

December 9, 1974

Honorable Sam Hahn
 United States Senate
 Washington, D.C. 20510

Dear Senator Hahn:

Thank you for your notes of November 20, 1974, addressed to the Department of Health, Education, and Welfare and to the Department of Defense, enclosing Mrs. Lloyd B. Wilford's letters of November 7 and, particularly, for Dr. H. Peter Metzger's highly inaccurate column from the Atlanta Journal.

The regulatory issuance described by Doctor Metzger as something ". . . the U.S. Department of Health, Education, and Welfare (HEW), has finally come up with . . ." are proposed 1974 amendments to existing 1973 regulations which in turn codified a 1971 departmental policy which grew out of a Public Health Service policy dating back to 1966 and earlier years. These pre-existing policies reflected the same concerns raised in Doctor Metzger's article. We are enclosing the relevant issuances and the "Institutional Guide . . ." to this policy which touch on many of these issues. Your attention is specifically called to the requirement that all of our grantees adopt their own moral and ethical codes to guide their research, and to the long list of such codes on the last pages of the Guide. Our grants and contracts support research in a wide spectrum of religious and secularly controlled scientific institutions.

The column by Doctor Metzger dwells at some length on an alleged abuse of research procedures at the University of Cincinnati between 1960 and 1971. Doctor Metzger does not mention that an investigation by the General Accounting Office failed to disclose any substantive association between Department of Health, Education, and Welfare and Department of Defense research activities at this institution and the case-by-case treatment of the Cincinnati patients. The University never accepted Defense funds to "zap" patients. The patients were treated individually for the diseases they had.

Whole-body radiation at levels of a few hundred rads is lethal only when it destroys the blood building cells of the bone marrow. In the treatment of these patients who had widespread metastatic cancer, a large part of the marrow was first removed, the patient was then treated and the marrow returned. None of the patients involved died from radiation sickness.

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though two of them did die with unusually low white blood cell counts. In all instances, death was clearly attributable to the advance of cancer, or to intercurrent disease associated with advanced cancer.

The last paragraph of Doctor Metzger's article contains the basic error-- that the patients were being given whole-body radiation for localized cancer. Nothing could be farther from the truth. All of the patients had had prior--and unsuccessful--surgery for localized cancer, most of them had had additional surgery or localized radiation, all by now had widespread metastases making further surgery or localized radiation ineffective.

Doctor Metzger fails to note the finding by the American College of Radiology that this treatment was at least as effective as drug therapy for certain types of cancer and, in the case of Ewing's sarcoma, a childhood bone cancer, appeared to be far superior to any other treatment then available.

Sincerely yours,

D. T. Chalkley, Ph.D.
Chief, Office for Protection
from Research Risks
Office of the Director

3 Enclosures
May 30, 1974, Federal Register
August 23, 1974, Federal Register
"Institutional Guide . . ."