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## Government Ruled Negligent in Death From Drug Tests

NEW YORK (AP) - A judge ruled Tuesday that the government negligently caused and then covered up its role in the death of a mental patient given hallucinogenic drugs in secret Army experiments during the 1950s. She awarded the man's estate more than \$700,000 damages.

In a sharply worded, 106-page opinion, U.S. District Judge Constance Baker Motley detailed what she called a 20-year "conspiracy" by the Army, the Justice Department and the New York state attorney general's office to conceal events surrounding the death of Harold Blauer.

Motley, awarding \$702,044 to Blauer's estate, said he died "as a guinea pig in an experiment to test potential chemical warfare agents for the U.S. Army."

Blauer's daughter, Elizabeth Barrett, who filed the wrongful death lawsuit in 1976, eventually sought \$11 million from the government.

She said the ruling vindicated "my 12-year struggle" to prove "there was gross, negligent behavior by the government and its employees and a cover-up."

Barrett said she was "very, very upset" that individual officials were not found at fault.

The judge dismissed, on technical grounds, legal action against Gen. William M. Creasy, former head of the Army Chemical Corps and the estate of the late Dr. Amedeo S. Marrazzi, project officer for the experiments.

A six-member civil jury found that Dr. James P. Cattell, who administered the drugs, and Dr. Newton Bigelow, former New York state commissioner of Mental Hygiene, did not commit fraud in helping obtain a waiver from Blauer's ex-wife.

"They continue to have the ability to behave in ways that would be considered illegal, unethical and

immoral, and because they work for the government, they are not accountable," she said. "I think that's the scariest part of all."

Assistant U.S. Attorney Beth A. Kaswan, who represented the government, said her office was reviewing the ruling and would have to consult Justice Department and Army officials in Washington before deciding whether to appeal.

Blauer, 42, a tennis pro, died Jan. 8, 1958, from one in a series of mescaline derivatives that he was given at the New York State Psychiatric Institute, according to the ruling.

The drugs were administered to Blauer as part of a classified contract that the state-run institute had with the Army Chemical Corps for evaluating the effects of potential chemical warfare agents.

Blauer was admitted voluntarily to the institute in December 1952, suffering from severe depression following a divorce. He later was diagnosed as a pseudo-neurotic schizophrenic, but was responding to therapy.

"When Blauer died, he was scheduled to be released in a matter of weeks," Judge Motley wrote. While he knew he was receiving experimental drugs, he "certainly had no idea he was being used in an experiment to develop chemical warfare agents," she added.

Blauer was given the drugs five times over a period of weeks, but the combination that killed him had only been administered once before at a lesser dosage. He lapsed into a coma and died about two hours after his last injection.

When Blauer's ex-wife, Amy, brought suit against the state, neither she nor her lawyers were told about the nature of the experiments or the Army's involvement.

Under pressure from the state Attorney General's office, Blauer's ex-wife reached an \$18,000 out-of-court settlement with the state and gave up her right to sue the supplier of the experimental drugs, which she did not know was the Army. She died in 1974, a year before the truth was disclosed.

Barrett, 48, of Manhattan, Blauer's eldest daughter, launched a series of suits against the government as well as numerous federal and state employees.