

# Exhibit C

**Exhibit C**

Defendants Central Intelligence Agency and its Director Leon Panetta (collectively, "CIA"); United States Department of Defense and its Secretary, Robert M. Gates, and the United States Army and its Secretary, Pete Geren (collectively, "DoD"); and United States Department of Justice and the Attorney General of the United States (collectively, "DOJ") in this civil action, by and through undersigned counsel, hereby submit the following responses to Plaintiffs'

   Interrogatories based on the searches conducted to    date and further recognize their duty to supplement these responses according to Federal Rule of Civil Procedure 26(e)(1):

#### GENERAL RESPONSES

1. The information submitted herewith is being provided in accordance with the Federal Rules of Civil Procedure which permit the discovery of any matter not privileged that is relevant to the subject matter of this civil action. Fed. R. Civ. P. 26(b)(1). Accordingly, Defendants do not, by providing such information, waive any objection to its admissibility on the grounds of relevance, materiality, or other appropriate ground.

2. The responses supplied herein are not based solely on the knowledge of the executing party, but include the knowledge of the Defendants, their agents, employees, representatives, and attorneys, unless privileged.

3. To the extent that Defendants ~~produce~~identify documents, Defendants do not concede that the information requested is relevant to this action. Defendants expressly reserve the right to object to further discovery of the subject matter of the ~~request for production of documents and~~interrogatories and the introduction into evidence of any answer or portion thereof or any document produced in response to these ~~Document Requests~~interrogatories.

#### GENERAL OBJECTIONS

1. Defendants object to Plaintiffs' Interrogatories, including all definitions and instructions contained therein, to the extent they seek to impose obligations beyond those specified under the Federal Rules of Civil Procedure or other applicable rules, including requests that are not reasonably calculated to lead to the discovery of admissible evidence. All of

Defendant's responses to Plaintiffs' requests herein are subject to and without waiver of this objection.

2. Defendants object to Plaintiffs' definitions of "COMMUNICATION," "COMMUNICATIONS," "DOCUMENT," "DOCUMENTS," "MEETING" or "MEETINGS" to

the extent that they seek identification of electronic mail or other electronic records that are not in word-searchable format, including, but not limited to, any computer backup tapes. Defendants further object to Plaintiffs' definition of "COMMUNICATION," "COMMUNICATIONS," "MEETING" or "MEETINGS" to the extent that they seek information that had been solely vested in personnel who are unavailable due to retirement, death, or other causes. Such definitions render any corresponding requests unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, and the burden of any such proposed discovery outweighs its likely benefit.

3. ~~Defendants object to Plaintiffs' definition of "TEST PROGRAMS" as overly~~  
Defendants object to Plaintiffs' definitions of "TEST PROGRAMS", "TEST SUBJECT", and "TEST SUBJECTS" as overly broad. The term "TEST PROGRAM" is defined to include, "without limitation," specifically identified test programs "and any other program of experimentation involving human testing of any substance[.]" The term "TEST SUBJECT(S)" is defined to include "any person who . . . participated in any experiment that was part of, or related to, the TEST PROGRAMS." These definitions have the potential to encompass clinical trials and other human tests in any setting, under any circumstances, and within any time frame and, as such, renders any corresponding request unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

~~broad. The term "TEST PROGRAM" is defined to include, "without limitation," specifically identified test programs "and any other program of experimentation involving human testing of any substance[.]" Such a definition renders any corresponding requests unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, as this definition has the potential to encompass clinical trials and other human tests in any setting, under any circumstances, and within any time frame. As most literally responsive records are wholly unrelated to the subjects of this litigation, Defendants have limited both their search for information responsive to Plaintiffs' interrogatories and their corresponding responses to relevant information pertaining to the specified test programs and other chemical or biological testing involving service members conducted in conjunction with the Edgewood Arsenal area of Aberdeen Proving Ground, Maryland, Fort Detrick, Maryland and Fort Ord, California. In addition, Defendant CIA conducted searches regarding CIA research programs, and provided corresponding responses to Plaintiffs' interrogatories, limited to relevant information~~

~~pertaining to Project OFTEN, the only CIA program known to CIA to have contemplated testing on military personnel.~~

~~4. Defendants object to Plaintiffs' definition of "TEST SUBJECT" or "TEST SUBJECTS" as overly broad. The term "TEST SUBJECT(S)" is defined to include "any person who . . . participated in any experiment that was part of, or related to, the TEST PROGRAMS." Such a definition renders any corresponding request unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, as this definition has the potential to encompass individuals involved in clinical trials and other human tests in any setting, under any circumstances, and within any time frame. As most literally~~

4. In light of the concerns discussed in General Objection 3 and because most potentially responsive records are wholly unrelated to the subjects of this litigation, Defendants have limited both their search for information responsive to Plaintiffs' interrogatories and their corresponding responses to relevant information pertaining to the specified test programs and other chemical or biological testing involving service members conducted in conjunction with the Edgewood Arsenal area of Aberdeen Proving Ground, Maryland, Fort Detrick, Maryland and Fort Ord, California. In addition, Defendant CIA conducted searches regarding CIA research programs, and provided corresponding responses to Plaintiffs' interrogatories, limited to relevant information pertaining to Project OFTEN, the only CIA program known to CIA to have contemplated testing on military personnel.

~~5. Defendants object to Plaintiffs' Interrogatories to the extent they request information that is not reasonably calculated to lead to the discovery of admissible evidence.~~6. Defendants object to identifying or providing any files, records, reports, and any other papers and documents pertaining to any individual other than the individually named Plaintiffs to the extent that such information is protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164.

6. Defendants further object to Plaintiffs' request for identification of documents to the extent they seek information protected from disclosure by the attorney-client privilege, the work product doctrine, deliberative process, or any other applicable privilege or immunity recognized under statute, regulation or applicable case law. In conformance with Fed. Rule Civ.

P. 26(b)(5), Defendants will describe the nature of any documents that are withheld as privileged or subject to protection as attorney work product.

7. Defendants object to Plaintiffs' Interrogatories to the extent they seek information from any individual or entity other than Defendants or to the extent they seeks information that is publicly available, and/or that is equally or more readily available to Plaintiffs.~~8.~~ Defendants object to Plaintiffs' Interrogatories to the extent they demand the identification of documents or information not within the possession, custody, or control of Defendants.

8. Defendants object to Plaintiffs' Interrogatories to the extent that they seek information that is classified pursuant to Executive Order 12,958, its predecessor, or its successors, and subject to the state secrets privilege or otherwise subject to the state secrets privilege.:

~~10-9.~~ Defendants further object to the instructions and definitions set forth in Plaintiffs' Interrogatories to the extent they impose obligations on Defendants that require disclosures of information protected pursuant to the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403g, which authorizes the CIA to protect the organization, functions, names, official titles, and salaries of all of its employees notwithstanding any other provisions of law. All of Defendants' responses to Plaintiffs' Interrogatories requests herein are subject to and without waiver of this objection.

~~11-10.~~ Defendant DOJ objects to Plaintiffs' Interrogatories to the extent they demand that DOJ identify documents or information not relevant to the claims against DOJ and the Attorney General. Plaintiffs' Second Amended Complaint ("SAC") references the DOJ or Attorney General in only three paragraphs, and all three paragraphs pertain solely to Plaintiffs' claims regarding the identification and notification of participants in government test programs. Second Am. Compl. ¶¶13, 14, 98. Paragraph 13 alleges both that the CIA testified that it was working with the Attorney General regarding the identification of test participants and that the Attorney General participated in efforts to locate test participants. Id. ¶ 13. Paragraph 14 characterizes a DOJ opinion regarding whether the CIA had a duty to locate participants in the CIA's MKULTRA program. Id. ¶14. Paragraph 98 then expressly states that the Attorney General "is named solely in his official capacity and in connection with the Attorney General's assumption of responsibility to notify the victims of biological and chemical weapons tests." Id. ¶ 98. It would be unduly burdensome and not reasonably calculated to lead to the discovery of

admissible evidence to require DOJ to search for documents and information not relevant to the ~~claims~~claims specifically pertaining to DOJ or the Attorney General. Based on Plaintiffs' claims in the SAC, therefore, Defendant DOJ has limited its search and response to information relevant to the allegations in the SAC that pertain to DOJ and the Attorney General.

~~therefore, Defendant DOJ has limited its search and response to information relevant to the allegations in the SAC that pertain to DOJ and the Attorney General. 12. Defendants object to Instruction 4 as unduly burdensome insofar as it seeks documents created, received, or dated between January 1, 1941 and the present, a span of nearly 70 years. 13. To the extent that Defendants identify documents, they do not concede that the information requested is relevant to this action. Defendants expressly reserve the right to object to further discovery of the subject matter of these Interrogatories and the introduction into evidence of any answer or portion thereof or any document produced in response to these Interrogatories.~~

#### SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION

~~14. Each of the foregoing statements and/or objections is incorporated by reference into each and every specific response set forth below. Notwithstanding the specific responses to any document request, and~~ Defendants do response below is not ~~waive a waiver of~~ any of their General Objections.

#### ~~SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION~~

##### INTERROGATORY NO. 1:

For each TEST PROGRAM and any sub-projects, please IDENTIFY all PERSONS who directed, designed or carried out experiments involving TEST SUBJECTS.

##### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~3-6-4, 6,~~ and ~~9-12, 8-10.~~ Defendants further object to Plaintiffs' request as overly broad, ~~irrelevant to the claims remaining in this action,~~ and not reasonably calculated to lead to the discovery of admissible evidence, and protected from disclosure by one or more privileges or immunities.

##### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~1~~ DoD: DoD does not have a roster or list of all the individuals who directed, designed or carried out experiments, though some names may appear in documents or reports produced March 25, 2010.

~~1~~ CIA: Pursuant to General Objection ~~10~~,9, CIA has no response to this interrogatory.

~~1~~ DOJ: Pursuant to General Objection ~~11~~,10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 2:

Please IDENTIFY all known TEST SUBJECTS, including the dates of participation.

OBJECTION

Defendants object to this Request on the ground that it seeks information protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections ~~4~~-~~8~~3-5, 7, and ~~11-12~~,10. Defendants further object to Plaintiffs’ request as overly broad, irrelevant to the claims remaining in this action, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

~~1~~ DoD: DoD produced a copy of the DoD chem-bio database (VVA 029358) as of March 2010 that identifies each service member participant, albeit not by name, the substance(s) tested, and provides additional information about the tests, including the amount administered and route of administration (e.g., oral or percutaneous), where available. ~~Pursuant to the objections state above and~~

~~Defendants’ General Objections, DoD has no further information responsive to this request.~~

~~1~~ CIA: CIA has a copy of certain potentially responsive, classified DoD information contained on magnetic tapes that are unreadable to CIA. CIA also has printout of classified DoD information that it believes to be the contents of the magnetic tapes. CIA will return both the tapes and the printout to DoD for a classification review and determination of whether DoD possesses the hardware to read the tapes. Pursuant to General Objection ~~9~~,8, CIA has no further response to this interrogatory.

• DOJ: Pursuant to General Objection ~~11,10~~, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 3:

For each TEST SUBJECT, IDENTIFY the TEST PROGRAM project and/or sub-project in which the TEST SUBJECT was involved.

OBJECTION

Defendants object to this Request on the ground that it seeks information protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections ~~3-6-5~~ and ~~11-12,10~~. Defendants further object to Plaintiffs’ request as overly broad, irrelevant to the claims remaining in this action, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

~~respond as follows:~~

• DoD: DoD ~~produced a copy of the DoD chem-bio database (VVA 029358) as of~~categorized its tests involving military service members based on the chemical agent involved, rather than by specific projects or test programs. Information on the chemical agents involved would be contained in the DoD chem-bio database (VVA 029358), which DoD produced as of March 2010. This March 2010 that identifies each service member participant, albeit not by name, the substance(s) tested, and provides additional information about the tests, database identifies each service member participant albeit not by name the substance(s) tested, and provides additional information about the tests, including the amount administered and route of administration (e.g., oral or percutaneous), where available. DoD also previously produced documents responsive to RFP # 3. percutaneous), where available. Additionally, while information concerning Seventh Day Adventist-test-volunteers in FortDetrick’s biological agent test program is --contained in the chem-bio database, these individuals were grouped together under the label “Project Whitecoat.”

• CIA: CIA ~~has no~~conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

• DOJ: Pursuant to General Objection ~~11~~,10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 4:

Please IDENTIFY all COMMUNICATIONS between YOU and any TEST SUBJECT or other former service members whom YOU believe or understand to have participated in the TEST PROGRAMS.

OBJECTION

Defendants object to this Request on the ground that it seeks information protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections ~~2-6 and 12-~~6. Defendants further object for the

reasons identified in General Objection 87 in so far as the requested information is in the possession of a third party, the Department of Veterans Affairs (“VA”). Finally, Defendants

object to Plaintiffs’ request as overly broad, irrelevant to the claims remaining in this action, not

reasonably calculated to lead to the discovery of admissible evidence, and protected from disclosure by one or more privileges or immunities.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

• DoD: DoD previously produced documents responsive to RFP ## 13 and 49.

• CIA: CIA previously produced documents responsive to RFP # 14.

• DOJ: Based on the searches conducted to date, as outlined in General Objection 4, DOJ has identified no information that is responsive to this request.

INTERROGATORY NO. 5:

Please IDENTIFY all DOCUMENTS that reflect the results of experiments for the TEST PROGRAMS that used TEST SUBJECTS.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 2-~~9-8~~ and ~~11-12.10~~. Defendants further object to Plaintiffs' request as overly broad, vague, not reasonably calculated to lead to the discovery of admissible evidence, and protected from disclosure by one or more privileges or immunities.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~• DoD: DoD produced a copy of the DoD chem-bio database (VVA 029358) as of March 2010 that identifies each service member participant, albeit not by name, the substance(s) tested. And provides additional information about the tests, including the amount administered and route of administration (e.g., oral or percutaneous), where available. DoD also previously produced documents responsive to RFP ## 3, 17, 20, 25, 32, 57, 67, 72, and 73. DoD also received six classified DoD documents that were in the possession of the CIA; DoD will conduct a classification review of those documents and determine whether they are responsive and/or duplicate information previously released by DoD.~~

~~percuteaneous), where available. DoD also previously produced documents responsive to RFP ## 3, 17, 20, 25, 32, 57, 67, 72, and 73. • CIA: CIA has approximately six DoD documents that may be responsive. CIA also~~

~~• CIA: CIA provided to Plaintiffs documents in its initial disclosures that may be responsive, and CIA transferred the six documents described above to DoD.~~

~~• DOJ: Pursuant to General Objection 9-10, no further information may be provided. • DOJ: Pursuant to General Objection 11,10, DOJ has not searched for information related to this interrogatory.~~

#### INTERROGATORY NO. 6:

Please IDENTIFY all repositories of DOCUMENTS CONCERNING the TEST PROGRAMS.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 2-~~3, 5, 7-8, 5~~ and ~~12.7~~. Defendants further object to Plaintiffs' request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Finally, Defendants object on the ground that the term "repositories" is not defined.

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

• DoD: DoD previously produced documents responsive to RFP ## 3 and 26.

Additionally, the National Archives [of the United States](#) serves as a depository for DoD documents.

• CIA: The National Archives [of the United States](#) serves as a depository for CIA documents.

• DOJ: For the period at issue, any records of the Attorney General, Deputy Attorney General, or the Associate Attorney General would have been paper records and would have been accessioned by the National Archives of the United States. Based on the searches conducted to date, the Office of Legal Counsel has identified an internal electronic database that allows OLC personnel to locate [a large number of unclassified](#) documents prepared by OLC from 1945 to the present.

INTERROGATORY NO. 7:

Please IDENTIFY all reported, observed and/or claimed violations of the Wilson Memorandum, attached as Exhibit C to the First Amended Complaint, and ALL MEETINGS CONCERNING the same.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 2, ~~5-6, 9, 4, 7-8,~~ and ~~11-12.~~ [10](#). Defendants object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, [and](#) not reasonably calculated to lead to the discovery of admissible evidence, ~~and protected from disclosure by one or more privileges or immunities.~~

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows: ?

• DoD: DoD previously produced documents responsive to RFP # 73.

• ~~CIA: CIA has no information that is responsive to this request.~~

• ~~DOJ~~ CIA: Pursuant to General Objection ~~11, DOJ~~ [4, CIA](#) has not searched for information

related to this interrogatory.

DOJ: Pursuant to General Objection 10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 8:

For each TEST SUBJECT, please IDENTIFY whether that TEST SUBJECT received any notice or warning from YOU CONCERNING the TEST SUBJECT'S participation in the TEST PROGRAMS or CONCERNING any substance to which the TEST SUBJECT was exposed, after the TEST SUBJECT'S participation in the TEST PROGRAMS had concluded, and IDENTIFY the notice or warning and the date on which it was sent.

OBJECTION

Defendants object to this Request on the ground that it seeks information protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164, and for the reasons described in General Objections ~~3-6 and 12-5~~. Defendants further object for the reasons identified in General Objection 87 in so far as the requested information is in the possession of a third party, the VA. Finally, Defendants object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~DoD: DoD~~

DoD: DoD conducted a follow-up study on forty test volunteers and published a report in 1972. DoD conducted interviews with and laboratory tests on all forty subjects. Additionally, DoD conducted a follow-up study on the effects of LSD on test volunteers and published a report in 1980. DoD received responses from 320 test volunteers: 100 provided answers to written questionnaires and 220 reported to military medical facilities for testing. DoD also previously produced documents responsive to RFP # 10.

~~CIA: CIA has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~DOJ: Based on the searches conducted to date,~~ as outlined in General Objection 4, DOJ has identified no information that is responsive to this request.

INTERROGATORY NO. 9:

For each database YOU have used to record or preserve information CONCERNING TEST SUBJECTS or the TEST PROGRAMS, please IDENTIFY each, including the purpose, period of time it was active, and software and hardware requirements.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3–~~6-4~~ and ~~11-12.10~~. Defendants further object to Plaintiffs' request as overly broad, and not reasonably calculated to lead to the discovery of admissible evidence, ~~and protected from disclosure by one or more privileges or immunities~~. Finally, Defendants object because the disclosure of software and hardware requirements is not relevant to the claims in this action and this request is not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

- DoD: ~~DoD~~DoD produced the contents of its chem-bio database (VVA 029358) as of March 2010. The purpose of the database is to identify each service member participant, though names have been redacted pursuant to the objections above, the substance(s) tested, and any additional information about the tests, including the amount administered and route of administration (e.g., oral or percutaneous), where available. DoD maintains the names of test participants for Mustard Gas and Lewisite tests, and test participants for Project 112 / SHAD tests in the same chem-bio database.

~~where available. Pursuant to the objections stated above, DoD can provide no further information responsive to this request.~~

- CIA: CIA has a copy of certain potentially responsive, classified DoD information contained on magnetic tapes that are unreadable to CIA. CIA also has printout of classified DoD information that it believes to be the contents of the magnetic tapes. CIA will return both the tapes and the printout to DoD for a classification review and determination of whether DoD possesses the hardware to read the tapes. Pursuant to General Objection ~~9,8~~, CIA has no further response to this interrogatory.

- DOJ: Pursuant to General Objection ~~11,10~~, DOJ did not search for information related to this interrogatory as it pertains to "TEST PROGRAMS." With regard to this request as it

pertains to “TEST SUBJECTS,” DOJ is not aware of any databases that existed for the Attorney General, Deputy Attorney General, or Associate Attorney General at that time; records were maintained in paper format. DOJ’s Executive Secretariat maintains a correspondence tracking system, which

reflects the dates of correspondence. Based on the searches conducted to date, the Office of Legal Counsel has identified an internal electronic database that allows OLC personnel to locate [a large number of unclassified](#) documents prepared by OLC from 1945 to the present.

INTERROGATORY NO. 10:

Please IDENTIFY the full text of all DOCUMENTS CONCERNING the TEST PROGRAMS withheld from prior releases in response to FOIA requests or requests from Congress, the DAIG, or any other investigatory agency or department, and the full text of any DOCUMENTS which were provided in response to any such request only in redacted form.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 2–~~3, 5–7, 9–10, 4, 6,~~ and ~~11–12, 8–10.~~ Defendants further object to Plaintiffs’ request as overly broad, unduly burdensome, irrelevant to the claims remaining in this action, and not reasonably calculated to lead to the discovery of admissible evidence, and protected from disclosure by one or more privileges or immunities.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants [respond as follows:](#)

~~respond as follows:~~

• DoD: ~~Any responsive documents in the DoD’s care, custody, or control may only~~ [DoD provided redacted versions of the following documents in response to Mr. Muth’s April 22, 2007 FOIA request: “Long Term Followup of Medical Volunteers”; “A Review of the Time Course of the Central Effects of Incapacitating Compounds in Humans”; “Literature and Opinion Survey on Field Testing as Related to Psychochemicals”, and; “Estimate of Minimal Effective](#)

~~be identified and released subject to a protective order~~

[Dose of EA 3443 in Man”.](#) DOD withheld [“The Search for Toxic Chemical Agents”](#) in its entirety.

• CIA: Any responsive documents in the CIA's care, custody, or control are protected from disclosure by one or more privileges or immunities, the reasons stated in General Objections 98 and 10,9, and because such a request would be unduly burdensome. •

• DOJ: Pursuant to General Objection 11,10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 11:

Please IDENTIFY all DOCUMENTS and COMMUNICATIONS CONCERNING any release from secrecy oaths of any TEST SUBJECT.

OBJECTIONS

Defendants object to this Interrogatory for the reasons described in General Objections 2,4, 6-7,2-,4 and 11-12,10. Defendants further object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, and not reasonably calculated to lead to the discovery of admissible evidence, ~~and protected from disclosure by one or more privileges or immunities.~~

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

• DoD: DoD previously produced documents responsive to RFP # 2.

• CIA: CIA ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

• DOJ: Pursuant to General Objection 11,10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 12:

For each project and sub-project in the TEST PROGRAMS, please indicate whether or not the CIA was involved in any way, and, if so, describe that involvement in complete detail, and IDENTIFY all PERSONS who were involved.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3,5-7,3-4,6, and 9-10, and 11-12,8-10. Defendants further object to Plaintiffs' request because it contains two distinct subparts and because it is overly broad, irrelevant to the claims remaining

in this action, not reasonably calculated to lead to the discovery of admissible evidence, and protected from disclosure by one or more privileges or immunities.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

• DoD: DoD ~~has not~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

• CIA: Project OFTEN involved a joint testing program with Edgewood Arsenal Research Laboratories and CIA between approximately 1967 and 1973. Though this program contemplated testing on volunteer military personnel, CIA's past reviews determined that the CIA ceased its funding for the testing program prior to the advancement of the program to the human testing phase. Defendants produced

a copy of "Historical Documentation of the [CIA's] Role in the Human Subject Test Program at Edgewood Arsenal Research Laboratories" (Oct. 21, 1994) as part of their initial disclosures. (VVA 023789-023965)

• DOJ: Pursuant to General Objection ~~11~~, 10, DOJ has not searched for information related to this interrogatory.

#### INTERROGATORY NO. 13:

Please IDENTIFY all PERSONS who died as a result of their participation in the TEST PROGRAMS, and for each such PERSON identify the TEST PROGRAM project or sub-project in which that PERSON participated, and the substances or chemicals to which that PERSON was exposed as part of the TEST PROGRAMS.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3, 5-7, 9, and ~~11~~-12. Defendants also object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~•~~ DoD: DoD ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~•~~ CIA: CIA ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~•~~ DOJ: Pursuant to General Objection ~~11,10~~, DOJ has not searched for information related to this interrogatory.

#### INTERROGATORY NO. 14:

Please IDENTIFY all TEST SUBJECTS who, after signing a consent to participate in the TEST ~~PROGRAMS~~, revoked consent or refused to continue participation, and summarize the outcome of each case.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3-4, ~~5-6,9,7~~, and ~~11-12,10~~. Defendants object to Plaintiffs' request as irrelevant to the claims remaining in this action, ~~protected from disclosure by one or more privileges or immunities~~, and not reasonably calculated to lead to the discovery of admissible evidence.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~respond as follows:~~

~~• DoD: DoD previously produced documents responsive to RFP # 73.~~

• DoD: Records indicate that 61 test volunteers requested release from the testing program and that 6 refused to participate after arrival at Edgewood. See documents DoD previously produced responsive to RFP # 73.

~~•~~ CIA: CIA ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~•~~ DOJ: Pursuant to General Objection ~~11,10~~, DOJ has not searched for information related to this interrogatory.

#### INTERROGATORY NO. 15:

Please provide the text of each form of consent used in the conduct of the TEST PROGRAMS, indicating the period of time it was operative.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~3,3-5~~ and 10. Defendants further object to Plaintiffs' request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence.

~~5-7, 9, and 11-12. Defendants further object to Plaintiffs' request as overly broad, and irrelevant~~

~~to the claims remaining in this action, protected from disclosure by one or more privileges or~~

~~immunities.~~

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~respond as follows:~~

~~• DoD: DoD previously provided signed consent forms by all named plaintiffs in its response to Plaintiffs' Request for Production ## 10 and 73. Pursuant to the objections stated above, DoD can provide no further information responsive to this request.~~

~~• CIA: CIA has no information that is responsive to this request.~~

• DoD: Documents previously provided by DoD indicate the text of the consent forms used and the time period they were operative. DoD also previously provided the consent forms signed by all the named Plaintiffs. See documents DoD previously produced responsive to RFP ## 10 and 73.

• CIA: CIA conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~• DOJ: Pursuant to General Objection ~~11~~,10, DOJ has not searched for information related to this interrogatory.~~

INTERROGATORY NO. 16:

Please describe in complete detail all efforts YOU made to contact or locate TEST SUBJECTS once their participation in the TEST PROGRAMS had concluded.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~3,3-5-7, 9-10~~, and ~~12~~7-9. Defendants further object for the reasons identified in General

Objection 8 in so far as the requested information is in the possession of a third party, the Department of Veterans Affairs (“VA”). Finally, Defendants object to Plaintiffs’ request as overly broad, irrelevant to the

claims remaining in this action, ~~protected from disclosure by one or more privileges or immunities~~, and not reasonably calculated to lead to the discovery of admissible evidence.

#### RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

~~DoD: In~~ DoD: DoD conducted a follow-up study on forty test volunteers and published a report in 1972. DoD conducted interviews with and laboratory tests on all forty subjects. Additionally, DoD conducted a follow-up study on the effects of LSD on test volunteers and published a report in 1980. DoD received responses from 320 test volunteers: 100 provided answers to written questionnaires and 220 reported to military medical facilities for testing. Additionally, in the 1990s, DoD provided a list of names of test subjects with exposure to mustard to the VA. From 2000 to 2003, DoD provided the VA with a list of service members exposed to chemical and biological warfare agents and stimulants during the 1960s and 1970s. DoD provided an additional list of service members participating in testing on identifying and treating exposures to chemical and biological warfare agents to the VA in 2004, and updates that list monthly based on reports from Batelle.

~~CIA: CIA~~ CIA: CIA efforts to locate human subjects of Project OFTEN determined that the CIA’s funding of the program ceased before it progressed to human subject testing. CIA also provided documents in its initial disclosures that may be responsive. Pursuant to General Objection ~~9-10,8-9~~, no further information may be provided.

~~DOJ: Based on the searches conducted to date,~~ as outlined in General Objection 4, DOJ has identified no information that is responsive to this request.

#### INTERROGATORY NO. 17:

Please IDENTIFY and describe all COMMUNICATIONS between or among DEFENDANTS and/or between DEFENDANTS and the DVA CONCERNING this action, including without limitation, the facts alleged in the Complaint or the First Amended Complaint and the discovery served upon the DVA.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~2,5,2-6,8,4~~ and ~~9-10.6-9~~. Defendants further object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

The above stated objections and Defendants' General Objections comprise Defendants' entire response to this interrogatory.

INTERROGATORY NO. 18:

Please IDENTIFY and describe all COMMUNICATIONS between or amongst DEFENDANTS, or any of them, and the DVA, and IDENTIFY all DOCUMENTS, CONCERNING the results of tests or experiments involving any chemical or biological substance conducted by the DVA using veterans as subjects between 1975 and the present.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~2,2-4~~ and ~~5-7 and 9-10.6-9~~. Defendants further ~~object for the reasons identified in General Objection 8 in~~

~~so far as the requested information is in the possession of a third party, the VA. Finally, Defendants~~ object to Plaintiffs' request as having multiple parts, overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

The above stated objections and Defendants' General Objections comprise Defendants' entire response to this interrogatory.

INTERROGATORY NO. 19:

Please IDENTIFY each substance administered to any PERSON as part of the TEST PROGRAMS that caused or contributed to or was asserted to cause or contribute to any type of mental disease or condition, including, without limitation, depression or post-traumatic stress disorder, shell shock, combat fatigue, and IDENTIFY all DOCUMENTS CONCERNING the

incidence and nature of mental health care problems experienced by any such PERSON exposed to such substances as part of the TEST PROGRAMS.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~3,5~~-3-5, 7, ~~9-10~~, and ~~11-12~~.10. Defendants further object to Plaintiffs' request as having multiple parts, overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendants object to this Request on the ground that it seeks information protected by the Privacy Act, 5 U.S.C. § 552a, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. § 1320d-2, the HIPAA Privacy Rule, and/or 45 C.F.R. parts 160 and 164.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

~~1~~-2 DoD: DoD has provided this information in response to Plaintiffs' RFP #3.

~~1~~-2 CIA: CIA ~~has no~~conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~1~~-2 DOJ: Pursuant to General Objection ~~11~~,10, DOJ has not searched for information related to this interrogatory.

#### INTERROGATORY NO. 20:

Please IDENTIFY each incident in which the provisions of the Official Directives, as that term is defined Paragraph 123 of the First Amended Complaint, were violated, and IDENTIFY the PERSON(S) involved and DOCUMENTS CONCERNING the same.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~2,5~~-2-4, 7, and ~~9-12~~.10. Defendants further object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

- ~~DoD~~ previously produced documents responsive to RFP # 73.

- ~~CIA: CIA has no information that is responsive to this request.~~ CIA: Pursuant to General Objection 4, CIA has not searched for information related to this interrogatory.

- DOJ: Pursuant to General Objection ~~11~~, 10, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 21:

Please IDENTIFY any information that YOU learned, through a published scientific study or other means, CONCERNING: (a) the actual or potential physical or mental health effects of any chemical or biological substance administered to TEST SUBJECTS as part of the TEST PROGRAMS; or (b) YOUR conduct of or the TEST SUBJECTS' participation in the TEST PROGRAMS; that may affect the well-being of the TEST SUBJECTS, including the date on which YOU learned such information.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3-7-8, and ~~9-12~~. 10. Defendants further object to Plaintiffs' request as having multiple parts, overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

- DoD: DoD has provided this information in response to Plaintiffs' Request for Production ## 3, 7, 20, 32, 57, 67, 75, 76, 77. DoD has also identified the following document: Bibliography, "Involving Whitecoat Volunteers as Human Subjects," U.S. Army Medical Research Institute of Infectious Diseases, unknown date and recipients, containing a bibliography of studies. ~~Pursuant to General~~ Finally, DoD received

- ~~Objection 7, DoD has no further information.~~

- ~~CIA: CIA has approximately six DoD documents that may be responsive. CIA also provided documents in its initial disclosures that may be responsive. Pursuant~~

~~to General Objection 9–10, no further information may be provided.~~

six classified DoD documents that were in the possession of the CIA; DoD will conduct a classification review of those documents and determine whether they are responsive and/or duplicate information previously released by DoD.

. CIA: CIA conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request other than the six documents discussed above.

~~•~~ DOJ: Pursuant to General Objection 11, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 22:

Please IDENTIFY each and every statute, regulation, directive, policy, or instruction governing YOUR conduct and execution of the TEST PROGRAMS, including, without limitation, each statute, regulation, directive, or instruction CONCERNING the provision of information to TEST SUBJECTS CONCERNING any risks associated with their participation in the TEST PROGRAMS, the procurement or evaluation of the informed consent of any PERSON participating in the TEST PROGRAMS, and the provision of medical care and evaluations for any PERSON participating in the TEST PROGRAMS.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~3–7-4, 7,~~ and ~~11–12,10.~~ Defendants further object to Plaintiffs’ request as overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

~~•~~ DOJ: DoD has provided this information in response to Plaintiffs’ Request for Production ~~##~~ A-2 and ~~30,30:~~

~~•~~ CIA: CIA ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

• DOJ: Pursuant to General Objection ~~11,10,~~ DOJ did not search for information related to this interrogatory as it pertains to “TEST PROGRAMS.” Based on the searches conducted to

date, [as outlined in General Objection 4](#), DOJ has identified no information that is responsive to this request as it pertains to “TEST SUBJECTS.”

INTERROGATORY NO. 23:

Please IDENTIFY any medical follow up that YOU have conducted CONCERNING any TEST SUBJECT for any reason, including without limitation, to ensure that any long-range problems are detected and treated.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~4,5-3-5~~, 7, and ~~11-12-10~~. Defendants further object ~~for the reasons identified in General Objection 8 in so~~

~~far as the requested information is in the possession of a third party, the VA. Finally, Defendants object~~ to Plaintiffs’ request as overly broad, irrelevant to the claims remaining in this action, ~~protected from disclosure by one or more privileges or immunities~~, and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants’ General Objections above, Defendants respond as follows:

- o ~~DoD~~: Pursuant to the objections stated above and Defendants’ General Objections, DoD has no further information beyond the studies disclosed below:
  - o [J.A. Klapper, M.D., et al., Long Term Followup of Medical Volunteers, Edgewood Arsenal Technical Report \(1972\):](#)
  - o [Charles S. White, III M.D., et al., Repeated Immunization: Possible Adverse Effects, Annals of Internal Medicine 1974 Volume 81, pg 594.](#)
  - o [Phillip R. Pittman, Long-Term Health Effects of Repeated Exposure to Multiple Vaccines, Vaccine 23 \(2004\) 525-536.](#)
  - o ~~Phillip R. Pittman, et al., An Assessment of Health Status among Medical~~ [Phillip R. Pittman, et al., An Assessment of Health Status among Medical Research Volunteers Who Served in the Project Whitecoat Program at Fort Detrick, Maryland, MILITARY MEDICINE. 170. 3:183, 2005.](#)

~~Research Volunteers Who Served in the Project Whitecoat Program at Fort Detrick, Maryland, MILITARY MEDICINE. 170. 3:183, 2005.~~

o U.S. Army Medical Department, LSD Follow-Up Study Report, October, 1980.

o National Research Council, "Possible Long-Term Health Effects of Short-Term Exposure to Chemical Agents," Washington DC, 1985.

o Institute of Medicine, "Long-Term health Effects of Exposure to Sarin and Other Anticholinesterase Chemical Warfare Agents," Mil. Med. March, 2003.

~~o~~ CIA: CIA ~~has no~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

~~o~~ DOJ: Pursuant to General Objection ~~11,10~~, DOJ has not searched for information related to this interrogatory.

INTERROGATORY NO. 24:

Please IDENTIFY and describe all efforts being undertaken by YOU to notify TEST SUBJECTS about information CONCERNING their participation in the TEST PROGRAMS or to warn TEST SUBJECTS about any information concerning their participation in the TEST PROGRAMS that may affect the well-being of the TEST SUBJECTS, including YOUR efforts completed to date and the anticipated date of completion of any such effort to notify or warn TEST SUBJECTS.

OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections 3-75 and ~~12-7-9~~. Defendants further object ~~for the reasons identified in General Objection 8 in so far as~~

~~the requested information is in the possession of a third party, the VA. Finally, Defendants object~~ to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, ~~protected from disclosure by one or more privileges or immunities,~~ and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

- DoD: DoD conducted a follow-up study on forty test volunteers and published a report in 1972. DoD conducted interviews with and laboratory tests on all forty subjects. Additionally, DoD conducted a follow-up study on the effects of LSD on test volunteers and published a report in 1980. DoD received responses from 320 test volunteers: 100 provided answers to written

questionnaires and 220 reported to military medical facilities for testing. Additionally, DoD has collected information from archived records and compiled a list of names of service members who were exposed, along with dates, locations, and the substances to which they were exposed, where available. DoD has provided that information to

the VA. DoD anticipates that its contract to identify test participants will conclude in September 2011.

- CIA: CIA efforts to locate human subjects of Project OFTEN determined that the CIA's funding of the program ceased before it progressed to human subject testing. CIA also provided documents in its initial disclosures that may be responsive. Pursuant to General Objection ~~9-10,8-9~~, no further information may be provided.

- DOJ: Based on the searches conducted to date, as outlined in General Objection 4, DOJ has identified no information that is responsive to this request.

#### INTERROGATORY NO. 25:

Please IDENTIFY all DOCUMENTS and COMMUNICATIONS CONCERNING the legal memorandum attached as Exhibit A to the First Amended Complaint, or any other DOCUMENT or COMMUNICATION concerning YOUR duty to notify and warn any PERSON who participated in the TEST PROGRAMS.

#### OBJECTION

Defendants object to this Interrogatory for the reasons described in General Objections ~~2-3, 5-7, and 9-10~~, 4, 6, 8-9. Defendants further object to Plaintiffs' request as overly broad, irrelevant to the claims remaining in this action, protected from disclosure by one or more privileges or immunities, and not reasonably calculated to lead to the discovery of admissible evidence.

#### RESPONSE

Subject to these objections and Defendants' General Objections above, Defendants respond as follows:

- DoD: DoD ~~has not~~ conducted a search, as outlined in General Objection 4, and did not find information that is responsive to this request.

- CIA provided documents in its initial disclosures that may be responsive.

Pursuant to General Objection ~~9-10,8-9~~, no further information may be provided.

• DOJ: DOJ has identified to date ~~four~~six documents related to Exhibit A of the First Amended Complaint. Pursuant to General Objection 6, no further information may be provided at this time beyond the details below:

- o Memorandum, August 10, 1977, John M. Harmon, for the Attorney General, concerning MKULTRA.
- o Letter, September 9, 1977, John M. Harmon, to Benjamin R. Civiletti, concerning MKULTRA.
- o Letter, December 20, 1977, John N. Gavin, to John M. Harmon, concerning MKULTRA.
- o Letter, January 5, 1978, John M. Harmon, to Benjamin R. Civiletti, concerning MKULTRA.
- o Letter, January 24, 1979, Larry A. Hammond, for the Attorney General, concerning MKULTRA.
- o Letter, January 25, 1979, Griffin B. Bell, to Stansfield Turner, concerning MKULTRA.

Document comparison by Workshare Professional on Tuesday, December 14,  
2010 11:54:53 AM

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2 ID	Document PowerDocs://LOS ANGELES/1103042/1
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cell	Deleted
	Moved cell
	Split/Merge

d cell	
Padding cell	

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