

**Statement of Tara O'Toole, M.D., M.P.H.**  
**Assistant Secretary for Environment, Safety and Health**  
**U.S. Department of Energy**  
**before the**  
**Committee on Governmental Affairs**  
**United States Senate**  
**December 1, 1994**

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BEFORE THE COMMITTEE ON GOVERNMENTAL AFFAIRS**

**UNITED STATES SENATE**

**DECEMBER 1, 1994**

**INTRODUCTION**

Thank you for the opportunity to appear before the Committee to discuss the Administration's progress in revealing the story of Cold War human radiation experiments, an unprecedented venture in open government that began earlier this year. This endeavor has three parts: 1) A search for documents throughout the Federal government and beyond; 2) Ethical evaluation of this historical record by the Advisory Committee on Human Radiation Experiments; and 3) An effort to respond to the thousands of persons who have inquired as to whether they or their family members may have been the subjects of this experimentation.

As you know, the Advisory Committee released its six-month Interim Report on October 21, 1994 and it is therefore timely and appropriate to review the Clinton Administration's progress in opening this important part of the history of the atomic age to the American people.

**MOBILIZATION AND ORGANIZATION OF THE EFFORT**

In January 1994, President Clinton ordered the Federal government to reveal the story behind human radiation experiments from the outset of the Cold War to the present. In response,

senior officials from Federal agencies that may have conducted or sponsored radiation experiments began meeting in January to devise a process for carrying out this assignment. Thus, the Human Radiation Interagency Working Group was formed. The membership of the group includes the Secretaries of Energy, Defense, Health and Human Services, and Veterans Affairs, the Attorney General, the Administrator of the National Aeronautics and Space Administration, the Director of Central Intelligence and the Director of the Office of Management and Budget.

Five subcommittees were initially formed under the Interagency Working Group. The Public Information and Communications Subcommittee coordinated information among agencies and facilitated the transfer of the Department of Energy's human radiation experiments hotline, established in December 1993, to the Interagency Radiation Research Helpline. The Legal Affairs Subcommittee catalogued existing government responses directed to past radiation exposures of uranium miners, atomic war veterans, and citizens living downwind of atmospheric nuclear weapons tests.

The Congressional Affairs Subcommittee is responsible for liaison activities between public officials, the Working Group, and the interagency subcommittees. The Scientific and Ethical Standards Subcommittee, chaired by Dr. Jack Gibbons, Science Advisor to the President, drafted the Charter of the independent Advisory Committee on Human Radiation Experiments. The Advisory Committee is composed of eminent ethicists, scientists, physicians and other scholars appointed by President Clinton and is charged with reviewing

the ethical propriety and potential harm associated with experiments involving human exposure to ionizing radiation.

The Records Collection and Retrieval Subcommittee, known as the "Search Group", coordinates the massive, nation-wide search for radiation documents needed by the Advisory Committee for their review. The Search Group, which I chair, is comprised of senior officials from the Departments of Energy, Defense, Health and Human Services, and Veterans Affairs. These are the agencies that have the greatest past involvement in human radiation experiments and that consequently face the greatest challenges in identifying and recovering documents that might be relevant to the Advisory Committee's work.

#### RECORD COLLECTION AND MANAGEMENT

The Search Group has been meeting regularly to discuss such issues as: coordination of record searches; development of guidelines for referring Helpline inquiries to individual agencies for follow-up; procedures for assuring the integrity of documents; identification of solutions to common problems and concerns; and identification of issues and documents that are of priority interest to the Advisory Committee. The last issue, which also involves locating pertinent records and the recovery of these records, has been a particular concern for the Search Group.

The size and location of the total universe of records or documents associated with the scientific, historic, and policy aspects of human radiation experiments is unknown, but clearly

vast - and not well catalogued. The Department of Energy alone has a total agency-wide inventory of some 3.2 million boxes of records distributed throughout the country, many of which are poorly indexed, if indexed at all. The effort to gain what archivists call "intellectual control" of this enormous body of records - to understand what types of documents are likely to be found in what locations and boxes, so as to narrow the search and make it possible within a limited timeframe - is in itself virtually unprecedented. Moreover, the search goes beyond simply the records of experiments; we are also looking for any indications of the institutional policies and the considerations which drove human subject research. Thus, it is essential that the agencies work closely with the Advisory Committee to map search strategies and a document recovery process that responds to the needs of the Advisory Committee. Historians and archivists on agency staffs have been working with their counterparts on the Advisory Committee staff to formulate these strategies.

Given the magnitude of this challenge, how will we know when we have reached the finish line? First, it would be unrealistic to imagine that the agencies and the Advisory Committee will find all documents related to human subject radiation research. We do believe, however, that a collection sufficient for evaluation will be possible within the one year timeframe of the Advisory Committee.

There are a variety of ways to provide a check on completeness. The large majority of experimentation resulted in publication in the open scientific literature. These publications are being identified and catalogued. The literature thus provides one means to target and check

searches. In addition, the agencies' experts work in close cooperation with those on the Advisory Committee staff, providing guidance to each other on additional search strategies, updates on new discoveries, and sharing insights. Many scientists who were directly involved in experimentation, particularly in the early days after World War II, have been questioned and interviewed, in some cases through formal oral histories. In addition, the search has been extended beyond the Federal complex to include certain key universities and the personal papers of historically important researchers. We intend to keep searching until we have exhausted the avenues opened through all of these overlapping methods.

I understand that the Committee will request each agency to provide a written assessment of its search status for the record. The Department of Energy has organized its search in a "bottom-up" manner. Pursuant to guidance developed early in the year by professional archivists and historians, we began by using all available research tools, including records transfer forms and all indexes and catalogues of records, to identify from the universe of Department of Energy documents those collections (or "series") that might contain relevant material. Early on, we compiled an initial collection of approximately 10,000 documents. These documents were provided to the Advisory Committee. We then examined those series believed to be potentially relevant and prepared "records series descriptions" for each of these collections, describing the nature of the records in the collection. A copy of a record series description inventory form is attached for illustration. All of those descriptions were also provided to the Advisory Committee. In many cases, individual file folder titles were provided, as well. We are working with the Advisory Committee staff to review and identify

further individual documents within the series. While we do not expect every possibly relevant document to surface, the iterative and logical nature of the search provides a reasonable degree of certainty that important records will be found and reviewed.

### ASSURING INTEGRITY OF THE DEPARTMENT'S DOCUMENT SEARCH

In addition to the steps outlined above, which provide a check on completeness, perhaps the most effective engine for openness in this process is continued public involvement and oversight. All records provided to the Advisory Committee are, or will soon be, publicly available, with the exceptions of Privacy Act restrictions and a very small minority of documents that must remain classified for legitimate national security reasons. At the Department of Energy, approximately 1,850 documents related to human radiation experiments have been declassified to date. Most relevant documents were never classified. A number of members of the Advisory Committee and staff have been given security clearances and invited to review classified documents themselves or preview for relevancy before the declassification process begins.

Both the Advisory Committee and the Federal agencies are dedicated to making these records not just available but also easily accessible and searchable. At the Department of Energy, for example, an index of all records currently released is available through the Internet on the Department's Opennet. In addition, publicly accessible computer terminals are located at the Department's Public Reading Room in the Forrestal Headquarters building and also at the Coordination and Information Center in Las Vegas, Nevada. These terminals are fitted with

software that permits easy searching of the indexed documents. Upon request, full copies of any available documents are provided. The Department intends to put the full text of all documents on the Internet early in 1995.

The Department of Energy is also preparing a site-by-site description of radiation research using human subjects, which will be published early in 1995, along with the record series descriptions for all relevant collections Department-wide. A "living" list and description of identified experiments is also being prepared. On November 9, 1994, the Department convened a workshop of prominent non-governmental scholars and historians to review and provide input to our efforts. It is worthy to note that the level of cooperation we have received from present and former contractors in this endeavor has been very gratifying. The contractors understand from their daily experiences that openness is a necessity.

Finally, each step of the search effort is documented, from Secretary O'Leary's first memorandum December 23, 1993 and the President's January 17, 1994 Executive Order, onward. The Advisory Committee has instituted a system for transmitting its requests in writing so that replies can be tracked and government responsiveness documented. Each significant field site has been visited twice by expert teams from Department of Energy Headquarters and detailed progress reports are prepared periodically. This will enable those who come after to know where we have been and what we have done. Our goal is not to have the final word, but to leave behind a record of our activities that historians, policy-

makers, Congress, and the American people can use to understand, debate, and evaluate this aspect of our history.

### STATUS OF THE DEPARTMENT OF ENERGY'S SEARCH

The following are some of the significant milestones achieved by the Department of Energy:

1. Teams of professionals trained in disciplines such as health physics, records management, and radiation safety were set up at each operations office and significant field site to carry out the records search.
2. Guidance for conducting and documenting the search Department-wide was prepared by Headquarters activists and historians.
3. A new Headquarters Office of Human Radiation Experiments, under the Assistant Secretary for Environment, Safety and Health, was established and staffed, and then developed an aggressive strategy to find records and make them available.
4. Records series descriptions have been completed for over 500 pertinent record collections throughout the Department of Energy, the National Archives, and the Federal Records Centers. This amounts to over 34,000 cubic feet.
5. Over 130,000 pages of documents have been provided to the Advisory Committee and publicly released.
6. Over 1,850 relevant previously classified documents have been declassified for this project.
7. Over 23,000 calls have been received by the Interagency Radiation Research Helpline and distributed among the Federal agencies for response. After compilation of a

substantial database, the Department of Energy began preparing substantive responses to constituent inquiries in September. Interim responses to callers and writers had been previously completed.

Over 200 people have been involved in the Department of Energy radiation experiment records collection and retrieval effort, many dedicated full-time for substantial periods of time. While this challenge is daunting, the search process has already yielded impressive results and we believe that it will provide the documents necessary for the Advisory Committee to perform its evaluative functions.

#### NEXT STEPS

As you know, the final report of the Advisory Committee is scheduled to be provided to the Interagency Working Group in April 1995. We believe that the Advisory Committee should be able to complete its core charge by that time and deliver its views on the ethical propriety of the experiments and on whether harm was done to the subjects of such experiments. The Interagency Working Group will closely review the Advisory Committee's findings and expects to advise President Clinton as to the range of potential Federal responses that may be appropriate, based on the facts and opinions developed. We also expect and invite Congressional involvement in consideration of the implications of the Advisory Committee's final report.

The White House Office of Science and Technology Policy has proposed the establishment of a new National Bioethics Advisory Commission. If established, one of the first issues the Commission would be charged to consider is the adequacy of current human research subject protection measures. That group should also have valuable insights on the evolution in ethical standards that will help to place this Advisory Committee's work in full context.

### CONCLUSION

In closing, let me focus on the central role of openness in the Clinton Administration. Over the past several decades, the American people's trust in the institutions of government has greatly eroded. Many complex factors have contributed to this erosion, not least among them the secrecy associated with our Cold War nuclear competition with the Soviet Union.

Without judging the historical necessity of secrecy, it is a fact that the ability of the government to perform its post-Cold War missions is greatly impeded by pervasive public distrust of its motives and competence.

The move towards openness, of which this project is a very visible part, is a deliberate effort by President Clinton to rebuild that basic level of trust between the American people and their government that is necessary for democracy to function. It requires coming clean when necessary on episodes that may be embarrassing or discomfoting or even worse. President Clinton and Secretary O'Leary have championed a very ambitious effort to tell the full story of human radiation experiments. The Department of Energy and other involved Federal agencies have committed significant resources towards this end. Thanks to such support and

a remarkable level of interagency cooperation, we have made substantial progress in finding the documents that are necessary for the Advisory Committee's work. We are all committed to making this project succeed and greatly appreciate the support and concern of this Congressional Committee, especially Chairman Glenn's longstanding interest in the area of radiation protection.

Thank you.

I will be pleased to answer any questions the Committee may have.

**UNITED STATES DEPARTMENT OF ENERGY  
HUMAN EXPERIMENT INVENTORY FORM**

DESTROYED

(EXPLAIN IN ITEM 27)

1. NAME OF FACILITY		2. RESPONSIBLE OFFICE	
3. CONTACT NAME		4. CONTACT TELEPHONE	
5. SERIES TITLE		6. INCLUSIVE DATES	
<b>7. ACCESS RESTRICTIONS</b> <input type="checkbox"/> PRIVACY ACT <input type="checkbox"/> RD <input type="checkbox"/> COMPANY CONFIDENTIAL <input type="checkbox"/> NSI <input type="checkbox"/> PROPRIETARY <input type="checkbox"/> UONI <input type="checkbox"/> OTHER <input type="checkbox"/> SECRET <input type="checkbox"/> CONFIDENTIAL		<b>8. PERCENT CLASSIFIED</b> 0	
		<b>9. MEDIUM</b> <input type="checkbox"/> PAPER <input type="checkbox"/> ELECTRONIC <input type="checkbox"/> MICROFORM <input type="checkbox"/> OTHER	
10. DESCRIPTION OF RECORDS			
11. SCHEDULED <input type="checkbox"/> YES <input type="checkbox"/> NO      DOE/GRS SCHEDULE CITATION:			
12. INFORMATIONAL ANALYSIS			
<b>13. INFORMATIONAL RANKING</b> <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3		<b>14. LOCATION OF RECORDS (FULL ADDRESS, BLDG NO., ROOM NO.)</b>	
<b>15. TYPE OF RECORD</b> <input type="checkbox"/> PROGRAM <input type="checkbox"/> PERSONNEL <input type="checkbox"/> MEDICAL <input type="checkbox"/> OTHER		<b>16. ARRANGEMENT</b>	
		<b>17. VOLUME (CUBIC FEET)</b>	

IF SPECIFIC INFORMATION IS KNOWN REGARDING EXPERIMENTS OR RELEASES, PLEASE COMPLETE ITEMS 18-24

<b>18. CATEGORY (CHECK ALL THAT APPLY)</b> <input type="checkbox"/> EXPERIMENT <input type="checkbox"/> RADIATION <input type="checkbox"/> RELEASE <input type="checkbox"/> TOXIC CHEMICAL <input type="checkbox"/> CONTROLLED SUBSTANC		
<b>19. TITLE OF EXPERIMENT(S)/RELEASE(S)</b>		
<b>20. PRINCIPAL INVESTIGATOR</b>	<b>21. INVESTIGATOR'S AFFILIATION</b>	
<b>22. DESCRIPTION</b>		
<b>23. DATE(S) OF EXPERIMENT(S)/RELEASE(S)</b>	<b>24. CONDUCTED BY</b>	
<b>25. LOCATION(S) OF EXPERIMENT(S)/RELEASE(S) (FACILITY, ORGANIZATION, CITY, STATE)</b>		
<b>26. CROSS REFERENCES (TO OTHER RECORDS; EXPERIMENTS)</b>		
<b>27. (Please click on appropriate boxes)</b>		
<b>Yes    No</b>		<b>Epidemiology Data Elements</b>
a. <input type="checkbox"/> Y <input type="checkbox"/> N	Does the record series have epidemiologic or health study value? If YES:	<input type="text"/>
b. <input type="checkbox"/> Y <input type="checkbox"/> N	Will the records series be needed at the LBL Emergency Command Center?	
c. <input type="checkbox"/> Y <input type="checkbox"/> N	Does the record series document legal rights & interests of the Laboratory, its employees, guests and patients?	
d. <input type="checkbox"/> Y <input type="checkbox"/> N	Does the record series relate to a Quality Assurance project?	
<b>28. PROVENANCE/RECORDS LIAISON OFFICER</b>	<b>29. TELEPHONE</b>	<b>30. MAILSTOP OF PROVENANCE</b>
<b>31. QA REVIEWER</b>	<b>32. TELEPHONE</b>	<b>33. DATE OF REVIEW</b>