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Student Note

Evangeline Wright^{a1}

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MIND-CONTROL EXPERIMENTATION: A TRAVESTY OF HUMAN RIGHTS IN THE UNITED STATES

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Introduction

Our government, under the auspices of the CIA and U.S. military, has committed severe human rights violations that require a public apology and restitution. From the end of World War II through the 1970s, the United States government engaged in mind-control experimentation on human subjects, both adults and children.¹ These experiments included the use of drugs, hypnosis, electroshock, sexual abuse, and torture.² Justice remains elusive for those who have been the victims of these experiments. No one knows how many people *212 were subjected to illegal and inhumane experiments by the U.S. government.³ Much of the documentation of these experiments has been destroyed.⁴ Documentation of other experiments has not been released, ostensibly for national security reasons.⁵ An extremely small percentage of mind-control experimentation victims have received settlements under the Federal Tort Claims Act.⁶ The majority of victims have received nothing.⁷ None of the child victims, now adults, have received compensation for the wrongs they suffered.⁸ The names and stories of the survivors are, for the most part, not found in court documents, government documents, or mainstream media reports. Instead, their stories are told in web postings and the notes of mental health workers, the outlets available to the marginalized and ignored.⁹

In the past ten years, increasing numbers of mind-control experimentation survivors have begun to tell their stories.¹⁰ As knowledge of these atrocities filters into the public consciousness, hopefully these survivors will begin to *213 receive compensation for the pain they have suffered. Mind-control survivors face many obstacles in their pursuit of justice, obstacles that must be overcome if we as a society hope to maintain our ideal of equal justice for all citizens. Given the difficulty of proving the link between specific mind-control survivors and CIA documentation of mind-control experiments, and the length of time which many victims have needed in order to learn what has been done to them, there are significant legal obstacles to obtaining justice. We as a society are reluctant to look beyond our assumptions of humanity and acknowledge the inhumanity of which we are capable.

The tremendous violation of human rights that these experiments represent demands some form of restitution. Survivors of CIA and military mind-control experiments are entitled to both civil and criminal remedies. They deserve a public apology for what was done to them; their experiences must become an acknowledged part of the history of this country. It is our responsibility, as members of the society that permitted these experiments to take place, to insure that these survivors' needs are met. This Note will examine only the United States government's responsibility for the commission of these experiments. The liability and wrongdoing of private institutions and individuals, a further avenue of justice for survivors of mind-control experiments, is not within the scope of this note. Part II of this Note will discuss the mind-control experiments, including the connection between these experiments and Nazi Germany, and specific experiments performed on adults and children. Part III will address the ways in which mind-control experimentation survivors may seek justice, both through the court system and through legislation.

II. Mind-Control Experimentation in the United States

Mind-control experimentation conducted by United States intelligence services appears to have begun around the time of World War II.¹¹ Prior to World War II, the Office of Strategic Services set up a "truth drug" committee that experimented with the effects of mescaline, various barbiturates, and scopolamine on humans before settling on marijuana and beginning a human testing program in 1943.¹² Experimenters administered marijuana to human subjects in order to lower the subjects' inhibitions and cause them to speak more freely.¹³ Some of the test subjects knew they were receiving marijuana; others were unknowing participants.¹⁴ American soldiers who were suspected of having communist sympathies received marijuana-laced cigarettes prior to being *214 interrogated.¹⁵ These early drug experiments, often performed on unconsenting individuals, were the precursors to later experiments involving both drugs and other methods of altering the human mind.

Two factors are important in understanding the context in which the mind-control experiments of the 1950s-1970s took place.

First, these mind-control experiments took place during the Cold War, a time when the United States felt very threatened by its communist enemies. Second, our understanding of, and expectations for, experimental ethics have become much more sophisticated since the 1950s.¹⁶ These two factors do not excuse the acts that were perpetrated on mind-control survivors--by any measure of human decency the experiments were inexcusable--these factors simply help to explain how such a violation of human rights could have occurred.

This part will begin with a discussion of "Project Paperclip," a U.S. government program used to import German scientists after the war. Next, this part will examine the MKULTRA project, looking separately at the experiments in which adult subjects were used and the experiments in which child subjects were used. Discussion of experiments performed on adults will focus on researchers' exploration of LSD and the experiments conducted by Dr. Ewan Cameron in Montreal. Discussion of experiments performed on children will use survivor narratives and objective evidence collected by therapists and archival researchers to explore this extraordinarily shadowed segment of our nation's history.

A. Project Paperclip

When World War II ended, the United States appropriated its defeated enemies' intellectual wealth.¹⁷ Acquisitions included men who had committed war crimes, whose existence was an offense to humanity, but whose intellects were a resource the United States intended to possess.¹⁸ In 1945, the United States began a program, Project Paperclip, to bring German scientists into the *215 United States.¹⁹ Under Project Paperclip a maximum of one thousand foreign scientists could be brought to the United States.²⁰ By 1946, 175 scientists had arrived and were employed by the U.S. military.²¹ Although the army was aware that several of the scientists entering the country were Nazis and possibly guilty of war crimes, this information was not reflected on the documents that the State Department received.²² Werner Von Braun, head of the rocket program in Germany and an S.S. officer, was one of the more famous scientists brought to the United States as part of Project Paperclip.²³ During World War II, Von Braun was in charge of the V2 rockets produced at Camp Dora, a concentration camp where prisoners were purposefully worked to death. Attempted sabotage by Camp Dora prisoners resulted in immediate death for the entire work crew.²⁴

Project Paperclip was officially terminated in 1947,²⁵ but the military continued to secretly import German scientists.²⁶ These hidden Nazis may have included the scientists who, along with their American counterparts, would later participate in CIA-sponsored mind-control experiments.²⁷ The U.S. military imported doctors who had participated in the infamous aviation experiments in Nazi concentration camps, including Albertus Stroekhold, in 1947.²⁸ Albertus Stroekhold was a colleague of a number of scientists who were convicted of war crimes at the Nuremberg trials.²⁹ The experiments conducted by Stroekhold's colleagues included putting concentration camp prisoners in pressure chambers and dropping the pressure until they died. Stroekhold's colleagues also forced prisoners to ingest seawater until they died.³⁰ The lawyers responsible for prosecuting those particular war crimes never interviewed Stroekhold.³¹ The U.S. military imported another probable war criminal, Kurt Blome, a chemical warfare expert, in 1951.³² Blome's travel documents neglected to mention that *216 he had been involved in an experiment to administer plague vaccine to concentration camp inmates.³³

It is also possible that the U.S. military made a mutually beneficial agreement with Josef Mengele.³⁴ Josef Mengele was a Nazi scientist infamous for his twin experiments on Auschwitz inmates.³⁵ The twin experiments involved killing child twins in order to study their bodies, most likely for the purpose of learning how to genetically engineer twins.³⁶ As a result of such experiments, Mengele earned the title "Angel of Death."³⁷ Mengele left Auschwitz shortly before the Russians liberated the camp.³⁸ In 1945, the British had a man named Mengele in custody for interrogation concerning nerve gas weapons.³⁹ French government documents indicate that the United States captured Mengele in 1946 and then released him without explanation.⁴⁰ Officially, Mengele escaped the Allies and immigrated to South America.⁴¹ No concrete documentation of U.S. military involvement with Mengele has been discovered.⁴² However, mind-control survivors have independently reported encountering a man matching Mengele's description in different U.S. locations during the 1950s and 1960s.⁴³

***217 B. MKULTRA Project: Experiments Using Adult Subjects**

The decision to import scientists without regard to their war crimes, the desire for knowledge at any cost--this is the environment in which the CIA began conducting systematic mind-control experiments. In 1950, the Security Chief of the

CIA, Sheffield Edwards, instituted Operation Bluebird, a behavior-control program.⁴⁴ Operation Bluebird used various drugs and electroshock treatments as interrogation techniques and as a method of inducing amnesia in subjects.⁴⁵ In 1951, Operation Bluebird was renamed Project Artichoke.⁴⁶ Project Artichoke's objectives included examining the effects of prolonged sensory deprivation on the mind and the effects of massive electroshock on memory.⁴⁷ Those working on Project Artichoke concluded that, in order to get accurate results, they would have to conduct experiments in which subjects truly believed their life was at stake.⁴⁸ Thus, the CIA's search for knowledge led to kidnapping and assault.⁴⁹

In 1953, Project Artichoke was renamed Project MKULTRA.⁵⁰ The MKULTRA Project was an umbrella name for several subprojects.⁵¹ These subprojects included drug-testing, use of hypnosis, electroshock and trauma in order to alter the minds of subjects.⁵² A CIA memo dating from May of 1953 outlined some of the experiments taking place under the MKULTRA program.⁵³ The described experiments included attempts to hypnotically induce anxieties *218 and increase mental ability in human subjects.⁵⁴ Another CIA memo dating from 1955 outlined proposed experiments directed at discovering "[s]ubstances which will enhance the ability of individuals to withstand privation, torture and coercion . . . , [s]ubstances which will alter personality structure," and other equally frightening proposals.⁵⁵

1. The LSD Experiments

The LSD experiments, a subproject of MKULTRA, are the best known and most litigated of the CIA's experiments. LSD, created in 1943, distorts a person's sense of reality.⁵⁶ The CIA was interested in the drug's potential to alter a person's basic loyalties.⁵⁷ CIA-funded LSD projects took place at Boston Psychopathic, the New York Mt. Sinai Hospital, Columbia University, University of Illinois Medical School, the University of Oklahoma, and the University of Rochester.⁵⁸ Researchers also conducted experiments on military personnel at Fort Bragg, Fort McClellan, Fort Benning, and the Edgewood Arsenal.⁵⁹

A small number of LSD experimental subjects have sought justice through the court system. Wayne Ritchie, a former Deputy United States Marshal, alleges that he unknowingly received food or drink containing LSD in 1957 at a Christmas party at the U.S. Post Office Building in San Francisco.⁶⁰ This allegation is supported by an entry in the diary of George White, who is believed to have been the operating head of the CIA's "mind-altering program" in San Francisco.⁶¹ Ritchie brought a twelve-million dollar suit for compensatory damages against the United States, a suit that survived a motion for summary judgment on the part of the United States government.⁶² Part of the evidence Ritchie has presented is a statement from Ira Feldman, a former Federal Bureau of Narcotics employee who worked on the MKULTRA Project. During a deposition, Feldman stated: "I drugged guys involved in about ten, twelve, period. [sic] I didn't do any follow-up, period, because it wasn't a very good thing to go and say 'How do you feel today?' You don't give them a tip. You *219 just back away and let them worry like this nitwit, Ritchie."⁶³ Feldman went on to state that the LSD testing was done for the purpose of "explor[ing] that drug's potential use '[b]oth in interrogation and in provoking erratic behavior.'"⁶⁴ At the time of this writing, no information was available about the final outcome of this case.⁶⁵

Stanley Glickman initiated his case against the CIA and Sidney Gottlieb, a CIA employee, in 1983.⁶⁶ Mr. Glickman, an artist, was living in Paris in 1952.⁶⁷ While in a café, he encountered a group of Americans who insisted on buying him a drink.⁶⁸ Mr. Glickman later came to believe that the Americans were agents of the U.S. government and the drink they bought him had been laced with LSD.⁶⁹ After ingesting the drink, Mr. Glickman became ill.⁷⁰ He was taken by U.S. government agents to a hospital in Paris, where he was subjected to further drugging and electroshock.⁷¹ Mr. Glickman died before his lawsuit was resolved, but his sister, Gloria Kronisch, continued the case on behalf of his estate.⁷² Ultimately, the Glickman family lost the case.⁷³ Neither Mr. Glickman nor his family ever received any compensation from the U.S. government.

Two Supreme Court cases have addressed the use of unwilling participants in LSD experiments. In *United States v. Stanley*, a U.S. serviceman alleged that he was given LSD in 1958 as an unwitting participant in the MKULTRA Project.⁷⁴ The Supreme Court held that permitting Stanley to sue would be a judicial intrusion into military matters.⁷⁵ By implication, this decision declares that those serving in the armed forces do not enjoy the same human rights protections to which other citizens are entitled. In *Scott v. Casey*, prisoners at a U.S. penitentiary in Georgia alleged that they had received LSD in the late *220 1950s as part of the MKULTRA Project.⁷⁶ Unlike the previous cases, here there was contested evidence suggesting that plaintiffs had known of and consented to the drug testing.⁷⁷ The Court avoided the substantive issue by merely deciding

that the plaintiffs' claims were barred by the statute of limitations.⁷⁸

The number of people subjected to LSD testing under the MKULTRA Project is unknown. One can assume, however, that the litigants discussed above are a small fraction of the people damaged by the LSD experiments.⁷⁹ Even more troubling, however, is that the LSD tests were only one of the human experiments for which the U.S. government used unwitting and/or unwilling subjects. The CIA's funding of mind-control experiments went well beyond the LSD experiments described above.

2. The Cameron Experiments on Adults⁸⁰

Orlikow v. United States is a case based on an experimental scenario more complex than the LSD experiments described above.⁸¹ The Orlikow case alleged that a CIA-funded psychiatrist, Ewan Cameron,⁸² engaged in medical experimentation under the guise of providing therapeutic care to his patients.⁸³ In order to reduce defense mechanisms in his experimental subjects and increase their receptivity to taped messages, Dr. Cameron used electroconvulsive shock, sensory isolation, and drug-induced continuous sleep for many days.⁸⁴ Dr. *221 Cameron's experiments took place at the Allan Memorial Institute at McGill University in Montreal during the 1950s and 1960s.⁸⁵ The CIA funded these experiments, at the very least, from 1957 to 1960.⁸⁶

The effect of Dr. Cameron's experiments on his subjects was devastating. One of his subjects, Lou Weinstein, originally sought help from Dr. Cameron for panic attacks.⁸⁷ Although Weinstein was originally a successful businessman, Dr. Cameron's "treatment" techniques caused him to become nonfunctional.⁸⁸ Dr. Cameron "treated" Weinstein with "intensive electroshock and LSD, months of psychic driving⁸⁹ (sometimes in 'sensory isolation' where all he could perceive was the taped messages), and prolonged drug-induced sleep."⁹⁰ Weinstein suffered permanent psychological dysfunction on a level much greater than the original panic attacks.⁹¹

Another of Dr. Cameron's patients, Jeanine Huard, was twenty-seven years old when she was diagnosed with postpartum depression and began seeing Cameron in 1957.⁹² In addition to the treatments described above, Ms. Huard remembers being injected with curare⁹³ and participating in other experiments, at least one designed to test how much air she could tolerate in her eyes.⁹⁴ In 1990, many years after her involuntary participation in these experiments, Ms. Huard suffered from disorientation and an inability to recognize familiar people in different surroundings, both of which symptoms were reported by other Cameron patients as well.⁹⁵

Dr. Mary Morrow, a psychiatrist herself, sought a fellowship with Dr. *222 Cameron in 1959.⁹⁶ Dr. Cameron informed her that a medical examination was required before her application could be considered.⁹⁷ After the exam, Dr. Morrow was hospitalized on Dr. Cameron's orders for "rest" and subjected to depatterning experiments.⁹⁸ Val Orlikow, the wife of a Canadian Member of Parliament, sought treatment from Cameron for depression and was "treated" through numerous LSD trips and "psychic driving."⁹⁹ She and her husband sought legal help in 1979.¹⁰⁰ Eight other defendants later joined her case, although some claims were dismissed for exceeding the statute of limitations.¹⁰¹ Eventually the government settled the case and the plaintiffs received \$750,000.¹⁰²

C. MKULTRA Project: Experiments Using Children

Some of the MKULTRA records have been publicly available since the 1970s.¹⁰³ For researchers who have studied the MKULTRA Project, a puzzling fact about the Project has been the invisibility of experimental subjects.¹⁰⁴ Numerous CIA documents discuss the use of hypnosis and drugs on human subjects,¹⁰⁵ but for a long time nobody could find the subjects.¹⁰⁶ The mystery of the missing subjects now seems to be solved as more and more individuals around the country come forward with strange stories of childhood abuse, stories that share common elements and key phrases that match existing independent *223 documentation of CIA experiments.

Very young children are ideal candidates for mind-control, as the mind of a two- or three-year-old is substantially more receptive to restructuring than the mind of an adult.¹⁰⁷ "Children['] . . . minds just seem to be more susceptible to this kind of splitting process. A child tends to do that more naturally."¹⁰⁸ One of the primary goals of CIA mind-control experimentation seems to have been "splitting the mind": the creation of multiple personalities in experimental subjects.¹⁰⁹

The American Psychiatric Association (APA) changed the diagnosis of “multiple personality disorder” to “dissociative identity disorder” in their 1994 Diagnostic Manual.¹¹⁰ The APA’s definition of dissociative identity disorder (DID) is as follows:

A. The presence of two or more distinct identities or personality states (each with its own relatively enduring pattern of perceiving, relating to, and thinking about the environment and self).

B. At least two of these identities or personality states recurrently take control of a person’s behavior.

C. Inability to recall important personal information that is too extensive to be explained by ordinary forgetfulness.

D. The disturbance is not due to the direct physiological effects of a substance (e.g., blackouts or chaotic behavior during Alcohol Intoxication) or a general medical condition (e.g., complex partial seizures).¹¹¹

DID is often a response to severe childhood physical and sexual abuse.¹¹² An individual with DID is highly hypnotizable and subject to frequent amnesia.¹¹³ Survivor memories indicate that CIA researchers created different personalities in the survivors for purposes including prostitution and assassination.¹¹⁴ From a military perspective, an individual who could be trained as a military operative and conditioned to carry out orders with no conscious knowledge of such missions would be an ideal agent, impervious to hostile interrogation and utterly obedient.

The children who survived the mind-control experiments of the 1950s- *224 1970s have now grown to adulthood. Some remember the experiments and have found the courage to speak publicly about their experiences, looking for a vindication of their humanity that has heretofore been denied to them.¹¹⁵ Others work quietly with their therapists, trying to undo the damage caused in the name of national security, sometimes sharing pieces of their stories on the condition of anonymity.¹¹⁶ And yet others must exist on the fringes of society, carrying a burden of abuse obscured by the hypnosis and amnesiac drugs used by mind-control researchers to hide their experiments.¹¹⁷

1. Survivor Narratives

I have chosen to present portions of the stories of two mind-control survivors in this section. These individuals, with great courage, have told their stories in public forums. The first, Chris DeNicola, testified before the Presidential Advisory Committee on Human Radiation Experiments on March 15, 1995.¹¹⁸ The second, Carol Rutz, has spoken at survivor conferences,¹¹⁹ presented to students at the Indiana University School of Law,¹²⁰ and written a book about mind-control experimentation.¹²¹ These two women have been very vocal and proactive in seeking public recognition of mind-control experimentation, but they are not the only survivors to speak publicly about their experiences.¹²² The experience of every mind-control survivor is unique and *225 should be honored; public validation of the stories of those who have suffered secret abuse provides healing. The scope of this paper, however, allows only a few, representative narratives.

Chris DeNicola was born in 1962.¹²³ She became a CIA experimental subject at the age of four; experiments were performed on her from 1966 to 1976.¹²⁴ Ms. DeNicola’s father was involved in some way with a man she knew as “Dr. Greene” and made her available to this doctor for experiments.¹²⁵ The earliest experiment Ms. DeNicola remembers took place at Kansas City University in 1966 when she was four years of age.¹²⁶ She was taken to a laboratory and strapped down to a table, naked and spread-eagled.¹²⁷ In her own words, here is what happened:

Dr. Greene had electrodes on my body, including my head. He used what looked like an overhead projector and repeatedly said he was burning different images into my brain while a red light flashed aimed at my forehead. In between each sequence, he used electroshock on my body and told me to go deeper and deeper, deeper. While repeating each image would go deeper into my brain and I would do whatever he told me to do. I felt drugged because he had given me a shot before he started the procedure.¹²⁸ During the years Ms. DeNicola was being used for experiments, Dr. Greene subjected her to drugs, hypnosis, electroshock, and joint dislocation.¹²⁹ Ms. DeNicola believes that the purpose of the experiments was to gain control of her mind and train her as a spy assassin.¹³⁰ These are objectives consistent with those discussed in CIA documents.¹³¹ Ms. DeNicola describes being taught how to withhold information during interrogation by repeating numbers to herself *226

and being forced to stab a doll that resembled a child.¹³² Between the ages of ten to fourteen, Ms. DeNicola was sometimes tied in a cage near Dr. Greene's office.¹³³ Occasionally the cage would be left unlocked and she would sneak into Dr. Greene's office and look at his paperwork.¹³⁴ She remembers seeing memos addressed to CIA and military personnel on Dr. Greene's desk.¹³⁵

At the time Ms. DeNicola gave testimony before the Presidential Advisory Committee on Human Radiation Experiments, she had been in therapy for twelve years.¹³⁶ She described herself as having multiple personality disorder and enduring constant physical, mental, and emotional pain.¹³⁷ Ms. DeNicola told the Advisory Committee that she has struggled to stay alive all of her adult life and requested that the Committee make information available about the experiments so that others like her could be helped.¹³⁸

In 1952, when Carol Rutz was four years of age, she stayed with her grandparents while her mother was in the hospital.¹³⁹ Her grandfather was a pedophile who created pornographic films for profit.¹⁴⁰ Ms. Rutz believes that in exchange for money and freedom from prosecution for the pornographic films, her grandfather agreed to let her be used in government experiments.¹⁴¹ At that time Ms. Rutz had already been sexually molested by her father and grandfather, causing her to create separate personalities to deal with the trauma.¹⁴² This dissociative ability made her an ideal candidate for mind-control experimentation.¹⁴³ At the age of four when her grandfather made her available for experiments, Ms. Rutz was drugged and subjected to electroshock.¹⁴⁴ The experiments continued throughout her childhood. Ms. Rutz describes the following experience at the age of nine:

*227 [I] was taken on a long drive by my dad to a rural looking place with a winding road that led up to an airplane hangar. Inside suspended from the rafters in the ceiling (operated by pulleys) were cages with naked kids in them. . . . I was placed in one of these cages, and like the others deprived of food and water. I became very cold and continually hunched over to hide my nakedness. Every time I tried to sleep, someone with a cattle prod reached through the bars and poked me. He had very long nails and seemed to enjoy this torture.¹⁴⁵

Ms. Rutz also describes some of the methods experimenters used to insure that their child subjects would not tell anyone what was being done to them. She describes being shown an hourglass with sand running through it.¹⁴⁶ Ms. Rutz was told that the hourglass sand would begin to run every time she talked about the mind-control programming; when all the sand had run through the hourglass, Ms. Rutz was told she would have to kill herself.¹⁴⁷

In 1991, Ms. Rutz, who has dissociative identity disorder, began regaining memories of her childhood experiences.¹⁴⁸ By working with a therapist, she has been able to heal to a certain degree from the mind-control experimentation.¹⁴⁹ She has written an extensively researched book about government mind-control experimentation.¹⁵⁰ Through her work in publicizing mind-control experimentation, Ms. Rutz is reaching out to both fellow survivors and to the professionals who help those survivors.¹⁵¹ Her intent is to validate many survivors' memories.¹⁵²

2. Corroborating Evidence of Experimentation on Children

There are two avenues through which the reality of mind-control experimentation on children can be examined. First, there are the narratives of the mind-control subjects. Although subject to credibility and interpretation issues, these narratives provide valuable and verifiable information about the experimentation that took place from the 1950s to the 1970s. Second, there are the CIA documents regarding mind-control experimentation. Again, these are an imperfect source of information, given that many CIA documents are not available to the public and those documents that are available may be difficult to *228 obtain and may have had pertinent information omitted.¹⁵³

One problem with using survivor narratives as evidence is the reliability of repressed memory. Delayed recall of childhood abuse is a controversial topic.¹⁵⁴ In particular the False Memory Syndrome Foundation, created in 1992, is active in questioning the recovered memories of childhood abuse survivors.¹⁵⁵ Some researchers suggest that "traumatic amnesia is very unlikely" and "a majority, maybe even all, recovered memories of abuse are false."¹⁵⁶ In fact, a significant body of evidence supports the accuracy of recovered memories.¹⁵⁷

Mind-control experimentation survivors face special challenges when recovering memories. The stated goal of many of the experiments was domination of the human mind, including the capacity to remember.¹⁵⁸ Experiments were often conducted on subjects who had been drugged, further confusing the subjects' understanding of the experience.¹⁵⁹ The nightmarish quality of the experiments also creates credibility problems. Some of the more fantastic details, however, are a source of corroboration in and of themselves. Survivors who have never met one another remember similar experiences, draw similar pictures of labs containing electrode helmets and other torture devices, and recall similar perpetrators.¹⁶⁰ Survivors describe restricted military locations with accuracy and detail that could only be learned through direct observation.¹⁶¹

***229** When Valerie Wolf, a clinical social worker who has treated many mind-control survivors, testified before the 1995 Presidential Commission on Radiation Experiments, nearly forty therapists from across the country contacted her.¹⁶² Although their patients were located in geographically diverse areas and did not know each other, these therapists related patient histories to Ms. Wolf that contained notable similarities.¹⁶³ Patients were very consistent about the purpose of what was being done to them and their stories included similar reports of pain induction techniques, including electroshock, dislocation of limbs, and sexual abuse.¹⁶⁴ Further, Ms. Wolf explained that these patient memories included details that were not available in any published source.¹⁶⁵ Such details, she believes, could only have been learned through recently declassified documents or actual physical observation in restricted military locations.¹⁶⁶

The other method of uncovering the reality of mind-control experimentation lies in archival research. In 2000, Dr. Colin Ross published a book titled *Bluebird: Deliberate Creation of Multiple Personality Disorder by Psychiatrists*.¹⁶⁷ The book is based on 15,000 pages of documents obtained from the CIA through the Freedom of Information Act.¹⁶⁸ Carol Rutz, author of *A Nation Betrayed*,¹⁶⁹ also based her book on substantial research of CIA documents. Both authors concluded that the CIA was conducting research using children.

Despite evidence that the CIA did experiment on child subjects, the CIA documents that have been released do not provide direct links to the patients in treatment who are describing mind-control experimentation.¹⁷⁰ That documentation may never be found, either because records have been destroyed or because subject identities were never officially recorded.¹⁷¹ The best method of documentation is still through patient memory--if a patient can remember the specific name of a doctor and a specific location, the fact that a doctor of that name worked in that location and was a CIA employee can be verified.¹⁷²

***230 III. Justice for Mind-Control Experimentation Survivors**

My government to which I pay taxes needs to be accountable for

what happened to me and other children who were tortured in

concentration camp-like experiments.

-- Anonymous¹⁷³

The shameful history of our government's participation in mind-control experimentation demands a public response. The vast majority of those who were experimented upon have never received an apology or a public acknowledgment of what was done to them, let alone any form of monetary restitution for the mental and physical health problems resulting from their experiences. Our legal system exists in part to give a voice to those who have been wronged. However, the ability of the courts to provide a voice to survivors of mind-control experimentation may be limited. This part will begin with a discussion of the availability of litigation as a remedy for the wrongs perpetrated on mind-control survivors. The second section will discuss remedies that reach beyond the court system. The third section will examine the limitations on mind-control survivors' ability to demand the justice to which they are entitled.

A. Litigation

In theory, both civil and criminal law provide remedies for mind-control survivors, but criminal prosecution of mind-control experimenters is highly unlikely. Civil law offers more hope to survivors. A few victims have recovered financial damages under the Federal Tort Claims Act.¹⁷⁴ Even so, this avenue, too, is blocked for many survivors of mind-control

experimentation. This section will discuss in detail the application of civil and criminal law to the situations of mind-control experimentation survivors.

1. Criminal Law

Mind-control survivors are virtually immune from criminal prosecution because of evidentiary standards and statutes of limitation. Criminal conviction requires evidence of guilt “beyond a reasonable doubt.”¹⁷⁵ This standard requires that “a rational juror could believe beyond a reasonable doubt” that the defendant committed the crime with which he is charged.¹⁷⁶ Given the evidentiary issues discussed above, including the lack of direct documentation of experimentation on those who have identified themselves as child victims of *231 mind-control, this burden of proof is almost insurmountable.

Even if a mind-control survivor could convince a prosecutor that the necessary evidence exists, it is very likely that a statute of limitation would bar prosecution. Statutes of limitation vary by crime and jurisdiction. For simplicity of analysis, I will focus only on federal statutes of limitation.

Federal law applies to criminal offenses that take place across state lines.¹⁷⁷ Survivors of mind-control experiments often report being transported across state lines in the course of experiments.¹⁷⁸ CIA officials were most likely carrying out experiments in more than one state, and in some cases outside the United States altogether.¹⁷⁹ In offenses that span more than one state, federal law states that those offenses “may be . . . prosecuted in any district in which such offense was begun, continued, or completed.”¹⁸⁰

The federal statute of limitations is the greatest bar to a prosecution based on the experiments that happened in the 1950s and 1960s. A prosecution based on sexual or physical abuse committed against a child under the age of eighteen is not time-barred until that child is twenty-five years old.¹⁸¹ Unfortunately, the child victims of the 1950s and 1960s are now well above twenty-five years of age. Unlike civil law, criminal law does not toll the statute of limitations for duress (abuse continuing into adulthood). Even in civil law, courts will not toll the statute of limitations for repressed memories.¹⁸² The statute of limitations for non-capital offenses committed against an adult requires that a case be brought within five years of the offense.¹⁸³ Under current federal statutes of limitation, the only possible prosecution for the experiments that happened in the 1950s and 1960s would have to be based on a capital offense, since there is no statute of limitations on such offenses.¹⁸⁴

Murder “perpetrated as part of a pattern or practice of assault or torture against a child or children” is first degree murder and, as such, is punishable by death.¹⁸⁵ Short of a finding that such a murder occurred in the course of experimentation, those who committed the criminal experiments in those years are safe from criminal prosecution. There is no documentation that any of the experiments conducted resulted in the death of the subjects.

*232 The impossibility of a criminal remedy for survivors of mind-control experimentation is a mockery of justice. What was done in the course of human experimentation is a crime. The expectation that the subjects of such soul-destroying experimentation would be able to speak of their experiences and demand justice within five years of the abuse or by the age of twenty-five ignores the nature of the trauma undergone by these individuals. The criminal justice system exists to protect society from the actions of criminals.

One appropriate response to this problem would be an extended statute of limitations for offenses that involve the intentional creation of amnesia in a victim. Ideally, suits against perpetrators who have systematically and purposefully induced dissociation in their victims would never be time-barred. The pain caused by these violations has not ended, so neither should the liability of those who inflicted that pain be at an end.

2. Civil Law

Mind-control experimentation survivors seeking justice under civil law may look to the United States Constitution, the Nuremberg Code,¹⁸⁶ and the Federal Tort Claims Act (FTCA),¹⁸⁷ but civil remedies available to survivors are not as extensive as this list suggests.¹⁸⁸ In prior cases, only the FTCA has been recognized as a viable theory of liability.¹⁸⁹ Any claim under the Constitution is barred by the doctrine of sovereign immunity.¹⁹⁰ International human rights codes are not considered binding in United States case law, particularly in the context of military action.¹⁹¹ Indeed, our courts usually hold that national security concerns take precedence over the rights of the individual.¹⁹² This leaves the FTCA as the most promising avenue of civil litigation for mind-control survivors.

Those few victims who have recovered under the FTCA were adults when *233 they became experimental subjects.¹⁹³ No person who was the subject of CIA and military mind-control experiments as a child has ever received any settlement from the U.S. government. All but one of the suits brought against the CIA for human experimentation have been based on the covert administration of psychogenic drugs or the use of radiation by the CIA or military.¹⁹⁴

A plaintiff seeking a remedy under the FTCA must begin by first exhausting administrative remedies.¹⁹⁵ The litigant must present the federal agency in question, here the CIA, with an administrative claim, giving the agency the opportunity to settle prior to any court case.¹⁹⁶ Assuming the CIA does not settle, any admissions made by the CIA in correspondence concerning settlement may be used by the plaintiff in his or her case.¹⁹⁷

Just as in criminal law, a statute of limitations exists for claims under the FTCA. Here, however, it is less onerous. Under the FTCA, the administrative claim must be presented in writing within two years of the time the claim begins accruing.¹⁹⁸ This rule is softened by allowing the statute of limitations to be tolled in certain situations.

In a 1998 case brought against the CIA for LSD testing, the court held that “where the government has concealed the acts giving rise to plaintiff’s claim, or where plaintiff would reasonably have had difficulty discerning the fact or cause of injury at the time it was inflicted, the so-called ‘diligence-discovery rule of accrual’ applies.”¹⁹⁹ In other words, where the facts have been concealed by the defendant from a potential plaintiff, the plaintiff is under the control of the defendant and tolling is justified.²⁰⁰ Under the “diligence-discovery rule of accrual,” a cause begins accruing when “the plaintiff has, or with reasonable diligence should have discovered the critical facts of both his injury and its cause.”²⁰¹

Although insanity does not toll the statute of limitations in FTCA cases,²⁰² the plaintiff’s mental problems can affect the standard of diligence expected of a *234 plaintiff in discovering his or her injury and determining its cause.²⁰³ If the claimed harm in an FTCA action has affected the mental functioning of a plaintiff, it is fair to take that impaired mental ability into account when determining whether the plaintiff exercised due diligence.²⁰⁴ In the Orlikow case, discussed above, one of the plaintiffs, Mr. Weinstein, had knowledge of CIA involvement in the experiments for over two years before he filed his claim.²⁰⁵ Given the mental damage Dr. Cameron inflicted on him, the court held that it was unclear to what degree Mr. Weinstein was able to process information.²⁰⁶ Whether or not Weinstein had “known” of CIA involvement was a factual question that could not be resolved prior to trial.²⁰⁷ Since the case settled without going to trial, Mr. Weinstein was able to share in the \$750,000 settlement.²⁰⁸

Another plaintiff in the Orlikow case, Dr. Morrow, was not so fortunate. Her attorney sought information from the CIA in 1977.²⁰⁹ Although Dr. Morrow’s attorney was unable to obtain any information from the CIA about the experiment for which Dr. Morrow had been used, the court held that Dr. Morrow knew of the “‘who’ and ‘what’” of her claim more than two years prior to joining the Orlikow suit and was therefore barred by the statute of limitations.²¹⁰ It is not clear how Dr. Morrow could have begun a lawsuit without any evidence to support her allegations, but the court apparently did not consider this relevant. The fact that the government withheld information did not appear to toll the statute of limitations for Dr. Morrow’s cause of action.

Although the FTCA statute of limitations has some flexibility when it comes to assessing the diligence required of a plaintiff in obtaining knowledge of her claim, it is not necessary that the plaintiff know the identity of the wrongdoer in order for her cause to begin accruing. In a recent case dealing with LSD testing by the CIA, *Ritchie v. United States*, the court held that the cause of action began accruing when the plaintiff knew that he had ingested LSD, not when the plaintiff knew that the U.S. government had given him the LSD.²¹¹ This holding is contrary to *Orlikow*, where the court held that when a defendant has deliberately concealed facts from a plaintiff tolling is justified.²¹² *235 Because *Ritchie* is more recent than *Orlikow*, this may be indicative of a more restrictive trend for victim recovery under the FTCA.²¹³

The FTCA does not allow claims against the government where an employee is performing a “discretionary function” on behalf of a federal agency, “whether or not the discretion involved [is] abused.”²¹⁴ The fact that the statute does not define what is meant by “discretionary function” is problematic for those mind-control survivors seeking redress.²¹⁵ Acts that obviously violate reasonable discretion are not protected by the discretionary exception.²¹⁶ Policy-making decisions are generally considered to fall within the discretionary function exception, while ministerial duties are generally unprotected by

this exception.²¹⁷ Although no case has yet addressed this point, acts of sexual abuse and torture by a CIA employee should not fall within the discretionary exception since “extraordinary and malevolent acts” are not protected.²¹⁸

The degree of discretionary protection given to other governmental acts is not as clear. The Orlikow case examined an allegation that the CIA negligently and carelessly selected and supervised incompetent contractors or employees in the context of the “discretionary function” protection.²¹⁹ Selection and supervision of employees more closely falls within an authorized governmental function.²²⁰ The Orlikow Court, however, stated that negligent selection and supervision of employees by a governmental agency fell within the realm of acts for which the government was potentially liable.²²¹ Where the government has supervised or contracted with a third party to perform an act, the government is liable for those acts.²²² The government is also liable despite the “discretionary function” exception when lack of social wisdom, political maneuvering, and economic expediency motivates the actions in question.²²³ Regardless of whether CIA employees carried out the experimentation themselves, or whether the experiments were carried out through subcontracts, the experiments were certainly the result of a lack of social wisdom. Therefore, the government cannot escape liability for mind-control experimentation by pleading a discretionary function exception.

***236** Another problem mind-control survivors may encounter is that the FTCA does not allow recovery for intentional torts such as assault and battery.²²⁴ Some courts have recognized claims for the tort of intentional infliction of emotional distress, but this is a narrow exception that has been strictly construed so as not to expand the FTCA to permit claims for other intentional torts.²²⁵ The FTCA was designed primarily to allow negligence claims against the government.²²⁶ A negligence claim occurring in the context of an intentional tort, however, is not barred by the FTCA prohibition of intentional torts.²²⁷ Most of the MKULTRA complaints brought under the FTCA have alleged negligence on the part of the government.²²⁸ A few MKULTRA suits have also brought claims for invasion of privacy and intentional infliction of emotional distress.²²⁹ Negligence, however, remains the strongest ground on which a complaint of CIA involvement in mind-control experimentation can be brought.²³⁰

Under current interpretations of the FTCA, mind-control survivors have a possibility of successful litigation, but not a probability. Again, the statute of limitations may be problematic for many survivors. Survivors will have only two brief years after their first knowledge of the experimentation to investigate what has happened, work at recovering their memories, and decide whether litigation is a desirable option. Evidentiary standards, while lower than those required in criminal cases, may still create difficulties. Ideally, the United States should adopt the international human rights standards laid out in the Nuremberg Code and allow litigation based on violations of this standard.

B. Remedies Outside the Court System

The best safeguard against abuses in the future is a complete public accounting of the abuses of the past.

--Senator Edward Kennedy²³¹

In 1977, the U.S. Senate conducted a hearing on the MKULTRA Project.²³² ***237** During opening remarks of the hearing, Senator Edward Kennedy stated, “The CIA’s program of human experimentation violated [the] trust [of the American people].”²³³ Unfortunately, no action was taken to determine the identities of experimental subjects, let alone to compensate those subjects.

In 1995, the Presidential Advisory Committee on Human Radiation Experiments heard testimony from survivors of mind-control experiments.²³⁴ Those survivors were allowed to testify before the Committee based on the fact that they had also been used in radiation experiments.²³⁵ In its final report, the Advisory Committee recommended that the government deliver a personal, individualized apology and financial compensation to radiation experimentation survivors or their next of kin.²³⁶ The Advisory Committee also recommended that all MKULTRA documents and related CIA human behavior projects be given top priority for declassification.²³⁷ Unfortunately, the Advisory Committee did not suggest that an attempt should be made to identify or compensate mind-control survivors. The government has never issued an apology to mind-control

survivors.

Following the 1995 Presidential hearing, the Advocacy Committee for Human Experimentation Survivors and Mind Control (ACHES-MC) formed in order to represent the North American survivors of mind-control experimentation.²³⁸ In 1997, ACHES-MC sent a video letter to then-President of the United States, William Jefferson Clinton.²³⁹ In this video letter, sixteen survivors of mind-control experimentation called on President Clinton to conduct an investigation.²⁴⁰ Several mental health professionals, an attorney, and a criminal justice professor added their voices to those of the survivors in calling for an investigation into mind-control experiments.²⁴¹ ACHES-MC received no response to its request. In 1999, ACHES-MC sent a request to the National Institute of Health Bioethics Group asking for help in getting relevant government files declassified and establishing a Presidential Committee to investigate all United States government-sponsored human experimentation.²⁴² Again ACHES-MC received no response to its request.

***238** Although to date the executive and congressional branches of the government have been non-responsive to the needs of mind-control experimentation survivors, this is perhaps the most promising direction for mind-control survivors to pursue. The government should begin an immediate investigation into government-sponsored mind-control experimentation. A public apology and recognition of the experiences of mind-control survivors is necessary. The mistakes this country has committed in the past must be acknowledged and accepted as a part of our history. Ignoring or minimizing the governmental abuses of the past heightens the risk that similar mistakes will be made in the future. The President and Congress have the power to order compensation and to publicly honor mind-control survivors for what they have endured. It is time that they do so.

IV. Survivor Realities

[Torture] kills people's spirits but keeps their bodies alive, transforming all those who escape it into zombies in the service of another despicable torturer: fear.

-- Rafael Gumucio²⁴³

All remedies, whether legal or otherwise, require public recognition of mind-control experimentation, which can only come about through survivors' assertion of their experiences. For a survivor, facing the reality of his or her use as an experimentation subject can be an immensely overwhelming experience. In setting aside dissociative barriers, survivors will have to face memories of torture and sexual degradation.²⁴⁴ The effects of sexual and physical abuse on children are well documented. Effects persist into adulthood and include depression, suicidal behaviors, self-mutilation, inability to bond with other people, and other inappropriate social behavior.²⁴⁵

Beyond the physical and sexual abuse involved in the experiments, survivors will have to unravel experiences for which they have no frame of reference, no vocabulary to communicate the effects of drugs or the pain of calculated nerve stimulation.²⁴⁶ Because mind-control experimentation on children has not been widely reported in mainstream media, most people, including many therapists, are unaware or disbelieving of the experiences of mind-control survivors. This means that survivors will also have to face their memories in virtual isolation, struggling to prove their sanity both to themselves and to others.

***239** In addition to the tremendous emotional issues survivors confront, they are also faced with the cost of therapy as they attempt to make sense of their experiences. Survivors may have other recurring medical problems as a result of the experimentation. Many survivors lack financial resources, as the extensive abuse they have suffered compromises their ability to function in society.

Daily life is a struggle for many survivors, leaving them with little inclination or energy to begin litigation or force public recognition of their experiences. Litigation allows a single voice to be heard, even when it speaks against powerful organizations, but the experience of calculated mental, physical, and sexual assault has robbed many of its survivors of their voices. Although justice through the court system is hypothetically available to mind-control survivors, their ability to access such justice is impaired by the abuse they have suffered. Looking beyond the legal system is a more realistic direction for survivors seeking justice, but still demands energy that many survivors cannot spare.

Every survivor who shares his or her story in any setting is taking a courageous step to publicize government mind-control experimentation. However, demanding justice and a public accounting of government wrongs is not a burden that should be placed on mind-control survivors alone. Every one of us has a responsibility conferred on us by our common humanity to speak out against this abusive use of government power. When rights are violated every voice should be raised in a demand for justice. Survivors of mind-control experimentation are entitled to see their experiences validated through public acknowledgment and apology. It is up to all of us to insure that mind-control survivors receive such justice as is possible.

| Footnotes | |
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| a1 | J.D. 2005, University of Iowa College of Law. Special thanks to Joanne, without whom this Note would not have been written. |
| 1 | See generally Carol Rutz, <i>A Nation Betrayed</i> (2001) (discussing CIA mind-control experiments); Colin A. Ross, <i>Bluebird: Deliberate Creation of Multiple Personality by Psychiatrists</i> (2000) (discussing mind-control experiments carried out by the CIA, Army, Navy, and Air Force). There is some evidence that government mind-control experimentation continued at least into the 1980s. CIA Project STARGATE, a study of paranormal methods of spying, ran through 1984. <i>Id.</i> at 66. This paper focuses only on experiments carried out prior to 1980, as information about these experiments is more readily available. |
| 2 | Rutz, <i>supra</i> note 1. |
| 3 | See Interview by Wayne Morris, CKLN-FM Radio Producer, with Colin Ross, M.D. (1997, Part 2) [hereinafter Ross Interview] (transcript available at http://mindcontrolforums.com/radio/ckln02.htm). |
| 4 | <i>Id.</i> |
| 5 | Videotape: Request for Presidential Hearing on Mind Control Experiments on Human Subjects (Advocacy Committee for Human Experimentation Survivors--Mind Control, May 26, 1997) (on file with author) [hereinafter Videotape] (partial transcript available at http://mindcontrolforums.com/radio/ckln03.htm). |
| 6 | Joseph L. Rauh, Jr. & James C. Turner, <i>Anatomy of a Public Interest Case Against the CIA</i> , 11 <i>Hamline J. Pub. L. & Pol'y</i> 307, 309 (1990). Plaintiffs in this case shared a settlement of \$750,000. <i>Id.</i> at 362. |
| 7 | Videotape, <i>supra</i> note 5. |
| 8 | <i>Id.</i> |
| 9 | See Advocacy Committee for Human Experimentation Survivors and Mind Control at http://www.aches-mc.org (last visited Mar. 10, 2004) [hereinafter Advocacy Committee]; Colin Ross, Lecture at the Ninth Annual Western Clinical Conference on Trauma and Dissociation, <i>The CIA and Military Mind Control Research: Building the Manchurian Candidate</i> , (April 18, 1996) [hereinafter Ross Lecture] (transcript available at http://mindcontrolforums.com/radio/ckln-hm.htm); D.C. Hammond, Lecture at the Fourth Annual Eastern Regional Conference on Abuse and Multiple Personality, <i>Hypnosis in MPD: Ritual Abuse</i> (June 25, 1992) [hereinafter Hammond Lecture] (transcript available at http://www.mindcontrolforums.com/greenbaum.htm); Valerie Wolf, Presentation at the Believe the Children Conference (April 1997) [hereinafter Wolf Presentation] (transcript available at http://mindcontrolforums.com/radio/ckln-hm.htm). |
| 10 | See Cheryl Hersha, Lynn Hersha, Dale Griffis & Ted Schwarz, <i>Secret Weapons</i> (2001); Rutz, <i>supra</i> note 1; Annie McKenna, <i>Paperclip Dolls</i> (1999); Interview by Wayne Morris, CKLN-FM Radio Producer, with Lynne Moss-Sharman, <i>ACHES-MC Canada Contact</i> (1997, Part 16) [hereinafter Moss-Sharman Interview] (transcript available at http://mindcontrolforums.com/radio/ckln16.htm); Interview by Wayne Morris, CKLN-FM Radio Producer, with Valerie Wolf, Claudia Mullen & Chris DeNicola Ebner (1997, Part 5) [hereinafter Wolf, Mullen & DeNicola Ebner Interview] (transcript available at http://mindcontrolforums.com/radio/ckln-hm.htm); Claudia Mullen, Presentation at the Believe the Children Conference (April 1997) [hereinafter Mullen Presentation] (transcript available at http://mindcontrolforums.com/radio/ckln07.htm); Interview by Wayne Morris, CKLN-FM Radio Producer, with Blanche Chavoustie (1997, Part 18) [hereinafter Chavoustie Interview] (transcript available at http://mindcontrolforums.com/radio/ckln-hm.htm). |

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| 11 | See generally Ross, <i>supra</i> note 1; John Marks, <i>The Search for the “Manchurian Candidate”</i> (1979). |
| 12 | Marks, <i>supra</i> note 11, at 6. |
| 13 | <i>Id.</i> at 6-8. |
| 14 | <i>Id.</i> |
| 15 | <i>Id.</i> at 8. |
| 16 | During the 1940s, using U.S. prisoners in medical research was considered an appropriate research method. Jon M. Harkness, <i>Nuremberg and the Issue of Wartime Experiments on U.S. Prisoners: The Green Committee</i> , 276 <i>J. Am. Med. Assoc.</i> 1672, 1673 (1996). The Tuskegee Syphilis Study, a study that has come to symbolize experimental exploitation of human subjects, followed 400 black men with syphilis from 1932 through 1972. Robert M. White, <i>Unraveling the Tuskegee Study of Untreated Syphilis</i> , 160 <i>Arch. Intern. Med.</i> 585, 585 (2000). Fourteen articles were published during the course of the study without causing the medical establishment to question the structure of the study. <i>Id.</i> at 589. The U.S. government did not create federal regulations to protect “vulnerable populations,” including pregnant women, prisoners, and minors, from exploitation by researchers until 1974. Sarah B. Putney & Sofia Gruskin, <i>Time, Place, and Consciousness: Three Dimensions of Meaning for US Institutional Review Boards</i> , 92 <i>Am. J. Pub. Health</i> 1067, 1067-68 (2002). |
| 17 | Tom Bower, <i>The Paperclip Conspiracy: The Hunt for the Nazi Scientists</i> 131 (1987). |
| 18 | <i>Id.</i> at 131 (discussing the project to bring German scientists to the United States). |
| 19 | <i>Id.</i> |
| 20 | <i>Id.</i> at 178. |
| 21 | <i>Id.</i> at 168-69. |
| 22 | <i>Id.</i> at 178, 185. |
| 23 | Ross Lecture, <i>supra</i> note 9. |
| 24 | <i>Id.</i> |
| 25 | Bower, <i>supra</i> note 17, at 210. |
| 26 | <i>Id.</i> at 212. |
| 27 | Ross, <i>supra</i> note 1, at 6-7. In a very recent development, the CIA has agreed to release new documents detailing its ties to former Nazis. Douglas Jehl, <i>CIA Defers to Congress, Agreeing to Disclose Nazi Records</i> , <i>N.Y. Times</i> , Feb. 7, 2005, at A4. Up until this point, the CIA has refused to release documents on ex-Nazis who were not formally accused of war crimes. <i>Id.</i> |
| 28 | Bower, <i>supra</i> note 17, at 214. |
| 29 | Ross Lecture, <i>supra</i> note 9. |
| 30 | <i>Id.</i> |
| 31 | <i>Id.</i> |

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| 32 | Bower, <i>supra</i> note 17, at 254. |
| 33 | <i>Id.</i> |
| 34 | Rutz, <i>supra</i> note 1, at 78-93. |
| 35 | George J. Annas, Mengele's Birthmark: The Nuremberg Code in United States Courts , 7 <i>J. Contemp. Health L. & Pol'y</i> 17, 18 (1991). |
| 36 | <i>Id.</i> |
| 37 | <i>Id.</i> |
| 38 | Phillip Aziz, <i>Doctors of Death</i> 243 (1976). |
| 39 | Rutz, <i>supra</i> note 1, at 71 (citing Mark Aarons & John Loftus, <i>Unholy Trinity</i> (1991)). |
| 40 | <i>Id.</i> |
| 41 | Annas, <i>supra</i> note 35, at 19. |
| 42 | Rutz, <i>supra</i> note 1, at 69-84. |
| 43 | <i>Id.</i> at 78-95. One survivor reported meeting a man who looked like Mengele in Maryland in 1952 and again in Germany in 1954. <i>Id.</i> at 78. Another survivor reported meeting someone she thought was Mengele in Florida in 1954, and again in Tennessee in 1955. <i>Id.</i> Carol Rutz encountered a man of Mengele's description who was using the name "Dr. Black" in the Adirondacks in 1956. <i>Id.</i> at 81-82. Ms. Rutz remembers Dr. Black referring to her as a "Mengele Kid" during one of the experiments. <i>Id.</i> at 10. Another survivor also reports encountering a man of Mengele's description using the name "Dr. Black" in the late 1950s. <i>Id.</i> at 84-91. Other survivors describe encounters with a man who looked like Mengele in New York in 1964, and Oregon and Michigan in 1965. <i>Id.</i> at 93. All of the survivors were children at the time they encountered Mengele and all of the descriptions of their experiences included both sexual assault and torture. <i>Id.</i> at 78-95. Two of the survivors independently reported the man they identified as Mengele repeating the phrase "pain is pleasure and pleasure is pain." <i>Id.</i> at 80, 93. Other survivor accounts describe Mengele using music, sometimes playing the violin or using songs and specific musical tones, as part of the conditioning process. <i>Id.</i> at 80, 82-83, 85. |
| 44 | Interview by Wayne Morris, CKLN-FM Radio Producer, with Jon Rappoport (1997, Part 10) [hereinafter Rappoport Interview] (transcript available at http://mindcontrolforums.com/radio/ckln02.htm); Ross, <i>supra</i> note 1, at 23. |
| 45 | Ross, <i>supra</i> note 1, at 27-28. |
| 46 | Hersha, <i>supra</i> note 10, at xv; see also Marks, <i>supra</i> note 11, at 31. |
| 47 | Marks, <i>supra</i> note 11, at 35. |
| 48 | <i>Id.</i> |

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| 49 | Id. Marks describes an incident in which Dr. Thompson, a Navy psychiatrist, physiologist, and pharmacologist, G. Richard Wendt, chairman of the Psychology Department at the University of Rochester, and an unidentified Naval Intelligence Officer traveled to Germany in 1952 for the purpose of testing a new “truth-drug.” Id. at 39-46. Once in Germany, the men met with Artichoke personnel and then traveled to a “safe-house.” Id. at 41-42. An experimental subject, identified as a suspected Russian agent, was delivered to the house in a CIA car. Id. at 42. The subject arrived handcuffed and shackled. Id. After some days of interrogation, the subject was given sodium pentothal to “knock him out” and then brought back to semi-consciousness with Benzedrine twenty minutes later. Id. at 43. A “consultant” then used hypnotic regression to convince the subject he was talking to his wife, a role that was played by a male interpreter. Id. at 44. After extracting information from the subject in his semi-conscious state, the consultant gave the subject a post-hypnotic suggestion that he would remember nothing of the interrogation. Id. |
| 50 | Gordon Thomas, <i>Journey Into Madness: Medical Torture and the Mind Controllers</i> 141 (1988). |
| 51 | Ross, <i>supra</i> note 1, at 47. |
| 52 | Id. at 318-30. |
| 53 | Hersha, <i>supra</i> note 10, at 329. |
| 54 | Id. at 333 (reproducing a memorandum on MKULTRA hypnosis experiments dated May 11, 1953). |
| 55 | Id. at 339 (reproducing a CIA document dated May 5, 1955). |
| 56 | Marks, <i>supra</i> note 11, at 57. |
| 57 | Id. at 62. |
| 58 | Id. at 63. |
| 59 | Rutz, <i>supra</i> note 1, at 184. |
| 60 | Ritchie v. United States , 210 F. Supp. 2d 1120, 1121 (N.D. Cal. 2002). |
| 61 | White’s diary entry reads: “home sick. xmas party Fed bldg Press Room.” Id. at 1122. |
| 62 | See Ritchie v. United States , No. C 00-03940 MHP, 2004 WL 1161171, at *13 (N.D. Cal. May 24, 2004). |
| 63 | Id. at *3 (citing 2nd Feldman Dep., at 428). |
| 64 | Id. (citing 2nd Feldman Dep., at 369-70). |
| 65 | On February 18, 2005, a LexisNexis search of the San Francisco Chronicle revealed that the most recent article about Ritchie’s case is dated May 25, 2004 and discusses only the summary judgment opinion cited above. Bob Egelko, <i>Enough Evidence for Trial of CIA Drugging</i> , S.F. Chron., May 25, 2004, at B2. |
| 66 | Kronisch v. United States , No. 83 Civ. 2458 (KMW), 1994 WL 524992 (S.D.N.Y. Sept. 27, 1994). |
| 67 | Glickman v. United States , 626 F. Supp. 171, 173 (S.D.N.Y. 1985). |
| 68 | Id. |

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| 69 | Id. |
| 70 | Id. |
| 71 | Id. |
| 72 | See <i>Kronisch v. United States</i> , No. 83 Civ. 2458 (KMW), 1994 WL 524992 (S.D.N.Y. Sept. 27, 1994). |
| 73 | <i>Kronisch v. Gottlieb</i> , No. 99-6152, 2000 U.S. App. LEXIS 8847 (2d Cir. May 2, 2000). |
| 74 | <i>United States v. Stanley</i> , 483 U.S. 669, 671 (1987). |
| 75 | Id. at 683-84. |
| 76 | <i>Scott v. Casey</i> , 562 F. Supp. 475, 476 (N.D. Ga. 1983). |
| 77 | Id. at 477-78. |
| 78 | Id. at 483. |
| 79 | It is unrealistic to think that the four cases discussed above represent the majority of the LSD experimental subjects. See generally Marks, <i>supra</i> note 11. |
| 80 | Ewan Cameron may also have been performing experiments on children. See Carol Rutz, Lecture at Indiana University, Bloomington, Indiana (Nov. 2003) [hereinafter Rutz lecture] (transcript available at http://www.whale.to/b/rutz7.html). However, this section will focus only on the experiments discussed by the litigants in Orlikow. |
| 81 | <i>Orlikow v. United States</i> , 682 F. Supp. 77 (D.D.C. 1988). |
| 82 | Rauh & Turner, <i>supra</i> note 6, at 314. Dr. Cameron was Director of the Allan Memorial Institute in Montreal during the time the experiments took place. Id. |
| 83 | <i>Orlikow</i> , 682 F. Supp. at 79. |
| 84 | Rauh & Turner, <i>supra</i> note 6, at 323. In a grant application to the “Society for the Investigation of Human Ecology,” a CIA front, Cameron proposed the following experimentation methods: i. The breaking down of ongoing patterns of the patient’s behavior by means of particularly intensive electroshocks (depatterning). ii. The intensive repetition (16 hours a day for 6 or 7 days) of the prearranged verbal signal. iii. During this period of intensive repetition the patient is kept in partial sensory isolation. iv. Repression of the driving period is carried out by putting the patient, after the conclusion of the period, into continuous sleep for 7-10 days. Id. at 315. |
| 85 | Id. at 309. |
| 86 | <i>Orlikow</i> , 682 F. Supp. at 80. The CIA funded Cameron from March 18, 1957 to June 30, 1960 as MKULTRA Subproject 68. Id. (citing Defendant’s Statement para. 40). |
| 87 | Harvey M. Weinstein, M.D., <i>Psychiatry and the CIA: Victims of Mind Control</i> (1990). |

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| 88 | Rauh & Turner, supra note 6, at 323. |
| 89 | Psychic driving is a technique in which a patient hears a tape-recorded message played “hundreds of thousands of times.” Id. at 310. This procedure was not a part of normal psychiatric practice and only Dr. Cameron seems to have used this method of patient treatment. Id. |
| 90 | Id. at 323. |
| 91 | Id. |
| 92 | Weinstein, supra note 87, at 156. |
| 93 | Curare is a plant-based poison that causes motor paralysis when injected. Webster’s New World Dictionary 346 (2d ed. 1980). Carol Rutz, a child subject of mind-control experimentation, also remembers being injected with curare at the Allen Memorial Institute. Rutz Lecture, supra note 80. Ms. Rutz describes being taken to the Institute at age twelve, where she was given a shot of curare and then subjected to sensory deprivation in a box filled with snakes. Id. |
| 94 | Weinstein, supra note 87, at 157-58. |
| 95 | Id. at 159. |
| 96 | Id. at 166. |
| 97 | Id. |
| 98 | Id. |
| 99 | Rauh & Turner, supra note 6, at 322-23. |
| 100 | Id. |
| 101 | Orlikow v. United States, 682 F. Supp. 77, 83 (D.D.C. 1988). |
| 102 | Rauh & Turner, supra note 6, at 362. |
| 103 | See Marks, supra note 11. |
| 104 | See Interview by Wayne Morris, CKLN-FM Radio Producer, with Valerie Wolf, Clinical Social Worker (1997, Part 11) [hereinafter Wolf Interview] (discussing verification of survivor memories) (transcript available at http://mindcontrolforums.com/radio/ckln11.htm). During her interview, Ms. Wolf and her interviewer had the following conversation: Wayne Morris: These are researchers like Alan Schefflin who have spent years getting source CIA documents through Freedom of Information...? Valerie Wolf: Exactly. [Alan Schefflin] said to me one time that he had been doing this research for fifteen or twenty years, and he could never find a victim. He never dreamed the victims were children. Id. In an earlier interview with Wayne Morris, Ms. Wolf suggested that the Government Commission on Mind Control in the late 1970s did not explore the use of children in these experiments either because the children were too young to speak out at that time, or were still being used in the experiments. Wolf, Mullen & DeNicola Ebner Interview, supra note 10. |
| 105 | See generally Ross, supra note 1. |
| 106 | Wolf Interview, supra note 104. |

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| 107 | Id. |
| 108 | Ross Interview, supra note 3. |
| 109 | See generally Ross, supra note 1; Hammond Lecture, supra note 9; Ross Interview, supra note 3. |
| 110 | American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders 484 (4th ed. 1994). |
| 111 | Id. at 487. |
| 112 | Id. at 485. |
| 113 | Id. at 484-85. |
| 114 | See Hammond Lecture, supra note 9; Ross Interview, supra note 3; Mullen Presentation, supra note 10; Moss-Sharman Interview, supra note 10; Rutz, supra note 1; Hersha, supra note 10. |
| 115 | See Mullen Presentation, supra note 10; Chavoustie Interview, supra note 10; Moss-Sharman Interview, supra note 10; Rutz, supra note 1; Wolf, Mullen & DeNicola Ebner Interview, supra note 10; Videotape, supra note 5. |
| 116 | Rutz, supra note 1 (containing the stories of anonymous survivors). |
| 117 | Mind control survivors variously estimate the number of other survivors at hundreds and thousands. See Advocacy Committee, supra note 9; Mullen Presentation, supra note 10; Moss-Sharman Interview, supra note 10. Whatever the number of survivors, it is reasonable to assume, based on the experiences related by other survivors, that many have not sought help or have been damaged to the point where they may find it difficult to communicate their experiences in a credible manner. |
| 118 | Videotape, supra note 5. |
| 119 | Carol Rutz, Presentation at the Sixth Annual Ritual Abuse, Secretive Organizations and Mind Control Conference (Aug. 8-10, 2003) [hereinafter Rutz Presentation 2003] (transcript available at http://members.aol.com/smartnews/cr03.html); Carol Rutz, Presentation at the Fourth Annual Ritual Abuse, Secretive Organizations and Mind Control Conference (Aug. 10-12, 2001) (transcript available at http://members.aol.com/smartnews/cr01.htm). |
| 120 | Rutz Lecture, supra note 80. |
| 121 | Rutz, supra note 1. |
| 122 | See Mullen Presentation, supra note 10 (discussing the testimony Ms. Mullen gave before the Presidential Advisory Committee on Human Radiation Experiments on March 15, 1995, and further describing the abuse she suffered as a child from mind-control experimenters); Chavoustie Interview, supra note 10 (describing Ms. Chavoustie's experiences as a survivor of mind-control experiments performed at the Cornell Medical Centre in New York, Hollywood Hospital in Vancouver, B.C., Syracuse University, and the Parapsychology Lab at Princeton); Moss-Sharman Interview, supra note 10 (describing Ms. Moss-Sharman's experiences as a survivor of mind-control experiments performed primarily in Southern Ontario and New York state); McKenna, supra note 10 (discussing Ms. McKenna's struggle to recover from the mind-control experimentation she experienced as a child); Hersha, supra note 10 (describing the struggle of two sisters to understand the mind-control experimentation they were subjected to as children); Videotape, supra note 5 (showing brief narratives from the following mind-control survivors: Dave Wilbur, Ronald Howard Cohen, Lynne Moss Sharman, Mary, Brice Taylor, Kathy Lewis, Susan Benson, Chuck Davenport, Kathleen Sullivan, Terry Parker, Becky McDonald, Tony, and two anonymous survivors); Rutz, supra note 1 (telling her own story and the stories of other, anonymous survivors). |
| 123 | Videotape, supra note 5. |

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| 124 | Id. |
| 125 | Id. Doctors involved in the programming commonly went by aliases based on colors such as black, green, and white. Rutz, supra note 1, at 82. |
| 126 | Videotape, supra note 5. |
| 127 | Id. |
| 128 | Id. |
| 129 | Id. |
| 130 | Id. |
| 131 | See generally Ross, supra note 1 (analyzing the objectives of several CIA experiments). |
| 132 | Videotape, supra note 5. |
| 133 | Id. |
| 134 | Id. |
| 135 | Id. |
| 136 | Id. |
| 137 | Id. |
| 138 | Videotape, supra note 5. |
| 139 | Rutz, supra note 1, at 10. |
| 140 | Id. at 12-13. |
| 141 | Id. at 12. |
| 142 | Id. at 13. |
| 143 | Id. Valerie Wolf, a Clinical Social Worker who has been active in treating mind-control survivors, believes that mind-control researchers were actively seeking out “children who were already traumatized, who were already abused, children who were very intelligent, children who had good memories.” Wolf, Mullen & DeNicola Ebner Interview, supra note 10. Ms. Wolf states that mind-control researchers would look in clinics where abused children might be brought for help and would also seek children from military families. Id. |
| 144 | Rutz, supra note 1, at 15-19. |
| 145 | Id. at 81. |
| 146 | Rutz Presentation 2003, supra note 119. |

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| 147 | Id. |
| 148 | Rutz Lecture, supra note 80. |
| 149 | Rutz Presentation 2003, supra note 119. |
| 150 | See Rutz, supra note 1. |
| 151 | Rutz Lecture, supra note 80. |
| 152 | Id. |
| 153 | Ross Interview, supra note 3. |
| 154 | See Jennifer J. Freyd, Science in the Memory Debate, 8 Ethics & Behav. 101, 101-02 (1998). |
| 155 | False Memory Syndrome Foundation at http://www.fmsfonline.org/ (last visited Feb. 5, 2005). Investigative journalist Jon Rappoport has questioned the origins of the False Memory Syndrome Foundation, pointing out that within three years of its creation the Foundation had a chapter in every state. Rappoport Interview, supra note 44. Rappoport indicates that, for an organization with no visible foundation money or government funding, the rapid growth of this organization is unusual to the point of impossibility. Id. Martin Orne, who had top-secret clearance with the CIA, served on the Scientific Advisory Board of the Foundation. Ross Interview, supra note 3. Robert Heath, who did brain electrode research funded by the CIA, is another former member of the Foundation's Scientific Advisory Board. Id. Heath's research partner for the electrode research, Harold Leif, is a current member of the Board. Id. |
| 156 | Freyd, supra note 154, at 107 (discussing the misuse of memory science to support the idea that false memories are common). |
| 157 | Id. See also Constance J. Dalenberg, Accuracy, Timing and Circumstances of Disclosure in Therapy of Recovered and Continuous Memories of Abuse, 24 J. Psychiatry & L. 229 (1996); Linda M. Williams, Recovered Memories of Abuse in Women with Documented Child Sexual Victimization Histories, 8 J. Traumatic Stress 649 (1995); James A. Chu et al., Memories of Childhood Abuse: Dissociation, Amnesia, and Corroboration, 156 Am. J. Psychiatry 749 (1999). |
| 158 | See generally Ross, supra note 1 (discussing the psychological goals of many of the experiments). |
| 159 | See generally Rutz, supra note 1; Ross, supra note 1. |
| 160 | See Rutz, supra note 1; Hersha, supra note 10. |
| 161 | Videotape, supra note 5. |
| 162 | Id. |
| 163 | Id; See also Hammond Lecture, supra note 9 (discussing the similarity in experiences of victims who have had relatives in NASA, the CIA, and the military). |
| 164 | Videotape, supra note 5. |
| 165 | Id. |
| 166 | Id. |

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| 167 | Ross, supra note 1. |
| 168 | Id. |
| 169 | Rutz, supra note 1. |
| 170 | Ross Lecture, supra note 9. |
| 171 | Id. |
| 172 | Id. |
| 173 | Voice #6, Survivors of Extreme Abuse: A Collective Voice, at http://www.morningcomequickly.com/survivor%20stories.htm (last visited Feb. 16, 2005). |
| 174 | Rauh & Turner, supra note 6. |
| 175 | Joshua Dressler, <i>Understanding Criminal Law</i> 64 (3d ed. 2001). |
| 176 | Id. |
| 177 | 18 U.S.C. § 3237 (2000) . |
| 178 | Hersha, supra note 10, at 128; Rutz, supra note 1, at 3; Mullen Presentation, supra note 10; Moss-Sharman Interview, supra note 10; Chavoustie Interview, supra note 10. |
| 179 | See generally Rauh & Turner, supra note 6. Ewan Cameron's experiments in Canada are well documented, as is CIA involvement in those experiments. Id. Offenses not committed in any district are covered by 18 U.S.C. § 3238 (2000) . |
| 180 | 18 U.S.C. § 3237 (2000) . |
| 181 | 18 U.S.C. § 3283 (2000) . |
| 182 | <i>Overall v. Estate of Klotz</i> , 52 F.3d 398, 403 (1995). |
| 183 | 18 U.S.C. § 3282 (2000) . |
| 184 | 18 U.S.C. § 3281 (2000) . |
| 185 | 18 U.S.C. § 1111 (2003) . |
| 186 | See Annas, supra note 35, at 20 n.12. The Nuremberg Code is a part of international common law created as a result of the Nuremberg military tribunals following WWII. Id. at 19. The Code addresses the legal requirements for experimentation on humans and requires that research subjects give informed, voluntary, competent, and understanding consent. Id. at 20-21. |
| 187 | 28 U.S.C. §§ 2671-2680 (2000) . |
| 188 | Annas, supra note 35, at 21. United States courts "may use the Nuremberg Code to set criminal and civil standards of conduct," but "no United States court has ever awarded damages to an injured experimental subject, or punished an experimenter, on the basis of a violation of the Nuremberg Code." Id. |

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| 189 | See generally Orlikow v. United States , 682 F. Supp. 77 (D.D.C. 1988); Scott v. Casey , 562 F. Supp. 475, 476 (N.D. Ga. 1983); Ritchie v. United States , 210 F. Supp. 2d 1120 (N.D. Cal. 2002). |
| 190 | Scott , 562 F. Supp. at 476; Ritchie , 210 F. Supp. 2d at 1120 (holding that constitutional claims are barred by the statute of limitations). |
| 191 | Annas , supra note 35, at 22. |
| 192 | Id. at 44. |
| 193 | Orlikow , 682 F. Supp. at 77-78. |
| 194 | See Ritchie , 210 F. Supp. 2d 1120; Scott , F. Supp. 2d. 475; Kronisch v. United States , No. 83 Civ. 2458 (KMW), 1994 WL 524992 (S.D.N.Y. Sept. 27, 1994); United States v. Stanley , 483 U.S. 669 (1987). In all of these cases, plaintiffs were barred from recovery. But see Rauh & Turner , supra note 6, at 309. The Orlikow plaintiffs shared a settlement of \$750,000. Id. |
| 195 | 28 U.S.C. § 2401 (2000). |
| 196 | Rauh & Turner , supra note 6, at 320. |
| 197 | Id. at 321. |
| 198 | 28 U.S.C. § 2401 (2003). |
| 199 | Kronisch v. United States , 150 F.3d 112, 121 (2d Cir. 1998). |
| 200 | Orlikow v. United States , 682 F. Supp. 77, 84 (D.D.C 1988) (citing Kubrick v. United States , 444 U.S. 111, 122 (1979)). |
| 201 | Barrett v. United States , 689 F.2d 324, 327 (2d Cir. 1982). |
| 202 | Orlikow , 682 F. Supp. at 84. |
| 203 | Id. |
| 204 | Id. (citing Zeidler v. United States , 601 F.2d 527, 530-31 (10th Cir. 1979)). |
| 205 | Orlikow , 682 F. Supp. at 84. |
| 206 | Id. at 86. |
| 207 | Id. |
| 208 | Rauh & Turner , supra note 6, at 362. |
| 209 | Orlikow , 682 F. Supp. at 86. |
| 210 | Id. |
| 211 | Ritchie v. United States , 210 F. Supp. 2d 1120 (N.D. Cal. 2002). |

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| 212 | Orlikow, 682 F. Supp. at 84 (citing Kubrick v. United States , 444 U.S. 111, 122 (1979)). |
| 213 | Id. at 86; Ritchie , 210 F. Supp. 2d 1120. |
| 214 | 28 U.S.C. § 2680(a) (2003). |
| 215 | Orlikow, 682 F. Supp. at 81. |
| 216 | Id. (citing Glickman v. United States , 626 F. Supp. 171, 175 (S.D.N.Y. 1985)). |
| 217 | Id. at 81. |
| 218 | Id. (holding that “extraordinary and malevolent acts ... are beyond any reasonable discretion that Congress might have envisioned when creating the discretionary exception”). |
| 219 | Id. at 82. |
| 220 | Id. at 87. |
| 221 | Orlikow, 682 F. Supp. at 82. |
| 222 | Id. at 87. |
| 223 | Id. at 82 (citing Sami v. United States , 617 F.2d 755, 766-67 (1979)). |
| 224 | 28 U.S.C. § 2680(h) (2003). |
| 225 | Ritchie v. United States , 210 F. Supp. 2d 1120, 1127 (N.D. Cal. 2002). |
| 226 | Id. |
| 227 | Id. |
| 228 | Id. |
| 229 | Kronisch v. United States , 150 F.3d 112, 120 (2d Cir. 1998); Glickman v. United States , 626 F. Supp. 171, 173 (S.D.N.Y. 1985). |
| 230 | Rauh & Turner, <i>supra</i> note 6. |
| 231 | Senator Edward Kennedy, Opening Remarks to a Senate Investigative Committee Re: Project MKULTRA (August 3, 1977) (transcript available at http://www.druglibrary.org/schaffer/history/e1950/mkultra/Hearing01.htm). |
| 232 | Hersha, <i>supra</i> note 10, at xviii. |
| 233 | Id. |
| 234 | Videotape, <i>supra</i> note 5. |

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| 235 | Wolf, Mullen & DeNicola Ebner Interview, supra note 10. |
| 236 | Advisory Committee on Human Radiation Experiments, Final Report, pt. IV, Ch. 18, Recommendation 1 available at http://www.eh.doe.gov/ohre/roadmap/achre/report.html . |
| 237 | Id. at pt. IV, Ch. 18, Recommendation 18b. |
| 238 | Id. |
| 239 | Videotape, supra note 5. |
| 240 | Id. |
| 241 | Id. |
| 242 | Letter from Patty Rehn & Lynne Moss-Sharman, to NIH Bioethics Group (April 5, 1999) available at http://www.aches-mc.org/bioethics.html . |
| 243 | Rafael Gumucio, My Tortured Inheritance, N.Y. Times, Dec. 13, 2004, at A27 (describing the effect of General Augusto Pinochet's regime of torture on the country of Chile). |
| 244 | See generally Hersha, supra note 10; McKenna, supra note 10, Mullen Presentation, supra note 10, Chavoustie Interview, supra note 10; Rutz, supra note 1; Videotape, supra note 5. |
| 245 | See generally Ellen Bass and Laura Davis, <i>The Courage to Heal</i> (1994). |
| 246 | Rutz, supra note 1; see also Rutz Lecture, supra note 80. |

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