

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 VIETNAM VETERANS OF AMERICA, *et al.*,

6 Plaintiffs,

7 v.

8 CENTRAL INTELLIGENCE AGENCY, *et al.*,

9 Defendants.

Case No. CV 09-0037-CW

DECLARATION OF ANTHONY
LEE, OFFICE OF THE UNDER
SECRETARY OF DEFENSE FOR
ACQUISITION, TECHNOLOGY,
AND LOGISTICS

10
11 I, Anthony Lee, am familiar with the complaint in this case. I make the following
12 statement based on personal knowledge and information made available to me in my official
13 capacity. I declare the following under penalty of perjury:

14 1. I am a civilian employee of the Department of Defense. I am a Program Analyst
15 in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics
16 (USD(AT&L)).

17 2. As part of my duties, I coordinated the search for documents in response to
18 Plaintiffs' first set of requests for production. Between August 2009 and March 2010, I
19 coordinated search efforts with multiple of offices at the Edgewood Area of Aberdeen Proving
20 Ground and Fort Detrick, specifically the U.S. Army Medical Research Institute of Chemical
21 Defense (USAMRICD), the Edgewood Chemical Biological Center (ECBC), and the U.S. Army
22 Medical Research Institute of Infectious Diseases (USAMRIID). I coordinated with the
23 respective records custodian or library personnel from each of these commands. These searches
24 resulted in production of the materials disclosed to plaintiffs in the fall of 2009 and March 2010.
25 None of the materials identified in response to the first request for production of documents were
26 classified.

27 3. I focused search efforts on Edgewood (USAMRICD and ECBC) and Fort Detrick
28 (USAMRIID) because these locations were the research centers for the Army's chemical and

1 biological test programs during the Cold War and I expected that USAMRICD, ECBC and
 2 USAMRIID maintain the documents and reports related to the Army's chemical and biological
 3 test programs.

4 4. Also as part of my duties, I am familiar with the contract DOD has with Battelle
 5 Memorial Institute to identify servicemembers who participated in chemical or biological test
 6 programs as test volunteers. I have reviewed the statement of work for the contract, Battelle's
 7 plan to accomplish the work, and receive monthly updates on Battelle's progress.

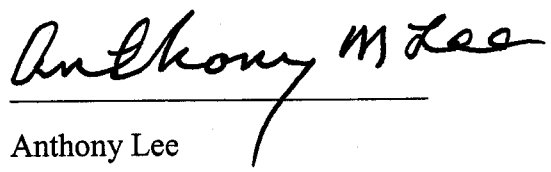
8 5. Battelle has reviewed documents at 16 sites for information that might be used to
 9 identify test volunteers. Additionally, by September 2011, Battelle intends to review documents
 10 at an additional 3 sites. At the conclusion of the contract, Battelle will have searched the
 11 following locations:

SITES VISITED	
13 Edgewood Chemical and Biological Center 14 (ECBC), Edgewood Area, Aberdeen Proving Ground, MD	U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), Fort Detrick, Maryland
15 Naval Research Laboratory (NRL), Washington, DC	National Archives and Records Administration (NARA), Adelphi, MD
16 Medical Research Institute of Chemical 17 Defense (MRICD), Edgewood Area, Aberdeen Proving Ground, MD	MRICD Other Listings (included archival records from: Ft. Benning, GA; Ft. Bragg, NC; Holmesburg Prison, PA; In-House, and Ft. McClellan, AL)
18 Dugway Proving Ground (DPG), UT (included 19 DDPG Safety Office and DPG Records 20 Management Office for two separate DPG offices)	U.S. Army Research, Development and Engineering Command (RDECOM), Edgewood Area, Aberdeen Proving Ground, MD (included two RDECOM offices)
21 West Desert Technical Information Center (Classified), DPG, UT	Naval Medical Research Center (NMRC), Silver Spring, MD
22 Walter Reed Army Institute of Research (WRAIR), Silver Spring, MD	Naval Medical Research and Development Command (NMRDC), Bethesda, MD
23 Air Force Institute of Operational Health 24 (AFIOH), Brooks AFB, TX	U.S. Army Chemical School, Ft. Leonard Wood, MO
SITES TO BE VISITED	
25 Air War College Historical Achieves, Maxwell 26 AFB, AL	Kirtland AFB, NM
27 Eglin AFB, FL	

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

6. Battelle provides test volunteers' identifying information to my office. I forward the information to the Office of the Assistant Secretary of Defense for Health Affairs (OASD(HA)). That office reviews the data and uploads it to the Chemical and Biological Tests Repository – a database designed to consolidate pertinent information concerning individual test volunteers.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of September, 2010.



Anthony Lee
Office of the Under Secretary of Defense for
Acquisition, Technology, and Logistics