

EXHIBIT A

1 GORDON P. ERSPAMER (CA SBN 83364)
 GErspamer@mofocom
 2 TIMOTHY W. BLAKELY (CA SBN 242178)
 TBlakely@mofocom
 3 ADRIANO HRVATIN (CA SBN 220909)
 AHrvatin@mofocom
 4 KIMBERLY L. TAYLOR (CA SBN 240483)
 KTaylor@mofocom
 5 STACEY M. SPRENKEL (CA SBN 241689)
 SSprenkel@mofocom
 6 MORRISON & FOERSTER LLP
 425 Market Street
 7 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 8 Facsimile: 415.268.7522

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
 17 D. ROCHELLE; LARRY MEIROW; ERIC P.
 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."

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.

28

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*

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 Meirow; Eric P.
23 Muth; David C. Dufrane; and Wray C. Forrest
24
25
26
27
28

1 GORDON P. ERSPAMER (CA SBN 83364)
 GErspamer@mofo.com
 2 TIMOTHY W. BLAKELY (CA SBN 242178)
 TBlakely@mofo.com
 3 ADRIANO HRVATIN (CA SBN 220909)
 AHrvatn@mofo.com
 4 KIMBERLY L. TAYLOR (CA SBN 240483)
 KTaylor@mofo.com
 5 STACEY M. SPRENKEL (CA SBN 241689)
 SSprenkel@mofo.com
 6 MORRISON & FOERSTER LLP
 425 Market Street
 7 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 8 Facsimile: 415.268.7522

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,

18 Plaintiffs,

19 v.

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

25 Defendants.
 26

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

27
 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

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.

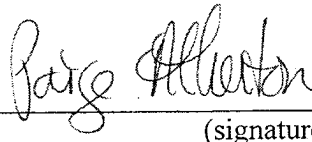
I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited in a box or other facility regularly 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)