

EXHIBIT 78

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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VIETNAM VETERANS OF AMERICA, :

et al., :

Plaintiffs, :

v. : No. CV 09-0037-CW

CENTRAL INTELLIGENCE AGENCY, :

et al., :

Defendants. :

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Washington, D.C.

Wednesday, June 1, 2011

Deposition of

TIM M. JOSEPHS, called for examination

by counsel for Defendants, pursuant to notice, at

the United States Department of Justice, 20

Massachusetts Avenue, Northwest, Washington, D.C.,

commencing at 8:56 a.m., before Barbara A. Huber,

CSR and Notary Public in and for the District of

Columbia, when were present on behalf of the

respective parties:

1 Q Have you ever spoken to your doctors or
2 physicians about your time at Edgewood?

3 A Not till recently.

4 Q Okay. But you have spoken to your
5 doctors recently about your time at Edgewood?

6 A Yes.

7 Q Okay. How recently?

8 A Within the last five years.

9 Q Okay. Have you ever had any
10 communications with the Department of the Army or
11 the Department of Defense about your time at
12 Edgewood?

13 A Yes, I received some survey type
14 information.

15 Q Okay. When was that?

16 A In the 70s.

17 Q 70s. Okay.

18 Is there anyone else who you can recall
19 you've spoken with about your time at Edgewood
20 other than Mr. Muth, Mr. Dufrane, Mr. Blazinski,
21 your wife, your immediate family, your physicians,
22 and the Department of the Army?

1 background.

2 Q I'm not asking you what they treated you
3 with. I'm just asking factually whether or not you
4 recall that those that were administering the tests
5 provided you with any medical treatment --

6 A You know, I didn't like taking any of the
7 drugs.

8 Q -- or care?

9 A I was there two months. I've told you
10 several times I don't know if it was placebo or --
11 or what P25S meant or -- I have no background in
12 that information, and I've told you numerous times.

13 Q No, I understand. And I'm not asking you
14 to tell me the medical qualities of whatever you
15 were tested with. I'm asking you just a very basic
16 question --

17 A I wasn't in the room by myself, so
18 obviously someone observed me when I was there.
19 And --

20 Q Uh-huh. And --

21 A And I would assume that they would treat
22 me afterwards, but it was a blur.

1 even need to do that. We can keep on plugging away
2 on the third amended complaint for now. So sorry.

3 Mr. Josephs, did anyone, at any time
4 while you were at Edgewood, administer a secrecy
5 oath to you in connection with your participation
6 at Edgewood?

7 A I remember discussions that I was not to
8 discuss this with anyone. I -- I think maybe your
9 immediate family was permitted, but, of course,
10 they had to know where you were.

11 Q Okay.

12 A But I don't know if a secrecy oath was
13 involved. If --

14 Q Okay. So beyond you being told not to
15 discuss this with anyone other than possibly your
16 immediate family, is there any other specific
17 recollection you have of being prevented from
18 disclosing your involvement in the Edgewood tests?

19 A I remember that if -- I was instructed
20 that if I had an adverse reaction, that I was given
21 a number to call at Edgewood and not to seek
22 medical attention in the general community. To --

1 about the medical effects of the test programs on
2 test subjects?

3 And if you don't, that's totally fine.

4 A No. I can't -- I'm not aware of any.

5

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10 Q Do you have any specific knowledge of the
11 long-term health effects of your exposure to
12 pyridine-2-aldoxime methane sulfates?

13 A No.

14 Q Your hand is over your mouth.

15 A I'm sorry. No.

16 Q Okay. Don't be sorry.

17 Do you have to any knowledge of the
18 long-term health effects of your exposure to
19 scopolamine?

20 A No.

21 Q Do you have any knowledge of the
22 long-term health effects of your exposure to

1 Prolixin?

2 A No.

3 Q Okay. Do you have any knowledge of the
4 long-term health effects of your exposure to
5 Cogentin?

6 A No.

7 Q Do you have any knowledge of the
8 long-term health effects associated with any
9 exposure you may have had to Oratane?

10 A No.

11 Q Okay. Now, back to the amended initial
12 disclosures once more.

13 Exhibit 151, the supplemental and amended
14 initial disclosures, also indicate -- you've got
15 the right page; we'll always stay on that page --
16 Mr. Josephs is likely to have information regarding
17 the provision of notice and the follow-up medical
18 care to test subjects.

19 Do you see that?

20 A Yes.

21 Q Let's break that up into two.

22 What knowledge do you have, Mr. Josephs,

1 CERTIFICATE OF DEPONENT

2 I hereby certify that I have read and examined the
3 foregoing transcript, and the same is a true and
4 accurate record of the testimony given by me.

5 Any additions or corrections that I feel are
6 necessary, I will attach on a separate sheet of
7 paper to the original transcript.

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Signature of Deponent

11

12 I hereby certify that the individual representing
13 himself/herself to be the above-named individual,
14 appeared before me this _____ day of _____,
15 2011, and executed the above certificate in my
16 presence.

17

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NOTARY PUBLIC IN AND FOR

19

20

21

County Name

22 MY COMMISSION EXPIRES:

1 CERTIFICATE OF NOTARY PUBLIC

2 I, BARBARA A. HUBER, CSR, the officer
3 before whom the foregoing deposition was taken, do
4 hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was
7 taken by me in stenotypy and thereafter reduced to
8 print under my direction; that said deposition is
9 a true record of the testimony given by said
10 witness; that I am neither counsel for, related
11 to, nor employed by any of the parties to the
12 action in which this deposition was taken; and,
13 furthermore, that I am not a relative or employee
14 of any attorney or counsel employed by the parties
15 hereto, nor financially or otherwise interested in
16 the outcome of this action.

17

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20 _____
BARBARA A. HUBER, CSR

21 Notary Public, in and for the District of Columbia

22 My Commission Expires: March 14, 2012