

May 11, 2016

To: Secretary's Advisory Committee on Human Research Protections [SACHRP]

Dear Julia Gorey, Executive Director, SACHRP, and SACHRP

Spring Greetings.

I hope to be in attendance at your SACHRP meeting next week, probably on Wednesday, May 18, 2016. And, I hope to speak a Public Comment that day also.

By email in advance of your December 3, 2015 SACHRP Meeting, and at your December 3, 2015 Meeting, I presented to SACHRP Questions about the NPRM-Subpart, proposed Exclusion of unspecified Intelligence Surveillance Activities.

The NPRM Public Comment period ended in early January [2016].

The purpose of this Comment is to report to SACHRP upon, and hopefully submit to SACHRP (if it is completed), a "Stakeholder's Summary of the NPRM Public Comments", on behalf the citizens who are victims of alleged apparent non-consensual human experimentation, mainly alleged testing of technology plausibly related to human research related to Intelligence Surveillance technologies and methods.

It is reasonable to believe that most human research related to Intelligence Surveillance Activities (research on technology and/or methods) is part of the larger category of "Classified Human Research".

Please be clear to understand, and to assure action or to urge action, reflecting that:

- **our Ongoing Injustice Issue alleges a Large Scale Ongoing, Human Research/ Experimentation Program**, which subjects citizens to Severe violations of Human Rights and the most basic, and fundamental Constitutional Rights, including daily liberty, the security of one's own person and privacy of their body and brain, and freedom from repeated Cruel and/or Inhumane Treatment. **This Program is alleged to have 500 to 2000 or so Ongoing victims across the U.S..**

Because the September 8, 2015 NPRM did in fact contain a Proposal closely related to our Injustice-Issue, namely, [proposed NPRM Exclusion 101(b)(1)(vi)] the NPRM Proposal to Exclude unspecified "Intelligence Surveillance Activities" from being concerned about the federal Policy for Protection of Human Subjects, therefore our Stakeholder Summary summarizes 2 Categories of Public Comments:

- 1) Public Comments which mention the Intelligence Surveillance Activities proposed Exemption; and,
- 2) Public Comments from victims of Ongoing Non-Consensual Human Experimentation. These victims are predominantly, if not nearly exclusively, alleging that they are victims of Non-consensual testing of technology plausibly related to human

research related to Intelligence Surveillance technologies and methods.

We hope to have completed by your May 18-19, 2016 SACHRP Meeting a finalized, or else near-final version of, our Stakeholders Summary.

At the time of the ANPRM in Summer-Autumn 2011, 15 - 20 victims on Ongoing Non-Consensual Human Experimentation, including myself, came forward to that Preliminary Stage of this rulemaking. However, our needs for Protection from then Ongoing, and over 4 and 1/2 years later still Ongoing, Non-Consensual Human Research/ Experimentation, were ignored by the September 8, 2015 NPRM. Even though a Government letter has put on record that, and I quote, "OHRP has indicated they will soon be working with the Agencies that do classified work to develop a separate subpart to 45 CFR 46, and 10 CFR 745, that will address the Clinton Memo process."; nevertheless, the NPRM should have mentioned that Human Subjects Protections need, in response to the ANPRM Comments.

Because our Stakeholders seem to have been ignored in the Governmental Public Summaries of the ANPRM, it is important for our Stakeholder Summary to be clearly presented to OHRP, and to the Rulemaking, and to SACHRP, so that the very epitome of Rights Violations and Wrongdoing in the name of "Human Research" will not continue to occur. As we all know, the Belmont Report itself, which became foundational for the process of enacting the current federal Policy for Protection for Human Subjects, was partly prompted by notorious violations such as the Tuskegee Experiment, in addition to it being a part of a good faith attempt by U.S. Government to enact protections to responsibly govern federal related medical and scientific human experimentation.

In fact, there were relatively few substantive, non-victim, Public Comments to the NPRM which specifically Commented upon the Intelligence Surveillance Activities Exclusion Proposal. There were about 5? to 10? of them (we expect to have more finalized counts for your meeting).

There were a larger number of non-victim Public Comments, perhaps 20? or maybe not even 25? or less, which listed the Intelligence Surveillance proposal among the other proposed Exclusions, and Commented about issues [such as related to NPRM Questions 8, 9, 10, 11, 12, 13, and 15] related to the Exclusions, such as concerning Notice, and concerning the Delegation of Exclusion-decision to Investigators.

Importantly, we hereby inform you that were about 90 -100 victims comments in total, from about 70 - 80 victims total, and quite a number of those NPRM Public Comments specifically mentioned the Intelligence Surveillance proposal. All disapproved. And, quite a number of the victims' NPRM Public Comments mentioned the Clinton Memo, and urged the immediately enactment of a federal policy which implements its requirement to Require Informed Consent for all Classified Human Research, with No Waivers Possible, and with no other exceptions possible.

Very Very Sincerely,
Norman C. Rabin, Plainview, [Long Island,] New York