

Morrison & Foerster Secures Injunction to Compel Army to Disclose Details and Health Effects of Chemical Experiments to Veterans

SAN FRANCISCO (November 20, 2013) – Representing Vietnam Veterans of America, Swords to Plowshares and a certified class of disabled veterans pro bono, Morrison & Foerster on Tuesday won an injunction against the U.S. Army. The order requires the Army to inform the class of veteran test subjects of the details and health effects of experiments performed on the soldiers while serving as active duty military.

U.S. District Judge Claudia Wilken granted summary judgment that the Army has “an ongoing duty to warn members of the class about newly acquired information that may affect their well-being now and in the future as it becomes available,” and enjoined the Army to inform veterans about the nature, duration and possible health effects of the biological or chemical experiments. The Army is required to provide the court with a plan for notifying veterans about the experiments within 90 days. The court also found that Army Regulation 70-25 “entitles Plaintiffs to medical care for any disabilities, injuries or illnesses suffered as a result of participation in the experimentation program.” The court declined to enjoin the Army to provide such care under its own regulation, however, “because the [Department of Veterans Affairs] is required to do so.”

The research programs at issue, many of which were concentrated at the Army's facilities at the Edgewood Arsenal and Fort Detrick, Maryland, allegedly tested more than 400 different chemical and biological substances during a period spanning five decades, and involved tens of thousands of active duty military personnel. The substances tested ranged from drugs or chemicals (sarin, LSD, BZ, mustard gas and a THC analog called “red oil”) to biological weapon agents such as tularemia and Q-Fever.

Studies have shown that the so-called “testvets” experience post-traumatic stress disorder, and a variety of other diseases or ailments associated with the test substances. See www.edgewoodtestvets.org for more information.

ABOUT MOFO

We are Morrison & Foerster — a global firm of exceptional credentials. Our clients include some of the largest financial institutions, investment banks, Fortune 100, technology and life science companies. We've been included on *The American Lawyer's* A-List for 10 straight years, *Chambers Global* named MoFo its 2013 USA Law Firm of the Year, and *Chambers USA* named the firm both its 2013 Intellectual Property and Bankruptcy Firm of the Year. Our lawyers are committed to achieving innovative and business-minded results for our clients, while preserving the differences that make us stronger.