

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	[Personally Identifiable Information] [partial] (2 pages)	09/12/1995	b(6)

COLLECTION:

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

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-Victims Task Force

2019-0803-S

rs3544

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

CITIZEN'S CALL

Dennis P. Nelson
9516 Linden Ave.
Bethesda, MD 20814

Janet Gordon
P.O. Box 1722
Cedar City, UT 84720

October 2, 1995

Senator Orrin G. Hatch
135 Russell Senate Office Building
Washington, DC 20510

Dear Senator Hatch:

On Tuesday, October 3, The Presidential Advisory Committee on Human Radiation Experiments will release its final report. Conspicuous by its absence is any mention of human radiation experiments conducted using the off-site civilian populations near the Nevada Test Site (NTS). This omission is particularly distressing since we have personally provided the Committee with documentary evidence and testimony of such experiments. The Committee failed to examine any of this material in depth; and although initial drafts of the Committee's report included a section on Utah "Downwinders," this section was deleted in the final report.

In conjunction with atomic testing at the NTS throughout the 1950s and, in particular, during Operation Plumbbob in 1957 the AEC sponsored a series of radiation ecology experiments through its Atomic Energy Project at UCLA under the direction of Kermit Larson. These experiments traced the distribution, deposition and uptake of radioactive fallout products in animals, plants, soil and water in a "predicted fallout field" East of the NTS. Measurements of fallout deposition were taken at multiple locations in this fallout field and correlated with radionuclide uptake. During the test series the fallout clouds were intentionally directed over this fallout field and the radiation measured. This operating procedure established the conditions necessary for controlled, dose-response biomedical experiments. It also set the stage for human experimentation since the towns of St. George and Cedar City, UT were located within the fallout field.

Having exposed this civilian population to measured, known quantities of radiation, the government health experts and their contractors then proceeded to study them to determine what health effects were caused by that exposure. Several cases of apparent human radiation experimentation are briefly outlined below:

1. Human bone samples were collected for analysis from the communities surrounding the NTS to measure accumulation of bone-seeking radionuclides. Over one-half of these samples were taken from children under two years of age. Permission was not obtained from the next-of-kin to take these samples; and the program was secret.
2. In the mid 1950s the Army moved its Radiological Weapons testing program from Dugway, UT to the NTS. There they joined with the Civil Effects Test Organization to study radiation shielding effects in the downwind communities. Radiation film badges were

95 DEC 6 P12:07

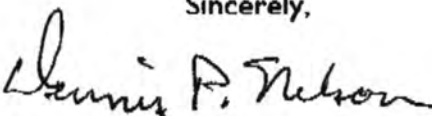
attached to the inside and outside of buildings of different construction. Badges were also attached to selected individuals who occupied those buildings. The data were then used to determine shielding factors needed for radiation exposure calculations in atomic war-game simulations.

3. Various radiation health effect studies were performed on children in the downwind communities including physical examination of eyes, teeth and thyroid glands, and the ability to taste and smell certain chemicals. Deciduous and extracted teeth were collected and sent to the AEC for analysis. Epidemiological studies of thyroid disease, congenital abnormalities, leukemia, thyroid and bone cancer were undertaken.
4. Selected groups of Utah school children were given iodide tablets during periods of fallout to determine the prophylactic effect of previous iodide administration. Measurements of the radioactivity in the "treated" children's thyroids were compared with a control group not given the tablets. This appears to be a clear case-controlled clinical study.

The above studies were not designed to help the Downwinders with their health problems nor did any health related follow-up occur. The men, women and children who participated in these studies have never been told they were the subjects of human radiation experiments, nor have they been advised of possible health consequences. Many, whose names appear in the shielding experiment records, have already died prematurely of cancer and leukemia. A recent study published in the Journal of the National Cancer Institute, November, 1994, shows an alarming incidence of early onset cancers in a Utah population data base possibly attributable to fallout radiation.

Although some important and groundbreaking work was begun by the a Advisory Committee, its final report reveals that their research was either incomplete or seriously flawed. There is a distinct possibility that the studies conducted in the communities downwind of the NTS may very well be the largest human radiation experiment ever sponsored by the United States during the cold war. Clearly further investigation is warranted. The Task Force on Radiation and Human Rights, of which Citizen's Call is a member, has been assured by the Department of Energy that the investigation initiated by the Advisory Committee, where incomplete or inadequate, would be pursued to conclusion. We ask your support with the Administration in ensuring that no stone is left unturned in getting to the truth as to whether the residents of Southern Utah were, in fact, used as unwitting subjects of radiation experiments as part of the nuclear weapons testing program.

Sincerely,


Dennis P. Nelson, Ph.D.


Janet Gordon

cc: Senator Edward M Kennedy
Charles Sherill
The White House

TASK FORCE ON RADIATION AND HUMAN RIGHTS

December 5, 1995

Senator Orrin Hatch
135 Russell Bldg.
Washington, DC 20510

Re: Human Radiation Experiments

Dear Senator Hatch:

Recently you would have received correspondence from Citizens Call, a member of the Task Force on Radiation and Human Rights, concerning what appears to have been human radiation experimentation conducted in conjunction with the atmospheric nuclear weapons testing program. (A copy of Citizens Call's correspondence is enclosed.)

Given the obvious seriousness of the concerns raised, and the fact that the Administration appears to have chosen to ignore these concerns notwithstanding that they were brought to the attention of the President's Advisory Committee, we would appreciate your inquiry into this matter.

Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

enclosure

cc. Citizens Call
Attn: Janet Gordon
Dennis Nelson, Ph.D.

TO: Majority Leader Dole & Speaker Gingrich

December 6, 1995

SUBJECT: Stand Fast - The American People are Increasingly Recognizing that the Clinton Administration and Democrat Congressional "Leaders" Can't be Trusted

Please stand fast and do not give up on the fight for a balanced budget by 2002, with a tax cut of \$245 billion and reform of Medicare, Medicaid and welfare.

We recognize that the media has been protecting the President, VP Gore, Panetta, Rubin, Rivlin, Shalala, and Reich in their irresponsible campaign of demagoguery and lies, but there is "light at the end of the tunnel." A few in the media are beginning to report facts. For example, the *San Francisco Chronicle* has uncovered good evidence that Mr. Panetta can't be trusted, based on the following story by R.A. Zaldivar, in the December 13, 1991 *San Jose Mercury News*

"Saying the government cannot sustain another decade of runaway health care costs, the democratic chairman of the House Budget committee called Thursday for deep cuts in the Medicare program. The proposal, was part of a long-range plan by Rep. Leon Panetta. Panetta stressed spending cuts instead of tax increases as the primary way to reduce the deficit. The massive programs that benefit the elderly cannot be shielded indefinitely, he said. Panetta said cuts in Social Security also should be considered, and he called for a shift in government social spending toward the young and away from the elderly. Under the plan, entitlement programs...primarily Medicare...would be cut by \$400 billion. The reductions would be achieved by putting a limit on yearly growth of the Medicare Budget."

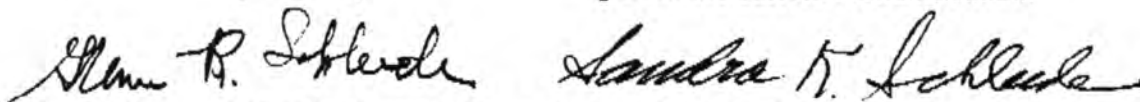
The Senate Minority leader can't be trusted either. For example:

June 25, 1995: "The President has said all along that he will go by CBO numbers. We will, we will come to whatever accommodations there are to insure that CBO is the final arbiter on the numbers. That's not any question. There is no difference between the President and the Congress on that."

December 4, 1995: "The CBO at that time was a much more credible reference. Today, I think it's a Republican-orchestrated, Republican-run, Republican-dominated organization that can't be relied upon as a bipartisan resource any longer."

In fact, CBO hasn't changed in the past 5 months. Only Mr. Daschle's "tune" has changed.

We believe the American people are increasingly recognizing that the President and his advisers can't be trusted. As Samuelson explains in today's *Washington Post*, *the President, his advisers and Democrats in Congress have declared "inter-generational" war on our children and grandchildren.* As the younger generations recognize what the President is trying to do to them, they too will reject the demagoguery and lies. More and more of the people from generations that will be hurt by the President's recalcitrance on a balanced budget will be voting in the years ahead.¹ They will help bring an end to the kind of irresponsibility we are now seeing from the current Administration.



1414 Hemingway Court, Reston, Virginia 22094

¹ Also, 15-20 years from now, the young people now on the White House staff will have to explain *their* role to *their* contemporaries as they all labor under the debt that President Clinton and his advisers are working to load on them

THE WHITE HOUSE
WASHINGTON

OFFICE OF THE STAFF SECRETARY

Fax Transmittal Sheet

— OK with Eva by phone 12/18

TO: Eva Plaza / Pat Glynn

Fax Number:

Phone Number:

FROM: Phil Caplan

SUBJECT:

DATE:

NUMBER OF PAGES (including cover sheet):

MESSAGE:

Are you OK with this letter? I don't
think it says much -- by design. Please let me know ASAP
Thanks.

If all pages are not received, please call 202/456-2702

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.

MESSAGE CONFIRMATION

DEC-18-95 10:13

FAX NUMBER : 2024562215

NAME :

FAX NUMBER : 96164473

PAGE : 05

ELAPSED TIME : 02'35"

MODE : G3 STD

RESULTS : O.K

MESSAGE CONFIRMATION

DEC-18-95 10:31

FAX NUMBER : 2024562215

NAME :

FAX NUMBER : 95148071

PAGE : 06

ELAPSED TIME : 03'09"

MODE : G3 STD

RESULTS : O.K

December 18, 1995

Mr. Cooper Brown
Task Force on Radiation and Human Rights
6935 Laurel Avenue
Takoma Park, Maryland 20912

Dear ~~Cooper~~: Mr. Brown

Thank you for your letter of October 12. I am glad you were able to be at the White House when I received the Advisory Committee on Human Radiation Experiment's final report.

By 1/2 in
The [Advisory Committee's]^{ok} report was an indispensable part of our effort to restore the confidence of the American people in the integrity of their government. From the declassification of thousands of pages of documents to the public hearings ~~the~~ many revelations the Advisory Committee made about decision-making in the Cold War-era, I hope you feel, as I do, that the government has kept its commitment to tell the truth about this chapter in our history. *and*

The progress we have made in medicine and science are due in large part to our commitment to research, but we must remain vigilant when that research involves human subjects. That is why I directed each agency of our government that conducts, supports, or regulates research involving human subjects to review its procedures. An interim report is due back to me by Christmas and a final report is due early next year. The new National Bioethics Advisory Committee will supervise this process and ensure that our research protections are adequate and failsafe.

I have asked Secretary O'Leary and Dr. Tara O'Toole, Assistant Secretary of Energy for Environment, Safety and Health; *and* Attorney General Janet Reno, and Eva M. Plaza, Deputy Attorney General, Torts Branch, to look more closely at the other issues you have raised in your letter.

✓ Thank you for your support, and I look forward to your continued involvement.

Sincerely,

BC/JAD/ws (Corres. #2617490)
(12.brown.c)

TASK FORCE ON RADIATION AND HUMAN RIGHTS

Preliminary Recommendations for Obtaining Just and Effective Remedies *from the Task Force on Radiation and Human Rights*

1. Continue the investigation of the radiation experiments through a body invested with subpoena power, and ensure full declassification and disclosure of all radiation experiment documents to the subjects and the public;
2. All victims of unethical scientific and medical experiments, or their survivors, must be identified, located, informed of what was done to them, and warned of potential increased health risks;
3. Medical follow-up and care, including psychological counseling, must be provided to all experiment subjects and survivors;
4. Recognize that the subjects and survivors must have their day in court; that the civil courts are the appropriate forum for obtaining civil justice;
5. In order to guarantee access to the courts, the government should waive all defenses based on sovereign immunity, including discretionary immunity, statutes of limitation, and the Feres Doctrine;
6. Bar the federal government from paying the defense costs of private institutions that are sued because of their participation in the experiments;
7. Ensure that the perpetrators of unethical human experimentation are held criminally liable for their actions, including criminal sanctions where appropriate under the Nuremberg Code;
8. Ensure that the universal applicability of the principles embodied in the Nuremberg Code are consistently reflected throughout U.S. law;
9. Embody an apology to experiment subjects and to the American people by ensuring full justice to the victims and through the erection of permanent memorials -- designed by the victims and survivors -- at each major site at which unethical experiments were performed.

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) 596-6151

FAX: (202) 586-0956

TO:

PHIL CAPLAN456-2215

FROM:

ELLY MELAMED (FOR TARA O'TOOLE)

NO. OF PAGES TO FOLLOW:

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

COMMENTS/MESSAGES:

ATTACHED IS AN ANNOTATED COPY OF YOUR
DRAFT LETTER. TWO SUGGESTIONS: ① WE
HAVE CURIELED DEADLINES ② TAM PARTICULARLY
WOULD LIKE TO SHARE THIS WITH DOJ!
THANKS - IF QUESTIONS I AM ON
586-6857.

DRAFT 11/20/95

November xx, 1995

Mr. Cooper Brown
Task Force on Radiation and Human Rights
6935 Laurel Avenue
Takoma Park, MD 20912

261-4190

Mr. Brown:

Thank you for your letter of October 12. I am glad you were able to be at the White House when I received the Advisory Committee on Human Radiation Experiment's final report.

The Advisory Committee's report was an indispensable part of our effort to restore the confidence of the American people in the integrity of their government. From the declassification of thousands of pages of documents to the public hearings to the many revelations the Advisory Committee made about decision-making in the Cold War-era, I hope you feel, as I do, that the government has kept its commitment to tell the truth about this chapter in our history.

The progress we have made in medicine and science are due in large part to our commitment to research, but we must remain vigilant when that research involves human subjects. That is why I directed each agency of our government that conducts, supports, or regulates research involving human subjects to review their procedures and report back to me by Christmas. The new National Bioethics Advisory Committee will supervise this process and ensure that our research protections are adequate and failsafe.

AN INTERIM

AND A FINAL REPORT NEXT YEAR

I have asked Secretary O'Leary and Dr. Tara O'Toole, Assistant Secretary of Energy for Environment, Safety and Health, to look more closely at the other issues you have raised in your letter.

Thank you for your support, and I look forward to your continued involvement.

Sincerely,

BC

ADD ATTORNEY GENERAL JAMES
RENO, AND EVA M. PLAZA,
DEPUTY ATTORNEY GENERAL,
TORTS BRANCH?

November 20, 1995

TO: Tara O'Toole, DOE (fax- 586-0956)
Steve Neuwirth, WH Counsel (fax- 61647)
Rachel Levinson, OSTP (6-6027)

FR: Phil Caplan 

RE: Attached letter

At long last I have finally drafted a response to Cooper Brown's letter to the President.

Please review and edit as you see fit and fax me the changes (456-2215 fax). Note that I have referred to the Christmas deadline (are we still on track for that?) and referenced the letter to Hazel and Tara.

It would be great if we could get this out the door next week.

Thanks.

11-21-95

all sent or faxed.

Cecil.

DRAFT 11/20/95

November xx, 1995

Mr. Cooper Brown
Task Force on Radiation and Human Rights
6935 Laurel Avenue
Takoma Park, MD 20912

Mr. Brown:

Thank you for your letter of October 12. I am glad you were able to be at the White House when I received the Advisory Committee on Human Radiation Experiment's final report.

The Advisory Committee's report was an indispensable part of our effort to restore the confidence of the American people in the integrity of their government. From the declassification of thousands of pages of documents to the public hearings to the many revelations the Advisory Committee made about decision-making in the Cold War-era, I hope you feel, as I do, that the government has kept its commitment to tell the truth about this chapter in our history.

The progress we have made in medicine and science are due in large part to our commitment to research, but we must remain vigilant when that research involves human subjects. That is why I directed each agency of our government that conducts, supports or regulates research involving human subjects to reviews their procedures and report back to me by Christmas. The new National Bioethics Advisory Committee will supervise this process and ensure that our research protections are adequate and failsafe.

I have asked Secretary O'Leary and Dr. Tara O'Toole, Assistant Secretary of Energy for Environment, Safety and Health, to look more closely at the other issues you have raised in your letter.

Thank you for your support and I look forward to your continued involvement.

Sincerely,

BC

TASK FORCE ON RADIATION AND HUMAN RIGHTS

October 12, 1995

President William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Human Radiation Experiments

Dear President Clinton:

By this open letter, the Task Force on Radiation and Human Rights, a coalition of 30 organizations representing citizens exposed to radiation, wishes to extend to you our deep appreciation for the actions taken by you and your Administration over the past year and a half on behalf of citizens subjected to radiation-related experimentation by government agencies and government sponsored researchers. We particularly appreciate what you had to say at the White House ceremonies on October 3rd, and the courtesy you extended to the victims of the radiation experiments and their families who were present. They were not only deeply moved, but felt that your words signified the beginning of a new relationship between government and those whom government has victimized -- one based on trust and mutual respect. Your leadership, and that of Secretary O'Leary's, in response to the experimentation issue represents an important first step in restoring the radiation survivors' faith in a government that many had, quite frankly, come to view with distrust.

While the Task Force views the actions of your Administration as a breakthrough, many of our members nevertheless harbor concerns that must ultimately be addressed if justice is to be extended to those victimized by the radiation experiments. Several of these concerns are touched upon in this letter. **However, before we formally, and in the detail deserved, address these concerns to your Administration's attention, we will be convening a meeting of the Task Force leadership to assess the wishes of the experiment survivors in light of the Advisory Committee's report and the initiatives you have announced, in order to assure that the concerns of those who were victimized are fully and properly addressed.** It is essential that, having been made aware of the radiation experiments, those whose lives have been most directly affected be now empowered to respond. Only when those victimized are able to speak for themselves with full knowledge not only of what happened, but as to what their rights and their options now are, will the task of righting the wrong have meaning. Only then can we truly begin the process of healing.

Detailed and in-depth recommendations from the Task Force, in follow-up to the Advisory Committee report, will be submitted after this process of advice and consent from our members has been completed. In the meantime, attached you will find a preliminary set of recommendations which we believe can serve as a starting point for bringing closure to the issue of Cold War era human radiation experiments. These recommendations arise out of three general areas of concern shared by all members of the Task Force on Radiation and Human Rights: (1) We do not accept the Advisory Committee's conclusions and recommendation with regard to notification and warning to the experiment victims. In many instances

people were put at increased health risks due to their exposures. They or their families must be notified. (2) We take issue with the remedies recommended by the Advisory Committee. They are far too restrictive, both in their nature and as to their scope. (3) As to actions necessary to prevent a future reoccurrence of the Cold War experimentation from which we all have recoiled, key elements of the Advisory Committee's recommendations simply do not go far enough.

In terms of identifying, locating and advising experiment victims, the Task Force is in fundamental disagreement with the Committee's finding of "minimal risk" due to the exposures. More importantly, we refuse to accept the Committee's conclusion that, for those who were put at risk, a warning would be of no benefit. These are the very kinds of determinations and judgments that made the radiation experiments possible in the first place.

With regard to the Advisory Committee's proposed remedies, to merely amend existing compensation laws designed for atomic veterans, downwinders and civilian test site employees is to ignore their inadequacy. Leaving those victimized with less than a whole remedy will only serve to perpetuate the wrong. More is required. The initial wrong effectively deprived those experimented upon of every right, both moral and legal. Justice thus dictates that every right and every option now be restored, including the right to one's day in court. The judicial system must be made available to those desiring to confront those who have wronged them before a jury of their peers.

Task Force member organizations have also expressed the concern that the Advisory Committee's report will be considered the closing of this darkest of chapters in American history. Some of our member organizations have been working on this issue for almost 20 years. They are of the strongly held opinion that the Advisory Committee's report should only be considered an introductory chapter to a work in progress. Particularly since government agencies significantly implicated in the radiation experiments have not responded in as forthright a manner as has the Department of Energy, the investigation initiated by the Advisory Committee should continue.

We are also concerned that the Advisory Committee report essentially holds no one responsible or accountable for their actions. If the radiation experiments are to be "engraved on the American consciousness" as you so eloquently urged last week, then the accountability of the individual perpetrator (including where appropriate the invocation of criminal sanctions) is essential. Citizens need to know that those in power who abuse that power will be brought to account for their actions.

Finally, citizens need to know that the radiation experiments of the Cold War era will never happen again, regardless of the justification or the technology employed. A clear government policy, tied to the Nuremberg Code, must be put into place -- applicable to all agencies and private entities -- with clear consequences for violations. The citizens of this country must know that their government and those pursuing the government's bidding cannot repeat the harm of the nuclear age.

In closing, we wish to stress how absolutely essential it is that those most affected by the radiation experiments be meaningfully included in the deliberations that have now begun within your Administration as to a just resolution to this tragedy. The Task Force has therefore requested, and fully anticipates, a seat

at the table of the Interagency Radiation Working Group. Consistent with the dual themes of citizen empowerment and government responsibility that have become hallmarks of your Administration, we also fully expect that a seat on the National Bioethics Advisory Commission (now in the process of formation) will be reserved for an individual nominated by the Task Force.

The radiation experiments not only stripped people of their rights, and sometimes of their lives, the experiments stripped people of their dignity, of their ability to control their lives. More fundamentally, people were stripped of their humanity. In the vast majority of the cases innocent and unsuspecting citizens were treated as nothing more than objects, instruments for ends that were not themselves justifiable. Consequently, for the Administration or Congress to now attempt to fashion a "remedy" for those subjected to the experiments without their full participation would be no remedy at all. A transformation must now take place wherein those victimized are fully reinvested with the right to determine their own destiny. In light of the concerns you yourself raised last week upon receipt of the Advisory Committee's report, about the nature of the experiments and the adverse impact they have had for all Americans, we look forward to the participation and full support of your Administration in making this transformation a reality.

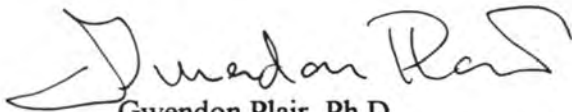
On behalf of the Task Force on Radiation and Human Rights, we are sincerely yours.



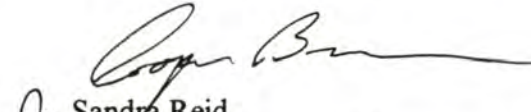
E. Cooper Brown
Task Force Executive Committee



Acie Byrd
Task Force Executive Committee



Gwendon Plair, Ph.D.
Task Force Executive Committee



Sandra Reid
Task Force Executive Committee



Jacqueline Kittrell
Task Force Executive Committee

enclosure



U.S. DEPARTMENT OF ENERGY
1000 INDEPENDENCE AVENUE, S.W.
ROOM 7A-075
WASHINGTON, D.C. 20585

UNCLASSIFIED FACSIMILE
OFFICE FAX: (202) 586-3552
TELEPHONE: (202) 586-9024

95 NOV 27 P1:46

DATE: 11/27/95

TO: Phil Caplan 1456-22157

FROM: Ely Newman
586-6857

NUMBER OF PAGES TO FOLLOW: 2

COMMENTS: Letter to Cooper

IF YOU EXPERIENCE PROBLEMS WITH TRANSMISSION, PLEASE CALL THE NUMBER ABOVE



Department of Energy
Washington, DC 20585

E. Cooper Brown, Esq.
Task Force on Radiation and Human Rights
National Committee for Radiation Victims
6935 Laurel Avenue
Takoma Park, MD 20912

Dear Mr. Brown: *Cooper*

Thank you for your letter of October 20, 1995 to Secretary O'Leary which included a proposal for the Department of Energy funding of the Task Force on Radiation and Human Rights. The Task Force has made an important contribution to the human radiation experiment project over the last year and a half, and, as your know, the Department is committed to working closely with the Task Force as part of the follow-up to the report of the Advisory Committee on Human Radiation Experiments.

While we look forward to an ongoing dialogue with your group, the Department does not believe that entering into a programmatic relationship would be consistent with that goal. However, as we anticipate meeting with your group in Washington, D.C. in the future, if necessary, the Department will consider requests for travel and/or per diem expense reimbursement for individual subjects or their kin who are members of your group, should they not have the financial resources to travel to Washington.

Please do not hesitate to speak with Elly Melamed, Director of the Office of Human Radiation Experiments, at (202) 586-6857, should you have any further questions.

Sincerely,

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

Dr. Tara O'Toole, M.D., M.P.H.
Assistant Secretary
Environment, Safety And Health
Department of Energy

cc: Steve Galson
Dan Reicher
Robert Nordhaus
Geoffrey Judge
Bob Alvarez
Lisa Blatt
Lori Azim

September 15, 1995

95 SEP 18 P4:48

President William Clinton
c/o Mr. Phil Kaplan
Special Assistant to the President
and Deputy Staff Secretary
The White House
Washington DC 20500

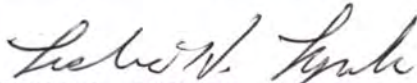
Dear President Clinton:

It is my understanding that your Advisory Committee on Human Radiation Experiments have proposed to present to you their findings during a press conference in the near future.

As a radiation experiment victim I would request an invitation to attend this press conference along with other experiment victims. Also, representatives from the "Task Force on Radiation and Human Rights" should also be invited to attend.

Your prompt attention is appreciated.

Very Truly Yours,



LESLIE HOWARD LYNCH
12626 Selby Road
Bishopville MD 21813-1700

410-352-3045

L.H. LYNCH
12626 Selby Road
Bishopville MD 21813-1700

09/14/95 2157



EASTON MD

P&DF 215



President William Clinton
c/o Mr. Phil Kaplan
Special Assistant to the President
and Deputy Staff Secretary
The White House
Washington DC 20500



Suzzanne Starr
P.O. Box 546
Chimayo, NM, 87522
9/1/95

95 SEP 11 P2:32

Honorable President
William Clinton
c/o Mr. Phil Kaplan
Special Assistant to the President
Deputy Staff Secretary

Dear Sir,

The National Committee Staff will submit its report on Radiation Human experimentation any time now. I wish to thank you for appointing Hazed O'Leary and the Committee. I am a survivor of secret experimentation conducted by our government on healthy children post WWII. On March 15, 1995 I testified for the National Committee Staff in Washington DC. I know I survived my childhood so that I could help bring this horrid truth to the light. These horrid secrets undermine the core of our society. They exist only out of the power of evil. As long as atrocities to humans particularly children go unbelieved and unspoken they can continue. When the truth comes to the light and is believed there is an incredible healing for ourselves and our nation. This is my hope.

I have learned that the Advisory Committee has proposed that its final report be publicly presented to President Clinton at a White House press conference. If this occurs, representatives of the Task Force and experiment survivors should be invited to attend. The Committee is apparently recommending that an apology to survivors and their families be offered as a token gesture by President Clinton. I deeply hope that this is possible. I believe that this action would go along way to restore our shattered trust and heal the integrity of the nation. As a child no one cared about the agony I endured. I was just an object, my pain really didn't matter to anyone. But the pain of each of us survivors does matter, a public apology would acknowledge this. I hope that if such an event does occur I am invited I would be honored to attend. No one heard me as a child, please hear my voice now.

Sincerely



Suzzanne Starr

Po Box 546
Chimayo NM
87522



President William Clinton
c/o Mr Phil KAPLAN
Special Assistant to the President
White House, Washington DC
205000

December 19, 1995

Mr. Cooper Brown
Task Force on Radiation and Human Rights
6935 Laurel Avenue
Takoma Park, Maryland 20912

Dear Mr. Brown:

Thank you for your letter of October 12. I am glad you were able to be at the White House when I received the Advisory Committee on Human Radiation Experiment's final report.

The Advisory Committee's report was an indispensable part of our effort to restore the confidence of the American people in the integrity of their government. From the declassification of thousands of pages of documents to the public hearings and the many revelations the Advisory Committee made about decision-making in the Cold War-era, I hope you feel, as I do, that the government has kept its commitment to tell the truth about this chapter in our history.

The progress we have made in medicine and science are due in large part to our commitment to research, but we must remain vigilant when that research involves human subjects. That is why I directed each agency of our government that conducts, supports, or regulates research involving human subjects to review its procedures. An interim report is due back to me by Christmas and a final report is due early next year. The new National Bioethics Advisory Committee will supervise this process and ensure that our research protections are adequate and failsafe.

I have asked Secretary O'Leary and Dr. Tara O'Toole, Assistant Secretary of Energy for Environment, Safety and Health; and Attorney General Janet Reno and Eva M. Plaza, Deputy Attorney General, Torts Branch, to look more closely at the other issues you have raised in your letter.

Thank you for your support, and I look forward to your continued involvement.

Sincerely,

BILL CLINTON

BC/JAD/ws-efr (Corres. #2617490)
(12.brown.c)

cc: Phil Caplan, WW/GFL

THE WHITE HOUSE
WASHINGTON

OFFICE OF THE STAFF SECRETARY

Fax Transmittal Sheet

TO: Dr. Faden

Fax Number: 410-614-9567

Phone Number: 410-955-3018

FROM: Phil Caplan

SUBJECT: Radiation Experiments

DATE: October 13, 1995

NUMBER OF PAGES (including cover sheet): 6

MESSAGE:

If all pages are not received, please call 202/456-2702

The document accompanying this facsimile transmittal sheet is intended only for the use of the individual or entity to whom it is addressed. This message contains information which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disclosure, dissemination, copying or distribution, or the taking of any action in reliance on the contents of this communication is strictly prohibited.

FAX TRANSMISSION

TASK FORCE ON RADIATION AND HUMAN RIGHTS

6935 LAUREL AVENUE
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 270-3887
FAX: (301) 270-3460

95 OCT 12 P5:26

To: Phil Kaplan **Date:** October 12, 1995
Fax #: 202-456-2215 **Pages:** 5, including this cover sheet.
From: E. Cooper Brown
Subject: Radiation Experiments

COMMENTS:

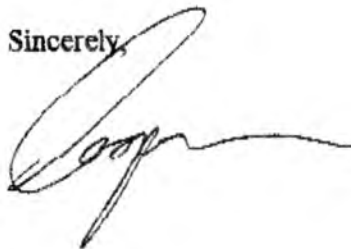
Phil --

Enclosed is a Task Force communique to the President in response to last week's event. Hand copy will be hand delivered to the New Executive Building, to your attention, tomorrow (Friday) morning.

It is an "open letter", as indicated. Thus it will be released to the media, which we believe the President will, after reading the letter, appreciate. A copy has also gone to Secretary O'Leary.

And personally: Thank you for all your help on this issue over the last year. It has been appreciated!

Sincerely,



TASK FORCE ON RADIATION AND HUMAN RIGHTS

October 12, 1995

President William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Human Radiation Experiments

Dear President Clinton:

By this open letter, the Task Force on Radiation and Human Rights, a coalition of 30 organizations representing citizens exposed to radiation, wishes to extend to you our deep appreciation for the actions taken by you and your Administration over the past year and a half on behalf of citizens subjected to radiation-related experimentation by government agencies and government sponsored researchers. We particularly appreciate what you had to say at the White House ceremonies on October 3rd, and the courtesy you extended to the victims of the radiation experiments and their families who were present. They were not only deeply moved, but felt that your words signified the beginning of a new relationship between government and those whom government has victimized -- one based on trust and mutual respect. Your leadership, and that of Secretary O'Leary's, in response to the experimentation issue represents an important first step in restoring the radiation survivors' faith in a government that many had, quite frankly, come to view with distrust.

While the Task Force views the actions of your Administration as a breakthrough, many of our members nevertheless harbor concerns that must ultimately be addressed if justice is to be extended to those victimized by the radiation experiments. Several of these concerns are touched upon in this letter. However, before we formally, and in the detail deserved, address these concerns to your Administration's attention, we will be convening a meeting of the Task Force leadership to assess the wishes of the experiment survivors in light of the Advisory Committee's report and the initiatives you have announced, in order to assure that the concerns of those who were victimized are fully and properly addressed. It is essential that, having been made aware of the radiation experiments, those whose lives have been most directly affected be now empowered to respond. Only when those victimized are able to speak for themselves with full knowledge not only of what happened, but as to what their rights and their options now are, will the task of righting the wrong have meaning. Only then can we truly begin the process of healing.

Detailed and in-depth recommendations from the Task Force, in follow-up to the Advisory Committee report, will be submitted after this process of advice and consent from our members has been completed. In the meantime, attached you will find a preliminary set of recommendations which we believe can serve as a starting point for bringing closure to the issue of Cold War era human radiation experiments. These recommendations arise out of three general areas of concern shared by all members of the Task Force on Radiation and Human Rights: (1) We do not accept the Advisory Committee's conclusions and recommendation with regard to notification and warning to the experiment victims. In many instances

people were put at increased health risks due to their exposures. They or their families must be notified. (2) We take issue with the remedies recommended by the Advisory Committee. They are far too restrictive, both in their nature and as to their scope. (3) As to actions necessary to prevent a future reoccurrence of the Cold War experimentation from which we all have recoiled, key elements of the Advisory Committee's recommendations simply do not go far enough.

In terms of identifying, locating and advising experiment victims, the Task Force is in fundamental disagreement with the Committee's finding of "minimal risk" due to the exposures. More importantly, we refuse to accept the Committee's conclusion that, for those who were put at risk, a warning would be of no benefit. These are the very kinds of determinations and judgments that made the radiation experiments possible in the first place.

With regard to the Advisory Committee's proposed remedies, to merely amend existing compensation laws designed for atomic veterans, downwinders and civilian test site employees is to ignore their inadequacy. Leaving those victimized with less than a whole remedy will only serve to perpetuate the wrong. More is required. The initial wrong effectively deprived those experimented upon of every right, both moral and legal. Justice thus dictates that every right and every option now be restored, including the right to one's day in court. The judicial system must be made available to those desiring to confront those who have wronged them before a jury of their peers.

Task Force member organizations have also expressed the concern that the Advisory Committee's report will be considered the closing of this darkest of chapters in American history. Some of our member organizations have been working on this issue for almost 20 years. They are of the strongly held opinion that the Advisory Committee's report should only be considered an introductory chapter to a work in progress. Particularly since government agencies significantly implicated in the radiation experiments have not responded in as forthright a manner as has the Department of Energy, the investigation initiated by the Advisory Committee should continue.

We are also concerned that the Advisory Committee report essentially holds no one responsible or accountable for their actions. If the radiation experiments are to be "engraved on the American consciousness" as you so eloquently urged last week, then the accountability of the individual perpetrator (including where appropriate the invocation of criminal sanctions) is essential. Citizens need to know that those in power who abuse that power will be brought to account for their actions.

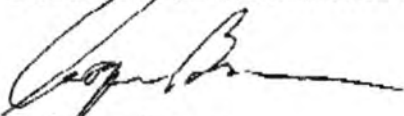
Finally, citizens need to know that the radiation experiments of the Cold War era will never happen again, regardless of the justification or the technology employed. A clear government policy, tied to the Nuremberg Code, must be put into place -- applicable to all agencies and private entities -- with clear consequences for violations. The citizens of this country must know that their government and those pursuing the government's bidding cannot repeat the harm of the nuclear age.

In closing, we wish to stress how absolutely essential it is that those most affected by the radiation experiments be meaningfully included in the deliberations that have now begun within your Administration as to a just resolution to this tragedy. The Task Force has therefore requested, and fully anticipates, a seat

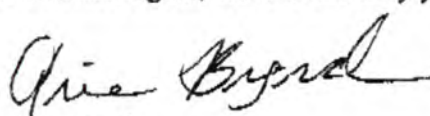
at the table of the Interagency Radiation Working Group. Consistent with the dual themes of citizen empowerment and government responsibility that have become hallmarks of your Administration, we also fully expect that a seat on the National Bioethics Advisory Commission (now in the process of formation) will be reserved for an individual nominated by the Task Force.

The radiation experiments not only stripped people of their rights, and sometimes of their lives, the experiments stripped people of their dignity, of their ability to control their lives. More fundamentally, people were stripped of their humanity. In the vast majority of the cases innocent and unsuspecting citizens were treated as nothing more than objects, instruments for ends that were not themselves justifiable. Consequently, for the Administration or Congress to now attempt to fashion a "remedy" for those subjected to the experiments without their full participation would be no remedy at all. A transformation must now take place wherein those victimized are fully reinvested with the right to determine their own destiny. In light of the concerns you yourself raised last week upon receipt of the Advisory Committee's report, about the nature of the experiments and the adverse impact they have had for all Americans, we look forward to the participation and full support of your Administration in making this transformation a reality.

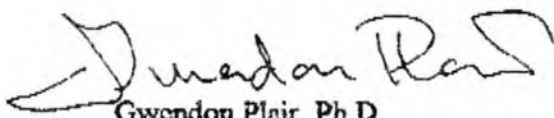
On behalf of the Task Force on Radiation and Human Rights, we are sincerely yours.



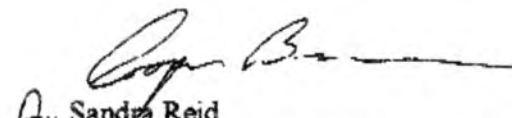
E. Cooper Brown
Task Force Executive Committee



Acie Byrd
Task Force Executive Committee



Gwendon Plair, Ph.D.
Task Force Executive Committee



Sandra Reid
Task Force Executive Committee



Jacqueline Kittrell
Task Force Executive Committee

enclosure

TASK FORCE ON RADIATION AND HUMAN RIGHTS

Preliminary Recommendations for Obtaining Just and Effective Remedies *from the Task Force on Radiation and Human Rights*

1. Continue the investigation of the radiation experiments through a body invested with subpoena power, and ensure full declassification and disclosure of all radiation experiment documents to the subjects and the public;
2. All victims of unethical scientific and medical experiments, or their survivors, must be identified, located, informed of what was done to them, and warned of potential increased health risks;
3. Medical follow-up and care, including psychological counseling, must be provided to all experiment subjects and survivors;
4. Recognize that the subjects and survivors must have their day in court; that the civil courts are the appropriate forum for obtaining civil justice;
5. In order to guarantee access to the courts, the government should waive all defenses based on sovereign immunity, including discretionary immunity, statutes of limitation, and the Feres Doctrine;
6. Bar the federal government from paying the defense costs of private institutions that are sued because of their participation in the experiments;
7. Ensure that the perpetrators of unethical human experimentation are held criminally liable for their actions, including criminal sanctions where appropriate under the Nuremberg Code;
8. Ensure that the universal applicability of the principles embodied in the Nuremberg Code are consistently reflected throughout U.S. law;
9. Embody an apology to experiment subjects and to the American people by ensuring full justice to the victims and through the erection of permanent memorials -- designed by the victims and survivors -- at each major site at which unethical experiments were performed.

Washington D.C. Office: NATIONAL COMMITTEE FOR RADIATION VICTIMS
6935 Laurel Avenue, Takoma Park, MD 20912 / Phone: (301) 891-3990; Fax: (301) 891-3992

don't 586-5319
Phone Request

Conference
call - human
experiment

Wed, (1/31)

10:00 586-8986

work shop w/ facilitator

96 JAN 30 P6:45 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:

Lori Azimi

NO. OF PAGES TO FOLLOW:

11

... For your information

Please call upon receipt

As requested

For review and comment

Original copy to follow via mail

COMMENTS/MESSAGES:

January 30, 1996

MEMO TO: INTERAGENCY WORKING GROUP
FROM: LORI AZIM, DEPARTMENT OF ENERGY
SUBJECT: INFO FOR CONFERENCE CALL

I have attached some information for the Wednesday, January 31st conference call on the stakeholder workshop. The call in number is 202-586-8986 at 10:00 a.m.

Doris Campos-Infantino will be our facilitator for the workshop and will be on the call.

Thanks!

Attachment

DORIS CAMPOS-INFANTINO

Doris Campos-Infantino is a Dispute Resolution Specialist in the Office of Human Resources, Office of the Assistant Secretary for Personnel Administration. As such she has been instrumental in developing dispute prevention and resolution programs, courses and interventions.

Doris has extensive experience as a facilitator, having worked with various types of groups including labor-management groups, project teams, and in-tact work groups. Her experience has varied from assisting groups in applying predetermined problem-solving processes to consulting with groups to design unique processes for their particular needs. Doris was first trained as a facilitator for quality improvement teams. She facilitated a quality improvement team made up of senior managers from various Departmental components, who made recommendations to the Human Resources Quality Council. Most recently, she served as the facilitator for the Commission on Research Integrity, an independent commission, in their development of recommendations on ethics in research. Also notably, Doris facilitated the negotiation of a collective bargaining agreement between labor and management teams using an interest-based bargaining process. Doris was instrumental in designing a group problem-solving process that met the parties' needs to reach agreement through a collaborative approach. In her capacity as facilitator, Doris has also designed and facilitated action-planning sessions and focus groups. Doris is currently the facilitator for the Departmental HHS-NTEU-AFGE-NFFE Partnership Council.

Doris also has experience using the mediation process to mediate group conflicts, having mediated several multi-party disputes in both labor-management and grantee-agency contexts. She serves on the Administrative Conference of the United States' Shared Neutrals pool mediating EEO disputes in federal agencies.

Doris has been a lead on ADR training initiatives in the Department and has designed and delivered training in labor-management partnerships, interest-based negotiation, mediation, dispute systems design, facilitation, and communication skills.

Prior to being an ADR Specialist, Doris was a Presidential Management Intern (PMI) in the Department. As a PMI, Doris had a series of assignments in programmatic and administrative components. She worked for the U.S. Public Health Service, Social Security Administration, Occupational Health and Safety Administration, as well as several staff organizations within the Office of the Secretary.

Doris holds a Certificate from Georgetown University's Organization Development Program. Doris also has a B.A. in political science and a M.P.A. from the University of Massachusetts, Amherst.

DRAFT

STAKEHOLDER WORKSHOP FEBRUARY 26TH AND 27TH

Purpose: This workshop is intended to fulfill a commitment made to the human radiation stakeholders to involve them in the government response to the recommendations of the Advisory Committee on Human Radiation Experiments (ACHRE). The workshop will be a mechanism for dialogue and information exchange between stakeholders, government officials, and invited experts on issues arising from the ACHRE recommendations. In particular, it provides a forum for stakeholders to articulate their concerns to the government and for the Government to present the reasons for its proposed response. The workshop will hold up to 100 participants.

Goals: As a result of this workshop, the Interagency Working Group (IWG) will be able to develop for the President a response to the ACHRE recommendations and a proposed plan of action that reflect stakeholder input. For those issues where closure or compromise cannot be reached between the stakeholders and government representatives, it should be possible to distinguish those areas where stakeholder concerns simply cannot be usefully met, and those where continuing discussions will be useful.

Proposed Format: One possibility is for the workshop to consist of a series of panels on different topics. After each panel presentation and discussion, questions and comments will be taken from the general audience. Panelists will include stakeholders, government officials and scientists. Each panel will have a chair who will organize the presentation. The conference as a whole and the general discussions will be moderated by a Federal facilitator. The facilitator and the panel chair will attempt to summarize the core issues at the end of each panel. A preliminary draft of the proposed Federal response to the ACHRE recommendations will be distributed before the workshop, to serve as a starting point for discussions. A complete transcript will be made of the workshop.

The above is a preliminary proposal. The facilitator, Doris Campos-Infantino from Health and Human Services, will be working with DOE staff to set up the best process to carry out the purpose and achieve the goals of the workshop.

A final note in terms of process is that I think we are committed to paying for up to 30 stakeholders (or at least Cooper Brown's 20), in whatever form they participate. Since we are unlikely to need all of these stakeholders on the panels, we may want to designate certain people as "discussion leaders" or "audience participants" to ensure that they can be invited.

Workshop Follow-up: In the light of the discussions at the workshop, the Interagency Working Group will revise and extend its Christmas response to the ACHRE recommendations for submission to the White House. For those issues for which there is no closure, and for which further discussion will be useful, the IWG will develop a plan for continuing work with stakeholders.

Proposed Workshop Content: What follows are several topics for inclusion in the workshop. These can be fleshed out once we receive the stakeholder input and we determine the optimal format for the workshop.

1. Historical Biomedical Experiment Issues: Compensation (recommendations 1 and 2)
2. Historical Biomedical Experiment Issues: Medical Monitoring (recommendation 4)
3. Population Exposures: Atomic Veterans (recommendation 6)
4. Population Exposures: Marshall Islanders and Uranium Miners (recommendations 7 and 8)
5. Issues in Current Human Research (probably two panels) (recommendations 9 through 15)
6. Government Openness: Ensuring Access to Records and Information (recommendation 17)

This list of topics does not include recommendation 5, which proposes including other environmentally exposed populations under The Radiation Exposure Compensation Act of 1990 should information become available that suggests they have a comparable cancer burden to those currently covered. The open-ended nature of this recommendation does not easily lend itself to a focussed discussion. However, specific stakeholder groups may wish to propose themselves for inclusion and make this case as part of the workshop.

The list also does not include any discussion of EPA related issues (recommendation 16a and 16b). Unless they tell us differently, I am assuming these are not stakeholder priorities. Nor is EPA likely to be prepared to participate in the workshop.

We are expecting to receive the stakeholder proposals for workshop content by Monday, January 29th.

Prepared by
Elly Melamed
OFC. OF ENV'T, SAFETY
& HEALTH
1-26-96

FAX TRANSMISSION

TASK FORCE ON RADIATION & HUMAN RIGHTS

7006 CARROLL AVENUE, SUITE 202
TANOMA PARK, MD 20912
(202) 775-8786 / (301) 270-3887
FAX: (301) 270-2460

To: Elly Melethead Date: January 30, 1996
Fax #: (202) 586-0956 Pages: -6-, including this cover sheet.
From: E. Cooper Brown
Subject: WORKSHOP

COMMENTS:

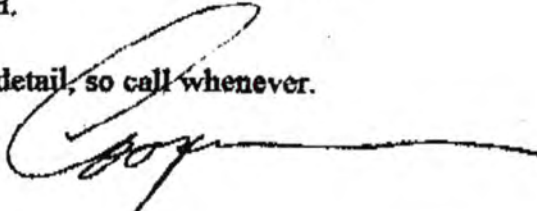
Elly -

Enclosed is draft agenda proposal, containing our preliminary ideas on what the two days would/should look like from our perspective.

In addition, we anticipate need of approximately two dozen of the 30 Task Force member groups for travel assistance (travel & per diem) so that each can send one representative to the workshop. We fully expect each organization will have at least one representative involved as a presenter in at least one of the panel discussions. A listing of those groups that would need assistance is enclosed. To repeat, this is not a list of all the Task Force members, but of those who want to and should be at the workshop and who require assistance. We will request, for those whose ways are covered, per diem for four days - to include the nights of Sat, Sun, Mon & Tues. Covering Sat night will permit the Task Force all day Sunday to meet, which will be necessary if our input the next two days is to be meaningful. Covering Tues night means everyone can stick it out through close of the workshop Tuesday, which will be important.

6/742
Additionally, we see the need for approximately three to five doctors/professionals to be in attendance, for the last panel of the first day, as noted in the enclosed, who will surely need travel assistance and per diem if they are to attend.

No doubt all of this will need to be discussed in more detail, so call whenever.



PROPOSED AGENDA / DRAFT
for February 26-27 Human Radiation Experiments Workshop

OVERVIEW:

The Workshop should have an overarching theme within which the various topics and issues are addressed. We propose borrowing the two utilized by the Advisory Committee in presenting its recommendations:

- #1. "Coming to Terms with the Past"
- #2. "Looking Ahead to the Future"

Within these basic themes the Advisory Committee set forth various recommendations. These recommendations, which presumably the various agencies will be addressing in terms of their respective implementation plans, serve as useful focus areas for the various panel discussions. Summarized, the Adv Comm's recommendations include:

- I. **REMEDIES FOR PAST WRONGS**
 - A. **THE BIOMEDICAL EXPERIMENTS; COMPENSATION AND ACCESS TO JUSTICE**
 - B. **THE BIOMEDICAL EXPERIMENTS; NOTIFICATION AND FOLLOWUP**
 - C. **POPULATION EXPOSURES:**
 - (1) Expanding RECA Coverage to Other Downwind Populations
 - (2) Atomic Veterans/V.A. Reform
 - (3) RECA Reform for Uranium Miners
 - (4) The Marshall Islands
 - (5) Other (e.g. Native Alaskans)
- II. **PROTECTING THE FUTURE --**
 - A. **PROTECTING PRIVATE & PUBLIC RIGHTS AND INTERESTS**

e.g. -- Reform of Practices Governing Future Biomedical Experiments; A.C. Recommendations #s 9, 10, 11, 12, 13 & 14

e.g. -- The National Bioethics Advisory Commission
 - B. **BALANCING NATIONAL SECURITY INTERESTS AND THE RIGHTS OF THE PUBLIC**

e.g. -- Practices to Govern Classified Biomedical Research and Secret Environmental Releases; A.C. Recommendations #s 15, 16

PROPOSED AGENDA / DRAFT
for February 26-27 Human Radiation Experiments Workshop

- III. GOVERNMENT OPENNESS AND ACCOUNTABILITY --**
- A. THE PAST: THE ADEQUACY OF THE GOVERNMENT'S INVESTIGATION AND RADIATION EXPERIMENT DISCLOSURES TO DATE**
- Adequacy of Historical Records Disclosures
 - Adequacy of Radiation Experiments Identification
 - Therapeutic experimentation
 - Propriety of Closing Investigation as of 1974
- B. THE FUTURE: Assuring Record Keeping and Public Access**

PROPOSED AGENDA

The agenda that best facilitates addressing the foregoing topics and subject matter for Task Force leadership is one wherein panel discussions/panel workshops run consecutively, not concurrently.

Day One would lead with a presentation from government representatives as to the "what" and the "why" of their various implementation proposals, with generalized comment from at least one Task Force representative, followed by panel discussions responding to the proposed initiatives lead by representatives of specific communities put at risk as a result of the activity of concern, with perhaps one government representative on the panel as well. Panel discussions would be devoted, initially, to panel presenters, followed by input from and dialogue with the audience.

Panels in Day Two would be set up focused on a particular issue or topic, and would include panelists from both the government and private sector. We would anticipate that there would be short presentations by each panelist, followed by the opportunity for dialogue and exchange between the panelists, followed by questions/response from the audience. Day Two would conclude with a closing panel discussion and audience input on what had been accomplished during the two days of workshops and recommendations as to "where to from here".

PROPOSED AGENDA / DRAFT
for February 26-27 Human Radiation Experiments Workshop

Tentatively, we propose the following agenda:

DAY ONE

8:00 - 9:00 a.m.	REGISTRATION & ORIENTATION
9:00 - 11:00	OPENING SESSION: GOVERNMENT ACCOUNTABILITY - THE GOVERNMENT'S PROPOSAL(S) FOR IMPLEMENTATION OF THE ADVISORY COMMITTEE'S RECOMMENDATIONS
11:00 - 12:15	PANEL DISCUSSION; RESPONSE FROM THE SUBJECTS OF BIOMEDICAL EXPERIMENTS
12:15 / Noon	LUNCH
1:30 - 2:30 p.m.	PANEL DISCUSSION; RESPONSE FROM INDIGENOUS PEOPLES
2:30 - 3:30	PANEL DISCUSSION; RESPONSE FROM "DOWNWINDER" COMMUNITIES
3:30 - 4:30	PANEL DISCUSSION; RESPONSE FROM ATOMIC VETERANS
4:30 - 5:45	PANEL DISCUSSION; PERSPECTIVE FROM THE MEDICAL, SCIENTIFIC & ETHICS COMMUNITY
5:45 - 6:00	CLOSING REMARKS FOR DAY ONE

DAY TWO

8:30 - 9:00 a.m.	LATE REGISTRATION
9:00 - 11:00	PANEL DISCUSSION/DELIBERATION ON REMEDIES FOR PAST WRONGS; THE BIOMEDICAL EXPERIMENTS AND POPULATION EXPOSURES; COMPENSATION, ACCESS TO JUSTICE, NOTIFICATION & MEDICAL FOLLOWUP

PROPOSED AGENDA / DRAFT
for February 26-27 Human Radiation Experiments Workshop

DAY TWO (continued)

11:00 - 12:15	PANEL DISCUSSION/DELIVERATON ON GOVERNMENT OPENNESS AND ACCOUNTABILITY; ADEQUACY OF THE GOVERNMENT'S INVESTIGATION AND DISCLOSURES TO DATE; ASSURING RECORD KEEPING AND PUBLIC ACCESS IN THE FUTURE
12:15 / Noon	LUNCH
1:30 - 2:45	PANEL DISCUSSION/DELIBERATION ON PROTECTING PRIVATE & PUBLIC RIGHTS AND INTERESTS IN THE FUTURE; THE BALANCING OF NATIONAL SECURITY INTERESTS
2:45 - 3:00	Break
3:00 - 5:00	CLOSING SESSION: PRESENTATION & DELIBERATON ON WHAT WE HAVE LEARNED / WHERE TO FROM HERE

TASK FORCE ON RADIATION AND HUMAN RIGHTS**REQUESTING TRAVEL ASSISTANCE**

Alliance of Atomic Veterans
American Environmental Health & Safety Project
Atomic Reclamation & Conversion Project
Center for Atomic Radiation Studies
Concerned Relatives of Cancer Study Patients
Cincinnati Families of Radiation Victims Organization
Citizens Call Utah
Citizen Soldier
Fernald School "Science Club"
Hanford Downwinders
Indigent Transients & Survivors of Oak Ridge
National Association of Atomic Veterans
National Association of Radiation Survivors
National Committee for Radiation Victims
Native Alaskans of Point Hope
Navajo Uranium Radiation Victims Committee
Oakridge Downwinders Health Concerns
Oregon State Prison Experiment Victims
Portsmouth-Piketon Residents for Environmental Safety
Pueblo Laguna
Rochester Radiation Victims' Survivors' Association
Survivors of Medical Radiation Experiments
Trinity Post 7-45
Vanderbilt Experiment Survivors

Call Liz Montoya



Task Force on Radiation and Human Rights

Washington D.C. Office:
National Committee for Radiation Survivors
6935 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-8786 Fax: (301) 891-3992

96 MAY 16 P 4 : 57

May 15, 1996

President William J. Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Clinton:

By this correspondence the Executive Committee of the Task Force on Radiation and Human Rights requests a meeting with the appropriate members of your staff to address a number of concerns that have arisen related to the issue of human radiation experimentation and the proposed "path forward" of the Interagency Working Group on Human Radiation Experiments.

As you no doubt are aware, on February 26th and 27th the Task Force participated in a "Stakeholders Workshop" sponsored by the Interagency Working Group on Human Radiation Experiments. The workshop was invaluable for having allowed the member organizations of the Task Force the opportunity to voice their concerns about the Advisory Committee's recommendations and the IWG staff's proposed "path forward" in implementation of those recommendations. Nevertheless, it was clear by the end of the workshop that we (the Task Force's members) were in disagreement with the Interagency Working Group on a number of issues that must be resolved at a policy level if there is to be a successful resolution of the radiation experiments issue.

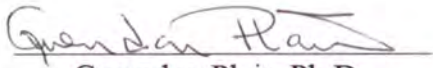
We understand that the White House and Justice Department attorneys may have reservations about this proposed meeting, particularly if it is attended by two of the Task Force Executive Committee who are public interest attorneys also presently engaged in litigation on behalf of radiation experiment victims against the government. Please rest assured that, notwithstanding their presence (they are duly elected representatives of the Task Force), we will not be addressing the specifics of any litigation in which either of these individuals is involved.

• Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project • Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen Soldier • Colorado Atomic Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA • Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinder Health Concerns • Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • Laguna/Acoma Coalition for a Safe Environment • National Association of Atomic Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment Victims • Portsmouth-Piketon Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors Association • Survivors of Medical Radiation Experiments • Trinity Post 7-45 • Vanderbilt Irradiated Victims Organization •

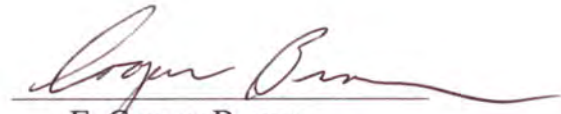
We want to address, from a policy perspective, a wide range of issues inherent in the Advisory Committee's recommendations and the IWG's proposed implementation plan, not the least the about-to-be-impaneled National Bioethics Advisory Commission. Certainly there are issues that we want to address to the White House's attention, for example the Advisory Committee's recommendations on medical follow-up and compensation, which will be of concern to the Justice Department -- even though addressed at a policy level. For this reason, we would welcome (and hope that you would invite) an appropriate policy-level official from Justice to join us for this meeting.

Thanking you in advance, we are

Sincerely yours,



Gwendon Plair, Ph.D.
Task Force Executive Committee



E. Cooper Brown
Task Force Executive Committee

cc. Secretary of Energy Hazel O'Leary
Senator Ted Stevens
Senator John Glenn
Deputy Ass't Attorney General Eva Plaza
Mr. Phil Kaplan



Task Force on Radiation and Human Rights

Washington D.C. Office:
National Committee for Radiation Survivors
6935 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-8786 Fax: (301) 891-3992

May 15, 1996

President William J. Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Clinton:

By this correspondence the Executive Committee of the Task Force on Radiation and Human Rights requests a meeting with the appropriate members of your staff to address a number of concerns that have arisen related to the issue of human radiation experimentation and the proposed "path forward" of the Interagency Working Group on Human Radiation Experiments.

As you no doubt are aware, on February 26th and 27th the Task Force participated in a "Stakeholders Workshop" sponsored by the Interagency Working Group on Human Radiation Experiments. The workshop was invaluable for having allowed the member organizations of the Task Force the opportunity to voice their concerns about the Advisory Committee's recommendations and the IWG staff's proposed "path forward" in implementation of those recommendations. Nevertheless, it was clear by the end of the workshop that we (the Task Force's members) were in disagreement with the Interagency Working Group on a number of issues that must be resolved at a policy level if there is to be a successful resolution of the radiation experiments issue.

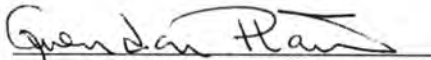
We understand that the White House and Justice Department attorneys may have reservations about this proposed meeting, particularly if it is attended by two of the Task Force Executive Committee who are public interest attorneys also presently engaged in litigation on behalf of radiation experiment victims against the government. Please rest assured that, notwithstanding their presence (they are duly elected representatives of the Task Force), we will not be addressing the specifics of any litigation in which either of these individuals is involved.

• Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project • Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen Soldier • Colorado Atomic Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA • Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinder Health Concerns • Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • Laguna-Acoma Coalition for a Safe Environment • National Association of Atomic Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment Victims • Portsmouth-Piketon Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors Association • Survivors of Medical Radiation Experiments • Trinity Post 7-45 • Vanderbilt Irradiated Victims Organization •

We want to address, from a policy perspective, a wide range of issues inherent in the Advisory Committee's recommendations and the IWG's proposed implementation plan, not the least the about-to-be-impaneled National Bioethics Advisory Commission. Certainly there are issues that we want to address to the White House's attention, for example the Advisory Committee's recommendations on medical follow-up and compensation, which will be of concern to the Justice Department -- even though addressed at a policy level. For this reason, we would welcome (and hope that you would invite) an appropriate policy-level official from Justice to join us for this meeting.

Thanking you in advance, we are

Sincerely yours,


Gwendon Plair, Ph.D.
Task Force Executive Committee


E. Cooper Brown
Task Force Executive Committee

cc. Secretary of Energy Hazel O'Leary
Senator Ted Stevens
Senator John Glenn
Deputy Ass't Attorney General Eva Plaza
Mr. Phil Kaplan

Task Force on Radiation & Human Rights
c/o Cummins & Brown
7006 Carroll Ave., #202
Takoma Park, MD 20912

SUBURBAN MD P&DC 208 051596 1938 ISS-12



President William Clinton
c/o Mr. Phil Kaplan
Special Ass't to the President & Deputy Staff Secretary
The White House
Washington, DC 20502



FAX TRANSMISSION

TASK FORCE ON RADIATION & HUMAN RIGHTS

7006 CARROLL AVENUE, SUITE 202
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 270-3887
FAX: (301) 270-3460

To: Mr. Phil Kaplan

Date: May 20, 1996

Fax #: 202-456-2215

Pages: -5-, including this cover sheet.

From: E. Cooper Brown

Subject: NBAC

COMMENTS:

HARD COPY FOLLOWS, REGULAR MAIL



Task Force on Radiation and Human Rights

Washington D.C. Office:
National Committee for Radiation Survivors
6935 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-8786 Fax: (301) 891-3992

May 20, 1996

-- Via Facsimile and First Class Post --

Dr. John Gibbons, Director
Office of Science and Technology Policy
Old Executive Office Building, #424
Washington, D.C. 20500

RE: the National Bioethics Advisory Commission

Dear Dr. Gibbons,

We are writing on behalf of thirty groups representing radiation survivors and the victims of government-sponsored radiation experiments. Many of these organizations' members were first identified as potential experiment subjects in 1994, when the Advisory Committee on Human Radiation Experiments ("ACHRE"), appointed by President Clinton, began its investigation. Upon announcement of those selected by the President to serve on ACHRE, the Task Force on Radiation and Human Rights ("Task Force") strongly raised the concern, with both the White House and the Department of Energy, that the membership makeup of the Advisory Committee violated the letter and the spirit of the Federal Advisory Committee Act ("FACA") -- because those most directly affected were not selected to serve on ACHRE. True, there was one lay person "citizen's representative" selected, Lois Norris, qualified on the grounds that she had served on an Internal Review Board at a university hospital. However, Ms. Norris refused to identify herself as a representative of those most affected by ACHRE's work, even after DOE identified her to us as such.

Notwithstanding one continuing vacancy on the President's Advisory Committee, no one representing the interests and concerns of the experiment victims was added to fill that vacancy. When pressed as to why not, the Task Force was told or otherwise led to believe by members and staff of ACHRE, by representatives of DOE, and by other government officials, that the radiation survivors' time would come because the experiment victims and/or their family members would be considered for membership on the National Bioethics Advisory Committee ("NBAC") to be formed upon completion of the Advisory Committee's investigation.

• Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project • Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen Soldier • Colorado Atomic-Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA • Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinder Health Concerns • Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • Laguna-Acoma Coalition for a Safe Environment • National Association of Atomic Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment Victims • Portsmouth-Piketon Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors Association • Survivors of Medical Radiation Experiments • Trinity Post 7-45 • Vanderbilt Irradiated Victims Organization •

Dr. John Gibbons
RE: National Bioethics Advisory Commission

On October 3rd of last year, President Clinton, in receiving the report of the Advisory Committee, announced the formation of NBAC. He noted that, among other things NBAC would be tasked with overseeing the government's implementation of the Advisory Committee's recommendations. Thus, with a continued stake in the process, we looked forward to the opportunity of submitting representatives of our groups for NBAC consideration. We also felt that those most directly affected by historic government-sponsored human experiments would be an ideal "moral compass" for NBAC when it began to discuss how to prevent ethical wrongs identified by ACHRE from ever happening again.

Unfortunately, upon contacting your office shortly after the President's announcement, we learned that membership on NBAC had already been under consideration for some time. Indeed, it was not long thereafter that the nomination process for NBAC membership was closed. We subsequently learned that three community representatives had been nominated to the fifteen-member panel, but that none of those under consideration were from the radiation survivors/radiation experiment victims community.

That we had been excluded from NBAC was protested to the Interagency Working Group on Human Radiation Experiments throughout the fall and winter. In February of this year, we raised our exclusion before an IAWG workshop. At that time, we were encouraged by both DOE, DOD, and the White House representative to request a meeting with the White House to discuss, among other matters relating to follow-up, Task Force nominations to NBAC -- that it wasn't too late. We immediately requested a meeting with the White House where at our concerns could be raised. However, because the meeting with the White House has not yet been granted, and because we now understand that plans are moving forward to finalize NBAC membership without Task Force representation, we are taking the initiative at this time in seeking to correct what otherwise will become an on-going problem of fair representation on NBAC.

We believe it is imperative under the mandate of FACA, 5 U.S.C. Appendix 2, that NBAC be diverse in all points of view it purports to represent. An advisory committee, including one that advises the President, must be created pursuant to a plan to "attain fairly balanced membership. The plan will insure that, in the selection of members for the committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the committee." 41 CFR 101-6.1007 (iii), GSA implementing regulations for P.L. 92-463; 86 Stat. 770, Sec. 5 (b) (2), effective 10/72. In order to fulfill this requirement, NBAC needs representation from the group of experiment victims whose tragic situations justified its formation and their chosen advocates. Certainly there can be no doubt but that the government-sponsored human radiation

Dr. John Gibbons
RE: National Bioethics Advisory Commission

experiments of the Cold War years and their attendant and dramatic national and international publicity gave credibility to the formation of NBAC.

As you are well aware, while there is no mandate that certain individuals be selected, there is a legal requirement that the members be chosen from a "cross-section of those most directly affected" by NBAC -- unless a purely technical committee is envisioned (which is clearly not the case with NBAC). Thus, the Task Force submits the following names to be drawn from, for inclusion (one or more) as additional appointees to NBAC:

- Consent as
Circ + doctor + DoD*
- ✓ Ms. Sandra Reid, a public health nurse from Oak Ridge, TN;
 - ✓ Gwendon Plair, Ph.D., a family member of a Cincinnati, OH, radiation experiment;
 - ✓ Dennis Nelson, Ph.D., a Utah downwinder;
 - ✓ Leonard Schroeter, Esq., a renown Seattle public interest and human rights attorney;
 - ✓ Tod Ensign, Esq., long-time advocate for the rights of veterans and military personnel;
 - ✓ Lincoln Grahls, Ph.D., an atomic veteran from St. Louis;
 - ✓ Mr. Manuel Pino, a member of the Laguna-Acoma Pueblo Indians;
 - ✓ Ms. Darcy Solarz-Thrall, a Hanford downwinder.
- no language*

Acie Byrd

These nominees were selected by acclamation from our thirty member groups.

Resumes will be provided at your request.

Please understand that we have deep and sincere appreciation for the process that has been undertaken by the White House and Interagency Working Group to rectify and remedy the tragedy created by Cold War human radiation experiments, which obviously includes formation of NBAC. However, that process needs to be more than appreciated, it needs to be credible - to all parties concerned and particularly to those the process is designed to benefit. The radiation survivors and experiment victims have, in the past, voiced serious reservations about the credibility of the process that led to the formation of the Advisory Committee on Human Radiation Experiments and, subsequently, to the Advisory Committee investigation and final report. Much of this criticism could, quite frankly, have been avoided had they not been excluded from meaningful involvement. NBAC is far too important to suffer a similar fate. It deserves the credibility that can and will result by inclusion, even at this later hour, of members representing certainly one of the most egregious chapters in the history of human research.

*Body Corner
public person*

*Liz
Montoya*

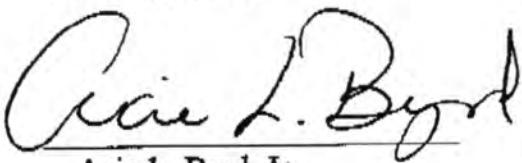
*Teasha
Powell*

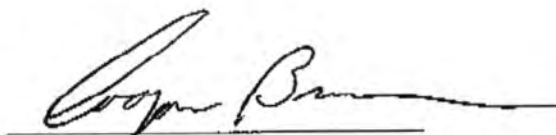
*Maybe online
can she
go on*

Dr. John Gibbons
RE: National Bioethics Advisory Commission

On behalf of the Task Force Executive Committee, we are

Sincerely yours,


Acie L. Byrd, Jr.


E. Cooper Brown

cc. The Honorable Hazel O'Leary, Secretary of Energy
The Honorable Donna Shalala, Secretary of Health & Human Services
Mr. Phil Kaplan, Office of the President
Deputy Ass't Attorney General Eva Plaza
Senator Ted Stevens
Senator John Glenn

THE WHITE HOUSE

WASHINGTON

December 19, 1995

Mr. Cooper Brown
Task Force on Radiation and Human Rights
6935 Laurel Avenue
Takoma Park, Maryland 20912

Dear Mr. Brown:

Thank you for your letter of October 12. I am glad you were able to be at the White House when I received the Advisory Committee on Human Radiation Experiment's final report.

The Advisory Committee's report was an indispensable part of our effort to restore the confidence of the American people in the integrity of their government. From the declassification of thousands of pages of documents to the public hearings and the many revelations the Advisory Committee made about decision-making in the Cold War-era, I hope you feel, as I do, that the government has kept its commitment to tell the truth about this chapter in our history.

The progress we have made in medicine and science are due in large part to our commitment to research, but we must remain vigilant when that research involves human subjects. That is why I directed each agency of our government that conducts, supports, or regulates research involving human subjects to review its procedures. An interim report is due back to me by Christmas and a final report is due early next year. The new National Bioethics Advisory Committee will supervise this process and ensure that our research protections are adequate and failsafe.

I have asked Secretary O'Leary and Dr. Tara O'Toole, Assistant Secretary of Energy for Environment, Safety and Health; and Attorney General Janet Reno and Eva M. Plaza, Deputy Attorney General, Torts Branch, to look more closely at the other issues you have raised in your letter.

Thank you for your support, and I look forward to your continued involvement.

Sincerely,

Bill Clinton

FAX TRANSMISSION

HUMAN EXPERIMENTS LITIGATION PROJECT

7006 Carroll Avenue, Suite No. 202

Takoma Park, Maryland 20912

(301) 270-3887

FAX: (301) 270-3460

To: Philip Caplan

Date: March 8, 1996

Fax #: 202-456-2215

Pages: 5, including this cover sheet.

From: Acie Byrd

Subject: Letter to A.G. Reno

COMMENTS:

As discussed . . .

* If all pages are not received or if there are any other problems, please call 301-270-3887.

**CONFIDENTIALITY NOTICE: The documents included in this facsimile transmission contain confidential information which is the property of the sender and is legally privileged. The information is intended solely for the use of the designated recipient. If you are not the designated recipient, you are hereby notified that any disclosure, copying, distribution, or reliance on this information for any action is prohibited. If this transmission has been sent in error, please contact us immediately at 301-270-3887. Thank you.



Task Force on Radiation and Human Rights

Washington D.C. Office:
National Committee for Radiation Survivors
6935 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-8786 Fax: (301) 891-3992

March 8, 1996

The Honorable Janet F. Reno
Attorney General
Department of Justice
Constitution Avenue & 10th Street, N.W.
Washington, DC 20530

Re: Human Radiation Experiments

Dear Attorney General Reno:

In its final report, released October 3, 1995, the President's Advisory Committee on Human Radiation Experiments cited numerous radiation experiments or coverup efforts that suggest, in some instances rather strongly, that federal criminal laws were violated. In almost every instance, however, the Advisory Committee cited the need for further investigation before any determination of actual wrongdoing could be made. See e.g., Advisory Report, p. 779.

President Clinton, by Executive Order issued October 3rd, directed the member agencies of the Interagency Working Group on Human Radiation Experiments (which includes the Department of Justice) to review the findings and recommendations contained within the Advisory Committee's final report. The President further charged each agency of the IWG with developing appropriate implementation plans for those matters within each agency's respective purview and authority.

Less than two weeks ago the Task Force on Radiation and Human Rights met with representatives of the Interagency Working Group to review the Administration's proposed "path forward" with regard to follow up to the Advisory Committee's investigation and implementation of its recommendations. We were astounded to learn from the Justice Department representative not only that no criminal investigation had been undertaken of any of the events cited by the Advisory Committee, but that no such investigation had even been considered.

The purpose of this correspondence is to formally request a Department of Justice investigation of the human radiation experiments conducted or otherwise sponsored by the federal government between 1944 and 1974 for possible violation of federal criminal laws and relevant Presidential Executive Orders and agency regulations proscribing criminal conduct. We further request that this

Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project
• Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen
Soldier • Colorado Atomic-Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA •
Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinders Health Concerns •
Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • National Association of Atomic
Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of
Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment
Victims • Portsmouth-Pikeston Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors
Association • Survivors of Medical Radiation Experiments • Trinity Post 7-45 • Vanderbilt Irradiated Victims Organization

Attorney General Reno
March 8, 1996

investigation include a determination of whether criminal sanctions should be imposed against those who conducted radiation experiments in violation of applicable international human rights laws such as the Nuremberg Code.

To the extent that such an investigation would necessarily focus upon past, and to a lesser extent current, federal government officials and employees, the Task Force further requests that a special prosecutor be appointed to conduct this investigation.

The Task Force is not in a position to unequivocally assert that federal criminal laws were violated in the conduct of the radiation experiments. Nevertheless, it is clear from the Advisory Committee's final report that there exists sufficient evidence to warrant a criminal investigation by the Department of Justice.

For example, the Advisory Committee raised the question of whether individuals were killed as a result of being subjected to some of the radiation experiments, notably the total body irradiation experiments conducted at Cincinnati and the experimental radio-gallium treatments administered at Oak Ridge. As to the Cincinnati TBI experiments, the Advisory Committee cited contemporaneous reports indicating that the TBI "may have contributed to the deaths of at least eight and as many as twenty patients." Report, p. 393. (Many if not most of the TBI subjects, the Committee further noted, were not terminal "near death" patients, notwithstanding their cancer diagnosis. Research reports of the time generally referred to the subjects as "in reasonably good clinical condition" and "in relatively good health." A 1970 DASA report is cited stating that studies conducted during 1969 "were all performed on ambulatory human subjects . . . [who] were all clinically stable, many of them working daily." *Id.*) (The emphasis is that of the Advisory Committee.)

With respect to the Oak Ridge radio-gallium experiments, the Advisory Committee found that doses to patients were "gradually increased to toxic levels" and that researchers reported at the time that, "in two patients our estimates of safe dosage limits were in error and radio-gallium is believed to have hastened death." Report, pp. 306-307.

The Advisory Committee's report and documents uncovered during its investigation indicate that the Cincinnati and Oak Ridge experiments were not the only radiation experiments that resulted in the death of the experimental subject. Just one example: the BNCT experimental therapy conducted at Massachusetts General Hospital and at Brookhaven National Laboratory in the 1950s is reported to have caused or contributed to the deaths of ten out of fourteen patients autopsied after being subjected to this experimentation.

Where it is found that any of the radiation experiments did in fact cause the death of the subject, to the extent the experimentation took place in facilities under the jurisdiction of the United States (within the meaning of 18 USC § 7) the experiment should be evaluated for possible violation of federal

Attorney General Reno

March 8, 1996

criminal laws including 18 USC § 113 (*assault*), 18 USC § 1111 (*homicide*), and 18 USC § 1112 (*manslaughter*).

The Advisory Committee's report is replete with accounts of the coverup and fraudulent concealment of the radiation experiments -- both at the time the experiments were conducted and thereafter. For example, the Committee documents utilization of national security laws to classify and keep secret -- long after the experiments were over -- the Manhattan Project radiation experiments; not for the purpose of protecting national security but in order to avoid public embarrassment and, more importantly, legal liability. Report, pp. 624-630. Nor were secrecy and fraudulent representations about the radiation experiments an historical aberration. As late as the mid-1970s, the Advisory Committee determined, federal officials and agents of the government falsified and/or concealed the true nature of the plutonium injection experiments in order to secure follow up studies of subjects still living and the permission of families to exhume and study the bodies of those who had passed away. This conduct would appear to violate 18 USC § 1001 (*false statements*).

Tied to the foregoing, the Task Force on Radiation and Human Rights is concerned that government documents that would shed light on the full extent of the radiation experiments have been purposefully removed, lost or destroyed. To the extent that classified material has been removed, lost or destroyed, it would violate 18 USC § 793(f) (*loss of national defense records*). Whether classified or not, the concealment, removal, or destruction of any such records in the custody of a federal agency would violate 18 USC § 2071 (*concealment of government records*). Moreover, to the extent such conduct includes the knowing concealment of the commission of a felony from one's superiors, it would constitute a violation of 18 USC § 4 (*misprision of felony*).

A final example: the Advisory Committee found "that government agencies had no requirements or policies to ensure equity in the selection of subjects for research conducted or funded by the federal government during the period 1944 through 1974. . . . [S]ome of the biomedical experiments reviewed by the Committee that were ethically troubling were conducted on institutionalized children, seriously ill and sometimes comatose patients, African-Americans, and prisoners." Report, Finding #9, p. 785. It is noted, for example, that "[a]t both M.D. Anderson Hospital and the University of Cincinnati, almost all the patients were drawn from public hospitals, and many were African-Americans." Report, p. 405. Native Americans and other indigenous people were also targeted for radiation experimentation. Report, Chapter 12. This suggests constitutional and civil rights abuse on a mass scale. A Justice Department investigation is clearly warranted to determine whether any of the radiation experiments were conducted in violation of the criminal prohibitions of 18 USC § 241 (*conspiracy against rights*) and 18 USC § 242 (*deprivation of rights under color of law*).

From the Advisory Committee's report (and repeated discussions with Committee members and staff during the course of the Committee's investigation) it is clear that the Advisory Committee had neither the mandate, the investigatory powers, nor the time to look into the issues we here raise with

Attorney General Reno
March 8, 1996

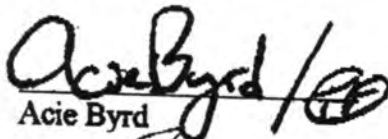
Justice. Even so, the Committee did uncover sufficient evidence to now warrant the investigation the Task Force requests.

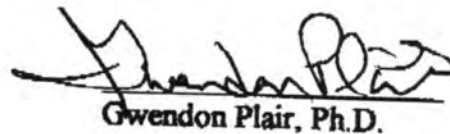
We urge that the Department of Justice weigh heavily the merits of this request. We submit that nothing less than the credibility of the government is at stake. How Justice responds will say much about whether there exists in this country a double standard when questions of criminality are raised — one for private citizen; another for government officials accused of the same wrongdoing. Moreover, if we are to fulfill our obligations as citizens concerned about the future, we are obligated to hold those responsible for past radiation experiments and their coverup accountable, both civilly and where appropriate criminally. Doing so will serve as the greatest future deterrent against the recurrence of human experimentation of the type condemned by the Advisory Committee.

The Task Force on Radiation and Human Rights stands ready to assist the Department of Justice in this investigation. Among other things, we encourage the Department to take full advantage of our "resources." We have individuals and family members that can, in certain instances, serve as eyewitnesses to the experiments. Other Task Force members have conducted considerable research on their own time and initiative into this issue and could serve as invaluable resource people.

In closing, we would welcome the opportunity of meeting with you or senior members of the Department of Justice to discuss these matters in greater detail. On behalf of those who seek a just closure to one of the darker issues to emerge from the Cold War years, we are, as members of the Task Force Executive Committee,

Sincerely yours,


Acie Byrd


Gwendon Plair, Ph.D.


E. Cooper Brown


Jacqueline Kittrell


Sandra Reid

cc. Deputy Attorney General Jamie Gorelick
Assistant Attorney General Deval Patrick
Secretary of Energy Hazel O'Leary
Senator Ted Stevens, Chairman, Committee on Governmental Affairs
Senator John Glenn, Committee on Governmental Affairs



Task Force on Radiation and Human Rights

Washington D.C. Office:
National Committee for Radiation Survivors
6935 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-8786 Fax: (301) 891-3992

March 8, 1996

The Honorable Janet F. Reno
Attorney General
Department of Justice
Constitution Avenue & 10th Street, N.W.
Washington, DC 20530

Re: Human Radiation Experiments

Dear Attorney General Reno:

In its final report, released October 3, 1995, the President's Advisory Committee on Human Radiation Experiments cited numerous radiation experiments or coverup efforts that suggest, in some instances rather strongly, that federal criminal laws were violated. In almost every instance, however, the Advisory Committee cited the need for further investigation before any determination of actual wrongdoing could be made. See e.g., Advisory Report, p. 779.

President Clinton, by Executive Order issued October 3rd, directed the member agencies of the Interagency Working Group on Human Radiation Experiments (which includes the Department of Justice) to review the findings and recommendations contained within the Advisory Committee's final report. The President further charged each agency of the IWG with developing appropriate implementation plans for those matters within each agency's respective purview and authority.

Less than two weeks ago the Task Force on Radiation and Human Rights met with representatives of the Interagency Working Group to review the Administration's proposed "path forward" with regard to follow up to the Advisory Committee's investigation and implementation of its recommendations. We were astounded to learn from the Justice Department representative not only that no criminal investigation had been undertaken of any of the events cited by the Advisory Committee, but that no such investigation had even been considered.

The purpose of this correspondence is to formally request a Department of Justice investigation of the human radiation experiments conducted or otherwise sponsored by the federal government between 1944 and 1974 for possible violation of federal criminal laws and relevant Presidential Executive Orders and agency regulations proscribing criminal conduct. We further request that this

Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project • Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen Soldier • Colorado Atomic-Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA • Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinder Health Concerns • Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • National Association of Atomic Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment Victims • Portsmouth-Piketon Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors Association • Survivors of Medical Radiation Experiments • Trinity Post 7-45 • Vanderbilt Irradiated Victims Organization

Attorney General Reno

March 8, 1996

investigation include a determination of whether criminal sanctions should be imposed against those who conducted radiation experiments in violation of applicable international human rights laws such as the Nuremberg Code.

To the extent that such an investigation would necessarily focus upon past, and to a lesser extent current, federal government officials and employees, the Task Force further requests that a special prosecutor be appointed to conduct this investigation.

The Task Force is not in a position to unequivocally assert that federal criminal laws were violated in the conduct of the radiation experiments. Nevertheless, it is clear from the Advisory Committee's final report that there exists sufficient evidence to warrant a criminal investigation by the Department of Justice.

For example, the Advisory Committee raised the question of whether individuals were killed as a result of being subjected to some of the radiation experiments, notably the total body irradiation experiments conducted at Cincinnati and the experimental radio-gallium treatments administered at Oak Ridge. As to the Cincinnati TBI experiments, the Advisory Committee cited contemporaneous reports indicating that the TBI "may have contributed to the deaths of at least eight and as many as twenty patients." Report, p. 393. (Many if not most of the TBI subjects, the Committee further noted, were not terminal "near death" patients, notwithstanding their cancer diagnosis. Research reports of the time generally referred to the subjects as "in reasonably good clinical condition" and "in relatively good health." A 1970 DASA report is cited stating that studies conducted during 1969 "were all performed on ambulatory human subjects . . . [who] were all clinically stable, many of them working daily." *Id.*) (The emphasis is that of the Advisory Committee.)

With respect to the Oak Ridge radio-gallium experiments, the Advisory Committee found that doses to patients were "gradually increased to toxic levels" and that researchers reported at the time that, "in two patients our estimates of safe dosage limits were in error and radio-gallium is believed to have hastened death." Report, pp. 306-307.

The Advisory Committee's report and documents uncovered during its investigation indicate that the Cincinnati and Oak Ridge experiments were not the only radiation experiments that resulted in the death of the experimental subject. Just one example: the BNCT experimental therapy conducted at Massachusetts General Hospital and at Brookhaven National Laboratory in the 1950s is reported to have caused or contributed to the deaths of ten out of fourteen patients autopsied after being subjected to this experimentation.

Where it is found that any of the radiation experiments did in fact cause the death of the subject, to the extent the experimentation took place in facilities under the jurisdiction of the United States (within the meaning of 18 USC § 7) the experiment should be evaluated for possible violation of federal

Attorney General Reno

March 8, 1996

criminal laws including 18 USC § 113 (*assault*), 18 USC § 1111 (*homicide*), and 18 USC § 1112 (*manslaughter*).

The Advisory Committee's report is replete with accounts of the coverup and fraudulent concealment of the radiation experiments -- both at the time the experiments were conducted and thereafter. For example, the Committee documents utilization of national security laws to classify and keep secret -- long after the experiments were over -- the Manhattan Project radiation experiments; not for the purpose of protecting national security but in order to avoid public embarrassment and, more importantly, legal liability. Report, pp. 624-630. Nor were secrecy and fraudulent representations about the radiation experiments an historical aberration. As late as the mid-1970s, the Advisory Committee determined, federal officials and agents of the government falsified and/or concealed the true nature of the plutonium injection experiments in order to secure follow up studies of subjects still living and the permission of families to exhume and study the bodies of those who had passed away. This conduct would appear to violate 18 USC § 1001 (*false statements*).

Tied to the foregoing, the Task Force on Radiation and Human Rights is concerned that government documents that would shed light on the full extent of the radiation experiments have been purposefully removed, lost or destroyed. To the extent that classified material has been removed, lost or destroyed, it would violate 18 USC § 793(f) (*loss of national defense records*). Whether classified or not, the concealment, removal, or destruction of any such records in the custody of a federal agency would violate 18 USC § 2071 (*concealment of government records*). Moreover, to the extent such conduct includes the knowing concealment of the commission of a felony from one's superiors, it would constitute a violation of 18 USC § 4 (*misprision of felony*).

A final example: the Advisory Committee found "that government agencies had no requirements or policies to ensure equity in the selection of subjects for research conducted or funded by the federal government during the period 1944 through 1974. . . . [S]ome of the biomedical experiments reviewed by the Committee that were ethically troubling were conducted on institutionalized children, seriously ill and sometimes comatose patients, African-Americans, and prisoners." Report, Finding #9, p. 785. It is noted, for example, that "[a]t both M.D. Anderson Hospital and the University of Cincinnati, almost all the patients were drawn from public hospitals, and many were African-Americans." Report, p. 405. Native Americans and other indigenous people were also targeted for radiation experimentation. Report, Chapter 12. This suggests constitutional and civil rights abuse on a mass scale. A Justice Department investigation is clearly warranted to determine whether any of the radiation experiments were conducted in violation of the criminal prohibitions of 18 USC § 241 (*conspiracy against rights*) and 18 USC § 242 (*deprivation of rights under color of law*).

From the Advisory Committee's report (and repeated discussions with Committee members and staff during the course of the Committee's investigation) it is clear that the Advisory Committee had neither the mandate, the investigatory powers, nor the time to look into the issues we here raise with

Attorney General Reno

March 8, 1996

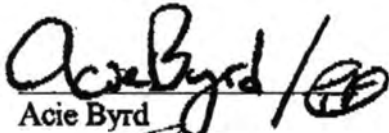
Justice. Even so, the Committee did uncover sufficient evidence to now warrant the investigation the Task Force requests.

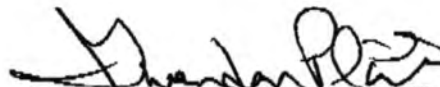
We urge that the Department of Justice weigh heavily the merits of this request. We submit that nothing less than the credibility of the government is at stake. How Justice responds will say much about whether there exists in this country a double standard when questions of criminality are raised — one for private citizen; another for government officials accused of the same wrongdoing. Moreover, if we are to fulfill our obligations as citizens concerned about the future, we are obligated to hold those responsible for past radiation experiments and their coverup accountable, both civilly and where appropriate criminally. Doing so will serve as the greatest future deterrent against the recurrence of human experimentation of the type condemned by the Advisory Committee.

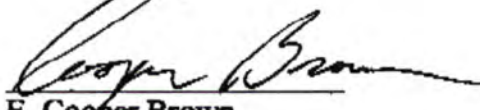
The Task Force on Radiation and Human Rights stands ready to assist the Department of Justice in this investigation. Among other things, we encourage the Department to take full advantage of our "resources." We have individuals and family members that can, in certain instances, serve as eyewitnesses to the experiments. Other Task Force members have conducted considerable research on their own time and initiative into this issue and could serve as invaluable resource people.

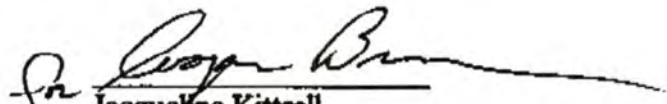
In closing, we would welcome the opportunity of meeting with you or senior members of the Department of Justice to discuss these matters in greater detail. On behalf of those who seek a just closure to one of the darker issues to emerge from the Cold War years, we are, as members of the Task Force Executive Committee,

Sincerely yours,


Acie Byrd


Gwendon Plair, Ph.D.


E. Cooper Brown


Jacqueline Kittrell


Sandra Reid

cc. Deputy Attorney General Jamie Gorelick
Assistant Attorney General Deval Patrick
Secretary of Energy Hazel O'Leary
Senator Ted Stevens, Chairman, Committee on Governmental Affairs
Senator John Glenn, Committee on Governmental Affairs

03/08/96 17:40

202 586 4059
FROM RADLAW/HELP

EH BUDGET/ADMIN

TO 12025664059

0001

P. 01

FAX TRANSMISSION

TASK FORCE ON RADIATION & HUMAN RIGHTS

8035 LAUREL AVENUE
TANOMA PARK, MD 20612
(202) 778-8786 / (301) 270-3887
FAX: (301) 270-3480

To: Ass't Sec Tara O'Toole**Date:** March 8, 1996**Fax #:** (202) 586-4059**Pages:** - 5 -, including this cover sheet.**From:** E. Cooper Brown**Subject:** Human Radiation Experiments

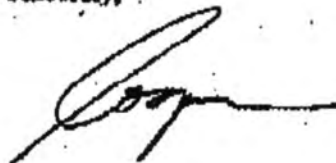
COMMENTS:

Dear Tara --

Please find enclosed a copy of correspondence that was sent today by fax to the Attorney General requesting a criminal investigation into the human radiation experiments and raising questions relative to international law. Among other things, our complaint focuses on potential violations of 18 USC Sections 241 and 242 (criminal violation of civil rights) in the conduct of certain experiments.

FYI, we've requested a meeting at Justice with Assistant Secretary Deval Patrick, head of the Civil Rights Division, concerning the enclosed.

Sincerely,



61499

03/08/96 17:41

202 586 4059
FROM RADLAW/HELP

EH BUDGET/ADMIN

TO 12025064059

002

P. 02



Task Force on Radiation and Human Rights

Washington D.C. Office
National Committee for Radiation Survivors
6835 Laurel Avenue, Takoma Park, MD 20912
Tel: (202) 775-6786 Fax: (301) 591-3902

March 8, 1996

The Honorable Janet F. Reno
Attorney General
Department of Justice
Constitution Avenue & 10th Street, N.W.
Washington, DC 20530

Re: Human Radiation Experiments

Dear Attorney General Reno:

In its final report, released October 3, 1995, the President's Advisory Committee on Human Radiation Experiments cited numerous radiation experiments or coverup efforts that suggest, in some instances rather strongly, that federal criminal laws were violated. In almost every instance, however, the Advisory Committee cited the need for further investigation before any determination of actual wrongdoing could be made. See e.g., Advisory Report, p. 779.

President Clinton, by Executive Order issued October 3rd, directed the member agencies of the Interagency Working Group on Human Radiation Experiments (which includes the Department of Justice) to review the findings and recommendations contained within the Advisory Committee's final report. The President further charged each agency of the IWG with developing appropriate implementation plans for those matters within each agency's respective purview and authority.

Less than two weeks ago the Task Force on Radiation and Human Rights met with representatives of the Interagency Working Group to review the Administration's proposed "path forward" with regard to follow up to the Advisory Committee's investigation and implementation of its recommendations. We were astounded to learn from the Justice Department representative not only that no criminal investigation had been undertaken of any of the events cited by the Advisory Committee, but that no such investigation had even been considered.

The purpose of this correspondence is to formally request a Department of Justice investigation of the human radiation experiments conducted or otherwise sponsored by the federal government between 1944 and 1974 for possible violation of federal criminal laws and relevant Presidential Executive Orders and agency regulations proscribing criminal conduct. We further request that this

Alliance of Atomic Veterans • American Environmental Health Studies Project • Atomic Reclamation & Conversion Project
• Center for Atomic Radiation Studies • Cincinnati Families of Radiation Victims Organization • Citizens Call • Citizen
Soldier • Colorado Atomic-Agent Orange Veterans Coalition • Committee of Atomic Bomb Survivors in the USA •
Concerned Relatives of Cancer Study Patients • Fernald School "Science Club" • Hanford Downwinders Health Concerns •
Hiroshima/Nagasaki Peace Committee • Indigent Transients & Survivors of Oak Ridge • National Association of Atomic
Veterans • National Association of Radiation Survivors • National Committee for Radiation Victims • Native Alaskans of
Point Hope • Navajo Uranium Radiation Victims Committee • Oak Ridge Health Liaison • Oregon State Prison Experiment
Victims • Portsmouth-Pikeston Residents for Environmental Safety & Security • Rochester Radiation Victims/Survivors
Association • Survivors of Medical Radiation Experiments • Trinity Post 7-43 • Vanderbilt Irradiated Victims Organization

03/08/96 17:41 202 586 4058
03/08/1996 16:38 FROM RADLAN/HELP

EH BUDGET/ADMIN

TO 12825864889

0003

P. 93

Attorney General Reno
March 8, 1996

investigation include a determination of whether criminal sanctions should be imposed against those who conducted radiation experiments in violation of applicable international human rights laws such as the Nuremberg Code.

To the extent that such an investigation would necessarily focus upon past, and to a lesser extent current, federal government officials and employees, the Task Force further requests that a special prosecutor be appointed to conduct this investigation.

The Task Force is not in a position to unequivocally assert that federal criminal laws were violated in the conduct of the radiation experiments. Nevertheless, it is clear from the Advisory Committee's final report that there exists sufficient evidence to warrant a criminal investigation by the Department of Justice.

For example, the Advisory Committee raised the question of whether individuals were killed as a result of being subjected to some of the radiation experiments, notably the total body irradiation experiments conducted at Cincinnati and the experimental radio-gallium treatments administered at Oak Ridge. As to the Cincinnati TBI experiments, the Advisory Committee cited contemporaneous reports indicating that the TBI "may have contributed to the deaths of at least eight and as many as twenty patients." Report, p. 393. (Many if not most of the TBI subjects, the Committee further noted, were not terminal "near death" patients, notwithstanding their cancer diagnosis. Research reports of the time generally referred to the subjects as "in reasonably good clinical condition" and "in relatively good health." A 1970 DASA report is cited stating that studies conducted during 1969 "were all performed on ambulatory human subjects . . . [who] were all clinically stable, many of them working daily." Id.) (The emphasis is that of the Advisory Committee.)

With respect to the Oak Ridge radio-gallium experiments, the Advisory Committee found that doses to patients were "gradually increased to toxic levels" and that researchers reported at the time that, "in two patients our estimates of safe dosage limits were in error and radio-gallium is believed to have hastened death." Report, pp. 306-307.

The Advisory Committee's report and documents uncovered during its investigation indicate that the Cincinnati and Oak Ridge experiments were not the only radiation experiments that resulted in the death of the experimental subject. Just one example: the BNCT experimental therapy conducted at Massachusetts General Hospital and at Brookhaven National Laboratory in the 1950s is reported to have caused or contributed to the deaths of ten out of fourteen patients autopsied after being subjected to this experimentation.

Where it is found that any of the radiation experiments did in fact cause the death of the subject, to the extent the experimentation took place in facilities under the jurisdiction of the United States (within the meaning of 18 USC § 7) the experiment should be evaluated for possible violation of federal

03/08/96 17:42 202 586 4059
03/08/1996 16:31 FROM RADLAN/HELP

EH BUDGET/ADMIN

TO 12823844039

0004

P. 84

Attorney General Reno

March 8, 1996

criminal laws including 18 USC § 113 (*assault*), 18 USC § 1111 (*homicide*), and 18 USC § 1112 (*manslaughter*).

The Advisory Committee's report is replete with accounts of the coverup and fraudulent concealment of the radiation experiments -- both at the time the experiments were conducted and thereafter. For example, the Committee documents utilization of national security laws to classify and keep secret -- long after the experiments were over -- the Manhattan Project radiation experiments, not for the purpose of protecting national security but in order to avoid public embarrassment and, more importantly, legal liability. Report, pp. 624-630. Nor were secrecy and fraudulent representations about the radiation experiments an historical aberration. As late as the mid-1970s, the Advisory Committee determined, federal officials and agents of the government falsified and/or concealed the true nature of the plutonium injection experiments in order to secure follow up studies of subjects still living and the permission of families to exhume and study the bodies of those who had passed away. This conduct would appear to violate 18 USC § 1001 (*false statements*).

Tied to the foregoing, the Task Force on Radiation and Human Rights is concerned that government documents that would shed light on the full extent of the radiation experiments have been purposefully removed, lost or destroyed. To the extent that classified material has been removed, lost or destroyed, it would violate 18 USC § 793(f) (*loss of national defense records*). Whether classified or not, the concealment, removal, or destruction of any such records in the custody of a federal agency would violate 18 USC § 2071 (*concealment of government records*). Moreover, to the extent such conduct includes the knowing concealment of the commission of a felony from one's superiors, it would constitute a violation of 18 USC § 4 (*misprision of felony*).

A final example: the Advisory Committee found "that government agencies had no requirements or policies to ensure equity in the selection of subjects for research conducted or funded by the federal government during the period 1944 through 1974. . . . [S]ome of the biomedical experiments reviewed by the Committee that were ethically troubling were conducted on institutionalized children, seriously ill and sometimes comatose patients, African-Americans, and prisoners." Report, Finding #9, p. 785. It is noted, for example, that "[a]t both M.D. Anderson Hospital and the University of Cincinnati, almost all the patients were drawn from public hospitals, and many were African-Americans." Report, p. 405. Native Americans and other indigenous people were also targeted for radiation experimentation. Report, Chapter 12. This suggests constitutional and civil rights abuse on a mass scale. A Justice Department investigation is clearly warranted to determine whether any of the radiation experiments were conducted in violation of the criminal prohibitions of 18 USC § 241 (*conspiracy against rights*) and 18 USC § 242 (*deprivation of rights under color of law*).

From the Advisory Committee's report (and repeated discussions with Committee members and staff during the course of the Committee's investigation) it is clear that the Advisory Committee had neither the mandate, the investigatory powers, nor the time to look into the issues we here raise with

03/08/96 17:43 202 586 4059

EH BUDGET/ADMIN
TO 128258648590005
P.05

Attorney General Reno

March 8, 1996

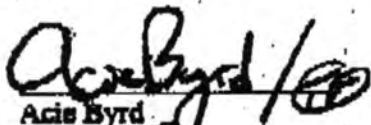
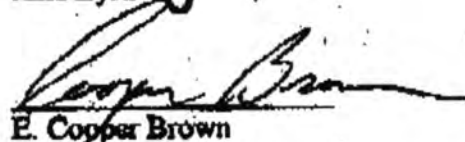
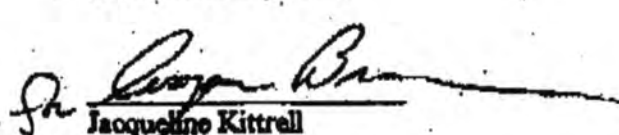
Justice. Even so, the Committee did uncover sufficient evidence to now warrant the investigation the Task Force requests.

We urge that the Department of Justice weigh heavily the merits of this request. We submit that nothing less than the credibility of the government is at stake. How Justice responds will say much about whether there exists in this country a double standard when questions of criminality are raised -- one for private citizen; another for government officials accused of the same wrongdoing. Moreover, if we are to fulfill our obligations as citizens concerned about the future, we are obligated to hold those responsible for past radiation experiments and their coverup accountable, both civilly and where appropriate criminally. Doing so will serve as the greatest future deterrent against the recurrence of human experimentation of the type condemned by the Advisory Committee.

The Task Force on Radiation and Human Rights stands ready to assist the Department of Justice in this investigation. Among other things, we encourage the Department to take full advantage of our "resources." We have individuals and family members that can, in certain instances, serve as eyewitnesses to the experiments. Other Task Force members have conducted considerable research on their own time and initiative into this issue and could serve as invaluable resource people.

In closing, we would welcome the opportunity of meeting with you or senior members of the Department of Justice to discuss these matters in greater detail. On behalf of those who seek a just closure to one of the darker issues to emerge from the Cold War years, we are, as members of the Task Force Executive Committee,

Sincerely yours,


Aris Byrd
Gwendon Plair, Ph.D.
E. Cooper Brown
Jacqueline Kittrell
Sandra Reid

cc. Deputy Attorney General Jamie Gorelick
Assistant Attorney General Deval Patrick
Secretary of Energy Hazel O'Leary
Senator Ted Stevens, Chairman, Committee on Governmental Affairs
Senator John Glenn, Committee on Governmental Affairs

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 05:16pm

TO: CAPLAN_P

FROM: LORI.AZIM

CC: STEVE.GALSON

CC: Lisa.Schiavo

CC: ELLY.MELAMED

SUBJECT: Passing along a message from Cooper Brown

He would very much like a copy of the Federal response to the ACHRE recommendations at the Feb. 8th meeting between the Task Force, the IAWG (DOE, DOJ, DOD), and Doris Campos-Infantino (our facilitator). Please let me know what you would like me to tell him. So far, I told him that we would do our best, but no promises...

Thanks, Phil~

TASK FORCE ON RADIATION AND HUMAN RIGHTS

RECOMMENDATIONS TO THE ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

Introductory Comment

In addressing the subject of *REMEDIES*, the Task Force on Radiation and Human Rights submits for incorporation in the Advisory Committee's final report a number of fundamental *PRINCIPLES*. The *FIRST PRINCIPLE* should be self evident, yet bears repeating:

There shall be no experimentation on human beings without the informed consent of the individual. The conduct of human experimentation without informed consent is a violation of international law, including the Nuremberg Code, a violation of U.S. constitutional law, a violation of U.S. civil and criminal law.

What are the rights violated? As explained in more detail hereinafter, they include: the *RIGHT* to liberty, to be secure in one's health, free from personal injury, free from bodily harm, free from the threat of premature death; the *RIGHT* to dignity and personal reputation; the *RIGHT* of one's family and heirs to companionship and to support, both emotional and economic. The violation of these rights in turn gives rise to another right: the *RIGHT* to the protection of the laws and to access to the judicial system for redress.

Violation of these rights gives rise to the *RIGHT* to a *REMEDY*. It is undisputed that those who were subjected to radiation experimentation without their consent have suffered a violation of their most basic and most fundamental rights. It should be equally self-evident that the violation of such rights, if they are to be meaningful, must result in a remedy which, in its most fundamental sense, includes correction or injunction of the violation and to access to *JUSTICE*.

At its most basic, there are two types of remedies: *DIRECT* and *INDIRECT*, none of which are mutually exclusive. Direct remedies include: (a) Access to the courts against the perpetrators under traditional common law and constitutional rights notions, unencumbered by procedural and hypertechnical defenses, with the right to full and complete discovery; (b) In the instance where the government is the perpetrator, the prospect of direct compensation by Act of Congress. It is a fundamental *PRINCIPLE*, worth repeating as it can easily be forgotten or ignored, that for anyone who has been subjected to human experimentation, there should be no restriction against allowing them to pursue any right and seek any remedy the law permits. Given the nature of the original wrong and the rights that were originally stripped from them, it is fundamentally wrong if not immoral to ask the experiment victim or their family, as has been asked (demanded!) of past radiation victims/survivors, that they trade off one remedy for another or accept a remedy in exchange for giving up a right.

Indirect remedies include, for the individual, such things as an apology, a memorial. For society (also wronged by such heinous acts) as well as the individual, indirect remedies include such things as criminal prosecution of the wrongdoer, either by the government or, as under the False Claims Act, by private citizens; disgorging of the perpetrators the profits they have earned from their misdeeds, which in turn are set aside in a public fund, to be used to address the societal injuries that have occurred.

With this overview in mind, the Task Force turns to a more specific discussion of rights and remedies, and of those principles that should be incorporated into the Advisory Committee's final report.

Distinguishing Rights and Remedies

The concepts of RIGHTS and REMEDIES are distinct yet inseparable. The Advisory Committee may understand this; yet a review of the Advisory Committee's deliberations to date on the subject of remedies suggests that there is nevertheless confusion about what constitute remedies as opposed to rights.

At its most basic, rights precede remedies such that the remedy is the "means by which a right is enforced or the violation of a right is prevented, redressed or compensated." Black's Law Dictionary (4th Ed.) 1457. "Rights" have been classified variously, for example: *Natural rights* - those which grow out of the nature of man and which include, inter alia, rights of life, of liberty, of property, and of good reputation. See Black, Constitutional Law (3d Ed.) 523. *Civil rights* - those that belong to every citizen of the state by virtue of his citizenship, including inter alia rights of property and the protection of the laws. *Personal rights* - generally the right of personal security, including such rights as that to life, to bodily integrity, to health, to reputation, and to personal liberty. See Black's Law Dictionary (4th Ed.) 1487-1488.

A basic tenet of the common law and a foundation to our entire idea of rule of law is that for every wrong there must be a remedy. From the beginning of the common law system, and reinvigorated and reinforced by Anglo-American Constitutional principles and, more recently, the principles of universal human rights, is the absolute interconnection between rights and remedies. Sometimes the remedies themselves become rights, because they are the necessary corollary of the meaningfulness of those rights.

Not only is the issue of remedies absolutely intertwined with fundamental concepts of rights, but often the violation of a right leads to the creation of other rights that flow from that initial violation and which, in turn, require additional remedies. Thus, the entire discussion of remedies inevitably returns to the discussion about RIGHTS: With respect to the radiation experiments, the first concern is the fundamental RIGHT of people to be able to control their own body. This right having been violated, it in turn results, as a necessary part of the victims/survivors' remedy, in the creation of additional rights, including: (1) The RIGHT to be fully informed as to what happened to them, including access to their medical

records; (2) The *RIGHT* to follow up medical evaluation and health care so that the victims/survivors (and in some instances their offspring) might remedy or guard against the potential personal harm; (3) The *RIGHT* to compensation for not just bodily injuries but their *dignitary interests*, the *invasion of their privacy*, the violation of *civil rights*, and the variety of the *outrage* that they have suffered; (4) The *RIGHT* to Access to the Courts; (5) The *RIGHT* to a *REMEDY*.

Because rights and remedies are inseparable, any governmental institution that seeks to separate them runs the risk of inflicting additional harm upon the victims because of the distinct risk that, in the process, one or more rights may be taken away. This is particularly a concern where, as has happened to past radiation victims/survivors (ie. atomic veterans), a right or rights are purposefully taken away in exchange for "bestowing" a remedy; **thus, the reason why the right to a remedy through access to the justice system is viewed as such a fundamental right in and of itself.**

Fundamental Principles

With the foregoing in mind, the Task Force makes the following recommendations to the Advisory Committee with regard to the subject of remedies, for inclusion in the Committee's final report:

Re DIRECT REMEDIES:

#1. Outreach: The Right to be Fully Informed

The foremost concern of the Task Force on Radiation and Human Rights is *OUTREACH* to locate the experiment survivors and families. That those subjected to human radiation experimentation be provided the information wrongfully withheld from them at the time of the experimentation is among the highest of priorities for the Task Force.

Why this is of such importance is that outreach serves as a mechanism for healing, both for the individual and for society as a whole. Outreach is not only a matter of identifying those wrong, but goes to the very nature of what has to be done for them - in terms of protection of rights and the provision of remedies. Those victimized must be permitted the opportunity to participate in a meaningful way in determining what is or should be the proper and adequate remedy for the transgressions that occurred.

Moreover, no remedy has ever proven adequate or effective, whether it is provided through the courts or devised by Congress, unless the institution seeking to resolve the issue of remedies knows the full extent of the harm.

The Task Force submits that the federal government and its agents are obligated, both legally and morally, to make a genuine good faith effort to locate those experimented

upon and/or their families, apprise them of the experimentation conducted, provide them with all information that should have been provided at the time of the experimentation including why the experiment(s) was/were conducted, and provide all documentation including medical records pertaining to the particular radiation experiment(s) to which the individual was/were subjected.

Even if some of those experimented upon retrospectively appear to have been subjected to a remote risk of subsequently developing a radiation-related injury, disability or death, this does not absolve the government of this obligation. Section 7 of the Nuremberg Code requires, in relevant part, that "adequate facilities [be] provided to protect the experimental subject against even remote possibilities of injury, disability, or death."

Communicating with those victimized is, in itself, a remedy. However, the imperative for the Task Force of "outreach" is so overriding that, as a matter of principle, that it is in fact a condition precedent to any proposal for a Congressionally-created remedy for the experiment survivors. Those experimented upon (and their families) must be located, fully apprised of what happened, and given the opportunity to participate in any Congressional deliberations purporting to affect their rights to a remedy. Any attempt by the Administration to circumvent this obligation, or any effort by Congress to conduct such deliberations in the absence of the experiment survivors, would be grossly immoral. Any effort to legislate a remedy without the meaningful involvement of the experiment survivors in the Congressional deliberations would be, in the view of the Task Force, the perpetuation of the initial wrong.

In furtherance of Outreach, **the Task Force proposes** that a special fund be established and set aside by the President to achieve the outreach responsibility of locating, warning, and assisting the experiment victims and their families, paid for by those federal agencies implicated in the human radiation experiments.

Finally. The the government cannot and should not be permitted to further enhance its "crimes against humanity" by refusing to outreach to those subjected to the experiments claiming that there was "no risk of bodily harm" because: (1) the government and its agents placed vulnerable, powerless and trusting parties in circumstances of rights deprivation, and (2) there was then a coverup and abuse of actual medical effects, including possible death, from wrongful radiation exposure.

#2. The Right of Access to Medical Records and Follow up Health Care.

That there be full disclosure of medical records, experiment information.

That the Advisory Committee provide that affected individuals are entitled, as a matter of right, to medical follow up and necessary health care by a health provider of the individual's own choice.

#3. The Right to Access to the Civil Justice System.

That the experiment victims/survivors' rights of access to the civil justice system be preserved; and, to the extent that they have already been deprived of their rights of access to the courts, their rights be restored.

It is essential that the rights of the experiment victims/survivors to an effective remedy through the courts be protected, both against the governmental and private agents who conducted the experiments. Article 8 of the *Universal Declaration of Human Rights* expressly affirms that "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." G.A. Res. 217A, U.N. Doc. A/810 (1948), at 71. This international declaration of a human "right to an effective remedy" is guaranteed as a fundamental right under the United States Constitution. The experiment victims/survivors' right to such a remedy for the human rights deprivations they have suffered are historically and eminently clear. See Paust, Jordan J., On Human Rights: The Use of Human Right Precepts in U.S. History and the Right to an Effective Remedy in Domestic Courts, 10 Michigan Journal of International Law 543 (1989). "The right of access to [the] courts is basic to our system of government, and is one of the fundamental rights protected by the Constitution." Judge Sandra Beckwith in In re Cincinnati Radiation Litigation, Slip Op. at 60 (January 11, 1995), citing Chambers v. Baltimore & Ohio Railroad, 207 U.S. 142, 148 (1907), and relying on extensive additional authority.

Recently released government documents reaffirm that it is beyond dispute that a concerted, successful conspiracy of silence, deception and lies by the perpetrators of the radiation experiments defrauded and deprived the experiment victims and their families of not only the fundamental right of bodily autonomy, but also of this fundamental right to a civil justice remedy. As now-declassified government documents reveal, those responsible for initiation of the radiation experiments were concerned about lawsuits and civil liability and thus, sought to suppress information about the experiments under the guise of "national security". The Task Force submits that, as Judge Beckwith has ruled, this organized coverup of the radiation experiments deprived the victims and their families of their day in court - for example, by the running of the statute of limitations. Therefore, the Advisory Committee must recommend to the President and Congress that the victims/survivors' right to access to the courts be restored. To do any less would be to acquiesce in the coverup and resulting deprivation of this most fundamental of human rights.

The Advisory Committee has already recognized the great complexity of the human radiation experiments in terms of their great number, and wide range of circumstance. Beyond the right of experiment subjects to seek redress through the judicial system, the courts are the only effect forum in which the facts and law that relate to each

individual experiment or experimental program may be adequately addressed and just remedies determined. The Congress and the Justice Department should therefore encourage the full hearing of these cases in the courts. Toward this end, any potential defenses that might prevent a full hearing of these cases on the merits - such as statutes of limitation, sovereign immunities including the Ferris Doctrine or contractor immunities - should be removed or waived. The Advisory Committee must explicitly recommend to Congress that such artificial barriers to the judicial resolution of these cases be removed through legislation. In addition, the Justice Department should be instructed to explicitly waive such defenses when involved in litigation related to the experiments.

#4. **Regarding Legislative Remedies.**

That to extent that a legislatively-created remedy is necessary, that it be a non-exclusive remedy.

No experiment survivor or family member should ever be forced to forego their day in court in order to enter into any administrative system for compensation.

Notwithstanding that the Advisory Committee is charged with assessing only the federal government's actions, responsibilities and obligations with regard to the human radiation experiments, the Committee cannot and must not ignore the fact that in many instances private, non-governmental entities were involved who are liable and bear responsibilities as well to the victims and their families. If the Advisory Committee recommends to the President or Congress compensation legislation to satisfy the federal government's responsibilities and/or obligations to the experiment victims/survivors, it should and must clearly **condemn** any effort to utilize that legislative initiative as a vehicle for exonerating the private parties or absolving them from personal liability. To the extent private parties were merely acting as government agents, they have available court-created defenses based on "agency" and "government contractor" theories. The only private parties in need of a "Warner Amendment" passed by Congress are those whom the courts would otherwise require stand trial for their own, non-government authorized misconduct, initiatives and misdeeds.

That where no physical injury, disability, or related death occurs, there are nonetheless obligations to pay damages of the kind historically awarded by juries for non-bodily injury tortious conduct: deprivation of freedoms; invasions of privacy; defamation; tort of outrage; discrimination; false imprisonment; civil rights violations; and constitutional torts generally, which these violations are.

That to extent that a legislatively-created remedy is considered, such legislation should recognize the common law principle of **exemplary damages**.

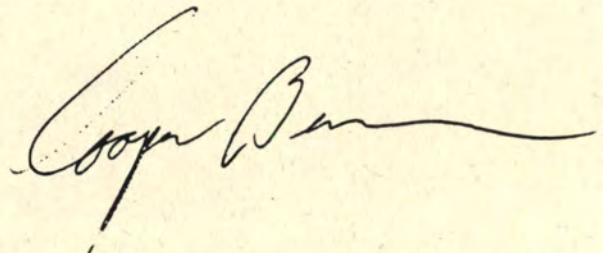
Re INDIRECT REMEDIES:

- #1. That an Apology to those experimented upon and their families is in order. However, the Task Force does not consider an apology alone as sufficient. Rather, any apology issued should and must be coupled with an **admission of the wrongdoing** that resulted to the experiment subjects.
- #2. That a **Memorial** be established on behalf of the experiment victims. This memorial should include an explanation of the violations of law and morality that were committed, be publicly and prominently displayed at every site at which unethical experimentation occurred, and a comparable statement be published in every journal or publication in which the results of the experimentation were previously published.
- #3. That whether damages to the experimental subject resulted or not, the perpetrating individuals and institutions benefitted. Livelihoods were generated. Credentials, including professional and peer recognition, were achieved. Careers were enhanced. The experiment survivors have a right to know who benefitted and how, the extent thereof. Society has the right to recover into a **Special Trust Fund**, by way of exemplary damages, an amount equivalent to the benefit gained by those who perpetrated the wrongdoing.
- #4. That there be **referral of criminal aspects** that the Advisory Committee is aware of as a result of its oversight and investigation to an independent prosecutor appointed by the Attorney General, and that those documented to have committed "crimes against humanity" under the Nuremberg protocols and/or to have violated criminal laws be so charged. **This serves, as well, as a useful and credible deterrent to future unethical human experimentation.**

Future Deterrence

- #1. That "whistle-blower" protection be afforded citizens who are willing to report their knowledge of unethical human radiation experiments. Similarly, doctors, scientists, and other health professionals who are willing to assist the victims of radiation experimentation and/or exposure are in need of "whistle-blower" protection. Legislation covering these concerns should be enacted.
- #2. There should be automatic and immediate blanket declassification of all remaining classified documents pertaining to human experimentation by all agencies, in particular the military and intelligence agencies. Similarly, the Committee should recommend the declassification of all information related to human and environmental experimentation and exposure to radioactive and other toxins, be the source military, civilian, medical or occupational, amnd regardless of national security label. National Security cannot exist in the absence of personal security.

- #3. Criminal sanctions. The Task Force recommends, as a deterrent for the future, the **referral of criminal aspects** of past human radiation experimentation to an independent prosecutor appointed by the Attorney General. In addition, to the extent that federal criminal laws in this regard need to be strengthened, the Advisory Committee should so recommend.
- #4. To avoid past concerns raised by the radiation victims/survivors community about lack of meaningful participation, the Committee should recommend appointment of experiment victims/survivors and other similarly concerned citizens to any governmental bodies, advisory or otherwise, that are established to monitor and address future human experimentation issues.
- #5. To the extent necessary, federal legislation should be adopted, and a Presidential Executive Order issued in the interim, barring future unethical experiments and secrecy in all human research related activities.
- #6. There should be a legislative ban on the classification of all government funded and/or government sponsored human research and experimentation.
- #7. All radiation studies involving human experiment subjects based on suspected unethical human experimentation should be reviewed by panel of independent experts.
- #8. By legislation the military and intelligence agencies/community should be barred from funding or otherwise participating, either directly or indirectly, in human medical experimentation.
- #9. "Son of Sam" legislation with respect to human experimentation should be adopted. The Task Force contends that if nothing else, the perpetrators of unethical human experimentation should not be allowed to benefit from their wrongdoing. The experiment survivors should have the right to ownership of all the research conducted on them, including all the fruits and benefits (including assets) derived therefrom, including copyrights, book royalties, contract rights, etc.
- #10. "False Claims Act" human experimentation legislation. Legislation should be adopted providing the right of any citizen having knowledge of an unlawful human experimentation to bring a citizen's complaint in similar fashion to those presently pursuable under the Federal False Claims Act.

A handwritten signature in dark ink, appearing to read "Cooper B. ...", is written over a horizontal line.

Date: 07/14/95 Time: 08:43

Caution, Leadership Vacuum Led to HIV Tainting of Blood Supply

WASHINGTON (AP) A failure of leadership coupled with uncertainty about the threat posed by AIDS allowed the nation's blood supply to become contaminated with HIV in the early 1980s, a medical committee says.

"No person or agency was able to develop and implement a coordinated strategy, largely because there was no consensus about the magnitude of the threat and the costs, risks and benefits of proposed remedies," said Dr. Harold C. Sox Jr., chairman of the committee and head of the department of medicine at Dartmouth Medical School.

The committee issued a report Thursday that found mistakes or omissions at all levels of the blood supply system in the public and private sectors.

The 14-member committee, appointed by the Institute of Medicine, an arm of the National Academy of Sciences, studied events and decisions affecting the blood supply between 1982 and 1986. The committee did not review the safety of the current blood supply, but all donated blood now is routinely tested for the HIV virus and various forms of hepatitis.

The committee made numerous recommendations aimed at avoiding similar problems with the blood supply, including appointment of a federal blood safety director and a blood safety council to assess threats to the blood supply and propose strategies for overcoming them.

Health and Human Services Secretary Donna Shalala, who requested the appointment of the committee, accepted its recommendations, noting, "We have already implemented many of them." She appointed a task force of seven Public Health Service officials to review the study and report back to her.

Although evidence had emerged by January 1983 to strongly suggest that AIDS was transmitted through blood and blood products and could be sexually conveyed as well, no reliable test for HIV, the AIDS virus, existed. The government at the time recommended limited safety measures for dealing with the risk of AIDS transmission through blood, but they did not include asking potential donors direct questions about their high-risk sexual practices.

Hemophiliacs were hardest hit by these policies, according to the report. In the early 1980s, more than half of the 16,000 hemophiliacs in the United States as well as more than 12,000 blood transfusion patients were infected with HIV through contaminated blood. Hemophiliacs' risk was compounded because the blood clotting product called anti-hemophiliac factor (AHF) concentrate is made from the blood plasma of 1,000 to 20,000 or more donors.

Since the late 1940s some blood products have been treated with heat to destroy viruses, but such a process was not developed for AHF concentrate until 1983.

However, even after the process was developed, the Food and Drug Administration decided not to recall untreated AHF concentrate.

Val Bias, legislative coordinator for the National Hemophilia Foundation, applauded the report.

"We're very pleased with the results and think it will go a long way in making the blood supply safe, as well as meeting the needs of people with bleeding disorders," said Bias, himself a hemophiliac with HIV.

The FDA failed in several other instances to act decisively to protect the blood supply, according to the report. In March 1983, for example, it sent a letter to blood organizations that recommended, but did not require, several steps to improve screening and collection. In July 1983, it decided not to automatically recall plasma products whenever they were linked to donors who had or who were suspected of having AIDS.

The committee also singled out physicians for failing to communicate to their hemophiliac patients the risks of continuing to use AHF concentrate.

APNP-07-14-95 0849EDT

TASK FORCE ON RADIATION AND HUMAN RIGHTS

September 8, 1995

95 SEP 11 P2:28

The Honorable Hazel R. O'Leary
Secretary
Department of Energy, 7A-257
1000 Independence Ave., SW
Washington, DC 20585

Re: Human Radiation Experiments

Dear Secretary O'Leary,

As you know, the Task Force on Radiation and Human Rights has repeatedly supported and publicly applauded your efforts to uncover and reveal to the public what exactly happened with respect to the human radiation experimentation supported by the AEC during the years of the Cold War. As we most recently noted, on August 17th at the time of your release of additional information about the radiation experiments, your commitment to the truth transcends the experiment victims' struggle for justice. In a period of growing societal distrust of government, your willingness to leave no "stone" unturned in DOE's quest into the past has proven a beacon, for many, of what government can and should be all about.

There is, however, one matter reported by the media concerning certain statements reported to have been made at your August 17th press conference with which the Task Force takes strong exception. Certain media accounts would suggest that you and other high level DOE officials, while condemning various aspects of the experimentation, argued that much of what took place nevertheless served to advance the development of nuclear medicine. We of course were not present at the press conference and therefore have no way of knowing what was really said. We have been informed by others who were there that your comments were made only after it was expressly pointed out to the media that the resulting advancement of medicine did not justify what was done to individual experiment victims. Nevertheless, the media accounts that we have seen give the distinct impression that an argument was being made to the effect that the resulting greater good to society weighed against, even to some degree justified, the wrong perpetrated.

Under no circumstances will the Task Force accept this type of reasoning as a justification - even in part - for what happened. At a minimum, the argument is completely irrelevant from the perspective of those upon whom unethical experimentation was conducted. Far worse, it raises ominous historical parallels.

Perhaps we are stating the obvious. If so, our apology for taking of your time. Yet, we must wonder just how obvious our concern is given "Finding #3" contained within the August 21st draft of the report to be issued by the President's Advisory Committee on Human Radiation Experiments:

"The Advisory Committee finds that human radiation experimentation during the period 1944 through 1974 contributed significantly to advances in medicine and thus to the health of the public."

We have to wonder why this "finding" is in the Advisory Committee's report, just as we have been forced to wonder why the subject even came up during your August 17th press conference. Perhaps there is a legitimate explanation in both instances. If so, we've failed to recognize it. We would therefore, in all seriousness, appreciate understanding exactly what is the purpose, intent, and relevance of tying together the furtherance of nuclear medicine and the issue of human radiation experimentation.

On one other matter, concerning "remedies": You should know that there is a growing consensus within the Task Force that an administrative compensation program for the experiment victims (such as that being recommended by the Advisory Committee or that previously instituted under the Radiation Exposure Compensation Act) is and will be, for a variety of reasons, unacceptable. Task Force members are coming to the conclusion that in cases of unethical human radiation experimentation, justice requires a legislative waiver of the federal government's sovereign immunity and procedural defenses such that those who have been victimized may have their day in court.

Sincerely yours,



E. Cooper Brown
National Committee for Radiation Victims
Task Force Executive Committee



Gwendon Plair, Ph.D.
Concerned Relatives of Cancer Study Patients
Task Force Executive Committee

cc. President William Clinton
Dr. Tara O'Toole, DOE Assistant Secretary, Environment Safety & Health
Mr. Robert Alvarez, DOE Acting Assistant Secretary, Office of Policy
Ellyn Weiss, Esq., DOE Office of Human Radiation Experiments
Dr. Ruth Faden, Chair, Advisory Committee on Human Radiation Experiments
Task Force Executive Committee Members

NATIONAL COMMITTEE
FOR RADIATION VICTIMS
6935 LAUREL AVENUE, #207
TAKOMA PARK, MD 20912

SUBURBAN MD P&DC 208 090995 1729 ISS-1



President William Clinton
ATTN: Mr. Phil Kaplan
Deputy Staff Secretary
Staff Secretary's Office
White House
1600 Pennsylvania Avenue
Washington, DC 20500



FAX TRANSMISSION

NATIONAL COMMITTEE FOR RADIATION VICTIMS

6935 LAUREL AVENUE
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 891-3990
FAX: (301) 891-3992

To: Mr. Phil Kaplan **Date:** September 12, 1995
Fax #: (202) 456-2215 **Pages:** - 2 -, including this cover sheet.
From: E. Cooper Brown
Subject: Human Radiation Experiments

COMMENTS:

Dear Phil,

A response, at your earliest convenience, would be most appreciated.

Cooper Brown

TASK FORCE ON RADIATION AND HUMAN RIGHTS

September 12, 1995
-- via fax transmission --

Mr. Phil Kaplan
Office of the Staff Secretary
White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re. Human Radiation Experiments

Dear Mr. Kaplan:

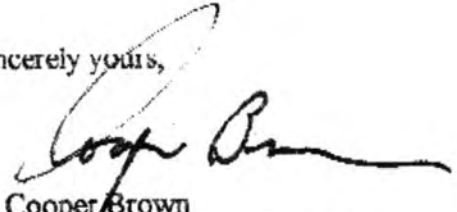
We understand that the President's Advisory Committee on Human Radiation Experiments will be publicly presenting its final report to the President at the White House within the next week to ten days. Given our vested interest in this very important issue, we respectfully request that at least three representatives of the Task Force on Radiation and Human Rights be invited to participate in this event - one individual who would be a radiation experiment victim or family member of a deceased victim. We understand that the Advisory Committee has already made this recommendation to the White House, if not as to the specifics at least in concept.

With regard to the experiment victim or family member, his/her presence would afford the President the opportunity to personally extend the Advisory Committee's recommendation of an apology to the experiment victims symbolically through this one individual. We believe there to be considerable merit, from several vantage points, in this particular recommendation, and thus urge the President to give it serious consideration.

Since there is little time for us to make the necessary arrangements to attend, particularly since air line reservations would be required with at least for one individual whom we have in mind as a Task Force representative, we would appreciate a response to this request by Friday, September 15th, at the latest.

Thanking you in advance, I am

Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

cc. Dr. Ruth Faden, Advisory Committee
Ms. Ellyn Weiss, DOE

Washington D.C. Office: NATIONAL COMMITTEE FOR RADIATION VICTIMS
6935 Laurel Avenue, Takoma Park, MD 20912 / Phone: (301) 891-3990; Fax: (301) 891-3992

FAX TRANSMISSION

NATIONAL COMMITTEE FOR RADIATION VICTIMS

6935 LAUREL AVENUE
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 891-3990
FAX: (301) 891-3992

To: Mr. Phil Kaplan **Date:** September 12, 1995
Fax #: (202) 456-2215 **Pages:** - 2 -, including this cover sheet.
From: E. Cooper Brown
Subject: Human Radiation Experiments

COMMENTS:

Dear Phil,

A response, at your earliest convenience, would be most appreciated.

Cooper Brown

TASK FORCE ON RADIATION AND HUMAN RIGHTS

September 12, 1995
-- via fax transmission --

Mr. Phil Kaplan
Office of the Staff Secretary
White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re. Human Radiation Experiments

Dear Mr. Kaplan:

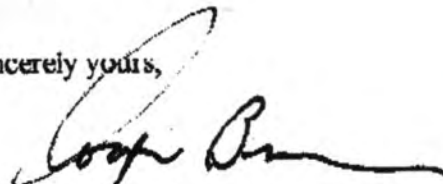
We understand that the President's Advisory Committee on Human Radiation Experiments will be publicly presenting its final report to the President at the White House within the next week to ten days. Given our vested interest in this very important issue, we respectfully request that at least three representatives of the Task Force on Radiation and Human Rights be invited to participate in this event - one individual who would be a radiation experiment victim or family member of a deceased victim. We understand that the Advisory Committee has already made this recommendation to the White House, if not as to the specifics at least in concept.

With regard to the experiment victim or family member, his/her presence would afford the President the opportunity to personally extend the Advisory Committee's recommendation of an apology to the experiment victims symbolically through this one individual. We believe there to be considerable merit, from several vantage points, in this particular recommendation, and thus urge the President to give it serious consideration.

Since there is little time for us to make the necessary arrangements to attend, particularly since air line reservations would be required with at least for one individual whom we have in mind as a Task Force representative, we would appreciate a response to this request by Friday, September 15th, at the latest.

Thanking you in advance, I am

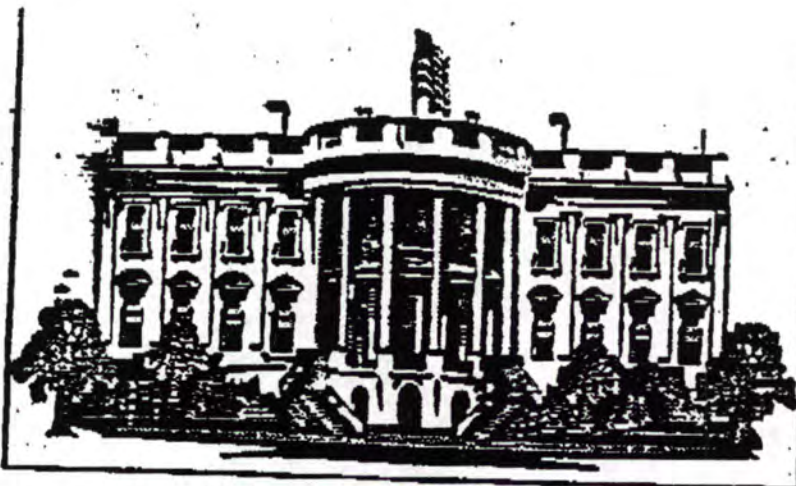
Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

cc. Dr. Ruth Faden, Advisory Committee
Ms. Ellyn Weiss, DOE

Washington D.C. Office: NATIONAL COMMITTEE FOR RADIATION VICTIMS
6935 Laurel Avenue, Takoma Park, MD 20912 / Phone: (301) 891-3990; Fax: (301) 891-3992



THE WHITE HOUSE
OFFICE OF CABINET AFFAIRS
Room 160, Old Executive Office Building
Washington, D.C. 20500
Tel. 202-456-2572
Fax. 202-456-6704

FAX COVER SHEET**DATE:**

9/12/95

TO:

Phil Kaplan

PHONE:

6-2702

FAX:

6-2215

FROM:

Eric Stansell

NO. OF PAGES:

3 w/cover included

PRIORITY: ☒ Y ☐ N**MESSAGE:**

Forwarded Fax

FAX TRANSMISSION

NATIONAL COMMITTEE FOR RADIATION VICTIMS

6935 LAUREL AVENUE
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 891-3990
FAX: (301) 891-3992

To: Phil Kaplan **Date:** September 12, 1995
Fax #: (202) 456-6704 **Pages:** 2, including this cover sheet.
From: E. Cooper Brown
Subject: Human Radiation Experiments

COMMENTS:

Dear Phil,

A response, at your earliest convenience, would be most appreciated.


Cooper Brown

TASK FORCE ON RADIATION AND HUMAN RIGHTS

September 12, 1995
-- via fax transmission --

Mr. Phil Kaplan
Office of the Staff Secretary
White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Human Radiation Experiments

Dear Mr. Kaplan:

We understand that the President's Advisory Committee on Human Radiation Experiments will be publicly presenting its final report to the President at the White House within the next week to ten days. Given our vested interest in this very important issue, we respectfully request that at least three representatives of the Task Force on Radiation and Human Rights be invited to participate in this event - one individual who would be a radiation experiment victim or family member of a deceased victim. We understand that the Advisory Committee has already made this recommendation to the White House, if not as to the specifics at least in concept.

With regard to the experiment victim or family member, his/her presence would afford the President the opportunity to personally extend the Advisory Committee's recommendation of an apology to the experiment victims symbolically through this one individual. We believe there to be considerable merit, from several vantage points, in this particular recommendation, and thus urge the President to give it serious consideration.

Since there is little time for us to make the necessary arrangements to attend, particularly since air line reservations would be required with at least for one individual whom we have in mind as a Task Force representative, we would appreciate a response to this request by Friday, September 15th, at the latest.

Thanking you in advance, I am

Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

cc. Dr. Ruth Faden, Advisory Committee
Ms. Ellyn Weiss, DOE

Washington D.C. Office: NATIONAL COMMITTEE FOR RADIATION VICTIMS
6935 Laurel Avenue, Takoma Park, MD 20912 / Phone: (301) 891-3990; Fax: (301) 891-3992

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	[Personally Identifiable Information] [partial] (2 pages)	09/12/1995	b(6)

COLLECTION:

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

FOLDER TITLE:

Advisory Committee on Human Radiation Experiments-Victims Task Force

2019-0803-S

rs3544

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

WAVES

Please clear the following for the East Appointment Gate on Tuesday September 12th at 1:45 p.m. They will be touring the Executive Residence. Thank you. Susan Lavine x6-2000.

McGeein, Scott

(b)(6)

Shore, Elizabeth

Shore, Wayne

Sample, Wade

Sample, Mary

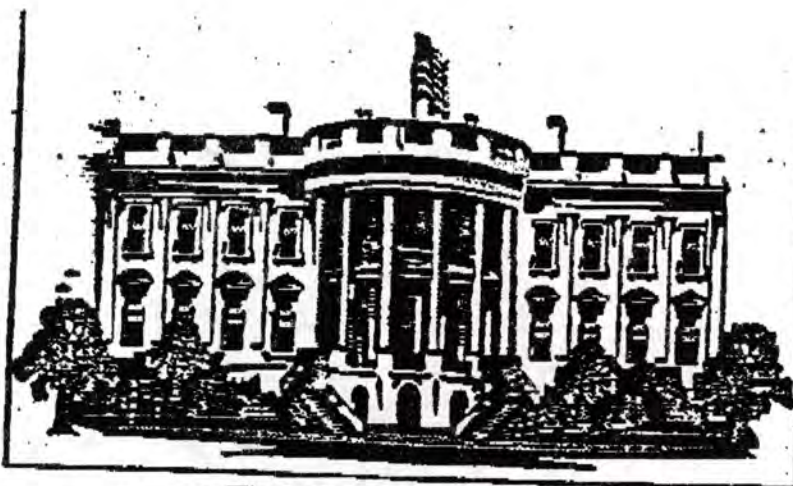
MacDonald, William

MacDonald, Cindy

Peterson, Carol

Marshall, Bradley

[Redacted]



THE WHITE HOUSE
OFFICE OF CABINET AFFAIRS
Room 160, Old Executive Office Building
Washington, D.C. 20500
Tel. 202-456-2572
Fax. 202-456-6704

FAX COVER SHEET

DATE:

9/12/95

TO:

Phil Kaplan

PHONE:

6-2702

FAX:

6-2215

FROM:

Eric Stansell

NO. OF PAGES:

3 w/cover included

PRIORITY: ☒ Y ☐ N

MESSAGE:

Forwarded Fax

FAX TRANSMISSION

NATIONAL COMMITTEE FOR RADIATION VICTIMS

6938 LAUREL AVENUE
TAKOMA PARK, MD 20912
(202) 775-8786 / (301) 891-3990
FAX: (301) 891-3992

To: Phil Kaplan **Date:** September 12, 1995
Fax #: (202) 456-6704 **Pages:** 2, including this cover sheet.
From: E. Cooper Brown
Subject: Human Radiation Experiments

COMMENTS:

Dear Phil,

A response, at your earliest convenience, would be most appreciated.


Cooper Brown

TASK FORCE ON RADIATION AND HUMAN RIGHTS

September 12, 1995
-- via fax transmission --

Mr. Phil Kaplan
Office of the Staff Secretary
White House
1600 Pennsylvania Avenue
Washington, DC 20500

Re: Human Radiation Experiments

Dear Mr. Kaplan:

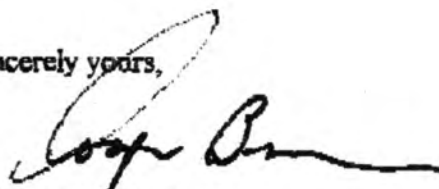
We understand that the President's Advisory Committee on Human Radiation Experiments will be publicly presenting its final report to the President at the White House within the next week to ten days. Given our vested interest in this very important issue, we respectfully request that at least three representatives of the Task Force on Radiation and Human Rights be invited to participate in this event - one individual who would be a radiation experiment victim or family member of a deceased victim. We understand that the Advisory Committee has already made this recommendation to the White House, if not as to the specifics at least in concept.

With regard to the experiment victim or family member, his/her presence would afford the President the opportunity to personally extend the Advisory Committee's recommendation of an apology to the experiment victims symbolically through this one individual. We believe there to be considerable merit, from several vantage points, in this particular recommendation, and thus urge the President to give it serious consideration.

Since there is little time for us to make the necessary arrangements to attend, particularly since air line reservations would be required with at least for one individual whom we have in mind as a Task Force representative, we would appreciate a response to this request by Friday, September 15th, at the latest.

Thanking you in advance, I am

Sincerely yours,



E. Cooper Brown
Task Force Executive Committee

cc. Dr. Ruth Faden, Advisory Committee
Ms. Ellyn Weiss, DOE

Washington D.C. Office: NATIONAL COMMITTEE FOR RADIATION VICTIMS
6935 Laurel Avenue, Takoma Park, MD 20912 / Phone: (301) 891-3990; Fax: (301) 891-3992

WAVES

Please clear the following for the East Appointment Gate on Tuesday September 12th at 1:45 p.m. They will be touring the Executive Residence. Thank you. Susan Lavine x6-2000.

McGeein, Scott

(b)(6)

Shore, Elizabeth

[REDACTED]

Shore, Wayne

[REDACTED]

Sample, Wade

[REDACTED]

Sample, Mary

[REDACTED]

MacDonald, William

[REDACTED]

MacDonald, Cindy

[REDACTED]

Peterson, Carol

[REDACTED]

Marshall, Bradley

[REDACTED]
