

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

3	VIETNAM VETERANS OF AMERICA,	)	
4	<i>et al.</i> ,	)	Civil Action No. C 09-0037 CW
		)	
5	Plaintiffs,	)	DECLARATION OF CAROLINE
		)	LEWIS WOLVERTON
6	vs.	)	
		)	
7	CENTRAL INTELLIGENCE AGENCY,	)	
8	<i>et al.</i> ,	)	
	Defendants.	)	

I, Caroline Lewis Wolverton, declare as follows:

1. I am a Senior Counsel in the Federal Programs Branch, Civil Division of the United States Department of Justice. I am familiar with the productions that Defendants and the Department of Veterans Affairs (“VA”) have made in response to Plaintiffs’ discovery requests in this action as I have served as counsel for both Defendants and the VA in connection with those productions.
2. In response to Plaintiffs’ first set of requests for production of documents, Defendants produced over 14,000 pages of documents and a copy of the Department of Defense’s Chem-Bio database. They also made available for Plaintiffs’ inspection several videotapes and other media materials that Plaintiffs had requested.
3. In response to Plaintiffs’ subpoena to the Department of Veterans Affairs (“VA”) pursuant to Fed. R. Civ. P. 45, the VA has produced approximately 16,000 pages of documents.
4. Attached hereto as Ex. 1 are true and accurate copies of the First, Second, Third and Fourth Sets of Requests for Production of Documents that Plaintiffs have served Defendants.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on August 27, 2010.

/s/ Caroline Lewis Wolverton  
Caroline Lewis Wolverton

**EXHIBIT 1**

1 GORDON P. ERSPAMER (CA SBN 83364)  
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9 Attorneys for Plaintiffs  
 Vietnam Veterans of America; Bruce Price;  
 10 Franklin D. Rochelle; Larry Meirow; Eric P. Muth;  
 David C. Dufrane; and Wray C. Forrest  
 11

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 VIETNAM VETERANS OF AMERICA, a Non-  
 16 Profit Corporation; BRUCE PRICE; FRANKLIN  
 D. ROCHELLE; LARRY MEIROW; ERIC P.  
 17 MUTH; DAVID C. DUFRANE; and WRAY C.  
 FORREST, Individuals,

18 Plaintiffs,

19 v.

20 CENTRAL INTELLIGENCE AGENCY;  
 21 GENERAL MICHAEL V. HAYDEN, USAF,  
 Director of the Central Intelligence Agency;  
 22 UNITED STATES DEPARTMENT OF  
 DEFENSE; DR. ROBERT M. GATES, Secretary  
 23 of Defense; UNITED STATES DEPARTMENT  
 OF THE ARMY; PETE GEREN, United States  
 24 Secretary of the Army; UNITED STATES OF  
 AMERICA; and MICHAEL B. MUKASEY,  
 25 Attorney General of the United States;

26 Defendants.

Case No. CV 09-0037-CW

**PLAINTIFFS' FIRST SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

1 PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Bruce Price; Franklin D.  
2 Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and  
Wray C. Forrest

3 RESPONDING PARTIES: Defendants Central Intelligence Agency; General Michael V.  
4 Hayden, USAF, Director of the Central Intelligence Agency;  
5 United States Department of Defense; Dr. Robert M. Gates,  
6 Secretary of Defense; United States Department of the Army;  
Pete Geren, United States Secretary of the Army; United States of  
America; and Michael B. Mukasey, Attorney General of the United  
States

7 SET NUMBER: One

8 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam Veterans  
9 of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane  
10 and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named defendants  
11 (collectively, "Defendants") separately produce for inspection and copying the documents and  
12 things set forth below that are in their possession, custody or control, or in the possession,  
13 custody or control of their attorneys and/or accountants, their investigators and any persons acting  
14 on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street, San Francisco,  
15 California 94105, or another place as may be mutually agreed upon, within thirty (30) days of the  
16 service of this request.

### 17 DEFINITIONS

18 Unless otherwise indicated, the following definitions shall apply:

19 1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise  
20 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any other  
21 writing; (b) any telephone call between two or more PERSONS, whether or not such call was by  
22 chance or prearranged, formal or informal; and (c) any conversation or MEETING between two  
23 or more PERSONS, whether or not such contact was by chance or prearranged, formal or  
24 informal, including without limitation, conversations or MEETINGS occurring via telephone,  
25 teleconference, video conference, electronic mail (e-mail) or instant electronic messenger.

26 2. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any  
27 expression, COMMUNICATION or representation has been recorded by any means, including  
28 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic

1 impulse or mechanical or electronic recording and any non-identical copies (whether different  
2 from the original because of notes made on such copies, because of indications that said copies  
3 were sent to different individuals than were the originals or because of any other reason),  
4 including but not limited to, working papers, preliminary, intermediate or final drafts,  
5 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices, financial  
6 statements, financial calculations, diaries, reports of telephone or other oral conversations, desk  
7 calendars, appointment books, audio or video tape recordings, e-mail or electronic mail,  
8 electronic folders, microfilm, microfiche, computer tape, computer disk, computer printout,  
9 computer card and all other writings and recordings of every kind that are in YOUR actual or  
10 constructive possession, custody or control.

11 3. "IDENTIFY" or "IDENTITY" means:

12 a. with respect to a PERSON, to state the PERSON's full name, current or  
13 last known employer, that employer's address and telephone number, the PERSON's title and/or  
14 position with that employer, and the PERSON's current or last known home address and  
15 telephone number;

16 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,  
17 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title  
18 of the DOCUMENT (if any), the date it was created, the author, all intended recipients including  
19 the addressee and any and all copyees, a brief description of the subject matter of the  
20 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY all  
21 present or last known person in possession, custody or control of the DOCUMENT;

22 c. with respect to a COMMUNICATION to state the name and affiliation of  
23 all PERSONS participating in, or present for, the COMMUNICATION, the date of the  
24 COMMUNICATION, and whether it was conducted in person or by other means (such as  
25 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by  
26 audio or videotape);

1 d. with respect to a MEETING to state the names and affiliations of all  
2 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the  
3 location of the MEETING and the purpose of the MEETING.

4 4. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or  
5 telephone, television, radio or other electronic communication between or among persons,  
6 whether such was by chance or prearranged, informal or formal.

7 5. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,  
8 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of  
9 organization or arrangement and government and government agency of every nature and type.

10 6. "YOU" or "YOUR" means the Defendants in this action, and all of their offices,  
11 departments, organizations, administrations, boards, commissions, task forces, management, and  
12 past and present employees and service members. These terms also include any representatives  
13 or agents acting on YOUR behalf, including without limitation, attorneys, investigators or  
14 consultants.

15 7. "CONCERNING" means constituting, summarizing, memorializing, referring to,  
16 regarding and/or relating to.

17 **SPECIAL DEFINITIONS**

18 Unless otherwise indicated, the following special definitions shall apply:

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its offices,  
20 departments, organizations, administrations, boards, commissions, task forces, management, and  
21 past and present employees and service members.

22 2. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department of  
23 Defense, and all its offices, departments, organizations, administrations, boards, commissions,  
24 task forces, management, and past and present employees and service members.

25 3. "DEPARTMENT OF THE ARMY" or "DoA" means the United States Department  
26 of the Army, and all its offices, departments, organizations, administrations, boards,  
27 commissions, task forces, management, and past and present employees and service members.  
28

1 4. "GAO" means the United States Government Accountability Office and all its  
2 predecessors, offices, departments, organizations, administrations, boards, commissions, task  
3 forces, management, and past and present employees.

4 5. "IOM" means the Institute of Medicine, a branch of the National Academies, and all  
5 its predecessors, offices, departments, organizations, administrations, boards, commissions, task  
6 forces, management, and past and present employees.

7 6. "NRC" means the National Research Council, a branch of the National Academies,  
8 and all its predecessors, offices, departments, organizations, administrations, boards,  
9 commissions, task forces, management, and past and present employees.

10 7. "NAS" means the National Academy of Sciences, a branch of the National  
11 Academies, and all its predecessors, offices, departments, organizations, administrations, boards,  
12 commissions, task forces, management, and past and present employees.

13 8. "VA" or "DVA" means the United States Department of Veterans Affairs, and all its  
14 offices, departments, organizations, administrations, boards, consultants, commissions, task  
15 forces, management, and past and present employees.

16 9. "DAIG" means the Department of the Army Inspector General, and all its offices,  
17 departments, organizations, administrations, boards, commissions, task forces, management, and  
18 past and present employees.

19 10. "TEST PROGRAMS" means each of the projects identified in the Complaint,  
20 including without limitation, Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"  
21 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any  
22 other program of experimentation involving human testing of any substance, including but not  
23 limited to, "MATERIAL TESTING PROGRAM EA 1729."

24 11. "BLUEBIRD" means, including without limitation, the official code name given in  
25 or around 1950 to the secret test program conducted by one or more of YOU CONCERNING  
26 special interrogation methods, including the use of drugs, hypnosis and isolation upon human test  
27 subjects.



1 12. "ARTICHOKE" means, including without limitation, the official code name given  
2 in or around 1951 to the secret test program conducted by one or more of YOU CONCERNING  
3 the study of special interrogation techniques and the use of chemicals, among other methods, to  
4 produce amnesia and other vulnerable states in human test subjects.

5 13. "MKDELTA" means, including without limitation, the official code name given in  
6 or around 1952 to the secret test program conducted by one or more of YOU CONCERNING the  
7 use of biochemicals in clandestine military operations.

8 14. "MKULTRA" means, including without limitation, the official code name given in  
9 or around 1953 to the secret test program conducted by one or more of YOU CONCERNING the  
10 surreptitious use of many types of drugs, as well as other methods, to manipulate individual  
11 mental states and to alter brain function, and that continued at least through the late 1960s.

12 15. "MKNAOMI" means, including without limitation, the official code name given to  
13 the secret test program conducted by one or more of YOU CONCERNING the stockpiling of  
14 severely incapacitating and lethal materials and the development of gadgetry for the  
15 dissemination of these materials.

16 16. "MKSEARCH" means, including without limitation, the official code name given  
17 in or around 1964 to the secret test program conducted by one or more of YOU CONCERNING  
18 the development of methods to manipulate human behavior through the use of drugs and other  
19 chemical substances.

20 17. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the  
21 official code name given to the secret test program conducted by one or more of YOU  
22 CONCERNING the identification of new drugs in Europe and Asia and collection of information  
23 and samples CONCERNING same.

24 18. "MKOFTEN" means, including without limitation, the official code name given to  
25 the secret test program conducted by one or more of YOU CONCERNING the behavioral and  
26 toxicological effects of certain drugs on animals and humans.

27 19. "MATERIAL TESTING PROGRAM EA 1729" means, including without  
28 limitation, the official code name given to the secret test program by one or more of YOU



1 CONCERNING the testing of lysergic acid diethylamide (“LSD”) as an intelligence-gathering  
2 technique.

3 20. “EDGEWOOD ARSENAL” means the southern sector of the military installation  
4 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of land  
5 between the Gunpowder and Bush rivers.

### 6 CONSTRUCTION

7 The following rules of construction shall also apply:

- 8 1. “All” or “each” shall be construed as “all and each.”
- 9 2. “Any” should be understood to include and encompass “all;” “all” should be  
10 understood to include and encompass “any.”
- 11 3. “And” or “or” shall be construed either disjunctively or conjunctively as necessary to  
12 bring within the scope of the discovery request all responses that might otherwise be construed to  
13 be outside of its scope.
- 14 4. The use of the singular form of any word shall include the plural and vice versa.

### 15 INSTRUCTIONS

16 The following instructions shall apply:

- 17 1. In the event YOU produce original documents for inspection and copying, such  
18 production shall be as the documents are kept in the usual course of business.
- 19 2. In lieu of production for inspection and copying, YOU may produce the requested  
20 documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the aforesaid  
21 address, and make the originals available for inspection at a mutually agreed-upon location,  
22 during normal business hours and upon reasonable notice. The documents copied shall be copied  
23 as they are kept in the normal course of business, and any titles, labels or other descriptions on  
24 any box, folder, binder, file cabinet or other container shall be copied as well.
- 25 3. Each document is to be produced, along with all non-identical copies, drafts,  
26 alterations and translations thereof, in its entirety, without abbreviations or redactions.
- 27 4. If any part of a document is responsive to any of the following requests, the entire  
28 document shall be produced.

1           5. If YOU withhold any of the requested documents from production under a claim of  
2 privilege or other protection, it must serve within thirty (30) days of the service of this request a  
3 list of such withheld documents (“privilege log”) indicating, for each document withheld, the  
4 following information if known or available to YOU: (i) the date composed or date appearing on  
5 the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made; (v) the  
6 identity of all persons or entities who saw the original document or saw or received a copy of  
7 such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis  
8 for claim of privilege or other immunity asserted. The privilege log should be sufficiently  
9 detailed to permit Plaintiffs to determine whether to make a motion with respect thereto.

10           6. If YOU are aware of the existence of any requested items that they are unable to  
11 produce, specify in writing and serve upon the undersigned a list indicating the identity of such  
12 documents within thirty (30) days of the service of this request. Such identification should, for  
13 each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost,  
14 misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or control  
15 of the responding party, in which case the name and address of any person or entity known or  
16 believed by YOU to have possession, custody or control of that document or category of  
17 documents should be identified. In each such instance, each of YOU is to identify the document  
18 by author, addressee, date, subject matter, number of pages, attachments or appendices, all  
19 persons to whom it was distributed, shown or explained, date and manner of destruction or other  
20 disposition, the reason for destruction or other disposition, and persons destroying or disposing of  
21 the document.

22           7. If YOU contend that any of the following requests is objectionable in whole or in  
23 part, YOU shall state with particularity each objection, the basis for it and the categories of  
24 information and documents to which the objection applies, and YOU shall respond to the request  
25 insofar as it is not deemed objectionable.

26           8. If YOU find the meaning of any term in these requests unclear, YOU shall assume a  
27 reasonable meaning, state what the assumed meaning is, and respond to the request according to  
28 the assumed meaning.

1 9. The following requests shall be deemed to be continuing. In accordance with Rule  
2 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the  
3 requests, YOU acquire additional knowledge or information regarding documents or things  
4 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such  
5 additional knowledge or information.

6 10. Unless otherwise specified, each request calls for all documents created, received,  
7 or dated between January 1, 1940 and the date of YOUR response to the request.

8 **REQUESTS FOR PRODUCTION**

9 **PREAMBLE TO ALL REQUESTS:** All DOCUMENTS CONCERNING any one or  
10 more of the following:

11 **REQUEST FOR PRODUCTION NO. 1:**

12 The fields, data, printouts, information and instructions CONCERNING the database  
13 identified in the May 6, 1974 CIA Inspector General report.

14 **REQUEST FOR PRODUCTION NO. 2:**

15 The memorandum prepared by or on behalf of the Deputy Secretary of Defense, William  
16 Perry, in 1993 CONCERNING chemical weapons research programs using human test subjects  
17 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 3:**

19 The types, properties and health effects of all substances tested or used on human subjects,  
20 including without limitation, the projects identified in the Complaint at or in connection with any  
21 of the military facilities identified in the Complaint, including but not limited to, at the  
22 EDGEWOOD ARSENAL.

23 **REQUEST FOR PRODUCTION NO. 4:**

24 Copies of all "volunteer handbooks" or other materials given to or prepared for delivery to  
25 "volunteers" who participated in YOUR TEST PROGRAMS, including but not limited to, all  
26 versions and drafts of the DOCUMENTS titled "Medical Research Volunteer Program" and  
27 "Medical Volunteer Handbook."  
28

1 **REQUEST FOR PRODUCTION NO. 5:**

2 The planning, conduct, activities, findings, results and participants in the TEST  
3 PROGRAMS.

4 **REQUEST FOR PRODUCTION NO. 6:**

5 DOCUMENTS sent, loaned or shown to any Congressional Committee, member of  
6 Congress or Congressional staff CONCERNING the TEST PROGRAMS.

7 **REQUEST FOR PRODUCTION NO. 7:**

8 Experiments CONCERNING the installation or use of septal implants upon human  
9 subjects, including without limitation, Bruce Price.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 MEETINGS and COMMUNICATIONS between YOU and Ewen Cameron  
12 CONCERNING the TEST PROGRAMS or the allegations in Paragraph 124(b) of the Complaint.

13 **REQUEST FOR PRODUCTION NO. 9:**

14 YOUR destruction of DOCUMENTS as described in Paragraph 130 of the Complaint, and  
15 the IDENTITY of DOCUMENTS destroyed, and all MEETINGS and COMMUNICATIONS  
16 CONCERNING the same, that mention any one or more of the individual plaintiffs.

17 **REQUEST FOR PRODUCTION NO. 10:**

18 All DOCUMENTS CONCERNING any of the individual plaintiffs, including but not  
19 limited to, military service records, physical or mental health records, correspondence and records  
20 CONCERNING all COMMUNICATIONS with any individual plaintiff.

21 **REQUEST FOR PRODUCTION NO. 11:**

22 Rosters, lists or other DOCUMENTS identifying the service personnel who were involved  
23 in the TEST PROGRAMS or any of them.

24 **REQUEST FOR PRODUCTION NO. 12:**

25 Rosters, lists or other DOCUMENTS identifying the service personnel who supervised,  
26 controlled or performed any act CONCERNING the TEST PROGRAMS or any of them.

27  
28

1 **REQUEST FOR PRODUCTION NO. 13:**

2 Letters, correspondence, inquiries, FOIA requests or other DOCUMENTS YOU received  
3 from participants in the TEST PROGRAMS.

4 **REQUEST FOR PRODUCTION NO. 14:**

5 All requests YOU have made for any records or DOCUMENTS CONCERNING any of  
6 the individual plaintiffs, including but not limited to, all requests directed to the Department of  
7 Veterans Affairs or any of its regional offices, and all DOCUMENTS that YOU have received  
8 pursuant to any such request.

9 **REQUEST FOR PRODUCTION NO. 15:**

10 All deaths or suspected deaths attributable in whole or in part to the effects of any  
11 substance administered during the TEST PROGRAMS.

12 **REQUEST FOR PRODUCTION NO. 16:**

13 The planning, financial support for, conduct of, and results of mind control or behavior  
14 modification experiments upon inmates at the Vacaville Medical Facility and/or Prison, and all  
15 MEETINGS and COMMUNICATIONS CONCERNING the same.

16 **REQUEST FOR PRODUCTION NO. 17:**

17 Transcripts of all deposition, hearing, Congressional and/or trial testimony  
18 CONCERNING the TEST PROGRAMS.

19 **REQUEST FOR PRODUCTION NO. 18:**

20 The IDENTITY, role and actions of all "cut-outs" used CONCERNING the TEST  
21 PROGRAMS, including but not limited to, the allegations set forth in Paragraph 124(a) of the  
22 Complaint.

23 **REQUEST FOR PRODUCTION NO. 19:**

24 MEETINGS or COMMUNICATIONS between YOU and any one or more participants in  
25 the TEST PROGRAMS.

26 **REQUEST FOR PRODUCTION NO. 20:**

27 Studies, reports, surveys or other analyses of the health effects of any exposure to  
28 substances used or administered during the TEST PROGRAMS.

1 **REQUEST FOR PRODUCTION NO. 21:**

2 Complaints, claims, allegations or notice provided to YOU, from any source, of any  
3 physical or psychological harm to any participant in the TEST PROGRAMS.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 COMMUNICATIONS and/or MEETINGS between YOU and any counterpart or  
6 personnel, including but not limited to, YOUR counterparts in the Canadian and British  
7 Intelligence Agencies, CONCERNING their programs of experiments of the effect of substances  
8 upon human subjects and/or the TEST PROGRAMS, including without limitation, the  
9 experiments conducted at Porton Down and/or the Allan Memorial Institute.

10 **REQUEST FOR PRODUCTION NO. 23:**

11 All lists, code definitions and other documents explaining the code names used for test  
12 substances used in the TEST PROGRAMS.

13 **REQUEST FOR PRODUCTION NO. 24:**

14 The IDENTITY, last known address and phone number of each person who performed  
15 work or services CONCERNING the TEST PROGRAMS.

16 **REQUEST FOR PRODUCTION NO. 25:**

17 All unpublished papers, reports or manuscripts CONCERNING the results of the TEST  
18 PROGRAMS.

19 **REQUEST FOR PRODUCTION NO. 26:**

20 The content of registries YOU have created CONCERNING participants in the TEST  
21 PROGRAMS, including without limitation, fields, manuals, data definitions, data, protocols and  
22 instructions.

23 **REQUEST FOR PRODUCTION NO. 27:**

24 Requests for inspection of YOUR facilities at EDGEWOOD ARSENAL or at any site  
25 identified in the Complaint which were made by the United Nations or any international  
26 delegation, agency or entity; YOUR responses to such requests, and the results of any inspections,  
27 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 28:**

2 The summary report on BZ by Dr. James Ketchum, as identified on page 46 of his book,  
3 *Chemical Warfare Secrets Almost Forgotten* (2006), and all MEETINGS, COMMUNICATIONS  
4 and DOCUMENTS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 29:**

6 Deaths, hospitalizations, emergency room visits and diseases or medical conditions  
7 resulting from or related to the administration of substances to participants in the TEST  
8 PROGRAMS.

9 **REQUEST FOR PRODUCTION NO. 30:**

10 All requests for, authorizations, and denials of authorization pursuant to the Wilson  
11 Directive.

12 **REQUEST FOR PRODUCTION NO. 31:**

13 The involvement of personnel employed at EDGEWOOD ARSENAL in Project 112.

14 **REQUEST FOR PRODUCTION NO. 32:**

15 The use of human subjects in tests conducted as part of Project 112.

16 **REQUEST FOR PRODUCTION NO. 33:**

17 Current programs and sites where YOU test or sponsor the testing of chemicals, biological  
18 substances or drugs on human subjects.

19 **REQUEST FOR PRODUCTION NO. 34:**

20 Copies of all participation agreements and consent forms prepared for, given to or  
21 received from participants in the TEST PROGRAMS, including but not limited to, all participant  
22 agreements or consent forms signed by participants in the TEST PROGRAMS.

23 **REQUEST FOR PRODUCTION NO. 35:**

24 All DOCUMENTS produced to the plaintiffs in *Orlikow v. United States*, Civ. Action  
25 No. 80-3163 (D.D.C. 1988), and the transcripts of all trial and deposition testimony in the  
26 *Orlikow* case.

27 **REQUEST FOR PRODUCTION NO. 36:**

28 All task plans and descriptions CONCERNING the TEST PROGRAMS.



1 **REQUEST FOR PRODUCTION NO. 37:**

2 The CIA's employment of Frank Olsen, the circumstances surrounding his exposure to  
3 LSD and his death, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 38:**

5 Projects or experiments performed by Dr. Harold Abramson for YOU including those  
6 involving drugs or toxic substances.

7 **REQUEST FOR PRODUCTION NO. 39:**

8 Violations, suspected violations or violations reported to YOU CONCERNING the  
9 Nuremberg Code, the Wilson Directive or the Official Directives as defined in the Complaint, as  
10 well as MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 40:**

12 The relationship and interactions between EDGEWOOD ARSENAL and the Holmesberg  
13 Prison and/or the University of Pennsylvania CONCERNING the TEST PROJECTS and/or  
14 experiments involving human subjects.

15 **REQUEST FOR PRODUCTION NO. 41:**

16 Copies of all DOCUMENTS YOU produced to Dr. Colin A. Ross in connection with his  
17 book entitled *The CIA Doctors* (2006).

18 **REQUEST FOR PRODUCTION NO. 42:**

19 Copies of all DOCUMENTS YOU produced to Dr. Colin A. Ross in connection with his  
20 article entitled *Bluebird: Deliberate-Creation of Multiple-Personality by Psychiatrists* (2000).

21 **REQUEST FOR PRODUCTION NO. 43:**

22 The recruitment, participation, activities and role of any German or Nazi scientist, doctor,  
23 technician or other worker in MKULTRA or human experimentation test, including without  
24 limitation, in connection with Operation Paperclip and/or Subproject 63.

25 **REQUEST FOR PRODUCTION NO. 44:**

26 All tabulations, summaries, analyses or descriptions of the types of medical problems  
27 (both physical and mental) experienced by participants in the TEST PROGRAMS.

28

1 **REQUEST FOR PRODUCTION NO. 45:**

2 All analyses, discussions or summaries CONCERNING the frequency with which  
3 particular medical problems or conditions (whether physical or mental) occur amongst  
4 participants in the TEST PROGRAMS and/or the cause and effect relationship between  
5 exposures and particular diseases or conditions.

6 **REQUEST FOR PRODUCTION NO. 46:**

7 Mortality data and/or statistics CONCERNING participants in the TEST PROGRAMS  
8 and comparisons to the general population and/or an unexposed population group or groups.

9 **REQUEST FOR PRODUCTION NO. 47:**

10 The military use of germ warfare or agents during the Korean War.

11 **REQUEST FOR PRODUCTION NO. 48:**

12 The number and/or average number of different substances administered or given to  
13 participants in the TEST PROGRAMS.

14 **REQUEST FOR PRODUCTION NO. 49:**

15 Summaries or compilations of information CONCERNING all veterans who have called  
16 the DoD number 1.800.497.6261, or any other toll free number, CONCERNING the TESTING  
17 PROGRAMS.

18 **REQUEST FOR PRODUCTION NO. 50:**

19 Known, suspected, alleged or reported violations by YOU of the following:

- 20 a. the Convention on the Prohibition of the Development, Production,  
21 Stockpiling, and Use of Chemical Weapons and their destruction (also known as the Chemical  
22 Weapons Convention or "CWC");
- 23 b. the Presidential Statement on Chemical and Biological Weapons (Nov. 25,  
24 1969);
- 25 c. Executive Order No. 11850, Renunciation of Certain Uses in War of  
26 Chemical Herbicides and Riot Control Agents (April 18, 1975);  
27  
28

1 d. The Protocol for the Prohibition of the Use in War of Asphyxiating,  
2 Poisonous or Other Gases, and of Bacteriological Methods of Warfare (also known as the Geneva  
3 Protocol of 1925 or "GP1925"); and

4 e. The Nuremberg Code or Helsinki Convention, as described in the  
5 Complaint.

6 **REQUEST FOR PRODUCTION NO. 51:**

7 Signed consent forms CONCERNING experiments that YOU have conducted or  
8 requested anyone else to conduct on human subjects to test drugs, chemicals or other substances  
9 over the last five years.

10 **REQUEST FOR PRODUCTION NO. 52:**

11 All known, reported or alleged violations of the Common Rule and/or international law  
12 CONCERNING experiments that YOU have conducted or requested anyone else to conduct on  
13 human subjects to test drugs, chemicals or other substances over the last five years.

14 **REQUEST FOR PRODUCTION NO. 53:**

15 Executive orders or other official directives signed by former President George H. W.  
16 Bush CONCERNING the testing of drugs, chemicals or other substances on human subjects or  
17 the interpretation or application of informed consent.

18 **REQUEST FOR PRODUCTION NO. 54:**

19 The IDENTITY and last known contact information CONCERNING PERSONS who  
20 directed, ordered, controlled or participated in any of the experiments using human subjects that  
21 were conducted at the EDGEWOOD ARSENAL.

22 **REQUEST FOR PRODUCTION NO. 55:**

23 The IDENTITY and last known contact information CONCERNING PERSONS who  
24 arranged, ordered, approved, supervised, monitored, funded or reviewed the results of drug,  
25 chemical or biological experiments using human subjects that were performed outside of the  
26 EDGEWOOD ARSENAL, including without limitation, colleges or universities, hospitals,  
27 prisons, clinics or facilities owned or operated by federal agencies (such as the CIA, the DVA or  
28 its predecessor the VA, the Bureau of Prisons, the Drug Enforcement Agency and/or the DoD).

1 **REQUEST FOR PRODUCTION NO. 56:**

2 Videos, photographs, negatives, still images, movies and/or sound recordings  
3 CONCERNING the administration of any substance during any of the TEST PROGRAMS at the  
4 EDGEWOOD ARSENAL or other facility or project identified in the Complaint, including but  
5 not limited to, any health consequence or risk or lack thereof CONCERNING same.

6 **REQUEST FOR PRODUCTION NO. 57:**

7 The dose-response relationship CONCERNING drugs, chemicals and/or biological  
8 substances tested upon human subjects at the EDGEWOOD ARSENAL or under the control,  
9 funding, supervision or direction, of YOU.

10 **REQUEST FOR PRODUCTION NO. 58:**

11 Investigations, prosecutions or threatened prosecutions of participants in the TEST  
12 PROGRAMS and all COMMUNICATIONS and MEETINGS CONCERNING the same.

13 **REQUEST FOR PRODUCTION NO. 59:**

14 Lists, descriptions or other DOCUMENTS CONCERNING the TEST PROGRAMS that  
15 YOU have withheld on grounds of national security.

16 **REQUEST FOR PRODUCTION NO. 60:**

17 All DOCUMENTS that CONCERN the definitive technical name of each nerve gas,  
18 psychochemical, toxic chemical and biological substance used in the TEST PROGRAMS at the  
19 EDGEWOOD ARSENAL or any other project identified in the Complaint.

20 **REQUEST FOR PRODUCTION NO. 61:**

21 All DOCUMENTS that CONCERN the quantity of each nerve gas, psychochemical, toxic  
22 chemical and biological substance used in the TEST PROGRAMS at the EDGEWOOD  
23 ARSENAL or any other project identified in the Complaint.

24 **REQUEST FOR PRODUCTION NO. 62:**

25 All DOCUMENTS that CONCERN the manufacturer or supplier of each nerve gas,  
26 psychochemical, toxic chemical and biological substance used in the TEST PROGRAMS at the  
27 EDGEWOOD ARSENAL or any other project identified in the Complaint.  
28

1 **REQUEST FOR PRODUCTION NO. 63:**

2 All DOCUMENTS that CONCERN the U.S. Army code designation of each nerve gas,  
3 psychochemical, toxic chemical and biological substance used in the TEST PROGRAMS at the  
4 EDGEWOOD ARSENAL or any other project identified in the Complaint.

5 **REQUEST FOR PRODUCTION NO. 64:**

6 All DOCUMENTS that CONCERN the toxicity of all nerve gas, psychochemical, toxic  
7 chemical and biological substance used in the TEST PROGRAMS at the EDGEWOOD  
8 ARSENAL or any other project identified in the Complaint.

9 **REQUEST FOR PRODUCTION NO. 65:**

10 All DOCUMENTS that CONCERN the storage, transport, handling, disposal or sale of  
11 each nerve gas, psychochemical, toxic chemical and biological substance used in the TEST  
12 PROGRAMS at the EDGEWOOD ARSENAL or any other project identified in the Complaint.

13 **REQUEST FOR PRODUCTION NO. 66:**

14 Lists, data, databases or other documents IDENTIFYING all PERSONS who participated  
15 in the TEST PROGRAMS, including without limitation, individuals, hospitals and clinics,  
16 educational institutions, prisons, cut-outs, pharmaceutical and chemical companies, government  
17 agencies and foreign governments.

18 **REQUEST FOR PRODUCTION NO. 67:**

19 All DOCUMENTS CONCERNING the statement issued on or about October 3, 1995 by  
20 former President William J. Clinton CONCERNING human experimentation conducted during  
21 the Cold War, as well as MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 68:**

23 ~~All film, movies or footage CONCERNING the film entitled *The U.S. Navy Presents*~~  
24 ~~*LSD.*~~

25 **REQUEST FOR PRODUCTION NO. 69:**

26 All DOCUMENTS CONCERNING the VHA Directive 2004-016, dated April 15, 2004,  
27 entitled *Provision of Health Care Services to Veterans Involved in Project 112/Shipboard Hazard*  
28

1 and Defense (Shad) Testing, as well as MEETINGS and COMMUNICATIONS CONCERNING  
2 the same.

3 **REQUEST FOR PRODUCTION NO. 70:**

4 All DOCUMENTS CONCERNING the signing statement issued by former President  
5 George W. Bush on November 26, 2001, entitled *Statement on Signing the Departments of*  
6 *Veterans Affairs and Housing and Urban Development, and Independent Agencies*, as well as  
7 MEETINGS and COMMUNICATIONS CONCERNING the same.

8 **REQUEST FOR PRODUCTION NO. 71:**

9 All DOCUMENTS CONCERNING the signing statement issued by former President  
10 George W. Bush on November 30, 2005, entitled *Statement on Signing the Military Quality of*  
11 *Life and Veterans Affairs Appropriations Act, 2006*, as well as MEETINGS and  
12 COMMUNICATIONS CONCERNING the same.

13 **REQUEST FOR PRODUCTION NO. 72:**

14 All DOCUMENTS CONCERNING the Report to Congress by the Comptroller General  
15 of the United States, dated July 15, 1976, entitled *Federal Control of New Drug Testing is Not*  
16 *Adequately Protecting Human Test Subjects and the Public*, Pub. No. HRD-76-96, as well as  
17 MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 73:**

19 All DOCUMENTS CONCERNING the 1976 report issued by the DAIG entitled *Use of*  
20 *Volunteers in Chemical Agent Research*, Report DAIG-IN 21-75, as well as MEETINGS and  
21 COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 74:**

23 All DOCUMENTS CONCERNING the report issued by one or more of YOU in October  
24 1980 entitled *LSD Follow-up Study Report*, as well as MEETINGS and COMMUNICATIONS  
25 CONCERNING the same.

26 **REQUEST FOR PRODUCTION NO. 75:**

27 All DOCUMENTS CONCERNING the NRC study issued in 1982 entitled *Possible*  
28 *Long-Term Health Effects of Short-Term Exposure to Chemical Agents; Vol. 1:*

1 *Anticholinesterases and Anticholinergics*, as well as MEETINGS and COMMUNICATIONS  
2 CONCERNING the same.

3 **REQUEST FOR PRODUCTION NO. 76:**

4 All DOCUMENTS CONCERNING the NRC study issued in 1984 entitled *Possible*  
5 *Long-Term Health Effects of Short-Term Exposure to Chemical Agents; Vol. 2: Cholinesterase*  
6 *Reactivators, Psychochemicals, and Irritants and Vesicants*, as well as MEETINGS and  
7 COMMUNICATIONS CONCERNING the same.

8 **REQUEST FOR PRODUCTION NO. 77:**

9 All DOCUMENTS CONCERNING the NRC study issued in 1985 entitled *Possible*  
10 *Long-Term Health Effects of Short-Term Exposure to Chemical Agents; Vol. 3: Final Report:*  
11 *Current Health Status of Test Subjects*, as well as MEETINGS and COMMUNICATIONS  
12 CONCERNING the same.

13 Dated: May 15, 2009

GORDON P. ERSPAMER  
TIMOTHY W. BLAKELY  
ADRIANO HRVATIN  
STACEY M. SPRENKEL  
KIMBERLY L. TAYLOR  
MORRISON & FOERSTER LLP

14  
15  
16  
17  
18 By:   
19 Gordon P. Erspamer

20 Attorneys for Plaintiffs  
21 Vietnam Veterans of America; Bruce Price;  
22 Franklin D. Rochelle; Larry Meirrow; Eric P.  
23 Muth; David C. Dufrane; and Wray C. Forrest



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9 Attorneys for Plaintiffs  
 Vietnam Veterans of America; Bruce Price;  
 10 Franklin D. Rochelle; Larry Meirow; Eric P. Muth;  
 David C. Dufrane; and Wray C. Forrest  
 11

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 VIETNAM VETERANS OF AMERICA, a Non-Profit  
 16 Corporation; BRUCE PRICE; FRANKLIN D.  
 17 ROCHELLE; LARRY MEIROW; ERIC P. MUTH;  
 DAVID C. DUFRANE; and WRAY C. FORREST,  
 Individuals,

Case No. CV 09-0037-CW  
**PROOF OF SERVICE**

18 Plaintiffs,

19 v.

20 CENTRAL INTELLIGENCE AGENCY; GENERAL  
 21 MICHAEL V. HAYDEN, USAF, Director of the  
 22 Central Intelligence Agency; UNITED STATES  
 DEPARTMENT OF DEFENSE; DR. ROBERT M.  
 23 GATES, Secretary of Defense; UNITED STATES  
 DEPARTMENT OF THE ARMY; PETE GEREN,  
 24 United States Secretary of the Army; UNITED  
 STATES OF AMERICA; and MICHAEL B.  
 MUKASEY, Attorney General of the United States,

25 Defendants.  
 26

27  
 28

**PROOF OF SERVICE**

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on May 15, 2009, I served a copy of:

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

**PROOF OF SERVICE**

**BY OVERNIGHT DELIVERY [Code Civ. Proc. Sec. 1013(d)]** by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 425 Market Street, San Francisco, California 94105 in accordance with Morrison & Foerster LLP's ordinary business practices.

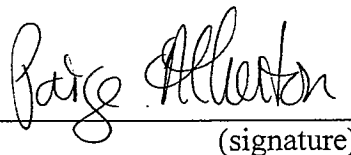
I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Morrison & Foerster LLP for collection.

Eric B. Beckenhauer, Esq.  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW  
Washington, District of Columbia 20001

Attorneys for Defendants

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, this 15th day of May 2009.

Paige Atherton  
(typed)

  
(signature)

1 GORDON P. ERSPAMER (CA SBN 83364)  
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8 Attorneys for Plaintiffs  
Vietnam Veterans of America; Swords to Plowshares: Veterans  
9 Rights Organization; Bruce Price; Franklin D. Rochelle; Larry  
Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest  
10

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 VIETNAM VETERANS OF AMERICA, a Non-  
Profit Corporation; SWORDS TO  
16 PLOWSHARES: VETERANS RIGHTS  
ORGANIZATION, a California Non-Profit  
17 Corporation; BRUCE PRICE; FRANKLIN D.  
ROCHELLE; LARRY MEIROW; ERIC P.  
18 MUTH; DAVID C. DUFRANE; and WRAY C.  
FORREST, Individuals,

19 Plaintiffs,

20 v.

21 CENTRAL INTELLIGENCE AGENCY;  
22 GENERAL LEON PANETTA, Director of the  
Central Intelligence Agency; UNITED STATES  
23 DEPARTMENT OF DEFENSE; DR. ROBERT  
M. GATES, Secretary of Defense; UNITED  
24 STATES DEPARTMENT OF THE ARMY;  
PETE GEREN, United States Secretary of the  
25 Army; UNITED STATES OF AMERICA; and  
ERIC H. HOLDER, JR., Attorney General of the  
26 United States,

27 Defendants.  
28

Case No. CV 09-0037-CW

**PLAINTIFFS' SECOND SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

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PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Swords to Plowshares; Veterans Rights Organization; Bruce Price; Franklin D. Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest

RESPONDING PARTIES: Defendants Central Intelligence Agency; Leon Panetta, Director of the Central Intelligence Agency; United States Department of Defense; Dr. Robert M. Gates, Secretary of Defense; United States Department of the Army; Pete Geren, United States Secretary of the Army; United States of America; and Eric H. Holder, Jr., Attorney General of the United States

SET NUMBER: Two

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam Veterans of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named defendants (collectively, "Defendants") separately produce for inspection and copying the documents and things set forth below that are in their possession, custody or control, or in the possession, custody or control of their attorneys and/or accountants, their investigators and any persons acting on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105, or another place as may be mutually agreed upon, within thirty (30) days of the service of this request.

**DEFINITIONS**

Unless otherwise indicated, the following definitions shall apply:

1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any other writing; (b) any telephone call between two or more PERSONS, whether or not such call was by chance or prearranged, formal or informal; and (c) any conversation or MEETING between two or more PERSONS, whether or not such contact was by chance or prearranged, formal or informal, including without limitation, conversations or MEETINGS occurring via telephone, teleconference, video conference, electronic mail (e-mail) or instant electronic messenger.

2. "CONCERNING" means constituting, summarizing, memorializing, referring to, regarding and/or relating to.

1           3. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any  
2 expression, COMMUNICATION or representation has been recorded by any means, including  
3 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic  
4 impulse or mechanical or electronic recording and any non-identical copies (whether different  
5 from the original because of notes made on such copies, because of indications that said copies  
6 were sent to different individuals than were the originals or because of any other reason),  
7 including but not limited to, working papers, preliminary, intermediate or final drafts,  
8 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices, financial  
9 statements, financial calculations, diaries, reports of telephone or other oral conversations, desk  
10 calendars, appointment books, audio or video tape recordings, e-mail or electronic mail,  
11 electronic folders, microfilm, microfiche, computer tape, computer disk, computer printout,  
12 computer card and all other writings and recordings of every kind that are in YOUR actual or  
13 constructive possession, custody or control.

14           4. "IDENTIFY" or "IDENTITY" means:

15           a. with respect to a PERSON, to state the PERSON's full name, current or  
16 last known employer, that employer's address and telephone number, the PERSON's title and/or  
17 position with that employer, and the PERSON's current or last known home address and  
18 telephone number;

19           b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,  
20 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title  
21 of the DOCUMENT (if any), the date it was created, the author, all intended recipients including  
22 the addressee and any and all copyees, a brief description of the subject matter of the  
23 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY all  
24 present or last known person in possession, custody or control of the DOCUMENT;

25           c. with respect to a COMMUNICATION to state the name and affiliation of  
26 all PERSONS participating in, or present for, the COMMUNICATION, the date of the  
27 COMMUNICATION, and whether it was conducted in person or by other means (such as  
28

1 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by  
2 audio or videotape);

3 d. with respect to a MEETING to state the names and affiliations of all  
4 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the  
5 location of the MEETING and the purpose of the MEETING.

6 5. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or  
7 telephone, television, radio or other electronic communication between or among persons,  
8 whether such was by chance or prearranged, informal or formal.

9 6. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,  
10 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of  
11 organization or arrangement and government and government agency of every nature and type.

12 7. "YOU" or "YOUR" means the Defendants in this action, and all of their past and  
13 present offices, departments, organizations, administrations, boards, commissions, task forces,  
14 management, and past and present employees and service members. These terms also include  
15 any representatives or agents acting on YOUR behalf, including without limitation, attorneys,  
16 investigators or consultants.

### 17 SPECIAL DEFINITIONS

18 Unless otherwise indicated, the following special definitions shall apply:

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its past  
20 and present offices, departments, organizations, administrations, boards, commissions, task  
21 forces, management, and past and present employees and service members.

22 2. "DAIG" means the Department of the Army Inspector General, and all its past and  
23 present offices, departments, organizations, administrations, boards, commissions, task forces,  
24 management, and past and present employees.

25 3. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department of  
26 Defense, and all its past and present offices, departments, organizations, administrations, boards,  
27 commissions, task forces, management, and past and present employees and service members.

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1           4. “DEPARTMENT OF THE ARMY” or “DoA” means the United States Department  
2 of the Army, and all its past and present offices, departments, organizations, administrations,  
3 boards, commissions, task forces, management, and past and present employees and service  
4 members.

5           5. “EDGEWOOD ARSENAL” means the southern sector of the military installation  
6 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of land  
7 between the Gunpowder and Bush rivers.

8           6. “GAO” means the United States Government Accountability Office and all its  
9 predecessors, offices, departments, organizations, administrations, boards, commissions, task  
10 forces, management, and past and present employees.

11           7. “IOM” means the Institute of Medicine, a branch of the National Academies, and all  
12 its predecessors, offices, departments, organizations, administrations, boards, commissions, task  
13 forces, management, and past and present employees.

14           8. “NRC” means the National Research Council, a branch of the National Academies,  
15 and all its predecessors, offices, departments, organizations, administrations, boards,  
16 commissions, task forces, management, and past and present employees.

17           9. “NAS” means the National Academy of Sciences, a branch of the National  
18 Academies, and all its predecessors, offices, departments, organizations, administrations, boards,  
19 commissions, task forces, management, and past and present employees.

20           10. “VA” or “DVA” means the United States Department of Veterans Affairs, and all  
21 its predecessors (including the Veterans Administration) and its past and present offices,  
22 departments, organizations, administrations, boards, consultants, commissions, task forces,  
23 management, and past and present employees.

24           11. “TEST PROGRAMS” means each of the projects identified in the First Amended  
25 Complaint, including without limitation, the Human Test Series identified in Paragraph 140 of the  
26 First Amended Complaint, including Projects “BLUEBIRD,” “ARTICHOKE,” “MKDELTA,”  
27 “MKULTRA,” “MKNAOMI,” “MKSEARCH,” “MKCHICKWIT,” “MKOFTEN,” and any  
28 other program of experimentation involving human testing of any substance, including but not



1 limited to, "MATERIAL TESTING PROGRAM EA 1729." TEST PROGRAMS shall include  
2 any and all sub-projects related to any program of human testing conducted by YOU.

- 3 a. "BLUEBIRD" means, including without limitation, the official code name given  
4 in or around 1950 to the secret test program conducted by one or more of YOU  
5 CONCERNING special interrogation methods, including the use of drugs,  
6 hypnosis and isolation upon human test subjects.
- 7 b. "ARTICHOKE" means, including without limitation, the official code name given  
8 in or around 1951 to the secret test program conducted by one or more of YOU  
9 CONCERNING the study of special interrogation techniques and the use of  
10 chemicals, among other methods, to produce amnesia and other vulnerable states  
11 in human test subjects.
- 12 c. "MKDELTA" means, including without limitation, the official code name given in  
13 or around 1952 to the secret test program conducted by one or more of YOU  
14 CONCERNING the use of biochemicals in clandestine military operations.
- 15 d. "MKULTRA" means, including without limitation, the official code name given in  
16 or around 1953 to the secret test program conducted by one or more of YOU  
17 CONCERNING the surreptitious use of many types of drugs, as well as other  
18 methods, to manipulate individual mental states and to alter brain function, and  
19 that continued at least through the late 1960s.
- 20 e. "MKNAOMI" means, including without limitation, the official code name given  
21 to the secret test program conducted by one or more of YOU CONCERNING the  
22 stockpiling of severely incapacitating and lethal materials and the development of  
23 gadgetry for the dissemination of these materials.
- 24 f. "MKSEARCH" means, including without limitation, the official code name given  
25 in or around 1964 to the secret test program conducted by one or more of YOU  
26 CONCERNING the development of methods to manipulate human behavior  
27 through the use of drugs and other chemical substances.
- 28

- 1 g. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the  
2 official code name given to the secret test program conducted by one or more of  
3 YOU CONCERNING the identification of new drugs in Europe and Asia and  
4 collection of information and samples CONCERNING same.
- 5 h. "MKOFTEN" means, including without limitation, the official code name given to  
6 the secret test program conducted by one or more of YOU CONCERNING the  
7 behavioral and toxicological effects of certain drugs on animals and humans.
- 8 i. "MATERIAL TESTING PROGRAM EA 1729" means, including without  
9 limitation, the official code name given to the secret test program by one or more  
10 of YOU CONCERNING the testing of lysergic acid diethylamide ("LSD") as an  
11 intelligence-gathering technique.

12 12. "TEST SUBJECT" or "TEST SUBJECTS" means, unless otherwise specified, any  
13 person who, while an active duty member of the U.S. military or a member of the reserves of any  
14 branch of the U.S. Military, participated in any experiment that was part of, or related to, the  
15 TEST PROGRAMS. For purposes of this definition, TEST SUBJECTS shall be deemed to have  
16 participated in an experiment even if the TEST SUBJECT received only a placebo or if the TEST  
17 SUBJECT declined to participate or withdrew "consent" after being initially selected for  
18 participation. "TEST SUBJECTS" shall not, unless otherwise specified, include civilians who  
19 participated in the TEST PROGRAMS.

20 **CONSTRUCTION**

21 The following rules of construction shall also apply:

- 22 1. "All" or "each" shall be construed as "all and each."
- 23 2. "Any" should be understood to include and encompass "all;" "all" should be  
24 understood to include and encompass "any."
- 25 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary to  
26 bring within the scope of the discovery request all responses that might otherwise be construed to  
27 be outside of its scope.
- 28 4. The use of the singular form of any word shall include the plural and vice versa.

**INSTRUCTIONS**

The following instructions shall apply:

1. In the event YOU produce original documents for inspection and copying, such production shall be as the documents are kept in the usual course of business.
2. In lieu of production for inspection and copying, YOU may produce the requested documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the aforesaid address, and make the originals available for inspection at a mutually agreed-upon location, during normal business hours and upon reasonable notice. The documents copied shall be copied as they are kept in the normal course of business, and any titles, labels or other descriptions on any box, folder, binder, file cabinet or other container shall be copied as well.
3. Each document is to be produced, along with all non-identical copies, drafts, alterations and translations thereof, in its entirety, without abbreviations or redactions.
4. If any part of a document is responsive to any of the following requests, the entire document shall be produced.
5. If YOU withhold any of the requested documents from production under a claim of privilege or other protection, it must serve within thirty (30) days of the service of this request a list of such withheld documents (“privilege log”) indicating, for each document withheld, the following information if known or available to YOU: (i) the date composed or date appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made; (v) the identity of all persons or entities who saw the original document or saw or received a copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis for claim of privilege or other immunity asserted. The privilege log should be sufficiently detailed to permit Plaintiffs to determine whether to make a motion with respect thereto.
6. If YOU are aware of the existence of any requested items that they are unable to produce, specify in writing and serve upon the undersigned a list indicating the identity of such documents within thirty (30) days of the service of this request. Such identification should, for each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost, misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or control

1 of the responding party, in which case the name and address of any person or entity known or  
2 believed by YOU to have possession, custody or control of that document or category of  
3 documents should be identified. In each such instance, each of YOU is to identify the document  
4 by author, addressee, date, subject matter, number of pages, attachments or appendices, all  
5 persons to whom it was distributed, shown or explained, date and manner of destruction or other  
6 disposition, the reason for destruction or other disposition, and persons destroying or disposing of  
7 the document.

8 7. If YOU contend that any of the following requests is objectionable in whole or in  
9 part, YOU shall state with particularity each objection, the basis for it and the categories of  
10 information and documents to which the objection applies, and YOU shall respond to the request  
11 insofar as it is not deemed objectionable.

12 8. If YOU find the meaning of any term in these requests unclear, YOU shall assume a  
13 reasonable meaning, state what the assumed meaning is, and respond to the request according to  
14 the assumed meaning.

15 9. The following requests shall be deemed to be continuing. In accordance with Rule  
16 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the  
17 requests, YOU acquire additional knowledge or information regarding documents or things  
18 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such  
19 additional knowledge or information.

20 10. Unless otherwise specified, each request calls for all documents created, received,  
21 or dated between January 1, 1940 and the date of YOUR response to the request.

## 22 REQUESTS FOR PRODUCTION

23 PREAMBLE TO ALL REQUESTS: All DOCUMENTS CONCERNING any one or  
24 more of the following:

### 25 REQUEST FOR PRODUCTION NO. 78:

26 A copy of the research report entitled "Black Hats and White Hats, the Effect of  
27 Organizational Culture and Institutional Identity on the Twenty-third Air Force," by Lt. Col.  
28 Ioannis Koskinas, USAF.

1 **REQUEST FOR PRODUCTION NO. 79:**

2 The administration of LSD in eye drops in connection with the TEST PROGRAMS, and  
3 the health effects of the same.

4 **REQUEST FOR PRODUCTION NO. 80:**

5 The composition and IDENTITY of any chemicals or other substances developed or  
6 tested at Edgewood or Fort Detrick and spread or used in war zones, including, without  
7 limitation, known or suspected infiltration or supply routes such as the Ho Chi Minh Trail in  
8 Vietnam.

9 **REQUEST FOR PRODUCTION NO. 81:**

10 The activities, orders, reports from, and other DOCUMENTS CONCERNING military  
11 personnel referred to as “dusters,” including, without limitation, the spreading and use of  
12 chemicals or other substances developed or tested at Edgewood or Fort Detrick in war zones.

13 **REQUEST FOR PRODUCTION NO. 82:**

14 Adverse health effects reported by “dusters” used to deploy, release or spread chemicals  
15 in war zones, including, without limitation, known or suspected infiltration or supply routes such  
16 as the Ho Chi Minh Trail in Vietnam.

17 **REQUEST FOR PRODUCTION NO. 83:**

18 The selection, training, activities and reports of “Project 300,” and its relationship to any  
19 experiments, tests, or other activities CONCERNING the TEST PROGRAMS, and all  
20 MEETINGS and COMMUNICATIONS CONCERNING the same.

21 **REQUEST FOR PRODUCTION NO. 84:**

22 Minutes, memoranda, notes, reports, and other activities of the USA Chemical-Biological  
23 Briefing Team at the Edgewood Arsenal, and all MEETINGS and COMMUNICATIONS  
24 CONCERNING the same.

25 **REQUEST FOR PRODUCTION NO. 85:**

26 All Directory and Station Lists for the U.S. Army which list or contain the name of the  
27 Edgewood Arsenal and/or any other Army base or facility where chemical or biological weapons  
28 tests were conducted.

1 **REQUEST FOR PRODUCTION NO. 86:**

2 Research at Tulane University that YOU directed, supported, monitored, or received the  
3 results of, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 87:**

5 Army Contract DA-18-108-CML-5596, including without limitation, all drafts,  
6 negotiations, reports, payments, and research progress and results.

7 **REQUEST FOR PRODUCTION NO. 88:**

8 MEETINGS and COMMUNICATIONS between YOU and researchers, including,  
9 without limitation, Dr. Edward Heath and Dr. Russell Monroe at Tulane University,  
10 CONCERNING Army Contract DA-18-108-CML-5596 and any other contracts between YOU  
11 and the researchers at Tulane University.

12 **REQUEST FOR PRODUCTION NO. 89:**

13 Contracts involving research on hallucinogenic drugs between you and Tulane University,  
14 including, without limitation, studies or research involving the administration of LSD, mescaline,  
15 and other drugs to mental patients or other persons and/or involved the implantation of electrodes  
16 into the brains of human subjects, and all MEETINGS and COMMUNICATIONS  
17 CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 90:**

19 MKULTRA Subprojects 106, 95, and 94, and any other projects or sub-projects  
20 CONCERNING research, use or installation of septal electrodes in human subjects, and all  
21 MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 91:**

23 Reports, research results, contracts, progress reports, bills, payments and other  
24 COMMUNICATIONS and/or MEETINGS between YOU and Dr. Jose Delgado CONCERNING  
25 septal implants, psychological responses to intracerebral stimulation, and/or the use of remote  
26 directional control of human subjects.

1 **REQUEST FOR PRODUCTION NO. 92:**

2 Research that YOU sponsored, financed, directed, controlled, monitored or received the  
3 results of involving the chemical stimulation to areas of the brain, electrical self-stimulation to the  
4 human brain, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 93:**

6 Chronic toxicity studies discussed in the 1963 U.S. Army Report AD 716997 (NTIS:  
7 August 1946), CONCERNING EA-1476 or its analogs and and/or dimethylheptyl (DHMP) or its  
8 analogs, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 94:**

10 COMMUNICATIONS and MEETINGS between you and Dr. Russell Monroe, Tulane  
11 University School of Medicine, and University of Maryland School of Medicine, CONCERNING  
12 EA-1476 or its analogs and/or dimethylheptyl (DHMP) or its analogs, and all MEETINGS and  
13 COMMUNICATIONS CONCERNING the same.

14 **REQUEST FOR PRODUCTION NO. 95:**

15 Research, studies, reports, findings, experiments and/or discussions of the relationship  
16 between or among EA-1476 and its analogs, EA-2233 and its analogs, and DHMP and/or its  
17 analogs, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 96:**

19 Those DOCUMENTS IDENTIFIED in the DOD Radiation Records Command Center,  
20 **MEMORANDUM FOR THE RECORD, SUBJECT:** Records Review, Edgewood Arsenal,  
21 Maryland, dated April 26, 1995, including, without limitation, the records and files IDENTIFIED  
22 under Tab C (listing documents in the Office of the Command Historian, Corporate Information  
23 Officer, Chemical and Biological Defense Command (“CBDCOM”), Tab D (Higher Command  
24 Room), Tab E (Edgewood Room), and Tab F (Classified Records Room), excluding those  
25 DOCUMENTS that relate exclusively to radiological tests.

26 **REQUEST FOR PRODUCTION NO. 97:**

27 Those DOCUMENTS IDENTIFIED in the DOD Radiation Records Command Center,  
28 **MEMORANDUM FOR THE RECORD, SUBJECT:** Records Review, Edgewood Arsenal,



1 Maryland, dated April 26, 1995, including, without limitation, the records and files IDENTIFIED  
2 under Tab H (MCIRD files) and Tab I (Edgewood Arsenal Holding Area).

3 **REQUEST FOR PRODUCTION NO. 98:**

4 Reports, minutes, memos, budgets, notes, minutes, transcripts and other DOCUMENTS  
5 CONCERNING all activities of the Chemical Corps Advisory Council and all MEETINGS and  
6 COMMUNICATIONS CONCERNING the same.

7 **REQUEST FOR PRODUCTION NO. 99:**

8 Reports, historical reports, budgets, minutes, memos, notes, minutes, transcripts and other  
9 DOCUMENTS CONCERNING all activities of the Chemical Corps R&D Command and all  
10 MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 100:**

12 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other  
13 DOCUMENTS CONCERNING all activities of the Chemical Warfare Laboratory and all  
14 MEETINGS and COMMUNICATIONS CONCERNING the same.

15 **REQUEST FOR PRODUCTION NO. 101:**

16 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other  
17 DOCUMENTS CONCERNING all activities of the Chemical Research and Development  
18 Laboratory and all MEETINGS and COMMUNICATIONS CONCERNING the same.

19 **REQUEST FOR PRODUCTION NO. 102:**

20 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other  
21 DOCUMENTS CONCERNING all activities of the Chemical Corps Technical Committee  
22 Meeting and all MEETINGS and COMMUNICATIONS CONCERNING the same.

23 **REQUEST FOR PRODUCTION NO. 103:**

24 Applications and supporting documentation submitted to the Human Use Review  
25 Committee and/or the U.S. Surgeon General, and actions taken by or recommendations made by  
26 the Human Use Review Committee and/or Surgeon General between 1953 and present, and all  
27 MEETINGS and COMMUNICATIONS CONCERNING the same.

28

1 **REQUEST FOR PRODUCTION NO. 104:**

2 Minutes, notes, proceedings, correspondence, actions, transcripts or other DOCUMENTS  
3 CONCERNING the activities of the Human Use Review Office, and/or the Army Investigational  
4 Drug Review Board, from their inceptions to present, including without limitation, its approval or  
5 rejection of experiments using human subjects.

6 **REQUEST FOR PRODUCTION NO. 105:**

7 The negotiation, content, application, interpretation or other DOCUMENTS  
8 CONCERNING the Department of Health Education and Welfare Memorandum of  
9 Understanding with The Department of Defense in 1964 and/or Army Regulation 40-7, and all  
10 MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 106:**

12 The DA 137 forms for all armed services participants in the TEST PROGRAMS.

13 **REQUEST FOR PRODUCTION NO. 107:**

14 The negotiation, performance, terms, output, reports, samples, chemical substances, and  
15 characterization of chemical substances developed by third party contractors for the U.S. Army in  
16 connection with the TEST PROGRAMS, and all MEETINGS and COMMUNICATIONS  
17 CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 108:**

19 The negotiation, performance, terms, output, reports, samples, chemical substances,  
20 characterization of chemical substances developed by Arthur D. Little, Inc., including the so-  
21 called "Red Oil" or EA-1476, for the U.S. Army in connection with the TEST PROGRAMS, and  
22 all MEETINGS and COMMUNICATIONS CONCERNING the same.

23 **REQUEST FOR PRODUCTION NO. 109:**

24 The negotiation, performance, terms, output, reports, samples, chemical substances,  
25 characterization of chemical substances between YOU and Dr. Edward F. Domino and his  
26 associates at the University of Michigan Medical School CONCENRING the so-called "Red Oil"  
27 or EA-1476, for the U.S. Army in connection with the TEST PROGRAMS, and all MEETINGS  
28 and COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 110:**

2 The negotiation, performance, terms, output, reports, samples, chemical substances,  
3 characterization of chemical substances developed by the Shell Development Corporation,  
4 including the all marijuana derivatives, for the U.S. Army in connection with the TEST  
5 PROGRAMS, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

6 **REQUEST FOR PRODUCTION NO. 111:**

7 The agendas, minutes, reports, presentations to, and other DOCUMENTS CONCERNING  
8 the activities of the Medical Review Committee for scientific evaluation of protocols using  
9 human subjects and a Human Use Committee for the moral and ethical review of such protocols  
10 for use of volunteers at the Edgewood Arsenal.

11 **REQUEST FOR PRODUCTION NO. 112:**

12 Reports or submissions to the Surgeon General for the approval of any experiment  
13 involving the use of human volunteers or subjects, the approval of any such experiments by the  
14 Surgeon General and all MEETINGS and COMMUNICATIONS CONCERNING the same.

15 **REQUEST FOR PRODUCTION NO. 113:**

16 All reported, alleged, or actual violations of protocols involving the use of human subjects  
17 in chemical or biological weapons tests at the Edgewood Arsenal or any other Army facility.

18 **REQUEST FOR PRODUCTION NO. 114:**

19 Medical Laboratories Special Reports ("MSLR") CONCERNING classified and  
20 unclassified research, including without limitation, Special Report No. 50 dated September 1954,  
21 and MSLR No. 25 and 34.

22 **REQUEST FOR PRODUCTION NO. 115:**

23 Program Planning Management Reports for the Chemical Corps Medical Laboratories,  
24 Army Chemical Center, Maryland and all MEETINGS and COMMUNICATIONS  
25 CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 116:**

2 Reports of the U.S. Army Research and Development Program in Chemical, Biological  
3 and Radiological Warfare received by Defendants or prepared by the U.S. Army Chemical Corps  
4 Research & Development Command, Washington DC from 1943 to present.

5 **REQUEST FOR PRODUCTION NO. 117:**

6 Project ZR/ALERT and/or studies on the use of Psychological Programming for  
7 intelligence purposes, including counterintelligence and other operations situations, and all  
8 reports, MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 118:**

10 Activities, directions, procedures, regulations, requirements, standards, and violations of  
11 any of the same, and other DOCUMENTS CONCERNING the use of human beings in  
12 experiments received by, prepared by, and/or reviewed by the Medical Policy Council of the  
13 Armed Forces, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

14 **REQUEST FOR PRODUCTION NO. 119:**

15 "Summaries of Major Events and Problems" prepared by the U.S. Army Chemical Corps  
16 (and its successors) or received by YOU for the fiscal years 1943 to present.

17 **REQUEST FOR PRODUCTION NO. 120:**

18 The "large Edgewood Arsenal Binders compiled by the U.S. Army Surgeon General's  
19 Office," that contain alphabetical listing of approximately 7,000 army medical volunteers,  
20 including "case numbers, drug/agent administered, date, dose, and route of agent administration,  
21 height and weight and additive (in case of multiple agents/drugs) and or treatment used," as  
22 referred to in the DOCUMENT bearing Bates stamp VVA-VA023589 and all MEETINGS and  
23 COMMUNICATIONS CONCERNING the same.

24 **REQUEST FOR PRODUCTION NO. 121:**

25 The "VOLS TEAS Data," a 1981 printout which is described as "a data collection  
26 concerning persons possibly exposed to toxic substances at Edgewood who were seen at the  
27 Toxic Exposure Aid station. . . ," as described in the DOCUMENT bearing Bates stamp VVA-  
28 VA023589, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 122:**

2 DOCUMENTS regarding “Project Whitecoat” and biological tests on human beings  
3 performed at Fort Detrick or other sites that were under YOUR direction, supervision, financing  
4 or control, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 123:**

6 The follow-up study of the participants in “Project Whitecoat” to assess the “long-term  
7 effects, if any, of their participation in medical research” at Fort Detrick, as described in the  
8 DOCUMENT bearing Bates stamp VVA-VA023591, including, without limitation, findings,  
9 project design, data, summaries of data, and all MEETINGS and COMMUNICATIONS  
10 CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 124:**

12 DOCUMENTS regarding technical manuals, user guides, software, and hardware  
13 platform CONCERNING Department of Defense follow-up databases.

14 **REQUEST FOR PRODUCTION NO. 125:**

15 The 1960 Gottlieb Report referred to in Paragraph 27 page 19 of Exhibit B to the Second  
16 Amended Complaint, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 126:**

18 The activities, functions, and purpose of the Graphic Arts Reproduction Branch  
19 (“GARB”) of the Technical Services Division (“TSD”), as referred to in paragraph 4 of the  
20 Report of Inspection of MKULTRA/TSD, in the version of the CIA Inspector General Report  
21 produced by Defendants to Plaintiffs on Friday, April 30, 2010.

22 **REQUEST FOR PRODUCTION NO. 127:**

23 All agendas, reports, or analyses received, prepared or distributed by the GARB that relate  
24 to chemical and biological weapons research or testing.

25 **REQUEST FOR PRODUCTION NO. 128:**

26 The contract or contracts between Edgewood and [redacted name(s)] CONCERNING the  
27 collection of information on, and samples of new psychopharmaceuticals developed in Europe  
28 and Japan, as described on Page 2 of the May 23, 1973 Memorandum for the Director of R&D

1 produced by Defendants as VVA023819-20, and the use of such substances on experiments  
2 involving military personnel, and all MEETINGS and COMMUNICATIONS CONCERNING  
3 the same.

4 **REQUEST FOR PRODUCTION NO. 129:**

5 The development, purpose, testing, design, and use of the “Boomer” as identified in the  
6 May 6, 1974 Memorandum for the Inspector General re Project OFTEN (*see* VVA023823-25),  
7 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

8 **REQUEST FOR PRODUCTION NO. 130:**

9 The IDENTITY of the author of the May 6, 1974 Memorandum for the Inspector General  
10 re Project OFTEN, produced as VVA023823-25, the database of clinical records identified in  
11 Paragraph 3 of the Memorandum, the IDENTITY of the private industry members and university  
12 professors referred to in Paragraphs 4 and 5 of the Memorandum, the IDENTITY of the Division  
13 Chief referred to in Paragraph 7 of the Memorandum, copies of the Activity Reports referred to in  
14 Paragraph 8 of the Memorandum, and all MEETINGS and COMMUNICATIONS  
15 CONCERNING the same.

16 **REQUEST FOR PRODUCTION NO. 131:**

17 The records referred to in the Records Retirement Request dated May 14, 1974 re “Project  
18 Files 1965 to 1973,” as shown in the DOCUMENT bearing Bates stamp VVA023826-33, the  
19 IDENTITY of the records center where they were sent for storage, and the “Attachment A” as  
20 shown in the DOCUMENT bearing Bates stamp VVA023834.

21 **REQUEST FOR PRODUCTION NO. 132:**

22 Members of, assignments to, MEETINGS of, reports by, agendas, and  
23 COMMUNICATIONS CONCERNING the activities of the “special review panel” of members  
24 of the ORD and TSD organized to assist the drug research program as described on the last  
25 paragraph of the DOCUMENT bearing Bates stamp VVA023837.

26 **REQUEST FOR PRODUCTION NO. 133:**

27 All COMMUNICATIONS and MEETINGS between YOU and the “principal contractor”  
28 under Project OFTEN, as described in the first paragraph of the DOCUMENT bearing Bates

1 stamp VVA023838, and all reports, recommendations, summaries, budgets, assignments,  
2 research, test results, and analysis CONCERNING the activities performed by the principal  
3 contractor.

4 **REQUEST FOR PRODUCTION NO. 134:**

5 All COMMUNICATIONS and MEETINGS between YOU and the “subcontractor” under  
6 Project OFTEN, as described in the first paragraph of the DOCUMENT bearing Bates stamp  
7 VVA023838, and all reports, recommendations, summaries, budgets, assignments, research, test  
8 results, and analysis CONCERNING the activities performed by the subcontractor.

9 **REQUEST FOR PRODUCTION NO. 135:**

10 All COMMUNICATIONS and MEETINGS between YOU and the PERSON(S) who  
11 synthesized new drugs or derivatives under Project OFTEN, as described in the second paragraph  
12 of the DOCUMENT bearing Bates stamp VVA023838, and all reports, recommendations,  
13 summaries, budgets, assignments, research, test results, and analysis CONCERNING the  
14 activities performed by the PERSON(S) performing the synthesis work.

15 **REQUEST FOR PRODUCTION NO. 136:**

16 All COMMUNICATIONS and MEETINGS between YOU and the George Washington  
17 University and/or between its professors and staff CONCERNING Project OFTEN, as described  
18 in the third paragraph of the DOCUMENT bearing Bates stamp VVA023838, and all reports,  
19 recommendations, summaries, budgets, assignments, research, test results, and analysis  
20 CONCERNING the activities performed by George Washington University and/or its professors  
21 and staff.

22 **REQUEST FOR PRODUCTION NO. 137:**

23 All COMMUNICATIONS and MEETINGS between YOU and the Ivy Research  
24 Laboratories and/or Dr. Herbert W. Copelan CONCERNING Project OFTEN, whose names are  
25 listed in the first continuation paragraph on the DOCUMENT bearing Bates stamp VVA023839,  
26 and all reports, recommendations, summaries, budgets, assignments, research, test results, and  
27 analysis CONCERNING the activities performed by the Ivy Research Laboratories and/or Dr.  
28 Copelan.



1 **REQUEST FOR PRODUCTION NO. 138:**

2 The reason or reasons why "Agency" support to the clinical testing of EA#3167 and  
3 collection of information and samples regarding foreign drug development were terminated in  
4 January 1973, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 139:**

6 The information, samples, data, risks, reports received or sent, qualities of, classification  
7 and other information CONCERNING the drugs and substances the CIA obtained from drug and  
8 pharmaceutical companies, other government agencies, including the VA, NIH, FDA, and EARL,  
9 research laboratories, and other researchers, as described in the DOCUMENT bearing Bates  
10 stamp VVA02387.

11 **REQUEST FOR PRODUCTION NO. 140:**

12 The briefings delivered to upper management, including the DCI, the Executive  
13 Director/Comptroller, DDP and the DD/S&T on the drug research program, as described in the  
14 DOCUMENT bearing Bates stamp VVA023837, and all MEETINGS and COMMUNICATIONS  
15 CONCERNING the same.

16 **REQUEST FOR PRODUCTION NO. 141:**

17 All DOCUMENTS CONCERNING the following contracts: #4504, #4405, #5843,  
18 #9384, #71-530, #70-606, #73-605, ORD 7001-69, including, without limitation, interim and  
19 final reports, proposals, extensions, follow-on contracts, magnetic tapes, computer tabulations of  
20 test data, and all other contract files, correspondence, and reports listed or referred to in  
21 "Attachment B," bearing Bates stamp VVA023827-23831.

22 **REQUEST FOR PRODUCTION NO. 142:**

23 All DOCUMENTS CONCERNING the following contracts: ONR 73-530, including,  
24 without limitation, interim and final reports, proposals, extensions, follow-on contracts, magnetic  
25 tapes, computer tabulations of test data, and all other contract files, correspondence, and reports  
26 listed or referred to in Tables 1 through 4 in the DOCUMENTS bearing Bates stamp  
27 VVA023840-23843.

1 **REQUEST FOR PRODUCTION NO. 143:**

2 The minutes, activities, reports to, decisions by, applications to, members of, and other  
3 DOCUMENTS CONCERNING the ARTICHOKE Committee, as described in the DOCUMENT  
4 bearing Bates stamp VVA023857.

5 **REQUEST FOR PRODUCTION NO. 144:**

6 The IDENTITY of the “institutions” referred to in the DOCUMENT bearing Bates stamp  
7 VVA023857, and their activities or role in BLUEBIRD/ARTICHOKE.

8 **REQUEST FOR PRODUCTION NO. 145:**

9 The activities, decisions, files, approvals, comments and other DOCUMENTS  
10 CONCERNING the panel established to review the OFTEN program, as described on Page 5,  
11 Paragraph 12 of the DOCUMENT bearing Bates stamp VVA023861, and all MEETINGS and  
12 COMMUNICATIONS CONCERNING the same.

13 **REQUEST FOR PRODUCTION NO. 146:**

14 The termination of the CIA OFTEN program in January 1973 and the basis for and/or  
15 truth or falsity of the statement in Page 5, Paragraph 13 of the DOCUMENT bearing Bates stamp  
16 VVA023861 that “Edgewood did not progress to testing materials on human volunteer subjects  
17 under the work sponsored by the CIA.

18 **REQUEST FOR PRODUCTION NO. 147:**

19 The DOCUMENTS saved upon CIA’s termination of the OFTEN program, as described  
20 in Page 5, Paragraph 14 of the DOCUMENT bearing Bates stamp VVA023861, including data  
21 withdrawn from CIA computers, tapes, and other records.

22 **REQUEST FOR PRODUCTION NO. 148:**

23 The human experiment involving military volunteers and EA#3167, described in the  
24 DOCUMENT bearing Bates stamp VVA023907 as occurring in June 1973, and all MEETINGS  
25 and COMMUNICATIONS CONCERNING the same.

26 **REQUEST FOR PRODUCTION NO. 149:**

27 The DOCUMENTS listed in Appendix A (Army DOCUMENTS) of the DOCUMENT  
28 bearing Bates stamp range VVA023903-23919, and the DOCUMENTS listed in Appendix C

1 (CIA) of the DOCUMENT bearing Bates stamp range VVA023903-23919, and all MEETINGS  
2 and COMMUNICATIONS CONCERNING the same.

3 **REQUEST FOR PRODUCTION NO. 150:**

4 The DOCUMENT referred to at the top of the DOCUMENT bearing Bates stamp  
5 VVA023839 as unclassified Research Report Number VII, ID50 of Agent 926 by Dr. Herbert W.  
6 Copelan, Ivy Research Laboratories, Inc. submitted in May 1970, to the Medical Research  
7 Laboratories, Directorate of Laboratories, Edgewood Arsenal.

8 **REQUEST FOR PRODUCTION NO. 151:**

9 The MKPILOT Project and all MEETINGS and COMMUNICATIONS between or  
10 among YOU and the Lexington Narcotics Hospital.

11 **REQUEST FOR PRODUCTION NO. 152:**

12 Copies of every signed consent form and any other documents that YOU rely upon to  
13 support YOUR affirmative defense of consent in YOUR Answer to the Second Amended  
14 Complaint.

15  
16 Dated: May 10, 2010

GORDON P. ERSPAMER  
TIMOTHY W. BLAKELY  
ADRIANO HRVATIN  
STACEY M. SPRENKEL  
MORRISON & FOERSTER LLP

17  
18  
19  
20  
21 By:   
Gordon P. Erspamer

22 Attorneys for Plaintiffs  
23 Vietnam Veterans of America; Swords to  
24 Plowshares: Veterans Rights Organization;  
25 Bruce Price; Franklin D. Rochelle; Larry  
26 Meirow; Eric P. Muth; David C. Dufrane; and  
27 Wray C. Forrest  
28

1 **PROOF OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address  
3 is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause,  
4 and I am over the age of eighteen years.

5 I further declare that on May 10, 2010, I served a copy of:

6 **PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION OF**  
7 **DOCUMENTS TO ALL DEFENDANTS**

8 **By Overnight Delivery [Code Civ. Proc sec. 1013(d)]** by placing a true copy thereof  
9 enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection  
10 by UPS, at 425 Market Street, San Francisco, California 94105-2482 in accordance with  
11 Morrison & Foerster LLP's ordinary business practices.

12 I am readily familiar with Morrison & Foerster LLP's practice for collection and processing  
13 of correspondence for overnight delivery and know that in the ordinary course of Morrison &  
14 Foerster LLP's business practice the document(s) described above will be deposited in a box or  
15 other facility regularly maintained by UPS or delivered to an authorized courier or driver  
16 authorized by UPS to receive documents on the same date that it (they) is are placed at  
17 Morrison & Foerster LLP for collection.

18 Caroline Lewis Wolverton  
19 Civil Division, Federal Programs Branch  
20 U.S. Department of Justice  
P.O. Box 883  
Washington, D.C. 20044

21 I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct.

23 Executed at San Francisco, California, this 10th day of May, 2010.

24  
25  
26  
27   
N.E. Marcus

1 GORDON P. ERSPAMER (CA SBN 83364)  
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10 Attorneys for Plaintiffs  
 Vietnam Veterans of America; Bruce Price;  
 11 Franklin D. Rochelle; Larry Meirow; Eric P. Muth;  
 David C. Dufrane; and Wray C. Forrest  
 12

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, a Non-  
 16 Profit Corporation; BRUCE PRICE; FRANKLIN  
 D. ROCHELLE; LARRY MEIROW; ERIC P.  
 17 MUTH; DAVID C. DUFRANE; and WRAY C.  
 FORREST, Individuals,

18 Plaintiffs,

19 v.

20 CENTRAL INTELLIGENCE AGENCY;  
 21 GENERAL MICHAEL V. HAYDEN, USAF,  
 Director of the Central Intelligence Agency;  
 22 UNITED STATES DEPARTMENT OF  
 DEFENSE; DR. ROBERT M. GATES, Secretary  
 23 of Defense; UNITED STATES DEPARTMENT  
 OF THE ARMY; PETE GEREN, United States  
 24 Secretary of the Army; UNITED STATES OF  
 AMERICA; and MICHAEL B. MUKASEY,  
 25 Attorney General of the United States,

26 Defendants.

Case No. CV 09-0037-CW

**PLAINTIFFS' THIRD SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

1 PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Bruce Price; Franklin D.  
2 Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and  
Wray C. Forrest

3 RESPONDING PARTIES: Defendants Central Intelligence Agency; General Michael V.  
4 Hayden, USAF, Director of the Central Intelligence Agency;  
5 United States Department of Defense; Dr. Robert M. Gates,  
6 Secretary of Defense; United States Department of the Army;  
Pete Geren, United States Secretary of the Army; United States  
of America; and Michael B. Mukasey, Attorney General of the  
United States

7 SET NUMBER: Three

8 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam  
9 Veterans of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David  
10 C. Dufrane and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named  
11 defendants (collectively, "Defendants") separately produce for inspection and copying the  
12 documents and things set forth below that are in their possession, custody or control, or in the  
13 possession, custody or control of their attorneys and/or accountants, their investigators and any  
14 persons acting on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street,  
15 San Francisco, California 94105, or another place as may be mutually agreed upon, within  
16 thirty (30) days of the service of this request.

#### 17 DEFINITIONS

18 Unless otherwise indicated, the following definitions shall apply:

19 1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise  
20 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any  
21 other writing; (b) any telephone call between two or more PERSONS, whether or not such call  
22 was by chance or prearranged, formal or informal; and (c) any conversation or MEETING  
23 between two or more PERSONS, whether or not such contact was by chance or prearranged,  
24 formal or informal, including without limitation, conversations or MEETINGS occurring via  
25 telephone, teleconference, video conference, electronic mail (e-mail) or instant electronic  
26 messenger.

27 2. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any  
28 expression, COMMUNICATION or representation has been recorded by any means, including

1 but not limited to, handwriting, typewriting, printing, photostating, photographing, magnetic  
2 impulse or mechanical or electronic recording and any non-identical copies (whether different  
3 from the original because of notes made on such copies, because of indications that said copies  
4 were sent to different individuals than were the originals or because of any other reason),  
5 including but not limited to, working papers, preliminary, intermediate or final drafts,  
6 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices,  
7 financial statements, financial calculations, diaries, reports of telephone or other oral  
8 conversations, desk calendars, appointment books, audio or video tape recordings, e-mail or  
9 electronic mail, electronic folders, microfilm, microfiche, computer tape, computer disk,  
10 computer printout, computer card and all other writings and recordings of every kind that are in  
11 YOUR actual or constructive possession, custody or control.

12 3. "IDENTIFY" or "IDENTITY" means:

13 a. with respect to a PERSON, to state the PERSON's full name, current or  
14 last known employer, that employer's address and telephone number, the PERSON's title  
15 and/or position with that employer, and the PERSON's current or last known home address and  
16 telephone number;

17 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,  
18 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the  
19 title of the DOCUMENT (if any), the date it was created, the author, all intended recipients  
20 including the addressee and any and all copyees, a brief description of the subject matter of the  
21 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY  
22 all present or last known person in possession, custody or control of the DOCUMENT;

23 c. with respect to a COMMUNICATION to state the name and affiliation  
24 of all PERSONS participating in, or present for, the COMMUNICATION, the date of the  
25 COMMUNICATION, and whether it was conducted in person or by other means (such as  
26 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by  
27 audio or videotape);  
28



1 d. with respect to a MEETING to state the names and affiliations of all  
2 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the  
3 location of the MEETING and the purpose of the MEETING.

4 4. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or  
5 telephone, television, radio or other electronic communication between or among persons,  
6 whether such was by chance or prearranged, informal or formal.

7 5. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,  
8 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of  
9 organization or arrangement and government and government agency of every nature and type.

10 6. "YOU" or "YOUR" means the Defendants in this action, and all of their offices,  
11 departments, organizations, administrations, boards, commissions, task forces, management,  
12 and past and present employees and service members. These terms also include any  
13 representatives or agents acting on YOUR behalf, including without limitation, attorneys,  
14 investigators or consultants.

15 7. "CONCERNING" means constituting, summarizing, memorializing, referring to,  
16 regarding and/or relating to.

#### 17 SPECIAL DEFINITIONS

18 Unless otherwise indicated, the following special definitions shall apply:

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its  
20 offices, departments, organizations, administrations, boards, commissions, task forces,  
21 management, and past and present employees and service members.

22 2. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department  
23 of Defense, and all its offices, departments, organizations, administrations, boards,  
24 commissions, task forces, management, and past and present employees and service members.

25 3. "DEPARTMENT OF THE ARMY" or "DoA" means the United States  
26 Department of the Army, and all its offices, departments, organizations, administrations,  
27 boards, commissions, task forces, management, and past and present employees and service  
28 members.

1 4. "GAO" means the United States Government Accountability Office and all its  
2 predecessors, offices, departments, organizations, administrations, boards, commissions, task  
3 forces, management, and past and present employees.

4 5. "IOM" means the Institute of Medicine, a branch of the National Academies, and  
5 all its predecessors, offices, departments, organizations, administrations, boards, commissions,  
6 task forces, management, and past and present employees.

7 6. "NRC" means the National Research Council, a branch of the National Academies,  
8 and all its predecessors, offices, departments, organizations, administrations, boards,  
9 commissions, task forces, management, and past and present employees.

10 7. "NAS" means the National Academy of Sciences, a branch of the National  
11 Academies, and all its predecessors, offices, departments, organizations, administrations,  
12 boards, commissions, task forces, management, and past and present employees.

13 8. "VA" or "DVA" means the United States Department of Veterans Affairs, and all  
14 its offices, departments, organizations, administrations, boards, consultants, commissions, task  
15 forces, management, and past and present employees.

16 9. "DAIG" means the Department of the Army Inspector General, and all its offices,  
17 departments, organizations, administrations, boards, commissions, task forces, management,  
18 and past and present employees.

19 10. "TEST PROGRAMS" means each of the projects identified in the Complaint,  
20 including without limitation, Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"  
21 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any  
22 other program of experimentation involving human testing of any substance, including but not  
23 limited to, "MATERIAL TESTING PROGRAM EA 1729."

24 11. "BLUEBIRD" means, including without limitation, the official code name given  
25 in or around 1950 to the secret test program conducted by one or more of YOU  
26 CONCERNING special interrogation methods, including the use of drugs, hypnosis and  
27 isolation upon human test subjects.

1           12. "ARTICHOKE" means, including without limitation, the official code name  
2 given in or around 1951 to the secret test program conducted by one or more of YOU  
3 CONCERNING the study of special interrogation techniques and the use of chemicals, among  
4 other methods, to produce amnesia and other vulnerable states in human test subjects.

5           13. "MKDELTA" means, including without limitation, the official code name given  
6 in or around 1952 to the secret test program conducted by one or more of YOU  
7 CONCERNING the use of biochemicals in clandestine military operations.

8           14. "MKULTRA" means, including without limitation, the official code name given  
9 in or around 1953 to the secret test program conducted by one or more of YOU  
10 CONCERNING the surreptitious use of many types of drugs, as well as other methods, to  
11 manipulate individual mental states and to alter brain function, and that continued at least  
12 through the late 1960s.

13           15. "MKNAOMI" means, including without limitation, the official code name given  
14 to the secret test program conducted by one or more of YOU CONCERNING the stockpiling  
15 of severely incapacitating and lethal materials and the development of gadgetry for the  
16 dissemination of these materials.

17           16. "MKSEARCH" means, including without limitation, the official code name  
18 given in or around 1964 to the secret test program conducted by one or more of YOU  
19 CONCERNING the development of methods to manipulate human behavior through the use of  
20 drugs and other chemical substances.

21           17. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the  
22 official code name given to the secret test program conducted by one or more of YOU  
23 CONCERNING the identification of new drugs in Europe and Asia and collection of  
24 information and samples CONCERNING same.

25           18. "MKOFTEN" means, including without limitation, the official code name given  
26 to the secret test program conducted by one or more of YOU CONCERNING the behavioral  
27 and toxicological effects of certain drugs on animals and humans.

28

1 19. "MATERIAL TESTING PROGRAM EA 1729" means, including without  
2 limitation, the official code name given to the secret test program by one or more of YOU  
3 CONCERNING the testing of lysergic acid diethylamide ("LSD") as an intelligence-gathering  
4 technique.

5 20. "EDGEWOOD ARSENAL" means the southern sector of the military installation  
6 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of  
7 land between the Gunpowder and Bush rivers.

### 8 CONSTRUCTION

9 The following rules of construction shall also apply:

- 10 1. "All" or "each" shall be construed as "all and each."  
11 2. "Any" should be understood to include and encompass "all;" "all" should be  
12 understood to include and encompass "any."  
13 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary  
14 to bring within the scope of the discovery request all responses that might otherwise be  
15 construed to be outside of its scope.

- 16 4. The use of the singular form of any word shall include the plural and vice versa.

### 17 INSTRUCTIONS

18 The following instructions shall apply:

- 19 1. In the event YOU produce original documents for inspection and copying, such  
20 production shall be as the documents are kept in the usual course of business.  
21 2. In lieu of production for inspection and copying, YOU may produce the requested  
22 documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the  
23 aforesaid address, and make the originals available for inspection at a mutually agreed-upon  
24 location, during normal business hours and upon reasonable notice. The documents copied  
25 shall be copied as they are kept in the normal course of business, and any titles, labels or other  
26 descriptions on any box, folder, binder, file cabinet or other container shall be copied as well.  
27 3. Each document is to be produced, along with all non-identical copies, drafts,  
28 alterations and translations thereof, in its entirety, without abbreviations or redactions.

1           4. If any part of a document is responsive to any of the following requests, the entire  
2 document shall be produced.

3           5. If YOU withhold any of the requested documents from production under a claim  
4 of privilege or other protection, it must serve within thirty (30) days of the service of this  
5 request a list of such withheld documents ("privilege log") indicating, for each document  
6 withheld, the following information if known or available to YOU: (i) the date composed or  
7 date appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of  
8 copies made; (v) the identity of all persons or entities who saw the original document or saw or  
9 received a copy of such document, and the job titles of each such person; (vi) the subject  
10 matter; and (vii) the basis for claim of privilege or other immunity asserted. The privilege log  
11 should be sufficiently detailed to permit Plaintiffs to determine whether to make a motion with  
12 respect thereto.

13           6. If YOU are aware of the existence of any requested items that they are unable to  
14 produce, specify in writing and serve upon the undersigned a list indicating the identity of such  
15 documents within thirty (30) days of the service of this request. Such identification should, for  
16 each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost,  
17 misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or  
18 control of the responding party, in which case the name and address of any person or entity  
19 known or believed by YOU to have possession, custody or control of that document or  
20 category of documents should be identified. In each such instance, each of YOU is to identify  
21 the document by author, addressee, date, subject matter, number of pages, attachments or  
22 appendices, all persons to whom it was distributed, shown or explained, date and manner of  
23 destruction or other disposition, the reason for destruction or other disposition, and persons  
24 destroying or disposing of the document.

25           7. If YOU contend that any of the following requests is objectionable in whole or in  
26 part, YOU shall state with particularity each objection, the basis for it and the categories of  
27 information and documents to which the objection applies, and YOU shall respond to the  
28 request insofar as it is not deemed objectionable.

1 8. If YOU find the meaning of any term in these requests unclear, YOU shall assume  
2 a reasonable meaning, state what the assumed meaning is, and respond to the request according  
3 to the assumed meaning.

4 9. The following requests shall be deemed to be continuing. In accordance with Rule  
5 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the  
6 requests, YOU acquire additional knowledge or information regarding documents or things  
7 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such  
8 additional knowledge or information.

9 10. Unless otherwise specified, each request calls for all documents created, received,  
10 or dated between January 1, 1940 and the date of YOUR response to the request.

11 **REQUESTS FOR PRODUCTION**

12 **PREAMBLE TO ALL REQUESTS:** All DOCUMENTS CONCERNING any one or  
13 more of the following:

14 **REQUEST FOR PRODUCTION NO. 153:**

15 An agreement between the CIA and the U.S. Department of Justice, arranged by CIA  
16 General Counsel Lawrence Houston and Attorney General William P. Rogers in February  
17 1954, whereby the violation of "criminal statutes" by CIA would not result in Department of  
18 Justice prosecutions if highly classified and complex covert operations were threatened with  
19 exposure.

20 **REQUEST FOR PRODUCTION NO. 154:**

21 The U.S. Army's involvement in Project Bluebird between 1949 and 1951, including,  
22 but not limited to Project Bluebird programs in which former American prisoners of war in  
23 Army hospitals were subjected to various behavioral modification programs, including the use  
24 of experimental drugs and special interrogation methods.

25 **REQUEST FOR PRODUCTION NO. 155:**

26 Collaboration between officials within CIA's Security Office, scientists from Fort  
27 Detrick's Special Operations Division, and scientists from other Army installations, including  
28



1 Edgewood Arsenal, on experiments with LSD, mescaline, peyote, and synthesized substance  
2 known as "Smasher" in the summer of 1951.

3 **REQUEST FOR PRODUCTION NO. 156:**

4 A Project Artichoke program using American military men serving court martial  
5 sentences in federal prisons as human test subjects in experiments conducted at a reformatory  
6 in Bordertown, New Jersey, St. Elizabeth's Hospital, Washington, D.C., a Veteran  
7 Administration hospital in Detroit Michigan, and a Federal Narcotics Farm in Lexington  
8 Kentucky, among other places, including, but not limited to a September 1953 memorandum  
9 from Project Artichoke director Morse Allen to Paul Gaynor, head of the CIA's Security  
10 Research Staff, suggesting that the government induce participation in the experiments by  
11 promising that recommendations would be made to the Adjutant General's office to have  
12 prisoners' sentences appropriately reduced if they co-operated in experimentation.

13 **REQUEST FOR PRODUCTION NO. 157:**

14 A certain Report of the Ad Hoc Study Group on Psychochemicals, published on or  
15 around November 19, 1955, which made recommendations regarding the study of  
16 psychochemicals and is sometimes referred to as the "Wolff Committee Report" or the "Wolff  
17 Report."

18 **REQUEST FOR PRODUCTION NO. 158:**

19 A memorandum from the chairman of the U.S. Army Research and Development  
20 Coordinating Committee on Biological and Chemical Warfare, dated on or around June 3,  
21 1955, which requested the Technical Advisory Panel on Biological and Chemical Warfare to  
22 study the use of psychochemical agents and preceded the creation of the Ad Hoc Study Group  
23 on Psychochemicals ("Wolff Committee").

24 **REQUEST FOR PRODUCTION NO. 159:**

25 Attempts or efforts by Defendants to enforce the secrecy oaths described in Paragraphs  
26 156-160 of the Second Amended Complaint.



1 **REQUEST FOR PRODUCTION NO. 160:**

2 The 1949 report by Dr. L. Wilson Greene, Technical Director of the Chemical and  
3 Radiological Laboratories at the Army Chemical Center, entitled "Psychochemical Warfare, A  
4 New Concept of War," and all MEETINGS and COMMUNICATIONS CONCERNING the  
5 same.

6 **REQUEST FOR PRODUCTION NO. 161:**

7 The DOD study of the potential importance of certain psychochemical materials,  
8 including LSD, which was conducted by the Ad Hoc Study Group of Psychochemicals under  
9 the Technical Advisory Panel on CW and BW of the Offices of the Assistant Secretary of  
10 Defense for Research and Development, which was ongoing as of 1955, the CIA's financial  
11 support of this study, and all MEETINGS and COMMUNICATIONS CONCERNING the  
12 same.

13 **REQUEST FOR PRODUCTION NO. 162:**

14 MEETINGS and COMMUNICATIONS between or among any of the following  
15 persons and the CIA CONCERNING psychochemicals:

16 Dr. L. Wilson Greene, Technical Director, Chemical Corps, Chemical and Radiological  
17 Laboratories, Army Chemical Center;

18 Dr. David Bruce Dill, Scientific Director, Chemical Corps, Medical Laboratory, Army  
19 Chemical Center;

20 Dr. Armedeo Marrazzi, a scientist at the Medical Laboratory, Army Chemical Center;

21 Capt. Clifford P. Phoebus, Chief, Biological Sciences Division, Office of Naval  
22 Research;

23 Brig. Gen. Don D. Flickinger, ARDC, U.S.A.F.; and

24 Lt. Col. Alexander Batlin, Office of the Assistant Secretary of Defense (Research and  
25 Development).

26 **REQUEST FOR PRODUCTION NO. 163:**

27 Study prepared by Dr. Sidney Gottlieb, Deputy Chief of TSD, scientific advisor to the  
28 Deputy Director/Plans, dated April 21, 1960, entitled "Scientific and Technical Problems in

1 Covert Action Operations,” including Appendix B entitled “The Applicability of Special  
2 Chemicals and Biologicals to Clandestine Operations,” and all MEETINGS and  
3 COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 164:**

5 The Report of the Ad Hoc Advisory Committee on Chemical Corps Mission and  
6 Structure as referred to on pages 6-7 of the Summary of Major Events and Problems, United  
7 States Army Chemical Corps (November 1956) and all MEETINGS and  
8 COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 165:**

10 The permission granted for the use of human volunteers in the evaluation of biological  
11 agents, the plan drawn up at Fort Detrick for the assessment of BW agents and vaccines and  
12 plan approval by the Surgeon General, and the work carried out under contract in a medical  
13 school, as described on page 6 of the document entitled Summary of Major Events and  
14 Problems (Reports Control Symbol CSHIS-6), Historical Office of the Chief Chemical Officer  
15 for Fiscal Year 1954 (September 1954), and all MEETINGS and COMMUNICATIONS  
16 CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 166:**

18 The report issued by the so-called Miller Committee identified on page 6 of the  
19 DOCUMENT entitled Summary of Major Events and Problems, United States Chemical Corps  
20 for Fiscal Year 1955, Historical Office of the Chief Chemical Officer (December 1955) and all  
21 MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 167:**

23 Agendas, presentations, materials, reports or other DOCUMENTS CONCERNING the  
24 preparation for and conduct of 11th CBR Tripartite Conference in 1956, as described on pages  
25 85 and 86 of the Summary of Major Events and Problems, United States Army Chemical  
26 Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov. 1956), and other conferences  
27 held between 1945 and 1977, and all MEETINGS and COMMUNICATIONS CONCERNING  
28 the same.

1 **REQUEST FOR PRODUCTION NO. 168:**

2 The agendas, transcripts, correspondence, reports, recommendations, presentations and  
3 COMMUNICATIONS and MEETINGS CONCERNING the Wolff Committee as referred to  
4 on page 129 of the Summary of Major Events and Problems, United States Army Chemical  
5 Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov. 1956).

6 **REQUEST FOR PRODUCTION NO. 169:**

7 The CmlC Consolidated R&D Annual Report, Project 4-08-03-016 and other  
8 DOCUMENTS referred to in footnote 170, page 98 of the Summary of Major Events and  
9 Problems, United States Army Chemical Corps, Fiscal Year 1956, Chemical Corps Historical  
10 Office (Nov. 1956), and all MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 170:**

12 The research programs and studies of biological weapons described on page 104 of the  
13 Summary of Major Events and Problems, United States Army Chemical Corps, Fiscal Year  
14 1956, Chemical Corps Historical Office (Nov. 1956), including but not limited to, experiments  
15 and the results of experiments, conducted at or under the direction of the special medical unit  
16 set up by the Surgeon General at Fort Detrick to operate the hospital facility and all  
17 MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 171:**

19 Reports, contracts, notes, subcontracts and other DOCUMENTS CONCERNING the  
20 Kharasch program of collaboration between university professors and the Chemical Corps, as  
21 described on pages 101 through 103 of the Summary of Major Events and Problems, United  
22 States Army Chemical Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov.  
23 1956), and all MEETINGS and COMMUNICATIONS CONCERNING the same.

24 **REQUEST FOR PRODUCTION NO. 172:**

25 The report and DOCUMENTS referenced in the report of the Ad Hoc Committee or  
26 Reeves Committee and its approval by the Defense Science Board, as referenced on pages 88  
27 and 93 of the Summary of Major Events and Problems, United States Army Chemical Corp,  
28

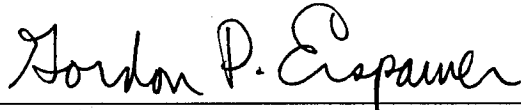
1 Fiscal Year 1958, U.S. Army Chemical Corps Field Office (MARCH 1959) and all  
2 MEETINGS and COMMUNICATIONS CONCERNING the same.

3 **REQUEST FOR PRODUCTION NO. 173:**

4 Agendas, presentations, materials, reports or other DOCUMENTS CONCERNING the  
5 Quadripartite Standing Working Group on Chemical Warfare, including but not limited to the  
6 Proceedings of the 1st Meeting of the Quadripartite Standing Working Group on Chemical  
7 Warfare at Edgewood Arsenal in 1965, and all MEETINGS and COMMUNICATIONS  
8 CONCERNING the same.

9  
10 Dated: July 1, 2010

GORDON P. ERSPAMER  
TIMOTHY W. BLAKELY  
ADRIANO HRVATIN  
STACEY M. SPRENKEL  
DANIEL J. VECCHIO  
DIANA LUO  
MORRISON & FOERSTER LLP

11  
12  
13  
14  
15 By:   
16 Gordon P. Erspamer

17 Attorneys for Plaintiffs  
18 Vietnam Veterans of America; Bruce Price;  
19 Franklin D. Rochelle; Larry Meirow; Eric P.  
20 Muth; David C. Dufrane; and Wray C. Forrest

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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**PLAINTIFFS' THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

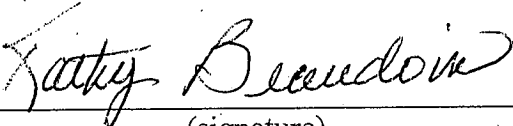
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Caroline Lewis Wolverton  
Trial Attorney  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
P.O. Box 883  
Washington, D.C. 20044

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 1<sup>st</sup> day of July, 2010.

Kathy Beaudoin  
(typed)

  
(signature)

COPY

1 GORDON P. ERSPAMER (CA SBN 83364)  
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 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
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10 Attorneys for Plaintiffs  
 Vietnam Veterans of America; Swords to Plowshares: Veterans  
 11 Rights Organization; Bruce Price; Franklin D. Rochelle; Larry  
 Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest  
 12

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, a Non-  
 16 Profit Corporation; SWORDS TO  
 PLOWSHARES: VETERANS RIGHTS  
 17 ORGANIZATION, a California Non-Profit  
 Corporation; BRUCE PRICE; FRANKLIN D.  
 18 ROCHELLE; LARRY MEIROW; ERIC P.  
 MUTH; DAVID C. DUFRANE; and WRAY C.  
 19 FORREST, Individuals,

Case No. CV 09-0037-CW

**PLAINTIFFS' FOURTH SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

20 Plaintiffs,

21 v.

22 CENTRAL INTELLIGENCE AGENCY;  
 GENERAL MICHAEL V. HAYDEN, USAF,  
 23 Director of the Central Intelligence Agency;  
 UNITED STATES DEPARTMENT OF  
 24 DEFENSE; DR. ROBERT M. GATES, Secretary  
 of Defense; UNITED STATES DEPARTMENT  
 25 OF THE ARMY; PETE GEREN, United States  
 Secretary of the Army; UNITED STATES OF  
 26 AMERICA; and MICHAEL B. MUKASEY,  
 Attorney General of the United States,  
 27

Defendants.  
 28

1 PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Bruce Price; Franklin D.  
2 Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and  
3 Wray C. Forrest

4 RESPONDING PARTIES: Defendants Central Intelligence Agency; General Michael V.  
5 Hayden, USAF, Director of the Central Intelligence Agency;  
6 United States Department of Defense; Dr. Robert M. Gates,  
7 Secretary of Defense; United States Department of the Army;  
8 Pete Geren, United States Secretary of the Army; United States  
9 of America; and Michael B. Mukasey, Attorney General of the  
10 United States

11 SET NUMBER: Four

12 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam  
13 Veterans of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David  
14 C. Dufrane and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named  
15 defendants (collectively, "Defendants") separately produce for inspection and copying the  
16 documents and things set forth below that are in their possession, custody or control, or in the  
17 possession, custody or control of their attorneys and/or accountants, their investigators and any  
18 persons acting on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street,  
19 San Francisco, California 94105, or another place as may be mutually agreed upon, within  
20 thirty (30) days of the service of this request.

### 21 DEFINITIONS

22 Unless otherwise indicated, the following definitions shall apply:

23 1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise  
24 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any  
25 other writing; (b) any telephone call between two or more PERSONS, whether or not such call  
26 was by chance or prearranged, formal or informal; and (c) any conversation or MEETING  
27 between two or more PERSONS, whether or not such contact was by chance or prearranged,  
28 formal or informal, including without limitation, conversations or MEETINGS occurring via  
telephone, teleconference, video conference, electronic mail (e-mail) or instant electronic  
messenger.

2. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any  
expression, COMMUNICATION or representation has been recorded by any means, including



1 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic  
2 impulse or mechanical or electronic recording and any non-identical copies (whether different  
3 from the original because of notes made on such copies, because of indications that said copies  
4 were sent to different individuals than were the originals or because of any other reason),  
5 including but not limited to, working papers, preliminary, intermediate or final drafts,  
6 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices,  
7 financial statements, financial calculations, diaries, reports of telephone or other oral  
8 conversations, desk calendars, appointment books, audio or video tape recordings, e-mail or  
9 electronic mail, electronic folders, microfilm, microfiche, computer tape, computer disk,  
10 computer printout, computer card and all other writings and recordings of every kind that are in  
11 YOUR actual or constructive possession, custody or control.

12 3. "IDENTIFY" or "IDENTITY" means:

13 a. with respect to a PERSON, to state the PERSON's full name, current or  
14 last known employer, that employer's address and telephone number, the PERSON's title  
15 and/or position with that employer, and the PERSON's current or last known home address and  
16 telephone number;

17 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,  
18 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the  
19 title of the DOCUMENT (if any), the date it was created, the author, all intended recipients  
20 including the addressee and any and all copyees, a brief description of the subject matter of the  
21 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY  
22 all present or last known person in possession, custody or control of the DOCUMENT;

23 c. with respect to a COMMUNICATION to state the name and affiliation  
24 of all PERSONS participating in, or present for, the COMMUNICATION, the date of the  
25 COMMUNICATION, and whether it was conducted in person or by other means (such as  
26 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by  
27 audio or videotape);

1 d. with respect to a MEETING to state the names and affiliations of all  
2 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the  
3 location of the MEETING and the purpose of the MEETING.

4 4. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or  
5 telephone, television, radio or other electronic communication between or among persons,  
6 whether such was by chance or prearranged, informal or formal.

7 5. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,  
8 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of  
9 organization or arrangement and government and government agency of every nature and type.

10 6. "YOU" or "YOUR" means the Defendants in this action, and all of their offices,  
11 departments, organizations, administrations, boards, commissions, task forces, management,  
12 and past and present employees and service members. These terms also include any  
13 representatives or agents acting on YOUR behalf, including without limitation, attorneys,  
14 investigators or consultants.

15 7. "CONCERNING" means constituting, summarizing, memorializing, referring to,  
16 regarding and/or relating to.

#### 17 SPECIAL DEFINITIONS

18 Unless otherwise indicated, the following special definitions shall apply:

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its  
20 offices, departments, organizations, administrations, boards, commissions, task forces,  
21 management, and past and present employees and service members.

22 2. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department  
23 of Defense, and all its offices, departments, organizations, administrations, boards,  
24 commissions, task forces, management, and past and present employees and service members.

25 3. "DEPARTMENT OF THE ARMY" or "DoA" means the United States  
26 Department of the Army, and all its offices, departments, organizations, administrations,  
27 boards, commissions, task forces, management, and past and present employees and service  
28 members.

1 4. "GAO" means the United States Government Accountability Office and all its  
2 predecessors, offices, departments, organizations, administrations, boards, commissions, task  
3 forces, management, and past and present employees.

4 5. "IOM" means the Institute of Medicine, a branch of the National Academies, and  
5 all its predecessors, offices, departments, organizations, administrations, boards, commissions,  
6 task forces, management, and past and present employees.

7 6. "NRC" means the National Research Council, a branch of the National Academies,  
8 and all its predecessors, offices, departments, organizations, administrations, boards,  
9 commissions, task forces, management, and past and present employees.

10 7. "NAS" means the National Academy of Sciences, a branch of the National  
11 Academies, and all its predecessors, offices, departments, organizations, administrations,  
12 boards, commissions, task forces, management, and past and present employees.

13 8. "VA" or "DVA" means the United States Department of Veterans Affairs, and all  
14 its offices, departments, organizations, administrations, boards, consultants, commissions, task  
15 forces, management, and past and present employees.

16 9. "DAIG" means the Department of the Army Inspector General, and all its offices,  
17 departments, organizations, administrations, boards, commissions, task forces, management,  
18 and past and present employees.

19 10. "TEST PROGRAMS" means each of the projects identified in the Complaint,  
20 including without limitation, Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"  
21 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any  
22 other program of experimentation involving human testing of any substance, including but not  
23 limited to, "MATERIAL TESTING PROGRAM EA 1729."

24 11. "BLUEBIRD" means, including without limitation, the official code name given  
25 in or around 1950 to the secret test program conducted by one or more of YOU  
26 CONCERNING special interrogation methods, including the use of drugs, hypnosis and  
27 isolation upon human test subjects.  
28

1           12. "ARTICHOKE" means, including without limitation, the official code name  
2 given in or around 1951 to the secret test program conducted by one or more of YOU  
3 CONCERNING the study of special interrogation techniques and the use of chemicals, among  
4 other methods, to produce amnesia and other vulnerable states in human test subjects.

5           13. "MKDELTA" means, including without limitation, the official code name given  
6 in or around 1952 to the secret test program conducted by one or more of YOU  
7 CONCERNING the use of biochemicals in clandestine military operations.

8           14. "MKULTRA" means, including without limitation, the official code name given  
9 in or around 1953 to the secret test program conducted by one or more of YOU  
10 CONCERNING the surreptitious use of many types of drugs, as well as other methods, to  
11 manipulate individual mental states and to alter brain function, and that continued at least  
12 through the late 1960s.

13           15. "MKNAOMI" means, including without limitation, the official code name given  
14 to the secret test program conducted by one or more of YOU CONCERNING the stockpiling  
15 of severely incapacitating and lethal materials and the development of gadgetry for the  
16 dissemination of these materials.

17           16. "MKSEARCH" means, including without limitation, the official code name  
18 given in or around 1964 to the secret test program conducted by one or more of YOU  
19 CONCERNING the development of methods to manipulate human behavior through the use of  
20 drugs and other chemical substances.

21           17. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the  
22 official code name given to the secret test program conducted by one or more of YOU  
23 CONCERNING the identification of new drugs in Europe and Asia and collection of  
24 information and samples CONCERNING same.

25           18. "MKOFTEN" means, including without limitation, the official code name given  
26 to the secret test program conducted by one or more of YOU CONCERNING the behavioral  
27 and toxicological effects of certain drugs on animals and humans.  
28

1 19. "MATERIAL TESTING PROGRAM EA 1729" means, including without  
2 limitation, the official code name given to the secret test program by one or more of YOU  
3 CONCERNING the testing of lysergic acid diethylamide ("LSD") as an intelligence-gathering  
4 technique.

5 20. "EDGEWOOD ARSENAL" means the southern sector of the military installation  
6 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of  
7 land between the Gunpowder and Bush rivers.

### 8 CONSTRUCTION

9 The following rules of construction shall also apply:

- 10 1. "All" or "each" shall be construed as "all and each."
- 11 2. "Any" should be understood to include and encompass "all;" "all" should be  
12 understood to include and encompass "any."
- 13 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary  
14 to bring within the scope of the discovery request all responses that might otherwise be  
15 construed to be outside of its scope.
- 16 4. The use of the singular form of any word shall include the plural and vice versa.

### 17 INSTRUCTIONS

18 The following instructions shall apply:

- 19 1. In the event YOU produce original documents for inspection and copying, such  
20 production shall be as the documents are kept in the usual course of business.
- 21 2. In lieu of production for inspection and copying, YOU may produce the requested  
22 documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the  
23 aforesaid address, and make the originals available for inspection at a mutually agreed-upon  
24 location, during normal business hours and upon reasonable notice. The documents copied  
25 shall be copied as they are kept in the normal course of business, and any titles, labels or other  
26 descriptions on any box, folder, binder, file cabinet or other container shall be copied as well.
- 27 3. Each document is to be produced, along with all non-identical copies, drafts,  
28 alterations and translations thereof, in its entirety, without abbreviations or redactions.

1           4. If any part of a document is responsive to any of the following requests, the entire  
2 document shall be produced.

3           5. If YOU withhold any of the requested documents from production under a claim  
4 of privilege or other protection, it must serve within thirty (30) days of the service of this  
5 request a list of such withheld documents (“privilege log”) indicating, for each document  
6 withheld, the following information if known or available to YOU: (i) the date composed or  
7 date appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of  
8 copies made; (v) the identity of all persons or entities who saw the original document or saw or  
9 received a copy of such document, and the job titles of each such person; (vi) the subject  
10 matter; and (vii) the basis for claim of privilege or other immunity asserted. The privilege log  
11 should be sufficiently detailed to permit Plaintiffs to determine whether to make a motion with  
12 respect thereto.

13           6. If YOU are aware of the existence of any requested items that they are unable to  
14 produce, specify in writing and serve upon the undersigned a list indicating the identity of such  
15 documents within thirty (30) days of the service of this request. Such identification should, for  
16 each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost,  
17 misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or  
18 control of the responding party, in which case the name and address of any person or entity  
19 known or believed by YOU to have possession, custody or control of that document or  
20 category of documents should be identified. In each such instance, each of YOU is to identify  
21 the document by author, addressee, date, subject matter, number of pages, attachments or  
22 appendices, all persons to whom it was distributed, shown or explained, date and manner of  
23 destruction or other disposition, the reason for destruction or other disposition, and persons  
24 destroying or disposing of the document.

25           7. If YOU contend that any of the following requests is objectionable in whole or in  
26 part, YOU shall state with particularity each objection, the basis for it and the categories of  
27 information and documents to which the objection applies, and YOU shall respond to the  
28 request insofar as it is not deemed objectionable.

1 8. If YOU find the meaning of any term in these requests unclear, YOU shall assume  
2 a reasonable meaning, state what the assumed meaning is, and respond to the request according  
3 to the assumed meaning.

4 9. The following requests shall be deemed to be continuing. In accordance with Rule  
5 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the  
6 requests, YOU acquire additional knowledge or information regarding documents or things  
7 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such  
8 additional knowledge or information.

9 10. Unless otherwise specified, each request calls for all documents created, received,  
10 or dated between January 1, 1940 and the date of YOUR response to the request.

11 **REQUESTS FOR PRODUCTION**

12 **PREAMBLE TO ALL REQUESTS:** All DOCUMENTS CONCERNING any one or  
13 more of the following:

14 **REQUEST FOR PRODUCTION NO. 175:**

15 Reports, presentations, memoranda, MEETINGS and other COMMUNICATIONS  
16 CONCERNING Suffield F.E. 197 of March 30, 1944, relating to field trials of lewisite on  
17 human subjects, as referenced on page 2 of enclosure 3 to the Minutes of the MEETING of the  
18 Research Council of the Chemical Corps Advisory Board held on June 3, 1947.

19 **REQUEST FOR PRODUCTION NO. 176:**

20 The Biennial Reports of the Chief Chemical Officer of the U.S. Army Chemical Corps  
21 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 177:**

23 The contracts between YOU and the University of Pennsylvania with Carl F. Schmidt  
24 as principal investigator CONCERNING a balanced chemical-biological search for novel  
25 chemical warfare agents, and all MEETINGS and COMMUNICATIONS CONCERNING the  
26 same.



1 **REQUEST FOR PRODUCTION NO. 178:**

2 The Kharasch Contract and all MEETINGS and COMMUNICATIONS  
3 CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 179:**

5 Presentations and reports made to the Armed Forces Policy Council CONCERNING  
6 chemical warfare, biological warfare, or mind control agents or weapons, including, without  
7 limitation, the presentation delivered by General William M. Creasy in 1958, and all  
8 MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 180:**

10 MEETINGS, conferences, reports, contracts, and other COMMUNICATIONS  
11 involving the Operations Research Office, described by the Army Chemical Corps Advisory  
12 Council, as a contracting agency for the Army operating out of Johns Hopkins University,  
13 CONCERNING chemical or biological weapons or research.

14 **REQUEST FOR PRODUCTION NO. 181:**

15 Papers published or presented at any conference or MEETING by members of the U.S.  
16 Army Chemical Corps CONCERNING chemical or biological weapons research or substances,  
17 and all COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 182:**

19 The "master DOCUMENT" covering the major areas of chemical and biological  
20 weapons research and all of the supporting DOCUMENTS relating to concepts of use, research  
21 and development, material guidance, planning of mission, delivery, use, estimation of  
22 casualties, and supply considerations, as described on pages 13-17 in the Summary of the  
23 MEETING of the U.S. Army Chemical Corps Advisory Council held on June 23-24, 1958, at  
24 the Army Chemical Center, Maryland, and all MEETINGS and COMMUNICATIONS  
25 CONCERNING the same.

26 **REQUEST FOR PRODUCTION NO. 183:**

27 Research, reports, MEETINGS and other COMMUNICATIONS CONCERNING the  
28 synergistic effects of radiation on chemical and biological agents or weapons and any

1 combinations of them, including, without limitation, the studies conducted at Dugway Proving  
2 Grounds, the conferences held at RDCOM headquarters, the research conducted by the  
3 Biological Warfare Laboratories and Chemical Warfare Laboratories, input from the Surgeon  
4 General's Office, and all contracts with universities and private contractors CONCERNING  
5 the same.

6 **REQUEST FOR PRODUCTION NO. 184:**

7 Reports, minutes, MEETINGS and other COMMUNICATIONS CONCERNING the  
8 Ad Hoc Study Group on Limited Warfare of the Defense Science Board and/or the role or  
9 effects of chemical or biological weapons or agents in modern warfare.

10 **REQUEST FOR PRODUCTION NO. 185:**

11 Reports, conclusions, analyses, MEETINGS and other COMMUNICATIONS  
12 CONCERNING the LAC and North American Spray Trials re biological weapons or agents.

13 **REQUEST FOR PRODUCTION NO. 186:**

14 Studies, reports, data, health effects, toxicity, conclusions, MEETINGS and  
15 COMMUNICATIONS CONCERNING the toxic moiety of X and/or Recommendation  
16 No. 36-59 of the Agents Committee, Fort Detrick and Army Chemical Center, Maryland,  
17 November 5-6, 1959 (as included in the Reports and Recommendations of the Chemical Corps  
18 Advisory Council, December 31, 1959).

19 **REQUEST FOR PRODUCTION NO. 187:**

20 Presentations, reports, agendas, MEETINGS and COMMUNICATIONS involving the  
21 Agents Committee and Medical Committee of the U.S. Army Chemical Corps Advisory  
22 Council CONCERNING biological or chemical agents or weapons and/or health effects of the  
23 same.

24 **REQUEST FOR PRODUCTION NO. 188:**

25 Reports, memoranda, MEETINGS and other COMMUNICATIONS CONCERNING  
26 the field testing of BZ and other chemical or biological agents at Dugway Proving Grounds,  
27 including, without limitation, all deaths, injuries, experiences of unconsciousness, illnesses,  
28 hospitalizations, reactions, and acute somatic effects and the "incident with BZ" described in

1 the May 31, 1962 Report and Recommendations of the Chemical Corps Advisory Council at  
2 Page 22.

3 **REQUEST FOR PRODUCTION NO. 189:**

4 Medical Laboratories Contract Reports CONCERNING biological or chemical  
5 weapons or agents, including, without limitation, the entities and PERSONS listed on pages  
6 17-18 of Chemical Corps Medical Laboratories Special Report No. 59, Clarence J. Hylander,  
7 Chief, Technical Information Office (January 1955), and all MEETINGS and  
8 COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 190:**

10 Reports, agendas, presentations, transcripts, MEETINGS and other  
11 COMMUNICATIONS CONCERNING tri-service conferences to address the health hazards of  
12 military chemicals, including, without limitation, those authored or received by Colonel  
13 William E.R. Sullivan, Deputy Commander of the Army Chemical Corps Research and  
14 Engineering Command.

15 **REQUEST FOR PRODUCTION NO. 191:**

16 The negotiation, content, application, interpretation or other DOCUMENTS  
17 CONCERNING the 1952 Memorandum of Understanding between the CIA and the Army's  
18 Chief Chemical Corps Officer CONCERNING an agreement which established that the  
19 Chemical Corp's Special Operations Division would pursue projects requested by the CIA and  
20 the CIA would provide funding for those projects, and all MEETINGS and  
21 COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 192:**

23 The contract scope, design, experiments, results, and all MEETINGS and  
24 COMMUNICATIONS CONCERNING Contract DA-18-108-405-CML-826 with Hazleton  
25 Laboratories, Falls Church, Virginia.

26 **REQUEST FOR PRODUCTION NO. 193:**

27 COMMUNICATIONS and MEETINGS between or amongst YOU and the Society of  
28 Biological Psychiatry, whose address at one time was 2010 Wilshire Boulevard, Los Angeles,

1 California, and or its officers, including, without limitation, Dr. Amedeo S. Marrazzi,  
2 President; Dr. Max Rinkel, First VP; Dr. George Thompson, Second VP; Dr. Karl O. Von  
3 Hagen; Dr. Laretta Bender; Dr. Paul Hoch; Dr. Leo Alexander; Dr. Howard Hoagland;

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1 Dr. Max Fink; and/or Dr. Harold Himwich, CONCERNING the TEST PROGRAMS or any  
2 experiments with chemical or biological substances with human subjects.

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Dated: August 2, 2010

GORDON P. ERSPAMER  
TIMOTHY W. BLAKELY  
ADRIANO HRVATIN  
STACEY M. SPRENKEL  
DANIEL J. VECCHIO  
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MORRISON & FOERSTER LLP

By:   
Gordon P. Erspamer

Attorneys for Plaintiffs  
Vietnam Veterans of America; Swords to  
Plowshares: Veterans Rights Organization; Bruce  
Price; Franklin D. Rochelle; Larry Meirow; Eric P.  
Muth; David C. Dufrane; and Wray C. Forrest

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**CERTIFICATE OF SERVICE BY MAIL**  
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**PLAINTIFFS' FOURTH SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

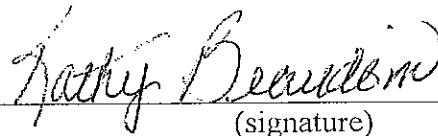
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Caroline Lewis Wolverton  
Trial Attorney  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
P.O. Box 883  
Washington, D.C. 20044

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 2<sup>nd</sup> day of August, 2010.

Kathy Beaudoin  
(typed)

  
(signature)