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FROM SSO ACSI DA

TO SSO DARCOM

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SSO MT VIEW

C O N F I D E N T I A L ORCON

FROM COL WELLS, DAMI-IS. DARCOM for Mr. Haley/DRCDE. Aberdeen for Mr. Kramar, AMSAA-DRCSY-DD. Redstone for Mr. Clinton/DIRMI-YB, and Mr. Green/DRDMI-EAA. Meade for MAJ Watt/DIRHUM. DIA for Dr. Vorona/DT. USAF for LTC Bloom/AF-INYS. FTD for Mr. Graff/TQTR. SAMSO for Mr. Dailey/DDR&E.

CNO for Dr. Mehuron/OP-OO(T. Mt. View for Dr. Targ/SRI.

SSO ACSI PASS to Mr. Freyfogle, Office Army General Counsel, Rm 2E729 (X74348).

SUBJECT: Army Legal Guidance Re GRILL FLAME (U)

A. CFR (Code of Fed Reg) Title 45, Part 46.

B. AR 70-25, Use of Volunteers as Subject of Research

C. DA Procurement Info ltr 78-19, dtd 30 Aug 78.

D. HQDA Ltr 70-78-2, dtd 16 Jul 78, Subj: HUMAN TESTING(U)

1. (U) Re Project GRILL FLAME, Army General Counsel (AGC) has determined that all Army activities under the Project, whether conducted by the Army or Under contract, must comply with references. The requirements outlined by AGC

ARMY review(s) completed.

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have been already satisfied in great part but not entirely.

2. (U) The following must be adhered to by all Army organizations:

a. (C/ORCON) Any organization, including contractors, are required to obtain signed consent statements prior to initiating a GRILL FLAME experiment or test involving human "subjects." The consent statement will be ^{IACW} ~~in accord~~ with para 46.103(c) reference A, and with AR 70-25. OACSI POC now preparing the statement which will be coordinated with AGC within the next few days. Each agency GRILL FLAME project officer will maintain copies of signed statements, to be inspected as required. Persons who have previously acted as Army subjects in Grill Flame tests or experiments, will be identified, contacted, and will be notified of the health risks involved in the testing, as the risks are being described in the consent statement now being prepared. OACSI POC should be notified in all cases where this is not possible.

b. (C/ORCON) a form clause on human testing will be inserted into Army contracts, in accordance with Ref C above. This form clause is the same as Inclosure Nr 2 ("use of Human Subjects") to Ref C, except that para (b)(1) will read: "The proposed study has been reviewed and approved by the permanent DOD GRILL FLAME Subcommittee on Human Testing." Further, subpara (b) (1) will state that the proposed program or activity does not involve the use of hypnosis, drugs, or other psychopharmacological agents, or treatment of research subjects by subliminal technologies or other means of stimulation unknown to them. Note: If necessary OACSI may ask the Deputy for Materiel Acquisition, Office of Assistant Secretary of the Army (RD&A) permission for further deviations from the contract.

c. (C/ORCON) Prior to any person participating (e.g., acting as a "sensor" or "subject") in actual GRILL FLAME tests or experiments, he will receive a

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complete physical examination, including EKG. Individual will be apprised in writing of his state of health and potential health risks involved. This requirement will be incorporated in the aforementioned consent statement.

d. (C/ORCON) A permanent Human Use Testing Committee will review and approve all projects, protocols and other GRILL FLAME related activities to ensure absolute compliance with para 46.102(b) through (d), Ref A; and with pertinent provisions of AR 70-25. This requirement has already been satisfied by the formation earlier this month of the permanent DOD GRILL FLAME Working Group subcommittee on Human Testing (SHUT). Per AGC guidance several key Surgeon General personnel have been briefed on GRILL FLAME. Surgeon General's Office subsequently designated Colonel Garrison Rapmund, Director of the Walter Reed Army Institute of Research, Washington DC 20012 (tel: 576-3551/2), as their permanent point of contact for GRILL FLAME. COL Rapmund will sit as an impartial member of both the DOD Working Group and SHUT.

3. (U) Your compliance with para 2b above, in conjunction with receipt of this message, constitutes permission to continue planning, programming, budgeting and contracting activities regarding GRILL FLAME. Upon compliance with para 2a above, agencies may proceed/continue validated tests and experiments.

4. (U) OACSI POC is MAJ Stoner (AV 225-5048). Recommendations as to the date for the next Working Group meeting are solicited.

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SSO NOTE: delivered during duty hours.

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