

Cold War Nonconsensual Experiments: The Threat of Neuroweapons and the Danger it will happen again

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Abstract

During the Cold War, the U.S. government experimented on American citizens without their permission. Although nonconsensual experiments are prohibited under the U. S. Constitution, U.S. law allows for waivers and exemptions of informed consent in U.S. government research. This paper examines how and why all major reforms efforts to ban nonconsensual experiments have failed. It examines emerging evidence of secret neuroweapons; neuroscience-based weapons that may be comparable to the atomic bomb and the significant danger of further nonconsensual experiments being carried out today. The paper also reviews the current debate on the persistent allegations that on-going nonconsensual government experiments are happening again and gives recommendations for future reform efforts.

Today, the ethical and legal basis for the requirement of informed consent in classified research is well supported. However, the ethical and legal commitments upholding informed consent in human experiments are not legally binding and remedies are not accessible. In the U.S., reform efforts have led to symbolic changes without substance as human subject protections offer no protection from unlawful and nonconsensual experiments. Consequently, there is a strong argument for both adopting an international convention making nonconsensual experimentation an international crime, and for legislating to make nonconsensual experimentation in the U.S. a crime.

In the U.S., Congress should pass legislation to specifically prevent experiments similar to the widely condemned Cold War experiments. Although this narrower and more focused approach would still face an uphill battle, this effort may have the best chance of succeeding. Reform efforts must also concentrate on lobbying the President to send the following clear message: give the constitutional right to be free from nonconsensual experimentation priority over national security research priorities. In light of the complete concentration of power in the executive branch regarding human subject protections in classified experiments, any lesser efforts are most likely to fail. Finally, the totality of the evidence regarding allegations that current nonconsensual experiments are used for the development of neuroweapons is significant and is cause for concern; a thorough impartial investigation should be carried out.

Cheryl Welsh JD. is director of a small non-profit human rights group located in Davis, California, U.S. For the complete study consult The Essex Human Rights Review (EHRR) <http://www.ehrr.org/>

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