

American Environmental Health Studies Project

6328 Strawberry Plains Pike • Knoxville, Tennessee 37914 • 615-637-3193 • 615-525-6730 fax

November 14, 1994

The Honorable Hazel O'Leary
Secretary of Energy
Gayla Sessoms, FOIA Official
Forrestal Building
1000 Independence Avenue, S.W.
Washington, DC 20585

The Honorable William Perry
Secretary of Defense
Charlie Y. Talbott, FOIA Officer
OASD (PA) Room 2C757
The Pentagon
Washington, DC 20301

The Honorable Jesse Brown
Secretary of Veterans Affairs
B. Michael Berger, Director, Records Management Service (723)
810 Vermont Ave, N.W.
Washington, DC 20420

The Honorable Donna Shalala
Secretary of Health and Human Services
Karl C. Coleman, Director FOIA\Privacy Division
Room 545F, HHH Building
Washington, DC 20201

The Honorable Attorney General Janet Reno
Department of Justice
Patricia D. Harris, FOIA\PA Section
Room B-324
Justice Management Division
Washington, DC 20530

The Honorable James Woolsey
Director, Central Intelligence Agency
John H. Wright, Information and Privacy Coordination
Washington, DC 20505

The Honorable Alice Rivlin
Director, Office of Management and Budget
John B. Arthur, Assistant Director for Administration
9026 New Executive Office Building
Washington, DC 20503

The Honorable Daniel Goldin
Administrator of National Aeronautics and
Space Administration
Patricia M. Riep, FOIA Officer (Code PS)
300 E Street, S.W.
Washington, DC 20546

The Honorable Steve Silverman
Acting Secretary to the Cabinet
The Old Executive Office Building
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

RE: Freedom of Information Act Request with respect to the
President's Advisory Committee on Human Radiation Experiments

To the Honorable Secretaries comprising the Human Radiation
Experiments Interagency Working Group:

Pursuant to the Federal Advisory Committee Act (FACA) and/or
the Freedom of Information Act (FOIA), we would request the
production of documents¹ for inspection and photocopy regarding

¹ We believe a broad definition of the word "document" should prevail, given the open recordkeeping requirement of FACA-chartered committees. As used in this request, the term "document" means all writings of any kind, including the originals or a copy of the original and any nonidentical copy, including copies with marks, comments or marginal notations, regardless of original location, including offices, residences, private files, "Do Not File" files, briefcases, automobiles and safety deposit boxes, of any recorded, written, printed, typed or other graphic material of any kind, variety, character or type, including by way of example but not limited to, the following: agendas; reports; recommendations; transcripts; minutes; charters; books; records; statistical data summaries; peer reviewed documents; contracts; subcontracts; requests for proposals; proposals; bids; notices of violations by regulatory agencies; work orders; newspaper articles; notices; contract modifications; deliverables; drafts; final products; questions; comments; suggestions; agreements; invoices; orders; bills; certificates; instruments; expense accounts; receipts; disbursement journals; tax returns; financial statements; check stubs; promissory notes; resumes; address books; appointment books; telephone logs; worksheets; pictures; income statements; profit and loss statements; deposit slips; credit card receipts; records or notations of telephone or personal conversations; conferences; intraoffice communications; postcards; letters; telex; partnership agreements; catalog price lists; sound, tape and video records; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); manuals; diaries; calendars or desk pads; scrapbooks; notebooks; correspondence; bulletins; circulars; policies; forms; pamphlets; notices; statements; journals; postcards; letters; telegrams; reports; interoffice communications; photostats; microfilm; microfiche; maps; deposition transcripts; drawings; blueprints; photographs; negatives; and any other data, information or statistics contained within any data storage modules, discs, or any other memory devices (including IBM or similar cards for information,

the establishment, funding, composition, and investigative processes of the President's Advisory Committee on Human Radiation Experiments (hereafter, "Advisory Committee") Inasmuch as some or all of the requests refer to documents within specific agencies, such as Department of Energy, Department of Health and Human Services, Department of Justice, and others, or to documents generated by an interagency working group or task force, this request would also apply to those documents wherever located:

1. All documents relating to the funding of the Advisory Committee, covering such subject matter as: money spent to date; committed budget; sources of money within the federal executive branch for the Advisory Committee's operations; and funding decisions, past and present.
2. All documents relating to the initial decisions about how the Advisory Board should be composed to reflect diversity of viewpoint as required by the implementing regulations of FACA.
3. All documents relating to the selection process of the specific individuals on the Advisory Committee, including stated rationale for inclusion or exclusion of those considered for appointment.
4. All documents related to Advisory Committee's formal or informal policies or practices with respect to how the Advisory Committee deals with consultants, including documents on all consulting contracts entered into for investigation and research.

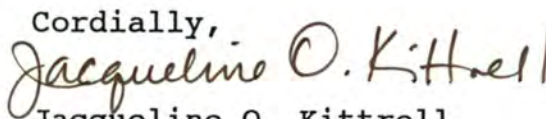
We request a full waiver of any fees as the release of the requested information is the public interest in the accountability of spending federal tax dollars, in assuring full compliance with FACA so as to secure the diversity and balance of viewpoint on the Advisory Committee necessary for good and competent advice, and in requiring and monitoring the full disclosure of important matters of public interest relating to human radiation experimentation. American Environmental Health Studies Project is a non-profit public interest group dedicated to exposing the government's secret written and unwritten policies of how to handle American citizens and others who have been exposed to radiation and other toxic chemicals from weapons

data, and programs) or any other information retrievable on storage systems, including computer-generated reports and print-outs. Non-duplicate copies are separate documents. Included are documents in any government office or storage facility, including those of the White House, Department of Energy, Department of Health and Human Services, Department of Defense and the armed service branches, Department of Justice, Department of Veterans Affairs, National Aeronautics and Space Agency, the Central Intelligence Agency, or any others.

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I sent a substantially identical FOIA/FACA request to Secretary Varney, which she received on 9/26/94. When her office made no response, I called and faxed a letter to the Acting Secretary Steve Silverman seeking clarification. I understand the President is not governed by the statutory requirements of FOIA, but assumed that the Secretary of the Cabinet might be so governed, and was at least required to respond under the open records requirement of FACA. On 11/1/94, I was told that the reason the Secretary of the Cabinet had not responded to the request received on 9/26 because "everything is still in boxes" after the move to the Old Executive Office Building. I was asked to send the request again, which I did on 11/1/94. At no time was I told the Secretary did not intend to respond to my request. At no time has anyone in that office returned my phone calls. All I would like to do is view material that should be available to the public pursuant to FACA but is not located in the Advisory Committee Offices. I began asking for this information informally in July, 1994, and was told by the Advisory Committee staff to ask for the material contained in paragraphs 1-3 from the Secretary of the Cabinet, who has, so far, responded neither to my rather simple written inquiry nor to my numerous phone calls. I would so appreciate a prompt response to my request by the most efficient means possible.

As always, I welcome your requests for explanation, definition, clarification, and simplification. Please call to arrange a time that is mutually convenient for me to inspect documents and designate pages for copying.

Cordially,

Jacqueline O. Kittrell
General Counsel

C:
National Task Force on Radiation and Human Rights
The Honorable Albert Gore, Jr., White House
The Honorable John Glenn, U.S. Senate
The Honorable Edward Kennedy, U.S. Senate

The Honorable Nancy Kassenbaum, U.S. Senate
The Honorable Jay Rockefeller, U.S. Senate
The Honorable James Jeffords, U.S. Senate
The Honorable Joseph Lieberman, U.S. Senate
The Honorable Bennett Johnson, U.S. Senate
The Honorable Paul Simon, U.S. Senate
The Honorable Orrin Hatch, U.S. Senate
The Honorable John Conyers, U.S. House of Representatives
The Honorable John Bryant, U.S. House of Representatives
The Honorable Edwin Markey, U.S. House of Representatives
The Honorable John Dingell, U.S. House of Representatives
The Honorable Ron Dellums, U.S. House of Representatives
The Honorable George Miller, U.S. House of Representatives
The Honorable Lane Evans, U.S. House of Representatives
Dr. John Gibbons, Science Advisor to the President
Dr. Ruth Faden, Chair, President's Advisory Committee on Human
Radiation Experiments
Mr. Edward A. Slavin, Jr., Esquire
Mr. Donald C. Arbitblit, Esquire

AMERICAN ENVIRONMENTAL
HEALTH STUDIES
6328 Strawberry Plains Pl.
Knoxville, TN 37914
(615) 627-3193

CERTIFIED

P 294 166

MAIL



The Honorable Steve Silverman
Acting Secretary to The Cabinet
The Old Executive Office Building, 111 1/2
The White House
Washington DC 20500



facsimile**TRANSMITTAL**

to: The Honorable Steve Silverman, Secretary of the Cabinet
fax #: 202\456-6704
re: pending FOIA request
date: November 1, 1994
pages: 5 page(s) total, including this cover sheet

*Jim -
Thank you
for the information
Jackie Kittrell*

From the desk of...

Jacqueline O. Kittrell
General Counsel
American Environmental Health Studies
Project
6328 Strawberry Plains Pike
Knoxville, Tennessee 37914

tel: 615-637-3193
fax: 615-625-6780

American Environmental Health Studies Project

6328 Strawberry Plains Pike • Knoxville, Tennessee 37914 • 615-637-3193 • 615-525-6730 fax

November 1, 1994

VIA FACSIMILE

The Honorable Steve Silverman
Secretary to the Cabinet
Old Executive Office Building
Washington, D.C. 20500

RE: Pending Freedom of Information Act request

Dear Mr. Silverman,

Today I called your office to check on the status of our pending Freedom of Information Act (FOIA) request submitted to Secretary Varney on September 20, 1994, and received by that office on September 28, 1994. I was told by the person answering the phones that Secretary Varney was no longer there and you had replaced her. I was also told that it had been necessary to move the offices of the Secretary to another building, and that, because of the transition, much of the office's papers were still in boxes. In the spirit of cooperation and accord, I am re-sending my FOIA today, via telefacsimile. I will be counting the ten (10) days your office has by statute to reply, beginning today, and would therefore expect your response on November 11, 1994.

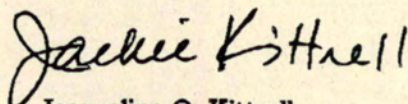
I plan to be in the Washington, D.C. area during the first two weeks of December, and would find that time period a convenient one to come and inspect the documents you will produce for this request. I would also at this time request a fee waiver for any for the expenses associated with searching for, reviewing, and copying documents we have requested. This request is not for a commercial use, or in any way requested in order to serve the commercial interests of the requestor. Rather, the request is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Advisory Committee on Human Radiation Experiments and the various agencies comprising the Interagency Working Group, 5 U.S.C. § 552(a)(4)(A)(iii), implemented by 20 C.F.R. § 70.41(a).

We are a not-for-profit organization dedicated to research and litigation with respect to government actions against the First and Fourth Amendment rights and other civil rights of citizens. We represent environmental whistleblowers who have been retaliated against by federal agencies and their contractors. We also represent victims of government human experiments. We represent citizens in Article III courts, in administrative forums, in testimony before Congressional and State Oversight Committees. We are a member of the National Taskforce on Radiation and Human Rights, composed of many radiation victims and survivors groups, and, as such, act as an aid to and a watchdog of the Advisory Committee. We will disseminate material which we receive through this Freedom of Information Act request to governmental bodies, including: Senator John Glenn's Subcommittee on Oversight and Investigation of the Governmental Affairs Committee who will be holding hearings on the Advisory Committee this coming month; to the GAO; numerous public interest organizations, including all those on the Taskforce; as well as local, national, and international publications covering the human experiment story, for wide public dissemination.

Silverman Letter
November 1, 1994
Page 2 of 2

Please do not hesitate to call me if you have questions about our request or would like more documentation for the fee waiver request. Thank you for your attention to this matter.

Cordially,

A handwritten signature in dark ink, appearing to read "Jackie Kittrell". The signature is fluid and cursive, with the first name "Jackie" written in a larger, more prominent script than the last name "Kittrell".

Jacqueline O. Kittrell
General Counsel

cc: All those on the original FOIA request

American Environmental Health Studies Project

6328 Strawberry Plains Pike • Knoxville, Tennessee 37914 • 615-637-3193 • 615-625-6730 fax

September 20, 1994

Christine Varney
Secretary to the Cabinet
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

RE: Freedom of Information Act Request with respect to the
President's Advisory Committee on Human Radiation Experiments

Dear Secretary Varney,

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the Freedom of Information Act (FOIA), we would request the
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communications; photostats; microfilm; microfiche; maps; deposition transcripts; drawings; blueprints; photographs; negatives; and any other data, information or statistics contained within any data storage modules, discs, or any other memory devices (including IBM or similar cards for information, data, and programs) or any other information retrievable on storage systems, including computer-generated reports and print-outs. Non-duplicate copies are separate documents. Included are documents in any government office or storage facility, including those of the White House, Department of Energy, Department of Health and Human Services, Department of Defense and the armed service branches, Department of Justice, Department of Veterans Affairs, National Aeronautics and Space Agency, the Central Intelligence Agency, or any others.

interactions with Cliff Honicker and with personnel from Medical College of Virginia (MCV), aka Virginia Commonwealth University, including all documents given or made available to the Advisory Committee by those persons and institutions.

6. All documents prepared for the Advisory Committee and contained in three-ring binder "tabs" at each meeting of the Advisory Committee or any of its subcommittees, as well as any material prepared and presented on overhead projector or slides.

We request a full waiver of any fees as the release of the requested information is the public interest in the accountability of spending federal tax dollars, in assuring full compliance with FACA so as to secure the diversity and balance of viewpoint on the Advisory Committee necessary for good and competent advice, and in requiring and monitoring the full disclosure of important matters of public interest relating to human radiation experimentation. American Environmental Health Studies Project is a non-profit public interest group dedicated to exposing the government's secret written and unwritten policies of how to handle American citizens and others who have been exposed to radiation and other toxic chemicals from weapons development, testing, research, production, and waste disposal. Our work has focused on the identification, research, release and dissemination of this information through newspaper articles, film and television documentaries, judicial and congressional investigations and hearings. Our group initiated and helped conduct the 1984 Congressional investigation which led to the publication of the so-called "Markey Report" in 1986 on the subject of human experimentation in the Department of Energy. Should you need any further articulation of the justification for a fee waiver, we will be most happy to provide one upon request.

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Cordially,

Cliff Honicker / by perm JOK

Clifford T. Honicker
Executive Director

C:

Dr. Ruth Faden, Chair, President's Advisory Committee on Human Radiation Experiments
The Honorable Hazel O'Leary
The Honorable Albert Gore, Jr.
The Honorable Edwin Markey
The Honorable John Dingell
The Honorable John Glenn
Mr. E. Cooper Brown, Esquire
Mr. Robert Hager, Esquire

ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

1726 M Street, N.W., Suite 600

Washington, D.C. 20036

202-254-9795 (Phone)

202-254-9827 (Fax)

FAX TRANSMITTALNUMBER OF PAGES (including cover): 4

TO: Phil Caplan

FROM: Dan Guttman

DATE: 11/22

RE: _____

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WASHINGTON BUREAU



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NEWS SERVICE

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TO:

FROM:

Dan Guttman
Karen MacPherson

2 PAGES (NOT INCLUDING COVER SHEET)

THANK YOU.

Dan - I'm getting Robm's
articles sent via FAX +
will FAX them to you ASAP.
Cheers, Karen

11/22/94 12:50

202 408 1111

SCRIPPS HOWARD

002/003

VICTIMS' GROUPS WANT POWER IN HUMAN RADIATION TASK FORCE

Scripps Howard News Service

Release date: 11-15-94

By KAREN MacPHERSON
Scripps Howard News Service

WASHINGTON -- The White House apparently will refuse requests by victims' groups to expand a panel investigating government-sponsored human radiation experiments, sources say.

Although there is no official word, sources say Clinton administration officials have rejected arguments by victims' groups that their point of view isn't being heard by the 14-member Advisory Committee on Human Radiation Experiments.

The Task Force on Radiation and Human Rights, an umbrella group of 23 radiation victims' groups, has publicly contended that several members of the advisory committee have pro-radiation biases.

Such biases raise serious questions about the panel's ability to fairly investigate the experiments, task force members say.

Task Force members have suggested seven people who could be added to the advisory committee, including three victims, three radiation experts, and Stewart Udall, a former Interior secretary who has pushed for government compensation of uranium miners.

"What it comes back to is the importance of having balanced scientific group within the advisory committee," said E. Cooper Brown, who heads the task force.

"Without any balance over on the other side, the experiment victims and their families are legitimately going to have concerns. ... Our message is, 'Look, we are not seeking to have any of these people taken off of the committee. What we want is balance.'"

Brown said the task force has received no answer to a letter it sent to the White House three weeks ago, outlining the problem and asking for a meeting with key officials on the issue.

He added that several task force members have begun investigating the possibility of a lawsuit against the advisory committee, saying the panel could be in violation of a law requiring a victims' representative on a federal advisory committee.

But White House officials believe the advisory committee shouldn't be expanded because if one or two people representing certain groups are added to the panel, other groups may clamor for the same treatment, sources said.

In addition, White House officials don't want to tamper with the idea that the advisory committee is a "panel of experts," the sources said. If experiment victims are added, the panel could no longer claim such a distinction, the sources added.

The advisory committee was formed by President Clinton last year after The Albuquerque Tribune revealed the identities of some of the 18 people injected with plutonium -- without their knowledge or consent -- by government scientists in the late 1940s.

The committee, headed by Ruth Faden, a world-renowned ethicist at Johns Hopkins University, has several tasks: ensuring

11/22/94 12:51

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003/003

that federal agencies find all records related to human radiation experiments; sifting through those records to determine who did what to whom; and recommending whether anyone should be compensated by the federal government.

The advisory committee, which is expected to issue a final report next spring, also is investigating current research practices to ensure that such experiments aren't going on today.

Dan Guttman, the advisory committee's executive director, said the panel has been very careful to do all its work in the open, and that members "welcome comments and criticism from all quarters."

"We're working closely with the victims and other groups and obviously will continue to do so," Guttman said.

(Karen MacPherson is Washington correspondent for The Albuquerque Tribune)

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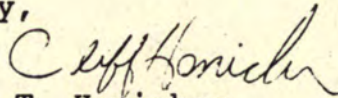
interactions with Cliff Honicker and with personnel from Medical College of Virginia (MCV), aka Virginia Commonwealth University, including all documents given or made available to the Advisory Committee by those persons and institutions.

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Cordially,



Clifford T. Honicker
Executive Director

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The Honorable Albert Gore, Jr.
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The Honorable John Glenn
Mr. E. Cooper Brown, Esquire
Mr. Robert Hager, Esquire

Phil

Eileen Welsome
725 Lafayette N.E.
Albuquerque, N.M.
87106
(505) 266-0620

Sept. 5, 1994

Christine Varney
Old Executive Office Bldg.
Room 1115
Washington, D.C. 20500

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

Dear Ms. Varney,

I am the reporter who won the Pulitzer Prize this year for a series of articles about five Americans injected with plutonium. I am currently working on a book about that experiment and related topics.

I have attempted to reach Mr. Phil Kaplan by telephone at least four times in the last month for information regarding the selection of the members of the Advisory Committee on Human Radiation Experiments. He has not returned my phone calls.

Consequently, I thought a more effective and thorough way of obtaining the information I needed was through a Freedom of Information Act request.

Therefore, under the Freedom of Information Act, I am requesting copies of all correspondence, memos and any other documents generated, received, or sent by your office in late 1993 and 1994 that pertain to the selection and appointment of members of President Clinton's Advisory Committee on Human Radiation Experiments.

As you know, the Freedom of Information Act requires that a response be delivered within 10 days. Because I am a journalist and the information is of public interest, I also request that you waive the copying fees.

I thank you in advance for your help on this matter.

Sincerely,


Eileen Welsome

Welsome
725 LAFAYETTE WE
Albuquerque, NM 87106



WASH., D.C.

SEP 7 09/08/24

ALWAYS USE

ZIP CODE



CHRISTINE VARNEY
Old Executive Office Bldg
Room 1115
Washington, DC
20500

Eileen Welsome
725 Lafayette N.E.
Albuquerque, N.M.
87106
(505) 266-0620

Sept. 30, 1994

Christine Varney
Old Executive Office Bldg.
Room 1115
Washington, D.C. 20500

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

Dear Ms. Varney,

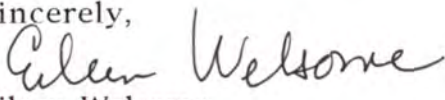
This is my first follow-up inquiry regarding a Freedom of Information Act request dated Sept. 5, 1994.

In that request, I asked for copies of all correspondence, memos and any other documents generated, received, or sent by your office in late 1993 and 1994 that pertain to the selection and appointment of members of President Clinton's Advisory Committee on Human Radiation Experiments.

As you know, the Freedom of Information Act requires that a response be delivered within 10 days. I have not yet received an acknowledgment of the request.

I would appreciate a response as soon as possible.

Sincerely,


Eileen Welsome