

ORD-1900-77
18 OCT 1977

MEMORANDUM FOR: OLC/C&R

ATTENTION : []

SUBJECT : Review and Comments on Ms. Siemer's 21 Sept 1977
Testimony Before the Senate Subcommittee on
Health (U/ALUO)

1. (U/ALUO) At your request, I am writing this memorandum to confirm numerous verbal communications in which I have cited specific documents which support the Agency position regarding Agency sponsored testing of the compound EA 3167 by Edgewood Arsenal Research Laboratories (EARL)--specifically as part of Project OFTEN as it may relate to testing on human volunteers. The Agency position is that while testing of EA 3167 on human volunteers was planned, we have found nothing conclusive to show that those tests were carried out by the time the contract ended in January 1973.

2. (U/ALUO) All of our files on OFTEN/CHICKWIT were reviewed by staff members of the Senate Subcommittee on Health and representatives from the Department of Army. The latter were under the technical representatives who conducted the review under the cognizance of the Defense Intelligence Inspector General. In each case, the reviewers identified certain documents which they wanted for further review. Copies of each document so identified were sent to the reviewers.

3. (U/ALUO) Documents in our files are consistent as regards termination of the Agency contract with EARL in January 1973. Our file materials, however, are inconclusive as to whether any human testing of EA 3167 was done for the Agency. Since none of the people who had direct knowledge of this sensitive and, therefore, closely controlled research project are now employed by the Agency, the Agency position is based upon information in the files.

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4. (U/AJVO) Listed below are specific documents and passages in them which form the basis for the Agency position:

- a. Attachment 1: ORD 2528-73, dated 29 May 1973, paragraph 8 states that Agency support to two activities (referring to OFTEN/CHICKWIT) was terminated in January 1973. Paragraph 5 of ORD 2528-73 suggests that tests were conducted on human volunteers under Agency sponsorship but we have no final reports and no documents in our files which report dosages or results from testing EA 3167 via oral or trans-dermal routes. The Benade memorandum of 23 June 1970 (attachment 2) was written before the Agency activity began in 1971 and as noted in paragraph 5, is reporting on application of EA 3167 by injection, thus those tests probably were part of the Army's own testing of that compound.
- b. Attachment 3: Memorandum For: Deputy Chief of Staff for Logistics Department of Army, Subject: Extension of Contract Date, dated 10 Nov. 1972, 71-535, Amendment 2, requests extension of "this contract until 15 January 1973"--there is no record of any subsequent extension.
- c. Attachment 4: MEMORANDUM FOR THE RECORD, Subject: Trip Report/Edgewood Arsenal, dated 12 Feb. 1975, states in paragraph 1 that the "research in question, a part of project OFTEN, was carried out between February 1971 and January 1973." Paragraph 2 of this trip report quotes the Chief of the Medical Research Division of the Biomedical Laboratories at Edgewood Arsenal as being "positive that no work on human subjects was performed under contract with the Agency."
- d. Attachment 5: Memorandum For: Office of Inspector General, Subject: ORD Research and Development for Intelligence Applications of Drugs, ORD 0420-75, dated 31 January 1975, indicates in paragraph 2 that both parts (meaning OFTEN/CHICKWIT) of the research program were terminated in January 1973. Paragraph 6 of ORD 0420-75 mentions "a report

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by one of our personnel commenting on an EARL report."; the referent is the Benade memorandum noted in subparagraph 4a. above.

- e. Attachment 6: Contains eight Progress Reports variously from "BIOMED LAB; CO, Edgewood Arsenal; MUCOM/EA; or ARMCOM/Edgewood Arsenal which report "Totals to Date" expenditures of "man-hours," "percentage of work completed" and "cost breakdown" against \$37,000 of "Obligations Incurred."

The \$37,000 is the amount transferred to Edgewood for the research activity. Of those eight reports (in order as they are attached) the 3rd (1 Jan - 31 March 1973--date stamped '73 at bottom with what appears to be Jan as the month), the 4th (1 April - 30 Jun 73), the 5th (1 July - 30 Sept 73) show no changes in manhours, percentages or cost breakdown during the first three quarters of calendar year 1973. The two remaining reports are of unknown date--for one the date line is blank and the other has a handwritten entry of "74" which we cannot affirm. Similarly, we cannot explain the 4-hour reduction in manhours, i.e., from 1288 to 1284 on this last progress report; while all other entries are unchanged.

5. (U/AIHO) The following entries address by page and line number, those statements from Ms. Siemer's testimony which are at variance with the Agency position. Included are references to Agency documents upon which the Agency position is based.

- a. Page 45, lines 17 and 18: See documents referred to in 4a thru 4d above, all of which indicate January 1973 as the month in which the contract was terminated. The referent for paragraph 2e shows no increase in manhours, expenditures or costs after the report for the first quarter of calendar year 1973.
- b. Page 45, lines 19 thru 23: Agency documents contain no reference to any testing in June of 1973. Admiral Turner's mention of that activity consisted of reading from Tab G of a document provided to

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this Agency by the Office of the Army Inspector General. The document consisted of a compendium/bibliography of materials which the Army had identified or created for their response to the Subcommittee. Tab G was written in its entirety by someone in the DoD--presumably Department of Army. The first few pages of Tab G were a summarization of Agency documents--basically the referents for paragraphs 4a, 4c, and 4d above. Beginning with a marginal heading entitled Army Involvement, however, Tab G was based upon materials not in Agency files. See attachment 7, ORD-1712-77, MEMORANDUM FOR THE RECORD, Subject: Review of DoD Materials for Submission to Senate Committees (Hearing beginning 20 September) (U), dated 19 Sept. 1977, paragraph 3. Tab G: and paragraph 3. 1) which states that Tab G contains "information not previously seen by us." Until 15 September, we were not aware that there had been a test of EA 3167 in June of 1973. The remainder of first sentence in paragraph 3., 1) of Tab G unequivocally states that the tests were done by and for the Army. It was that particular sentence from Tab G which Admiral Turner read to the Subcommittee on 21 September.

Page 45, lines 24 and 25 and page 46, lines 1-7: These remarks are at variance with the Agency position based on documents cited in 4a thru 4e, all of which were available to the DoD. In fact, attachments 1, 4, and 5 are among the five documents mentioned by Ms. Siemer on page 46 lines 8 thru 17. Her "second" document is actually an attachment to a the Memorandum For the Inspector General that is contained herein as attachment 5--DoD was given the basic document as well as the attachment "Influencing Human Behavior" that Ms. Siemer:

Page 47, line 4: The Agency documents that were destroyed in January of 1973 were, as I understand it, those from MKULTRA. Since projects OFTEN/CHICKWIT were not a part of MKULTRA the January 1973 destruction did not affect the OFTEN/CHICKWIT files.

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Page 49, lines 14 thru 21: The Agency files concerning the program "described at Edgewood which terminated in 1973" contain no reports of results of the tests, therefore, we do not know "that the program was successful in the sense that the Army developed what the Agency asked them to develop," "ner do we know that "they were successful in doing what the Agency asked them to do."

Page 51, lines 24 and 25 continued on Page 52 lines 1 thru 5. (See comments for page 49 above.) Since we have no record of having received results of tests involving application of EA 3167 to human volunteers during the period of Agency sponsorship--1971 to Jan 1973--and in view of the fact that the Army progress reports (see attachment 6) show only 75% of the work was completed, we have nothing upon which to judge the success of the program

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Attachments:

1. ORD memo 2528-73, dated 29 May 1973
2. Memorandum for C/MBSD, dated 23 June 1970
3. Memorandum 71-535, Amendment #2, dated 10 Nov 1972
4. MEMORANDUM FOR THE RECORD, dated 12 Feb 1975
5. ORD memo 0420-75, dated 31 Jan 1975
6. Progress Report, BIOMED LAB
7. MEMORANDUM FOR THE RECORD, dated 19 Sept. 1977

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