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FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-Anything Congressional-
Congressional Letters

2019-0803-S

rs3542

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]

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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]

United States Senate

WASHINGTON, DC 20510-0904

December 20, 1994

Mr. Steve Silverman
Deputy Secretary of the Cabinet
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Silverman:

Enclosed please find a letter from my constituents, Mr. and Mrs. M. M. Blaz, regarding an inquiry into the investigations being conducted by the President's Advisory Committee on Human Radiation Experiments.

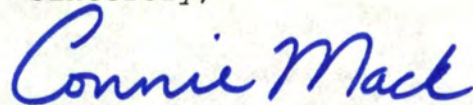
I would appreciate any information your office can provide to Mr. and Mrs. Blaz about this inquiry. You may write to them directly at the following address:

Mr. and Mrs. M. M. Blaz
2114 North 14th Court
Hollywood, FL 33020

Additionally, could you please send a copy of your response to Cherie Lott at 517 Hart Senate Office Building, Washington, D.C. 20510.

Thank you for your time and consideration in this matter.

Sincerely,



Connie Mack
United States Senator

CM/cnl

November 22, 1994

Honorable Connie Mack
U.S. Senate
Washington, DC 20510-0904

Honorable Senator Mack:

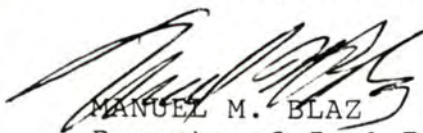
' Our interest into the investigations being made by the President's Advisory Committee on Human Radiation Experiments, stems from the facts that both our oldest and our youngest children were experimentally radiated. This had been done without either our consent or knowledge of any of the possible ill-effects of the radiation that could leave them with life-long problems. These experiments occurred the 1940s and 1950s, denying the children, especially my son, from living with any resemblance to normal living.

It is imperative that all possible findings of the President's Advisory Committee be given total consideration into their complete evaluations, and believe as to what has occurred and been done to the victims, and the survivors of the Radiation Experiments.

Furthermore, it is very imperative that additional members be appointed to the Advisory Committee. These persons should be more directly involved with the effects of radiation. The addition of the persons who have been recommended by the Task Force On Radiation And Human Rights are needed to balance the present membership. These additional appointments must be expedited upon, and be given priority action.... Remember, the half-way Interim Report has already been released, and the agenda for the short remaining period of existence of the time allotted to the committee is drawing prematurely closer.

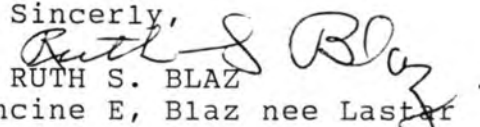
If the purpose the Committee is to be realized, the additional seven members is very necessary, and the duration of the life of the Committee be extended.

Attached is a copy of a letter from The Task Force to Mr. Steve Silverman, Deputy Secretary of the Cabinet, and an copy of The Washington Post dated October 22, 1994 concerning some factors regarding Radiation Experiments.



MANUEL M. BLAZ

Sincerely,



RUTH S. BLAZ

Parents of Joel Blaz and Francine E, Blaz nee Lastar
Victims of Experimental Radiation.

TASK FORCE ON RADIATION AND HUMAN RIGHTS

October 26, 1994

Mr. Steve Silverman
Deputy Secretary of the Cabinet
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Advisory Committee on Human Radiation Experiments

Dear Mr. Silverman:

Friday, October 21st, the President's Advisory Committee on Human Radiation Victims released its Interim Report. From this report it is clear (should there have been any doubt before) that the Advisory Committee has been assigned a staggering challenge of immeasurable import. The Advisory Committee is to be commended for its efforts to date in overseeing the federal government's investigation of its past participation in and sponsorship of human radiation experiments. Certainly the Advisory Committee's ultimate findings and recommendations will have a most significant bearing upon the federal government's response to this tragic chapter in U.S. history.

Given the importance of the Advisory Committee's work, particularly to the victims of the radiation experiments, the Task Force on Radiation and Human Rights addresses to the Cabinet's attention a matter of overriding concern to the leadership of the radiation victims/survivors' community:

It is **essential** that the final report of the President's Advisory Committee, scheduled for release in April of next year, be received with unassailable credibility by all concerned. If the Advisory Committee's ultimate findings and recommendations are to serve as a basis for bringing the issue of Cold War era human radiation experiments to a satisfactory resolution, the Advisory Committee's final report must be credible to government officials, be they members of the Administration or Congress. It must be credible to the public. Most importantly, the Advisory Committee's final report must be received **and believed** by those who were subjected to the radiation experiments. This last point is a serious concern, which appears to have been ignored in the selection of the Advisory Committee's current membership.

The leadership of the radiation victims/survivors community collectively speaks on the issue of human radiation experimentation through the national Task Force on Radiation and Human Rights. (A listing of the Task Force's membership and representation is enclosed.) Over the last several months the Task Force has quietly raised its concerns about the imbalance in the makeup of the Advisory Committee's panel to various key government officials. There has since resulted little more than tacit acknowledgment of our concerns. In the meantime, others have begun to publicly voice their own concerns. As the Cabinet is aware, now publicly called into question is the President's choice of certain Advisory

Committee members because of actual and/or perceived conflicts of interest.

However, the Task Force does not intend to engage in discussions here about the various concerns which have been raised about specific members of the Advisory Committee. Rather, we wish to propose a solution which would elevate the credibility of the Advisory Committee above all reproach, by correcting the present imbalance in its composition.¹

It is **essential** that the President add members to the Advisory Committee to complement the present membership. However, given that the deliberative process is now more than half complete (the Interim Report has been issued and the Committee has finalized its agenda for the rest of its chartered mission), one or two additions - as is apparently now under consideration by the Cabinet - would be inadequate and unacceptable.

Seven additional appointments to the Advisory Committee are required, as specified below. We strongly, yet respectfully, urge that the following panel of seven prominent individuals be added to the Advisory Committee:

First, those who have been adversely affected must be included. Their participation in the deliberations of the Advisory Committee will add immeasurably to the review of documents, ethical evaluations, and the focus and depth of understanding contained in the Committee's final report. The leadership of the radiation victims/survivors community has selected the following three individuals as its representatives on the Advisory Committee:

1. **Gwendon Plair**, PhD., Cincinnati clinical experiment victim family member;
2. **Tom Baile**, Hanford downwinder;
3. **Acie Byrd**, Atomic Veteran.

These three nominees represent the three principal radiation experiment groups now under investigation by the Advisory Committee - clinical/medical experiment subjects; residents downwind of intentional environmental releases; and Cold War era former military subjected to radiation experiments. All three nominees have played instrumental roles on behalf of their respective constituents. In addition, Dr. Plair is not only the son of an experiment victim, but a mental health specialist. As a member of the Advisory Committee, he thus would bring an important and very necessary perspective to the Committee's

¹ The underlying rationale of the Federal Advisory Committee Act (FACA) requires that members on chartered advisory committees be drawn from those persons most affected by the advice to be given, and that the chartered advisory committee be balanced in its composition. 41 CFR 101-6.1007(iii), GSA implementing regulations for P.L. 92-463; 86 Stat. 770, Sec. 5(b)(2), effective 10/72. The President might have chosen to create in the Advisory Committee a technical advisory panel only. However, having selected at least one lay person to serve on the present Committee, it is clear that the White House did not choose that option - at least not to the exclusion of the requirement that it "consider a cross section of those directly affected . . .".

deliberations. Because a great majority of the clinical/medical experiments occurred so long ago, many of the actual experiment subjects are now deceased. Today it is the families that are impacted and traumatized by, and who must now come to terms with, the revelations of past human experimentation. Dr. Plair is thus uniquely qualified, both personally and professionally, to address the concerns and needs of the families.

Second, the Advisory Committee needs balance with respect to its scientific and medical experts on radiation. This is extremely important to the caliber of deliberations on the history and current practices of nuclear research and medicine, as well as the etiology, diagnosis, treatment and epidemiology of radiogenic diseases. The fact that the Advisory Committee is called upon to make ethical judgments that cannot be made absent a clear understanding of these subjects, makes the case for a balanced scientific and medical panel even more compelling. The Task Force considers the following three individuals acceptable and appropriate independent experts whose specialties are relevant to the Advisory Committee's deliberations. We strongly urge that all three be added to the Advisory Committee:

1. **David Egilman, MD., MPH.**, clinician, specialist in occupational and environmental health with extensive experience in diagnosing and treating radiation workers. In addition, Dr. Egilman teaches (at the college level) development of scientific knowledge and medical ethics in the 20th Century;
2. **Janice Kirsch, MD**, oncologist and hematologist, experience in radiation treatment of cancer and treatment of radiogenic diseases, well known as a patient advocate;
3. **Edward Radford, MD**, epidemiologist, Adjunct Professor, Graduate School of Public Health, Univ. of Pittsburgh, Chairman of the National Academy of Sciences Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR III) 1977-1980.

Finally, as the seventh addition to the Advisory Committee we strongly recommend the appointment of **Stewart L. Udall**.

As a former Congressman and Secretary of the Interior, Mr. Udall is experienced with government at the highest levels. Mr. Udall would bring to the Advisory Committee's deliberations first hand knowledge of the Cold War context in which the radiation experiments took place. As an attorney and author, he would bring to the Committee's deliberations an unmatched knowledge of issues concerning America's uranium miners, test site workers, atomic veterans and downwinders. Mr. Udall's membership on the Advisory Committee would provide that body with a unique and well-qualified understanding of what will be required to ensure meaningful restitution for the experiment victims and their families. Finally, Mr. Udall is a life-long champion of the democratic process, which has been so seriously called into question by the revelations of human experimentation. His addition to

the Advisory Committee will provide the public a reassuring sense of the Administration's commitment to safeguarding the Constitutional rights of the individual against government encroachment and abuse.

In anticipation of the Cabinet's favorable and timely approval of these seven nominations, and on behalf of the leadership of the radiation victims/survivors community, I am

Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

enclosure

cc. Members of the Human Radiation Interagency Working Group
Secretary Hazel O'Leary, Department of Energy
Secretary William Perry, Department of Defense
Attorney General Janet Reno, Department of Justice
Secretary Donna Shalala, Dept. of Health & Human Services
Secretary Jesse Brown, Department of Veterans Affairs
Director Alice Rivlin, Office of Management and Budget
Director James Woolsey, Central Intelligence Agency
Administrator Daniel Goldin, Nat'l Aeronautics & Space Administration
Senator John Glenn, Chairman, Committee on Governmental Affairs
Senator William Roth, Committee on Governmental Affairs
Senator Edward Kennedy, Chairman, Committee on Labor & Human Resources
Senator Nancy Kassenbaum, Committee on Labor & Human Resources
Senator Jay Rockefeller, Chairman, Committee on Veterans' Affairs
Senator James Jeffords, Committee on Veterans' Affairs
Senator Joseph Lieberman, Chairman, Subcommittee on Nuclear Regulation
Senator Bennett Johnson, Chairman, Committee on Energy & Natural Resources
Senator Paul Wellstone, Committee on Energy and Natural Resources
Senator Mark Hatfield, Committee on Energy and Natural Resources
Senator Paul Simon, Committee on the Judiciary
Senator Orrin Hatch, Committee on the Judiciary
Rep. John Conyers, Chairman, House Committee on Government Operations
Rep. John Bryant, Chairman, House Judiciary Subcommittee on Administrative Law
Rep. John Dingell, Chairman, House Committee on Energy & Commerce
Rep. Edward Markey, House Committee on Energy & Commerce
Rep. Ron Dellums, Chairman, House Committee on Armed Services
Rep. George Miller, Chairman, House Committee on Natural Resources
Rep. Lane Evans, House Committee on Veterans' Affairs
Dr. Ruth Faden, Chair
Advisory Committee on Human Radiation Experiments
Members of the Task Force on Radiation and Human Rights (see listing enclosed)

MEMBERSHIP AFFILIATIONS

CITIZENS' TASK FORCE ON RADIATION AND HUMAN RIGHTS

Experiment Victims/Survivors Communities

Cincinnati Concerned Relatives of Cancer Study Patients
Rochester Experiment Families
Vanderbilt Experiments
Fernald School Science Club
Oakridge Residents & Experiment Victims
Oregon State Prison Experiment Victims

Radiation Victims/Survivors Organizations

National Committee for Radiation Victims
National Association of Radiation Survivors
National Association of Atomic Veterans
Alliance of Atomic Veterans
Center for Atomic Radiation Studies
Citizens Call Utah
Navajo Uranium Radiation Victims Committee
Trinity Post 7-45
Hanford Downwinders
Portsmouth-Piketon Residents for Environmental Safety
American Environmental Health & Safety Project
Citizen Soldier
Submarine Survivors Group
Colorado Atomic-Agent Orange Veterans Coalition
International Radiation Injury Survivors
World Uranium Hearings
Hiroshima/Nagasaki Peace Committee

Radiation Tests Were Widespread

Top Officials Knew of Experiments, Panel Says

By Gary Lee
Washington Post Staff Writer

Radiation experiments sponsored by the federal government were conducted on more than 23,000 Americans in about 1,400 different projects in the 30-year period after World War II, according to a report released yesterday by an independent panel studying the issue. The figures suggest that the deliberate exposure of humans to radiation during the Cold War was far more widespread than previously believed.

The panel, appointed by the Clinton administration to investigate the experiments, also has found that discussions about the ethical implications of radiation tests took place as early as 1953,

and involved senior officials, including the secretary of defense. The panel has documented fully 400 government-backed biomedical experiments involving human exposure to radiation conducted between 1944 and 1975, and has received materials describing 1,000 other tests over the same period, the report said.

A 1986 congressional probe of federal radiation tests, commissioned by Rep. Edward J. Markey (D-Mass.) and until now considered the most authoritative account of radiation experiments, discussed only 31 separate experiments. In June, Energy Secretary Hazel R. O'Leary revealed information about 48 additional experiments.

See RADIATION, A5, Col. 1

The Washington Post

SATURDAY, OCTOBER 22, 1994

94 NOV 30 PM 5:43

THE WASHINGTON POST

... SATURDAY, OCTOBER 22, 1994 A5

U.S. Radiation Experiments Much More Widespread Than Believed, Panel Says

RADIATION, From A1

According to the picture painted in the panel's report and in an interview with the panel's chairman, government researchers carried out projects exposing thousands of U.S. military personnel and civilians to radioactive substances, in spite of ethical concerns that were raised in high-level government discussions.

"This suggests that experimentation was a much bigger deal than anyone knew," said Daryl Kimball, associate director of Physicians for Social Responsibility. "And that is going to make the panel's work all that much harder."

Cold War researchers conducted several hundred so-called intentional releases, in which radioactive sub-

stances were emitted into the environment, usually to test human responses and often without the knowledge of those exposed, the panel's report said.

Federal officials had previously acknowledged overseeing only 13 such releases, including the controversial 1949 Green Run incident, in which significant amounts of radioactive iodine and other elements were emitted in eastern Washington state, where they drifted downwind and exposed people in surrounding communities.

While the Markey commission identified only 700 participants in federally sponsored radiation studies, at least 23,000 people now have been identified as taking part in the tests sponsored by the forerunners of the Health and Human Services Department, the

Veterans Affairs Department and other departments, according to Ruth Faden, a Johns Hopkins University ethicist who chairs the panel.

That figure does not include those involved in tests sponsored by the Department of Defense or the Department of Energy, Faden said. She added that "probably many thousands" of participants will be added to the total after individuals who participated in tests conducted by those departments are counted. Faden also emphasized that some of the experiments provided the participants with medical benefits but added that the number who benefited is not yet known.

Earlier this year, after O'Leary and the Albuquerque Tribune newspaper brought the extensive use of humans in federal radiation tests to national

attention, President Clinton appointed an interagency task force to explore the implications of the issue.

The task force in turn appointed the panel. Officially called the Advisory Committee on Human Radiation Experiments, it is made up of 14 leading ethicists, medical researchers and legal experts.

Among the material already reviewed by the panel are documents suggesting that discussions took place about the radiation experiments among senior Truman administration officials. In 1953, then-Secretary of Defense Charles E. Wilson and the secretaries of the Army and Navy joined in the discussion, according to documents in the panel's files.

"Until now, we were under the impression that debate about the is-

sue only took place among lower-level officials and laboratory researchers," Faden said.

Despite the discussions, which touched on such questions as informed consent and how much patients should be told about the tests, there are indications that the reservations of senior officials about the radiation issue were not relayed to laboratory researchers who conducted the tests.

Over the next six months, Faden said, the panel will address key questions about the experiments, such as the extent to which researchers gained the consent of participants, how participants were chosen and whether participants should be compensated for damages they suffered. The panel's final report is due in April.

The panel is supposed to collect da-

ta about experiments sponsored across the federal government, but it has not received full cooperation from all agencies, according to the report.

For example, the departments of Defense and Energy have refused to hand over documents relating to the intentional releases. Officials from the agencies have refused to declassify the documents, citing national security concerns, Faden said.

Central Intelligence Agency officials have said the agency was not involved in radiation tests and have refused to give any files to the panel. But the panel has found that CIA officials were at least involved in discussions about the tests in the early 1950s.

The agencies' refusal to cooperate already are causing "roadblocks" for the committee, Faden said.



96 MAR 22 P5:54

**OFFICE OF MANAGEMENT AND BUDGET
ENERGY AND SCIENCE DIVISION****FAX NUMBER
(202-395-4817)****Kathleen Peroff, Deputy Associate
Director for Energy and Science Division****Jack Fellows, Chief
Science and Space Programs****Kathy Tyer, Administrative Assistant
Phone Number (202-395-3404)****Alice Sheck, Program Assistant
Phone Number (202-395-3935)****Staff Members****Sarah Horrigan, Program Examiner
Steve Isakowitz, Program Examiner
Eric Macris, Policy Analyst
Karen Maris, Procurement Policy Specialist
Memphis Norman, Program Examiner**Date: 3/22

Please deliver to

Name: PHIL CAPLAN FAX: x62215

Agency: _____

Fax was sent from

Name: ERIC MACCRISTotal number of pages including this page: 12Message: ATTACHED ARE:1) VA LETTER TO STUMP ON H.R. 20802) H.R. 20803) VA LETTER TO STUMP ON H.R. 2401LET ME KNOW WHAT YOU THINK.

A handwritten signature, likely of Eric Macris, in dark ink.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

LRM NO: 3841

FILE NO: 2036

3/20/96

LEGISLATIVE REFERRAL MEMORANDUM

Total Page(s): 8

TO: Legislative Liaison Officer - See Distribution below:

FROM: Janet FORSGREN *Janet L. Forsgren* (for) Assistant Director for Legislative Reference

OMB CONTACT: Melissa COOK 395-3924 Legislative Assistant's line (for simple responses): 395-7362
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cook_my@a1.eop.gov

SUBJECT: VETERANS AFFAIRS Proposed Report RE: HR2080, Priority Health Care for
Nasopharyngeal Irradiation Treated Veterans

DEADLINE: C.O.B. Friday, March 29, 1996

Tracey: x 62694

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for purposes of the
"Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

DISTRIBUTION LIST:

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95-Office of Science and Technology Policy - Sam Seidel - 2024566020

*Ph.D.
62215*

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☐ Concur
☐ No Objection
☐ No Comment
☐ See proposed edits on pages _____
☐ Other: _____
☐ FAX RETURN of _____ pages, attached to this response sheet



**THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON**

The Honorable Bob Stump
Chairman, Committee on Veterans Affairs
U.S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

You have requested our views on H.R. 2080, a bill "to amend title 38, United States Code, to provide priority health care by the Department of Veterans Affairs for veterans who received nasopharyngeal irradiation treatments while serving in the Armed Forces." H.R. 2080 would require the Secretary to provide priority health care, for any disability, to a veteran whom the Secretary finds received nasopharyngeal irradiation treatments during active military service, notwithstanding that the medical evidence is insufficient to determine a causal relationship between the radiation exposure and disability. Priority health care would be available to these veterans on both an inpatient and outpatient basis through December 31, 1998.

In the 1940's and 1950's, physicians considered the administration of nasopharyngeal irradiation treatments to be acceptable medical practice for shrinking lymphoid tissues that blocked the Eustachian tubes. The procedure prevented hearing loss, aerotitis medical, and other middle ear problems. Military physicians administered this treatment to alleviate medical conditions caused by rapid pressure changes associated with submarine and aviation duties. Since the late 1940's, physicians have raised concerns about the safety of such therapy and possible adverse long-term effects associated with its use, including the possibility of an increased risk of cancer of the head and neck. It is also possible that the treatments may result in other types of diseases such as endocrine disorders. However, the scientific evidence is still inconclusive as to any such associations.

2.

The Honorable Bob Stump

VA supports H.R. 2080, as discussed below, which would expand eligibility for VA priority health care to include veterans for disabilities possibly associated with the receipt of nasopharyngeal irradiation treatments. Although this treatment was considered to be a medically acceptable procedure at the time it was used, military personnel did not receive these radium treatments in response to their individual medical needs. Rather, nasopharyngeal irradiation treatments were used solely to enable them to perform their military duties. VA is committed to helping any veteran who believes he or she may have been injured by any procedure or treatment that the Government rendered as part of the veteran's military service. H.R. 2080 would allow VA to meet the special medical needs of this population by placing them on a par for priority health care with veterans who may have been exposed to Agent Orange during the Vietnam War era, ionizing radiation during World War II, or a toxic substance or environmental hazard during the Persian Gulf War.

In contrast to VA's other priority health care authorities, H.R. 2080 would allow these veterans to receive all care, even when their disabilities are clearly due to causes other than nasopharyngeal irradiation treatments. As a result, the scope of priority care available to these veterans would be greater than that which is available to Agent Orange veterans, radiation-exposed veterans, and Persian Gulf War veterans. To be equitable, VA recommends amending H.R. 2080 to make it similar in all respects to VA's other priority health care authorities. We further recommend that the Committee amend the bill to provide that veterans who received nasopharyngeal irradiation treatments be included in VA's Ionizing Radiation Registry Program so that they, similar to "atomic veterans," are eligible for radiation-related registry examinations.

If H.R. 2080 is amended, as recommended, the total cost to the Department is estimated to be approximately \$3 million for Fiscal Years 1997-2001. However, if H.R. 2080

3.

The Honorable Bob Stump

is not so amended, the total five-year cost to the Department over that time period is estimated to be \$22.5 million. (We have projected costs over a five-year period notwithstanding that this treatment authority, if enacted, would terminate after December 31, 1998.)

2

1 (1) in subsection (a)(1)(G), by inserting "or
2 who received nasopharyngeal irradiation treat-
3 ments," after "environmental hazard,";

4 (2) in subsection (e)—

5 (A) by adding at the end of paragraph (1)
6 the following new subparagraph:

7 "(D) Subject to paragraphs (2) and (3) of this
8 subsection, a veteran who the Secretary finds was
9 given nasopharyngeal irradiation treatments while
10 serving in the active military, naval, or air service is
11 eligible for hospital care and nursing home care
12 under subsection (a)(1)(G) for any disability, not-
13 withstanding that there is insufficient medical evi-
14 dence to conclude that such disability may be associ-
15 ated with such exposure."; and

16 (B) in paragraph (3), by striking out the
17 period at the end and inserting in lieu thereof
18 ", or in the case of care for a veteran described
19 in paragraph (1)(D), after December 31,
20 1998."

21 (b) OUTPATIENT CARE.—Section 1712(a)(1) of such
22 title is amended—

23 (1) by striking out "and" at the end of sub-
24 paragraph (C);

3

1 (2) by striking out the period at the end of sub-
2 paragraph (D) and inserting in lieu thereof “; and”;
3 and

4 (3) by adding at the end the following new sub-
5 paragraph:

6 “(E) during the period before January 1, 1999,
7 for any disability in the case of a veteran who the
8 Secretary finds was given nasopharyngeal irradiation
9 treatments while serving in the active military,
10 naval, or air service, notwithstanding that there is
11 insufficient medical evidence to conclude that such
12 disability may be associated with such exposure.

13 (c) CONFORMING AMENDMENT.—Section 1712(a)(7)
14 of such title is amended by inserting “or (1)(E)” after
15 “paragraph (1)(D)”.

○

MAR-21-1996 09:21 TO:228 - A. MALDON

FROM:DADE, J.

P. 3/5



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

The Honorable Bob Stump
Chairman, Committee on Veterans' Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to respond to your request for a report on H.R. 2401, 104th Congress, a bill "to provide for monthly payments by the Secretary of Veterans Affairs to certain children of veterans exposed to ionizing radiation while in military service." For the reasons explained below, we oppose enactment of H.R. 2401.

Most studies of children of radiation-exposed parents/fathers (e.g., children of Japanese A-bomb survivors) have not found statistically significant increased risks of conditions such as birth defects and mortality from malignancies associated with increasing parental exposures. Institute of Medicine Report, *Adverse Reproductive Outcomes in Families of Atomic Veterans: the Feasibility of Epidemiological Studies* 50-54, 57-61 (1995) (hereinafter IOM Report). The Presidential Advisory Committee on Human Radiation Experiments (ACHRE) concluded that the risk of radiation-induced mutations is small in relation to natural rates and that it would be impossible to distinguish whether the condition resulted from the parents' radiation exposure or from other factors. See ACHRE, *Final Report* 810 (1995). Moreover, most atomic veterans received relatively low doses of ionizing radiation in service. Less than one percent received more than 5 rem, the current annual occupational exposure limit set by the United States Nuclear Regulatory Commission; and the average exposure was about 0.6 rem. IOM Report 64, 70. While the Government should assume responsibility for injuries resulting from veterans' exposure to environmental hazards in service, there simply is no scientific basis for assuming the offspring of radiation-exposed veterans have been so injured.

MAR-21-1996 09:21 TO:228 - A. MALDON

FROM:DADE, J.

P. 4/5

2.

The Honorable Bob Stump

Another difficulty with the bill is its ambiguity in identifying the conditions for which compensation would be paid. Sections (b) (2) and (c) (1) of H.R. 2401 propose that the conditions for which payments would be made are the presumptive diseases listed at 38 U.S.C. § 1112(c) (2) and other diseases "with respect to which there is reason to believe that occurrence in a person may be attributable to exposure to radiation of a biological parent of that person." The words "there is reason . . . may be attributable" would create an ambiguous, inadequate standard, and attempts to define it further by regulation would be controversial and subject to challenge in the courts. Under a literal interpretation, virtually no disease could be excluded for which a single medical or scientific study exists that simply suggests that a biological child might incur the disease as a result of a parent's radiation exposure.

Further, the bill presents technical and programmatic difficulties. First, the bill would not exclude benefits for a child conceived prior to a veteran's exposure to radiation. Thus, in some cases the presumed causal relationship between the parent's radiation exposure and subsequent development of a qualifying disease in the child would not exist.

In addition, apart from using the term "biological", H.R. 2401 does not define the term "child". Under 38 U.S.C. § 101(4) (A), however, a "child" is defined for VA purposes, in part, as unmarried and either under 18 years of age, permanently incapable of self-support prior to age 18, or between the ages of 18 and 23 and pursuing a course of instruction at an approved educational institution. We presume that this definition is not intended to apply for purposes of H.R. 2401. If this interpretation is correct, the bill should include a clarifying amendment to § 101(4) (A).

H.R. 2401, as drafted, would also permit duplication of payments based on a veteran's service. A veteran could receive additional compensation for a child who conceivably could be eligible for payments of the benefits proposed by

MAR-21-1998 09:21 TO:228 - A. MALDON

FROM:DADE, J.

P. 5/6

3.

The Honorable Bob Stump

this bill. Similarly, a child receiving dependency and indemnity compensation based on the service-connected death of a veteran would not be barred from receiving concurrent payments under H.R. 2401.

The costs involved in implementing H.R. 2401 would be almost five million dollars during the first year. The cost over five years would be as follows:

<u>Fiscal year</u>	<u>Estimated Cost</u> (<u>\$ Millions</u>)
1997	\$4.98
1998	\$4.90
1999	\$4.90
2000	\$5.00
2001	<u>\$5.20</u>
Total	\$24.88

The costs would be higher if diseases in addition to the statutory radiation-associated diseases are deemed attributable to veterans' exposure to radiation.

H.R. 2401 would increase direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, 104 Stat. 1388. Because H.R. 2401 provides a new entitlement without any offsetting cost savings, it would trigger a sequester if not fully offset.

Based on the foregoing, we oppose enactment of the bill.

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

02-Apr-1996 08:49am

TO: (See Below)

FROM: Phillip M. Caplan
 Office of the Staff Secretary

SUBJECT: Radiation - H.R. 2401

Given that DOJ has already weighed in against the "children of veterans" bill, I think VA could go ahead with their letter. Ask them to tone it down a bit though. (By the way, I think this is the right position, but I would have preferred to time it differently and package all of our views together.)

I would still hold on the nasopharyngeal letter.

Distribution:

TO: Melissa Y. Cook

CC: Stephen R. Neuwirth
CC: T J Glauthier
CC: Alice E. Shuffield
CC: Eric L. Macris
CC: Tracey E. Thornton
CC: Rosalyn J. Rettman
CC: Allison H. Eyd
CC: Gary L. Bennethum
CC: Molly Brostrom
CC: Elena Kagan
CC: Lisa Kountoupes

OFFICE OF MANAGEMENT AND BUDGET

Legislative Reference Division
Labor-Welfare-Personnel Branch
Telecopier Transmittal Sheet

96 APR 1 P3:20



FROM: Melissa Cook

PHONE: 395-3924

DATE:

4/1/96

TIME:

Pages sent (including transmittal sheet): 3

COMMENTS:

Per our conversation, DOJ's letter
on HR 2401, Children of Rediction -
Exposed Veterans.

TO:

Phillip Caplan

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 21, 1996

The Honorable Bob Stump
Chairman
Committee on Veterans' Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This sets forth the views of the Department of Justice on H.R. 2401, a bill to provide for monthly payments by the Secretary of Veterans' Affairs to certain children of veterans exposed to ionizing radiation while in military service. The Department of Justice opposes the bill as drafted because the record does not reflect a scientific basis that would support such payments.

We share your concern for the children who suffer from serious diseases and appreciate their parents' quest for some explanation of these tragedies. It has been our long-standing view, however, that compensation schemes should be based upon credible scientific evidence establishing a causal link between the exposure (or other government-instigated event) and the disease that the scheme would compensate. In this instance, there has been no showing of any demonstrated examples of children who have genetic injuries resulting from their parents' in-service exposure to ionizing radiation. In our experience with genetic military radiation cases, the evidence strongly demonstrated that there was no support in generally accepted scientific principles for allegations that in-service exposure of parents to radiation caused genetic injury to their offspring. Thus, the program contemplated by this bill would likely provide windfall payments to a large number of people whose injuries were not caused by their parents' exposure to radiation.

In addition, Section 1(b)(2)(A) of the bill would incorporate into the genetic compensation scheme those "statutory radiation-associated disease[s]" previously recognized for purposes of compensating service members who were directly exposed to radiation. The Section would mandate payments to children who have such "statutory radiation-associated diseases" based upon their parent's radiation exposure. Diseases which can be caused by direct exposure to radiation, however, are not the same diseases which can be transmitted genetically to the offspring of the exposed parent. Thus, this section would

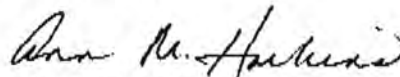
provide for payments to children of veterans if those children had diseases which have been associated with direct exposure to radiation, even though those diseases could not have been transmitted genetically, or caused by exposure of the parents of the claimant, and the children themselves were never directly exposed to radiation. There is no basis in science or logic to support a statutory scheme to provide payments under these circumstances. This does not preclude claims by children who may have been exposed directly to ionizing radiation as a result of having been in utero at the time their mothers were in service.

We note that H.R. 2401 would increase direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The bill does not contain provisions to offset the increased direct spending. Therefore, if the bill were enacted, its deficit effects could contribute to a sequester of mandatory programs. Preliminary scoring estimates of this bill are not available yet, but we understand that the Department of Veterans' Affairs will be submitting a report on H.R. 2401 that will contain these estimates.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Thank you for the opportunity to comment on this legislation. Please do not hesitate to contact me if you would like additional information on this or any other matter.

Sincerely,



Andrew Foia *for AF*
Assistant Attorney General

cc: Honorable G.V. (Sonny) Montgomery
Ranking Minority Member

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

01-Apr-1996 12:55pm

TO: Phillip M. Caplan

FROM: Stephen R. Neuwirth
 Office of the Counsel

SUBJECT: do you want to weigh in?

EXECUTIVE OFFICE OF THE PRESIDENT

01-Apr-1996 10:45am

TO: (See Below)

FROM: Melissa Y. Cook
Office of Mgmt and Budget, LRD

SUBJECT: LRM #3853, VA Report on RH 2401

Could you please let me know by COB TODAY (4/1) if you have any comments on VA's report on HR 2401, "Payments to Children of Radiation-Exposed Veterans" (LRM #3853)? If I do not hear from you by then, I will assume that you do not have any comments on this report and will clear it.

Thanks.

Distribution:

TO: Rosalyn J. Rettman
TO: Allison H. Eydt
TO: Gary L. Bennethum
TO: Molly Brostrom
TO: Elena Kagan
TO: Stephen R. Neuwirth
TO: Alphonse Maldon
TO: Tracey E. Thornton
TO: Lisa Kountoupes
TO: Alice E. Shuffield
TO: Eric L. Macris

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

01-Apr-1996 01:02pm

TO: Stephen R. Neuwirth

FROM: Phillip M. Caplan
 Office of the Staff Secretary

SUBJECT: RE: do you want to weigh in?

I don't think we should clear these letters until we can take an Administration-wide position (HHS, DOE, DOJ) on all such matters -- plutonium injections, request for healthcare from other stakeholders, etc. Unless there is an urgent time crunch in responding to Stump, I wouldn't for now support the nasopharyngeal amendment, or oppose the children of veterans bill. I imagine we'll probably come out this way on each, but I would hold for now.

Does anyone agree?

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

01-Apr-1996 01:56pm

TO: (See Below)

FROM: Phillip M. Caplan
 Office of the Staff Secretary

SUBJECT: Radiation

Steve Neuwirth sent me your e-mail.

I don't think we should clear these letters until we can take an Administration-wide position on other outstanding matters -- plutonium injections, healthcare for other stakeholders who have requested it, etc. Unless there is an urgent time crunch in responding to Stump, I wouldn't for now write him in support of the nasopharyngeal amendment, or oppose the "children of veterans" bill; I imagine we'll probably come out the way VA recommends, but I would hold for now.

Distribution:

TO: Melissa Y. Cook

CC: Stephen R. Neuwirth
CC: T J Glauthier
CC: Alice E. Shuffield
CC: Eric L. Macris
CC: Tracey E. Thornton
CC: Rosalyn J. Rettman
CC: Allison H. Eydt
CC: Gary L. Bennethum
CC: Molly Brostrom
CC: Elena Kagan
CC: Lisa Kountoupes

OFFICE OF MANAGEMENT AND BUDGET

*Legislative Reference Division
Labor - Welfare - Personnel Branch*

Telecopier Transmittal Sheet**FROM: Melissa Cook****DATE:**4/2/96**PHONE: 395-3924****FAX: 395-6148****TO:**Phillip Caplan**TIME: _____****PAGES SENT (including transmittal sheet):**2/**COMMENTS:**

Attached is the VA report on HR 2401, payments to children of radiation-exposed veterans, as we plan to pass it back to VA. Note that the insert for the first page of the VA is designed to take care of your concerns about the VA letter. Please let me know by 2:00pm Tomorrow, April 3rd if (1) the insert takes care of your concerns and (2) you approve of the attached mark up of the VA letter. If I do not hear from you by then, I will assume that you approve of the attached mark up and will fax it to VA.

Thanks.

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

The Honorable Bob Stump
Chairman, Committee on Veterans' Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to respond to your request for a report on H.R. 2401, 104th Congress, a bill "to provide for monthly payments by the Secretary of Veterans Affairs to certain children of veterans exposed to ionizing radiation while in military service." For the reasons explained below, we oppose enactment of H.R. 2401.

Add Insert

Most studies of children of radiation-exposed parents/fathers (e.g., children of Japanese A-bomb survivors) have not found statistically significant increased risks of conditions such as birth defects and mortality from malignancies associated with increasing parental exposures. Institute of Medicine Report, *Adverse Reproductive Outcomes in Families of Atomic Veterans: the Feasibility of Epidemiological Studies* 50-54, 57-61 (1995) (hereinafter IOM Report). The Presidential Advisory Committee on Human Radiation Experiments (ACHRE) concluded that the risk of radiation-induced mutations is small in relation to natural rates and that it would be impossible to distinguish whether the condition resulted from the parents' radiation exposure or from other factors. See ACHRE, Final Report 810 (1995). Moreover, most atomic veterans received relatively low doses of ionizing radiation in service. Less than one percent received more than 5 rem, the current annual occupational exposure limit set by the United States Nuclear Regulatory Commission; and the average exposure was about 0.6 rem. IOM Report 64, 70. While the Government should assume responsibility for injuries resulting from veterans' exposure to environmental hazards in service, there simply is no scientific basis for assuming the offspring of radiation-exposed veterans have been so injured.

2.

The Honorable Bob Stump

Another difficulty with the bill is its ambiguity in identifying the conditions for which compensation would be paid. Sections (b)(2) and (c)(1) of H.R. 2401 propose that the conditions for which payments would be made are the presumptive diseases listed at 38 U.S.C. § 1112(c)(2) and other diseases "with respect to which there is reason to believe that occurrence in a person may be attributable to exposure to radiation of a biological parent of that person." The words "there is reason . . . may be attributable" would create an ambiguous, inadequate standard, and attempts to define it further by regulation would be controversial and subject to challenge in the courts. Under a literal interpretation, virtually no disease could be excluded for which a single medical or scientific study exists that simply suggests that a biological child might incur the disease as a result of a parent's radiation exposure.

Further, the bill presents technical and programmatic difficulties. First, the bill would not exclude benefits for a child conceived prior to a veteran's exposure to radiation. Thus, in some cases the presumed causal relationship between the parent's radiation exposure and subsequent development of a qualifying disease in the child would not exist.

In addition, apart from using the term "biological", H.R. 2401 does not define the term "child". Under 38 U.S.C. § 101(4)(A), however, a "child" is defined for VA purposes, in part, as unmarried and either under 18 years of age, permanently incapable of self-support prior to age 18, or between the ages of 18 and 23 and pursuing a course of instruction at an approved educational institution. We presume that this definition is not intended to apply for purposes of H.R. 2401. If this interpretation is correct, the bill should include a clarifying amendment to §101(4)(A).

H.R. 2401, as drafted, would also permit duplication of payments based on a veteran's service. A veteran could receive additional compensation for a child who conceivably could be eligible for payments of the benefits proposed by

3.

The Honorable Bob Stump

this bill. Similarly, a child receiving dependency and indemnity compensation based on the service-connected death of a veteran would not be barred from receiving concurrent payments under H.R. 2401.

The costs involved in implementing H.R. 2401 would be almost five million dollars during the first year. The cost over five years would be as follows:

<u>Fiscal year</u>	<u>Estimated Cost</u> (\$ Millions)
1997	\$4.98
1998	\$4.80
1999	\$4.90
2000	\$5.00
2001	<u>\$5.20</u>
Total	\$24.88

The costs would be higher if diseases in addition to the statutory radiation-associated diseases are deemed attributable to veterans' exposure to radiation.

H.R. 2401 would increase direct spending; therefore, ~~it~~ ^{it} is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, 104 Stat. 1388. Because H.R. 2401 provides a new entitlement without any offsetting cost savings, it would trigger a sequester if not fully offset.

Based on the foregoing, we oppose enactment of the bill.

*the benefit costs above
would be*

Insert

Although we are concerned about children who are afflicted with serious illnesses and sympathize with their parents' efforts to find an explanation for their suffering,

THE WHITE HOUSE

WASHINGTON

April 11, 1994

Dear Mr. Markey:

Thank you for your letter of March 25, 1994, in reference to Mr. Herbert H. Brown and his desire to contribute to the Advisory Committee on Human Radiation Experiments.

Mr. Brown seems to be eminently qualified to serve in an advisory capacity on a wide range of activities, and I have forwarded your letter to Dr. Ruth Faden, the Chair of the Independent Advisory Committee. As we discussed on the phone, someone on my staff will follow-up to ensure that Mr. Brown receives thorough consideration from the Advisory Committee.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Christine".

Christine A. Varney
Secretary to the Cabinet

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, D.C. 20515

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

COMMITTEES:
ENERGY AND COMMERCE
CHAIRMAN
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
FINANCE
NATURAL RESOURCES
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, DC 20515-2107

2133 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2838

DISTRICT OFFICE:
5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(617) 398-2900

FROM AREA CODE 508
DIAL 1-800-760-8037

March 25, 1994

Ms. Christine A. Varney
Deputy Assistant to the President
and Cabinet Secretary
The White House
Washington, D.C. 20500

Dear Ms. Varney:

I write to offer my strongest unequivocal recommendation for Mr. Herbert H. Brown to serve in an advisory capacity with the President's Advisory Committee on Human Radiation Experiments. Herb is a supremely talented individual with exceptional public and private sector experience in matters directly related to the areas of inquiry of the Committee. Among his many relevant experiences, Herb has held a top-level position with the Nuclear Regulatory Commission, has directed a White House study on energy policy, and has handled extensive litigation on matters related to nuclear energy and the NRC over the past 15 years. I believe Herb's skills and insights could contribute enormously to the work of the Advisory Committee and recommend him to you wholeheartedly for that purpose.

Herb's experience spans nearly 30 years of successful private practice and distinguished public service. I first met Herb when he testified before the Subcommittee on Energy Conservation and Power, which I chaired during the 99th Congress. Later, I asked him to join my current Subcommittee's staff as Chief Counsel and Staff Director - a position he held for three years and which was capped off by the successful passage, despite President Bush's veto, of the Cable Act of 1992.

Herb is an expert in the substantive issues relating to international, federal, and state nuclear power and energy regulation and policymaking. As a Partner with the firm of Kirkpatrick and Lockhart, he served as Counsel for Suffolk County, New York, Governor Cuomo, and the local government in proceedings before federal and state administrative agencies, courts, and legislative bodies that resulted in the closure of the Shoreham nuclear power plant. Additionally, he served as Counsel to then-Governor Brown and the State of California in administrative proceedings that lead to the suspension of the operating license for the Diablo Canyon nuclear power plant.

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

COMMITTEES:
ENERGY AND COMMERCE
CHAIRMAN
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
FINANCE
NATURAL RESOURCES
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, DC 20515-2107

2133 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2838

DISTRICT OFFICE:
5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(617) 388-2900

FROM AREA CODE 608
DIAL 1-800-750-8037

March 25, 1994

Ms. Christine A. Varney
Deputy Assistant to the President
and Cabinet Secretary
The White House
Washington, D.C. 20500

Dear Ms. Varney:

I write to offer my strongest unequivocal recommendation for Mr. Herbert H. Brown to serve in an advisory capacity with the President's Advisory Committee on Human Radiation Experiments. Herb is a supremely talented individual with exceptional public and private sector experience in matters directly related to the areas of inquiry of the Committee. Among his many relevant experiences, Herb has held a top-level position with the Nuclear Regulatory Commission, has directed a White House study on energy policy, and has handled extensive litigation on matters related to nuclear energy and the NRC over the past 15 years. I believe Herb's skills and insights could contribute enormously to the work of the Advisory Committee and recommend him to you wholeheartedly for that purpose.

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March 25, 1994

NOTE TO TRACEY THORNTON & STEVE NEUWIRTH

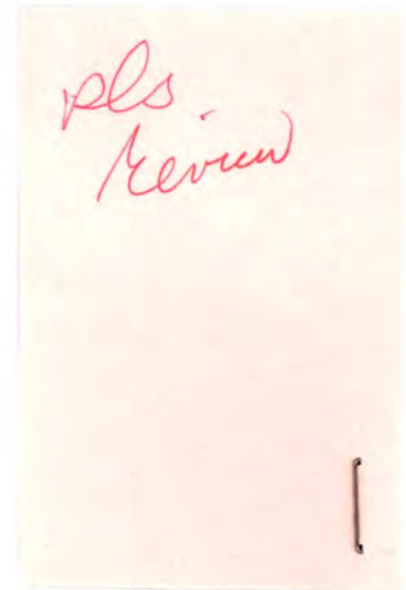
Knowing that you both think this letter may be unnecessary...but also knowing that Christine thinks we need to send it...

What do you think of this final draft? Note the "cc:"

Please let me know as soon as possible so that I can give it to Patsy.

Thanks.

Phil



DRAFT #3 3.25.94

March 2x, 1994

Mr. William M. Hunt
Director, Federal Management Issues
General Accounting Office
Washington, D.C. 20548

Dear Mr. Hunt:

Thank you for your letter of March 8, 1994, concerning a request from the Senate Committee on Governmental Affairs for the GAO to examine federal plans and efforts for disclosing information concerning radiation-related experiments and releases from the Cold War era.

We suggest that the most appropriate way for you to proceed is directly with the Departments and Agencies involved.

Dr. Ruth Faden, Chair-designate of the Independent Advisory Committee on Human Radiation, may be contacted through the Office of the Assistant Secretary for Environment, Safety and Health at the Department of Energy.

Thank you.

Sincerely,

Patsy Thomasson
Special Assistant to the President and
Director, Office of Administration

cc: The Honorable John Glenn
The Honorable Hazel O'Leary

(bcc: Dr. Tara O'Toole)

General Government Division

March 8, 1994

Ms. Patsy Thomasson
Director, Office of Administration
Executive Office of the President
The White House
Washington, D.C. 20530

Dear Ms. Thomasson:

The General Accounting Office has been requested by the Senate Committee on Governmental Affairs to examine federal plans and efforts for disclosing information concerning radiation-related experiments and releases that involved human subjects, primarily between 1944 and May 30, 1974. We are being asked to examine the details of these plans and efforts, including planned federal data gathering and data analyses efforts with respect to the radiation events.

We are aware that the President has established a Human Radiation Interagency Working Group to oversee the gathering of data concerning the radiation events and also established an Advisory Committee on Human Radiation Experiments to analyze the gathered data. We will need to interview the coordinator for the Interagency Working Group and the Advisory Committee, Dr. Ruth Faden of the Advisory Committee, and others from the President's staff that are involved in the administration's effort to disclose the details of the radiation events. We would appreciate your notifying the appropriate officials about our review and designating the points of contact for our work.

The Energy and Science Group of our Resources, Community, and Economic Development Division will be conducting the review under assignment code 302113. We would like to schedule an entrance conference as soon as possible to further discuss our assignment. Your assistance in making cognizant officials and the necessary documentation available to complete this assignment will be greatly appreciated.

Phil,
Please get
w/ Newirth - I'd
like to see a
draft response
ASAP

If you need additional information concerning our review, please contact Mr. Robert E. Allen, Jr., Assistant Director, or Mr. Jack Paul, Evaluator-in-Charge at (301) 903-3712. Thank you for your assistance in this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'W. M. Hunt', with a stylized, flowing script.

William M. Hunt
Director, Federal Management
Issues

March 25, 1994

NOTE TO TRACEY THORNTON & STEVE NEUWIRTH

Knowing that you both think this letter may be unnecessary...but also knowing that Christine thinks we need to send it...

What do you think of this final draft? Note the "cc:"

Please let me know as soon as possible so that I can give it to Patsy.

Thanks.

Phil

DRAFT #3 3.25.94

March 2x, 1994

Mr. William M. Hunt
Director, Federal Management Issues
General Accounting Office
Washington, D.C. 20548

Dear Mr. Hunt:

Thank you for your letter of March 8, 1994, concerning a request from the Senate Committee on Governmental Affairs for the GAO to examine federal plans and efforts for disclosing information concerning radiation-related experiments and releases from the Cold War era.

We suggest that the most appropriate way for you to proceed is directly with the Departments and Agencies involved.

Dr. Ruth Faden, Chair-designate of the Independent Advisory Committee on Human Radiation, may be contacted through the Office of the Assistant Secretary for Environment, Safety and Health at the Department of Energy.

Thank you.

Sincerely,

Patsy Thomasson
Special Assistant to the President and
Director, Office of Administration

cc: The Honorable John Glenn
The Honorable Hazel O'Leary

(bcc: Dr. Tara O'Toole)

DRAFT #2 3.24.94

March 24, 1994

Mr. William M. Hunt
Director, Federal Management Issues
General Accounting Office
Washington, D.C. 20548

Dear Mr. Hunt:

Thank you for your letter of March 8, 1994, concerning a request from the Senate Committee on Governmental Affairs for the GAO to examine federal plans and efforts for disclosing information concerning radiation-related experiments and releases from the Cold War era.

~~In our discussions with Senator Glenn, Chair of the Committee, we have determined that the most appropriate way for you to proceed is to direct your examination to the Departments and Agencies involved in the Interagency Working Group on Human Radiation.~~ ^{suggest}

~~Dr. Ruth Faden, Chair-designate of the Independent Advisory Committee on Human Radiation, will be meeting with Senator Glenn next week to brief him on the Advisory Committee. The members of the Advisory Committee have not yet been officially appointed by the President and the first meeting of the Committee will not occur until mid-late April. The time, date and location will be published in the Federal Register soon. The meeting will be open to the public as required by the Federal Advisory Committee Act.~~

Thank you.

Office of the Secretary
Sincerely,

Patsy Thomasson
Special Assistant to the President and
Director, Office of Administration

*may be contacted
through the Department
of Energy.*

*cc Sen John Glenn
Hon Hazel O'Leary
bcc Tara/Steve*

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Martin Olav Sabo
U.S. House
Washington, D.C. 20515

Dear Congressman Sabo:

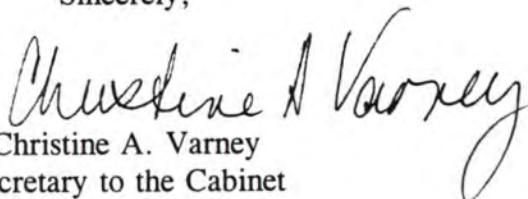
Thank you for your letter of February 1, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from Dr. Caplan as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Paul Simon
U.S. Senate
Washington, D.C. 20510-1302

Dear Senator Simon:

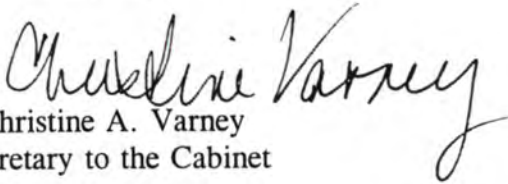
Thank you for your letter of February 2, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Bruce F. Vento
U.S. House of Representatives
Washington, D.C. 20515-2304

Dear Congressman Vento:

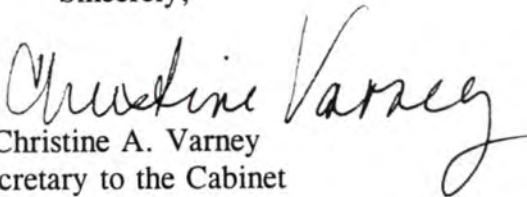
Thank you for your letter of January 27, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from Dr. Caplan as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Paul D. Wellstone
U.S. Senate
Washington, D.C. 20510-2301

Dear Senator Wellstone:

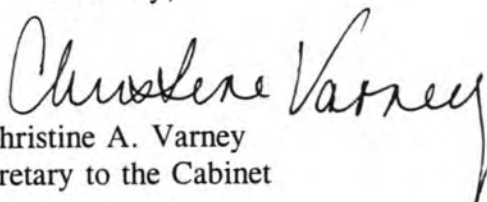
Thank you for your letter of February 3, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from Dr. Caplan as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Neil Abercrombie
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Abercrombie:

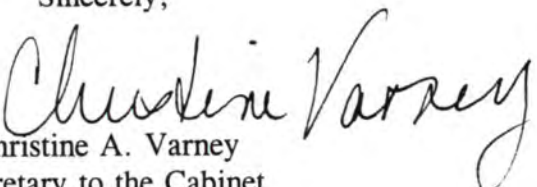
Thank you for your letter of February 1, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

February 15, 1994

The Honorable
U.S. House/Senate
Washington, D.C. 20515/10

Dear Congressman/Senator _____:

Thank you for your letter of February xx in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War era.

We have identified fifteen candidates to name to the Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

We will certainly welcome any input from _____ as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,

Christine A. Varney
Secretary to the Cabinet



Congress of the United States

House of Representatives

Washington, D.C. 20515

February 1, 1994

Ms. Christine Varney
Secretary To the Cabinet
The White House
1600 Pennsylvania Ave., NW
Washington, D.C. 20500

Dear Ms. Varney:

I am writing to recommend Mr. E. Cooper Brown, Executive Director of the National Committee for Radiation Victims, for appointment to the recently established Advisory Committee on Human Radiation Experiments. I believe that you will find his background and professional credentials particularly well suited for such an appointment.

Since the early 1980's, Mr. Brown has played a central (and often critical) role in shaping an appropriate Congressional response to the plight of virtually every group adversely affected by our Nation's atmospheric nuclear weapons program. He represented Atomic Veterans in their efforts to gain access to Veterans Administration health care and reform of the V.A.'s compensation program. He played a critical role in Congress' endorsement in 1985 of the radiation compensation, health care and environmental restoration program extended to the Marshall Islands. Similarly, Mr. Brown's advocacy of the rights of the Utah downwinders, civilian test site workers, and uranium miners played a key role in Congress' passage of the Radiation Exposure Compensation Act of 1990.

Without question, Mr. Brown is one of the more experienced and knowledgeable people outside of the federal government with respect to the adverse impact this Country's nuclear weapons-related programs have had upon the environment and those exposed to radiation as a result thereof, and as to fashioning appropriate remedial programs acceptable to the victims' community these programs have been designed to serve. It is significant, too, that Mr. Brown has proven a most capable advocate while, at the same time, demonstrating a truly unique ability for being able to work cooperatively with the Congress and federal agencies to formulate appropriate policy in response to the complex and emotionally-charged issues that are inevitably involved in the plight of this Nation's Cold War radiation victims.

ORIGINATED FROM:

☒ WASHINGTON OFFICE: 1440 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515 (202) 225-2726
☐ HOME OFFICE: ROOM 4104, 300 ALA MOANA BLVD., HONOLULU, HAWAII 96850 (808) 541-2570

Moreover, the credibility that Mr. Brown's years of dedicated effort on behalf of radiation victims would bring to the Advisory Committee on Human Radiation Experiments cannot be dismissed. For this reason alone, his presence on the Advisory committee would surely prove of immeasurable value to the administration as it now moves forward in its salutary effort to address the issue of Cold War human radiation experiments.

Sincerely

Neil Abercrombie
Member of Congress

NA:mfs

cc: Secretary of Energy Hazel R. O'Leary

PAUL D. WELLSTONE
MINNESOTA

MINNESOTA TOLL FREE NUMBER:
1-800-642-6041

United States Senate
WASHINGTON, DC 20510-2303

COMMITTEES:
ENERGY AND NATURAL RESOURCES
LABOR AND HUMAN RESOURCES
SMALL BUSINESS
INDIAN AFFAIRS

February 3, 1994

Ms. Christine Varney
Deputy Assistant to the President
& Secretary of the Cabinet
Office of Cabinet Affairs
The White House
Washington, D.C. 20500

Dear Ms. Varney:

I am writing on behalf of my constituent, Dr. Arthur L. Caplan. Dr. Caplan is the distinguished Director of the Center for Biomedical Ethics at the University of Minnesota.

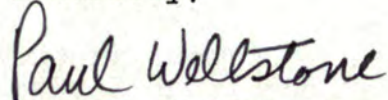
He has expressed his strong interest in serving as a member of the White House Advisory Committee that is being formed on Human Radiation Experiments.

Arthur Caplan would bring expertise to the Committee and is highly qualified to serve. He has worked on the human experimentation issue using Nazi data and held a series of meetings at the University on this question, as well as the Tuskegee study and other human experimentation issues.

Arthur is a brilliant and a wonderful man to work with. His newspaper column is distributed nationwide and he has a national as well as international reputation.

Let me say that Dr. Caplan would serve with dedication and distinction in this capacity and I highly recommend him. Your consideration of him for an appointment to the Advisory Committee would be greatly appreciated. He is the best.

Sincerely,



Paul D. Wellstone
United States Senator

PDW:mg

Enclosure

☒ 717 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2303
(202) 224-5641

☐ 2550 UNIVERSITY AVENUE, WEST
COURT INTERNATIONAL BUILDING
ST. PAUL, MN 55114-1025
(612) 645-0323

☐ POST OFFICE BOX 281
105 2D AVENUE, SOUTH
VIRGINIA, MN 55792
(218) 741-1074

☐ 417 LITCHFIELD AVENUE, SW
WILLMAR, MN 56201
(612) 231-0001

UNIVERSITY OF MINNESOTA

Twin Cities Campus

Center for Biomedical Ethics

University Office Plaza
Suite 110
2221 University Avenue S.E.
Minneapolis, MN 55414-3074
612-626-9756
Fax: 612-626-9786

January 26, 1994

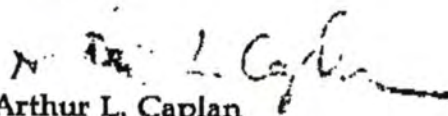
Senator Paul D. Wellstone
United States Senate
702 Hart Building
Washington, DC 20510
Fax (202) 224-8438

Dear Paul,

I am writing to ask a favor. I got a call from a student of mine, Patricia Olson who is working this year in Senator Rockefeller's office as a policy intern. She told me that they would like to put my name forward as a possible committee member for the task force the White House is forming to examine the radiation experiments. Apparently there may be a Congressional panel formed, but I know less about that.

Having worked on the issue of using Nazi data and having held a series of meetings here on that question, as well as the Tuskegee study and other issues in human experimentation, I would very much like to get involved in the White House committee. Apparently Christine Varney is the staff person at the White House who is collecting names of possible committee members. If you could put my name forward to serve on this task force I would be most appreciative.

Thanks,


Arthur L. Caplan
Director

ALC/lh

BRUCE F. VENTO
4TH DISTRICT, MINNESOTA

2304 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2304
(202) 225-6631

DISTRICT OFFICE:
GALTIER PLAZA
175 FIFTH ST., E.
RM. 727, BOX 100
ST. PAUL, MN 55101
(612) 224-4503

HOUSE COMMITTEE ON
NATURAL RESOURCES

CHAIRMAN:
SUBCOMMITTEE ON NATIONAL PARKS,
FORESTS, AND PUBLIC LANDS

HOUSE COMMITTEE ON
BANKING, FINANCE AND
URBAN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-2304

January 27, 1994

Ms. Christine Varney
Deputy Assistant To the President and the Cabinet Secretary
The White House Office
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Ms. Varney:

It has come to my attention that the White House is putting together a task force to examine the human radiation experiments that took place in the U.S.

I would like to suggest, Arthur L. Caplan, Director of the Center for Biomedical Ethics at the University of Minnesota, for your consideration as a member of the panel. Mr. Caplan is well known for his work on issues relating to biomedical ethics and has had experience with issues of human experimentation in particular. As you probably know, Arthur Caplan also worked with the President's Health Care Reform Task Force in shaping an ethical framework for health care policy.

Mr. Caplan would be a valuable addition to the task force. Thank you for your consideration.

Sincerely,


Bruce F. Vento
Member of Congress

BFV:kms

United States Senate

WASHINGTON, DC 20510-1302

February 2, 1994

Christine Varney
Secretary To the Cabinet
The White House
Washington, D.C. 20500

Dear Ms. Varney:

I am writing to recommend Mr. E. Cooper Brown for an appointment to the "Advisory Committee for Human Radiation Experiments". Mr. Brown has the experience, the expertise and the commitment to be a productive and valuable member of the Committee.

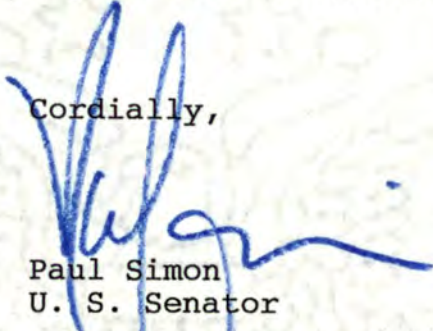
I have worked with Mr. Brown since his early involvement with atomic veterans. For over ten years, he has played a critical role in working with Congress to shape a range of policies that address the problems faced by those adversely affected by our nuclear weapons tests. He represented Atomic Veterans in their effort to gain access to Veterans Administration health care. He worked with Congress in 1985 on adoption of the radiation compensation and environmental restoration program for the Marshallese. And, he played a major role in passage of the 1990 Radiation Exposure Compensation Act.

Mr. Brown is one of the more experienced and knowledgeable people about the impact our nuclear weapons-related programs have had upon those individuals who have been exposed to radiation as well as their impact on the environment. He has been a capable advocate for these groups and individuals while at the same time demonstrating the ability to work cooperatively with the federal government and Congress. He has repeatedly been able to bridge the differences between the government and the victims.

I believe Mr. Brown would be a real asset to the Advisory Committee. His years of involvement with and commitment to radiation victims would bring a needed expertise and voice to the Committee. I know you will give him your full consideration.

My best wishes.

Cordially,


Paul Simon
U. S. Senator



CONGRESSMAN MARTIN OLAV SABO
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

February 1, 1994

Ms. Christine Varney
Deputy Assistant to the President
and the Cabinet Secretary
The White House Office
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Ms. Varney:

I am writing to add my name to that of Senator Paul Wellstone, Congressman Bruce Vento and others of the Minnesota Members in strong support of Arthur L. Caplan to serve as a member of the task force the White House is putting together to examine the human radiation experiments that took place in the United States.

Mr. Caplan is director of the Center for Biomedical Ethics at the University of Minnesota and is well known for his work in this field. He has worked on the issue of using Nazi data and has held a series of meetings on that question, as well as the Tuskegee study and other issues in human experimentation.

Enclosed for your information is a copy of his biographical information and an article from a weekly column he writes for the St. Paul Pioneer Press. I believe Mr. Caplan's experience would make him a valuable member of this task force. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Martin O. Sabo".

Martin Olav Sabo
Member of Congress

MOS:bg

St. Paul Pioneer Press, 1/3/94

O'Leary calls nation to account in medical experiment scandal

President Clinton's secretary of energy, Hazel O'Leary, did two very courageous things in the past few days.

Ignoring the protests and warnings of some of her top advisers, she directed that the Energy Department release the records of the Atomic Energy Commission concerning a variety of experiments done without the consent or knowledge of human subjects.

Then, in a decision that will forever secure her a place in the bureaucrat's Hall of Moral Fame, she said if Americans had been injured or killed as a result of these experiments, Uncle Sam should be fiscally responsible for any harm done.

Fessing up to wrongdoing, even wrongdoing that is decades old, in your own department is not likely to endear O'Leary to the spin doctors and risk managers of the Clinton administration or Congress. Going the next step and declaring that government ought to be prepared to compensate those it has harmed means that O'Leary had better prepare herself for a lot of lonely nights as she is scratched off the A-list for Washington parties and banquets.

What exactly did the government do in the late 1940s and 1950s that led the courageous energy secretary to stand up for what is right?

The malfeasance is very grave. Top government officials at the Atomic Energy Commission, NASA and the Public Health Service approved of experiments



COLUMNIST

in which unsuspecting American soldiers were exposed to high doses of radiation, prisoners in Oregon and Washington state received large doses of radiation and compulsory vasectomies, retarded children were fed food laced with radioactive iron and calcium, seriously ill patients were given trace amounts of plutonium in doses known to be high enough to cause harm, medical students and hospital patients were injected with radioactive iron and chrome and newborn boys in four states were injected with weak doses iodine 131, a radioactive isotope without the explicit permission of their parents.

In nearly all of these studies, informed consent was not obtained or, when it was, the true nature of the research was not fully disclosed.

How could American government officials have sanctioned these experiments? How could researchers from such elite schools and institutions as M.I.T., Battelle Pacific Northwest Laboratory, the University of Tennessee and the University of Washington have gotten involved with such patently immoral research?

Remember, these experiments were begun at a time when the testimony from the Nuremberg trials concerning the horrible experiments performed by German scientists and doctors on unwilling and uninformed subjects at the direction of the German government and military forces was still ringing in world's ears.

Didn't anyone take seriously the Nuremberg Code, issued by American judges at the conclusion of these trials, that made informed consent an absolute, inviolate requirement for all research involving human subjects?

The answer as to how this mess happened is war — or, more accurately the threat of war.

At the end of World War II, American military officials were desperate for more information on the effects of exposure to high doses of radiation. They thought the chances were high that we would be involved in a nuclear war with the Russians or, later, the Chinese.

Our government wanted to know how fast radioactive substances would be cleared from the human body and how much damage a brief exposure to high amounts of radioactivity would cause.

It was the Cold War that led researchers to expose the reproductive organs of state prisoners to high doses of radiation and to direct esteemed scientists to slip radioactive mickeys into the bodies of gravely ill patients.

When the German scientists were put on trial for the crimes they had committed in the name of medical research in



O'Leary

the concentration camps, many said they had done so because Germany was at war. They said that the normal rules governing human experimentation had to be put aside when the nation's security was at stake.

We hung some of those men and sentenced others to prison on the grounds that those excuses did not wash. They don't.

That is why Secretary O'Leary is right to call this nation to account for its own hypocrisy with respect to the ethics of human experimentation and to argue that we now must do what we can to make whole those whose rights were sacrificed in the name of national security.

Arthur Caplan is director of the Center for Bio-medical Ethics at the University of Minnesota, 3-110 Owre Hall, Box 33 UMHC, 420 Delaware Street S.E., Minneapolis, Minn. 55455.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. resume	[Personally Identifiable Information] [partial] (2 pages)	01/00/1994	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
Caplan, Phil
OA/Box Number: 11097

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-Anything Congressional-
Congressional Letters

2019-0803-S

rs3542

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]

ARTHUR LEONARD CAPLAN
Biographical Information

Director, Center for Biomedical Ethics, University of Minnesota and,
Professor of Philosophy and Professor of Surgery, University of Minnesota,
1987 to present.

Born: Boston, Mass. (b)(6)

Education: Framingham (Mass) North High School; B.A. Brandeis University,
1971; M. A., M. Phil., Ph.D., Columbia University, 1979

Professional Positions: Associate Director, the Hastings Center, 1985-1987;
Visiting Associate Professor, University of Pittsburgh 1986; Associate for the
Humanities, the Hastings Center, 1977-84; Instructor, Department of Medicine
and School of Public Health, Columbia University College of Physicians and
Surgeons, 1977-81.

Recent Books: *IF I WERE A RICH MAN COULD I BUY A PANCREAS AND
OTHER ESSAYS ON MEDICAL ETHICS*, Indiana (1992); *WHEN MEDICINE
WENT MAD: BIOETHICS AND THE HOLOCAUST*, Humana (1992);
EVERYDAY ETHICS: RESOLVING DILEMMAS IN NURSING HOME LIFE,
Springer (1990); *BEYOND BABY M*, Humana (1990); and *PRESCRIBING
OUR FUTURE: Ethical Challenges in Genetic Counseling*, Aldine Press,
(1993).

Recent Articles and Reviews in: *TRANSPLANTATION PROCEEDINGS, THE
GERONTOLOGIST, CLINICAL TRANSPLANTATION, HASTINGS CENTER
REPORT, LANCET, JOURNAL OF THE AMERICAN MEDICAL
ASSOCIATION, AMERICAN ZOOLOGIST, BIOLOGY AND PHILOSOPHY,
ETHICS, and NEW ENGLAND JOURNAL OF MEDICINE*. Written more than
300 articles and reviews in professional journals in philosophy, medicine,
health policy and the biological sciences.

Consulting and Policy: Clinton Health Care Task Force, Office of Technology
Assessment of the United States Congress, Minnesota Department of Health,
American Foundation for AIDS Research, National Institutes of Health,
Department of Health and Human Services, National Marrow Donor Program,
Lifesource-Organ Procurement Organization, National Academy of Sciences-
Institute of Medicine, and state legislatures of Minnesota, New York and New
Jersey.

Other Activities: Writes a weekly column, "A Question of Ethics," for the St.
Paul Pioneer Press, St. Paul, MN, which is syndicated in 40 newspapers in
the United States and Canada; has lectured widely in the United States,
Canada, Europe, Russia, and the Caribbean; is a frequent guest or
commentator in the media including National Public Radio, Nightline, the New
York Times, the Washington Post, the Los Angeles Times, and Time Magazine
on topics pertaining to bioethics; Chair, American Association of Bioethics.

Work Address: Center for Biomedical Ethics
Box 33 UMHC, 420 Delaware Street SE
Minneapolis, MN, 55455-0392
Telephone: 612-625-4917 Fax: 612-626-6800

THE WHITE HOUSE
WASHINGTON

Phil

March 28, 1994

The Honorable George Mitchell
Majority Leader
U.S. Senate
Washington, D.C. 20510

Dear Mr. Leader:

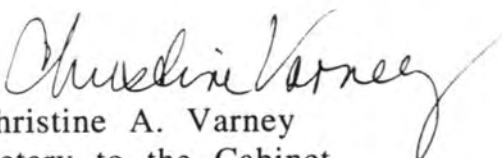
Thank you for your letter of March 8, 1994, in reference to the Advisory Committee on Human Radiation Experiments and Mr. E. Cooper Brown's involvement. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

We identified fifteen candidates to name to the Advisory Committee and their names were submitted to the FBI several weeks ago. Barring any unforeseen conflicts, the President will name these people to the Committee shortly, and the Committee will have its first meeting in mid-late April.

We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

February 15, 1994

George Mitchell
The Honorable Neil Abernethy *Majority Leader*
~~U.S. House of Representatives~~ *U.S. Senate*
Washington, D.C. ~~20515~~ *20510*

Dear Congressman Abernethy: *Mr. Leader*

March 8, 1994
Thank you for your letter of ~~February 1, 1994~~ in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

several weeks ago
We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month. Barring any unforeseen conflicts, the President will name these people to the Committee shortly, and the Committee will have

first meeting in mid-late April
We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,

Christine A. Varney
Secretary to the Cabinet

GEORGE J. MITCHELL
MAINE

United States Senate
WASHINGTON, DC 20510-1902

March 8, 1994

*Called
for
Attachment
3/15*

Ms. Christine A. Varney
Deputy Assistant to the President and
Secretary to the Cabinet
The White House
Washington, DC 20500

Dear Ms. Varney:

Enclosed please find a letter I have received from Maine State Sen. Bonnie Titcomb. Sen. Titcomb is writing to recommend E. Cooper Brown to the Advisory Committee on Human Radiation Experiments.

As you can see from the letter, Mr. Brown has extensive experience as an advocate for radiation survivors. Please give Mr. Brown every consideration possible.

With best wishes,

Sincerely,

George Mitchell

George J. Mitchell

SB-

3/24

Could you pull up
one of the letters on
this subject and let me
look at it. Thanks
— Phil



Paul Carliner
Domestic Policy Advisor

Democratic Policy Committee
United States Senate

619 Hart Office Building
Washington, DC 20510
(202) 224-3232



Senator Bonnie L. Titcomb
District 25
State House Station 3
Augusta, Maine 04333

THE MAINE SENATE
116th Legislature

RFD 2, Box 650
Casco, Maine 04015

January 27, 1994

Honorable George J. Mitchell
Senate Majority Leader
176 Russell Senate Office Building
Washington, D.C. 20510-1902

Dear Senator Mitchell:

I would like to recommend the appointment of E. Cooper Brown of Tacoma Park, Maryland for appointment to the Advisory Committee on Human Radiation Experiments.

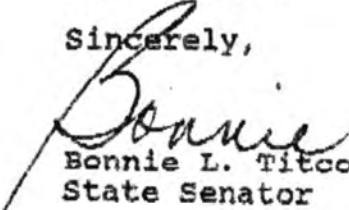
I have read the executive order and it appears that the agenda is to commit to the task in a broad, encompassing manner. While I am heartened by President Clinton's decision to establish this Committee, I am also concerned that members of the radiation survivors community may not be represented. I believe that representation for this group is essential to the success of this Committee.

E. Cooper Brown would bring unique experience and understanding to the Committee. Along with much other National and International work, he has demonstrated his expertise when working with the Citizens Against Nuclear Trash (CANT) in Maine as well as with Rob Campbell during the many years he devoted to veterans issues. I am confident that he is uniquely qualified to serve.

I have worked extensively with Cooper. He and his colleagues are regarded as among the nation's most credible advocates for radiation survivors. Cooper has been intimately involved for many years in the very issue to be reviewed and, it seems to me, could play a vitally important part in the review process.

Thank you for your consideration of E. Cooper Brown for appointment to the Advisory Committee on Human Radiation Experiments.

Sincerely,


Bonnie L. Titcomb
State Senator

**Resume
of
E. COOPER BROWN**

Washington Office
6935 Laurel Avenue
Takoma Park, MD 20912
Phone: (202) 775-8786
Fax: (301) 891-3992

**PROFESSIONAL EXPERIENCE
Summary**

-- Twenty years of experience and expertise in the substantive areas of environmental law, personal injury resulting from radiation-related hazards, constitutional law and civil rights, veterans' rights, administrative law, international law, ERISA employee rights, land use planning, alternative energy development, water and air quality, health services, corporate law, and Native Hawaiian rights.

-- Since 1983, Mr. Brown has been based primarily in the Washington, D.C. area where, before the U.S. Congress and through U.S. and foreign courts, he has represented the interest of individuals whose lives and lands have been adversely affected as the result of U.S. nuclear weapons programs. In more recent years, Mr. Brown's professional activities have also included the representation of Hispanics of the U.S. Southwest in treaty and constitutional rights claims, employees' rights under the federal Employee Retirement Income Security Act, and management consultation to a computer software company.

**EMPLOYMENT HISTORY
Summary**

1989 - 1993	Offices of E. Cooper Brown Washington, D.C. & Honolulu, HI
1985 - 1993	National Committee for Radiation Victims Director for Program Affairs
1985 - 1989	Marshall Islands Atomic Testing Project Litigation & Legislative Counsel
1981 - 1984	National Association of Atomic Veterans General Counsel
1976 - 1981	Brown & Bettencourt of Hawaii Associate Attorney
1974 - 1977	Life of the Land Environmental Law Program General Counsel

I. **PROFESSIONAL HISTORY (1985 to Present):**

- * **1989 to Present -- Offices of E. Cooper Brown, Washington, D.C. & Honolulu, Hawaii**

Since 1989, Congressional advocacy and public interest litigation in the areas of environmental law, personal injury and environmental contamination, civil and constitutional rights, and international law. More recent activities have included employee rights for "whistle blowers", and management consultation to a start-up computer software company. During this period Mr. Brown has served as:

- * Commencing in July of 1993, "Of Counsel" to Law Firm of Kohn, Kohn & Colapinto, Washington, D.C.
- * Commencing in 1993, Management Consultant to Solid Surfaces, Inc. of Pasadena, Maryland (computer software company);
- * Attorney for U.S. victims of nuclear-related programs -- atomic veterans (former military personnel), civilians residing downwind of the Nevada nuclear weapons test site, Navajo uranium miners, and former civilian test site employees in compensation claims;
- * Lead attorney for dismissed bank employee in Ninth Circuit appeal under "ERISA" (Employee Retirement Income Security Act), wherein Ninth Circuit upheld right of "whistleblower" to pursue wrongful discharge claim against former employer, Hashimoto v. Bank of Hawaii (decided 7/15/93);
- * Lead attorney and legislative counsel for Hispanic residents of U.S. Southwest in treaty claims and Fifth Amendment land takings litigation before the U.S. Claims Court;
- * Legal counsel and representative for residents of the Marshall Islands exposed to fallout from U.S. atmospheric nuclear weapons program of the 1950's before Congress and a Nuclear Claims Tribunal created pursuant to international treaty. Efforts have included, among other achievements, successful negotiation with U.S. Department of Energy (and subsequent funding by Congress) of precedent-setting independent environmental study of radiation-contaminated lands in Marshall Islands;

- * General Counsel to the Rongelap Government, Republic of the Marshall Islands, on treaty, corporate and municipal matters;
- * Legislative advisor to Ka Lahui Hawaii (Hawaiian Native Rights Organization);
- * Political consultant to Maine citizens' coalition in successful campaign preventing selection of Maine by Department of Energy for storage of high-level nuclear waste.

* **1985 to present -- National Committee for Radiation Victims.**

Since 1985, Mr. Brown has also served as part-time (and for the most part "pro bono") Director of the National Committee for Radiation Victims. The NCRV provides Congressional monitoring services, information, and professional consultation to national coalition of grass-roots organizations with respect to U.S. initiatives affecting rights and interests of victims of nuclear weapons-related programs and activities.

In addition, the NCRV has played an instrumental role in various public interest initiatives on behalf of radiation victims, including:

- * Most recently - Initiation by the House Committee on Natural Resources of investigation into the impact of U.S. nuclear weapons programs upon Native American peoples and their lands.
- * The establishment of federal compensation programs for radiation-exposed former military personnel ("atomic veterans"), civilians residing downwind of Nevada nuclear test site, test site workers (former contract employees), and uranium miners, through Congressional adoption of the "Radiation Exposure Compensation Act of 1990", P.L. 101-426, and the "Radiation-Exposed Veterans Compensation Act of 1988", P.L. 100-321.

* **1985 to 1989 -- Marshall Islands Atomic Testing Litigation Project.**

- * Staff attorney to the Marshall Islands Atomic Testing Litigation Project, a nation-wide consortium of five plaintiffs law firms representing approximately 3,000 Marshallese in land damage and personal injury actions pending

before the U.S. federal courts. Responsibilities included:

- Coordination of legislative efforts before the U.S. Congress resulting in compensation program for Marshall Islands radiation victims ("**Compact of Free Association Act**", P.L. 99-239);
- Management/coordination of simultaneously pending litigation before U.S. Claims Court, U.S. District Court for the District of Columbia, and U.S. District Court for the Southern District of California, and subsequent appeals to the U.S. Federal Circuit Court, the Circuit Courts for the District of Columbia and the Ninth Circuit, and the U.S. Supreme Court (cert. denied).

II. **PROFESSIONAL EXPERIENCE** (1974 - 1985):

1985. Fundraiser and Research Fellow with **Citizens Against Nuclear War**, Washington, D.C.

1981 - 1984. General Counsel to the **National Association of Atomic Veterans**. In this capacity, initiated and coordinated successful campaign securing Congressional adoption of legislation reforming Veterans Administration's compensation program for veterans suffering a variety of cancers as a result of having participated in U.S. atmospheric tests in the 1940's and 1950's. As General Counsel, assisted in extensive grassroots organizing campaign, membership development and fundraising, coordinated veterans' legislative strategy securing passage of the "**Veterans' Dioxin and Radiation Exposure Compensation Standards Act of 1984**" (P.L. 98-542), and developed litigation strategy challenging "Feres Doctrine" sovereign immunity defense of the U.S. Government.

1976 - 1981. Associate with the Honolulu law firm of **Brown & Bettencourt**, specializing in areas of environmental law, land use planning, administrative law, corporate law, real estate and commercial litigation.

1974 - 1977. General Counsel to the Hawaii-based environmental organization **Life of the Land**. Mr. Brown directed the organization's Environmental Research and Law Program, supervising a volunteer staff of approximately six to eight law students and/or attorneys. Principal litigation and legislative counsel for the organization on numerous environmental issues before federal and state courts, administrative agencies, and the Hawaii State Legislature.

III. PROFESSIONAL LICENSES / BAR ADMISSION:

- * Registered Lobbyist, United States Congress.
- * **Courts of Admission and Practice:**
 - U.S. Circuit Court for the District of Columbia
 - U.S. Circuit Court for the Federal Circuit
 - U.S. Circuit Court for the Ninth Circuit
 - U.S. Circuit Court for the Fifth Circuit
 - U.S. Claims Court (Court of Federal Claims)
 - U.S. Court of Veterans Appeals
 - U.S. District Court, District of Hawaii
 - Supreme Court, State of Hawaii
 - Supreme Court, State of Iowa
 - Supreme Court, Republic of the Marshall Islands
 - Nuclear Claims Tribunal, Marshall Islands

IV. ACADEMIC BACKGROUND:

- * 1974. Juris Doctor. University of Iowa School of Law.
- * 1973. Graduate Program, Urban & Regional Planning (with emphasis on social advocacy), University of Iowa.
- * 1971. B.A. Political Science. University of Iowa.

V. PERSONAL:

- * Honorable Discharge. U.S. Air Force Reserve.
- * Age 44 (b)(5)
- * Married to Leimomi Apoliona (of Honolulu), with two daughters - Likolani, age 8, and Puanani, age 5.

Phw1

THE WHITE HOUSE
WASHINGTON

March 1, 1994

The Honorable Ron de Lugo
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear Mr. de Lugo:

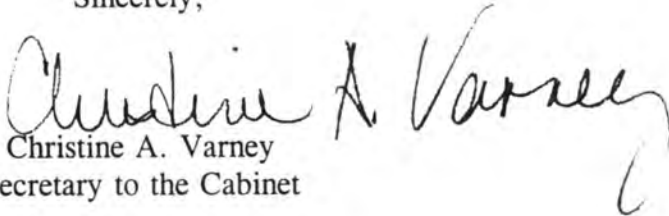
Thank you for your letter of February 9, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

On February 17, the President announced his intention to appoint fifteen people to the Advisory Committee. A list is attached. Barring any unforeseen conflicts, the President will officially name these people to the Committee shortly.

We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 17, 1994

**PRESIDENT ANNOUNCES ETHICAL, SCIENTIFIC AND MEDICAL EXPERTS
AS MEMBERS OF
ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS**

WASHINGTON, D.C. - The President today announced his intention to appoint fifteen men and women to serve as members of the Advisory Committee on Human Radiation Experiments, created by an Executive Order on January 18, 1994. The Advisory Committee was created to review the ethical and scientific standards of any government-sponsored human experiments, since 1946, which involved intentional exposure to ionizing radiation.

The Advisory Committee will provide advice and recommendations to the Interagency Working Group on Human Radiation on issues such as whether there was a clear medical or scientific purpose for the experiments, if there was proper informed consent, or if appropriate medical follow-up was conducted.

The Advisory Committee is to submit an interim report in six months after it begins work and a final report in one year. The Advisory Committee will comply with the terms of the Federal Advisory Committee Act.

The Advisory Committee will be chaired by Dr. Ruth Faden, a medical ethicist from Johns Hopkins University. A list of the other members of the Committee is attached.

In other actions:

- * The White House today issued a Presidential Memorandum instructing all Executive Departments and Agencies to review their policies on the protection of human subjects in scientific research, and to strictly enforce them. Currently, all human subject research must meet stringent informed consent guidelines that are established by federal regulation. All experiments are reviewed by Institutional Review Boards -- local committees that are required at every research site that ensure adherence to informed consent guidelines and other ethical standards. In light of actions from decades ago that have recently come to light, the Memorandum directs each Executive Department and Agency to exercise constant care in these matters.

(continued))

CANDIDATES FOR ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

Ethicists

Ruth R. Faden, Ph.D., M.P.H. - professor of health policy and management and director, Program in Law, Ethics and Health, Department of Health Policy and Management, Johns Hopkins University, Baltimore, MD; senior research scholar, Kennedy Institute of Ethics, Georgetown University, Washington, D.C.

Ruth Macklin, Ph. D. - head, Division of Philosophy and History of Medicine, professor of bioethics, Shoshanah Trachtenberg Frackman Faculty Scholar in Biomedical Ethics, Department of Epidemiology and Social Medicine, Albert Einstein College of Medicine, Bronx, NY.

Patricia A. King, J.D. - professor of law, Georgetown University Law Center, Washington, D.C.; adjunct professor, Department of Health Policy and Management, School of Hygiene and Public Health, Johns Hopkins University, Baltimore, MD.

Jay Katz, M.D. - Elizabeth K. Dollard Professor Emeritus of Law, Medicine and Psychiatry and Harvey L. Karp Professorial Lecturer in Law and Psychoanalysis, Yale University, New Haven, CT.

Historian

Susan E. Lederer, Ph. D. - associate professor, Department of Humanities, The Milton S. Hershey Medical Center, Pennsylvania State University, Hershey, PA.

Attorney

Kenneth R. Feinberg, J.D. - Kenneth R. Feinberg & Associates, Washington, D.C.; adjunct professor of law, Georgetown University Law Center, Washington, D.C.; member, Presidential Commission on Catastrophic Nuclear Accidents, 1989-90.

Epidemiologist

Duncan Thomas, Ph.D. - professor, Preventive Medicine, University of Southern California School of Medicine, Los Angeles, CA.

Clinicians, Radiation Therapy/Nuclear Medicine

Eli J. Glatstein, M.D. - professor and chairman, Department of Radiation Oncology, Simmons Cancer Center, Southwestern Medical Center, University of Texas, Dallas, TX.

Henry D. Royal, M.D. - associate director, Division of Nuclear Medicine, Mallinckrodt Institute of Radiology and professor of radiology, Washington University School of Medicine, St. Louis, MO.

Mary Ann Stevenson, M.D. - assistant professor in radiation therapy, Joint Center for Radiation Therapy and deputy chief, Department of Radiation Oncology, New England Deaconess Hospital, Harvard Medical School, Boston, MA.

Clinician. Non-Radiation/Public Health

Reed V. Tuckson, M.D. - president, Charles R. Drew University of Medicine and Science, Los Angeles, CA.

Military Medicine Specialist

Philip K. Russell, M.D. - professor of international health, School of Hygiene and Public Health, Johns Hopkins University, Baltimore, MD.

Radiation Biologist

Nancy L. Oleinick, Ph.D. - professor of radiation biology and biochemistry, Environmental Health Science and Oncology, School of Medicine and director, Division of Biochemistry and Oncology, Department of Radiology, Case Western Reserve University, Cleveland, OH.

General Scientist

Frank Press, Ph.D. - fellow, Cecil and Ida Green Fellowship, Carnegie Institution of Washington, Washington, D.C.; former president, National Academy of Scientists.

Citizen Representative

Lois L. Norris - community representative, Institutional Review Board, University of Nebraska; retired second vice president, Omaha National Bank and Omaha National Corporation, Omaha, NE;

THE WHITE HOUSE
WASHINGTON

March 18, 1994

The Honorable John Dingell
Chairman, Energy and Commerce Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of February 17, 1994, expressing your concerns about the effects of radiation on the residents of the Marshall Islands.

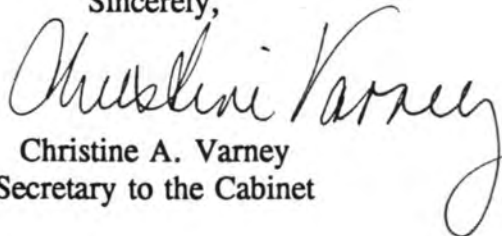
Secretary Hazel O'Leary has pledged that the Department of Energy will soon make available any and all documents relating to these atomic tests and fully comply with all efforts to produce any records dealing with treatment of the residents of the Marshall Islands. This pledge includes the release of previously classified material relating to the Islands.

We will not include these atomic tests in the Human Radiation investigation as they fall outside the Independent Advisory Committee's mandate, as reflected in the Executive Order that established the Advisory Committee. Attached is a copy of the Executive Order for your reference.

It is my understanding that DOE and other Agencies will make every effort to cooperate with you in providing all documents and records and other information relating to the Marshall Islands.

Please do not hesitate to contact me if I can answer any questions or be of future service.

Sincerely,



Christine A. Varney
Secretary to the Cabinet

Enclosure

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 18, 1994

EXECUTIVE ORDER

- - - - -

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

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. Establishment. (a) There shall be established an Advisory Committee on Human Radiation Experiments (the "Advisory Committee" or "Committee"). The Advisory Committee shall be composed of not more than 15 members to be appointed or designated by the President. The Advisory Committee shall comply with 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 the Advisory Committee.

Sec. 2. Functions. (a) There has been established a Human Radiation Interagency Working Group, the members of which include the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Attorney General, the Administrator of the National Aeronautics and Space Administration, the Director of Central Intelligence, and the Director of the Office of Management and Budget. As set forth in paragraph (b) of this section, the Advisory Committee shall provide to the Human Radiation Interagency Working Group advice and recommendations on the ethical and scientific standards applicable to human radiation experiments carried out or sponsored by the United States Government. As used herein, "human radiation experiments" means:

- (1) experiments on individuals involving intentional exposure to ionizing radiation. This category does not include common and routine clinical practices, such as established diagnosis and treatment methods, involving incidental exposures to ionizing radiation;
- (2) experiments involving intentional environmental releases of radiation that (A) were designed to test human health effects of ionizing radiation; or (B) were designed to test the extent of human exposure to ionizing radiation.

Consistent with the provisions set forth in paragraph (b) of this section, the Advisory Committee shall also provide advice, information, and recommendations on the following experiments:

more

(OVER)

- (1) the experiment into the atmospheric diffusion of radioactive gases and test of detectability, commonly referred to as "the Green Run test," by the former Atomic Energy Commission (AEC) and the Air Force in December 1949 at the Hanford Reservation in Richland, Washington;
- (2) two radiation warfare field experiments conducted at the AEC's Oak Ridge office in 1948 involving gamma radiation released from non-bomb point sources at or near ground level;
- (3) six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah, site;
- (4) four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
- (5) any other similar experiment that may later be identified by the Human Radiation Interagency Working Group.

The Advisory Committee shall review experiments conducted from 1944 to May 30, 1974. Human radiation experiments undertaken after May 30, 1974, the date of issuance of the Department of Health, Education, and Welfare ("DHEW") Regulations for the Protection of Human Subjects (45 C.F.R. 46), may be sampled to determine whether further inquiry into experiments is warranted. Further inquiry into experiments conducted after May 30, 1974, may be pursued if the Advisory Committee determines, with the concurrence of the Human Radiation Interagency Working Group, that such inquiry is warranted.

(b)(1) The Advisory Committee shall determine the ethical and scientific standards and criteria by which it shall evaluate human radiation experiments, as set forth in paragraph (a) of this section. The Advisory Committee shall consider whether (A) there was a clear medical or scientific purpose for the experiments; (B) appropriate medical follow-up was conducted; and (C) the experiments' design and administration adequately met the ethical and scientific standards, including standards of informed consent, that prevailed at the time of the experiments and that exist today.

(2) The Advisory Committee shall evaluate the extent to which human radiation experiments were consistent with applicable ethical and scientific standards as determined by the Committee pursuant to paragraph (b)(1) of this section. If deemed necessary for such an assessment, the Committee may carry out a detailed review of experiments and associated records to the extent permitted by law.

(3) If required to protect the health of individuals who were subjects of a human radiation experiment, or their descendants, the Advisory Committee may recommend to the Human Radiation Interagency Working Group that an agency notify particular subjects of an experiment, or their descendants, of any potential health risk or the need for medical follow-up.

(4) The Advisory Committee may recommend further policies, as needed, to ensure compliance with recommended ethical and scientific standards for human radiation experiments.

(5) The Advisory Committee may carry out such additional functions as the Human Radiation Interagency Working Group may from time to time request.

Sec. 3. Administration. (a) The heads of executive departments and agencies shall, to the extent permitted by law, provide the Advisory Committee with such information as it may require for purposes of carrying out its functions.

(b) Members of the Advisory Committee shall be compensated in accordance with Federal law. Committee members 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).

(c) To the extent permitted by law, and subject to the availability of appropriations, the Department of Energy shall provide the Advisory Committee with such funds as may be necessary for the performance of its functions.

Sec. 4. 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 the Advisory Committee, except that of reporting annually to the Congress, shall be performed by the Human Radiation Interagency Working Group, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Advisory Committee shall terminate 30 days after submitting its final report to the Human Radiation Interagency Working Group.

(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.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 15, 1994.

THE WHITE HOUSE

WASHINGTON

February 17, 1994

Dear Mr. Chairman:

Thank you for your letter concerning the effects of radiation testing and nuclear weapons construction on Native Americans. Be assured that I share your commitment to investigate thoroughly and reveal the extent of harm caused by government-sponsored radiation experiments conducted on humans, especially on our more vulnerable populations.

This Administration has undertaken a government-wide initiative to conduct a full and open investigation to obtain answers to these pressing questions. Our immediate task is to collect and analyze the facts surrounding the experiments, to make the information public, and to determine whether the experiments met ethical and scientific standards. The Advisory Committee on Human Radiation Experiments is the body charged with determining the appropriate standards by which the experiments will be judged. The information that will be derived from this investigation will enable us and the Congress to make informed decisions concerning the most appropriate response to our citizens.

While I recognize that the Radiation Compensation Act is not entirely free of controversy, the more recent record of the Department of Justice in implementing the Act is a good one. A recent Department of Justice Inspector General's report concluded that the Radiation Exposure Compensation Program was "well managed" and that "Government funds were properly expended for the purposes intended by the [Act]."

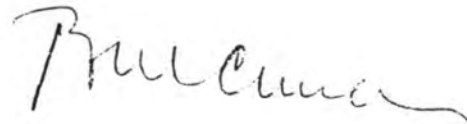
Attorney General Janet Reno and Assistant Attorney General Frank W. Hunger share your

commitment to a fair and efficient administration of the Act. They have established a process to administer the Act that minimizes the burdens on claimants by utilizing the records already maintained by other agencies and organizations. The procedures set forth in the regulations provide a streamlined system of compensation which utilizes existing records so that claims can be resolved promptly in a reliable, objective and nonadversarial manner. This system is also intended to limit, to the extent possible, the administrative costs to the United States and the persons filing claims. I have asked the Department of Justice to more fully respond to your concerns.

I appreciate your correspondence and support on issues of importance to Native Americans. I share your commitment to ensuring fair resolution of the radiation experimentation matter and to equitable consideration of the concerns of all Native Americans.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Richardson", with a long, sweeping horizontal line extending to the right.

The Honorable Bill Richardson
Chairman
Subcommittee on Native American Affairs
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

OFFICE OF LEGISLATIVE AFFAIRS

FAX COVER SHEET

NOTE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS
CONFIDENTIAL AND INTENDED FOR THE RECIPIENT ONLY.

DATE: 2/7

TO: Judy Lewis 690-8425 Jack Burton 514-9149
Wm Taylor 586-4891 Phil Caplan 6-6704

FAX #: _____

FROM: TRACEY E. THORNTON

456-6493 (T)/ 456-2604 (F)

RE: WE NEED TO TALK about how to handle.

PAGE 1 OF 3

If there are any problems with this transmission, please call
(202) 456-6493.

FAX SENT: _____

GEORGE MILLER, CALIFORNIA, CHAIRMAN
 PHILIP R. SHARP, INDIANA
 EDWARD J. MARKEY, MASSACHUSETTS
 ALBERT J. MURPHY, PENNSYLVANIA
 NICK JOS. RANALLI, WEST VIRGINIA
 BRUCE F. VENTO, MINNESOTA
 PAT WILLIAMS, MONTANA
 RON DE LUGO, VIRGIN ISLANDS
 SAM GEJOSKSON, CONNECTICUT
 RICHARD H. LEHMAN, CALIFORNIA
 BILL RICHARDSON, NEW MEXICO
 PETER A. DIFAZIO, OREGON
 SEN. F.H. FALSONAVARGA, AMERICAN SAMOA
 TIM JOHNSON, SOUTH DAKOTA
 LARRY LAROCCE, IDAHO
 NEIL ABERCROMBIE, HAWAII
 CALVIN M. DOOLEY, CALIFORNIA
 CARLOS ROMERO-BARCELO, PUERTO RICO
 KARAN ENGLISH, ARIZONA
 KAREN SHEPHERD, UTAH
 NATHAN DEAL, GEORGIA
 MAURICE D. HITCHET, NEW YORK
 ROBERT A. UNDERWOOD, GUAM
 SAM KARE, CALIFORNIA
 LANE EVANS, ILLINOIS
 PATSY T. MINK, HAWAII
 THOMAS J. BARLOW II, KENTUCKY
 THOMAS M. BARRETT, WISCONSIN

U.S. House of Representatives **Committee on** **Natural Resources** **Washington, DC 20515-6201**

DON YOUNG, ALASKA
 RANKING REPUBLICAN MEMBER
 JAMES V. HANSEN, UTAH
 BARBARA F. VUCANOVICH, NEVADA
 ELTON GALLEGLY, CALIFORNIA
 ROBERT F. SMITH, OREGON
 CRAIG THOMAS, WYOMING
 JOHN J. DUNCAN, JR., TENNESSEE
 JOEL HEFLEY, COLORADO
 JOHN T. DOOLITTLE, CALIFORNIA
 WAYNE ALLARD, COLORADO
 RICHARD M. BAKER, LOUISIANA
 KEN CALVERT, CALIFORNIA
 SCOTT MCINTIRE, COLORADO
 RICHARD W. POMBO, CALIFORNIA
 JAY DICKY, ARKANSAS

January 24, 1994

JOHN LAWRENCE
 STAFF DIRECTOR
 RICHARD MELTZER
 GENERAL COUNSEL
 DANIEL VAL KISH
 REPUBLICAN STAFF DIRECTOR

The Honorable William J. Clinton
 President of the United States of America
 The White House
 1600 Pennsylvania Avenue, Northwest
 Washington, DC 20500

Dear Mr. President:

I would like to take this opportunity to congratulate you on your leadership in bringing to light past government-sponsored programs which led to the exposure of Americans to radiation. I applaud your decision to establish the Advisory Committee on Human Radiation Experiments and strongly believe that all American citizens have the right to know to what extent they may have been exposed to harmful radioactive materials.

As the Advisory Committee begins its work I urge you to insist that the effects of radiation testing and nuclear weapons construction on Native Americans be fully investigated and addressed. During the post World War II era, the extensive uranium reserves of the Southwestern part of the United States were tapped as resources for the development of nuclear weapons, and nuclear medicine and nuclear energy supplies. Many Native Americans in the Southwest were strongly encouraged by the Federal government to become involved in uranium mining and milling activities as a way of developing the economy of reservations and tribal areas.

Many Native Americans, particularly those living in New Mexico and Arizona, believed the government's suggestion would help restore their economies and many took dangerous jobs as uranium miners. Despite the grave safety concerns associated with these activities - which were known even in the boom years after the Second World War - these individuals were never told of the health and safety hazards that could result from spending eight hours a day in unventilated underground mines in direct exposure to uranium. In the years following the mining activity, many miners developed multiple cancers and other severe health impacts that we now know are the direct result of prolonged exposure to uranium.

In 1990, Congress realized the glaring need for restitution for uranium mine workers when I successfully worked for passage of the Radiation Exposure Compensation Act. Unfortunately, the Department of Justice has been extremely

The Honorable William J. Clinton
Page Two
January 24, 1994

reluctant to process radiation exposure claims for these victims and has in many instances been unfairly overzealous in its attempts to ensure that only legitimate victims of radiation exposure are compensated.

Other Native Americans in the Southwest were involved in uranium mill activities which exposed them to extremely fine, pure grades of uranium. These workers inhaled uranium tailings and took uranium home on their clothing and in their bodies. Years after uranium mill activities ceased, many of these individuals developed multiple health problems as a direct result of their exposure to uranium. Despite this, these individuals were not compensated under the provisions of the Radiation Exposure Compensation Act.

As I have mentioned, the Federal government knew of the hazards that the uranium miners and mill workers faced but chose not to inform them of these dangers. I am sure you would agree that these Native Americans were victims of what was in effect government sponsored human radiation experimentation and are deserving of compensation.

Additionally, I want to urge you to ensure that the Advisory Committee on Human Radiation Experiments specifically investigate whether Native Americans either individually or as a group were used as subjects in any other experiments by any Federal agency. This investigation would require the Indian Health Service, the Bureau of Indian Affairs, the Department of Defense, the Bureau of Prisons and any other agency which may have had access to Native American populations to fully research their records to determine whether any such experimentation took place.

I look forward to working with you to close this sorry chapter in American history and to help restore the faith of all Americans in their government. Thank you for your prompt attention to my concerns.

With warm regards,



Bill Richardson
Chairman
Subcommittee on Native American Affairs

BR/bf

cc: The Honorable Bruce Babbitt, Secretary of the Interior
The Honorable Donna Shalala, Secretary of Health and Human Services
The Honorable Hazel O'Leary, Secretary of Energy

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

COMMITTEES:
ENERGY AND COMMERCE
CHAIRMAN
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
FINANCE
NATURAL RESOURCES
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, DC 20515-2107

2133 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2836

DISTRICT OFFICE
5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(617) 396-2900

FROM AREA CODE 508
DIAL 1-800-750-6037

To: Phil

February 10, 1994

The Honorable Donna E. Shalala
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Shalala:

I commend and support the efforts of the Clinton Administration, through the Human Radiation Interagency Working Group, to disclose all records regarding questionable exposures of human populations to ionizing radiation. I recognize that your department, as part of the Interagency Working Group, is involved in an intensive search of archival files to determine the full extent of radiation experiments with human subjects.

Recent revelations about past experiments on children with mental retardation at two Massachusetts institutions, the Fernald School and the Wrentham School, make it necessary that I request heightened attention to experiments on the developmentally challenged. The scientific report of the Wrentham School experiments noted that the test subjects were chosen "because it was desirable to secure children living under constant conditions of environment, diet, and iodide uptake." It appears that similar considerations contributed to selection of schoolboys at the Fernald School for experiments where radioactive material was placed in their breakfast meals. These revelations cause concern about whether the populations at such institutions presented too great a temptation for experimental investigators across the country. I am therefore compelled to request that your department and the Interagency Working Group give special attention to experiments on such subjects as you review your files. The experiments at the Fernald School were partially funded by the National Institutes of Health. The experiments at the Wrentham School were designed to measure effects related to radioactive fallout, and were funded by the U.S. Public Health Service, Division of Radiological Health. I also request that you give special attention to the files of that office, to determine if other questionable experiments were conducted in the name of understanding exposures from atomic bombs.

The experiments at the Wrentham School were uncovered through efforts of the Massachusetts Department of Mental Retardation, which initiated an intense review of its own files after the revelation near the end of 1993 of earlier experiments at the Fernald School. Data on the Wrentham School experiments, including the rationale for selecting subjects, were published in a scientific article (Saxena, Chapman, and Pryles, Science, 19 October 1962, pp. 430, 431). The investigators were faculty at the Harvard Medical School, Massachusetts General Hospital, and Boston University School of Medicine. The experiments were designed to test the ability of non-radioactive iodide in the diet to suppress the body's uptake of radioactive iodine-131, which is a principal contaminant in fallout from atmospheric nuclear explosions. The experiments were meant to test this method as a possible "countermeasure" to reduce the hazards to the general population from fallout, and the experimental results identified a minimal effective dose of non-radioactive iodide to suppress completely the uptake of radioactive iodine by the normal human thyroid. The experimental subjects were approximately 60 children from 1 to 11 years old.

It is absolutely shocking that the arrogance of the early Atomic Age and the paranoia of the Cold War combined to designate tiny children at the Wrentham School as "desirable" subjects for tests related to radioactive fallout. Even given the tenor of those times, one must ask why it was necessary to select children as experimental subjects. Why could these experiments not have been conducted on laboratory rats, if a population with a controlled diet was needed? If it was deemed fully necessary to use human subjects, why could the subjects not have been consenting, healthy adults?

As you know, in October 1986, I released a staff report of the House Subcommittee on Energy Conservation and Power, which described experiments with human subjects and ionizing radiation that provided little or no medical benefit to those exposed. An Appendix to that report described current federal regulations on human experimentation, including four general principles:

- Risks to subjects should be minimized;
 - Risks to subjects should be reasonable in relation to anticipated benefits, and the importance of the knowledge that may reasonably be expected to result;
 - Subjects should be selected in an equitable manner;
 - Informed consent shall be sought from each prospective subject or authorized representative. Informed consent includes a clear description of the risks and benefits of the experimental procedure.
- Additional restrictions are in effect for experiments with children, and such experiments generally require a benefit for the subject or a benefit for the health of children generally.

At the moment, the extent of informed consent at the Wrentham School is not known. But these experiments, by designating "mentally defective" children as a test population, clearly would not meet present requirements for equitable selection of subjects. The children at the Wrentham School were members of society who deserved protection, not exploitation as experimental subjects. The investigators satisfied themselves that "tracer" doses of one microcurie (representing 37,000 radioactive disintegrations per second) of iodine-131 were fed, and that the doses of non-radioactive iodide were below those known to be toxic to children. Nonetheless, these exposures to children should have been completely avoidable, and it does not seem a prudent public health measure to adulterate the diets of children with sodium iodide and radioactive iodine.

The Massachusetts Department of Mental Retardation initiated the search of its own files after information was revealed on experiments with children designated as mentally retarded at the Fernald School in Waltham, Massachusetts. During the late 1940s, 17 male teenage students were fed breakfasts containing radioactive iron. During the early 1950s, several experiments were conducted with radioactive calcium: In the first case, male teenage students were fed breakfasts containing radioactive material; in a followup study, 17 male teenage students were fed breakfasts containing radioactive material. In another experiment, radioactive calcium was injected into nine male students, aged 11 to 15, and one adult. It is not clear at this time whether there was some overlap in the subjects chosen for the various exposures. These experiments were conducted to gain information on human metabolism of dietary components. The experiments were performed by investigators at the Massachusetts Institute of Technology and Harvard University. Funding was provided by the Quaker Oats Company, by at least two separate Atomic Energy Commission contracts, and by the National Institutes of Health.

In addition to the selection of subjects, experiments at the Fernald School were further marred by the fact that parents were deceived when they gave their consent for participation. With at least one experiment, the letter from the School requesting consent never mentioned that radioactive material would be fed, noted that subjects would be selected from a "group of our brighter patients," and implied that the experiment might result in "gains in weight and other improvements, particularly in the blood."

I note that Dr. Charles Vest, president of MIT, recently acknowledged that while doses at the Fernald School may have been relatively low, he was "sorry" for the experiments, because of the children selected and the lack of informed consent. MIT explained that President Vest issued his statement because "it seemed the decent thing to do," and I applaud his decency.

The Honorable Donna E. Shalala
Page 4
February 10, 1994

The experiments at the Fernald School resulted in several scientific publications, and one in my possession noted that the experimental subjects "were institutionalized in a state school under uniform nutritional and environmental conditions" (Bronner et al., 1954, Journal of Nutrition 54, 523-542). Thus far, questionable experiments have been identified at two schools for the developmentally challenged in Massachusetts. However, this description at the Fernald School, and the designation of students at the Wrentham School as "desirable" subjects, leads one to question whether the controlled environments of such institutions might have presented a temptation that medical investigators across the country found too difficult to resist. I therefore consider it necessary to request that special attention be given to experiments with developmentally challenged subjects, as your department and other members of the Interagency Working Group seek full disclosure of radiation experiments with human subjects.

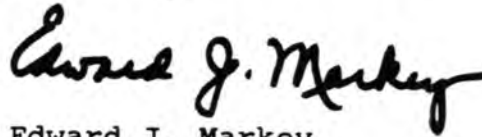
In the mid-1980s, the House Subcommittee on Energy Conservation and Power requested from the Department of Energy information on experiments with ionizing radiation and human subjects, funded by that department or its predecessor agencies. The Fernald School experiments were partially funded by the Atomic Energy Commission, but they were not disclosed to my Subcommittee in the 1980s. I have been concerned over whether my staff report in 1986 identified the full range of human radiation experiments, or whether the actual extent was much greater. It appears that the experiments at the Wrentham School were not funded at all by the Atomic Energy Commission; they were supported, however, by the U.S. Public Health Service, Division of Radiological Health, Research Branch. Since this division funded these experiments as part of a concern over reducing the hazard of fallout to the general population, I must wonder what other experiments might have been sponsored on the same topic. I therefore also request that as you review archival files, special attention be given to the activities of this Division.

I wish to make it clear that I do not desire to blame present leaders for past mistakes of their institutions. I do wish to support and encourage present leaders in their efforts to do the right thing today to identify and correct past mistakes. In that regard, I commend the leadership of the Clinton administration and its cabinet members, and the leadership of President Vest and other members of the scientific community, in seeking full disclosure of the troubled history of radiation experimentation with human subjects.

The Honorable Donna E. Shalala
Page 5
February 10, 1994

I appreciate your cooperation on this matter. I request that you keep me informed of your efforts and those of the Interagency Working Group as you investigate improper experiments with ionizing radiation.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is fluid and cursive, with the first name "Edward" and last name "Markey" clearly legible.

Edward J. Markey
Member of Congress

cc: Human Radiation Interagency Working Group
c/o Christine Varney
Secretary to the Cabinet
The White House

Elizabeth Stengel
Vice President of External Affairs
Boston University Medical Center

Jane Corlette
Acting Vice President of Government, Community, and
Public Affairs
Harvard University

Allen Peckham
Vice President for Development and Public Affairs
Massachusetts General Hospital

THE WHITE HOUSE
WASHINGTON

February 28, 1994

The Honorable Ron de Lugo
U.S. House of Representatives
Washington, D.C. 20515-6201

Dear ^{Mr.}Congressman De Lugo:

Thank you for your letter of February 9, 1994, in reference to the Advisory Committee on Human Radiation Experiments. As you know, the Administration is moving very quickly to uncover the extent of the federal government's involvement in experiments involving the effects of ionizing radiation on human subjects during the Cold War-era.

~~We have identified fifteen candidates to name to the Advisory Committee. Their names were submitted to the FBI for background checks last month.~~ Barring any unforeseen conflicts, the President will name these people to the Committee shortly.

^{officially}
We will certainly welcome any input from Mr. Brown as work progresses.

Please do not hesitate to contact me if I can answer any questions or be of service. Thank you.

Sincerely,

Christine A. Varney
Secretary to the Cabinet

On February 17,
~~the~~ The President announced
~~his~~ his intention to
appoint ~~15~~ 15 people
to the Advisory
Committee.

A list is attached.

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515-6201

February 9, 1994

Ms. Christine Varney
Secretary to the Cabinet
The White House
Washington, D.C. 20500

Re: Advisory Committee on Human Radiation Experiments

Dear Ms. Varney:

I am writing to suggest that you consider E. Cooper Brown for membership on the recently-established Advisory Committee on Human Radiation Experiments. I believe that you will find his background particularly well suited for such an appointment.

These credentials are clear from his resume, a copy of which I will enclose. So, I will not try to restate all of them. I do, though, want to mention the context in which I have come to know Mr. Brown.

For several years, he represented the people of Rongelap Atoll in the Marshall Islands, islands which the United States had a trust responsibility for under an agreement with the United Nations Security Council and that were, unfortunately, subjected to fallout from the huge Bravo nuclear weapons test 40 years ago.

In this capacity, Mr. Brown worked with the late Marshall Islands Senator Jeton Anjain, whose efforts to get the U.S. government to address problems arising from the fallout on Rongelap have been recognized by President Clinton and internationally. These efforts have, among other things, resulted in the enactment of legislation regarding studying the inhabitability of Rongelap, cleaning it up, and resettling its people who are still in exile from it. They have also played a key role in the development of measures regarding medical care, food, and other essential assistance for the people of these islands adversely affected by nuclear weapons testing as well as compensation to them.

The experience that Mr. Brown's years of dedicated efforts on behalf of these and others radiation victims would bring to the Advisory Committee on Human Radiation Experiments cannot be dismissed. For this reason alone, his presence on the Advisory

Ms. Christine Varney
February 9, 1993
Page 2

Committee would surely prove of value to the Administration as it now moves forward in its salutary effort to address the issue of Cold War human radiation experiments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron De Lugo", written over a large, stylized oval flourish.

RON DE LUGO
Chairman
Subcommittee on Insular and
International Affairs

cc: The Honorable Hazel R. O'Leary

cc: T. Thornton
P. Caplan

THE WHITE HOUSE
WASHINGTON

February 18, 1994

FEB 22 1994

The Honorable Rob Portman
U.S. House of Representatives
Washington, DC 20515-3502

Dear Representative Portman:

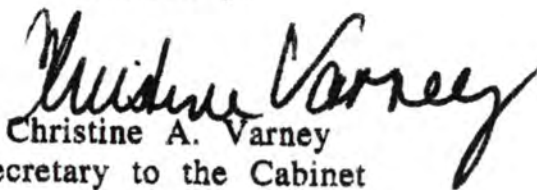
Thank you for your letter of February 2, in which you expressed your concerns regarding the radiation therapy project for the treatment of cancer under the cognizance of the Cincinnati General Hospital in the 1960s and early 1970s.

We are aware of Department of Defense (DOD) involvement in this work and plan to include all information associated with this project in the DOD's input to the Human Radiation Interagency Working Group.

As I'm sure you are aware, these experiments were extensively reported in the open literature, were the subject of Congressional hearings and were the object of a Comptroller General Report (B-164031 dated May 26, 1972) to Senator Edward M. Kennedy.

Again, thank you for your continued interest and support of the Human Radiation Interagency Working Group. We will keep you informed of our progress on this important matter.

Sincerely,


Christine A. Varney
Secretary to the Cabinet

ROB PORTMAN
Second District, Ohio

Committees:
Small Business
Government Operations
Leader's Economic Task Force

Congress of the United States
House of Representatives
Washington, DC 20515-3502

February 2, 1994

Washington Office:
238 Cannon Office Building
Washington, DC 20515
(202) 225-3164

Kenwood Office:
8044 Montgomery Road
Room 540
Cincinnati, Ohio 45236
(513) 791-0381

Batavia Office:
350 East Main Street
Batavia, Ohio 45103
(513) 732-2948

1-800-784-6366

Ms. Christine Varney
Deputy Assistant To The President
And Secretary To the Cabinet
Human Radiation Interagency Working Group
The White House
Washington, D.C. 20500

Dear Ms. Varney:

I am writing to inform you of my concerns stemming from recent reports alleging that radiation experimentation was conducted by the Department of Defense from 1960 to 1971 on cancer patients being treated at Cincinnati's General Hospital (now known as the University of Cincinnati Medical Center).

As you are already aware, reports have recently circulated that radiation experiments occurred on hospital patients for purposes of learning the effects of such radiation and transferring this knowledge to helping soldiers on the battlefield. It would be my hope that the work of the Human Radiation Interagency Working Group will include a full and fair investigation of the radiation experimentation in Cincinnati. I believe that it is critically important for all of the facts relating to this matter, including the level of consent provided by the patients, to come to light.

Please let me know if there is any additional information that I can provide to you. I thank you for your consideration.

Sincerely,


Rob Portman
Representative

RP/jo

Gordon K. Soper
Principal Deputy
Assistant to the Secretary of Defense (Atomic Energy)
3E1074 (703) 697-5161

February 16, 1994

MEMO FOR: Phil Caplan

SUBJECT: Draft Letter for Congressman Portman

Thank you for your 2 February letter expressing your concerns regarding the radiation therapy project for the treatment of cancer under the cognizance of the Cincinnati General Hospital in the 1960s and early 1970s. We are aware of Department of Defense (DoD) involvement in this work and plan to include all information associated with this project in the DoD's input to the Human Radiation Interagency Working Group (IAWG). As I am sure you are aware, these experiments were extensively reported in the open literature, were the subject of Congressional hearings and were the object of a Comptroller General of the United States Report (B-164031 dated May 26, 1972) to Senator Edward M. Kennedy.

Again, thank you for your continued interest and support of the Human Radiation IAWG. We will keep you informed of our progress on this important matter.

Warm Regards

THE WHITE HOUSE
WASHINGTON

February 15, 1994

The Honorable Ted Stevens
United States Senate
Washington, DC 20510-6025

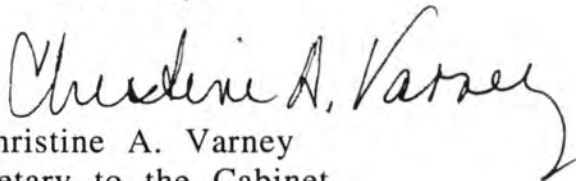
Dear Senator Stevens:

Thank you for your letter of January 19 requesting that we include the 1957 Arctic Aeromedical Laboratory study as part of our Interagency Working Group review of Human Radiation Experiments.

The Department of Defense has assured me that the Air Force has included the subject Alaskan study as part of the DOD human ionizing radiation review. Additionally, a contracting office at the Air Force's Human System Center is currently processing a contract with the Institute of Medicine to perform a follow-up evaluation of this study as directed by the 1994 Defense Authorization Act.

Again, thank you for your interest in this very important activity. We will keep you informed of our progress.

Sincerely,

A handwritten signature in black ink, reading "Christine A. Varney". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Christine A. Varney
Secretary to the Cabinet