

**INTERAGENCY SEARCH GROUP
WEEKLY MEETING - APRIL 13, 1994**

AGENDA

- ◆ **Introductions (O'Toole)**
- ◆ **Briefing book materials for Advisory Committee members in preparation for Advisory Committee public meeting**
- ◆ **Oral presentations by agency representatives at Advisory Committee public meeting**
- ◆ **Oklahoma/Nuclear Regulatory Commission studies (see handout)**
- ◆ **Debrief on Cincinnati hearings and lessons learned**
- ◆ **Working level contacts on records searches**
- ◆ **Update on Advisory Committee public meeting agenda**
- ◆ **Other business**
- ◆ **Proposed agenda and date for next Search Group meeting**

**ADVISORY COMMITTEE
ON
HUMAN RADIATION EXPERIMENTS**

Address: 1726 M Street, Northwest
Suite 600
Washington, DC 20036

Telephone: 202-254-9797

Fax: 202-254-9827

Staff: Dan Guttman, Executive Director (bio attached)

Anna Mastroianni, Director Committee Affairs, Deputy
Staff Director, Senior Policy and Research Analyst

Jeff Kahn, Acting Staff Director

Steve Klaidman, Public Affairs Director

Jeremy Sugarman, Senior Policy and Research Analyst

DAN GUTTMAN

EXECUTIVE DIRECTOR, ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS STAFF

Biographical Sketch

Dan Guttman has been a partner at Spiegel & McDiarmid, a Washington, D.C. law firm which represents public agencies, workers and consumers in energy, communication and environmental matters, and human rights issues. He has assisted local governments and worker representatives in the ongoing conversion of the nuclear weapons complex, and Nye County, Nevada, the site of the proposed nuclear waste repository.

Following graduation in 1971 from Yale Law School, he co-authored the Ralph Nader sponsored book, The Shadow Government: The Government's Multibillion Dollar Giveaway of its Decisionmaking Powers to Private Management Consultants, "Experts," and Think Tanks. He served as special counsel to Senator David Pryor in the oversight and investigation of the Federal use of private expertise in the performance of the basic work of government.

He participated on the National Academy of Public Administration's Standing Panel on Executive Organization and Management, and was the recipient of a German Marshall Fund grant to advise on energy conservation in Czechoslovakia.

He has written for publications including The New Republic, The Washington Monthly, Public Power, and The Harvard Journal on Legislation. He served as research assistant to Andy Rooney in the production of "Mr. Rooney Goes to Washington," an award winning CBS news documentary.

He was graduated *phi beta kappa* with highest honors from the University of Rochester in 1968.

RUTH R. FADEN

CHAIR, ADVISORY COMMITTEE ON HUMAN RADIATION EXPERIMENTS

Biographical Sketch

Ruth R. Faden, Ph.D., M.P.H., is Professor of Health Policy and Management in the School of Hygiene and Public Health, Johns Hopkins University. Dr. Faden is also Senior Research Scholar at the Kennedy Institute of Ethics, Georgetown University.

Dr. Faden is Director of the Program in Law, Ethics, and Health of Johns Hopkins' School of Public Health. She is the author of many books and journal articles on biomedical and research ethics, health policy, and health behavior, including A History and Theory of Informed Consent, co-authored with Tom L. Beauchamp, Ph.D. In addition to her extensive publications, Dr. Faden has served on numerous national task forces and committees.

Dr. Faden holds a Bachelor of Arts in American Civilization from the University of Pennsylvania and a Master of Arts in Humanities from the University of Chicago. She received a Masters in Public Health (M.P.H.) and a Doctorate (Ph.D.) in Attitudes and Behavior from the University of California-Berkeley.

**RADIATION TESTING - UNIVERSITY OF CINCINNATI
APRIL 12, 1994**

MESSAGE

- The Department of Defense has been engaged in an extensive effort to discover the facts surrounding DoD sponsored human radiation experiments.
- With the complete support of Secretary Perry, the Department has pledged its unqualified commitment to a thorough and complete search of all available records and the full public release of the pertinent information in those records.
- Retrieval of records has required time intensive "detective work" -- we are well into that process now and beginning to make excellent headway. All retrieved information will be turned over to the interagency working group and the Independent Advisory Committee for review.

CURRENT NEWS

- The Department of Defense played a role in the human radiation experiments conducted at the University of Cincinnati College of Medicine between 1960 and 1972.
- The experiments conducted at Cincinnati call into question the adequacy of informed consent and evidence of non-therapeutic purposes.

BACKGROUND

- In September 1958, Dr. Eugene L. Saenger of the Department of Radiology, University of Cincinnati College of Medicine, as the principal investigator, submitted an **unsolicited** research proposal to the Research and Development Division of the Army Surgeon General's office.
- The original goal was to try to develop a simple urine test to detect the amount of radiation exposure.

- DoD review of the proposal took over a year and involved a number of medical corps officers. In 1959, the Department agreed to a contract with the University of Cincinnati for the study of the metabolic changes in humans following total body irradiation.
- At that time, DoD was interested in determining the biological, statistical and clinical features of radiation injury based on field commander needs to predict fatalities and injuries resulting from ionizing radiation of a nuclear weapon blast.
- Cincinnati submitted ten reports to DoD between 1961 and 1972. The entirely unclassified Cincinnati studies have been previously reported in ten technical reports, 17 publications and 26 presentations at scientific meetings.
- All the information that DoD has compiled -- technical reports, some contract information and other related documents -- from the Cincinnati experiments will be provided to the Independent Advisory Committee recently established by President Clinton.
- A major goal of DoD's research regarding the Cincinnati experiments is to provide a complete record for review by the Advisory Committee

Source: ATSD/AE (Dr. Gordon Soper)
A/O: Maj Bob Potter

More radiation tests uncovered

By Frances Rivers
Donrey Washington Bureau

WASHINGTON — Scientists used radioactive materials to carry out medical research on Oklahoma prison inmates and mental patients during the 1960s and 1970s, according to officials and documents uncovered by the government.

Starting in 1966 and continuing until the mid-1970s, inmates at McAlester State Penitentiary were human guinea pigs for researchers at the University of Oklahoma and the Oklahoma Medical Research Foundation, a private group located on the university's Oklahoma City campus.

Scientists from the university's health sciences center in Oklahoma City tested the absorption of new drugs by injecting subjects with radioactive tracers and tracking their route through the body.

At the same time, university scientists pioneered radiation treatment for thyroid and liver disorders, cancers and tumors using penitentiary inmates and mental patients at what was then

Central State hospital in Norman, now named Griffin Memorial Hospital.

Disclosure of the Oklahoma experiments comes in the wake of a massive effort by the government to declassify Cold War-era documents. The records describe how scientists in numerous parts of the country conducted tests using radioactive materials on pregnant mothers, mentally retarded children and military veterans among others.

Several members of Congress have sponsored bills that would compensate people who were used in the studies without their full knowledge or consent.

The Oklahoma studies are described in documents made public recently by the Nuclear Regulatory Commission, whose predecessor agency, the Atomic Energy Commission, had licensed institutions using radioactive materials.

The documents, coupled with interviews of scientists connected with the research, describe some of the tests but leave questions unanswered about work conducted 30 years ago.

The researcher in charge of experiments at McAlester Penitentiary, Dr. John Colmore, is dead. Both the penitentiary and the state department of corrections say they have no records of any medical projects conducted in the 1960s and '70s. Test subjects could not be determined from available documents.

But surviving NRC records indicate that Colmore and at least one other researcher administered radioactive tracers to inmates as part of their studies of new drugs.

Reagan Bradford, now at the Oklahoma Medical Research Foundation, remembers doing a study of about 10 inmates that evaluated a drug using radioactive calcium.

Dr. Carl Bogardus, who headed a University of Oklahoma committee through the 1960s responsible for supervising all projects that used radioactive materials, said most projects used radioactive byproducts "on patients who required this for medical reasons."

DEPARTMENT OF DEFENSE ACTIVITIES ON HUMAN RADIATION EXPERIMENTS REVIEW

Under the direction of Secretary Perry, the Assistant to the Secretary of Defense (Atomic Energy), Dr. Harold P. Smith, and his Principal Deputy, Dr. Gordon K. Soper, lead DoD's efforts to discover and disclose to interested parties the nature and extent of the Department's involvement in human radiation experimentation. A Department of Defense Steering Committee, chaired by Dr. Smith, composed of high-level Department officials and supported by scores of DoD personnel, has met regularly to structure and guide the Department's efforts.

A 31 January 1994 memorandum from Dr. Smith to all DoD components provided detailed guidance on locating, identifying, reviewing, and declassifying records pertaining to human radiation experiments. This guidance instructed DoD components to preserve existing records; manage records in accordance with Freedom of Information Act, Privacy Act and security classification procedures, directing that records were to be declassified to the maximum extent; and, if there were a question on an experiment, to err on the side of inclusion in the initial identification of a possible experiment.

To assure the quality, comprehensiveness and integrity of the search process, components were directed to submit a report, consisting of two parts. In Part I the agency was required to report: each organization under its control that may have conducted or sponsored experiments; the location(s) where records might be stored; a description of the efforts undertaken to confirm if records were at the location(s) identified; and if records were found. Part II required a description of each experiment identified as a result of activities described in Part I. Each experiment was to be described as follows: identification of experiment or possible experiment; where and when it took place; name of primary researcher(s); DoD organizations grantees, or contractors involved in the experiment; number of human subjects (including available information on subjects); summary of experiment; records location; estimated nature and quantity of records; and whether the records are classified, and, if so, what actions have been or will be taken to review the classification.

A massive search effort has ensued. Following the dictum to err on the side of inclusion, reports thus far have identified approximately 1,760 DoD conducted or supported activities from 1944 to present that possibly fall within the scope of the

Interagency Working Group definition of human radiation experiments. It appears that the overwhelming majority of these are clinical research activities conducted by DoD medical components since 1974, involving therapeutic investigations in which radiation was used solely in accordance with established, non-experimental diagnostic procedures. These activities will be further reviewed and analyzed and eventually categorized as either clinical procedures, therapeutic programs, research protocols, etc. Additionally, some components reported file volumes in the hundreds of feet, and that there are millions of individual service records at the Military Personnel Records Center in St. Louis, Missouri for personnel that served during the last 50 years.

To coordinate the Department's efforts, a Radiation Experiments Command Center (RECC) was established. The RECC is the Department's central repository and point of contact for matters related to human radiation experiments. The RECC has developed an automated database for information on the status of ongoing actions that respond to inquiries from the public, other Federal agencies, and Congress, and analyze information received from these, and other, sources. A second RECC automated database is the "event file," to capture information on each experiment identified by DoD records search. This will allow reviewers to expeditiously match experiments with inquiries from the Advisory Committee, Congress or the public.

DoD's efforts to date have highlighted several issues on which guidance from the Advisory Committee would be helpful. The major issue is the prioritization of records retrieval and review of the large number of possible experiments that have been preliminarily identified. DoD suggests that pre-1974 experiments not clearly outside the scope of interest be considered for high priority attention. Guidance is also needed on identifying lead responsibility for resolving inquiries from individuals that fall within multiple agency jurisdictions. Finally, we suggest the need for a uniform, responsive, integrated and cost-effective approach to satisfy both near- and long-term requirements to provide information to the Advisory Committee, the Congress, human subjects or their next-of-kin, and the public.

DoD is fully committed to the task of discovering and documenting the extent of its participation in human radiation experimentation over the last 50 years. Carrying out this task will remain a high priority of Secretary Perry and the Department of Defense.