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Sharon F. Kleeffeld, Ph.D.  
Harvard University  
Graduate School of Business Administration  
George F. Baker Foundation  
Boston, MA 02163

21 FEB 1989

Reference: F83-0020

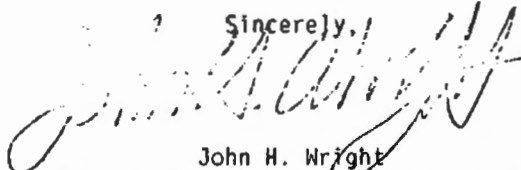
Dear Dr. Kleeffeld:

In the course of their processing your 14 November 1988 Freedom of Information Act (FOIA) request regarding the United States Tort Case Orlikow et al. vs. the United States of America, the Department of Justice located one CIA document and referred it to us for our review and direct response to you.

We have reviewed the document, a memorandum dated 11 December 1985, and have determined that it may be released to you in segregable form pursuant to FOIA exemptions (b)(3) and (b)(6). A copy of the document and an explanation of exemptions are enclosed.

The official responsible for this determination is Russell J. Bruemmer, General Counsel. You have the right to appeal this decision by addressing your appeal to the CIA Information Review Committee, in my care. Should you decide to do this, please explain the basis of your appeal.

Sincerely,



John H. Wright  
Information and Privacy Coordinator

Enclosures

cc: L. Jeffrey Ross  
Chief, FOIA/PA Unit  
Office of Enforcement Operations, Criminal Division  
Department of Justice  
Room 3126  
1400 New York Avenue NW  
Washington, DC 20005

ATTN: Jean Kornblut

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OFFICE OF THE ATTORNEY GENERAL



WASHINGTON, D.C. 20530

EXHIBIT COPY

11 DEC 1995

The Honorable Pete Wilson  
 United States Senate  
 Washington, D.C. 20510

Dear Senator Wilson:--

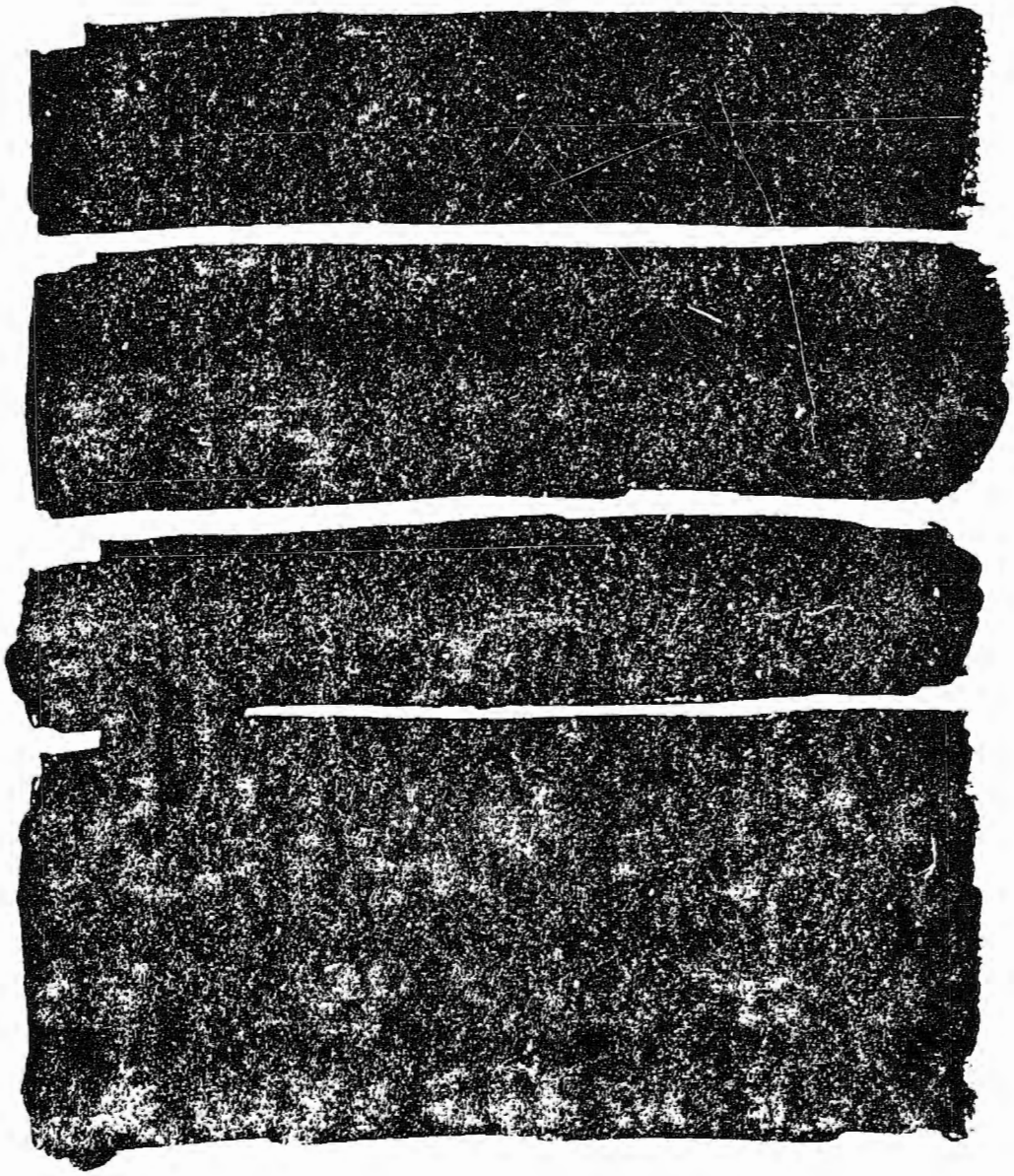
Re: Orlikow v. United States  
 Civil Action No. 80-3163 (D.D.C.)

This is in response to your letter of 18 October concerning an inquiry by Dr. Barvey-Weinstein with respect to the lawsuit which his father has filed against the CIA. As you will recall, that suit concerns medical treatment provided to Mr. Weinstein by Dr. Ewen Cameron at the Allan Memorial Institute, McGill University. At my request, our Office of General Counsel has thoroughly reviewed the letter from Dr. Weinstein and the material which he submitted. It has provided the following information in order to clarify for you (1) the circumstances surrounding the minimal CIA financial support to Dr. Cameron, beginning in April 1957 and terminating early in 1960, (2) the treatment received by Mr. Weinstein from Dr. Ewen Cameron at McGill University, and, (3) the merits of Mr. Weinstein's claim and allegations of CIA liability.

The genesis for the small grants to Dr. Cameron was a CIA project known as MKULTRA, conducted from 1953-1964, under which a wide variety of sensitive subprojects were funded involving, among other things, research into technically and operationally-oriented intelligence methods. One aspect of this program included research into the efficacy of various drugs as well as various theories of behavioral modification. Notwithstanding publicity which has cast this program as a sensational example of intelligence abuse in the form of unwitting experimentation, only the minority of subprojects involved human testing and only a very few of these involved unwitting testing. The project under which Dr. Cameron received grants began in April 1957, terminated in early 1960, and involved less than \$60,000. Moreover, allegations that the patients, their families and their referring doctors were unwitting can only be described as utterly specious.

Approved for Release

Date FEB 1993



While generalizations of the MKULTRA program are difficult, the findings of General Turner, former Director of Central Intelligence, as President Carter, in his 10 May 1979 letter to the Chairman of the Senate Select Committee on Intelligence with respect to the subprojects, are instructive as well as demonstrative of the government's legal defenses in this litigation:

...the picture that emerges overall is one in which the research conducted was performed in a responsible manner. Rather consistently it appears that subjects of research were volunteers and that the type and amount of drugs administered were not likely to have caused long-term aftereffects. These findings are buttressed by the fact that the various investigations were conducted under the direction and control of responsible institutions and individuals.

I believe it to be a significant observation that in most cases the research conducted at private institutions would have gone forward without support from CIA funds. Typically, research programs were initiated and sponsored by the institution itself prior to supporting funds being made available from external contributors. In many cases, programs involving CIA funds were funded previously, concurrently or subsequently by other contributors. In general, then, the research was conceived, planned and carried out in accordance with institutional protocols and procedures, without direction or control by CIA.

Our review discloses no case in which the research conducted stands out as a departure from professional and ethical standards of the time. Results were available generally to those interested, with concealment only of the fact of CIA interest and support. (Emphasis added.)

Inasmuch as the issue of responsibility in this context can best be measured with reference to the laws and the professional standards of that time, as well as the intent of a person, the observations of Dr. Robert Bell, Principal and Vice-Chancellor of McGill University, are also instructive. Writing in 1979 on the work of Dr. Cameron, he observed:

Everything I have heard about this matter convinces me that Dr. Cameron was a sincere medical practitioner who was almost desperately trying to find a way to help intractable psychiatric patients, many of whom had been referred to him as a last hope. In many cases, it seems to me, one has to ask a familiar medical question: which is the more humane, to subject the patient to a harsh program of treatment, or to leave the patient in his or her hopeless condition? Not being a medical man, I cannot even hazard a guess at the answer in this case. The fact that Dr. Cameron's clinical research was partly supported by the SIHE [Society for the Investigation of Human Ecology] which in turn was partially supported by the CIA, is largely irrelevant. In particular, it does not make sense to speak of Dr. Cameron's clinical research as if it were a "project of the CIA."

In sum, we believe that the following salient points demonstrate beyond any reasonable argument that the United States bears no legal obligation to the plaintiffs.

First, the CIA did not instigate this research, create the protocol, or supervise the work. Rather, CIA contacted a prominent and highly respected Canadian psychiatrist, Dr. Ewen Cameron, who was conducting research into treatment of mental illness with drugs such as LSD, and the CIA provided minimal and partial funding for a short time period. In return, the CIA received periodic reports on his research into behavioral modification through a process which he termed "psychic driving."

Second, all of Dr. Cameron's patients and the referring physicians were fully witting that Dr. Cameron was using experimental drugs and procedures to treat their illnesses which had previously been considered intractable and which he hoped could be cured or managed more efficiently than with standard Freudian psychotherapy. At no time were any drugs administered to or procedures utilized on unwitting patients. For example, with respect to Mr. Weinstein:

(S)

(b) [REDACTED]

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

Third, the plaintiffs in general and Mr. Weinstein's particular case have not shown any injury as a result of the drugs administered. In fact, a study ten years after the treatment was found that Dr. Cameron's patients experienced neither better nor worse cure rates than patients who were treated with conventional Freudian psychotherapy.

Finally, even if the patients could show some harm as a result of the treatment, we believe that Dr. Cameron was solely responsible for designing the treatment program and administering the drugs. Neither the CIA nor the Canadian Government, which independently provided funds, directed, controlled or supervised the programs.

It should also be noted that this matter has been considered at the highest levels of the Department of Justice and the Central Intelligence Agency and it is the considered judgment of the responsible officials that the United States bears no legal responsibility for any of the alleged harms or injuries that may have been suffered by Mr. Weinstein or the other plaintiffs, and that neither Mr. Weinstein nor the other plaintiffs can demonstrate any causal relationship between the minimal CIA funding and their alleged injuries. This position is further supported by the fact that one similar case, arising from LSD testing financed by the CIA and conducted by the U.S. Public Health Service at Atlanta Federal Penitentiary, was fully litigated; in that case, judgment and costs were entered in favor of the United States.



If you should have any further questions, please do not  
hesitate to call me at 202-452-1000.

Sincerely,

/s/ CHARLES A. BRADY

Charles A. Brady  
Director, Office of Legislative Liaison

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