

Testimony of Dr. Harold Smith
Assistant to the Secretary of Defense for Atomic Energy
to the
Senate Committee on Government Affairs
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Mr. Chairman and Members of the Committee, it is an honor for me to appear before you today on behalf of the Department of Defense. I am accompanied by Major General Kenneth Hageman, Director of the Defense Nuclear Agency, who will testify about the Nuclear Test Personnel Review; Col. John Fraser Glenn of the Department's Human Subject Research Review Board, who can provide you with expert testimony on how the Department of Defense, the military services, and all DoD agencies currently conduct experiments involving human subjects and the human protections under which those experiments are allowed to be conducted. With the permission of the committee, their statements will follow mine.

At the outset of my remarks, let me compliment you and this committee for the continued and persistent interest you have demonstrated over the years on the broad issues of participation by humans in experimentation and protection of human subjects, including informed consent. You have been in the forefront of those concerns and have made a real contribution to elevating our national consciousness to the need for more accountability for all sponsors of experiments in which humans participated. Indeed, you and your colleague Senator Sasser have been firm in your longstanding commitment to government that is open and accountable to the people it serves. You are to be commended for all of your efforts in that regard. This hearing is yet another stage in this committee's effort to open up a part of government which has, for too long, remained closed to the American people. We applaud your persistence and share your dedication to these principles.

The Department of Defense shares with its partners in the Human Radiation Interagency Working Group a commitment to a comprehensive search of its records and the release of information it discovers. DoD has been a full partner in the Interagency Working Group and has been active in all discussions of the group since its inception. Secretary of Defense Les Aspin has appointed personnel from the highest levels of the department to each of the subcommittees organized by the Interagency Working Group. Each appointee serves in a dual capacity. Each is deeply involved in the work of his or her inter-agency subcommittee and is also an integral part of the Department's effort.

I cannot emphasize enough the high priority placed upon this project by Secretary Aspin. As appointments were made to the Interagency Working Group, he also established within the Department a working group which I direct under the guidance of the Undersecretary of Defense for Acquisition. Our task is to coordinate the Department's research and retrieval effort. In constituting that group, the Secretary charged it to "move quickly and thoroughly on this matter---it should be given high priority." At every opportunity, he has reemphasized the seriousness of our task and the need to cooperate in this important undertaking.

Our effort is being driven by five principles. First, we want it to be thorough. Every agency will take every possible action to insure that its search is comprehensive and omits nothing. Secondly, it will be done as quickly as possible. Records of human radiation experiments will be collected and catalogued as soon as possible. Thirdly, all due care will be exercised to preserve the records. Fourth, the integrity of the process must be preserved to insure that it retains its credibility in the long term. Finally, the process must result in an open accounting of the Department's past action in human radiation experiments.

To achieve those goals, Secretary Aspin initially directed all military services and other DoD agency heads to retain all documents relating to human ionizing radiation experiments. Furthermore, he directed them to instruct persons responsible for routine

document disposal to preserve any such records which they may discover. When the Inter-Agency Working Group issued its formal directive outlining the scope of the search, DoD convened an "all hands" meeting to insure that all DoD agencies fully understood the tasks to be undertaken. Secretary Aspin and Undersecretary John Deutch attended that meeting to provide specific instructions to all DoD agencies on the exact execution of the tasks at hand.

It is important to understand that this is a discovery process requiring some time before a full report can be provided to the Congress and the people of this country. We have all read or heard media reports of these types of experiments. They all will be part of our overall search. In the interim, we want to make it clear and emphasize to you that we are fully committed to this effort. We are acting expeditiously to find and catalogue records. We will collect those records and review them. We will release them as comprehensively and as soon as possible, recognizing that we must proceed in a way that protects the privacy of citizens who may have been participants, wittingly or unwittingly, in those experiments. Let me give you some specifics.

We have attempted to organize our effort to meet both short and long term objectives. The Department is establishing a command center, headed by a Rear Admiral, to be the collection point and clearinghouse for records discovered in this project. As one might imagine, this retrieval process will require an extensive search. With facilities located all over the country and the world, we cannot be certain where we might find records of experiments. This is not a situation where we can go to the dark cellars or attics of the department or its agencies, find a box labelled "Human Radiation Experiments", dust it off, and release the documents inside. It is going to be much more difficult and labor intensive as each of the many agencies within the department search their files and their archives. The Department will not be deterred by the complexity or the difficulty of this project.

We are committed to that search. The command center was established based upon the experience of the Department in the Nuclear Test Personnel Review. It provides a central focal point to which agencies will refer records they may discover. We felt we

needed a place for these records to be catalogued, and reviewed. That will be the purpose of the command center. Overseeing the work of center will be a steering group composed of DoD personnel who are also involved with the work of the Inter-Agency Working Group. We think this represents a serious commitment of resources to this project and an organization that can efficiently and effectively oversee it.

As you know, the Department of Health and Human Services issued in 1974 the definitive federal policy regarding controls to be exercised in government sponsored experiment in which humans are involved. Investigators in these experiments use rigorous protocols to insure that individual consent is truly informed, that Institution Review Boards are independent and assertive, and that all scientific and medical research standards are met. My Department of Defense colleague on this panel, Colonel Glenn, is here to address protocol issues from the perspective of those within the Department who oversee research projects and those who execute those projects.

Finally, questions have arisen about government's ethical responsibility to those citizens who may have participated in human radiation experiments. Principally, those questions have focused on possible compensation and/or medical follow-up treatment. At this early stage in the process, this is an issue that requires review and discussion among a number of agencies as well as requiring the involvement of the Congress. We will certainly participate in those discussions.

Mr. Chairman, we think we have in place a process that will produce answers to the many questions being asked by you, your colleagues in the Congress, and the American people. We are committed to making that process work and work well to achieve two primary objectives: 1) provide the American people with full disclosure of the Department's role in human radiation experiments it may have sponsored; and 2) by doing so, help restore the confidence of the American people in its government. If our review determines that American citizens were treated wrongfully by their government, we believe the

American people are owed a full accounting and, where justified, an attempt to right any wrong done to individuals.

There are those who may argue about the mindset of the times or how the ethics of scientific research have progressed since the early days of the Cold War. They do not speak for the Department of Defense. We want to learn all we can about the department's role in human radiation experiments that took place and share that information with the people whom we serve.