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OFFICE OF THE PRESIDENT VICE-PRESIDENT—ADMINIST

February 11, 1975

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RETURN TO BLDG. SCA, EDC22 4119

ASSOCIATE DIRECTOR GEORGE PAPPAS:

Subject: Protection of Human Subjects

Recently you handed me a copy of Chairman Herbert P. Phillips' letter of January 28, 1975 to Director Sessler, listing five issues which require clarification in order for Professor Phillips' Committee for the Protection of Human Subject to consider acting on LBL projects.

Paragraph 3 of Professor Phillips' letter was as follows:

Has AEC agreed to the February 2, 1972, McCorkle memorandum (copy attached) which extends the University's, and in this case AEC's liability "to provide medical care, including permanent medical care, required as the result of the experiment, even 'in the absence of any negligence or any wrongdoing on the part of the University'?"

The status of this issue is that after a lengthy exchange of correspondence with HEW and AEC-SAN we held a meeting on October 5, 1973 the results of which are contained in a Memorandum to File of November 15, 1973 by Richard Wolfe. A copy is attached. As you will see it indicates that a copy was sent in January 1974 to Mr. W. D. Douglass, then of the Laboratory. The conclusions January 1974 to Mr. W. D. Douglass, then of the Laboratory. relating to the above quoted issue commence at the bottom of page 2 and are specifically addressed in the first main paragraph at the top of page 3. We agreed at that time neither to press the AEC further nor to try to change the UC policy, but rather to proceed, and face any consequences when they arise.

I am of the opinion this course of action is still valid. By copy of this memorandum I ask Dave Dorinson and Clint Powell to have another look at the issue, and to attempt to determine whether there have been any applicable (court or other) decisions during the intervening period which might change our decision.

Mark Owens, Jr.

Attachment

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