

## Exhibit B

1 IAN GERSHENGORN  
 Deputy Assistant Attorney General  
 2 JOSEPH P. RUSSONIELLO  
 United States Attorney  
 3 VINCENT M. GARVEY  
 Deputy Branch Director  
 4 CAROLINE LEWIS WOLVERTON, District of Columbia Bar No. 496433  
 Senior Counsel  
 5 KIMBERLY L. HERB  
 Trial Attorney  
 6 Civil Division, Federal Programs Branch  
 U.S. Department of Justice  
 7 P.O. Box 883  
 Washington, D.C. 20044  
 8 Telephone: (202) 514-0265  
 Facsimile: (202) 616-8470  
 9 E-mail: caroline.lewis-wolverton@usdoj.gov

10 Attorneys for DEFENDANTS

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 OAKLAND DIVISION

14  
 15 VIETNAM VETERANS OF AMERICA, *et al.*,  
 16 Plaintiffs,  
 17 v.  
 18 CENTRAL INTELLIGENCE AGENCY, *et al.*,  
 19 Defendants.

Case No. CV 09-0037-CW

**DEFENDANTS' RESPONSE TO  
 PLAINTIFFS' FIRST REQUEST FOR  
 PRODUCTION OF DOCUMENTS**

20  
 21  
 22 Defendants in this civil action, by and through undersigned counsel, hereby submit the following  
 23 responses to Plaintiffs' First Request for Production of Documents:

24 **GENERAL RESPONSES**

25 1. The information submitted herewith is being provided in accordance with the  
 26 Federal Rules of Civil Procedure which permit the discovery of any matter not privileged that is  
 27 relevant to the subject matter of this civil action. Fed. R. Civ. P. 26(b)(1). Accordingly,  
 28

1 Defendants do not, by providing such information, waive any objection to its admissibility on the  
2 grounds of relevance, materiality, or other appropriate ground.

3 2. The responses supplied herein are not based solely on the knowledge of the  
4 executing party, but include the knowledge of the Defendants, their agents, employees,  
5 representatives, and attorneys, unless privileged.  
6

7 3. To the extent that Defendants produce documents, Defendants do not concede that  
8 the information requested is relevant to this action. Defendants expressly reserve the right to  
9 object to further discovery of the subject matter of the request for production of documents and  
10 the introduction into evidence of any answer or portion thereof or any document produced in  
11 response to these Document Requests.  
12

### 13 GENERAL OBJECTIONS

14 1. Defendants object to Plaintiffs' Request for Production of Documents, including  
15 all definitions and instructions contained therein, to the extent they seek to impose obligations  
16 beyond those specified under the Federal Rules of Civil Procedure or other applicable rules. All  
17 of Defendant's responses to Plaintiffs' document requests herein are subject to and without  
18 waiver of this objection.

19 2. Defendants object to Plaintiffs' definitions of "COMMUNICATION,"  
20 "COMMUNICATIONS," "DOCUMENT," "DOCUMENTS," "MEETING" or "MEETINGS" to  
21 the extent that they seek production of electronic mail or other electronic records that are not in  
22 word-searchable format, including, but not limited to, any computer backup tapes. Such  
23 definitions render any corresponding requests unduly burdensome and not reasonably calculated  
24 to lead to the discovery of admissible evidence, and the burden of any such proposed discovery  
25 outweighs its likely benefit.  
26  
27  
28

1           3.       Defendants object to Plaintiffs' definition of "TEST PROGRAMS" as overly  
2 broad. The term "TEST PROGRAM" is defined to include, "without limitation," specifically  
3 identified test programs "and any other program of experimentation involving human testing of  
4 any substance[.]" Such a definition renders any corresponding requests unduly burdensome and  
5 not reasonably calculated to lead to the discovery of admissible evidence, as this definition has  
6 the potential to encompass clinical trials and other human tests in any setting, under any  
7 circumstances, and within any time frame. As most literally responsive records are wholly  
8 unrelated to the subjects of this litigation, Defendants have limited their response to relevant  
9 information pertaining to the specified test programs and other chemical or biological testing  
10 involving service members conducted in conjunction with the Edgewood Arsenal area of  
11 Aberdeen Proving Ground, Maryland, Fort Detrick, Maryland and Fort Ord, California.  
12

13           4.       Defendants object to Plaintiffs' Notice to the extent it requests information that is  
14 not reasonably calculated to lead to the discovery of admissible evidence.  
15

16           5.       Defendants object to providing any files, records, reports, and any other papers and  
17 documents pertaining to any individual other than the individually named Plaintiffs to the extent  
18 that such information is protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance  
19 Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy  
20 Rule, and/or 45 C.F.R. parts 160 and 164. Defendants further object to Plaintiffs' request for  
21 production of documents to the extent they seek information protected from disclosure by the  
22 attorney-client privilege, the work product doctrine, deliberative process, or any other applicable  
23 privilege or immunity recognized under statute, regulation or applicable case law. In  
24 conformance with Fed. Rule Civ. P. 26(b)(5), Defendants will describe the nature of any  
25 documents that are withheld as privileged or subject to protection as attorney work product.  
26  
27  
28

1           6. Defendants object to Plaintiffs' Request for Production of Documents to the extent  
2 they seek responses from any individual or entity other than Defendants or to the extent they  
3 seeks information that is publicly available, and/or that is equally or more readily available to  
4 Plaintiffs.

5           7. Defendants object to Plaintiffs' Request for Production of Documents to the extent  
6 they demand the production of documents not within the possession, custody, or control of  
7 Defendants.

8           8. Defendants object to Plaintiffs' Request for Production of Documents to the extent  
9 that they seek information that is classified pursuant to Executive Order 12,958 and subject to the  
10 state secrets privilege or otherwise subject to the state secrets privilege.

11           9. Defendants further object to the instructions and definitions set forth in Plaintiffs'  
12 Request for Production of Documents to the extent they impose obligations on Defendants that  
13 require disclosures of information protected pursuant to the Central Intelligence Agency Act of  
14 1949, 50 U.S.C. § 403g, which authorizes the CIA to protect the organization, functions, names,  
15 official titles, and salaries of all of its employees notwithstanding any other provisions of law.  
16 All of Defendants' responses to Plaintiffs' document requests herein are subject to and without  
17 waiver of this objection.

18           10. Defendants objection to Instruction 10 as unduly burdensome insofar as it seeks  
19 documents created, received or dated between January 1, 1940 and the present, a span of over 70  
20 years.

21           11. To the extent that Defendants produce documents, they do not concede that the  
22 information requested is relevant to this action. Defendants expressly reserve the right to object  
23 to further discovery of the subject matter of these Document Requests and the introduction into  
24

1 evidence of any answer or portion thereof or any document produced in response to these  
2 Document Requests.

3 12. Each of the foregoing statements and/or objections is incorporated by reference  
4 into each and every specific response set forth below. Notwithstanding the specific responses to  
5 any document request, Defendants do not waive any of their General Objections.  
6

7  
8 **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS  
9 FOR PRODUCTION**

10 **DOCUMENT REQUEST NO. 1**

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

13 **OBJECTIONS:** Defendants object to this Request on the ground that it seeks information  
14 that is subject to the state secrets privilege.  
15

16 **DOCUMENT REQUEST NO. 2**

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

20 **OBJECTIONS:** Defendants object to this Request for the reasons described in General  
21 Objection 6, above. Subject to this objection and Defendants' General Response and General  
22 Objections, Defendants state that any responsive documents in its care, custody, or control are  
23 protected from disclosure by one or more privileges or immunities.  
24

25 **RESPONSE:** Subject to this objection and Defendants' General Objections, Defendants  
26 state that the 1993 Perry memorandum has been produced. Defendants will produce additional  
27  
28

1 documents relating to that memorandum in a collection of documents from 1993-2007 by the  
2 Office of the Under Secretary of Defense for Personnel and Readiness ("P&R").

3 **DOCUMENT REQUEST NO. 3**

4 The types, properties and health effects of all substances tested or used on human subjects,  
5 including without limitation, the projects identified in the Complaint at or in connection with any  
6 of the military facilities identified in the Complaint, including but not limited to, at the  
7 EDGEWOOD ARSENAL.  
8

9 **OBJECTIONS:** Defendants object to this Request because it does not identify any  
10 document and for the reasons described in General Objection 3, 6 and 7, above. Defendants  
11 further object to Plaintiffs' request, to the extent that it seeks information beyond activities  
12 undertaken at Edgewood Arsenal, as overly broad and not reasonably calculated to lead to the  
13 discovery of admissible evidence.  
14

15 **RESPONSE:** Subject to these objections and Defendants' General Response and General  
16 Objections, Defendants state that they will produce a printout from the database developed by the  
17 contractor Battelle [hereinafter "DoD database"] containing: a list of agents tested, test ID  
18 number, and number of participants in the tests conducted at Fort Detrick, and the Edgewood  
19 Area in Maryland. Defendants also will produce a summary of the chemical agent identification  
20 sets used at Fort Ord prior to 1974.  
21

22 Defendants will produce any responsive any fact sheets prepared by DoD regarding health  
23 effects of any substances used on human subjects in tests performed at Edgewood Arsenal. The  
24 United States Army has assisted in the preparation of textbooks for military medicine concerning  
25 medical aspects of chemical and biological warfare, and will produce a copy of the list of the  
26 titles of such textbooks.  
27  
28

1 Defendants also will produce a copy of the Department of Veterans' Affairs' "Health  
2 Effects from Chemical, Biological and Radiological (CBR) Weapons" (October 2003).

3 **DOCUMENT REQUEST NO. 4**

4 Copies of all "volunteer handbooks" or other materials given to or prepared for delivery to  
5 "volunteers" who participated in YOUR TEST PROGRAMS, including but not limited to, all  
6 versions and drafts of the DOCUMENTS titled "Medical Research Volunteer Program" and  
7 "Medical Volunteer Handbook."  
8

9 OBJECTIONS: Defendants object to this Request for the reasons described in General  
10 Objections 3 and 6, above.

11 RESPONSE: Subject Defendants' General Response and General Objections, Defendants  
12 state that a copy of the volunteer handbook has previously been produced. After conducting a  
13 reasonable search, Defendants have not been able to locate any other versions or drafts of the  
14 handbook used during Cold War experiments.  
15

16 Defendants will produce a copy of the memorandum entitled "Use of Volunteers in  
17 Medical Research, Principles, Policies, and Rules of the Office of the Surgeon General" dated  
18 March 12, 1954.

19 Defendants will produce a copy of a memorandum of record, dated January 25, 1993,  
20 concerning the recruitment of medical research volunteer subjects at the U.S. Army Medical  
21 Research Institute of Infectious Disease ("USAMRIID").  
22

23 **DOCUMENT REQUEST NO. 5**

24 The planning, conduct, activities, findings, results and participants in the TEST  
25 PROGRAMS.

26 OBJECTIONS: Defendants object to this Request because it does not identify any  
27 document and for the reasons described in General Objections 3, 5 and 6, above.  
28



1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that Defendants will produce the planning documents and technical  
3 reports available concerning the at Edgewood Chemical Biological Center (ECBC) which are  
4 reasonably available. Defendants will produce a listing of the transmittal documents illustrating  
5 the boxes of research plans which were transported in 1999 from the U.S. Army Medical  
6 Research Institute of Chemical Defense at Aberdeen Proving Ground, Maryland to the National  
7 Archives ("NARA").  
8

9            Defendants will produce a copy of the current database concerning testing at Edgewood at  
10 Fort Detrick which will include the test activities, findings, and results. The database will be  
11 presented in an excel format with one row for each test each participant was subject to.  
12 Specifically, the columns will contain the following information if available: test location, test  
13 type, test agent, agent amount, agent form, test date, mechanism of exposure, details of exposure,  
14 antidote used, protective clothing/devices used, data source, and exposure notes.  
15

16            **DOCUMENT REQUEST NO. 6**

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

19            OBJECTIONS: Defendants object to this Request for the reasons described in General  
20 Objection 3, 4 and 6, above.  
21

22            RESPONSE: Subject to these objections and Defendants' General Responses and General  
23 Objections, Defendants state that several responsive GAO reports, as well as numerous other  
24 documents provided to Congress have previously been produced and also are publicly available.  
25 In addition, responsive transcripts of hearings are publicly available.  
26  
27  
28

1           **DOCUMENT REQUEST NO. 7**

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

4           OBJECTIONS: Defendants object to this Request because it does not identify any  
5 document, is overbroad insofar as it is not limited to military servicemembers and for the reasons  
6 described in General Objections 6 and 8 and on the ground that the term "septal implant" is not  
7 defined.  
8

9           RESPONSE: Subject to this objection and Defendants' General Responses and General  
10 Objections, Defendants state that after reasonable conducting a reasonable search, Defendants  
11 have identified only information concerning nasal implants used in the 1950s to treat pilots for  
12 disease and radiation contamination.  
13

14           **DOCUMENT REQUEST NO. 8**

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

17           OBJECTIONS: Defendants object to this Request because it does not identify any  
18 document and is irrelevant and seeks information not reasonably calculated to lead to the  
19 discovery of admissible evidence, and for the reasons described in General Objections 3, 4, 6, and  
20 8, above.  
21

22           **DOCUMENT REQUEST NO. 9**

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

26           OBJECTIONS: Defendants object to this Request because it does not identify any  
27 document and for the reasons described in General Objections 2, 4, 5, and 8, above.  
28

1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants will produce documents concerning testing notebooks dating back to  
3 1920 which were destroyed between 1972 and 1973 and a copy of DoD's 2009 record retention  
4 policy concerning records relating to the chemical and biological defense program.

5  
6            **DOCUMENT REQUEST NO. 10**

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

10           OBJECTIONS: Defendants object to this Request to the extent that the requested  
11 documents are in the individual plaintiffs' possession and therefore equally accessible by them.

12           RESPONSE: Subject to this objections and Defendants' General Responses and General  
13 Objections, Defendants state that they have previously produced responsive documents and will  
14 provide any additional non-privileged responsive documents with any information redacted that is  
15 classified, subject to 50 U.S.C. § 403g, or applicable privilege.

16  
17           **DOCUMENT REQUEST NO. 11**

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

20           OBJECTIONS: Defendants object to this Request on the ground that it seeks information  
21 protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and  
22 Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or  
23 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections 2, 3, 4, 6, and 7  
24 above.  
25  
26  
27  
28

1           **DOCUMENT REQUEST NO. 12**

2           Rosters, lists or other DOCUMENTS identifying the service personnel who supervised,  
3 controlled or performed any at CONCERNING the TEST PROGRAMS or any of them.

4           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
5 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
6 described in General Objections 2, 3, 4, 6, 7, 8, and 9 above.

7           **DOCUMENT REQUEST NO. 13**

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

10           OBJECTIONS: Defendants object to this Request as overbroad to the extent it is not  
11 limited to a request for documents, on the ground that it seeks information protected by the  
12 Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996  
13 (“HIPAA”), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164,  
14 and for the reasons described in General Objections 2, 3, and 4 above.

15           RESPONSE: Subject to these objections and Defendants’ General Responses and General  
16 Objections, Defendants state that they will produce records of inquiries of DoD, with the names  
17 of the individuals redacted.

18           **DOCUMENT REQUEST NO. 14**

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

23           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
24 not reasonably calculated to lead to the discovery of admissible evidence, to the extent that it  
25

1 seeks information protected as attorney work product and for the reasons described in General  
2 Objections 2, 4, 5, and 7 above.

3 RESPONSE: Subject to these objections and Defendants' General Responses and General  
4 Objections, Defendants state that they have already produced the individual plaintiffs' military  
5 personnel records and portions of their VA disability benefits claims files.

6  
7 **DOCUMENT REQUEST NO. 15**

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

10 OBJECTIONS: Defendants object to this Request because it does not identify any  
11 document, as overbroad insofar as it is not limited to military servicemembers or veterans, and for  
12 the reasons described in General Objections 3, 4, 6, 7, and 8, above.

13 RESPONSE: Subject to these objections and Defendants' General Responses and General  
14 Objections, Defendants state that after reasonable search they have not identified any responsive  
15 documents concerning military servicemembers or veterans.

16  
17 **DOCUMENT REQUEST NO. 16**

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

21 OBJECTIONS: Defendants object to this Request because it does not identify any  
22 document, as overbroad insofar as it is not limited to military servicemembers or veterans, and for  
23 the reasons described in General Objections 4, 6, 7, and 8, above.

24  
25 **DOCUMENT REQUEST NO. 17**

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

1           OBJECTIONS: Defendants object to this Request for the reasons described in General  
2           Objections 3, 4, 6, and 7 above.

3           RESPONSE: Subject to these objections and Defendants' General Responses and General  
4           Objections, Defendants state that they have tape cassettes and floppy disks from a lawsuit filed by  
5           Mr. Larry Gamble involving LSD testing, which they will make available for inspection and  
6           copying upon request. Defendants further state that responsive transcripts of Congressional  
7           hearings are publicly available.  
8

9           Defendants will produce a copy of the hearings before the subcommittee on health and  
10          scientific research of the committee on human resources before the United States Senate, Ninety-  
11          fifth congress on March 8 and May 23, 1977.

12           **DOCUMENT REQUEST NO. 18**

13           The IDENTITY, role and actions of all "cut-outs" used CONCERNING the TEST  
14          PROGRAMS, including but not limited to, the allegations set forth in Paragraph 124(a) of the  
15          Complaint.  
16

17           OBJECTIONS: Defendants object to this Request because it does not identify any  
18          document and for the reasons described in General Objections 3, 4, 6, 7, 8 and 9, above.

19           **DOCUMENT REQUEST NO. 19**

20           MEETINGS or COMMUNICATIONS between YOU and any one or more participants in  
21          the TEST PROGRAMS.  
22

23           OBJECTIONS: Defendants object to this Request to the extent that it is not limited to a  
24          request for documents and for the reasons described in General Objections 3, 4, 5, 6, 7, and 8,  
25          above.  
26  
27  
28

1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2            Objections, Defendants state that they will produce a listing of communications related to  
3            participants' inquiries as stated in the above response to Document Request No. 13.

4            **DOCUMENT REQUEST NO. 20**

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

7            OBJECTIONS: Defendants object to this Request for the reasons described in General  
8            Objections 3, 4, 6, 7 and 8, above.

9            RESPONSE: Subject to these objections and Defendants' General Responses and General  
10            Objections, Defendants state that they will produce the reports containing information regarding  
11            the health effects of exposure to substances used or administered during tests; the October 1980  
12            "LSD Follow-up Study Report" produced by the U.S. Army Medical Department; and copies of  
13            the following articles:  
14            the following articles:

- 15            • *Risk of Occupationally Acquired Illnesses from Biological Threat Agents in Unvaccinated  
16            Laboratory Workers*, by Janice M. Rusnak, MD, published online November 15, 2004.
- 17            • *Repeated Immunization: Possible Adverse Effects, Reevaluation of Human Subjects at 25  
18            Years*, by Charles S. White, III, MD, Ft. Detrick, Maryland
- 19            • *Long-term health effects of repeated exposure to multiple vaccines* by Phillip R. Pittman,  
20            Ft. Detrick, Maryland, June 4, 2004

21            **DOCUMENT REQUEST NO. 21**

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

24            OBJECTIONS: Defendants object to this Request to the extent that it is not limited to a  
25            request for documents and for the reasons described in General Objections 3, 4, and 8, above.



1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that they will produce a listing of communications related to  
3 participants' inquiries as stated in the above response to Document Request Nos. 13 and 19.

4            **DOCUMENT REQUEST 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 TEST PROGRAMS, including without limitation, the experiments  
9 conducted at Porton Down and/or the Allan Memorial Institute.

10            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
11 not reasonably calculated to lead to the discovery of admissible evidence, to the extent that it is  
12 not limited to documents, and for the reasons described in General Objections 3, 4, 6, 7 and 8,  
13 above.

14            **DOCUMENT REQUEST NO. 23**

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

17            OBJECTIONS: Defendants object to this Request for the reasons described in General  
18 Objections 3, 4, 6, 7 and 8, above.

19            RESPONSE: Subject to these objections and Defendants' General Responses and General  
20 Objections, Defendants state that they will produce a list of two letter designations and names of  
21 the substances used at Edgewood and Fort Detrick.

22            **DOCUMENT REQUEST NO. 24**

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



1           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
2 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
3 described in General Objections 2, 3, 4, 6, 7, 8, and 9 above.

4           **DOCUMENT REQUEST NO. 25**

5           All unpublished papers, reports or manuscripts CONCERNING the results of the TEST  
6 PROGRAMS.

7           OBJECTIONS: Defendants object to this Request as unduly burdensome insofar as it  
8 encompasses numerous papers, reports, or manuscripts prepared during the Cold War timeframe,  
9 which began over 50 years ago and for the reasons described in General Objections 3, 4, 5, 6, 7  
10 and 8, above.

11           RESPONSE: Subject to these objections and Defendants' General Responses and General  
12 Objections, Defendants state that they will produce the DoD database described above in  
13 response to Document Request No. 3 and the following reports:  
14

- 15           • History of the Chemical Warfare Service in World War II (1 July 1940- 15 August  
16 1945), Biological Warfare Research in the United States by Rexmond C.  
17 Cochrane, dated November 1947
- 18           • U.S. Army Activity in the U.S. Biological Warfare Programs, volume 1 & 2, dated  
19 February 24, 1977
- 20           • Project Whitecoat report by Art Anderson, revised October 20, 1998
- 21           • Project Whitecoat Humanitarian Service to the United States by Harry G.  
22 Dangerfield, MD

23           **DOCUMENT REQUEST NO. 26**

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

1           OBJECTIONS: Defendants object to this Request for the reasons described in General  
2           Objections 3, 4, 6, 7 and 8, above.

3           RESPONSE: Subject to these objections and Defendants' General Responses and General  
4           Objections, Defendants state that they will produce a copy of the DOD database as described  
5           above in response to Document Request No. 3.

6           **DOCUMENT REQUEST NO. 27**

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

11          OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
12          not reasonably calculated to lead to the discovery of admissible evidence, to the extent that it is  
13          not limited to documents and for the reasons described in General Objections 3, 4, 5, 6, 7 and 8,  
14          above.

15          **DOCUMENT REQUEST NO. 28**

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

19          OBJECTIONS: Defendants object to this Request for the reasons described in General  
20          Objections 2 above.

21          RESPONSE: Subject to these objections and Defendants' General Responses and General  
22          Objections, Defendants state that they will produce the report if it can be located after reasonable  
23          search and is not unclassified or subject to restriction on its release.

24          **DOCUMENT REQUEST NO. 29**

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

4 OBJECTIONS: Defendants object to this Request because it does not identify any  
5 document, as overbroad insofar as it is not limited to military servicemembers or veterans, as  
6 unduly burdensome insofar as it seeks without limitation medical records and records of deaths  
7 over a period of time spanning more than 50 years from over years ago which were a result of  
8 testing and for the reasons described in General Objections 3, 4, 6, 7, and 8, above.

9  
10 RESPONSE: Subject to these objections and Defendants' General Responses and General  
11 Objections, Defendants state that after reasonable search they have not identified any responsive  
12 documents concerning military servicemembers or veterans.

13  
14 **DOCUMENT REQUEST NO. 30**

15 All requests for, authorizations, and denials of authorization pursuant to the Wilson  
16 Directive.

17 OBJECTIONS: Defendants object to this Request for the reasons described in General  
18 Objections 4, 5, 6, 7 and 8, above.

19 RESPONSE: Subject to these objections and Defendants' General Responses and General  
20 Objections, Defendants state that they will produce memoranda generated in response to the  
21 Wilson Directive.

22  
23 **DOCUMENT REQUEST NO. 31**

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

25 OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
26 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
27 described in General Objections 4, 5, 6, 7, 8 and 9, above.

1                   **DOCUMENT REQUEST NO. 32**

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

3                   OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
4 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
5 described in General Objections 4, 6, 7 and 8, above.

6                   **DOCUMENT REQUEST NO. 33**

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

9                   OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
10 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
11 described in General Objections 4, 5, 6, 7, 8 and 9, above.

12                   **DOCUMENT REQUEST NO. 34**

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

16                   OBJECTIONS: Defendants object to this Request as unduly burdensome insofar as it  
17 encompasses documents pertaining to several thousand individuals, on the ground that such  
18 information is protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and  
19 Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or  
20 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections 3, 4, 6, 7, and 8,  
21 above.

22                   RESPONSE: Subject to these objections and Defendants' General Responses and General  
23 Objections, Defendants state that they previously provided consent forms for the individually  
24 named plaintiffs found within their military personnel files.

1                   **DOCUMENT REQUEST NO. 35**

2                   All DOCUMENTS produced to the plaintiffs in *Orlikow v. United States*, Civ. Action No.  
3 80-3163 (D.D.C. 1988), and the transcripts of all trial and deposition testimony in the *Orlikow*  
4 case.)

5                   **OBJECTIONS:** Defendants object to this Request as irrelevant and seeking information  
6 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
7 described in General Objections 4, 5, 6, and 7 above.  
8

9                   **DOCUMENT REQUEST NO. 36**

10                  All task plans and descriptions CONCERNING the TEST PROGRAMS.

11                  **OBJECTIONS:** Defendants object to this Request for the reasons described in General  
12 Objections 3, 4, 5, 6, 7 and 8, above.  
13

14                  **RESPONSE:** Subject to these objections and Defendants' General Responses and General  
15 Objections, Defendants state that they will produce a listing of protocols from Ft. Detrick that  
16 includes the year, name of the protocol, and number of project records relating to the protocol.  
17

18                  **DOCUMENT REQUEST NO. 37**

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

21                  **OBJECTIONS:** Defendants object to this Request as irrelevant and seeking information  
22 not reasonably calculated to lead to the discovery of admissible evidence, because it does not  
23 identify any document and for the reasons described in General Objections 4, 5, 8 and 9 above.  
24

25                  **DOCUMENT REQUEST NO. 38**

26                  Projects or experiments performed by Dr. Harold Abramson for YOU including those  
27 involving drugs or toxic substances.  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

OBJECTIONS: Defendants object to this Request as irrelevant and seeking information not reasonably calculated to lead to the discovery of admissible evidence, because it does not identify any document and for the reasons described in General Objections 4, 5, 6, 7 and 8, above.

**DOCUMENT REQUEST NO. 39**

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

OBJECTIONS: Defendants object to this Request as irrelevant and seeking information not reasonably calculated to lead to the discovery of admissible evidence, because it does not identify any document and for the reasons described in General Objections 4, 5, 6, 7 and 8, above.

**DOCUMENT REQUEST NO. 40**

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

OBJECTIONS: Defendants object to this Request as irrelevant and seeking information not reasonably calculated to lead to the discovery of admissible evidence, because it does not identify any document and for the reasons described in General Objections 4, 5, 6, 7 and 8, above.

**DOCUMENT REQUEST NO. 41**

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

OBJECTIONS: Defendants object to this Request as irrelevant and seeking information not reasonably calculated to lead to the discovery of admissible evidence and for the reasons described in General Objection 4, above.

1            RESPONSE: Subject to this objection and Defendants' General Responses and General  
2 Objections Defendants state that they will produce responsive, non-privileged documents, with  
3 any information redacted that is classified, subject to 50 U.S.C. § 403g, or otherwise privileged.  
4

5            **DOCUMENT REQUEST NO. 42**

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

8            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
9 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
10 described in General Objection [4, 6 and 7], above.

11            RESPONSE: Subject to this objection and Defendants' General Responses and General  
12 Objections, and without waiving the above-mentioned objection, Defendant responds as follows:  
13 Defendant will produce responsive, non-privileged documents, with any information redacted that  
14 is classified, subject to 50 U.S.C. § 403g, or otherwise privileged.  
15

16            **DOCUMENT REQUEST NO. 43**

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

20            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
21 not reasonably calculated to lead to the discovery of admissible evidence, as overbroad insofar as  
22 it is not limited to a request for documents, and for the reasons described in General Objections 4,  
23 6 and 7, above.  
24

25            **DOCUMENT REQUEST 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           OBJECTIONS: Defendants object to this Request for the reasons described in General  
2 Objections 3, 4, 5, 6, 7, and 8, above.

3           RESPONSE: Subject to these objections and Defendants' General Responses and General  
4 Objections, Defendants state that after conducting a reasonable search, they have not identified  
5 any responsive documents. Defendants nevertheless will produce reports that reference generally  
6 medical problems that have been identified in connection with chemical and biological agent  
7 testing by the military.

8  
9           **DOCUMENT REQUEST NO. 45**

10           All analyses, discusses or summaries CONCERNING the frequency with which particular  
11 medical problems or conditions (whether physical or mental) occur amongst participants in the  
12 TEST PROGRAMS and/or the cause and effect relationship between exposures and particular  
13 diseases or conditions.

14  
15           OBJECTIONS: Defendants object to this Request for the reasons described in General  
16 Objections 3, 4, 5, 6, 7, and 8, above.

17           RESPONSE: Subject to these objections and Defendants' General Responses and General  
18 Objections, Defendants state that after conducting a reasonable search, they have not identified  
19 any responsive documents. Defendants nevertheless will produce reports that reference generally  
20 medical problems that have been identified in connection with chemical and biological agent  
21 testing by the military.

22  
23           **DOCUMENT REQUEST NO. 46**

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

26           OBJECTIONS: Defendants object to this Request for the reasons described in General  
27 Objections 3, 4, 6, 7, and 8, above.



1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that after conducting a reasonable search, they have not identified  
3 any responsive documents.

4            **DOCUMENT REQUEST NO. 47**

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

6            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
7 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
8 described in General Objections 4, 6, 7, and 8, above.

9            **DOCUMENT REQUEST NO. 48**

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

12           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
13 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
14 described in General Objections 3, 4, 5, 6, 7, and 8, above. Subject to these objections and  
15 Defendants' General Responses and General Objections, Defendants state that any responsive  
16 documents in its care, custody, or control are protected from disclosure by one or more privileges  
17 or immunities.

18           **DOCUMENT REQUEST NO. 49**

19           Summaries or compilations of information CONCERNING all veterans who have called  
20 the DoD number 1.800.497.6261, or any other toll free number, CONCERNING the TESTING  
21 PROGRAMS.

22           OBJECTIONS: Defendants object to this Request to the extent that it requests  
23 information that is protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability  
24 and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule,  
25

1 and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections 3, 4, 5, 6,  
2 7, and 8, above.

3 RESPONSE: Subject to these objections and Defendants' General Responses and General  
4 Objections, Defendants state that they will produce a listing of communications related to  
5 participants' inquiries as stated in the above response to Document Request Nos. 13 and 19.

6 **DOCUMENT REQUEST NO. 50**

7  
8 Known, suspected, alleged or reported violations by YOU of the following:

- 9 a. the Convention on the Prohibition of the Development, Production,  
10 Stockpiling, and Use of Chemical Weapons and their destruction (also known as the Chemical  
11 Weapons Convention or "CWC");  
12  
13 b. the Presidential Statement on Chemical and Biological Weapons (Nov. 25,  
14 1969);  
15  
16 c. Executive Order No. 11850, Renunciation of Certain Uses in War of  
17 Chemical Herbicides and Riot Control Agents (April 18, 1975);  
18  
19 d. The Protocol for the Prohibition of the Use in War of Asphyxiating,  
20 Poisonous or Other Gases, and of Bacteriological Methods of Warfare (also known as the Geneva  
21 Protocol of 1925 or "GP1925"); and  
22  
23 e. The Nuremberg Code of Helsinki Convention, as described in the  
24 Complaint.

24 OBJECTIONS: Defendants object to this Request because it does not identify any  
25 document and for the reasons described in General Objections 3, 4, 5, 6, 7, and 8, above.  
26  
27  
28

1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that after conducting a reasonable search they have identified no  
3 responsive documents.  
4

5  
6            **DOCUMENT REQUEST 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           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
11 not reasonably calculated to lead to the discovery of admissible evidence, as unduly burdensome  
12 in that it encompasses without limitation all drug, chemical or other substance tests over the past  
13 five years, insofar as such information is protected by the Privacy Act, 5 U.S.C. § 552a, the  
14 Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2,  
15 the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164, and for the reasons described in  
16 General Objections 4, 5, 6, 7, and 8, above.  
17

18           **DOCUMENT REQUEST NO. 52**

19           All known, reported or alleged violations of the Common Rule and/or international law  
20 CONCERNING experiments that YOU have conducted or requested anyone else to conduct on  
21 human subjects to test drugs, chemicals or other substances over the last five years.  
22

23           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
24 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
25 described in General Objections 4, 5, 6, 7, and 8, above.  
26  
27  
28

1                   **DOCUMENT REQUEST NO. 53**

2                   Executive orders or other official directives signed by former President George H. W.  
3 Busch CONCERNING the testing of drugs, chemicals or substances on human subjects or the  
4 interpretation or application of informed consent.

5                   OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
6 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
7 described in General Objections 4, 5, 6, 7, and 8, above.

8                   **DOCUMENT REQUEST NO. 54**

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

12                   OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
13 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
14 described in General Objections 4, 5, 6, 7, 8 and 9, above.

15                   **DOCUMENT REQUEST NO. 55**

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

22                   OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
23 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
24 described in General Objections 4, 6, 7, 8 and 9, above.

1                   **DOCUMENT REQUEST 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                   OBJECTIONS: Defendants object to this Request to the extent that it is not limited to  
7 documents and for the reasons described in General Objections 3, 4, 6, 7, and 8, above.

8                   RESPONSE: Subject to these objections and Defendants' General Responses and General  
9 Objections, Defendants state that they will make available for inspection and copying upon  
10 request copies of the following videos:  
11

- 12                   1.       CS Field Test, CS Riot Control Demo, BZ Field and Lab, Man on  
13                   Obstacle course
- 14                   2.       Clips from "What Goes On Here" (LTC Ketchum)
- 15                   3.       Armor for the Inner Man LSD
- 16                   4.       Armor for the Inner Man – 89077
- 17                   5.       LSD
- 18                   6.       a) skin study on ward; b) 72-hr Test Incapacitating Agent
- 19                   7.       Toxic Agent Studies on Volunteers
- 20                   8.       The Soldier's Predicament
- 21                   9.       Bad Trip to Edgewood
- 22
- 23

24                   **DOCUMENT REQUEST NO. 57**

25                   The dose-response relationship CONCERNING drugs, chemicals and/or biological  
26 substances tested upon human subjects at the EDGEWOOD ARSENAL or under the control,  
27 funding supervision or direction, of YOU.  
28

1           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
2 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
3 described in General Objections 4, 6, 7, and 8, above.

4           RESPONSE: Subject to these objections and Defendants' General Responses and General  
5 Objections, Defendants state that after conducting a reasonable search, Defendants have not  
6 identified responsive documents. Defendants nevertheless will produce a report by the committee  
7 on toxicology of the National Research Council entitled "Review of Acute Human-Toxicity  
8 Estimates for Selected Chemical-Warfare Agents."

9  
10           **DOCUMENT REQUEST NO. 58**

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

13           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
14 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
15 described in General Objections 3, 4, 5, and 8, above.

16           **DOCUMENT REQUEST NO. 59**

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

19           OBJECTIONS: Defendants object to this Request as vague and unclear and for the  
20 reasons described in General Objections 2, 3, 4, 5 and 8, above.

21           RESPONSE: Subject to these objections and Defendants' General Responses and General  
22 Objections, Defendants state that they intend to produce a privilege log in conformance with Fed.  
23 Rule Civ. P. 26(b)(5) to the extent feasible without revealing privileged or otherwise protected  
24 information.  
25  
26  
27  
28

1                   **DOCUMENT REQUEST NO. 60**

2                   All DOCUMENTS that CONCERN the definitive technical name 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                   OBJECTIONS: Defendants object to this Request for the reasons described in General  
6                   Objections 2, 3, 4, 5, 6, 7, and 8, above.

7                   RESPONSE: Subject to these objections and Defendants' General Responses and General  
8                   Objections, Defendants state that they will produce the DoD database described above in  
9                   response to Document Request No. 3, which contains responsive information.

10                   **DOCUMENT REQUEST NO. 61**

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

14                   OBJECTIONS: Defendants object to this Request as vague and unclear, unduly  
15                   burdensome insofar as it encompasses the quantity of each administration of each nerve gas,  
16                   psychochemical, toxic chemical and biological substance used, and for the reasons described in  
17                   General Objections 2, 3, 4, 6, 7, and 8, above.

18                   RESPONSE: Subject to these objections and Defendants' General Responses and General  
19                   Objections, Defendants state that they will produce the DoD database described above in  
20                   response to Document Request No. 3, which contains responsive information.

21                   **DOCUMENT REQUEST NO. 62**

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



1           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
2 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
3 described in General Objections 2, 3, 4, 6, 7, and 8, above.

4           **DOCUMENT REQUEST NO. 63**

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

8           OBJECTIONS: Defendants object to this Request as overly burdensome and cumulative  
9 insofar as it encompasses all documents pertaining to U.S. Army code designations and the  
10 above-referenced substances and for the reasons described in General Objections 2, 3, 4, 6, 7, and  
11 8, above.

12           RESPONSE: Subject to these objections and Defendants' General Responses and General  
13 Objections, Defendants state that Defendants will produce an electronic copy of a chemical  
14 textbook that contains the designation codes.

15           **DOCUMENT REQUEST NO. 64**

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

19           OBJECTIONS: Defendants object to this Request as vague and unclear, unduly  
20 burdensome insofar as it encompasses all documents without limitation that address toxicity of  
21 the above-referenced substances, and for the reasons described in General Objections 2, 3, 4, 6, 7,  
22 and 8, above.



1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that they will produce an electronic document containing general  
3 information about toxicity.

4            **DOCUMENT REQUEST NO. 65**

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

8            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
9 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
10 described in General Objections 2, 3, 4, 6, 7, and 8, above.

11            RESPONSE: Subject to these objections and Defendants' General Responses and General  
12 Objections, Defendants state that they will produce a 1994 report developed by Batelle that  
13 addresses storage, handling, and transport of substances used in the Edgewood test programs.

14            **DOCUMENT REQUEST NO. 66**

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

19            OBJECTIONS: Defendants object to this Request to the extent that it requests  
20 information that is protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability  
21 and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule,  
22 and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections 3, 4, 6, 7,  
23 8 and 9 above.

1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2 Objections, Defendants state that they will produce the DoD database described above in  
3 response to Document Request No. 3.

4            **DOCUMENT REQUEST NO. 67**

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

8            OBJECTIONS: Defendants object to this Request for the reasons described in General  
9 Objections 2, 4, 5, 6, 7, and 8, above.

10            RESPONSE: Subject to these objections and Defendants' General Responses and General  
11 Objections, Defendants state that they will produce documents relating to the 1994 initiative  
12 leading up to President Clinton's 1995 statement and any responsive documents relating to the  
13 Advisory Committee on Human Radiation Experiments.

14            **DOCUMENT REQUEST NO. 68**

15            All film, movies or footage CONCERNING the film entitled *The U.S. Navy Presents*  
16 *LSD*.

17            OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
18 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
19 described in General Objections 4, 6, and 7 above.

20            **DOCUMENT REQUEST NO. 69**

21            All DOCUMENTS CONCERNING the VHA Directive 2004-016, dated April 15, 2004,  
22 entitled *Provision of Health Care Services to Veterans Involved in Project 112/Shipboard Hazard*  
23 *and Defense (Shad) Testing*, as well as MEETINGS and COMMUNICATIONS CONCERNING  
24 the same.

1           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
2 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
3 described in General Objections 2, 4, 5, 6, 7, and 8, above.

4           **DOCUMENT REQUEST NO. 70**

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

9           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
10 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
11 described in General Objections 4, 5, 6, 7, and 8, above.

12           **DOCUMENT REQUEST NO. 71**

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

17           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
18 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
19 described in General Objections 4, 5, 6, 7, and 8, above.

20           **DOCUMENT REQUEST NO. 72**

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

1           OBJECTIONS: Defendants object to this Request as irrelevant and seeking information  
2 not reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
3 described in General Objections 2, 4, 5, 6, 7, and 8, above.

4           RESPONSE: Subject to these objections and Defendants' General Responses and General  
5 Objections, Defendants state that they will produce a memorandum for record concerning the  
6 Army Investigational Drug Review Board (AIDRB) relating to the 1964 memorandum of  
7 understanding between DOD and the FDA and a May 12, 1964 MOU between the Department of  
8 Health, Education, and Welfare, and DoD Concerning Investigational Use of Drugs by DoD.

9  
10           **DOCUMENT REQUEST NO. 73**

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

14  
15           OBJECTIONS: Defendants object to this as irrelevant and seeking information not  
16 reasonably calculated to lead to the discovery of admissible evidence and for the reasons  
17 described in General Objections 2, 4, 5, 6, 7, and 8, above.

18           RESPONSE: Subject to these objections and Defendants' General Responses and General  
19 Objections, Defendants state that will produce a CD with the 1976 Department of the Army  
20 Inspector General Report.

21  
22           **DOCUMENT REQUEST 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           OBJECTIONS: Defendants object to this Request for the reasons described in General  
27 Objections 4, 5, 6, 7, and 8, above.

1            RESPONSE: Subject to these objections and Defendants' General Responses and General  
2            Objections, Defendants state that Defendants will produce the October 1980 LSD Follow-up  
3            Study Report and documents concerning LSD testing which were maintained at Edgewood and  
4            Fort Detrick.

5            **DOCUMENT REQUEST NO. 75**

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

8            OBJECTIONS: Defendants object to this Request for the reasons described in General  
9            Objections 2, 4, 5, 6, 7, and 8, above.

10           **DOCUMENT REQUEST NO. 76**

11           All DOCUMENTS CONCERNING the NRC study issued in 1984 entitled *Possible*  
12           *Long-Term Health Effects of Short-Term Exposure to Chemical Agents, Vol. 2: Cholinesterase*  
13           *Reactivators, Psychochemicals, and Irritants and Vesicants*, as well as meetings and  
14           communications concerning the same  
15           *Reactivators, Psychochemicals, and Irritants and Vesicants*, as well as meetings and  
16           communications concerning the same

17           OBJECTIONS: Defendants object to this Request for the reasons described in General  
18           Objections 2, 4, 5, 6, 7, and 8, above.

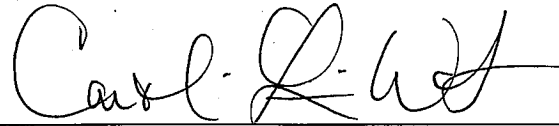
19           **DOCUMENT REQUEST NO. 77**

20           All DOCUMENTS CONCERNING the NRC study issued in 1985 entitled *Possible*  
21           *Long-Term health Effects of Short-Term Exposure to Chemical Agents; Vol. 3; final Report:*  
22           *Current Health Status of Test Subjects*, as well as meeting and communications concerning the  
23           same  
24           same

25           OBJECTIONS: Defendants object to this Request for the reasons described in General  
26           Objections 2, 4, 5, 6, 7, and 8, above.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: March 4, 2010



---

CAROLINE LEWIS WOLVERTON  
Senior Counsel  
KIMBERLY L. HERB  
Trial Attorney  
Federal Programs Branch, Civil Division  
United States Department of Justice  
P.O. Box 883  
Washington, D.C. 20044  
Tel: (202) 514-0265  
Fax: (202) 616-8470  
Email: [caroline.lewis-wolverton@usdoj.gov](mailto:caroline.lewis-wolverton@usdoj.gov)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on March 4, 2010, I served a copy of the foregoing via electronic mail and Federal Express on counsel for Plaintiffs as follows:

CStadecker@mofo.com

Mr. Gordon P. Erspamer, Esq.  
Morrison & Foerster, LLP  
425 Market Street  
San Francisco, CA 94105-2482



---

CAROLINE LEWIS WOLVERTON