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U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

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Washington, DC 20515

January 22, 1993

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OFFICE OF THE
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Honorable Les Aspin
 Secretary of Defense
 Room 3E880, The Pentagon
 Washington, DC 20301-1000

Dear Mr. Secretary:

The report, "Veterans at Risk: The Health Effects of Mustard Gas and Lewisite," recently issued by the Institute of Medicine, National Academy of Sciences, provides important new information on secret U.S. chemical weapons programs during World War II. Of particular importance to this Committee and the Department of Veterans Affairs is the finding that an estimated 60,000 military personnel participated as human experimental subjects in tests of exposure to mustard agents (sulfur and nitrogen mustard) and Lewisite and unknown numbers of additional servicemembers may have been exposed to these agents through their participation in the production, transportation and/or storage of these chemical agents. In addition, this report contains information which is particularly significant with respect to submission of claims to VA for service-connected disability compensation for conditions believed to be caused by exposure to one or more of these chemical agents and adjudication of those claims.

The report indicates orders to maintain the secrecy of these programs given servicemembers more than forty years ago have been faithfully obeyed. As a result, many veterans reportedly have not filed claims with VA for compensation for service-connected disabilities believed to have resulted from exposure to one or more of these chemical agents during military service, because to file such a claim would require divulging information ordered to be kept secret. Fifty years after-the-fact, the interest of the government in maintaining secrecy about the chemical weapons programs conducted by the U.S. during World War II must be secondary to the government's responsibility to the veterans who participated in these once-secret programs. Official removal of unnecessary secrecy surrounding these programs is essential so all servicemembers who participated in these programs and believe they incurred a service-connected disability as a result of their

service may feel free to file a claim for compensation. Action should be taken immediately to countermand previous orders given servicemen requiring secrecy about these programs. This action should be accompanied by public announcements intended to inform former servicemembers that these secrecy orders have been countermanded, as recommended by the Institute of Medicine report.

Regarding adjudication of claims, the report provides conclusions regarding the causal relationships of exposure to the development of specific diseases. Also relevant to adjudication of claims submitted to VA for service-connected disability compensation, the report notes, "...many more military personnel were exposed to significant levels of mustard agents or Lewisite than is obvious from service records" and "there were often no records or documentation available of an individual's participation in the testing programs". Because individual military records may not record servicemember participation in these programs, the Department must provide VA the fullest possible accounting of these formerly secret tests of exposure to mustard agents (sulfur and nitrogen mustard) and Lewisite conducted by the U.S. during World War II and related production, transportation and storage of these chemical agents. This accounting should include, but not be limited to, the following:

The location of each U.S. chemical weapons research program which used human subjects, the purpose and nature of the research programs at each site, the identification of each military unit stationed at each chemical weapons research program location during the period of testing, the name, service number and military unit of each servicemember known to have participated as a human subject in a research program, the date on which research using human subjects, including preliminary research, was begun and was completed; and

The location of all facilities at which servicemembers participated in the production, transportation and/or storage of these chemical agents, the identification of each military unit stationed at each storage and/or production facility, the name, service number and military unit of each servicemember known to have participated in the production, transportation and/or storage of chemical agents, the date on which production and/or storage of chemical agents at each location was begun and terminated.

The recent Institute of Medicine report has provided valuable information on servicemember participation in secret U.S. chemical weapons programs during World War II which was not previously available to the public, this Committee or the Department of Veterans Affairs. Restrictions, however, on access to government-held information on these programs prevented access to all relevant information and consequently this report cannot be considered complete. According to the report, "...an

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atmosphere of secrecy still exists to some extent regarding the WW II testing programs". As a result of this secrecy, "...the committee often had great difficulty obtaining information" and "The committee is certain that other relevant information exists that was never obtained." The unnecessary secrecy which still surrounds U.S. chemical weapons programs conducted during World War II must be removed if veterans who participated in these secret programs are to receive all benefits for which they are eligible. I strongly recommend the Department immediately take all necessary steps to remove the unnecessary restrictions on access to information regarding these programs and the servicemembers who participated in them.

In this regard, you may recall in early September, 1991, you and I, joined by Congressmen Stump and Dickinson, sent a letter to Secretary Cheney concerning "Department of Defense experimentation on military members with LSD, mustard gas, and other dangerous chemicals during the 1940s and 1950s" and requested a "report on the facts and circumstances surrounding these experiments...". The response we received from DOD did not disclose any of the information which has now been reported by the Institute of Medicine report. In addition to the circumstances associated with the Department's inadequate response to our earlier request being thoroughly examined, I am requesting the Department of Defense provide the Committee a report identifying all U.S. chemical weapons programs in which military personnel have participated as human experimental subjects in tests of exposure and all programs in which military personnel have participated in the production, transportation and/or storage of these chemical agents.

Finally, enclosed for your information is a copy of a letter dated January 5, 1993, from Acting Secretary Principi to Secretary Cheney regarding these issues. In his letter, Acting Secretary Principi has requested that the Department of Defense assist the Department of Veterans Affairs by identifying the servicemembers who participated in these exposure tests and other servicemembers who were otherwise exposed to these chemical agents and by providing relief from prior oaths of secrecy regarding these tests made by these veterans.

I look forward to receiving your reply and to being advised of the Department's plans to respond positively to my requests and the requests made by Acting Secretary Principi.

Sincerely,


G.V. (SONNY) MONTGOMERY
Chairman

GVM/pgp
Enclosure