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Congress of the United States
House of Representatives
Washington, DC 20515-0911

TESTIMONY BEFORE THE SUBCOMMITTEE ON
ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS
FEBRUARY 2, 1994

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, I VERY MUCH APPRECIATE THE CHANCE TO COME BEFORE YOU TODAY. I APPLAUD YOUR DECISION TO OPEN TODAY'S HEARING UP TO INCLUDE DISCUSSION OF ALL SECRET GOVERNMENT TESTS, NOT JUST THOSE INVOLVING THE DEPARTMENT OF ENERGY AND RADIATION. I AGREE THAT THE GOVERNMENT HAS AN OBLIGATION TO ATTEMPT TO RIGHT THE WRONGS DONE BY ANY PAST TESTING PROGRAM.

IN THE FIVE YEARS THAT I HAVE BEEN WORKING TO BRING ABOUT JUSTICE FOR THE VICTIMS OF SECRET WORLD WAR II MUSTARD AND LEWISITE GAS TESTS ON U.S MILITARY PERSONNEL, THIS SUBCOMMITTEE HAS ALWAYS BEEN AN ISLAND OF ACTION IN THE SEA OF GOVERNMENT RED TAPE.

UNDER THE STEWARDSHIP OF THEN-CHAIRMAN BARNEY FRANK, YOUR SUBCOMMITTEE PROVIDED THE LAUNCH-PAD FOR REVOLUTIONARY CHANGES. I AM GRATIFIED THAT, AFTER NEARLY 50 YEARS OF DENIAL AND BUREAUCRATIC INACTION, THE GOVERNMENT HAS FINALLY ADMITTED ITS RESPONSIBILITY FOR CONDUCTING THESE SECRET TESTS WITHOUT THE FULL, INFORMED CONSENT OF ITS SUBJECTS AND THAT IT HAS BEGUN TO ASSIST VICTIMS SUFFERING FROM LONG-TERM HEALTH PROBLEMS.

THE FACTS ARE NO LONGER IN QUESTION: DURING WORLD WAR II, AMID FEARS OF AN ENEMY CHEMICAL ATTACK, THE UNITED STATES NAVY (AND LIKELY THE OTHER ARMED SERVICES AS WELL) EMBARKED ON A PROGRAM TO TEST THE EFFECTIVENESS OF PROTECTIVE CLOTHING AGAINST IMPREGNATION BY MUSTARD GAS AND LEWISITE. IN GATHERING THE NEEDED SUBJECTS FOR THESE TESTS, "VOLUNTEERS" WERE SOLICITED, UNDER THE GUISE OF TESTING "SUMMER CLOTHING" AND WITH THE ATTRACTIVE PROMISE OF EXTRA WEEKEND LIBERTY PASSES.

ONCE COMMITTED TO THE PROGRAM, THESE 17 AND 18-YEAR OLD TRAINEES SUDDENLY "CEASED TO BE VOLUNTEERS." THEY WERE FITTED WITH GAS MASKS AND SUITS, AND ORDERED INTO GAS CHAMBERS FOR REPEATED EXPOSURE TO LETHAL GASES. DOCUMENTATION CONFIRMS THAT THE TESTS WENT BEYOND STUDYING THE EFFECTIVENESS OF THE CLOTHING, AND MOVED INTO A STUDY OF HOW MUCH EXPOSURE A MAN COULD TAKE, THE INFAMOUS "MAN-BREAK" TEST. IN MANY CASES. THE PROTECTIVE EQUIPMENT FAILED.

WHEN THEY WERE NO LONGER NEEDED, OR WHEN THEY WERE TOO SICK TO CONTINUE, THE MEN WERE SENT BACK TO THEIR POSTS WITHOUT PROPER MEDICAL FOLLOW-UP. THEY WERE SWORN TO SECRECY AND THREATENED WITH COURTS MARTIAL IF THEY REVEALED THE TRUE NATURE OF THEIR EXPOSURE TO ANYONE, EVEN TO THEIR OWN PHYSICIANS. GIVEN THE CLASSIFIED STATUS OF THIS TEST PROGRAM, THE RECORD-KEEPING ABOUT WHO PARTICIPATED, LEVELS OF EXPOSURE AND INJURIES SUSTAINED IS WOEFULLY INCOMPLETE AND SOMETIMES NON-EXISTENT.

AFTER DECADES OF SILENCE, THESE MEN BECAME ILL AND SOME VENTURED TO SPEAK OUT ABOUT WHAT THEIR GOVERNMENT HAD DONE TO THEM. NOT ONLY HAD THEY BEEN LIED TO, BUT THEY HAD BEEN USED AS HUMAN GUINEA PIGS AND THEN DISCARDED. WHEN THEY SOUGHT REDRESS -- AND ASSISTANCE FOR THEIR MEDICAL PROBLEMS -- THEY WERE REBUFFED. FIRST CAME THE DENIAL, THEN THE STONEWALLING, THEN THE "GEE, WE WISH WE COULD HELP, BUT . . ." ACCORDING TO VA RULES, IN ORDER TO RECEIVE COMPENSATION FOR A DISABILITY, YOU HAD TO SHOW THAT THE MEDICAL PROBLEM WAS THE RESULT OF YOUR SERVICE. IN THE CASE OF THE MUSTARD GAS VICTIMS, WHO HAD NO PAPER TRAIL FOR THEIR PLIGHT, THIS WAS PRACTICALLY IMPOSSIBLE, A TRAGIC CATCH-22.

BUT A FEW PERSISTED, AND TODAY, ONE OF THE PIONEERS IN THIS CRUSADE IS HERE WITH US. NAT SCHNURMAN REFUSED TO ACCEPT THE DENIALS. USING HIS COMPUTER, HIS TELEPHONE AND HIS FREEDOM OF INFORMATION RIGHTS AS A U.S. CITIZEN, HE GATHERED BOXES AND BOXES OF RECORDS AND WAS ABLE TO PIECE TOGETHER ENOUGH EVIDENCE TO SHOW THAT HE AND THOUSANDS OF OTHERS HAD INDEED BEEN USED AS HUMAN GUINEA PIGS.

FINALLY, AFTER NATIONAL MEDIA ATTENTION, IN 1991 THE VA BEGAN TO CHANGE THE RULES TO HELP MUSTARD GAS VICTIMS. AT THAT TIME, VA ALSO COMMISSIONED A LONG-TERM STUDY INTO HEALTH PROBLEMS ASSOCIATED WITH EXPOSURE TO LETHAL GASES. IN 1993, WITH THE RELEASE OF THAT STUDY, ENTITLED "VETERANS AT RISK," THE DEPARTMENT OF DEFENSE OFFICIALLY RELEASED ALL PARTICIPANTS OF THESE TESTS FROM THEIR OATH OF SECRECY. AND, JUST LAST MONTH, THE PROPOSED NEW RULES FOR EXPANDING THE LIST OF ILLNESSES ASSOCIATED BY THE VA WITH MUSTARD GAS EXPOSURE WERE PUBLISHED IN THE FEDERAL REGISTER.

IN MY OFFICE, WE HAVE HEARD FROM HUNDREDS OF MEN AND THEIR FAMILIES FROM AROUND THE COUNTRY. THEY ALL TELL SIMILAR TALES OF LIES, DECEPTION AND BETRAYAL. THEY NEED MEDICAL HELP; THEY WANT RECOGNITION; THEY DESERVE RESPECT AND GRATITUDE.

TODAY WE KNOW THAT GOVERNMENT'S USE OF UNWITTING SUBJECTS FOR POTENTIALLY HARMFUL STUDIES WAS NOT LIMITED TO THE MILITARY IN TIMES OF ACTUAL WAR. ENERGY SECRETARY HAZEL O'LEARY HAS SAID THAT GOVERNMENT HAS AN OBLIGATION TOWARD RADIATION VICTIMS -- I AGREE. BUT I THINK GOVERNMENT HAS AN OBLIGATION TOWARD ALL VICTIMS OF SECRET TESTS.

THANK YOU FOR YOUR PATIENCE AND YOUR INTEREST.