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Morrison & Foerster Files Suit Against CIA, DoD, and U.S. Army on Behalf of Troops Exposed to Testing of Chemical and Biological Weapons at Edgewood Arsenal and Other Top Secret Sites

PRESS CONFERENCE: Wednesday, January 7, 2009, 10 a.m. PST, located at Morrison & Foerster LLP, 425 Market Street, San Francisco, CA. Press may also dial in to listen at 1-800-919-8049.

WHAT: Complaint Filed—*Vietnam Veterans of America, et al. v. CIA, et al.*

WHERE: United States District Court, Northern District of California

SAN FRANCISCO (January 7, 2009) – Attorneys at **Morrison & Foerster LLP** have filed an unprecedented action against the Defense Department, the CIA, and other government institutions based upon failures to care for those veterans who “volunteered” in thousands of secret experiments to test toxic chemical and biological substances under code names such as MKULTRA. The new case comes on the heels of an earlier case the firm filed on behalf of veterans afflicted with Post-Traumatic Stress Disorder (“PTSD”), which is now pending in the Ninth Circuit Court of Appeals. The firm is handling both cases on a *pro bono* basis.

The current action was brought in U.S. District Court, Northern District of California, on behalf of the Vietnam Veterans of America and six aging veterans with multiple diseases and ailments tied to a diabolical and secret testing program, whereby U.S. military personnel were deliberately exposed, by government and military agencies, to chemical and biological weapons and other toxins without informed consent. This multifaceted research program, which was launched in the early 1950s and continued through at least 1976, was conducted not only at the Edgewood Arsenal and Fort Detrick, Maryland, but also across America by universities and hospitals under contract to Defendants.

Defendants include **the CIA, the Department of the Army, the Department of Defense** (“DoD”), and various government officials responsible for these agencies. The CIA secretly provided financing, personnel, and direction for the experiments, which were mainly conducted or contracted by the Army.

Plaintiffs seek declaratory and injunctive relief only – no monetary damages – and Plaintiffs seek redress for 25 years of diabolical experiments followed by over 30 years of neglect, including:

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- the use of troops to test nerve gas, psychochemicals, and thousands of other toxic chemical or biological substances, and perhaps most gruesomely, the insertion of septal implants in the brains of subjects in a ghastly series of mind control experiments that went awry, leaving many civilian and military subjects with permanent disabilities;
- the failure to secure informed consent and other widespread failures to follow the precepts of U.S. and international law regarding the use of human subjects, including the 1953 Wilson Directive and the Nuremberg Code;
- an almost fanatical refusal by the DoD, the CIA, and the Army to satisfy their legal and moral obligations to locate the victims of their gruesome experiments or to provide health care or compensation to them;
- the deliberate destruction by the CIA of evidence and files documenting its illegal actions, actions which were punctuated by fraud, deception, and a callous disregard for the value of human life.

The Complaint asks the Court to determine that Defendants' actions were illegal and that Defendants have a duty to notify all victims and to provide them with health care going forward.

According to **Gordon P. Erspamer**, a litigation partner in Morrison & Foerster's San Francisco office, "Until this case is concluded, and all the victims are found and made whole, we cannot put behind us this sad chapter in American history when the government exploited the very citizens, both civilian and military, that it was supposed to protect."

Vietnam Veterans of America's President **John Rowan** commented, "Over 30 years ago, the government promised to locate the victims of the MKULTRA experiments and to take care of their needs. It now is painfully obvious that what it really wants is for the victims to just quietly die off while the government takes baby steps. VVA cannot leave these veterans behind."

For further information, please contact lead counsel for Plaintiffs, Gordon P. Erspamer, 415-268-6411, GErspamer@mofo.com. Additionally, you may contact the following Plaintiffs: Vietnam Veterans of America, 800-882-1316 (John Rowan, jrowan@vva.org); Eric P. Muth, 203-874-4595, emuth@sbcglobal.net; Wray C. Forrest, 719-635-9086, FaronYoung2@netscape.com; David Dufrane, 518-546-7870, ddufrane@nycap.rr.com; and Franklin D. Rochelle, 910-346-5484. Bruce Price is available by special arrangement with counsel.

MEDIA ADVISORY



Plaintiffs (from left to right): Frank Rochelle, Bruce Price, and Eric Muth

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