CENTRAL INTELLIGENCE AGENCY AND WILLIAM J. CASEY, DIRECTOR OF CENTRAL INTELLIGENCE, PETITIONERS V. JOHN CARY SIMS AND SIDNEY M. WOLFE

No. 83-1075

In the Supreme Court of the United States

October Term, 1983

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

Brief for the Petitioners

TABLE OF CONTENTS

OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-16a) is reported at 709 F.2d 95. The opinions and order of the district court (Pet. App. 21a-34a) are unreported. An earlier opinion of the court of appeals (Pet. App. 35a-64a) is reported at 642 F.2d 562. One of the earlier opinions of the district court (Pet. App. 73a-93a) is reported at 479 F. Supp. 84; the other earlier opinions and orders of the district court (Pet. App. 66a-72a, 94a-97a) are unreported.

JURISDICTION

The judgment of the court of appeals was entered on June 10, 1983 (Pet. App. 19a-20a). A petition for rehearing was denied on August 17, 1983 (Pet. App. 17a). On November 9, 1983, the Chief Justice extended the time in which to file a petition for a writ of certiorari to December 15, 1983, and on December 5, 1983, the Chief Justice further extended the time in which to file a petition for a writ of certiorari to December 29, 1983. The petition was filed on that date and was granted on March 5, 1984. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATUTORY PROVISIONS INVOLVED

Portions of the Freedom of Information Act, 5 U.S.C. 552, the National Security Act of 1947, 50 U.S.C. 401 et seq., and the Central Intelligence Agency Act of 1949, 50 U.S.C. 403a et seq., are

reproduced at App., infra, 1a-3a.

QUESTION PRESENTED

Whether the Central Intelligence Agency must disclose the identity of a source of intelligence information under the Freedom of Information Act whenever it cannot demonstrate that it had to guarantee confidentiality in order to obtain the kind of information that the source supplied, even though Section 102(d)(3) of the National Security Act of 1947, as incorporated in Exemption 3 of the FOIA, exempts "intelligence sources" from disclosure.

STATEMENT

1. Respondents, invoking the Freedom of Information Act (FOIA), 5 U.S.C. 552, filed a request with the Central Intelligence Agency seeking certain information about a CIA project known as MKULTRA. MKULTRA was initiated in the 1950's in "response to possible use by the Soviets and the Chinese of chemical and biological agents as instruments of interrogation and brainwashing" (Pet. App. 37a (footnote omitted); see id. at 73a). The project involved "research into 'chemical, biological and radiological materials capable of employment in clandestine operations to control human behavior'" (id. at 21a (footnote and citation omitted)). See also Pet. App. 89a (affidavit of Director of Central Intelligence Turner).

MKULTRA research was conducted by a large number of private scientists, in the United States and abroad, affiliated with universities, research foundations, and similar institutions (Pet. App. 66a, 89a). At least 80 institutions and 185 private researchers participated (id. at 36a). A total of 149 subprojects were funded by the CIA (I C.A. App. 14-61). /1/

Most of these subprojects involved legitimate research into a variety of chemical, biological, psychological, and sociological subjects. In a few of the subprojects, researchers surreptitiously administered drugs to unwitting subjects. This wholly improper conduct is now expressly forbidden by executive order. Exec. Order No. 12,333, Section 2.10, 46 Fed. Reg. 59941, 59952 (1981). See also Project MKULTRA, the CIA's Program of Research in Behavioral Modification: Joint Hearing Before the Select Comm. on Intelligence and the Subcomm. on Health and Scientific Research of the Senate Comm. on Human Resources, 95th Cong., 1st Sess. 16, 17, 35 (1977) (Testimony of Director of Central Intelligence Turner) (hereinafter cited as Project MKULTRA Hearing). The CIA has attempted to notify the persons who were unwittingly subjected to tests. See id. at 36.

The MKULTRA project was examined in 1963 in a report from the Inspector General of the CIA to the Director of Central Intelligence (II C.A. App. 118-145). Subsequently, congressional committees and a Presidential commission thoroughly examined the project, taking extensive testimony from both the Director of Central Intelligence and the former CIA personnel who had supervised the project. These inquiries gave "broad publicity" (Pet. App. 37a) to MKULTRA and the allegations of abuses connected with it. See S. Rep. 94-755, 94th Cong., 2d Sess., Bk. I, at 389-392 (1976); Report to the President by the Commission on CIA Activities Within the United States 226 (June 1975); Human Drug Testing by the CIA, 1977: Hearings on S. 1893 Before the Subcomm. on Health and Scientific Research of the Senate Comm. on Human Resources, 95th Cong., 1st Sess. (1977); Project MKULTRA Hearing, supra.

2. Respondents sought the grant proposals and contracts awarded under the MKULTRA program and the names of the institutions and individuals that performed research. The CIA made available to respondents all of the grant proposals and contracts. The CIA also contacted the institutions that had performed research, and approximately two-thirds of them voluntarily disclosed their identities to the public. The Agency accordingly disclosed them to respondents. Pet. App. 39a, 73a-74a.

The CIA cited Exemptions 3 and 6 of the FOIA, 5 U.S.C. 552(b)(3) and (6), as the bases for not releasing the names of the other institutions and the individual researchers. /2/ Only the Exemption 3 claim is now at issue. Exemption 3 of the FOIA provides that an agency need not disclose "matters that are * * * specifically exempted from disclosure by statute * * * provided that such statute * * * refers to particular types of matters to be withheld" (5 U.S.C. 552(b)(3)(B)). The statute on which the CIA relied is Section 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3). Section 403(d)(3) provides in part:

> (T)he Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure * * *.

3. Respondents then brought this action under the FOIA in the United States District Court for the District of Columbia. See 5 U.S.C. 552(a)(4)(B). They sought to compel disclosure of the names withheld by the CIA. The district court ordered disclosure of these names, apparently reasoning that the term "intelligence sources" in 50 U.S.C. 403(d)(3) did not include the MKULTRA researchers, of if it did, Section 403(d)(3) was not specific enough to qualify as an Exemption 3 statute (see Pet. App. 77a-79a).

The court of appeals vacated the district court's order and remanded for reconsideration (Pet. App. 35a-64a). The court observed that it had consistently held that Section 403(d)(3) "qualifies as a withholding statute under Exemption 3" (id. at 44a). The court also noted that in its numerous previous decisions dealing with Exemption 3 and Section 403(d)(3), it had assumed that the phrase "intelligence sources and methods" has "a plain meaning" (ibid.). But upon further consideration of the "relevant statutory enactments" (see id. at 47a) -- which the court identified as the FOIA, the National Security Act of 1947, and the Central Intelligence Agency Act of 1949, 50 U.S.C. 403a et seq. -- the court concluded that the phrase "intelligence sources and methods" is in fact "ambiguous" (Pet. App. 49a) and must be interpreted in a way that reflects "Congress's sensitivity to the need for discrimination in identifying particular types of matters exempted from disclosure" (id. at 47a).

The court of appeals acknowledged that the CIA's proposed definition of "intelligence sources" -- essentially, individuals or entities that provide intelligence information (see Pet. App. 46a) -- was a supportable interpretation of the phrase. But instead of accepting this definition, the court decided that "(a)nalysis should * * * focus on the practical necessity of secrecy * * * (and should) avoid an overbroad discretionary standard" (id. at 50a). The court then concluded (ibid.):

> (A)n "intelligence source" is a person or institution that provides, has provided, or has been engaged to provide the CIA with information of a kind the Agency needs to perform its intelligence function effectively, yet could not reasonably

> expect to obtain without guaranteeing the confidentiality of those who provide it.

Judge Markey, in an opinion concurring in part and dissenting in part, urged that the district court's rejection of the Agency's Exemption 3 claim be affirmed but remarked (Pet. App. 62a): "Whatever may be said of the wisdom or morality of the MKULTRA program and its operation, the Agency's need for the research data "to perform its intelligence function effectively' has not been challenged on this record."

4. On remand, the district court began by explicitly rejecting respondents' contention that the MKULTRA research was not "needed to perform the CIA's intelligence function" (Pet. App. 22a). The court explained (id. at 22a-23a): "In view of the agency's concern that potential foreign enemies could be engaged in similar research and the desire to take effective counter-measures, * * * (the Agency) could reasonably determine that this research was needed for its intelligence function." The district court also rejected respondents' contention that some of the researchers were not intelligence sources because they provided "materials or supplies," rather than "information," to the CIA (id. at 22a); the court reasoned that "it is irrelevant whether a source tells the CIA how to synthesize a substance or synthesizes the substance itself and sells it to the CIA (because) in either case, what is essentially being provided is information" (ibid.).

The district court then turned to the question whether the CIA could show, as the court of appeals' definition requires, that it could not reasonably have expected to obtain the information supplied by the MKULTRA sources without guaranteeing confidentiality to them (Pet. App. 23a). The district court acknowledged that the Agency considered the relationships between it and the MKULTRA researchers to be confidential (ibid.). The district court further noted that "(f)or understandable reasons, the Agency wished its interest in this subject matter kept secret, and feared that disclosure would jeopardize its ability to continue its research" (id. at 24a). But the district court ruled that this was not sufficient to satisfy the court of appeals' test because "the chief desire for confidentiality was on the part of the CIA. * * * (C)onfidentiality was normally guaranteed * * * solely to protect the CIA" (ibid.). In addition, the court remarked, many MKULTRA projects involved research that "goes on constantly at many places" and therefore "could have been done without a guarantee of confidentiality" (id. at 26a).

After reviewing the Agency's submissions about particular cases, the district court found that some of the researchers had sought, and received, express promises of confidentiality from the Agency. The court ruled that the identities of these researchers and the institutions with which they had been associated need not be disclosed (Pet. App. 26a). The district court also exempted other researchers from disclosure for various reasons (see id. at 26a-27a), 30a-31a). In total, the court ordered the disclosure of the names of 47 of the researchers and the institutions with which they had been affiliated (id. at 21a-34a).

5. Both sides appealed, and a divided panel of the court of appeals reversed the district court's "determination regarding which of the individual researchers satisfy the 'need-for-confidentiality' portion of the definition of 'intelligence source' promulgated in" the court of appeals' earlier opinion. The court affirmed the district court's ruling in other respects. Pet. App. 11a.

The court of appeals peremptorily rejected the Agency's suggestion that it reconsider the portion of the definition requiring the Agency to show that it had to guarantee confidentiality in order to obtain the information supplied by a source (Pet. App. 4a). Instead, the court of appeals criticized the district court for not following this aspect of the definition closely enough. The court of appeals remarked that "the (district) court's attention to questions of this order was deflected by its interest in whether the agency had, in fact, promised confidentiality to individual researchers" (id. at 5a). The court of appeals held that the district court's decision automatically to exempt from disclosure those researchers to whom the CIA had promised confidentiality was erroneous: "Proof that the CIA did or did not make promises of secrecy (either express or tacit) to specific informants * * * (cannot) be dispositive of the question whether a given informant qualifies as an 'intelligence source'" (id. at 6a).

Specifically, the court of appeals ruled that even a source of intelligence information who received an express promise of confidentiality would have to be revealed if the source requested such a promise only because he was "unreasonably and atypically leery of providing the agency with innocuous information" (Pet. App. 6a). The court reasoned that "if the agency readily and openly could have obtained, from other sources, data of the sort (such a source) provided, he would not constitute an 'intelligence source'" (ibid. (footnote omitted)). The court also remarked that allowing the Agency to refuse to disclose the identities of all sources of intelligence that requested confidentiality could permit "widespread evasion of the letter and spirit of the FOIA" (id. at 7a) because it "would (be) * * * easy for the agency" to suggest to intelligence sources "that they sign a form expressing their desire for secrecy" (id. at 6a n.7).

Judge Bork wrote a separate opinion, concurring in part and dissenting in part (Pet. App. 12a-16a). He criticized several aspects of the court of appeals' definition of "intelligence sources," urging in particular that there is "no reason to think that section 403(d)(3) was meant to protect sources of information only if secrecy was needed in order to obtain the information." Specifically, Judge Bork explained, "(t)he mere fact that the CIA pursues certain inquiries tells our adversaries much that there is no reason to think Congress intended them to know." He reasoned that "(o)ne need not be an expert in intelligence work to know that it is often possible to deduce what a person is doing, thinking, or planning by knowing what question he is asking or what information he is gathering. That is true even when the answers and information are publicly available." Id. at 15a.

Judge Bork also strongly criticized the majority's conclusion that the FOIA sometimes requires the CIA to break a promise of confidentiality it has given to an intelligence source. He stated (Pet. App. 13a-14a):

> Many persons who expect pledges of confidentiality to be honored will be shocked to learn, long after they give information in return for such a promise, that their identities will be disclosed. * * * (I)n this very case, retrospective application of (the majority's definition) * * * may be profoundly unjust. It will certainly be so if it results in the disclosure of the identities of * * * researchers who fully, and justifiably, expected the government to keep its commitment and to protect them from the wide range of dangers that may have concerned them when they insisted on confidentiality. This is

> not an honorable way for the government of the United States to behave, and the dishonor is in no way lessened because it is mandated by a court of the United States.

Judge Bork urged that by authorizing courts to force the CIA to break its promises of confidentiality, the majority's approach "produces pernicious results. * * * Because of the ever-present possibility of a future breach of trust ordered by the judiciary under the vague standard laid down today, the CIA will probably lose many future sources of valuable intelligence" (Pet. App. 13a-14a). Judge Bork remarked that under the court of appeals' definition of "intelligence sources," "individuals who give information to the CIA on the understanding that their names will be kept secret cannot rely on the promise of confidentiality if the information turns out to be the sort the CIA can get elsewhere without promising secrecy, something the sources of the information will often not be in a position to know. There is, moreover, no guarantee that a judge, examining the situation years later and deciding on the basis of a restricted record, will come to an accurate conclusion" (id. at 13a). Judge Bork then concluded (ibid.):

> The CIA and those who cooperate with it need and are entitled to firm rules that can be known in advance rather than vague standards whose application to particular circumstances will always be subject to judicial second-guessing. Our national interest, which is expressed in the authority to keep intelligence sources and methods confidential, requires no less.

The court of appeals denied the CIA's petition for rehearing and suggestion of rehearing en banc. Judges Wilkey, Bork, and Scalia voted in favor of rehearing en banc. Pet. App. 18a.

SUMMARY OF ARGUMENT

A. The court of appeals' decision is inconsistent with the plain meaning of 50 U.S.C. 403(d)(3), which protects "intelligence sources" from disclosure without limitation or qualification. The district court specifically ruled that the MKULTRA project was within the scope of the Central Intelligence Agency's intelligence function, and the court of appeals did not question that ruling. Thus, the MKULTRA researchers were, literally, sources of intelligence information. That should have been the end of the inquiry.

Nothing in the legislative history of Section 403(d)(3) suggests that the term "intelligence sources" should be given anything other than its plain meaning. On the contrary, the legislative history shows that Congress was aware that the CIA would derive intelligence from a large number of sources, and that these sources would be very diverse in character. Nonetheless, Congress did not attempt to differentiate among sources of intelligence information; it simply protected "intelligence sources" from disclosure. Moreover, Congress was acutely aware of the importance of secrecy to the intelligence-gathering process. Indeed, some of the congressional hearings on Section 403(d)(3) were held in secret and were only recently declassified.

The court of appeals appears to have arrived at its narrow construction of the term "intelligence sources" by interpreting Section 403(d)(3) in a way that would reflect what the court considered to be the pro-disclosure philosophy of the Freedom of Information Act. This is a fundamental error. Exemption 3 of the FOIA incorporates by reference the exemptions from disclosure

contained in the statutes to which it refers, and the legislative history of Exemption 3 expressly identifies Section 403(d)(3) as one of the statutes that is incorporated by reference. The disclosure of intelligence sources is therefore governed not by the "spirit" of the FOIA but by Section 403(d)(3) -- a statute enacted shortly after World War II in a climate quite different from that which prevailed at the time of the FOIA.

B. In addition, the court of appeals' definition of "intelligence sources" leads to results that Congress could not possibly have intended. In the intelligence area, because the stakes are so high, it is crucially important to the CIA that it be able to give its sensitive intelligence sources as absolute a guarantee of confidentiality as possible, and that it be perceived by potential sources as being able to keep its commitments. "The Government has a compelling interest in protecting both the secrecy of information important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service." Snepp v. United States, 444 U.S. 507, 509 n.3 (1980), quoted in Haig v. Agee, 453 U.S. 280, 307 (1981)(emphasis added). The court of appeals' approach -- by requiring the CIA to reveal the identity of a source of intelligence information whenever a court determines, after the fact, that the Agency could have obtained the same kind of information without guaranteeing confidentiality -- would necessarily undermine the CIA's efforts to assure potential sources that their identities will not be revealed under circumstances that could cause them great harm.

Moreover, the court of appeals' definition would require the Agency to disclose intelligence sources whenever the information they provide also happens to be in the public domain. This, too, would damage the Agency in a number of ways: by revealing to hostile foreign powers the subjects in which the Agency is interested; by making it difficult for the Agency to obtain information that, while theoretically available to the public, is far more easily obtained from a source that insists on confidentiality; and perhaps by requiring the Agency to disclose the identity of even a very sensitive source, if that source happened also to provide information that the CIA could have obtained without promising confidentiality.

The legislative history of Section 403(d)(3) shows that Congress understood that the Agency would rely heavily on intelligence sources of the kind that the court of appeals' definition would require the Agency to disclose. There is no indication that Congress intended to exclude such sources from the unqualified protection it afforded to "intelligence sources" in Section 403(d)(3). In sum, Congress was aware that intelligence information would be provided by numerous and diverse sources, and it chose to enact an unqualified measure protecting "intelligence sources" from disclosure. There is no reason to give that term anything other than its literal meaning.

ARGUMENT

THE FREEDOM OF INFORMATION ACT DOES NOT REQUIRE THE CENTRAL INTELLIGENCE AGENCY TO DISCLOSE THE IDENTITIES OF SOURCES OF INTELLIGENCE-RELATED INFORMATION

A. The Term "Intelligence Sources" Should Be Given Its Plain Meaning

In this case, as in another Freedom of Information Act case recently decided by the Court, "(t)he plain language of the statute * * * is sufficient to resolve the question presented" (United States v.

Weber Aircraft Corp., No. 82-1616 (Mar. 20, 1984), slip op. 6).

1. The only issue in this case is the meaning of the term "intelligence sources" in Section 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3). Exemption 3 of the FOIA provides that the FOIA does not require an agency to disclose "matters that are * * * specifically exempted from disclosure by statute * * * provided that such statute * * * refers to particular types of matters to be withheld" (5 U.S.C. 552(b)(3)(B)). It is beyond dispute that Section 403(d)(3) is one of the statutes referred to by Exemption 3; the court of appeals twice acknowledged this "well-established" point (Pet. App. 2a n.1; see id. at 44a), and respondents have not contended otherwise.

Indeed, the legislative history of Exemption 3 explicitly identifies Section 403(d)(3) as a principal example of an Exemption 3 statute. See H.R. Rep. 94-880, 94th Cong., 2d Sess., Pt. 2, at 15 n.2 (1976). See also H.R. Rep. 93-1380, 93d Cong., 2d Sess. 12 (1974); S. Rep. 93-854, 93d Cong., 2d Sess. 16 (1974); S. Rep. 98-305, 98th Cong., 1st Sess. 7 n.4 (1983). And the courts of appeals have consistently held that Section 403(d)(3) is an Exemption 3 statute. See, e.g., Gardels v. CIA, 689 F.2d 1100, 1103 (D.C. Cir. 1982); Goland v. CIA, 607 F.2d 339, 350 (D.C. Cir. 1978), cert. denied, 445 U.S. 927 (1980); National Commission on Law En orcement and Social Justice v. CIA, 576 F.2d 1373, 1376 (9th Cir. 1978). Section 403(d)(3) specifically authorizes the Director of Central Intelligence to protect "intelligence sources and methods" from disclosure. It follows that the FOIA does not require the disclosure of the identity of any entity that is an "intelligence source" within the meaning of Section 403(d)(3).

2. a. The court of appeals did not appear to deny that the MKULTRA researchers were, literally, sources of intelligence. The district court specifically ruled that the CIA "could reasonably determine that (the MKULTRA) research was needed for its intelligence function" (Pet. App. 22a-23a), and the court of appeals did not question this ruling. Indeed, on the first appeal, Judge Markey, who would have ordered the researchers' identities disclosed without further proceedings, nonetheless acknowledged that "the Agency's need for the research data "to perform its intelligence function effectively' has not been challenged on this record" (id. at 62a).

The MKULTRA researchers were, therefore, "intelligence sources" within the literal meaning of that term. That should have been the end of the inquiry. This Court has frequently emphasized that the plain language of a statute is the surest guide to Congress's intentions (see, e.g., United States v. Rodgers, No. 83-620 (Apr. 30, 1984), slip op. 4; Steadman v. SEC, 450 U.S. 91, 97 (1981)), and there is no reason to believe that Congress meant the words of Section 403(d)(3) to have something other than their plain meaning -- that all sources of intelligence are protected from disclosure. "Absent a clearly expressed legislative intention to the contrary," the "language of the statute itself" must "ordinarily be regarded as conclusive." Consumer Product Safety Commission v. GTE Sylvania, Inc., 447 U.S. 102, 108 (1980). In this case, there is nothing approaching "the kind of compelling evidence of congressional intent that would be necessary to (warrant) * * * look(ing) beyond the plain statutory language" (Weber Aircraft Corp., slip op. 9).

Congress did not say -- as the court of appeals has held -- that the Director of Central Intelligence is authorized to protect intelligence sources only if such protection is needed to obtain

information that otherwise could not be obtained. Nor did Congress say that only confidential or nonpublic intelligence sources are protected. In other provisions of the FOIA and in the Privacy Act, a related statute, Congress has protected "confidential source(s)," sources of "confidential information," and sources that provided information under an express promise of confidentiality. See 5 U.S.C. 552(b)(7)(D); 5 U.S.C. 552a(k)(2) and (5). But Section 403(d)(3) contains no such language; Congress simply protected all sources of intelligence.

Indeed, as the court of appeals acknowledged in its first opinion in this case, that court's prior decisions dealing with Section 403(d)(3) and Exemption 3 "simply assumed the phrase ('intelligence sources') to have a plain meaning" (Pet. App. 44a). And in subsequent cases in which the definition it devised in this case had apparently not been brought to its attention, the District of Columbia Circuit has continued to give the term "intelligence sources" its plain meaning. See, e.g., Afshar v. Department of State, 702 F.2d 1125, 1130 (1983) ("The Freedom of Information Act bars the courts from prying loose from the government even the smallest bit of information that * * * would disclose intelligence sources or methods."); Gardels, 689 F.2d at 1104.

b. While the legislative history of Section 403(d)(3) does not specifically address the meaning of the term "intelligence sources and methods" -- presumably because Congress did not see any ambiguity in the phrase -- it suggests no reason whatever to doubt that Congress intended to give the Director of Central Intelligence broad power to protect the secrecy of the intelligence process. The National Security Act of 1947 was enacted shortly after World War II. Section 403 established the CIA and empowered it, among other things, "to correlate and evaluate intelligence relating to the national security" (50 U.S.C. 403(d)(3)). The legislative history of Section 403 shows that Congress was concerned about reports of shortcomings in American intelligence before Pearl Harbor and during World War II and was determined to improve the nation's capacity to gather and analyze intelligence in peacetime as well as in war. See, e.g., S. Rep. 239, 80th Cong., 1st Sess. 2 (1947); H.R. Rep. 961, 80th Cong., 1st Sess. 3-4 (1947); 93 Cong. Rec. 9444 (1947). See also Commission on Organization of the Executive Branch of the Government, Intelligence Activities: A Report to the Congress 29-30 (1955).

At least two aspects of the legislative history shed light on the scope of the protection Congress afforded to "intelligence sources and methods." First, Congress was well aware that the CIA would derive intelligence from a large number of diverse sources. Congress created the CIA because it envisioned that the government would have to collect and analyze a "mass of information" in order to survive in the postwar world. See S. Rep. 239, supra, at 2 ("(T)o meet the future with confidence, we must make certain * * * that a central intelligence agency collects and analyzes that mass of information without which the Government cannot either maintain peace or wage war successfully"). See also 93 Cong. Rec. 9397 (1947) (remarks of Rep. Wadsworth) ("The function of that agency is to constitute itself as a gathering point for information coming from all over the world through all kinds of channels."); National Defense Establishment: Hearings on S. 758 Before the Senate Comm. on Armed Services, 80th Cong., 1st Sess., Pt. 3, at 669 (1947) (statement of Charles S. Cheston, former military intelligence official) (The agency must have "authority to analyze and correlate information from all sources.") (hereinafter cited as Senate Hearings); National Security Act of 1947: Hearings on H.R. 2319 Before the House Comm. on Expenditures in the Executive

Departments, 80th Cong., 1st Sess. 112 (1947) (remarks of Rep. Boggs) (the Director of Central Intelligence "is dealing with all the information and the evaluation of that information, from wherever we can get it") (hereinafter cited as House Hearings); Senate Hearings, supra, at 132 (statement of Fleet Admiral Nimitz) ("(T)he Central Intelligence Agency (is) charged with responsibility for collection of information from all available sources * * *. (I)ntelligence is a composite of authenticated and evaluated information covering not only the armed forces establishment of a possible enemy, but also his industrial capacity, racial traits, religious beliefs, and other related aspects."); id. at 497 (statement of General Vandenberg, Director of Central Intelligence Group) ("Collection in the field of foreign intelligence consists of securing all possible data pertaining to foreign governments or the national defense and security of the United States.").

Congress was also advised of the extraordinary diversity of intelligence sources. The classic secret agent, Congress was told, is only one such source. Allen W. Dulles, an important figure in wartime military intelligence who subsequently became Director of Central Intelligence, explained that "American businessmen and American professors and Americans of all types and descriptions who travel around the world are one of the greatest repositories of intelligence that we have." National Security Act of 1947: Hearings on H.R. 2319 Before the House Comm. on Expenditures in the Executive Departments, 80th Cong., 1st Sess. 22 (June 27, 1947) (published 1982) (hereinafter cited as Secret House Hearings); /3/ see id. at 28. Another high-ranking intelligence official emphasized "the great open sources of information * * * such things as books, magazines, technical and scientific surveys, photographs, commercial analyses, newspapers, and radio broadcasts, and general information from people with a knowledge of affairs abroad" (Senate Hearings, supra, at 492 (statement of General Vandenberg)).

Second, Congress was acutely aware of the importance of secrecy. See Snepp v. United States, 444 U.S. 507, 512 (1980) ("The continued availability of * * * (intelligence) sources depends upon the CIA's ability to guarantee the security of information that might compromise them and even endanger the(ir) personal safety."). Congress was advised in graphic terms, by high-ranking intelligence officials, of the deadly peril that faced intelligence sources whose identities were revealed. See Secret House Hearings, supra, at 10-11 (statement of General Vandenberg); id. at 20 (statement of Allen W. Dulles). And Congress was told that even American citizens who supply intelligence information "close up like a clam" unless they can hold the government "responsible to keep the complete security of the information they turn over" (Secret House Hearings, supra, at 22 (statement of Allen W. Dulles)). /4/ The committees of both Houses went into executive session to consider the proposed legislation; the Secret House Hearings, supra, were declassified only in 1982. See id. at v-viii; S. Rep. 239, supra, at 1. A member of the House committee stated on the floor (93 Cong. Rec. 9444 (1947) (statement of Rep. Manasco)):

> We were sworn to secrecy and I hesitate to even discuss this section because I am afraid I might say something, because the Congressional Record is a public record, and divulge some information here that would give aid and comfort to any potential enemy we have * * *. The things we say here today, the language we change, might endanger the lives of some American citizens in the future.

We know of no suggestion in the legislative history that Congress

thought the CIA might be too secretive.

Against this background, Congress specified that the Director of Central Intelligence is responsible for "protecting intelligence sources and methods from unauthorized disclosure"; that language did not appear in the Administration draft. Compare H.R. 2319, 80th Cong., 1st Sess. Sec. 202 (1947), with H.R. 4214, 80th Cong., 1st Sess. Sec. 105(d)(3) (1947); see H.R. Rep. 961, supra, at 3-4. /5/ Nothing in this legislative history remotely indicates that Congress intended Section 403(d)(3) or its crucial language -- "intelligence sources and methods" -- to be construed narrowly or in a way that would promote the disclosure of intelligence sources to the public. Nor is there any basis for concluding that Congress was concerned to restrict the authority of the Director of Central Intelligence to withhold information. Congress was advised that the CIA would draw upon a large and diverse group of intelligence sources; Congress was clearly aware that secrecy was extremely important; and it granted the Director of Central Intelligence unqualified authority to protect the secrecy of sources. Congress plainly intended the Director's authority to have the broadest scope.

3. The court of appeals appeared to proceed from the premise that the term "intelligence sources" must be given a narrow meaning in order to avoid "broad agency discretion" (Pet. App. 45a; see id. at 50a) and thereby to serve what the court of appeals considered to be the pro-disclosure "spirit" of the FOIA (see, e.g., id. at 7a, 42a; see also id. at 41a-45a, 47a, 50a). This approach is fundamentally misconceived. The disclosure of intelligence sources is governed by Section 403(d)(3), not by the substantive standards or "spirit" of the FOIA.

The purpose of Exemption 3 is to make it clear that the FOIA does not repeal by implication certain other statutes. See H.R. Rep. 1497, 89th Cong., 2d Sess. 10 (1966). As we noted, it is beyond dispute that Section 403(d)(3) is one of the statutes identified by Exemption 3. The legislative history is explicit that Exemption 3 "incorporat(es) by reference exemptions contained in (the) * * * statutes" it identifies. H.R. Conf. Rep. 94-1441, 94th Cong., 2d Sess. 14 (1976); see id. at 25. /6/ Thus, the only question in this case is the interpretation of the term "intelligence sources and methods" in Section 403(d)(3). The supposed pro-disclosure philosophy of the FOIA is quite irrelevant to that question; as we have shown, Section 403(d)(3) was enacted in a climate far different from that which prevailed at the time the FOIA was enacted. The court of appeals' anachronistic attempt to impute its own skepticism about CIA secrecy (a skepticism it also attributed to the Congress that enacted the FOIA) to the post-war Congress that establihsed the Agency appears to be the fundamental error that led to its wholly unjustifiable definition of "intelligence sources."

The court of appeals offered other justifications for narrowing the explicit protection afforded to intelligence sources by Section 403(d)(3), but none of them is any more substantial. For example, the court relied on a provision of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403g, which provides in part:

> In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of

> (5 U.S.C. (1958 ed.) 654) /7/ and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.

The court of appeals stated that "Section 403g provides specific protection for most of the CIA activities and contractual relationships about which the Agency has expressed greatest concern * * * (and) evinces a congressional awareness that Section 403(d)(3) * * * would require construction and interpretation limiting executive discretion to withhold; otherwise it would have felt no need to 'implement' the original proviso by listing the specific matters exempted from disclosure under Section 403g." Pet. App. 49a-50a.

This reasoning is erroneous in many ways. Section 403g does not in fact protect "most of the CIA activities * * * about which the Agency has expressed greatest concern." Section 403g applies only to "personnel employed by" the CIA, and many important intelligence sources might not be regarded as personnel employed by the CIA; one example is Americans travelling abroad, who, Director Dulles advised Congress, "are one of the greatest repositories of intelligence that we have" (Secret House Hearings, supra, at 22). Other sources, as well, furnish information simply because they wish to aid the Agency or the United States. But the extent to which Section 403g protects intelligence sources is, in any event, irrelevant. Congress enacted both Section 403(d)(3) and Section 403g, and it cannot be seriously disputed that both Section 403g and Section 403(d)(3) are included within Exemption 3. See page 15, supra; National Commission, 576 F.2d at 1376. Section 403(d)(3) should not be given an artificially narrow interpretation that finds no support in its language or legislative history merely because Section 403g also exists to protect what Congress described as "the confidential nature of the Agency's functions" (H.R. Rep. 160, 81st Cong., 1st Sess. 6-7 (1949); see S. Rep. 106, 81st Cong., 1st Sess. 1 (1949)). See also Baker v. CIA, 580 F.2d 664, 667-669 (D.C. Cir. 1978). Cf. SEC v. National Securities, Inc., 393 U.S. 453, 468 (1969).

The court of appeals' suggestion that the enactment of Section 403g reveals Congress's awareness that Section 403(d)(3) "require(s) construction and interpretation limiting executive discretion to withhold" (Pet. App. 49a-50a) is similarly a non sequitur. The court of appeals would read Section 403g as if it superseded, narrowed, or exhausted the content of Section 403(d)(3), but what Section 403g says is that it "further * * * implement(s)" Section 403(d)(3). The most likely explanation of Congress's decision to enact Section 403g is that in 1949, there were other statutes that might have been construed to require the disclosure of information about CIA employees -- 5 U.S.C. (1958 ed.) 654, which is mentioned in Section 403g but has since been repealed, was apparently the statute Congress had in mind (see page 24 note 7, supra) -- and Congress thought it advisable explicitly to exempt the Agency from such statutes. But before the FOIA was enacted, there was no statute that could have been thought to require the disclosure of intelligence sources generally. When Congress enacted the FOIA, it included Exemption 3 and, as we noted, specified that Section 403(d)(3) is an Exemption 3 statute. Nothing in this pattern of congressional activity suggests that the protection that Exemption 3 and Section 403(d)(3) afford to intelligence sources should be given less than its full, literal meaning. /8/

Finally, the court of appeals stated that its definition of "intelligence sources" was justified because when Congress enacted Section 403(d)(3), "(s)ecrecy seems to have been a concern only

insofar as it was pertinent to protection of the national security. Analysis should therefore focus on the practical necessity of secrecy. * * * Section 403(d)(3) must be interpreted in functional terms" (Pet. App. 50a). As we will explain, the court of appeals' definition of intelligence sources reveals that the court was ill-informed about the ways in which secrecy is "functional" in the intelligence area and the reasons that secrecy can be a "practical necessity." See pages 29-41, infra. But the more fundamental point is that Congress has already determined the extent to which secrecy is a "practical necessity" and is "pertinent to protection of the national security"; Congress's judgment is relfected in its unqualified mandate to the Director to "protect() intelligence sources and methods from unauthorized disclosure." It was not open to the court of appeals to second-guess Congress by deciding that it is only sometimes necessary to protect intelligence sources from disclosure.

4. Contrary to some of the suggestions made by respondents and the court of appeals (see, e.g., Memo. in Opp. 5, 9, 10-12; Pet. App. 45a, 47a, 50a), interpreting Section 403(d)(3) according to its plain meaning will not give the CIA unlimited authority to withhold documents requested under the FOIA. The CIA may engage only in authorized intelligence activities. See 50 U.S.C. 403(d); Exec. Order No. 12,333, Section 1.51, 46 Fed. Reg. 59941, 59944 (1981). Moreover, the Agency's intelligence-gathering operations are subject to a number of statutory restrictions. See 50 U.S.C. 403(d)(3) ("(T)he Agency shall have no police, subp(o)ena, law-enforcement powers, or internal-security functions.").

This case, however, does not now involve any dispute over the meaning of the term "intelligence" or the breadth of the Agency's intelligence function. /9/ As we have noted, the district court ruled that the Agency "could reasonably determine that (the MKULTRA) research was needed for its intelligence function" (Pet. App. 22a-23a), and the court of appeals did not disturb that ruling. The only question, therefore, is whether Section 403(d)(3) protects from disclosure a "source" of information that is acknowledged to be necessary for the Agency's "intelligence" function. That question is answered by the plain language of the statute.

B. The Court of Appeals' Definition of "Intelligence Sources" Produces Results That Congress Could Not Have Intended

The severe difficulties that would be created if the court of appeals' definition of "intelligence sources" were routinely applied in FOIA cases are a further reason for interpreting that term according to its plain meaning. The court of appeals' definition would require disclosures that could be extremely damaging to the CIA's ability to carry out its mission, and Congress could not have intended to permit such disclosures. Indeed, there is specific evidence in the legislative history of Section 403(d)(3) that Congress intended to preclude many of the kinds of disclosures that would be required by the court of appeals' decision.

But the fact that the court of appeals' definition of "intelligence sources" leads to results that are obviously inconsistent with Congress's intentions is not just an indictment of that court's particular formulation; it is a further illustration of why Congress chose to give unqualified protection to "intelligence sources and methods." The court of appeals, notwithstanding its concern with the "practical necessity of secrecy" and its effort to devise a "functional" definition, did not recognize that its definition produces wholly unacceptable results when applied to many categories

of intelligence sources. Nor did the court of appeals fully understand the manifold and complex ways in which secrecy is vital to intelligence gathering. Congress protected "intelligence sources and methods" without qualification, and the profound shortcomings of the court of appeals' definition suggest that a narrower protection can risk interfering with the intelligence-gathering mission of the CIA in important ways that are not always apparent.

1. The court of appeals grievously underestimated the importance of providing intelligence sources with an assurance of confidentiality that is as absolute as possible. Under the court of appeals' appraoch, the CIA will be forced to disclose an intelligence source whenever a court determines, after the fact, that the Agency could have obtained the kind of information supplied by the source without promising confidentiality. Indeed, the court of appeals carried this approach to the point of holding that the Agency will be required to betray an explicit promise of confidentiality if a court determines that the promise was not necessary -- or, in the court of appeals' words, if a court decides that the intelligence source to whom the promise was given was "unreasonably and atypically leery" of cooperating with the CIA (Pet. App. 6a). /10/

Few things will have as devastating an impact on the CIA's ability to carry out its mission as forced disclosure of the identities of its sources. "The Government has a compelling interest in protecting both the secrecy of information important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service." Snepp, 444 U.S. at 509 n.3, quoted in Haig v. Agee, 453 U.S. 280, 307 (1981)(emphasis added). If potential intelligence sources begin to perceive that the Agency will be unable to maintain the confidentiality of its relationship to them, many can be expected to refuse to supply information to the Agency in the first place.

This will be true no matter how rational or well-founded their perception is. As this Court has recognized in both the intelligence area and other contexts, what is crucial is not just whether the government has in fact betrayed a confidence but "the appearance that confidentiality ha(s) been breached" or might be breached (Baldrige v. Shapiro, 455 U.S. 345, 361 n.17 (1982)(emphasis in original)). "An uncertain privilege, or one which purports to be certain but results in widely varying applications by the courts, is little better than no privilege at all" (Upjohn Co. v. United States, 449 U.S. 383, 393 (1981)). Certainty is especially vital in the intelligence area, where the risks are enormous: if an intelligence source's cooperation becomes known -- indeed, even if it is revealed that he cooperated with the CIA in some apparently innocuous way -- he may face not only great embarrassment but far more severe consequences. See Haig v. Agee, 453 U.S. at 285 & n.7; J.A. 44-46 (affidavit of Louis J. Dube).

Consequently, even if there is only a relatively small probability that a court will order disclosure of a source's identity, that will be of little comfort to the source. In order to induce him to cooperate, the CIA will have to provide as absolute an assurance of confidentiality as it possibly can. "The continued availability of * * * (intelligence) sources depends upon the CIA's ability to guarantee the security of information that might compromise them and even danger (their) personal safety" (Snepp, 444 U.S. at 512). See also J.A. 20-21. Cf. Weber Aircraft Corp., slip op. 10-11 n.23; Williams v. FBI, 730 F.2d 882, 885-886 (2d Cir. 1984).

Nor will it reassure a potential intelligence source to learn that

a court will order his identity revealed only after examining the facts of the case and determining that he was "atypically or unreasonably leery," that the Agency could have obtained the same information from another source without guaranteeing confidentiality, /11/ or that some similar standard was met. An intelligence source will "not be concerned with the underlying rationale for disclosure of" his cooperation with the CIA if his cooperation was secured "under assurances of confidentiality" (Baldrige, 455 U.S. at 361). Moreover, a court's decision whether an intelligence source will be harmed if his identity is revealed will often require complex political, historical, and psychological judgments, sometimes about societies very different from our own. /12/ There is no reason for anyone -- especially a potential intelligence source whose life may be at stake -- to have great confidence in a court's ability to make those judgments correctly. Indeed, many potential intelligence sources, especially those who are not American citizens, are likely to perceive courts as unpredictable institutions that are influenced by concerns that have little in common with the world in which the potential source and his CIA contact must operate. A potential source is also likely to realize that a court's decision whether to reveal his cooperation with the agency may occur well in the future, at a time when the source's concern for confidentiality may seem less understandable to everyone except the source himself. See also Pet. App. 92a (affidavit of Director of Central Intelligence Turner) ("(A) unilateral breach of confidentiality and trust by the United States Government will be viewed as an arrogant disregard for the lives or safety or reputations of those who have contributed to our intelligence activities.").

2. The court of appeals also failed to recognize that when Congress protected "intelligence sources" from disclosure, it was not simply protecting sources of secret intelligence information; as we have noted, Congress was aware that secret agents are not the most typical intelligence sources. Many important sources provide the Agency with information that members of the public could, at least in theory, also obtain. But under the court of appeals' definition of "intelligence sources," the Agency cannot withhold the identity of a source of intelligence information if that information is also publicly available, because the Agency can obtain such information without guaranteeing confidentiality. This approach is divorced from the realities of intelligence work and is demonstrably inconsistent with Congress's understanding of the purposes of Section 403(d)(3).

First, as Judge Bork explained, another government can learn a great deal about "what subjects (are) of interest to the CIA" by examining the public sources of information that the Agency is exploiting: "One need not be an expert in intelligence work to know that it is often possible to deduce what a person is doing, thinking, or planning by knowing what question he is asking or what information he is gathering. That is true even when the answers and information are publicly available. The mere fact that the CIA pursues certain inquiries tells our adversaries much that there is no reason to think Congress intended them to know." Pet. App. 15a.

The facts of this case themselves suggest an example. When the CIA decided to investigate "brainwashing" and the countermeasures that might be taken, it might have turned to sources, such as journals and ongoing research projects, that are available to the public. But a foreign government that learned the sources that the Agency was consulting would have been able to infer both the general nature of the CIA's project and the directions that its inquiry was taking. See Pet. App. 89a-90a (affidavit of Director of Central Intelligence

Turner) ("Throughout the course of the Project, CIA involvement or association with the research was concealed in order to avoid stimulating the interest of hostile countries in the same research areas."). /13/

Similarly, the court of appeals, in its first opinion, suggested that the excessive breadth of the CIA's proposed definition of "intelligence sources" was revealed by the Agency's acknowledgment that its definition would "apply even to periodicals -- including Pravda and the New York Times -- from which (the Agency) culls information that informs its view of foreign nations and their policy intentions" (Pet. App. 46a (footnote omitted)). But the disclosure that the CIA consults Pravda and the New York Times is innocuous not because those periodicals are publicly available but because it is the disclosure of a fact -- the fact that the Agency consults these newspapers -- that is already commonly assumed to be true. An obscure Eastern European technical journal might also be available to members of the public; but disclosure of the fact that the CIA subscribes to that journal could easily thwart the CIA's efforts to exploit its value as an intelligence source.

In addition, much information that is publicly available in principle can be difficult to obtain from public sources, and far more easily obtained from sources whose identity both the source and the Agency might legitimately wish to protect. An example of such information might be details of the travel plans or financial transactions of an individual whom the CIA is observing. Such information is theoretically in the public domain, but as a practical matter the Agency may have to obtain it from a source who would cease to provide it if his identity were revealed. The court of appeals would apparently require the disclosure of such a source's identity -- since the information was available by means that did not involve a guarantee of confidentiality -- thereby impairing the Agency's ability to recruit such sources in the future.

Finally, the court of appeals apparently failed to recognize that many intelligence sources will provide the CIA with both highly sensitive information -- of a kind that would never be supplied without a promise of confidentiality -- and public or "innocuous" information that the Agency could have obtained elsewhere without guaranteeing secrecy. For example, a source in a foreign nation might supply, in addition to much sensitive information, a report of a crop failure that American journalists also learned about and reported in newspapers. If an FOIA request were then filed for all sources of information about the crop failure, the court of appeals' definition might be interpreted to require the Agency to disclose its relationship with the sensitive foreign source -- even though that disclosure would be likely to damage both the Agency and the source. /14/

In these respects, as well, the court of appeals' definition is harmful not only because it will force certain disclosures but because of the prospective effect it will have on the CIA's operations. If the Agency knows that it will be required to reveal its sources of public information in response to a proper FOIA request, it can be expected to alter its techniques so as to reduce the damage that such a disclosure might cause. In this way, the court of appeals' failure simply to protect all "intelligence sources" would force the CIA to depart from what it considers the best use of intelligence sources out of concern that some of those sources might become public.

The legislative history of Section 403(d)(3) confirms what is

obvious in any event -- that Congress would never have countenanced the results that the court of appeals' approach produces. As we have noted, Congress was specifically made aware that many -- indeed most -- "intelligence sources" provide information that is, at least in principle, publicly available; nonetheless, Congress gave no indication that it intended to exclude such sources from the protection of Section 403(d)(3). For example, General Vandenberg, who had been Director of the Central Intelligence Group, the CIA's predecessor (see 11 Fed. Reg. 1337 (1946); pages 21-22 note 5, supra), explained to Congress that "roughly 80 percent of intelligence should normally be based" on "the great open sources of information * * * such things as books, magazines, technical and scientific surveys, photographs, commercial analyses, newspapers, and radio broadcasts, and general information from people with a knowledge of affairs abroad." Senate Hearings, supra, at 492. Indeed, General Vandenberg asserted that this kind of intelligence had been neglected before World War II and urged that it be a principal concern of the post-war agency (ibid.). Essentially the same points were made by Director Dulles. See id. at 526; Secret House Hearings, supra, at 22.

Thus, when Congress gave the Director of Central Intelligence unequivocal authority to "protect() intelligence sources and methods from unauthorized disclosure," it had previously been informed by the Director's predecessor and the future Director that the great preponderance of intelligence sources would be public sources. In these circumstances, Congress must have intended the Director's authority to extend to public sources.

Similarly, Admiral Inglis, then Chief of Naval Intelligence, testified that intelligence agents in foreign countries are often used to "confirm or not what we have deduced from * * * Russian propaganda broadcasts" (Secret House Hearings, supra, at 63). Congress, therefore, unlike the court of appeals, was aware that highly secret intelligence sources will sometimes also report information that the CIA can obtain, or has obtained, from open sources. It is inconceivable that Congress, after having received Admiral Inglis's testimony, would have decided to deny the Director of Central Intelligence the authority to protect sources who function in this way. /15/

3. In sum, as Congress knew when it enacted Section 403(d)(3) in 1947, intelligence sources can take a variety of forms: the secret agency; a cooperative foreign citizen or an American travelling abroad; an unwitting source who does not realize he is conveying information to the CIA and would stop conveying it if he did; or a publicly available periodical or radio broadcast. And Congress was aware that these sources could provide many different kinds of information, ranging from the most sensitive secrets to apparently innocuous facts from which Agency experts might derive an important lead.

Secrecy is important in each of these contexts. Not only is secrecy necessary to protect a source supplying sensitive information; the Agency must also protect its reputation for being able to guarantee confidentiality to potential sources. In addition, the CIA must ensure that it can continue to exploit unwitting sources; and in the case of public sources of information, secrecy is important to avoid revealing to observers the subjects in which the Agency is interested.

Congress, acting in light of these complex realities of intelligence gathering, did not attempt to delineate the categories of

intelligence sources or information that were to remain confidential. It simply gave the Director of Central Intelligence unqualified authority to "protect() intelligence sources and methods from unauthorized disclosure." There is no indication that Congress intended these terms to have anything other than their literal meaning. Accordingly, the court of appeals erred when it attempted to devise a narrower definition.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

REX E. LEE

Solicitor General

RICHARD K. WILLARD

Acting Assistant Attorney General

KENNETH S. GELLER

Deputy Solicitor General

DAVID A. STRAUSS

Assistant to the Solicitor General

ROBERT E. KOPP

LEONARD SCHAITMAN

Attorneys

STANLEY SPORKIN

General Counsel

EDWARD PAGE MOFFETT

Attorney Central Intelligence Agency

JUNE 1984

/1/ "I C.A. App." refers to the Joint Appendix filed in the court of appeals on the first appeal, court of appeals docket numbers 79-2203 and 79-2104. "II C.A. App." refers to the Joint Appendix filed on the second appeal, court of appeals docket numbers 82-1945 and 82-1961.

/2/ The CIA did release these names to congressional committees investigating MKULTRA (see Project MKULTRA Hearing, supra, at 8, 13, 49), but it requested that the committees keep the names confidential, and the committees honored the request.

/3/ The committees of both Houses conducted hearings in executive session. As we note below in text, the executive session hearings of the House committee were only recently declassified and published.

/4/ Since the earliest days of the Republic, secrecy has been

recognized as vital to the successful gathering of intelligence. In a letter of July 26, 1797, issuing orders for an intelligence mission, George Washington wrote to Colonel Elias Dayton: "The necessity of procuring good intelligence, is apparent and need not be further urged. All that remains for me to add is, that you keep the whole matter as secret as possible. For upon secrecy, success depends in most Enterprises of the kind, and for want of it they are generally defeated * * *." The Writings of George Washington 478-479 (J. Fitzpatrick ed. 1933). See also United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 320 (1936).

/5/ The phrase "protecting intelligence sources and methods" was derived from the Presidential Directive of Jan. 22, 1946 (11 Fed. Reg. 1337), which was incorporated by reference in the Administration bill (H.R. 2319, 80th Cong., 1st Sess. Sec. 202 (1947)). This derivation scarcely suggests a narrow construction; the directive was issued by President Truman shortly after the war to establish the National Intelligence Agency and the Central Intelligence Group and to charge these predecessors of the CIA with "assur(ing) the most effective accomplishment of the intelligence mission related to the national security" (11 Fed. Reg. 1337 (1946)). They were accordingly made "responsible for fully protecting intelligence sources and methods" (id. at 1339).

/6/ That is also how this Court has interpreted Exemption 3. In Baldrige v. Shapiro, 455 U.S. 345 (1982), the Court first considered whether 13 U.S.C. 8(b) and 9(a) were Exemption 3 statutes (455 U.S. at 354-355); after determining that they were, the Court turned to the language and legislative history of those provisions and did not further consider the FOIA (id. at 355-359).

Similarly, in Consumer Product Safety Commission v. GTE Sylvania, Inc., supra, the Court, upon determining that 15 U.S.C. 2055(b)(1) was an Exemption 3 statute, had no difficulty holding that the time limits governing disclosure under that statute -- not the more restrictive time limits of the FOIA -- would control whenever a request for information covered by Section 2055(b)(1) was made. See 447 U.S. at 121-122. As this holding reflects, once a statute is determined to be an Exemption 3 statute, the entire regime it establishes to govern disclosures -- its time limits, its substantive criteria, and its "spirit" -- supersedes the standards found in the FOIA.

/7/ This statute required the Civil Service Commission to compile an Official Register of the United States, "which shall contain a full and complete list of all persons occupying administrative and supervisory positions in the legislative, executive, and judicial branches of the Government * * *. The register shall show the name; official title; salary, compensation, and emoluments; legal residence and place of employment for each person listed therein * * *." This provision was repealed by the Act of July 12, 1960, Pub. L. No. 86-626, Sec. 101, 74 Stat. 427.

/8/ The court of appeals also stated (Pet. App. 49a; see also id. at 11a n.13) that the existence of Exemption 1 of the FOIA, 5 U.S.C. 552(b)(1), which applies to properly classified documents, warrants a narrowed interpretation of Section 403(d)(3). (The identities of the MKULTRA researchers are not classified.) This approach is inconsistent even with prior precedent in the District of Columbia Circuit. See Gardels, 689 F.2d at 1107. It is true that the identities of intelligence sources will frequently be classified information, but that does not affect the interpretation of the independent exemption provided by Exemption 3 and Section 403(d)(3); as this Court has

recently ruled, the interpretation of an FOIA exemption should not be distorted because a different exemption may also apply to some of the same documents. See FBI v. Abramson, 456 U.S. 615, 629-630 (1982). See also pages 2-4 of the Reply Brief for the Petitioners filed in support of the petition for a writ of certiorari.

/9/ Of course, the Agency's determination that a particular person or entity is a source of intelligence information should be accorded great deference by a reviewing court (see, e.g., Halperin v. CIA, 629 F.2d 144, 148 (D.C. Cir. 1980); Gardels, 689 F.2d at 1104-1105), and, as Judge Bork noted, the court should not be permitted to substitute its judgment for that of the Director in the exercise of his sound discretion (see Pet. App. 15a-16a).

/10/ The court of appeals' ruling that the Agency will sometimes be required to betray explicit promises of confidentiality is extraordinary. "Great nations, like great men, should keep their word." FPC v. Tuscarora Indian Nation, 362 U.S. 99, 142 (1960) (Black, J., dissenting), quoted in Heckler v. Mathews, No. 82-1050 (Mar. 5, 1984), slip op. 19.

In a sense, however, the court of appeals' requirement that the Agency must be prepared to breach explicit promises of confidentiality is only the tip of the iceberg; it reflects the deeper misconceptions of the court of appeals' approach. The assurance of confidentiality given to an intelligence source is seldom recorded in writing, and often it is not even explicit. It is ususally so obvious to all concerned that the source wants to remain confidential that no explicit understanding is needed; an assurance of confidentiality is implicit in the relationship between the Agency and the source. See J.A. 17, 25-26 (affidavit of M. Corley Wonus). Cf. Londrigan v. FBI, 722 F.2d 840, 844-845 (D.C. Cir. 1983).

Indeed, an experienced CIA operations officer explained, in an affidavit submitted in this case, that many sources would refuse to memorialize an agreement of confidentiality because doing so would create an additional document, linking them with the CIA, that might fall into the wrong hands. See J.A. 43 (affidavit of Louis J. Dube). For these reasons, the practical damage caused by the court of appeals' definition would not be greately reduced even if it were amended so as to require courts to honor fully explicit promises of confidentiality.

/11/ There is, of course, no reason to believe that courts generally have the expertise needed to determine whether the Agency would have been able to obtain certain information without promising confidentiality to a source.

/12/ In Fitzgibbon v. CIA, 578 F. Supp. 704 (D.D.C. 1983), motion for reconsideration pending, for example, a district court applying the court of appeals' definition of "intelligence sources" has ordered the disclosure of CIA sources in the Dominican Republic on the basis of judgments such as these: only the Trujillo regime, which has been deposed, would have taken action against these sources (id. at 719 n.50); the current regime is "stable" and "has disavowed all ties with Trujillo's politics, attitudes and methods" (ibid.); since Trujillo and his police chief are dead, the sources need not fear retaliation from individuals sympathetic to Trujillo (id. at 720 n.60); and indeed "(m)any of the sources * * * far from being embarrassed by revelation, might well be thought to be popular, particularly in the Dominican Republic, for having helped, no matter how slightly, to work against a dictator now unpopular and scorned"

(id. at 721 n.61).

Leading experts on the politics and culture of a society are likely to differ on the extent to which generalizations like these are accurate. Plainly a court should not be in a position of having to make such judgments.

/13/ For example, the district court discussed several MKULTRA subprojects involving various kinds of scientific research (Pet. App. 25a-26a) and concluded that the CIA was required to disclose the persons who conducted this research because "(i)t seems clear that such research, which goes on constantly at many places, could have been done without a guarantee of confidentiality" (id. at 26a). The court of appeals specifically approved this reasoning as a correct application of its definition of "intelligence sources." Id. at 5a. It appears that neither court considered the possibility that a foreign power might have been interested in learning that the CIA was conducting research in these areas.

/14/ A district court applying the court of appeals' definition has recently interpreted it in precisely this way (Fitzgibbon v. CIA, 578 F. Supp. 704, 716 n.35 (D.D.C. 1983), motion for reconsideration pending):

> Under (the court of appeals' definition), a document reporting on a conversation between a CIA agent and a source on a wholly innocuous subject would not be protected even if the source is a highly placed official of a government hostile to the United States. Because of its innocuousness, the information presumably could have been obtained from any number of individuals without a promise of confidentiality * * *.

We do not acquiesce in this interpretation of the court of appeals' opinion -- the district court in this case, for example, apparently did not interpret the court of appeals' opinion in this way (see Pet. App. 26a) -- but the opinion is susceptible of such a reading. Obviously, even a possibility that such disclosures might occur would seriously damage the government's ability to gather intelligence.

/15/ Moreover, the CIA obtains much valuable intelligence from unwitting sources -- sources who reveal information to a person who is, unbeknownst to the source, a CIA contact. A CIA operational officer filed an affidavit in this case in which he used real examples to explain how such sources are used (J.A. 47-48):

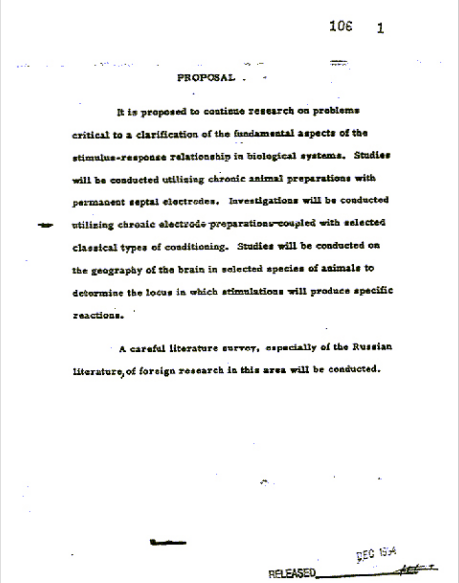
> (a) (Some) (i)ntelligence sources * * * do not realize they are intelligence sources. Such a source might, for example, be a foreign official who regularly discusses official business problems and concerns in candid terms with an old and trusted confident who repeats such information to the CIA. If the original source in such circumstances (learned that he was a source as the result) * * * of an FOIA request, the relationship between the source and his confidant would obviously be be destroyed. A useful intelligence source would likely refuse to provide any additional information and the intermediary would probably suffer some form of retaliation for having betrayed the source's trust.
>
> (b) (Some) (i)ntelligence sources * * * do not know they are reporting to the CIA. In such a case, the intelligence source might be knowledgeable of the plans and activities of a terrorist group or a narcotics smuggling ring of which he was a

> member. He might, in fact, believe he was reporting to an individual who was intent upon negating the efforts of CIA to learn of the plans and activities of such organizations. Should an FOIA request (cause) * * * the source (to learn of his status) * * *, this source would obviously cease providing information. No doubt the intermediary who had passed the information along to CIA would suffer severe consequences.
>
> * * * * *
>
> Such circumstances described above * * * are neither imaginary nor uncommon * * *.

It is unclear how the court of appeals' definition should apply to unwitting sources; the district court ruled that unwitting sources necessarily cannot be kept confidential by the CIA. See Pet. App. 24a ("(T)he fact that the CIA has maintained that even the names of the unwitting researchers must remain undisclosed impeaches its contentions with respect to those researchers who were witting of CIA involvement").

APPENDIX

Project MKUltra


106 1

PROPOSAL

It is proposed to continue research on problems critical to a clarification of the fundamental aspects of the stimulus-response relationship in biological systems. Studies will be conducted utilizing chronic animal preparations with permanent septal electrodes. Investigations will be conducted utilizing chronic electrode preparations coupled with selected classical types of conditioning. Studies will be conducted on the geography of the brain in selected species of animals to determine the locus in which stimulations will produce specific reactions.

A careful literature survey, especially of the Russian literature, of foreign research in this area will be conducted.

RELEASED

Declassified MKUltra documents

Project MKUltra, or **MK-Ultra**, was a covert, illegal human research program into behavioral modification run by the Central Intelligence Agency's (CIA) Office of Scientific Intelligence. The program began in the early 1950s, was officially sanctioned in 1953, was reduced in scope in 1964, further curtailed in 1967 and finally halted in 1973.[1] The program used unwitting U.S. and Canadian citizens as its test subjects, which led to controversy regarding its legitimacy.[2][3][4][5] MKUltra involved the use of many methodologies to manipulate people's individual mental states and alter brain functions, including the surreptitious administration of drugs (especially LSD) and other chemicals, hypnosis, sensory deprivation, isolation, verbal and sexual abuse, as well as various forms of torture.[6]

The research was undertaken at 80 institutions, including 44 colleges and universities, as well as hospitals, prisons and pharmaceutical companies.[7] The CIA would operate through these institutions using front organizations, although sometimes top officials at these institutions would be aware of the CIA's involvement.[8] MKUltra was allocated 6 percent of total CIA funds.[9]

Project MKUltra was first brought to wide public attention in 1975 by the U.S. Congress, through investigations by the Church Committee, and by a presidential commission known as the Rockefeller Commission. Investigative efforts were hampered by the fact that CIA Director Richard Helms ordered all MKUltra files destroyed in 1973; the Church Committee and Rockefeller Commission investigations relied on the sworn testimony of direct participants and on the relatively small number of documents that survived Helms' destruction order.[10]

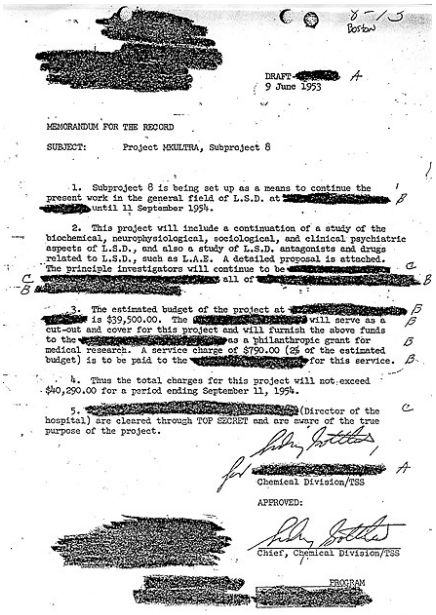
In 1977, a Freedom of Information Act request uncovered a cache of 20,000 documents[11] relating to project MKUltra, which led to Senate hearings later that same year.[3] In July 2001 most surviving information regarding MKUltra was officially declassified.[12]

Background

Precursor experiments

A precursor of the MKUltra program began in 1945 when the Joint Intelligence Objectives Agency was established and given direct responsibility for Operation Paperclip. The program recruited former Nazi scientists, some of whom studied torture and brainwashing, and several who had been identified and prosecuted as war criminals during the Nuremberg Trials.[13][14]

Several secret U.S. government projects grew out of Operation Paperclip. These projects included Project CHATTER (established 1947), and Project BLUEBIRD (established 1950), which was renamed Project ARTICHOKE in 1951. Their purpose was to study mind control, interrogation, behavior modification and related topics.



DRAFT
9 June 1953

MEMORANDUM FOR THE RECORD

SUBJECT: Project MKULTRA, Subproject 8

1. Subproject 8 is being set up as a means to continue the present work in the general field of L.S.D. at [redacted] until 11 September 1954.

2. This project will include a continuation of a study of the biochemical, neurophysiological, sociological, and clinical psychiatric aspects of L.S.D., and also a study of L.S.D. antagonists and drugs related to L.S.D., such as L.A.E. A detailed proposal is attached. The principle investigators will continue to be [redacted] all of [redacted]

3. The estimated budget of the project at [redacted] is $39,500.00. The [redacted] will serve as a cut-out and cover for this project and will furnish the above funds to the [redacted] as a philanthropic grant for medical research. A service charge of $790.00 (2% of the estimated budget) is to be paid to the [redacted] for this service.

4. Thus the total charges for this project will not exceed $40,290.00 for a period ending September 11, 1954.

5. [redacted] (Director of the hospital) are cleared through TOP SECRET and are aware of the true purpose of the project.

Chemical Division/TSS

APPROVED:

Chief, Chemical Division/TSS

PROGRAM

Dr. Sidney Gottlieb approved of an MKUltra subproject on LSD in this June 9, 1953 letter.

MKUltra

The project's intentionally oblique CIA cryptonym is made up of the digraph *MK*, meaning that the project was sponsored by the agency's Technical Services Staff, followed by the word Ultra (which had previously been used to designate the most secret classification of World War II intelligence). Other related cryptonyms include Project MKNAOMI and Project MKDELTA.

Headed by Sidney Gottlieb, the MKUltra project was started on the order of CIA director Allen Welsh Dulles on April 13, 1953.[15] Its remit was to develop mind-controlling drugs for use against the Soviet bloc, largely in response to alleged Soviet, Chinese, and North Korean use of mind control techniques on U.S. prisoners of war in Korea.[16] The CIA wanted to use similar methods on their own captives. The CIA was also interested in being able to manipulate foreign leaders with such techniques,[17] and would later invent several schemes to drug Fidel Castro. Experiments were often conducted without the subjects' knowledge or consent.[18] In some cases, academic researchers being funded through grants from CIA front organizations were unaware that their work was being used for these purposes.[19]

In 1964, the project was renamed **MKSEARCH**. The project attempted to produce a perfect truth drug for use in interrogating suspected Soviet spies during the Cold War, and generally to explore any other possibilities of mind control. Another MKUltra effort, Subproject 54, was the Navy's top secret "Perfect Concussion" program, which was supposed to use sub-aural frequency blasts to erase memory, however the program was never carried out.[20]

Because most MKUltra records were deliberately destroyed in 1973 by order of then CIA director Richard Helms, it has been difficult, if not impossible, for investigators to gain a complete understanding of the more than 150 individually funded research sub-projects sponsored by MKUltra and related CIA programs.[21] A member of the CIA claims that not all of the records/chemicals were destroyed. Some were smuggled out and kept in private properties and organizations.[22]

Goals

The Agency poured millions of dollars into studies examining methods of influencing and controlling the mind, and of enhancing their ability to extract information from resistant subjects during interrogation.[23][24]

Some historians have asserted that creating a "Manchurian Candidate" subject through "mind control" techniques was a goal of MKUltra and related CIA projects.[25] Alfred McCoy has claimed that the CIA attempted to focus media attention on these sorts of "ridiculous" programs, so that the public would not look at the primary goal of the research, which was developing effective methods of torture and interrogation. Such authors cite as one example that the CIA's KUBARK interrogation manual refers to "studies at McGill University", and that most of the techniques recommended in KUBARK are exactly those that researcher Donald Ewen Cameron used on his test subjects (sensory deprivation, drugs, isolation, etc.).[23]

One 1955 MKUltra document gives an indication of the size and range of the effort; this document refers to the study of an assortment of mind-altering substances described as follows:[26]

1. Substances which will promote illogical thinking and impulsiveness to the point where the recipient would be discredited in public.
2. Substances which increase the efficiency of mentation and perception.
3. Materials which will cause the victim to age faster/slower in maturity.
4. Materials which will promote the intoxicating effect of alcohol.
5. Materials which will produce the signs and symptoms of recognized diseases in a reversible way so that they may be used for malingering, etc.
6. Materials will cause temporary/permanent brain damage and loss of memory.
7. Substances which will enhance the ability of individuals to withstand privation, torture and coercion during interrogation and so-called "brain-washing".
8. Materials and physical methods which will produce amnesia for events preceding and during their use.
9. Physical methods of producing shock and confusion over extended periods of time and capable of surreptitious use.
10. Substances which produce physical disablement such as paralysis of the legs, acute anemia, etc.
11. Substances which will produce a chemical that can cause blisters.
12. Substances which alter personality structure in such a way that the tendency of the recipient to become dependent upon another person is enhanced.
13. A material which will cause mental confusion of such a type that the individual under its influence will find it difficult to maintain a fabrication under questioning.
14. Substances which will lower the ambition and general working efficiency of men when administered in undetectable amounts.
15. Substances which promote weakness or distortion of the eyesight or hearing faculties, preferably without permanent effects.
16. A knockout pill which can surreptitiously be administered in drinks, food, cigarettes, as an aerosol, etc., which will be safe to use, provide a maximum of amnesia, and be suitable for use by agent types on an ad hoc basis.
17. A material which can be surreptitiously administered by the above routes and which in very small amounts will make it impossible for a person to perform physical activity.

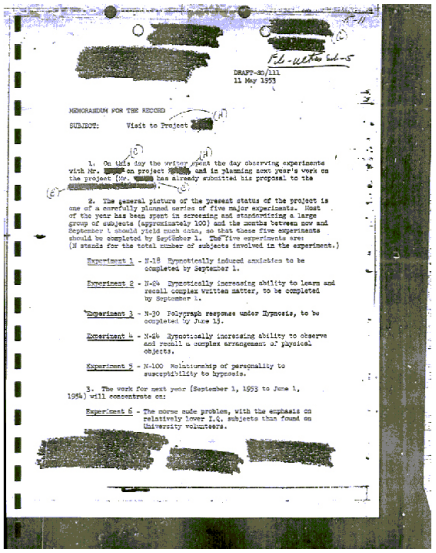
Experiments

CIA documents suggest that "chemical, biological and radiological" means were investigated for the purpose of mind control as part of MKUltra.[27] A secretive arrangement granted the MKUltra program a percentage of the CIA budget. The MKUltra director was granted six percent of the CIA operating budget in 1953, without oversight or accounting.[28] An estimated $10 million USD ($80 million adjusted for inflation) or more was spent.[29]

Drugs

LSD

Early CIA efforts focused on LSD, which later came to dominate many of MKUltra's programs. Technical Services Staff officials understood that LSD distorted a person's sense of reality, and they felt compelled to learn whether it could alter someone's basic loyalties.[30] The CIA wanted to know if they could make Russian spies defect against their will and whether the Russians could do the same to their own operatives.[30]



DRAFT-30/111
11 May 1953

MEMORANDUM FOR THE RECORD

SUBJECT: Visit to Project [redacted]

1. On this day the writer spent the day observing experiments with Mr. [redacted] on project [redacted] and in planning next year's work on the project [Dr. [redacted] has already submitted his proposal to the

2. The general picture of the present status of the project is one of a carefully planned series of five major experiments. Most of the year has been spent in screening and standardizing a large group of subjects (approximately 100) and the months between now and September 1 should yield much data, so that these five experiments should be completed by September 1. The five experiments are: (N stands for the total number of subjects involved in the experiment.)

Experiment 1 - N-18 Hypnotically induced amnesics to be completed by September 1.

Experiment 2 - N-24 Hypnotically increasing ability to learn and recall complex written matter, to be completed by September 1.

Experiment 3 - N-20 Polygraph response under hypnosis, to be completed by June 15.

Experiment 4 - N-24 Hypnotically increasing ability to observe and recall a complex arrangement of physical objects.

Experiment 5 - N-100 Relationship of personality to susceptibility to hypnosis.

3. The work for next year [September 1, 1953 to June 1, 1954] will concentrate on:

Experiment 6 - The nurse code problem, with the emphasis on relatively lower I.Q. subjects than found on University volunteers.

1953 experiment record

Once Project MKUltra officially got underway in April, 1953, experiments included administering LSD to mental patients, prisoners, drug addicts and prostitutes, "people who could not fight back", as one agency officer put it.[31] In one case LSD was administered to a mental patient in Kentucky for 174 days.[31] LSD was also administered to CIA employees, military personnel, doctors, other government agents, and members of the general public in order to study their reactions. LSD and other drugs were usually administered without the subject's knowledge or informed consent, a violation of the Nuremberg Code that the U.S. agreed to follow after World War II. The aim of this was to find drugs which would irresistibly bring out deep confessions or wipe a subject's mind clean and program him or her as "a robot agent".[32]

Efforts to "recruit" subjects were often illegal, even though actual use of LSD was legal in the United States until October 6, 1966. In Operation Midnight Climax, the CIA set up several brothels in San Francisco, California to obtain a selection of men who would be too embarrassed to talk about the events. The men were dosed with LSD, the brothels were equipped with one-way mirrors, and the sessions were filmed for later viewing and study.[33] In other experiments where people were given LSD without their knowledge, they were interrogated under bright lights with doctors in the background taking notes. The subjects were told that their "trips" would be extended indefinitely if they refused to reveal their secrets. The people being interrogated this way were CIA employees, U. S. military personnel, and agents suspected of working for the other side in the Cold War. Long-term debilitation and several deaths resulted from this. [32] Heroin addicts were bribed into taking LSD with offers of more heroin.[8]

The office of Security used LSD in interrogations but Dr. Sidney Gottlieb, the chemist who directed MKUltra, had other ideas: he thought it could be used in covert operations. Since its effects were temporary, he believed it could be given to high officials and in this way affect the course of important meetings, speeches etc. Since he realized there was a difference in testing the drug in a laboratory and using it in clandestine operations, he initiated a series of experiments where LSD was given to people in "normal" settings without warning. At first, everyone in Technical Services tried it; a typical experiment involved two people in a room where they observed each other for hours and took notes. As the experimentation progressed, a point was reached where outsiders were drugged with no explanation whatsoever and surprise acid trips became something of an occupational hazard among CIA operatives. Adverse reactions often occurred, for example an operative who had received the drug in his morning coffee, became psychotic and ran across Washington, seeing a monster in every car that passed him. Incidents like that reaffirmed

that LSD is a dangerous weapon but that only made them more enthusiastic. The experiments continued even after Dr. Frank Olson, an army scientist who had not taken LSD before, went into deep depression after a surprise trip and later fell from a thirteenth story window (it is unclear whether he committed suicide or was murdered before being thrown out of the window).[34]

Some subjects' participation was consensual, and in these cases they appeared to be singled out for even more extreme experiments. In one case, seven volunteers in Kentucky were given LSD for 77 consecutive days.[35]

LSD was eventually dismissed by MKUltra's researchers as too unpredictable in its results.[36] They had given up on the notion that LSD was "the secret that was going to unlock the universe" but it still had a place in the cloak-and-dagger arsenal. However, by 1962, the CIA and the army had developed a series of superhallucinogens such as the highly touted BZ, which was thought to hold greater promise as a mind control weapon. This resulted in the withdrawal of support for many academics and private researchers and LSD research became less of a priority altogether.[34]

Other drugs

Another technique investigated was connecting a barbiturate IV into one arm and an amphetamine IV into the other.[37] The barbiturates were released into the person first, and as soon as the person began to fall asleep, the amphetamines were released. The person would then begin babbling incoherently, and it was sometimes possible to ask questions and get useful answers.

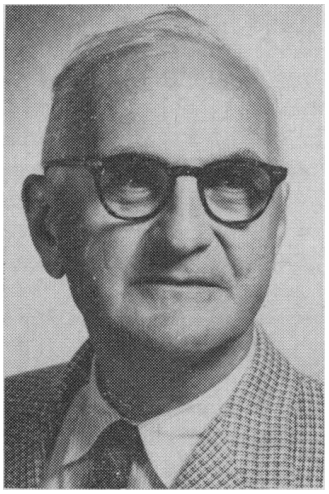
Other experiments involved drugs such as temazepam (used under code name MKSEARCH), heroin, morphine, MDMA, mescaline, psilocybin, scopolamine, marijuana, alcohol, sodium pentothal, and ergine (in Subproject 22).[38]

Hypnosis

Declassified MKUltra documents indicate hypnosis was studied in the early 1950s. Experimental goals included: the creation of "hypnotically induced anxieties," "hypnotically increasing ability to learn and recall complex written matter," studying hypnosis and polygraph examinations, "hypnotically increasing ability to observe and recall complex arrangements of physical objects," and studying "relationship of personality to susceptibility to hypnosis."[39] Experiments were conducted with drug induced hypnosis and with anterograde and retrograde amnesia while under the influence of such drugs.

Canadian experiments

The experiments were exported to Canada when the CIA recruited Scottish psychiatrist Donald Ewen Cameron, creator of the "psychic driving" concept, which the CIA found particularly interesting. Cameron had been hoping to correct schizophrenia by erasing existing memories and reprogramming the psyche. He commuted from Albany, New York to Montreal every week to work at the Allan Memorial Institute of McGill University and was paid $69,000 from 1957 to 1964 to carry out MKUltra experiments there. In addition to LSD, Cameron also experimented with various paralytic drugs as well as electroconvulsive therapy at thirty to forty times the normal power. His "driving" experiments consisted of putting subjects into drug-induced coma for weeks at a time (up to three months in one case) while playing tape loops of noise or simple repetitive statements. His experiments were typically carried out on patients who had entered the institute for minor problems such as anxiety disorders and



Donald Ewen Cameron c.1967

postpartum depression, many of whom suffered permanently from his actions.[40] His treatments resulted in victims' incontinence, amnesia, forgetting how to talk, forgetting their parents, and thinking their interrogators were their parents.[41] His work was inspired and paralleled by the British psychiatrist William Sargant at St Thomas' Hospital, London, and Belmont Hospital, Surrey, who was also involved in the Intelligence Services and who experimented extensively on his patients without their consent, causing similar long-term damage.[42]

It was during this era that Cameron became known worldwide as the first chairman of the World Psychiatric Association as well as president of the American and Canadian psychiatric associations. Cameron had also been a member of the Nuremberg medical tribunal in 1946–47.[43]

Naomi Klein argues in her book *The Shock Doctrine* that Cameron's research and his contribution to the MKUltra project was actually not about mind control and brainwashing, but about designing "a scientifically based system for extracting information from 'resistant sources.' In other words, torture." Stripped of its bizarre excesses, Dr. Cameron's experiments, building upon Donald O. Hebb's earlier breakthrough, laid the scientific foundation for the CIA's two-stage psychological torture method."[44]

Revelation

In 1973, with the government-wide panic caused by Watergate, the CIA Director Richard Helms ordered all MKUltra files destroyed.[45] Pursuant to this order, most CIA documents regarding the project were destroyed, making a full investigation of MKUltra impossible. A cache of some 20,000 documents survived Helms' purge, as they had been incorrectly stored in a financial record building and were discovered following a FOIA request in 1977. These documents were fully investigated during the Senate Hearings of 1977.[3]

Frank Church headed the Church Committee, an investigation into the practices of the US intelligence agencies.

In December 1974, *The New York Times* reported that the CIA had conducted illegal domestic activities, including experiments on U.S. citizens, during the 1960s. That report prompted investigations by the U.S. Congress, in the form of the Church Committee, and by a presidential commission known as the Rockefeller Commission that looked into domestic activities of the CIA, the FBI, and intelligence-related agencies of the military.

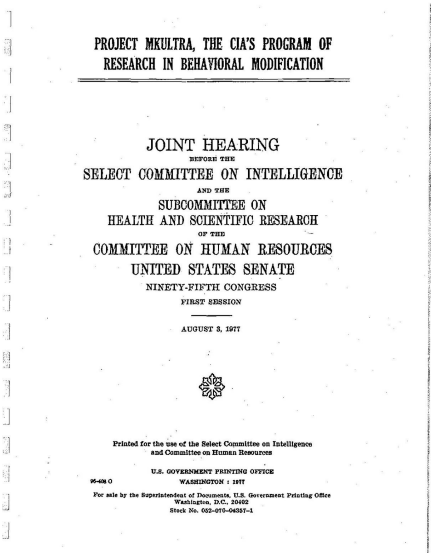
In the summer of 1975, congressional Church Committee reports and the presidential Rockefeller Commission report revealed to the public for the first time that the CIA and the Department of Defense had conducted experiments on both unwitting and cognizant human subjects as part of an extensive program to influence and control human behavior through the use of psychoactive drugs such as LSD and mescaline and other chemical, biological, and psychological means. They also revealed that at least one subject had died after administration of LSD. Much of what the Church Committee and the Rockefeller Commission learned about MKUltra was contained in a report, prepared by the Inspector General's office in 1963, that had survived the destruction of records ordered in 1973.[46] However, it contained little detail. Sidney Gottlieb, who had retired from the CIA two years previously, was interviewed by the committee but claimed to have very little recollection of the activities of MKUltra.[7]

The congressional committee investigating the CIA research, chaired by Senator Frank Church, concluded that "[p]rior consent was obviously not obtained from any of the subjects". The committee noted that the "experiments sponsored by these researchers ... call into question the decision by the agencies not to fix guidelines for experiments."

Following the recommendations of the Church Committee, President Gerald Ford in 1976 issued the first Executive Order on Intelligence Activities which, among other things, prohibited "experimentation with drugs on human subjects, except with the informed consent, in writing and witnessed by a disinterested party, of each such human

subject" and in accordance with the guidelines issued by the National Commission. Subsequent orders by Presidents Carter and Reagan expanded the directive to apply to any human experimentation.

In 1977, during a hearing held by the Senate Select Committee on Intelligence, to look further into MKUltra, Admiral Stansfield Turner, then Director of Central Intelligence, revealed that the CIA had found a set of records, consisting of about 20,000 pages,[11] that had survived the 1973 destruction orders because they had been stored at a records center not usually used for such documents.[46] These files dealt with the financing of MKUltra projects and contained few project details, however much more was learned from them than from the Inspector General's 1963 report.


PROJECT MKULTRA, THE CIA'S PROGRAM OF RESEARCH IN BEHAVIORAL MODIFICATION

JOINT HEARING
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
AND THE
SUBCOMMITTEE ON
HEALTH AND SCIENTIFIC RESEARCH
OF THE
COMMITTEE ON HUMAN RESOURCES
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION

AUGUST 3, 1977

Printed for the use of the Select Committee on Intelligence and Committee on Human Resources

U.S. GOVERNMENT PRINTING OFFICE
95-408 O WASHINGTON : 1977
For sale by the Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402
Stock No. 052-070-04597-1

1977 United States Senate report on MKUltra

On the Senate floor in 1977, Senator Ted Kennedy said:

> The Deputy Director of the CIA revealed that over thirty universities and institutions were involved in an "extensive testing and experimentation" program which included covert drug tests on unwitting citizens "at all social levels, high and low, native Americans and foreign." Several of these tests involved the administration of LSD to "unwitting subjects in social situations." At least one death, that of Dr. Olson, resulted from these activities. The Agency itself acknowledged that these tests made little scientific sense. The agents doing the monitoring were not qualified scientific observers.[47]

In Canada, the issue took much longer to surface, becoming widely known in 1984 on a CBC news show, *The Fifth Estate*. It was learned that not only had the CIA funded Dr. Cameron's efforts, but perhaps even more shockingly, the Canadian government was fully aware of this, and had later provided another $500,000 in funding to continue the experiments. This revelation largely derailed efforts by the victims to sue the CIA as their U.S. counterparts had, and the Canadian government eventually settled out of court for $100,000 to each of the 127 victims. None of Dr. Cameron's personal records of his involvement with MKUltra survive, since his family destroyed them after his death from a heart attack while mountain climbing in 1967.[48]

1984 U.S. General Accounting Office report

The U.S. General Accounting Office issued a report on September 28, 1984, which stated that between 1940 and 1974, DOD and other national security agencies studied thousands of human subjects in tests and experiments involving hazardous substances.

The quote from the study:[49]

> Working with the CIA, the Department of Defense gave hallucinogenic drugs to thousands of "volunteer" soldiers in the 1950s and 1960s. In addition to LSD, the Army also tested quinuclidinyl benzilate, a hallucinogen code-named BZ. (Note 37) Many of these tests were conducted under the so-called MKUltra program, established to counter perceived Soviet and Chinese advances in brainwashing techniques. Between 1953 and 1964, the program consisted of 149 projects involving drug testing and other studies on unwitting human subjects

Deaths

Given the CIA's purposeful destruction of most records, its failure to follow informed consent protocols with thousands of participants, the uncontrolled nature of the experiments, and the lack of follow-up data, the full impact of MKUltra experiments, including deaths, will never be known.[21][26][49][50]

Several known deaths have been associated with Project MKUltra, most notably that of Frank Olson. Olson, a United States Army biochemist and biological weapons researcher, was given LSD without his knowledge or consent in November, 1953, as part of a CIA experiment and died under suspicious circumstances a week later. A CIA doctor assigned to monitor Olson claimed to have been asleep in another bed in a New York City hotel room when Olson exited the window and fell thirteen stories to his death. In 1953, Olson's death was described as a suicide that had occurred during a severe psychotic episode. The CIA's own internal investigation concluded that the head of MK ULTRA, CIA chemist Sidney Gottlieb, had conducted the LSD experiment with Olson's prior knowledge, although neither Olson nor the other men taking part in the experiment were informed as to the exact nature of the drug until some 20 minutes after its ingestion. The report further suggested that Gottlieb was nonetheless due a reprimand, as he had failed to take into account Olson's already-diagnosed suicidal tendencies, which might have been exacerbated by the LSD.[51]

The Olson family disputes the official version of events. They maintain that Frank Olson was murdered because, especially in the aftermath of his LSD experience, he had become a security risk who might divulge state secrets associated with highly classified CIA programs, many of which he had direct personal knowledge.[52] A few days before his death, Frank Olson quit his position as acting chief of the Special Operations Division at Detrick, Maryland (later Fort Detrick) because of a severe moral crisis concerning the nature of his biological weapons research. Among Olson's concerns were the development of assassination materials used by the CIA, the CIA's use of biological warfare materials in covert operations, experimentation with biological weapons in populated areas, collaboration with former Nazi scientists under Operation Paperclip, LSD mind-control research, the use of biological weapons (including anthrax) during the Korean War, and the use of psychoactive drugs during "terminal" interrogations under a program code-named Project ARTICHOKE.[53] Later forensic evidence conflicted with the official version of events; when Olson's body was exhumed in 1994, cranial injuries indicated that Olson had been knocked unconscious before he exited the window.[51] The medical examiner termed Olson's death a "homicide".[54] In 1975, Olson's family received a $750,000 settlement from the U.S. government and formal apologies from President Gerald Ford and CIA Director William Colby, though their apologies were limited to informed consent issues concerning Olson's ingestion of LSD.[50][55]

In his 2009 book, *A Terrible Mistake*, researcher H. P. Albarelli Jr. concurs with the Olson family and concludes that Frank Olson was murdered because a personal crisis of conscience made it likely he would divulge state secrets concerning several CIA programs, chief among them Project ARTICHOKE and an MKDELTA project code-named Project SPAN. Albarelli presents considerable evidence in support of his theory that Project SPAN involved the contamination of food supplies and the aerosolized spraying of a potent LSD mixture in the village of Pont-Saint-Esprit, France in August, 1951. The Pont-Saint-Esprit incident resulted in mass psychosis, 32 commitments to mental institutions, and at least seven deaths. In his work as acting chief of the Special Operations Division, Olson was involved in the development of aerosolized delivery systems; he had been present at Pont-Saint-Esprit in August, 1951; and several months before resigning his position he had witnessed a terminal interrogation conducted in Germany under Project ARTICHOKE. Other researchers have reached conclusions similar to Albarelli's, including John Grant Fuller, author of *The Day of Saint Anthony's Fire*, a landmark book that originally cited ergot poisoning as responsible for the events at Pont-Saint-Esprit.[50][56]

On April 26, 1976, the Church Committee of the United States Senate issued a report, "Final Report of the Select Committee to Study Governmental Operation with Respect to Intelligence Activities",[57] In Book I, Chapter XVII, p 389 this report states:

> LSD was one of the materials tested in the MKUltra program. The final phase of LSD testing involved surreptitious administration to unwitting non-volunteer subjects in normal life settings by undercover officers of the Bureau of Narcotics acting for the CIA.
>
> A special procedure, designated MKDELTA, was established to govern the use of MKUltra materials abroad. Such materials were used on a number of occasions. Because MKUltra records were destroyed, it is impossible to reconstruct the operational use of MKUltra materials by the CIA overseas; it has been determined that the use of these materials abroad began in 1953, and possibly as early as 1950.[58][59][60][61][62]
>
> Drugs were used primarily as an aid to interrogations, but MKUltra/MKDelta materials were also used for harassment, discrediting, or disabling purposes.[58][59][60][61][62]

Another known victim of Project MKUltra was Harold Blauer, a professional tennis player in New York City, who died in January, 1953 as a result of a secret Army experiment involving MDA.[63]

Legal issues involving informed consent

The revelations about the CIA and the Army prompted a number of subjects or their survivors to file lawsuits against the federal government for conducting illegal experiments. Although the government aggressively, and sometimes successfully, sought to avoid legal liability, several plaintiffs did receive compensation through court order, out-of-court settlement, or acts of Congress. Frank Olson's family received $750,000 by a special act of Congress, and both President Ford and CIA director William Colby met with Olson's family to publicly apologize.

Previously, the CIA and the Army had actively and successfully sought to withhold incriminating information, even as they secretly provided compensation to the families. One subject of Army drug experimentation, James Stanley, an Army sergeant, brought an important, albeit unsuccessful, suit. The government argued that Stanley was barred from suing under a legal doctrine—known as the Feres doctrine, after a 1950 Supreme Court case, *Feres v. United States*—that prohibits members of the Armed Forces from suing the government for any harms that were inflicted "incident to service."

In 1987, the Supreme Court affirmed this defense in a 5–4 decision that dismissed Stanley's case: *United States v. Stanley*.[64] The majority argued that "a test for liability that depends on the extent to which particular suits would call into question military discipline and decision making would itself require judicial inquiry into, and hence intrusion upon, military matters." In dissent, Justice William Brennan argued that the need to preserve military discipline should not protect the government from liability and punishment for serious violations of constitutional rights:

> The medical trials at Nuremberg in 1947 deeply impressed upon the world that experimentation with unknowing human subjects is morally and legally unacceptable. The United States Military Tribunal established the Nuremberg Code as a standard against which to judge German scientists who experimented with human subjects... . [I]n defiance of this principle, military intelligence officials ... began surreptitiously testing chemical and biological materials, including LSD.

Justice Sandra Day O'Connor, writing a separate dissent, stated:

> No judicially crafted rule should insulate from liability the involuntary and unknowing human experimentation alleged to have occurred in this case. Indeed, as Justice Brennan observes, the United States played an instrumental role in the criminal prosecution of Nazi officials who experimented with human subjects during the Second World War, and the standards that the Nuremberg Military Tribunals developed to judge the behavior of the defendants stated that the 'voluntary consent of the human subject is absolutely essential ... to satisfy moral, ethical, and legal concepts.' If this principle is violated, the very least that society can do is to see that the victims are compensated, as best they can be, by the perpetrators.

This is the only Supreme Court case to address the application of the Nuremberg Code to experimentation sponsored by the U.S. government. Although the suit was unsuccessful, dissenting opinions put the Army—and by association the entire government—on notice that use of individuals without their consent is unacceptable. The limited application of the Nuremberg Code in U.S. courts does not detract from the power of the principles it espouses, especially in light of stories of failure to follow these principles that appeared in the media and professional literature during the 1960s and 1970s and the policies eventually adopted in the mid-1970s.

In another law suit, Wayne Ritchie, a former United States Marshal, after hearing about the project's existence in 1990, alleged the CIA laced his food or drink with LSD at a 1957 Christmas party which resulted in his attempting to commit a robbery at a bar and his subsequent arrest. While the government admitted it was, at that time, drugging people without their consent, U.S. District Judge Marilyn Hall Patel found Ritchie could not prove he was one of the victims of MKUltra or that LSD caused his robbery attempt and dismissed the case in 2007.[65]

Extent of participation

Forty-four American colleges or universities, 15 research foundations or chemical or pharmaceutical companies and the like including Sandoz (now Novartis) and Eli Lilly and Company, 12 hospitals or clinics (in addition to those associated with universities), and three prisons are known to have participated in MKUltra.[66][67]

Notable subjects

The author Ken Kesey was a willing participant in the LSD experiments.

- A considerable amount of credible circumstantial evidence suggests that Theodore Kaczynski, also known as the Unabomber, participated in CIA-sponsored MKUltra experiments conducted at Harvard University from the fall of 1959 through the spring of 1962.[68] During World War II, Henry Murray, the lead researcher in the Harvard experiments, served with the Office of Strategic Services (OSS), which was a forerunner of the CIA. Murray applied for a grant funded by the United States Navy, and his Harvard stress experiments strongly resembled those run by the OSS.[68] Beginning at the age of sixteen, Kaczynski participated along with twenty-one other undergraduate students in the Harvard experiments, which have been described as "disturbing" and "ethically indefensible."[68][69]
- Merry Prankster Ken Kesey, author of *One Flew Over the Cuckoo's Nest*, volunteered for MKUltra experiments involving LSD and other psychedelic drugs at the Veterans Administration Hospital in Menlo Park while he was a student at nearby Stanford University. Kesey's experiences while under the influence of LSD inspired him to promote the drug outside the context of the MKUltra experiments, which influenced the early development of hippie culture.[70][71]
- Robert Hunter is an American lyricist, singer-songwriter, translator, and poet, best known for his association with Jerry Garcia and the Grateful Dead. Along with Ken Kesey, Hunter was an early volunteer MKUltra test subject at Stanford University. Stanford test subjects were paid to take LSD, psilocybin, and mescaline, then report on their experiences. These experiences were creatively formative for Hunter:

  > Sit back picture yourself swooping up a shell of purple with foam crests of crystal drops soft nigh they fall unto the sea of morning creep-very-softly mist...and then sort of cascade tinkley-bell like (must I take you by the hand, every so slowly type) and then conglomerate suddenly into a peal of silver vibrant uncomprehendingly, blood singingly, joyously resounding bells....By my faith if this be insanity, then for the love of God permit me to remain insane.[72]

- Candy Jones, American fashion model and radio host, claimed to have been a victim of mind control in the 1960s.[73]
- Boston mobster James "Whitey" Bulger volunteered for testing while in prison.[74]

Conspiracy theories

MKUltra plays a part in many conspiracy theories given its nature and the destruction of most records.[75]

Lawrence Teeter, attorney for convicted assassin Sirhan Sirhan, believed Sirhan was under the influence of hypnosis when he fired his weapon at Robert F. Kennedy in 1968. Teeter linked the CIA's MKUltra program to mind control techniques that he claimed were used to control Sirhan.[76][77]

Jonestown, the Guyana location of the Jim Jones cult and Peoples Temple mass suicide, was thought to be a test site for MKUltra medical and mind control experiments after the official end of the program. Congressman Leo Ryan, a known critic of the CIA, was murdered by Peoples Temple members after he personally visited Jonestown to investigate various reported irregularities.[78]

Aftermath

At his retirement in 1972 Gottlieb was to dismiss his entire effort for the CIA as "useless".[79]

Although the CIA insists that MKUltra-type experiments have been abandoned, many CIA observers say there is little reason to believe it does not continue today under a different set of acronyms.[45] 14-year CIA veteran Victor Marchetti has stated in various interviews that the CIA routinely conducts disinformation campaigns and that CIA mind control research continued. In a 1977 interview, Marchetti specifically called the CIA claim that MKUltra was abandoned a "cover story."[80][81]

References

[1] Jo Thomas (03 Sep 1977). "C.I.A Says It Found More Secret Papers on Behavior Control: Senate Panel Puts Off Hearing to Study Data Dozen Witnesses Said To Have Misled Inquiry C.I.A. Tells Of Finding Secret Data". *New York Times*.

[2] Richelson, JT (ed.) (2001-09-10). "Science, Technology and the CIA: A National Security Archive Electronic Briefing Book" (http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB54/). George Washington University. . Retrieved 2009-06-12.

[3] "Project MKUltra, the CIA's Program of Research into Behavioral Modification. Joint Hearing before the Select Committee on Intelligence and the Subcommittee on Health and Scientific Research of the Committee on Human Resources, United State Senate, Ninety-Fifth Congress, First Session" (http://www.nytimes.com/packages/pdf/national/13inmate_ProjectMKULTRA.pdf). U.S. Government Printing Office (copy hosted at the New York Times website). August 8, 1977. . Retrieved 2010-04-18.

[4] "Chapter 3, part 4: Supreme Court Dissents Invoke the Nuremberg Code: CIA and DOD Human Subjects Research Scandals" (http://www.hss.energy.gov/healthsafety/ohre/roadmap/achre/chap3_4.html). *Advisory Committee on Human Radiation Experiments Final Report*. . Retrieved 2005-08-24.

[5] "The Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Foreign and Military Intelligence" (http://www.aarclibrary.org/publib/church/reports/book1/html/ChurchB1_0200b.htm). *Church Committee report, no. 94-755, 94th Cong., 2d Sess.*. Washington, D.C..: United States Congress. 1976. p. 392. .

[6] Dick Russell (2008). *On the trail of the JFK assassins* (http://books.google.com/books?id=zMOG0qERuksC&pg=PA273&lpg=PA273&dq=MKULTRA+hypnosis&source=bl&ots=dlLGgJWt_i&sig=yJRTDpj-kMZKFHxMCKdrdyMEHFE&hl=en&ei=OF7BTavuJYPEvgPdjeWkBA&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBoQ6AEwADg8#v=onepage&q=MKULTRA hypnosis&f=false). Skyhorse Publishing. p. 273. .

[7] Nicholas M Horrock (04 Aug 1977). "80 Institutions Used in C.I.A. Mind Studies: Admiral Turner Tells Senators of Behavior Control Research Bars Drug Testing Now". *New York Times*.

[8] *The New York Times*. http://www.nytimes.com/packages/pdf/national/13inmate_ProjectMKULTRA.pdf.

[9] *The Rough Guide to Conspiracy Theories* by James McConnachie, Robin Tudge 192

[10] "An Interview with Richard Helms" (https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/docs/v44i4a07p_0021.htm). Central Intelligence Agency. 2007-05-08. . Retrieved 2008-03-16.

[11] "Government Mind Control Records of MKUltra & Bluebird/Artichoke" (http://www.wanttoknow.info/mindcontrol10pg#ciadocs/). Wanttoknow.info. . Retrieved 2010-03-26.

[12] "Project MKUltra, The CIA's Program of Research in Behavioral Modification" (http://www.scribd.com/doc/75512716/Project-MKUltra-The-CIA-s-Program-of-Research-in-Behavioral-Modification). Scribd.com. . Retrieved 2012-04-14.

[13] Walker, Andrew (2005-11-21). "UK | Magazine | Project Paperclip: Dark side of the Moon" (http://news.bbc.co.uk/2/hi/uk_news/magazine/4443934.stm). BBC News. . Retrieved 2010-03-26.

[14] "Jewish Law - Articles ("The Ethics Of Using Medical Data From Nazi Experiments")" (http://www.jlaw.com/Articles/NaziMedEx.html). Jlaw.com. 1946-09-25. . Retrieved 2010-03-26.

[15] Church Committee; p. 390 (http://www.aarclibrary.org/publib/church/reports/book1/html/ChurchB1_0199b.htm) "MKUltra was approved by the DCI [Director of Central Intelligence] on April 13, 1953"

[16] "Chapter 3, part 4: Supreme Court Dissents Invoke the Nuremberg Code: CIA and DOD Human Subjects Research Scandals" (http://www.eh.doe.gov/ohre/roadmap/achre/chap3_4.html). *Advisory Committee on Human Radiation Experiments Final Report*. . Retrieved August 24, 2005. "MKUltra, began in 1950 and was motivated largely in response to alleged Soviet, Chinese, and North Korean uses of mind-control techniques on U.S. prisoners of war in Korea."

[17] Church Committee; p. 391 (http://www.aarclibrary.org/publib/church/reports/book1/html/ChurchB1_0200a.htm) "A special procedure, designated MKDELTA, was established to govern the use of MKUltra materials abroad. Such materials were used on a number of occasions."

[18] Church Committee; "The congressional committee investigating the CIA research, chaired by Senator Frank Church, concluded that '[p]rior consent was obviously not obtained from any of the subjects.'"

[19] Price, David (June 2007). "Buying a Piece of Anthropology: Human Ecology and unwitting anthropological research for the CIA" (http://file.wikileaks.org/file/AT-june07-Price-PT1.pdf) (PDF). *Anthropology Today* **23** (3): 3–13. doi:10.1111/j.1467-8322.2007.00510.x. . Retrieved 2008-04-13.

[20] "Retrieved 25 April 2008" (http://www.druglibrary.org/schaffer/History/e1950/mkultra/Hearing05.htm). Druglibrary.org. . Retrieved 2010-03-26.

[21] "Chapter 3, part 4: Supreme Court Dissents Invoke the Nuremberg Code: CIA and DOD Human Subjects Research Scandals" (http://www.eh.doe.gov/ohre/roadmap/achre/chap3_4.html). *Advisory Committee on Human Radiation Experiments Final Report*. . Retrieved August 24, 2005. (identical sentence) "Because most of the MK-ULTRA records were deliberately destroyed in 1973 ... MK-ULTRA and the related CIA programs."

[22] "Chapter 3, part 4: Supreme Court Dissents Invoke the Nuremberg Code: CIA and DOD Human Subjects Research Scandals" (http://www.eh.doe.gov/ohre/roadmap/achre/chap3_4.html). *Advisory Committee on Human Radiation Experiments Final Report*. . Retrieved August 24, 2005.,

[23] McCoy, Alfred (2006). *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror*. New York: Metropolitan Books. pp. 8, 22, 30. ISBN 0-8050-8041-4.

[24] Klein, Naomi (2007). *The Shock Doctrine: The Rise of Disaster Capitalism* (http://books.google.ca/books?id=G_h0PSD2wiQC&pg=PA47). New York: Picador. pp. 47–49. ISBN 0-312-42799-9. .

[25] Ranelagh, John (March 1988). *The Agency: The Rise and Decline of the CIA*. Sceptre. pp. 208–210. ISBN 0-340-41230-5.

[26] "Senate MKUltra Hearing: Appendix C--Documents Referring to Subprojects, (page 167, in PDF document page numbering)." (http://web.archive.org/web/20071128230208/http://www.arts.rpi.edu/~pellr/lansberry/mkultra.pdf) (PDF). Senate Select Committee on Intelligence and Committee on Human Resources. August 3, 1977. Archived from the original (http://www.arts.rpi.edu/~pellr/lansberry/mkultra.pdf) on 2007-11-28. . Retrieved 2007-08-22.

[27] "Declassified" (http://www.michael-robinett.com/declass/c010.htm). Michael-robinett.com. . Retrieved 2010-03-26.

[28] "Declassified" (http://www.michael-robinett.com/declass/c043.htm). Michael-robinett.com. . Retrieved 2010-03-26.

[29] Brandt, Daniel (1996-01–03). "Mind Control and the Secret State" (http://www.webcitation.org/64k7LBApK). *NameBase NewsLine*. Archived from the original (http://www.namebase.org/news12.html) on 2012-01-16. . Retrieved 2010-03-26.

[30] The Search for the Manchurian Candidate - Chapter 4 (http://www.druglibrary.org/schaffer/lsd/marks4.htm)

[31] Tim Weiner (10 Mar 1999). "Sidney Gottlieb, 80, Dies; Took LSD to C.I.A.". *New York Times*.

[32] Rappoport, J. (1995). CIA Experiments With Mind Control on Children. Perceptions Magazine, p.56.

[33] Marks, John (1979). *The Search for the Manchurian Candidate*. New York: Times Books. pp. 106–7. ISBN 0-8129-0773-6.

[34] Lee, M. A., Shlain, B. (1985). Acid Dreams, the Complete Social History of LSD: the CIA, the Sixties, and Beyond. Grove Press.

[35] NPR Fresh Air. June 28, 2007 and Tim Weiner, *The Legacy of Ashes: The History of the CIA*.

[36] "Declassified" (http://www.michael-robinett.com/declass/c011.htm). Michael-robinett.com. . Retrieved 2010-03-26.

[37] Marks 1979: pp 40–42.

[38] Marks 1979: chapters 3 and 7.

[39] "Declassified" (http://www.michael-robinett.com/declass/c078.htm). Michael-robinett.com. . Retrieved 2010-03-26.

[40] Marks 1979: pp 140–150.

[41] Turbide, Diane (1997-04-21). "Dr. Cameron's Casualties" (http://www.ect.org/dr-camerons-casualties/). . Retrieved 2007-09-09.

[42] Collins, Anne ([1988] 1998). *In the Sleep Room: The Story of CIA Brainwashing Experiments in Canada*. Toronto: Key Porter Books. pp. 39, 42–3, 133. ISBN 1-55013-932-0.

[43] Marks 1979: p 141.

[44] Klein, N (2007). *The Shock Doctrine*. Metropolitan Books. pp. 39–41 (http://books.google.com/books?id=C0KIy92V58wC&pg=PA37#v=onepage&q&f=false). ISBN 0-676-97801-0.

[45] Elizabeth Nickson (October 16, 1994). "MIND CONTROL: MY MOTHER, THE CIA AND LSD". *The Observer*.

[46] Prepared Statement of Admiral Stansfield Turner, Director of Central Intelligence (http://www.parascope.com/ds/documentslibrary/documents/mkultrahearing/mkultraHearing02.htm). ParaScope.

[47] "Opening Remarks by Senator Ted Kennedy" (http://www.druglibrary.org/schaffer/history/e1950/mkultra/Hearing01.htm). *U.S. Senate Select Committee On Intelligence, and Subcommittee On Health And Scientific Research of the Committee On Human Resources*. 1977-08-03. .

[48] "HistoryOnAir Podcast 98 - MKUltra" (http://historyonair.com/?page_id=6&id=123/). Historyonair.com. 2005-06-16. . Retrieved 2010-03-26.

[49] Quote from "Is Military Research Hazardous to Veterans Health? Lessons Spanning Half A Century", part F. HALLUCINOGENS (http://www.gulfweb.org/bigdoc/rockrep.cfm#hallucinogens) 103rd Congress, 2nd Session-S. Prt. 103-97; Staff Report prepared for the committee on veterans' affairs December 8, 1994 John D. Rockefeller IV, West Virginia, Chairman. Online copy provided by gulfweb.org, which describes itself as "Serving the Gulf War Veteran Community Worldwide Since 1994". (The same document is available from many other (unofficial) sites (http://www.google.com/search?q="installing+several+telephone+hotlines.+As+of+September+1994,+86"), which may or may not be independent.)

[50] H. P. Albarelli (2009). *A Terrible Mistake: The Murder of Frank Olson and the CIA's Secret Cold War Experiments*. Trine Day. pp. 350–58, 490, 581–83, 686–92. ISBN 0-9777953-7-3.

[51] Marks 1979: chapter 5.

[52] "The Olson File" (http://www.frankolsonproject.org/Articles/LondonMail.html). Frankolsonproject.org. . Retrieved 2012-03-05.

[53] Olson, E (2002-08-22). "Family Statement on the Murder of Frank Olson" (http://www.frankolsonproject.org/Statements/FamilyStatement2002.html). . Retrieved 2008-10-16.

[54] Ronson, Jon (2004). *The Men Who Stare at Goats*. New York: Picador. ISBN 0-330-37548-2.

[55] "Documents on Cheney Coverup of Olson Assassination" (http://www.voltairenet.org/IMG/pdf/olson_documents.pdf) (PDF). Voltaire Network. .

[56] Samuel, Henry (2010-03-11). "French bread spiked with LSD in CIA experiment" (http://www.telegraph.co.uk/news/worldnews/europe/france/7415082/French-bread-spiked-with-LSD-in-CIA-experiment.html). *The Daily Telegraph* (London). . Retrieved 2010-05-22.

[57] "Final report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United States Senate : together with additional, supplemental, and separate views" (http://www.archive.org/stream/finalreportofsel01unit#page/390/mode/2up). Archive.org. . Retrieved 2012-03-05.

[58] Estabrooks, G.H. Hypnosis comes of age. Science Digest, 44-50, April 1971

[59] Gillmor, D. I Swear By Apollo. Dr. Ewen Cameron and the CIA-Brainwashing Experiments. Montreal: Eden press, 1987.

[60] Scheflin, A.W., & Opton, E.M. The Mind manipulators. New York: Paddington Press, 1978.

[61] Thomas, G. Journey into Madness. The Secret Story of Secret CIA Mind Control and Medical Abuse. New York: Bantam, 1989 (paperback 1990).

[62] Weinstein, H. Psychiatry and the CIA: Victims of Mind Control. Washington, DC: American Psychiatric Press, 1990.

[63] Marks 1979: p 72n.

[64] *United States v. Stanley*, 483 U.S. 669 (https://supreme.justia.com/us/483/669/case.html) (1987)

[65] "Ritchie v. United States of America: United States District Court, Northern District of California No. C 00-3940 MHP. Findings of Fact and Conclusion of Law Re: Motion for Judgment on Partial Findings" (http://upload.wikimedia.org/wikipedia/en/commons/5c/Ritchie.pdf) (PDF). . Retrieved 2008-10-16.

[66] "Book Review: Search for the Manchurian Candidate by John Marks" (http://www.raven1.net/manchcan.htm). Raven1.net. . Retrieved 2010-03-26.

[67] Mills, Ami Chen (1991). *CIA Off Campus: Building the Movement Against Agency Recruitment and Research* (http://books.google.com/?id=d-us-4Wv7DwC&pg=PA38&lpg=PA38&q) (2nd ed.). Boston: South End Press. p. 38. ISBN 0-89608-403-5. . Retrieved June 110, 2010.

[68] Chase A (2000-06-01). "Harvard and the Making of the Unabomber" (http://www.theatlantic.com/issues/2000/06/chase.htm). The Atlantic Monthly. pp. 41–65. . Retrieved 2008-10-16.

[69] Cockburn, A; St Clair J (1999-10-18). "CIA Shrinks and LSD" (http://www.counterpunch.org/ciashrinks.html). CounterPunch. . Retrieved 2008-10-16.

[70] Lehmann-Haupt, C (2001-11-01). "Ken Kesey, Author of 'Cuckoo's Nest,' Who Defined the Psychedelic Era, Dies at 66" (http://www.nytimes.com/2001/11/11/nyregion/ken-kesey-author-of-cuckoo-s-nest-who-defined-the-psychedelic-era-dies-at-66.html?pagewanted=1). *The New York Times*. . Retrieved 2010-09-08.

[71] Baker, J (2001-11-11). "All times a great artist, Ken Kesey is dead at age 66". *The Oregonian*: pp. A1.

[72] McNally, DA (2002). *A Long Strange Trip: The Inside History of the Grateful Dead*. Broadway Books. pp. 42–3 (http://books.google.ca/books?id=BxA5sA–HA2UC&pg=PA42#v=onepage&q&f=false). ISBN 0-7679-1186-5.

[73] Bennett, C (2001-07-01). "Candy Jones: How a leading American fashion model came to be experimented upon by the CIA mind control team" (http://www.forteantimes.com/features/profiles/497/candy_jones.html). Fortean Times. . Retrieved 2008-10-16.

[74] Bruno, A. "James "Whitey" Bulger" (http://www.trutv.com//library/crime/gangsters_outlaws/mob_bosses/james_whitey_bulger/2.html). truetv.com. . Retrieved 2008-10-16.

[75] Knight, P (2003). *Conspiracy theories in American history: an encyclopedia, Volume 2*. ABC-CLIO. pp. 490 (http://books.google.com/books?id=qMIDrggs8TsC&pg=PA490). ISBN 1-57607-812-4.

[76] Teeter, Lawrence. "Interview with Sirhan's attorney Lawrence Teeter" (http://www.kpfa.org/archives/index.php?arch=8965&page=2&type=). KPFA 94.1/Guns & Butter show. .
[77] Stebner, Beth. "The most dangerous drug in the world: 'Devil's Breath' chemical from Colombia can block free will, wipe memory and even kill" (http://www.dailymail.co.uk/news/article-2143584/Scopolamine-Powerful-drug-growing-forests-Colombia-ELIMINATES-free-will.html). *Daily Mail* (London). .
[78] Meier, M (1989). *Was Jonestown a CIA Medical Experiment?: A Review of the Evidence*. New York: Edwin Mellen. ISBN 0-88946-013-2.
[79] "Sidney Gottlieb". *The Times (London)*. March 12, 1999.
[80] "Interview with Victor Marchetti" (http://www.skepticfiles.org/socialis/marcheti.htm). . Retrieved 2009-08-22.
[81] Cannon, M (1992). "Mind Control and the American Government". *Lobster Magazine* **23**.

Further reading

- "U.S. Congress: The Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Foreign and Military Intelligence (Church Committee report), report no. 94-755, 94th Cong., 2d Sess. (Washington, D.C.: GPO, 1976), 394" (http://www.aarclibrary.org/publib/church/reports/book1/contents.htm).
- "U.S. Senate: Joint Hearing before The Select Committee on Intelligence and The Subcommittee on Health and Scientific Research of the Committee on Human Resources, 95th Cong., 1st Sess. August 3, 1977" (http://www.druglibrary.org/schaffer/history/e1950/mkultra/index.htm).
- "The Search for the "Manchurian Candidate": The CIA and Mind Control: The Secret History of the Behavioral Sciences" (http://www.druglibrary.org/schaffer/lsd/marks.htm).

External links

- "LSD A Go Go: The CIA and LSD", Scott Calonico, 2004, Slowkid Productions (http://www.scottcalonico.com/lsd-a-go-go-the-cia-and-lsd/)
- Select GIF scans of declassified MKUltra Project Documents (http://www.michael-robinett.com/declass/c000.htm)
- Complete PDF archive of declassified MKUltra Project Documents (http://www.abuse-of-power.org/foia-mkultra-document-archive/)
- Interview (http://www.democracynow.org/article.pl?sid=06/02/17/1522228) of Alfred McCoy on CIA mind control research
- U.S. Supreme Court, *CIA v. Sims*, 471 U.S. 159 (1985) 471 U.S. 159 (http://laws.findlaw.com/us/471/159.html)
- U.S. Supreme Court, *United States v. Stanley*, 483 U.S. 669 (1987) 483 U.S. 669 (http://laws.findlaw.com/us/483/669.html)
- "NEUROBLASTE" Canadian motion comic about McGill neurology students searching for a cure for Alzheimer's; contains facts and references to MKUltra lore (http://www.Radio-Canada.ca/neuroblaste)
- Entire Four (4) CD-ROM set of CIA / MKUltra Declassified documents released by the Central Intelligence Agency (CIA) (http://www.theblackvault.com/m/articles/view/CIA-MKULTRA-Collection)
- The Most Dangerous Game (http://www.archive.org/movies/details-db.php?collection=independent_news&collectionid=tmdg)—Downloadable 8 minute documentary by independent filmmakers GNN

Article Sources and Contributors

Project MKUltra *Source*: http://en.wikipedia.org/w/index.php?oldid=510845367 *Contributors*: ***Ria777, 2over0, A Quest For Knowledge, AI, AKMask, ARG1900, Abuseofpower, Acrompt, AdamH, Ahoerstemeier, Alansohn, Alastair Carnegie, Aleph Infinity, Alexwcovington, Aliquidparadigm, Altar of Kez, Alxjpow, AndreaUKA, AndrewHowse, Andyman1125, AnnaFrance, Anthony Ivanoff, Anthonybaldwin, Apex32, ApolloCreed, Apostle12, Apyule, Arx Fortis, Aviatorpilotman, Avriette, Axeman89, Baberry, Barfooz, Bartleby, Barts1a, Bearcat, Beland, Bentley4, Biglamp, Biosthmors, Bizfixer, BjKa, Blackvault, Blindina, Bluuurgh, Bobbyuggles, Bobkeyes, Boing! said Zebedee, BradBeattie, BrightBlackHeaven, Brighterorange, British-royalty, BrotherJustin, Bth, Bubbleboys, Bullzeye, CDN99, CTN7i, Calion, Calton, CambridgeBayWeather, CapitalSasha, Carolynparrishfan, Cberlet, Cdan18, Cenedi, Cgingold, Chadloder, Chairboy, Chendy, Chenopodiaceous, Chester polarbear, Chills42, Chris Gair, Chris Roy, CircularQ, Cmdrjameson, Cmh, Codicorumus, Columba livia, Coming4you, Conwiki, CosineKitty, Counteraction, Crockspot, Crosbiesmith, Crosis101, Crzygamer317, D3dtn01, Darolew, David Gerard, David.Monniaux, Davidcannon, Davidizer13, Decora, Delphii, DeltaQuad, Deltabeignet, Dental, DerekSwannson, Digitalapocalypse, Discospinster, Dismas, DocWatson42, Donfbreed, DopefishJustin, Dougher, Download, Dr.K., DrBruced, DrSlaw, Drummerthon, E-Kartoffel, Eastlaw, Ed g2s, Eep², El C, Eloquence, Elvis200, Emperorbma, Equitor, Ergbert, Esandaas, Evercat, Everyking, Evil saltine, Evilandi, Eyknough, Fabricationary, Falcon8765, Farrtj, Farry, Fekenator, Ferdinand Pienaar, Fib2004, Finlay McWalter, Finn-Zoltan, First Light, Floaterfluss, Fluence, Forcefieldpictures, Founders4, FourthLineGoon, Fromthehill, Fubar Obfusco, Func, Furrykef, Fvasconcellos, GB fan, Gaius Cornelius, Galadrielsring, Galanskov, Garyhowe100, Gegenwind, GeoGreg, Ghostofnemo, Gitfiddle037, Gobonobo, GoldRingChip, Gooch41, Ground, Gul e, Gzornenplatz, Harris0, Haymaker, Heah, Heirpixel, Hephaestos, Heron, Hibernian, Hilgerdenaar, Htn56, Hu12, Idolcrash, Ikip, Infinitjest, Infrogmation, Ipatrol, Itai, IvoShandor, J04n, J153000, JBsupreme, JD554, JForget, Jack Frost, Jacob1207, JacobCurtis, JamesHarrison, JamesStephenson24, Jarble, JayDugger, Jcomp489, Jeffq, Jeremyraynes, Jeremystalked, JesseW, Jfdwolff, Jharby, Jim37hike, Jimminynix, Jlgager, Joe in Australia, JoeJohnson2, Joel B. Lewis, Joelr31, John of Reading, JohnOwens, JohnSawyer, JohnnE, Johnwwl, Jpbowen, Jrmills42, Jrtayloriv, JzG, Kakofonous, Karimarie, Kbh3rd, Ke4roh, Keenan Pepper, Keilana, Kidkido16, Kmhkmh, KnightRider, KoopaTroopa211, Kosmicwizard, Kungfuadam, Kwertii, L Kensington, Ladyhawk101, Landoftheliving, Lankiveil, Lapsed Pacifist, LeContexte, LeaveSleaves, Legbullet996, Lightmouse, Llywrch, Look upon my works, ye Mighty, and despair!, Lotje, Lupin, MCB, Maestrodad, Maikel, Malcolmxl5, Male1979, Malfoy0123, Mansmokingacigar, Marchije, Marek69, Mark Richards, Markwarnes, MarnetteD, Martin Wisse, Martinlw, Marudubshinki, Master son, Mathias.paul, MattKingston, Maury Markowitz, Mav, Maximus Rex, Mcmchugh99, Mcra, Meco, Melaen, Melsaran, MerleBaker, Messs17, Metasailor, Mgiganteus1, Michaeldsuarez, Mike Payne, Mike Rosoft, Minesweeper, MisterRider, Misterkincaid, Mjpieters, Mku12, Mkweise, Mogism, Moonstrucky, Mqduck, Mr. Vernon, Mradigan, Mristoja, Mrkeweli, NCartmell, Naar, Nathan Hamblen, Nathanmcginty, Nemoede, Neurovelho, Nhl4hamilton, Ninjasinadojo, Nishkid64, Nmpras, Nohomers48, Nono64, Nuuon, Oatmeal batman, Odb, Olivier, Omphaloscope, Onesius, Opioq, Osticleman, Otolemur crassicaudatus, PJtP, PRMerkley, Panyd, Paul A, Paulzon, Peer678, Pegship, Penfold, Peyre, Phoenix orb, Piano non troppo, Pichpich, Pinkville, Piotrus, Pir, Plausible to deny, Player-23, Poechalkdust, Pogi2, PopPop PopMusic, ProudIrishAspie, PseudoSudo, Pvosta, Quadell, Quintote, Qwertyus, R&Blover1996, R9tgokunks, RXPhd, RachelBartlett, Rande M Sefowt, Raorino, Raul654, Rdfox 76, Reaper Eternal, RedWolf, Rich Farmbrough, Richard Arthur Norton (1958-), RideMyBMW, Rigadoun, Rintrah, Rizome, Rjwilmsi, Rlove, Robertotr, Robth, Rtdixon86, Rush4hire, Russell Dovey, S. M. Sullivan, STGM, Saganaki-, Salsa Shark, Salvio giuliano, Sam Spade, Savidan, Schi, Scott Sanchez, Scott1717, Scottandrewhutchins, Scruffywiki, Shadowhound64, ShadowyCaballero, Shandris, Shanes, Shemp Howard, Jr., Shibboleth, Shorah, Shutterbug, SilkTork, SimonP, SirGrant, Skysmith, Skytell, Skywriter, Smartse, Smee, Snowolf, Specs112, Splash, SpuriousQ, Srleffler, Ssj2gohan99, Stemonitis, Steven J. Anderson, Steven Walling, Stevenj, Stevertigo, StillTrill, Stratusrep, Struthious Bandersnatch, Stuartzoo, Stubblyhead, Superm401, Surv1v4l1st, Sven Manguard, Sverdrup, Swatjester, Sweetfreek, TAnthony, TPATLAS, Ta bu shi da yu, Tabletop, Tagus, Talencar, Tanet, Tarcieri, Techgeist, Testbed, That Guy, From That Show!, The Anome, The Mark of the Beast, The Nut, The Right Honourable, TheGoTeam, Thefirm96, Thegoodson, Therefore, Thingg, TidyCat, Tijuana Brass, Timneu22, Titansolaris, Tmaull, Tmmullin, Tom harrison, TomCerul, Tomsomad, Tony0Maxwell, Too Old, Tpbradbury, Tracer9999, Tretter28, Trey Stone, Trivialist, Trubye, Truthdowser, Urielw, Utcursch, VVonBock, Van Vidrine, Vanobamo, Varlaam, VirginiaProp, Viriditas, Viz, Vjiced, WAS 4.250, WINDRUNNERMTL, WLU, Walkerma, Walton One, Wapcaplet, Wavelength, Waxworklibation, Wayward, Weed Harper, Whaleto, Whig, Whirledtraveller, Wik, WikiDao, Will Beback, Wjhonson, Wmahan, Woolfy123, Wyatt Riot, X!, Xenon325, Yutsi, Yuval Y, Zappaz, Zazou, Zeno Gantner, ZimZalaBim, Zloyvolsheb, Zoe, Zoicon5, Zombiebaron, P ħ Φ ę n i χ Đ r ę ą đ, 948 anonymous edits

Image Sources, Licenses and Contributors

File:DeclassifiedMKULTRA.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:DeclassifiedMKULTRA.jpg *License*: Public Domain *Contributors*: Terraflorin, 1 anonymous edits

File:Mkultra-lsd-doc.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:Mkultra-lsd-doc.jpg *License*: Public Domain *Contributors*: Innv, Krinkle, The Anome, 1 anonymous edits

File:ARTICHOKULTRADRAFT111.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:ARTICHOKULTRADRAFT111.jpg *License*: Public Domain *Contributors*: Original uploader was P ħ Φ ę n i χ Đ r ę ą đ at en.wikipedia

File:Donald Ewen Cameron canmedaj01237-0046-a.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:Donald_Ewen_Cameron_canmedaj01237-0046-a.jpg *License*: Public Domain *Contributors*: Struthious Bandersnatch, The Anome

File:FrankChurch.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:FrankChurch.jpg *License*: Public Domain *Contributors*: Dragon695, Infrogmation, Nard the Bard, Soerfm

File:ProjectMKULTRA Senate Report.pdf *Source*: http://en.wikipedia.org/w/index.php?title=File:ProjectMKULTRA_Senate_Report.pdf *License*: Public Domain *Contributors*: Select Committee on Intelligence and the Subcommittee on Health and Scientific Research of the Committee on Human Resources, United State Senate, Ninety-Fifth Congress, First Session

File:Kesey4.jpg *Source*: http://en.wikipedia.org/w/index.php?title=File:Kesey4.jpg *License*: Creative Commons Attribution-Sharealike 3.0 *Contributors*: MDCarchives

License

Skeptic Tank Files:

From the Illumi-Net BBS Decatur, GA
Conspiracy Theory Conference 404-377-1141

EX-CIA OFFICIAL SPEAKS OUT: An Interview with Victor Marchetti
By Greg Kaza

Full Disclosure: I'd like to start out by talking about your well-known book, `The CIA and the Cult of Intelligence.' What edition is that in today?

Marchetti: The latest edition came out last summer. Its the Laurel edition, Dell paperback.

FD: Its gone through a couple of printings?

Marchetti: Yes. It was originally published by Alfred Knopf in hardback and by Dell in paperback. That was in 1974 with Knopf and 1975 with Dell. Then a few years later we got some more of the deletions back from the government, so Dell put out a second printing. That would have been about 1979. Then recently, during the summer of 1983, we got back a few more deletions and that's the current edition that is available in good bookstores (laughs) in Dell paperback, the Laurel edition.

Originally the CIA asked for 340 deletions. We got about half of those back in negotiations prior to the trial. We later won the trial, they were supposed to give everything back but it was overturned at the appellate level. The Supreme Court did not hear the case, so the appellate decision stood. We got back 170 of those deletions in negotiations during the trial period. A few years later when the second paperback edition came out there were another 24 deletions given back. The last time, in 1983, when the the third edition of the paperback edition was published, there were another 35 given back. So there are still 110 deletions in the book out of an original 340.

As for the trial, the CIA sued in early 1972 to have the right to review and censor the book. They won that case. It was upheld at the appellate court in Richmond some months later, and again the Supreme Court did not hear the case. Two years later we sued the CIA on the grounds that they had been arbitrary, capricious and unreasonable in making deletions and were in violation of the injunction they had won in 1972. We went before Judge Albert V. Bryan Jr., and in that case, he decided in our favor. Bryan was the same fourth district judge in Alexandria who heard the original case. He said that there was nothing in the book that was harmful to national security or that was logically classifiable. Bryan said the CIA was being capricious and arbitrary. They appealed, and a few months later down in Richmond the appellate court for the fourth district decided in the government's favor, and overturned Bryan's decision. Again, the Supreme Court did not hear the case. It chose not to hear it, and the appellate court's decision stood.

By this time, we had grown weary of the legal process. The book was published with blank spaces except for those items that had been given back in negotiations. Those items were printed in bold face type to show the kind of stuff the CIA was trying to cut out. In all subsequent editions, the additional material is highlighted to show what it is they were trying to cut

out.

Of course the CIA's position is that only they know what is a secret. They don't make the national security argument because that is too untenable these days. They say that they have a right to classify anything that they want to, and only they know what is classifiable. They are establishing a precedent, and have established a precedent in this case that has been used subsequently against ex-CIA people like Frank Snepp and John Stockwell and others, and in particular against Ralph McGee. They've also used it against (laughing), its kind of ironic, two former CIA directors, one of whom was William Colby. Colby was the guy behind my case when he was director. In fact, he was sued by the CIA and had to pay a fine of I think, about $30,000 for putting something in that they wanted out about the Glomar Explorer. He thought they were just being, as I would say, ``arbitrary and capricious,'' so he put it in anyway, was sued, and had to pay a fine. Admiral Stansfield Turner was another who, like Colby when he was director, was the great defender of keeping everything secret and only allowing the CIA to reveal anything. When Turner got around to writing his book he had the same problems with them and is very bitter about it and has said so. His book just recently came out and he's been on a lot of TV shows saying, ``Hells bells, I was director and I know what is classified and what isn't but these guys are ridiculous, bureaucratic,'' and all of these accusations you hear. It is ironic because even the former directors of the CIA have been burned by the very precedents that they helped to establish.

FD: What are the prospects for the remaining censored sections of your book eventually becoming declassified so that they are available to the American people?

Marchetti: If I have a publisher, and am willing to go back at the CIA every year or two years forcing a review, little by little, everything would come out eventually. I can't imagine anything they would delete. There might be a few items that the CIA would hold onto for principle's sake. Everything that is in that book, whether it was deleted or not, has leaked out in one way or another, has become known to the public in one form or another since then. So you know its really a big joke.

FD: Looking back on it, what effect did the publication of the `The CIA and the Cult of Intelligence' have on your life?

Marchetti: It had a tremendous effect on my life. The book put me in a position where I would forever be persona non grata with the bureaucracy in the federal government, which means, that I cannot get a job anywhere, a job that is, specific to my background and talents. Particularly if the company has any form of government relationship, any kind of government contract. That stops the discussions right there. But even companies that are not directly allied with the government tend to be very skittish because I was so controversial and they just don't feel the need to get into this. I have had one job since leaving the CIA other than writing, consulting and things like that, and that was with an independent courier company which did no business with the government, was privately owned, and really didn't care what the government thought. They ran their own business and they hired me as their friend. But every other job offered to me always evaporates, because even those individuals involved in hiring who say they want to hire me and think the government was wrong always finish saying, ``Business is business. There are some people here who do not want to get involved in any controversial case.'' Through allies or former employees somebody always goes out of their way to make it difficult for me, so I never have any other choice but to continue to be a freelance writer, lecturer, consultant, etcetera, and even in that area I am frequently penalized because of who I worked for.

FD: The government views you as a troublemaker or whistleblower?

Marchetti: As a whistleblower, and, I guess, troublemaker. In the

intelligence community, as one who violated the code.

FD: The unspoken code?

Marchetti: Right. And this has been the fate of all those CIA whistleblowers. They've all had it hard. Frank Snepp, Stockwell, McGee, and others, have all suffered the same fate. Whistleblowers in general, like Fitzgerald in the Department of Defense, who exposed problems with the C-5A, overruns, have also suffered the same kind of fate. But since they were not dealing in the magical area of national security they have found that they have some leeway and have been able to, in many other cases, find some other jobs. In some cases the government was even forced to hire them back. Usually the government puts them in an office somewhere in a corner, pays them $50,000 a year, and ignores them. Which drives them crazy of course, but thats the government's way of punishing anybody from the inside who exposes all of these problems to the American public.

FD: Phillip Agee explains in his book the efforts of the CIA to undermine his writing of `Inside The Company' both before and after publication. Have you run into similar problems with extralegal CIA harassment?

Marchetti: Yes. I was under surveillance. Letters were opened. I am sure our house was burglarized. General harassment of all sorts, and the CIA has admitted to some of these things. One or two cases, because the Church Committee found out. For example, the CIA admitted to working with the IRS to try and give me a bad time. The Church Committee exposed that and they had to drop it. They've admitted to certain other activities like the surveillance and such, but the CIA will not release to me any documents under the Freedom of Information Act. They won't release it all -- any documents under FOIA, period.

FD: About your time with the CIA?

Marchetti: No, about my case. I only want the information on me after leaving the agency and they just refuse to do it. They've told me through friends ``You can sue until you're blue in the face but you're not going to get this'' because they know exactly what would happen. It would be a terrible embarrassment to the CIA if all of the extralegal and illegal activities they took became public.

The most interesting thing they did in my case was an attempt at entrapment, by putting people in my path in the hopes that I would deal with these people, who in at least one case turned out to be an undercover CIA operator who was, if I had dealt with him, it would have appeared that I was moving to deal with the Soviet KGB. The CIA did things of that nature. They had people come to me and offer to finance projects if I would go to France, live there, and write a book there without any censorship. Switzerland and Germany were also mentioned. The CIA used a variety of techniques of that sort. I turned down all of them because my theory is that the CIA should be exposed to a certain degree in the hope that Congress could conduct some investigation out of which would come some reform. I was playing the game at home and that is the way I was going to play. Play it by the rules, whatever handicap that meant. Which in the end was a tremendous handicap.

But it did work out in the sense that my book did get published. The CIA drew a lot of attention to it through their attempts to prevent it from being written and their attempts at censorship, which simply increased the appetite of the public, media, and Congress, to see what they were trying to hide and why. All of this was happening at a time when other events were occurring. Ellsberg's Pentagon Papers had come out about the same time I announced I was doing my book. Some big stories were broken by investigative journalists. All of these things together, my book was part of it, did lead ultimately to congressional investigations of the CIA. I spent a lot of time behind the scenes on the Hill with senators and congressman lobbying for these

investigations and they finally did come to pass.

It took awhile. President Ford tried to sweep everything under the rug by creating the Rockefeller Commission, which admitted to a few CIA mistakes but swept everything under the rug. It didn't wash publicly. By this time, the public didn't buy the government's lying. So we ultimately did have the Pike Committee, which the CIA and the White House did manage to sabotage. But the big one was the Church Committee in the Senate which conducted a pretty broad investigation and brought out a lot of information on the CIA. The result of that investigation was that the CIA did have to admit to a lot of wrongdoing and did have to make certain reforms. Not as much as I would have liked. I think everything has gone back to where it was and maybe even worse than what it was, but at least there was a temporary halt to the CIA's free reign of hiding behind secrecy and getting away with everything, up to and including murder. There were some changes and I think they were all for the better.

FD: So instead of some of the more harsher critics of the CIA who would want to see it abolished you would want to reform it?

Marchetti: Yes. Its one of these things where you can't throw out the baby with the bathwater. The CIA does do some very good and valuable and worthwhile and legal things. Particularly in the collection of information throughout the world, and in the analysis of events around the world. All of this is a legitimate activity, and what the CIA was really intended to do in the beginning when they were set up. My main complaint is that over the years those legitimate activities have to a great extent been reduced in importance, and certain clandestine activities, particularly the covert action, have come to the fore. Covert action is essentially the intervention in the internal affairs of other governments in order to manipulate events, using everything from propaganda, disinformation, political action, economic action, all the way down to the really dirty stuff like para-military activity. This activity, there was too much of it. It was being done for the wrong reasons, and it was counterproductive. It was in this area where the CIA was really violating U.S. law and the intent of the U.S. Constitution, and for that matter, I think, the wishes of Congress and the American people. This was the area that needed to be thoroughly investigated and reformed. My suggestion was that the CIA should be split into two organizations. One, the good CIA so to speak, would collect and analyze information. The other part, in the dirty tricks business, would be very small and very tightly controlled by Congress and the White House, and if possible, some kind of a public board so that it didn't get out of control.

My theory is, and I've proved it over and over again along with other people, is that the basic reason for secrecy is not to keep the enemy from knowing what you're doing. He knows what you're doing because he's the target of it, and he's not stupid. The reason for the CIA to hide behind secrecy is to keep the public, and in particular the American public, from knowing what they're doing. This is done so that the President can deny that we were responsible for sabotaging some place over in Lebanon where a lot of people were killed. So that the President can deny period. Here is a good example: President Eisenhower denied we were involved in attempts to overthrow the Indonesian government in 1958 until the CIA guys got caught and the Indonesians produced them. He looked like a fool. So did the N.Y. Times and everybody else who believed him. That is the real reason for secrecy.

There is a second reason for secrecy. That is that if the public doesn't know what you are doing you can lie to them because they don't know what the truth is. This is a very bad part of the CIA because this is where you get not only propaganda on the American people but actually disinformation, which is to say lies and falsehoods, peddled to the American public as the truth and which they accept as gospel. That's wrong. It's not only wrong, its a lie and it allows the government and those certain elements of the government that can hide behind secrecy to get away with things that nobody knows about. If

you carefully analyze all of these issues that keep coming up in Congress over the CIA, this is always what is at the heart of it: That the CIA lied about it, or that the CIA misrepresented something, or the White House did it, because the CIA and the White House work hand in glove. The CIA is not a power unto itself. It is an instrument of power. A tool. A very powerful tool which has an influence on whoever is manipulating it. But basically the CIA is controlled by the White House, the inner circle of government, the inner circle of the establishment in general. The CIA is doing what these people want done so these people are appreciative and protective of them, and they in turn make suggestions or even go off on their own sometimes and operate deep cover for the CIA. So it develops into a self-feeding circle.

FD: Spreading disinformation is done through the newsmedia.

Marchetti: Yes. Its done through the newsmedia. The fallacy is that the CIA says the real reason they do this is to con the Soviets. Now I'll give you some examples. One was a fellow by the name of Colonel Oleg Penkovsky.

FD: Penkovsky Papers?

Marchetti: Yes. I wrote about that in `The CIA and the Cult of Intelligence. The Penkovsky Papers was a phony story. We wrote the book in the CIA. Now, who in the hell are we kidding? The Soviets? Do we think for one minute that the Soviets, who among other things captured Penkovsky, interrogated him, and executed him, do you think for one minute they believe he kept a diary like that? How could he have possibly have done it under the circumstances? The whole thing is ludicrous. So we're not fooling the Soviets. What we're doing is fooling the American people and pumping up the CIA. The British are notorious for this kind of thing. They're always putting out phony autobiographies and biographies on their spies and their activities which are just outright lies. They're done really to maintain the myth of English secret intelligence so that they will continue to get money to continue to operate. Thats the real reason. The ostensible reason is that we were trying to confuse the Soviets. Well that's bullshit because they're not confused.

One of the ones I think is really great is `Khruschev Remembers.' If anybody in his right mind believes that Nikita Khruschev sat down, and dictated his memoirs, and somebody -- Strobe Talbot sneaked out of the Soviet Union with them they're crazy. That story is a lie. That book was a joint operation between the CIA and the KGB. Both of them were doing it for the exact same reasons. They both wanted to influence their own publics. We did it our way by pretending that Khruschev had done all of this stuff and we had lucked out and somehow gotten a book out of it. The Soviets did it because they could not in their system allow Khruschev to write his memoirs. Thats just against everything that the Communist system stands for. But they did need him to speak out on certain issues. Brezhnev particularly needed him to short-circuit some of the initiatives of the right wing, the Stalinist wing of the party. Of course the KGB was not going to allow the book to be published in the Soviet Union. The stuff got out so that it could be published by the Americans. That doesn't mean that the KGB didn't let copies slip into the Soviet Union and let it go all around. The Soviets achieved their purpose too.

This is one of the most fantastic cases, I think, in intelligence history. Two rival governments cooperated with each other on a secret operation to dupe their respective publics. I always wanted to go into much greater length on this but I just never got around to it. Suffice it to say that TIME magazine threatened to cancel a two-page magazine article they were doing on me and my book if I didn't cut a brief mention of this episode out of the book.

FD: How was this operation initially set up?

Marchetti: I don't know all of the ins and outs of it. I imagine what

happened is that it probably started with somebody in the Soviet Politburo going to Khruschev and saying, ``Hey, behind the scenes we're having lots of trouble with the right-wing Stalinist types. They're giving Brehznev a bad time and they're trying to undercut all of the changes you made and all of the changes Brehznev has made and wants to make. Its pretty hard to deal with it so we've got an idea. Since you're retired and living here in your dacha why don't you just sit back and dictate your memoirs. And of course the KGB will review them and make sure you don't say anything you shouldn't say and so on and so forth. Then we will get in touch with our counterparts, and see to it that this information gets out to the West, which will publish it, and then it will get back to the Soviet Union in a variety of forms. It will get back in summaries broadcast by the Voice of America and Radio Liberty, and copies of the book will come back in, articles written about it will be smuggled in, and this in turn will be a big influence on the intelligentsia and the party leaders and it will undercut Suslov and the right wingers.'' Khruschev said okay. The KGB then went to the CIA and explained things to them and the CIA said, Well that sounds good, we'll get some friends of ours here, the TIME magazine bureau in Moscow, Jerry Schecter would later have a job in the White House as a press officer. We'll get people like Strobe Talbot, who is working at the bureau there, we'll get these guys to act as the go-betweens. They'll come and see you for the memoirs and everyone will play dumb. You give them two suitcases full of tapes (laughs) or something like that and let them get out of the Soviet Union. Which is exactly what happened.

Strobe brought all of this stuff back to Washington and then TIME-LIFE began to process it and put a book together. They wouldn't let anybody hear the tapes, they didn't show anybody anything. A lot of people were very suspicious. You know you can tell this to the public or anybody else who doesn't have the least brains in their head about how the Soviet Union operates and get away with it. But anybody who knows the least bit about the Soviet Union knows the whole thing is impossible. A former Soviet premier cannot sit in his dacha and make these tapes and then give them to a U.S. newspaperman and let him walk out of the country with them. That cannot be done in a closed society, a police state, like the Soviet Union.

The book was eventually published but before it was published there was another little interesting affair. Strobe Talbot went to Helsinki with the manuscript, where he was met by the KGB who took it back to Leningrad, looked at it, and then it was finally published by TIME-LIFE. None of that has ever been explained in my book. A couple of other journalists have made references to this episode but never went into it. It's an open secret in the press corps here in Washington and New York, but nobody ever wrote a real big story for a lot of reasons, because I guess it's just the kind of story that it's difficult for them to get their hooks into. I knew people who were then in the White House and State Department who were very suspicious of it because they thought the KGB...

FD: Had duped TIME?

Marchetti: Exactly. Once they learned this was a deal they quieted down and ceased their objections and complaints, and even alibied and lied afterwards as part of the bigger game. Victor Lewis, who was apparently instrumental in all of these negotiations, later fit into one little footnote to this story that I've often wondered about. Lewis is (was)... After all of this happened and when the little furor that existed here in official Washington began dying down, Victor Lewis went to Tel Aviv for medical treatment. He came into the country very quietly but somebody spotted him and grabbed him and said, ``What are you doing here in Israel?'' ``Well I'm here for medical treatment, '' Lewis said. They said, ``What?! You're here in Israel for medical treatment?'' He said, ``Yes.'' They said, ``Well whats the problem?'' ``I've got lumbago, a back problem, and they can't fix it in the Soviet Union. but there's a great Jewish doctor here I knew in the Soviet Union and I came to see him.'' That sounds like the craziest story you ever wanted to hear. But

then another individual appeared in Israel at the same time and some reporter spotted him. He happened to be Richard Helms, then-director of the CIA. He asked Helms what he was doing in Israel, and he had some kind of a lame excuse which started people wondering whether this was the payoff. Helms acting for the CIA, TIME-LIFE, and the U.S. government, and Lewis acting for the KGB, Politburo, and the Soviet government. Its really a fascinating story. I wrote about briefly in the book and it was very short. You'll find it if you look through the book in the section we're talking about. Publications and things like that. When I wrote those few paragraphs there wasn't much further I could go, because there was a lot of speculation and analysis.

Around the time my book came out, TIME magazine decided that they would do a two-page spread in their news section and give it a boost. Suddenly I started getting calls from Jerry Schecter and Strobe Talbot about cutting that part out. I said I would not cut it out unless they could look me in the eye and say I was wrong. If it wasn't true I would take the book and cut the material out. But neither of them chose to do that. Right before the article appeared in TIME I got a call from one of the editors telling me that some people wanted to kill the article. I asked why and he said one of the reasons is what you had to say about TIME magazine being involved in the Khruschev Remembers book. I asked him, ``Thats it?'' I had talked to Jerry and Strobe and this was their backstab. This editor asked me if I could find somebody who could trump the people who were trying to have the article killed. Somebody who could verify my credentials in telling the story. I said why don't you call Richard Helms, who by that time had been eased out of office by Kissinger and Nixon, and was now an ambassador in Teheran. So this editor called Helms to verify my credentials (laughing) and Helms said, ``Yeah, he's a good guy. He just got pissed off and wanted to change the CIA.'' So the article ran in TIME. I think you're one of the very few people I've explained this story to in depth.

FD: Did this operation have a name?

Marchetti: It probably did but I was already out of the agency and I don't know what it was. But I do know it was a very sensitive activity and that people very high up in the White House and State Department who you would have thought would have been aware of it were not aware of it. But then subsequently they were clearly taken into a room and talked to in discussions and were no longer critics and doubters and in fact became defenders of it.

FD: Let me make sure I am clear about the CIA's motivation...

Marchetti: The CIA's motivation was that here we have a former Soviet premier talking out about the events of his career and revealing some pretty interesting things about his thinking and the thinking of others. All of which shows that the Soviet Union is run by a very small little clique. A very small Byzantine-like clique. There is a strong tendency to stick with Stalinisn and turn to Stalinism but some of the cooler heads, the more moderate types, are trying to make changes. Its good stuff from the CIA's point of view and from the U.S. government's point of view. This is what we're dealing with. This is our primary rival. Look at how they are. And

Return to The Skeptic Tank's main Index page.

E-Mail Fredric L. Rice / The Skeptic Tank

TOP SECRET

24 JUL 1962

DRAFT

MEMORANDUM FOR: THE RECORD

SUBJECT : Continuation of MKULTRA, Subproject 133

1. The purpose of MKULTRA, Subproject 133 is to enable TSD/BB to utilize the services of [redacted] Associate Professor of Biology at Rensselaer Polytechnic Institute, Troy, New York.

2. During the first year of the program [redacted] has made significant contributions to the all too scanty knowledge of the mechanisms of mineral transformations. A technical discussion of these accomplishments is attached hereto, with an outline of proposed work for the coming year. It is possible that these investigations may well lead to new approaches for energy transfer systems (bio-batteries) and deterioration of metals.

3. [redacted] functioned as cover and cutout during the first year of this project. This service will heretofore be furnished by the Geschickter Fund for Medical Research. The cost of this program for the second year will be $9,000.00 to which must be added $360.00 which represents a 4% service charge to be retained by the cutout. The total cost of the program, therefore, will not exceed $9,360.00. Charges should be made against Allotment No. 3125-1390-3902.

(b)(3)

4. It is not anticipated that permanent equipment other than that listed in the budget will be required for this program. Title to the

TOP SECRET

equipment listed will be retained by the Institute in lieu of higher overhead rates.

5. Documentation and accounting for travel expenses which are reimbursable by [redacted] will conform to the accepted practice of that organization.

6. [redacted] has been cleared COVERTLY and is unwitting and will remain unwitting of the true nature of the sponsor.

[redacted]
TSD/[redacted]

[redacted]
CHIEF
TSD/[redacted]

APPROVED FOR OBLIGATION OF FUNDS:

_____
AC/TSD

DATE: _____

Attached:
Budget
Project Summary and Proposal

Distribution:
Original only

[redacted]

133-33

25 June 1962

Research Division

The Geschicter Fund
1834 Connecticut Avenue
Washington, D. C.

Attention: [redacted]

Subject: Proposal entitled "[redacted]"

Dear [redacted]

Please find enclosed one copy of the subject proposal submitted on behalf of [redacted]

The proposal is not being submitted elsewhere for possible support.

Your consideration of our proposal will be appreciated and we look forward to hearing from you.

Very truly yours,

[redacted]

Assistant Director

[redacted]ep
Enclosure

133-33

[redacted]

Proposal entitled

[redacted]

Submitted on behalf of

[redacted]

June 1962

DEPARTMENT OF BIOLOGY

[redacted]

June 14, 1962

[redacted]

Purpose of Study:

The purpose of this proposal is a request for financial support to continue an investigation of microbial action on marine manganese nodules and terrigenous mineral sulfides, which the principal investigator has been pursuing since 1958. Very intensive work on these materials is being carried on by him, with fruitful results, during the current year, 1961-62, under a grant from the [redacted] of Stanford University, California. Since relatively little is known about microbial mineral transformation, and in view of current academic and practical interest of microbiologists, geologists, mining engineers, soil scientists, oceanographers, etc., in the subject, this research should make a valuable contribution to science.

Summary of Past Work:

a. Bacteriology of mineral sulfides.

Attempts were made to evaluate the microbial flora isolable from unsterilized, crushed sulfide minerals by enrichment in mineral solution. The following minerals were studied: alabandite, arsenopyrite, bornite, chalcocite, chalcopyrite, cinnabar, cobaltite, covellite, enargite, galena, marcasite, orpiment, pyrite, pyrrhotite, realgar, and sphalerite. Of these minerals, only cobaltite, enargite, galena, pyrite, pyrrhotite, realgar, and sphalerite yielded microorganisms. For the most part these organisms were heterotrophic and probably represented contaminants. However, Hyphomicrobium, isolated from realgar, a pink yeast repea

from sphalerite, and Arthrobacter, isolated from cobaltite, galena, pyrrhotite, realgar, and sphalerite may constitute part of a normal flora. The action of any of these organisms with respect to the mineral with which they were found associated remains to be established.

After surface-sterilization, some of the above mineral sulfides, when enriched in mineral solution, have yielded iron-oxidizing autotrophs. These minerals include arsenopyrite, pyrite, pyrrhotite, chalcopyrite, enargite, galena, marcasite, and sphalerite. At least some of the isolated bacterial strains are not restricted to a diet of iron for energy, but can use sulfur or, probably, some other oxidizable metals.

The ability to grow on any of the above sulfide minerals was tested by inoculating surface-sterile samples in oxidizing columns with Ferrobacillus ferrooxidans, and attempting to recover the organism from effluent feeding solution over a period of two months or more. So far, positive results have been obtained with arsenopyrite, enargite, chalcopyrite, marcasite, galena, pyrite, pyrrhotite, and sphalerite. Negative results have been obtained with alabandite, bornite, cobaltite, covellite, chalcocite, and one sample of galena. Cinnabar, orpiment, and realgar are being currently investigated.

In addition to the foregoing qualitative work, quantitative studies on the rates of oxidation of synthetic Cu_2S and natural arsenopyrite are presently being undertaken. From these studies it has become clear that synthetic Cu_2S can be oxidized at least 4x as fast by bacteria than by autoxidation, and that arsenopyrite can be more rapidly oxidized by bacteria than by autoxidation. Results with the latter material are not yet sufficient to establish an exact rate comparison. The precise mech-

anism of bacterial oxidation remains to be established. The work with synthetic Cu_2S proves, what some other workers seem to doubt, that F. ferrooxidans can oxidize metals other than iron.

b. Manganese Nodules

Oceanographers have felt pretty strongly in the past that the origin and development of manganese nodules in the oceans is attributable to purely physicochemical processes. However, [redacted] on finding organic nitrogen in nodules, concluded that biological agents were involved in nodule genesis. At his suggestion, the principal investigator attempted to find out if bacteria might play a role in this. He found that bacteria were indeed present in the nodular substance after surface-sterilization (a rough estimate at present is 10^4 per gram). They included Achromobacter, Arthrobacter, Bacillus, Brevibacterium, Staphylococcus, Vibrio, an unidentified rod, and an unidentified coccus. The principal investigator showed in quantitative experiments that nodular substance can adsorb manganous ion from sea water, and that this adsorption is accelerated by bacteria that grow from the nodular material. The acceleration of manganous ion adsorption is explainable on the basis that the bacteria oxidize the adsorbed manganese, which facilitates further adsorption of manganous manganese. The acceleration requires the presence of peptone, to permit bacterial development. If peptone and glucose are present, manganese is released from the nodular substance rather than adsorbed, at least in a net effect. Since some nodules were apparently initiated around shark's teeth, ear bones of whales, pumice, etc., in the sea, attempts were made to see if oyster shells can adsorb manganous manganese and thus serve as possible foci of nodules.

It was found that they do adsorb it and that peptone did not stimulate this adsorption (no bacteria were present!). As far as a survey of the literature has gone, these observations with respect to manganese nodules have not been reported before.

Pertinent literature:

The early literature dealing with microbial action on minerals has been covered by Alexander (1). A review by Lyalikova summarizes much of the past important work on Thiobacillus ferrooxidans and Ferrobacillus ferrooxidans (2). An intimate association of iron-oxidizing autotrophs with natural mineral sulfides has been indicated by the work of [redacted] and by that of Lyalikova (5). Differences of opinion exist between Bryner and Anderson (6), Malouf and Prater (7), and Ivanov, Nargirvyak, and Stepanov on the one hand, and [redacted] (4) [redacted] (8) on the other about a mechanism of mineral sulfide oxidation of chalcopyrite, molybdenite, chalcocite, and sphalerite, for instance. No previous studies on bacteria in manganese nodules has been reported. However, bacterial manganese oxidation and reduction by soil bacteria has been known for some time. An important quantitative study on large-scale bacterial manganese metabolism is that of Mann and Quastel (9). Descriptions of manganese nodules are given by Murray (10) and Dietz (11). A chemical and physical study of nodules was made by Buser and Gruetter (12). The finding of organic nitrogen in nodules was first reported by Graham (13) and Graham and Cooper (14), who also suggested a biological origin of the nodules on this basis.

References:

1. Alexander, M., INTRODUCTION TO SOIL MICROBIOLOGY, John Wiley & Sons Co., 1961.

2. Lyalikova, N. N., Mikrobiologiya 29: 773-779 (1960).

3. [redacted]

4. [redacted] (1962) in press.

5. Lyalikova, N. N., Mikrobiologiya, 30: 135-139 (1961).

6. Bryner, L. C., and R. Anderson, Ind. Eng. Chem. 49: 1721-1724 (1957).

7. Malouf, E. E., and J. D.Prater, J. Metals 13: 353-356 (1959).

8. Razzell, W. E., Annual Western Meeting, Vancouver, Oct. 1960 Transactions, LXV, 1962 pp. 135-136.

9. Mann, G., and J. H. Quastel, Nature 158: 154-156 (1946).

10. Murray, J., VOYAGE OF H.M.S. CHALLENGER. DEEP SEA DEPOSITS. Her Majesty's Stationary Office. 1891.

11. Dietz, R. S., J. Calif. Mines and Geol. 51: 209-220, (1955).

12. Buser, W. and A. Gruetter, Schweiz. mineralog. petrogr. Mitt. 36: 49-62, (1956).

13. Graham, J. W., Science 129: 1428-1429 (1959).

14. Graham, J. W. and Susan Cooper, Nature 183: 1050-1051.

Pertinent Publications by Principal Investigator:

[redacted]

(1962) in press.

[redacted]

133-33

[redacted]

Proposed New Work:

Continuation of present lines of investigation:

a. Mineral Sulfides:
   1. Continuation of survey of natural sulfide minerals for a normal flora, with particular emphasis on large-scale microbial action on minerals.
   2. Characterization of isolates (physiological and morphological).
   3. Examination of isolates for specific mineralizing activities.
   4. Elucidation of biochemical mechanisms of mineral transformation.

b. Manganese Nodules:
   1. Qualitative and quantitative bacteriological comparison of manganese nodules from different oceans.
   2. Study of the biochemical mechanism of manganous oxidation and MnO_2 reduction in the various bacteria isolated.
   3. Determination of the mechanism of iron-incorporation into manganese nodules.

The methods to be used in these studies will be adaptations of standard procedures of bacteriology, physiology, and biochemistry.

Personnel:

Principal Investigator: [redacted] leave in Assoc. Prof. of Biology.

Technician: [redacted]

Graduate Student: [redacted] (not presently supported)

Undergraduate student: (NSF undergraduate research fellow) [redacted] (summer 1962) (summer 1963)

Proposed Budget:

PERSONNEL		
Principal Investigator		
1/8 time-academic year	$ 1,050	
1/4 time-summer months	700	
Technician-full time	4,155	
		$ 5,905
PERMANENT EQUIPMENT		
Fluorimeter		900
CONSUMABLE SUPPLIES		
Chemicals	$ 300	
Glassware	340	
		640
TRAVEL		
To scientific meetings		250
OTHER EXPENSES		
Publication	$ 180	
Telephone	20	
		200
Total Direct Cost		$ 7,895
INDIRECT COST		
@ 14% of Total Direct Cost		1,105
Total Cost		$ 9,000

DRAFT

[redacted]

5 December 1956

MEMORANDUM FOR: THE RECORD

SUBJECT: Project MKULTRA, Subproject 22

1. The purpose of this project is to provide funds to carry out the isolation and characterization of the intoxicating substances present in certain varieties of Rivea corymbosa.

2. [redacted] has conducted studies on this material which have lead to the development of methods which can now be applied to large samples of seed, thereby allowing the production of sufficient quantities of the active materials for definitive biological testing and characterization. [redacted] has submitted the attached proposal to carry out this work as directed by TSS/[redacted]

3. The Geschickter Fund for Medical Research, Inc., will serve as cutout for transfer of funds to the investigator. The estimated cost of the work is $5,950.00 for one year. To this must be added a four percent service charge for the Geschickter Fund, amounting to $238.00. Therefore, the total cost of this investigation for one year will not exceed $6,188.00.

4. In accordance with the Memorandum of Understanding with [redacted] the University shall retain title to any permanent equipment in lieu of higher overhead rates.

5. The Geschickter Fund has made arrangements for the return of unexpended monies received under a grant from the Fund and also has requested that the University submit to it a summary accounting for all monies received therefrom.

6. It has been mutually agreed that documentation and accounting for travel expenses under the grant which are reimbursable by the University shall conform with the accepted practices of that institution.

(b)(3)

Downgraded to: CONFIDENTIAL
by authority of: [redacted]
date: June 1977
E2 IMPDET; CL BY [redacted]

50

7. [redacted] holds a covert clearance under Project MKULTRA and has agreed to comply with the terms of the Memorandum of Agreement.

[redacted]
Chief, Branch II
TSS/[redacted] Division

Attachment:
Proposal

Approved:

[redacted]
Sidney Gottlieb
Chief
TSS/[redacted] Division

APPROVED FOR OBLIGATION
OF FUNDS:

[redacted]
Research Director

Date: 7 DEC 1955

Distribution:
Original only

Downgraded to: CONFIDENTIAL
by authority of: [redacted]
date: June 1977

E2 IMPDET; CL BY [redacted]

Request for renewal of support for the project:

Investigation of the seed of Rivea Corymbosa(oloiuqui).

Summary of work, November 1, 1955 - September 25, 1956:

Physical examination of the seed used in this work reveals that two "types" have been under investigation. Taxonomically all the seed have been called Rivea Corymbosa although one variety (the seed are the larger of the two varieties) originated in Mexico and one variety originated in Cuba. The literature on the subject of ololiuqui, as far as I can ascertain indicates that its use as a psychic drug has been restricted to Mexico. This data alone would indicate the probability that the Cuban variety lacks some physiologically active component which the Mexican variety contains. Experimental work in this laboratory has been largely restricted to the Cuban variety (small seed since only a very small amount of the Mexican variety has been available. The chemical work, although not designed to compare the composition of the two varieties, has indicated some difference in the two. Also physiological tests on humans are indicative of a difference in the two varieties. This work is much too inconclusive to be much more than speculation at this time.

In addition to the isolation of glucose and hydroquinone as constituents of ololiuqui as reported in the last progress report, two crystalline fractions have been isolated which seem neither to be alkaloid or glycoside. Due to the small quantity of seed available the amount of these crystalline fractions is extremely small and little more than qualitative tests have been made on them. Experimental techniques, especially in extraction and separation, have been perfected which will be used to isolate pure components of the drug which, just today, has become available in sufficient quantity to make the investigation profitable.

Plans for future investigation:

Now that 50 pounds of the Cuban variety and 10 pounds of the Mexican variety are available, the following lines of investigation will be actively pursued.

1. Determine conclusively if there is a chemical difference in the two varieties of seed.
2. Obtain as many "pure" components from each variety, using previously perfected techniques, as is possible.
3. Submit for physiological testing each "pure" component.
4. Subject each "pure" component to chemical examination to determine the type of compound, whether it is a known compound and its chemical composition if it is a new compound.

Proposed budget, November 1, 1956 - November 1, 1957.

Equipment (including larger scale extraction and separation equipment) and special chemicals	$1000.00
Analyses and tests	350.00
Travel expenses	500.00
Salaries (one graduate assistant, laboratory help and director's stipend)	4000.00
Miscellaneous	100.00
Total	$5950.00