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December 17, 2010

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By ECF and Hand Delivery

Magistrate Judge James Larson
U.S. District Court for the Northern District
Courtroom F, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Vietnam Veterans of America v. Central Intelligence Agency*, No. C-09-00037 CW

Dear Judge Larson:

Pursuant to this Court's Orders of November 12, 2010 and December 2, 2010, Defendants have advised us that they will soon file a supplemental declaration in an attempt to justify their assertion of privilege under 50 U.S.C. § 403g.¹ In evaluating this privilege claim, the Court should be aware that Defendants are now invoking section 403g to foreclose all substantive questions, including inquiries into the foundation for a claim of privilege, into the involvement of the CIA, a named defendant, in this case. Such an overbroad use of the 403g privilege will seriously undermine Plaintiffs' right to discovery in this action.

For example, on December 10, 2010, during Plaintiffs' deposition of a third party, Dr. Edward W. Pelikan, who is employed at the Boston University School of Medicine, Defendants instructed the witness not to answer on over 130 occasions on the grounds that the information was protected pursuant to 403g or other statutory privileges.² Plaintiffs have reason to believe that Dr. Pelikan, a former employee of the Office of Naval Research, performed various assignments in connection with the CIA's Project MKULTRA, such as experiments on prisoners at the Addiction Research Center in Lexington Kentucky and the Atlanta Federal Penitentiary. Defendants instructed Dr. Pelikan not to answer foundational questions about whether he had any connection to the CIA. Further, they instructed him not

¹ Section 403g states that "the [Central Intelligence] Agency shall be exempted from . . . the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. . . ."

² A rough transcript of Dr. Pelikan's deposition is attached to this letter. A final transcript of the deposition is not yet available. The deposition was taken in Lexington, Massachusetts and lasted approximately 3.5 hours.

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December 17, 2010
Page Two

to answer questions concerning information he may have obtained independent of his connections to the CIA and concerning whether information he might have obtained from the CIA was, in fact, classified. For example, Defendants instructed Dr. Pelikan not to answer the following questions:

- Did you ever work for the CIA? (Pelikan Deposition Transcript at 26:2)
- “[D]id you receive any payments from any sources other than the Naval Reserve?” (*Id.* at 16:16-16:17.)
- “During the period that you worked for the Office of Naval Research, were you ever involved in any tests which involved the administration of these substances to humans?” (*Id.* at 23:11-12:14.)
- “Did you ever talk with anyone outside of government about any work you might have conducted in connection with the CIA?” (*Id.* at 27:7-27:9.)
- “Have you ever heard of Project MKULTRA?” (*Id.* at 49:2.)
- “Have you ever heard of a Ray Treichler?” (*Id.* at 52:14.)
- “Have you ever received any funding in connection with the Atlanta [F]ederal [P]enitentiary?” (*Id.* at 53:6-53:7)
- “Have you ever worked with a Dr. Harold Abramson?” (*Id.* at 63:8-63:9.)

It has become clear that, in response to your order that the CIA furnish discovery, the CIA has decided to assert section 403g as a basis for wholesale exemption from discovery and to foreclose even the most basic inquiries into the CIA’s widely known involvement in human experimentation. Plaintiffs ask the court to take Defendants’ recent, overbroad privilege claims into account when evaluating their 403g declaration.

Sincerely,

/s/ GORDON P. ERSPAMER

Gordon P. Erspamer

cc: All counsel of Record (*by ECF*)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CASE NO. CV 09-0037-CW

VIETNAM VETERANS OF)
AMERICAN, et al.,)
Plaintiffs,)
vs.)
CENTRAL INTELLIGENCE AGENCY,)ROUGH
et al.,)TRANSCRIPT
Defendants.)
_____)

DEPOSITION of EDWARD W. PELIKAN,
MD, called as a witness by and on behalf of the
Plaintiffs, pursuant to the applicable provisions
of the Federal Rules of Civil Procedure, before P.
Jodi Ohnemus, RPR, RMR, CRR, CA-CSR #13192, NH-LSR
#91, MA-CSR #12393, and Notary Public, within and
for the Commonwealth of Massachusetts, at the
Quality Inn & Suites, 440 Bedford Street,
Lexington, Massachusetts, on Friday, 10 December,
2010, commencing at 12:00 a.m.

R O U G H T R A N S C R I P T

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APPEARANCES:

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CIVIL DIVI SI ON
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For the Defendants

R O U G H T R A N S C R I P T

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1 APPEARANCES: (CONT' D)

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4
5

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10 Wrol l i nsl@aol .com
11 For the Deponent
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1 EDWARD W. PELIKAN, MD, having
2 satisfactorily been identified by
3 the production of a driver's license,
4 and being first duly sworn by the Notary
5 Public, was examined and testified as
6 follows to interrogatories

7 BY MR. SHAPIRO:

8 Q. Good afternoon, Doctor Pelikan. My name
9 is Adam Shapiro. I'm an attorney for the

Pel i kan Rough. TXT

10 pl ai nti ffs?

11 A. Okay.

12 Q. And could you please state and spell your
13 full name for the record, please?

14 A. First name is Edward. My middle initial
15 is W.. my last name is Pelikan, P-e-l-i-k-a-n.

16 Q. And are you represented by counsel today?

17 A. Yes, Mr. Rollins.

18 Q. And Mr. Rollins is the only person that's
19 representing you in this room.

20 A. Yes.

21 MR. ROLLINS: Is that clear? Do you want
22 to --

23 THE WITNESS: You are my counsel.

24 MR. ROLLINS: Correct.

25 THE WITNESS: And.

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1 MS. HERB: Counsel, for the record, the
2 United States -- the Department of Justice is
3 representing Doctor Pelikan insofar as the
4 questions relate to his official capacity work with
5 the United States government.

6 MR. SHAPIRO: Thank you.

7 MR. ROLLINS: Mr. Shapiro, before we
8 start, do you want to have any stipulations here or
9 do you have any concerned about that?

10 MR. SHAPIRO: No, I'll stipulate that this
11 deposition will be conducted in accordance with the
12 Federal Rules of Civil Procedure.

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13

MR. ROLLINS: Fi ne.

14

Q. Doctor Pel i kan, have you ever been deposed before?

15

16

A. Yes, once.

17

Q. Okay. So you've been through this before, but let me just tell you how this is going to work today.

18

19

20

I'm going to ask you some questions, and you're going to answer them. Let me finish my question before you answer. I will try not to cut you off as well. The -- the reporter can't take down two people speaking at the same time.

21

22

23

24

25

You can take a break at any time that you

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wanted to. However, if a question is pending, I'm going to have to ask that you answer the question before you -- before you go.

2

3

4

Make sure that your responses are audible, which means say yes or no. Don't just shake your head one way or the other, because, again, the reporter can't take that down.

5

6

7

8

Please do ask for clarification if you don't understand a question. And if you remember additional information later on after you've answered a question, please let me know and we'll add something to your earlier answer.

9

10

11

12

13

Doctor Pel i kan, you understand that you're under oath today.

14

15

A. Yes.

16

Q. Correct? And you do understand that that

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17 means that you are under penalty of perjury to tell
18 the truth.

19 A. Yes.

20 Q. Is there anything that you can think -- is
21 there any reason that you can think of that you --
22 why you would not be able to answer truthfully
23 today?

24 A. No.

25 Q. Are you on any medication that would

R O U G H T R A N S C R I P T

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1 prevent you from answering any of my questions
2 truthfully today?

3 A. No.

4 Q. Have you had any alcoholic beverages in
5 the last eight hours?

6 A. No.

7 Q. And did you meet with any attorneys in
8 order to prepare for this deposition?

9 A. I met with Mr. Rollins.

10 Q. And?

11 A. And I met with Ms. Herb and Josh --

12 THE WITNESS: I've forgotten your last
13 name.

14 MR. ROLLINS: Gardner.

15 A. Oh I did get it. Gardner.

16 Q. And when did you meet with Mr. Rollins?

17 A. Oh, I met with him at intervals over --
18 since the subpoena came out.

19 Q. And when you met with Mr. Rollins, did you

Pel i kan Rough.TXT

20

review any documents?

21

A. Yes.

22

Q. Did any of these documents help you

23

remember more about the past -- about past events

24

than you did beforehand?

25

A. I can't remember a specific instance in

R O U G H T R A N S C R I P T

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1

which I would say yes. Reviewing many documents

2

may have helped, but I...

3

Q. You can't remember any?

4

A. Can't remember any specific instance in

5

which I recalled only by virtue of the stimulus of

6

the documents.

7

Q. And when did you meet with Ms. Herb and

8

Mr. Gardner?

9

A. This morning.

10

Q. And how long did you meet with them?

11

A. Oh, for perhaps two hours.

12

Q. And did you review any documents when you

13

met with them?

14

A. No.

15

MR. SHAPIRO: I'd like to mark as Exhibit

16

102 -- 102 -- a subpoena dated August 5th, 2010.

17

(Exhibit 102, subpoena, 8/5/2010.)

18

MS. HERB: I'm sorry what was the exhibit

19

number on this?

20

MR. SHAPIRO: 102.

21

MR. ROLLINS: That's the one you got.

22

THE WITNESS: Yeah.

23

Q. Now, Doctor Pelikan, do you recognize this

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24 document?

25 A. Yes, it's one I received.

R O U G H T R A N S C R I P T

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1 Q. And what is it?

2 A. It's a subpoena.

3 Q. And when did you receive this subpoena?

4 A. In August.

5 Q. August of 2010?

6 A. 2010, yeah, certainly?

7 Q. And this subpoena asked you to search for

8 documents is that correct?

9 A. That's right.

10 Q. And you did produce documents to the

11 Plaintiffs; is that correct?

12 A. Yes.

13 Q. And after you produced documents to the

14 Plaintiffs, did you later find any other documents

15 which were relevant to the subpoena?

16 A. No.

17 Q. And where did you search for the documents

18 when --

19 A. In my -- my home, my files.

20 Q. Is there any place where responsive

21 documents could be located which you did not

22 search?

23 A. I don't think so.

24 Q. Doctor Pelikan, you stated earlier that

25 you had been deposed once before; is that right?

R O U G H T R A N S C R I P T

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Pel i kan Rough. TXT

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- 1 A. Right.
- 2 Q. When were you deposed?
- 3 A. Oh, goodness. Probably about 1990.
- 4 Q. And what was that case about?
- 5 A. The case was about a physician at the
- 6 University Hospital who was being sued, and I don't
- 7 remember the -- the complaint specifically. But as
- 8 chairman of the institutional review board, I was
- 9 subpoenaed and deposed because we had approved the
- 10 research that was in question.
- 11 Q. And you said University Hospital. Which?
- 12 A. In Boston.
- 13 Q. Boston University Hospital; is that right?
- 14 A. It's named as University Hospital.
- 15 Q. Oh, I see.
- 16 A. It's in Boston.
- 17 Q. And what research had you approved that
- 18 led to this lawsuit?
- 19 A. If I --
- 20 MR. ROLLINS: Objection. He didn't
- 21 approve it, other than as part of an institutional
- 22 review board. I mean -- right.
- 23 Q. You may answer the question.
- 24 A. Would you restate the question, please.
- 25 Q. Sure. What research was this litigation

R O U G H T R A N S C R I P T

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- 1 concerni ng?
- 2 A. Research for the treat -- therapy for the

Pelikan Rough.TXT

3 treatment of injury to the spinal cord, resulting
4 in paralysis.

5 Q. So this was surgical treatment?

6 A. Surgical treatment.

7 Q. I see.

8 MR. SHAPIRO: I'd like to mark as Exhibit
9 103 Doctor Pelikan's curriculum vitae as produced
10 by Doctor Pelikan, and Bates stamped by Plaintiffs
11 Pelikan leading zeros 3 to 12.

12 (Exhibit 103, CV, PELIKAN 00003-12.)

13 Q. Doctor Pelikan do you recognize this
14 document?

15 A. Yes, this is my curriculum vitae.

16 Q. And did you draft this document yourself?

17 A. Oh, yes, yes.

18 Q. And by "document," I mean Exhibit 103.

19 A. Yes.

20 Q. And is this curriculum vitae an accurate
21 reflection of your professional training and
22 experience?

23 A. Yes, it is.

24 Q. I would like to go through a few of the --
25 I'd like to go through a few of the points on this

R O U G H T R A N S C R I P T

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1 document with you.

2 A. Certainly.

3 Q. So in 1948 you received a BS in medicine
4 from the University of Illinois; is that correct?

5 A. That's right.

Pelikan Rough.TXT

6 Q. And in 1951 you received your MD from the
7 University of Illinois?

8 A. That's right.

9 Q. And you were a graduate -- a research
10 assistant and a graduate student in the department
11 of pharmacology at the University of Illinois
12 between 1940 and 1950.

13 A. Right.

14 Q. And you were an instructor in the
15 department of pharmacology at University of
16 Illinois college of medicine from '51 to '53.

17 A. That's right.

18 Q. So if you could -- you could be considered
19 an expert on pharmacology; is that right?

20 A. Within the limits of the master's degree,
21 yes.

22 Q. Now, your CV states that you were half
23 time at the University of Illinois between 1951 and
24 1953.

25 A. That's right.

R O U G H T R A N S C R I P T

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1 Q. What were you doing for the rest of the
2 time?

3 A. I was on the rotating internship, which is
4 described immediately above the line you've talked
5 about.

6 I spent two years in an internship, but
7 spent alternate -- in effect alternate semesters on
8 the internship and alternate semesters in -- as an
9 instructor.

Pel i kan Rough. TXT

10 Q. And while you were at the University of
11 Illinois, did you know --

12 MR. SHAPIRO: Can we go off the record for
13 a moment.

14 (Discussion off the record.)

15 (Question read back.)

16 Q. Doctor Pelikan, while you were at the
17 University of Illinois, did you know Doctor Carl
18 Pfeiffer, Dr. Carl C. Pfeiffer?

19 A. Yes, he was chairman of the department.

20 Q. And what was your relationship with Doctor
21 Pfeiffer?

22 A. I was a graduate student in his
23 department. I had studied in medical school in a
24 course in pharmacology in which he organized and
25 supervised.

R O U G H T R A N S C R I P T

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1 Q. You supervised the course which he taught?

2 A. No. No. He supervised the course in
3 which I studied pharmacology.

4 Q. I see. And did he teach that class?

5 A. That was a whole semester's class. He
6 shared teaching responsibilities with other faculty
7 members.

8 Q. Did you conduct any research with Doctor
9 Carl Pfeiffer while you were at the University of
10 Illinois?

11 A. No.

12 Q. Did you ever conduct any research with

Pelikan Rough.TXT

13 Doctor Carl Pfeiffer after you left the University
14 of Illinois?

15 A. No.

16 Q. At any time did you ever conduct any
17 research with Dr. Carl Pfeiffer?

18 A. No.

19 Q. Going back to the CV, according to your CV
20 you were active duty as a lieutenant in the medical
21 corps of United States Naval Reserve from 1953 to
22 1955; is that correct?

23 A. That's right.

24 Q. Do you happen to remember the exact month
25 when you went on active duty in the Naval Reserve?

R O U G H T R A N S C R I P T

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1 A. 1st of July 1953, as far as I know.

2 Q. And how did you come to be in the naval
3 reserve?

4 A. I had been in V-12, the educational
5 program of the Navy since 1944.

6 Q. And what is B --

7 A. And V-12 is the -- was the Navy collegiate
8 program which involved students in premed,
9 pre dentistry, business and pre theological, I think.

10 Q. And what did being in that program entail
11 for you?

12 A. I went to the Miami University, took
13 coursework in the preparation for admission to
14 medical school and carried out modest naval
15 functions, such as guard duty, marching, routine --
16 not unlike a ROTC program.

Pel i kan Rough.TXT

17 Q. Did you conduct any research as a part of
18 thi s V-12 program?

19 A. No.

20 MS. HERB: Objection. On the basis -- to
21 the extent that it calls for the witness to -- to
22 state information that may be protected by
23 statutory privilege, I instruct him not to answer.
24 To the degree that you can answer without
25 implicating such information, you may answer.

R O U G H T R A N S C R I P T

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1 A. Try the question again, please.

2 Q. While you were in the V-12 program, did
3 you conduct any research?

4 A. No.

5 Q. Thank you.

6 A. Only research that was, in effect, part of
7 the coursework.

8 Q. What type of research would that be?

9 A. Oh, I -- I analyzed physics data while I
10 was taking the course in physics. Textbook data.

11 Q. And so again, you were on active duty in
12 the Naval Reserve between 1953 and 1955; is that
13 right?

14 A. That's right.

15 Q. During the period -- during that period,
16 did you receive any payments from any sources other
17 than the Naval Reserve?

18 MS. HERB: Objection. On the basis of
19 statutory privilege, I instruct the witness not to

Pelikan Rough.TXT

20 answer.

21 Q. Doctor Pelikan, are you going to follow
22 that instruction?

23 A. Yes, I will.

24 Q. So you received no payments from stocks,
25 bonds, anything like that between 1953 and 1955?

R O U G H T R A N S C R I P T

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1 MS. HERB: Objection. To the extent that
2 it calls for the implication of information that
3 would be protected by statutory privilege.

4 MR. ROLLINS: I'll object because I would
5 ask you to clarify from whom, stocks, bonds?

6 MR. SHAPIRO: First of all counsel for
7 defense, what's the basis for that statutory
8 objection.

9 MS. HERB: We can go on record that I
10 understand you're going to be asking a number of
11 questions regarding the deponent's relationship
12 with governmental authorities, including
13 potentially as identified in your letter, the CIA.
14 Information would be protected pursuant to -- it
15 would either be classified and/or protected by
16 statutory privilege 50 U.S.C. 403 G, 450 U.S.C.
17 403-1-I-1.

18 The nature of the exact privilege I cannot
19 reveal because it in and of itself would reveal
20 classified information or may implicate classified
21 information.

22 Q. Doctor Pelikan, during this period you it
23 receive paychecks from the office of Naval Reserve;

Pelikan Rough.TXT

24 is that correct?

25 MS. HERB: Objection. To the degree ---

R O U G H T R A N S C R I P T

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1 -subject to statutory privilege, I instruct the
2 witness not to answer.

3 Q. Doctor Pelikan, will you answer?

4 A. No, I'll take the -- counsel's advice. Or
5 direction.

6 Q. Doctor Pelikan, what were your duties with
7 the office of Naval Reserve from 1953 to 1955?

8 MS. HERB: Objection. To the extent
9 you're asking the deponent to reveal information
10 that would be protected by -- because it's
11 classified and/or subject to statutory privilege, I
12 instruct the witness not to answer. To the degree
13 that you can answer that question without revealing
14 information that is so protected, you may answer.

15 A. No, I will accept the instruction.

16 Q. You will accept the instruction.

17 A. Yeah.

18 Q. And during this period you worked for the
19 Office of Naval Research, also cold ONR; is that
20 correct?

21 A. That's right.

22 Q. You were working with ONR for the entire
23 period you were on active duty with the office of
24 naval research.

25 MS. HERB: Objection to the extent that it

R O U G H T R A N S C R I P T

Pel i kan Rough. TXT

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1 calls for the witness to reveal information that is
2 classified and/or subject to statutory privilege, I
3 instruct him not to answer.

4 A. I accept the instruction.

5 MS. HERB: Could we just go on record
6 rather than making that same objection every time
7 that's just sort of my standard objection I will in
8 the future probably simply say same instruction.

9 MR. SHAPIRO: I'll stipulate to that.

10 MS. HERB: Thank you.

11 Q. Doctor Pelikan, so -- I'm sorry. So,
12 Doctor Pelikan you're going to follow that
13 instruction not to answer.

14 A. Yes.

15 Q. And what were your duties as special
16 project officer?

17 MS. HERB: Same objection. The instruct
18 the witness not to answer.

19 A. I accept the instruction.

20 Q. Where were you stationed.

21 MS. HERB: Objection. Same objection. I
22 instruct the witness not to answer.

23 A. Accept the instruction.

24 Q. And who was your commanding officer during
25 this time?

R O U G H T R A N S C R I P T

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1 MS. HERB: To the degree that the same --
2 you know, to the degree you can answer without

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3 i nvoking or revealing information that would be
4 subject to statutory privilege or classified you
5 may answer. Otherwise I instruct the witness not
6 to answer.

7 A. I don't remember.

8 Q. And did you work on any research during
9 this period while you were with the Office of Naval
10 Research?

11 MS. HERB: Same objection. I instruct the
12 witness not to answer. I'll accept the
13 instruction.

14 Q. And if you did work on research, what was
15 this research?

16 MS. HERB: Same objection. I instruct the
17 witness not to answer.

18 A. I accept the instruction.

19 Q. And who did you work with on any research
20 that you worked on at the office of Naval Reserve
21 or -- I'm sorry the Office of Naval Research?

22 MS. HERB: Same objection. I instruct the
23 witness not to answer.

24 A. Accept the instruction.

25 Q. Did any of the research that you worked on

R O U G H T R A N S C R I P T

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1 with ONR involve testing substances on humans?

2 MS. HERB: Sorry. Same objection. I
3 instruct the witness not to answer to the extent
4 that it would --

5 A. I accept.

Pel i kan Rough.TXT

6 Q. And were you aware of any ONR experiments
7 where substances were tested on active duty
8 military personnel?

9 MS. HERB: Same. I'm sorry could you
10 repeat that question.

11 (Question read back.)

12 MS. HERB: I'll allow the witness to
13 answer.

14 A. The answer is no.

15 Q. Were you aware of any tests carried out by
16 any government organization where substances were
17 tested on active duty military personnel?

18 MR. ROLLINS: Objection. During what
19 period of time?

20 Q. Between 1953 and 1955.

21 A. Would you repeat the question.

22 Q. Were you aware of any I'm sorry could you
23 repeat that.

24 (Question read back.)

25 A. No, I was not.

R O U G H T R A N S C R I P T

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22

1 Q. Did you work with any other institutions
2 other than the Office of Naval Research in this
3 period of 1953 to 1955?

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

6 A. I accept the instruction.

7 Q. Any private organizations that you worked
8 with during this period?

9 MS. HERB: To the extent that you're
Page 19

Pelikan Rough.TXT

10 asking the -- the witness would have to reveal
11 information that would be protected either because
12 it's classified or protected -- protected under
13 statutory privileges I instruct the witness not to
14 answer.

15 To the degree that you can answer outside
16 of that, please feel free.

17 A. Would you repeat the question again.

18 (Question read back.)

19 A. No.

20 Q. So during this period, were you
21 exclusively employed by the Office of Naval
22 Research.

23 MS. HERB: Same objection. I instruct the
24 witness not to answer.

25 A. I accept the instruction.

R O U G H T R A N S C R I P T

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1 MR. SHAPIRO: I'd like to mark as Exhibit
2 104 a document entitled, "Chemical compounds used
3 in human testing at Edgewood Arsenal, 1955 to 1975,
4 Bates stamped V VA 026292.

5 (Exhibit 104, VVA 026292-293.)

6 Q. Doctor Pelikan, I'd like you to take a
7 look at this -- at Exhibit 104. It provides a list
8 of chemicals and other substances which were tested
9 at Edgewood Arsenal between 1955 and 1975?

10 A. (Witness reviews document.) Yes.

11 Q. During the period that you worked for the
12 Office of Naval Research, were you ever involved in

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13 any tests which involved the administration of
14 these substances to humans.

15 MS. HERB: Objection to the extent that it
16 asks the deponent to reveal information that would
17 be classified and/or protected pursuant to stat
18 industry privilege I instruct him not answer. To
19 the degree that he can answer outside of that, he
20 may.

21 A. I will accept your instruction.

22 Q. Doctor Pelikan, according to your CV, your
23 active duty service terminated in 1955 is that
24 correct?

25 A. That's correct.

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24

1 Q. Your active duty status did in fact
2 terminate in 1955; is that correct?

3 A. Yes.

4 Q. Do you remember what month?

5 A. It was almost certainly the 30th of June,
6 1955.

7 Q. So you left active duty service, but you
8 were still part of the Naval Reserve after that
9 point?

10 A. That's right.

11 Q. And how long were you in the Naval
12 Reserve?

13 A. I don't remember when I was finally
14 discharged. I'm not sure whether that's in the
15 curriculum vitae or not.

16 Q. I do not believe it is.

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17 Can you ball park that? Would 1960, 1970,
18 1980?

19 MS. HERB: Objection to the degree it
20 calls for speculation.

21 Q. You may answer the question.

22 A. I -- I simply don't know.

23 Q. Did you ever go on -- into active duty
24 after 1955?

25 A. No.

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25

1 Q. Did you ever perform any work for the
2 Office of Naval Research after you left active duty
3 in 1955?

4 A. No.

5 Q. Did you ever perform any consulting work
6 for the Office of Naval Research after you left in
7 1955?

8 A. No.

9 Q. Did you ever have conversations with
10 colleagues from the Office of Naval Research after
11 you left in 1955?

12 MS. HERB: Objection to the degree that
13 you're asking the deponent to reveal information
14 that may be protected because it's classified
15 and/or subject to statutory privilege I instruct
16 the witness not to answer. If there is information
17 that you can reveal that would not cause such
18 problems, you may answer.

19 A. The answer to your question, I think, is

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20 no.

21 Q. You never talked to any of your colleagues
22 again after working with them for two years.

23 A. I don't think I did.

24 Q. Did you ever work for any other branch of
25 the US military other than the Navy?

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26

1 A. No.

2 Q. Did you ever work for the CIA?

3 MS. HERB: Objection. Subject to
4 statutory privilege and/or classified, I instruct
5 the witness not to answer.

6 A. I accept the instruction.

7 Q. Did you ever work indirectly for the CIA?

8 MS. HERB: Same objection. I instruct the
9 witness not to answer.

10 A. I accept the instruction.

11 Q. Did you ever perform any contract work for
12 the CIA?

13 MS. HERB: Same objection. I instruct the
14 witness not to answer.

15 A. I accept the instruction.

16 Q. Did you ever work on any projects which
17 were funded by the CIA.

18 MS. HERB: Same objection. I instruct the
19 witness not to answer.

20 A. I accept the instruction.

21 Q. Did you ever work on any projects where
22 you suspected -- which you suspected were funded by
23 the CIA?

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24 MS. HERB: Same objection. I instruct the
25 witness not to answer.

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1 A. I accept the instruction.

2 Q. Did you ever talk to anyone about work you
3 might have conducted in connection with the CIA?

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

6 A. I accept the instruction.

7 Q. Did you ever talk with anyone outside of
8 government about any work you might have conducted
9 in connection with the CIA?

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 Q. Okay. I'd like to move back -- your
14 attention -- back to Exhibit 103, that's your
15 curriculum vitae.

16 A. Right.

17 Q. And I would just like to go through some
18 of your teaching experience. So between 1955 and
19 1957 you were an assistant professor at the
20 department of the physiology and pharmacology at
21 the graduate school of medicine, University of
22 Pennsylvania; is that right?

23 A. Right.

24 Q. And from 1957 to 1960, you were the
25 assistant -- you were an assistant professor

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1 department of pharmacology and experimental
2 therapeutics at Boston University School of
3 Medicine.

4 A. That's right.

5 Q. And you continued as a professor until
6 1995; is that right?

7 A. That's right.

8 Q. You were acting chair of the department
9 from 1960 to 1962?

10 A. That's right.

11 Q. And you were chairman between 1962 and
12 1988?

13 A. That's right.

14 Q. And what is your status now at Boston
15 University?

16 A. Professor emeritis.

17 Q. Do you still do any work at -- at BU?

18 A. I'm still on the institution -- excuse me.
19 I'm still on the institutional review board in a
20 so-called Charles River campus.

21 Q. And when you say the institutional review
22 board, do you mean the institutional review board
23 for human experimentation?

24 A. That's right.

25 Q. And you became a member of the review

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29

1 board in 1973.

2 A. I was -- I became a member of the Boston
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3 Uni versi ty medi cal center i nsti tuti onal revi ew
4 board i n 1973.

5 Q. The revi ew board for human
6 experi mentati on.

7 A. Yeah. Yeah.

8 Q. Okay. And you were a member from 1973 to
9 1999?

10 A. That' s ri ght.

11 Q. And you were chairman from 1985 to 1993.

12 A. That' s ri ght?

13 Q. And what i s the i nsti tuti onal revi ew board
14 for human experi mentati on?

15 A. I n both si tes, Charles Ri ver campus and
16 the medi cal center, research whi ch i nvol ves human
17 subj ects must be revi ewed and approved by the
18 i nsti tuti onal revi ew board before i t can be
19 submi tted to any sponsor.

20 Q. And what do you l ook --

21 A. And the --

22 Q. I' m sorry. Go on.

23 A. And the functi on of the i nsti tuti onal
24 revi ew board i s fundamente lly to protect the ri ghts
25 and pri vi leges of potenti al humans -- of potenti al

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1 human subj ects or human subj ects once they have
2 become a subj ect.

3 Q. Does the revi ew board have any gui del i nes
4 for conducti ng experi ments wi th human subj ects?

5 A. There are federal gui del i nes governi ng the

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6 function of the institutional review board,
7 including the things which they should -- which
8 they should consider in reviewing an application
9 before giving it approval or disapproval.

10 Q. And what kinds of factors do you consider
11 before giving approval, or does the review board
12 consider before giving approval?

13 A. Among other things, it must -- it must
14 provide -- it must require adequate communication
15 by the investigator to the potential subject of the
16 nature of the investigation, the hazards and
17 benefits, if any; it requires that there be a
18 signature to a -- an informed consent form, unless
19 a specific exception can be made and the conditions
20 for exception are detailed, specific attention
21 should be -- must be paid to subjects who are -- to
22 persons who are potential subjects who may be
23 particularly susceptible to coercion or require
24 additional protections, such as children.

25 I'm trying to -- trying to summarize a

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1 very large number of things that have to be taken
2 into account.

3 Let me stop there and -- unless you --

4 Q. So it sounds like a researcher needs to
5 gain adequate consent from a human test subject
6 before conducting an experiment involving that
7 subject?

8 A. Unless there are specific exceptions that
9 can be made.

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10 Q. What are those exceptions?

11 A. Well, for example, if a patient is
12 unconscious at the time the experiment --
13 experimental treatment is to be done. In an
14 emergency room, for example. The patient cannot
15 provide consent if the patient is unconscious.

16 THE WITNESS: Is that --

17 Q. Are there any other exceptions?

18 A. Well, a child can provide assent but it
19 cannot provide consent. Must provide assent if
20 it's of a certain age.

21 Q. So there are certain circumstances in
22 which human experimentation might be unethical,
23 even if consent was obtained.

24 MS. HERB: Objection. Lacks foundation.

25 MR. ROLLINS: You can answer.

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1 A. Ask your -- state your question again now.

2 Q. Are there any circumstances in which human
3 experimentation would be unethical, even if consent
4 was obtained from the human subject before the test
5 began.

6 MS. HERB: Objection. It also --
7 objection. Hypothetical.

8 MR. ROLLINS: You can answer.

9 A. Yeah, the -- if, for example, the patient
10 was not adequately informed of the nature of the
11 experiment.

12 Q. So if are -- if a researcher administered

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13 a certain substance to a human test subject, did
14 not tell that test subject what substance they were
15 receiving, even if they had written consent, you
16 would say that adequate consent had not been
17 obtained.

18 MS. HERB: Objection. Hypothetical.
19 Assumes facts not in evidence.

20 MR. ROLLINS: I'll object in order to
21 clarify the question.

22 THE WITNESS: Yeah.

23 MR. ROLLINS: Because you could have a
24 placebo and a drug which they may have consented to
25 which is probably not what you're asking.

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1 A. Would you -- would you rephrase your
2 question.

3 Q. Sure. Sure. Doctor Pelikan, if -- I
4 withdraw the question.

5 MR. SHAPIRO: I would like to mark Exhibit
6 105, a memorandum dated 2/26/1953, so-called the
7 Wilson memorandum.

8 I'm sorry. I'm going to withdraw the
9 marking. It's not marked 105. It's been
10 previously marked in a prior deposition as Exhibit
11 95.

12 MR. ROLLINS: Are we calling it 95?

13 MR. SHAPIRO: We're calling it 95.

14 MR. ROLLINS: Thank you.

15 (Exhibit 95, memo, 2/26/53, previously
16 marked.)

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17 MS. HERB: I'm sorry. You had said this
18 was previously marked what?

19 MR. SHAPIRO: 95.

20 Q. Doctor Pelikan, this is a memorandum that
21 was issued for the secretary of the Army, the
22 Secretary of the Navy, the secretary of the Air
23 Force; and it involves -- it concerns the use of
24 human volunteers in experimental research. It
25 provides certain guidelines.

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1 And I'd like to draw your attention to
2 Section 2-A on the the first page of this document
3 -- on the first page of the will son memorandum?

4 A. Yes.

5 Q. It states "The voluntary consent of the
6 human subject is absolutely essential." And then
7 that first sentence starts "This means that the
8 person involved should have legal capacity to give
9 consent."

10 And then at the very bottom of that page,
11 it states, "Before the acceptance of an affirmative
12 decision by the experimental subject there should
13 be made known to him the nature, duration and
14 purpose" --

15 A. Excuse me. I'm looking for the bottom.

16 Q. Oh, I'm sorry. It's one, two, three,
17 four, five lines up, the end of that line. It's
18 before -- it's actually the middle of the sentence.
19 The sentence starts, "This letter element requires

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20 that before --"

21 A. Right.

22 Q. So "This letter element requires that
23 before the acceptance of an affirmative decision by
24 the experimental subject there should be made known
25 to him the nature, duration and purpose of the

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1 experiment, the method and means by which it is to
2 be conducted, all inconveniences and hazards
3 reasonably to be expected, and effects upon his
4 health or persons which may possibly come from his
5 participation in the experiment."

6 Would you agree that this type of done
7 sent need needs to be obtained before a test
8 subject, prior to participating in an experiment?

9 MR. ROLLINS: Objection. In this current
10 period of time?

11 Q. Generally speaking, in any period of time.

12 MR. ROLLINS: At any time.

13 MR. SHAPIRO: (Nods.)

14 A. Generally speaking, yes. I immediately --
15 I haven't -- I have not been able to study this
16 paragraph.

17 Q. Would you like to take a moment.

18 A. I fear it would take me much more than a
19 moment.

20 MR. ROLLINS: Well take a moment. Excuse
21 me. I believe that he's talking about just up to
22 here to -- not the next page.

23 THE WITNESS: Oh. It continues on.

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24 MR. ROLLINS: I know the only question was
25 this paragraph that stops with the word

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1 "experiment." From here to here (indicating).

2 A. (Witness reviews document.) Reading that
3 paragraph to the word -- through the word
4 "decision" in the fifth line in Paragraph 1, it
5 seems a reasonable statement.

6 Q. It seems a reasonable statement that test
7 subjects should know what substances are being
8 administered to them?

9 A. What substances may be administered to
10 them. If, for example, there is a placebo
11 involved, an inert material, rather than an active
12 material, the experimental design may require that
13 the subject, and perhaps even the experimenter, not
14 know when, in a specific administration, a placebo
15 or an active drug is administered.

16 Q. And it would also be reasonable to say
17 that in order to gain adequate consent, the subject
18 would need to know what the effects of that
19 substance were?

20 MS. HERB: Objection. Lacks foundation.

21 MR. ROLLINS: You can answer.

22 MS. HERB: Vague.

23 Q. You can answer.

24 MR. ROLLINS: You can answer.

25 A. Would you say it -- repeat your question.

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1 (Question read back.)

2 MR. ROLLINS: Objection. I assume the
3 active substance that you're talking about or the
4 placebo.

5 MR. SHAPIRO: The active substance.

6 A. Repeat it once more, please.

7 (Question read back.)

8 A. With the qualification that the last word
9 might be -- should be -- might be what the effects
10 of the drug might be, yes, I would -- I would say
11 that that...

12 Q. Including long-term health effects?

13 A. To the extent possible.

14 Q. And Doctor Pelikan, I'm assuming that
15 you've never seen this document before.

16 A. No.

17 Q. And you've never heard it discussed
18 before?

19 A. I don't believe so.

20 Q. You've never heard any reference Wilson
21 memorandum?

22 A. I have -- I believe I have seen it in the
23 appendix of a book about the -- maybe it was the
24 Nuremberg trial. I have seen it in print, I
25 believe.

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1 MR. SHAPIRO: I'm going to go off the
2 record for a moment.

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3 (Di scussi on off the record.)

4 A. Can you give me your response to the
5 questi on.

6 (Answer read back.)

7 A. And your questi on was whether I had seen
8 i t.

9 Q. Whether you had seen i t before. Whether
10 you had heard of i t before.

11 A. If I said no to that, I believe I have
12 seen i t, but I can't i denti fy.

13 Q. So the only time that you've seen i t is i n
14 -- i n print.

15 A. I think so, that I can --

16 Q. I n a book that you were readi ng,
17 presumabl y, for -- a book that you were readi ng
18 forei gn enjoyment?

19 A. Or i n -- or enl ightenment.

20 Q. Enl ightenment.

21 Q. Doctor Pel i kan, I would l i ke to run a few
22 names by you and see i f you've heard of these
23 peopl e or knew these peopl e.

24 Di d you ever know a Doctor F. H. Qui mby?

25 MS. HERB: Obje cti on to the extent that i t

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1 woul d call for the deponent to reveal i nformati on
2 that woul d be classi fi ed and/or subj ect to
3 statutori y pri vi l ege I i nstruct hi m not to answer.

4 A. I accept the i nstructi on.

5 Q. Di d you ever know a person named George

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6 Hunter Whi te.

7 MS. HERB: Objection. First it lacks
8 foundation. Two, same objection as before. Again
9 if we can just stipulate that will be my standard
10 objection, I instruct the witness not to answer.

11 A. I accept the instruction.

12 Q. Morgan Hall? Did you know a person named
13 Morgan Hall.

14 MS. HERB: Same objection. Lacks
15 foundation and classified and/or statutory
16 protection I instruct the witness not to answer.

17 A. I accept the instruction.

18 Q. Have you ever heard of a person named
19 George Hunter White?

20 MS. HERB: Same objections. Instruct the
21 witness not to answer to the degree it would
22 implicate.

23 A. I accept the instruction.

24 Q. Have you ever heard of a person named Dr.
25 Paul Hoch?

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1 MS. HERB: Same objection. Instruct the
2 witness not to answer.

3 A. I accept the instruction.

4 Q. Have you ever heard of a person named Dr.
5 Max Rinkel.

6 MS. HERB: Same objection. I instruct the
7 witness not to answer to the degree that will
8 implicate information.

9 Q. That's spelled, R-i-n-k-e-l.

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10 A. I accept the instruction.

11 Q. Have you ever heard of a person named Dr.
12 Victor Vogel ?

13 MS. HERB: Same objections. I instruct
14 the witness not to answer to the degree classified
15 or statutory information is implicated?

16 A. I accept the instruction.

17 Q. Have you ever heard of a person named Dr.
18 Richard Lashbrook.

19 MS. HERB: Same objections instruct the
20 witness not to answer to the degree it would
21 implicate classified or statutorily protected
22 information?

23 A. Accept the instruction.

24 Q. Have you ever heard of a person named Dr.
25 Willis Gibbons?

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1 MS. HERB: Same objections I instruct the
2 witness not answer to the degree it would implicate
3 classified and/or statutorily protected
4 information?

5 A. I accept the instruction.

6 Q. Have you ever heard of a person named
7 colonel Sheffi el d Edwards.

8 MS. HERB: Same objections I instruct the
9 witness not to answer to the degree it would
10 implicate classified and/or statutorily protected
11 information.

12 A. I accept the instruction.

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13 Q. Have you ever heard of a person named
14 James Ketchum?

15 A. No.

16 Q. Have you ever heard of a person named
17 Doctor Van Sim?

18 A. No.

19 Q. Have you ever heard of a person named
20 Martin Ori n?

21 MS. HERB: Same objection I. Instruct the
22 witness not to answer to the degree that it would
23 implicate information that's protected by
24 classified information or statutorily protected.

25 A. I accept the instruction.

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1 MS. HERB: Counsel for the record, I don't
2 know that -- offhand all the individuals that
3 you're referring to. So if you might want to
4 establish some foundation for who these individuals
5 are, we might be able to let some of them go.

6 But without sort of having a foundation,
7 I'm going to have to protect statutorily protected
8 and classified information.

9 MR. SHAPIRO: Noted. I'm sorry can you
10 read back my last question.

11 (Question read back.)

12 Q. Have you ever -- did you know that Martin
13 Ori n was the founder of the institute for
14 experimental psychi atry?

15 MS. HERB: To the degree it calls for the
16 witness to implicate information that is

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17 statutorily protected and/or classified, I instruct
18 him not to answer.

19 A. I accept the instruction.

20 Q. Have you ever heard of a person named Dr.
21 Wilson Green?

22 MS. HERB: Same objection. Instruct the
23 witness not to answer to the degree it would
24 implicate classified ab or statutorily protected
25 information?

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1 A. I accept the instruction.

2 MS. HERB: Can we take a five-minute
3 break.

4 MR. SHAPIRO: Sure.

5 MS. HERB: Thank you.

6 (Recess was taken.) .

7 Q. Doctor Pelikan, have you ever heard of a
8 person named Sidney Gottlieb?

9 A. Yes --.

10 MS. HERB: Objection. I instruct the
11 witness not to answer to the degree it would
12 protect information that is classified or subject
13 to statutorily privilege.

14 Q. Doctor Pelikan?

15 A. I accept the instruction.

16 MR. ROLLINS: May I interject for a moment
17 and say that, as counsel for Doctor Pelikan, it is
18 our understanding that when the -- when the
19 government -- when the Defendant raises the

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20 privileges and protections that they're referring
21 to and instructs the witness not to answer, it is
22 our understanding, doctor Pelikan's and mine, that
23 Doctor Pelikan cannot respond because of those
24 statutes, not because he's agreeing to withhold
25 information other than his understanding that he

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1 cannot disclose that information.

2 So in the sense that he's accepting the
3 instruction, he's accepting it on the understanding
4 that he can't disclose that because of the
5 statutes. Thank you.

6 Q. Doctor Pelikan, have you ever heard of a
7 Amedo S. Marrazzi, that's M-a-r-r-a-z-z-i?

8 MS. HERB: Objection to the degree it
9 would ask the deponent to reveal information that
10 is classified or subject to statutory privileges, I
11 instruct him not to answer.

12 A. I accept the instruction.

13 Q. Doctor Pelikan have you ever heard of a
14 colonel Douglas Lindsay.

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. Accept the instruction.

18 Q. Doctor Pelikan have you ever heard of a
19 colonel Frank Bauer.

20 MS. HERB: Same objection. I instruct the
21 witness not to answer.

22 A. I accept the instruction.

23 Q. Doctor Pelikan, have you ever heard of a
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24 Mr. Ray Trei chl er?

25 MS. HERB: Same objecti on. I i nstruct the

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1 wi tness not to answer.

2 A. I accept the i nstructi on.

3 Q. Doctor Pel i kan, did you know a Ray

4 Trei chl er.

5 MS. HERB: Same objecti on I i nstruct the

6 wi tness not to answer.

7 A. I accept the i nstructi on.

8 Q. Have you ever heard of a person named Dr.

9 Mal col m Bowers?

10 MS. HERB: Same objecti on I i nstruct the

11 wi tness not to answer.

12 A. I accept the i nstructi on.

13 Q. Have you ever heard of a person named Dr.

14 George K. Aghaj ani an.

15 MS. HERB: Same objecti on. I i nstruct the

16 wi tness not to answer.

17 A. I have no -- I accept the i nstructi on.

18 Q. Doctor Pel i kan, do you know anyone who

19 worked at Edgewood Arsenal ?

20 A. No, I don' t thi nk so.

21 Q. Have you heard of Edgewood Arsenal ?

22 A. I' ve heard of i t.

23 Q. In what context did you hear of i t?

24 A. I don' t know that I have heard a speci fic

25 context. It' s a name that occurs frequently in --

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1 in the public print. So I cannot say I have not
2 heard the name.

3 Q. Have you ever been to Edgewood Arsenal?

4 A. No.

5 Q. Have you ever conducted any business with
6 anyone from Edgewood Arsenal?

7 A. Not to my knowledge.

8 Q. Did you ever have any professional ties
9 with anyone who worked for the CIA.

10 MS. HERB: Objection. Same objection,
11 instruct the witness not to answer.

12 A. I accept the instruction.

13 Q. Did you ever have any professional ties
14 with anyone who you had reason to believe worked
15 for the CIA?

16 MS. HERB: Same objection. I instruct the
17 witness not to answer.

18 A. I accept the instruction.

19 Q. Have you ever heard of the Geschlickter
20 Fund?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. How about the -- have you ever heard of
25 the Geschlickter Fund for medical research?

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1 MS. HERB: Same objection. I instruct the
2 witness not to answer.

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3 A. I accept the instruction.

4 Q. Have you ever heard of the society for
5 human ecology.

6 MS. HERB: Same objection I instruct the
7 witness not to answer.

8 A. I accept the instruction.

9 Q. Have you ever heard of IV research labs.

10 MS. HERB: Same objection. I instruct the
11 witness not to the answer.

12 A. I accept the instruction.

13 Q. Have you ever heard of a Josiah H. Macy
14 foundation.

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. I accept the instruction.

18 Q. Have you ever heard of the research
19 foundation for mental hygiene?

20 MS. HERB: Same objection. I instruct the
21 witness not to answer.

22 A. I accept the instruction.

23 Q. Have you ever beard to Aberdeen Proving
24 Grounds in Maryland?

25 A. No.

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1 Q. Have you ever been to Fort McCl ellen
2 Al abama?

3 A. No.

4 Q. Have you ever been to Fort Benni ng
5 Georgi a?

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6 A. No.

7 Q. Have you ever been to Fort Dietrich*,
8 Frederick, Maryland?

9 A. No.

10 Q. Have you ever been to Dougway Proving
11 Ground?

12 A. No.

13 Q. Have you ever been to Cold Spring Harbor
14 Biological Laboratories?

15 A. No.

16 Q. Have you ever received any funding from
17 the Army Chemical Corps?

18 A. No.

19 Q. Have you ever received any funding from
20 the Army?

21 A. No.

22 Q. Have you ever received any funding to
23 conduct research from the CIA?

24 MS. HERB: Objection. Same objection. I
25 instruct the witness not to answer.

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1 A. I accept the instruction.

2 Q. Have you ever heard of project MKULTRA?

3 MS. HERB: Objection to the degree it
4 would call for the witness to reveal information
5 that would be potentially classified or subject to
6 statutory privilege I instruct the witness not to
7 answer.

8 A. I accept the instruction.

9 Q. Have you ever heard of project Bluebird?

Pel i kan Rough.TXT

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 Q. Have you ever heard of project art choke?

14 MS. HERB: Same objection. I instruct the
15 witness not to answer.

16 A. I accept the instruction.

17 Q. Have you ever heard of project MKNAOMI .

18 MS. HERB: Same objection instruct the
19 witness not to answer.

20 A. I accept the instruction.

21 Q. Have you ever heard of the project MK

22 Del ta.

23 MS. HERB: Same objection. I instruct the
24 witness not to answer.

25 A. I accept the instruct.

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1 Q. Have you ever heard of MKCHKWIT?

2 MS. HERB: Same objection. I instruct the
3 witness --

4 MR. SHAPIRO: M-K-C-H-K-W-I-T.

5 MS. HERB: Same objection. Instruct the
6 witness not to answer.

7 A. I accept the instruction.

8 Q. Have you ever heard of Project Often.

9 MS. HERB: Same objection. I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 Q. Doctor Pelikan, did you ever conduct any

Pelikan Rough.TXT

13 research in connection with the Atlanta Federal
14 Penitentiary.

15 MS. HERB: Objection to the degree it
16 would call for the witness to reveal information
17 that's classified or subject to statutory privilege
18 I instruct the witness not to answer.

19 A. I accept the instruction.

20 MS. HERB: We're going to take another
21 break. If we can go off record for five minutes.

22 MR. SHAPIRO: Sure.

23 (Recess was taken.)

24 MS. HERB: One note for the record, I've
25 informed counsel that we are going to go back and

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1 revisit some of the questions we -- that he just
2 asked and that I made objections to. We're going
3 to revisit some of those to see if we can't get
4 some of them -- get answers on some of them, at
5 least. Counsel indicated that he would -- he's
6 going to get back to that at the end. So just for
7 the record.

8 Q. We'll just do them now and -- Doctor
9 Pelikan, do you know a James Ketchum?

10 MS. HERB: You may answer.

11 A. No.

12 Q. Do you know a Dr. Van Sim?

13 MS. HERB: You may answer.

14 A. No.

15 Q. A Martin Orin? I'm sorry Doctor Pelikan
16 do you know Martin Orin?

Pel i kan Rough. TXT

- 17 A. No.
- 18 Q. Have you heard of Marti n Ori n?
- 19 A. No.
- 20 Q. Have you?
- 21 A. Not unti l you menti oned hi m.
- 22 MR. ROLLINS: Wel l --
- 23 Q. Have you heard of James Ketchum?
- 24 A. No.
- 25 Q. Have you heard of Dr. Van Si m?

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- 1 A. No.
- 2 Q. Have you heard of Dr. Wi l son Greene?
- 3 A. No.
- 4 Q. Have you heard of Si dney Gottli eb.
- 5 MS. HERB: Obje cti on to the degree that
- 6 wou ld cal l the wi tness to reveal i nformati on that
- 7 i s cl assi fi ed or subj ect to statutori l y protecte d.
- 8 I i nstruct the wi tness not to answer.
- 9 A. I accept the i nstructi on.
- 10 Q. Have you heard of col onel Dougl as Li ndsay?
- 11 A. No.
- 12 Q. Have you heard of a Col onel Frank Bauer?
- 13 A. No.
- 14 Q. Have you heard of a Ray Trei chl er?
- 15 MS. HERB: Obje cti on. Same obje cti on. I
- 16 i nstruct the wi tness not to answer.
- 17 A. I accept the i nstructi on.
- 18 Q. Have you heard of a Dr. Mal col m Bowers?
- 19 A. No.

Pel i kan Rough.TXT

20 Q. Have you heard of a Dr. George K.
21 Aghaj ani an?

22 A. No.

23 Q. And you had previously stated that you --
24 no, I'm sorry. Strike that.

25 Doctor Pel i kan, did you ever perform any

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1 research in connecti on wi th the Atl anta federal
2 peni tenti ary?

3 MS. HERB: Obje cti on. Same obje cti on.
4 I nstruct the wi tness not to answer.

5 A. I accept the i nstructi on.

6 Q. Have you ever received any fundi ng i n
7 connecti on wi th the Atl anta federal peni tenti ary?

8 MS. HERB: Same obje cti on. I nstruct the
9 wi tness not to answer.

10 A. Accept the i nstructi on.

11 Q. Di d you perform -- have you ever performed
12 any research on human subjects at the Atl anta
13 federal peni tenti ary?

14 A. No.

15 Q. Di d you ever perform any research i n
16 connecti on wi th the CIA at the Atl anta Federal
17 Peni tenti ary?

18 MS. HERB: Same obje cti on. I nstruct the
19 wi tness not to answer.

20 A. I accept the i nstructi on.

21 Q. Have you ever performed any research i n
22 connecti on wi th the New Jersey reformatory i n
23 Bordentown.

Pel i kan Rough.TXT

24 MS. HERB: Same objection. I instruct the
25 witness not to answer.

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1 A. I accept the instruction.

2 Q. Have you ever performed any research on
3 human subjects at the New Jersey reformatory in
4 Bordentown?

5 MS. HERB: Same objection. I instruct the
6 witness not to answer.

7 A. I accept the instruction.

8 Q. Have you ever been to the New Jersey
9 reformatory in Bordentown.

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 MR. SHAPIRO: Okay. I would like to mark
14 as Exhibit 105 a memorandum for Anthony A. Lapham
15 from A. R. Ciquegrana, office of general counsel
16 concerning MKULTRA extent and nature of
17 institutional involvement.

18 (Exhibit 105, Memo 7/28, Ciquegrana
19 to Lapham.)

20 MS. HERB: For the record, counsel, I see
21 that this number does not have a Bates stamp and I
22 don't believe that you provided to this pursuant to
23 your Rule 26 A-1 obligations.

24 MR. SHAPIRO: Noted counsel. It's a
25 publicly available record, as can be seen from the

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1 marking on the right side of the document.

2 MS. HERB: And -- okay. We note that that
3 doesn't mitigate your obligation to provide it.

4 Q. Doctor Pelikan, I would like you to look
5 at Page 1 of this document.

6 A. Excuse me. One item: The date on my copy
7 is not legible.

8 Q. Unfortunately the date on all of the
9 copies are not legible. We obtained this from the
10 Library of Congress and this is how it came to us.

11 A. Oh.

12 Q. Doctor Pelikan, have you ever seen this
13 document before?

14 A. No.

15 Q. If you turn your attention to Page 1, it
16 states at the very beginning, "Attached for your
17 consideration is a roughly-prioritized listing of
18 MKULTRA subprojects."

19 And then a little bit farther down the
20 page, the sentence states "the appropriate
21 institution or individual is identified after each
22 project number, along with the name of the
23 principal research error researchers in
24 parentheses, the time span and the approximate
25 amount of money expended."

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1 I'd now like to direct your attention to
2 Page 4 of this document.

Pel i kan Rough. TXT

3 Do you see at the top of the page it
4 states, "Human Drug Testi ng Defi ni te -- Awareness
5 Uncertain."

6 And then next to Subproject No. 9 it says,
7 "Saint Hospi tal or St. Hospi tal"?

8 A. Yeah.

9 Q. "Comma U of III," and then in parentheses
10 "Pel i kan, Pfei ffer." Then it states "54 to 55,"
11 presumably 1954 to 1955.

12 I'd also like you to look at the next
13 page. Next to 26 it states, "U of Illi nois,
14 follow-on to 9." And then in parens, "Pfei ffer,
15 Pel i kan, 54 to 55.

16 And Doctor Pel i kan you've stated that
17 you've never seen this document before.

18 A. No.

19 Q. Were you aware that you were receivi ng --
20 were you aware at any time of receivi ng funds from
21 the CIA?

22 MS. HERB: Objection. I instruct the
23 witness not to answer to the degree that it
24 implicates informati on that's classi fied or subject
25 to statutory pri vi leges.

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1 A. I accept the instructi on.

2 Q. I'm sorry you accept the?

3 A. I accept the instructi on.

4 Q. Were you ever aware of receivi ng any
5 fundi ng through a program known as MKULTRA?

Pelikan Rough.TXT

6 MS. HERB: Same objection. I instruct the
7 witness not to answer.

8 A. I accept the instruction.

9 Q. Doctor Pelikan, earlier you testified that
10 you've never conducted any research with Carl
11 Pfeiffer; is that correct?

12 A. Yes, I remember your question. No, I
13 didn't -- I have not conducted any research with
14 Carl Pfeiffer.

15 Q. Have you ever conducted any research which
16 was similar to that of Carl Pfeiffer?

17 MS. HERB: Objection. I instruct the
18 witness not to answer.

19 A. I accept the instruction.

20 Q. Doctor Pelikan, do you remember in 1954 or
21 1955 receiving \$21,000 from any source?

22 MS. HERB: Same objection. I instruct the
23 witness not to answer.

24 A. I accept the instruction.

25 Q. Doctor Pelikan, again, from 1954 to 1955,

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1 do you remember receiving a payment in sum of
2 \$5,000 from any source?

3 MS. HERB: Same objection. I instruct the
4 witness not to answer.

5 A. I accept the instruction.

6 MR. SHAPIRO: I would like to mark as
7 Exhibit 106 an excerpt from the MKULTRA Briefing
8 Brook describing MKULTRA Subproject No. 9, which
9 was provided by Defendants. It's Bates stamped

Pel i kan Rough. TXT

10 MKULTRA leading zeros, 190090_0044.

11 (Exhibit 106, MKULTRA 000190090_0001,

12 0044-46.)

13 Q. Now, Doctor Pelikan, if you look at the
14 page with the Bates stamp -- with the final numbers
15 of the Bates stamp bearing 45, the top of the page
16 it reads, "Subproject No. 9."

17 A. (Witness reviews document.)

18 Q. The Bates stamp it's MKULTRA
19 000190090_0045.

20 A. I don't know. I am --

21 MS. HERB: It's just this last page or
22 next to last page.

23 MR. ROLLINS: There's nothing here.

24 MS. HERB: It's 44.

25 MR. ROLLINS: Oh this one. This one

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1 (indicating).

2 Q. This document states that the objective
3 and details of work for MKULTRA Subproject No. 9
4 were "To study variant depressant drugs which may
5 more adequately control the maniacal psychotic
6 patient and test drugs that may help alcoholics and
7 schizophrenics. Also to compare the threshold of
8 various sternutatory or sneezing drugs in
9 schizophrenic and normal persons."

10 The approximate time span for this project
11 was 1954 to 1955 and it appears that it was,
12 according to the document, that it was funded by

Pelikan Rough.TXT

13 the Geschickter Fund.

14 Does the objective and details of work in
15 this document describe any work that you conducted
16 between 1954 and 1955?

17 MS. HERB: Same objection. I instruct the
18 witness not to answer.

19 A. I accept the instruction.

20 Q. Did you ever represent to anyone that you
21 were working on research with the objection -- with
22 the objective and details of work described in this
23 document?

24 MS. HERB: Same objection. I instruct the
25 witness not to answer.

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1 A. I accept the instruction.

2 Q. Did anyone else ever represent that you
3 were working on research of this nature.

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

6 A. I accept the instruction.

7 Q. And Doctor Pelikan, you maintain that you
8 have never received any funding from the
9 Geschickter Fund.

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction. I'd like to
13 mark as Exhibit 107 excerpt from MKULTRA briefing
14 book described by the defendants as MK ultra
15 project 26.

16 (Exhibit 107, MKULTRA 000190090_0001,
Page 53

Pelikan Rough.TXT

17 87-88.)

18 A. I have it now.

19 Q. Now if you look at the page Bates stamped

20 MKULTRA 000190090_0088 --

21 A. I have it.

22 Q. -- you'll see the objective and details of

23 work for MKULTRA Subproject No. 26. The document

24 states, "Through human testing on volunteers, study

25 drugs which may aid in the treatment of the

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1 schizophrenic patient by either altering his
2 metabolism or producing sedation. Subproject No.
3 26 is a follow-on from subproject No. 9."

4 The document that is Exhibit 107 also
5 states that the approximate time span for the
6 project was 1954 to 1955, and the cover mechanism
7 was the Geschickter Fund.

8 Doctor Pelikan, have you ever conducted
9 any work with the objective and details of work
10 described in this document?

11 MS. HERB: Same objection. I instruct the
12 witness not to answer.

13 A. I accept the instruction.

14 Q. The document also states that the
15 significant aspects of this project is that about
16 200 volunteers were used.

17 During 1954 to 1955, did you ever perform
18 any research involving such a large number of
19 volunteers?

Pelikan Rough.TXT

20 MS. HERB: Same objection. I instruct the
21 witness not to answer.

22 A. I accept the instruction.

23 MR. SHAPIRO: I'd next like to mark
24 Exhibit 108 which is an article about E. W. DeMaar
25 and Carl Pfeiffer, et al., entitled effects in man

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1 in of single and combined oral doses of reserpine,
2 iproniazid, and d-lysergic acid diethylamide,"
3 published in Clinical Pharmacology and Therapeutics
4 in 1960.

5 (Exhibit 108, Clinical Pharmacology
6 Therapeutics Article, January-February,
7 1950.)

8 MS. HERB: We'd like to note for the
9 record that this is not a document that has been
10 provided by plaintiffs to Defendants pursuant to
11 the Rule 26 obligations.

12 MR. SHAPIRO: Objection is noted.

13 Q. Doctor Pelikan, have you ever seen this
14 article before?

15 A. Excuse me. I'm still trying to --
16 (Witness reviews document.) No, I confess that I
17 have not seen it before.

18 Q. And you were not aware that Doctor
19 Pfeiffer was conducting research at the Atlanta
20 federal penitentiary?

21 MS. HERB: Objection. Same objection. I
22 instruct the witness not to answer.

23 A. I accept the instruction.

Pel i kan Rough. TXT

24 Q. Doctor Pel i kan, have you ever heard of a
25 Dr. Harol d Abramson?

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1 MS. HERB: Same objection. I instruct the
2 witness not to answer.

3 A. I accept the instruction.

4 Q. Di d you ever know a Dr. Harol d Abramson.

5 MS. HERB: Same objection. I instruct the
6 witness not to answer.

7 A. I accept the instruction.

8 Q. Have you ever worked wi th a Dr. Harol d
9 Abramson?

10 MS. HERB: Same objection I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 MR. SHAPIRO: I'd like to mark as Exhi bi t
14 109 an excerpt from "A Terri ble Mi stake, The Murder
15 of Frank Ol son in CIA's Secret and Col d War
16 Experiments," by H. P. Al barel l i, Pages 125 to 126.

17 MS. HERB: I note for the record that I
18 don't believe thi s i s a document that i s i ncl ude d
19 on the i ni ti al di scl osure s provi ded by pl ai nti ff s.

20 MR. SHAPIRO: Noted.

21 (Exhi bi t 109, A Terri ble Mi stake,
22 The Murder of Frank Ol son and the CIA's
23 Secret Col d War Experiments.)

24 Q. I'd like to read i nto the record an
25 excerpt from thi s book starti ng on the bottom of

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1 Page 125. This is from an interview from Mr.
2 Albarelli of Dr. Margaret Ferguson.

3 "Doctor Fergusson -- Doctor Fergusson: My
4 job was to essentially oversee loose knit
5 experiments that were conducted on university
6 students analogy patients at the time. Albarelli:
7 Experiments? Doctor Fergusson: With
8 hallucinogenics, mostly LSD.

9 Then the end of Page 126, from "Doctor
10 Fergusson: At the time that Doctor Olson died in
11 October 1953, I was transitioning out of Abramson's
12 office into a new job. I was quite happy to get
13 away. Doctor Pelikan had replaced me. He was
14 there then at the time Olson died. Albarelli: Do
15 you recall his first name? Doctor Fergusson: I
16 think it was Edward. I am not sure. It was a long
17 time ago. Albarelli: Is his name spelled the same
18 as the bird or another way? Doctor Fergusson: I'm
19 not sure. After a moment she added, "you really
20 need to find Doctor Pelikan. He could tell you a
21 lot. He would know."

22 Q. Now, Doctor Pelikan, was Doctor
23 Fergusson's account accurate?

24 MS. HERB: Same objection. I instruct the
25 witness not to answer.

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1 A. I accept the instruction.

2 Q. Did you start working with Doctor Abramson
Page 57

Pel i kan Rough.TXT

3 in 1953?

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

6 A. I accept the instruction.

7 Q. Did your work with Doctor Abe some entail
8 LSD or research into LSD?

9 MS. HERB: Same objection. I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 Q. Are you -- were you familiar with who
13 funded Doctor Abramson experiments.

14 MS. HERB: Same objection instruct the
15 witness not to answer.

16 A. I accept the instruction.

17 Q. Did you ever have reason to believe that
18 the CIA funded Doctor Abramson's experiments?

19 MS. HERB: Same objection I instruct the
20 witness not to answer.

21 A. I accept the instruction.

22 Q. Did you know what the purpose of Doctor
23 Abramson's LSD experiments were?

24 MS. HERB: Same objection. I instruct the
25 witness not to answer.

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1 A. I accept the instruction.

2 Q. Were human subjects used in Doctor
3 Abramson's experiments?

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

Pelikan Rough.TXT

6 A. I accept the instruction.

7 Q. Do you know what substances or what other
8 substances were used in Doctor Abramson's
9 experiments?

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I have -- I accept the instruction.

13 Q. Were you aware of any long term health
14 effects of the exposure to any of the sub
15 substances used in Doctor Abramson's experiments.

16 MS. HERB: Same objection. I instruct the
17 witness not to answer.

18 A. I accept the instruction.

19 Q. Did you know whether Doctor Abramson
20 shared the results of any of these experiments?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. I'd next like to mark as Exhibit 110 an
25 excerpt from the MKULTRA briefing book provided by

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1 Defendants describing subprojects -- or MKULTRA
2 subprojects 7, 27, and 40.

3 (Exhibit 110, MKULTRA
4 000190090_0001, 20-39.)

5 Q. So Doctor Pelikan, if you turn to the page
6 with the Bates stamp ending in 21.

7 A. I have 20 and 22, and I cannot.

8 MR. SHAPIRO: Can we go off the record for
9 a moment.

Pel i kan Rough. TXT

10 (Di scussi on off the record.)

11 Q. So Doctor Pel i kan, thi s document, Exhi bi t
12 110, provi des a summary of MKULTRA projects,
13 Project Nos. 7, 27, and 40.

14 You can see from thi s that the subprojects
15 took pl ace between 1953 and 1954, 1954 and 1955,
16 and 1956.

17 During thi s period you were worki ng wi th
18 the Offi ce of Naval Research; i s that correct?

19 MS. HERB: Same obj ecti on. I i nstruct the
20 wi tness not to answer.

21 A. I accept the i nstructi on.

22 Q. You' ll see that the document states,
23 "These projects seemed to be the nucleus of the LSD
24 program, and the three were done at both l ocati ons.
25 Doctor Abramson, as well as doi ng work hi msel f,

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1 subcontracted research to other speci al i sts. The
2 first year' s work seemed aimed at characteri zi ng
3 the vari ous effects of LSD wi th the ai m of
4 ul ti matel y produci ng a manual for fi el d use. "

5 A. Excuse me. You started a quotati on and I
6 di d not fi nd where.

7 MR. ROLLI NS: (I ndi cati ng)?

8 A. Okay.

9 Q. Excuse me. It' s the second full sentence
10 on that page. "These projects seem. "

11 A. Okay. Yes.

12 Q. And then later on down the page, the

13 Pelikan Rough.TXT
sentence starting "Subproject No. 27. "

14 MR. ROLLINS: (Indicating)?

15 A. Yes.

16 Q. "Subproject No. 27 continued the earlier
17 emphasis to understand the total effects of LSD by
18 studying tissue mechanism and LSD influence on
19 embryological development. In addition, work was
20 undertaken to look for LSD antidotes and blocking
21 agents. Subproject No. 40 continued the previous
22 work and added aerosol delivery studies."

23 Doctor Pelikan, did you ever work on any
24 of these projects or any projects fitting these --
25 strike that.

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1 Doctor Pelikan, did you ever work on any
2 projects fitting these descriptions with Doctor
3 Harold Abramson.

4 MS. HERB: Same objection. I instruct the
5 witness not to answer.

6 A. I accept the instruction.

7 Q. Doctor Pelikan, do you ever remember
8 attending any meetings with Dr. Harold Abramson.

9 MS. HERB: Same objection I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 Q. Did you ever attend a meeting with Doctor
13 Abramson in March 1954.

14 MS. HERB: Same objection. I instruct the
15 witness not to answer.

16 A. I accept the instruction.

Pel i kan Rough. TXT

17 Q. The March 1954 meeting would have occurred
18 in New York and also at the Hotel Dennison in
19 Atlantic City does that help refresh your
20 recollection?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. Do you remember attending a meeting with
25 Doctor Abramson on October 26th, 1954.

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1 MS. HERB: Same objection. I instruct the
2 witness not to answer.

3 A. I accept the instruction.

4 Q. Do you remember attending meetings with
5 Dr. Harold Abramson as well as George Hunter White,
6 Paul Hoch and Max Rinkel.

7 MS. HERB: Same objection. I instruct the
8 witness not to answer.

9 A. I accept the instruction.

10 Q. Do you remember attending any meetings
11 with Harold Abramson and Sidney Gottlieb and Robert
12 Lashbrook and Henry Bortner.

13 MS. HERB: Same objection I instruct the
14 witness not to answer.

15 A. I accept the instruction.

16 MR. SHAPIRO: Can we go off the record for
17 a moment.

18 (Discussion off the record.)

19 Q. Doctor Pelikan, are you aware of any

20 Pelikan Rough.TXT
research funded by the Office of Naval Research at
21 the Addiction Research Center US Public Health
22 Service hospital in Lexington, Kentucky.

23 MS. HERB: Same objection I instruct the
24 witness not to answer.

25 A. I accept the instruction.

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1 Q. Are you aware of any research that an
2 occurred at the Addiction Research Center.

3 MS. HERB: Same objection I instruct the
4 witness not to answer.

5 A. I accept the instruction.

6 Q. Were you involved in any research at the
7 narcotics -- I'm sorry strike that. Were you
8 involved with any research at the Addiction
9 Research Center.

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 Q. Doctor Pelikan were you familiar with the
14 DROMORAN project?

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. I accept the instruction.

18 Q. Were you familiar with any project
19 sponsored by the Office of Naval Research at the
20 Addiction Research Center which involved finding a
21 substitute for codeine.

22 MS. HERB: Same instruction I instruct the
23 witness not to answer.

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Pelikan Rough.TXT

24 A. I accept the instruction.

25 MR. SHAPIRO: I'd like to mark as Exhibit

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1 111 a report on the DROMORAN project, dated January
2 21st, 1952. This document was provided by
3 Defendants.

4 (Exhibit 111, DROMORAN project document.)

5 MS. HERB: I note for the record only that
6 this is not bearing our Bates stamp so this must
7 have been provided pursuant to the MKULTRA FOIA
8 book which was provided to Plaintiffs outside of
9 discovery.

10 Q. Now Doctor Pelikan, you'll see that on the
11 front page of this document there is an ONR
12 contract number it's ONR 441: FHQ: OP?

13 A. Yes.

14 Q. And then if you turn to the top of Page 3
15 under background and information the document
16 states in late June of 1951, \$30,000 was made
17 available by the Department of Defense.

18 A. Yeah. (Witness reviews document.) I
19 think I have it here Page 3, yeah.

20 Q. In late June of 1951 \$30,000 was made
21 available by the Department of Defense for
22 determining the addiction
23 di-3-methoxy-n-methylmorphinan, also known as
24 methoxy-DROMORAN in the hope that the drug might
25 represent an adequate synthetic substitute for

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Pelikan Rough.TXT

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1 could he don't does this refresh your recollection.

2 MS. HERB: Same objection. I instruct the
3 witness not to answer.

4 A. I accept the instruction..

5 Q. And then on -- in the middle of Page 5
6 you'll see Section A human pharmacology and
7 toxicity, document states, "This involves the
8 administration of progressively increasing doses of
9 the drug under study to human volunteers, chiefly
10 former morphine addicts. Observations on the
11 respiratory minute volume pupillary size, blood
12 pressure and pulse rate etcetera are made following
13 the administration of the drugs."

14 Does this refresh your recollection?

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. I accept the instruction.

18 Q. And then --

19 MS. HERB: Can I take just a very, short,
20 quick two-minute break.

21 MR. SHAPIRO: Sure.

22 (Recess was taken.)

23 Q. Doctor Pelikan, if you'll turn to Page 7
24 of Exhibit 111, you'll see at the top of the page,
25 "Section E, Location of the Project. The

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1 experiments described above will be carried out in
2 the Addiction Research Center US Public Health
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3 Service hospital , Lexington, Kentucky. "

4 MR. ROLLINS: I don't think you're on the
5 right page here.

6 A. I'm sorry. I'm looking --

7 MS. HERB: It's this page (indicating)?

8 A. Yeah, I've got it. (Witness reviews
9 document.) Yes.

10 Q. And under Section F further down on the
11 page it says, "Experimental personnel the work will
12 be carried out under the direction of Harris Isbell
13 MD director of the Addiction Research Center. "

14 Later on, it also mention the Doctor H. F.
15 Fraser and Doctor Abraham Wikler will also be
16 involved.

17 A. Yes.

18 Q. Doctor Pelikan, do you recall ever working
19 with a Dr. Harris Isbell?

20 MS. HERB: Same objection I instruct the
21 witness not to answer.

22 A. I accept the instruction.

23 Q. Do you recall working with a Doctor H. F.
24 Fraser?

25 MS. HERB: Same objection instruct the

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1 witness not to answer.

2 A. I accept the instruction.

3 Q. Do you recall working with a Dr. Abraham
4 Wikler?

5 MS. HERB: Same objection. I instruct the

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6 witness not to answer.

7 A. I accept the instruction.

8 Q. And I ask again, have you ever worked at
9 the Addicti on Research Center?

10 MS. HERB: Same objection. I instruct the
11 witness not to answer.

12 A. I accept the instruction.

13 Q. Do you know what kinds of experiments were
14 carried out at the Addicti on Research Center.

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. I accept the instruction.

18 Q. Could you describe the nature of the
19 research at the Addicti on Research Center?

20 MS. HERB: Same objection. I instruct the
21 witness not to answer.

22 A. I accept the instruction.

23 Q. Do you know what types of substances were
24 tested at Addicti on Research Center?

25 MS. HERB: Same objection. I instruct the

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1 witness not to answer.

2 A. I accept the instruction.

3 Q. Do you know if human subjects were used in
4 the experiments at the Addicti on Research Center?

5 MS. HERB: Same objection. I instruct the
6 witness not to answer.

7 A. I accept the instruction.

8 Q. Do you know if the research from the
9 Addicti on Research Center that's described in this

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10 document was shared with anyone?

11 MS. HERB: Same objection. I instruct the
12 witness not to answer.

13 A. I accept the instruction.

14 MR. SHAPIRO: I would next like to mark as
15 Exhibit 112 a document produced by -- or I'm sorry
16 provided by Defendants a September 4th, 1953 memo,
17 a trip report regarding a visit to US PHS at
18 Lexington, Kentucky.

19 (Exhibit 112, memo, 9/4/53.)

20 Q. I'd like to turn your attention to the top
21 of the page, the paragraph marked 1. The writer
22 states, "The writer and Doctor Pelikan -- note that
23 Doctor Pelikan is spelled with a K --

24 A. Yeah.

25 Q. "-- visited Doctor Isbell at Lexington on

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1 the 2nd and 3rd of September to observe and discuss
2 project -- redacted.

3 Doctor Pelikan, do you recall visiting the
4 Lexington narcotics farm or Lexington, Kentucky on
5 September 4th or in September 1953?

6 MS. HERB: Same objection. I instruct the
7 witness not to answer.

8 A. I accept the instruction.

9 Q. Now in the middle of Paragraph 2, you'll
10 see a sentence stating "The subjects were then
11 given daily doses of LSD and placebo, and the
12 testing continued. The doses were of the order of

Pelikan Rough.TXT

13 100 gamma. "

14 Were you familiar with -- Doctor Pelikan
15 were you familiar with the LSD experiments going on
16 at Lexington, Kentucky?

17 MS. HERB: Same objection. I instruct the
18 witness not to answer.

19 A. I accept the instruction.

20 Q. And to back up for a second. I'm sorry.
21 Doctor Pelikan, have you seen this document before.

22 A. No

23 MS. HERB: Same objection. I instruct the
24 witness not to answer.

25 A. I accept the instruction.

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1 Q. In Paragraph 3 you'll see third sentence:
2 "One subject had clonus and approached an epileptic
3 seizure under the treatment. He saw himself
4 become first larger then, progressively smaller
5 until we had to conclude that he was observing
6 himself in the embryonic state."

7 Doctor Pelikan, do you remember this
8 episode at Lexington narcotics farm?

9 MS. HERB: Same objection. I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 Q. Then in Paragraph 5 of Exhibit 112, first
13 sentence: "To sum up the results so far, it has
14 been found that tolerance develops on the first
15 dose of LSD and four or five days are required
16 overcome it even with a 50 percent increase in the

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17 dose. "

18 Doctor Pel i kan, do you recall how high the
19 doses of LSD that were administered at the
20 Lexington Narcotics Farm?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. Can you describe -- were you familiar with
25 any of the experiments that were conducted in

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1 Lexington, Kentucky during this time period of
2 1953, 1954?

3 MS. HERB: Same objection. I instruct the
4 witness not to answer.

5 A. I accept the instruction.

6 Q. Were you aware of any experiments are --
7 parallel experiments -- using active duty military
8 personnel?

9 MS. HERB: Same objection. I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 MR. SHAPIRO: I'd like to mark as Exhibit
13 113 document provided by Defendants, dated July
14 16th, 1954, concerning a trip to Lexington,
15 Kentucky on the 15th of July, 1954.

16 (Exhibit 113, memo, 7/16/1954,
17 MKULTRA 151525_0001.)

18 Q. I'd like to turn your attention to
19 Paragraph 1 of Exhibit 113, where it states,

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20 "Writer met with Dr. Harris Isbell and Doctor E. W.
21 Pelikan at Lexington, Kentucky to discuss CA 101
22 problems at the request of Doctor Isbell."

23 MS. HERB: Same -- sorry.

24 Q. Doctor Pelikan, do you recall a trip on
25 the 15th of or around the 15th of July 1954 to

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1 Lexington, Kentucky?

2 MS. HERB: Same objection. I instruct the
3 witness not to answer.

4 A. I accept the instruction.

5 Q. Doctor Pelikan, have you ever seen this
6 document before?

7 MS. HERB: Same objection. I instruct the
8 witness not to answer.

9 A. I accept the instruction.

10 Q. If you look at Paragraph 2, it says --
11 strike that.

12 If you look at Paragraph 2 it states, "On
13 the basis of the work that has been completed on CA
14 101, it was decided that only a few more
15 experiments would be done."

16 Doctor Pelikan, what was CA 101?

17 MS. HERB: Same objection. I instruct the
18 witness not to answer.

19 A. I accept the instruction.

20 Q. Do you know who supplied CA 101?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

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24 Q. Do you know who funded these experiments,
25 Doctor Pel i kan?

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1 MS. HERB: Same objection. I instruct the
2 witness not to answer.

3 A. I accept the instruction.

4 Q. Do you know if the CIA funded these
5 experiments?

6 MS. HERB: Same objection. I instruct the
7 witness not to answer.

8 A. I accept the instruction.

9 Q. If you look at Paragraph 3, it says, "I
10 delivered 100 milligrams LSD, 1 gram cocaine, and 1
11 ounce of potassium tellurite --" that's
12 t-e-l-l-u-r-i-t-e to Ed for his work. "Ed will get
13 gust busy the IV animal test on tellurite and use
14 other material in the Armour project."

15 And this is all from Exhibit 113.

16 Doctor Pelikan, what was the 100
17 milligrams of LSD to be used for?

18 MS. HERB: Same objection. Instruct the
19 witness not to answer.

20 A. I accept the instruction.

21 Q. And Doctor Pelikan what was the what was
22 the 1 gram of cocaine to be used for?

23 MS. HERB: Same objection. Instruct the
24 witness not to answer.

25 A. I accept the instruction.

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1 Q. And what was the potassium tellurite to be
2 used for, Doctor Pelikan?

3 MS. HERB: Same objection. I instruct the
4 witness not to answer.

5 A. I accept the instruction.

6 Q. And what are exactly was the general
7 nature of this work?

8 MS. HERB: Same objection. I instruct the
9 witness not to answer.

10 A. I accept the instruction.

11 Q. And on -- in Paragraph 4 it states, "On
12 the colloidal sulfur business, Ed said that the
13 dose was 5 to 10 milligrams IM, and that it would
14 produce excruciating pain for eight to ten hours.
15 It is not detectable with x-rays and it is an
16 available commercially. No toxicity problem exists
17 and no after effects appear."

18 And this is all, again, from Exhibit 113.

19 Doctor Pelikan, what was this colloidal
20 sulfur business?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. And Doctor Pelikan, why would this produce
25 excruciating pain for eight to 10 hours?

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1 MS. HERB: Same objection. I instruct the
2 witness not to answer.

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3 A. I accept the instruction.

4 MR. SHAPIRO: And I'll note for the record
5 that the author of this document is redacted, but
6 the signature line is chemical division, TSS,
7 that's Technical Services Staff of the CIA.

8 MS. HERB: Can we take a break I'd love to
9 use the lady's room.

10 (Recess was taken.)

11 Q. Doctor Pelikan, could you provide a
12 general description of the research that's
13 described in Exhibit 113?

14 MS. HERB: Same objection. I instruct the
15 witness not to answer.

16 A. I accept the instruction.

17 MR. SHAPIRO: I'd like to mark as Exhibit
18 114 a memorandum for the record regarding visit
19 with Doctor Isbell at Lexington, Kentucky, dated
20 December 29th, 1955. The signature line has been
21 redacted but it is from TSS chemical division,
22 that's Technical Services Staff, CIA.

23 (Exhibit 114, MKULTRA 151539_001-0002.)

24 Q. Doctor Pelikan, I'd like to direct your
25 attention to Paragraph 4 of Exhibit 114. The

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1 paragraph reads, "In connection with small animal
2 testing, Doctor Isbell said that he felt that the
3 hallucinatory drugs could certainly be screened in
4 such a way. He pointed out that the psychologists
5 at the hospital had produced amphetamines

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6 hallucinations in their conditioned rats, such that
7 the rats would push an imaginary bar in the Skinner
8 box and eat imaginary food. Also, he felt that the
9 loss of wildness and biting reflex in rats, monkeys
10 etcetera, as well as other indications suggested by
11 Doctor Pelikan were valid indicators of
12 hallucinatory activity."

13 Doctor Pelikan have you ever seen this
14 document before?

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.

17 A. I accept the instruction.

18 Q. And do you remember a trip to Doctor
19 Isbell at Lexington -- I'm sorry do you remember a
20 trip with Doctor Isbell in Lexington, Kentucky in
21 December 1955?

22 MS. HERB: Same objection. I instruct the
23 witness not to answer.

24 A. I accept the instruction.

25 Q. Now, Doctor Pelikan, earlier you testified

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1 that you left the office of Naval Reserve on June
2 30th, 1955; is that right?

3 A. I'm sorry. Would you repeat the question.

4 (Question read back.)

5 A. I -- I'm missing the date, but it's the
6 Office of Naval Research not reserve.

7 Q. My apologies. Office of Naval Research.

8 A. Yeah, but then I missed the date.

9 (Question read back.)

Pel i kan Rough. TXT

10 A. Yes. Yes, that's correct.

11 Q. But this document indicates that you may
12 have still been doing work after that time; is that
13 right.

14 MS. HERB: Same objection. I instruct the
15 witness not to answer.

16 A. I accept the instruction.

17 MR. ROLLINS: I'll object on the basis
18 that the reference to Doctor Pelikan in Paragraph 4
19 of this document doesn't indicate that at the date
20 on the document, which is December '55 has any
21 relation to any suggestion by Doctor Pelikan, which
22 clearly could have been made before June 30th,
23 1955.

24 MR. SHAPIRO: Noted.

25 Q. Doctor Pelikan, what were valid indicators

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1 of hallucinatory activity?

2 MS. HERB: Same objection. I instruct the
3 witness not to answer.

4 A. I accept the instruction.

5 MR. SHAPIRO: I'd next like to mark as
6 Exhibit 115 a letter dated January 6th, 1958 to
7 Doctor Isbell, and the "From" line, the signature
8 line has been redacted. And this has been produced
9 by Defendants -- or provided by Defendants. Excuse
10 me.

11 (Exhibit 115, letter, 1/6/1958, MKULTRA
12 000151812_0001-02.)

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13 Q. Doctor Pelikan, I'd like to direct your
14 attention to the last paragraph on the first page
15 of Exhibit 115. The sentence starts "I am
16 enclosing -- I am enclosing a copy of the animal
17 work that has so far been carried out on this
18 material, along with a report on unknown LSD-25
19 from the same laboratory for comparison purposes.
20 Large doses required for unknown LSD arise from the
21 fact that we supplied the assay laboratory with a
22 very dilute sample of solid material. The methods
23 and procedures used in the laboratory doing this
24 work for us and much of the actual training of the
25 technicians involved was directly supervised by Ed

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1 Pelikan, who continues to follow the work done
2 there on a consultant basis."

3 So Doctor Pelikan, again, you testified
4 earlier that you left the Office of Naval Research
5 in June of 1955. This document indicates that you
6 were working on a consulting basis there until at
7 least January 1958. What kind of consulting were
8 you doing at the Addiction Research Center in 1958?

9 MS. HERB: Same objection. I instruct the
10 witness not to answer.

11 A. I accept the instruction.

12 Q. And what kind of work were you doing at
13 the Addiction Research Center after you left the
14 Office of Naval Research on June 30th, 1955?

15 MS. HERB: Same objection. I instruct the
16 witness not to answer.?

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17 A. I accept the instruction.

18 Q. Did you supervise the training technicians
19 in the laboratory doing work at the Addiction
20 Research Center concerning LSD after 1955?

21 MS. HERB: Same objection. I instruct the
22 witness not to answer.

23 A. I accept the instruction.

24 Q. Did you supervise training of technicians
25 in laboratory doing work at the Addiction Research

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1 Center at the present time?

2 MS. HERB: Same objection. Instruct the
3 witness not to answer.

4 A. I accept the instruction.

5 Q. What was the nature of the work that was
6 carried out during this period after you left the
7 Office of Naval Research?

8 MS. HERB: Same objection. I instruct the
9 witness not to answer.

10 A. I accept the instruction.

11 Q. And do you recall any of the substances
12 that were tested at the Addiction Research Center
13 at any time?

14 MS. HERB: Same objection. Instruct the
15 witness not to answer.

16 A. I accept the instruction.

17 MR. SHAPIRO: I'd like to mark as Exhibit
18 116 an article by K. R. Unna and E. W. Pel i kan, et
19 al. entitled, "Evaluation of Curarizing Drugs in

20 Pelikan Rough.TXT
20 Man IV," and it was published in The Journal of
21 Pharmacology and Experimental Therapeutics in 1950.
22 (Exhibit 116, The Journal of Pharmacology
23 And Experimental Therapeutics Unna and
24 Pelikan article, 1950.)
25 Q. Do you recognize this document, Doctor

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1 Pelikan?
2 A. Yes.
3 Q. What is it?
4 A. It's a -- it's an article from The Journal
5 of Pharmacology and Experimental Therapeutics, the
6 fourth in a series of drug -- of studies that were
7 carried out by me, MacFarlane, Sadove, under the
8 direction of Klaus Unna, who was my graduate
9 advisor and the advisor for David MacFarlane. This
10 is a compound Tri-Diethylaminoethoxy-2-3 Benzene.
11 It was -- the commercial name was Flaxedil, as
12 indicated in the title.
13 This was a compound synthesized by Bovet,
14 B-o-v-e-t, who -- and was, as I say, marketed under
15 the name of Flaxedil.
16 It had not been studied in unanesthetized
17 man, as we had studied several other compounds, and
18 this was simply a completion of a series of agents
19 that we analyzed.
20 Q. And what is a curarizing agent?
21 A. Curarizing agent is a material which
22 interferes with -- with the sending of messages
23 from nerve to a muscle, causing contraction of the

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24 muscle.

25 A curari zing agent i nterferes wi th the

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1 transmissi on of that message to contract, and
2 results i n paralysi s of the muscle.

3 Q. And what's the practical applicati on of a
4 curari zing agent?

5 A. I n anesthesi ology, i t's regul arly used to
6 cause relaxati on of muscle to faci litate the
7 surgi cal operati ons.

8 Q. Cou ld curari zing agents be used as
9 i ncapaci tati ng agents for mi litar y use?

10 A. Phrase your questi on -- woul d you ask the
11 questi on agai n.

12 Q. Can you read i t back.
13 (Questi on read back.)

14 A. You're aski ng my opi ni on?

15 MR. ROLLINS: I' ll object to the form of
16 the questi on.

17 A. Yeah.

18 Q. You don' t understand the questi on?

19 A. Well, I' m tryi ng to -- tryi ng to determi ne
20 what you -- the form of your answer.

21 Do I know somethi ng about curari zing
22 agents as a --

23 Q. Let me rephrase.

24 Cou ld curari zing agents be used as an
25 i ncapaci tati ng agent for mi litar y use?

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1 A. In my opinion it would be highly unlikely,
2 because it's required that it -- because of the way
3 the material would have to be administered by
4 intravenous injection are and.

5 MR. SHAPIRO: Could we go off the record
6 for a moment.

7 (Discussion off the record.)

8 Q. I'd like to turn your attention to Exhibit
9 104.

10 A. Do I already have one?

11 Q. Yes.

12 MR. ROLLINS: Right there?

13 MR. SHAPIRO: Yes.

14 A. Oh, okay.

15 Q. If you look at -- if you look at Exhibit
16 104, on the right-hand column, Roman Numeral 10,
17 "Miscellaneous others," and this is -- Exhibit 104,
18 to refresh your memory, is chemical compounds used
19 in human testing at Edgewood Arsenal where they
20 were testing incapacitating agents from 1955 to
21 1975. And you'll see listed under the drugs and
22 chemicals tested at Edgewood, curare, right?

23 Q. Or tubocurarine.

24 A. Right.

25 Q. Why would they be testing curare at

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1 Edgewood Arsenal.

2 MS. HERB: Objection. Calls for
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3 specul ati on.

4 A. Yeah. It's --

5 MR. ROLLINS: You can answer.

6 A. I don't know why, in light of the nature
7 of your previous question that tubocurarine would
8 be tested at Edgewood Arsenal.

9 Q. Would you be surprised -- are you
10 surprised that it would be tested as an
11 incapacitating agent?

12 MS. HERB: Objection to the form of the
13 question.

14 MR. ROLLINS: You can answer.

15 A. Yes, I would be very surprised. Let me
16 expand on that. As an incapacitating agent, to be
17 used under field conditions, it would be virtually
18 impossible, in my opinion.

19 If a person were to be in confinement of
20 some kind, as an anesthetized patient is,
21 so-to-speak, unable to move already or unconscious,
22 then curare, if it were given intravenously, would
23 be further incapacitating.

24 Q. So in your opinion it would be curare
25 would be an ineffective military incapacitating

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1 agent?

2 A. For field use, yes.

3 Q. Doctor Pelikan, are you aware of any
4 negative long-term health effects that would be
5 arise from the administration of curare?

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6 MS. HERB: Objection as to form.

7 A. I know of no long-term effects at all are
8 when it's used under -- under conditions less than
9 clinical overdose.

10 Q. I see. So if someone received an overdose
11 of curare, that could potentially have long-term
12 negative health effects.

13 MS. HERB: Objection. Hypothetical.

14 A. The -- an overdose which was not corrected
15 for would lead to failure of respiration, which
16 would lead to lack of oxygen, which could lead to
17 damage in the body, whether that be called a -- an
18 effect of the drug or not is a matter of
19 definition.

20 Q. What would be the effect of this lack of
21 oxygen caused by the overdose of a curarizing
22 agent?

23 A. If it were uncorrected, and even the lack
24 of oxygen can be corrected for under clinical
25 circumstances, it could be lead to brain damage,

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1 perhaps heart damage. Those two at least are
2 sufficient.

3 Q. So in your opinion, a sufficient dose of a
4 curarizing agent could cause brain damage or heart
5 damage.

6 MS. HERB: Compound objection.

7 THE WITNESS: Pardon me?

8 MS. HERB: Objection. Compound.

9 Q. Let me restate. So a -- certain doses of
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10 curarizing agent could cause brain damage.

11 A. Other things being equal, yes.

12 Q. And certain high doses of curarizing
13 agents could cause heart damage.

14 A. Other things being equal, yes.

15 MR. SHAPIRO I'm sorry. Could you read
16 back the 1st set of questions.

17 Q. Doctor Pelikan I'd like to turn your
18 attention back to Exhibit 116, your evaluation of
19 curarizing drugs in man.

20 A. Right.

21 Q. Who funded this research?

22 A. I don't know. It may have -- I don't -- I
23 don't know. Klaus Unna was the chief of our team,
24 and he acquired the funds for research and I don't
25 -- I simply don't know what the source was.

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1 Q. If you turn to Page 202 of Exhibit 116,
2 first full paragraph "Methods: In a series of 28
3 individual --" it reads, "In a series of 28
4 individual experiments, the effects of Flaxedil
5 were studied on four normal unpasteurized
6 volunteers ranging in age between 23 and 30 years
7 and in weight between 65 and 75 kilograms."

8 A. Right.

9 Q. How did you find these four normal
10 unpasteurized volunteers?

11 A. Well, I was one. MacFarlane was another,
12 Ralph Kazort was another, who was a graduate

Pelikan Rough.TXT

13 student. I don't remember who the fourth one -- if
14 we see the initials, which is the way that names
15 were tabulated, RJC.

16 MR. ROLLINS: GD --

17 A. On Table 1, Page 203, RJC is Ralph Kazort,
18 DAL is I believe Danny Lane. DWN was Dave
19 MacFarlane. REL, I don't remember. MSS was Max
20 Sadove who wasn't studied with Flaxedil, and JTN
21 was John Nelson, who was also not studied with
22 Flaxedil. We were all people around the
23 university.

24 Q. I see.

25 MR. ROLLINS: Where are you?

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1 THE WITNESS: Apparently I wasn't in this
2 one.

3 Q. And how did you obtain consent from these
4 test subjects?

5 A. We asked them if they'd like to
6 participate.

7 Q. What information did you provide them with
8 prior to participation?

9 A. There was -- there was little need for
10 documents, because all of these people were
11 involved in the study of curarizing agents and knew
12 it.

13 Q. So they knew what the effects of the
14 administration of the drug would be.

15 A. Absolutely.

16 Q. They knew about any long-term risks

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17 associated with the administration of the
18 substance.

19 A. Yes. They were also aware that Doctor
20 Sadove was present at the experiments and was an
21 anesthesiologist who could take care of any
22 inadvertent effects.

23 Q. And --

24 A. You -- the subjects were all "professional
25 students."

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1 Q. Did you obtain signatures from the
2 subjects, signatures on consent forms?

3 A. I don't recollect.

4 Q. And you said that this was one in a series
5 of four studies on curarizing agents; is that
6 right?

7 A. Yes. Well, at least four. I think there
8 were a total of five. In my bibliography, they are
9 listed beginning on Page 5.

10 Q. Your bibliography being Exhibit 103.

11 A. Right.

12 Q. And could you identify the numbers on that
13 page associated with these studies?

14 A. No. 4 is the first one. No. 6 is the
15 second one.

16 Q. And I'm sorry. No. 4 being "Evaluation of
17 Curarizing Drugs in Man."

18 A. One.

19 Q. Published in The Journal of Pharmacology

20 Pelikan Rough.TXT
and Experimental Therapeutics in 1950.

21 A. Right.

22 Q. And No. 6 being "Evaluation of Curarizing
23 Drugs in Man II, analysis of response curves and
24 effects of repeated administration of
25 d-tubocurarine, dimethyl-d-tubocurarine and

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1 decamethylene-bis," published in 1950.

2 A. Right.

3 Q. And the third being?

4 A. No. 7, "Antagonism to Curarizing Effects
5 Of D-Tubocurarine and Decamethylene-bis
6 Trimethyl ammonium."

7 And No. 8 is the document that you have
8 just distributed.

9 Q. And did you use the same subjects for all
10 of these studies?

11 A. Yes. Not all the subjects were used in
12 every study.

13 Q. And you used the same?

14 A. But the same --

15 Q. Same procedure for --

16 A. Same pool of subjects were used.

17 Q. And you utilized the same procedures for
18 obtaining consent in each -- in each study.

19 A. Yes.

20 MR. SHAPIRO: I'd like to mark as Exhibit
21 117 the 1963 CIA IG report or Inspector General
22 Report attached as Exhibit B to Plaintiffs' third
23 amended complaint.

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24 (Exhi bi t 117, 1963 CIA
25 Inspector General Report.)

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1 Q. Doctor Pel i kan, please take a moment to
2 review thi s document.

3 A. (Wi tness revi ews document.)

4 Q. Doctor Pel i kan, have you ever seen thi s
5 document before?

6 A. No.

7 Q. Were you ever contacted in connecti on wi th
8 the Inspect General's i nspecti on of MKULTRA?

9 A. No.

10 MS. HERB: Obje cti on to -- that's fi ne.

11 THE WITNESS: I'm sorry.

12 MS. HERB: That's okay.

13 THE WITNESS: Were you going to --.

14 MS. HERB: You al ready answered. It's
15 fi ne.

16 A. No, I --

17 Q. You were never contacted in connecti on
18 wi th thi s report?

19 A. No.

20 Q. I'd like to turn your attenti on to Page 9
21 of the report.

22 MS. HERB: There's a -- I thi nk three
23 di fferent sets of number in these.

24 MR. SHAPIRO: Yes. It's Page B-009.

25 Q. It says at the bottom of the page, about

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1 seven lines up, "Annual grants of funds are made
2 under ostensible research foundation auspices to
3 the specialists located in the public or quasi
4 public institutions. This approach conceals from
5 the institution the interest of the CIA and permits
6 the recipient to proceed with his investigation,
7 publish his findings, excluding the intelligence
8 implications, and account for his expenditures in a
9 manner normal to his institution. A number of the
10 grants have included if under for the construction
11 and equipping of research facilities and the
12 employment of research assistants."

13 Doctor Pelikan, does this excerpt describe
14 for you any grants that you might have received in
15 the past?

16 MS. HERB: Objection to the degree it
17 calls for the witness to reveal information that is
18 classified or subject to a statutory -- that is
19 protected by statutory privilege, I instruct the
20 witness not to answer.

21 A. I accept the instruction.

22 Q. And then later on down the page on B-10 it
23 says -- actually, strike that.

24 MR. SHAPIRO: I'd like to go off the
25 record for a few minutes and just -- and I'm just

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1 going to look at the transcript and after that I'll
2 be set. I might have a few extra questions.

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MS. HERB: Oh, okay.

(Recess was taken.)

MR. SHAPIRO: Doctor Pel i kan thank you for your testimony today. That's all the questions that I have for now. Pl aintif fs do reserve the right to resume this depositions if they choose to seek a motion to compel to overrule Defendants' instructions for you not to answer certain questions.

MS. HERB: Defendants have no questions at this time. We do ask that the deponent have the opportunity to read and sign his remarks.

(Whereupon the deposition ended at 3:24 p.m.)

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6	Exhi bi t 95	Pel i kan Rough. TXT memo, 2/26/53, previ ousl y	33
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8	Exhi bi t 105	Memo 7/28, Ci nquegrana to	54
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17	Exhi bi t 109	A Terri ble Mi stake, The	63
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19		the CIA' s Secret Col d War	
20		Experi ments	
21	Exhi bi t 110	MKULTRA 000190090_0001,	67
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1		151525_0001	
2	Exhi bi t 114	MKULTRA 151539_001-0002	83
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9	Exhi bi t 117	1963 CIA Inspector General	98

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