

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. resume	[Personally Identifiable Information] [partial] (1 page)	08/00/1995	b(6)

COLLECTION:

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

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-Conference Call Summaries

2019-0803-S

rs3541

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

1. INSERT ABOVE, CLASSIFICATION LEVEL, UNCLASSIFIED, OR OFFICIAL USE ONLY

U.S. DEPARTMENT OF ENERGY
TELECOMMUNICATION MESSAGE
(See reverse side for instructions.)

4. PRECEDENCE DESIGNATION ("X" appropriate box):

FOR NORMAL USE:

EMERGENCY USE ONLY

ACTION: ☒ Routine ☐ Priority
INFO: ☐ (6 Hrs.) ☐ (3 Hrs.)☐ Immediate ☐ FLASH
☐ (30 Mins.) ☐ (ASAP)

5. TYPE OF MESSAGE

("X" appropriate box)

☒ Single Address
☐ Multiple Address
☐ Title Address
☐ Book Message

2. MESSAGE CONTAINS WEAPON DATA?

("X" appropriate box. Message Center will not transmit message unless one box is marked.)

35 SEP 27 YES ☒ NO

3. USE WHEN REQUIRED

THIS DOCUMENT
CONSISTS OF 6 PAGES

NO. OF COPIES, SERIES

FOR COMMUNICATION CENTER USE
MESSAGE IDENTIFICATION

NR: DTG: 2

6. FROM

ELLYN WEISS
EH-7

7. OFFICIAL BUSINESS

Kell Hampton (Signature of authorizing official)

A.M.

P.M.

8. DATE

9-20-95

095

9. TO

"SEE ATTACHED LIST"

COMMUNICATION CENTER ROUTING

09 02 18 11 44 Z
000402

BE BRIEF - ELIMINATE UNNECESSARY WORDS

10. ORIGINATOR (On separate lines, enter Name, Routing Symbol, & Tel. No.)

ELLYN WEISS
EH-7
6-1418

11. DERIVATIVELY CLASSIFIED NSI

NATIONAL SECURITY
INFORMATIONUnauthorized Disclosure subject to
Administrative and Criminal Sanctions.Derivative Classifier: (Name)
(Title)

Declassify on: Event/OADR

Derivatively Classified by: (Guide or Source Document)

12. ORIGINALLY CLASSIFIED NSI

NATIONAL SECURITY
INFORMATIONUnauthorized Disclosure subject to
Administrative and Criminal Sanctions.

Originally Classified by: (Name)

(Title)

Declassify on: (Guide or Source Document)

13.

☐ RESTRICTED DATAThis document contains Restricted Data as defined
in the Atomic Energy Act of 1954. Unauthorized
disclosure subject to Administrative and
Criminal Sanctions.DERIVATIVE
CLASSIFIER

(Name and Title)

14.

☐ FORMERLY RESTRICTED DATAUnauthorized disclosure subject to Administrative and
Criminal Sanctions. Handle as Restricted Data in Foreign
Dissemination Section 144.b Atomic Energy Act, 1954DERIVATIVE
CLASSIFIER

(Name and Title)

15. INSERT BELOW, CLASSIFICATION LEVEL, UNCLASSIFIED, OR OFFICIAL USE ONLY

UNCLASSIFIED

INTERAGENCY WORKING GROUP

CIA:	LATELL, BRIAN.....	703-351-2698	[fax 243-8343]
	PEREIRA, JOHN.....	703-351-2802	[fax 243-8343]
	WARNER, MICHAEL	703-351-2621	[fax 522-9280]
DEFENSE:	BAILEY, CLAUD.....	703-442-5675	[fax 847-0890]
	PIERRE, JOAN MA.....	703-325-7302	[fax 325-2959]
	SOPER, GORDON.....	703-697-5561	[fax 695-0476]
JUSTICE:	GLYNN, PAT.....	616-4200	[fax 616-4473]
	PLAZA, EVA.....	514-3309	[fax 514-8071]
HHS:	BALDWIN, WENDY...	301-496-1096	[fax 402-3469]
	ELLIS, GARY.....	301-496-7005	[fax 402-2071]
	ENGSTROM, LILY.....	301-402-2246	[fax 402-3469]
	HENDERSON, D.A.....	410-955-1624	[fax 889-6514]
NASA:	FERGUSON, EARL.....	358-1894	[fax 358-3038]
	HOLLOWAY, HARRY	358-0122	[fax 358-4174]
	STOKLOSA, JANIS...	358-2209	[fax 358-3038]
OMB:	GLAUTHIER, T.J.....	395-4561	[fax 395-4639]
	MACRIS, ERIC.....	395-3807	[fax 395-4817]
OSTP:	GWIN, HOLLY.....	456-2735	[fax 456-6049]
	LEVINSON, RACHEL..	456-6137	[fax 456-6027]
VA:	GRACEY, HAROLD.....	273-4808	[fax 273-4877]
	MATHER, SUSAN.....	535-7182	[fax 535-7572]
	OTCHIN, NEIL.....	565-7057	[fax 565-7572]
	TACKETT, NANCY.....	273-5034	[fax 273-5993]
WH:	CAPLAN, PHIL.....	456-2702	[fax 456-2215]

**AGENDA FOR INTERAGENCY CONFERENCE CALL
HUMAN RADIATION EXPERIMENTS
FRIDAY, 9/22/95, 10:00 A.M.**

- 1. Update on Presidential Event (Phil Caplan) 10 mins.**
- 2. Discussion of Compromise Language for Response to Recommendation 2 (Bob Nordhaus, Tara O'Toole) 30 mins.**
- 3. Discussion of Response to New Recommendation 3 (Ellyn Weiss) 30 mins.**
- 4. Wrapup, Status of Assignments from Last Call (Ellyn Weiss) 5 mins**

5. Log Book 7. Pres Conf.
6. 820

Attachments:

**Memo from Robert Nordhaus to Judith Miller and Eva Plaza, 9/14/95
Recommendation 3, revised 9/12/95**

3/402

39/18/95

17:56

GC-01 -> 2025866010

NU. 431

004
vuc

MEMO

via telecopier

To: Judith A. Miller
Eva M. Plaza

From: Robert R. Nordhaus *R Nordhaus*

Subject: Advisory Committee on Human Radiation Experiments
Recommendation No. 2

Date: September 14, 1995

It is my understanding that the Departments of Justice and Defense have been working with the Department of Energy to reach agreement regarding Recommendation 2 of the President's Advisory Committee on Human Radiation Experiments. That recommendation is as follows:

RECOMMENDATION 2

The Advisory Committee recommends to the Interagency Working Group that for subjects of human radiation experiments that did not involve a prospect of direct medical benefit to the subjects, or in which intervention considered to be controversial at the time were presented as conventional or standard practice, and physical injury attributable to the experiment resulted, the government should deliver a personal, individualized apology and provide financial compensation to cover relevant medical expenses and associated harms (pain, suffering, loss of income, disability) to the subjects or their surviving immediate family members.

The two versions under discussion are as follows:

Defense/Justice preferred version:

The Administration agrees with the Advisory Committee that an apology and compensation is warranted when governmental action caused harm in human experiments falling within the criteria identified by the Advisory Committee. Agencies will therefore be encouraged to pursue administrative resolution of such cases and, if necessary, seek expert advice on scientific and medical issues. The Administration is also willing to work with Congress to seek private relief in appropriate cases.

Energy proposed version:

The Administration agrees with the Advisory Committee that an apology and compensation is warranted for human experiments sponsored or carried out by the government and falling within the criteria identified by the Advisory Committee. Agencies will therefore be encouraged to pursue administrative resolution of such cases and, if necessary, seek expert advice on scientific and medical issues. The Administration is also willing to work with Congress to seek private relief in appropriate cases.

The concerns expressed by your agencies relate to the need to link the government's involvement in an experiment before compensation can be justified. After review of this issue, I am concerned by both proposals as currently cast. The Secretary of Energy, as well as others within the Department of Energy, believe that the first proposal is overly narrow, and could be perceived as being unresponsive to the Committee's conclusion that the government did not take adequate steps in ensuring the protection of human subjects in experiments in which the government sponsored or carried out.

However, I share the view that the Committee's broad definition of "sponsorship" sweeps in experiments for which the government should not be held accountable (either legally or morally), such as an unethical experiment conducted without the government's knowledge or authorization.

In order to reach conclusion of this important issue, I would like to suggest another approach, which cabins the breadth of the Committee's recommendation, but sets forth the Administration's policy commitment to seek compensation in the very few cases where harm can be proven. This approach also reflects the fact that, although the government's procedural defenses under existing law may prevent a putative harmed subject from seeking relief, the Administration nonetheless is willing to seek appropriate legislative relief in cases where harm can be shown.

PROPOSED RESPONSE

The Administration agrees with the Advisory Committee that an apology and compensation is warranted for human experiments either carried out by the government or sponsored by the government with the government's knowledge or authorization of the experiment and falling within the criteria identified by the Advisory Committee. Agencies will therefore be encouraged to pursue administrative resolution of such cases and, if necessary, seek expert advice on scientific and medical issues. The Administration is also willing to work with Congress to seek private relief in appropriate cases.

cc: Phil Caplan
Eric Macris
Pat Glynn
John Casciotti

THIS IS A DRAFT--THE CONTENTS DO NOT REPRESENT FINAL CONCLUSIONS AND/OR RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS AND ARE SUBJECT TO REVISION BASED ON COMMITTEE REVIEW AND DISCUSSION. NOT FOR QUOTATION OR CITATION.

**Recommendation 3
(Revised: September 12, 1995)**

The Advisory Committee recommends to the Interagency Working Group that for subjects who were used in experiments for which there was no prospect of medical benefit to them and there is evidence specific to the experiment in which the subjects were involved that (1) no consent, or inadequate consent, was obtained, or (2) their selection as subjects constituted an injustice, or both, the government should offer a personal, individualized apology to each subject.

The Committee believes that people who were used as research subjects without their consent were wronged even if they were not harmed. Although it is surely worse, from an ethical standpoint, to have been both harmed and wronged than to have been used as an unwitting subject of experiments and suffered no harm, it is still a moral wrong to use people as a mere means without their consent. Although what we know about the practices of the time suggests it is likely that many people who were subjects in nontherapeutic research were used without their consent or with what today we would consider inadequate consent, in most of these cases we have almost no information about whether or how consent was obtained. Moreover, in most of these cases, the identities of the subjects are not currently known; even if considerable resources were expended, it is likely that most of their identities would remain unknown. The Committee is not persuaded that, even where the facts are clear and the identities of subjects known, financial compensation is necessarily a fitting remedy when people have been used as subjects without their knowledge or consent but suffered no material harm as a consequence; the remedy that emerged as most fitting was an apology from the government.

The Committee struggled with the issue of whether to recommend that the government extend such an apology. Our deliberations were complicated by what we all agreed was a murky historical record. In the case of some experiments, there was evidence of some disclosure or some attempt to obtain consent, and the issue emerged as to how poor these attempts must be for an apology still to be in order. In other cases, there was simply too little documentary evidence to draw any conclusions about disclosure or consent. In most cases, as noted above, the identities of subjects are unknown and are unlikely to be uncovered even with a substantial expenditure of resources.

What kind of evidence is necessary to determine that an apology is warranted? In the preceding recommendation, the remedy is linked to evidence of harm to particular individuals.

Sep-15-95 04:49P ACHRE

THIS IS A DRAFT--THE CONTENTS DO NOT REPRESENT FINAL CONCLUSIONS AND/OR RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS AND ARE SUBJECT TO REVISION BASED ON COMMITTEE REVIEW AND DISCUSSION. NOT FOR QUOTATION OR CITATION.

While requiring evidence of harm specific to individuals, we did not require such specific evidence of lack of consent. Rather, in that recommendation, we presumed that the government did not uniformly undertake steps to ensure that the rights and interests of individual subjects were adequately protected, and thus that it is possible that people who were harmed as a result of participation in research did not adequately consent to this use of their person. In this recommendation, by contrast a remedy is linked to a showing that people were *wronged*, not harmed. Thus the Committee believes that an apology should be offered only where there is evidence specific to an experiment or participant that no consent, or inadequate consent, was obtained, or the subject's selection constituted an injustice, or both.

The Committee believes that, among those experiments we have had the opportunity to review in depth, there is sufficient evidence that wrongs were committed against the children who participated in the experiments at the Fernald School. This case is discussed in detail in chapter 7.¹

In recommending an apology to individuals who were subjects of these experiments, the Committee wishes to emphasize that there are likely many other instances in which an apology is warranted but for which experiment-specific factual support is not currently available.¹

ENDNOTES

1. For example, based on facts available to the Committee, those Alaskans who were subjects of Air Force-sponsored radioisotope research (see chapter 12), and the pregnant women who were subjects of radioisotope research at Vanderbilt University (see chapter 7) may also be owed an apology. However, the Committee conducted only limited inquiry into these cases. The Advisory Committee did not attempt a full factual inquiry into the Alaskan research, which is the subject of an inquiry by a committee of the Institute of Medicine and the National Research Council, whose report is pending. The Vanderbilt research is currently the subject of litigation that may provide for fuller development of the facts.

¹Several other experiments studied by the Committee are candidates for remedies under Recommendation 2. Where it is determined that subjects in these experiments were not harmed, they may be due an apology under this recommendation if it is determined that they were wronged.

Several other experiments studied by the Committee are candidates for remedies under Recommendation 2. Where it is determined that subjects in these experiments were not harmed, they may be due an apology under this recommendation if it is determined that they were wronged.



K.S. "BUD" ADAMS, JR.
Owner/President

September 20, 1995

Via FAX: (202) 456-2215

The Honorable Thomas F. McLarty III
Counselor to the President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mack:

I strongly support the nomination of **Linda Fraustro Barrett** for the Chapter 20 NAFTA Dispute Resolution Panel. Ms. Barrett is in her fifteenth year of law practice specializing in international business transactions, and has vast working knowledge of the North American Free Trade Agreement. In Houston, she has successfully promoted cross-border trade with Mexico since 1989, by speaking to thousands of local businesses and establishing trade and cultural exchanges between Houston and Monterey and Mexico City.

The list of supporters for Ms. Barrett's candidacy for this position ranges from former Texas Governor Ann Richards, to Greater Houston Partnership Chamber of Commerce Division President Albert Hines, to Houston Port Authority Commissioner Betti Maldonado. Ms. Barrett's credentials are impeccable and her impressive record of career accomplishments is remarkable. As a trilingual, bicultural negotiator she will be a credit to this important panel.

I know Ms. Barrett well, and have full confidence in her qualifications and integrity; and I urge your strong consideration for her appointment to the Chapter 20 NAFTA Dispute Resolution Panel.

Please call me directly at 713/798-9300 if I can provide additional information.

Fraternally,

K. S. "Bud" Adams Jr.

Withdrawal/Redaction Sheet

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LINDA FRAUSTRO BARRETT**INTERNATIONAL COUNSEL****AUGUST 1995****BIOGRAPHICAL**

LINDA F. BARRETT IS A NATIVE OF (b)(6) SHE GRADUATED IN 1980 FROM THE UNIVERSITY OF TEXAS LAW SCHOOL AT AUSTIN WITH A DOCTOR OF JURISPRUDENCE DEGREE. IN 1978 SHE RECEIVED A BACHELOR'S DEGREE IN PHILOSOPHY-LOGIC WITH SPECIAL HIGH HONORS, CUM LAUDE FROM THE UNIVERSITY OF TEXAS, WHERE SHE WAS INDUCTED INTO ACADEMIC HONORS SOCIETIES - PHI BETA KAPPA AND ALPHA DELTA LAMBDA DELTA.

MS. BARRETT HAS BEEN A MEMBER OF THE TEXAS BAR SINCE 1981 AND HAS BEEN ADMITTED TO PRACTICE IN THE STATE OF NEW YORK SINCE 1990. SHE IS FLUENT IN SPANISH AND FRENCH.

LINDA IS MARRIED TO JOHN ADAMS BARRETT, A PARTNER WITH THE LAW FIRM OF FULBRIGHT & JAWORSKI.

HIGHLIGHTS OF PROFESSIONAL ACTIVITIES 1981 TO PRESENT

MS. BARRETT HAS PRACTICED INTERNATIONAL TRADE AND BUSINESS LAW FOR MORE THAN 14 YEARS, BASED IN LONDON, ENGLAND AND HOUSTON, TEXAS. HER WORK CONCENTRATES ON NEGOTIATION, DOCUMENTATION AND STRUCTURING OF CROSS-BORDER TRADE AND INVESTMENT FOR U.S. AND FOREIGN BUSINESSES OPERATING IN THE U.S., MEXICO, VENEZUELA, CANADA, ENGLAND, FRANCE, JAPAN, CHINA, SAUDI ARABIA AND OTHER FOREIGN COUNTRIES. HER LEGAL SKILLS INCLUDE APPLICATION OF NAFTA TRADE/INVESTMENT PROVISIONS INCLUDING ALL MEXICAN 1993-94 IMPLEMENTING LEGISLATION AND THE ABILITY TO NEGOTIATE AND DOCUMENT BILINGUAL AND BI-NATIONAL CONTRACTS AND SETTLE BUSINESS/TAX DISPUTES WITHIN THE MEXICAN GOVERNMENTAL AND PRIVATE SECTOR.

APRIL 1981 -
1989

ASSOCIATE AND PARTICIPATING ASSOCIATE WITH THE LAW FIRM OF FULBRIGHT & JAWORSKI SPECIALIZING IN INTERNATIONAL BUSINESS TRANSACTIONS, ASSIGNED TO THE FIRM'S HOUSTON OFFICE FOR 3 YEARS AND TO ITS LONDON, ENGLAND OFFICE FOR 6 YEARS.

JUNE 1993 -
JAN. 1995

INTERNATIONAL COUNSEL WITH THE LAW FIRM OF SHEINFELD, MALEY & KAY. MS. BARRETT WAS RESPONSIBLE FOR SHEINFELD'S FIRM-WIDE INTERNATIONAL LAW PRACTICE, INCLUDING ITS DALLAS AND AUSTIN OFFICES, AND FOR COORDINATION OF SHEINFELD'S WORLDWIDE NETWORK OF FOREIGN LAW FIRMS AND OTHER FOREIGN LEGAL AND BUSINESS RESOURCES.

**INTERNATIONAL COUNSEL
AUGUST 1995**

JAN. 1995 INTERNATIONAL ATTORNEY - LAW OFFICE OF LINDA F. BARRETT

INTERNATIONAL BUSINESS PROJECTS

OCT. 1995 MODERATOR - CITY OF HOUSTON INTERNATIONAL TRADE CONFERENCE:
CHINA

NOV. 1994 ABA MEXICAN LAW COMMITTEE VICE CHAIR AND SPANISH SPEAKER
PANELIST AT "ACCESS AND ALIANZAS IN THE AMERICAS" IN MEXICO
CITY, MEXICO, ATTENDEES ARE 300+ MEXICO/U.S. INTERNATIONAL
ATTORNEYS; LEGAL ARTICLE PRESENTED IN SPANISH - "MEXICAN SALES IN
TEXAS - COMMENTARY ON UCC ARTS. 2 & 9 ON INTERNATIONAL SALE OF
GOODS AND TEXAS/U.S. TAX, LITIGATION AND PRODUCT LIABILITY ISSUES"

OCT. 1994 INTERNATIONAL WHO'S WHO PROFESSIONAL DIRECTORY 1995

AUG. 1994 PENDING NOMINEE FOR NAFTA CHAPTER 20 DISPUTE RESOLUTION PANEL
- NOMINATED BY GREATER HOUSTON PARTNERSHIP, CHAMBER OF
COMMERCE DIVISION AND CITY OF HOUSTON MAYOR'S OFFICE, AND HON.
ANN W. RICHARDS, GOVERNOR OF THE STATE OF TEXAS FOR APPOINTMENT
TO NAFTA DISPUTE RESOLUTION PANEL; NOMINATION SUBMITTED TO HON.
M. KANTOR, U.S. TRADE REPRESENTATIVE, WASHINGTON, D.C.

MAY 23, 1994

ADDRESS TO CHINA BUSINESS LEADERS DELEGATION FROM BEIJING AND
SHANGHAI, CHINA AND CHINA TRADE CENTER ON NAFTA AND FOREIGN
TRADE AND INVESTMENT OPPORTUNITIES IN THE HOUSTON AREA

MAR. 1994 PANEL SPEAKER AT CITY OF HOUSTON ASIAN CHAMBERS OF COMMERCE
TRADE CONFERENCE, PER INVITATION OF MAYOR'S OFFICE, WITH OVER 250
PERSONS ATTENDING

FEB. 1994 ADDRESS TO HOUSTON LION'S CLUB ON NAFTA

FEB. 1994 ADDRESS TO DOWNTOWN KIWANIS CLUB ON NAFTA AND INTERNATIONAL
BUSINESS OPPORTUNITIES FOR HOUSTON COMPANIES (85+ ATTENDEES)

JAN. 1994 LEAD PANEL SPEAKER/MODERATOR AT "HOUSTON/MEXICO TRADE
CONFERENCE FOR EMERGING BUSINESSES;" CO-FOUNDED AND CO-CHAIRLED
INAUGURAL "HOUSTON/MEXICO TRADE CONFERENCE FOR EMERGING
BUSINESSES" WITH HOUSTON CITY COUNCILMEMBER GRACIE SAENZ. THIS
CONFERENCE BROUGHT TOGETHER, FOR THE FIRST TIME IN HISTORY, THE
RESOURCES OF THE 9,500 MEMBER HOUSTON BAR ASSOCIATION AND THE
RESOURCES OF THE CITY OF HOUSTON, MAYOR'S OFFICE TO EDUCATE

**INTERNATIONAL COUNSEL
AUGUST 1995**

SMALL AND MEDIUM SIZE BUSINESSES IN THE HOUSTON AREA ON THE HOW TO DO BUSINESS UNDER NAFTA; MORE THAN 500 BUSINESSES ATTENDED THIS ENORMOUSLY SUCCESSFUL PROGRAM

JUNE 1991 -

MAY 1993

CO-FOUNDED AND CO-CHAIRD FIRST "HOUSTON-MONTERREY LAWYERS EXCHANGE PROGRAM," BRINGING TOGETHER FOR THE FIRST TIME IN THE HISTORY OF THE HOUSTON BAR ASSOCIATION INTERNATIONAL LAWYERS FROM HOUSTON WITH TOP INTERNATIONAL LAWYERS FROM MONTERREY, MEXICO; THE EXCHANGE PROGRAM IS ENTERING ITS 5TH SUCCESSFUL YEAR AND IS ATTENDED AND IS ATTENDED ANNUALLY BY HUNDREDS OF HOUSTON LAWYERS AND BUSINESS PERSONS

FEB. 1990 -

PRESENT

MS. BARRETT REGULARLY SPEAKS TO NUMEROUS FOREIGN BUSINESS AND GOVERNMENTAL DELEGATIONS, LOCAL AND FOREIGN CHAMBERS OF COMMERCE, AND GLOBAL LEGAL AND BUSINESS LEADERS ON BUSINESS OPPORTUNITIES FOR HOUSTON COMPANIES WORLDWIDE AND OPPORTUNITIES FOR INVESTMENT IN THE U.S. BY FOREIGN PARTIES.

AUG. 1994 -

PRESENT

VICE CHAIR MEXICAN LAW COMMITTEE - AMERICAN BAR ASSOCIATION 1994-95

1994-95

STATE BAR OF TEXAS JOURNAL EDITORIAL COMMITTEE AND MEMBER STATE BAR INTERNATIONAL LAW SECTION

1993-95

EXECUTIVE COUNCIL MEMBER, INTERNATIONAL LAW SECTION, HOUSTON BAR ASSOCIATION

COMMUNITY AND CULTURAL ACTIVITIES 1991 - PRESENT

APRIL 1995 -

PRESENT

COMMITTEE MEMBER - HOUSTON MUSEUM OF FINE ARTS OCTOBER 1995 GALA

FEB. 1995

CHAIR - THE ASIA SOCIETY ROYAL GALA - HONORING THE KINGDOM OF THAILAND; RECORD ATTENDANCE 430

1995 HONOREE - HOUSTON CHRONICLE BEST DRESSED LIST - PRESENTED IN THE HOUSTON CHRONICLE - FEBRUARY 23, 1995 AND AT THE MARCH OF DIMES NEIMAN MARCUS BEST DRESSED FASHION SHOW, FEBRUARY 22, 1995

**Ms. CAROLYN BARRETT
INTERNATIONAL COUNSEL
AUGUST 1995**

- JUNE 1994** NOMINEE FOR YWCA OUTSTANDING WOMAN OF THE YEAR, FOR YWCA JULY 1994 LUNCHEON
- COMMITTEE MEMBER - HOUSTON GRAND OPERA 1994 FALL STYLE SHOW & LUNCHEON
- APRIL 1994** HOUSTON GRAND OPERA ANNUAL BALL - COMMITTEE MEMBER, WORK CONCENTRATED ON TABLE SALES AND FRENCH TRANSLATION OF BALL INVITATION WITH BALL CHAIRMAN, DANIELLE ELLIS
- APRIL 1994 -
PRESENT** NORTHWOOD INSTITUTE EXECUTIVE BOARD MEMBER - WORKED ON FALL 1994 LECTURE WITH BOARD CHAIRMAN, CARMALEE DEGEORGE
- MAR. 1994** HERITAGE SOCIETY 40TH ANNIVERSARY GALA COMMITTEE MEMBER
- JUNE 1992 -
PRESENT** BOARD MEMBER, OFFICER AND PAST PROGRAM CHAIRMAN OF HOUSTON MUSEUM OF FINE ARTS, TEXTILES AND COSTUME INSTITUTE
- JUNE 1992 -
JUNE 1993** BOARD MEMBER OF THE HOUSTON WORLD AFFAIRS COUNCIL - WORKING ON VARIOUS FUND RAISING AND ORGANIZATION OF LECTURES BY INTERNATIONAL AFFAIRS EXPERTS VISITING HOUSTON
- JUNE 1991 -
JUNE 1994** MS. BARRETT SERVED AS THE WOMEN'S TASK FORCE TO THE HOUSTON CLUB PER INVITATION OF CLUB PRESIDENT RICHARD ROYDS, MANAGING PARTNER OF BRACEWELL & PATTERSON; AND SHE CONTINUED HER WORK AT THE HOUSTON CLUB AS A MEMBER OF THE WOMEN'S STEERING COMMITTEE ORGANIZING VARIOUS LECTURES, INCLUDING A LECTURE IN FEBRUARY 1994 BY CAROLYN FARE ON FUND RAISING

DATE:

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

OFFICE: (202) 586-6151

FAX: (202) 586-0956

TO:

Phil Caplan

FROM:

Steve Galson

NO. OF PAGES TO FOLLOW:

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

COMMENTS/MESSAGES:

Author: STEVE GALSON at EH-11
Date: 9/20/95 5:48 PM
Priority: Urgent
TO: TARA O'TOOLE
Subject: Re[3]: human radiation

----- Message Contents -----

This is Lisa's informational note about including Elmerine Allen at the WH event. I spoke to Eva today and she is going to talk this issue up at Justice. I will also get these details to Phil.

Steven

----- Forward Header -----

Subject: Re[3]: human radiation
Author: Lisa Schiavo at GC-01
Date: 9/20/95 4:36 PM

Here's Bob and my view:

We don't particularly object to Allen's presence, but we want to be sure the White House, including White House Counsel's office understands:

Allen and her family are suing the U.S. for at least 100 million dollars, and probably for more from our contractors;

Elmer Allen's records do indicate he was told about the experiment at the time of the injection in 47, and his medical records in the 70's indicate he knew he was a human guinea pig in the 40 involving a radiation experiment.

Anyway, the White House needs to know this, and they can do what they want.

Also, lawyers tell me further that Allen was quite estranged from her father.

Also, keep in mind, DoJ is likely to object to this on the ground that the Advisory Committee report technically does not recommend compensation for the Allen family because Allen and his family were not deprived of a cause of action (in contrast to the other 17 subjects for which there is no documentation of consent.

----- Reply Separator -----

Subject: Re[2]: human radiation
Author: ELLYN WEISS at EH-09
Date: 9/20/95 1:34 PM

Isn't Elmer Allen the one we believe we did get consent from?

Reply Separator

Subject: Re: human radiation

Author: Lisa Schiavo at GC-01

Date: 9/20/95 12:34 PM

yes, but I would like to discuss this with Bob. We should also speak to the Justice Department, because she sued the U.S. as well as our contractors.

Reply Separator

Subject: human radiation

Author: ELLYN WEISS at EH-09

Date: 9/20/95 11:57 AM

Lisa, the White House is considering inviting Elmerine Allen to the President's event receiving the committee's report. Do you have a view on that, considering the pending litigation?



The Schedule of the First Lady for 9/21

Number of pages
including cover: 2

**If there are problems with this transmission, call the
Scheduling Office at 456-7560**

**SCHEDULE FOR HILLARY RODHAM CLINTON
THURSDAY, SEPTEMBER 21, 1995
FINAL**

SCHEDULER:	HOLLY NICHOLS	
	202-456-7561	OFFICE
	202-456-7560	FAX
	703-931-2483	HOME
	4096	WECA

PREV RON	The White House
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NO PUBLIC SCHEDULE

RON **The White House**

WEATHER FORECAST FOR WASHINGTON, D.C.

- Cloudy with light rain. Wind south at 10 to 15 knots. Lows 61 to 66 and highs 75 to 80.

TRANSMIT CONFIRMATION REPORT

NO.	:	014	
RECEIVER	:		2024566423
TRANSMITTER	:		
DATE	:	SEP 20'95	17:58
DURATION	:	00'56	
MODE	:	STD	
PAGES	:	02	
RESULT	:	OK	



The Schedule of the President for Sept 21

**Number of pages
including cover: 8**

**If there are problems with this transmission, call the
Scheduling Office at 456-7560**

January 8, 1993

TO: WH Operator

FR: Phil Caplan
Cabinet Affairs
6-2572

RE: Conference Call

Please arrange a conference call with the following people for tomorrow at noon:

Joel Klein, WH Counsel
will be in his office 456-6611

Steve Neuwirth, WH Counsel
will call in

Christine Varney, WH Cabinet Secretary
will be at home 202/343-7854

Phil Caplan, WH Cabinet Affairs
will be at home 202/457-1447

Jack Gibbons, WH Science Advisor
will be in his car at 202/316-0451; he will call in if not reachable

John Deutsch, Department of Defense
will be at a conference in Maryland, please call 301/983-7728, or 7011 and they will get him

Tara O'Toole, Department of Energy
will be at 410/757-7041

Bob Nordhaus, Department of Energy
will be at 410/476-4360

Please feel free to page me if there are any problems. Thank you very much.

Fax to Jack Gibbons

Subject: People to consider for Adv. Comm. on Radiation Expts. on Humans

From: John Deutch

As promised here are some suggestion of individuals who would contribute to the technical and research aspects of our inquiry and add needed professional balance to the previous lists I have seen:

- | | |
|-------------------------------|--|
| 1. Sam Thier | - Former Head of Institute of Medicine |
| 2. Frank Press | - Former President Nat. Acad. of Sci. |
| 3. John Aherne | - President Sigma XI, former Chm. NRC |
| 4. Maxine Singer | - President Carnegie Instit.; former NIH |
| 5. Dave Shirley | - VP Penn State, former Director Berkley Lab |
| 6. Don Kerr | - Vice Pres SAIC, former Director Los Alamos |
| 7. Harvey Berger | - CEO ARIAD Inc., former Centacor, Yale Med. |
| 8. Bob Hanfling | - Consulting Eng., former Sp. Ast. to Hazel |
| 9. David Bode | - VP Midwest Res. Insit., former Nat. Acad. Eng. |
| 10. ADM. Bill Miller Ret. | - Former head of ONR |
| 11. VADM J. Guy Reynolds Ret. | - Former head of Navy R&d, nuclear
trained |
| 12. John McTague, VP R&D | - Ford Motor, former Chem prof. UCLA |
| 13. Professor John Ross | - Dept. Chemistry, Stanford |
| 14. Professor Ernie Moniz | - Head, Dept. of Physics, MIT |

This list provides an impression of the kinds of people that I believe are necessary for the advisory committee to be balanced and to be perceived as balanced.

People with bio-ethics/legal backgrounds should not out-number people with research and/or technical management backgrounds.

If requested, I would be pleased to help recruit anyone on this list.

cc: Christine Varney, Hazel O'Leary, Rudy de Leon, Gordon Soper

Call Det -

which are
plainiffs?

Det to look at
TPs on 1 & 2
for moderators



**ASSISTANT SECRETARY
OFFICE OF ENVIRONMENT, SAFETY & HEALTH**

**U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20585**

TO: Phil Caplan, 456-2215

FROM: Lori Azim 202-586-5319, 202-586-0956 (fax)

DATE: February 16, 1996

NO. OF PAGES TO FOLLOW: 6

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COMMENTS/MESSAGES:

For discussion on 11:00 AM conference call at 202/586-3196

DRAFT AGENDA FOR INTERAGENCY WORKING GROUP STAKEHOLDER WORKSHOP

February 26th
Opening Day

8:00-9:00 Registration

9:00-9:15 Welcome and introductions by **Colonel Claud Bailey**, Deputy Director, Radiation Experiments Command Center, Department of Defense (DOD), and Conference Moderator

9:15-9:45 Opening Remarks by **Dr. Tara O'Toole**, Assistant Secretary for Environment, Safety and Health, Department of Energy (DOE), representing the Interagency Working Group; remarks to include a brief summary of the history and responsibilities of the IWG and expected products from this workshop

9:45-10:15 Conference Overview and Presentation of Ground Rules by **Doris Campos-Infantino**, Conference Facilitator

10:15-10:45 Panel Presentation/Discussion on Medical Monitoring and Notification (recommendation 4 of the ACHRE report)

Moderator: **Dr. Paul Sellgman**, Deputy Assistant Secretary, Health Studies, Office of Environment Safety and Health, DOE

Panelists: **Dr. Steven Galson**, Chief Medical Officer, DOE;
Dr. Paul Schulte, Acting Director, Education and Information Division, National Institute for Occupational Safety and Health (NIOSH)

***Richard Miller**, Oil Chemical and Atomic Workers Union

Dr. David Eglman, CARS

Dr. Stuart Farber, Public Health Sciences

Geoffrey Sea, Atomic Reclamation and Conversion Project

Topics to be discussed include: background on the medical monitoring and notification issues relating to human experiment subjects from both the government and the stakeholder perspective; government and stakeholder positions on responding to recommendation 4 including responses from the subjects of biomedical experiments who will discuss the impact of this recommendation. Comments and questions from the audience will be solicited at the end of the panel.

3:15-4:45 Stakeholder Presentation and Open Forum**Moderator: Colonel Bailey, DOD****Panelists: Janet Gordon, Citizens Call****Joseph Nardello, Survivors of Medical Radiation
Experiments****Gloria Nelson, Cincinnati Families of Radiation Victims
Organizations****Darcelle Sollars, Hanford Downwinders****Fred L. Boyce, Fernald "Science" Club****Rev. Ron Hamm, Vanderbilt Experiment Survivors****Gerald E. Mousso, Rochester Radiation Victims/Survivors**

This session is an opportunity for stakeholders to offer comments on the Advisory Committee report that go beyond responding to specific recommendations. Comments and questions from the audience will be solicited at the end of the panel.

4:45-5:00 First Day Wrap up by Colonel Bailey and Doris Campos-Infantino

Discussion Leaders:

Harold Bibeau, Oregon Prisoner Experiment Victims
Dr. Roy Campbell, Trinity Post

10:45-11:00 Break

11:00-12:00 Medical Monitoring, continued

12:00-1:30 Lunch

1:30-3:00 Panel Presentation/Discussion on Atomic Veterans and Hanford Downwinders (recommendations 5 and 6)

Moderator: Dr. Susan Mather, Assistant Chief Medical Director for Public Health and Environmental Hazards, Veterans Health Administration (VHA), Department of Veterans Affairs (VA)

Panelists: Dr. Nell Otchln, Office of Public Health and Environmental Hazards, Veterans Health Administration, VA

***Mike Schaeffer, Defense Nuclear Agency**

Richard Jackson, Director, Center for Environmental Health

Lincoln Grafhls, National Association of Radiation Survivors

Dr. Oscar Rosen, National Association of Atomic Veterans

Anthony Guarisco, Alliance of Atomic Veterans

Tom Baile, Hanford Downwinders

Topics to be covered include: presentation of specific government initiatives in response to the ACHRE recommendations; a brief discussion of downwinder issues; presentations from affected groups who will discuss the impact on their communities and provide input on the government response along with alternative proposals for responding to the recommendations; scientific issues that impact recommendations 5 and 6. Comments and questions from the audience will be solicited at the end of the panel.

Discussion Leaders:

***Lt. Gov. Walter Dasheno, Pueblo Indians**

Pat Broudy, National Association of Atomic Veterans

3:00-3:15 Break

February 27th
Second Day

8:00-8:15 Opening Remarks by Colonel Bailey

8:15-9:45 Panel Presentation/Discussion on Issues in Current Human Research
(recommendations 9 through 15)

Moderator: Dr. Harry Holloway, National Aeronautics and Space
Administration (NASA)

Panelists: Dr. Gary Ellis, Department of Health and Human Services (HHS)
*Dr. Susan Rose, Office of Energy Research, DOE
Dr. Gary L. Chadwick, Associate Director for Human Subject
Protection, Office of Health Affairs, Food and Drug Administration

Sandra Reid, Oak Ridge Health Liaison

Jackie Kittrell, American Environmental Health Studies Project

Caroline Szeteria, Medical Ethicist, Ph.D. Candidate, University
of TN

Topics to be covered include: presentation of specific agency initiatives in response to ACHRE recommendations on current human research; discussion of NBAC and other pending initiatives; issues of national security and human research; perspective of stakeholders on all aspects of the ACHRE recommendations on current human research. Comments and questions from the audience will be solicited at the end of the panel.

Discussion Leaders:

Thomas Ensign, Citizen Soldier

Sandra Marlow, CARS

9:45-10:00 Break

**10:00-11:30 Panel Presentation/Discussion on Uranium Miners, Marshall
Islanders and Alaskan Natives (recommendations 7 and 8)**

Moderator: Eva Plaza, Deputy Assistant Attorney General, Department of Justice

Panelists: Paul Yanowitch, Department of Justice

Dr. Rick Hornung, Acting Director for Energy Related Health
Research, NIOSH

Thomas Bell, Director, Health Physics Program Division, Office of
Health Studies, DOE

Lt. Col. Dan Brown, Chief of Clinical Investigations, Office of the Surgeon General, Air Force

Phil Harrison, Navaho Indians

*Representative of the Marshall Islands

*Representative of the Alaskan North Slope Borough

Topics to be covered include: presentation of specific agency initiatives in response to recommendation 7 and 8; perspective of indigenous peoples who will discuss the impact on their community and provide input to the government response; scientific issues that impact recommendations 7 and 8. Comments and questions from the audience will be solicited at the end of the panel.

Discussion Leaders

Tim Benally, Navaho Indians

Mayor Ray Koonuk, Point Hope, Alaska

Manual Pino, Pueblo Indians

11:30-1:00 Lunch

1:00-2:30 Panel Presentation/Discussion on Openness in Government
(recommendation 17)

Moderator: Elly Melamed, Acting Director, Office of Human Radiation Experiments, DOE

Panelists: Dr. Roger Anders, Office of Human Radiation Experiments, DOE
Claud Bailey, DOD
Mary Ronan, National Archives and Records Administration

Clifford Honlcker, American Environmental Health Studies
Willa Nell Woodson, Concerned Relatives of Cancer Study Patients

Topics to be covered include: continuing agency initiatives to ensure stakeholder access to government information; accessing records in the National Archives; accessing government information electronically; stakeholder perspectives on government openness and access to records; stakeholder input to agency access policies and efforts; declassification initiatives. Comments and questions from the audience will be solicited at the end of the panel.

Discussion Leader:

Dot McLeod, I.T.S.O.R.

William Bires, Alliance of Atomic Veterans

2:30-2:45 Break

2:45-3:30 Open discussion on next steps, moderated by Colonel Bailey

3:30-3:45 Closing Remarks by Phil Caplan of the White House

Note on panels: * indicates that the speaker has not yet been confirmed. With the exception of the stakeholder panel at the end of the first day, panels are one and a half hours and include six to eight panelists and a moderator who represent a mix of government, expert, and stakeholder perspectives. It is suggested that each panelist speak for no more than 10 minutes, followed by 15 minutes of discussion among panelists and 15 minutes of audience comments and questions. Panel moderators may reallocate the time according to the needs of their particular subject.

2/15/96



9 FEB 9 A 9:51

**ASSISTANT SECRETARY
OFFICE OF ENVIRONMENT, SAFETY & HEALTH**

**U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20585**

TO: Phil Caplan FAX 202-456-2215

FROM: Lori Azim 202-586-5319, 202-586-0956 (fax)

DATE: February 9, 1996

NO. OF PAGES TO FOLLOW: 3

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COMMENTS/MESSAGES:

**urgent! for 10AM 2-9-96 IAWG conference call! these
materials are in DRAFT - nothing is final!!!**

**RESULTS OF 2-8-96 MEETING W/STAKEHOLDERS
ON HUMAN RADIATION EXPERIMENT WORKSHOP**

Attendees: Doris Campos-Infantino, HHS
Steven Galson, DOE
Lori Azim, DOE
Elly Melamed, DOE
Lisa Schiavo, DOE
Pat Glynn, DOJ
Claud Bailey, DOD

Task Force: Cooper Brown
Acie Bird
Gwendon Plair
Jackie Kitrell (by phone)
Sandra Reid (by phone)

Potential Agenda Suggested by Cooper Brown, et al and discussed at meeting:

Day 1: 8:00-8:30 Introduction, Opening Remarks

8:30-9:30 Government Response Review

9:30-12:00 Stakeholder Presentation Panels
Organized by Group

*Focus on government response to ACHRE
recommendations and whether or not the response
meets the needs of constituencies*

12:00-1:00 Lunch

1:00-4:00 Stakeholder Presentation Panels
Organized by Group

4:00-5:00 Wrap up

*Government response to Stakeholder presentations.
Opportunity to address issues not dealt with by the
ACHRE.*

Day 2: 8:00-8:30 Brief Review of Day 1, Opening Remarks

8:30-12:00 Mixed Panels

Includes expert, stakeholder, government viewpoints. Address areas of disagreement. Questions and answers at the end of each panel. May include some discussion of "harm".

*Topic areas: Medical monitoring (Rec.4)
Atomic Veterans (Rec.6)
Uranium Miners (Rec.7)
Marshall Islands (Rec.8)
Current research (Rec.9-15)
Openness (17)*

12:00-1:00 Lunch

1:00-3:00 Mixed Panels

3:00-4:00 Next Steps

Process for future citizen involvement. How can citizens be involved in remedies framework decisions?

Some Potential Groundrules Discussed:

All parties focus on Advisory Committee Recommendations.

No personal stories or testimonials.

Focus on the issues in which the Advisory Committee Recommendations and the Federal government response to the Recommendations affect stakeholders.

Focus on fewer, priority issues on Day 2.

There will not necessarily be closure or agreement at the end of the Workshop, only refinement of issues and stakeholder input.

Next steps for future public involvement in these issues will be discussed and could include when issues can be resolved on: Perceived "holes" in the ACHRE report; the framework for remedies; establishment of a smaller working group which would include members from government and stakeholder groups to work on the above issues.

Some Potential Goals of the Workshop Discussed:

Wide attendance and meaningful participation by key stakeholder representatives.

Beginning a dialogue between government and stakeholders on issues directly affecting the constituencies.

Meaningful stakeholder input into the proposed Federal government response to the Advisory Committee Recommendations.

Stakeholders and government representatives come together on the next steps to ensure future public involvement.

Workshop attendees are treated with respect and with an eye toward making information easily accessible to citizens attending.

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

31-Jan-1996 04:42pm

TO: (See Below)

FROM: LORI.AZIM

SUBJECT: Meeting for Stakeholder Workshop with Cooper Brown, et al

The above meeting, discussed in the IAWG call this morning, has been scheduled for 1:30-2:30 in the EH-1 conference room on Thursday, February 8th. Attendees will be:

Claud Bailey, DOD
Pat Glynn, DOJ
Lisa Schiavo, DOE
Steven Galson, DOE
Lori Azim, DOE
Elly Melamed, DOE
Doris Campos-Infantino, HHS (facilitator)
Cooper Brown, Task Force
Acie Bird, Task Force
Gwendon Plair, Task Force

Distribution:

TO: ELLY.MELAMED
TO: Lisa.Schiavo
TO: STEVE.GALSON
TO: Sharon.Edge-Harley
TO: dcamposi
TO: joanne.holiday

CC: cynthia.palmer
CC: CAPLAN_P

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

31-Jan-1996 04:53pm

TO: (See Below)

FROM: LORI.AZIM

SUBJECT: Interagency Working Group Conference Call

The next call is set up for Friday, February 9th at 10:00am.
The call in number is 202-586-3196.

This meeting will also include Doris Campos-Infantino.

Discussion will be on the previous day's meeting with Cooper Brown, Doris, and IAWG members on the workshop agenda. We will try to finalize some things at this call (if possible!)

Sharon,

please put this on both Steven's and Tara's calendars.
Thanks!

Distribution:

TO: STEVE.GALSON
TO: Sharon.Edge-Harley
TO: Lisa.Schiavo
TO: ELLY.MELAMED
TO: cynthia.palmer
TO: CAPLAN_P
TO: joanne.holiday
TO: dcamposi

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

23-Jan-1996 10:35am

TO: (See Below)

FROM: Phillip M. Caplan
 Office of the Staff Secretary

SUBJECT: Human Radiation

DOE and other involved agencies have scheduled a "workshop for stakeholders" on Monday, February 26. The purpose of this workshop is to get input from stakeholders as the government formulates its response to the Advisory Committee's recommendations in the final report.

This is a good idea and one that fulfills a commitment to those people/groups most affected by this whole process.

There is a conference call on Thursday morning, Jan 25 at 10:00 am to discuss the agenda for this workshop. Prior to that, I hope that we may be able to have a short meeting or conference call so that I can bring you all up to speed on what has been happening and what the WH/OMB needs to do before this workshop happens. (Please note that all concerned are well aware that some of the participants in this workshop are suing the government; Pat Glynn of DOJ is comfortable with the workshop going forward -- and so am I -- as long as the workshop is broadly focused and includes a wide range of attendees and not just Cooper Brown and his affiliated organizations.)

I propose 11:00 am tomorrow in T.J.'s office (why break tradition). If that does not work, I suggest 1:00, 2:00, or 3:00. Please let me know if this works for you -- particularly T.J./Alice since I've suggested your office.

Distribution:

TO: Stephen R. Neuwirth
TO: Robert W. Schroeder III
TO: T J Glauthier
TO: Eric L. Macris
TO: Kathleen Peroff
TO: Alice E. Shuffield
TO: Rachel E. Levinson

**URGENT**

**ASSISTANT SECRETARY
OFFICE OF ENVIRONMENT, SAFETY & HEALTH**

**U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20585**

TO: Phil Caplan, 202-456-2215 (fax)

FROM: Lori Azim 202-586-5319, 202-586-0956 (fax)

DATE: January 17, 1996

NO. OF PAGES TO FOLLOW: 2

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COMMENTS/MESSAGES:

FOR THE 10:30 IAWG CONFERENCE CALL ON 202-586-3013

1/17 DOJ + DOE are with meeting with 17 agents. Phil Caplan has some reservations
DOE will pay for travel - roughly 30K

BACKGROUND: Stakeholder Workshop on Human Radiation Experiments:
Intergovernmental Response to Advisory Committee Report

Date: Monday, February 26, 1996 (9:00 a.m. to 5:00 p.m.)

Location: Department of Energy Training Center
1110 Vermont Avenue, NW, Suite 500
Washington, DC

Purpose: Discussion between stakeholders and intergovernmental
officials on issues relating to the Human Radiation Experiments
initiative, including the Advisory Committee on Human
Radiation Experiments final report.

Possible Format: Individual and panel presentations and small group discussions.

Agency Representation:

Government participants include representatives from the eight
agencies involved in the Interagency Working Group.

Department of Energy is hosting the event.

Departments of Defense, Veterans Affairs, Justice, and Health
and Human Services have already committed their full
participation. Other agencies have been invited, but have yet
to decide.

Funding Issues: Department of Energy will supply the location and facilitator.

Department of Energy has offered to fund travel and per diem,
if needed, for no more than 30 stakeholder speakers, panelists,
and discussion leaders.

- The Task Force on Radiation and Human Rights will
designate a certain number of these and other
organizations may also be represented.

There will be no charge to attend the Workshop. All attendees
will be asked to register in advance.

Agenda Possibilities:

Agenda will be finalized in consultation with participating stakeholders, agencies, and facilitator(s).

A written record of ideas presented and discussed will be produced and made available to all Workshop participants.

A panel discussion on compensation issues is suggested, which could include stakeholders, the Departments of Energy, Defense, Veterans Affairs, and Justice.

A presentation on current openness activities involving human radiation experiment issues and beyond has also been recommended. In particular, agencies could discuss what is being done to make information readily available to the public. This could be an opportunity to ask stakeholders which information could be more easily available. Within the constraints of privacy and classification, this is an area where government has been, and can continue to be, very responsive to stakeholders.

Another possibility is to offer a forum for stakeholders to express to us their greatest concerns about follow up issues to the Advisory Committee final report, such as medical monitoring. This provides an opportunity for agencies to hear and record stakeholder views, without making promises on what will be done.

Smaller breakout groups, led by individual agencies, may be helpful for stakeholders with agency-specific concerns.

A possible agenda might look like this:

7:30-11:00 Stakeholder meetings among themselves at site

11:00-11:15 Welcome by Tara O'Toole
Introduction to Workshop by Facilitator

12:15-1:15 Working lunch

1:15-2:15 Stakeholder presentation(s)

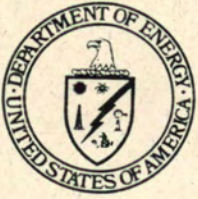
2:15-3:15 Agency Openness presentation(s)/discussion

3:15-3:30 Break

3:30-4:30 Agency-specific breakout groups

4:30-5:00 Wrap up

- openness
- relevant research
- biomedical
medical monitoring
- historic



Department of Energy
Washington, DC 20585

95 NOV 30 4 9:02

MEMORANDUM FOR DISTRIBUTION

FROM: Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety and Health
Department of Energy

SUBJECT: Followup from Interagency Working Group Teleconference

Attached is the summary information that the Department of Energy agreed to provide, based on the 10/19/95 Interagency Working Group teleconference.

I look forward to seeing all of you at the Interagency Working Group Party on November 8th.

If you have have questions, please call Elly Melamed on 202 586-6857.

Attachment

Distribution:

Brian Latell
John Pereira
Michael Warner

Gordon Soper
Joan Ma Pierre
Claud Bailey

Bob Nordhaus
Steve Galson
Lori Azim
Lisa Schiavo





Department of Energy

Washington, DC 20585

MEMORANDUM FOR DISTRIBUTION

FROM: Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety and Health
Department of Energy

A handwritten signature in black ink, appearing to be "Tara O'Toole", is written over the typed name and title.

SUBJECT: Followup from Interagency Working Group Teleconference

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Attachment

Distribution:

Brian Latell
John Pereira
Michael Warner

Gordon Soper
Joan Ma Pierre
Claud Bailey

Bob Nordhaus
Steve Galson
Lori Azim
Lisa Schiavo



Printed with soy ink on recycled paper

The Interagency Working Group (IWG): Taskings Following 10/19/95 Teleconference

It is our understanding that the IWG has been charged to report back to the President by December on responses to all the Advisory Committee recommendations, with particular attention to issues of compensation and secrecy. In addition, agencies that are involved in current human subject research are required to review their programs and report to the newly created National Bioethics Advisory Commission (NBAC) in 120 days.

This package contains: a summary of the final ACHRE recommendations and the proposed IWG response; a summary list of actions derived from the IWG proposed response, indicating which agency has lead responsibility; and a list of general responsibilities assigned as a result of the teleconference on 10/19/95.

Please note that the Advisory Committee is planning to release its supplementary volumes within the next week or two. We have as yet no details on distribution. A proposed table of contents is attached.

Summary of ACHRE Recommendations

biomedical experiments and population exposures

Recommendation 1 is apology and compensation for three specific experiments where secrecy was involved and thus individuals were denied the opportunity to pursue alleged grievances. These experiments involved DOE predecessor agencies and contractors only; the Department has been instructed by the president to carry out this recommendation. DOE's General Counsel has begun working on this recommendation and has met with the Department of Justice and the Office of Management and Budget.

Recommendation 2 is apology and compensation where harm can be established, and where there was no prospect of direct medical benefit to the subject of the experiment. Several experiments and categories of experiments are proposed as candidates by the Committee. The IWG has agreed to carry out this recommendation in the form of administrative resolution, possibly involving expert advice on scientific and medical matters. The Secretary of Energy has committed to establishing a three member panel to review experiments in which the Department has been involved in light of this recommendation.

Recommendation 3 is apology (without compensation) for experiments in which

subjects were wronged but not harmed, i.e. where no consent or inadequate consent was obtained or the selection of the subjects constituted an injustice. One experiment is proposed as a candidate with the indication that there may be many others. The IWG has as yet made no commitment here because of concern about inadequate records and lack of clear, specific criteria for what constitutes being wronged. This recommendation was received at the last minute and needs further consideration by the IWG. It calls for a personalized, individual apology to each subject.

Recommendation 4 is no need for subject notification and medical follow-up with criteria for subsequent notification if new experiments come to light. The IWG has accepted the criteria. Although no specific action is required, this recommendation has generated a great deal of controversy among stakeholders. As part of our commitment to continuing dialogue with these stakeholders, we need to determine if the issue of medical monitoring needs to be reopened.

Recommendation 5 is working with Congress to amend the Radiation Exposure Compensation Act of 1990 to include other exposed populations. Hanford is specifically mentioned. The IWG has pointed out that epidemiological studies are underway at a number of sites; if results indicate that it is warranted, the government will consider amending the law.

Recommendation 6 is updating the epidemiological tables that govern relief for veterans and improving the administration of the current laws governing compensation. The Secretary of the Department of Veterans Affairs has agreed to appoint a working group which will provide a written report by January 31, 1995. The report will recommend the best method of updating the epidemiological tables, describe the current administration of veterans compensation, and recommend legislative and administrative changes that address the concerns of the Advisory Committee.

Recommendation 7 is working with Congress to possibly amend the Radiation Exposure Compensation Act of 1990 (RECA) relating to uranium miners. The changes would involve a widening of eligibility for compensation and a loosening of documentation requirements. The Administration will establish a committee of experts to review RECA eligibility criteria as well as Department of Justice implementing regulations, and will report back within six months. Based on the committee's findings, the Administration will amend the regulations as appropriate and work with Congress to amend the law.

Recommendation 8 is continuing the current medical monitoring and treatment program for the Marshall Islanders as long as any member of the exposed

population remains alive. In addition, consideration should be given to adding the populations of other exposed atolls to the south and east; to involving the Marshall Islanders in the design of any further medical research conducted on them; and that an independent panel be established to review the adequacy of the current monitoring and treatment program. The IWG has pointed out that exposures to other atolls were significantly lower, but if new data emerges from ongoing studies on the connection between radiation exposure and thyroid disease, the Department of Energy will consider including the inhabitants in a surveillance program. In November 1995, the Department will have the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) conduct an independent review of the adequacy of the current monitoring and treatment program.

current human subject protection

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Assigned General Responsibilities based on Teleconference on 10/19/95

HHS will coordinate the response to NBAC which is required in 120 days by the Executive Order. This coordination will entail collecting the individual agency responses, reviewing them, and submitting them to the President with a cover memo and some consolidated recommendations.

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Department of Energy
Washington, DC 20585

96 JAN 18 P 6 : 03

MEMORANDUM FOR DISTRIBUTION

FROM: Tara O'Toole, M.D., M.P.H. *[Signature]*
Assistant Secretary
Environment, Safety and Health
Department of Energy

SUBJECT: Summary of Interagency Working Group Teleconference

Attached is a brief summary and list of tasks from the Interagency Working Group Teleconference of January 17, 1996. Please be sure to provide the requested information to Elly Melamed by January 24, 1996. Her phone number is 202 586-6857 and her fax number is 202 586--3552 or 2268.

Please call Elly if you have any questions.

Attachment

Distribution:

Brian Latell
John Pereira

Gordon Soper
Joan Ma Pierre
Claud Bailey

Bob Nordhaus
Steve Galson
Lori Azim
Lisa Schiavo Blatt

Eva Plaza
Pat Glynn

D.A. Henderson
Wendy Baldwin
Gary Ellis

Harry Holloway
Earl Ferguson
Janis Stoklosa

T.J. Glauther
Eric Macris

Harold Gracey
Susan Mather
Neil Otchin

Phil Caplan
Rachel Levinson

Summary of Interagency Teleconference on January 17, 1996

Included on the teleconference were Tara O'Toole, Steve Galson, Lisa Schiavo Blatt, Lori Azim, and Elly Melamed from DOE, Phil Caplan from the White House, Pat Glynn from DOJ, Colonel Claud Bailey from DOD, and Susan Mather from VA.

The purpose of the teleconference was to discuss a proposed stakeholders workshop to be held on February 26, 1996. This workshop is intended to carry through on a commitment made to human radiation experiments stakeholders to involve them in the government response to the recommendations of the Advisory Committee on Human Radiation Experiments. All agencies on the IWG are asked to be present at the workshop and to send knowledgeable representatives who can be responsive to stakeholder questions and concerns.

The intention is to hold the workshop in a Federal facility and to use a Federal facilitator. It is intended to be a mechanism for information exchange and dialogue. The proposed format is one full day of panel discussions. Panels will include stakeholders, Federal officials, and outside experts. Advisory Committee members and staff will not be specifically invited (although they are of course welcome to attend) because their part of this effort has been completed. Interested congressional staff members will be invited.

A draft summary of the IWG response to the Advisory Committee recommendations will be circulated before the conference to serve as a starting point for discussions. The workshop will be recorded and the IWG response will be finalized in light of the discussions.

Potential topics for panels that were mentioned include medical monitoring, openness, current research issues, and historical biomedical testing and population exposures. Compensation will be discussed as part of this last topic, but care will be taken to keep this from being the focus of the conference.

It was agreed that the stakeholders should represent a wide spectrum of issues and insofar as possible to extend the audience beyond any specific interest group.

DOE will schedule the next teleconference to be held at the end of the week of January 22nd.

Tasks

All agencies on the IWG should develop a proposed list of outside attendees including stakeholders and subject experts. This list should be sent to Elly Melamed no later than January 24, 1996.

Working in consultation with other agencies, **DOE** will take the lead on developing a brief summary of the purposes of the workshop and the expected outcome as well as more detailed proposals for panels and participants. Please call Elly if you have any suggestions for panels and panel members. She will be contacting you for suggestions.

Phil Caplan of the White House will review the IWG draft Christmas submission to develop a draft summary for release before the workshop.



Department of Energy
Washington, DC 20585

DEC 11 1995

95 DEC 11 P4:52

MEMORANDUM FOR DISTRIBUTION

FROM: Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety and Health

A handwritten signature in cursive script, appearing to read "Tara", is written over the typed name of Tara O'Toole.

SUBJECT: Summary of the Interagency Working Group Teleconference on
December 6, 1995

Attached is a brief summary of decisions taken at the teleconference. If you have any questions, please call Elly Melamed on 202-586-6857.

Attachment

Distribution:

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At the Interagency Working Group teleconference on December 6, 1995, Dr. Tara O' Toole clarified the contents of the report due to the President before Christmas. The report should include an update on the status of the current human research review being carried out by the agencies. (The Executive Order requires that each agency provide a report to the National Bioethics Advisory Commission in early February.) The Christmas report to the White House will also state what has been done to implement the recommendations of the Advisory Committee on Human Radiation Experiments (ACHRE).

It was agreed that the Department of Energy (DOE) will consolidate the information on the above topics and forward it to Phil Caplan for transmission to the President. Agency information is due to Dr. O'Toole's office by December 13, 1995. Please mark it to the attention of Elly Melamed.

All the IWG agencies will send status information on progress in this research review to DOE. In addition, HHS will provide DOE with a brief summary of what is being done government-wide, based on a recent meeting of the Subcommittee on Human Subject Research chaired by Dr. Gary Ellis.

Colonel Claud Bailey has made significant progress in gathering information on openness activities from the IWG agencies. He will provide DOE with a summary of this information.

Pat Glynn of the Department of Justice will convene a subgroup the week after the teleconference to formulate language that accurately captures the Agencies' response to recommendation 2. This subgroup will also discuss appropriate ways to work with Cooper Brown and the Task Force on Radiation and Human Rights, given the constraints of law and litigation activities.

GAO is conducting a review, requested by Senator Glenn, on the status of this human radiation effort. DOE will put the GAO in touch with individual agencies so their progress can be directly reported. Agencies may want to call Mr. Paul of the GAO directly; his phone number is 301 903-3475.

There may be hearings in January, and DOE will be meeting with Senator Glenn's staff about this. DOE will send out a fax to the IWG members after the meeting. DOE will work with Dr. Faden to get the ACHRE report on the Internet.



Department of Energy
Washington, DC 20585

95 NOV 30 4 9:02

MEMORANDUM FOR DISTRIBUTION

FROM: Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety and Health
Department of Energy

SUBJECT: Followup from Interagency Working Group Teleconference

Attached is the summary information that the Department of Energy agreed to provide, based on the 10/19/95 Interagency Working Group teleconference.

I look forward to seeing all of you at the Interagency Working Group Party on November 8th.

If you have have questions, please call Elly Melamed on 202 586-6857.

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Department of Energy
Washington, DC 20585

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The Interagency Working Group (IWG): Taskings Following 10/19/95 Teleconference

It is our understanding that the IWG has been charged to report back to the President by December on responses to all the Advisory Committee recommendations, with particular attention to issues of compensation and secrecy. In addition, agencies that are involved in current human subject research are required to review their programs and report to the newly created National Bioethics Advisory Commission (NBAC) in 120 days.

This package contains: a summary of the final ACHRE recommendations and the proposed IWG response; a summary list of actions derived from the IWG proposed response, indicating which agency has lead responsibility; and a list of general responsibilities assigned as a result of the teleconference on 10/19/95.

Please note that the Advisory Committee is planning to release its supplementary volumes within the next week or two. We have as yet no details on distribution. A proposed table of contents is attached.

Summary of ACHRE Recommendations

biomedical experiments and population exposures

Recommendation 1 is apology and compensation for three specific experiments where secrecy was involved and thus individuals were denied the opportunity to pursue alleged grievances. These experiments involved DOE predecessor agencies and contractors only; the Department has been instructed by the president to carry out this recommendation. DOE's General Counsel has begun working on this recommendation and has met with the Department of Justice and the Office of Management and Budget.

Recommendation 2 is apology and compensation where harm can be established, and where there was no prospect of direct medical benefit to the subject of the experiment. Several experiments and categories of experiments are proposed as candidates by the Committee. The IWG has agreed to carry out this recommendation in the form of administrative resolution, possibly involving expert advice on scientific and medical matters. The Secretary of Energy has committed to establishing a three member panel to review experiments in which the Department has been involved in light of this recommendation.

Recommendation 3 is apology (without compensation) for experiments in which

subjects were wronged but not harmed, i.e. where no consent or inadequate consent was obtained or the selection of the subjects constituted an injustice. One experiment is proposed as a candidate with the indication that there may be many others. The IWG has as yet made no commitment here because of concern about inadequate records and lack of clear, specific criteria for what constitutes being wronged. This recommendation was received at the last minute and needs further consideration by the IWG. It calls for a personalized, individual apology to each subject.

Recommendation 4 is no need for subject notification and medical follow-up with criteria for subsequent notification if new experiments come to light. The IWG has accepted the criteria. Although no specific action is required, this recommendation has generated a great deal of controversy among stakeholders. As part of our commitment to continuing dialogue with these stakeholders, we need to determine if the issue of medical monitoring needs to be reopened.

Recommendation 5 is working with Congress to amend the Radiation Exposure Compensation Act of 1990 to include other exposed populations. Hanford is specifically mentioned. The IWG has pointed out that epidemiological studies are underway at a number of sites; if results indicate that it is warranted, the government will consider amending the law.

Recommendation 6 is updating the epidemiological tables that govern relief for veterans and improving the administration of the current laws governing compensation. The Secretary of the Department of Veterans Affairs has agreed to appoint a working group which will provide a written report by January 31, 1995. The report will recommend the best method of updating the epidemiological tables, describe the current administration of veterans compensation, and recommend legislative and administrative changes that address the concerns of the Advisory Committee.

Recommendation 7 is working with Congress to possibly amend the Radiation Exposure Compensation Act of 1990 (RECA) relating to uranium miners. The changes would involve a widening of eligibility for compensation and a loosening of documentation requirements. The Administration will establish a committee of experts to review RECA eligibility criteria as well as Department of Justice implementing regulations, and will report back within six months. Based on the committee's findings, the Administration will amend the regulations as appropriate and work with Congress to amend the law.

Recommendation 8 is continuing the current medical monitoring and treatment program for the Marshall Islanders as long as any member of the exposed

population remains alive. In addition, consideration should be given to adding the populations of other exposed atolls to the south and east; to involving the Marshall Islanders in the design of any further medical research conducted on them; and that an independent panel be established to review the adequacy of the current monitoring and treatment program. The IWG has pointed out that exposures to other atolls were significantly lower, but if new data emerges from ongoing studies on the connection between radiation exposure and thyroid disease, the Department of Energy will consider including the inhabitants in a surveillance program. In November 1995, the Department will have the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) conduct an independent review of the adequacy of the current monitoring and treatment program.

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