



ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS  
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WASHINGTON, D.C. 20036

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Dr Gordon Soper  
Principal Deputy to the Assistant Secretary of Defense for Atomic Energy  
Department of Defense  
The Pentagon Room 3E1074  
Washington, D.C. 20301-3050

July 11, 1994

Dear Gordon:

As discussed with you and Colonel Bailey on July 8, this letter is to summarize our understanding of the state of DOD responses to Advisory Committee document requests, and to identify goals and expectations for the immediate and near term. The Committee appreciates the efforts to date. However, as you know, the time frame for the Committee's work requires considerable expedition

*Phase I DOD Search*

The January directive required DOD to search for and identify experiments (including intentional releases), and to identify the location of related documentation. The Defense Nuclear Agency (DNA) did not search for intentional releases, and did not survey significant records collections in search of data. To our knowledge, DNA has not yet complied with the January directive. The Army identified about 30 experiments in February, but now reports that it conducted hundreds of further experiments. However, the Army has evidently not yet provided the DOD Radiation Experiment Command Center, or the Committee, with the requisite listing and further data, on these experiments. The Office of the Secretary of Defense (OSD) did not respond to the January search request, although OSD possesses much documentation of relevance and interest.

*Outstanding Committee Action Items*

Following discussion, we transmitted requests ("action items") to you on May 23 and June 22. Following discussions with DNA and the Army, we transmitted action items to them on June 8 and June 15. In addition, we have been engaged in discussions with the Navy and Air Force, regarding their searches.



As detailed in the attachment, significant parts of the May 23 request are outstanding. The bulk of the priority items identified in the June 22 request have not been provided; DNA has, in essence, provided little or no data to date from its important records collections, <sup>1</sup> the Army has provided some important data (on Dugway intentional releases and the development of its ethics policy) but has provided limited further responses; DOD has agreed to respond expeditiously to declassification requests, but has not declassified any documents from the collection(s) designated as test cases for priority declassification. While the Navy and Air Force have provided limited Headquarters related documentation, we understand that they are searching for such materials and hope to obtain the fruits of their efforts shortly.

### *Search Strategy*

As discussed previously, following the Phase I identification of experiments, we turned in this phase to, 1) the identification of Headquarters level groups with responsibility for funding, coordinating, using, setting policy for, and/or advising on human radiation experiments; and 2) the retrieval of these documents. Following this effort, we hope to be better able to focus investigation on particular field sites and/or groups of experiments, from those identified previously.

Even in the brief period since the strategy was initiated, the materials uncovered demonstrate its value. For example, the materials on the 1949-53 (OSD Research and Development Board) Joint Panel on the Medical aspects of Atomic Warfare contain programmatic overviews showing the purpose of experiments, digests of experiments (showing funding, and including experiments sponsored by the Public Health Service and AEC), and continued discussions of human experimentation. However, there are important gaps in the Joint Panel materials. Moreover, even for the 1949-53 period we now know that there are other relevant groups whose documents have not been retrieved. Also, there has been essentially no retrieval of OSD documents from the post 1953 successor, and similar, groups. Service and DNA retrieval of documents from Headquarters files also has been limited.

Given what is currently known, the Headquarters search effort should now be able to proceed quickly to identify and retrieve documents through, at least, the 1974 period.

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<sup>1</sup> We note that the notes of the January, 1994 meeting of knowledgeable persons, which DNA provided, confirm that DNA has access to a rich body of information on human experimentation and intentional releases. For example, the meeting notes refer to at least a half dozen apparent intentional releases, and to data on "500 personnel who volunteered to occupy close-to-detonation positions during events," HUMMRO experiments (including in relation to the "1951 test") and provide many other leads. That is, the meeting confirms that important, relevant information exists, and should be retrievable.

### *Goals/Expectations Prior to Next Committee Meeting*

As further detailed in the attachment, we expect that **prior** to the Committee's next meeting on July 25th, the DOI will provide us with the following:

- 1) DNA and the Army's completed response to DOD's January search directive,
- 2) DOD's completed provision of responses to the May 23 letter and to the priority items identified in the June 22 letter,<sup>2</sup>
- 3) DNA and the Army's completed responses to the requests we made to them, pursuant to discussion and agreement, on June 8 and June 15;
- 4) Substantial inroads by OSD, DNA and the services into the identification of Headquarter-level R&D coordinating, budgeting, and policy groups which funded, managed, coordinated, requested, advised on or used radiation experimentation, and the retrieval of their documents--through 1974. This request is essentially a reiteration of what has been previously requested, which we restate because of its importance.

In the case of OSD, this task includes:

- a) Completion of provision of documents related to the development of the 1953 ethics policy, as detailed in the attachment;
- b) Completion of provision of documents related to the Joint Panel on the Medical Aspects of Atomic Warfare and Committee on Medical Science, as detailed in the attachment;
- c) Identification of the successors to the Joint Panel and the Committee on Medical Science, and retrieval of their documents;
- d) Identification of Defense Department Research and Engineering organizations which were involved in radiation research activities (as funders, coordinators, users, sponsors, advisors, policysetters, etc.), and retrieval of their relevant documents. As we discussed, DDR&E records are a likely source of documentation on many such organizations (such as the successors to the Joint Panel on the Medical Aspects of Atomic Warfare).

We also note that the minutes of the Armed Forces Radiobiology Research Institute Board of Governors (AFRRI) indicate that, at least, the following should be important sources of data for DNA: the Weapons Effects Board, DNA Biomedical Weapons Effects Research Program; and Annual Long Range Planning Meeting for Medical Nuclear Weapons Effect Research.

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<sup>2</sup> Of course, in instances where it has been conclusively determined that documents do not exist (or have been destroyed), response to that effect would be sufficient

5) DOD declassification of a significant number of the radwarfare documents from the collections identified in the June 22 letter

6) Portions of "QRRs" for the period through 1974. As we discussed, we understand that R&D needs have periodically been identified by DOD components in documents termed "QRRs." We sought these documents from DNA, which reports that it only has the most current QRRs available. We therefore recast this request to you.

Finally, as we stated on July 8, currently available documentation suggests that human experimentation may have been conducted in connection with atomic bomb tests. At the last meeting the Committee expressed a strong interest in learning, as quickly and efficiently as possible, whether this was the case. Because of the import of this question we will cover it in a separate discussion

In conclusion, the Headquarters documentation we have obtained so far shows that there are many identifiable and retrievable document collections at DOD dealing with actual or potential human radiation experimentation. While there is much to be done, DOI should now be able to achieve the rapid and efficient retrieval of the documents needed to tell the human experimentation story to the American people.

Sincerely,



Dan Guttman  
Executive Director

Attachment

cc: Christine Varney

## ATTACHMENT TO JULY 11 STATUS LETTER

In this attachment we summarize, to the best of our understanding, the outstanding action items related to 1) the May 23 and June 22 Committee letters to Dr. Soper; 2) the Committee's June 8 and June 15 letters to DNA and the Army, 3) Committee staff discussions with the Air Force and Navy, and regarding OSD.

On July 1 DOD transmitted a "Master List of Action Items", which deals with items identified in the Committee's May 23 and June 22 letter to you. We address this first

### May 23 letter.

In our May 23 letter we sought information regarding the development and implementation of the 1953 DOD ("Nuremberg Code") ethics policy; the Cincinnati and Green Run experiments, relevant DOD organizational history, and the nature of the DOD search.

DOD's July 1 transmittal states that certain requests related to the ethics policy (Committee on Medical Research) and the Cincinnati experiments are still outstanding. However, in a number of cases the July 1 transmittal indicates that responses have been provided which, to our understanding, do not appear to have been received. These include the following requests from the May 23 letter:

1. Documents which would show whether experiments conducted following the Secretary of Defense's February, 1953 "Nuremberg Code policy" were in compliance with the policy. The July 1 letter says that such documents were couriered over on June 20. (Item I A 4). However, with the exception of some irradiated food studies, the June 20 materials contain little or no evidence of compliance (in the case of any given experiment) with the Secretary's policy

2. Documentation of a number of items regarding the experiments at Cincinnati and related experiments. The July 1 transmittal indicates that on June 20, we received documentation showing whether these experiments complied with the 1953 Nuremberg Code policy. No such documentation appears to have been received. Indeed, in its June 27 listing of Action Items, DNA states that the search for this data is "currently being implemented." (DNA Item No. 21). Similarly, DNA also indicated that a search is "currently being implemented" for other requests to which, according to the July transmittal, we have received the response. Upon provision of data from DNA responsive to these questions we should compare notes to determine the completeness of the response to the Cincinnati requests.

3. Classified materials related to Green Run and other intentional releases, particularly that contained in an Air Force history (AFOAT-1) and minutes of the Joint Atomic Energy Intelligence Committee (JAEIC). The July 1 transmittal indicates this material was couriered over. We have not received such material. We further understand that DOD will not declassify requested Green Run material, and that, at our last inquiry, it had not located the Joint Committee

material. (It appears that materials related to the JAEIC for roughly the years 1947-60 are in the records of the Assistant to the Secretary of State for Atomic Energy in record #59 at the National Archives in Suitland.)

4 Material related to the development of the 1953 Nuremberg Code Policy. While significant material has been provided, there appear to be important gaps. As we discussed, these include documentation of the basis for the new Administration's decision to resolve the matter as it did.

5. Basic historic organization charts and similar data on the location of groups with responsibility for coordinating, funding, setting policy for, advising on, and/or using radiation research. The May 23 letter, recognizing that the data has not been provided for the Army, DNA, or the Office of Secretary of Defense, indicates that data has been couriered over in the case of the Navy and Air Force. While some such data has been provided, systematic data has not. For example, as we discussed, a 1950 Navy memo located by Committee staff identified many additional seemingly relevant committees/panels, on which the Navy sat.<sup>3</sup>

#### June 22 letter Priority Items

In addition to reiterating the outstanding May 23 requests, the June 22 letter identified priority items (from among prior requests). The July 1 transmittal states that action has been taken on 9 of 19 items. With regard to these nine, we note the following:

*Army.* The July transmittal states that we have been provided with "ethics policy documents." We have been provided with documents on Army policy development, which we appreciate. However, the request<sup>4</sup> focused on documentation of the implementation of the June, 1953 Army policy. By its terms, this documentation should have included proposals for

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<sup>3</sup>The April 20, 1950 Memo from Captain C.P. Behrens noted, among other groups: 1) an Office of Secretary of Defense "Task Group on Medical Aspects of Nuclear Energy"; 2) a Joint AEC/OSD "Panel on Biological and Medical Aspects of Radiological Warfare", 3) an Armed Forces Special Weapons Project (AFSWP) Panel on Radiological Instruments; and 4) two National Research Council Panels on radiology and atomic casualties on which a Navy representative(s) sat.

<sup>4</sup> Item 3 of the June 15 request stated:

The Army will search for and provide the documentation referred to [in the Secretary's June, 1953 directive] (e.g., Secretarial approval, Army agency proposals, Surgeon General's review and comment, communications with other agencies). The search will include reasonably related documentation (e.g., policy memos or critiques/analyses of experiments and documentation required by successors to the June, 1953 memorandum.

experiments, Surgeon General review and comment, and communications with other services or agencies. We have received little or no documentation evidencing implementation of the June 1953 policy in regard to particular experiments.

The July 1 transmittal also states that we received backup documents for the 1975 Army Inspector General Report which investigated Chemical Corps experiments with drugs. We may have received some of the requested materials, but we have not received all of them.<sup>5</sup>

*DNA.* The transmittal letter indicates we have been provided with one (of four) DNA priority items. As discussed, this item (AFFRI Board of Governors' Minutes) was, relatively speaking, "off the shelf" material.

*OSD.* First, the July 1 transmittal indicates that we received the files of the Joint Panel on Medical Aspects of Atomic Warfare. We did receive some minutes, agendas, and further documentation, which are of great interest. However, there are significant gaps in the materials received. Most notably, we did not receive any "Program Guidance Reports" or "Research Digest" documents, as were periodically prepared by the group (and copies of which had previously been located by our staff, and shared with you). In addition, the response did not include minutes or agenda, or both, for the Joint Panel's 1st, 4th, 5th, 6th, 7th, 9th, 10th, and 11th meetings.

Second, the transmittal letter states that we have been provided with records of the group that assumed responsibility for the work of the Joint Panel and the Committee on Medical Science, when DOD was reorganized in 1953. We did not receive such documents; indeed, DOD has not identified the name(s) of the successor group(s).

*Air Force/Navy.* While we appreciate efforts by the Navy and the Air Force, we note:

The July transmittal states that files on ethics policy for the pre-1974 period have been provided. Once again, while we appreciate the provision of files related to policies and policy development, we have received little documentation showing the application of the 1953 Nuremberg Code Policy, the 1951 Navy policy, and any similar Air Force policy, to the radiation experiments identified by these services.

The July transmittal states that we have received files on R&D coordinating groups. We understand that the Air Force and Navy are searching for files of relevant R&D coordinating groups; however, other than fragmentary documentation provided by the Navy, the documents related to these groups have not been provided.

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<sup>5</sup> In our June 10 meeting with Colonel Suttle and his team, it was agreed to limit our request, at least initially, to the materials identified at footnotes 1-4 and 8 (page 56) of the IG report. We have not received the materials referred to in footnotes 3, 4, and 8.

The July transmittal states that we have been provided with agency histories regarding radiation experiments. The Air Force has provided excerpts of certain histories, which we appreciate. (We will seek further portions of these histories). We understand the Navy has located some history(ies) of the NRDL, but we have yet to be provided with this or other histories.

#### Further Outstanding Requests of DOD Components

*DNA.* On June 8, following discussion with DNA, we transmitted a list of action items. As shown by DNA's June 27 status report, DNA has taken some action on 5 of 23 items. We must note that the items provided were basically "off the shelf".<sup>6</sup> DNA has yet to provide any documentation indicating significant research into its rich collection of relevant records, including those in Record Group #374. Indeed, while the January 1994, notes of a meeting to discuss data retrieval indicate that DNA recognizes its histories may be quick sources of relevant data, relevant portions of DNA histories have not even been provided. The January meeting, and the AFFRI Board of Governors minutes, however, do confirm that DNA is a rich source of documentation on human experiments, and that much documentation should be readily retrievable.<sup>7</sup>

*OSD.* As discussed, OSD has provided some very helpful information on the (1949-53) Joint Panel on the Medical Aspects of Atomic Warfare and the development of the 1953 ethics code. By the same token, this documentation demonstrates the value and likely success of a continued search to include missing documentation on the Joint Panel; documentation on other relevant groups for the 1947-53 period; and documentation of similar groups for the post-1953 period. As we discussed, beginning in about 1953-54 many such groups were likely housed in, or affiliated with, DDR&E. The immediate continuation of the OSD search through DDR&E, as DOD suggested on July 8, would be of value.

*Army.* The Army has not provided an action list in response to our June 15 transmittal of action items. We appreciate the Army's provision of documents related to ethics policy development, Dugway intentional releases, and certain Headquarters documentation of late 1940's and early 1950's experiments. However, most of the requests in the June 15 memo appear to be

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<sup>6</sup> DNA provided: 1) the computer printout obtained in its response to the January search directive; 2) notes on the January, 1994 Graybeards meeting; 3) a copy of its contract log; 4) copies of the minutes of the AFFRI Board of Governors, which you confirmed are matters of public record; and 5) some reports from the experiments identified by DNA.

<sup>7</sup> For example, the AFFRI minutes indicate that relevant research was coordinated by/through 1) the Weapons Effect Board; 2) the DNA Biomedical Weapons Effects Research Program; 3) the Annual Long Range Planning Meeting for Medical Nuclear Weapons Effects Research. The January meeting memo refers to, among other items, a number of intentional releases, and 500 personnel who volunteered to occupy close to detonation positions during tests, and HVMMRO experiments. We expect that explanatory documentation on these items will be identified and provided by DNA

outstanding.

*Air Force and Navy.* We have not transmitted formal requests to these services. From our discussions with them we understand they are engaged in archival and records center searches for Headquarters related documents consistent with the above discussion (eg, documents on ethics policy and implementation, on R&D coordination and programs, etc.) We hope to work with these services in the immediate future to discuss the best way to access field office records and further data on selected experiments