

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA,)
et al.,)
)
Plaintiffs,)
)
vs.)
)
CENTRAL INTELLIGENCE AGENCY,)
et al.,)
Defendants.)

Civil Action No. C 09-0037 CW

DECLARATION OF CAROLINE
LEWIS WOLVERTON IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS

I, Caroline Lewis Wolverton, declare as follows:

1. I am a Senior Counsel in the Federal Programs Branch, Civil Division of the United States Department of Justice. I am familiar with the productions that Defendants and the Department of Veterans Affairs ("VA") have made in response to Plaintiffs' discovery requests in this action as I have served as counsel for both Defendants and the VA in connection with those productions.
2. In response to Plaintiffs' first set of requests for production of documents, Defendants have produced over 14,000 pages of documents, including individual test records of each of the named individual Plaintiffs, and a copy of the Department of Defense's Chem-Bio database from which servicemember names were redacted. They also made available for Plaintiffs' inspection several videotapes and other media materials that Plaintiffs had requested.
3. Attached hereto as Ex. A are true and accurate copies of the First, Second, Third and Fourth Sets of Requests for Production of Documents that Plaintiffs have served Defendants.
4. Attached hereto as Ex. B are true and accurate copies of the Defendants' written responses to Plaintiffs' First Set of Requests for Production of Documents that Plaintiffs served Defendants.
5. Attached hereto as Ex. C is a true and accurate copy of Defendants' Amended Interrogatory Responses.

- 1 6. Attached hereto as Ex. D is a true and accurate copy of Defendants' privilege log as of
2 July 29, 2010.
- 3 7. Withheld from Defendants' March 2010 production was one document that fell within
4 Defendants' objections: a report concerning Project 112/SHAD.
- 5 8. In May 2010, during a telephonic meet-and-confer conference, I informed Messrs.
6 Gordon Erspamer and Daniel Vecchio, counsel for Plaintiffs that DoD and Army had
7 agreed to conduct additional searches for information pertaining to possible health effects
8 of tested substances.
- 9 9. During the parties' June 30, 2010 meet-and-confer, it was my understanding that the
10 parties agreed that (1) Defendants would outline a proposal for additional discovery
11 searches that would focus on locating information on possible health effects of substances
12 tested, which Plaintiffs indicated was the primary goal of their discovery requests and (2)
13 Plaintiffs would provide a list of key words or search terms that might enable Defendants
14 to locate additional information or documents that Plaintiffs sought. I have not received
15 such a list from Plaintiffs.
- 16 10. Attached hereto as Ex. E is a true and accurate copy of my letter of July 12, 2010 to
17 Plaintiffs' counsel setting forth Defendants' first proposal for an agreed-upon scope of
18 discovery.
- 19 11. Attached hereto as Ex. F is a true and accurate copy of my letter of July 30, 2010 to
20 counsel for Plaintiffs setting forth Defendants' second proposal for an agreed-upon scope
21 of discovery.
- 22 12. Counsel for Plaintiffs made no counter-proposal to either Defendants' July 12 or July 30
23 proposals for an agreed-upon scope of discovery.
- 24 13. On November 2009, I sent to Mr. Adriano Hrvatin, counsel for Plaintiffs, via e-mail a
25 copy of the finding aid that the Central Intelligence Agency maintains for its 20,000 page
26 compilation of information about CIA's behavioral research programs.
- 27 14. Attached hereto as Ex. G is a true and accurate copy of what I am informed and believe is
28 the Table of Contents, Forward, and excerpts of Chapter X to Army Inspector General

- 1 Report, "Use of Volunteers in Chemical Agent Research," March 10, 1976 (VVA
2 028452-028525), , produced by Defendants to Plaintiffs in this litigation.
- 3 15. Attached hereto as Ex. H is a true and accurate copy of an excerpt of what I am informed
4 and believe is the Department of Veterans Affairs' study guide "Health Effects from
5 Chemical, Biological and Radiological Weapons" (VVA 023979-023982), produced by
6 Defendants to Plaintiffs in this litigation.
- 7 16. Attached hereto as Ex. I is a true and accurate copy of an excerpt of what I am informed
8 and believe is the LSD Follow-up Study Report (VVA 024174-024182), , produced by
9 Defendants to Plaintiffs in this litigation.
- 10 17. Attached hereto as Ex. J is a true and accurate copy of what I am informed and believe is
11 Chapter 8, "Long Term Health Effects of Nerve Agents And Mustard," and Chapter 11,
12 "Incapacitating Agents," of *Medical Aspects of Chemical and Biological Warfare*.
13 Defendants to Plaintiffs in this litigation produced a web-based copy of *Medical Aspects*
14 *of Chemical and Biological Warfare* on March 25, 2010 on a CD bates-labeled VVA
15 029359.
- 16 18. Attached hereto as Ex. K is a true and accurate copy of an excerpt of what I am informed
17 and believe is "Chemical Compounds Used in Human Testing at Edgewood Arsenal
18 (1955 to 1975)" (VVA 026292-026301), produced by Defendants to Plaintiffs in this
19 litigation.
- 20 19. Attached hereto as Ex. L is a true and accurate copy of an excerpt of what I am informed
21 and believe is the "US Chemical and Biological Tests Repository Acronym List" (VVA
22 026266-026267), produced by Defendants to Plaintiffs in this litigation.
- 23 20. Attached hereto as Ex. M is a true and accurate copy of an excerpt of what I am informed
24 and believe is of the National Research Council, Committee on Toxicology's "Review of
25 Acute Human-Toxicity Estimates for Selected Chemical-Warfare Agents" (VVA 024597-
26 0245696), produced by Defendants to Plaintiffs in this litigation.
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1 21. Attached hereto as Ex. N is a true and accurate copy of what I am informed and believe is
2 a CIA memorandum, dated February 12, 1975 (VVA 023862-023863), produced by
3 Defendants to Plaintiffs in this litigation.

4 22. Attached hereto as Exhibit O is a true and accurate copy of what I am informed and
5 believe is a CIA memorandum, dated August 2, 1977 (VVA 023868), produced by
6 Defendants to Plaintiffs in this litigation.

7 23.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed in
9 Washington, D.C. on September 15, 2010.

10 /s/ Caroline Lewis Wolverton
11 Caroline Lewis Wolverton

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