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NG. 74-4796 LOGG DATE April 9, 1974

AEC SECRETARIAT

TO: COMMISSIONER
 GEN. MANAGER GEN. COUNSEL INFO. SERVICES
 DIR. REGULATION PLAN. & ANAL. SECRETARY

DATE: 4/9/74

INCOMING FROM: Sam J. Ervin, Jr To: Dr. Ray
Committee on the Judiciary
Subcommittee on Constitution Rights

DATE: 4/2/74 U.S. Senate

SUBJECT: Requesting info for preparing a report on the federal involvement in biomedical & behavioral research aimed at altering human behavior.

PREPARE REPLY FOR SIGNATURE OF:

- CHAIRMAN
- COMMISSIONER
- GM, DR, GC, PA, IS, SECY
- SIGNATURE BLOCK OMITTED

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FOR DIRECT REPLY

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- CHAIRMAN
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FOR APPROPRIATE ACTION

FOR INFORMATION

FOR RECOMMENDATION

REMARKS: _____

FOR THE COMMISSION: *Janice*

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SEC 4 Rec.

UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

April 10, 1974

*Write on this letter
The Atomic Energy Commission*

Honorable Sam J. Ervin, Jr.
United States Senate

Dear Senator Ervin:

Dr. Ray has your letter of April 2, in which you express concern and request information about biomedical and behavioral research projects designed to alter the behavior of human subjects.

She has asked the staff to review the situation so that we may provide a full response to you no later than April 30, as you requested.

Sincerely,

Paul C. Bender
Secretary of the Commission

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ref: [unclear]

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United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
(PURSUANT TO SEC. 6, S. RES. 56, 93D CONGRESS)
WASHINGTON, D.C. 20510

April 2, 1974

Dr. Dixy Lee Ray
Chairman
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dear Dr. Ray:

Over the past year I have become increasingly concerned about the many difficult problems raised by biomedical and behavioral research designed to alter the behavior of human subjects. Although forward-thinking researchers must be enthusiastically encouraged to continue their work, strong ethical guidelines must be applied in order to preserve the individual liberties of persons affected by that research. It seems to me that the federal government has a special responsibility to safeguard these liberties in all such experimentation which it conducts.

The Senate Subcommittee on Constitutional Rights is currently engaged in a survey of federally-funded biomedical and behavioral research projects which are designed to alter the behavior of individual subjects. Our purpose is to determine the nature and extent of such research in order that we may better evaluate the need for legislative action in this area.

Various federal agencies are being surveyed on this subject, including the U.S. Atomic Energy Commission. By way of providing information for this survey, I would appreciate your providing the following information, both for the agency as a whole, and for all subsidiary U.S. Atomic Energy Commission organizations.

For each of the U.S. Atomic Energy Commission organizations which supports or conducts biomedical and/or behavioral research which is designed to alter the behavior of human subjects, please supply the following information.

1. List each research project by:
 - (a) name of grantee and principal researcher (individual and institution);
 - (b) dates of U.S. Atomic Energy Commission involvement;
 - (c) amounts of money involved (total and FY-74); and
 - (d) a brief description of the project.

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Interim dated 10-10-74
Reply: 4-29-74

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Dr. Dixy Lee Ray
April 2, 1974
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2. Describe the review procedures which apply to such research projects, both prior to U.S. Atomic Energy Commission participation and during the course of such research, with particular emphasis on ethical considerations, such as informed consent. Include copies of all relevant guidelines, manuals, regulations and other documents which set forth these procedures.

The subcommittee expects to use the information we have requested in preparing a report on the federal involvement in biomedical and behavioral research aimed at altering human behavior. Since this report is to be published within the very near future, the subcommittee would appreciate your cooperation in making sure that we will receive this information no later than April 30, 1974. Though this request may appear to involve considerable information, I hope that your existing review procedures will enable you to gather this information expeditiously. If you have any questions regarding the subcommittee's questions, please feel free to contact the subcommittee staff: Lawrence M. Baskir, Chief Counsel, or Dorothy Glancy, Counsel.

With kindest wishes,

Sincerely yours,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.
Chairman

SJE:dgm

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III. Report on Medical Ethics Matter

A. Dr. Liverman reported to the Commission on his discussions with Drs. Sproul, Orbison and Waterhouse at the University of Rochester noting specifically:

1. the status of the four remaining patients;
2. Dr. Sproul's concern that the Argonne group was more interested in publicizing their study than the fate of the people involved;
3. Dr. Sproul's concern regarding AEC actions once facts are assembled;
4. his agreement with Dr. Sproul that neither AEC nor the University of Rochester will take unilateral action in this case without informing the other first;
5. Dr. Waterhouse's opinion that Dr. Bassett's records were incomplete and that he may have informed patients before proceeding;
6. that the Advisory Committee on Biology and Medicine had reviewed the program in 1948 and had recommended that it be discontinued; and
7. the need for an AEC team consisting of an M.D. and a trained investigator to interview those persons directly concerned with the program including:

Dr. Shields Warren	Dr. Austin Brues
Dr. Charles Dunham	Dr. Bob Rowland
Dr. Louis Hempelmann	Dr. Robley Evans
Dr. Stafford Warren	Dr. Pat Durbin

B. The Commission requested:

1. Argonne National Laboratory be immediately advised by letter (through the Chicago Operations Office) that no more experiments of the type in question will be performed without clearance by the "Human Uses Committee"; (AGMBER)
2. all patients and next of kin to deceased patients be informed as soon as possible but not later than three weeks from April 1. An AEC physician would be present when the attending physician is informed of the condition under which the Pu was injected; (AGMBER)

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3. the AEC interview teams to complete their interviews and report within three-four weeks if possible; (AGMBER)
 4. a response to possible press inquiries be prepared and be available immediately should the need arise; (AGMBER/OIS) and
 5. upon receipt of the interview team's report, consideration of the establishment of a small highly respected group to review the case and advise the Commission on further actions to be taken. (AGMBER)
- C. The Commission noted that since some of the experiments occurred during the period when the Atomic Energy Program was under control of the Manhattan Engineering District the Department of the Army would be informed through the Army General Counsel and Army Surgeon General. (OGC/SECY/AGMBER)


Paul C. Bender
Secretary of the Commission

(5:20 p.m.)

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Ltd Attn Sess 74-68
April 1, 1974

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