiments, were harmed to some degree, were not in a position to benefit medically, and did not give the proper informed consent. Experiments in this category include the testicular irradiation of prisoners, and the total body irradiation conducted in Cincinnati. There could be several thousand people in this category, but the number cannot be determined with any precision because many of the records have been destroyed. Nevertheless, the number of people who eventually are compensated will be a small percentage -- probably less than 10% of the total subjects -- because most were not harmed. OMB is working with the agencies on several options for a compensation scheme. It is premature for you to comment with any specificity at this time, although we recommend that you endorse the Committee's principle of compensating those harmed.

2) Current Human Subject Research: 1974 - present: The Committee reviewed 125 current or recently federally-funded studies (not limited to radiation research). It interviewed patients at leading hospitals in order to gauge the adequacy of procedures for obtaining informed consent from subjects; evaluated the research risks of the experiments; and sampled attitudes towards human subject research.

While the Committee found that most of the protections and informed consent were up to standard, it did find that some 25% of the experiments were "troubling" in terms of the informed consent and the risks involved in the research. The Committee has notified each of the sponsoring institutions (mostly university research hospitals) of these problems and asked each of the institutions to strenuously review their procedures. We have prepared a proposed Executive Order directing federal agencies which sponsor human subject research to review their policies and procedures in light of the Committee's report to ensure that such research meets ethical standards.

3) Secrecy and Openness: The Committee found that there are gaps in the informed consent system that could lead to the conduct of classified research on humans without their knowledge. The Committee's recommendations suggest: 1) additional safeguards for the protection of human subjects involved in classified research, and 2) environmental oversight of classified programs. While you are not in a position to comment on this set of recommendations because DoD and CIA are still reviewing them, preliminary conversations indicate that there should not be any problem in implementing the recommendations easily and quickly.

III. RECOMMENDATIONS

The Administration is officially seeing the final report for the first time, although we have been working closely with the Committee. You are not yet in a position to respond with a great deal of specificity about the Committee's report, but you can lay out a set of

principles that should guide the Administration in implementing the Committee's recommendations. **The theme of your remarks should be that your Administration has "done the right thing," lifting the veil of secrecy on the government's conduct of radiation experiments during the Cold War in order to right the wrongs done to innocent citizens, restore trust in government and ensure that future research meets the highest ethical standards.**

I recommend you take the following actions at the event on October 3rd:

1) Acknowledge the wrong done by the federal government to thousands of Americans and convey your empathy with those who were mistreated. Note that there will be representatives of victims rights groups at the event. By ordering this exhaustive review of the government's conduct, you have placed yourself squarely on the side of those who were wronged and this should come through both at the event and in the press coverage.

2) Endorse the principle that people harmed as subjects in unethical experiments are entitled to compensation, and pledge that your Administration work closely with the Congress to establish a streamlined compensation scheme. **This will be the first time you have substantively commented on this subject and your comments will receive the most media attention out of the event.**

3) Issue an Executive Order that 1) directs all federal agencies to review their policies and procedures with regard to human subject research and 2) establishes the National Bioethics Advisory Committee to, among other things, examine the issue of human subjects research, and develop more rigorous guidelines for informed consent to fill in the gaps that the Committee has found. **A draft Executive Order is attached.**

IV. DECISIONS:

1) _____ Approve general approach: acknowledgement of government's mistakes and endorse principle of compensation

_____ Reject general approach

_____ Discuss further

2) _____ Approve Executive Order

_____ Reject

_____ Discuss

EVENT: Radiation Event
DATE: Tuesday, October 3, 1995
TIME: 10:45 to 11:15
LOCATION: 450 OEOB

*** Please note, Members should enter the NW Gate at 10:30 am and park on the NW Drive.

PARTICIPANTS:
POTUS
Sec. O'Leary

MEMBERS:
Sen. Glenn
Rep. Frost
Rep. Markey
Rep. Richardson

STAFF:
Askia Suruma
David Moulton
Jeffery Duncan
John Abbotts

(b)(6)

DRAFT 10/2/95 4:00 P.M.

PRESIDENT WILLIAM J. CLINTON
STATEMENT ON HUMAN RADIATION EXPERIMENTS
THE WHITE HOUSE
OCTOBER 3, 1995

Acknowledgments: Secretary O'Leary for bringing issue to light; cabinet secretaries and administrators for opening the doors of their agencies; Rep. Markey for his long commitment to this issue; Senators Glenn and Wellstone for their work on medical ethics; citizens groups; and, most of all, Dr. Ruth Faden and the members of the Advisory Committee on Human Radiation.

As President of the United States, I took an oath to protect the rights and safety of the people I was elected to serve. What I have to say today is an expression of that commitment.

Shortly after I entered office, we discovered that during the chill dawn of the Cold War, when the specter of an atomic armageddon loomed far nearer on the horizon than we can imagine today, the United States government carried out on our citizens experiments involving radiation.

In response to this revelation, I ordered the creation of an Independent Advisory Committee on Human Radiation Experiments. Under the leadership of Dr. Ruth Faden of Johns Hopkins, the committee enlisted many of our nation's most eminent medical and scientific ethicists.

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Thank you and God bless you.