

Olsons Bar a U.S. Suit on LSD Death; Hope Congress Will Pass Damages Bill

By JOSEPH B. TREASTER

The family of Dr. Frank R. Olson said yesterday that it had decided against suing the Federal Government for his "wrongful death" 22 years ago, after he was given LSD without his knowledge in a test by the Central Intelligence Agency. But they said they hoped Congress would pass a private bill awarding them \$1.25 million.

Lawyers for the family said they had been assured that President Ford, the C.I.A. and the Justice Department would support the bill, and a spokesman for Senator Charles McC. Mathias Jr., one of three Congressmen scheduled to introduce the legislation after the Christmas recess in January, said there was "no apparent source of opposition."

In separate statements, the family, their lawyers and the Justice Department agreed that the government in negotiations had presented what appeared to be such a strong legal defense that the Olsons would have lost the case or, at the least, received an award substantially lower than the \$1 million or more they had sought.

Support by President

A spokesman for the Justice Department said, however, "The Administration feels there was a certain amount of suffering on the part of the Olson family and they should be legally compensated. The Administration thinks the best remedy would be a private bill introduced into Congress."

One Washington official said

that the President was not only supporting the bill, as the White House confirmed, but also "really pushing it."

Shortly after the circumstances of Dr. Olson's death were disclosed last summer—they had been kept from the family and the public for 22 years by the C.I.A.—President Ford invited the Olsons to the White House and told them he felt the incident was "a horrible episode in American history" that was "inexcusable and unforgivable."

Dr. Olson, a civilian biochemist at the Army's top-secret germ warfare laboratories at Fort Detrick, Md., plunged to his death from a 10th-floor Manhattan hotel room on Nov. 28, 1953. This was less than two weeks after C.I.A. agents had surreptitiously slipped LSD into his after-dinner drink during a conference of Government scientists.

Earlier Declaration

He became extremely upset shortly after receiving the LSD, was escorted to New York for sessions with a psychiatrist and was sharing a room with a C.I.A. employee the morning he died.

Mrs. Olson and her three children, Eric, Lisa and Nils, were told only that Dr. Olson had "jumped or fell" from the hotel window. They did not learn about the C.I.A. involvement and the LSD until the publication last June of the report of the Rockefeller Commission, which had been charged with investigating alleged illegal domestic activities by intelligence agencies.

In announcing in July their intention to sue, the Olsons said they would seek monetary damages, "full disclosure" of

the circumstances of the death and a "formal acknowledgment" of the Government's wrongdoing.

During the summer, the C.I.A. gave the family its remaining files on the case—some of the material had been destroyed by a high-ranking employee of the agency—along with an affidavit declaring that it possessed no additional information.

David Rudovsky, one of the Olsons' lawyers, said the files, which the family plans to make public eventually, give a "pretty full picture" of what had happened and that he and the family were convinced that nothing more "of any substance" would have been produced in the course of a suit.

In a statement released by Mr. Rudovsky in Philadelphia, the Olsons said that in their meetings with President Ford and William E. Colby, the Director of Central Intelligence, the Government had "formally acknowledged" that the drug tests that caused Frank Olson's death were illegal and unconscionable, adding that they believed their contention had been vindicated.

The disclosure of Dr. Olson's death and his family's efforts to make the circumstances widely known led to a series of Congressional and journalistic investigations that revealed widespread abuses in drug experiments by the military as well as the C.I.A.

Army drug experiments on humans have been suspended, while internal investigations continue. Senator Edward M. Kennedy, Democrat of Massachusetts, has introduced legislation that would require, for the first time, outside supervision of drug-testing programs of the military and the C.I.A.

Olsons ask \$1.2

FRIDAY, DECEMBER 18, 1975

Press Run	Post	17,550	Total	30,675
	News	13,125		

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PRICE: TEN CENTS

million settlement

Legislators plan to introduce motion to Congress in January

By J.M. BENNETT
Assistant Editor

"We have made an agreement. . . an agreement was made, and the statement was made by my attorney and the senators, and, really, that is all I have to say."

So spoke Mrs. Alice W. Olson Thursday evening regarding the announcement a \$1.25 million payment will be sought from the United States Government for the family of the late Dr. Frank R. Olson, a former Fort Detrick scientist.

The legislation will be introduced in both houses of Congress in January,

following the scheduled Christmas recess, by Maryland's U.S. Senators Charles McC. Mathias Jr. (R) and J. Glenn Beall Jr. (R), and Rep. Goodloe E. Byron (D-6th) to honor an agreement between the Olson family and the Ford Administration.

Mrs. Olson and her children, Lisa Olson Hayward, Eric and Nils Olson, had lived for 20 years in the belief Dr. Olson's death on Nov. 28, 1953, was an unexplained suicide. However, true facts behind the death began to emerge in June when the Rockefeller Commission released its report on Central Intelligence Agency (CIA) activities.

The report did not release names of

persons involved in incidents, but, the Olson family was able to piece information together to determine their husband and father had been part of, and died from, a CIA experiment.

Dr. Olson was employed by the Army Chemical Corps at Fort Detrick in 1953 when he and others attended a conference Nov. 17-19 at Deep Creek Lake in Garrett County. He and four other Detrick personnel were given Cointreau, a liqueur, surreptitiously laced with LSD. He wasn't told until later that the hallucinogenic drug had been put into his drink.

When he returned home from the

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Olsons ask \$1.2 million

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conference, he was a "completely different person" said Mrs. Olson. He lapsed into deep melancholy and, a few days later, was taken by a government agent to New York for psychiatric treatment. Mrs. Olson related her husband said he was afraid he might harm her.

It was to be the last time the Olsons would see their husband and father. Shortly before he was to return home, he plunged to his death from a 10th floor window of a Manhattan hotel, an action apparently brought on by an LSD hallucinogenic reoccurrence.

At the time of his death, Dr. Olson was working on highly classified bacteriological warfare research at Fort Detrick, the Army installation a short distance from the Olson home in Old Braddock.

The Olsons bared the facts of the CIA-related incident with Dr. Olson on July 10 from their home, and, in a prepared statement, announced they were planning to file suit against the CIA for "illegally and negligently" administering LSD to Dr. Olson.

The suit, though, was never filed. Mrs. Olson said Thursday, in confirming the tentative settlement (upon legislative

approval) when reached at her home. She referred all questions to David Rudovski, a Philadelphia attorney who has been representing the family.

The family indicated, however, the suit probably would not be filed if three of their concerns about the death were met.

"They were interested in compensation; they wanted public acknowledgement of the CIA's wrongdoing, which they received in a meeting in July with President Ford, and they wanted the full story," said Rudovski, the attorney.

President Ford personally apologized to the Olson family on July 21, and told them he would make available information on the case, and had asked the attorney general to meet with their legal representatives "to discuss the claims they wish to assert against the CIA by reason of Dr. Olson's death."

The President said then he "feels very strongly about this" and had requested the family come see him to express his sympathy and apologize on behalf of the U.S. government.

The compensation condition will be met if Congress approves the legislation to be introduced by Maryland's three legislators. Rudovski said the CIA has

given the Olson family its full file on the case, "and we plan to make the information public, probably in January."

Rudovski said his research on the compensation bill would indicate the funds would not be taxable. He added legal action still could be taken if Congress refused to approve the negotiated compensation.

Rudovski said the family had filed a motion of intention to sue the CIA under the Federal Tort Claims Act. Under that act, he said, the government must enter into negotiations in an effort to satisfy the claim before any court action is begun.

"The negotiations seemed the best way to attain proper compensation for the family," the attorney continued. "The final figure agreed upon is a negotiated figure, but I think the family feels it is a fair settlement."

Senators Mathias, a Frederick native, and Beall, who hails from Frostburg, and Representative Byron, who also is from Frederick, agreed to sponsor the private bill, which has the blessing of the White House.

"In submitting this legislation, we are following the lines of an agreement reached by the family and the Ford Administration," Mathias said Thursday. "We cannot erase the years which they have endured under the cloud for which government agencies have a clear responsibility."

"We can, however, show that our government is capable of admitting its own injustices and taking steps to right the wrongs for which its own officials are to blame. It is my hope that this legislation makes unmistakably clear that such activities will be neither condoned nor overlooked again."

Senator Beall was especially pleased by the cooperation of the White House, the CIA and the Department of Justice in achieving the agreement with the Olsons.

"President Ford met personally with the Olsons," he said. "His willingness and the willingness of the administration to redress the misdeeds of their predecessors will do much to eradicate the stain of tragedy and to assure that no other American family is ever again victimized by thoughtless acts and calculated duplicity on the part of its government."

Congressman Byron said the award of

the federal funds (\$1,250,000) would be divided equally among the four family members and "will avert the further agony of lengthy court proceedings."

"The unique, extraordinary circumstances of the Olson family tragedy make this compensation a necessary and humane action for the Congress to take on behalf of the people of our country," he concluded.