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9 Rights Organization; Bruce Price; Franklin D. Rochelle; Larry
Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest
10

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 VIETNAM VETERANS OF AMERICA, a Non-
Profit Corporation; SWORDS TO
16 PLOWSHARES: VETERANS RIGHTS
ORGANIZATION, a California Non-Profit
17 Corporation; BRUCE PRICE; FRANKLIN D.
ROCHELLE; LARRY MEIROW; ERIC P.
18 MUTH; DAVID C. DUFRANE; and WRAY C.
FORREST, Individuals,

19 Plaintiffs,

20 v.

21 CENTRAL INTELLIGENCE AGENCY;
22 GENERAL LEON PANETTA, Director of the
Central Intelligence Agency; UNITED STATES
23 DEPARTMENT OF DEFENSE; DR. ROBERT
M. GATES, Secretary of Defense; UNITED
24 STATES DEPARTMENT OF THE ARMY;
PETE GEREN, United States Secretary of the
25 Army; UNITED STATES OF AMERICA; and
ERIC H. HOLDER, JR., Attorney General of the
26 United States,

27 Defendants.
28

Case No. CV 09-0037-CW

**PLAINTIFFS' SECOND SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

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

RESPONDING PARTIES: Defendants Central Intelligence Agency; Leon Panetta, Director of the Central Intelligence Agency; United States Department of Defense; Dr. Robert M. Gates, Secretary of Defense; United States Department of the Army; Pete Geren, United States Secretary of the Army; United States of America; and Eric H. Holder, Jr., Attorney General of the United States

SET NUMBER: Two

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam Veterans of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named defendants (collectively, "Defendants") separately produce for inspection and copying the documents and things set forth below that are in their possession, custody or control, or in the possession, custody or control of their attorneys and/or accountants, their investigators and any persons acting on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105, or another place as may be mutually agreed upon, within thirty (30) days of the service of this request.

DEFINITIONS

Unless otherwise indicated, the following definitions shall apply:

1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any other writing; (b) any telephone call between two or more PERSONS, whether or not such call was by chance or prearranged, formal or informal; and (c) any conversation or MEETING between two or more PERSONS, whether or not such contact was by chance or prearranged, formal or informal, including without limitation, conversations or MEETINGS occurring via telephone, teleconference, video conference, electronic mail (e-mail) or instant electronic messenger.

2. "CONCERNING" means constituting, summarizing, memorializing, referring to, regarding and/or relating to.

1 3. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any
2 expression, COMMUNICATION or representation has been recorded by any means, including
3 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic
4 impulse or mechanical or electronic recording and any non-identical copies (whether different
5 from the original because of notes made on such copies, because of indications that said copies
6 were sent to different individuals than were the originals or because of any other reason),
7 including but not limited to, working papers, preliminary, intermediate or final drafts,
8 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices, financial
9 statements, financial calculations, diaries, reports of telephone or other oral conversations, desk
10 calendars, appointment books, audio or video tape recordings, e-mail or electronic mail,
11 electronic folders, microfilm, microfiche, computer tape, computer disk, computer printout,
12 computer card and all other writings and recordings of every kind that are in YOUR actual or
13 constructive possession, custody or control.

14 4. "IDENTIFY" or "IDENTITY" means:

15 a. with respect to a PERSON, to state the PERSON's full name, current or
16 last known employer, that employer's address and telephone number, the PERSON's title and/or
17 position with that employer, and the PERSON's current or last known home address and
18 telephone number;

19 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,
20 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title
21 of the DOCUMENT (if any), the date it was created, the author, all intended recipients including
22 the addressee and any and all copyees, a brief description of the subject matter of the
23 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY all
24 present or last known person in possession, custody or control of the DOCUMENT;

25 c. with respect to a COMMUNICATION to state the name and affiliation of
26 all PERSONS participating in, or present for, the COMMUNICATION, the date of the
27 COMMUNICATION, and whether it was conducted in person or by other means (such as
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1 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by
2 audio or videotape);

3 d. with respect to a MEETING to state the names and affiliations of all
4 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the
5 location of the MEETING and the purpose of the MEETING.

6 5. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or
7 telephone, television, radio or other electronic communication between or among persons,
8 whether such was by chance or prearranged, informal or formal.

9 6. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,
10 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of
11 organization or arrangement and government and government agency of every nature and type.

12 7. "YOU" or "YOUR" means the Defendants in this action, and all of their past and
13 present offices, departments, organizations, administrations, boards, commissions, task forces,
14 management, and past and present employees and service members. These terms also include
15 any representatives or agents acting on YOUR behalf, including without limitation, attorneys,
16 investigators or consultants.

17 SPECIAL DEFINITIONS

18 Unless otherwise indicated, the following special definitions shall apply:

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its past
20 and present offices, departments, organizations, administrations, boards, commissions, task
21 forces, management, and past and present employees and service members.

22 2. "DAIG" means the Department of the Army Inspector General, and all its past and
23 present offices, departments, organizations, administrations, boards, commissions, task forces,
24 management, and past and present employees.

25 3. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department of
26 Defense, and all its past and present offices, departments, organizations, administrations, boards,
27 commissions, task forces, management, and past and present employees and service members.

1 4. "DEPARTMENT OF THE ARMY" or "DoA" means the United States Department
2 of the Army, and all its past and present offices, departments, organizations, administrations,
3 boards, commissions, task forces, management, and past and present employees and service
4 members.

5 5. "EDGEWOOD ARSENAL" means the southern sector of the military installation
6 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of land
7 between the Gunpowder and Bush rivers.

8 6. "GAO" means the United States Government Accountability Office and all its
9 predecessors, offices, departments, organizations, administrations, boards, commissions, task
10 forces, management, and past and present employees.

11 7. "IOM" means the Institute of Medicine, a branch of the National Academies, and all
12 its predecessors, offices, departments, organizations, administrations, boards, commissions, task
13 forces, management, and past and present employees.

14 8. "NRC" means the National Research Council, a branch of the National Academies,
15 and all its predecessors, offices, departments, organizations, administrations, boards,
16 commissions, task forces, management, and past and present employees.

17 9. "NAS" means the National Academy of Sciences, a branch of the National
18 Academies, and all its predecessors, offices, departments, organizations, administrations, boards,
19 commissions, task forces, management, and past and present employees.

20 10. "VA" or "DVA" means the United States Department of Veterans Affairs, and all
21 its predecessors (including the Veterans Administration) and its past and present offices,
22 departments, organizations, administrations, boards, consultants, commissions, task forces,
23 management, and past and present employees.

24 11. "TEST PROGRAMS" means each of the projects identified in the First Amended
25 Complaint, including without limitation, the Human Test Series identified in Paragraph 140 of the
26 First Amended Complaint, including Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"
27 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any
28 other program of experimentation involving human testing of any substance, including but not

1 limited to, "MATERIAL TESTING PROGRAM EA 1729." TEST PROGRAMS shall include
2 any and all sub-projects related to any program of human testing conducted by YOU.

- 3 a. "BLUEBIRD" means, including without limitation, the official code name given
4 in or around 1950 to the secret test program conducted by one or more of YOU
5 CONCERNING special interrogation methods, including the use of drugs,
6 hypnosis and isolation upon human test subjects.
- 7 b. "ARTICHOKE" means, including without limitation, the official code name given
8 in or around 1951 to the secret test program conducted by one or more of YOU
9 CONCERNING the study of special interrogation techniques and the use of
10 chemicals, among other methods, to produce amnesia and other vulnerable states
11 in human test subjects.
- 12 c. "MKDELTA" means, including without limitation, the official code name given in
13 or around 1952 to the secret test program conducted by one or more of YOU
14 CONCERNING the use of biochemicals in clandestine military operations.
- 15 d. "MKULTRA" means, including without limitation, the official code name given in
16 or around 1953 to the secret test program conducted by one or more of YOU
17 CONCERNING the surreptitious use of many types of drugs, as well as other
18 methods, to manipulate individual mental states and to alter brain function, and
19 that continued at least through the late 1960s.
- 20 e. "MKNAOMI" means, including without limitation, the official code name given
21 to the secret test program conducted by one or more of YOU CONCERNING the
22 stockpiling of severely incapacitating and lethal materials and the development of
23 gadgetry for the dissemination of these materials.
- 24 f. "MKSEARCH" means, including without limitation, the official code name given
25 in or around 1964 to the secret test program conducted by one or more of YOU
26 CONCERNING the development of methods to manipulate human behavior
27 through the use of drugs and other chemical substances.
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- 1 g. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the
2 official code name given to the secret test program conducted by one or more of
3 YOU CONCERNING the identification of new drugs in Europe and Asia and
4 collection of information and samples CONCERNING same.
- 5 h. "MKOFTEN" means, including without limitation, the official code name given to
6 the secret test program conducted by one or more of YOU CONCERNING the
7 behavioral and toxicological effects of certain drugs on animals and humans.
- 8 i. "MATERIAL TESTING PROGRAM EA 1729" means, including without
9 limitation, the official code name given to the secret test program by one or more
10 of YOU CONCERNING the testing of lysergic acid diethylamide ("LSD") as an
11 intelligence-gathering technique.

12 12. "TEST SUBJECT" or "TEST SUBJECTS" means, unless otherwise specified, any
13 person who, while an active duty member of the U.S. military or a member of the reserves of any
14 branch of the U.S. Military, participated in any experiment that was part of, or related to, the
15 TEST PROGRAMS. For purposes of this definition, TEST SUBJECTS shall be deemed to have
16 participated in an experiment even if the TEST SUBJECT received only a placebo or if the TEST
17 SUBJECT declined to participate or withdrew "consent" after being initially selected for
18 participation. "TEST SUBJECTS" shall not, unless otherwise specified, include civilians who
19 participated in the TEST PROGRAMS.

20 CONSTRUCTION

21 The following rules of construction shall also apply:

- 22 1. "All" or "each" shall be construed as "all and each."
23 2. "Any" should be understood to include and encompass "all;" "all" should be
24 understood to include and encompass "any."
25 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary to
26 bring within the scope of the discovery request all responses that might otherwise be construed to
27 be outside of its scope.
28 4. The use of the singular form of any word shall include the plural and vice versa.

INSTRUCTIONS

The following instructions shall apply:

1. In the event YOU produce original documents for inspection and copying, such production shall be as the documents are kept in the usual course of business.

2. In lieu of production for inspection and copying, YOU may produce the requested documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the aforesaid address, and make the originals available for inspection at a mutually agreed-upon location, during normal business hours and upon reasonable notice. The documents copied shall be copied as they are kept in the normal course of business, and any titles, labels or other descriptions on any box, folder, binder, file cabinet or other container shall be copied as well.

3. Each document is to be produced, along with all non-identical copies, drafts, alterations and translations thereof, in its entirety, without abbreviations or redactions.

4. If any part of a document is responsive to any of the following requests, the entire document shall be produced.

5. If YOU withhold any of the requested documents from production under a claim of privilege or other protection, it must serve within thirty (30) days of the service of this request a list of such withheld documents ("privilege log") indicating, for each document withheld, the following information if known or available to YOU: (i) the date composed or date appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies made; (v) the identity of all persons or entities who saw the original document or saw or received a copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the basis for claim of privilege or other immunity asserted. The privilege log should be sufficiently detailed to permit Plaintiffs to determine whether to make a motion with respect thereto.

6. If YOU are aware of the existence of any requested items that they are unable to produce, specify in writing and serve upon the undersigned a list indicating the identity of such documents within thirty (30) days of the service of this request. Such identification should, for each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost, misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or control

1 of the responding party, in which case the name and address of any person or entity known or
2 believed by YOU to have possession, custody or control of that document or category of
3 documents should be identified. In each such instance, each of YOU is to identify the document
4 by author, addressee, date, subject matter, number of pages, attachments or appendices, all
5 persons to whom it was distributed, shown or explained, date and manner of destruction or other
6 disposition, the reason for destruction or other disposition, and persons destroying or disposing of
7 the document.

8 7. If YOU contend that any of the following requests is objectionable in whole or in
9 part, YOU shall state with particularity each objection, the basis for it and the categories of
10 information and documents to which the objection applies, and YOU shall respond to the request
11 insofar as it is not deemed objectionable.

12 8. If YOU find the meaning of any term in these requests unclear, YOU shall assume a
13 reasonable meaning, state what the assumed meaning is, and respond to the request according to
14 the assumed meaning.

15 9. The following requests shall be deemed to be continuing. In accordance with Rule
16 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the
17 requests, YOU acquire additional knowledge or information regarding documents or things
18 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such
19 additional knowledge or information.

20 10. Unless otherwise specified, each request calls for all documents created, received,
21 or dated between January 1, 1940 and the date of YOUR response to the request.

22 REQUESTS FOR PRODUCTION

23 PREAMBLE TO ALL REQUESTS: All DOCUMENTS CONCERNING any one or
24 more of the following:

25 REQUEST FOR PRODUCTION NO. 78:

26 A copy of the research report entitled "Black Hats and White Hats, the Effect of
27 Organizational Culture and Institutional Identity on the Twenty-third Air Force," by Lt. Col.
28 Ioannis Koskinas, USAF.

PLS.' SECOND REQUEST FOR PRODUCTION
Case No. CV 09-0037-CW
sf-2770034

1 **REQUEST FOR PRODUCTION NO. 79:**

2 The administration of LSD in eye drops in connection with the TEST PROGRAMS, and
3 the health effects of the same.

4 **REQUEST FOR PRODUCTION NO. 80:**

5 The composition and IDENTITY of any chemicals or other substances developed or
6 tested at Edgewood or Fort Detrick and spread or used in war zones, including, without
7 limitation, known or suspected infiltration or supply routes such as the Ho Chi Minh Trail in
8 Vietnam.

9 **REQUEST FOR PRODUCTION NO. 81:**

10 The activities, orders, reports from, and other DOCUMENTS CONCERNING military
11 personnel referred to as “dusters,” including, without limitation, the spreading and use of
12 chemicals or other substances developed or tested at Edgewood or Fort Detrick in war zones.

13 **REQUEST FOR PRODUCTION NO. 82:**

14 Adverse health effects reported by “dusters” used to deploy, release or spread chemicals
15 in war zones, including, without limitation, known or suspected infiltration or supply routes such
16 as the Ho Chi Minh Trail in Vietnam.

17 **REQUEST FOR PRODUCTION NO. 83:**

18 The selection, training, activities and reports of “Project 300,” and its relationship to any
19 experiments, tests, or other activities CONCERNING the TEST PROGRAMS, and all
20 MEETINGS and COMMUNICATIONS CONCERNING the same.

21 **REQUEST FOR PRODUCTION NO. 84:**

22 Minutes, memoranda, notes, reports, and other activities of the USA Chemical-Biological
23 Briefing Team at the Edgewood Arsenal, and all MEETINGS and COMMUNICATIONS
24 CONCERNING the same.

25 **REQUEST FOR PRODUCTION NO. 85:**

26 All Directory and Station Lists for the U.S. Army which list or contain the name of the
27 Edgewood Arsenal and/or any other Army base or facility where chemical or biological weapons
28 tests were conducted.

1 **REQUEST FOR PRODUCTION NO. 86:**

2 Research at Tulane University that YOU directed, supported, monitored, or received the
3 results of, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 87:**

5 Army Contract DA-18-108-CML-5596, including without limitation, all drafts,
6 negotiations, reports, payments, and research progress and results.

7 **REQUEST FOR PRODUCTION NO. 88:**

8 MEETINGS and COMMUNICATIONS between YOU and researchers, including,
9 without limitation, Dr. Edward Heath and Dr. Russell Monroe at Tulane University,
10 CONCERNING Army Contract DA-18-108-CML-5596 and any other contracts between YOU
11 and the researchers at Tulane University.

12 **REQUEST FOR PRODUCTION NO. 89:**

13 Contracts involving research on hallucinogenic drugs between you and Tulane University,
14 including, without limitation, studies or research involving the administration of LSD, mescaline,
15 and other drugs to mental patients or other persons and/or involved the implantation of electrodes
16 into the brains of human subjects, and all MEETINGS and COMMUNICATIONS
17 CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 90:**

19 MKULTRA Subprojects 106, 95, and 94, and any other projects or sub-projects
20 CONCERNING research, use or installation of septal electrodes in human subjects, and all
21 MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 91:**

23 Reports, research results, contracts, progress reports, bills, payments and other
24 COMMUNICATIONS and/or MEETINGS between YOU and Dr. Jose Delgado CONCERNING
25 septal implants, psychological responses to intracerebral stimulation, and/or the use of remote
26 directional control of human subjects.

1 **REQUEST FOR PRODUCTION NO. 92:**

2 Research that YOU sponsored, financed, directed, controlled, monitored or received the
3 results of involving the chemical stimulation to areas of the brain, electrical self-stimulation to the
4 human brain, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 93:**

6 Chronic toxicity studies discussed in the 1963 U.S. Army Report AD 716997 (NTIS:
7 August 1946), CONCERNING EA-1476 or its analogs and and/or dimethylheptyl (DHMP) or its
8 analogs, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 94:**

10 COMMUNICATIONS and MEETINGS between you and Dr. Russell Monroe, Tulane
11 University School of Medicine, and University of Maryland School of Medicine, CONCERNING
12 EA-1476 or its analogs and/or dimethylheptyl (DHMP) or its analogs, and all MEETINGS and
13 COMMUNICATIONS CONCERNING the same.

14 **REQUEST FOR PRODUCTION NO. 95:**

15 Research, studies, reports, findings, experiments and/or discussions of the relationship
16 between or among EA-1476 and its analogs, EA-2233 and its analogs, and DHMP and/or its
17 analogs, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 96:**

19 Those DOCUMENTS IDENTIFIED in the DOD Radiation Records Command Center,
20 **MEMORANDUM FOR THE RECORD, SUBJECT:** Records Review, Edgewood Arsenal,
21 Maryland, dated April 26, 1995, including, without limitation, the records and files IDENTIFIED
22 under Tab C (listing documents in the Office of the Command Historian, Corporate Information
23 Officer, Chemical and Biological Defense Command (“CBDCOM”), Tab D (Higher Command
24 Room), Tab E (Edgewood Room), and Tab F (Classified Records Room), excluding those
25 DOCUMENTS that relate exclusively to radiological tests.

26 **REQUEST FOR PRODUCTION NO. 97:**

27 Those DOCUMENTS IDENTIFIED in the DOD Radiation Records Command Center,
28 **MEMORANDUM FOR THE RECORD, SUBJECT:** Records Review, Edgewood Arsenal,

1 Maryland, dated April 26, 1995, including, without limitation, the records and files IDENTIFIED
2 under Tab H (MCIRD files) and Tab I (Edgewood Arsenal Holding Area).

3 **REQUEST FOR PRODUCTION NO. 98:**

4 Reports, minutes, memos, budgets, notes, minutes, transcripts and other DOCUMENTS
5 CONCERNING all activities of the Chemical Corps Advisory Council and all MEETINGS and
6 COMMUNICATIONS CONCERNING the same.

7 **REQUEST FOR PRODUCTION NO. 99:**

8 Reports, historical reports, budgets, minutes, memos, notes, minutes, transcripts and other
9 DOCUMENTS CONCERNING all activities of the Chemical Corps R&D Command and all
10 MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 100:**

12 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other
13 DOCUMENTS CONCERNING all activities of the Chemical Warfare Laboratory and all
14 MEETINGS and COMMUNICATIONS CONCERNING the same.

15 **REQUEST FOR PRODUCTION NO. 101:**

16 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other
17 DOCUMENTS CONCERNING all activities of the Chemical Research and Development
18 Laboratory and all MEETINGS and COMMUNICATIONS CONCERNING the same.

19 **REQUEST FOR PRODUCTION NO. 102:**

20 Reports, historical reports, minutes, memos, notes, minutes, transcripts and other
21 DOCUMENTS CONCERNING all activities of the Chemical Corps Technical Committee
22 Meeting and all MEETINGS and COMMUNICATIONS CONCERNING the same.

23 **REQUEST FOR PRODUCTION NO. 103:**

24 Applications and supporting documentation submitted to the Human Use Review
25 Committee and/or the U.S. Surgeon General, and actions taken by or recommendations made by
26 the Human Use Review Committee and/or Surgeon General between 1953 and present, and all
27 MEETINGS and COMMUNICATIONS CONCERNING the same.

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1 **REQUEST FOR PRODUCTION NO. 104:**

2 Minutes, notes, proceedings, correspondence, actions, transcripts or other DOCUMENTS
3 CONCERNING the activities of the Human Use Review Office, and/or the Army Investigational
4 Drug Review Board, from their inceptions to present, including without limitation, its approval or
5 rejection of experiments using human subjects.

6 **REQUEST FOR PRODUCTION NO. 105:**

7 The negotiation, content, application, interpretation or other DOCUMENTS
8 CONCERNING the Department of Health Education and Welfare Memorandum of
9 Understanding with The Department of Defense in 1964 and/or Army Regulation 40-7, and all
10 MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 106:**

12 The DA 137 forms for all armed services participants in the TEST PROGRAMS.

13 **REQUEST FOR PRODUCTION NO. 107:**

14 The negotiation, performance, terms, output, reports, samples, chemical substances, and
15 characterization of chemical substances developed by third party contractors for the U.S. Army in
16 connection with the TEST PROGRAMS, and all MEETINGS and COMMUNICATIONS
17 CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 108:**

19 The negotiation, performance, terms, output, reports, samples, chemical substances,
20 characterization of chemical substances developed by Arthur D. Little, Inc., including the so-
21 called "Red Oil" or EA-1476, for the U.S. Army in connection with the TEST PROGRAMS, and
22 all MEETINGS and COMMUNICATIONS CONCERNING the same.

23 **REQUEST FOR PRODUCTION NO. 109:**

24 The negotiation, performance, terms, output, reports, samples, chemical substances,
25 characterization of chemical substances between YOU and Dr. Edward F. Domino and his
26 associates at the University of Michigan Medical School CONCENRING the so-called "Red Oil"
27 or EA-1476, for the U.S. Army in connection with the TEST PROGRAMS, and all MEETINGS
28 and COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 110:**

2 The negotiation, performance, terms, output, reports, samples, chemical substances,
3 characterization of chemical substances developed by the Shell Development Corporation,
4 including the all marijuana derivatives, for the U.S. Army in connection with the TEST
5 PROGRAMS, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

6 **REQUEST FOR PRODUCTION NO. 111:**

7 The agendas, minutes, reports, presentations to, and other DOCUMENTS CONCERNING
8 the activities of the Medical Review Committee for scientific evaluation of protocols using
9 human subjects and a Human Use Committee for the moral and ethical review of such protocols
10 for use of volunteers at the Edgewood Arsenal.

11 **REQUEST FOR PRODUCTION NO. 112:**

12 Reports or submissions to the Surgeon General for the approval of any experiment
13 involving the use of human volunteers or subjects, the approval of any such experiments by the
14 Surgeon General and all MEETINGS and COMMUNICATIONS CONCERNING the same.

15 **REQUEST FOR PRODUCTION NO. 113:**

16 All reported, alleged, or actual violations of protocols involving the use of human subjects
17 in chemical or biological weapons tests at the Edgewood Arsenal or any other Army facility.

18 **REQUEST FOR PRODUCTION NO. 114:**

19 Medical Laboratories Special Reports ("MSLR") CONCERNING classified and
20 unclassified research, including without limitation, Special Report No. 50 dated September 1954,
21 and MSLR No. 25 and 34.

22 **REQUEST FOR PRODUCTION NO. 115:**

23 Program Planning Management Reports for the Chemical Corps Medical Laboratories,
24 Army Chemical Center, Maryland and all MEETINGS and COMMUNICATIONS
25 CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 116:**

2 Reports of the U.S. Army Research and Development Program in Chemical, Biological
3 and Radiological Warfare received by Defendants or prepared by the U.S. Army Chemical Corps
4 Research & Development Command, Washington DC from 1943 to present.

5 **REQUEST FOR PRODUCTION NO. 117:**

6 Project ZR/ALERT and/or studies on the use of Psychological Programming for
7 intelligence purposes, including counterintelligence and other operations situations, and all
8 reports, MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 118:**

10 Activities, directions, procedures, regulations, requirements, standards, and violations of
11 any of the same, and other DOCUMENTS CONCERNING the use of human beings in
12 experiments received by, prepared by, and/or reviewed by the Medical Policy Council of the
13 Armed Forces, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

14 **REQUEST FOR PRODUCTION NO. 119:**

15 "Summaries of Major Events and Problems" prepared by the U.S. Army Chemical Corps
16 (and its successors) or received by YOU for the fiscal years 1943 to present.

17 **REQUEST FOR PRODUCTION NO. 120:**

18 The "large Edgewood Arsenal Binders compiled by the U.S. Army Surgeon General's
19 Office," that contain alphabetical listing of approximately 7,000 army medical volunteers,
20 including "case numbers, drug/agent administered, date, dose, and route of agent administration,
21 height and weight and additive (in case of multiple agents/drugs) and or treatment used," as
22 referred to in the DOCUMENT bearing Bates stamp VVA-VA023589 and all MEETINGS and
23 COMMUNICATIONS CONCERNING the same.

24 **REQUEST FOR PRODUCTION NO. 121:**

25 The "VOLS TEAS Data," a 1981 printout which is described as "a data collection
26 concerning persons possibly exposed to toxic substances at Edgewood who were seen at the
27 Toxic Exposure Aid station. . . .," as described in the DOCUMENT bearing Bates stamp VVA-
28 VA023589, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 122:**

2 DOCUMENTS regarding “Project Whitecoat” and biological tests on human beings
3 performed at Fort Detrick or other sites that were under YOUR direction, supervision, financing
4 or control, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 123:**

6 The follow-up study of the participants in “Project Whitecoat” to assess the “long-term
7 effects, if any, of their participation in medical research” at Fort Detrick, as described in the
8 DOCUMENT bearing Bates stamp VVA-VA023591, including, without limitation, findings,
9 project design, data, summaries of data, and all MEETINGS and COMMUNICATIONS
10 CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 124:**

12 DOCUMENTS regarding technical manuals, user guides, software, and hardware
13 platform CONCERNING Department of Defense follow-up databases.

14 **REQUEST FOR PRODUCTION NO. 125:**

15 The 1960 Gottlieb Report referred to in Paragraph 27 page 19 of Exhibit B to the Second
16 Amended Complaint, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 126:**

18 The activities, functions, and purpose of the Graphic Arts Reproduction Branch
19 (“GARB”) of the Technical Services Division (“TSD”), as referred to in paragraph 4 of the
20 Report of Inspection of MKULTRA/TSD, in the version of the CIA Inspector General Report
21 produced by Defendants to Plaintiffs on Friday, April 30, 2010.

22 **REQUEST FOR PRODUCTION NO. 127:**

23 All agendas, reports, or analyses received, prepared or distributed by the GARB that relate
24 to chemical and biological weapons research or testing.

25 **REQUEST FOR PRODUCTION NO. 128:**

26 The contract or contracts between Edgewood and [redacted name(s)] CONCERNING the
27 collection of information on, and samples of new psychopharmaceuticals developed in Europe
28 and Japan, as described on Page 2 of the May 23, 1973 Memorandum for the Director of R&D

1 produced by Defendants as VVA023819-20, and the use of such substances on experiments
2 involving military personnel, and all MEETINGS and COMMUNICATIONS CONCERNING
3 the same.

4 **REQUEST FOR PRODUCTION NO. 129:**

5 The development, purpose, testing, design, and use of the “Boomer” as identified in the
6 May 6, 1974 Memorandum for the Inspector General re Project OFTEN (*see* VVA023823-25),
7 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

8 **REQUEST FOR PRODUCTION NO. 130:**

9 The IDENTITY of the author of the May 6, 1974 Memorandum for the Inspector General
10 re Project OFTEN, produced as VVA023823-25, the database of clinical records identified in
11 Paragraph 3 of the Memorandum, the IDENTITY of the private industry members and university
12 professors referred to in Paragraphs 4 and 5 of the Memorandum, the IDENTITY of the Division
13 Chief referred to in Paragraph 7 of the Memorandum, copies of the Activity Reports referred to in
14 Paragraph 8 of the Memorandum, and all MEETINGS and COMMUNICATIONS
15 CONCERNING the same.

16 **REQUEST FOR PRODUCTION NO. 131:**

17 The records referred to in the Records Retirement Request dated May 14, 1974 re “Project
18 Files 1965 to 1973,” as shown in the DOCUMENT bearing Bates stamp VVA023826-33, the
19 IDENTITY of the records center where they were sent for storage, and the “Attachment A” as
20 shown in the DOCUMENT bearing Bates stamp VVA023834.

21 **REQUEST FOR PRODUCTION NO. 132:**

22 Members of, assignments to, MEETINGS of, reports by, agendas, and
23 COMMUNICATIONS CONCERNING the activities of the “special review panel” of members
24 of the ORD and TSD organized to assist the drug research program as described on the last
25 paragraph of the DOCUMENT bearing Bates stamp VVA023837.

26 **REQUEST FOR PRODUCTION NO. 133:**

27 All COMMUNICATIONS and MEETINGS between YOU and the “principal contractor”
28 under Project OFTEN, as described in the first paragraph of the DOCUMENT bearing Bates

1 stamp VVA023838, and all reports, recommendations, summaries, budgets, assignments,
2 research, test results, and analysis CONCERNING the activities performed by the principal
3 contractor.

4 **REQUEST FOR PRODUCTION NO. 134:**

5 All COMMUNICATIONS and MEETINGS between YOU and the “subcontractor” under
6 Project OFTEN, as described in the first paragraph of the DOCUMENT bearing Bates stamp
7 VVA023838, and all reports, recommendations, summaries, budgets, assignments, research, test
8 results, and analysis CONCERNING the activities performed by the subcontractor.

9 **REQUEST FOR PRODUCTION NO. 135:**

10 All COMMUNICATIONS and MEETINGS between YOU and the PERSON(S) who
11 synthesized new drugs or derivatives under Project OFTEN, as described in the second paragraph
12 of the DOCUMENT bearing Bates stamp VVA023838, and all reports, recommendations,
13 summaries, budgets, assignments, research, test results, and analysis CONCERNING the
14 activities performed by the PERSON(S) performing the synthesis work.

15 **REQUEST FOR PRODUCTION NO. 136:**

16 All COMMUNICATIONS and MEETINGS between YOU and the George Washington
17 University and/or between its professors and staff CONCERNING Project OFTEN, as described
18 in the third paragraph of the DOCUMENT bearing Bates stamp VVA023838, and all reports,
19 recommendations, summaries, budgets, assignments, research, test results, and analysis
20 CONCERNING the activities performed by George Washington University and/or its professors
21 and staff.

22 **REQUEST FOR PRODUCTION NO. 137:**

23 All COMMUNICATIONS and MEETINGS between YOU and the Ivy Research
24 Laboratories and/or Dr. Herbert W. Copelan CONCERNING Project OFTEN, whose names are
25 listed in the first continuation paragraph on the DOCUMENT bearing Bates stamp VVA023839,
26 and all reports, recommendations, summaries, budgets, assignments, research, test results, and
27 analysis CONCERNING the activities performed by the Ivy Research Laboratories and/or Dr.
28 Copelan.

1 **REQUEST FOR PRODUCTION NO. 138:**

2 The reason or reasons why "Agency" support to the clinical testing of EA#3167 and
3 collection of information and samples regarding foreign drug development were terminated in
4 January 1973, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 139:**

6 The information, samples, data, risks, reports received or sent, qualities of, classification
7 and other information CONCERNING the drugs and substances the CIA obtained from drug and
8 pharmaceutical companies, other government agencies, including the VA, NIH, FDA, and EARL,
9 research laboratories, and other researchers, as described in the DOCUMENT bearing Bates
10 stamp VVA02387.

11 **REQUEST FOR PRODUCTION NO. 140:**

12 The briefings delivered to upper management, including the DCI, the Executive
13 Director/Comptroller, DDP and the DD/S&T on the drug research program, as described in the
14 DOCUMENT bearing Bates stamp VVA023837, and all MEETINGS and COMMUNICATIONS
15 CONCERNING the same.

16 **REQUEST FOR PRODUCTION NO. 141:**

17 All DOCUMENTS CONCERNING the following contracts: #4504, #4405, #5843,
18 #9384, #71-530, #70-606, #73-605, ORD 7001-69, including, without limitation, interim and
19 final reports, proposals, extensions, follow-on contracts, magnetic tapes, computer tabulations of
20 test data, and all other contract files, correspondence, and reports listed or referred to in
21 "Attachment B," bearing Bates stamp VVA023827-23831.

22 **REQUEST FOR PRODUCTION NO. 142:**

23 All DOCUMENTS CONCERNING the following contracts: ONR 73-530, including,
24 without limitation, interim and final reports, proposals, extensions, follow-on contracts, magnetic
25 tapes, computer tabulations of test data, and all other contract files, correspondence, and reports
26 listed or referred to in Tables 1 through 4 in the DOCUMENTS bearing Bates stamp
27 VVA023840-23843.

1 **REQUEST FOR PRODUCTION NO. 143:**

2 The minutes, activities, reports to, decisions by, applications to, members of, and other
3 DOCUMENTS CONCERNING the ARTICHOKE Committee, as described in the DOCUMENT
4 bearing Bates stamp VVA023857.

5 **REQUEST FOR PRODUCTION NO. 144:**

6 The IDENTITY of the “institutions” referred to in the DOCUMENT bearing Bates stamp
7 VVA023857, and their activities or role in BLUEBIRD/ARTICHOKE.

8 **REQUEST FOR PRODUCTION NO. 145:**

9 The activities, decisions, files, approvals, comments and other DOCUMENTS
10 CONCERNING the panel established to review the OFTEN program, as described on Page 5,
11 Paragraph 12 of the DOCUMENT bearing Bates stamp VVA023861, and all MEETINGS and
12 COMMUNICATIONS CONCERNING the same.

13 **REQUEST FOR PRODUCTION NO. 146:**

14 The termination of the CIA OFTEN program in January 1973 and the basis for and/or
15 truth or falsity of the statement in Page 5, Paragraph 13 of the DOCUMENT bearing Bates stamp
16 VVA023861 that “Edgewood did not progress to testing materials on human volunteer subjects
17 under the work sponsored by the CIA.

18 **REQUEST FOR PRODUCTION NO. 147:**

19 The DOCUMENTS saved upon CIA’s termination of the OFTEN program, as described
20 in Page 5, Paragraph 14 of the DOCUMENT bearing Bates stamp VVA023861, including data
21 withdrawn from CIA computers, tapes, and other records.

22 **REQUEST FOR PRODUCTION NO. 148:**

23 The human experiment involving military volunteers and EA#3167, described in the
24 DOCUMENT bearing Bates stamp VVA023907 as occurring in June 1973, and all MEETINGS
25 and COMMUNICATIONS CONCERNING the same.

26 **REQUEST FOR PRODUCTION NO. 149:**

27 The DOCUMENTS listed in Appendix A (Army DOCUMENTS) of the DOCUMENT
28 bearing Bates stamp range VVA023903-23919, and the DOCUMENTS listed in Appendix C

1 (CIA) of the DOCUMENT bearing Bates stamp range VVA023903-23919, and all MEETINGS
2 and COMMUNICATIONS CONCERNING the same.

3 **REQUEST FOR PRODUCTION NO. 150:**

4 The DOCUMENT referred to at the top of the DOCUMENT bearing Bates stamp
5 VVA023839 as unclassified Research Report Number VII, ID50 of Agent 926 by Dr. Herbert W.
6 Copelan, Ivy Research Laboratories, Inc. submitted in May 1970, to the Medical Research
7 Laboratories, Directorate of Laboratories, Edgewood Arsenal.

8 **REQUEST FOR PRODUCTION NO. 151:**

9 The MKPILOT Project and all MEETINGS and COMMUNICATIONS between or
10 among YOU and the Lexington Narcotics Hospital.

11 **REQUEST FOR PRODUCTION NO. 152:**

12 Copies of every signed consent form and any other documents that YOU rely upon to
13 support YOUR affirmative defense of consent in YOUR Answer to the Second Amended
14 Complaint.

15
16 Dated: May 10, 2010

GORDON P. ERSPAMER
TIMOTHY W. BLAKELY
ADRIANO HRVATIN
STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

17
18
19
20
21 By: 
Gordon P. Erspamer

22 Attorneys for Plaintiffs
23 Vietnam Veterans of America; Swords to
24 Plowshares: Veterans Rights Organization;
25 Bruce Price; Franklin D. Rochelle; Larry
26 Meirow; Eric P. Muth; David C. Dufrane; and
27 Wray C. Forrest
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PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on May 10, 2010, I served a copy of:

PLAINTIFFS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS

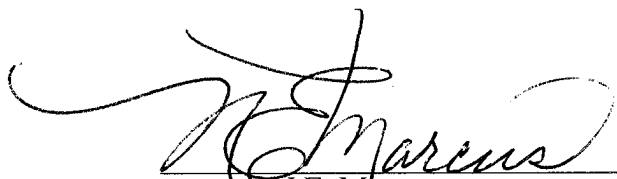
By Overnight Delivery [Code Civ. Proc sec. 1013(d)] by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS or delivered to an authorized courier or driver authorized by UPS to receive documents on the same date that it (they) is are placed at Morrison & Foerster LLP for collection.

Caroline Lewis Wolverton
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California, this 10th day of May, 2010.


N.E. Marcus