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10 Attorneys for Plaintiffs
 Vietnam Veterans of America; Swords to
 11 Plowshares: Veterans Rights Organization;
 Bruce Price; Franklin D. Rochelle; Larry
 12 Meirow; Eric P. Muth; David C. Dufrane; and
 Wray C. Forrest

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

18 VIETNAM VETERANS OF AMERICA, *et al.*,
 19 Plaintiffs,
 20 v.
 21 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 22 Defendants.
 23

Case No. CV 09-0037-CW

**DECLARATION OF GORDON P.
 ERSPAMER IN SUPPORT OF
 PLAINTIFFS' REPLY IN SUPPORT
 OF MOTION TO OVERRULE
 OBJECTIONS AND COMPEL
 PRODUCTION OF DOCUMENTS**

Date: October 27, 2010
 Time: 9:30 a.m.
 Ctrm: F, 15th Fl.
 Judge: Hon. James Larson

Complaint filed January 7, 2009

1 I, Gordon P. Erspamer, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted
3 to practice before this Court. I am a senior counsel with the law firm of Morrison & Foerster LLP,
4 counsel of record for Vietnam Veterans of America, Swords to Plowshares: Veterans Rights
5 Organization, Bruce Price, Franklin D. Rochelle, Larry Meiorow, Eric P. Muth, David C. Dufrane
6 and Wray C. Forrest (“Plaintiffs”) in this action. I submit this Declaration in Support of
7 Plaintiffs’ Reply In Support of Motion to Overrule Objections and Compel Production of
8 Documents. I make this Declaration based on personal knowledge. If called as a witness, I
9 would testify to the facts set forth below.

10 2. Attached hereto as Exhibit A is what I am informed and believe is a May 29, 1973
11 CIA Memorandum for the Director of Research and Development, produced by Defendants
12 bearing the Bates numbers VVA023819 through VVA023820.

13 3. Attached hereto as Exhibit B is what I am informed and believe is a May 6, 1974
14 Memorandum for the Inspector General written by a CIA employee, produced by Defendants
15 bearing the Bates numbers VVA023823 through VVA023825.

16 4. Attached hereto as Exhibit C is what I am informed and believe is a January 31,
17 1975 Memorandum for the Office of Inspector General, produced by Defendants bearing the
18 Bates numbers VVA023835 through VVA023843.

19 5. Attached hereto as Exhibit D is what I am informed and believe is an October
20 1994 CIA Memorandum to the File, produced by Defendants bearing the Bates numbers
21 VVA023789 through VVA023791.

22 6. Attached hereto as Exhibit E is what I am informed and believe is a July 19, 2006
23 Letter from CIA Director Hayden to Secretary of Veterans Affairs Nicholson, produced by
24 Defendants bearing the Bates number VA023968.

25 7. Attached hereto as Exhibit F is what I am informed and believe is a true and
26 correct copy of an excerpt of the Congressional record containing the testimony of Dianne C.
27 Siemer, General Counsel for the Department of Defense, to the Senate Subcommittee on Health
28

1 & Scientific Research in September 1977, produced by Defendants bearing the Bates numbers
2 VVA023924 through VVA023939.

3 8. Attached hereto as Exhibit G is what I am informed and believe is a Memorandum
4 for the Director of Central Intelligence produced to Plaintiffs by Dr. James Ketchum, bearing the
5 Bates numbers JK10 0016451 through JK 10 0016452.

6 9. Attached hereto as Exhibit H is what I am informed and believe is a Memorandum
7 for the Record produced to Plaintiffs by Dr. James Ketchum, bearing the Bates numbers JK10
8 0016602 through JK 10 0016604.

9 10. Attached hereto as Exhibit I is what I am informed and believe is a February 18,
10 1952 Memorandum for the Director of Central Intelligence produced to Plaintiffs by Dr. James
11 Ketchum, bearing the Bates numbers JK10 0015829 through JK 10 0015830.

12 11. Attached hereto as Exhibit J is a true and correct copy of Defendants'
13 Rule 26(a)(1) Disclosures, served on Plaintiffs on March 4, 2010.

14 12. Attached hereto as Exhibit K is a true and correct copy of a July 29, 2010 letter to
15 me from Caroline Lewis-Wolverton, counsel for Defendants, enclosing three documents
16 previously listed on Defendants' privilege log.

17 13. Attached hereto as Exhibit L is a true and correct copy of a September 16, 2010
18 letter to me from Caroline Lewis-Wolverton, counsel for Defendants, enclosing seven documents.

19
20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct and that this Declaration was executed in San Francisco, California
22 on this 13th day of October, 2010.

23
24 /s/ Gordon P. Erspamer

Gordon P. Erspamer

Other Supporting Documents

[4:09-cv-00037-CW Vietnam Veterans of America et al v. Central Intelligence Agency et al](#)

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Northern District of California
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The following transaction was received from by Erspamer, Gordon entered on 10/13/2010 2:53 PM and filed on 10/13/2010

Case Name: Vietnam Veterans of America et al v. Central Intelligence Agency et al

Case Number: [4:09-cv-00037-CW](#)

Filer: Swords to Plowshares
Veterans Rights Organization
Vietnam Veterans of America
Bruce Price
Franklin D. Rochelle
Larry Meirow
Eric P. Muth
David C. Dufrane
Wray C. Forrest

Document Number: [161](#)

Docket Text:

[Declaration in Support of \[160\] Reply Memorandum, Declaration of Gordon P. Erspamer in Support of Plaintiffs' Reply in Support of Motion to Overrule Objections and Compel Production of Documents filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. \(Attachments: # \(1\) Exhibit A, # \(2\) Exhibit B, # \(3\) Exhibit C, # \(4\) Exhibit D, # \(5\) Exhibit E, # \(6\) Exhibit F,](#)

(7) Exhibit G, # (8) Exhibit H, # (9) Exhibit I, # (10) Exhibit J, # (11) Exhibit K, # (12) Exhibit L)(Related document(s)[160]) (Erspamer, Gordon) (Filed on 10/13/2010)

4:09-cv-00037-CW Notice has been electronically mailed to:

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4:09-cv-00037-CW Please see [General Order 45 Section IX C.2 and D](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10

Filings\Declaration_of_GPE_in_Support_of_Plaintiffs__Reply_in_Support_of_Motion_to_Overr.pdf

Electronic document Stamp:

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Document description:Exhibit A

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. A_19730529

Memo re Summ of Proj OFTEN Clin Tests.pdf

Electronic document Stamp:

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Document description:Exhibit B

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. B_19740506

Memo for IG re Project Often.pdf

Electronic document Stamp:

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Document description:Exhibit C

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. C_19750131
Memo from Hearsh to the IG re ORD Research.pdf

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Document description:Exhibit D

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. D_19941021 CIA
Memo for File.pdf

Electronic document Stamp:

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Document description:Exhibit E

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. E_20070206 Ltr.
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Electronic document Stamp:

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Document description:Exhibit F

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. F_19770900
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Document description:Exhibit G

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. G_19750520
Memo for CIA re CIA Activities at Ft. Detrick.pdf

Electronic document Stamp:

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Document description:Exhibit H

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. H_Memo re
Discussions of MKNAOMI.pdf

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Document description:Exhibit I

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. I_19520518
Memo re Tech Assis. for Proj. Artichoke.pdf

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Document description:Exhibit J

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. J_20100304 DoJ
initial disclosures.pdf

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Document description:Exhibit K

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. K_20100729 Ltr.
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Document description:Exhibit L

Original filename:C:\Documents and Settings\keb1\Desktop\10-13-10 Filings\Ex. L_2010-09-16 Ltr.
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