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OLC 78-1473

OLC RECORD COPY

12 APR 1978

MEMORANDUM FOR: Mr. Anthony Lapham, General Counsel  
FROM :  Acting Legislative Counsel STAT  
SUBJECT : Agency Policy With Respect to MKULTRA-Related  
Queries Re Names of Specific Institutions  
(A/IUO)

1. (A/IUO) It is Agency policy to give a stock answer to all outside queries as to whether an institution was involved in past CIA human experimentation programs, such as MKULTRA. The answer basically states we cannot reveal identities due to the Privacy Act and the Director's obligation to protect confidential relationships. Our office has been following this policy based on advice from your office. Attached is a copy of a typical answer. This response is used to answer every human modification-type request whether or not the institution appears in appropriate CIA records.

2. (A/IUO) I understand that the Agency rationale for handling responses in this manner is that it best protects the identity of those institutions that were involved. However, though the need to protect these institutions is clearly recognized, the present manner of answering inquiries concerning an institution which was in no way involved raises a clear implication that the institution was involved, but we cannot acknowledge this fact. The requester has no knowledge that our response is a blanket answer to all inquiries. This implication is not necessarily removed if the requester directs his inquiry to the institution as our letter suggests, since our letter further states that the institutions involved were advised by the Agency that we would not reveal their identities and they can decide for themselves if they wish to make their involvement public knowledge. Consequently, a requester may still have the strong belief that the institution was involved even though it makes a denial.

3. (A/IUO) Especially when a request such as this comes via a Member of Congress, we are compounding the confusion by giving the Member the false impression that an institution in his/her state is involved. It is the policy of this office to be as forthright and forthcoming with requests from Members of Congress as is possible within

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the sources and methods framework. When handling Member requests from emotionally wrought constituents who honestly believe that they or their loved ones were experimented upon by this Agency and when the institution they ask about was clearly not involved, I see no reason not to give them a simple negative response. There will always be exceptions to every rule, but instead of the current blanket denial approach, I believe that each query should be treated on a case by case basis and where feasible, a simple no response should be sent in those cases when it applies.

SIGNED

[Redacted Signature Box]

STAT

Attachment

Distribution:

- Orig - Adse
- 1 - OLC/Subj
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OLC/ABS/ksn (10 Apr 78)

WASHINGTON, D. C. 20505

OLC 77-4151/a

Office of Legislative Counsel

28 September 1977

Honorable William M. Brodhead  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Brodhead:

Thank you for your letter of 27 September 1977 in which you requested information as to whether "the CIA conducted any drug tests at Kent State University in Kent, Ohio, in 1969."

The Agency is precluded from disclosing the identities of specific institutions by the Director's obligation to protect confidential relationships, and by the Privacy Act of 1974 since such information would tend to constitute an unwarranted invasion of the privacy of individuals involved in these activities. As the Director stated in his testimony to the Senate Select Committee on Intelligence and the Senate Human Resources Subcommittee on Health and Scientific Research on 3 August 1977,

... We should certainly assume that the researchers and institutions which cooperated with CIA on a witting basis acted in good faith and in the belief that they were aiding their government in a legitimate and proper purpose.

I believe that we all have a moral obligation to these researchers and institutions to protect them from any unjustified embarrassment or damage to their reputations which revelation of their identities might bring. In addition, I have a legal obligation under the Privacy Act not to publicly disclose the names of the individual researchers without their consent.

This is especially true, of course, for those researchers and institutions which were unwitting participants in CIA-sponsored activities.

The Agency has notified those institutions which were involved in these activities. These institutions have been advised that the Agency will not make public their identities and that this is a matter for the institutions themselves to decide. Further, the Justice Department is now studying the issues associated with attempting to identify victims of these research activities. Since Agency records contain no information regarding the identities of subjects of such activities, any affirmative program to notify these individuals will require close cooperation between the Government and the institutions with heavy reliance upon the institutional records.

Given these circumstances, the Agency is unable at this time to provide information to third parties regarding the identities of specific institutions which may have been associated with Project MKULTRA. You or your constituent may, as an alternative, wish to approach Kent State University directly for the information desired.

We appreciate your interest in this regard.

Sincerely

[Redacted Signature Box]

George L. Cary  
Legislative Counsel

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OLC/ABS/ksn (28 Sept 77)

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WILLIAM M. BRODHEAD

17TH DISTRICT, MICHIGAN

Congress of the United States

House of Representatives

Washington, D.C. 20515

OLC #77-451

WASHINGTON OFFICE:  
415 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
TELEPHONE: (202) 225-4961

DISTRICT OFFICE:  
24261 GRAND RIVER AVENUE  
DETROIT, MICHIGAN 48219  
TELEPHONE: (313) 537-1400

September 27, 1977

Mr. Douglas T. Cummins  
Office of the Legislative Counsel  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Cummins:

Recently a constituent contacted me concerning drug tests which have been conducted by the CIA. I understand that you spoke about this matter with John Schelble of my staff this afternoon.

In 1969, my constituent's wife, who was doing graduate work in biochemistry at Kent State University in Kent, Ohio, underwent apparently dramatic changes in personality. My constituent expressed concern to me that this might be attributed to drug tests which the CIA may have conducted at Kent State.

Specifically, I would like to know if the CIA conducted any drug tests at Kent State University in Kent, Ohio during 1969.

Your prompt attention to this request for information is greatly appreciated.

Sincerely yours,

*Bill Brodhead*

William M. Brodhead  
Representative in Congress

WMB/js