

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

The American Tradition Institute
Environmental Law Center
9033 Brook Ford Rd.
Burke, VA 22015

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
1200 Pennsylvania Ave., N.W.
Washington, DC 20460,

Defendants.

Civil Action No. _____

DECLARATION OF DAVID W. SCHNARE

I, David W. Schnare, under penalty of perjury and in accordance with 28 U.S.C. § 1746, declare as follows:

1. I reside at 9033 Brook Ford Road, Burke Virginia 22015 and make this Declaration based upon my personal experience.
2. My parents selected my name, David, to honor the last male relative to die before my birth. That man's name was David Steiner, a Jew who died in Buchenwald concentration camp on May 3, 1945, 21 days after the camp was liberated. Tattooed on his body was the number 59059. See, <http://www.buchenwald.de/totenbuch/>.
3. German physicians conducted large-scale human experimentation at Buchenwald. Some 729 inmates were used as test subjects, of whom 154 died. This human experimentation

included determining the dose of a poison necessary to cause death. *See, Spitz, Vivien, Doctors from hell: the horrific account of Nazi experiments on humans*, Sentient Publications, Boulder, CO ISBN 1-59181-032-9 (2005).

4. I more than abhor current governmental experimentation on humans for the purposes of determining the effect of poisons. It is not only that such activity dishonors those who should have been the last to have suffered in such a manner, it sickens me. It angers me. It causes me to stand up for those who could not, those whom I should have known, a family member who should have been allowed to live and work and enjoy the freedoms his government stole from him. I do not hold the name David as a whim or merely as a naming tradition. My name is to honor one who did not survive the horrors of a government utterly without ethics. I can do no less than rise in opposition to any government who would experiment on subjects without their well-informed willingness, and who have the opportunity to personally benefit from such an experiment.

5. I was employed by the U.S. Environmental Protection Agency (EPA) for 33 years, first as a scientist and policy analyst, finally as an enforcement attorney. In the last years with the Agency, I realized that EPA had abandoned much of the even-handed, science-based approach to protection of human health and the environment which marked its early years and left the Agency, in part, because senior appointees and employees had rejected the core values held by honest scientists and civil servants. When I learned of the human experimentation at issue in this case, I realized a duty to challenge EPA's misanthropic activities, if for no other reason than to preserve my own legacy of having worked assiduously on behalf of public health.

6. The University of North Carolina (UNC) awarded me a Doctor of Philosophy in Environmental Management and its School of Public Health awarded me a Master of Science in

Public Health. During my graduate matriculation at UNC, I served on the Dean's Cabinet, the advisory and decision-making body assisting the Dean of the School of Public Health. Among the many subjects addressed during my tenure on the Cabinet, the Dean and Faculty took special interest in ensuring the faculty fully complied with all requirements mandated by the Institutional Review Board (IRB) and federal and state statutes and rules dealing with human experimentation.

7. After learning of how EPA failed to honestly represent the nature of the human experimentation that is the subject of the instant matter, I was appalled that the UNC Biomedical IRB review process failed to conduct the kind of independent review necessary to ensure the representations by EPA were not only true but complete and fully reflected EPA's knowledge about the poisons with which they intended to force into the lungs of unsuspecting and inadequately informed human subjects. As an alumnus of the University, I am deeply upset at this failure and it adds to my great angst and the emotional harm I suffer from the on-going illegal human experimentation.

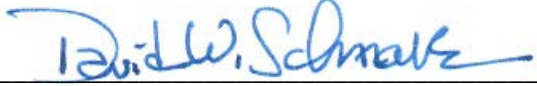
8. The relief sought in the instant matter will significantly ameliorate my suffering and will help return honor to the memory of David Steiner and all those who died at the hands of the "Doctors from hell."

9. I serve as the Director of the American Tradition Institute's Environmental Law Center. The Institute and its Law Center were formed to find and challenge at law governmental actions that violate the core principles of good science, honest government and the rights of citizens and man. I am also a member of the American Tradition Institute because I support and join with those who share the purposes of the Institute.

10. The American Tradition Institute has no central offices. Like many national

public interest policy and law institutes, its staff works from locations throughout the nation. The hub of its environmental law activities are in Burke, Virginia. The mailing address of the Environmental Law Center is 9033 Brook Ford Road, Burke, Virginia 22015. It litigates matters on behalf of its members where those members could otherwise assert their own rights, as in this case.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This declaration was executed on the eleventh day of September, 2012.



David W. Schnare