

Note: This letter is not an exact copy of the one given to Congressman Royce's office. It has been modified slightly for typos and for clarity.

January 9, 2010

Honorable Edward R. Royce
Member of Congress
40th District of California
1110 E. Chapman Avenue
Suite 207
Orange, CA 92866

Dear Congressman Royce:

I am a constituent of yours and very concerned about **human experimentation abuses**.

Laws Need to be Made to Protect the American Public from Covert, Involuntary Human Experimentation

You may have heard about the recent admission by Secretary of State Clinton that **the United States secretly experimented on hundreds of Guatemalan mental patients from 1946 to 1948 without their permission, purposely infecting them with sexually transmitted diseases.**

http://news.yahoo.com/s/yblog_upshot/20101001/hl_yblog_upshot/u-s-apologizes-to-guatemalans-for-secret-std-experiments

As shocking as this is, it is even more shocking that this would have never come to light if not for the dilligent work of one researcher in the right place at the right time (see abovementioned article). In fact, the US **does not** have a good record when it comes to secret experimentation, having even experimented **on its own citizens** as in the cases of the **Tuskegee, Alabama Sharecroppers** and project **MK-ULTRA**:

Tuskegee, Alabama experimentation:

http://en.wikipedia.org/wiki/Tuskegee_syphilis_study

MK-ULTRA experimentation:

http://en.wikipedia.org/wiki/Project_MKULTRA (Wikipedia)

<http://science.discovery.com/stories/mkultra.html> (Science Channel, by the same people who produce the Discovery Channel)

General overview of the history of illegal and unethical US experimentation:

http://en.wikipedia.org/wiki/Unethical_human_experimentation_in_the_United_States (Wikipedia)

<http://www.rense.com/general36/history.htm> (Rense.com)

<http://www.apfn.org/apfn/experiment.htm> (APFN.org)

http://en.wikipedia.org/wiki/Human_subject_research (Wikipedia)

<http://www.guardian.co.uk/world/2009/sep/02/cia-usa> (*The Guardian*)

<http://www.thebulletin.org/web-edition/op-eds/outlaw-nonconsensual-human-experiments-now>

<http://www.healthnewsnet.com/humanexperiments.html> (HealthNewsNet.com)

Now here's the worst part: According to the law there are still **LOOPHOLES THAT ALLOW INVOLUNTARY EXPERIMENTATION TO CONTINUE, LEGALLY!** As far as I can tell from my research, there have been two recent iterations of Title 45 CFR Part 46, Protection of Human Subjects: One is effective as of August 1991, and the other is effective as of June 2005:

<http://ohsr.od.nih.gov/guidelines/45cfr46.html> (effective 2005)

http://www.ihs.gov/MedicalPrograms/Research/pdf_files/45cfr46.pdf (effective 1991)

Both versions of 45 CFR 46 allow for INVOLUNTARY EXPERIMENTATION on U.S. CITIZENS. This is absolutely, positively unacceptable.

For example, from the 2005 version, here is §46.116, "General requirements for informed consent":

(c) **An IRB may** approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth above, or **waive the requirement to obtain informed consent provided the IRB finds and documents that:**

(1) The research or demonstration project is to be conducted by or subject to the approval of state or local government officials and is designed to study, evaluate, or otherwise examine: (i) public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs; and

(2) **The research could not practicably be carried out without the waiver or alteration.**

This puts far, far too much power in the hands of a small group of individuals that comprise the IRB. You might wonder how any research could be deemed "not practicably carried out without the waiver". Allow me to give you an example. Consider a defense contractor that is developing a new powerful and dangerous high-tech weapon to sell to the military. Such a weapon must be tested before it can be sold or no government or military will buy it. Now consider:

- *Required clearances may make informed consent "impracticable".* The weapon's very existence and details must be *top secret*, so giving informed consent to a test subject would require that the subject has *top-secret clearance*, something not easy to get (or give). Moreover, the total number of Americans with top-secret clearances is very small to begin with (as a proportion of the general population); and the number of those with clearances who are willing to subject themselves to being tested on with a powerful and dangerous weapon must be even smaller.

A top-secret clearance is like money in the hand. People with such clearances could work for any defense contractor and make huge money. Those with such clearances are very high in demand and most would demand *substantial* compensation for being tested on. This presents financial "practicality" difficulties for any startup defense contractor without a huge testing budget, and may present financial "practicality" difficulties for *any* defense contractor hoping for a large-enough number of test subjects to draw *statistically sound* testing inferences.

- *Longitudinal studies may make informed consent "impracticable".* Longitudinal studies, in which a company studies the *long-term* effects of something (in this case, a weapon) on individuals, are highly desirable but for reasons similar to those above *highly* "impracticable" if requiring consent from individuals. There are actually two aspects of longitudinal studies: (1) studying the *long-term effects* of a single "exposure" of the weapon (or some finite number of exposures over a finite period of time); and (2) studying the

effects of *continual (but discreet) exposure over a long period of time*. As regards part (2), who, having a top-secret clearance, and without wanting enormous compensation, would subject themselves to continued testing of being fired upon with a powerful and dangerous weapon over many, many years?

- "*Limit studies*" may make informed consent "*impracticable*". A company wants to know the *limits* of its weapon. For instance, consider a directed-energy weapon (DEW) intended to completely physically disable a person (think of the Active Denial System (ADS), only much, much more powerful, such as the recent LIPC (Laser Induced Plasma Channel) and PEP (Pulsed Energy Projectile) technologies). The defense contractor for such a weapon wants to know exactly "how high a dose" can be given to a test subject *before permanent damage is done*. Limit studies necessitate doing harm to a test subject in order to know the exact threshold at which lasting damage is done by the weapon. That is, to know exactly (not just a ballpark estimate) how much "dosage" can be given before permanent damage is inflicted, permanent damage must indeed be inflicted—on someone. That truly presents a practicality problem: Who's going to volunteer for that?

The research, however potentially useful to society at large, must not be deemed more important than the rights of an individual to life and liberty. The potential for psychological and physical harm—in fact, for maiming and what the Geneva Conventions would consider torture—is very, very great. The fact that the research may not be able to be carried out in any other way does NOT JUSTIFY experimentation on American citizens without their consent!

Please understand that I am not asking the United States government to stop making weapons to defend its citizens against any and all threats, foreign and domestic. I am asking my government to make it illegal for the government (and its network of defense contractors, and anyone in fact) to experiment on those same citizens without their consent, thereby infringing on their rights to life and liberty and freedom from harm.

If the research mentioned above is deemed very, very necessary to national security, then *other ways* that do *not* require experimenting on subjects without their permission must be developed. Perhaps we need to encourage citizens to be patriotic in this regard and volunteer for these tests, and perhaps Congress needs to directly create a special fund for the express purpose of compensating such dangerous research.

But it is hard to think of a greater evil that a government can do to its citizens than to experiment on them without their explicit and well-informed consent. **I cannot express strongly enough that there must be NO EXCEPTIONS TO THE RULE OF INFORMED CONSENT, PERIOD. This law must be changed, and changed immediately.**

Please meet with me at your earliest convenience so that we can discuss this further. I fear that people are suffering today, even now, because of this flawed law.

Sincerely,

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