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News, A3)

Nuclear Lab Tested Bodies Of Karen Silkwood, Others For Residue

1994, Scripps Howard News Service

ALBUQUERQUE, N.M. — Scientists at Los Alamos National Laboratory have collected, burned and dissolved organs from nuclear worker Karen Silkwood and more than 1,500 other human bodies since 1959.

The researchers are trying to determine the distribution of plutonium and other radioactive substances in humans.

The lab has reduced to ashes 11 whole cadavers as part of those studies, Los Alamos officials confirmed Friday.

Because plutonium and other radioactive substances collect in organs and bones, scientists wanted to extract the materials to see how much remained in the bodies, said scientist James F. McInroy.

By determining the radioactive residue in bodies, scientists could calculate what doses people actually received and could use the information to set dose and safety standards for nuclear workers, McInroy said.

"The main purpose of the program was to help develop realistic protection for the

workers," McInroy said Friday. "We have to know how good our protection is, and we have to know how good our models are for making estimates to workers for exposure."

The studies have been done under contract with the U.S. Transuranium and Uranium Registries of Richland, Wash. Los Alamos has been under contract since 1978 to analyze all of the registry's human tissues but is phasing out its involvement in the program this month.

Before 1978, the lab had been analyzing

human organs for their radioisotope content under its own program dating back to 1959, published scientific studies show. The Albuquerque Tribune discovered the studies as part of its continuing investigation into human experiments with radiation.

Parts of Silkwood's body were analyzed at Los Alamos, lab officials confirmed. Silkwood was working as a plutonium laboratory analyst at Kerr-McGee's plutonium fuel-rod processing plant in Crescent, Okla., when she was contaminated with radioactive material.

She was killed in an automobile mishap in November 1974 while en route to give information to her union representative and a New York Times reporter about allegations of safety violations at the plant. The story was made into the 1983 movie "Silkwood" with Meryl Streep in the title role.

Although the lab confirmed that Silkwood's body parts were analyzed, the identities of the other donors will not be revealed because of privacy agreements, McInroy said.

**Department of Energy**

Washington, DC 20585

OFFICE OF PUBLIC AFFAIRS, PA-1**Facimile Machine Number**
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"Final Draft"

The Los Alamos Human Tissue Analysis Project

Introduction

Los Alamos National Laboratory serves as the human tissue analysis laboratory for the U. S. Transuranium Registry and the U. S. Uranium Registry. These Registries, operated by the Department of Energy, organize and maintain a database of nuclear industry workers to evaluate health and safety concerns related to occupational exposure to radionuclides called actinides. The Registry solicits consent to collect medical and exposure histories from workers and the donation of their tissues after death for the measurement of actinide content.

Autopsy and post-mortem analysis of tissues are long-established medical practices to learn about diseases and how to cure or prevent them. Prior to establishment of the Registries, Los Alamos analyzed tissues from Laboratory workers who may have been occupationally exposed to radioactive materials. These analyses were used to evaluate the Laboratory's program for estimating worker exposure using urinalysis and, later, whole body counting, the primary measurement methods. This tissue analysis began in 1959.

The studies helped develop and evaluate regulatory standards for workers in the nuclear industry. The studies also helped develop and verify models needed to estimate organ doses from plutonium to better protect workers.

Tissue specimens from the general public were also studied at Los Alamos, starting in 1959. These studies helped determine the levels of plutonium in the tissues of the general population resulting from fallout from global above-ground nuclear tests.

In all, Los Alamos has analyzed specimens from 1,520 persons from 27 states, yielding 13,857 separate measurements. These numbers include both occupationally exposed workers and the general population. Samples are stored in freezers pending analysis. Some samples damaged during storage were shipped to a licensed biohazardous material disposal company. During analysis, tissues are reduced to solution; most are held for future study or for verification of earlier results.

Since its establishment in the late 1960s, the Los Alamos Human Studies Review Committee has reviewed and approved these studies. Study results have been published in the open, scientific literature.

The Occupationally Exposed Worker Study

This study began in 1959, following a criticality accident resulting in the death of a Los Alamos Scientific Laboratory employee. Authorization to collect autopsy samples was given by the worker's spouse. Radiochemical analyses of these tissues were used to estimate the plutonium content in this individual's body. These data were compared to previous estimates made during the worker's lifetime using urinalysis and whole body counting techniques.

Procedures for Obtaining Worker Tissue Samples

From 1959 to 1978, selected tissues from all former Los Alamos employees who were autopsied at LAMC were collected under the provisions of the hospital's autopsy consent form. This is a permission form used by all hospitals. Permission forms

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allow the pathologist to remove for diagnostic, scientific, or therapeutic purposes tissues as judged to be proper by the attending physician or pathologist. The purpose of collecting the tissues was to evaluate the effectiveness of the Laboratory's ability to protect workers from overexposure to radioactivity (plutonium) and, if exposure had occurred, to estimate the workers' internal deposition of plutonium.

AEC Establishes U. S. Tissue Analysis Program

In 1968 the Atomic Energy Commission established the National Plutonium Registry (now the U. S. Transuranium Registry) and, in 1978, the U. S. Uranium Registry, to provide data necessary to refine radiation protection standards for the actinide elements (plutonium, americium, uranium, and thorium).

All human tissues analyzed at Los Alamos for the Registries have consent forms authorizing the analyses. All participants in the U. S. Transuranium Registry and the U. S. Uranium Registry have on file with the Registry informed consent documents, signed by the donor, next of kin, and a witness.

Tissues from Registry donors were analyzed for plutonium at laboratories located at the Battelle Pacific Northwest Laboratory, Richland, WA; the Rocky Flats Facility, Golden, CO; and at Los Alamos.

Los Alamos Becomes the Lead Human Tissue Laboratory

In 1978, when the Battelle tissue analysis laboratory closed, the Energy Research and Development Administration directed Los Alamos to become the lead laboratory for tissue analysis for the U. S. Transuranium Registry. Later, when the Rocky Flats tissue analysis laboratory closed, Los Alamos assumed the analysis of Rocky Flats worker tissues. In 1980, Los Alamos assumed responsibility for tissue analyses for the U.S. Uranium Registry.

Registry Expands Project Scope

In 1979, the Transuranium Registry initiated a program to solicit the donation of entire bodies from persons with well-documented and significant exposures to actinides. Analyzing the entire body would provide data on skeletal distribution and retention that would enable researchers to extrapolate data from single bones in other cases. To date, Los Alamos has analyzed 11 whole bodies

What Has Been Learned from the Occupational Worker Study

The human tissue studies have yielded data useful for the development of regulations and standards for the protection of workers in the nuclear industry and the general population. Some examples follow.

Los Alamos tissue studies confirmed that plutonium is not uniformly distributed in bone, but is deposited on bone surfaces. Therefore, human bones with more surface area receive a higher concentration of deposited plutonium. Such data are important for reasonable dose estimates and evaluation of plutonium's potential contribution for producing related cancers.

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Data from the deposition of plutonium, americium, and uranium in the respiratory tract have been used to evaluate the effect of smoking habits on retention of these elements in the body.

Early models for estimation of whole body depositions of plutonium, based upon urinalysis, were highly inaccurate. They tended to overestimate depositions by factors of 10 to 15 or more. Tissue analysis data has contributed to improved models that now predict exposure deposition generally within factors of 1.5 to 2.

The tissue studies have documented the retention and distribution patterns of the actinide elements in tissues and organs of occupationally exposed workers. These data are critical for realistic dose estimates to these organs.

The studies have provided data on the retention of plutonium in lungs of workers. Residence time in the lungs has been determined to be much longer than predicted by animal studies.

Studies of The General Population

Los Alamos studies of tissues from the general population began in 1959 with the collection of autopsy specimens locally at the Los Alamos Medical Center (LAMC). Study results were originally used as controls to determine background levels of plutonium for comparison with results from analysis of tissues from occupationally exposed individuals.

Los Alamos also received tissues from 36 individuals having died in New York City in 1968. These tissues were sent to Los Alamos through the AEC's Health and Safety Laboratory (now the DOE Environmental Measurements Laboratory).

Study Expands Beyond Los Alamos

The general population study expanded into the Denver-Boulder areas at the request of Colorado Department of Health in 1970. The purpose was to evaluate the possible release of plutonium from the Rocky Flats Facility. A similar study began in 1972 to evaluate the possible release of plutonium from the Savannah River Plant in South Carolina.

In 1973, the Los Alamos tissue project initiated collection of new specimens from areas not near nuclear facilities to serve as control groups. Samples were obtained from Illinois and Pennsylvania area residents.

According to Los Alamos records, autopsy specimens were analyzed from 1,223 individuals.

Procedures for Obtaining General Population Tissue Samples

In all cases, pathologists were contacted, the scientific merits of the study were explained to them. Participating pathologists exercised the clause in their autopsy permit form that allowed them to collect tissues for scientific research. Except for people who died at the Los Alamos Medical Center, individuals were not identified to the Laboratory by name, only by hospital identification number or by autopsy number.

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Los Alamos - From 1959 until the early 1980s—autopsy permits allowed pathologists to collect samples for "scientific study." No general population samples have been collected at Los Alamos since that time.

Colorado - contacts with hospitals were made by the Colorado State Department of Health, who arranged for specimens to be sent to Los Alamos. Tissues were collected from 1970 through 1985.

South Carolina - Los Alamos contacted the medical director at the Savannah River Plant. Area hospitals collected samples from 1972 through 1979 and sent them to Los Alamos.

Illinois - Los Alamos contacted the pathology department at one hospital in Chicago. Samples were collected from 1973 through 1977 and sent to Los Alamos.

Pennsylvania - Los Alamos made contact with pathologists in Pittsburgh and Erie areas. Samples were collected from 1974 through 1985 and sent to Los Alamos.

Richland, Washington - Battelle Pacific Northwest Laboratories collected all samples analyzed at Los Alamos from 1975 to 1977.

What Has Been Learned from the General Population Study

Most importantly, the data showed that levels of plutonium from fallout in the U.S. general population are small; populations near major nuclear facilities do not have significantly higher plutonium levels than those that do not live near such facilities. The analysis confirmed that major deposition sites of fallout plutonium were the respiratory tract, liver and bone. The deposition patterns and retention factors measured are critical in identifying the level of hazard to the general population.

Current Status of Both Programs

Occupational Worker Study

During 1994, the entire tissue analysis program is being relocated to Washington State University.

General Population Study

The sample load resulting from the Transuranium and Uranium Registries has been so large that Los Alamos has not analyzed general population tissues since 1980 (exception: a few specimens have been analyzed at various times over the years when the Registries sample load was low).

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Tissues from 1,520 people

By STEPHEN T. SHANKLAND
Monitor Staff Writer

Los Alamos National Laboratory researchers have been measuring plutonium levels in body parts from 1,520 people in 27 states since 1959.

Jim McInroy, a retired LANL health physicist, said today that the lab has collected organs from both nuclear workers and ordinary people — including hundreds of LANL workers and Los Alamos residents.

LANL began the studies in 1959 with organs collected during autopsies performed at Los Alamos Medical Center, but the study expanded to include samples from people elsewhere in New Mexico and the nation.

All donors or their next of kin signed autopsy consent agreements that allowed the organs to be used for scientific research, McInroy said.

The study of nuclear facility workers'

tissues continues today, but the study of the general population stopped in about 1980, he said.

The tissue analysis is sponsored by DOE, but this year, Washington State University will take over the research, and the samples will be shipped there, McInroy said.

Originally, the lab collected tissue from five places in which plutonium collects: the lungs, liver, kidney, bone, and lymph nodes. But in 1979, the study was expanded to investigate the whole body, McInroy said.

The study has had samples from 133 LANL employees, 124 individuals from Los Alamos who wouldn't have been exposed to plutonium at work, and 117 individuals from elsewhere in New Mexico. Six of the 11 whole-body donations were from LANL employees, McInroy said.

The program was done to protect workers and the general population and to make

appropriate regulatory standards," McInroy said. Data from the program have been used to verify models that deduce from urine samples a worker's exposure to plutonium, americium, uranium, and thorium.

The old prediction techniques, developed in the late 1940s by LANL researcher Wright Langham, overestimated plutonium deposition in the body by as much as a factor of 10 to 15, McInroy said.

Studies from the samples also have shown how plutonium settles in the body, McInroy said. Ninety percent is deposited in the liver and skeleton, but different bones collect different amounts, he said. In addition, the studies indicate plutonium resides in the lungs much longer than estimated by computer models.

The studies also show that exposure levels aren't significantly different for people who do and don't live near nuclear facilities.

studied at LANL

Two whole bodies remain in storage at the Washington State University, he said. They won't be shipped to LANL, he added.

The lab has just completed its 11th whole-body study, he said. The bodies are dissected during autopsy in Richland, then the tissues were shipped to LANL, he said.

LANL studied the general population and workers at Department of Energy nuclear facilities, McInroy said. The DOE workers came primarily from LANL, the Hanford Site in Richland, Wash., and Rocky Flats Plant near Boulder, Colo., McInroy said.

LANL tissue analysis eventually was expanded to include samples of people who lived at DOE sites in Georgia, Pennsylvania, Illinois, Washington, and other states, McInroy said.

Battelle Northwest Pacific Laboratory in Richland, Wash., and Rocky Flats also joined LANL in the analysis of tissues from

plants, but Battelle-Richland and Rocky Flats withdrew by 1985. Since then LANL has been the sole lab studying the samples.

The lab stopped the general population studies in about 1980 because the researchers had only enough time for the DOE workers, McInroy said, although during lulls, some general population samples were analyzed.

Freezer Failure

Almost all of the stored samples from 600 individuals from the general population had to be destroyed because of a 1990 freezer power failure, McInroy said. The freezer's primary and secondary power sources as well as an alarm system failed, he said, and the samples thawed.

All but a few dozen samples had to be discarded. A contractor removed them from the lab for incineration, McInroy said.

Los Alamos Monitor

TISSUES

(from Page 1)

"Any time we lose tissues, I consider it a problem," McInroy said. "To me it was a tragedy."

The samples, which lost fluid as a result of the thawing, wouldn't have provided accurate data, but the lab did quickly analyze some samples of DOE workers that also were caught in the thaw.

None of the lost general population samples were from Los Alamos residents, McInroy said.

Informed Consent?

McInroy said all organs were donated with the consent of either the donor or his next of kin, who signed autopsy consent forms at Los Alamos Medical Center or other hospitals. The autopsy consent forms authorized the examination of the body to determine the cause of death or for scientific study, McInroy said.

In 1959, it was Los Alamos policy to autopsy all Los Alamos deaths at LAMC, McInroy said.

The pathologist at the hospital was responsible for making sure the consent form was signed, he said.

However, McInroy said he didn't know if the pathologists informed the participants or their next of kin that the organs would be used for the study.

Under today's standards, he said, they would be consulted, but 30 years ago, the standards were different, he said.

A 1973 LANL paper on the plutonium studies said that pathologists C. C. Lushbaugh and Michael Stewart "performed the autopsies and selected many of the samples." Lush-

baugh also was involved in other radioactive material studies at LANL, including monitoring where radioactive iodine-131 localized in human bodies after being ingested.

McInroy verified that Lushbaugh and Stewart collected many of the early samples, and added that several other pathologists since then have been collecting samples.

EPA Samples

The research began in Los Alamos in 1959, but expanded in 1970 to include samples from the Colorado Department of Health. The Colorado officials were concerned about people who lived near DOE's Rocky Flats Plant, which manufactured plutonium parts of nuclear weapons, McInroy said.

The LANL study determined that plutonium levels weren't significantly higher for people living near nuclear facilities than for those who didn't live near nuclear facilities.

But a Denver-area doctor, Dr. John Cobb, disagreed.

The Environmental Protection Agency funded him to perform an independent study to see whether Rocky Flats caused health problems. The study, conducted by Cobb, got as far as analyzing the lungs and livers of participants who lived in the vicinity of Rocky Flats. When EPA concluded that the results agreed with LANL's, the funding was cut off.

The remaining unanalyzed bone, gonad, and adrenal gland tissue from 700 individuals was shipped to LANL for storage until funding could be found to research them, McInroy said. These EPA samples now will be shipped to Washington State University, he said.

--- Wednesday --- January 26, 1994 ---

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THE DAILY EXECUTIVE BRIEFING ON THE ENVIRONMENT

Updated Each Morning At 11:50

282 North Washington Street, Falls Church, VA (703) 237-5130

THE CURSE OF CLINTON/GORE?

Environmental groups face fewer members, tighter budgets. Leaders cite friendly administration, poor economy. (#3)

Meanwhile, "wise use" forces complain of "an assault on the West." Leader profiled. (#4)

MIXED MESSAGES ON RENEWABLES

Utilities across America are cutting their alternative energy budgets in the face of cheap conventional supplies.

But NY Gov. Cuomo taps David Freeman and his "radical innovation" to head a major statewide utility. (#8-9)

STATE LINES

VERMONT papers in uproar over Senate GOP's rejection of development review board nominees.

NORTH CAROLINA wetlands development up, amphibians down.

MARYLAND gov. urges farmers to cut fertilizer use. (#15-21)

WORLD TIMBER PACT DUE TODAY

Over enviro objections, 50 timber-producing nations are expected to sign accord. (#22)

Full index on page 2.

SPOTLIGHT

STATE OF THE UNION: WATER, SUPERFUND GET (BRIEF) HONORABLE MENTION

Pres. CLINTON delivered his State of the Union address last night, which included quick mentions of a few enviro issues amid a laundry list of presidential initiatives.

Clinton asked Congress to reauthorize the nation's clean water laws and to reform Superfund.

He also included "environmentally sustainable economic growth" among his foreign policy priorities.

Several papers offered outlooks on legislative action for '94. Overhaul of the mining law and elevation of the EPA are seen as Clinton's best prospects for victory.

Renewal of the water laws, wetlands action and Superfund reform are seen as "less certain." (#1-2)

===== QUOTE OF THE DAY =====

"This year, we must also do more to support democratic renewal and human rights and sustainable development all around the world."

-- President Clinton, in last night's State of the Union address. (#1)

GREENWIRE/DATABASE INDEX

SPOTLIGHT STORY

STATE OF THE UNION: Clinton mentions water, Superfund laws. (#1)

STATE OF THE UNION II: "Triumph" predicted on mining, EPA. (#2)

SOCIETY AND POLITICS

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"WISE USE": Movement's "legal gunslinger" profiled. (#4)

AIR AND WATER POLLUTION

SMOG CHECK: Wilson to resume talks with EPA; 1/27 cutoff. (#5)

WASTES AND HAZARDOUS SUBSTANCES

RADIATION TESTING: Experiments continue, O'Leary says. (#6)

PESTICIDES: Chem group backs quicker cancellation process. (#7)

ENERGY AND NATURAL RESOURCES

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UTILITIES II: "Visionary" to head NY Power Authority. (#9)

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BALD EAGLES: ABC touts "enviro efforts" in recovery. (#11)

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ELECTRIC CARS: Big Three ready to flex lobbying muscle. (#13)

CHEVRON: Clean-fuels project approved in California. (#14)

STATE REPORTS

CO: Bill introduced to reform state's oil and gas law. (#15)

KY: Gov. Jones budgets \$600K for enviro service corps. (#16)

MD: Gov. urges farmers to do more for Chesapeake Bay. (#17)

NC: Wetlands loss cited in amphibian decline. (#18)

OR: Group calls for boycott to push refillable bottles. (#19)

VT: Development board fracas -- How's it playing? (#20)

VA: State settles with EPA over leaks at tank farm. (#21)

WORLDVIEW

FORESTS: Enviros say new timber accord falls short. (#22)

WHALING: US enviro group tries to sink Norwegian vessel. (#23)

UK: Post-Rio strategy is nothing new, enviros charge. (#24)

JAPAN: Court links SOx, but not NOx, to illness. (#25)

HONG KONG: Warning issued on toxic fish. (#26)

CANADA: B.C. premier in for fight with European enviros. (#27)

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===== FACT OF THE DAY =====

Farming contributes more than 40% of the nitrogen pollution
in the Chesapeake Bay. (#17)

===== SPOTLIGHT STORY =====

*1 STATE OF THE UNION: CLINTON MENTIONS WATER, SUPERFUND LAWS
President Clinton delivered his State of the Union address before a joint session of Congress last night. The following are environmentally related excerpts. (Official transcript, 1/25.)

LEGISLATION: "As we protect our environment, we must invest in the environmental technologies of the future which will create jobs. This year we will fight for a revitalized Clean Water Act and a Safe Drinking Water Act and a reformed Superfund program."

DEFENSE CONVERSION: "As we reduce defense spending, I ask Congress to invest more in the technologies of tomorrow. Defense conversion will keep us strong militarily and create jobs for our people here at home."

GLOBAL ISSUES: "There are still dangers in the world: rampant arms proliferation, bitter regional conflicts, ethnic and nationalist tensions in many new democracies, severe environmental degradation the world over. ... As the world's greatest power, we must therefore maintain our defenses and our responsibilities. ... This year, we must also do more to support democratic renewal and human rights and sustainable development all around the world. ... We will seek early ratification of the treaty to ban chemical weapons worldwide. And earlier today we joined with over 30 nations to begin negotiations on a comprehensive ban to stop all nuclear testing."

*2 STATE OF THE UNION II: "TRIUMPH" PREDICTED ON MINING, EPA
Pres. Clinton "can be expected to triumph on [environmental] issues already in the pipeline, while being forced to delay others," writes USA TODAY's Richard Wolf. Among the laws "likely to pass" are reform of the 1872 Mining Law and elevation of EPA to Cabinet level. The prospects are "less certain" for clean water, wetlands and Superfund initiatives (1/26).

WATER

Clinton favors changes in the Safe Drinking Water Act to give state and local governments more flexibility. He also proposes requiring EPA to set standards for "only the most hazardous" drinking water pollutants.

A pending Senate bill "largely mirrors" Clinton's plan. But a bill in the House may include health-care issues, "possibly delaying action on clean water" (PHILA. INQUIRER, 1/26).

BUDGET

"Faced with steep budget cuts," the Interior Dept. will cut 860 jobs in its personnel division alone (L.A. TIMES, 1/26).

However, EPA Administrator Carol Browner has told GREENWIRE she is "optimistic" about an increase in her agency's operating budget (GREENWIRE 1/20 #1), and State Dept. Counselor Timothy Wirth told GREENWIRE he expects an increase to be proposed for international family planning aid (GREENWIRE 1/24 #1).

SMALL BUSINESS

Small-business advocates will push this session for "relief from environmental regulations, notably" Superfund and the nation's water laws (Jeanne Saddler, W.S. JOURNAL, 1/26).

===== SOCIETY AND POLITICS =====

*3 ENVIRO GROUPS: MEMBERSHIP DOWN; THEORIES ABOUND
Declining memberships and tighter budgets are "becoming common" to many of the nation's biggest enviro groups, "which are

scrambling to explain the decline." Some suggest that a "slow economy and increasing competition" among different enviro groups are damaging membership efforts. Others fear people may perceive there is "less urgency now" about enviro issues since there is a "more environmentally friendly atmosphere" in Washington, DC with Clinton as president.

Between 1980 and 1990, while Presidents Reagan and Bush were in office, the Sierra Club's membership rose from 181,773 to 629,532. But since then it has dropped to about 550,000. Greenpeace USA has slashed its budget from \$65 million in 1990 to \$43 million in 1993. The National Audubon Society, which is confronting a \$3.2 million deficit, has eliminated 11 staff slots and is "reducing travel and consultant expenditures."

Smaller membership rolls for enviro groups could "make political leaders believe environmental issues no longer need attention," said Mary Hallinan of the Dayton, OH Environmental Advisory Board. Hallinan: "You need to be able to demonstrate the strength of your position. For that, you need people" (AP/Cleveland PLAIN DEALER, 1/25).

*4 "WISE USE": MOVEMENT'S "LEGAL GUNSLINGER" PROFILED

Wyoming lawyer and fifth-generation rancher Karen Budd-Falen is developing a reputation as the "legal gunslinger of the 'wise use' movement" by defending Western land users from federal and state interference. Budd-Falen: "There's an assault on the West coming from people who don't know anything about our lifestyles at all." National Wildlife Federation attorney Tom Lustig calls the attorney's work "the reincarnation of the Sagebrush Rebellion." After working under James Watt at the Interior Department and the conservative Mountain States Legal Foundation in Denver, Budd-Falen, with her husband, founded a law firm concentrating on natural resource issues.

Budd-Falen "first sprang to national prominence" in 1989 for helping Catron County, NM battle US Forest Service efforts to restrict logging in Mexican spotted owl habitat. Her argument that the National Environmental Policy Act gives counties some say in the use of federal lands sparked the "county movement," which has spread to Arizona, WY and other states (Judith Kohler, AP/ALBUQUERQUE JOURNAL, 1/23).

===== AIR AND WATER POLLUTION =====

*5 SMOG CHECK: WILSON TO RESUME TALKS WITH EPA; DEADLINE 1/27

California Gov. Pete Wilson (R) yesterday agreed to resume talks with the Clinton admin. over strengthening CA's vehicle Smog Check program, but made 1/27 the deadline for reaching a "final agreement with appropriate mutual guarantees in writing." A letter to EPA Administrator Carol Browner from Wilson's environmental secretary, James Strock, said that the deadline would allow a settlement to be written into legislation and forwarded to the governor by 2/2, Wilson's deadline for signing a Smog Check bill passed by the legislature last week. The letter also laid out conditions necessary for an acceptable compromise, including protections against throwing Smog Check garages out of business. EPA demands that Smog Checks and vehicle repairs take place at separate facilities (Carl Ingram, L.A. TIMES, 1/26).

===== WASTES AND HAZARDOUS SUBSTANCES =====

*6 RADIATION TESTING: EXPERIMENTS CONTINUE, O'LEARY SAYS

Energy Sec'y Hazel O'Leary said yesterday that the government continues to sponsor radiation experiments involving humans, but all have obtained the consent of participants. O'Leary's acknowledgment came in testimony before the Senate Governmental Affairs Cmte., which is investigating government Cold War-era radiation experiments. O'Leary said full information about the experiments probably won't be available for at least a year (Michael Ross, L.A. TIMES).

O'Leary said the DOE is still conducting about 200 to 260 experiments on humans, about 40% of which involve low doses of radiation. She added that Pres. Clinton would soon issue an executive order instructing federal agencies to halt any experimentation being conducted without proper consent. Sen. John Glenn (D-OH), chairman of the committee, "constantly sought assurances ... that no 'rogue operators' were currently involved in unauthorized experiments." He "grilled" witnesses, asking them whether a federal law was necessary to prevent the government from conducting experiments without permission. O'Leary reiterated her promise to release all documents related to the environment, health and safety, "as long as their release doesn't threaten national security" (Lacrisha Butler, Gannett News Service).

O'Leary, "who concedes she may have opened a Pandora's box" by pressing for government records on radiation testing: "As far as we have been able to ascertain, the department is not conducting any experiments that violate medical, ethical standards or the Nuremberg codes" (AP/mult). (Above cites, 1/26.)

***7 PESTICIDES: CHEM GROUP BACKS QUICKER CANCELLATION PROCESS**

The National Agricultural Chemicals Association is seeking changes to pesticide legislation that would "help speed the process for taking dangerous pesticides off the market." The industry-backed bill is sponsored by Reps. Richard Lehman (D-CA), Thomas Bliley (R-VA) and Roy Rowland (D-GA). But EPA chief Carol Browner has criticized the bill, saying it would add to the time it takes to "eliminate adverse effects instead of streamlining procedures as we have proposed."

As now crafted, the bill would expedite the process of "cancellation," under which the EPA can rescind a harmful pesticide's registration. Although NACA and the administration have clashed over "many key areas of pesticide and food safety," NACA President Jay Vroom believes that "the chance is greater than 60 to 70%" that a bill will be presented this year to Pres. Clinton for his signature (CONGRESS DAILY, 1/24).

NACA, in a position paper, explained its interest in "streamlining" the cancellation process: "Unnecessary delays erode public confidence in our products, and in EPA's ability to regulate them" (GREENWIRE sources).

===== ENERGY AND NATURAL RESOURCES =====

***8 UTILITIES: ALTERNATIVE ENERGY R&D UNDER PRESSURE**

All around the nation's \$165 billion electric utilities industry, research and development budgets for low-polluting energy sources are under pressure. Research spending has been flat for about five years and industry estimates it will drop 2% in 1994. The "steep drop" in crude oil prices since 11/93 and slow-growing demand for electricity have made the "futuristic world of biofuels, photovoltaic cells and high-tech wind turbines" seem less relevant. Utilities researchers "still beat

their drums for clean, renewable energy sources, but the voices of their cost-conscious colleagues are growing louder." Some utilities are scrapping plans for major renewable fuel projects (Robert Johnson, W.S. JOURNAL, 1/26).

***9 UTILITIES II: "VISIONARY" TO HEAD NY POWER AUTHORITY**

New York Gov. Mario Cuomo (D) yesterday named S. David Freeman, "who has brought radical innovation to several public power agencies," as president and CEO of the NY Power Authority. As chairman of the Tennessee Valley Authority, Freeman abandoned or shut down eight nuclear reactors; at the Sacramento Municipal Utility District, he closed its Rancho Seco nuclear plant, bought customers' old, inefficient refrigerators, and planted trees near houses to reduce demand for air conditioning.

"David Freeman is vision incarnate," said Peter Bradford, chairman of the NY Public Service Commission. But Carl Goldstein of the US Council for Energy Awareness, a pro-nuclear group, said, "I hope he felt comfortable in that scenario last week," when eastern utilities experienced electricity shortages during extreme cold weather. In an interview, Freeman said he was motivated "more by the opportunities than the problems," and that he is "not anticipating any funerals" for troubled NYPA nuclear plants (Matthew L. Wald, N.Y. TIMES, 1/26).

***10 GEOTHERMAL: DRAFT EIS SUPPORTS CONSTRUCTION OF OREGON PLANT**

The first geothermal energy plant at the dormant Newberry Volcano southeast of Bend, OR has attained tentative approval from the US Forest Service. The Deschutes National Forest proposes to allow construction of the \$110 million, 33-megawatt power plant during the next three years, according to a 600-page draft enviro impact statement (EIS) due out this week. The facility would be built and operated by California Energy Exploration Inc., through a partnership with the Eugene Water and Electric Board and the Bonneville Power Administration. More than 15,000 residences could be powered by the plant.

If the pilot project is successful, the operators may seek to expand the plant. The operation would be outside of the Newberry National Volcanic Monument, "created in 1990 with provisions for future adjacent geothermal production." The EIS requires that the facility be built so as to "shield visitors to the monument from the sight, sound and smell of geothermal energy production." Deschutes officials expect to make a final decision on the plant this summer (Scott Maben, Bend BULLETIN, 1/24).

***11 BALD EAGLES: ABC TOUTS "ENVIRO EFFORTS" IN RECOVERY**

"Bald eagles are skimming the [Mississippi] river [and] sailing the tree tops in astonishing numbers," reported ABC's Erin Hayes. "There are so many of them because, thanks to environmental efforts the past 20 years, the American bald eagle is making a comeback from near extinction." World Bird Sanctuary's Walter Crawford: "We have seen a very slow building of the population. I think what we've reached here is a plateau now where the population is rebounding better than we even had hoped for" ("World News Tonight," 1/25).

===== MARKETS AND MANAGEMENT =====

***12 ENVIRO TECH: UK FIRMS "LAGGING"; GERMANY ON TOP**

British firms are failing to capture the new international markets for environmental technology, says a report that claims

British industry is "lagging well behind Germany." The report, which analyzes responses from 300 British companies, was conducted ahead of one of this spring's leading trade exhibitions for environmental technology. The analysis by Environmental Policy Consultants found that enviro regulation is the driving force behind the market's growth. More than 75% of the respondents said UK legislation was the reason for their customers buying environmental technology, and 61% gave European legislation as the main factor. Ministers have emphasized that "greener" can mean "richer." However the report stresses that while the costs of regulation are born by UK firms and customers, "much of the value of the market" in enviro tech "goes overseas." The US EPA estimates that the world market for enviro products and services is \$200 billion; the survey estimates that German companies have captured 21% of the market (FIN. TIMES, 1/26).

***13 ELECTRIC CARS: BIG THREE READY TO FLEX LOBBYING MUSCLE**

At a 2/1 meeting in Washington, DC, the environmental chiefs of 12 states -- from Virginia to Maine -- are expected to vote on whether to ask the EPA to give the green light to California-style air pollution regs for 12 Northeastern states. In response, the Big Three automakers are expected to "muster all of their lobbying might" in an effort to "thwart" the proposed laws that would force them to sell electric vehicles in the 12 states. Detroit has developed prototype electric cars, but "argues that they are not commercially viable." But the 12 states and the District of Columbia say they "need electric vehicles to comply" with the Clean Air Act. The Big Three have offered to build cleaner gasoline-powered cars "sooner than required by federal law if the states drop their demand for electric vehicles" (Reuters/ORLANDO SENTINEL, 1/25).

***14 CHEVRON: CLEAN-FUELS PROJECT APPROVED IN CALIFORNIA**

The Richmond, CA city council early yesterday unanimously withdrew a demand to require Chevron to donate almost \$60 million to community programs in exchange for a permit to upgrade its refinery. Instead, the council approved Chevron's \$660 million clean-fuels project and adopted a separate, \$3.5 million package of community donations from the oil giant. The council "conceded that fear of legal action from the oil firm contributed to its decision." Enviro had denounced the planning commission's plan that would have forced Chevron to pay \$2 million a year for 30 years to a community foundation for health, education and public safety programs in exchange for permits to upgrade its Richmond refinery. Chevron is investing millions of dollars at the refinery to meet federal requirements to produce cleaner-burning fuels by 1995 (Dan Reed, S.F. CHRONICLE, 1/25).

===== STATE REPORTS =====

***15 COLORADO: BILL INTRODUCED TO REFORM STATE'S OIL AND GAS LAW**

"Seeking to avoid a repeat of an ugly legislative battle," a select committee has drafted a measure designed to reform Colorado's oil and gas law. But the bill avoids the "highly contentious" issue of surface damages, which killed last year's attempts at oil and gas reform. A draft of the legislation made available last week says the Colorado Oil and Gas Conservation Commission would be given broader authority in regulating the oil and gas industry, "including a provision that would allow it to deny permits for oil and gas companies that repeatedly violate

commission rules." The bill would also give the commission more responsibility for protecting environmental and agricultural commodities like groundwater and topsoil. Commission Director Rich Griebeling: "I don't think anybody views it as a perfect bill. I think everybody that was involved compromised" (Mike Taugher, GREELEY TRIBUNE, 1/23).

***16 KENTUCKY: GOV. JONES BUDGETS \$600K FOR ENVIRO SERVICE CORPS**

Saying that they want to be "good cops" on environmental issues, officials in Gov. Brereton Jones' (D) admin. have budgeted \$600,000 to start a service corps that will help communities and businesses plan and implement enviro programs. Pres. Clinton's plan for a national service corps helped inspire the proposal. Natural Resources and Environmental Protection Cabinet Sec'y Phillip Shepherd: "It's really critically important that we establish in this cabinet an outreach program that is explicitly service oriented." In addition, the admin.'s budget would fund an \$8 million air-quality program by nearly doubling the fees industries pay to pollute the air. The cabinet also wants to add staff to the KY Nature Preserves Commission and has set aside about \$500,000 for the commission to purchase land (Fran Ellers, Louisville COURIER-JOURNAL, 1/25).

***17 MARYLAND: GOV. URGES FARMERS TO DO MORE FOR CHESAPEAKE BAY**

A "sobering lecture" from Maryland Gov. William Donald Schaefer (D) "overshadowed" events staged on 1/25 to celebrate farmers' contributions to the Chesapeake Bay cleanup effort. Schaefer: "If we're really deadly serious about cleaning up the bay, we've got to do more." Schaefer said that he was "tempted" to endorse a bill by state Sen. Gerald Winegrad (D) that would mandate controls on farm runoff unless more farmers took part in voluntary pollution-control programs. Farming contributes more than 40% of the nitrogen pollution in the bay, studies show.

But the Maryland Farm Bureau released a report showing that MD farmers do more than farmers in most states to cut fertilizer use and erosion. Of the MD farmers surveyed, 55% "practice[d] conservation" in the way they tilled their land, compared to a national average of 35% (Timothy Wheeler, Balto. SUN, 1/26).

***18 NORTH CAROLINA: WETLANDS LOSS CITED IN AMPHIBIAN DECLINE**

The transformation of woodlands and wetlands into shopping malls, golf courses, pine plantations and apartment complexes has "stripped many of the state's amphibians of the habitats they need to live and reproduce." Of North Carolina's 72 species of amphibians, nearly 25% are listed as endangered, threatened or of "special concern." Another 10% are in decline. "Hardest hit" have been amphibian species that migrate to temporary ponds to breed; 60% of these species are "in trouble."

Scientists say such losses "may be the first sign" of a general decline in the environment, "like a canary dying and signaling danger in a coal mine." But not all scientists agree with the "canary in the coal mine" parallel. Joe Pechmann, research assistant at the Savannah River Ecology Laboratory in Aiken, SC: "The implication has been that something has been happening to amphibians that hasn't been happening to other organisms, and it's not really clear whether that's the case" (Caroline Dopyera, Raleigh NEWS & OBSERVER, 1/23).

***19 OREGON: GROUP CALLS FOR BOYCOTT TO PUSH REFILLABLE BOTTLES**

The Oregon State Public Interest Research Group is telling consumers that they should boycott Cub Foods because it no longer stocks refillable bottles of any kind. The store has a new, automated system for returning cans and bottles for the deposit; the machine automatically crushes glass bottles for recycling and gives the customer a voucher to take to the cashier. Jeanne Roy of Recycling Advocates says that recycling is good, but reusing containers is better. Cub President William Long said the machines save labor costs, keep the store more sanitary, and comply fully with the Oregon Bottle Bill (John Grund, Portland OREGONIAN, 1/21).

***20 VERMONT: DEVELOPMENT BOARD FRACAS -- HOW'S IT PLAYING?**

The Vermont Senate's rejection last week of three nominees to the state Environmental Board (GREENWIRE 1/21 #18), which oversees implementation of Act 250, VT's development review law, has garnered substantial editorial reaction. Most papers are critical of the Republican-controlled Senate.

Barre TIMES ARGUS: "Such blatant political posturing [by the Senate GOP] will actually make permit reform -- as well as other needed bipartisan action -- harder to obtain" (1/22).

BRATTLEBORO REFORMER: "If Republicans have a problem with Act 250 -- indeed, many Democrats do too -- they should try to reform it. But the Senate GOP's power play-politics ... do nothing to advance their, or businesses', interests" (1/21).

RUTLAND DAILY HERALD: "The Republicans have succeeded in showing that they have power and that they have the arrogance to use it unwisely" (1/22).

ST. ALBANS MESSENGER: "The Republicans lost far more than they gained and cheated Vermonters out of the debate they needed to hear" (1/20).

West Lebanon (NH) VALLEY NEWS: "Republican senators, eager to show their concern over regulatory obstacles to business development, have succeeded in bringing a number of projects with pending appeals to a grinding halt. It's not the partisanship that bothers us, it's the stupidity" (1/22).

***21 VIRGINIA: STATE SETTLES WITH EPA OVER LEAKS AT TANK FARM**

Late in 12/93, Virginia reached a final settlement with the EPA over the agency's 1991 complaint that VA had mishandled toxics at a state-owned fuel tank farm near Williamsburg. State officials "admitted no wrongdoing" but agreed to a \$37,500 fine, which will fall to \$15,000 if VA takes steps to prevent leaks at five underground tanks at VA prisons. Those improvements will cost about \$100,000. Originally, EPA had sought to fine the state \$162,500 for leaks of fuel from underground tanks and toxic PCBs from electrical transformers in pump houses. Meanwhile, the \$17.2 million cleanup effort at the tank farm continues. VA officials are negotiating to split cleanup costs with the US Army Corps of Engineers, which formerly owned the site (William Ruberry, RICHMOND TIMES-DISPATCH, 1/25).

===== WORLDVIEW =====

***22 FORESTS: ENVIROS SAY NEW TIMBER ACCORD FALLS SHORT**

Fifty tropical timber producing and consuming countries are due to adopt a new timber accord today after two years of negotiations. The deal, replacing the 1983 International Tropical Timber Agreement, calls for all tropical timber exports

to come from sustainably managed forests by 2000. Consumers, including the US, Europe, Canada and Russia, will issue a "formal statement" pledging to follow similar conservation rules. The pledge is not legally binding, and the pact does not include temperate and boreal woods, both of which enviros criticized (Frances Williams, FIN. TIMES, 1/26). Rich nations also have not yet allocated new funds for tropical forest management, according to the World Wide Fund for Nature (AP/JO. OF COMMERCE, 1/26).

***23 WHALING: US ENVIRO GROUP TRIES TO SINK NORWEGIAN VESSEL**

An enviro group attempted to sink a Norwegian whaling boat on 1/24 to protest Oslo's resumption of commercial whaling, according to Norwegian police. Norway resumed "limited" killing of minke whales last year, despite a moratorium imposed by the International Whaling Commission. Santa Monica, CA-based Sea Shepherd claimed responsibility for the act, leaving a note on the vessel. "When nations do not heed the law, it is the duty of concerned citizens to enforce the law against the offending nation," the note said (JO. OF COMMERCE, 1/25).

***24 UK: POST-RIO STRATEGY IS NOTHING NEW, ENVIROS CHARGE**

Every facet of British citizens' lives will have to change to bring national economic development in line with the global environment, the government warned yesterday. Everything from trade policy to shopping would be affected, Prime Minister John Major said, releasing four "bulky" follow-up reports on the 1992 Rio Earth Summit. "Quite painful political action," he said, including increased fuel taxes, would be necessary. But enviros said they found no new policies in the 500 pages of documents. Fiona Reynolds, director of the Council for the Protection for Rural England: "We've looked fairly hard and we can't find new policies." The reports, called "Taking Rio forward," cover sustainable development, man-made climate changing gases, biodiversity and forest conservation (Nicholas Schoon, London INDEPENDENT). Major "surprised and cheered" the nuclear industry by backing expansion of UK atomic energy as a way of combating the threat of global warming (Schoon/Watts, INDEPENDENT).

FIN. TIMES editorial: "It is hard to see 'Taking Rio forward' having more than a marginal effect on either the way British people conduct their lives or the way government behaves. ... It lacks the force needed to convince the reader that it will resolve the increasingly difficult contradictions between the government's environmental aims and its policies in other areas." (Above cites 1/26.)

***25 JAPAN: COURT LINKS SOx, BUT NOT NOx, TO ILLNESS**

Yesterday, a court ordered 12 of 13 companies to pay \$6.5 million in compensation to 106 Kawasaki residents who claimed in 12-year-old lawsuits that they became ill from sulfur dioxide pollution emitted by nearby factories. The plaintiffs, however, regard the ruling as a "virtual defeat" and are considering a high court appeal. The Kawasaki branch of the Yokohama District Court failed to link respiratory illnesses to nitrogen dioxide contained in automobile exhaust and exempted the state from having to pay damages. The court also rejected compensation demands by 22 other residents and refused to order tighter emissions controls on the companies (Tokyo MAINICHI DAILY NEWS, 1/26). The ruling may make it difficult for other people to seek compensation in similar air pollution suits. It may also make it difficult for the Environment Agency to impose stiffer air

pollution controls because of the opposition expected from businesses, observers said. This year, the agency is scheduled to conduct a nationwide research program on diesel exhaust particles, which have been linked to asthma and cancer (Asako Murakami, Tokyo JAPAN TIMES, 1/26).

***26 HONG KONG: WARNING ISSUED ON TOXIC FISH**

Environmental experts are calling for a total ban on all fishing in Hong Kong harbor after reports of potential birth defects from eating toxic fish were reported in the 1/24 Hong Kong STANDARD. John Hodgkiss, dean of science at Hong Kong U.: "Instituting a series of no-go zones may be the only way to protect people from this problem." Hundreds of thousands of tons of zinc, lead, mercury and other heavy metals are dumped into the harbor each day and then absorbed into the flesh of fish and shellfish. Hodgkiss, who called for research in the harbor: "The real effects of this will show up in the next generation." Liberal party legislator Peter Wong agreed that more research is needed, but dismissed warnings that the public is at risk (Patricia Young, Hong Kong STANDARD, 1/25).

***27 CANADA: B.C. PREMIER IN FOR FIGHT WITH EUROPEAN ENVIROS**

On his European tour next week, British Columbia Premier Michael Harcourt plans to ask politicians, publishers and enviros to back his government's moves to improve forestry practices and protect the environment. Greenpeace's Erich Pabst said in Hamburg on 1/24 that if Harcourt does not announce a ban on clear-cutting -- which the premier does not plan to do -- then "it's not worth spending the money for the trip." The enviro group "made it clear ... Harcourt is dreaming when he says he doesn't want to get into a fight" (Robert Williamson, Toronto GLOBE & MAIL, 1/25).

===== THE KICKER =====
LEADING BY EXAMPLE?

During last week's record low temperatures, Pennsylvania Lt. Gov. Mark Singel (D) on 1/20 "took center stage and asked businesses and school districts across Pennsylvania to stay closed so the state could conserve energy." Hours after making the announcement, Singel "stepped into a plane and flew to Pittsburgh for a campaign fund-raiser," missing an "important" afternoon conference with PA Gov. Robert Casey (D). Asked how his day's activities fit with his earlier remarks, Singel replied that the hotel where he stayed would have been open anyway. Singel, who added that the hotel made an attempt to conserve energy: "It felt like there was less heat" (Jeanette Krebs, Harrisburg PATRIOT, 1/22).

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7TH STORY of Level 1 printed in FULL format.

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The Tampa Tribune

January 26, 1995, Thursday, FINAL EDITION

SECTION: NATION/WORLD, Pg. 14

LENGTH: 264 words

HEADLINE: A demonic testing scheme

BODY:

No wonder the military wanted to keep details of these shocking tests quiet for so long. Researchers finally examining documents from atomic experiments in the 1940s have discovered that radioactive material was injected into unsuspecting patients to see how they would react.

The subjects - or more accurately, victims - ranged in age from 4 to 69 and were not told they were being used as guinea pigs. And it has just been discovered the patients were not all, as one doctor involved said in 1956, "hopelessly sick."

Instead, members of the project "were doing experiments of unknown risk on people who potentially had a full, long life ahead of them," says a spokesman for the President's committee probing the details of this chilling episode.

These experiments did not happen in Nazi Germany. They happened at Rochester University, the University of Chicago, the University of California and Oak Ridge, Tenn., without the knowledge of either the patients or their personal doctors.

Some of the patients died within a few weeks of being injected with plutonium, and others lived more than 30 years. We are not sure how much pain they experienced from the varying levels of radiation they were given. The President's Advisory Committee on Human Radiation Experiments should continue to cut through the lies and dig to the bottom of this shameful chapter of history that long was buried inside classified military documents.

Their overdue research is uncovering convincing evidence that even in a strong democracy, too much secrecy can be fatal to human rights.

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January 29, 1995, Sunday, FIRST MAKOVER

SECTION: NEWS (WIRE, PAGE 1), Pg. A10

LENGTH: 321 words

HEADLINE: Radiation victims set for hearing

BYLINE: CORYDON IRELAND

SOURCE: Rochester Democrat and Chronicle and Times-Union

DATELINE: SANTA FE, N.M.

BODY:

As many as 50 victims of federal radiation experiments or their family members are meeting this weekend to commiserate and prepare testimony before a federal panel Monday.

Twenty-one miles to the northwest is Los Alamos - where the first atomic bombs were designed and assembled during World War II.

Among those gathering here is Milton C. Stadt, a retired machinist from Victor, N.Y., whose mother, Janet, was injected with plutonium in 1946 at Rochester's Strong Memorial Hospital.

"I'm livid. I have rage. I have hate," said Stadt, who was 11 in 1946.

He said his testimony would outline his boyhood, crimped by his mother's illness and the loss of economic and educational opportunity - losses he said his six children and eight grandchildren share. Stadt blames his mother's 29 years of suffering after the experiment, apparently performed without his mother's consent.

Stadt also planned to meet with members of the Task Force on Radiation and Human Rights. The year-old advocacy group in Washington, D.C., represents 24 radiation-victim groups from around the country. The group has held three other such meetings.

Similar radiation experiments were conducted locally. From 1960 to 1971, University of Cincinnati researchers exposed at least 88 terminally ill cancer patients to partial or full-body radiation at what was then General

Hospital. Twenty-four patients died within 60 days of their radiation doses.

Dr. Eugene Saenger and other UC researchers carried out their work with \$ 651,000 from the Pentagon, which wanted to find out radiation's effects on soldiers.

Federal investigators have uncovered 90 post-World War II human radiation experiments. 2,000 related victims and more than 500 other radiation experiments.

Monday's hearing will be held by President Clinton's Advisory Committee on Human Radiation Experiments.

LOAD-DATE-MDC: February 1, 1995

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8TH STORY of Level 1 printed in FULL format.

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The Herald (Glasgow)

January 24, 1995

SECTION: Pg. 10

LENGTH: 494 words

HEADLINE: Researcher to tell US inquiry of plan for radiation tests on mental patients

BODY:

A RESEARCHER at Dundee University has been called to give evidence to President Bill Clinton's advisory committee on human radiation experiments.

In April Ms Sue Roff, of the university's Centre for Medical Education, will travel to Washington to tell about her discovery of American plans to subject mentally deficient children to radiation burns.

She uncovered memos and letters between leading scientists and the US army, while researching a book on the legacy of the bombing of Hiroshima and Nagasaki.

In one letter, dated May 1958, Donald Pillsbury, Professor of Dermatology at the University of Pennsylvania wrote, to the US armed forces to propose a study of the effect of radiation burns on human skin.

The subjects he proposed for experimentation were "idiots and feeble-minded children" from a home in New Jersey and prisoners from Holmesburg Jail. In December Dr Pillsbury wrote again to suggest experiments on "mental defectives" in the Woodbine State Colony, New Jersey.

In this letter he wrote: "There would be no concern about the possible genetic effects. These individuals will never reproduce."

In her researches, Ms Roff also discovered evidence relating to a study in February 1959, in which patients at another American hospital were injected with radium.

Her book, Hotspots: The Legacy of Hiroshima and Nagasaki, will be published in August on the 50th anniversary of the atomic bombings.

She said: "I think this sort of experimentation was not necessary to the advancement of science. It was unnecessary as well as unethical. There were 200,000 survivors from Hiroshima and Nagasaki, all of whom were being closely studied."

GRAPHIC: Ms Sue Roff, a researcher at Dundee University, with an X-ray tube used in Dundee 100 years ago by a Dr Pirie who then lost both his hands. Picture:
ALAN RICHARDSON

LOAD-DATE-MDC: January 26, 1995

HILL BRIEFS

House Transportation Appropriations Subcommittee Chairman Bob Carr, D-Mich., said today he is likely to run for the Senate now that former Gov. James Blanchard has decided not to seek the seat of retiring Sen. Donald Riegle, D-Mich. "I will reiterate what I said before -- if Blanchard does not run, it would be likely that I would," Carr said. He added, however, that he is not yet prepared to make an official announcement of his political plans. Sources indicated Carr would make an announcement in a week to 10 days. Carr's departure would mean that Rep. Richard Durbin, D-Ill., now chairman of the Agriculture Appropriations Subcommittee and the second ranking Democrat on the Transportation spending panel, would have the option of picking which subcommittee he wants to head. If he keeps Agriculture, the next in line on Transportation would be House Budget Chairman Sabo. But it was not immediately clear if Sabo could keep his budget job and become an appropriations subcommittee chairman.

OMB Director Panetta said today for the first time the projected FY94 deficit that the Clinton administration will unveil when it releases its FY95 budget Feb. 7, will be \$235 billion. That is down from a projected FY94 deficit of just over \$300 billion that was projected a year ago, Panetta said. On Saturday, President Clinton said the projected FY95 deficit would be about \$180 billion.

Senate Governmental Affairs Chairman Glenn today pressed Energy Secretary O'Leary on whether federal regulations on human experimentation are sufficient, charging that current rules have not been fully implemented at all agencies -- and questioning whether the regulations have the full force of law. In addition to calls for a proper response to mistakes of the past, today's Governmental Affairs hearing was marked by notes of caution from some senators -- who warned against generating hysteria and creating a skewed perception of federal radiation research. O'Leary also announced that John Hopkins University medical ethicist Ruth Fagen will head the federal advisory committee on the issue, and that President Clinton will send a memo to all agencies prohibiting experimentation without informed consent.

House Banking ranking member Jim Leach, R-Iowa, today plans to introduce a bill regulating the multi-trillion dollar financial derivatives market, highlighted by the establishment of a federal derivatives commission comprised of key banking, securities and commodities regulators. The legislation is an outgrowth of a six-month study by Leach's staff on derivatives -- instruments with value derived from another underlying asset, which are used to manage market risk associated with moves in interest rates and international currency values. Leach estimates that the derivatives activities of the 10 largest U.S. commercial banks amount to \$10 trillion, or more than double the U.S. GDP. Leach's bill would largely leave it to regulators to structure rules for derivatives because he thinks the market is too technical a subject for Congress to handle on a regular basis.

The Congress Daily --- Tuesday --- January 25, 1994

IN THE WHITE HOUSE AND AROUND TOWN:

- Today, President Clinton paid tribute to CIA workers for supplying the information he needs to confront post-Cold War dangers including ethnic conflict, militant nationalism and terrorism. In a speech at the CIA's headquarters in Langley, Va., the President said: "Intelligence is a unique mission. Nobody knows that better than those of us who have the honor to serve in the Oval Office. When President Truman autographed the photo of himself that hangs in this building, he wrote, 'To the CIA, a necessity to the President of the United States, from one who knows.' Every morning, the president begins the day asking what happened overnight. What do we know? How do we know it? Like my predecessors, I have to look to the intelligence community for those answers to those questions. I look to you to warn me and, through me, our nation of the threats, to spotlight the important trends in the world, to describe dynamics that could affect our interests around the world." Added Clinton: "Those activities are particularly important now. The end of the Cold War increases our security. In many ways, you helped to win that Cold War, and it is fitting that a piece of the Berlin Wall stands here on these grounds. But even now this new world remains dangerous and, in many ways, more complex and more difficult to fathom. We need to understand more than we do about the challenges of ethnic conflict, militant nationalism, terrorism and the proliferation of all kinds of weapons. Accurate, reliable intelligence is the key to understanding each of these challenges, and without it, it is difficult to make good decisions in a crisis or in the long term."
- This morning, the White House defended its plans for a go-slow approach on bringing Eastern European countries into NATO and protecting them with the West's security guarantees. Polish President Lech Walesa said yesterday that NATO's go-slow approach was "short-sighted and irresponsible" and could bring a "major tragedy." Walesa added: "We are too weak and we have to accept almost everything, but we don't forecast anything good for this concept." Czech President Václav Havel has pushed for full NATO membership, saying that Clinton's proposal could not be a substitute for full security guarantees. "I think that different countries obviously have a different view of exactly how this should be structured." The Clinton Administration argues that the best approach is a plan known as the Partnership for Peace, which offers Eastern European countries closer cooperation with NATO but stops far short of full membership. Fears about the rise of Russian nationalists have given new urgency to the desires of Poland, Hungary and the Czech Republic for NATO membership. Under NATO's doctrine, a military move against any member is considered a strike against all alliance countries, thus discouraging any adversary. However, the Clinton Administration is thought to be concerned that granting Eastern European countries full NATO membership now would strengthen the hand of Russian ultranationalist Vladimir Zhirinovskiy, who has argued for recreating the once-vast Soviet empire. Today, White House press secretary Dee Dee Myers defended the

Administration's approach, saying: "I think that this is something that we've gotten a very good reaction to. That's not to say that there isn't some debate about the details." "There are some questions about it but I think it's unfair to characterize it as we're having trouble selling it," Myers said. She said the United States has not set any deadline for fulfilling the hopes of Poland, Hungary and the Czech Republic for membership in the 16-nation North American Treaty Organization. Asked if the Administration was having trouble selling Clinton's plan, Myers said, "I don't think that's accurate. This is something that we're having very positive discussions with our allies about and with the developing democracies."

- o The Clinton Administration launched a new advertising campaign touting the use of condoms to prevent AIDS today. The new public service announcements (PSAs) mark the first time the Federal Government has included condoms in its AIDS prevention PSAs. An HHS spokesman said, "This is the first time political leadership is in sync with the scientific and medical leadership." The first ad features a couple in bed and a condom which springs from a dresser drawer, skitters across the floor past a diving cat, and jumps into the bed. "It would be nice if latex condoms were automatic. But since they're not, using them should be," the announcer intones. Another ad suggests abstinence. It comes in male and female versions, with an intense young person expressing to an unseen companion the desire "to spend my life with you" and to "never put you in danger. There is a time for us to be lovers. We will wait until that time comes." Daniel Broas, executive director of the AIDS Action Council, called the campaign "a tremendous step forward." Broas said he favors even franker ads, "but this is probably pushing the edge of the envelope as far as the government could go on television."

HHS Secretary Donna Shalala said that, for a change, all four television networks and many cable TV outlets and radio stations have agreed to run the Centers for Disease Control and Prevention's new ads. Appearing on CBS this morning, Shalala made the point that the ads will help change behavior, and therefore change lives. Shalala was asked: "And how do you effect that change? We even have seen reports from San Francisco where people are as informed as they possibly can be and are deliberately not practicing safe sex in the face of a death sentence." Responded Shalala: "We need to get through to these young adults, and we hope that our new ad campaign will be the first step towards getting through their heads so that we change their behavior."

Reaction from some quarters was critical. Bob Knight, Director of Cultural Studies at the Family Research Council, said the condom ads are "reckless, dangerous, full of misinformation, offensive" and said they "border on criminal negligence." Knight faulted the ads for saying condoms will prevent HIV because the condition for their effectiveness, being used "consistently and correctly," is rarely met. Knight suggested that concerns about the accuracy of the ads would be taken to Capitol Hill.

- o The White House continued this morning to show movement on the issue

of Cold War-era radiation experiments on humans, and again attacked Republican Administrations for covering up the matter. Clinton advisor George Stephanopoulos appeared on two of the network television shows this morning and again criticized the lack of effort by previous Republican Administrations on the effort. Said Stephanopoulos on ABC: "For years, this has been covered up by previous Energy Departments and previous Administrations." Stephanopoulos was then asked: "Yesterday's statement was critical of the Reagan and the Bush Administrations for failing to respond to that initial report of the testing. How appropriate at this time do you think is such criticism?" Stephanopoulos answered: "Well, I think what we're committed to doing is getting all the facts out. It hasn't happened before, but we want openness in government. We want the files open, and that's what we're going to get." As for the issue of compensation for potential victims, Stephanopoulos said on NBC "that if an injustice occurred and where it occurred, we'll do what we can to make it right. And that may involve compensation at some point. Right now we just don't have all the facts. We don't know where all the tests occurred. We don't know all the tests that occurred. We don't know everyone who was affected. Until we get all of this information, we can't make the final determinations about compensation. But we're going to make sure that if people were wronged, we're going to make it right." As for the numbers of potential victims, Stephanopoulos said on ABC: "As you know, Congressman Markey's report showed about 685 people who were affected. It probably goes beyond that, but we really don't know the scope yet."

- o HHS Secretary Donna Shalala said this morning that the Administration hasn't "lost very much" momentum in its health care reform effort and that a health care "crisis" still exists. According to Shalala: "Well, when Congress goes out and there's no more legislation sitting on the Hill, there's always a little slowing down in this town. But we haven't lost very much [momentum]." Added Shalala: "If you criss-cross the country the way all of us have, there is a crisis out there. It's a crisis of affordability. It's a crisis if you have a child that has a pre-existing condition. It's a crisis if you're a young person just starting out to work. It's a crisis if you're a welfare mother anxious to get into the work force but the only jobs available don't have health care and you're worried about a sick child."
- o While the end point is far from certain, some steps along the way for legislative action on health care reform are clear. The Bulletin surveyed interest groups and Hill staff for the current state of expectations about the path that health care reform will follow on Capitol Hill. Most surveyed agreed with a House Ways and Means aide that projections from current expectations are "pretty speculative." On the House side, the timetable, beyond Speaker Foley's announced goal of completion by Labor Day, remains unset. "We're waiting for the schedule from the leadership," one Democratic

staffer said. The Energy and Commerce committee appears poised for earliest action; one of the two subcommittees which will consider the proposal plans to begin its mark-up on February 22. Both the Energy and Commerce and Education and Labor committees are expected to report legislation closer to the Clinton proposal, and thus will be more partisan in their deliberations, than the Ways and Means committee.

What will happen in those mark ups depends on events that have yet to unfold. "Our first goal is to influence what they're doing, and we don't know what they're doing," said one insurance lobbyist. A key pre-mark-up event will come when the Congressional Budget Office presents its analysis of the fiscal aspects of the President's plan. "One of the big outstanding questions," a Ways and Means aide said, "is how do the Clinton plan's dollars flow. If CBO blesses the Clinton numbers, then it's a more straightforward process" than if CBO finds significant differences.

Before mark-ups, "the first thing is to figure out what the Chairman's mark is," said the insurance lobbyist. Expectations are for Energy and Commerce and Education and Labor to have chairman's marks -- the document used as a basis for committee action -- close to the Clinton Administration's plan. In Ways and Means, where a bi-partisan effort seems more likely and key Democrats are sharp critics of aspects of the Clinton plan, the chairman's mark seems more likely to wander from the Clinton outline.

The committee process is likely to produce widely divergent approaches on some points, a result that leaves the Rules committee and the leadership with both flexibility and the challenge to structure a floor process that increases the chances for success of the Clinton plan. The central question becomes the degree of Republican support. Two widely divergent scenarios emerged in the Bulletin's interviews. One posited a scenario like last year's reconciliation bill: all 218 plus votes for passage coming from the Democratic caucus. The other sees insufficient support for the pure Clinton approach, necessitating significant concessions in order to gain 218 Democrats or to begin to pick up Republicans. The quest for 218 votes will produce what one pro-Clinton activist termed "as large a political battle as any we have seen in our lifetime."

Senate. The Senate produces a less optimistic scenario for the Clinton plan. Central to that reduced optimism are the numbers: without some Republican support, the 60 votes required to avert an otherwise-fatal filibuster can not be had. Even those Republicans who support strong measures to obtain universal coverage find many of the devices in the Clinton bill objectionable. Other constraints on optimism are the relatively confused state of where the Senate Finance committee plans to go and still-unresolved differences between Finance and Labor committees over who is in charge of what.

Bottom line. All surveyed agreed with one provider group representative, who said, "You'll see something called health care reform this year." And all also said they expect the final product to be more restrained than the Clinton plan. "A longer transition," "not as comprehensive" were some of the characterizations. On specific elements that will change, the structure and role of health

alliances lead the list, along with employer mandates and government-set limits on the rate at which insurance premiums can rise.

- The US Postal Service is considering raising rates but is undecided on the amount and when it would take effect, the governing board's chairman, Bert Mackie, said today. Any new price would not take effect until sometime in 1995 because of the lengthy legal procedures required. Meanwhile, Postmaster General Marvin Runyon announced that the Postal Service is making changes in its address correction system to help protect individuals. People under court protection such as battered women would no longer be included in the automated program that provides their new address to people who ask for it, although their mail would still be forwarded to them.
- RNC Winter Meeting set for January 20-22. The Republican National Committee will hold its annual Winter Meeting in Washington, and the gathering is expected to celebrate the recent string of Republican victories. Confirmed speakers include: Congressman Newt Gingrich, Virginia Governor George Allen, New Jersey Governor Christie Todd Whitman, former HUD Secretary Jack Kemp, Senator Phil Gramm, and Congressman Bill Paxon.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 18, 1994

PRESIDENT SIGNS EXECUTIVE ORDER FORMING ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

The Clinton Administration today continued efforts to uncover the nature and extent of government-sponsored experiments on individuals involving intentional exposure to ionizing radiation. The President today released an Executive Order that will establish an Advisory Committee on Human Radiation Experiments. The Advisory Committee, to be made up of outside-government experts in medicine, science and ethics, will provide to the Human Radiation Interagency Working Group advice and recommendations on human radiation experiments conducted by the government since the 1940's. This Advisory Committee shall comply with the terms of the Federal Advisory Committee Act. (A copy of this Executive Order is attached.)

In other actions:

- * On January 3, 1994, the White House called for the formation of a Human Radiation Interagency Working Group to coordinate the government-wide effort to uncover the nature and extent of any government sponsored experiments on individuals involving intentional exposure to ionizing radiation. The members of the Human Radiation Interagency Working Group 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.
- * Christine Varney, Secretary to the Cabinet, will issue a memorandum tomorrow to federal departments and agencies with formal instructions concerning the retrieval and inventory of records on human radiation experiments consistent with discussions by staff of the Human Radiation Interagency Working Group. The memo calls for each agency to establish procedures for document handling and review.
- * The Human Radiation Hotline service will soon be upgraded to handle 500 calls an hour.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 18, 1994

EXECUTIVE ORDER

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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.

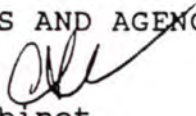
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THE WHITE HOUSE

WASHINGTON

January 19, 1994

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

FROM: CHRISTINE A. VARNEY 
Secretary to the Cabinet

SUBJECT: Retrieval and Inventory of Records
of Human Radiation Experiments

1. Each Agency should establish forthwith an initial procedure for locating records of human radiation experiments conducted by the Agency or under a contract or grant of the Agency. Agencies should coordinate the development of procedures for the retrieval and inventory of records with the Human Radiation Interagency Working Group (the "Interagency Working Group")¹ to ensure, where appropriate, that common procedures for the retrieval and inventory of records are applied at each Agency. Each Agency should provide to the Interagency Working Group a written copy of its initial directive and other documents implementing the Agency's record location, retrieval and inventory procedures.
2. (a) As used herein, "Agency" means Department of Defense, Department of Energy, Department of Health and Human Services, Central Intelligence Agency, Department of Veterans Affairs, and National Aeronautics and Space Administration.

(b) 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.

¹ The members of the Human Radiation Interagency Working Group 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.

- (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.
- 3. In addition, Agencies should establish forthwith a procedure for retrieval and inventory of records of the following experiments:
 - (a) 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 in Hanford, Washington;
 - (b) 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;
 - (c) Six tests conducted during 1949-1952 of radiation warfare ballistic dispersal devices containing radioactive agents at the U.S. Army's Dugway, Utah site;
 - (d) Four atmospheric radiation-tracking tests in 1950 at Los Alamos, New Mexico; and
 - (e) Any other similar human experiments that may later be identified by the Interagency Working Group.

Each agency should include in the directive described in paragraph 1 above a directive initiating the Agency's retrieval and inventory procedure for records of the experiments set forth in this paragraph.

- 4. The procedures to be established pursuant to paragraph 1 above should address records for human radiation experiments conducted from 1944 to the present. Human radiation experiments undertaken after May 30, 1974, the date of issuance of the Department of Health, Education and Welfare Regulations for the Protection of Human Subjects (45 C.F.R. 46), may be sampled to determine whether further inquiry into such experiments is warranted. Further inquiry into such experiments conducted after May 30, 1974, may be pursued if the Advisory Committee on Human Radiation Experiments (to be established pursuant to Executive Order 12891 (Jan. 15, 1994)) determines, with the concurrence of the Interagency Working Group, that such inquiry is warranted.

5. To the extent permitted by law, each Agency Head should institute procedures, consistent with paragraphs 6 and 7 below, for notifying and making records available to individuals subjected to human radiation experiments or the experiments set forth in paragraph 3 above, and/or their next of kin. Agencies should coordinate the development of these procedures with the Interagency Working Group.
6. Each Agency Head should institute procedures, consistent with existing statutes and regulations, for making records on human radiation experiments, and the experiments set forth in paragraph 3 above, available to members of the public. In implementing these procedures, each Agency Head should immediately issue an order to all elements of the Agency, and undertake all appropriate procedures to instruct and inform the Agency's grantees, contractors or other agents:
 - (a) Not to destroy any records relating to human radiation experiments or the experiments set forth in paragraph 3 above.
 - (b) To locate forthwith all records relating to human radiation experiments and the experiments set forth in paragraph 3 above; and to identify, and undertake all appropriate procedures with regard to, any such records in the possession of grantees, contractors or other agents of the Agencies. Agencies should work together, in coordination with the Interagency Working Group, to standardize the retrieval of such records, which may involve the transfer of files to one or more designated repositories.
7. Each agency should also:
 - (a) Upon locating the records, review all records of human radiation experiments, and the experiments set forth in paragraph 3 above, for national security classification and declassify such records as soon as practicable and to the maximum extent possible. Agencies should avail themselves of every opportunity to cooperate in expediting the declassification process.
 - (b) Before making any copies of such records available to the public, make any redactions required for the protection of personal privacy interests of individuals subjected to human radiation experiments or the experiments set forth in paragraph 3 above, and/or their next of kin.
8. Agencies should work together with the Interagency Working Group to standardize, where appropriate, the inventory of

records of human radiation experiments and the experiments set forth in paragraph 3 above.

9. Agencies should document the procedures implemented to search for, retrieve and inventory records of human radiation experiments and the experiments set forth in paragraph 3 above.
10. In developing guidelines for retrieval and inventory of records, Agencies should consider advice and information provided to the Interagency Working Group by the Advisory Committee on Human Radiation Experiments.

Date: 01/18/94 Time: 17:21

House panel probes Cold War radiation testing

By MARY ANN AKERS

WASHINGTON (Jan. 18) UPI - The Clinton administration, which campaigned on the promise of "open and responsive government," went to a full-court press Tuesday to address revelations of secret radiation experiments on unsuspecting humans during the Cold War.

At the White House, President Clinton ordered the formation of an advisory committee of non-government experts to review the experiments conducted from 1944 to 1974.

The new panel, made up of civilian experts who specialize in medicine, science and ethics, will advise the newly established Human Radiation Interagency Working Group, which consists of Energy Secretary Hazel O'Leary and the secretaries of Defense, Health and Human Services and Veterans Affairs.

On Capitol Hill, O'Leary promised the administration is working to disclose all records related to the questionable radiation experiments.

"Our goal is to get the facts out," she said during testimony before a House Energy and Commerce subcommittee. The secretary also reiterated her commitment to provide compensation to any victims or their families.

The Energy Department will soon upgrade its Human Radiation Hotline to handle 500 calls an hour, O'Leary said. In response to published reports last month, Energy set up the hotline and recommended financial compensation for victims, prompting a flurry of calls to the department.

The subcommittee, responding to recent reports the government conducted tests during the Cold War to study how radiation affects humans, held a hearing to check the administration's efforts to address the sensitive issue.

Rep. Ed Markey, D-Mass., who released a report in 1986 detailing 31 government-sponsored human radiation experiments on 694 potential victims, urged the administration "to do the right thing today to address past abuses."

He questioned the ethics of previous administrations for hiding the activities, which apparently took until 1994 to gain national attention. Markey was told by Reagan administration officials there was no evidence such unethical radiation tests were ever conducted.

The Clinton administration has acknowledged hard evidence the Atomic Energy Commission - now the Energy Department - conducted or sponsored human experiments involving ionizing radiation for decades following World War II.

What is disturbing, O'Leary said, is that it is not clear the subjects were properly informed of the purposes or risks associated with the experiments. Furthermore, serious questions have arisen about how the experimental subjects were selected.

Initial reports have indicated a pattern of choosing subjects from vulnerable populations such as blacks, poor people, prisoners and retarded children.

' 'This appearance of treating some citizens as 'expendable,' to use Congressman Markey's phrase, is especially repugnant in a country that prides itself on its diversity,' ' O'Leary said.

She said she expects the president to name a chair of the new advisory committee before the end of the week.

Date: 01/18/94 Time: 16:40

O'Leary: Finding Extent of Radiation Tests Could Take Year

WASHINGTON (AP) It could take a year or more to determine the scope of the Cold War radiation experiments on humans, Energy Secretary Hazel O'Leary said Tuesday. The government faces a massive records search and review, officials said.

Mrs. O'Leary declined to speculate on the possible extent of compensation for victims of the experimentation over three decades beginning in the 1940s. She reiterated that compensation is warranted in some cases such as those in which there was no proper consent.

The Clinton administration has specified that 600 to 800 people may have been subjected to questionable experiments, but Mrs. O'Leary acknowledged the number probably will be greater once a government-wide review of records is completed.

More than 15,000 people have contacted a telephone hot line with 40 percent claiming to have been involved with some experimentation, she told a House energy subcommittee. The hearing was the first of what is expected to be a string of congressional hearings on the radiation testing issue.

The daughter of one of 18 civilians subjected to plutonium injections in the 1940s told the subcommittee her family had never been told of the injections, although her father lived until 1991. She said she still has not received a complete file of her father's medical records.

'We are sure that he did not know that he was injected with plutonium. We are sure that until his death he never fully understood what happened to him,' Elmerine Allen Whitfield said in emotional testimony that described her father's battle with chronic illness after the experiment.

Elmer Allen, a railroad porter, had plutonium injected into his right leg as part of a government-sanctioned experiment in 1947. He had been hospitalized because of problems with the leg after a railroad accident. The leg later was amputated, according to medical records.

Over the years, Ms. Whitfield said, her father suffered epileptic-type seizures, had trouble holding a job and often could not tend for himself. People thought he was crazy because of 'babblings about his so-called illness,' she recalled.

Ms. Whitfield said the family first learned of the experiments from a reporter. She said the revelation brought new meaning to the advice her father had given her when she went off to college. 'Don't ever let anyone ever use you as a guinea pig,' he had told her.

Rep. Philip Sharp, D-Ind., chairman of the subcommittee, praised O'Leary for pressing for public release of government documents covering more than half a dozen federal agencies on past radiation experimentation on humans.

Her campaign 'stands in sharp contrast' to her predecessors including the energy secretaries in the Reagan and Bush administration, he said. The issue was brought to light by congressional investigators in 1986.

The White House, meanwhile, announced the formal establishment of a civilian advisory committee that will review the radiation experiment documents and possible compensation, although actual compensation plans would have to be considered by Congress.

The 15-member panel will provide 'advice and recommendations'

to an interagency task force on whether specific tests violated ethical guidelines and whether there should be compensation, officials said. Plans for the advisory panel had been announced earlier.

The search of records on human radiation tests is under way at not only the Energy Department, but also the departments of Defense, Veterans Affairs and Health and Human Services as well as the Central Intelligence Agency and NASA.

An interim report by an interagency task force is expected to be sent to President Clinton within six months, although the records search could take a year or more, Mrs. O'Leary said.

Tara O'Toole, the department's assistant secretary for health and environment, said the records search represents a massive undertaking. ''This is not going to happen overnight,'' she said, noting that in many cases documents are no longer in government hands, but in private archives.

APNP-01-18-94 1642EST

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 18, 1994

EXECUTIVE ORDER

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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.

ATTACHMENT 3

RECOMMENDATIONS ON COMMUNICATIONS ISSUES

PRESS BRIEFINGS

Informational updates should be provided by the Interagency Working Group to the press at least weekly in written form or through press briefings.

One of three forms should be chosen depending on the significance of the news to be announced:

WHITE HOUSE BRIEFING: Major announcements.
(e.g. - Appointment of Advisory Board)

OUTREACH GROUP BRIEFING: To answer press questions when necessary.
Conducted by PA directors.

WRITTEN BRIEFING: Weekly update to show movement and responsiveness.

Further, agencies can and should conduct agency-specific briefings and news releases as needed; these should be coordinated on the daily White House conference call with public affairs directors.

RELEASE OF RECORDS

Records should be made public at the earliest point possible in the retrieval process:

- * Copies of records which are clearly public, unclassified and contain no privacy information should be made available immediately by field sites as they are located.
- * Records which cannot be released immediately should be released by agencies as soon as they are redacted or declassified and turned over to the Advisory Group.
- * Any indexes, inventories of records or lists of experiments located in agency files should be made available to the press proactively as soon as they are located.

The Outreach and Communications Committee working with the Records Retrieval Committee and the Public Affairs Directors of all agencies will design a common process for making records available to the large numbers of requesters expected.

MEMO

TO: Outreach and Communications Committee
Agency Public Affairs Directors
Cabinet Affairs

FROM: Mike Gauldin, DOE

Attached is a rough form I propose for a written release to be issued Tuesday in lieu of a press briefing.

Please call me or Rick at (202) 586-4940 with your comments.

HUMAN RADIATION INTERAGENCY WORKING GROUP

NEWS UPDATE

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS CHARTERED

The Interagency Working Group today released President Clinton's executive order establishing the Advisory Committee on Human Radiation Experiments.

The Advisory Committee will review records of deliberate experimental exposures of human subjects to radiation by government agencies.

The order includes a charter defining the mission of the Advisory Committee.

A copy is attached.

AGENCIES FORMALLY INSTRUCTED TO GATHER RECORDS

Christine Varney, secretary of the cabinet, has issued formal instructions to federal agencies to gather records for eventual transmission to the Advisory Committee.

The memo includes a definition of what records are sought and general instructions on how they are to be handled.

A copy is attached.

HUMAN RADIATION HOTLINE EXPANDED TO MEET DEMANDS

The Human Radiation Hotline service has now been upgraded to handle 500 calls an hour. We hope to be in a position now to do a much better job of serving the people who are calling in.

Hotline operators have talked to ----- people since the original Department of Energy hotline was established December 23.

As of (date) we've completed interview reports on () callers who believe they were involved in medical experiments.

About () of our total callers are veterans.

AGENCY ACTION SINCE LAST WEEK

Department of Energy

Secretary of Energy Hazel R. O'Leary has ordered that no DOE documents relating to human experimentation are to be destroyed even if they are scheduled for routine destruction.

Each DOE operations office has formed its own task force to identify and collect records.

Oak Ridge National Laboratory has established a new public reading room dedicated to information about human radiation experiments.

Richland Operations Office has announced the availability of documents about human experimentation in its public reading room beginning January 13.

INFORMATION AVAILABLE

ISOTOPES REPORT -- The 1951 edition of "Isotopes" is available for \$20 from the Department of Energy's Office of Science and Technology Information.

Published by the Atomic Energy Commission, "Isotopes" is a five-year summary (1946-51) of isotope distribution to research institutions. Call -----.

ENVIRONMENT

Reagan Energy Chief Dismissed Markey Radiation Study

Reagan administration Energy Secretary Herrington in 1987 dismissed objections to radiation experiments raised in a 1986 report by Rep. Edward Markey, D-Mass., on human testing by the government. In a Feb. 10, 1987, letter to Markey, Herrington argued there was no reason for follow-up on the experiment subjects nor legislation to compensate them. He said objections raised in Markey's report -- "American Nuclear Guinea Pigs: Three Decades of Radioactive Experiments on U.S. Citizens" -- "appear to have been based on misunderstandings of the basis for occupational standards and principals of human experimentation."

Occupational standards used as a measuring stick by Markey are not intended to apply to research subjects who receive a few exposures or are exposed for a short period of time, Herrington said. He argued there was no scientific reason to expect any of the subjects who were not being monitored would "incur any harmful effects." While conceding that requirements for informed consent had advanced since the experiments were conducted in the 1950s, Herrington said there was no evidence the experiments did not comply with ethics and standards of the time.

Meanwhile, Energy Secretary O'Leary, who has opened the government files on the experiments to public scrutiny and has called for compensation for the victims, will testify on the administration's plans for response at a hearing Tuesday by the House Energy and Commerce Energy and Power Subcommittee. Other witnesses include subjects of plutonium experiments and medical experts with competing views on the ethics and benefits of the research.

The Congress Daily --- Friday --- January 14, 1994

ENVIRONMENT

Medical Follow-Up Possible For Radiation Test Victims

The potential need for medical follow-up on subjects of government radiation experiments is one of a number of components that could prompt the administration to ask Congress for compensation for the subjects, according to Energy Department officials. While what will be required is uncertain, DOE officials say the medical follow-up question is a key factor pushing the administration to move with haste in its probe of Cold War experiments on humans. Among possible follow-ups prompting discussion is routine medical testing to catch cancer early for subjects who may have an increased risk. The officials said expanded federal programs or funding for testing could require congressional approval, but cautioned all decisions on compensation will await the work of a federal advisory committee of outside experts. The administration plans shortly to set up the panel and complete a memo defining the probe's scope for all agencies.

In related developments, Rep. Jim Cooper, D-Tenn., this week said he plans to introduce legislation to ban future government testing without personal consent, arguing current regulations give agency heads too much discretion. And Sen. Mark Hatfield, R-Ore., called for a standing commission to advise the federal government generally on bioethical questions.

The Congress Daily --- Thursday --- January 13, 1994



Department of Energy
Washington, DC 20585

OFFICE OF THE SECRETARY

FACSIMILE TRANSMITTAL SHEET

TO: PHIL CAPLAN	FROM: RICH ROSENZWEIG
OFFICE:	DATE:
FAX NUMBER: 456-2983	FAX NUMBER: 202/586-7644
OFFICE NUMBER:	OFFICE NUMBER: 202/586-6210

COMMENTS: V.P. GORE ARTICLE

NUMBER OF PAGES (INCLUDING COVER) 2

IF TRANSMITTAL IS INCOMPLETE, PLEASE PHONE THE ABOVE NUMBER.

SAN FRANCISCO CHRONICLE JAN 13 1994

Gore Forecasts 'Superhighway' Will Bring Jobs

Vice president talks tech,
visits Cupertino high school

By Susan Yonckman
Chronicle Political Writer

Vice President Al Gore, visiting the South Bay to tout the nation's rapidly expanding information superhighway, said yesterday in an interview that the burgeoning technology will be a boon for jobs in Silicon Valley and throughout the country.

Gore also touched on the controversial matter of providing compensation for victims of government radiation experiments during the Cold War as a limousine took him from Monta Vista High School in Cupertino to Air Force Two at Moffett Field.

He was fighting a cold, but Gore was as upbeat about the economic and educational possibilities posed by the information superhighway as he was somber about the need to recompense the victims of government research that apparently turned sick and disadvantaged Americans into human guinea pigs under the guise of patriotism.

He spoke first about the connection between jobs and the information superhighway, the high-tech label for a system of information delivery that links computers, cable television and fiber optic telephone lines.

After seeing the information system at work in the Cupertino high school classroom, the vice president said that, "It is a safe bet that as the information revolution accelerates, Silicon Valley will again begin to experience a more rapid growth in the number of

jobs... It hasn't happened yet, but it will."

"Overall, the key is economic program," the vice president said as he leaned forward in his limousine seat to wave to the crowds that lined the sidewalks. "When the economy is in recession, the overall number of jobs is down, so one of the key ways to stimulate a stronger recovery is to make sure we are more competitive by adopting these new technologies."

Gore was cautious yet direct on the question of compensation for Cold War experimentation victims, saying that the answer "depends on a fact-finding process that is still under way."

"But I do not want to convey any baseline resistance to compensation on our part," he said. "Our basic feeling is that wherever someone has been dealt with unjustly at the hands of the federal government in the sort of egregious ways that are described in these allegations, they ought to be

made whole to the extent that's possible."

In recent weeks, more than 10,000 U.S. civilians and military veterans have given government investigators accounts of studies they believe may have exposed them to radiation, suggesting a far larger number than officials originally believed. In recent days, the Department of Veterans Affairs has acknowledged that radiation experiments involving human subjects were conducted at 48 VA facilities.

The calls have come into the Energy Department's hotline at a rate of as many as 700 per hour and virtually overwhelmed a government effort designed to come clean with Americans and possibly compensate victims.

Despite the growing complexity of the task, Gore vowed that "You won't find us out manning the barricades to prevent justice from being done — far from it."

"We're the ones who took the

initiative to make this material public," he said. "If the facts are as they have been described, it is a disgraceful tragedy for those who suffered and for our country."

Gore arrived in Los Angeles on Tuesday, where he spoke at a summit on the information superhighway. He flew to the Bay Area on Tuesday night to attend a fundraiser for Representative Anna Eshoo, D-Palo Alto, who sided with the administration on the crucial North American Free Trade Agreement vote.

Yesterday morning, Gore spent about an hour viewing the computer lab at Monta Vista High School, where students showed him how they travel the information superhighway to retrieve materials as old as Thomas Paine's "Common Sense" and as new as Gore's speech Tuesday at UCLA.

"That's neat," Gore said over and over, proving himself to be as much a child of the '80s and '70s as a high-tech guru of the '90s.

20

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703/697-9080 fax
DOD

Date: 01/12/94 Time: 13:52

Navy Injected Hospital Patients With Radioactive Compound In 1945

WASHINGTON (AP) In the first documented evidence of U.S. military involvement in human radiation experiments, Navy records show that researchers in 1945 injected two hospital patients with a radioactive compound to study how quickly the poisonous compound would be excreted from their bodies.

It had been widely assumed, following recent Energy Department disclosures of its Cold War-era radiation testing on humans, that the Defense Department did some of its own. But the Navy test is the first example to come to light.

The experiment, as described in an April 29, 1946, written report by the researchers, was intended mainly to verify a novel technique for measuring the rate at which the human blood and organs would rid themselves of antimony, a highly poisonous chemical element then used to attack killer parasites.

The researchers wrote that theirs was the first test of its kind on humans.

Unlike experiments that have come to light from the Energy Department and elsewhere, the Navy experiment did not appear to be part of the government's effort to learn how radiation affected humans. Rather it was used in this case mainly as a tool to help understand the use of antimony as a treatment for parasites.

Still, it is not clear whether the two test subjects, described by the researchers as volunteers, were told they were being injected with radioactive substances.

The names were not given but one subject, designated B-1, was described as 20 years old, not bedridden but apparently suffering from elephantiasis of the testicles, a chronic condition caused by the presence of a parasite in the lymphatic system. He apparently was a member of the military, but no other identifying information was provided in the report. There was no description of the other male subject.

The report was reviewed by The Associated Press at the Naval Medical Research Institute, which sponsored the experiment.

The two subjects were patients at the U.S. Naval Hospital at Bethesda, Md.

Limited information made public so far has indicated that besides the Energy Department, the Veterans Administration and the National Aeronautics and Space Administration had a hand in Cold War-era radiation experiments using humans. The CIA has said it so far has no indication that it was involved, although it has acknowledged it used humans in chemical warfare experiments.

Officials at the Naval Medical Research Institute initially told the AP their review of available records had turned up no evidence of human experimentation involving radiation. But when asked later about the 1945 test, Capt. Robert Gaugler, the institute's scientific administrator and acting commander, said the report would be submitted to a Clinton administration group that is assembling all available records on human radiation tests.

Gaugler said most of the institute's work with radiation is believed to have used animals rather than humans as test subjects. An AP review of records available at the institute this week seemed to bear that out. The institute was created in October 1942 to solve medical problems arising in World War II.

A program of research on biological effects of radiation was

begun at the institute in 1945, according to archival documents at the office of the Director of Naval Medicine. The program, described as ``a serious scientific study of radiation effects upon man and mammals for the naval service,`` was phased out with the establishment of an unspecified organization possibly the Naval Radiological Defense Laboratory devoted specifically to radiation work.

Gaugler said that because of the passage of time and the limited information in the April 1946 report, he saw no realistic chance that either the test subjects or the researchers could be tracked down to provide more details.

The report was written by Lt. Cmdr. Robert E. Smith, a member of the Naval Reserve, Naval Reserve Lt. R.T. Stormont, Naval Reserve Cmdr. A.A. Bianco and Roy L. Evans. It described in detail the procedures, results and conclusions of the work.

On Aug. 22, 1945, the patient designated B-1 was given one dose of a radioactive isotope of an antimony compound called potassium tartrate, or tartar emetic.

Over a period of weeks, blood samples and examinations of the patients' feces and urine indicated how quickly the radioactive chemical was being discharged.

And by placing a Geiger counter in the vicinity of organs such as the liver, gall bladder, thyroid and brain, the researchers said the levels of radiation gave them a crude estimate of how much of the chemical had lodged in those places.

``The technic offers a unique advantage in not requiring biopsy and chemical manipulation of the sample,`` the report said. ``And its further refinement should permit useful clinical applications.`` They said the method had been studied on animals but was not believed to have been tried on humans.

It is not clear how much radiation was involved, although the researchers apparently were aware of potential dangers. They noted ``possibilities of damage by radiation during this type of treatment,`` and said the dose given was ``estimated to be well below the toxic level even at sites of highest concentration.``

``No adverse symptoms of significance were observed`` during the study, it said.

APNP-01-12-94 1353EST

Informational Press Briefing
by
Michael Gauldin

Edited transcript
DOE, Forrestal, Room 1E-245
January 11, 1994

This is an informational briefing on the progress of the Human Radiation Working Group.

The White House is conducting briefings of congressional staff today and we wanted to give an informal update on where we are. I will run through some basic information and then I will take questions.

As you know, last week the White House established the Human Radiation Interagency Working Group.

The agencies involved are: Department of Energy, Department of Defense, the Veterans Administration, Department of Health and Human Services, the Attorney General, the CIA, OMB, NASA and the White House Staff.

Sometime later this month we anticipate there will be a meeting of the Secretaries and Directors of those agencies to bring them up to date on the work that their staffs have been doing as part of this Interagency Group.

The group has five committees which have been working very hard over the past week in five areas.

The first is Outreach and Communications. Our focus this week has been increasing the capability of the 1-800 Hotline service we're operating. As you know and have reported, we have been getting many thousands more calls than we can handle. It is our expectation that by the end of tomorrow we will have a system in place that can handle the volume of calls we are getting.

We are getting calls now at a rate of about 400 to 700 an hour. Our target is to be able to take 500 calls an hour within about 36 hours.

We have a committee meeting on legislative issues primarily concerned working with Congress, keeping Congress up-to-date; they are conducting the briefings today for congressional staff.

We have a committee on legal issues which is working on the regulations required to undertake the work that we are doing now. We will also eventually be doing some compensation models that can be provided to Congress at the end of our process when we begin to deal with that issue.

We have a committee working on records retrieval that is assigned to develop a government-wide system for retrieving records from what we call "the field," or our sites all over the country, where records may be kept, including contractors. They are also assigned to define the scope of the records that we are asking for.

Finally, we have an ethics and scientific standards committee which is essentially designing the scope and makeup of

a board or panel of independent experts that we will ask to review these records.

That independent panel will be called the Advisory Committee on Human Radiation Experiments.

We have the Interagency Group which is government people and the Advisory Committee, which will be non-government people and outside experts.

Part of the work we have done this week is to try to focus on intentional exposure by the government of human subjects to ionizing radiation. We are not looking at accidental exposures or unintentional exposures, but deliberate exposures of humans to ionizing radiation by a government agency. This is to include the planned radiation releases which were detailed in the GAO report that was released by Sen. Glenn two or three weeks ago which outlines specific cases in which radiation was deliberately released on an experimental basis and in which human residents may have been affected. We don't know if those will be the only such planned radiation releases that we eventually will look into, but we are starting with those six, I believe it is. We do not know the total universe of everything.

Some action expected this week:

- * We expect to draft a charter which will define the scope of this inter agency task force;

- * We expect to recommend to the President an executive order forming the Advisory Group. The advisory group will be formed under the Federal Advisory Committee Act and, therefore, the meetings of the group when it begins to meet will be open. They will review the records that we will be collecting, make recommendations to the inter-agency group, which we then expect to take to Congress for some kind of action which I can't give you details about.

With that I will take questions.

Q. As far as the phone calls that you are getting, are they being organized in any way where we may have access to information to where they are coming from on a state by state basis?

A. Eventually we will be able to give you that information; we can't right now. Our focus has been on simply getting the calls returned. I do have general information, but it's very little. Since December 23 we have spoken to about 10,000 to 12,000 people. About 4,000 - 54% of the calls - are coming from non-veterans. Another 43% are coming from veterans, and I believe most of those are reporting to us participation and exposure in military personnel to atomic releases, in some cases atomic explosion. About 3% are just seeking general information. Since we begin this on Dec. 23, we have spoken to between 10,000 and 12,000 people. We have completed surveys on about 4,000. We still have a backlog of about 7,000 voice mail messages. (UPDATED INFORMATION AS OF 1-12-94: 4,000 OF THE 12,000 CALLERS SAY THEY BELIEVE THEY WERE INVOLVED IN EXPERIMENTS THAT MEET OUR CRITERIA. WE HAVE FILLED OUT SURVEY FORMS ON THESE. ABOUT HALF OF THE

TOTAL CALLERS ARE VETERANS WHO HAVE BEEN REFERRED TO THE VETERANS ADMINISTRATION. WE ARE NOW ABLE TO KEEP UP WITH DAILY CALLERS - ABOUT 1,000 YESTERDAY). We hope to get a new process in effect in a couple of days and catch up. We don't know how many people have tried to call and failed.

Q. Doesn't this suggest that there were more than 700/800? people who are involved in these experiments.

A. It certainly suggests that there were more than that who believe they may have been involved in deliberate exposure to radiation by a government agency. We do want to make clear that we want to hear from people who believe that they were experimented on. We have had some people calling up not exactly knowing what the purpose of the hotline was. We want to know if they believe they or a relative was exposed to ionizing radiation as a part of an experiment. We don't limit that as to whether it was a part of military exercise or medical experiment; we don't expect them to make those distinctions for us. A lot of calls we have are "downwinders," or people who believe they were exposed in the course of occupation in and around radioactive materials. We are getting a broad range of people. We are not trying to have them narrow the focus. We are trying to do that for them. We are setting up the hotline to be long-term to be able to respond to a great number of calls for as long as it takes. We know that there are people who have tried to call and have not been able to get through. We are trying to get our system upgraded. We have already increased it 3 and 4 times. We initially thought it was just a DOE project and now it's an interagency project. We are going to try to get up to speed and take care of the people calling in. We don't really know how many people believe they have been affected, but it certainly seems to be more than the initial estimates of 600-800 people.

Q. On the definition of intentional exposure that obviously includes human experimentation and the planned radiation leaks, I'm a little unclear on whether it includes "downwinders," and on whether it includes workers at or near test facilities?

A: For the purposes of focusing our efforts into a manageable level, it does not. We are looking for cases in which the government deliberately exposed people to radiation.

Q. Do you have a listing of VA hospitals involved or more hospitals?

A. Not that I know of. The VA said earlier today that they would make a list available. I do not have it and I don't think that VA is able to make it available yet. I think they are going to check and see if they actually do have records at those hospitals and they will be able to release

where the records were and what hospitals were involved.

Q. So do you expect the numbers to increase?

A. No, I can't say that. I can't really talk for the VA. I think the report was that they believe that many hospitals may have been involved. They are checking those hospitals to confirm that but I really have to refer you to VA for detailed information on their record retrieval.

Galleries: Art of the
Caribbean at Fondo del Sol

2

Movies: Chris Elliott, rocking
the boat in 'Cabin Boy'

2

Style

PHOTOCOPY
PRESERVATION

ASSOCIATED PRESS/ALBUQUERQUE TRIBUNE

Eileen Welsome spent six years unraveling the story of people unwittingly subjected to government plutonium experiments in the '40s.

Big Scoop for A Little Paper

How the Albuquerque Tribune
Broke the Radiation Story

By Howard Kurtz
Washington Post Staff Writer

For Eileen Welsome, it was the ultimate detective story.

The Albuquerque Tribune reporter was determined to find some of the 18 people who were unwittingly injected with plutonium by government scientists in the 1940s. She had thousands of documents but only fragmentary clues on a trail that had long since grown cold. At times the search seemed hopeless.

"I couldn't let it go," says Welsome, her words echoing the years of frustration. "When my government tells me I can't have information on an experiment that's 50 years old, I get angry."

In mid-November, after six years of digging, Welsome produced a gripping, 45-page series examining the life and death of five human guinea pigs: a railroad porter, a house painter, a carpenter, a politician and a homemaker.

To her amazement, no one in the national media seemed to care.

The three days of articles and pictures in the Tribune barely caused a ripple outside New Mexico. It wasn't until Energy Secretary Hazel O'Leary held a Washington news conference, to address the issue on Dec. 7 that the radiation ex-

See SCOOP, G8, Col. 1

THE OTHER



PHOT

The spotlight will fall on Naina Yeltsin this week, but she would prefer it if her husband were "just an ordin.



The Plutonium Project

SCOOP, From G1

periments made the network evening newscasts and the front page of the New York Times and the Los Angeles Times.

"We're a small newspaper in a sparsely populated state," says Tim Gallagher, editor of the 35,000-circulation Tribune. "A lot of the stuff done at small papers tends to get ignored. I couldn't help but think if we were the New York Times or The Washington Post, the media would have jumped all over this."

Welsome, 42, was reduced to mailing copies to network television producers to generate interest. "I sat here at my desk and it was silent—no phone calls, nothing," she says.

Welsome cracked the case in part by peppering the Energy Department with Freedom of Information Act requests. "She's a 98-pound pit bull dog, just a tenacious personality," Gallagher says. "One of the things that drives you mad is that she's stuck in the minutiae, but that's what makes her a great reporter."

Welsome started gathering information about the radiation experiments in 1987, a year after their existence was revealed in a little-noticed House report by Rep. Edward J. Markey (D-Mass.). Welsome filed her first FOI request in 1989 but did not begin a full-time effort until the summer of 1992.

Energy officials repeatedly delayed or denied the FOI requests, prompting the Tribune to accuse the department of "stonewalling" in

furtherance of "a coverup that began at the dawn of the Atomic Age."

Energy Department spokeswoman Barbara Semedo conceded the FOI process is too slow but dismissed suggestions of a coverup, saying O'Leary "wants to come clean on this particular issue." Nevertheless, she said, "Mrs. O'Leary has said we are not going to release the names until we've had an opportunity to talk to the families. She is adamant about that."

Welsome says she also got no help from Markey, who did not return her calls despite repeated inquiries.

The reporter's effort to identify the ailing patients who received massive doses of plutonium—the government identified them only by code letters—involved a series of twists and turns:

■ "CAL-3"—A 1973 Energy Department document mentioned a letter written to the patient's doctor in Italy, Texas. Welsome knew the man was black and that his left leg had been amputated. She called the town's city hall, where officials identified the man as Elmer Allen, a former railroad porter who had died a year earlier. They put Welsome in touch with Allen's wife.

■ "CAL-1"—A letter Welsome received from a professor said another patient was a house painter named "Mr. Stephens" who had owned a home in Healdsburg, Calif., in 1945. A local genealogist, after poring over phone directories and records, finally concluded that the name was misspelled and found that an Albert

Stevens had owned a home in Healdsburg during World War II. Welsome tracked down his two children.

■ "HP-3"—An unsigned, handwritten note buried among the Energy documents said "Charlton—died 198?" Welsome knew a doctor who had treated two plutonium patients at a Rochester, N.Y., hospital and tracked her down in Maine under her married name. The physician first said she couldn't remember such experiments, but recalled them in a later conversation and said one patient's name was "Edith Charlton." After learning that New York state death records are confidential, Welsome contacted local funeral homes, was told that the correct name was Eda Charlton and found her son.

"I just did a lot of gumshoe reporting and had a lot of luck and took a lot of long shots," Welsome says.

The local Associated Press bureau moved a story on the second day of the Tribune series, but it got little national play. The New York Times ran a 400-word AP story on Page 30. USA Today ran a one-paragraph item. The Los Angeles Times, The Washington Post and the Wall Street Journal published nothing.

In some ways, the national media's delay in chasing the radiation story is reminiscent of the savings and loan scandal of the late 1980s, which did not receive sustained national attention until years after pieces of it had been reported by local papers.

"The event that made this an important news story for us is that the secretary of energy stood at a Washington news conference and said she was going to open her agency's files about this corner of Cold War history," says

Keith Schneider, the New York Times' environmental reporter.

"What the Albuquerque Tribune did was to put a human face on what appears to be a very disturbing chapter of medical history. Eileen did a magnificent piece of journalism. Three weeks after she published her pieces, the secretary of energy stood up and did something."

Even the morning Albuquerque Journal, with a circulation more than triple that of the afternoon Tribune, ignored the story for weeks. "We were so far behind that it took us a while to catch up," says Editor Gerald Crawford.

One notable exception was NBC's "Now," whose producers contacted Welsome and began researching a piece that aired Wednesday. Weeks later, "60 Minutes" lobbied Welsome to cooperate with Mike Wallace instead, but felt she had to turn the program down.

Elmerine Allen of Dallas, daughter of one of the victims, says that even after the Tribune series she could not persuade local newspapers or TV stations to cover what happened to her father, who she said had a limited education and could not have known that he was consenting to an experiment involving plutonium. Allen, who is black, says she believes race was a factor in the media's lack of interest; she even tried pitching the story to a local black anchorman. "I wanted the story out because I thought it was so unjust," Allen says.

But the media descended with a vengeance after O'Leary, at a news conference, confirmed the 18 experiments and said she hoped to release information on more than 600 other patients. As Welsome was watching O'Leary's announcement via satellite at the DOE office in

Albuquerque, department officials seized her tape recorder, citing security regulations.

O'Leary also told reporters that the United States had conducted 204 secret underground nuclear tests over a 45-year period, which partially overshadowed the news of the 18 patients. A Washington Post story, for example, did not mention the plutonium injections until the last paragraph. The Post did not publish a separate Page 1 story on the experiments until Dec. 29, three days after the Boston Globe disclosed that the government had fed radiation-enriched foods to more than 30 mentally retarded teenagers in Massachusetts.

R. Jeffrey Smith, the Post reporter who covered the news conference, says the underground tests were more important because numerous stories about the government's role in exposing people to radiation have been written in recent years. Nevertheless, he says, "What is especially interesting about these experiments is the non-consenting ingestion of plutonium, one of the most toxic substances on the face of the Earth. I said to one of the editors, 'We need to pay some attention to this.'"

Once the Clinton administration began discussing possible compensation for the victims, the saga was elevated to an Official Washington Story. The Albuquerque Tribune was deluged with media inquiries. Markey called Welsome with congratulations yesterday, saying he never got her earlier messages.

For the little-known Scripps Howard paper, Welsome's series has brought instant respect and visions of a Pulitzer Prize. "We generally have one crusade a year, and this has been it," Gallagher says.

MOVIE DIRECTORY

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11:50, 2:00, 4:30, 6:45, 8:50
MRS. DOUBTFIRE (PG-13)
1:10, 4:40, 5:10, 7:55, 10:20
THE THREE MUSKETEERS (PG)
11:40, 2:15, 4:45
THE PELICAN BRIEF (PG-13)

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MRS. DOUBTFIRE (PG-13)
1:10, 4:40, 5:10, 7:55, 10:20
THE THREE MUSKETEERS (PG)
11:40, 2:15, 4:45
THE PELICAN BRIEF (PG-13)

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2150 Clarendon Blvd., Arlington
Tel: Ticket/Movie Info, 703-998-4AMC
No Children Under 6 After 6 p.m.
I Denotes No Pass Engagements
BEETHOVEN'S 2ND (PG)
1:00, 3:00 (5:00 @ \$3.00)
GRUMPY OLD MEN (PG-13)
1:30, 7:45, 10:20
TOMBSTONE (R)
1:10 (4:50 @ \$3.00) 7:50, 10:50
THE PIANO (R)
5:40 @ \$3.00 8:05, 10:30
HEAVEN AND EARTH (R)
(I) 1:10 (4:40 @ \$3.00) 7:40, 10:40

CINEPLEX ODEON TACKETT'S MILL 4
Lake Ridge 703-494-5899
WHY PAY MORE?
Adults \$5.25
***ALL SHOWS before 6:00 pm \$3.00
AMERICAN CYBORG (R)
2:20, 4:40, 7:20, 9:40
GRUMPY OLD MEN (PG-13)
2:00, 4:20, 7:00, 9:20
BEETHOVEN'S 2ND (PG)
1:45, 3:35, 5:25, 7:15, 9:15
WAYNE'S WORLD 2 (PG-13)
2:10, 4:30, 7:10, 9:30

MULTIPLEX CINEMA RESTON TOWN CENTER
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SCHINDLER'S LIST (R)
DTS Digital Stereo Presentation
1:00, 2:00, 4:30, 7:10, 8:00, 10:40
SHADOWLANDS (PG)
1:15, 4:00, 7:15, 10:00, 12:25
THE AIR UP THERE (PG)

SPRINGFIELD MALL 10
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Bargain Matinees All Shows Before 6 pm
Cinemas 1-6 Entrance 2
THE PELICAN BRIEF (PG-13)
1:00, 4:00, 7:00, 10:00
GRUMPY OLD MEN (PG-13)
1:30, 4:30, 7:20, 9:35
GHOST IN THE MACHINE (R)
1:15, 3:30, 7:30, 9:35
BEETHOVEN'S 2ND (PG)
1:45, 3:45, 7:10, 9:20
SISTER ACT 2: BACK IN THE HABIT

CINEPLEX ODEON DUPONT CIRCLE 5
1350 19th St. 202-872-9555
Cinema 5 at Dupont Circle Metro
***ALL SHOWS before 6:00 pm \$3.75
(I) No Passes Accepted
SHADOWLANDS (PG)
(I) 1:45, 4:20, 7:00, 9:30, 11:50
6 DEGREES OF SEPARATION (R)
Screen A: (I) 1:40, 4:10, 6:40, 9:10, 11:40
Screen B: (I) 2:25, 4:55, 7:25, 9:40
THE PIANO (R)
1:45, 4:25, 7:05, 9:35, 11:55
FAREWELL MY CONCUBINE (R)
1:45, 4:25, 7:05, 9:35, 11:55

The Nation

PHOTOCOPY PRESERVATION

Redressing the Harms Of the Nuclear Age May Not Be Cheap

By KEITH SCHNEIDER

KEITH L. PRESCOTT worked as a miner in the 1960's, digging radioactive debris out of the deep tunnels beneath the Nevada desert where the Government tested atomic bombs. Mr. Prescott has told interviewers that he was ordered to work in underground chambers so contaminated by radiation that he became nauseated and dizzy. In 1969, Mr. Prescott developed multiple myeloma, a bone marrow cancer known to be caused by radiation, and in 1980 he sued the Government.

For 14 years, the Government denied that it had anything to do with Mr. Prescott's illness and fiercely battled to keep him out of court. But last week, the 67-year-old Mr. Prescott took the stand in a Federal trial in Las Vegas and accused the United States of negligence. And his testimony found a sympathetic audience at the top levels of the Clinton Administration.

Several Administration lawyers said privately that they were appalled at the Government's behavior. "Every time we look at the Government's position, this tough approach becomes increasingly unfathomable," said one official close to the case.

There are few industries that the Government has more aggressively defended than its own cold war complex for the design, manufacture and testing of atomic weapons. Since 1956, when ranchers in Utah asserted in a lawsuit that radioactive fallout killed 4,500 sheep, the Government has steadfastly resisted assertions that the industry could have caused harm. Justice Department lawyers have accused citizens of making up complaints, lying about their injuries and attempting to enrich themselves.

But now, the words heard in the Department of Energy, the Department of Justice and the White House about radiation-related cases are "compassion," "moral behavior" and "doing what is right."

Growing Liability

The implications of the Government's change of heart, both legally and economically, are far from clear. Last week, President Clinton directed aides to assemble a task force to coordinate an investigation of cold war records that could lead to proposals for compensation. The issue that attracted the President's attention was an extensive Government program during and after World War II in which Americans were exposed to radiation in human medical research. But the lawyers involved said it is likely that other cold war era claims will be considered.

What Government lawyers want to know is how to develop compensation programs for the research subjects, which they hope will be a limited, well defined

group, while keeping costs fairly predictable and contained. But they acknowledge that the cost could climb into the billions if a compensation program is expanded to others who say they suffered injuries caused by the nuclear weapons industry.

The central issue the Administration faces is how to weigh the cost of doing good against the cost, in cynicism and distrust, of doing nothing.

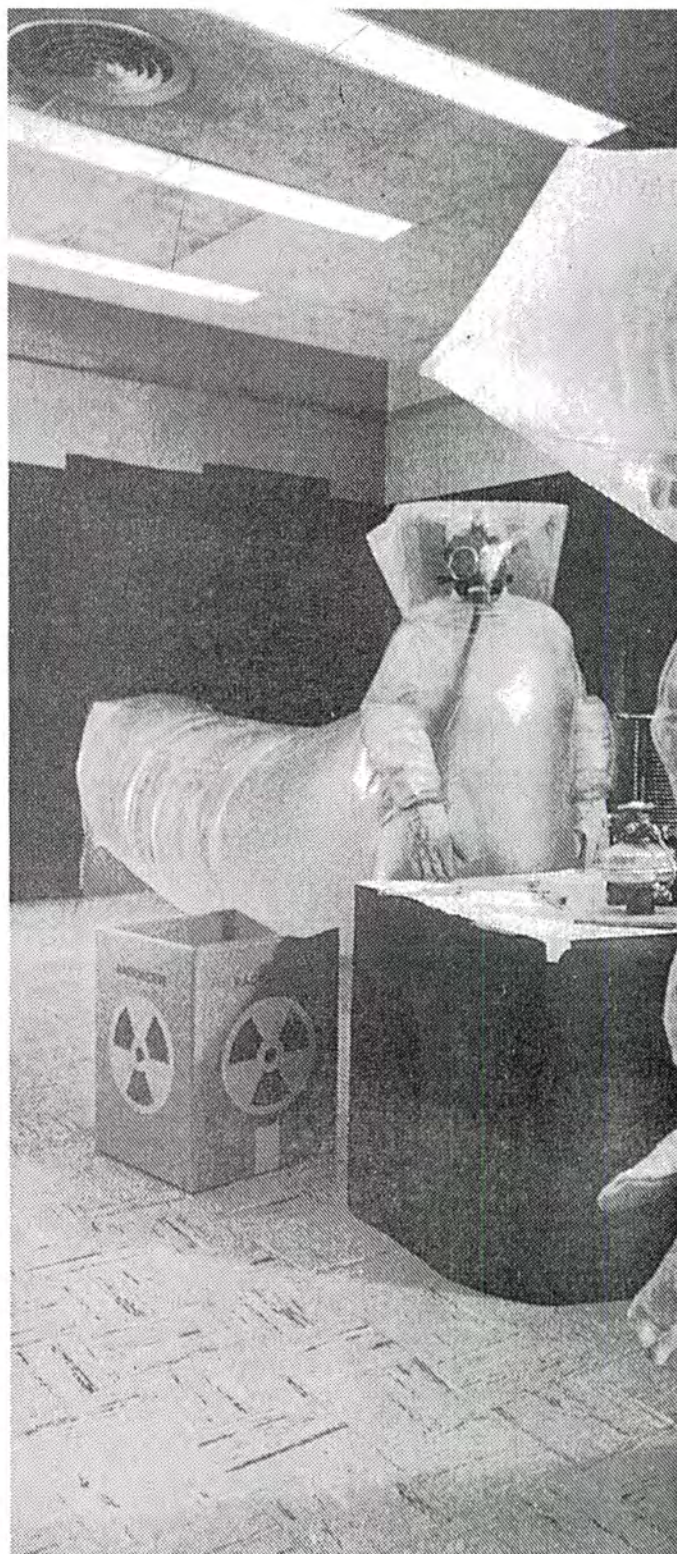
By Washington standards, the Administration is moving at breakneck speed. Once before, in 1979, the Carter Administration formed a task force to consider whether to compensate military veterans and residents of the desert Southwest who were exposed to radiation from atomic blasts at the Nevada Test Site. The White House group recommended compensation for both groups.

But it wasn't until 1988 that military veterans became eligible for disability benefits as a result of radiation exposure. And it was not until 1990 that President Bush signed a bill to compensate "downwinders" — residents of certain areas of three Southwestern states — and some workers who participated in above-ground atomic tests.

Just as they did 15 years ago, budget officials in the White House want to know how much an additional compensation program would cost. They have few available measures.

In 1988, for instance, Congress approved legislation to compensate Japanese-Americans interned during World War II. That program has cost \$1.58 billion and paid benefits to 79,136 people, according to the Justice Department.

Other compensation programs, though, are less expensive. The 1990 legislation has cost \$111 million and paid benefits to just over 1,500 people, so far. It is likely that all those eligible could be compensated by the program's trust fund of \$200 million, or about what it



For years, the Government fought claims. How will a new attitude change

costs for a mile or two of new urban high

The Energy Department has given a to plaintiffs, including a \$78 million settlement a suit involving uranium contamination in Fernald, Ohio.

Since 1990, thousands of workers and filed eight class action lawsuits over 1

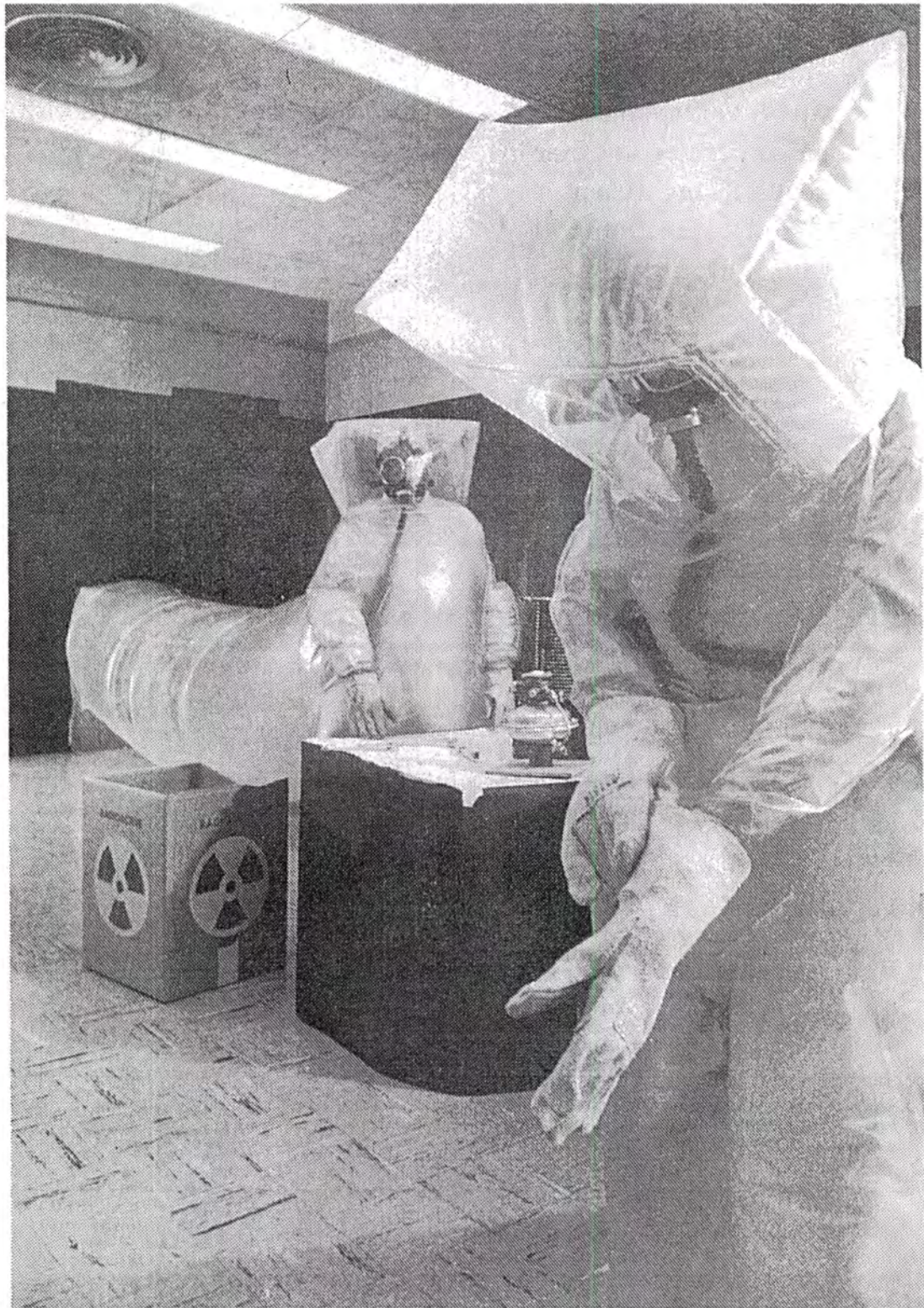
Not Just a Black Thing

From DeVon to LaDon, Invented Names Pr

By KAREN DE WITT

I have fallen in love with American names,





Protective suits worn by technicians at an atomic energy plant, Hanford, Wash., 1954.

PHOTOCOPY
PRESERVATION

nuclear weapons plants in Colorado, New Mexico, Ohio, Tennessee and Washington State. The suits are aimed at corporations that managed the plants for the Government, and because of its contractual obligations, the Energy Department has spent \$47.1 million since 1991 to reimburse the companies for legal fees connected with the cases.

To be sure, said lawyers at the Energy and Justice departments, the Government has ample legal authority to hold off lawsuits and, if they go to court, the chance of winning them.

But Stewart Udall, a former Secretary of the Interior, who as a private lawyer has battled the Government on radiation-related cases since 1979, noted that the courts may be changing their attitudes about such litigation.

"One of the options the White House has is to say, 'We can win, we'll fight them on every issue,'" said Mr. Udall, who helped Mr. Prescott. "But God help us if the Clinton Administration uses that old line. The Government's paid a huge price for that approach. It's

caused public distrust that runs so deep now."

The woman behind the Government's about-face is Energy Secretary Hazel R. O'Leary. Last May, after studying her department's relations with the people who live around its weapons plants, she began a project to make amends. One element of this involved declassifying millions of records in Energy Department archives. After learning of the human radiation experiments, Mrs. O'Leary announced last month that she would investigate and make public records dealing with this problem as well.

In an interview, Mrs. O'Leary said the Government could begin to draw down the enormous reservoir of cynicism and fear left by the nuclear weapons industry.

"I know this is courting some risk, lawsuits and the like," she said. "But there is a great need to assess what happened and to own up to what happened."

For years, the Government fought claims. How much will a new attitude cost?

costs for a mile or two of new urban highway. The Energy Department has given additional funds to plaintiffs, including a \$78 million settlement in 1989 of a suit involving uranium contamination from a plant in Fernald, Ohio. Since 1990, thousands of workers and residents have filed eight class action lawsuits over radiation from

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1,500 people, so far. It is likely
ould be compensated by the
\$200 million, or about what it

Not Just a Black Thing
, Invented Names Proclaim 'I Am'

RADIATION EXPERIMENTS as of 1/8/93

Monday press briefing

brief on:

- 2nd full interagency task force meeting (what is the official name?)
- each of the working groups has had at least 2 meetings...working groups are: [list groups] and are moving forward quickly with recommendations to the Secretaries of each agency...therefore we can make the following announcements:

announce:

- Executive Order/Pres Memorandum instructing each department/agency, including CIA, to 1) halt routine destruction of documents, 2) conduct thorough search of all records relating to the use of ionizing radiation on human subjects (Steve/Podesta to work on exact wording), 3) instruct all contractors to do same, including contractors who had contracts dating back to 194x
- that POTUS will announce Executive Order creating the National Review Board...etc. etc. which will have as its mission the "review....(Steve/Gibbons language)
- within several days the creation of a central 800 number for the entire federal government...widely publicized, etc.
- cooperate fully in the coming weeks with congressional hearings and investigations...consulting with the leadership, Cong. Markey, and chairs of committees with jurisdiction including Sen. Kennedy who will hold a hearing end of this week in Massachusetts

Monday agenda; Room 180, 4:00 PM

-attendance:

- Chief of Staff or point of contact at each agency
- Working group chairs
- Asst Secretaries for Cong at each agency
- WH Staff (Christine to announce on Monday @ senior staff)

-updates from each group:

Public Info:

est. of 800 number

Ethics and Science

est of review board

est. of scope of record retrieval

Record Retrieval

Legal

DOJ cases

Congressional

prep for hearings and testimony

-next steps/goals:

- 800 number and wide publicity by end of week
- naming of board by end of week? too soon?
- release of some documents
- congressional hearings/briefings...start on Tues Jan 11
- principals meeting

other:

- talking points
- date of principals meeting...Friday Jan 21
- put medical follow-up into existing program under CDC or DOE program (suggestion from Markey staff)
- 12 noon steering committee conference call
- NASA guy on conference call for next week or so (pass for Gauldin)
- congressional briefings procedure...coordination and briefing of witnesses (Tracey...mock hearings)
- material to send to Hill that they can send in constituent mail
- release working group membership?
- status of DOJ pending litigation...what do we do if anything?
- relationship with Archives (Trudy Peterson/Miriam Nishit)...how did initial DOE records get there?
- draft of Gibbons' mission statement early Mon AM

- is lean or wadey on taskforce

Joel + Steve
Deutsch, Gibbons, Tarr by phone this weekend

- gen'l standards by each agency statement of scope
- gen'l standards ~~agreed~~ by Mon PM

- Big question is what to do w/ release: Archives, scope, agency
question re: contractors

won't
group
list to release
conf call

Office of Public Affairs
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Department of
Veterans Affairs

News Release

FOR IMMEDIATE RELEASE

BROWN ORDERS SEARCH OF VA HOSPITALS FOR NUCLEAR MEDICINE RESEARCH RECORDS

Washington, Jan. 7 — Secretary of Veterans Affairs Jesse Brown announced today that the Department of Veterans Affairs has directed its hospitals to begin immediately a search for records on radioisotope nuclear medicine or radiation research between the years 1947 and 1979.

"I believe that every VA hospital must now act in the best interests of anyone who has ever been treated, examined or involved in research in a VA facility by aggressively conducting this review. I am committed to searching for the truth," said Brown.

This step is being taken because a review of centrally held research and nuclear medicine records has revealed no information on specific research projects, protocols or human subjects.

The information being requested from hospitals includes radioisotope committee minutes; radiation safety committee minutes; Nuclear Regulatory Commission/Atomic Energy Commission licensing files; research files; protocols and research reports from individual studies; citations of staff publications related to research; and contract research activities with affiliated hospitals, i.e., teaching hospitals, and private research facilities.

The records on the research conducted at the VA hospital in Framingham, Mass., which closed in 1953, have been located at the Boston VA Medical Center and are currently being reviewed.

-more-

Research Records Search -- Page 2

One document VA has located states that in 1947 VA's Chief Medical Director "became deeply concerned about the problems that atomic energy might create for the Veterans Administration due to the fact that the Armed Services were so actively engaged in matters of atomic energy." The Director, out of a concern for problems VA might have "in connection with alleged service-connected disability claims," classified the existence of VA's Atomic Medicine Division as "confidential." Said Brown, "It is extremely upsetting to me that VA apparently concealed for an undetermined length of time the existence of this Atomic Medicine Division, and I have ordered a thorough review of the records to attempt to piece together why this was done and the consequences of these actions."

To date, VA has been able to determine that, as early as 1947, VA was encouraging the use of radioisotope techniques in biomedical and medical investigation. The following year, eight radioisotope laboratories were functioning. By 1951, fourteen units were in place and, by 1958, the number had risen to 48. VA annual reports reveal that 399 radioisotope studies or research projects were carried out in 1955 and 560 in 1956, accounting for approximately 10 percent of all VA research projects supported during those years.

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OFFICE OF PUBLIC AND AGENCY INFORMATION

TO: **NAME:** MR. PHIL CAPLAN - THE WHITE HOUSE
 PHONE: (202) 456-2572
 FAX NUMBER: (202) 456-6704

FROM: **DAVE CHRISTIAN**
 MEDIA RELATIONS SPOKESMAN

PHONE: - 703/482-7677
FAX: 703/482-6790

NUMBER OF PAGES: 2 **(INCLUDE COVER SHEET)**

REMARKS:

CIA

DRAFT
7 Jan 94

Media Guidance on Radiation Testing Issue

As requested by the White House, we are conducting a major inquiry in conjunction with the Task Force on radiation testing. This includes an exhaustive search of our records and our effort to contact any retired officers who might have relevant information.

All the information discovered so far reflects what was already revealed to the Rockefeller Commission and the Church and Pike Committees in the 1970s, including a 1963 CIA Inspector General report that was cited in these subsequent independent and congressional inquiries. To date, we have found no instances of radiation experimentation on humans. We have found one reference to radioisotope experiments conducted between 1953 and 1955 on laboratory animals. We are continuing to search our records. CIA will cooperate fully with the White House in pursuing this testing issue until the government-wide inquiry is complete.

The Radiation Task Force

OFTEN WHEN THE federal government appoints a task force to study some problem, delay appears to be the objective. This seems not to be the case with the federal task force on radiation assembled by the White House this week. Spurred by stories—some of them around for a long time—of government-financed radiation-tolerance experiments on human beings carried out from the '40s to the '70s, the Clinton administration has taken the problem in hand and set a schedule for action. The work may take many months or even years, but a straight course has been set.

The task force will be made up of representatives from the departments of Energy, Health and Human Services, Justice, Defense and Veterans Affairs, the National Security Council, Office of Management and Budget and NASA. The CIA was not represented at the initial meeting on Monday but will also be included. The panel, which will meet weekly on a staff level, will be responsible for compiling information on all the experiments, locating the individuals who were the subjects of tests, determining whether the subjects had been fully informed of the risks and had given informed consent and assessing what damages, if any, they have suffered. Policy matters concerning the kind of damages that merit compensation and the form the compensation might take will also be studied. For example, while some scientists

say very few actual injuries resulted from the studies, should subjects be compensated nevertheless because they were misled? Should even those who gave informed consent be paid if they suffered physical or emotional damage?

It is being said that tests were conducted in a different era, without malice, by scientists struggling to learn more about radiation and its potential harm for human beings and so forth. But the facts suggest a more rigorous ethical examination of the cases is in order. Some terrible things were done here by people who knew better. The choice of subjects among the retarded, prisoners and the terminally ill is particularly suspect. The history of experiments in Nazi Germany, so clearly remembered in the '40s and '50s, should have signaled caution. And the spirited protests of at least one prominent scientist who was an expert in the field is evidence that ethical questions were raised at the time. Some of those who participated in the experiments are long dead. But others are owed a debt by their country. Acknowledging that debt is the first step. The task force has an enormous moral responsibility to sort out what happened so that Americans can face the truth and learn from it and the government that encouraged and countenanced these acts can, where possible, make amends.

Stephen S. Rosenfeld

A 'Partnership' That Falls Short

It has to be said about Bill Clinton's first presidential immersion in Europe that he's thinking big. He's addressing the peace and stability of the continent, the advancement of democracy and reform, the future of NATO. These rate among the big-ticket items of international diplomacy and, notwithstanding his secretary of state's casual lament that America had gotten too "Eurocentric," he is right to engage himself in a part of the world still of central American geopolitical, economic and sentimental concern.

As fate has it, Clinton heads for Europe at a critical moment. The post-Cold War euphoria has faded. Across much of Europe, political as well as economic life is grim again. Ethnic tensions rumble. The earlier view of post-Communist Russia as drawn to an internal focus on regeneration now shares pride of place with a view of Russia as a potential applier of nationalistic muscle to the other former Soviet republics and to the old East European satellites as well.

We are back at the century's single most persisting foreign policy question. What part of our destiny is tied to the continent to which most Americans can still trace their forbears? The United States has long been accustomed to a trans-Atlantic role of managing conflict and tension between friends and adversaries. How should it now manage what are by historical standards the lesser but still troubling tensions between friends newly liberated from Moscow's rule and friends in Moscow itself?

The centerpiece of the Clinton response is an offer of "Partnership for Peace"—peacetime preparation plus threat-time consultation, but no guarantee of wartime support—between NATO and those willing states that meet alliance standards

for fuller ties. Less than full political membership but more than the status quo, this arrangement for a controlled transition to alliance enlargement is intended by Washington to calm edgy Europeans without arousing nationalistic Russians.

Understandably, to East Europeans, this proposal falls short. In the breakup of Yugoslavia, they could see that American involvement unfolds only within a context of alliance political commitment, which was dismally

NATO must fortify the shaky new democracies and anchor them in a greater Europe.

lacking. They have studied the Balkan debris. Since NATO would not much extend itself "out of area" (beyond its members' territory), Poland and company seek to get into the area—to join NATO.

The Clinton team thinks that for NATO to take in some new members too quickly but to put Russia on hold is to "draw a new line" in a Europe whose unification signaled triumphantly the end of the Cold War. But the proposal itself draws a line—between the westerly NATO democracies enjoying the full comforts of alliance and the easterly non-NATO democracies impatient for those comforts and feeling increasingly chilled in the winds blowing from Moscow.

The Clinton team says it's best to hold back on new members until the alliance fastens on a post-Cold War

mission clear and important enough to make strategic sense and to rally Western publics. But its hesitation, meant to be prudent, may yet undercut the best prospect for a new NATO mission, which is to fortify the shaky new democracies and anchor them in a greater Europe.

What other mission for NATO can there possibly be? Without a timely advance on this track, Washington risks erosion of public support for any American military presence in Europe at all.

The alliance could take in Eastern Europe later if Russia turns ugly, says Clinton—"if things go bust in Russia," others say. But the example of Yugoslavia suggests that if things turn ugly, NATO could well avert its gaze and say, as Clinton says now: Sorry, there's no NATO consensus.

Anyway, the Vladimir Zhirinovskiy constituency in Russia already is turning ugly, and even the Boris Yeltsin constituency is taking a harder line, though no East European country faces direct external threat. And rather than getting tougher, NATO just warns that Zhirinovskiy should not be given new fodder. Clinton seconds Yeltsin in saying that a move toward settling NATO's privileges upon East Europe would only confirm Zhirinovskiy's charges of Western conspiracy.

The challenge for American policy is to distinguish between fair Russian claim and Russian paranoia. The United States is doing a lot to assist Russia in the strategic as well as in the economic and political spheres, and it should be. But it cannot allow itself to be caught in a corner where reasonable support of other friendly countries is subordinated to the play of politics in Moscow. We are Russia's partner, not its therapist. Our broader interests must be our guide.

Robert J. Samuelson

It's Not the Economy, Stupid

We are now being swamped with the usual New Year's economic forecasts. If they're accurate, it will be a solid year. The economy will grow about 3 percent, roughly 2 million jobs will be created, corporate profits will rise 10 percent, and inflation will stay around 3 percent. All this rates as good news—but not, perhaps, as good as we think. What's lost in all the cheery forecasts is an important and unappreciated truth: Most major national problems aren't economic.

We Americans have developed a lazy habit of thinking otherwise. With a stronger economy, we tell ourselves, a lot of our problems would fade away. Government could afford needed programs and eliminate budget deficits. The poor would have good jobs and become self-supporting. Crime would decline, because the poverty that feeds it would gradually disappear. We tend to see prosperity (alias, economic growth) as the cure-all for just about anything that ails us. It isn't.

By that, I don't mean that prosperity isn't important or that a little more isn't better than a little less. Societies that lack functioning economic systems—for example, the former Soviet Union—experience material hardship and political disintegration. The two feed on each other. But the United States is not that sort of place. Even when our economy is in recession, it sustains both jobs and high living standards for most Americans. By the same token, even when the economy is purring along, it won't magically solve most of our pressing social problems.

The federal government has now run budget deficits for 24 consecutive years. These have occurred when the unemployment rate was extremely low (4.9 percent in 1973) and when it was extremely high (9.7 percent in 1982). The basic problem is not inadequate economic growth but an inability to reconcile a large appetite for government services with a low tolerance for taxes.

Or, consider crime and poverty. The United States is much wealthier than it was three decades ago, and yet violent crime is also up. In 1961 there were 8,600 murders; in 1991 there were 21,500. Poverty would drop somewhat if the economy grew faster. The wages of the working poor would be slightly higher, and there would be a few more jobs. But it's absurd to think that meager economic growth is the basic cause of persisting poverty. Whatever the economy's flaws, job creation isn't one of them. Since 1970, the economy has added more than 40 million new jobs.

The causes of crime and poverty are, in this sense, curiously disconnected from the economy. Many of the poor can't do, can't find or don't want the jobs that are available to most Americans. Lack of skills, poor school performance and family breakdown underlie much hardcore poverty. And many criminals may find crime more appealing than any conceivable legitimate job. These problems won't magically recede with a burst of economic growth. Prosperity is a necessary—but not sufficient—condition for solving most serious social problems.

The same may be true of our personal lives. Writing in

the Public Interest magazine, political scientist Robert Lane asks whether money can "buy" personal happiness. After reviewing opinion polls and academic studies, he concludes that, in general, it can't. The table below makes this point dramatically. In its surveys, the National Opinion Research Center at the University of Chicago asks respondents whether they are "very happy," "pretty happy" or "not too happy." Except at the lowest and highest income levels, the differences aren't large.

INCOME	VERY HAPPY	PRETTY HAPPY	NOT TOO HAPPY
\$0-\$14,999	21%	58%	21%
\$15-\$24,999	31%	56%	13%
\$25-\$34,999	32%	60%	8%
\$35-\$49,999	36%	59%	5%
\$50-\$74,999	34%	60%	6%
\$75,000+	45%	49%	6%

This is less implausible than it seems. If your salary jumped \$10,000, wouldn't you be happier? Almost certainly. But would it fix all your life problems? Probably not. "It is family, friends and work that contribute most to well-being," writes Lane. The NORC surveys support this. Increases in reported "financial well-being" temporarily make people feel happier. But the stronger causes of happiness lie elsewhere. Married people, for example, report higher happiness than singles (39 percent say they're "very happy" compared with 24 percent for those living alone).

The point is not that the pursuit of economic growth and prosperity are misplaced ambitions. They do improve our lives, especially over the long run. In a recent book ("Pursuing Happiness"), economist Stanley Lebergott of Wesleyan University reminds us of just how large advances in living standards have been. As recently as 1940, three-quarters of homes were heated by coal or wood. Women "spent six hours every week dusting floors, furniture, and sills and more hours still washing wood ash or coal dust from curtains, blankets and clothing." In 1950, almost 30 percent of households still lacked inside flush toilets.

What's wrong is the obsession with economic growth or materialism as the path to personal or societal well-being. Wealth will not bring love or civility. It will not make the dishonest honest. It will not mend broken families or stifle crime. Such distinctions are common sense, and we instinctively recognize similar limits in most areas of our lives. In medicine, we know that some treatments work for some ills and not for others. Antibiotics cure many infections, but not cancer.

But in our social debates, we tend to assume that prosperity—if administered in large enough doses—is really the basic cure for most national ailments. This habit of thought is self-defeating. It makes individuals less responsible for their own fates: They become pawns, for better or worse, of the larger economy. It distracts us from hard thinking about critical problems. And worst of all, it excuses us from making unpleasant political choices when they are necessary.

NATIONLINE

FROM USA TODAY'S NATIONAL NEWS NETWORK

USA's blood supply at critical level ✓

The nation's blood supply has fallen to the lowest level in Red Cross history, curtailing surgeries and prompting the agency's first national emergency appeal ever. "This is the largest shortage," Red Cross spokesman Feliz Perez said Thursday. There have been regional emergencies, "but never this many at one point," he said. On hand: 33,000 units, less than half the usual. Blamed: snowstorms, the Beijing flu outbreak in 17 states, and a normal dropoff around the holidays. "We are afraid lives will be lost," said Marcia Lane of the American Association of Blood Banks. She said elective surgeries have been postponed in more than 20 cities such as Dallas, Cleveland, Little Rock and Miami.



AP
POWELL: 'Glad not to be at war'

in the October 1969 "Days of Rage" Chicago street rioting.

MOVIE SHOOTING: San Diego police are trying to determine if the shooting of a woman watching *Schindler's List* was something more than a random act. The 40-year-old woman, in serious condition, was shot in the back while seated next to her husband, an off-duty police officer. The gunman, behind her, dropped the weapon and fled. It happened during on-screen gunfire, but whether that was "coincidental, or whether he knew that shooting scene was coming up," isn't known, said police spokesman Dave Cohen.

NASA CHANGES: NASA unveiled sweeping management changes Thursday, including appointment of Carolyn Huntoon as the first female space center director. She'll run Johnson Space Center in Houston. Women are 30% of the agency's civil service work force and 12% of its managers.

MORE SNOW: Snow-weary residents in the Northeast can expect more of the same through Saturday. Up to 7 inches of snow is expected on top of the foot-plus that fell earlier in the week from Pennsylvania into Maine. "We're going to have a double-barreled storm," said meteorologist George Klein in Boston. (Full weather report, 12A)

CITY LIFE: More local elected officials have a brighter view of their economic climate than last year. A National League of Cities survey of 374 leaders found 62% rated the climate as very good or good, compared with 49% last year. While economies are looking better, said League president James Sharp, mayor of Newark, N.J., "the No. 1 hue and cry in America is still the fear of violent crime."

RADIATION RECORDS: Sen. John Glenn, D-Ohio, said the government's investigation of radiation experiments on unwitting Americans should be expanded to include tests involving drugs, chemicals and pesticides. He also seeks assurance that non-consensual tests aren't still being conducted. Energy Secretary Hazel O'Leary, who initiated the release of secret test records, will testify at the Senate Governmental Affairs Committee hearing later this month.



AP
GLENN: Wants expansion of probe

SPOUSE ABUSE CASE: Aurelia Macias, 34, and her husband, whose testicles she is accused of cutting off with scissors, have reconciled and want criminal charges against her dropped, her lawyer said. Los Angeles prosecutors said they intend to go to trial next week.

ALSO THURSDAY . . .

► **DISABILITY FINE:** In the first civil penalty under the Americans with Disabilities Act, Denver parking company Allright Colorado agreed to pay \$20,000 and add 400 handicap spaces, the U.S. Justice Department said.

► **HEIRESS SLAIN:** Newspaper heiress Anne Scripps Howard, 47, died at a Bronxville, N.Y., hospital, a week after she was found beaten and unconscious in her bedroom. Charged: her husband, Scott Stuart Douglas, who is missing.

► **EXECUTION:** Keith Eugene Wells, 31, was executed by injection in Boise, Idaho, for the 1990 beating deaths of two people at a Boise pub. It was the nation's first execution this year; Idaho's first since 1957.

► **AIR CRASH KILLS 10:** Authorities in Fort Drum, Fla., said Japanese newlyweds Kotaro Kato, 28, and Hiromi Takahara, 25, and six relatives were among the 10 killed when a twin-engine Beechcraft King Air crashed Wednesday. The pilot and co-pilot also died. Cause: unknown.

► **JFK FILES:** Almost 73,000 pages of FBI files on the assassination of John F. Kennedy and the investigation of Jack Ruby were transferred to the National Archives in Washington. They'll be available to the public Monday.

► **HOMELESS DEATH:** An autopsy found diabetes, not hypothermia, caused the death of Yetta Adams, 43, a homeless woman found Nov. 29 in near-freezing cold on a bus shelter bench across from the U.S. Department of Housing and Urban Development in Washington, D.C.

Menendez jurors request read-back

The jury in the Los Angeles murder trial of Erik Menendez had some of the most crucial testimony read back to them before they ended their 14th day without a verdict.

The panel wanted the descriptions Erik and his brother, Lyle, gave about how and why they killed their wealthy parents. "Of special interest is how and where they entered the room and started firing," said Judge Stanley Weisberg, reading the jury's note. The jurors also heard a read-back of testimony about where Erik and his mother were when Lyle heard them fighting three nights before the brothers shotgunned their parents to death.

Erik, 23, and Lyle, 25, claim they acted after years of physical and mental abuse. Prosecutors say the motive was to inherit \$14 million. Lyle's fate is being decided by a different jury, which has deliberated 16 days without a verdict.



AP
ERIK MENENDEZ: Actions questioned

Written by Paul Leavitt. Contributing: Carrie Ferguson, Gary Fields and Todd Halvorson

FRIDAY, JANUARY 7, 1994 • USA TODAY

Limited options likely for women in combat

Defense Secretary Les Aspin has ordered the Pentagon to take a broader view of plans to allow females in combat roles, delaying this week's scheduled release of rules to implement the new policy.

Aspin rejected a draft proposal of rules, Pentagon spokeswoman Kathleen deLaski said Thursday.

The *Washington Post* reported that the Army and Marine Corps, which have resisted giving females roles in combat units, succeeded in limiting options for women. The proposed changes would continue to exclude females from most jobs in field artillery, short-range air defense, military intelligence, combat engineering, air cavalry and special operations aircraft, the *Post* said.

Aspin hopes to complete the report before he leaves office, deLaski said. Aspin steps down Jan. 20 after a rocky year's tenure in which females in combat and homosexuals in the military were among tough issues he faced.



KANTOR: Says shipments illegal

CHINA TRADE: The Clinton administration slashed the quota for textile imports from China by more than \$1 billion, in retaliation for what Trade Representative Mickey Kantor said was \$2 billion worth of illegal shipments of Chinese products through other countries to avoid quotas. Kantor said Chinese textiles and clothing have been shipped illegally through at least 25 other countries, including Honduras, Panama and Hong Kong. "Obviously they are selling products in an illegal manner,"

Kantor said. Illegal Chinese imports could have cost U.S. workers more than 50,000 jobs, said Henry Truslow, president of the American Textile Manufacturers Institute.

NEW INDICTMENT: Sen. Kay Bailey Hutchison, R-Texas, was indicted again on a charge of official misconduct that was previously dismissed for being too vague, prosecutors said. The reinstated indictment was among three felony charges and a misdemeanor count quashed Dec. 28 by state Judge John Onion pending their clarification by prosecutors. Hutchison was charged with misuse of state employees and equipment for political purposes by Hutchison while she was Texas state treasurer. Hutchison, who won by a landslide in a special election last June, denies wrongdoing and has said the charges are politically motivated by Democrats.

BIG-SPENDER AMBASSADORS: The Clinton administration has stuck to tradition by giving plum ambassadorships to political supporters and big contributors, The Associated Press reports. Of the 77 people Clinton has nominated to head embassies and other diplomatic missions, 31 nominees, or 40%, are from political ranks outside the professional foreign service, according to an AP review of Senate Foreign Relations Committee records. Five were \$100,000-plus donors to Democrats. California hotel operator Larry Lawrence, who gave \$196,304, failed to win the endorsement of a Senate committee for his nomination to Switzerland. The full Senate will take up his nomination. Big contributors getting diplomatic posts included: Swanee Grace Hunt, \$328,700, to Austria; Terry Dornbush, \$253,750, to the Netherlands; Edward Elson, \$182,714, to Denmark; Pamela Harriman, \$130,902, to France.

ELSEWHERE IN THE WORLD

U.N. envoy: World must know Croatian tragedy

The U.S. ambassador to the United Nations, shaken by a visit in Croatia to a mass grave for as many as 300 people believed executed by Serbs, says the world must know the "dreadful story."

"Vukovar is a symbol of the inhumanity that has taken place during this very tragic war," Madeleine Albright said Thursday in a trembling voice, during a visit to the town, in the former Yugoslav republic of Croatia.



Agence France-Presse
ALBRIGHT: 'Symbol of inhumanity'

Albright warned the former Yugoslav republics to cooperate with an international war crimes tribunal set up to prosecute those accused of atrocities in fighting following the breakup of Yugoslavia.

Vukovar, on the Danube River border between Serbia and Croatia, was reduced to rubble in shelling by Serbs during a civil war between Croats and Serbs backed by the Yugoslav army.

The mass grave, a relatively small plot encircled by barbed wire, contains the remains of as many as 300 people killed after the town fell to Serb troops in November 1991.

Serbs have been accused of the worst atrocities in Croatia and in later fighting in Bosnia-Herzegovina. But Croats and Muslims also have been tied to such crimes.

The 6-month-long war in Croatia started after Croats declared independence from Serb-dominated Yugoslavia in June 1992. The war ended with a truce, but sporadic fighting has continued.

Ethnic war spread in April 1992 to Bosnia, where an estimated 200,000 people have died in 20 months of fighting.

VIETNAM MIAS: U.S. teams fanned out across old battlefields in Vietnam in search of remains of U.S. soldiers who died in combat during the Vietnam War. Five separate U.S. congressional delegations and high-ranking U.S. military officers are scheduled to visit Vietnam during the next 10 days to assess progress in locating those listed as Missing in Action. The United States has said that lifting its 19-year-old trade embargo against Vietnam depends on progress in getting full account of the 2,239 remaining U.S. MIAs.

MEXICAN UPRISING: Catholic leaders in Chiapas said that the death toll from a southern Mexico uprising has topped 400 but the military insisted that 95 died during the six-day rebellion. The Mexican army appeared close to crushing the rebellion by armed peasants but its near-victory was tainted by accusations that heavily armed soldiers were violating human rights. President Carlos Salinas de Gortari said the Chiapas uprising was not an Indian rebellion and that the indigenous population rejected violence.

ALSO . . . Israel and the PLO agreed to return to the negotiating table next week, ending the most serious crisis to shake the peace process since the Sept. 13 signing of an autonomy accord . . . Venezuelan authorities believe firearms, homemade knives and even grenades remain in the hands of inmates at a prison that was the site of a bloody riot this week and fear further violence could erupt . . . Forecasters predicted more than 100 out-of-control brush fires near Sydney, Australia, could worsen today in the region's worst fire emergency in 50 years.



DANIEL KADLEC

Clinton factor: Tom Gallagher, political analyst at Lehman Bros., predicts the Federal Reserve will push interest rates higher this year, partly because it will be free from any political pressures not to do so. President Clinton can live with slightly higher rates now because he won't want rates on the rise as his 1996 re-election campaign nears, Gallagher says. He also warns of another statistical hurdle this bull market faces: Since 1948, the Standard & Poor's 500 has posted a down year in about half of all four-year presidential terms. Each time the down year was in the first or second year of the term. That suggests we either get the down year now — or not for at least three years.

bc-elders - a1611

(ATTN: National editors) (Includes optional trims)

Surgeon General Says Children Victimized by Smoking Parents

By Marlene Cimon= (c) 1994, Los Angeles Times=

WASHINGTON Surgeon Gen. Joycelyn Elders Thursday urged parents who smoke to seek help in quitting or to indulge their habit outside their homes and cars, saying: "Your children are the innocent victims of your addictions."

Lending her support to a new national campaign against the dangers of second-hand smoke on young children, Elders acknowledged that cigarette smoking is a tough addiction to break. But she pleaded with parents to think about the health consequences of their smoking on their offspring.

"We, as adults, have a choice," she said. "But our children have no choice."

Last year, the Environmental Protection Agency classified second-hand smoke as a Group A carcinogen, meaning it is known to cause cancer in humans. Moreover, children's exposure to environmental smoke is known to cause lower-respiratory-tract infections, ear, nose and throat problems, and potentially serious complications in those suffering from asthma.

More than 50 percent of children under age 5, or 9 million American children, live in homes with at least one adult smoker, according to the American Academy of Otolaryngology-Head and Neck Surgery, which is sponsoring the new campaign.

Furthermore, more than 725,000 children in the United States are exposed to environmental smoke in their day care centers, the academy said.

"I think most parents who smoke would really like to stop smoking in a home around their children," Elders said. "But we know that tobacco is the most addictive substance we've got, more addictive than cocaine or heroin. ... Somehow, they've just not quite been able to give it up, and they feel badly that they smoke."

(Optional add end)

Walker Merryman, vice president of the Tobacco Institute, which represents the industry, agreed that "everyone is and should be concerned with the health and well-being of children," and that smoking parents "may want to exercise common sense about smoking in front of their children in the same way they use common sense about other exposures and activities."

The new campaign was immediately endorsed by the American Medical Association. "As a nation, we must do our best to keep children safe from harm, and that means eliminating their exposure to the dangers of passive smoke," said Dr. Thomas Houston, director of the AMA's office of preventive medicine and public health. "Children should not be harmed by an adult's decision to smoke."

The academy has established a toll free number, 800-393-6733, for the public to obtain materials and other information about the risks of second-hand smoke on children.

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bc-radiation - a1605

(ATTN: National editors) (Includes optional trims)

Clinton Urged to Review All Government Testing Programs (Washn)

By Michael Ross= (c) 1994, Los Angeles Times=

WASHINGTON Calling Cold War-era radiation experiments on often unsuspecting patients "unconscionable," a key lawmaker Thursday urged President Clinton to order a government-wide review to determine whether any similar experiments with other dangerous substances had been performed or were now under way.

Sen. John Glenn, D-Ohio, suggested that the once-secret radiation tests might be only one piece in a dark pattern of experimentation with dangerous substances including drugs, chemicals, pesticides and other hazardous substances that could have been conducted by government agencies on unwitting subjects.

Furthermore, he said, it was possible that such tests were continuing.

While stressing that he had no evidence that either case was true, Glenn said he was disturbed that no one had yet addressed the questions.

"I am calling for a government-wide review of all testing programs from drug tests at FDA to military tests at DOD (the Department of Defense) to determine if any improper experiments on humans persist to this day," Glenn said. "We need to know from the administration that they are doing everything possible to assure that no improper testing ... continues. No other answer is acceptable."

The senator's remarks came as he announced that the Senate Governmental Affairs Committee, which he chairs, will conduct hearings later this month on the newly publicized radiation experiments.

Information about the radiation tests was released last month by Energy Secretary Hazel O'Leary in the name of full government disclosure.

Energy Department officials are still reviewing massive amounts of documents to determine the full extent and nature of the testing. So far, it appears that many of the tests were conducted often with fatal consequences on subjects who were unaware of the potential dangers to them.

(Optional add end)

The tests, conducted in an era when fears of nuclear attack were heightened, apparently were designed largely to determine the effect of radiation fallout on humans.

President Clinton responded to O'Leary's move by appointing a task force to oversee an investigation into the roles other agencies the Pentagon and the Central Intelligence Agency, for example might have played in the testing.

While commending those efforts, Glenn said Clinton also should order full disclosure of any other kinds of experiments conducted on human subjects by the Defense Department, the CIA and any other government agencies.

"We know that radiation testing presumably with informed consent continues within the government," Glenn told a Capitol Hill news conference. "But do we know, with 100 percent certainty, that testing without consent does not continue to this day somewhere deep in the bowels of the federal government?"

The answer, he added, is that, "We don't know for certain it is not going on right now."

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WASHINGTON (AP) EPA Administrator Carol Browner promised

WASHINGTON (AP) EPA Administrator Carol Browner promised Thursday to broadly expand the amount of information provided to the public about toxic chemical releases by industry.

As a first step, the Environmental Protection Agency announced it would nearly double to more than 630 the number of chemicals about which emission information must be reported annually under the Toxic Release Inventory law.

But Ms. Browner said public access to such information "is absolutely critical" and that later this year she plans to expand the list of types of industrial facilities required to make pollution reports.

Currently only manufacturers are required to disclose chemical releases in the air, water and into the ground. Last year, manufacturers reported releasing 3.38 billion pounds of toxic chemicals into the environment during 1991.

"We will move as quickly as possible to expand the facilities" that will be covered by the reporting requirements, Ms. Browner told a news conference.

Environmentalists long have said the current reporting requirements fail to count hundreds of tons of toxic chemical releases from such activities as mining, waste disposal and incineration, oil and gas drilling, electric utilities and transportation activities.

"They are all candidates" for being included in an expanded reporting rule, said one EPA official, who requested anonymity.

Browner said no decision has been made on specific industries that might be brought under the umbrella of the Toxic Release Inventory law.

The Clinton administration has made clear its intention to toughen and broaden the 1987 law requiring manufacturing plants to report releases of toxic chemicals into the air, water and into the ground. Last year the White House directed federal facilities, including defense sites, to report releases.

"We believe that it's vital to give the American people as much information as possible about their communities and their environment," said Ms. Browner.

Under the proposal announced Thursday, the EPA will require reporting on 313 additional chemicals, including 170 chemicals that are used to make pesticides. Currently, reporting is required on about 320 chemicals.

The additional chemicals will mean 2,400 additional manufacturing facilities will need to provide pollution data to the government, said Morton Greenwood, the EPA director who oversees the reporting program.

Greenwood said the agency also has begun examining whether industry also should make chemical production and use data available to the public. Several states already require reporting such information, officials said.

The EPA likely will have to ask Congress for new legislation if it wants to collect substantial chemical production data.

Environmentalists have called the toxic inventory release requirement one of the most successful environmental protection measures enacted in recent years.

The disclosure requirement has "put the power of the

spotlight'' on manufacturers, causing them to reduce their toxic chemical emissions because of public pressure, said Fred Krupp, executive director of the Environmental Defense Fund.

APNP-01-06-94 1814EST

Disclosing Radiation Tests Puts Official in Limelight

By KEITH SCHNEIDER

Special to The New York Times

WASHINGTON, Dec. 30 — Energy Secretary Hazel R. O'Leary was in her office in November when Dan Reicher, a top aide, pulled her out of a meeting and told her he had disturbing news.

"I just found out about experiments you should know about," Mr. Reicher said. "People were injected with plutonium back in the 1940's. There's a newspaper in New Mexico that's about to lay out the whole thing."

Recalling her reaction in an interview, Mrs. O'Leary said: "I said to him, 'Let's get it out. Just throw it on the pile.' It was another piece in our work to come clean."

Secrets Are Disclosed

"The pile," it turns out, was a project Mrs. O'Leary had started in May to begin declassifying millions of cold war records from Energy Department archives around the country. On Dec. 7, at a news conference, Mrs. O'Leary made the project public by disclosing some closely held secrets about the American nuclear arsenal, like the amount of plutonium the United States has produced since World War II.

But it was Mrs. O'Leary's vow at the news conference to follow up a seven-year-old request from Congress and undertake a thorough investigation of her department's human radiation experiments that caused the biggest sensation.

Friends and colleagues of the 56-year-old Energy Secretary said her actions illustrated the melding of instinct and political acumen that have marked Mrs. O'Leary's long career in Government and the electric utility industry. They described her as the sort of woman who was unafraid to act when struck by the gravity of events. And they noted that anything she did to improve her department's credibility would make her job easier.

An Upsetting Report

As the first black woman to head the sprawling Energy Department, Mrs. O'Leary, who was reared in segregated Newport News, Va., said she was ever-sensitive to Government-sanctioned policies that were unjust or abusive. And when she read in The Albuquerque Tribune how Government doctors in the 1940's unwittingly exposed five Americans to plutonium without their full informed consent, she said, "it just hurt me." Among the subjects of the experiments was a 30-year-old railroad porter named Elmer Allen, whose injured left leg was amputated after it was injected with plutonium.

Mrs. O'Leary said: "Mr. Allen appeared so utterly incapable of taking care of himself. My sense was nobody was looking out for Mr. Allen before the testing. He

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seemed like somebody who had been caught up in a giant machine. Those are the people who ought to be protected by the Government from ourselves.

"I was stunned by what I read and it was clear getting this out was the right thing to do. I think that is the way this Government is supposed to work."

So far, many supporters and critics of the department agree the investigation has been a triumph for Mrs. O'Leary and has produced political benefits for President Clinton. As more experiments were disclosed by news organizations, Mrs. O'Leary called on the Government to compensate people who had been harmed.

The White House, aware of the growing attention Mrs. O'Leary was attracting, then broadened the inquiry to include human experiments during the cold war sponsored by the Public Health Service, the National Aeronautics and Space Administration, the Department of Veterans Affairs, the Central Intelligence Agency and the Pentagon. In the course of four weeks, Mrs. O'Leary had transformed herself from a relative unknown into a prominent Cabinet member.

Need for Public Trust

"You can't do anything in this agency without trust and confidence," Mrs. O'Leary said in the interview. "But I had no idea that this would be as big a piece of building trust as it has. I thought a narrow public would focus on it."

"As the days have passed since Dec. 27, I've gotten it. I understand what is going on here. The public, I hope, sees a past which is alarming and appalling. In the long run, if we handle this well, that might help us to establish a reason to be trusted."

It is the sort of story the public loves but that is so rare in Washington: a Cabinet official, acting on gut instinct, stands up and takes a bold stand. At this stage, it is also politically easy. The experiments the Government is investigating, Administration officials say, occurred years before President Clinton took office.

But behind Mrs. O'Leary's concern for this corner of cold war medical history lies a nest of other projects planned by the Department that carry far higher political price tags. One is a proposal in Texas to establish a new nuclear waste storage site. Another is a proposal to change Federal environmental cleanup standards.

It is no longer a secret that the Energy Department, which once was charged with building the world's most advanced atomic weaponry, was hardly a model of precision, tidiness, or wholesome conduct. Decades of sloppy operating practices at the agency's network of bomb factories and laboratories in 12 states have left a landscape littered with radioactive and toxic wastes.

Slow Pace of Cleanups

Since 1988, well over \$20 billion has been spent by the department to address the waste problem, but Mrs. O'Leary said there was precious little evidence that there had been any improvements. One reason the pace has been so slow is the complexity of Federal rules for cleaning up and disposing of wastes, which Mrs. O'Leary said sharply increased costs while doing little to lower risks. The Clinton Administration is preparing a proposal to change the cleanup standards, she said.

The post-cold war era has also saddled the Energy Department with the equally daunting task of disarming the nuclear arsenal and dismantling highly contaminated bomb factories, some of them among the largest concrete and stainless steel structures ever built. To meet these goals, Mrs. O'Leary said, the Administration is proposing to establish at least one new nuclear waste storage site at the Pantex plant near Amarillo, Tex., and perhaps others.

Mrs. O'Leary acknowledges that she must build her department's credibility, to begin solving these formidable problems. Texas is wary of plans to

establish a new radioactive waste storage complex. Some environmental advocates said they were ready to go to the mat to defend the Federal Superfund law and other toxic waste measures against changes they believe could weaken environmental protections.

"All of this requires some stature, a track record and a group of people who will trust that you will be around to see the thing through," Mrs. O'Leary said. "We're pushing the national agenda forward and now I have this opportunity, maybe, of making some headway. I know there's a high level of cynicism that's going to crop up even as we speak. But we address that with follow through."

Mrs. O'Leary, whose late husband

Lifting a veil of secrecy, a Cabinet member ends an era.

was John F. O'Leary, the Deputy Secretary of Energy under President Jimmy Carter, was familiar with those challenges when President Clinton asked her to be his Energy Secretary. As she is fond of saying, referring to the political unattractiveness of her job, "smart money doesn't come here."

To be sure, her predecessors were often stymied by the agency's myriad troubles and deeply embedded secretive practices. John S. Herrington, the Energy Secretary during the last four years of the Reagan Administration, began the process of opening the department to public scrutiny. But his work to disclose secrets so enraged the career engineers who managed the bomb plants that Mr. Herrington spent his last year in office engaged in a pitched battle with his own staff for control of the department.

Mrs. O'Leary, though, has approached the job differently. Perhaps her most important early steps were to hire as her personal aides a brood of restless, well-informed and stubborn men and women who had long been the Department's most influential and vocal critics in Washington.

One was Mr. Reicher, a 37-year-old Stanford-educated lawyer from the Natural Resources Defense Council who filed a lawsuit in the late 1980's that helped stop a new plutonium plant in Idaho. Mr. Reicher is Mrs. O'Leary's deputy chief of staff and chief environmental counsel.

Another top staff member is Dr. Tara O'Toole, a physician and former researcher at the Congressional Office of Technology Assessment who produced a series of revealing studies on the agency's waste problems. Dr. O'Toole is Assistant Secretary of Energy for Environment, Safety and Health.

But Mrs. O'Leary's own engaging and formidable personality has also helped her make her mark. She is described by friends and colleagues as a study in contrasts. She admits to being an impulsive perfectionist and a demanding boss. But she earns her aides' loyalty with an endearing motherly charm, well-timed hugs and meals. She often invites her staff for breakfast, lunch and dinner as a way to thank them. Tall, slim, and elegant in dress and manners, Mrs. O'Leary stands out for her humor and her swearing, a habit picked up in law school, she said.

President Clinton has already expressed his admiration for her work. Last summer, she was a pivotal part of his decision not to resume nuclear bomb testing at the Nevada Test Site. Hillary Clinton also is a fan. At the White House Christmas party, Mrs. Clinton hugged the Energy Secretary and gushed about her work in disclosing the atomic medical secrets.

Mrs. O'Leary, though, said she intends to stay at the Energy Department for only four years. "And what might her next project be? She grinned and answered, 'I'm going to work on my thighs and my backhand.'"

THE NEW YORK TIMES, THURSDAY, JANUARY 6, 1994

Continued on Page D20, Column 1

Washington's Taxers Find They've Taxed Themselves

By DAVID E. ROSENBAUM

Special to The New York Times

Continued From Page A1

WASHINGTON, Jan. 5 — When the time comes for Senators and Representatives to pay their income taxes this April, they will probably find they owe several hundred dollars more than they might have expected.

They will have to pay for parking on themselves.

An obscure provision of an energy policy law they passed in 1992 requires workers who receive free or subsidized parking from their employers to pay income taxes on the value that is worth more than \$155 a month, beginning with their 1993 returns. The expectation was that a relatively small number of affluent executives who work in the central business districts of a few large cities would be affected.

Coming Home to Roost

Apparently no one ever dreamed this would apply to lawmakers.

But regulations published last week by the Internal Revenue Service made it clear that the free, reserved, underground parking spaces given all senators and representatives and many of their top assistants were worth much more than \$155 a month.

The new rules specified that the value

of a reserved space in those lots is more than \$300 a month.

If the value of the Congressional spaces is placed at \$305 a month, lawmakers and their assistants with reserved, indoor parking spaces would have to pay taxes on an additional \$1,800 a year (\$305 minus \$155, or \$150, times 12 months). Those in the 36 percent tax bracket would owe an additional \$648 in taxes on April 15.

Outdoor parking in Washington generally costs less than \$155 a month. So the thousands of Congressional staff members and White House aides who have permits to park for free on the street or in outdoor lots will not be affected by the new law.

The I.R.S. said it was up to each Federal department and agency to calculate the value of the parking space it provides. Those like the Treasury Department that are in especially high-rent areas will probably have to see that officials who get free parking have it included as additional income.

Limited National Effect

Across the Potomac at the Pentagon, where there are 67 acres of free parking spaces, the value is almost certainly below \$155 a month.

Beyond Washington, the application of the new law appears to be limited. William J. Dunn, a manager in the national tax office of Coopers & Lybrand, the accounting firm, said that as a rule, monthly parking rates were over \$155 only in the central business districts of a few other large cities: New York, Chicago, Los Angeles, San Francisco, Boston and perhaps Philadelphia.

Unlike the situation in Washington, free parking in those cities is the exception rather than the rule, said Peter Ross, a lawyer at Hewitt Associates, a benefits consulting concern with offices nationwide. In midtown Manhattan, where parking can cost many hundreds of dollars a month, very few companies offer free parking and those that do give it only to their most senior

executives, Mr. Ross said.

The biggest blow could come to people in partnerships and owners if businesses. The new I.R.S. rules stipulate that they must pay taxes on the full value of their parking if the partnership or business picks up the tab and are not entitled to the \$155 monthly exclusion. Many doctors and lawyers have incorporated this year simply to become eligible for the exclusion.

Loophole With Heat

Still, it is in Congress where the parking law is likely to create the biggest stir. Mary B. Hevener, a Washington lawyer who is an authority on the taxation of fringe benefits, suggested that the tax regulations were written in such a way that the legislators could probably find a way to weasel out of the additional taxes this year if they were willing to take the political heat.

The regulations stated that for 1993 taxes only, the value of parking spaces could be calculated by any reasonable good-faith method and not necessarily according to the rules issued last week. Presumably, Ms. Hevener said, lawmakers could provide a calculation that showed their parking was not worth more than \$155 a month.

But Representative Robert T. Matsui, a California Democrat who sponsored the amendment for the tax on parking, said he did not anticipate any attempt in Congress to escape the law. "There's a strong feeling we should be subject to the same rules as everybody else," he said in an interview.

No Debate, No Vote

Mr. Matsui said he had the parking tax provision put into the Energy Policy Act of 1992 because the budget rules required him to find a way to offset the revenue that would be lost from a tax break he proposed for mass transit users. His proposal increased to \$60 from \$21 the amount employers could spend for their workers' mass transit passes without the workers incurring taxes. Both the mass transit and parking provisions, he said, were meant to conserve energy and reduce pollution.

The \$155 figure was set, staff officials said, because that is what the Congressional Budget Office estimated would raise the same amount of money the mass transit measure would lose.

The parking measure was never debated or voted on separately, and few lawmakers were aware of it. Mr. Matsui said he remembered no consideration of whether Congress would be affected. A staff assistant said he had a vague recollection of a discussion as the 1992 law was being drafted that ended with the off-the-cuff conclusion that parking on Capitol Hill was not worth \$155 a month.

Congress is in recess, and few lawmakers are in their Washington offices this week. A half-dozen who were buttonholed in the corridors said they had never heard of the parking tax.

The I.R.S. rules require employers to determine how much parking is worth and to include the amount that exceeds \$155 a month in the total income listed on the W-2 forms they send employees showing how much money was earned the previous year and how much tax was withheld.

In Congress, it is not clear who will make that determination. The matter seems to fall under the jurisdiction of the Senate Rules Committee and the House Administration Committee, but the staff directors of those committees said they had never heard of the new parking rules.

Officials in charge of payrolls in the Senate and House said they did not know about the new parking rules and had no idea they ought to put something on lawmakers' W-2 forms.

Under the law, W-2 forms are supposed to be mailed out by Jan. 31.



A periodic look behind the law.

ue of parking must be determined by the price a taxpayer would have paid for the space in an arms-length commercial transaction at the same location or one nearby. And they said the monthly rate had to be applied if the space was available all month even if, as is the case with most lawmakers, it is used only part of the time.

The commercial indoor parking closest to the Capitol is at least four blocks away, at Union Station and beneath office buildings on New Jersey Avenue Northwest, North Capitol Street and Virginia Avenue Southwest. The cost

Continued on Page D20, Column 1

Broken fuel line likely killed Mars probe

By Paul Hoversten
USA TODAY

A ruptured fuel line that sent Mars Observer spinning out of control is probably what silenced the probe last August, say experts who studied one of NASA's biggest mysteries.

"In all likelihood, there is a Mars Observer up there... (but) it's essentially dead in space," said Timothy

Coffey, research chief at the Naval Research Laboratory, who headed a board that investigated the loss of the \$1 billion spacecraft.

"The board found no smoking gun," Coffey said, adding that without telemetry from the spacecraft or other hard data, "it was impossible to provide conclusive evidence."

But based on ground tests of similar hardware, the board's final report

Wednesday says the probe's fuel system probably sprung a leak as it reached Mars after an 11-month trip.

The spewing gases would have caused it to spin wildly — preventing engineers from restarting the on-board transmitter that had been turned off as a precaution while pressurizing the probe's fuel tanks.

The spin also would have prevented Mars Observer from getting sun-

light on its solar panels, needed to generate power and recharge batteries.

The loss was NASA's first of a planetary spacecraft since Surveyor 4 in 1967. NASA hopes to launch another robotic mission to Mars in 1996.

"We'll examine the results and develop corrections," says Wesley Huntress, NASA space science chief. "We're going to learn our lessons... We'll find a way to go back to Mars."



POLLY'S LEGACY: Vanessa Salazar, a Polly Klaas foundation volunteer, wipes a tear away during a rally held recently in Sacramento to urge tougher penalties for repeat offenders. Polly Klaas, a 12-year-old from Petaluma, was abducted from her bedroom during a slumber party and later killed.

By Rich Pedroncelli, AP

Crime bills stacked high on state lawmakers' plates

By Andrea Stone
USA TODAY

State lawmakers eager to allay fears over violence are making crime a top legislative priority in 1994.

And not just in big states, like New York and California.

Dozens of proposals — from more prisons and mandatory sentences to gun licensing and taxes on ammunition — will be weighed in state legislatures nationwide. Among them:

► More than 20 states will address youth crime and violence, says the National Conference of State Legislatures. Juvenile conviction rates have remained stable, but crimes by youths "have grown more violent and involve younger offenders," the group says.

Alaska, Arizona, Connecticut, Florida, Iowa, Michigan, Minnesota, Utah and Washington are most likely to pass stiffer penalties for juvenile offenders, the group says.

Most likely to take action against gang violence: Arizona, Missouri and Wisconsin.

► At least 12 states will consider gun-control measures. Among them: longer waiting periods, licensing, taxes, limits on monthly purchases, juvenile possession bans and adult liability laws. Maryland and Massachusetts will debate broad gun-control packages.

The National Rifle Association, which opposes gun control, says it's pushing crime

High, low crime rates in USA

The District of Columbia and states with the highest and lowest crime rate per 100,000 people in 1992:

The highest

D.C.	11,047
Fla.	8,358
Texas	7,058
Ariz.	7,029
Calif.	6,680

The lowest

Ky.	3,324
N.H.	3,081
S.D.	2,999
N.D.	2,903
W.Va.	2,610

Source: FBI Uniform Crime Index

By J.L. Albert, USA TODAY

bills in 36 states.

Among the NRA's priorities: bills that require life sentences for three-time violent felons.

► In Washington state, proposed laws include felony charges for adults who sell or provide handguns to minors.

State Sen. Phil Talmadge — targeting violent video games and other entertainment — is proposing the state withdraw investments in corporations selling "violence-related products or services."

And a new Elway Poll says crime is the No. 1 issue facing state government. Crime ranked ninth last year.

"It's the randomness of it," pollster Stuart Elway says. "That you could be driving down the street and somebody is going to pull a gun."

► Ohio Gov. George Voinovich Wednesday introduced a package that includes tougher penalties for crimes against children. He also asked for a referendum to reduce appeal time in death-penalty cases.

"People are genuinely scared," GOP consultant Eddie Mahe Jr. says. "We're in one of those (legislative) one-upmanship games to see who's going to prove who's toughest," Democrats or Republicans.

Instead of funding prevention programs, politicians "focus on the three R's: Revenge, Retaliation and Retribution because that gets them the fourth R — Re-elected," says James Fox, dean of criminal justice at Northeastern University.

Contributing: Haya El Nasser and Deann Glamser

A '3-front' assault on Calif. crime

By Haya El Nasser
USA TODAY

LOS ANGELES — Rebecca Wackler has been here only three months and she's already an expert on all the crime prevention drills that come so naturally to natives:

She locks the doors while driving and avoids curbside lanes when stopped at a light. She never gets too close to the car in front to allow for a quick getaway. And she never goes to a bank machine alone at night.

"I came here with a Club (anti-theft device) for my car which I never had to use in Atlanta," says the actress and aerobics instructor. "Now, it's become an extension of pulling the key out of the ignition."

Californians are more concerned than ever about rising crime. Drive-by gang shootings and slayings like that of 12-year-old Polly Klaas have terrorized and angered residents.

As a result, crime has soared to the top of the political agenda, as it has in many states across the country.

On Wednesday, California Gov. Pete Wilson in his State of the State address to the Legislature, said, "Each of us has a right not to live in fear (and) that's why I've called a special session of the Legislature... we must move on three fronts to make California safe."

They include putting more police on the streets, preventing children from turning to crime and putting an end to the "revolving door of justice."

Wilson, up for re-election, supports the death penalty and has a reputation for being tough on crime.

Among his requests to lawmakers: life sentences for criminals convicted of a third violent felony.

"For some vicious criminals, three strikes is two too many," said Wilson. "For those who commit forcible rape, who molest a child, or devastate a community through arson, the first offense should be the last."

The so-called "three strikes and you're out" measure is being introduced in both houses.

Another bill would prohibit violent and sexual offenders from using work-time credits to reduce their prison sentences by more than 15%.

"We cannot let criminals out early because they've done a good job folding shirts in the prison laundry," he said.

His comments came during a special legislative session on crime which he called partly in



AP

"We cannot let criminals out early because they've done a good job folding shirts in the prison laundry."

— Gov. Pete Wilson

response to the highly publicized case of Polly, who was kidnapped during a slumber party at her Petaluma home.

Assembly Speaker Willie Brown says crime will be one of 1994's top legislative issues.

"The public generally believes they are in danger and more so than they have ever been," he said this week.

Usually, during a recession like California's three-year slump, "the concerns about the economy outweigh everything else," says Mark DiCamillo of The Field Poll.

But not this year.

Poll results show crime is the No. 1 concern and "that isn't lost upon the Legislature and governor as they approach election," he says.

Wackler, 44, and other residents say it's high time the government got serious about crime.

"In Atlanta the crime rate is very high, too, but... it feels a little more ruthless here," Wackler says.

Already, she knows someone who was caught in gang cross fire: Her niece's co-worker was recently injured in a drive-by shooting in Venice.

"If it's going to get worse, you'll have to start thinking about going off and living in a commune," she says. The recent response from lawmakers, she says, "is overdue. I'm praying it'll have a payoff."

► Anti-crime plans, 1A

NATIONLINE

FROM USA TODAY'S NATIONAL NEWS NETWORK

Worried callers swamp radiation call-in line

The Energy Department, besieged by 700 callers an hour worried about human radiation tests, Wednesday tripled the number of workers answering its Human Experimentation Hotline. The agency also extended hours the 36 operators will field questions, from 8:30 a.m. to 11 p.m. ET. The number: 1-800-493-2998. Last month Energy Secretary Hazel O'Leary ordered release of thousands of documents detailing nuclear experiments on civilians, including infants, pregnant women, and retarded students in the '50s and '60s.



By Gene Puskar, AP
IN DORMANT, PA.: A couple tries clear a path at their home.

NEW STORM: As the East Coast dug out from a nor'easter Tuesday that killed 13 people, stranded thousands of commuters and closed schools in 16 states from North Carolina to Maine, another storm is bearing down on the upper Plains today. Warnings of more than 6 inches of snow were posted for an area stretching from Minnesota to western New York. (Full weather, 16A)

TOURIST PATROL: Miami International Airport will pay \$1.8 million for a 23-member "tourist police" squad to patrol "the triangle," home to 39 rental car companies, eight hotels, two limousine companies and a sightseeing bus operator. The airport police station already has 121 officers. Ten foreigners have been killed in Florida since October 1992.

DEA AGENT STEALS MONEY: Rene De La Cova, 44, a Drug Enforcement Administration agent who arrested Panamanian strongman Manuel Noriega in 1990, pleaded guilty in Miami to pocketing \$700,000 given him by money launderers in an undercover sting. A plea bargain calls for a 2-year sentence. "It always hurts when someone goes over to the dark side," said DEA spokesman Bill Ruzzamenti.

KEVORKIAN FREE: Jack Kevorkian, 65, was released on \$100 bond on a charge of assisting the Nov. 22 suicide of Ali Khalili, 61, who had bone cancer. It was the fourth time Kevorkian, a retired pathologist, has been charged with violating the ban on assisting suicide. A state appeals court today hears arguments on whether the ban is legal.

POTTY PROBLEM: When federal workplace inspectors told Pro-Line Cap Co. it had to have more women's restrooms at its plant near Fort Worth, the athletic cap manufacturer dismissed nearly 30 female employees, the Equal Employment Opportunity Commission said in a lawsuit filed Tuesday. The company didn't discriminate but couldn't afford to build more facilities, its lawyer said.

UNDER FIRE: Sen. Bob Packwood, R-Ore., who's been dogged by protesters concerning his alleged sexual harassment of workers, twisted his knee when he fell in the Tom Tom restaurant in Roseburg, Ore. Asked if he needed an ambulance, he replied, "No, I want a lawyer. The floor was wet." That was a joke, an aide said. The Senate ethics committee is investigating the sexual harassment complaints against Packwood.



The Oregonian via AP
PACKWOOD: Senator takes a fall in restaurant

HUSH HUSH: The Lawrence Livermore National Laboratory's "Project Woodpecker" won the Intelligence Community Seal Medallion late last year, but what the team did is a secret. The lab, one of two where nuclear bombs are designed, was cited for finding "an extremely powerful operational capability that can be used to gather intelligence from unique sources not exploitable by any other means."

CLARIFICATION: Alpha Phi Omega at Mississippi's Alcorn State University, referred to in a Monday story on hazing, is not associated with the national organization.

ALSO WEDNESDAY . . .

► **RADICAL FUGITIVE:** Jeffrey "Donovan" Powell, a fugitive member of the 1960s-era anti-war Weather Underground, has reached a plea agreement with Chicago prosecutors and will surrender today, authorities said. He faces charges in the October 1969 "Days of Rage" street riots.

► **BOMB SCARE:** Two bombs found in front of New York office buildings each carried a note complaining Israel's government was too liberal, police said. Neither building had an obvious link to Israel, authorities said.

► **MARIJUANA REVIEW:** The Public Health Service confirmed it is reviewing a government ban on medicinal use of marijuana for such conditions as glaucoma and nausea associated with cancer chemotherapy.

► **PORN SCANDAL:** The Marines dishonorably discharged two enlisted men at Camp Pendleton, Calif., for involvement in a gay pornography ring, authorities said. Hearings are pending against some of the 10 implicated.

► **VIRUS DEATH:** A Sparks man is the first known death in Nevada from a rodent-borne hantavirus, health officials said. The man, who died in October, wasn't identified publicly. His death is the 30th blamed on the virus. There have been at least 50 cases reported in 13 states.

Citadel loses court appeal



By Gerry Pate, AP
FAULKNER: Plans to start class Jan. 13

The Citadel lost another round in its fight to remain an all-male military academy. A federal appeals court panel in Richmond, Va., denied a rehearing on its August order that Shannon Faulkner, 18, of Powdersville, S.C., be allowed to attend classes with cadets at the state-run school in Charleston, S.C., while she pursues her sex-discrimination lawsuit seeking to become a member of the cadet corps. She plans to begin classes Jan. 13, unless the Citadel wins a Supreme Court postponement.

Written by Paul Leavitt. Contributing: Linda Kanamine.

THURSDAY, JANUARY 6, 1994 • USA TODAY

Telecommunications Talks

Special to The New York Times

WASHINGTON, Jan. 5 — Five days before the Administration discloses the details of its legislative goals for the so-called information superhighway, Vice President Al Gore met today for a two-hour brainstorming session with top executives from the telephone, cable television and entertainment industries.

But Mr. Gore offered few clues about the Administration's plans, according to those who were present. Instead, he and Secretary of Commerce Ronald H. Brown spent most of the time listening to a debate on many issues surrounding an overhaul of the country's telecommunications laws.

Mr. Gore is leading an intensive White House effort to reach a comprehensive legislative package designed to promote private investment in advanced communications networks and extend the reach of those networks to all layers of society.

Among those attending today's meeting were top executives from Bell Atlantic, Pacific Telesis and Ameritech, as well as people from Disney Studios, Motorola, Sprint and Black Entertainment Television.

In December, Mr. Gore said the Administration would support legislation that removed many of the legal restrictions that prevented cable television and telephone companies from entering each others' markets and barred the regional Bell companies from providing long-distance service.

But the debate continues about the details of that plan, each of which could affect billions of dollars in telephone and television service. One executive who attended the meeting to-

day said he came away with the strong impression that the White House still had a long way to go.

But Administration officials said they were making rapid progress and planned to introduce a complete legislative package some time in February.

Costly Mars Mission Failure Is Tied to Fuel-Line Rupture

By JOHN NOBLE WILFORD

The failure of the \$980 million Mars Observer mission last August was most probably caused by a sudden rupture of the spacecraft's fuel pressurization system, investigators announced yesterday.

After a four-month inquiry, a board of engineers and spacecraft designers not associated with the space agency said that it could find "no smoking gun" pointing to the exact cause, but that strong circumstantial evidence supported the fuel-line hypothesis. Nearly all other possible explanations were ruled out as improbable.

The board also criticized the National Aeronautics and Space Administration for its management of the project and the design of the spacecraft, though it said the faults might not have had a bearing on the outcome. The project was managed by the Jet Propulsion Laboratory in Pasadena, Calif., and the spacecraft was built by the Martin Marietta Corporation at a plant in East Windsor, N.J., formerly owned by the General Electric Company.

Officials of the space agency said they would apply the lessons learned from the failure as they examined options for resuming exploration of Mars, possibly with a new mission in two years.

Internal Review Ordered

Daniel S. Goldin, the Administrator of the space agency, said the analysis of the failure was "fair, exhaustive and technically rigorous." He ordered an internal review of the findings to establish what corrective measures should be taken to preclude such failures in the future.

At a news conference in Washington, Dr. Timothy Coffey, director of research at the Naval Research Laboratory who was head of the investigation, said the board concluded from considerable circumstantial evidence that leaking fuel very likely sent the spacecraft into a rapid, uncontrollable spin. This would have triggered an emergency shutdown and prevented the craft from pointing its antennas for communicating with Earth. The spin probably shook loose antennas and almost certainly led to battery failure and hopeless silence.

Even if the spin did not have these effects, the board concluded, some of the leaking fuel, monomethyl hydrazine, was highly corrosive and would probably have damaged critical electrical circuits.

The investigators said that in all likelihood, the 5,400-pound spacecraft never made it into an orbit of Mars and is disabled, useless and still spinning as it cruises in a wide orbit of the Sun. The spacecraft, which would have conducted the first American mission to Mars since the Viking landings in 1976, had been scheduled to make detailed sur-

Engineers say cost-cutting efforts undercut a mission.

veys of the planet's geology and weather.

Flight controllers lost all communication with the Mars Observer on Aug. 21, just three days before it was to fire its jet thrusters in a braking maneuver to swing the spacecraft into an orbit of Mars. At the moment of failure, the spacecraft's transmitters were off and automatic computer commands were directing the pressurization of its fuel tanks, a critical final step before the thruster firings.

Because of the timing, engineers had suspected the failure might somehow be related to the pressurization system, a network of tanks, titanium pipes and valves. The propellants for the jet thrusters fired in maneuvering the craft were monomethyl hydrazine combined with nitrogen tetroxide. The two were stored in separate tanks. Before use, helium gas is pumped into the tanks to pressurize them so that on command the fuels would flow through the pipes with force and combine to provide powerful thrusts to move the spacecraft.

The investigators concluded that in the 11 months of the spacecraft's flight toward Mars, traces of the nitrogen tetroxide, perhaps no more than two tablespoons of it, could have trickled through a defective valve in the pipes. This could have led to the inadvertent mixing of the two fuels during the pressurization. A resulting build-up of temperatures and pressures would have ruptured the pipes and acted like an uncontrolled thruster, sending the craft spinning wildly.

Experiments ordered by the board and conducted by the Naval Research Laboratory and the Air Force corroborated the hypothesis, Dr. Coffey said. Other possible causes that have not been ruled out include a short circuit, which could have caused a major electrical failure; an accident involving the explosives that open fuel-line valves, and a malfunction of pressurization regulator.

In faulting NASA's management of the project, Dr. Coffey noted that Mars Observer was built on the model of widely used Earth-orbiting weather satellites, a plan adopted to save money. As the Mars craft was modified and grew in complexity, he said, "the Observer built was different than the Observer as planned, and the space agency was not as familiar with the spacecraft as it should have been."

After Years of Suing U.S., Hope for Ill A-Bomb Worker

By MICHAEL JANOFSKY

Special to The New York Times

LAS VEGAS, Nev., Jan. 5 — His voice was soft and a little bit raspy, and he answered some questions. Keith L. Prescott took long moments to consider just which words he wanted. No sense rushing anything now. It took him too long to get here; so long, in fact, that most of those who began this fateful journey with him are dead.

Now 67 years old and weakened by 24 years of bone marrow cancer, Mr. Prescott is one of the few surviving plaintiffs in the last of a series of lawsuits that arose from the Federal nuclear test program of the post-war era. Mr. Prescott and the families of five other workers, now dead, have charged the Government with negligence in allowing them to be exposed to dangerous levels of radiation when they worked at the Nevada Test Site in the desert about 50 miles from here.

While the Government has never lost a lawsuit of this kind, for the first time Mr. Prescott's lawyers are clutching at more than hope that they could prevail or gain a settlement, outcomes once thought virtually impossible. They say a recent recommendation by Energy Secretary Hazel R. O'Leary that the Government compensate Americans who were harmed by radiation from human medical experiments after World War II might create a more favorable atmosphere for their case or for any that may follow.

'A New Attitude'

As a result of Mrs. O'Leary's recommendation and growing evidence that the Government sanctioned the experiments, the Clinton Administration has begun an inquiry into the breadth and propriety of that kind of research.

"What it changes is the attitude," said Larry C. Johns, a lawyer who has represented Mr. Prescott for 14 years. "We all know that if the United States Government wants to spend enough money and fight long enough, it will ultimately prevail. The Government has the deepest pockets and would wear us down. But this represents a new attitude."

Another of Mr. Prescott's lawyers, Stewart L. Udall, the former Interior Secretary, said he was so encouraged by Mrs. O'Leary's statements that he wrote to Attorney General Janet Reno, asking to explore grounds for a settlement. In an interview from his office in Santa Fe, N.M., Mr. Udall said he planned to travel to Washington this weekend to pursue a settlement.

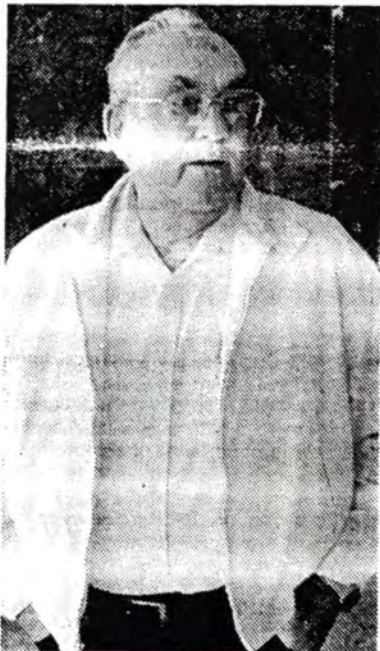
Mr. Udall said he had no indication that Ms. Reno or anyone else in the Justice Department would see him or entertain any proposal, inasmuch as Mrs. O'Leary's recommendation had created an apparent conflict with the department's long-standing opposition to claims of this kind. But referring to Mrs. O'Leary, he said, "To have anyone connected with the atomic establishment speak with a moral voice is a marvelous breath of fresh air."

A spokesman said it was Justice Department policy not to comment on pending litigation.

Cause of Cancer at Issue

Mr. Prescott's lawsuit was filed in 1980 and has been kept alive by the doggedness of his lawyers and the unstinting opposition of the Justice Department. While various prior legal points of the case have been decided, the trial finally began on Dec. 13. Mr. Prescott took the stand on Tuesday and concluded his testimony today.

The central issue is whether the radiation released by underground atomic tests caused cancer in Mr. Prescott and other workers at the Nevada Test Site. The Government contends, as it has in other suits, that radiation from nuclear testing has not caused any



Kim Laurie/The Las Vegas Review-Journal & Sun

Keith L. Prescott appeared at court in Las Vegas on Tuesday.

illnesses despite evidence that suggests many people who worked at the site and who lived nearby died or became ill in more than 40 years of testing.

Above-ground testing, which began in 1951, ended in 1962; underground tests, which began in 1957, stopped in 1992. The workers at the site who have said they were exposed to radiation were miners and members of crews that cleaned up after bomb explosions or retrieved measuring instruments.

Mr. Prescott, a miner at the site from 1961 until his cancer was discovered eight years later, wonders if the fresh air out of Washington will make its way to Francis, Utah, a small town just east of Salt Lake City, where he lives with his wife, Barbara, and near three of his four children, all grown.

Anger and Betrayal

A sturdy-looking man who helped dig the tunnels that were used for the underground detonations, he said the spate of lawsuits in the 1980's involving radiation exposure, followed by the recent disclosures of the Government radiation experiments, has left him feeling angry and betrayed.

"I can't believe the Government could do what it has done," Mr. Prescott said in an interview on Tuesday. "I have no faith in the Government whatsoever, anymore, and I think most of the American people feel the same way now."

In his testimony before Judge Philip M. Pro of Federal District Court, Mr. Prescott described how his experience digging holes for underground silos at missile sites throughout the West in the 1950's brought him to the Nevada Test Site, where he spent much of his time operating mucking machines, devices that removed the debris from mountain tunnels in which nuclear weapons were detonated.

Often, he said, his crew was ordered into the tunnels near the blast sites, work that left some workers nauseated, dizzy and otherwise unable to continue. He testified that workers always wore the protective garb of the day — overalls, rubber boots, gloves, face protection like painter's masks and respirators, as well as film badges and dosimeters, which monitored radiation levels.

He said that supervisors with Geiger counters were generally on hand to check the presence of radiation and to prevent the workers from re-entering the tunnels if the levels were considered too high.

But Mr. Prescott also said that sometimes workers could do little more than wash their hands before eating and that often they were instructed to take their work clothes home for laundering. At no time, he told the court, did anyone warn the workers that radiation might cause cancer.

"Myself and most of the other workers," he told Judge Pro, "we felt if we complied with what the Government wanted us to do, wear protective clothing and be monitored, we had nothing to worry about."

Only after he injured three vertebrae in a work-related accident in 1969 did he learn that he had multiple myeloma, a form of bone marrow cancer. Doctors told him then that he could expect to live no more than three years.

While he spent the next 10 years undergoing various forms of treatment, Mr. Prescott testified that it was not until 1979 that he suspected his cancer might have been caused by exposure to radiation in the tunnels. The timing of this suspicion is crucial to the Government's case: James Touhey Jr., a lawyer for the Justice Department, has suggested through his questioning that Mr. Prescott knew many years earlier of the possible connection and that his pursuit of compensation was initiated long after Nevada's two-year statute of limitations.

Mr. Touhey has also tried to show that Mr. Prescott's cancer might have resulted from cigarette smoking. Mr. Prescott testified he had smoked for more than 28 years, through 1967.

Despite Mr. Prescott's eagerness to testify, he appeared in court sapped of strength and energy. In the interview, he described a life once active and rich, centered on his family, now eroded and tethered to a monthly schedule of blood tests. Last fall, he began chemotherapy for cancer of the bladder.

Given his age and condition, he said he did not necessarily share his lawyers' optimism that recent events might somehow benefit him. "I think Congress is now into it," he said. "Maybe they'll appropriate big sums of money to investigate. But then, they'll take another 10 to 15 years to decide."

"That," he added, "won't matter to me."

Washington Talk: How Government Works

THE NEW YORK TIMES, THURSDAY, JANUARY 6, 1994

Cuba Embargo Has Had Desired Effect

To the Editor:

"U.S. Companies Use Affiliates Abroad to Skirt Sanctions," your Dec. 27 front-page report on Cuba and Libya, misleads your readers to believe that the case regarding Cargill Inc.'s sale of Cuban sugar shows how American corporations seize on "porous laws" to use foreign subsidiaries and circumvent the United States embargo on Cuba. This is not the case.

The 1988-89 Cargill case involves the Trading With the Enemy Act and took place three years before enactment of the Cuban Democracy Act, which I sponsored and which became law on Oct. 23, 1992.

The Cuban Democracy Act prohibited such trade. The results speak for themselves: United States trade through foreign subsidiaries fell from \$718 million in 1991 to only \$1.6 million last year. What remains covers contracts in effect when the Cuban Democracy Act became law because United States laws are not applied retroactively. The Cargill case discussed in the article involves the possible involvement by Cargill United States in the 1989 financing of sugar, which had already been sold by Cuba to Venezuela. The case is an enforcement action under the Trading With the Enemy Act, and it is continuing.

I have expressed my outrage about this case to Attorney General Janet Reno and underscored that if the allegations are true and if Cargill is found guilty, both the corporate officers involved and the company should be prosecuted.

Contrary, however, to your article's assertion that "the trading involved here raises questions about the effectiveness of one of the most visible tools of United States foreign policy," the Cuban Democracy Act, passed four years after this case, definitely answers questions about the effectiveness of the embargo. United States trade through foreign subsidiaries has ground to a halt.

While your article's investigative reporting is valuable, your analysis of the United States embargo must be put into context. The Cuban economy, particularly without its Soviet benefactor, is crumbling; Fidel Castro's own family wants out, and the final period of President Castro's dictatorship is here.

The embargo has had its effect, and the day when the United States will trade with a free Cuba is near.

In the meantime, it is important to correct the impression that is given by the article, that United States laws regarding trade with Cuba are lax. That is simply wrong, and it is a dangerous impression because United States trade with Cuba, directly or indirectly, without a license is illegal, and violators will surely be prosecuted to the full extent of the law.

(Rep.) ROBERT G. TORRICELLI
Chairman, Subcommittee
on Western Hemisphere Affairs
Washington, Dec. 28, 1993

In America

BOB HERBERT

Balance, Mr. Mayor

It's a good thing Andrew Giuliani was on hand throughout his father's inaugural address on Sunday. The sustained antics of the uninhibited 7-year-old — who made faces and parroted his father, and offered such unsolicited observations as "He's right, you know" — provided the only real warmth and exuberance during the speech.

It'll be awhile before we see another successful politician as stiff and as chilly as New York's new Mayor. By comparison, Vice President Al Gore is a regular vaudevillian.

Andrew also gave his dad, Rudolph W. Giuliani, the opening for a rare display of humor. Mr. Giuliani said the city's corporation counsel had expressed concern that Andrew, having helped his father recite the oath of office, might in fact have become co-Mayor.

"We're trying to figure out what's the legal effect of what he did yesterday," said Mr. Giuliani. "Paul Crotty is concerned that not only did he take the oath, he gave an inaugural address."

"New Yorkers may need Andrew before this whole thing is over. He's

Giuliani's not a root-causes kind of guy.

the lighter side of his cold and calculating, technocratic and potentially ruthless old man.

In essence, Rudolph Giuliani is a cop. What the city hopes to get from him is a crackdown on crime. Anything else is a bonus. Anything less is a failure.

Toward the end of Sunday's speech, Mr. Giuliani said, "American cities can't survive as we know them if they remain so violent. Our priority must be to reduce the violence."

"I'll place a much greater emphasis on stricter enforcement of the law to reverse the growing trend of ever-increasing tolerance for lawless behavior. I'll work for changes in policing and in criminal justice that will redress the balance that I believe is now out of balance. Guns, the handguns, will be a particular source of our efforts."

The Mayor made a good start when he ordered the deployment of 15 cops

to patrol the area around Taft High School in the Bronx. The administration described the deployment as the first step in fulfilling Mr. Giuliani's promise to create safety zones around the city's schools.

The Mayor also spoke in his inaugural address about the need to get at "the underlying causes of crime."

"This," he said, "will be as important a part of my administration as respect for the law."

Don't count on it. This is the same man who threatened during the campaign to throw homeless people out of the shelters after 90 days; the same man who vowed to sweep the streets of drug dealers without explaining how he would pay for prosecuting or incarcerating them; the same man who said initially that gun licensing would be a good idea even if it put guns into the hands of more people.

Rudolph Giuliani is not a root-causes kind of guy. He's much more likely to say "Stop doing that!" than "Why are you doing that?"

Compassion, even apart from the crime issue, has not been Mr. Giuliani's strong suit. And it's not likely to be a hallmark of his regime.

Last week's flap over funding of the arts provided a revealing glimpse of the cold heart of this administration. John Dyson, Mr. Giuliani's Deputy Mayor for Economic Development, suggested that more support be given to the city's elite cultural institutions, like the Metropolitan Museum of Art, by reducing the funding to smaller and less renowned cultural groups.

The reason: The elite institutions bring in more tourist dollars, thus boosting the city's economy.

This caused a furor and Mr. Dyson subsequently backed off. But his proposal is exactly the kind you can expect from an excessively technical and pragmatic approach to city government.

The city needs some balance. There's more to life in a great metropolis than budgets and badges.

By inclination, and with the public's blessing, Mr. Giuliani will be focused on law enforcement.

Co-Mayor Andrew will be available to provide us with a chuckle from time to time.

The many other aspects of life in the city — including the joyful, the magical and the humane — will have to be watched over by the rest of us, both in and out of government, who understand that while safe streets are essential, they're only the beginning. □

Nuclear Guinea Pigs ✓

There is no good excuse for some of the callous and cavalier radiation experiments performed on unsuspecting human patients in Government-sponsored studies from the 1940's to the 1970's. Energy Secretary Hazel O'Leary had good reason to declare herself "appalled, shocked and deeply saddened" after reviewing one such experiment.

The information now emerging makes it clear that many scientists lacked the commonsensical fairness, honesty and compassion that is supposedly a hallmark of civilized humans; they had no qualms about endangering their patients and lying to them about it, with the blessings of the Federal Government. Even by the loose practices of the 1940's and 1950's, many studies clearly crossed the line into unethical behavior.

The best evidence of that comes from the queasiness expressed by some of the scientists involved. In 1963, a nuclear research manager warned that radiation experiments on prisoners in Washington might have violated state and Federal laws. And in 1950, a radiation biologist warned that experiments on humans "would have a little of the Buchenwald touch," referring to Nazi experiments on concentration camp victims.

The most questionable studies used vulnerable populations of dying, imprisoned or ignorant Americans as guinea pigs in experiments designed to determine the harmful effects of radiation or to trace the path of radiation through the body. Worse yet, researchers did so without telling the subjects of the danger and without following them for long

periods afterward to determine if there were any adverse health effects.

In the example that shocked Ms. O'Leary, scientists with the Manhattan Project, which developed the atom bomb, injected plutonium into 18 patients at several medical centers from 1945 to 1947 to determine how rapidly it would be excreted. The rationale seemed to be that the patients had illnesses that were expected to kill them within 10 years anyway, so why not gain useful knowledge from them that might help protect plutonium workers? Most of the patients seem not to have granted informed consent to the procedure.

In some cases, the scientists went to great lengths to hide the true nature of the tests from the subjects and their relatives. And when questions about the ethics of such studies were raised by a Congressional subcommittee headed by Representative Edward Markey of Massachusetts in 1986, the Reagan Administration turned a deaf ear.

The very least the Government can do at this late stage is to track down and examine any participants still alive to determine if they need medical care or financial compensation for harm suffered.

Ms. O'Leary deserves credit for moving promptly to find and release as much information as possible. Her example has now led the Clinton Administration to establish a Government-wide task force to investigate the extent and nature of such experimentation and whether any harm resulted. Redemption from this unprincipled research requires a thorough and honest accounting.

Getting Even Tougher on Guns ✓

Moving quickly to build on the passage of the Brady gun control law, Treasury Secretary Lloyd Bentsen now urges another important step to slow down the arms race in domestic gun traffic. His simple, reasonable proposal is to make gun dealers cover the Government's cost of adequate regulation.

Mr. Bentsen wants to charge licensed firearms dealers \$600 a year. That is a sizable increase from the roughly \$66 charged now, but it is still a fraction of the fees commonly charged for liquor licenses and franchises to sell merchandise that is not dangerous to use or consume. The citizen lobby Handgun Control, while praising the proposal, argues sensibly that still higher fees would be fair to the weapons industry and the public.

The Brady law, which requires a five-day waiting period for the retail sale of handguns, set the current fee of \$200 for a three-year license period. For many years the charge was \$10 a year, enough to starve the Bureau of Alcohol, Tobacco and Firearms and force inadequate background and compliance checks. That fee was so low that 284,000 dealers could afford it even if their only purpose in getting the license was to buy their own weapons more cheaply and sell them on black markets.

Firearms officials want to enable their agents to interview licensees, check to see whether they operate a store or trade from their kitchen tables or car trunks, and verify some of the information they gather with local police. A pilot program involving a team of Federal and local officials in New York City

recently resulted in the rejection or withdrawal of 216 of 227 Federal license applications.

According to the Treasury Department, a \$600 license fee, besides financing a more trustworthy examination, would probably eliminate four-fifths of the licensees, leaving only serious retailers. That's still 57,000 sources of personal weaponry in the United States — far too many for a nation that is trying to combat gun violence.

Congress should therefore use the Bentsen proposal as a starting point for stronger legislation that exacts even higher fees, driving more marginal dealers out of the market and making sure that those who remain are doing business in legitimate, fixed locations.

Bolder legislation is feasible. Legislators are gradually learning that voting against the wishes of the National Rifle Association is not automatic political death. Witness the hard-won victory for the Brady law. Witness, too, the willingness of the New York State Senate to consider restraints on assault weapons.

When Congress looks at the Bentsen proposal it will see that \$600 is a modest fee that would make the firearms industry pay its way only in terms of regulation. The industry doesn't even begin to repay society the cost of the homicides and maimings from too easily obtainable weapons. Congress will need to think more imaginatively about higher fees and stricter standards, using Mr. Bentsen's proposal as the catalyst to develop still other measures that promote domestic safety.

INSIDE THE BELTWAY

Waco State

"Thank you for calling the White House," said the tape-recorded message played for callers who telephoned President Clinton yesterday to express comments or opinions. "All comment line agents are currently busy. Please hold for the next available agent."

Where do we apply?

We see where the Library of Congress is interviewing candidates to fill a vacancy for special assistant to the librarian of Congress. The employee's actual title will be "senior level adviser for diversity," a newly created post that will pay an annual salary approaching \$108,200.

"This individual will serve as the senior official responsible for providing advice and expertise in guiding the growth and development of multiculturalism and diversity," the Library of Congress advertises in a notice that appeared in last week's Hispanic Link Weekly Report.

The library requires only "one year of experience," although the lucky taker must have an "ability to work and motivate people with diverse backgrounds."

I respect you!

While we're on the subject of government diversity, let's head over to the U.S. General Services Administration, where we're told that Information Resources Management Service (IRMS) Commissioner Joe M. Thompson has approved a similar "diversity plan."

"The plan," GSA says, "will create a work environment in which differences among people are respected and valued." In addition, a recognition system has been established "for supervisors who have excelled in implementing a diversified environment."

Hypocrite

It wasn't too long ago that journalist-cartoonist-political opinionist/opportunist Garry Trudeau climbed out of Ronald Reagan's empty brain cavities and, in a series of columns, blasted Dan Quayle as an ex-druggie turned vice president. Mr. Trudeau based



Can it be Dan Quayle was the victim of a cartoonist's double standard?

his opinions on charges leveled by convicted drug dealer Brett Kimberlin, who shouted from his jail cell that he once sold drugs to Mr. Quayle when he was a law student. The federal government eventually launched a probe into Kimberlin's charges but turned up nothing.

What we can't figure out, though, is how Mr. Trudeau could have so openly supported the word of a jailed drug dealer, leveled without any proof against a sitting vice president of the United States, yet the cartoonist now can't comprehend how sworn Arkansas state troopers dare level charges of sex-capades against a sitting president of the United States?

In case you missed his cartoon of this week, Mr. Trudeau puts these make-believe words in the mouth of one of the troopers: "So if I've got to betray the president of the United States, wound him politically and cause him and his family immeasurable personal pain, well, so be it! It's worth it!"

Time to move

Finally, the "1994 Information Please Almanac" has arrived in area bookstores. The always-popular almanac touts itself this year as America's "Ultimate Browser's Reference."

Let's turn to the section on California, where we find a long list of "Famous Natives and Residents" of

the Golden State, beginning alphabetically with author Gertrude Atherton and ending with jurist Earl Warren. And while actor Robert Redford and astronaut Sally Ride have no problem making California's "famous list" under the R's nowhere on the page can we find the most popular U.S. president of modern times, Ronald Wilson Reagan.

Cotton over grass

Putting Washington's scandals aside for the time being, let's quickly update the "heifer hunt" that we've written about in recent weeks. To recap, six cows ambled away from farmer J. Thomas Scrivener's pasture near Columbia, only to be tracked down by an overzealous police tactical response team and two helicopters equipped with heat-sensing devices. Two cows were shot dead, one was wounded and escaped into the woods with a fourth, while the remaining two heifers spent many recent nights grazing the green grass of Columbia's Hobbit's Glen Golf Course.

Yesterday we gave farmer Scrivener a call to see what's new. He told us now that deer hunting season is over, he hopes to locate and lasso the surviving cows and bring them back home. In the meantime, he disclosed, the golfers of Hobbit's Glen have sent him a grazing fee — "very close to \$2,000."

You're kidding, right?

"Well," said the farmer, "they say that a four-man crew worked so many hours doing this and doing that. My response generally is that when you have a four-man crew, one is working and three are leaning on the shovels."

"Then they got me for a trash can that they say my heifers mutilated. I have a little bit of a problem with that. I can't imagine heifers [munching on] a trash can with all the grass available on the greens and fairways."

"Then they billed me for a case of ball towels — ball-washer towels. They said the cows ate them virtually every night. I wrote them back that I seriously doubt that my heifers ate any ball-washer towels. ... I'm not a golfer, so I don't know what a ball-washer is. But I do know a case costs \$59."

Inside Politics



Two more bow out

House members appear to be retiring at a record rate, as two more Republicans have joined the list of those who will not seek re-election.

Rep. Al McCandless of California said yesterday he will retire when his term expires at the end of the year, raising to 26 the number of House members who are leaving.

Rep. Tom Lewis of Florida announced on Monday that he has had enough of public life and will "re-join my family and friends in the private lives we look forward to sharing."

Mr. McCandless, 66, who has been in the House since 1982, said he had the opportunity to help many who had nowhere else to turn but missed time with his family, a sentiment increased by the birth of a grandchild last year.

Mr. McCandless, a staunch conservative from Palm Springs, is a strong advocate of the Social Security system and a solid supporter of business. He is the ranking GOP member of the Banking Committee's consumer credit subcommittee.

Mr. Lewis, a 69-year-old six-term member, insisted during the summer that he would seek re-election. The Palm Beach Post said his retirement will "set off a frenzy of activity" to succeed him.

In general, he is an advocate of small government and scored high in ratings by the American Conservative Union. He also has had a strong environmental bent and opposed oil drilling off the Florida coast.

The North Palm Beach congressman is the ranking Republican on the technology, environment and aviation subcommittee of the Science, Space and Technology Committee.

Florio slams NRA

Outgoing New Jersey Gov. James Florio yesterday called for an investigation into whether the National Rifle Association illegally hid its involvement in a campaign against him before his narrow defeat last year.

At issue is a delay by the powerful gun lobby in reporting its funding for a telephone campaign against the incumbent in October.

Mr. Florio, a Democrat, angered the NRA by enacting a ban on assault weapons such as semiautomatic guns and making the issue a plank in his campaign platform.

State law requires such campaign payments to be reported within 48 hours, but the NRA filed its report two weeks later, on Nov. 3, the day after the election that brought victory to Republican Christine Todd Whitman.

The wild duck

A prominent Washington lobbyist was fined \$4,000 for shooting a wild duck that joined a flock of pen-raised birds during a Thanksgiving Day hunting party attended by a congressman.

Thomas Hale "Tommy" Boggs Jr., son of the late House Majority Leader Hale Boggs, Louisiana

Democrat, was fined for shooting the duck over a Maryland field baited with grain, the U.S. Fish and Wildlife Service said.

The group shot 182 ducks but none of the hunters stopped to collect the birds, said Vernon Ricker, a federal wildlife agent who watched the shooting.

"No one knew if they were killing wild ducks or preserve ducks," Mr. Ricker said. "They couldn't have. They never stopped firing long enough to see."

Mr. Boggs leased the shooting preserve for a group of 20 hunters that included Rep. William D. Ford, Michigan Democrat. Mr. Ford is a member of the Congressional Sportsmen's Caucus, which has fought legislation to curb hunting on duck preserves.

Bennett Minton, Mr. Ford's press secretary, said Mr. Ford would not comment other than to say he was unaware of the baiting.

Shooting wild ducks over land baited within the preceding 10 days is a violation of federal hunting regulations.

Weld's acid test

While Massachusetts Gov. William Weld "continued to insist" last month that he does not plan to run for president, "he kept the door open" for the vice presidential nomination in 1996, reports the Boston Herald.

The Herald added that Mr. Weld "joked that his name would fit nicely on a bumper sticker" with Senate Minority Leader Bob Dole's name. Mr. Weld: "If it fits on a bumper sticker, that's the acid test."

Meanwhile, Kansas' Mr. Dole led a Gannett News Service poll last month of Republicans on their first choice for the next GOP presidential nomination. He got the nod from 26 percent; retired Gen. Colin Powell was second with 16.

At 6 percent, commentator Rush Limbaugh got as much combined as columnist Pat Buchanan (2 percent), Sen. Phil Gramm (2), Pat Robertson (2) and House Minority Whip Newt Gingrich (0).

More Packwood

Now Sen. Bob Packwood, Oregon Republican, is accused of being a carpetbagger in his state, thanks to news accounts that he no longer owns a home in Oregon, the Los Angeles Times reports.

Asked on his tour there if he lives in Oregon, he said he did not own a home but was a "legal resident." He then closed down the news conference because the question was not about health care, saying, "See you later, folks."

Futures

Reps. Tim Penny and Bruce Vento, Minnesota Democrats, endorsed state House Majority Leader Ann Wynn for the Democratic nomination in a crowded field seeking to replace retiring Sen. Dave Durenberger.

Democratic Gov. Mel Carnahan

of Missouri decided that he will seek the party nomination for the seat being vacated by Republican Sen. John Danforth. "I wanted this job," Mr. Carnahan told reporters.

Rep. Bill Orton, Utah Democrat, denies saying he would not run against Republican Sen. Orrin G. Hatch. Instead, Mr. Orton says he is being encouraged to run by the Clinton administration.

In Alabama, Rex Elsass, former Ohio GOP executive director, who left Dr. Bernadine Healy's campaign in a flap over the party's donor list, will run the gubernatorial campaign of Ann Bedsole, first woman elected to the Alabama Senate.

Free-lancer O'Leary

Despite publicly praising Energy Secretary Hazel O'Leary for airing federal radiation experiments on people, White House staffers tell the New York Daily News they are less pleased by her "free-lance" call to compensate victims.

The Daily News quoted one unidentified official on the issue of compensation: "People don't want to get caught with something that could be a multibillion-dollar thing. There's just not loads of money to go around."

President Clinton has endorsed release of secret documents on the tests performed on Americans, but Mrs. O'Leary's compensation suggestion was not approved in advance. The move was "free-lance," a staffer says.

It's history

Robert Healy, former executive editor and Washington bureau chief of the Boston Globe, writes: "No matter what the Arkansas State Police officers say, the statute of limitations has run out for President Clinton on his conduct as governor of Arkansas. He has a tacit understanding with the people of the nation about that time and what he did. He will be judged on what he does as president."

Today's quote

Rep. Jim Leach, Iowa Republican, said it would be worthwhile to see how President Clinton lost money in the Whitewater Development Corp. real estate deal — as he says — and benefited from the company's relationship with Madison Guaranty Savings and Loan. The S&L's president, James B. McDougal, was a partner with the Clintons in the land deal.

"It would be very interesting to see the check register of Whitewater, to see the allegation of the president that he lost money in that venture," Mr. Leach said on National Public Radio's "Morning Edition."

Crime and liberalism

Besides external defense and an honest currency, British historian Paul Johnson notes that upholding public order is one of three basic duties of government and there is a growing conviction in the United States and Britain that this is not being done.

In the Wall Street Journal, Mr. Johnson writes that evidence of the growth of crime is everywhere — "everyone, rich and poor, old and young, black and white, educated and illiterate, is now at the receiving end of crime — or perpetrating it."

As a result, ordinary people are increasingly hostile about crime, he says. They do not want to "understand" criminals; they are not much interested in reforming

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From Boston Globe Page 1

Doctors say radiation, images aside, is often beneficial

By Dolores Kong
GLOBE STAFF

In 1941, an MIT researcher used radioactive iodine to treat thyroid disease for the first time — and sparked the growth of what is now known as nuclear medicine. The advance, most physicians agree, revolutionized the treatment of patients with the disorder, often making surgery unnecessary.

Only a few years later, other Massachusetts Institute of Technology researchers began giving small amounts of radioactive calcium and iron to some mentally retarded boys at the Fernald State School as tracers to study digestion.

Although reports of the use of radioactive isotopes at Fernald in the 1940s and 1950s have generated concern among some about the use of radiation, many physicians see a great difference between using low doses of radioactive isotopes to treat or diagnose a patient, and using the substances to get answers to basic biological questions, especially without the informed consent of those in the study.

"This is another example of a problem that nuclear medicine has had since its inception — the things it is associated with," said Dr. Henry Wagner, a Johns Hopkins University professor who wrote a 1989 book, "Living with Radiation: The Risk, the Promise."

Although the Fernald studies also included the use of low levels of radioactive isotopes, those tests would not — then or now — be considered part of nuclear medicine, physicians in the field say. The medical specialty, formalized 20 years ago, involves using isotopes to find out what is wrong with a patient and treat the problem, not to answer questions about such things as the digestive process, the specialists say. (An isotope is a variation of a chemical element that may or may not be radioactive.)

Nuclear medicine "benefits many, many people, and it has for many, many years," said Dr. S.T. Treves, chief of nuclear medicine at Children's Hospital in Boston. "Not all radiation is the same. Unfortunately, the public perception is that it is all the same."

The field has "improved lives and even saved lives in some circumstances," said Dr. Conrad Nagle, president of the 1,700-member American College of Nuclear Physicians and nuclear medicine chief at the William Beaumont Hospital in Troy, Mich. "Almost daily I see these benefits."

In addition to nuclear medicine, radiation is used

by physicians in radiation oncology to treat cancer and in radiology to diagnose a medical problem through the use of X-rays, according to Nagle. Radioactive tracers today are also used by researchers in test tube or animal experiments or in humans with their full informed consent, he added.

Today, nuclear medicine can provide early evidence of whether malignancies, such as breast cancer, have spread to the bone, and can help determine whether a patient with chest pains requires heart bypass surgery, according to Nagle. These procedures usually call for the injection of low levels of such radioactive isotopes as technetium 99m or thallium, which disappear from the body in as little as three days.

In the case of breast cancer, for instance, "we can in nuclear medicine determine whether the cancer has spread to the bone sooner than [with] any other existing test, without harm to the woman," Nagle said.

Some who oppose nuclear technology say there is some harm from low levels of radiation that has yet to be determined.

Nagle, however, said that when the only alternatives are a radioactive screening test or the spread of a tumor, the choice is clear.

About 10 million Americans every year receive such nuclear medicine diagnostic procedures as heart scans and bone scans, Nagle said.

The average American is exposed to about 100 millirems of radiation a year from medical and dental procedures, and about 100 millirems a year from such natural sources as the Earth, the sun and other people, according to Nagle. (People naturally emit low levels of radiation, as a result of a potassium isotope.) In Boston, however, the average environmental exposure outside of medical and dental procedures is as high as 300 to 400 millirems, as a result of natural radiation emitted by building materials and other sources, said Treves of Children's Hospital.

Nuclear medicine still includes the use of radioactive iodine to treat thyroid disease, pioneered by MIT biologist Sol Hertz in 1941, using the isotopes made in the university's cyclotron, Wagner noted.

In addition to treating thyroid disease, nuclear medicine has been used to help burn victims or people with heart failure and to understand how best to preserve red blood cells, according to Dr. James Adelstein, a Harvard Medical School professor of medical biophysics. Much of the research occurred in Boston, at Boston City Hospital and the former

¹ Peter Bent Brigham, which is now part of Brigham and Women's Hospital.

The difference between these studies and those at Fernald, Adelstein noted, is that the research

directly benefited the patients or others with the same disorder.

Mentally ill patient in LSD study is said to have killed self

By Alison Bass
GLOBE STAFF

A mentally ill patient who was given LSD by physicians experimenting at the Massachusetts Mental Health Center in the 1950s killed herself within hours of taking the potent psychedelic drug, says a Cambridge psychiatrist who had been following her progress at the time.

"They gave this patient LSD one morning and when I came back from lunch that day, I was told she had hung herself in the downstairs bathroom," said Dr. Robert Reid in a telephone interview yesterday. Reid said he was not told until after the woman's death that she had been given LSD.

"Obviously, she had an adverse reaction to the drug and panicked," he added.

Reid and another psychiatrist who was also in training at the state-operated mental hospital at the time said they knew of other patients who had had adverse reactions to the LSD experiments, although they knew of only the one death. As many as 10 to 15 patients with mental illness were given LSD as part of a series of studies in the early 1950s that also involved giving the drug to student volunteers from Harvard and the Massachusetts Institute of Technology and to staff members at the hospital, then known as the Boston Psychopathic Hospital.

"The fact that these experiments were done is appalling," said Eileen Elias, commissioner of the Department of Mental Health, which operates the Massachusetts Mental Health Center in Boston. "The bottom line is that our consumers were used as guinea pigs."

Elias said yesterday she has ordered a search of records to determine whether other patients were

harmful by these and other research experiments in the 1950s and to gather more information on the patient who committed suicide.

Reid declined to disclose the patient's name because of confidentiality requirements. Reid said she had recovered from her illness and was about to be discharged when she was given the LSD.

The LSD studies at Boston Psychopathic, the first institution to study the psychedelic drug in the United States, were designed to study whether LSD could provide clues to the cause and treatment of schizophrenia. The research was funded by a foundation set up by the CIA, according to Dr. Milton Greenblatt, the psychiatrist who oversaw the experiments. Greenblatt, now retired, was head of research at Boston Psychopathic during the early 1950s.

Another psychiatrist who was at Boston Psychopathic at the time recalled yesterday that a female patient of his became "acutely psychotic" after being given LSD and then being threatened by the psychiatrist who gave it to her. Dr. Paul Watson, who now is in private practice, said the patient told him that she had been given a glass of water to drink by Dr. Max Rinkel, one of the staff who were conducting the LSD experiments. A half-hour later, he said, Rinkel came back and threatened the woman with a knife to see how she would react while on LSD.

Watson said the woman was not told that she was being given LSD.

Greenblatt said yesterday he had not been aware that any patients had been adversely affected by the LSD research.

Rinkel is deceased.

CIA launches radiation probe

Records are checked on Cold War-era tests on humans

By John W. Masbek
GLOBE STAFF

WASHINGTON - Officials of the Central Intelligence Agency said yesterday that they had begun probing internal records for information on Cold War-era radiation experiments on unwitting subjects as part of a broad government investigation.

David French, a CIA spokesman, said the organization "would participate fully in getting to the bottom of the issue in cooperation with the administration. There is an effort under way to comb through the historical and other records and see what is behind this and if those records exist."

Meanwhile, an official with a private group of scientists said the CIA may have destroyed records of past tests.

Steven Aftergood, senior research analyst of the Federation of American Scientists, cited a 1975 report by then-Vice President Nelson Rockefeller on the destruction of records. "The CIA has been notoriously unresponsive to requests for information in the past. It is difficult to be sanguine about this," Aftergood said. "Questions have certainly been raised in the report" by Rockefeller "to call for a dedicated search."

The Rockefeller report, issued in 1975 during the Ford administration, cites the testing of behavior-influencing drugs on unsuspecting subjects. The report adds that "unfortunately, only limited records of the testing conducted in these drug programs are now available. All the records concerning the program were ordered destroyed in 1973, including a total of 152 separate files."

Aftergood said the language in the report was ambiguous on whether those reports concerned only drugs, and not radiation. But he said an intensive search of any existing CIA records was needed.

The Rockefeller report came after an

investigation of CIA activities in the United States by an eight-member commission. Among the members was Ronald Reagan.

Yesterday, the Clinton administration issued assurances that the CIA would be cooperative in the massive investigation. George Stephanopoulos, a top adviser to the president, said full disclosure would be demanded of federal agencies.

"We're going to be working with the CIA and we expect their participation," he said.

Rep. Edward J. Markey of Massachusetts, who called years ago for an investigation of radiation experiments, said he expected the agencies to follow through on promises of cooperation. "That's the only way we can assure the American people we've done the best we can to find every available record. We can do no less," added the Malden Democrat.

Although several members of Congress have called for hearings on the matter, Aftergood said the oversight record of congressional committees on secrecy in government was not good. "With the glorious exception of Ed Markey, Congress has not done well," he said.

Sources at the Department of Energy, which touched off the recent furor on the radiation testing, said the biggest question to be answered was the full scope of the testing. "We may just be at the tip of the iceberg," one official said about the number of cases. A hot line number for callers at the Department of Energy has produced thousands of calls since it was installed last week.

Government agencies involved in the investigation include the departments of Energy, Health and Human Services, Justice, Defense and Veterans Affairs. The National Security Council, the Office of Management and Budget and NASA also had representatives at a White House coordination meeting Monday.

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'NOTHING DRAMATIC' UNCOVERED

Leach reports investigation of Whitewater

By JANE NORMAN

OF THE REGISTER'S WASHINGTON BUREAU

Washington, D.C. — Republicans on the House Banking Committee are pushing ahead with their investigation of a failed Arkansas savings and loan with ties to President Clinton, the top Republican on the panel said in an interview Wednesday.

Rep. Jim Leach of Iowa said that three minority staff members from the committee recently traveled to Arkansas and to Kansas City, Mo., to examine regulatory records related to Madison Guaranty Savings and Loan, a Little Rock thrift that failed in 1989.

"Nothing dramatic" was uncovered by the minority staff, said Leach, "but we're not making any reports at this time."

"Reserving Our Options"

Banking Committee Chairman Henry Gonzalez in December ended a bipartisan committee inquiry into Madison, over the protests of Leach. But Leach said Gonzalez authorized the travel to Arkansas and Missouri for the minority staff members, a step Republicans would be unable to take on their own without the chairman's approval.

Leach said that "in all probability" a full report on the investigation eventually would be issued by the minority. However, he added, "That could change — if the full committee takes it up, it might shift the dimension. We're reserving our options."

In addition, as material is gathered that "might be of interest to the Justice Department," it will be forwarded to investigators there making a separate inquiry, Leach said.

Investigators at the department have been studying allegations that funds were diverted from Madison into a real estate venture called Whitewater Development, in which the

son's owner.

Also under review is whether funds were diverted from Madison to a Clinton gubernatorial campaign committee, and whether the ailing thrift received favorable treatment from Clinton while he was governor.

Calling for Disclosure

As for the congressional investigation, without the approval of Gonzalez it was thought that House Republicans would have difficulties finding out much about Madison. Leach, who sent letters in December

to a number of agencies requesting information, said staff members have been able to make some progress.

But it is limited. For example, Roger Altman, the head of the Resolution Trust Corp., which disposes of failed S&Ls, wrote a letter back to Leach offering his cooperation. However, Leach said Altman then added that he could not transfer to Republicans any material that is transferred to the Justice Department.

"The Justice Department is being used in a way it's never been used before," Leach said. "Material the president has sent to the Justice Department is not being made public. And the Justice Department is obligated to keep it from the public."

The president should make full public disclosure of information about the S&L and the real estate development, Leach said. "If there's nothing wrong, there's no reason not to," Leach said.

Leach has been the chief Republican calling for a special counsel to be appointed by the Justice Department to investigate possible wrongdoing.

White House officials and Attorney General Janet Reno have rejected that request, saying such a counsel would still be under Reno's control.

But Leach said he believes the Justice Department and White House officials "sooner rather than later" will change their position and name a special counsel.



Jim Leach
Wants full disclosure

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U of I Research

Radiation
testing had
parents' OK

The amount given to babies in 1962 posed no risk, says one of the doctors who conducted the experiment.

By CHARLES BULLARD

OF THE REGISTER'S IOWA CITY BUREAU

Iowa City, Ia. — A scientist involved in radioactive research on newborns at University Hospitals in 1962 said Wednesday that parents consented to the experiment and the amount of radiation was so small that there is no danger of health problems.

"Yes, permission was granted by the parents of the children to take part in the test," said Dr. Robert Morrison. "No, the amounts of radioactive iodine they received would not be injurious and, in fact, would be less than used nowadays in typical diagnostic procedures."

Morrison, 80, an associate professor of radiology at the University of British Columbia in Vancouver, said the 25 newborns who received a radioactive isotope of iodine in the summer of 1962 would be 31 years old now. He said they and their parents should not worry about adverse consequences of the experiment.

The newborns received less than 1 microcurie of radiation, according to Morrison. A microcurie is one-millionth of a curie.

Morrison was one of four authors of a 1963 paper published in the Journal of Nuclear Medicine describing the experiment. Seventeen newborns were injected with radioactive iodine and eight were given the isotope orally.

The researchers measured how much of the radioactive isotope was absorbed by the newborns' thyroid glands.

Morrison said the purpose of the study "was to determine what the functional status of the newborn thyroid was."

In 1962, at the height of the Cold War, scientists were concerned about the increasing amount of back-

ground radiation from the testing of atomic weapons in the atmosphere, said Morrison.

"There was a great deal of concern about the metabolism of fallout products from atomic testing," Morrison said. "We could very easily measure the increase in background radiation as a result of atomic testing."

Radiation levels in milk reached levels that threatened the safety of the nation's milk supply, he said.

"We were at a time when there was consideration of closing down the milk supply because of the fallout products," said Morrison. "It was important to know what the functional status of the infant thyroid would be just because these children would be getting milk that might well be contaminated."

Given the tenor of the times, Morrison said, the research was warranted. "Under the circumstances, it was reasonable research and it was conducted in an ethical and moral fashion," he said.

Joanne Frits, a University of Iowa spokeswoman, said the university has not found any other examples of radioactive research on humans but is continuing the search.

Annie Tuttle, a spokeswoman for the Veterans Medical Center in Iowa City, which received radioactive isotopes in the 1950s, said the search is continuing there also.

From Boston Globe Page 14

Fernald residents used in drug tests

Behavior, acne
focus of 2 studies

By David Armstrong
CONTRIBUTING REPORTER

Mentally retarded residents of the Fernald State School in the 1950s and 1960s were used in experimental drug tests designed to test a blood pressure medication and the birth control pill's effect on acne, records show.

The drug tests were conducted amid a flurry of research at the Waltham facility that also included a federally sponsored nutrition study in which residents consumed radioactive milk and cereal.

In a drug test conducted in 1956, almost 200 mentally retarded residents of the school, some as young as 3 years old, consumed high doses of a drug that later enjoyed widespread use as a treatment for high blood pressure, records at the school show.

The researchers tested the drug - reserpine - to see if it curbed disturbing behavioral problems.

One of the study's authors, contacted this week, could not remember if consent was sought from any of the participants in the experiment. A published study of the drug test makes no mention of obtaining consent. It states only that 188 residents "were selected for this study because they presented social or emotional problems."

The drug is not widely used today because it has caused depression in some cases, said Dr. Michael Horan, director of the Division of Heart and Vascular Diseases at the National Institutes of Health.

Horan said he had never heard of using reserpine to curb behavioral problems and said the drug could pose a risk for users who do not have high blood pressure.

The doctors in the Fernald study reported some side effects among the participants, including tremors and dizziness. The ages of participants ranged from 3 to 63; the younger Fernald residents reported the most problems during the test, the

authors said.

The average dose given to the residents was 10 times higher than the dose recommended today.

In 40 cases where the patients' behavior did not change in response to the average dose of 1 milligram a day, the researchers increased the dosage to as much as 8 milligrams a day, according to the study.

Of the eight patients who were given the maximum 8-milligram-a-day dosage, all but two reported drowsiness.

In 1982, a federal Food and Drug Administration study determined that reserpine caused cancer in rodents when used at a dosage 100 to 300 times the usual human dose. Studies of the cancer risk to humans, however, have been inconclusive.

In a second drug test, conducted from 1962 to 1964, about 10 retarded women from the school took birth control pills for several months at a time as part of an acne study.

Researchers from the Boston University Medical Center chose the retarded women in part because the subjects had to have their heads bandaged once a week for several hours to measure oil secretion, a center spokeswoman said.

At the time of the study, the pill had just been introduced in the United States and was not in regular use.

The researchers theorized that the hormonal substances in the pill would help curb acne.

A consent letter was sent to parents of participants in the acne study by former Fernald Superintendent Malcolm J. Farrell, records at the school show.

The consent letter, however, does not specify the drug used in the study, referring only to "hormonal substances." In addition, Farrell said that "none of the medications to be used are harmful. . . . They all have been used in other children at the school."

1/5/94

Russia trying to regain grip over republics, US aides say

By Paul Quinn-Judge
GLOBE STAFF

WASHINGTON — The highest levels of Russian government, including President Boris N. Yeltsin, are backing the use of military pressure against former Soviet republics, US government analysts say.

The military pressure is part of an effort by Moscow to destabilize and reassert influence over the republics that became independent when the Soviet Union disintegrated at the end of 1991. Such involvement in what Russian officials call their "near abroad" has raised serious questions in Washington about Moscow's willingness to let these new nations develop independently.

Although the Clinton administration has expressed concern about Russian pressure on these states — among them Georgia, Moldova, Azerbaijan and Tajikistan — US officials are far from certain that the issue will be raised in any meaningful way when President Clinton meets Yeltsin next week in Moscow.

Strobe Talbott, deputy secretary of state-designate and the main force behind the administration's Russia policy, is known to be reluctant to do anything he feels could weaken Yeltsin.

Nevertheless, a senior official here said, "There's a growing consensus, certainly in the US intelligence community, that Russia is far from innocent in what's been going on in the Caucasus and Moldova."

Russian military intervention on the side of separatists in the breakaway Georgian province of Abkhazia, for instance, tipped the scales last fall in the fight for Sukhumi, the regional capital and a once beautiful resort town.

Soon after suffering a crushing defeat in Abkhazia, the Georgian leader, Eduard A. Shevardnadze, saying his republic was on the verge of disintegration, flew to Moscow and did what he swore he would never do: asked Yeltsin to readmit his passionately independent nation into the Commonwealth of Independent States.

The US official said there was "circumstantial evidence" that Yeltsin himself had discussed the fighting in Georgia with senior military officers, including the Russian defense minister, Gen. Pavel Grachev. The meeting reportedly took place around the time of the most intense fighting, in the late summer or early fall of last year.

"Though we don't know what they said in the meeting, it's clear that if highest levels did not

actually plan" the intervention in Georgia, "they did nothing at all to stop it," the official said. Official reports also note that the military operation in Georgia was carried out with intelligence support from both Russian military intelligence, the GRU, and the successor to the KGB.

The complexity of the operation makes it highly unlikely that it and perhaps similar, smaller undertakings in other former Soviet republics such as Azerbaijan were the work of a few rogue commanders, analysts reportedly have concluded.

The conclusion that Yeltsin did back the operations is, observers say, actually less troubling than the other possibilities: that Yeltsin did not know what a substantial part of his armed forces were doing in the south; or that he knew, opposed their activities, but was unable to stop them.

Officials in Washington suggest that the Clinton administration does not want to confront Moscow on its "near abroad" policy at next week's summit and instead aims to emphasize the positive sides of the US-Russia relationship.

With this in mind, the United States reportedly would like to announce in Moscow breakthroughs on the question of Ukrainian nuclear weapons and Russian troops in the Baltics.

Senior Russian and Ukrainian officials are in Washington this week for what is hoped will be the concluding round of US-Russian-Ukrainian talks on nuclear weapons. If a mutually satisfactory agreement can be reached, officials say, Ukrainian president Leonid Kravchuk will either be invited to Moscow during the Clinton visit, or to Washington soon after Clinton returns.

At the same time US officials are said to be working hard to persuade both Moscow and the Baltic capitals to agree on the thorny and sensitive issue of the continuing Russian troop presence in Lithuania, Latvia and Estonia.

Baltic presidents said on Saturday that they want Russian troops out by the end of this year. The United States reportedly will try to encourage Russia to pull out by offering to build several hundred units of housing for returning officers.

A broad range of politicians and military leaders in Moscow see the creation of a Russian sphere of influence in the lands that were once the Soviet Union as both a natural right and a geopolitical imperative.

Russian control over strategically vital areas — the lands that abut China or the Middle East, for example — provide Russia with a first line of defense in a volatile part of the world. They also allow

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Moscow — whose leaders still view themselves as rulers of a superpower — to project its influence into these regions.

It is with these considerations in mind that Russia is still willing to send its troops to lands far beyond its own frontiers, observers say — to places like Tajikistan, which borders Afghanistan and has been in the grips of a civil war for almost as long as it has been independent.

But while Russia views this process as normal, many countries to its west — notably former Warsaw Pact members like Poland and the Czech republic — view Moscow's aims with alarm. The fear of Russian expansion is, in fact, one of the most oft-cited reasons for their demand, currently rejected by Washington, for full membership in NATO.

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Fed Assails President's Bank Plan

Uniting of Agencies Won't Work, It Says

By KEITH BRADSHAW

Special to The New York Times

WASHINGTON, Jan. 4 — In an unusual public attack, the Federal Reserve today strongly criticized a Clinton Administration plan for the consolidation of bank regulatory agencies that would hand over much of the Fed's regulatory role over to the Treasury Department.

Saying that the Administration's plan would lead to neither an efficient regulatory system nor good government, the Fed proposed instead a new regulatory lineup that would preserve much of its own current role.

The Fed's criticisms prompted outspoken complaints this afternoon by Treasury officials that the Fed was simply seeking to protect its turf. But some banking industry officials praised the Fed's proposal as a way to limit possible abuses of power by the single agency sought by the Clinton Administration.

Break With Tradition

While the Fed's unhappiness with the Administration plan has been well known, the exchange today was a sharp departure from both the Fed's tradition of bland reticence and the Clinton Administration's desire to preserve good relations with the central bank. The Fed's current policy of holding interest rates low is generally regarded as crucial to the success of President Clinton's economic program. Fed and Treasury officials have so far taken pains not to drag interest rate policy into the regulatory brawl.

Treasury Secretary Lloyd Bentsen has been seeking to combine the Administration's two regulatory agencies for banks and savings and loans, the independent Federal Deposit Insurance Corporation and some of the Fed's regulatory functions, into an entity called the Federal Banking Commission, responsible for examining banks and savings and loan institutions.

The Fed proposed today that the Administration combine its two agencies while allowing the Fed to regulate the largest bank-holding companies plus all financial holding companies in which the largest entity is a state-chartered bank or savings and loan. The F.D.I.C. now regulates many state-chartered institutions but would be limited under the Fed plan to handling deposit insurance and some ailing banks and savings and loans.

John P. LaWare, one of the Federal Reserve Board's seven members, presented the proposal in a commentary published this morning in *The American Banker*, a daily newspaper widely read by bankers. The Federal Reserve has been trying to rally support among bankers for its position as it prepares to fight the Treasury Department plan in Congress this year.

Termed View of Fed

Mr. LaWare said in an interview that although his name appeared alone on the commentary, his column was a summary of current views at the Fed. "It's expressed as a particular view, but it represents the distillation of our thinking here at the Federal Reserve," he said.

Mr. LaWare, a former chairman of the Shawmut National Corporation, a bank holding company, tends to take the lead on bank regulatory issues.

Specifically, Mr. LaWare proposed today to combine the Office of Thrift Supervision, which regulates many

Economists Trade Barbs Over President's Policy

By SYLVIA NASAR

Special to The New York Times

BOSTON, Jan. 4 — No annual meeting of the American Economics Association would be complete without an assessment of current economic policy, but the one that took place today produced some unusual sparks.

Robert Barro, a Harvard professor and Reagan Republican, conceded that the Barro misery index had declined by half a percent during the first year of Bill Clinton's term. The index, which is occasionally featured in *The Wall Street Journal*, measures changes in joblessness, interest rates and such. "Less misery," he acknowledged.

Professor Barro, however, gave most of the credit for the improvement to a fellow Republican, Alan Greenspan, the chairman of the Federal Reserve Board, not the President.

That brought a sharp retort from Robert Solow, a Nobel Laureate from the Massachusetts Institute of Technology, a Democrat, who applauded the Administration's willingness to tax the rich and help the poor. His precise words, uttered with a glare at Professor Barro, and a flourish, were, "Stupidity is stupidity."

The Snow Factor

Another panelist, Allan Meltzer from Carnegie Mellon, blamed the snowstorm swirling outside for the fracas.

Today's deliberations were the second in two sessions on Clintonomics. The session on Monday was a somewhat lopsided duel between four Clinton supporters, including two Administration members, on one side, and a lone Clinton critic, Martin Feldstein, a Harvard economist who is the president of the National Bureau of Economics and was the chairman of the Council of Economic Advisers in President Ronald Reagan's first term.

"It's a pleasure to be on a panel when the plaintiff is so badly outnumbered," Alan Blinder said on Monday.

Both sessions were "ritual dances," in Professor Solow's words. "Any kids with a computer could have predicted what everybody would say a year ago," he said.

Some Common Ground

The least predictable thing about both panels was that the economists agreed about a few things.

Each agreed that the economy was doing fine — despite the fact that they all live somewhere between Washington and Boston, a part of the country that is still struggling.

It is hard, Professor Feldstein acknowledged on Monday, to complain too loudly about an economy that is

savings and loans, with the Office of the Comptroller of the Currency, which regulates many banks. Both are part of the Treasury Department.

Richard Carnell, the Assistant Secretary of the Treasury for Financial Institutions, told reporters this afternoon that the Federal Reserve's proposal would give it direct regulatory authority over 40 percent of the nation's banking system, as measured by assets, compared with 18 percent now.

Mr. LaWare responded in an interview, "Contrast that with their proposal, which says they want 100 percent."

Mr. LaWare said that retaining two regulatory agencies would encourage competition between them, resulting in better ideas. But under the Fed plan, banks would retain some of their current freedom to choose which agency would regulate them.

Frank N. Newman, the Under Sec-

As the U.S. economy's misery index sinks, who gets the credit?

growing at an annual rate of 2.5 percent or better, has a 6.4 percent unemployment rate and inflation of only about 3 percent.

He smiled when he, too, gave all the credit to Mr. Greenspan.

"Alan Greenspan deserves very high marks," he said. "As economists, we are all aware that the economy's performance is not a function of current Administration policy."

And all the economists, several of whom said they had feared the worst, sang hosannas about the passage of the North American Free Trade Agreement and the successful conclusion of the negotiations on the General Agreement on Tariffs and Trade.

'Very Good' Performance

"The Administration's performance was not only positive, surprisingly positive," said Rudiger Dornbusch, an M.I.T. professor and Clinton supporter on Monday's panel. "It was actually very good."

Lawrence H. Summers, the Under Treasury Secretary who is being awarded the John Bates Clark medal for the best young economist under age 40, recalled wondering a year ago whether it would be a good idea to accept the invitation to defend the Administration's economic policy. On Monday, he said he was glad he had made the right decision.

After all, as he put it, "This has been the most successful year for American international economic policy than any year since World War II."

New Criteria For Earnings

Beginning today, the listing of corporate earnings in *Business Day* will cover only companies that have at least \$50 million in quarterly revenues. Banking and insurance companies, which do not usually report revenues, will be covered in the listing if their total assets exceed \$2 billion.

In addition, for any company reporting a loss, the listing of corporate earnings will now show the loss per share.

retary of the Treasury for Domestic Finance, warned that this could prompt regulators to compete in leniency, and pointed out the lenient regulation that allowed the collapse of the savings and loan industry in the 1980's. Mr. LaWare responded that the savings and loan industry had been regulated by a single agency then.

Kenneth A. Guenther, the executive vice president of the Independent Bankers Association of America, a trade group that represents small- and medium-sized banks, said that his group preferred the Fed plan to the Treasury's because it would limit the concentration of regulatory power.

But Edward L. Yingling, the chief lobbyist for the broader American Bankers Association, said that his group had not yet taken a position and would continue to review both plans.

C.I.A. Seeks Documents From Its Radiation Tests

By TIM WEINER
Special to The New York Times

WASHINGTON, Jan. 4 — Trying to help the Clinton Administration end the secrecy that surrounded the nation's use of human subjects in radiation experiments, the C.I.A. is searching for files on research it conducted during the cold war involving the use of radiation to alter or control behavior.

But due to secrecy, shredders and the passage of time, little is known about the tests, including their nature, their number and the type of radiation employed.

"In a sign of how difficult the Administration's task may be, documents describing the tests may have been destroyed by an agency scientist 20 years ago; Central Intelligence Agency archivists said today that they had found no records referring to radiation tests; the memories of men who investigated the matter have faded, and only one fleeting reference to the experiments exists.

"The tests took place at a time when atomic-energy officials, fearing a nuclear attack by the Soviet Union and seeking to understand the effects of radiation, undertook a much larger series of experiments on hundreds of human subjects, including children, prison inmates, mentally retarded people and pregnant women.

"Late last year, the Energy Department, which oversees the development and production of nuclear weapons, began declassifying millions of documents about the weapons program and its conduct in the cold war. The documents, many still under review by the agency, disclosed aspects of the atomic-energy officials' experiments on human subjects during the cold war.

Only 1 Public Reference

White House officials, who have pledged to make records on such tests public, recently asked the C.I.A. to produce any files on similar testing. A C.I.A. official, David Christian, said today that the agency was "conducting

Shredders and time dim facts at the spy agency.

a thorough search of our records and reaching out to retired C.I.A. officials who would have been in a position to know if the agency had conducted any such tests."

Only one public reference to the tests exists, in a June 1975 report on the intelligence agency's activities by a Presidential commission led by Vice President Nelson A. Rockefeller.

In the late 1940's, the C.I.A.'s Technical Services Division began to investigate techniques, including the use of radiation and hallucinogenic drugs, to alter or control human behavior.

"The program was a big umbrella with different things under it," recalled Scott Breckenridge, a C.I.A. deputy inspector general in the 1970's and author of "C.I.A. and the Cold War" (Praeger, 1993). "Could it help with interrogations as a truth serum? Could we program people to block their memory to defend them against interrogation?"

"At first they thought of it in defensive terms. But then they began to think of it as something they might use on the opposition."

Part of Larger C.I.A. Program

Under the umbrella fell experiments on "the effects of radiation," according to the report by the Rockefeller Commission. The commission also reported finding other official misdeeds, like spying on Americans.

"The drug program was part of a much larger C.I.A. program to study possible means for controlling human behavior," the commission reported. "Other studies explored the effects of radiation, electric shock, psychology, sociology and harassment sub-

IN HONOR OF THOSE MEMBERS
OF THE CENTRAL INTELLIGENCE AGENCY
WHO GAVE THEIR LIVES IN THE SERVICE OF THEIR COUNTRY



C.I.A. employees greeted President Clinton and Director James Woolsey, second from right, at the agency's headquarters in Langley, Va.

stances."

Steven Aftergood of the Federation of American Scientists, an analyst of Government secrecy, said, "We know essentially nothing about the radiation tests" conducted by the C.I.A. Five members of the Rockefeller Commission staff said they recalled nothing of substance about the radiation tests, other than that they had occurred.

"I recall the various drug tests,

which were scandalous," William E. Colby, the Director of Central Intelligence from 1973 to 1975, said today. "But nothing about radiation."

The Rockefeller Commission report suggested, and Mr. Breckenridge remembered, that documents describing the program may have been destroyed in 1973 by Dr. Sidney Gottlieb, chief of the chemical division of the agency's Technical Services staff. By that time,

the experiments had been concluded for six years. Dr. Gottlieb, now retired, could not be reached for comment.

In television interviews this morning, George Stephanopoulos, the President's senior adviser, said that Anthony Lake, Mr. Clinton's national security adviser, "has talked to the director of the C.I.A., Jim Woolsey, about their participation" in the release of documents detailing radiation tests.

"We're going to be working with the C.I.A., and we expect their participation," Mr. Stephanopoulos said. "We're going to demand full disclosure, and we think we're going to get it."

President Clinton, accompanied by Mr. Lake, made his first visit to the C.I.A.'s headquarters in Langley, Va., this morning, and met with Mr. Woolsey. The subject of the radiation tests was not on their agenda.

REVIEW & OUTLOOK

Pull the Tooth Slowly?

Happily, Boris Yeltsin has more nerve than some of his Western supporters. At the very moment when many Western governments and commentators were dwelling on the errors of reform, and calling upon Russia to rethink "radical" liberalization, Boris Yeltsin instead pushed down on the accelerator.

Mr. Yeltsin issued a decree liberalizing the Russian grain market. Farmers will no longer be obliged to sell grain to the government at artificial prices. The decree also outlaws local attempts to restrict the trade of grain and oilseeds within Russia and calls for the privatization of grain storage and production facilities.

Mr. Yeltsin also accelerated the privatization of municipal enterprises. He signed into law a measure that would allow residential buildings to turn their apartments into condominiums. The government went ahead on an auction to privatize the nation's largest oil company; the company on the block, Surgutneftegaz, produces 10% of Russia's total output. There was another decree that was designed to bring Russia a functioning bankruptcy law, though this effort has been fraught with difficulties.

Privatization Minister Anatoly Chubais held a press conference to underline just how successful the privatization effort has been. More than 55 million Russians now own shares in some sort of business. Almost 70% of the nation's small and medium-size businesses are now in private hands. This doesn't mean that the companies are yet functioning like private businesses in the Western sense, but it's a remarkable achievement, and is now irreversible.

Mr. Yeltsin has also got the various members of his coalition government marching in roughly the same direction. Just after the parliamentary elections, Prime Minister Viktor Chernomyrdin, whose economic views remain a mystery, said that the radical reforms were "poorly thought out experiments." But at a subsequent press conference Mr. Yeltsin announced that chief reformer Yegor Gaidar would stay, and so would his policies. Mr. Chernomyrdin got the message, and delivered a speech saying that there was no alternative but to stay the reform course.

One of the problems with the analysis of Russian reform is that it treats liberalization as some sort of coherent strategy that can be subtly altered or slowed. In reality, it is a messy stumble. One can attempt "gradual" reform, which in reality means politicians scream at each other while the

Communist structures rot. This is the option Ukraine has chosen, leaving Ukraine in worse economic shape than Russia and with the same pervasive criminality.

Then there is "radical" reform, in which privatization proceeds and the government tries to impose some sort of fiscal and monetary discipline. Even the supposedly radical Gaidar strategy has failed on two-thirds of this agenda. Efforts by some in the cabinet to rebuild a massive new Gosplan, to centrally plan the economy, have been defeated by the few reformers left, but state subsidies still flow freely. Russia has a six trillion ruble federal deficit, and dreams of bringing it down to 10% of GDP. The inflation rate is down to 15% a month, but most analysts believe it will go back up.

Mr. Yeltsin talks about creating a better social safety net. Clearly the current support system, in which companies also serve as welfare agencies, has to go. But further support for the poor and the elderly has to be offset by cuts in industrial subsidies or else the resulting inflation will make people even worse off.



Boris Yeltsin

The Western aid agencies have come in for a lot of abuse for failing to help regular people. Some of it is justified. The agencies were most comfortable dealing with governments rather than private companies and individuals. They overemphasized multimillion- or multibillion-dollar aid projects when the most useful project is often a few thousand dollars directed at an entrepreneur. And there is far too much intellectual pork barrel handed out to Western consultants. But the possible influence of Western agencies on the entire Russian economy is marginal; they mostly serve as whipping boys for both sides.

The basic problem is that you can't build a prefab market democracy and then plop it on top of a country. The civic institutions that emerged in the West over a millenia are forming quickly in Russia, but not overnight. Young businessmen are far in front of the politicians, yet things like enforceable contracts take time.

Facing the inevitable mess, many analysts in Moscow and the West seem panicky and fickle. But on the basis of the early returns, Boris Yeltsin, for all his flaws, seems willing to stay the course in this important area.

Newly Vulnerable to Superfund's Claws ✓

By RICHARD L. STROUP

If you think the Superfund program is out of control now, watch what happens this year. The Environmental Protection Agency, the program's administrator, is trying to reduce Superfund litigation by "clarifying" the rules under which businesses, individuals, public school systems and others pay back the costs of EPA-designated cleanups.

The Superfund law already invites review. A study by the Institute for Civil Justice found that in the late 1980s EPA spent more than \$7 on overhead for every dollar it spent on cleanup. Between 50% and 70% of Superfund spending is "inefficient and undermines the environmental mission of the program," according to a 1989 study performed by the Office of Technology Assessment, a government agency.

Yet the changes contemplated would worsen this situation. The Superfund law allows EPA to hire and pay contractors to clean up a site with Superfund money and later seek reimbursement to recover its costs from the parties it deems responsible. The proposed rule change would severely limit the ability of those who pay to review the charges and question them.

The idea is to streamline the recovery process and reduce litigation. But questioning charges in and out of court is one of the only remaining safeguards that prevents the EPA from billing unnecessary and unreasonable charges. Because of new electronic bookkeeping, Superfund targets could no longer see the invoices for payments relating to their own cases.

The rule would also dramatically increase the rate that responsible parties pay—not for cleanup costs, but for the agency's overhead. The agency could collect these costs retroactively to 1983, along with future costs. Potentially therefore the entire Superfund program (apart from federal sites) could "jump the track" and go off-budget, escaping the constraints of the congressional budget process.



Get this: If work was done on a Superfund cleanup in 1988, the EPA would be reimbursed between \$269 and \$376 of overhead for each hour of work done by each of its employees working on that cleanup. This rate—beyond a person's hourly rate—would apply whether the work was done by a senior engineer or a junior secretary. That is how the new rule would work.

Among supposedly reimbursable Superfund expenses were phone calls to several 900 numbers published in Penthouse magazine promising, for example, "the forbidden fantasies of Alexis C—a seductive nymph."

EPA wants this rule because right now the program is bogged down in litigation as businesses and individuals try—in and out of court—to avoid paying EPA's punitive costs. The change might minimize such litigation—but so would abolishing legal due process. Embarrassing questions to EPA about outrageous, lost or duplicate bills would seldom be asked, because detailed examination by parties or courts would be nearly impossible without access to invoices. Commenting on the proposed rule, the American Mining Congress has stated that granting this authority "is tantamount to giving a blank check to Imelda Marcos before she shops in a Fifth Avenue shoe store."

Public comments on the rule brought to light egregious expenditures claimed in cost-recovery actions. One comment included a deposition from a 1990 federal court case where costs were being sought for "miscellaneous expenses" from Du Pont Co. and others at a Superfund site.

Among these expenses were phone calls to several 900 numbers published in Penthouse magazine promising, for example, "the forbidden fantasies of Alexis C—a seductive nymph" and the "intimate sexual pleasure of Emmanuelle X."

Less flamboyant, but more important, are the comments of Robert Rock of the accounting house Price Waterhouse. He notes that in general "the invoices paid by the EPA lack evidence that the EPA reviewed or even spot-checked the invoice for accuracy and appropriateness." He cited dubious charges for travel to a Superfund site (the travel was charged, but there was no indication that any time was spent on the site), "cut-off" errors (the EPA included costs outside a specified time period) and "duplicate charges from different agencies . . . for the same type of work." In one case, the EPA charged sample analysis costs from an unrelated site, resulting in an overcharge of \$400,000. Mr. Rock stated: "These types of errors would not have been discovered if the EPA's proposed rules for documentation had been in place at the time of our review."

Under the cost recovery process, even now, the EPA can recover virtually any amount that it spends, unless these costs are successfully challenged in court as being unnecessary or unreasonable. The EPA points out that there is "no statutory dollar limit" to the response actions that it may require.

Government professionals are eager to force small increments of risk reduction because they have no incentive to concern themselves with cost. At one site EPA went to court and required parties to spend \$9.3 million additional dollars to clean the site to a level where the dirt would be safe enough to eat for 260 days a year. EPA was unsatisfied with "contaminated" dirt that everyone conceded was safe to eat for 70 days a year. And the site was in a swamp!

EPA's position on the proposed rule is that defendants "cannot avoid payment of United States' costs on the grounds that such costs are 'unnecessary' or 'unreasonable.'" So under the proposed rule there would be no restriction to what EPA can spend and there would be no one to stop it, even if EPA admits that its bills are unnecessary and unreasonable. Forget the sky; there is no limit.

The rule is set to become final as early as next month. In congressional hearings a year and a half ago, Rep. J.J. Pickle (D., Texas) said that if the EPA "can't make the Superfund program work efficiently and effectively to eliminate the health risks posed to the public, we ought to scrap the program and start over." Given the costly ineffectiveness of the program to date, perhaps this is good advice. For the moment, may one suggest at least scrapping the proposed rule and starting over?

Mr. Stroup is professor of economics at Montana State University. Bradley K. Townsend, a fellow at the Political Economy Research Center in Bozeman, Mont., contributed to this article and co-authored a longer version of it that appears in the current issue of the Cato Institute's magazine *Regulation*.

Notable & Quotable ✓

David Brinkley of ABC News, writing in the Jan. 3 issue of *Newsweek* on America in the 1940s:

Under pressure of war, the withholding tax was born. It is doubtful that without war Congress would ever have voted for a tax so intrusive and troublesome. Because of the withholding tax, the term "take-home pay" entered the language. Had people been forced to count out their taxes in hard cash for some government collector, taxes in such stratospheric amounts almost certainly could not have been collected.

The cost of the war was so high that the top rate eventually went to about 92%. It was explained to Roosevelt that his rich enemies would be soaked, even fleeced, beyond their deepest fears. They paid the 92%, hated it, but could not escape. It made

Roosevelt so happy. Press Secretary Steve Early told me, that once or twice he saw the president spend hours poring over records sent to him from the IRS showing who paid how much.

As for Roosevelt's own finances, all that was ever known was that his mother, Sara Delano Roosevelt, until she died in 1941, every month or so handed him cash in a sealed envelope.

Members of Congress were so happy to find they now had a Niagara of money flooding into Washington, all ready for them to spend. Even when the war was long over, there was never any thought of ending the withholding tax. (They held the top rate at about 70% for another 16 years.) Did the enormous tax rates pay the cost of the war? No. Did the government run the war on credit and leave billions in debt? Yes.

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ENTERPRISE

Small Businesses Say Superfund Overhaul Falls Short

Proposed Law Wouldn't Eliminate the Burden of Retroactive Liability

By JEANNE SADDLER

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — President Clinton is expected to approve shortly a proposed overhaul of the law governing cleanup of hazardous-waste sites.

Small-business groups are concluding that this is good news — and bad news. The plan could help small companies somewhat — but it wouldn't do enough to curb their retroactive liability, small-business advocates say.

Entrepreneurs have long chafed over the heavy legal expenses and credit risks created by the 1980 Superfund law. Small-business owners and trade groups want to eliminate their open-ended liability for wastes sites used before 1980 and to speed resolution of their cleanup responsibilities.

Settlement Fund

The administration's revision of the Superfund law, which Mr. Clinton is expected to unveil later this month, wouldn't go that far, however. The proposal would tax insurance companies to create a \$500 million-a-year fund, which could be used for settling legal disputes between businesses and their insurers.

The federal settlement fund could absorb as much as 80% of a company's liability for cleaning up hazardous wastes dumped before 1980. Therefore, businesses would still retain certain cleanup responsibilities. The new fund wouldn't be available to companies that still choose to sue their insurance companies for a cleanup's entire cost. In addition, the fund probably wouldn't cover businesses that lacked environmental insurance before 1980.

"This compromise looks like something we're supportive of, but it doesn't take care

of all the retroactive liability," says Harriet James, the lobbyist on environmental issues for the National Federation of Independent Business, the nation's largest small-business organization.

But Benjamin Cooper, chief lobbyist for Printing Industries of America in Alexandria, Va., nevertheless is encouraged by the administration's apparent willingness "to acknowledge that retroactive liability has to be significantly modified or eliminated." He is confident that Congress will drop the current liability system.

In the past, however, Congress has expressed wariness about changing the liability provisions of the Superfund law. And no lawmaker has yet specifically addressed the anticipated administration proposal.

Vigorous Debate Likely

Any proposed Superfund revision is expected to spur vigorous debate as lawmakers put forward their own bills. Within the administration, the Treasury Department and the Environmental Protection Agency were at odds for months before agreeing on a compromise last month.

Treasury officials had favored easing much of the law's burden on businesses, big and small, arguing that disposal practices often were legal when the businesses used the waste sites. The EPA wanted polluters to continue paying for past dumping, partly because abandoning the principle would cost the federal government heavily. The administration's compromise marks the first time that the EPA has given any ground on the retroactive-liability issue, the NFIB's Ms. James notes.

It won't be easy for Congress to make the cleanup system fairer and more affordable. Three-fourths of all dumping in haz-

ardous-waste sites occurred before 1980, and Superfund litigation has cost businesses and the federal government about \$3 billion since then.

Small-business owners, with fewer financial and legal resources than bigger rivals, say they suffer both from their legal liability under the Superfund law — and from having it hang over their heads for years. Superfund litigation often lasts five to 10 years and can force a company to spend \$3 on legal costs for every dollar spent cleaning up the environment, says Mr. Cooper, the lobbyist.

The protracted liability can even make it harder for a small company to gain financing. Lee Koenig, president of Crown Battery Manufacturing Co. in Fremont, Ohio, described such a problem in testimony last June before a subcommittee of the House Small Business Committee.

Mr. Koenig said the EPA had declared his company liable for cleaning up waste sites used by three recycling companies that Crown employed to separate the lead from old batteries for use in new ones. The recyclers later went out of business. The small battery maker and hundreds of other companies were deemed responsible for one defunct company's toxic wastes.

Mr. Koenig testified that the EPA has assessed Crown \$80,000 for its part of the cleanup at one site, and he expressed fears that he will be charged more once the cleanup actually begins. "The contingent liability here makes it difficult for us to get financing or credit and threatens the very existence of our company," Mr. Koenig noted. "One thing is for sure: As a small-business owner, I certainly can't afford to be involved in any more Superfund sites."

Such situations highlight "the inability of small businesses to own up to their fair share and cash out," says Pamela Noyes Linton, chairman of Pollution Solutions of Vermont Inc., a small Burlington, Vt., company that treats and disposes hazardous wastes.

Seeking Quicker Decisions

Ms. Linton supports a proposal that she recently helped to develop as part of the National Commission on Superfund, a coalition of 26 representatives from business, environmental and community groups. Although the commission didn't suggest eliminating businesses' retroactive liability, it did back the notion of speeding government decisions about a small company's "fair share" of liability at a site and spreading out a company's payments over a long period. The administration is also expected to endorse quicker decisions on small businesses' Superfund liability.

The private commission released its Superfund reform proposal late last month. Most small-business groups prefer complete elimination of retroactive liability, as well as guarantees that a company won't face further suits from other businesses after it settles with the U.S. government. Eliminating small firms' retroactive liability would be "a big, big step forward," says William Sonntag Jr., head of government relations for the National Association of Metal Finishers in Washington.

"We don't know where this [debate] will end up," Mr. Sonntag continues. "But we'll be alerting our members and small businesses generally that they have to pay attention to the Superfund reform process. It will be critical in the next session of Congress."

Mexico Uprising May Aid Rival For Presidency

By DIANNE SOLIS

Staff Reporter of THE WALL STREET JOURNAL

MEXICO CITY—The rebellion in southern Mexico embarrasses the ruling party just as its presidential candidate was preparing to start a campaign that was expected to demolish the opposition, political analysts said.

The candidate, Luis Donaldo Colosio, is a close friend and ally of President Carlos

Mexican Stocks Slide

The uprising caused Mexican stock prices to fall 3.4%. Analysts say the fighting probably started a short-term market correction. Article on page C1.

Salinas de Gortari. Mr. Colosio has been expected to reap the electoral benefits from the astonishing turnaround that has come in the Mexican economy during the Salinas administration. He is, in fact, still the odds-on favorite to win — the ruling party hasn't lost a presidential election in the more than six decades of its existence. But the uprising creates a real problem for him, especially if the Salinas administration handles the fighting callously.

In any case, the attacks by Indian peasants will provide fuel for the sputtering campaign of leftist presidential candidate Cuauhtemoc Cardenas, because it will make one of his issues — the abject poverty in many parts of Mexico — a much bigger factor in the presidential campaign.

Although Cardenas campaign officials declined to talk about how the Chiapas insurrection would affect their strategy, Jorge Castaneda, a friend of the candidate, indicated that recent events will make it easier for Mr. Cardenas to get people to listen to his concerns about how Mexico's poor have stayed poor while the rich have become billionaires.

"This should make people think about whether Cardenas is the left-wing fringe or whether he is more prudent and channels dissension in constructive ways," said Mr. Castaneda, author of a recent book on the Latin American left.

Mr. Castaneda added that the uprising "lays to rest all this nonsense" about Mexico moving into the First World. "What this symbolically shows is that Mexico is a country of enormous social and economic inequality. . . and with no legal, adequate, acceptable vehicles for grievances to be expressed."

Mr. Cardenas himself was quick to move on the opportunity over the weekend, saying in a speech that "the elections of 1994 ought to be the opportunity to achieve—in the framework of peace and the law—the change that society demands."

Heavy fighting raged again yesterday between the Mexican military and a group of armed peasants who continued their war against the government after taking over six towns on New Year's Day. A pitched battle was taking place yesterday in the town of Ocosingo, in the southern state of Chiapas. Together with the known deaths in Sunday's battles and those that occurred during the takeover of the cities on New Year's Day, the official death toll in this increasingly bloody rebellion stood at 86.

Yesterday, the Salinas administration tried to calm the concern over Chiapas, saying that the government hopes to find a

mediator and wants to resolve the problems peacefully. Mr. Colosio, the presidential candidate, also issued a statement reiterating his campaign pledge to attack Mexico's poverty. The statement added that the government had vastly increased the amount of money spent on social programs in Chiapas.

Mr. Colosio is, in fact, as well-positioned as any member of the ruling Institutional Revolutionary Party to address the poor's problems. He was chosen as the PRI candidate because he not only embodied the Salinas approach to economic policy and possessed strong political skills but also had a following among the poor — developed when he ran the anti-poverty Solidarity program for the past two years and traveled the country to hand out government largesse to poor communities.

Yesterday, the new head of the anti-poverty ministry said that Chiapas "remains the highest priority" and has received 8% of the Solidarity budget even though the state contains 3.8% of the Mexican population.

But the ruling party, with its wealthy backers and the current government's focus on macroeconomic policy, has often seemed out of touch with the concerns of the poor. Two years ago, for example, when President Salinas visited the state, he looked for praise for his electricity and potable-water projects. But the Indian population demanded resolution of more-immediate issues: disputes over land rights that had produced a wave of recent assassinations.

Chiapas lies at the Guatemalan border and was once part of that Central American country. It is home to one of Mexico's largest concentrations of indigenous peoples, largely descendants of the proud Mayan empire, who were so downtrodden that many were taught as children to get off the sidewalks and walk in the gutter on the approach of a white person.

Amid all the poverty, Petroleos Mexicanos, the Mexican oil giant, has found oil and natural gas and generates enormous profits — almost all of which flow out of the state. (Pemex closed an office in the area where the violence has occurred, but a spokeswoman declined to comment on whether any of its half-dozen wells in the area have had to shut down.)

Even though Chiapas is an odd case, analysts of both of Mexico's biggest opposition parties said the bloody insurrection will put a floodlight on the social inequities throughout the country, where almost 40% of the population lives in poverty and prejudice against those with more Indian blood is a fact of Mexican life.

"I see this as an alarm call," said Berta Lujan, a social activist in Mexico City. "There are zones in Mexico of desperation."

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 3, 1994

PRESS BRIEFING
BY
MARK GEARAN

The Briefing Room

5:50 P.M. EST

MR. GEARAN: We've just concluded what I think was a very good and productive meeting. It was convened here in the White House with various departments and agencies of the government, as well as senior staff and senior White House staff here. Assistant Secretaries and senior staff of several of the departments came here at the invitation of the White House to discuss this issue of radiation that's been raised in recent weeks. We met for more than an hour over in the Old Executive Office Building.

There are several things that came out of the meeting in terms of where we go from here. I would have to tell you, this is the first step, this is the first meeting in terms of an interagency group that we have had. I suspect there will be many more. Already we have -- I'll go through -- there have been different committees and subgroups suggested and recommended. A meeting of this particular group is planned for next week as well. So there's a great deal yet to be done, but I think, on balance, this was a very good start to a very complex and important issue.

Fundamentally, the White House has established an interagency working group that will deal with this. The officials that will be comprised of this -- the principals, that is, are the following members of the Cabinet: Secretary of Energy O'Leary; Secretary Shalala; Secretary Aspin; Attorney General Reno; Secretary Jesse Brown; OMB Director Panetta; and the NASA Administrator Dan Goldin in addition to the senior White House staff that will be participating in it.

The meeting was called, obviously, after reports and the activity and the actions of our Secretary of Energy O'Leary to follow up ultimately to a report first issued in 1986 by Congressman Ed Markey of Massachusetts, who posed three questions to the Department of Energy at that time in terms of some of the research and the work that they did in his subcommittee work: Number one, what was the extent of experimentation; number two, what was the medical follow-up to this experimentation; and third, what compensation might be appropriate.

The written responses that he received from the officials at that time seemed to be, to us, inadequate. Two administrations have failed to answer these questions. And we intend to step up to the plate and to do our very best to get to the bottom of the facts at hand and to get as much information as we possibly can about these issues.

Let me go through a bit about some of the other subgroups that were established to give you a sense of the scope of the administration activity. Number one, a group was put together by our Cabinet secretary, Christine Varney, on the outreach that's going on in the agencies. Various departments reported at the meeting about what the status is of their information retrieval and their ongoing activities. The 800 numbers that Secretary O'Leary had

MORE

spoken of are replicated in some of the other agencies. We want to coordinate that so that there would be consistent information retrieved, frequently from callers into the lines, and that information would indeed be shared across agencies.

Secondly, one of the principal activities of this interagency group is to coordinate the retrieval of information which is on all of the government-sponsored radiation on humans that were conducted since the '40s. This will be done on an agency-by-agency basis. Each agency will look at, and have already begun to start that process in many instances, of retrieving the kind of information so that all that can be retrieved into, so we can then assess where we go from there.

Thirdly, in addition to those retrieval efforts, there will be an important congressional piece to this. As I mentioned, Congressman Markey has really been in the forefront of this, and others as well. We want to work with the Congress as we begin to keep them informed and apprised and to seek their counsel on our activities. And finally then, the various legal counsels in all of the departments will be coordinated in a legal committee.

So that is a quick readout. As I said, each agency gave a report of where they stand, where they're going from here. I would have to tell you right at the outset this is the first -- it's preliminary. A lot of the questions you might have may go unanswered at this point. There are some questions that are premature in terms of what information we have, what we don't have.

I think, though, in summation, what you have is, the President, who urged certainly in the campaign and through an executive order, opened this in government to get information out, to have the kind of government that is open and responsive to the people that sent us here. Secretary O'Leary has followed up with tremendous distinction and with the full support of the President, as he remarked upon when he was in South Carolina. We have other members of the Cabinet now that are earnestly trying to retrieve the same kind of information within their jurisdictions.

Q Can you determine through any of the material that you've received why these people were not informed, why it was conducted in such a heinous way -- that the experimentation on the children, allegedly, and pregnant women, and who else -- was there any reason given for the total secrecy?

MR. GEARAN: No, there's not a real reason that I can give to you. There are some instances where some consent was apparently given -- asked for and given. How specific that was and how detailed that was is an open question at this point. That's the kind of thing that this whole retrieval initiative that we're starting will seek to determine.

Q How long is it going to take you to try to gather all this? And when will you have an idea of how much this administration would be willing to spend on compensation?

MR. GEARAN: Well, as the Secretary has said previously -- and the President certainly has supported that -- if it is determined that the American people were wronged, we would have to consider what appropriate compensation and assistance would be. We would work with the Congress on that and consult with them on what that would be.

The time line, I wish I could give you a very speedy time line. We are working with all deliberate speed on this since this first came to the fore, and we have convened this meeting the first day back here. Now we're trying to decentralize the kind of information so it's done very quickly and rapidly. I think by next

week's time we might have preliminary reports along the way, now that, for instance, the Department of Defense or HHS and the Attorney General -- all the kind of Cabinet members are going back to their departments to seek the kind of information they need.

Q Will the CIA be a part of this? And if so, why wasn't CIA here today?

MR. GEARAN: Well, the National Security Council was at the meeting today, and they will be working with the CIA, should that be appropriate.

Q Will the CIA be involved in full disclosure if it's determined, as it was in the '75 study, that they indeed were sponsors of human radiation experiments?

MR. GEARAN: I think we have to determine what kind of involvement that is. That's why we had the National Security Council there. And the next step in terms of the CIA -- we'd have to see how that proceeds.

Q Congressman Markey, on that point, has said he has been assured by the White House in meetings with Phil Lader and Christine Varney that the CIA's cooperation will be sought on this.

MR. GEARAN: I don't mean to be vague. I think my point is in terms of today's meeting and today's participation. And I was at the meeting as well with the Congressman -- that the National Security Council -- it's deemed appropriate that Christine has been in touch with to ensure their participation at today's meeting. They will now be -- a lot of what's going on obviously is we have to now go back to the various departments and agencies. They're putting together the kind of protocol that would be required to seek and retrieve the information we need in order to make some best judgments.

Q So we shouldn't interpret from what's happened that the CIA gets a pass on some of this because it's a black agency?

MR. GEARAN: No, I think you should interpret that the presence of the National Security Council will ensure that this government is committed to the kind of openness that I think you've seen in the past few weeks.

Q Does the presence of the Attorney General in this indicate that you're looking at a possible criminal liability?

MR. GEARAN: Well, I think there's a whole range of legal issues that are involved, obviously, and the Attorney General will be a key player. She's a principal on the committee, as I mentioned. They are looking at the whole range of legal issues that are involved. I think it's premature at this point to determine where we go from here.

Q Are you willing to pursue that if there's --

MR. GEARAN: At this point, I think we're -- what's most accurate now for me to relate to you certainly is we're at the stage now where it would be premature to say what kind of actions, what the end game necessarily is. What I think I can report to you on is the kind of openness that you've seen, that we're committed to getting to the bottom of it, to getting the kind of information, and then to make the best and most reasonable, informed judgment on where we proceed from there.

Q I realize the nature focus is on Americans, but if there is any evidence that foreigners were victimized in this way, can they get compensation such as in the Agent Orange situation?

MR. GEARAN: I think, again, that would be a topic of the interagency working group.

Q Is there any evidence at this point that perhaps any prisoners of war or something --

MR. GEARAN: I don't know the answer to that. Not that I'm aware of.

Q What was inadequate about previous response, the previous administrations? I mean, where did they fall short? You said it was inadequate.

MR. GEARAN: Nothing was followed up on.

Q Nothing at all? Nothing was done?

MR. GEARAN: Not that any of us are aware of.

Q Was Secretary O'Leary acting on her own when she suggested the compensation? Is there any concern about this turning into a multibillion-dollar --

MR. GEARAN: No. I think, if anything, I would like to make it quite clear that the Secretary has been in very close contact with the White House. A lot of her efforts on documents within the department have grown out of this, and officials are here from DOE -- Mike Gaulden and Tara O'Toole are here from the department to visit with you.

But the history of this in terms of the White House is a good example of the kind of coordination between the department and the White House. The President reiterated that in South Carolina. The Secretary's comments in terms of compensation -- I think she spoke of personally -- we can get you the exact quote of how she phrased it, but what we have said continually, what other White House officials have said is that, similar to what the Secretary said; indeed, if Americans have been -- if we realize and figure out that they were wronged, that we would have to consider the kind of compensation and assistance that would be appropriate.

Q Is there any doubt at this point that some Americans were wronged?

MR. GEARAN: I think, given where we are right now in terms of putting together this group -- departments are going back, they're writing letters to contractors, they're doing the kinds of things to retrieve the information that you would have -- it would be premature for me to make that kind of judgment.

Q But haven't some of the studies suggested, or more than suggested, stated flat out -- Markey's report of a couple of years ago said flat out they were wronged?

MR. GEARAN: Congressman Markey's study is an important one, one we take very seriously. But in terms of exact kind of judgment calls, I think we find the information to date is very troubling and the Secretary has been quite clear on this.

Q Did she get the President's permission --

Q -- get a handle of whether there are hundreds or thousands of victims that you're talking about right now?

MR. GEARAN: We don't have any best judgment on that. I think the Congressman's report had 695. But I --

Q He said possibly thousands.

MR. GEARAN: Yes. As I said, in 1986, the Markey report, which only did the Department of Energy, as I understand it, had 695 suggested individuals. If you broaden this beyond that -- we're not able to give you that.

Q How do you view the scope of this group? Is it going to go out and take testimony from victims? Is it going to have any public hearings? Where do you see it actually going?

MR. GEARAN: Well, the first step is the retrieval of this information and where we -- to get the kind of scope of what's involved. And I don't know -- feel free to jump in on how they're going to do that. Each agency has some initial thoughts of this. What we want to do is ensure that this retrieval is a coordinated activity so that the kinds of questions that are asked, so that the information that is sought by various individuals is consistent and that we get it back in a way that's most responsive.

You have to observe that each department and each agency has certain nuances that are different in terms of contractors, in terms of research, in terms of -- the Veterans Administration, for instance, has 172 hospitals. How they retrieve that information is vastly different from the Department of Defense.

Q You don't view a public role for this interagency group at some point?

MR. GEARAN: That was not covered at this meeting. I would think it would be something that the principals at the meeting would want to consider.

Q Because it's such a high level group, will any of these meetings be open?

MR. GEARAN: We did not review that at the meeting. I think what we want to report to you today is that we're hard at work at this and earnestly trying to get about the business of getting to the bottom of it.

Q Is there any consideration being given to other forms of human experimentation other than radiological? For example, biological warfare defense, chemical warfare, medical research --

MR. GEARAN: I think the Department of Defense, that will be one of the things they will have to -- the charge is --

Q Was this discussed today, that you might expand beyond radiological experimentation into other forms of human experimentation?

MR. GEARAN: What was discussed today was that each department is going to pursue and report back on Monday, I think is your next session of this interagency group. The principals will have a meeting in three weeks or so time where there will be reports on the kind of information that they're going to seek back from. That was not covered in this meeting today.

Q I'm just not clear whether you're saying, yes, you would examine, for example, biological weapons research that was done on --

MR. GEARAN: Each agency is going to be charged with their -- it's going to be done agency by agency. I think when we have another session by next week's time, we'll have some better judgment on how Defense is doing versus other agencies. I don't have that answer for you.

Q Was the White House notified by Secretary O'Leary before she came out with her remarks?

MR. GEARAN: Oh, yes. We have been --

Q Before the compensation idea was floated?

MR. GEARAN: I'm sorry. We have been in close contact. In fact, I think the December -- Mike, correct me if I'm wrong on this -- department announcement that the Secretary did on openness on December 7th -- I think you'll find in the release a quote of the President in that commending the Secretary on her leadership on this. She has mentioned this from time to time. And Michael, you may want to give the specifics on this. I think how it popped in terms of newsworthiness was not then until the Albuquerque paper last Tuesday.

But the broader point -- I mean, there's kind of a media sequence of some interest to journalism PhDs somewhere that in terms of our perspective, yes, we feel very much that the White House and department interchange on this has been appropriate and we feel fully informed.

Q So O'Leary was not speaking out of turn when she talked about compensation, is that correct?

MR. GEARAN: I think the President reiterated his support. We have -- other senior officials in the White House have talked about compensation if Americans have been deemed to be wronged by this. And the President has commended the Secretary.

Q Did anybody come to this meeting with numbers of people who have been experimented on?

MR. GEARAN: No.

Q It's been a week, 10 days, two weeks since Secretary Aspin was tasked to get involved with this. Did the Pentagon come to the table with anything today at all?

MR. GEARAN: Yes. They reported -- Deputy Deutsch is charged with the leadership on this within the department. Rudy Deleon, the Chief of Staff to the Secretary, gave a report of what they're doing. I agree -- two weeks. There has been a period of the holidays that have absented some key players from participation on this. I think on the first day back people have been brought in here. We will do so again next Monday for further detail on this. But it was sharing information about where people are at, what the charges are, forming the kind of infrastructure we need on an interagency -- indeed, throughout the government basis. That's what went on today.

Q Was there any discussion of what the financial liability to the government might be on this?

MR. GEARAN: No.

Q Mark, on medical follow-up. Apparently, according to the Markey report, there was no medical follow-up from the Department of Energy. Doesn't that make it difficult to determine harm to the people who participated, or will you have to do those studies now?

MR. GEARAN: I don't know the exact -- Tara, do you want to --

MS. O'TOOLE: Yes. Actually, some of the Department of Energy's subjects did receive some medical follow-up, although it was

fairly unorganized and haphazard. And I think one of the questions that needs to be determined, and that the Markey asked be posed and answered, is should further medical follow-up be conducted and, if so, what form would that take?

Q What's your view of that?

MS. O'TOOLE: I think you have to look at that experiment by experiment. I would also add that the whole process of calling in the records from radiation experiments subsequent to World War II is quite an ambitious and enormous undertaking, and it's proving to be difficult. I mean, it's going to take us some time to get these records together, even to get them to a point where they can be reviewed.

Q Are you talking about a matter of months or a matter of years?

MS. O'TOOLE: Months.

Q Mark, what was the President's involvement on this issue today?

MR. GEARAN: He was briefed, of course, that this meeting was happening.

Q Did he drop in?

MR. GEARAN: He was not able to drop in. He was participating in his briefings on NATO. Phil Lader, the Deputy Chief of Staff, conducted the meeting. He was briefed on it this morning at his regular meeting by Phil that this was happening, and I suspect there will be a follow-up with him afterwards.

Q Does there have to be physical harm to get compensation?

MR. GEARAN: I think it is premature at this point. We are now at the stage of trying to get the kind of information that we need in order to make those kind of informed judgments.

Q Mark, you said no decision has been made whether to seek any criminal charges against anybody in this. Would it have been illegal to have subjected someone to a radiation test without proper notification?

MR. GEARAN: I'm embarrassed, as a lawyer, I can't answer that. I'm not the appropriate person to make that kind of judgment. I think those are the kind of issues that we need to make a reasonable judgment on and some decisions.

Q Last week, Hazel O'Leary said that in the summer of '92 the Bush administration definitely knew about this stuff, and they could have declassified the documents then and they chose not to. Doesn't this administration find that rather upsetting, to put it mildly?

MR. GEARAN: Well, I think what I said earlier is that

--

Q Wind up the pitch. (Laughter.)

MR. GEARAN: Thank you very much -- is I think two administrations have failed to answer some very troubling questions that were originally outlined in Congressman Markey's report. What we are committed to is to getting to the bottom of the information and stepping up to the plate. I think it's reflective of the kind of

openness that the President has suggested from the campaign and into his administration.

Q Could you just clarify one thing? Congressman Markey seemed to be a little stronger in saying that you were fully committed to supporting the legislative package with compensation for people who it was determined were harmed. All you said was that you would be willing to consider it, that you would support considering it.

MR. GEARAN: Well, I think what I would like to say is, to echo what Secretary O'Leary has already said, and that is -- and others that have spoken to this -- and that is, it's pretty simple; If we determine through this process that we're embarking upon that American people were wronged as a result of this government-sponsored experimentation, that we would have to consider the kind of assistance and compensation that would be appropriate. A key part of this is obviously the Congress. That's indeed what the Secretary said. And I don't think that's separate from what Congressman Markey is suggesting -- that we'd want to work very closely with the Congress on how that's best done.

Q Did you get any specifics out of the VA? They had 14 hospitals licensed to conduct nuclear medicine research. Are you certain that all 14 in fact conducted that research?

MR. GEARAN: I think they did not report on that, specifically. They're starting that and, again, conducting -- that's an example of the kind of decentralized information that they need to really -- as reported at our meeting, they will take the time to do that kind of survey.

Q Do we know for sure how many agencies or departments were actually conducting these kinds of experiments? Are we even certain about that?

MR. GEARAN: No.

Q What are we certain of?

MR. GEARAN: What we are certain of is that the administration is committed to ensuring that all or any department that would have some nexus or responsibility here --

Q No, I mean, we're certain that the DOE did. We're, I think, pretty clear that DOD did. What else are we pretty clear on?

MR. GEARAN: Well, that's what we're determining. I mean, I told you who was there today, the departments. We tried to make sure that people were there at the table. It varied considerably in terms of the kind of information that -- obviously, DOE is out front on this in terms of the information they already have. Others are just beginning that process, as a result of DOE's start on this, like DOD and Veterans Affairs.

So I think by next week -- I hate to keep deferring you here, but a lot of that information is still forthcoming as they then begin the kind of contact with researchers or contractors. I mean, it's a labyrinth of information.

Q Why is NASA involved? Is there some suggestion known of NASA's involvement?

MS. O'TOOLE: NASA was interested in the effects of radiation as they pertain to space exploration.

Q And do we know of human experimentation that they did in that regard?

MS. O'TOOLE: We know that NASA sponsored radiation research. We do not know that NASA's experiments were improper or wrong. And I think that's the case with many of the other federal agencies. A number of federal agencies have sponsored research into radiation. It is not clear that those investigations were improper or ethically questionable, and that's what we're trying to determine.

Q Were the NASA investigations mentioned in the Markey report, or is this new information?

MS. O'TOOLE: I don't know the answer to that.

Q Is there somebody who can elaborate on it?

MR. GEARAN: Well, the administrator, Dan Goldin -- there's a statement that he'll be issuing from his office which, as Tara mentioned, suggests that the department informed him that during the '60s and '70s, NASA was involved in sponsorship or cosponsorship of some human experiments to determine the effects of radiation. "I personally consider this issue to be of paramount concern and will ensure that any involvement by NASA is fully disclosed to the American public." Then he outlines three steps that -- two steps that he has taken in terms of how it's going to be -- who is responsible for overseeing the internal activities, the team that's being led for a detailed search of the records at NASA involving human experiments involving radiation. And that's where it lies.

Q Have any of the subjects gone through the Institutional Review Board process?

MR. GEARAN: I don't know the answer.

MS. O'TOOLE: That process really only got underway in the 1970s, so it wouldn't have been pertinent to these earlier experiments.

Q Except there was some thought that some of it might have happened in the '70s as well.

MS. O'TOOLE: And it is our expectation that federal agencies were complying with the IRB recommendations after that time.

Q So one week from today this group meets again, and in three weeks the Cabinet level group will meet?

MR. GEARAN: That's correct.

Q Are they going to meet on a weekly or regular basis?

MR. GEARAN: I think the intent is -- Christine Varney works pretty hard -- I think the intent is this is a very high level at the White House. It is taken very seriously. And I think there will be no short of energy that is going to be committed to this. I would suspect it would be a near-weekly prospect for this working group, and then the principals --

Q Who will be chairing the working group?

Q I want to confirm something. Hazel O'Leary mentioned before she talked about compensation that she was going to do so?

MR. GEARAN: Michael, the time line on this? The Secretary's comments on compensation -- the time line. Do you want to just go through the time line?

This is Michael Gaulden.

MR. GAULDEN: She was first asked about that on December 7th. When she talked about it, she talked about it to other reporters between the 7th and last Tuesday. Last Tuesday on a CNN program she was asked again about it and she basically said what she had said before, which is that if we determine that people have been wronged, then we need to consider what would be appropriate compensation.

I'm am not sure exactly why that at that point it had attracted the press's attention where previously it had not.

Q Well, did she tell the President she was going to talk about compensation before she talked about it? I think that was the question.

MR. GAULDEN: All of these issues have been discussed for as much as two months before the December press conference. I can't tell you if they face to face spoken about that. But all these issues have been discussed between the Department of Energy and the White House for at least two months prior to December 7th.

Q The question is at what time did the White House become aware of it?

MR. GEARAN: I think the net effect is that the White House position is as I stated before on compensation. In terms of the department's role with the White House, we feel that that has been a very good and mutually rewarding briefing situation. I don't think there's a lapse there. And I don't see any reason to --

Q Is there any evidence the government's compensated anybody thus far for any of this stuff?

MR. GEARAN: I'm sorry?

MS. O'TOOLE: There have been previous compensation.

MR. GEARAN: For other kinds of things.

Q But not for his radiation?

Q Not for human experimentation?

MR. GAULDEN: Well, you recall the tests in the South Pacific in which some of the -- and we talked -- natives received some fallout. And there was an assistance and compensation that followed that at that time. That's an analogy. It's not an exact analogy, but there is precedent.

THE PRESS: Thank you.

END

6:16 P.M. EST

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 3, 1994

PRESS BRIEFING
BY
MARK GEARAN

The Briefing Room

5:50 P.M. EST

MR. GEARAN: We've just concluded what I think was a very good and productive meeting. It was convened here in the White House with various departments and agencies of the government, as well as senior staff and senior White House staff here. Assistant Secretaries and senior staff of several of the departments came here at the invitation of the White House to discuss this issue of radiation that's been raised in recent weeks. We met for more than an hour over in the Old Executive Office Building.

There are several things that came out of the meeting in terms of where we go from here. I would have to tell you, this is the first step, this is the first meeting in terms of an interagency group that we have had. I suspect there will be many more. Already we have -- I'll go through -- there have been different committees and subgroups suggested and recommended. A meeting of this particular group is planned for next week as well. So there's a great deal yet to be done, but I think, on balance, this was a very good start to a very complex and important issue.

Fundamentally, the White House has established an interagency working group that will deal with this. The officials that will be comprised of this -- the principals, that is, are the following members of the Cabinet: Secretary of Energy O'Leary; Secretary Shalala; Secretary Aspin; Attorney General Reno; Secretary Jesse Brown; OMB Director Panetta; and the NASA Administrator Dan Goldin in addition to the senior White House staff that will be participating in it.

The meeting was called, obviously, after reports and the activity and the actions of our Secretary of Energy O'Leary to follow up ultimately to a report first issued in 1986 by Congressman Ed Markey of Massachusetts, who posed three questions to the Department of Energy at that time in terms of some of the research and the work that they did in his subcommittee work: Number one, what was the extent of experimentation; number two, what was the medical follow-up to this experimentation; and third, what compensation might be appropriate.

The written responses that he received from the officials at that time seemed to be, to us, inadequate. Two administrations have failed to answer these questions. And we intend to step up to the plate and to do our very best to get to the bottom of the facts at hand and to get as much information as we possibly can about these issues.

Let me go through a bit about some of the other subgroups that were established to give you a sense of the scope of the administration activity. Number one, a group was put together by our Cabinet secretary, Christine Varney, on the outreach that's going on in the agencies. Various departments reported at the meeting about what the status is of their information retrieval and their ongoing activities. The 800 numbers that Secretary O'Leary had

MORE

spoken of are replicated in some of the other agencies. We want to coordinate that so that there would be consistent information retrieved, frequently from callers into the lines, and that information would indeed be shared across agencies.

Secondly, one of the principal activities of this interagency group is to coordinate the retrieval of information which is on all of the government-sponsored radiation on humans that were conducted since the '40s. This will be done on an agency-by-agency basis. Each agency will look at, and have already begun to start that process in many instances, of retrieving the kind of information so that all that can be retrieved into, so we can then assess where we go from there.

Thirdly, in addition to those retrieval efforts, there will be an important congressional piece to this. As I mentioned, Congressman Markey has really been in the forefront of this, and others as well. We want to work with the Congress as we begin to keep them informed and apprised and to seek their counsel on our activities. And finally then, the various legal counsels in all of the departments will be coordinated in a legal committee.

So that is a quick readout. As I said, each agency gave a report of where they stand, where they're going from here. I would have to tell you right at the outset this is the first -- it's preliminary. A lot of the questions you might have may go unanswered at this point. There are some questions that are premature in terms of what information we have, what we don't have.

I think, though, in summation, what you have is, the President, who urged certainly in the campaign and through an executive order, opened this in government to get information out, to have the kind of government that is open and responsive to the people that sent us here. Secretary O'Leary has followed up with tremendous distinction and with the full support of the President, as he remarked upon when he was in South Carolina. We have other members of the Cabinet now that are earnestly trying to retrieve the same kind of information within their jurisdictions.

Q Can you determine through any of the material that you've received why these people were not informed, why it was conducted in such a heinous way -- that the experimentation on the children, allegedly, and pregnant women, and who else -- was there any reason given for the total secrecy?

MR. GEARAN: No, there's not a real reason that I can give to you. There are some instances where some consent was apparently given -- asked for and given. How specific that was and how detailed that was is an open question at this point. That's the kind of thing that this whole retrieval initiative that we're starting will seek to determine.

Q How long is it going to take you to try to gather all this? And when will you have an idea of how much this administration would be willing to spend on compensation?

MR. GEARAN: Well, as the Secretary has said previously -- and the President certainly has supported that -- if it is determined that the American people were wronged, we would have to consider what appropriate compensation and assistance would be. We would work with the Congress on that and consult with them on what that would be.

The time line, I wish I could give you a very speedy time line. We are working with all deliberate speed on this since this first came to the fore, and we have convened this meeting the first day back here. Now we're trying to decentralize the kind of information so it's done very quickly and rapidly. I think by next

week's time we might have preliminary reports along the way, now that, for instance, the Department of Defense or HHS and the Attorney General -- all the kind of Cabinet members are going back to their departments to seek the kind of information they need.

Q Will the CIA be a part of this? And if so, why wasn't CIA here today?

MR. GEARAN: Well, the National Security Council was at the meeting today, and they will be working with the CIA, should that be appropriate.

Q Will the CIA be involved in full disclosure if it's determined, as it was in the '75 study, that they indeed were sponsors of human radiation experiments?

MR. GEARAN: I think we have to determine what kind of involvement that is. That's why we had the National Security Council there. And the next step in terms of the CIA -- we'd have to see how that proceeds.

Q Congressman Markey, on that point, has said he has been assured by the White House in meetings with Phil Lader and Christine Varney that the CIA's cooperation will be sought on this.

MR. GEARAN: I don't mean to be vague. I think my point is in terms of today's meeting and today's participation. And I was at the meeting as well with the Congressman -- that the National Security Council -- it's deemed appropriate that Christine has been in touch with to ensure their participation at today's meeting. They will now be -- a lot of what's going on obviously is we have to now go back to the various departments and agencies. They're putting together the kind of protocol that would be required to seek and retrieve the information we need in order to make some best judgments.

Q So we shouldn't interpret from what's happened that the CIA gets a pass on some of this because it's a black agency?

MR. GEARAN: No, I think you should interpret that the presence of the National Security Council will ensure that this government is committed to the kind of openness that I think you've seen in the past few weeks.

Q Does the presence of the Attorney General in this indicate that you're looking at a possible criminal liability?

MR. GEARAN: Well, I think there's a whole range of legal issues that are involved, obviously, and the Attorney General will be a key player. She's a principal on the committee, as I mentioned. They are looking at the whole range of legal issues that are involved. I think it's premature at this point to determine where we go from here.

Q Are you willing to pursue that if there's --

MR. GEARAN: At this point, I think we're -- what's most accurate now for me to relate to you certainly is we're at the stage now where it would be premature to say what kind of actions, what the end game necessarily is. What I think I can report to you on is the kind of openness that you've seen, that we're committed to getting to the bottom of it, to getting the kind of information, and then to make the best and most reasonable, informed judgment on where we proceed from there.

Q I realize the nature focus is on Americans, but if there is any evidence that foreigners were victimized in this way, can they get compensation such as in the Agent Orange situation?

MR. GEARAN: I think, again, that would be a topic of the interagency working group.

Q Is there any evidence at this point that perhaps any prisoners of war or something --

MR. GEARAN: I don't know the answer to that. Not that I'm aware of.

Q What was inadequate about previous response, the previous administrations? I mean, where did they fall short? You said it was inadequate.

MR. GEARAN: Nothing was followed up on.

Q Nothing at all? Nothing was done?

MR. GEARAN: Not that any of us are aware of.

Q Was Secretary O'Leary acting on her own when she suggested the compensation? Is there any concern about this turning into a multibillion-dollar --

MR. GEARAN: No. I think, if anything, I would like to make it quite clear that the Secretary has been in very close contact with the White House. A lot of her efforts on documents within the department have grown out of this, and officials are here from DOE -- Mike Gaulden and Tara O'Toole are here from the department to visit with you.

But the history of this in terms of the White House is a good example of the kind of coordination between the department and the White House. The President reiterated that in South Carolina. The Secretary's comments in terms of compensation -- I think she spoke of personally -- we can get you the exact quote of how she phrased it, but what we have said continually, what other White House officials have said is that, similar to what the Secretary said; indeed, if Americans have been -- if we realize and figure out that they were wronged, that we would have to consider the kind of compensation and assistance that would be appropriate.

Q Is there any doubt at this point that some Americans were wronged?

MR. GEARAN: I think, given where we are right now in terms of putting together this group -- departments are going back, they're writing letters to contractors, they're doing the kinds of things to retrieve the information that you would have -- it would be premature for me to make that kind of judgment.

Q But haven't some of the studies suggested, or more than suggested, stated flat out -- Markey's report of a couple of years ago said flat out they were wronged?

MR. GEARAN: Congressman Markey's study is an important one, one we take very seriously. But in terms of exact kind of judgment calls, I think we find the information to date is very troubling and the Secretary has been quite clear on this.

Q Did she get the President's permission --

Q -- get a handle of whether there are hundreds or thousands of victims that you're talking about right now?

MR. GEARAN: We don't have any best judgment on that. I think the Congressman's report had 695. But I --

Q He said possibly thousands.

MR. GEARAN: Yes. As I said, in 1986, the Markey report, which only did the Department of Energy, as I understand it, had 695 suggested individuals. If you broaden this beyond that -- we're not able to give you that.

Q How do you view the scope of this group? Is it going to go out and take testimony from victims? Is it going to have any public hearings? Where do you see it actually going?

MR. GEARAN: Well, the first step is the retrieval of this information and where we -- to get the kind of scope of what's involved. And I don't know -- feel free to jump in on how they're going to do that. Each agency has some initial thoughts of this. What we want to do is ensure that this retrieval is a coordinated activity so that the kinds of questions that are asked, so that the information that is sought by various individuals is consistent and that we get it back in a way that's most responsive.

You have to observe that each department and each agency has certain nuances that are different in terms of contractors, in terms of research, in terms of -- the Veterans Administration, for instance, has 172 hospitals. How they retrieve that information is vastly different from the Department of Defense.

Q You don't view a public role for this interagency group at some point?

MR. GEARAN: That was not covered at this meeting. I would think it would be something that the principals at the meeting would want to consider.

Q Because it's such a high level group, will any of these meetings be open?

MR. GEARAN: We did not review that at the meeting. I think what we want to report to you today is that we're hard at work at this and earnestly trying to get about the business of getting to the bottom of it.

Q Is there any consideration being given to other forms of human experimentation other than radiological? For example, biological warfare defense, chemical warfare, medical research --

MR. GEARAN: I think the Department of Defense, that will be one of the things they will have to -- the charge is --

Q Was this discussed today, that you might expand beyond radiological experimentation into other forms of human experimentation?

MR. GEARAN: What was discussed today was that each department is going to pursue and report back on Monday, I think is your next session of this interagency group. The principals will have a meeting in three weeks or so time where there will be reports on the kind of information that they're going to seek back from. That was not covered in this meeting today.

Q I'm just not clear whether you're saying, yes, you would examine, for example, biological weapons research that was done on --

MR. GEARAN: Each agency is going to be charged with their -- it's going to be done agency by agency. I think when we have another session by next week's time, we'll have some better judgment on how Defense is doing versus other agencies. I don't have that answer for you.

Q Was the White House notified by Secretary O'Leary before she came out with her remarks?

MR. GEARAN: Oh, yes. We have been --

Q Before the compensation idea was floated?

MR. GEARAN: I'm sorry. We have been in close contact. In fact, I think the December -- Mike, correct me if I'm wrong on this -- department announcement that the Secretary did on openness on December 7th -- I think you'll find in the release a quote of the President in that commending the Secretary on her leadership on this. She has mentioned this from time to time. And Michael, you may want to give the specifics on this. I think how it popped in terms of newsworthiness was not then until the Albuquerque paper last Tuesday.

But the broader point -- I mean, there's kind of a media sequence of some interest to journalism PhDs somewhere that in terms of our perspective, yes, we feel very much that the White House and department interchange on this has been appropriate and we feel fully informed.

Q So O'Leary was not speaking out of turn when she talked about compensation, is that correct?

MR. GEARAN: I think the President reiterated his support. We have -- other senior officials in the White House have talked about compensation if Americans have been deemed to be wronged by this. And the President has commended the Secretary.

Q Did anybody come to this meeting with numbers of people who have been experimented on?

MR. GEARAN: No.

Q It's been a week, 10 days, two weeks since Secretary Aspin was tasked to get involved with this. Did the Pentagon come to the table with anything today at all?

MR. GEARAN: Yes. They reported -- Deputy Deutsch is charged with the leadership on this within the department. Rudy Deleon, the Chief of Staff to the Secretary, gave a report of what they're doing. I agree -- two weeks. There has been a period of the holidays that have absented some key players from participation on this. I think on the first day back people have been brought in here. We will do so again next Monday for further detail on this. But it was sharing information about where people are at, what the charges are, forming the kind of infrastructure we need on an interagency -- indeed, throughout the government basis. That's what went on today.

Q Was there any discussion of what the financial liability to the government might be on this?

MR. GEARAN: No.

Q Mark, on medical follow-up. Apparently, according to the Markey report, there was no medical follow-up from the Department of Energy. Doesn't that make it difficult to determine harm to the people who participated, or will you have to do those studies now?

MR. GEARAN: I don't know the exact -- Tara, do you want to --

MS. O'TOOLE: Yes. Actually, some of the Department of Energy's subjects did receive some medical follow-up, although it was

fairly unorganized and haphazard. And I think one of the questions that needs to be determined, and that the Markey asked be posed and answered, is should further medical follow-up be conducted and, if so, what form would that take?

Q What's your view of that?

MS. O'TOOLE: I think you have to look at that experiment by experiment. I would also add that the whole process of calling in the records from radiation experiments subsequent to World War II is quite an ambitious and enormous undertaking, and it's proving to be difficult. I mean, it's going to take us some time to get these records together, even to get them to a point where they can be reviewed.

Q Are you talking about a matter of months or a matter of years?

MS. O'TOOLE: Months.

Q Mark, what was the President's involvement on this issue today?

MR. GEARAN: He was briefed, of course, that this meeting was happening.

Q Did he drop in?

MR. GEARAN: He was not able to drop in. He was participating in his briefings on NATO. Phil Lader, the Deputy Chief of Staff, conducted the meeting. He was briefed on it this morning at his regular meeting by Phil that this was happening, and I suspect there will be a follow-up with him afterwards.

Q Does there have to be physical harm to get compensation?

MR. GEARAN: I think it is premature at this point. We are now at the stage of trying to get the kind of information that we need in order to make those kind of informed judgments.

Q Mark, you said no decision has been made whether to seek any criminal charges against anybody in this. Would it have been illegal to have subjected someone to a radiation test without proper notification?

MR. GEARAN: I'm embarrassed, as a lawyer, I can't answer that. I'm not the appropriate person to make that kind of judgment. I think those are the kind of issues that we need to make a reasonable judgment on and some decisions.

Q Last week, Hazel O'Leary said that in the summer of '92 the Bush administration definitely knew about this stuff, and they could have declassified the documents then and they chose not to. Doesn't this administration find that rather upsetting, to put it mildly?

MR. GEARAN: Well, I think what I said earlier is that

--

Q Wind up the pitch. (Laughter.)

MR. GEARAN: Thank you very much -- is I think two administrations have failed to answer some very troubling questions that were originally outlined in Congressman Markey's report. What we are committed to is to getting to the bottom of the information and stepping up to the plate. I think it's reflective of the kind of

openness that the President has suggested from the campaign and into his administration.

Q Could you just clarify one thing? Congressman Markey seemed to be a little stronger in saying that you were fully committed to supporting the legislative package with compensation for people who it was determined were harmed. All you said was that you would be willing to consider it, that you would support considering it.

MR. GEARAN: Well, I think what I would like to say is, to echo what Secretary O'Leary has already said, and that is -- and others that have spoken to this -- and that is, it's pretty simple; If we determine through this process that we're embarking upon that American people were wronged as a result of this government-sponsored experimentation, that we would have to consider the kind of assistance and compensation that would be appropriate. A key part of this is obviously the Congress. That's indeed what the Secretary said. And I don't think that's separate from what Congressman Markey is suggesting -- that we'd want to work very closely with the Congress on how that's best done.

Q Did you get any specifics out of the VA? They had 14 hospitals licensed to conduct nuclear medicine research. Are you certain that all 14 in fact conducted that research?

MR. GEARAN: I think they did not report on that, specifically. They're starting that and, again, conducting -- that's an example of the kind of decentralized information that they need to really -- as reported at our meeting, they will take the time to do that kind of survey.

Q Do we know for sure how many agencies or departments were actually conducting these kinds of experiments? Are we even certain about that?

MR. GEARAN: No.

Q What are we certain of?

MR. GEARAN: What we are certain of is that the administration is committed to ensuring that all or any department that would have some nexus or responsibility here --

Q No, I mean, we're certain that the DOE did. We're, I think, pretty clear that DOD did. What else are we pretty clear on?

MR. GEARAN: Well, that's what we're determining. I mean, I told you who was there today, the departments. We tried to make sure that people were there at the table. It varied considerably in terms of the kind of information that -- obviously, DOE is out front on this in terms of the information they already have. Others are just beginning that process, as a result of DOE's start on this, like DOD and Veterans Affairs.

So I think by next week -- I hate to keep deferring you here, but a lot of that information is still forthcoming as they then begin the kind of contact with researchers or contractors. I mean, it's a labyrinth of information.

Q Why is NASA involved? Is there some suggestion known of NASA's involvement?

MS. O'TOOLE: NASA was interested in the effects of radiation as they pertain to space exploration.

Q And do we know of human experimentation that they did in that regard?

MS. O'TOOLE: We know that NASA sponsored radiation research. We do not know that NASA's experiments were improper or wrong. And I think that's the case with many of the other federal agencies. A number of federal agencies have sponsored research into radiation. It is not clear that those investigations were improper or ethically questionable, and that's what we're trying to determine.

Q Were the NASA investigations mentioned in the Markey report, or is this new information?

MS. O'TOOLE: I don't know the answer to that.

Q Is there somebody who can elaborate on it?

MR. GEARAN: Well, the administrator, Dan Goldin -- there's a statement that he'll be issuing from his office which, as Tara mentioned, suggests that the department informed him that during the '60s and '70s, NASA was involved in sponsorship or cosponsorship of some human experiments to determine the effects of radiation. "I personally consider this issue to be of paramount concern and will ensure that any involvement by NASA is fully disclosed to the American public." Then he outlines three steps that -- two steps that he has taken in terms of how it's going to be -- who is responsible for overseeing the internal activities, the team that's being led for a detailed search of the records at NASA involving human experiments involving radiation. And that's where it lies.

Q Have any of the subjects gone through the Institutional Review Board process?

MR. GEARAN: I don't know the answer.

MS. O'TOOLE: That process really only got underway in the 1970s, so it wouldn't have been pertinent to these earlier experiments.

Q Except there was some thought that some of it might have happened in the '70s as well.

MS. O'TOOLE: And it is our expectation that federal agencies were complying with the IRB recommendations after that time.

Q So one week from today this group meets again, and in three weeks the Cabinet level group will meet?

MR. GEARAN: That's correct.

Q Are they going to meet on a weekly or regular basis?

MR. GEARAN: I think the intent is -- Christine Varney works pretty hard -- I think the intent is this is a very high level at the White House. It is taken very seriously. And I think there will be no short of energy that is going to be committed to this. I would suspect it would be a near-weekly prospect for this working group, and then the principals --

Q Who will be chairing the working group?

Q I want to confirm something. Hazel O'Leary mentioned before she talked about compensation that she was going to do so?

MR. GEARAN: Michael, the time line on this? The Secretary's comments on compensation -- the time line. Do you want to just go through the time line?

This is Michael Gaulden.

MR. GAULDEN: She was first asked about that on December 7th. When she talked about it, she talked about it to other reporters between the 7th and last Tuesday. Last Tuesday on a CNN program she was asked again about it and she basically said what she had said before, which is that if we determine that people have been wronged, then we need to consider what would be appropriate compensation.

I'm am not sure exactly why that at that point it had attracted the press's attention where previously it had not.

Q Well, did she tell the President she was going to talk about compensation before she talked about it? I think that was the question.

MR. GAULDEN: All of these issues have been discussed for as much as two months before the December press conference. I can't tell you if they face to face spoken about that. But all these issues have been discussed between the Department of Energy and the White House for at least two months prior to December 7th.

Q The question is at what time did the White House become aware of it?

MR. GEARAN: I think the net effect is that the White House position is as I stated before on compensation. In terms of the department's role with the White House, we feel that that has been a very good and mutually rewarding briefing situation. I don't think there's a lapse there. And I don't see any reason to --

Q Is there any evidence the government's compensated anybody thus far for any of this stuff?

MR. GEARAN: I'm sorry?

MS. O'TOOLE: There have been previous compensation.

MR. GEARAN: For other kinds of things.

Q But not for his radiation?

Q Not for human experimentation?

MR. GAULDEN: Well, you recall the tests in the South Pacific in which some of the -- and we talked -- natives received some fallout. And there was an assistance and compensation that followed that at that time. That's an analogy. It's not an exact analogy, but there is precedent.

THE PRESS: Thank you.

END

6:16 P.M. EST

Experiments on Humans A22

IT IS HARD to imagine that at one time the U.S. government conducted and paid for potentially harmful experiments on human beings without providing the subjects any information about the nature of the tests or the side effects that might follow. But information recently revealed by the government and the media makes that case. The new disclosures go well beyond some earlier revealed scandals along these lines in the intelligence services; a few lawsuits led to the payment of compensation to victims. Those cases were thought to be aberrations—shameful and destructive acts but isolated ones. Now it appears that in the early years of the atomic age, the government sponsored experiments involving at least 800 individuals in an effort to determine radiation tolerance levels in human beings.

The Boston Globe has reported that, for example, government researchers at Harvard and the Massachusetts Institute of Technology fed radioactive food to at least 40 mentally handicapped teenagers. The Albuquerque Tribune reported that in other studies 18 patients were injected with plutonium and seven newborn boys were injected with radioactive iodine. The government has also disclosed that 204 nuclear tests were

conducted in Nevada during the '40s and the '50s that exposed people to radiation.

Some medical experts believe no harm was done to the subjects of these experiments. That would be wonderful if true, but since the individuals are still being traced, it's too soon to know. Other defenders of the policy point out that there were no informed-consent laws on the books until recently, so it is possible that no law was broken. But medical ethics and legal obligations are two different things. In this connection, it is particularly relevant that at least one scientist, Dr. Joseph Hamilton, an expert on radiation who worked for the U.S. Atomic Energy Commission, expressed his concern at the time and even warned of comparisons between this work and that done by Nazi doctors in concentration camps in World War II.

Energy Secretary Hazel O'Leary has provided welcome leadership on this matter. She has been forthright in revealing information, determined in her pledge to find all the victims and open in her acceptance of the government's responsibility. Undeterred by the possibility that the revelations might lead to lawsuits, she says simply: "Those people who were wronged need to be compensated." Her assurances provide reason to hope that there will be an honorable and just resolution of this terrible wrong.

BOSTON GLOBE DEC 30 1993

MIT official tells more of radiation experiments at Fernald

By Scott Allen
GLOBE STAFF

Officials at the Massachusetts Institute of Technology said yesterday that radiation experiments on mentally retarded residents of the Fernald State School in Waltham continued into the 1960s, but the research-

ers adopted rules in the last years of the program that strictly limited exposure and required that test subjects be adults.

Frank Masse, director of radiation protection at MIT, also confirmed a 1956 experiment in which children at the Fernald school were injected with minute amounts of radioactive calcium. At least 61 teenage boys at the school ingested radiation in a series of tests to see how the body absorbs minerals.

But Masse blamed Fernald school officials for some consent forms sent home to parents or guardians of the children that made no mention of radioactivity. The consent forms were sent home by Fernald's superintendent, Malcolm Farrell.

Masse said MIT officials in the 1940s and 1950s were very proud of their work with radioactive isotopes and would have had no reason to hide it. "This was a huge new tool. There was no fear. Today's fear of radiation was not present. You wouldn't think of buying a pair of shoes without X-raying your toes," said Masse.

MIT was deeply involved in applying radioactive materials to new fields after World War II, including the failed effort to build a nuclear-powered airplane. The head of MIT's radioactivity group, Robley Evans, served on a panel that pushed unsuccessfully for highly toxic experiments on soldiers to see how much radiation they could withstand while flying the atomic airplane.

The state Department of Mental Retardation is investigating the radi-

'This was a huge new tool. There was no fear. Today's fear of radiation was not present.'

FRANK MASSE
MIT radiation protection director

ation experiments that took place at the Fernald school and possibly other state institutions. Also yesterday, US Energy Secretary Hazel O'Leary agreed to send a staff member to help investigate the Fernald experiments.

Masse said MIT's use of Fernald residents for research continued years later than the 1956 date that has previously been reported. He said tests of Fernald residents' thyroid glands continued into the 1960s, requiring them to drink a solution containing radioactive iodine. But, unlike the 1946 to 1956 experiments using radioactive iron and calcium,

To share Information about tests

The US Department of Energy wants to hear from people who think they may have been involved in federally supported radiation experiments.

Anyone with information about medical or scientific experiments on humans is urged to call
1-800-493-2998.

The phone will be answered from 8:30 a.m. to 4:30 p.m. Monday through Friday.

BURRELLE

NEWSPRESS

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the thyroid tests were reviewed by an outside panel before the experiment began.

Masse, who was a member of the panel that reviewed the thyroid experiments, said all test subjects had to be at least 20 years old and had to have a demonstrated problem with thyroid function. And no test subject could be exposed to more than 30 rems of radiation - 100 times the annual radiation people get from background sources.

Masse said the nutrition experiments, which took place between 1946 and 1956, involved so little radiation they might still win approval from a review board today. Masse estimated that children who ate a series of radioactive iron supplements were exposed to 280 millirems of radiation, about what people get from natural sources, such as radon gas, in a year.

Masse said similar radiation doses may be allowed on children in research today. "There is certainly work going on in drug studies where you must have the final answer on a human child for pediatric distribution," he said.

Radiation levels: experimental and everyday

According to records at the Fernald State School and the Massachusetts Institute of Technology, the experiments on retarded teen-age boys at the Fernald School from 1946 to 1956 involved low levels of radioactivity.

■ Children who ate seven meals containing a radioactive iron supplement in 1949 would have received between 544 and 1,024 millirems of radiation to their spleens, where radioactive iron can do the most damage. MIT officials, however, say that the average radiation to the whole body is a better measure of exposure. By that standard, the children received 280 millirems of exposure.

By comparison, the average person absorbs about 300 millirems of radiation annually from natural sources, such as radon gas in the basement.

■ MIT officials estimate that children who ate two breakfasts containing radioactive milk in 1954 received up to 6.2 millirems of radiation exposure to their whole bodies, roughly the same amount of radiation as a chest X-ray. However, the exposure to the bones, where radioactive calcium would tend to concentrate, would be 70 millirems.

By comparison, in a lifetime the average person receives 120 millirem of radiation exposure to the bones from the fallout of nuclear explosions.

■ Children who were injected with radioactive calcium in a 1956 experiment were exposed to about 4 millirems of radiation, MIT officials estimate.

By comparison, that is the radiation a person would absorb from flying from Boston to Los Angeles and back.

■ MIT officials do not know the exposure levels for tests that were conducted in other years, nor do they know how often each child participated in them.

GLOBE STAFF GRAPHIC

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BURRELLE'S

NEWS EXPRESS

PAGE 1 OF 8

● Radiation tests were widespread at Fernald

By NICK TATE *P-1*
and JOSEPH BATTENFELD

Medical tests that exposed mentally retarded teens at the Fernald State School to radiation in the 1940s and 1950s were apparently more

widespread there and at other state facilities than previously believed, officials disclosed yesterday.

According to school documents uncovered

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by investigators this week, Harvard University and MIT researchers apparently conducted more than the two Fernald school experiments that have been disclosed thus far between 1946 and 1956.

What's more, Department of Mental Retardation spokesman Gerald Ryan said officials have "a strong sense" that medical tests involving radioactive materials at Massachusetts homes for the retarded were widely conducted in the post-World War II era.

"In reviewing the documents there seems to be reference in the letters to other research being done at Fernald (that) may have involved radioactive materials," Ryan said. "This would have been contemporary with the other radioactive studies."

Ryan said a new task force of state officials, doctors, nurses and advocates for the retarded will be created to investigate the tests at Fernald and other state facilities.

He added it is likely evidence of similar experiments at other state schools will emerge as the probe intensifies.

Ryan's observations follow reports that MIT and Harvard University researchers conducted tests on retarded boys, aged 15 to 17, at the Fernald school between 1946 and 1956.

According to a report published in the Dec. 1954 issue of the Journal of Nutrition, one test conducted on 19 boys in-

involved feeding the teens one bowl of cereal laced with a radioactive form of calcium to monitor digestion.

Constantine Maletskos, a former MIT researcher who helped coordinate the test, said the radiation in the cereal was not high enough to pose a risk at any point in the experiment, funded by the Quaker Oats Co. and the Atomic Energy Commission.

The Boston Globe has reported a second battery of tests were conducted on 17 boys at the school in 1946, before Maletskos participated. The Globe claimed an unpublished report on the project said seven meals laced with radioactive iron were fed to the boys — exposing them to 544 to 1,024 milirems of radiation.

Ryan, the DMR spokesman, said officials have come across correspondence between an MIT researcher and Fernald officials referring to additional tests performed on Fernald boys, beyond the two reported this week. He said officials are trying to identify the participants, who number between 19 and 40.

Meanwhile, the Department of Energy agreed to investigate the tests at the Fernald school and other medical experiments conducted at a former veterans' hospital in Framingham

as part of an ongoing federal problem of human-radiation experiments.

U.S. Energy Secretary Hazel R. O'Leary, who wants human-experiment participants compensated, agreed to use her agency to look into possible abuses at Fernald and the Framingham VA hospital, which was one of 14 U.S. "isotope units" where patients were administered radioactive isotopes in the 1950s.

U.S. Rep. Edward Markey (D-Malden) also said he expects the DOE to cooperate in a state investigation of the Fernald case.

DEC 30 30 1980
In a related development, CBS evening news reported last night that retired soldiers in veterans hospitals may have been unknowingly used as guinea pigs in radiation experiments.

Dr. Belton Burrows, head of nuclear medicine at the Department of Veterans Affairs Medical Center in Jamaica Plain, said veterans in Framingham were not exposed to radiation risks, but were administered safe doses of radioactive iodine.

But Burrows, 75, added that the experiments were also designed to help VA doctors recognize, diagnose and treat civilians who might be exposed to radiation in the event of a nuclear attack.

The U.S. Senate Labor and Human Resources Committee, which is chaired by U.S. Sen. Edward Kennedy (D-Mass.), announced it will hold hearings next month on the radiation tests. Markey said the House

will also convene hearings on the matter.

Sources said they expect bills to be filed in the Senate and House next month providing some compensation for victims who were exposed to radiation levels without their knowledge.

Louis Frankowski of Watertown, who was born with cerebral palsy and spent 27 years at Fernald, said yesterday he was troubled by the news of the tests.

"I feel terrible about it, but they didn't do it to only me," said Frankowski, 53, who was released in 1976 and now works in a factory. "It's a nightmare. Boy, am I glad I got out of there when I did."

— Helen Kennedy contributed to this report



MARKEY

Boston Herald 1/4/81/22

508

Tough legal battle looms for radiation victims

By Maria Puente
USA TODAY

3A

The government says it will tell all it knows about radiation experiments conducted on Americans during the Cold War, but experts say collecting all the facts could take a while.

Meanwhile, Americans who suspect they were guinea pigs and are thinking about suing should remember: Many have sued Uncle Sam, few have won — especially in cases involving radiation exposure.

"If the government makes a high-level policy decision to nuke someone intentionally — as opposed to accidentally — then the government has immunity," says Cooper Brown, director of the National Committee for Radiation Victims in Washington, D.C.

That's what hundreds of Ne-

vada residents — known as the "downwinders" — found when they sued the government for exposing them to radiation fallout from Cold War-era nuclear atmospheric tests.

The 1,200 claimants lost their case on appeal and eventually had to settle for compensation passed by Congress in 1990. And the families of 216 test-site workers are still in court after 23 years of trying to win compensation.

Energy Secretary Hazel O'Leary says Congress should consider compensating people unknowingly exposed to radiation in government-sponsored research in the '40s and '50s.

O'Leary says the number of potential victims shouldn't exceed 800, but even her spokesman says that's only a guess.

"There is no central clearinghouse of records on all the



AP
O'LEARY: 'No clearinghouse of records' exists

research that was done" under the sponsorship of the old Atomic Energy Commission, says spokesman Mike Gaudin.

Records of research projects

could be moldering away in hospitals, clinics or labs around the country, he said. Some may have been destroyed.

In part, that's why the Energy Department has set up a hot line to track down people who think they may have been test subjects. O'Leary also appointed a panel to gather information and report in six months.

"But it's going to be a difficult matter to document the radiation exposure in all these cases — a lot will depend on the nature of the records," says Kenneth Mossman, president of the Health Physics Society, which fights unnecessary radiation exposure.

O'Leary also has appointed a panel of ethics experts to review whether researchers knowingly exposed people to dangerous levels of radiation, and whether they fully informed test subjects about the nature of the experiments.

Failure to obtain informed consent would have violated the 1947 Nuremberg Code and medicine's Hippocratic oath.

"We're learning the sad truth about the use of 'national security' as an umbrella for doing anything a bureaucrat thinks is a good idea," says David Rush, who has studied health risks associated with nuclear weapons production.

Even if the facts could be assembled, suing the government means overcoming major legal obstacles — apart from government immunity.

"If there's a way for the government to avoid responsibility by putting up a shield, the government is very adept at doing that," says Larry Johns, a Nevada lawyer who represents radiation victims.

White House weighs amends for atom experiment victims

Congress said likely to introduce bill when it returns A 8

REUTERS NEWS AGENCY

Energy Secretary Hazel O'Leary said yesterday the Clinton administration is examining how to help victims of Cold War-era government radiation tests.

"One doesn't expect your government to harm people, and if there's been harm and you can show damage... ethics require some ability to correct or repair," Mrs. O'Leary said in an interview.

She said she believes that victims of government radiation tests deserve compensation but has not yet discussed the issue with President Clinton.

"I think the administration needs now the luxury of at least two weeks to work out a position, and I'm well aware of the fact that legislation likely will be introduced as soon as Congress is back in session," she said.

At least one congressman is working on a bill to compensate subjects of government tests conducted primarily in the 1940s and '50s to determine medical effects of radiation on humans.

Some of those tests used apparently unsuspecting or uninformed people, including some mentally retarded teen-agers. CBS-TV News reported yesterday that some of the test subjects could have been retired soldiers.

CBS-TV News, after filing a Freedom of Information Act request, learned the Energy Department is currently funding 120 human radiation experiments and providing facilities for 100 other radiation experiments, including some that remain classified at other federal agencies.

The department is trying to

gather information on the estimated 600 to 800 people used in radiation tests overseen by his predecessor, the Atomic Energy Commission.

The Justice Department has opposed compensating people exposed to harmful radiation levels, but Mrs. O'Leary said Attorney General Janet Reno this week told her she was willing to look at the issue. Mrs. O'Leary also said she has discussed helping the victims with Budget Director Leon Panetta.

"We're all aware of the fact... that there was no insurance policy against which the American public can draw," Mrs. O'Leary said. "If the American public comes to the conclusion that there ought to be some recompense on the part of the federal government for any wrongs committed and harm suffered," the public will pay for that, she said.

Frost requests radiation test investigation

Houston Chronicle Washington Bureau

ATZ

WASHINGTON — Rep. Martin Frost, D-Dallas, said Wednesday he is "outraged" by disclosure that Americans were used as radiation guinea pigs and he called for a congressional investigation.

Saying that among his constituents are the survivors of one of the experiment subjects, Frost sent a letter to Rep. John D. Dingell, D-Mich., chairman of the House Energy and Commerce Committee, asking for hearings on the matter.

Energy Secretary Hazel O'Leary acknowledged Tuesday that federal researchers for years subjected



Frost

hundreds of people to experiments involving radiation, supposedly to better understand the nuclear threat during the early Cold War years.

"For people who were wronged it would seem that some compensation is appropriate," O'Leary said.

O'Leary has named a special committee to look into how the experiments were conducted and which subjects knew they were being exposed to radiation.

"We are all outraged by disclosures that Americans, without their informed consent, were used as guinea pigs by government scientists," Frost said in his letter to Dingell.

He said he has been helping the family of the late Elmer Allen, who was injected with plutonium in the late 1940s and died in 1991.

Task force to study radiation experiments on humans

Energy Department seeks test subjects, families; compensation, possible medical care considered

By Eileen Wellsome

Scripps Howard News Service

(A3D)

The Department of Energy has set up a task force to examine hundreds of radiation experiments conducted on U.S. citizens during the Cold War.

Ruth Faden, who will chair the task force, said the committee will be made up of specialists in medicine, history and law and will be

independent from the DOE, whose predecessor agencies funded many of the experiments.

Faden heads the law, ethics and health program at the School of Public Health at Johns Hopkins University in Baltimore.

"We don't know how many subjects participated in the studies," Faden said. "The department assured me they are casting the net as wide as possible."

Faden said the areas the committee will focus on will include:

■What should be done for surviving family members and subjects used in the experiments. That will include issues such as

how to notify families, medical follow-up and possible compensation.

■An examination of the regulatory structure to ensure such projects won't happen again.

Many of the experiments took place from the 1940s through 1970s. But as early as 1947, the Atomic Energy Commission's legal division had instructed its contractors that no radioactive materials were to be given to human beings unless there was some expectation of therapeutic benefit, records show.

Faden said the task force will be composed of eight to 12 experts from radiation medicine and biolo-

gy, epidemiology, law, ethics and history. It will probably be six months before findings are released, she said.

In an interview with CNN Tuesday, Energy Secretary Hazel O'Leary said human beings used in the radioactive experiments "need to be compensated."

"We ought to go forward and explain to the United States Congress what has happened and let the Congress and the American public determine what would be appropriate compensation," she said.

The Radiation Exposure Compensation Act allows three groups

of people who can prove they were damaged by radiation and now suffer from certain diseases to collect anywhere from \$50,000 to \$100,000.

The groups covered by the law include officials who can prove they were present at the Nevada Test Site during above-ground testing. They are eligible for \$75,000.

Residents, or "downwinders," who lived near the Nevada Test Site for anywhere from one to two years when above-ground testing was conducted, are eligible for \$50,000. And former uranium miners can receive \$100,000.

BURRELLE'S

NEWS EXPRESS

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OF

U.S. Radiation Tests A Human Tragedy ⁷²⁵

Children below the age of consent, infants, mentally handicapped teens, terminally ill adults—all made unwitting guinea pigs for testing of radioactive materials.

The setting? Not the concentration camps at Auschwitz and Buchenwald, but medical centers in the United States—Harvard University, Massachusetts Institute of Technology, University of Cincinnati, University of California, the University of Chicago.

The scientists? Not the likes of Josef Mengele, but respected American medical researchers.

The sponsor? The government of the United States.

Over the last month, Energy Secretary Hazel O'Leary has broken with past practice in releasing details of three decades of government-sponsored experimentation on humans. O'Leary also broke with the past to concede that Westerners living downwind of above-ground nuclear explosions in the 1950s and 1960s may have been exposed to unacceptable levels of radiation. In so doing, she has probably undermined the government's position in lawsuits by families of former weapons industry workers.

So be it. O'Leary says unwitting victims should be compensated, and we agree.

Consider what was done. Infants were injected with radioactive iodine, handicapped teens fed radioactive cereal, terminally ill patients injected with plutonium. At least Dr. Jack Kevorkian, the assister of suicide, acts with consent of the victim. Not so the doctors who performed these experiments.

Nor were they ignorant of possible outcomes. Scientists already had a vast laboratory from Hiroshima and Nagasaki. They had seen fellow scientists fall ill from radiation exposure.

But above all, they had to know it was wrong to experiment on fellow humans without their consent. The rules may not have been written down, but the ethical norm was well-established.

The number of innocent victims may prove to be relatively small—to date fewer than a thousand cases have been identified—but it is shocking to consider how many knew what was going on without blowing the whistle. Hundreds of scientists and government officials participated in the research or were familiar with it. That these things took place when they did is a testament to fear and to the dangers of government secrecy. In the Cold War era, fear of Soviet nuclear attack held the nation in its grip. In such times, ethical concerns often take second place to staying off the enemy. Even so, had the Atomic Energy Commission not been cloaked with inviolable secrecy, it is hard to believe Americans confronted with the truth would have tolerated all of this. Quite simply, that is why we were never told about it.

We can't now undo what was done, but O'Leary is taking us toward the future by disclosing the past, underlining its moral failings and insisting on compensation of its victims. President Clinton and the Congress should quickly heed her challenge.

BURRELLE'S

NEWS EXPRESS

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Compensation for unwitting subjects could help others

A-3 st

SEATTLE TIMES NEWS SERVICES

WASHINGTON — Can the government be sued for discretionary acts performed in good faith? Courts have frequently said no. But Energy Secretary Hazel O'Leary's proposal that Congress approve compensation for subjects of radiation experiments would likely ease the legal barriers for many, including nuclear production workers, who have sought reparations from the U.S. government.

Speaking on CNN yesterday, O'Leary said the government should "explain to the Congress what has happened and let the Congress of the United States and the American public determine what would be appropriate compensation."

O'Leary's comments marked the first time a U.S. energy secretary initiated the government's effort to compensate people exposed to potentially harmful levels of radiation. The department runs the U.S. nuclear-weapons industry and was responsible for many of the tests.

O'Leary said that as many as 800 people were subjected to the experiments and exposed to potentially harmful amounts of radiation, some apparently without their consent.

She said some of those affected by the tests are suing the government, but others involved in earlier tests cannot sue because the statute of limitations has expired.

One expert suggested such a decision also could give momentum to hundreds of claims that have been filed by workers at U.S. nuclear production plants.

"If we're going to engage in a debate over what to do with (unwitting victims of) dangerous radiation, we should include in their numbers those who were exposed on the front lines of the Cold War — the nuclear production workers, who were no less exposed," said Paul DeMarco, a Cincinnati attorney who has handled class-action suits against the government on behalf of nuclear workers.

"These people have not received the compensation due," he argued. "What is worse? Someone completely unaware that they're being subjected to radiation? Or someone

who's brought in to a nuclear facility, given a radiation badge, given regular urinalyses and led to feel safe when he's not?"

Strict limits possible

At the same time, however, a decision to compensate for radiation experiments could place strict limits on the amounts awarded.

In only one major case has the federal government approved compensation for large groups of individuals affected by the U.S. nuclear program. In 1988, Congress approved a compensation bill for three groups of people, representing about a thousand individuals, affected by the nuclear-weapons program:

- Those who could prove that they were downwind from open-air nuclear tests in Nevada and devel-

oped certain cancers received maximum benefits of \$50,000.

- Soldiers and other defense workers who were on duty at Nevada and the Pacific Island test sites when bombs went off and developed certain cancers were awarded benefits of no more than \$75,000.

- Those who worked in uranium mines for the U.S. nuclear program and developed certain cancers could receive a maximum of \$100,000.

1947 Nuremberg Code violated?

Recent reports on radiation testing have cited various experiments:

- The Boston Globe disclosed on Sunday that 19 developmentally disabled teenage boys at the Fernald School in Waltham, Mass., were given radioactive food in experiments from 1946 to 1956 without their parents' knowledge.

- Last month, The Albuquerque Tribune reported that 18 patients, including prisoners, mental patients and pregnant women, were injected with plutonium in another test.

- In a dozen

ducted in New Mexico, Tennessee and Utah between 1948 and

1952, radiation was deliberately released into the atmosphere, according to a recently released General Accounting Office report. The tests were part of an attempt to see how far and fast radioactive particles spread.

- Other documented radiation experiments were conducted on prisoners in Oregon and Washington state and on African Americans at Vanderbilt University in Tennessee.

One issue is whether the tests — most of them overseen by the Atomic Energy Commission, a forerunner of the Department of Energy — violated the 1947 Nuremberg Code. It was established after the Nazi war-crimes trials as the universal standard for

human experiments.

The code requires full, informed and voluntary consent for all tests on humans. Also, test subjects must be protected from "even remote possibilities of injury, disability or death."

Did Bush, Reagan stonewall?

The latest revelations of radiation testing bolstered longstanding calls for an investigation by Rep. Edward Markey, D-Mass. In 1986, when he was chairman of the House energy conservation and power subcommittee, his staff found that humans had been used in nuclear tests.

After his committee report was released, officials of the Reagan and Bush administrations were reluctant

to cooperate in making amends, he said yesterday. "It was part of the stonewalling that characterized the Cold War," he said.

Under Energy Department direction, 32 million pages of documents about the experiments are now being declassified.

O'Leary has appointed a

0009

nongovernment
panel of ethics
experts to de-
termine what
ethical viola-
tions were committed and research-
ers to study classified documents to
determine the extent of the tests.
The panel is expected to release its
findings in six months.

"I am appalled by what was done,"
O'Leary said. "Clearly, standards
were used that should never have
been approved."

Hotline: A Department of Energy
hotline set up to hear concerns about
the tests can be reached at 1-800-
493-2998. It is open Monday through
Friday, 5:30 a.m. to 1:30 p.m. PST.

*Compiled from Los Angeles Times, The
Washington Post and Boston Globe.*



Energy Secretary Hazel O'Leary
is "appalled by what was done."

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It can't happen here, yet it did

A12
An appalling truth is emerging. During the first couple of decades of the nuclear age, the U.S. government authorized a multitude of research programs in which a thousand and perhaps many more unsuspecting Americans were fed or injected with radioactive substances.

A generation later, the Department of Energy cannot say with any certainty how extensive the radiation studies approved by its predecessor organization, the Atomic Energy Commission, were and what their effects were on the people involved.

To her credit, Energy Secretary Hazel O'Leary has opened her department's files and invited public scrutiny of this ignominious chapter in American scientific history. She says she won't be deterred even if her actions open the door to lawsuits against the government. As she noted Tuesday, "I tend to agree [that] those people who were wronged need to be compensated."

And wronged they were.

In one experiment, 18 people were injected with plutonium, one of the most toxic substances known. In another, seven infant boys were injected with radioactive iron. In yet another, 18 institutionalized teenagers were regularly fed cereal laced with radioactive iron and calcium.

The motives for these tests may sound essential to national security — determining, for example, how long and well an irradiated human can function.

But the tests appear to have failed elemental standards of decency for experiments on

human beings. The experimenters didn't have the full, informed and voluntary consent of any of their test subjects.

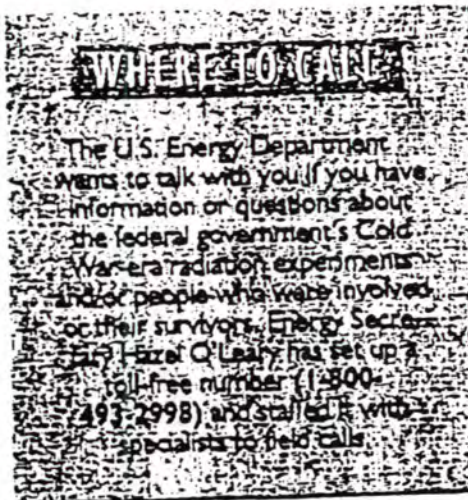
Can scientists involved in these tests during the late 1940s, '50s and '60s plead ignorance of these standards? Hardly. They form the core of the 1947 Nuremberg Code, expressly established to ensure that the horrors perpetrated by Nazi scientists on concentration camp inmates during World War II would not be repeated.

In fact, as a recently revealed 1950 memo from one Atomic Energy Commission official to another makes abundantly clear, the people at the top understood precisely the awful implications of what they were doing. It would be better to use chimpanzees than humans, one official wrote, because to do otherwise would expose the agency to criticism that it had "a little of the

Buchenwald touch." (The Buchenwald camp was the site of the most notorious Nazi medical experiments.)

No such criticism arose during that official's lifetime, though. The government managed to hide these scientific perversions with the same Cold War cloak it threw over atmospheric tests that poisoned soldiers and civilians downwind and over deplorably negligent nuclear installations, whose contamination will take years and billions of dollars to clean up.

None of these excesses would have reached the gross proportions they did if the public had had reasonable access to information and some say in policymaking. The insidious culture of secrecy that has corrupted the nuclear establishment needs to be attacked at its roots.



BURRELLE

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U. of C. Hospital admits 3 were injected with plutonium in '45 test

By Ellen Warton
TRIBUNE STAFF WRITER

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Without their knowledge or consent, three patients said to be dying of cancer at the University of Chicago Hospital were injected in 1945 with radioactive plutonium as part of a nationwide federal government experiment, the hospital acknowledged Wednesday.

The Albuquerque Tribune first reported last month that the three patients were among 18 who were injected with dangerously high doses of the substance between 1945 and 1947. It was part of a government research project to determine how quickly the body rids itself of plutonium.

All of the patients purportedly were terminally ill. But a researcher in California discovered that four of the 18, none of them from Chicago, were still alive some 25 years after the plutonium injections. The Argonne National Laboratory near Lemont did follow-up studies in 1973 on three of the four, an Argonne spokesman said.

Argonne spokesman David Baurac said two of the three people studied by the lab, at the request of the Atomic Energy Commission, had never consented to the plutonium experiments. The

third, a railroad porter, had signed a consent form in the 1940s, Baurac said, but there was some question of how well-informed he was of the dangers involved.

In addition, Baurac said, scientists from Argonne exhumed the bodies of three or four more of the initial 18. Of the total of six or seven people Argonne studied, "There's no indication that any of the people died of anything involving the plutonium injections or (that) they suffered any physical effects that can be traced to the plutonium injections," Baurac said.

"The Atomic Energy Commission had instructed us that under no circumstances should we mention the word plutonium in connection with these studies outside our own offices," Baurac said.

But doctors for the three surviving patients who were studied were informed about the plutonium injections, Baurac said, and the physicians decided not to tell their patients about their dangerous exposure.

A year later, Baurac said, the commission changed its policy and determined the patients should be informed about the experiments. In 1974 Argonne and commission staff "saw to it that the patients were informed,"

Baurac said.

The names of five of the 18 patients, none of them from Chicago, were first revealed in the Albuquerque Tribune. The paper said the Chicago patients, who have not been publicly identified, were a 56-year-old woman with breast cancer, a 68-year-old man with chin cancer and an 18-year-old with Hodgkin's disease, a form of cancer.

University of Chicago Hospitals spokeswoman Susan Phillips said the two older patients died of their cancer within five months and that the teenager was "lost to follow-up" but is presumed dead.

Phillips emphasized that "research standards have changed drastically since 1945. Today no research can be performed on any patients without their full knowledge and informed, written consent," she said.

There have been sketchy accounts of the three decades of post-World War II government experiments where civilians were exposed to radiation far higher than what is now considered safe. But the issue has received new attention because of the Albuquerque newspaper reports and Energy Secretary Hazel O'Leary's commitment to tell the truth about the experiments.

SJS

DENVER POST

DEC 30 1993

Thursday, December 30, 1993

Radiation tests on retarded ran through 1960s

But limits placed on program

By Scott Allen
Boston Globe

A6

Officials at the Massachusetts Institute of Technology said yesterday that radiation experiments on mentally retarded residents of the Fernald State School in Waltham, Mass., continued into the 1960s but that researchers adopted rules in the last years of the program that strictly limited exposure and required test subjects to be adults.

Frank Masse, director of radiation protection at MIT, also confirmed a 1956 experiment in which children at the Fernald school were injected with minute amounts of radioactive calcium. At least 61 teenage boys at the school ingested radiation in a series of tests to see how the body absorbs minerals.

But Masse blamed Fernald school officials for some consent forms sent home to parents or guardians of the children that made no mention of radioactivity. The consent forms were sent home by Fernald Superintendent Malcolm Farrell.

Masse said MIT officials in the 1940s and 1950s were very proud of their work with radioactive isotopes. "This was a huge new tool. There was no fear. Today's fear of radiation was not present. You wouldn't think of buying a pair of

'Today's fear of radiation was not present. You wouldn't think of buying a pair of shoes without X-raying your toes.'

MIT's Frank Masse

shoes without X-raying your toes."

MIT was deeply involved in applying radioactive materials to new fields after World War II, including the failed effort to build a nuclear-powered airplane. The head of MIT's radioactivity group, Robley Evans, served on a panel that pushed unsuccessfully for highly toxic experiments on soldiers to see how much radiation they could withstand while flying the atomic airplane.

The Massachusetts Department of Mental Retardation is investigating the radiation experiments that took place at the Fernald school and possibly other Massachusetts institutions. Also yesterday, Energy Secretary Hazel O'Leary agreed to send a staff member to help investigate the Fernald experiments.

BURRELLE'S

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DEC 30 1993

Frost seeks hearings on secret tests

Federal radiation studies 'unspeakable,' he says

BY MAX B. BAKER
Fort Worth Star-Telegram

15A

Rep. Martin Frost called yesterday for congressional hearings to investigate revelations that Americans have been subjected to government-sponsored radiation experiments.

Frost called for the hearings as more information was made public about Americans being subjected to these tests. Frost has also been meeting with the family of the late Elmer Allen of Italy, Texas, who was injected with plutonium between 1945 and 1947.

In a letter to House Energy and Commerce Committee Chairman John Dingell, Frost, D-Dallas, urged that hearings be held because what the government did during the 1940, '50s and '60s "was so unspeakable."

Energy Secretary Hazel O'Leary said Tuesday that victims of government-supported radiation testing should be compensated and that as much information as possible about the testing should be made public.

O'Leary also participated in a panel discussion on CNN television yesterday with Allen's daughter, Elmerine Whitfield. Whitfield said that she is pleased with O'Leary's promise to release information but that it's long overdue.

"I'm pleased, but I'm not happy," Whitfield said. "I'm not satisfied in the least when it comes to the release of information."

Frost, who also represents parts of Arlington and Fort Worth, was already writing legislation to provide compensation for the survivors of those who had been involved in the plutonium tests. He said that legislation will likely be broadened to include anyone who was used as a guinea pig.

"I talked to O'Leary today and she thought it was the right thing to do," Frost said. "My staff and hers will be meeting on this next week."

"We are outraged by disclosures that Americans, without their informed consent, were used as guinea pigs by government scientists," Frost said. "That's the kind of thing Nazi Germany did during World War II."

Allen, who died at age 80 on June 30, 1991, was
(More on FROST on Page 18)

injected with plutonium during the 1940s as part of a secret government experiment to try to determine how much of the radioactive element a person had encountered.

Allen was injected July 18, 1947, in San Francisco, three days before his leg was amputated for what doctors described as pre-existing bone cancer. He and the 17 others injected were not told the nature of the experiment.

Allen later said he had been involved in a government experiment but no one believed him, according to relatives, who said he was classified as a paranoid schizophrenic and was prone to alcoholic binges and babbling.

Allen's widow lives in Italy, Texas.

BURRELLE

NEWS EXPRESS

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DEC 30 1993

Radiation experiments tied to UW

Battelle's research shows 10 projects, 6 led by university

By Tom Paulsen
PI Reporter

PAI

The federal government's critical self-analysis of research projects that exposed humans to radiation has produced sketchy new information on past experiments in the Northwest, including some by the University of Washington.

Battelle's Pacific Northwest Laboratories, one of the Department of Energy's major contractors at the Hanford Nuclear Reservation in central Washington, is taking a "fine-toothed comb" through decades-old documents. The just-launched review came in response to Energy Secretary Hazel O'Leary's request for information regarding all such incidents.

"One doesn't expect your government to harm people, and if there's been harm and you can show damage... ethics require some ability to correct or repair," O'Leary said yesterday.

Battelle's Richland labs have so far released a list of 10 projects, most done in the late 1950s or early 1960s. Of the 10, the University of Washington is identified as directing six. Battelle helped direct two projects.

Two other locally performed radiation research projects, one involving an injection of radioactive phosphorus into volunteers at Swedish Hospital in 1963, were directed by General Electric.

One of the University of Washington projects is already well-known and, for some, notorious: The tests conducted from 1963 until 1970 by university endocrinologist Dr. Alvin Paulsen in which prisoners at the state penitentiary in Walla Walla volunteered to have their testicles irradiated.

Paulsen was out of town yesterday,

“

All the information that I have refers to these people as volunteers. But I don't know the level of informed consent.

— Jerry Holloway,
with Battelle

day, but he has in the past defended the project as a legitimate effort that helped identify the potential risk radiation can pose to reproductive organs. All the prisoners consented to participate and were paid volunteers.

A similar experiment involving testicle irradiation of Oregon prisoners was conducted by the Seattle-based Pacific Northwest Research

Foundation.

A spokesman for Battelle said it appears that none of the local studies identified so far were done without patient knowledge — the concern that sparked O'Leary's investigation.

"All the information that I have refers to these people as volunteers," said Jerry Holloway with Battelle.

"But I don't know the level of informed consent," he said, reflecting the possibility that patients may not have known all the risks of the experiments.

Al Conklin, a radiation health physicist with the state Department of Health who worked at Battelle in the 1970s and later for Rockwell in the 1980s, said he never knew there had ever been any human radiation experiments done locally.

If any of them failed to give informed consent, Conklin said, "that borders on being criminal."

Sen. Edward M. Kennedy, D-Mass., said yesterday he plans to

See RADIATION, Page A5

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open congressional hearings in January to investigate the government-sponsored radiation tests conducted on humans after World War II.

Dr. Patricia Durbin, a 67-year-old retired biophysicist at the University of California-Berkeley, was among the scientists who helped perform some of the "classified" radiation experiments in the 1940s and 1950s that are of most interest to the agency's self-examination.

Durbin, in Seattle yesterday visiting family, worked with a Berkeley medical researcher named Dr. Joseph Hamilton. Hamilton, who died of leukemia in 1957, is one of those identified as having injected radioactive substances in subjects not told the full nature of the experiment.

"We were at the infancy in understanding this," Durbin said yesterday.

While she was only peripherally involved in much of Hamilton's human radiation research, Durbin defended her mentor's actions as based on the best scientific evidence available at the time and motivated by the purest of intentions.

"The reason why this was done was for worker protection," she said, and to assist with the military's goal of protecting soldiers against radiation exposure in case of nuclear conflict.

Durbin said it is "terribly difficult" for younger people today to understand the level of secrecy required of anyone working on research that involved radioactivity and nuclear matters.

"It was a truly different world," she said.

Dr. Al Jonsen, a University of Washington medical ethicist, agreed with Durbin on that point. But he noted that everyone was also keenly aware of Nazi atrocities in the name of science and that broad international guidelines had been set after World War II requiring researchers to get full consent from patients.

The likely reason this wasn't seen as applicable to those performing these early human radiation exposure tests in the United States, Jonsen said wryly, was because "we knew the Nazis were evil and we weren't."

Dr. Charles Chesnut, a UW specialist in nuclear medicine and osteoporosis, recognized that two of the projects cited on Battelle's list were experiments he conducted in the late 1960s and early 1970s using radioactive calcium.

All the patients were fully informed, Chesnut said. Patients were given radioactive calcium to develop a method for assessing bone density.

"We came up with an approved drug, calcitonin, for the treatment of post-menopausal osteoporosis on the basis of these studies," Chesnut said. On balance, he said, the benefit clearly outweighed any risk.

But judging by the public response to recent revelations that some researchers may have failed to inform patients fully of their risk in these experiments, most don't appear to believe that any measure of medical progress can outweigh this wrong.

"We're getting 10,000 calls a day and we're maxed out," said Mary Freeman, a spokeswoman for the Department of Energy in Washington, D.C. The agency has a toll-free hotline for people with concerns about this issue, at 1-800-493-2998.

Freeman suggested that Washington state residents also consider calling the Hanford Health Information Network at 1-800-522-4446.

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WASHINGTON *ad*

News in Brief

California, 2 other states shorted in Congress as their populations grow

Population shifts since 1990 have left California and two other states shortchanged of their fair share of clout in the House of Representatives, a Census Bureau analysis says. Arizona, California and Georgia would each gain a seat if Congress were reapportioned, the analysis says. [N570]

DOE formalizes radiation probe

The Department of Energy has set up a task force to examine hundreds of radiation experiments conducted on U.S. citizens during the Cold War. Ruth Faden, head of the panel, said experts in medicine, history and law would be on the group, which would be independent of the Energy Department. [N572]

Moyrhan rape plan on home care

Sen. Daniel Patrick Moynihan, D-N.Y., said Wednesday that the Clinton administration had

proposed an inequitable formula for distributing money to states for long-term care for people living at home. Under the formula, the government would pay more benefits in states with low per capita income. Moynihan said that approach would shortchange states like his, which has a comparatively high per capita income but also large numbers of poor people. Moynihan, heads the finance committee, which will begin revamping health care early next year. Moynihan and Gov. Mario Cuomo of New York have criticized the current Medicaid formula, which is based solely on a state's per capita income. [N571]



Moynihan

From Mercury News Wire Services



Mercury Center

INSTRUCTIONS ON PAGE 2A

■ The number in brackets after each brief is a code that can be used to obtain the full text of the story in Mercury Center.

6059

COLD WAR LEGACY

P.A.28

Victims of radiation tests deserve compensation

THE COLD WAR and the atomic age combined to create a climate of fear in which some horrific things were sanctioned in the name of national security.

Energy Secretary Hazel O'Leary has blown the whistle on a series of federally funded experiments on hundreds of Americans to determine the effects of radiation. Most of them occurred in the 1940s, '50s and early '60s under the Energy Department's predecessor, the Atomic Energy Commission. They are now coming to light as previously secret government files are opened.

O'Leary estimates from documents available to date that 600 to 800 people were subjected to the tests. She said that while most gave their informed consent, others did not. And no effort was made to follow them to determine how the exposure to radioactive materials had affected them.

Directing the Energy Department to trace these test subjects and their survivors, O'Leary proposed this week that those who were not informed or were inadequately informed about the experiments be compensated.

Among the horror stories emerging about these tests:

- The injection of 18 people with highly radioactive plutonium.

- The feeding of radioactive cereal to 19 mentally retarded boys over a 10-year period without their parents' knowledge.

- Exposure of the testes of more than 100 prison convicts to radiation to determine its effect on male reproductive organs.

How these activities could have been authorized in the wake of World War II and the Holocaust can only be explained by the Cold War mentality. It was this attitude in both the United States and the Soviet Union that justified atmospheric tests of nuclear weapons, depositing radioactive iodine in milk worldwide.

Even at the time, however, a top AEC biologist saw a connection between the U.S. tests and those conducted by Hitler's Germany on concentration camp prisoners. The New York Times reported that Dr. Joseph Hamilton urged his boss at the agency to use chimpanzees instead of humans. Hamilton warned of criticism that the experiments would "have a little of the Buchenwald touch," a reference to the death camp where the Nazis performed medical experiments.

O'Leary proposes giving the facts about the radiation research to Congress and letting the lawmakers and the public decide the compensation issue. That seems fair. The government is already the target of lawsuits on behalf of victims of cancer and other ailments allegedly the result of the U.S. nuclear weapons program.

Care should be taken, however, to ensure that the compensation goes to those who truly deserve it.

Let's make amends ⁶⁶

U.S. shouldn't fight claims from victims of experiments

COMMON decency says Hazel O'Leary is absolutely right. The government should compensate people who were injured by its experiments with radiation since 1940. And instead of defending claims in court indefinitely, it should take the initiative to make amends.

The energy secretary's position is practical, as well as decent. The government (ultimately meaning us, the taxpayers) is culpable, but not endlessly so. There are limits as to what can be made right with money, especially when some sufferers have been dead for decades. It makes sense for Congress to decide what compensation is appropriate.

It's not the first time Washington has faced damages for atomic and nuclear radiation. This country paid \$2 million to Japanese fishermen injured by a 1954 atomic bomb test; subsequent trust funds containing at least \$300 million were established to pay victims ranging from uranium miners to people

down wind from Nevada nuclear tests.

We hesitate to say that the government was even more at fault in the cases now at issue. Is it worse to experiment on hospital patients than to injure healthy residents of Nevada and the Marshall Islands with radioactive fallout? So far, no one has shown evil intent in either situation. And yet it's particularly atrocious to make guinea pigs of helpless adults and children ignorant of what is being done to them, or incapable of understanding it. Whatever the goal, that's wrong. Few actions of our government have been widely compared to Nazi atrocities. These experiments have been, although parallels are far from exact.

Hazel O'Leary was the appropriate official to speak out; her department has the records, and its predecessors sponsored the experiments. But even a gutsy cabinet officer cannot unilaterally make policy for the whole administration. That's the president's job, and the sooner he stands with O'Leary, the better.

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FORT WORTH STAR-TELEGRAM

DEC 30 1993

Atomic horrors ^P_{A2D}

Compensate victims, probe researchers

Horrifying revelations about radiation experiments conducted from the 1940s to the 1970s are just another chapter in the slowly opening ledger of hidden costs of the Cold War.

When the accounts are added up, the 1946-91 Cold War may have cost more — in dollars, in human tragedy and in skewed ethical judgments — than any of our "hot" wars.

As with most modern wars, one cost is calculated in the breaching of basic human rights and in lapses of decency in the name of some national objective.

As early as 1950, when Nazi concentration camp horrors were still fresh in many minds, one Atomic Energy Commission biologist warned that radiation research had the "Buchenwald touch," a reference to Nazi "medical research" experiments conducted on prisoners in certain camps. The tests included freezing human beings to death to see how long it took, or amputating limbs just to see how the human body reacts or injecting subjects with deadly bacteria.

Some of the Cold War "research" in this country that we are now learning about — giving retarded youths in Massachusetts doses of radioactivity in their milk, conducting radiation experiments on prisoners without their consent, injecting patients with plutonium to see how quickly it would dissolve in the body, exposing indigent cancer patients to high levels of radiation (nine died within 38 days) — is chillingly similar.

It raises serious questions: Why was it deemed necessary? Who approved these projects? If the research was legitimate, why was it covered up? What now?

Energy Secretary Hazel O'Leary, who is moving heaven and earth to open long-classified files to get to the truth about atomic research, said that hundreds of victims of government radiation research deserve compensation.

She suggested digging out the facts and letting "Congress and the American people determine appropriate compensation."

That's fine. It necessitates a weeding-out of meritorious claims from those more fanciful, but there should be compensation, as there is for some other people injured in nuclear weapons testing.

And there should be more. Some of these experiments may have been just as much crimes against humanity as those of Dr. Mengele and other Nazi "researchers." That, too, needs to be sorted out, to determine which programs actually had an ethical medical basis.

Then, while compensation is being considered, so should the Justice Department consider criminal action against those still living and responsible for the most egregious radiation "research." There is no statute of limitations about crimes against humanity.

What was done sounds like an outrage against the American people, and the plea that there was a Cold War going on is no defense.

BURRELLE

NEWS EXPRESS

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DANGER

By NICK TATE

and MICHAEL LASALANDRA

MIT was a clearing-house for radioactive isotopes used in government-sponsored experiments during the Cold War era, providing the materials to many of

the nearly 250 hospitals, businesses and other facilities that had them, records show.

According to documents obtained by the Herald yesterday, a nu-

Turn to Page 14

clear generator built at the Massachusetts Institute of Technology in 1940 provided scores of New England facilities with radioactive isotopes for use in human medical tests and industrial processes.

Among the facilities: Massachusetts General, New England Deaconess, Children's and Peter Bent Brigham hospitals in Boston, as well as the General Electric Co. in Pittsfield.

Dozens of cancer patients at several of the hospitals were given doses of radioactive materials even though there was little hope they would improve, according to studies published in a number of medical journals in the 1940s.

The papers written by Dr. Shields Warren, a pathologist at New England Deaconess Hospital and professor at Harvard Medical School, do not say whether the terminally ill patients — including several children — were told what they were getting.

However, in one study, conducted on 81 leukemia patients at New England Deaconess, Peter Bent Brigham, Children's and New England Baptist hospitals, Warren said the experiments were conducted "partly to see if anything could be accomplished for them, partly to learn whether the effect varied from the usual.

A decade later, in 1953-57, MGH was giving uranium to 12 terminal brain tumor patients to test the impact on their kidneys, records supplied by U.S. Rep. Edward J. Markey (D-Malden) show.

Records also indicate MIT's now-defunct Radioactivity Center was one of 160 sites in the nation to receive some 1,200 shipments of radioactive isotopes from the Atomic Energy Commission for use in medical experiments and scientific research.

They also show that MIT was

the only source of such materials available for non-military uses during World War II and one of the biggest distributors in the region in the years that followed.

MIT's role in the distribution of radioactive materials comes to light as the issue of human radiation experiments conducted during the Cold War has blossomed into a national scandal, with news reports claiming researchers — including scientists at Harvard University and MIT — exposed hundreds of sometimes unwitting subjects to doses of radiation.

One of Warren's studies, which ran from 1940 to 1944, gave the radioactive phosphorus to patients who were not likely to respond, rather than to less sick patients who might do better, because there was a war-linked shortage of the radioactive material.

"It hardly seemed fair to use the material under these conditions for patients who in all probability would do well with more readily available methods of treatment," Warren wrote in a paper that appeared in 1945 in the American Journal of the Medical Sciences.

Some patients were given the material in their orange juice, the study says, while others got it intravenously. Patients had either leukemia, lymphoma or Hodgkin's disease.

While Warren concluded that no patients were harmed by the treatment "in the doses used," he admitted, in a paper presented in 1941 to the American Radium Society, that it was tricky knowing just how much radiation was being given.

"I have personally long been interested in more accurate eval-

uations of dosage calculation," he said.

Energy Secretary Hazel O'Leary has mounted a federal investigation of human radiation experiments and has called for compensation of individuals who may have participated in such experiments.

A U.S. Department of Energy "human experimentation hotline" set up to field claims overflowed yesterday, officials said.

A 1945 document summarizing activities of the MIT Radioactivity Center from 1934 to 1945 indicates radioactive forms of iodine and other isotopes were shipped to a number of Boston-area facilities in the 1940s.

The records show that MGH in 1943 and 1944 received radioactive iodine from MIT for use in a study of its effects on patients with thyroid metabolic problems. Grave's disease and other diseases.

Other area facilities that received radioactive isotopes from MIT included: the University of New Hampshire, Worcester State Hospital, Raytheon Manufacturing Co. in Waltham and Sylvania Electric Products Inc. in Salem.

The records do not indicate exactly how many patients may have been involved in studies conducted at the hospitals, what researchers intended to discover, or whether participants were explicitly informed of the exposures.

But Dr. Belton Burrows, chief of nuclear medicine at the Department of Veterans Affairs Medical Center in Jamaica Plain, noted radioactive isotopes — including iodine — are still commonly used in certain medical procedures, such as thyroid conditions, and that doses researchers used in the 1950s did not pose undue risks to patients.

Warren, who served as director of medicine and biology for the Atomic Energy Commission from 1947-1953, wrote in an article in the American Journal of Public Health in 1949 that radioactive isotopes were being used in 247 industrial and educational institutions for research and therapy.



WARREN

Boston Herald
12/30/93

Handwritten signature or initials.

Free up the documents

THE ISSUE:
Revelations
concerning
Cold War ex-
periments on
humans

(A43)

OUR VIEW:
Energy Depart-
ment's era of
openness
hasn't gone far
enough

History, ethics, medi-
cine and the social
contract underlying this
society all demand com-
plete disclosure of the
facts about the govern-
ment's radiological ex-
periments on people ear-
ly in the Cold War. Only
the privacy of still living
human guinea pigs should
temporarily limit this in-
dispensable airing.

With each new revela-
tion in the press, the need

for a full accounting becomes plainer. After
years of spadework, the *Albuquerque Tri-
bune* managed to identify five of 18 individ-
uals injected with plutonium at the behest of
atomic scientists in 1946-47; the Depart-
ment of Energy still refuses to name the
subjects, though all are dead. *The Tribune*
published profiles of the five last November.

Reporter Eileen Welsome's investigation
showed that none of the subjects gave fully
informed consent; none knew that the "ra-
dioactive material" being administered was
the highly potent manmade element plutoni-
um, used in bombs and power plants, or that
the experimental procedure was not treat-
ment for their illnesses but only a means of
studying plutonium's effect on human tis-
sues. Indeed, Welsome's conclusions cast a
somewhat dubious light on Energy Secre-
tary Hazel O'Leary's assertions Tuesday
that a great majority of the 600 to 800
human beings who were subject to experi-
mentation did so with informed consent.

Also this week, the *Boston Globe* reported
that 19 mentally retarded teen-age boys at a
state school in Fernald, Mass., ingested
radioactive iron and calcium in their break-
fast cereal in experiments from 1946 to
1956. Consent forms mailed to parents did

not mention that this research into nutrition
and metabolism, sponsored by the Atomic
Energy Commission, involved radioactive
substances.

Neither the *Globe* nor the *Tribune* found
proof that the participants were physically
harmd by the experiments — or assurance
that they weren't. But these are only a
handful of more than 800 government-run
radiation experiments, including many on
pregnant women and infants, in the years
after World War II.

Full disclosure is also needed to expose
the context in which these studies were
performed. As Welsome explains, the appli-
cation of the miracle drug penicillin raised
medical researchers' hopes in the 1940s,
just as the need to cure battlefield diseases
lent their work urgency. In an atmosphere
of patriotic sacrifice, many felt the ends
justified the use of human subjects.

Others retained keen scruples and de-
manded high standards of disclosure and
therapeutic purpose. Some were a curious
mixture. Dr. Joseph Hamilton — a pioneer
of nuclear medicine, now essential to the
diagnosis and treatment of disease —
helped supervise the plutonium-injection
program but also warned that such experi-
ments smacked of the Nazis' exploitation of
concentration camp inmates. He himself
died of radiation-induced leukemia at the
age of 49.

Energy Secretary Hazel O'Leary pro-
claims a new era of openness, even as her
department ignores formal requests for doc-
uments and withholds deceased subjects'
names. But the Cold War is over, and
national security no longer justifies hiding
these government actions, if it ever did. On
the contrary, Americans need to know what
was done in their name in the past, even as
new bioethical dilemmas fast press upon
them.

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BALTIMORE SUN

DEC 30 1993

The Buchenwald Touch

19A
Energy Secretary Hazel R. O'Leary, speaking with the advantage of hindsight, says "the only thing I could think of was Nazi Germany." Dr. Joseph G. Hamilton, a radiation biologist speaking in 1950 at the height of Cold War fear and frenzy, warned a superior that government medical experiments then being conducted "might have a little of the Buchenwald touch."

It is always dangerous to make comparisons with the Holocaust, an unprecedented example of government policy and power being applied to the deliberate extermination of human beings despised by the Hitler regime. Whatever the horrors now being unveiled about this nation's nuclear weapons program, it was not a Holocaust. But this century knows evil has many faces and in the opinion of Dan Bernstein, president of the Center for Radiation Studies, "it can turn out to be authority infected by opportunism and arrogance."

This well describes the attitude of American authorities who in the Cold War years conducted at least 204 underground nuclear tests kept secret until now, subjected hundreds of American citizens to radioactive medical tests at exposures many times safe levels, unleashed radioactive clouds in the atmosphere at great risk to close-in observers and unsuspecting populations and created stockpiles of nuclear waste materials that will require hundreds of billions of dollars to be contained.

"Coming clean" is Secretary O'Leary's battle cry. By unveiling the dark secrets of the Cold War and

preparing public opinion for the costly clean-up program that lies ahead, she is reversing the cover-up mentality of her own department. For this she deserves praise but even more she deserves unstinting support from President Clinton. Mr. Clinton will have to advise the Justice Department to reconsider its stance in court cases involving whistle-blowers trying to expose government misbehavior and nuclear victims seeking government redress. He will have to get behind Mrs. O'Leary's insistence that those who suffered from official wrongdoing be compensated.

Granted, it may be unfair to apply 1990s standards to nuclear authorities 30 and 40 years ago who feared imminent war with the Soviet Union and desperately wanted to learn about the deadly power that had destroyed Hiroshima.

But if it is society's duty to learn from past mistakes, then the willingness of doctors to conduct experiments on convicts, the mentally retarded and other vulnerables must be disclosed. And if we are to understand the dangers of war fever run amuck, we have to learn about all the deception, lying and reckless endangerment encouraged by successive administrations in the name of fighting the Soviet menace.

Many bad things were done by officials and scientists who thought they were doing good during the obsessive years of Cold War confrontation. This country cannot "come clean" until it confronts its nuclear past. }

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BALTIMORE SUN

DEC 30 1993

Hopkins ethicist to head panel on human testing

Task force to review Cold War-era nuclear experimentation

By Clara Germani
Staff Writer

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A Johns Hopkins University medical ethicist will head the federal task force being formed by the Department of Energy to right the wrongs of the government's Cold War-era nuclear weapons testing that used humans as unwitting subjects.

Dr. Ruth R. Faden, a professor at the Johns Hopkins University School of Hygiene and Public Health, will oversee the review of ethical issues involved in the human experimentation of the old Atomic Energy Commission and may help determine possible compensation for the test subjects and their families.

"We have an agency that says there's something wrong here and we're going to make as much right as we can [out of the situation]," Dr. Faden said yesterday in a telephone interview from her Rockville home.

"It really is quite remarkable and impressive that the department is taking such an open and compassionate stance because, more often than not, the government generally responds with a more defensive posture when there's an intimation of wrongdoing."

Dr. Faden was asked to take the post by Energy Secretary Hazel R. O'Leary who, in a pledge of "openness," held a news conference Dec. 7 to disclose 204 previously unreport-

ed underground nuclear tests and the deliberate exposure of 18 Americans to dangerous levels of nuclear material.

The secretary said the department is investigating other wrongs and plans to disclose more information in coming months. And news reports — most notably an extensive Albuquerque Tribune investigation of plutonium experiments — have detailed radiation testing from the 1940s to 1970s involving everything from nuclear tests over populated areas to feeding retarded teenagers food laced with radioactive substances and injecting newborns with

See FADEN 16A



Dr. Ruth R. Faden

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plutonium and radioactive iodine.

Ms. O'Leary said Tuesday that as many as 800 people were subjected to the experiments and that the victims should be compensated.

While Dr. Faden explained that the duties of her task force have not been finalized, she said it is her understanding that it will review each study that comes to light and may consider compensation issues.

She said the group will bring together experts in biomedical ethics, law, history, epidemiology, radiation medicine and radiation biology. Members will meet for a year and may have preliminary findings by June or July, she said.

"This marks an important turning... to have compassion for the victims," said Stewart L. Udall, secretary of the Interior under Presidents John F. Kennedy and Lyndon B. Johnson and a New Mexico lawyer who has represented victims of nuclear testing.

"For this moral initiative to come not from Congress but from the government and the Department [of Energy] is breathtaking to someone like me following it all these years," he said.

Dr. Faden said no one really knows how many people were affected, or even how many studies there were. Since Ms. O'Leary set up a hotline for subjects and their survivors, the Energy Department has been swamped with hundreds of calls.

The number — (800) 493-2998 — is open Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

"We will be looking at what can be done to make this right," she said. "We don't know to what extent abuse and mistreatment [have] occurred. We just don't know how many. It's really hard to draw parallels yet, [but] there will be obvious comparisons made."

Dr. Faden cautioned against invoking the Holocaust or other notorious medical experiments, calling such comparisons "dangerous and premature."

In examining each study, the task force will look at several ethical issues, including the way in which human subjects became involved and whether the subjects were drawn proportionately from the available population. Studies on human subjects also must show there was no other way to conduct the research and that there were possible benefits, relative to the risks, Dr. Faden said.

Dr. Faden's expertise is on informed consent — an issue that will be the key to determining the extent of wrong done by the testing.

She said that the core of informed consent is that the person being tested authorizes the tests. But that authorization would not be meaningful, she said, unless the person understands what might happen to him and what his other choices are. Finally, she said, submission to testing must be voluntary — the person must not feel coerced.

Biomedical ethics is a relatively young field, and Dr. Faden became involved in it through her interest in the women's health movement of the early 1970s, when she was a graduate student at the University of Chicago. After earning a master's degree in the humanities, she continued her studies at the University of California, Berkeley, where she wrote her doctoral dissertation on informed consent.

Dr. Faden, 44, is the mother of two children, one in college and one in kindergarten. She came to Hopkins in 1986 and is director of the public health school's program in law, ethics and health. She also is a senior research scholar at Georgetown University's Kennedy School of Ethics. She is married to Tom Beauchamp, who teaches philosophy at Georgetown University.

Staff writers Laura Lippman and Ann LoLordo, the Associated Press and the Los Angeles Times contributed to this article.

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NEWSEXPRESS

NEW YORK NEWSDAY THURSDAY DECEMBER 30, 1993

Radiation Probe Called Impartial p.8

The head of a new Energy Department task force says it will be independent in its examination of hundreds of radiation experiments conducted on U.S. citizens during the Cold War.

"I would not have taken the offer if I didn't feel I would be able to proceed in a scholarly and open fashion," said Ruth Faden, who will chair the task force. The Energy Department's predecessor agencies funded many of the experiments.

Faden said the committee will be made up of experts in medicine, history and law. The group will also examine the regulatory structure to ensure such projects won't happen again.

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BOSTON GLOBE DEC 30 1993

MIT official tells more of radiation experiments at Fernald

p.14
By Scott Allen
GLOBE STAFF

Officials at the Massachusetts Institute of Technology said yesterday that radiation experiments on mentally retarded residents of the Fernald State School in Waltham continued into the 1960s, but the research-

To share Information about tests

The US Department of Energy wants to hear from people who think they may have been involved in federally supported radiation experiments.

Anyone with information about medical or scientific experiments on humans is urged to call
1-800-493-2998.

The phone will be answered from
8:30 a.m. to 4:30 p.m.
Monday through Friday.

ers adopted rules in the last years of the program that strictly limited exposure and required that test subjects be adults.

Frank Masse, director of radiation protection at MIT, also confirmed a 1956 experiment in which children at the Fernald school were injected with minute amounts of radioactive calcium. At least 61 teenage boys at the school ingested radiation in a series of tests to see how the body absorbs minerals.

But Masse blamed Fernald school officials for some consent forms sent home to parents or guardians of the children that made no mention of radioactivity. The consent forms were sent home by Fernald's superintendent, Malcolm Farrell.

Masse said MIT officials in the 1940s and 1950s were very proud of their work with radioactive isotopes and would have had no reason to hide it. "This was a huge new tool. There was no fear. Today's fear of radiation was not present. You wouldn't think of buying a pair of shoes without X-raying your toes," said Masse.

MIT was deeply involved in applying radioactive materials to new fields after World War II, including the failed effort to build a nuclear-powered airplane. The head of MIT's radioactivity group, Robley Evans, served on a panel that pushed unsuccessfully for highly toxic experiments on soldiers to see how much radiation they could withstand while flying the atomic airplane.

The state Department of Mental Retardation is investigating the radi-

**'This was a huge
new tool. There
was no fear.
Today's fear of
radiation was not
present.'**

FRANK MASSE
MIT radiation protection director

ation experiments that took place at the Fernald school and possibly other state institutions. Also yesterday, US Energy Secretary Hazel O'Leary agreed to send a staff member to help investigate the Fernald experiments.

Masse said MIT's use of Fernald residents for research continued years later than the 1956 date that has previously been reported. He said tests of Fernald residents' thyroid glands continued into the 1960s, requiring them to drink a solution containing radioactive iodine. But, unlike the 1946 to 1956 experiments using radioactive iron and calcium,

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the thyroid tests were reviewed by an outside panel before the experiment began.

Masse, who was a member of the panel that reviewed the thyroid experiments, said all test subjects had to be at least 20 years old and had to have a demonstrated problem with thyroid function. And no test subject could be exposed to more than 30 rems of radiation - 100 times the annual radiation people get from background sources.

Masse said the nutrition experiments, which took place between 1946 and 1956, involved so little radiation they might still win approval from a review board today. Masse estimated that children who ate a series of radioactive iron supplements were exposed to 280 millirems of radiation, about what people get from natural sources, such as radon gas, in a year.

Masse said similar radiation doses may be allowed on children in research today. "There is certainly work going on in drug studies where you must have the final answer on a human child for pediatric distribution," he said.

Radiation levels: experimental and everyday

According to records at the Fernald State School and the Massachusetts Institute of Technology, the experiments on retarded teen-age boys at the Fernald School from 1946 to 1956 involved low levels of radioactivity.

■ Children who ate seven meals containing a radioactive iron supplement in 1949 would have received between 544 and 1,024 millirems of radiation to their spleens, where radioactive iron can do the most damage. MIT officials, however, say that the average radiation to the whole body is a better measure of exposure. By that standard, the children received 280 millirems of exposure.

By comparison, the average person absorbs about 300 millirems of radiation annually from natural sources, such as radon gas in the basement.

■ MIT officials estimate that children who ate two breakfasts containing radioactive milk in 1954 received up to 6.2 millirems of radiation exposure to their whole bodies, roughly the same amount of radiation as a chest X-ray. However, the exposure to the bones, where radioactive calcium would tend to concentrate, would be 70 millirems.

By comparison, in a lifetime the average person receives 120 millirem of radiation exposure to the bones from the fallout of nuclear explosions.

■ Children who were injected with radioactive calcium in a 1956 experiment were exposed to about 4 millirems of radiation, MIT officials estimate.

By comparison, that is the radiation a person would absorb from flying from Boston to Los Angeles and back.

■ MIT officials do not know the exposure levels for tests that were conducted in other years, nor do they know how often each child participated in them.

GLOBE STAFF GRAPHIC

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