

WILLIAM F. WILLIAMS, JR., I. J., CHAIRMAN  
JENNINGS HANCOCK, W. VA.  
CLAYTON F. PELL, ILL.  
EDWARD M. KENNEDY, MASS.  
GAYLORD NELSON, WIS.  
WALTER F. MONDALL, MINN.  
THOMAS F. EAGLETON, MO.  
ALAN CRANSTON, CALIF.  
HAROLD E. HUGHES, IOWA  
ADLAI E. STEVENSON III, ILL.  
JACOB K. JAVITS, N.Y.  
PETER H. DOMINICK, COLO.  
RICHARD P. SCHWIKER, PA.  
BOB PACKWOOD, OHIO  
ROBERT TAFT, JR., OHIO  
J. CLYDE DEALL, JR., MD.  
ROBERT T. STAFFORD, VT.

## United States Senate

COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
WASHINGTON, D.C. 20510

STEWART C. MCCLUNG, STAFF DIRECTOR  
ROBERT E. NAGLE, GENERAL COUNSEL

December 17, 1971

RCC1.958212.008

Honorable Robert Taft, Jr.  
Suite 3331  
New Senate Office Building  
Washington, D. C. 20510

Dear Bob:

This is in response to your letter of December 11 and your statement on the Senate floor on December 15, regarding the Health Subcommittee's investigation of the University of Cincinnati's human radiation project. Your statements contained serious inaccuracies that will inevitably add to the public confusion on the issue and increase the anguish of the unfortunate individuals who are the subjects of these radiation experiments. Therefore, I believe it is important that you have the following accurate account of the Health Subcommittee's investigation of the project.

On October 8, the Washington Post carried a major news story on the project. Reading this article was the first indication I, or any member of my office or committee staff, had of the existence of this project. The assertions and implications of the article were shocking, and I dispatched a letter to Secretary Laird requesting a full report on the project, which (the article stated) was supported with Defense Department funds. In the letter I said: "If the news report is accurate, I believe this project represents an incredible infringement of individual liberty," and I continue to stand by that statement today.

I also wish to emphasize that this is the only substantial public statement I have ever made devoted to the University of Cincinnati Radiation Project. The only other public statements I have ever made regarding the project occurred during the course of Senate consideration of S. J. Res. 75, to establish a National Advisory Commission on Health Science and Society, when I briefly referred to the project. In each instance, however, I made no "charges" or

value judgments of any sort regarding the merits of the project, but merely cited it as an illustration of the sorts of difficult ethical and legal issues involved in biomedical research.

Following the initial news report on the project, the University medical officials issued statements to the press, which along with the subsequent statement from the Defense Department, denied various of the allegations and implications in the Washington Post story and provided justification for other of the points which were admitted as facts.

Since the initial story appeared on October 8, however, we have also received a large amount of information and comments on the project from a variety of sources throughout the country. This information contains some significant discrepancies with the official account of the project. Careful evaluation of this information was not able to remove these discrepancies.

Accordingly I directed two of the Committee staff to go to Cincinnati to meet with the project officials in order to get at the facts of the case. Their trip took place on December 6, not mid-October as you asserted in your statement to the Senate. This was the first and only time to date when members of my staff have traveled to Cincinnati in connection with this investigation. I don't know the reason for your statement to the Senate that staff members were in Cincinnati in October, but your statement is totally without foundation. The facts in this matter were quite clearly stated in my letter to you of December 11, and I view with serious concern your subsequent statements to the contrary.

Despite the extensive discussions on December 6 with the University officials, significant conflicts of fact remain about the project. Our analysis has also raised substantial questions of national policy and procedure with regard to the conduct of experimentation involving human subjects. Therefore, I consider it important to complete the investigation so that we can firmly establish the facts of the case and shed light on the significant policy issues involved.

It is my considered judgment that the next essential step in the investigation involves communication on a voluntary basis, with the surviving subjects of the experiments. As I stated in my letter to President Bennis: "We have discussed the matter with a number of authorities on medical ethics and the administration of medical research, and have concluded that it is perfectly appropriate that we have direct communication with the individuals involved. It is our view that meetings with the individual subjects are essential to effective completion of the Committee inquiry, and that such meetings can be conducted in a manner which will not injure the health or rights of the individuals concerned, none of whom is currently hospitalized. I believe strongly that the eleven adults and the parents of the three children involved should have the opportunity to make up their own minds as to the extent of their cooperation with the Committee inquiry."

In this connection, I notice from reports in the Cincinnati press your view that the interviews with patients should be conducted by persons in the medical profession, not by laymen. Apparently you are unaware that one of the two staff members who went to Cincinnati and who would be principally responsible for any communication with the patients is a physician who was formerly associated with the National Institutes of Health on the research staff of the National Cancer Institute. The other staff member involved is Scientific Adviser to the Committee, who has had extensive experience in national science policy and the management of research. They not only bring considerable professional expertise to this study, but are both deeply concerned with preserving the health and human rights of the subjects of the experiment.

With respect to your criticism of the procedures followed by the Subcommittee, I should like to point out that the inquiry has been conducted in full accord with the rules of the Senate and the Committee on Labor and Public Welfare. As I have previously stated, I will be happy to respond to any further questions you may have, and to make Committee staff available to meet with members of your staff to discuss any of these matters in greater detail.

I hope that the foregoing account serves to clarify any misconceptions you may have had regarding the Subcommittee's investigation of the Cincinnati Radiation Project.

Sincerely,



Edward M. Kennedy, Chairman  
Subcommittee on Health