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CmlC
Enrol No. 9658-C

JAGA 1955/11

SUBJECT: Use of Enlisted Personnel Under 21 Years of Age as Volunteers in Research

TO: Chief Chemical Officer

FROM: The Judge Advocate General

DATE: 14 JAN 1955
COMMENT NO. 2
Maj Sewell/54341

1. In the opinion of this office, volunteer enlisted men under the age of 21 years may legally be accepted for the experiments in question.

2. This office is of the further opinion, however, that paragraph 2 of the memorandum referred to in the first paragraph of the preceding comment can be interpreted as prohibiting the utilization in the experiments of persons who by reason of age do not have the legal capacity to enter into consensual transactions under the law of the jurisdiction where the consent is obtained. It is suggested that inquiry be made of the office from which the memorandum originated to determine whether such a prohibition is intended.

FOR THE JUDGE ADVOCATE GENERAL:

ROBERT H. McCAW
Colonel, JAGC
Chief, Military Affairs Division

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H. D. WENDORF
Colonel, JAGC
Date: 9 APR 1959

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CMLNR-C (7 Jan 55)

SUBJECT: Use of Enlisted Personnel Under 21 Years of Age as Volunteers in Research

TO: Chief, R&D, D/A FROM: Chief Chemical Officer DATE: 26 Jan 1955 COMMENT NO. 3
Dr. E.M. Sporn/52896/mtp

1. Reference is made to Memorandum, Office of the Chief of Staff, dated 30 June 1953, subject, "Use of Volunteers in Research," CS: 385, (30 June 1953).

2. In response to inquiry from this office, the Judge Advocate General states in Comment No. 2 that enlisted men under the age of twenty-one (21 years) may be legally accepted as volunteers. It is further stated that paragraph 2 of the referenced memorandum can be interpreted as prohibiting the utilization of such persons.

3. Request clarification as to whether or not the referenced memorandum is intended to prohibit the use of military personnel under the age of twenty-one years.

FOR THE CHIEF CHEMICAL OFFICER:

[Handwritten signature]

VINCENT F. LAPIANA, Colonel, CmlC
Chief, Research and Development Div

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BY AUTHORITY OF *1st Ind of*
13 NOV 59, OCMC to
1575 of Regal Div, 24 Mar 59
BY
Andrew O. Wicklund
Lt Col, MPC
CmlC Provost Marshal

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