

ROGER HALL, et al. ,	) Case No.: Civil Action Number:
	) CV-04-00814 (HHK)
Plaintiff,	)
	)
vs.	)
	)
CENTRAL INTELLIGENCE AGENCY,	)
	)
Defendant	)

DECLARATION OF ROBERT A. HARNEY, NRO

I, Robert A. Harney, hereby declare under penalty of perjury, pursuant to 28 U.S.C. §1746 that the following information is true and correct to the best of my knowledge:

I presently serve as the Director of the Office of Security and Counterintelligence (OS&CI) for the National Reconnaissance Office (NRO) and have served in that position since November 2008. As Director of OS&CI and pursuant to a delegation under Executive Order 13526, I hold original classification authority up to the TOP SECRET level. Therefore, I am authorized to make original classification decisions and review of classifications. The statements made herein are based upon my personal knowledge, discussions with knowledgeable personnel, review of current classification guidance and information made available to me in my official capacity.

1. The purpose of this Declaration is to describe, on the public record, the NRO's responses provided to the Central Intelligence Agency (CIA) regarding plaintiff's FOIA request.

2. The NRO Information Access and Release Team (IART) received a request from the CIA for coordination of documents for FOIA release on 12 October 2007 (Exhibit A). The NRO processed these documents in accordance with the Freedom of Information Act as amended, Title 5 U.S.C. § 552. The IART/Declassification Office found NRO equities in the documents that required continued protection (Exhibit B). The redacted material was made under the following statutory exemption:

FOIA Exemption 1, found at 5 USC 552 (b)(1) which is currently and properly classified information pursuant to Executive Order 13526, Sections 1.4(c) release military plans, weapons systems, or operations, 1.4(e) scientific, technological, or economic matters relating to the national security, and 1.4(g) vulnerabilities or capabilities of systems, installations, projects or plans relating to National Security exempts from release information properly classified at least the SECRET level and were redacted or withheld under this exemption.

Further explanation of Exhibit B exemptions:

Exhibit B-1: The term redacted here provides specific information about the collection parameters of the KH-9 vehicle. Such parameters were judged classified, as specified in the 2007 NRO Review and Redaction Guide for Automatic Declassification of 25-Year-Old Information.

Exhibit B-2: The 2007 NRO Review and Redaction Guide allows declassification of systems designators in a general way, disassociated from specific intelligence operations, organizations or related national security matters. Under this guidance the information in question remains classified due to association with a specific operation.

Exhibit B-3: The terms redacted here provide specific information about the collection parameters of the KH-9 vehicle. Such parameters were judged classified, as specified in the 2007 NRO Review and Redaction Guide for Automatic Declassification of 25-Year-Old Information.

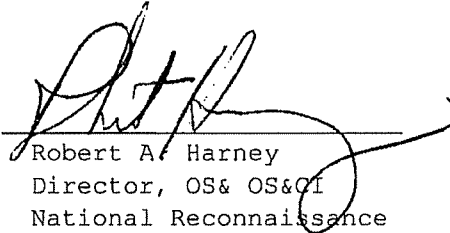
Exhibit B-4-1: The term redacted here provides specific information about the collection parameters of the KH-9 vehicle. Such parameters were judged classified, as specified in the 2007 NRO Review and Redaction Guide for Automatic Declassification of 25-Year-Old Information.

Exhibit B-4-2: The 2007 NRO Review and Redaction Guide allows declassification of systems designators in a general way, disassociated from specific intelligence operations, organizations or related national security matters. Under this guidance the information in question remains classified due to association with a specific operation.

Exhibit B-5: The 2007 NRO Review and Redaction Guide allows declassification of systems designators in a general way, disassociated from specific intelligence operations, organizations or related national security matters. Under this guidance the information in question remains classified due to association with a specific operation.

In my capacity as Director of OS&CI, I attest that the information withheld was and still remains properly withheld and that any unauthorized disclosure of this information reasonably could be expected to cause serious damage to our national security.

Dated this 10th day of August, 2010



Robert A. Harney
Director, OS& OS&CI
National Reconnaissance
Office

EXHIBIT A

TOP SECRET/SCI

**CENTRAL INTELLIGENCE AGENCY
WASHINGTON, DC 20505**

**TO: Ms. Linda Hathaway
Information Access and Release Center (FOIA)
National Reconnaissance Office
14675 Lee Road
Chantilly, VA 20151-1715**

FROM: Information and Privacy Coordinator, CIA

SUBJECT: FOIA Request of: F-2003-00449, Civil Action 04-00814

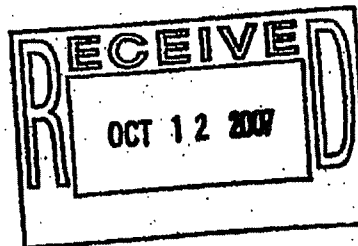
During our review of CIA files responsive to the above request, we surfaced the attached documents. A copy of the requester's initial letter and any other significant correspondence are enclosed for your records at **Enclosure A**.

A. CIA DOCUMENTS, FOR YOUR REVIEW AND RESPONSE BACK TO THIS AGENCY:

[1] CIA document(s) containing your agency's information, at Enclosure B. Please review the document(s) for your agency's equities and return the document(s) to us, marking any deletions you deem appropriate, citing appropriate FOIA exemption(s) claimed, and stating the current and proper level of any classified information. If you find no equities belonging to your agency, please so state in your response back to us. As part of your response, please include the date of this memo, the name of the requester, and the CIA case number and civil action number listed above.

If you have any questions, please contact: **Michael M. on 703.613.1308.**

Please review one CIA-originated documents (DOC IDs 1340882) for your equities and respond back to us prior to our release. The case is in litigation in the United States District Court for the District of Columbia; **Roger Hall et al v. CIA, 04-0814.**



TOP SECRET/SCI

MORI DocID: 919553

F-2003-00449

JAMES H. LESAR
ATTORNEY AT LAW
1003 H STREET, N.W., SUITE 840
WASHINGTON, D.C. 20004
TELEPHONE (202) 363-1821
FAX (202) 363-7310

203 FEB 14 AM 8:20

February 7, 2003

FREEDOM OF INFORMATION ACT REQUEST

Ms. Katherine I. Dyer
Freedom of Information and Privacy
Coordinator
Central Intelligence Agency
Washington, D.C. 20505

BY CERTIFIED MAIL
NO. 1 915 674 437

Re: Request for Records on Missing POWs

Dear Ms. Dyer:

I represent Mr. Roger Hall and Studies Solutions Results, Inc., trading as POW/MIA FOIA Litigation Account. Mr. Hall is joined in this request by Mr. David Irvine and Accuracy in Media, Inc., who are represented by Mr. Joe Jablonski. As further described below, our clients seek records pertaining to members of the American Armed Forces who participated in the War in Vietnam and have been classified as Prisoners of War (POWs) and/or Missing in Action (MIAs), as well as any civilian detainees.

Roger Hall has for many years conducted research into the POW/MIA question for the National Alliance of Families, a service he provides without charge. He distributes the information he obtains in newspapers, research papers, and documents he provides to members of Congress, veterans and POW/MIA groups. His research contributions on this issue have been reprinted in newsletters and magazines, including the National Vietnam Veterans Coalition Magazine. The Marine Corps League POW/MIA Affairs News Letter and Information Report has on numerous occasions carried documentation he has made available to them. One of his contributions was reprinted in toto in an article in the Conservative Review. He has made public presentations to the National Alliance of Families and the Sarah McClendon Study Group, and appeared on the Joe Mironime talk radio show. He has also briefed veterans groups, including the POW/MIA Ad Hoc Committee, the Disabled American Veterans, and the Veterans of Foreign Wars, among many other groups, as well as members of Congress and their staffs. Mr. Hall sends out email newsletters on POW matters to various organizations such as Rolling pride, Vietnam, and Friends of Illinois, which have a combined membership in excess of 100,000. The frequency of these newsletters varies from twice daily to twice a month.

The American Legion has manifested an interest in the missing POW/MIAs issue, and Mr. Hall's work on it, carrying an interview of him in its December 2002 issue which dealt with his FOIA case to

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2

obtain records from your agency. The American Legion magazine reaches an audience of over 100,000.

Reed Irvine is a media critic who is Chairman of the Board of Accuracy in Media, Inc. ("AIM"). He is Editor of AIM Report, a bi-weekly publication which has an interest in the POW/MIA issue. AIM has approximately 3,000 subscribers. Mr. Irvine is editor of AIM Report. He is author of Media Mischiefs and Misdeeds, 1984; and co-author (with Cliff Kincaid) of Profiles in Deception, 1990, and The Mass Manipulators (with Joseph C. Goulden and Cliff Kincaid).

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, our clients request all records and information on or pertaining to:

1. Southeast Asia POW/MIAs (civilian or military) and detainees, who have not returned, or whose remains have not been returned, to the United States; regardless of whether they are currently held in prisoner status, and regardless of whether they were sent out of Southeast Asia.

2. POW/MIAs sent out of Southeast Asia (for example, to China, Cuba, North Korea, Russia).

3. Prepared by and/or assembled by the CIA between January 1, 1960 and December 31, 2002, relating to the status of any United States POWs or MIAs in Laos, including but not limited to any reports, memoranda, letters, notes or other documents prepared by Mr. Morgan or any other officer, agent or employee of the CIA for the Joint Chiefs of Staff, the President, or any federal agency.

4. Records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the National Archives and returned to the CIA for processing.

5. Records relating to 47 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, see Attachment 1 hereto; and those persons who are on the Priorities of War/Missing Personnel Office's list of persons whose primary next-of-kin (PNOK) have authorized the release of information concerning them (Attachment 2).

6. All records on or pertaining to any search conducted for documents responsive to Roger Hall's requests dated January 5, 1994, February 7, 1994, and April 23, 1994, including but not limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto, and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged for the search, the date and duration and kind of search performed, etc.

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7. All records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs, including any search for such records conducted in response to any request by any Congressional Committee or executive branch agency.

Our clients are entitled to status as "representatives of the news media" and thus cannot be charged search fees. 5 U.S.C. § 552(A)(4)(A)(ii)(II).

Materials on POW/MIAs will necessarily shed light on the operations or activities of the government. Among other things, they will reveal the extent, nature, intensity, and duration of the Government's efforts to locate POW/MIAs, a subject that has long been of intense interest to the public. Records disclosed to our clients are likely to contribute significantly to public understanding of such operations or activities, by disclosing records that have remained secret despite congressional inquiries and Presidential directives to disclose them. The records will provide information regarding the thoroughness, scope, intensity, dedication and creativity of the search for missing POW/MIAs, and whether or not it was conducted in good faith. This information will show the degree to which the CIA has complied with Executive Order 12812 and Presidential Decision Directive NSC 6, and whether it has accurately informed Congress and the public about its search efforts and the information it possesses. It will also show how the CIA cooperated and coordinated its search efforts with other agencies and how and the CIA controlled the documentation other agencies possessed regarding POW/MIAs and detainees.

As noted above, Roger Hall, through his company, Studies, Solutions Results, Inc., regularly disseminates information concerning missing POW/MIAs to organizations which further disseminate said information, and Hall and his company intend to continue to do this. Indeed, one of the stated purposes of Studies Solutions Results, Inc. is to obtain and disseminate information concerning missing POW/MIAs to the public. Reed Irvine and AIM similarly intend to disseminate information on this issue derived from this request to the public.

Accordingly, our clients are entitled to a waiver of copying costs, and they request that such a waiver be granted pursuant to 5 U.S.C. § 552 (a)(4)(b)(iii).

Sincerely yours,

James H. Lesar

James H. Lesar
Joe Jablonaki

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FROM U. S. ATTORNEY'S

OFFICE

(FBI) 5.21.04 11:52/WT. 11:52/NO. 4061991737 P
U.S. Department of Justice

United States Attorney

District of Columbia

Udell L. Fiers, Jr.
Assistant United States Attorney
Judiciary Center
333 Fourth St. N.W., 10th Floor
Washington, D.C. 20004
202-324-4000 / FAX 202-324-4000
E-mail: udell.fiers@usdoj.gov

May 21, 2004

Re: Hammer Mill, et al. v. Central Intelligence Agency

Scott W. Muller
General Counsel
Room 7C1406H
Central Intelligence Agency
Washington, D.C. 20505

Re: Hammer Mill, et al. v. Central Intelligence Agency
Civil Action No: 04-0014 (BBK)

Dear Mr. Muller:

On May 19, 2004, this office was served with a copy of the enclosed summons and complaint under the Freedom of Information Act (FOIA). Accordingly, we must answer or otherwise respond within thirty (30) days, on or before June 18, 2004. In order to file a timely response with the Court, please provide a draft Answer or draft Verifying Index and supporting declaration(s) to the Assistant United States Attorney assigned to this case, Udell L. Fiers, Jr., on or before June 8, 2004. AUSA Fiers can be reached at the telephone number, e-mail and mailing address on this letterhead.

Please note that, in general, in addition to addressing the exemptions claimed for any documents or information withheld, the declaration(s) should address the adequacy of the search for records, the sufficiency of information and the manner in which any material of documents was made. If you are unable to provide a draft Answer or draft Verifying Index and supporting declaration within the time specified, you may call AUSA Fiers to develop a reasonable timetable, keeping in mind the time limits imposed by statute and by the Court.

As of October 27, 2003, all civil cases have been converted to the Electronic Case Filing (ECF) system, thereby, requiring all civil filings to be submitted electronically, including exhibits. Accordingly, any materials, including but not limited to, declarations, exhibits, administrative records, and other documents to be filed with the District Court should be provided to AUSA Fiers in electronic format, i.e., scanned and saved in PDF format, as well as

MORI DocID: 1094241

FROM: U. S. ATTORNEY'S

OFFICE

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in hard copy.

Finally, please note the ECF registration form attached to the complaint. Your agency is able to register with the ECF system and receive contemporaneous copies of all filings submitted, and/or orders issued, in this case. Once registered, your agency counsel will be e-mailed a login and password for the ECF system. Upon receipt, you may create an ECF profile by which you can identify the specific case(s) in which you wish to receive notices. Registration only has to be done once and, thereafter, any future cases can be added to that counsel's ECF profile. If you have any questions about this procedure, please feel free to call ECF support staff at the number listed on the attached form. Thank you for assisting our office in keeping you informed of all matters in this case; we look forward to working with you towards its final resolution.

Your cooperation, particularly in getting in touch with us as soon as possible after you receive this letter, will greatly assist us in effectively defending your interests.

Very truly yours,

ROSCOE C. HOWARD, JR.
United States Attorney

By:


ROBERT E. JONES, JR.
Assistant United States Attorney

Enclosure

MORI DocID: 1094241

FROM U.S. ATTORNEY'S OFFICE (PJI) 8/21/04 11:52/NO. 4061391737 P. 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROGER HALL
8715 First Avenue
Apt. 1131C
Silver Spring, MD 20910

CASE NUMBER 1:04CV00814

STUDIES SOLUTIONS RESULTS, INC. :
8715 First Avenue :
Apt. 1131C :
Silver Spring, MD 20910 :

JUDGE: Henry H. Kennedy
DECK TYPE: FOIA/Privacy Act
DATE STAMP: 08/19/2004

and

ACCURACY IN MEDIA
4455 Connecticut Avenue, NW
Suite 330
Washington, D.C. 20008

Plaintiff

v.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C. 20505

Defendant

COMPLAINT FOR INTERVIEW REVIEW

(Freedom of Information Act, 5 U.S.C. § 552, as amended)

INTRODUCTION AND FACTS

1. Plaintiff ROGER HALL ("Hall") brings this action under the Freedom of Information Act ("the FOIA"), 5 U.S.C. § 552, as amended.

2. Hall is a free-lance researcher who has been working on his own and with families of American Prisoners of War and Missing in Action ("POW/MIA") and other interested organizations to locate information concerning their whereabouts and status. He

MORI DocID: 1094241

FROM U.S. ATTORNEY'S OFFICE

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disseminates the information he obtains to a variety of media which disseminate the information he obtains, such as the National Vietnam Veterans Coalition Magazine, the Marine Corps League POW/MIA Affairs Newsletter and Information Report. He also sends out email newsletters on POW matters to various organizations such as Rolling Pride, Vietnam, and Pride of Illinois.

3. Plaintiff **STUDIOS SOLUTIONS RESOURCES, INC.** is a private company incorporated in Maryland which regularly disseminates information concerning POWs and MIAs to other organizations which further disseminate such information.

4. Plaintiff **ACCURACY IN MEDIA ("AIM")** is a nonprofit citizens watchdog of the news media duly organized and existing under the laws of the District of Columbia.

5. Defendant **CENTRAL INTELLIGENCE AGENCY ("CIA")** is an agency of the United States and has possession and control of records requested by Hall which are the subject of this action.

RIGHT CASE ON RECORD--FEBRUARY 7, 2003 REQUEST FOR RECORDS

6. By letter dated February 7, 2003, plaintiffs requested the following categories of records:

1. Southeast Asia POW/MIAs (civilian or military) and detainees, who have not re-turned, or whose remains have not been returned, to the United States, regardless of whether they currently held in prisoner status, and regardless of whether they were sent out of Southeast Asia

MORI DocID: 1094241

FROM U.S. ATTORNEY'S OFFICE (UW) 5/21/04 52/PL 52/NO.4861391737 P. 5

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B. POW/MIA sent out of Southeast Asia (for example, to China, Cuba, North Korea, Russia).

C. Prepared by and/or assembled by the CIA between January 1 1940 and December 31, 2003, relating to the status of any United States POWs or MIAs in Laos, including but not limited to reports, memoranda, letters, notes or other documents prepared by Mr. Morgan or any other officer, agent or employee of the CIA the Joint Chiefs of Staff, the President, or any federal agency.

D. Records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the National Archives and returned to the CIA for processing.

E. Records relating to 47 individuals who allegedly: Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, see Attachment 1 hereto, and those persons who are on the Prisoner of War/Missing Personnel Office's list persons whose primary next-of-kin (PNOK) have authorized release of information concerning them (Attachment 3).

F. All records on or pertaining to any search conducted for documents responsive to Roger Hall's requests dated January 5, 1994, February 7, 1994, and April 23, 1998, including but limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged

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FROM U.S. ATTORNEY'S OFFICE

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for the search, the date and duration and kind of search performed, etc.

6. All records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIA's, including any search for such records conducted in response to any request by any Congressional Committee or executive branch agency. See Exhibit 1.

7 The CIA received plaintiffs' February 7, 2003 request on February 18, 2003.

8. Plaintiffs have received no determination of their February 7, 2003 request.

9. Plaintiffs have exhausted their administrative remedies.

10. Plaintiffs have a statutory right to the records they seek, and there is no legal basis for the CIA's refusal to disclose them.

SECOND CAUSE OF ACTION--NEWS MEDIA STATUS

11. Plaintiffs renege the allegations set forth in paragraphs 1-6 and 9-10 above.

12. In their February 7, 2003 letter to the CIA, plaintiffs represented that they are each entitled to status as representatives of the news media pursuant to 5 U.S.C. § 552(A)(4)(A)(ii)(II). Id.

13. The CIA has made no determination of plaintiffs' entitlement to status as representatives of the news media.

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FROM U.S. ATTORNEY'S OFFICE

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5

TRIED CASE OF ACTION--PUBLIC INTEREST FEE WAIVER

14. Plaintiffs reallege the allegations set forth in paragraphs 1-5 and 9-10 above.

In their February 7, 2003 letter to the CIA, plaintiffs represented that they are entitled to a public interest fee waiver. *Id.*

15. The CIA has made no determination of plaintiffs' entitlement to status as representatives of the news media.

WHEREFORE, plaintiffs pray that this Court:

(1) order defendant to make the requested information promptly available to them;

(2) order defendant to grant plaintiffs status as representatives of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II);

(3) order defendant to grant them a complete waiver of copying fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii);

order defendant to conduct a thorough search for all responsive records;

(5) order defendant to provide a Vaughn index inventorying all responsive records and itemizing and justifying withholdings challenged by plaintiffs;

order defendant to promptly provide all nonexempt documents or portions of documents which were referred to other government agencies;

MORI DocID: 1094241

FROM U.S. ATTORNEY'S OFFICE • DATE: 5/21/04 54/PL 11:52/02 4061391737 P 8

6

expedite this action in every way pursuant to 28 U.S.C.

§ 1657(a);

award plaintiffs reasonable costs and attorneys' fees as provided in 5 U.S.C. § 552(a)(4)(E) and/or 28 U.S.C. § 2412(d); and grant such other and further relief as the Court may deem just and proper.

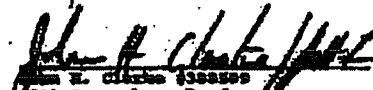
MAY 19, 2004

Respectfully submitted,


James H. Loefer 5214413
James E. Street, N.W.
Suite 640
Washington, D.C. 20003
Phone: (202) 393-1923


Mark P. Reid 4383503
1749 Pennsylvania Avenue, N.W.
Suite 390
Washington, D.C. 20006
Phone: (202) 434-2809

Counsel for Plaintiffs Roger Hall
and Studies Solutions Results, Inc.


John E. Clarke 4383503
1311 Greenbury Road
Baltimore, MD 20781
Phone: (302) 332-3030

Counsel for Accuracy in Media, Inc.

EXHIBIT B

15 November 2007

MEMORANDUM FOR THE CENTRAL INTELLIGENCE AGENCY
ATTENTION: Information and Privacy Coordinator

SUBJECT: (U) Freedom of Information Act (FOIA) Coordination -
Roger Hall

REFERENCE: (U) F-2003-00449, Civil Action 04-00814

(U) Per referral request received from the Information and Privacy Coordinator, Central Intelligence Agency, the National Reconnaissance Office (NRO) has reviewed the furnished documents under the provisions of Executive Order 12958 for direct response to your agency.

(U) This request was processed in accordance with the Freedom of Information Act, as amended, Title 5 U.S.C. § 552. Our reviewers found NRO equities in the documents that require continued protection. Redacted NRO material is denied pursuant to FOIA exemption (b)(1) as properly classified information under Executive Order 12958, Sections 1.4(c), 1.4(e) and 1.4(g). Also discovered in one of the documents, Memorandum for Harry C. Eissenbeiss from William T. Kvetkas, Jr., dated 1 December, was information sensitive to National Security Agency (NSA) equities and therefore should be reviewed by that agency prior to any release.

(U) If you have any questions, please contact me at (703) 227-9128, and reference case number F08-0003.

Sincerely,

Linda S. Hathaway
Chief, Information Access
and Release Team

Attachment:
(TS//SCI) CIA Coordination Request Package, dated 10 October 2007

CL BY: 263057
CL REASON: 1.4(c)
DECL ON: 25X1
DRV FROM: NRO SCG 5.1
1 May 2000

UNCLASSIFIED when separated from
attachment

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(b)(1)
(b)(3)
(S)

4 December 1981

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John E. Kochler
Director, Intelligence Community Staff

SUBJECT : American POWs and MIAs in Southeast Asia (U)

For your request the attached data relative to the above subject in support of your testimony before the House Task Force on American POWs and MIAs in Southeast Asia on 8 December 1981 is provided for your information. The package consists of individual inputs from the Imagery, SIGINT and HUMINT Offices plus a compilation of talking points for your use. Also provided is a working draft of the DIA prepared testimony statement which will be presented by RADM Burkhart. Please let me know if we can be of any further assistance in this matter. (S)

[Redacted]

/John E. Kochler

Attachment:

[Redacted]

[Redacted]

[Redacted]

THIS MEMO DOWNGRADED TO SECRET
WHEN SEPARATED FROM ATTACHMENT

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NORI DocID: 1340882

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SUBJECT: American POWs and MIAs in Southeast Asia

DISTRIBUTION:

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- 3 - O/ICS [redacted]
- 4 - O/ICE Subject [redacted]
- 5 - O/ICE Chrono - [redacted]
- 6 - ICS Registry - [redacted]

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4 December 1981

MEMORANDUM FOR: Brigadier General Clinton M. Winne, Jr., USAF
Deputy Director, Intelligence Community Staff

FROM : Harry C. Eisenbeiss
Director, Office of Imagery Collection and Exploitation

SUBJECT : American POWs and MIAs in Southeast Asia

1. The following is provided in support of Admiral Inman's appearance before the House Task Force on American POWs and MIAs in Southeast Asia on 8 December.

IMAGERY:

2. The DIA is the executive agent for stating imagery collection requirements in response to the POW/MIA problem and for exploiting such imagery. RADM Paulson, DC, is the senior DIA officer responsible for MIA/POW matters. DIA is also responding to the House request and Admiral Burkhalter, Deputy Director, will present DIA testimony. For the most part, imagery requirements are generated in an effort to confirm/negate reports from HUMINT sources. These imagery requirements can be categorized as either area search or surveillance depending on the specifics of the information available. Area search is employed whenever a source provides only a general location of a possible POW camp. Surveillance coverage is used to monitor known facilities that are suspected to house POWs/MIAs. DIA performs primary imagery exploitation against this problem. NPIC does not do detailed exploitation, but would provide initial rendition of any significant finds relative to this subject. (See DIA imagery report on a suspect POW detention facility at Attachment 3.) DIA supports any

3. Historically, this imagery requirement has been fairly small in number. For example, in 1981 only about nine requirements have been identified and only six facilities are presently active for imagery collection. There are no special area search requirements currently identified for collection, although Vietnam and Laos have standing broad area search requirements requiring complete

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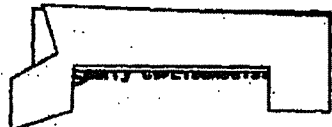
EXHIBIT B-1

MORI DocID: 1340882

~~TOP SECRET~~**SUBJECT: American POWs and MIAs in Southeast Asia**

search coverage on a periodic basis. The Intelligence Community is very sensitive to the importance of this problem. These requirements receive whatever collection priority is required to meet imagery needs. The primary factor affecting requirement satisfaction is the adverse weather conditions that are prevalent in this region throughout most of the year and the requirement for very high resolution imagery to accomplish the detailed readout required. Attachment 1 summarizes requirements that were identified during 1961 and the coverage acquired during the specified collection period. Attachment 2 summarizes [redacted] coverage of Vietnam and Laos acquired by the two most recent KH-9 missions.

4. Inputs from D/OSC (Attachment 4), D/ONC (Attachment 5), DDO (Attachment 6), working draft of the DIA testimony (Attachment 7), and talking points (Attachment 8) are attached as indicated.

**Attachments:**

- 1 - Recent Collection Reports and Coverage Accomplishments
- 2 - BAS Coverage of Vietnam and Laos
- 3 - DIA Imagery Report
- 4 - OSC Input
- 5 - ONC Input
- 6 - DDO Input
- 7 - DIA Draft Testimony Statement
- 8 - Talking Points

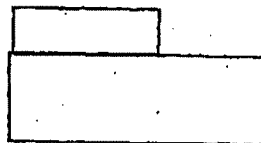
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EXHIBIT B-2

MORI DocID: 1340882

ATTACHMENT 1

Recent Collection Requirements and Coverage Accomplishments

<u>Target</u>	<u>REQUIREMENT</u>		<u>COVERAGE ACCOMPLISHMENTS</u>	
	<u>Collection Period</u>	<u>Start</u>	<u>Imaging Attempts</u>	<u>Cleared Free Coverage</u>
Muong suspect POW Camp, Laos	10Ja81	31Dec81	92	14
Di Tri Tam Poss. POW Compound Vietnam	4Ja81	7Dec81	57	17
Yen Bai suspect Grave Sites, Vietnam	11Oct81	30Dec81	10	2
Lang Ban Poss. POW Camp, Vietnam	8Nov81	15Nov81	0	0
Lang Ban Poss. POW Camp, Vietnam	2Dec81	1Jan81	0	0
Pha Thang, Laos *	3Jan81	31Dec81	432	136
Muang Xepon, Laos	3Jan81	31Dec81	188	58
Ban Hong Boun, Laos	3Jan81	31Dec81	176	60

* In relation to Pha Thang there was an extensive embargoed collection effort in support of a potential MIA rescue effort. This effort included targets such as landing zones, ingress and egress routes, pick-up zones and training areas. There were 133 imaging attempts relating to this effort, primarily the [redacted] to acquire area coverage. Also, in relation to potential rescue efforts, 15 airfields in Laos were imaged in a relatively high frequency manner for monitoring of aircraft movement. The [redacted] made 513 imaging attempts relating to this effort during 1981.

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EXHIBIT B-3

MORI DocID: 1340882

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ATTACHMENT 2:
2:

**[REDACTED] Coverage
of
Vietnam and Laos**

Coverage Accomplishments

<u>Area</u>	<u>Mission/Date</u>	<u>Gross Attempts (Sq. NM)</u>	<u>Gross Cloud- free (Sq. NM)</u>	<u>Cumulative Unions (%)</u>
Vietnam	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
Laos	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]

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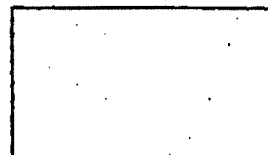


EXHIBIT B-4-1

EXHIBIT B-4-2

MORI DocID: 1340882

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WORKING PAPER

ATTACHMENT 3 to [REDACTED]

IMAGERY ANALYSIS NOTES

SUBJECT: NSA Response to Congressional Requirement for Analysis and/or Confirmation of Reported POW/PIA Sighting in Southeast Asia (TS)

PROBLEM: [REDACTED] Search for suspect POW detention facility reported by a South Vietnamese refugee source.

SUMMARY: [REDACTED] A detailed search of KH-9 imagery [REDACTED] resulted in identification of a facility which generally corresponded to that which was reported by a refugee source; however, the quality of the KH-9 imagery was marginal resulting in a special [REDACTED] tasking. The facility as shown on this [REDACTED] photography is identified as suspect detention facility. A complete imagery analysis was conducted that included a functionalization and measurement of all structures, measurement of all trenching, berms, fences, and other man-made features.

IMAGERY: [REDACTED]

18 Dec 80

FR 0847D

X - 2.4

Y - 12.0

10X HIKHS 6

EXHIBIT B-4-1

EXHIBIT B-4-2

EXHIBIT B-4-2

EXHIBIT B-4-2

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WORKING PAPER

MORI DocID: 1340882

Attachment 4 to [REDACTED]

1 DEC 1981

MEMORANDUM FOR: Harry C. Eisenbeis
Director, Office of Imagery Collection & Exploitation

FROM: William T. Krotnas, Jr.
Director, Office of SIGINT Collection

SUBJECT: POMs and MIAs in Southeast Asia

REFERENCE: SD/ICS Note, Same Subject dated 27 Nov 1981

1. In response to the above reference the following information is provided.

a. SIGINT collection requirements levied against the POM/MIA problem.

Currently there are three active requirements in the National SIGINT Requirements List (NSRL) which request information on POM/MIAs in Southeast Asia. They are: R-380 Vietnam: Political Affairs, R-377 Laos: Political and Economic Affairs, R-374 Kampuchea: Political and Economic Affairs. Annotated copies of these requirements reflecting POM/MIA needs are attached. NSA capability statements (Field 23) for each of these requirements state "...information on U.S. POM/MIAs is rarely observed...and...if observed it will be reported as specified."

b. Evaluation of SIGINT Efforts.

The following evaluation of the results of NSA's SIGINT efforts to date was provided by Mr. John Odell, Chief, DS NSA. DS is the focal point in NSA for all actions connected with the Southeast Asia POM/MIA issue.

(1) To date there has been no SIGINT information either substantiating or refuting the existence of unaccounted for U.S. POM/MIAs in Southeast Asia. NSA, however, continues to task available collection resources against NSRL requirements concerning POM/MIA information.

[REDACTED]

DERIVATIVE CL BY [REDACTED]
REVIEW IN DECEMBER 2001
DERIVED FROM [REDACTED]

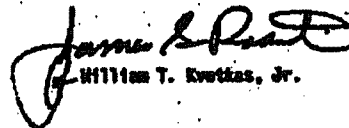
~~TOP SECRET USMA~~

NORI DocID: 1340882

SUBJECT: FOMs and NEAs in Southeast Asia

(2) In mid-1979 a team consisting of State and NSA representatives met with the Deputy Secretary General of the United Nations and presented the concerns of the United States Government on the FOM/NEA issue. The team requested that the concerns be passed to the U.N. Ambassadors of Vietnam and Laos. The Deputy Secretary General gave assurance that he would pass these concerns on to the respective Ambassadors. The objective of this effort was to stimulate exploitable communications between the Ministries of Foreign Affairs of Vietnam and Laos and their U.N. Ambassadors. This effort was assigned the cover term TRIPWIRE. The results to date have been negative. It is known that the U.S. concerns were passed to the Ambassadors of Vietnam and Laos and the communications available to them have not reflected any information on the subject. It is not known what action, if any, was taken by the Ambassadors. There is a possibility, however, that the U.S. concerns were conveyed by diplomatic pouch. (TSU)

2. The NSCI in his previous capacity as DISNSA was aware of all NSA initiatives with regard to U.S. FOM/NEAs. NSA 65 is not optimistic that SIGINT will be able to contribute information on this issue. (SCC)


William T. Kvetas, Jr.

Attachments
a/s

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MORI DocID: 1340882

~~SECRET/NOFORN~~

ATTACHMENT 5 to [REDACTED]

4 December 1981

MEMORANDUM TO: [REDACTED]
Director, Office of Inquiry, Collection
and Exploitation

FROM: [REDACTED]
Director, Office of HUMINT Collection

SUBJECT: HUMINT Collection on the POW/MIA Problem
in Southeast Asia

1. National concerns and priorities regarding POW/MIAs are reflected in the National HUMINT Collection Plan #34 on Indochina, issued in March 1981. HUMINT collection responsibilities for objectives on the subject as it relates to Vietnam, Kampuchea and Laos are assigned to State (advisory), the CIA's clandestine service and DIA, with supporting responsibilities for the military services, DOD and FBI. (S)

2. HUMINT collection which has been productive on POW/MIAs has been primarily from debriefing of refugees from Vietnam information in the Vietnamese media. [REDACTED]

3. [REDACTED]

[REDACTED]

Although queries, have no knowledge of this subject. As a result, the reporting on POW/MIAs from debriefings is meager. In the case of DoD, the debriefing and reporting is done by the Joint Casualty Resolution Center, whose entry to refugee camps is on humanitarian grounds. FBI gives the subject a very high priority; however, reporting has been limited to material from the Vietnamese media, almost all of which is general and reactive to U.S. commentary. (S)

4. In sum, HUMINT collection managers and field entities are fully aware of the importance of the POW/MIA issue and are attempting to improve collection. Collection opportunities, however, have been scarce. (C)

[REDACTED]

DERIVATIVE OF [REDACTED]
REVIEW: DECEMBER 1981
DERIVED FROM: [REDACTED]

~~SECRET/NOFORN~~

NORI DocID: 1340882

SECRET/NOFORN

**SUBJECT: HUMINT Collection on the POW/MIA Problem
in Southeast Asia**

Distribution:

Orig. - Addressee
1 - IC Registry
1 - D/OSC Chrono
1 - OSC Chrono

DCI/IC/OSC:RMO: [] 4 December 1981

SECRET/NOFORN

MORI DocID: 1340882

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Attachment 6 to [REDACTED]

EAST ASIA DIVISION COMMENTS

I. What is the priority of the POW/MIA issue at CIA?

No CIA Station is tasked in its OD with action on the MIA/POW issue.

[REDACTED]

When any believable information on POW/MIA's is obtained in the field, the highest priority is assigned to its verification.

II. What are the resources being assigned to this problem within CIA?

At CIA Headquarters there is no DDO officer who has been specifically assigned to the POW/MIA problem.

[REDACTED]

All stations report, or alert, at all Stations are alert for any information on POW/MIA's.

III. What are the roadblocks to resolving this issue? How can these barriers be eliminated?

The primary roadblock to resolving this issue continued to be the noncooperative attitudes of the governments of Vietnam and Laos. They claim they have no POW's and are searching for MIA's.

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MORI DocID: 1340882

Repeated requests over the years by the U.S. Government for more information or entry into these countries of investigative teams have been stalled. Continued diplomatic efforts combined with intelligence community efforts to obtain positive information appear to be the best available course of action at this time.

Unfortunately, another and serious roadblock to obtaining positive information on the subject is the publicity given to leaks of confidential activities, and publicity given to the wild and inaccurate stories of various adventurers.

As a result of publicity, many Lao and Vietnamese believe that claiming to possess information on POW/MIA's is a way to ensure entry to the United States. Various Indochinese resistance groups view it as a method of obtaining covert U.S. Government financial and military support, and professional fabricators see it as a way of obtaining funds. The continued visits to Thailand of various soldiers of fortune working on their own or on behalf of private groups serves to additionally confuse the issue. Considerable intelligence community time and effort is wasted on the stories of fabricators and soldiers of fortune. Also, the actions of adventurers and inaccurate publicity has undoubtedly caused the Vietnamese and Lao to tighten security and to become more intransigent in their attitude towards our diplomatic efforts.

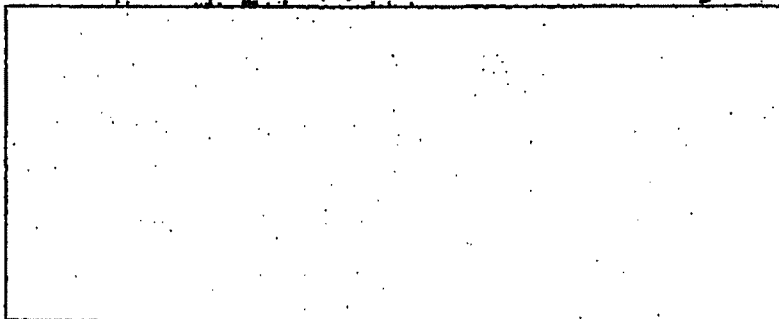
IV. Has the United States intelligence community achieved smooth cooperation among its members on this issue?

We believe there is good cooperation among the members of the intelligence community both at the Headquarters level and in the field. DIA is recognized as the focal point for all POW/MIA information and CIA passes all information obtained on the subject to DIA.

We believe we are doing an excellent job in these difficult activity and will continue to cooperate fully.

cc: DIA

WORI DocID: 1340882



VI. What more can the United States Government do to assist the intelligence community on this issue?

Sufficient support and cooperation is being provided at this time. We know that if additional resources are necessary that the administration will be responsive to any requests. The problem is not one of resources or even intelligence, especially in the case of alleged POW's. It has not been demonstrated, at least on the basis of the considerable available information, that additional collection resources would lead to a definitive resolution of this issue. Sufficient assets are in place and a large volume of information is continually being screened and checked. To date, information indicating locations of POW's and MIA's in Laos or Vietnam has not proved credible. We and DIA have gone to considerable lengths to check out the more promising leads.

VII. What more can the United States intelligence community do on this issue?

The intelligence community continues to be alert and receptive to any information concerning POW/MIA's. We will actively and aggressively continue to search for, and follow up on new sources of information.

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MORI DocID: 1340882

Page 01

Attachment 7 to

Statement of

RAVN E.A. Burkhalter, Jr., USN

Deputy Director

Defense Intelligence Agency

on

Prisoners of War and Missing in Action

Before the

Task Force on American Prisoners
and Missing in Southeast Asia

House Subcommittee

on

Asian and Pacific Affairs

December 8, 1981

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CONFIDENTIAL

MORI DocID: 1340882

FOR LIAISON AND INQUIRY PURPOSES:

DUE TO PRIOR COMMITMENTS WHICH HAVE TAKEN HIM OUT OF TOWN, THE DIRECTOR OF THE DEFENSE INTELLIGENCE AGENCY, LIEUTENANT GENERAL JAMES WILLIAMS, HAS ASKED ME TO APPEAR BEFORE THE TASK FORCE TODAY AND REPRESENT THE AGENCY ON THE SUBJECT OF DIA'S INTELLIGENCE EFFORTS TO DETERMINE THE FATE OF AMERICANS STILL UNACCOUNTED FOR IN SOUTHEAST ASIA.

I APPRECIATE THE OPPORTUNITY TO RESPOND TO YOUR INVITATION AND COME BEFORE YOU ON THIS MOST IMPORTANT ISSUE. THE TASK FORCE'S VIGOROUS EFFORTS DIRECTED TOWARD DETERMINING THE FATE OF THOSE AMERICANS LISTED AS PRISONER OF WAR OR MISSING IN ACTION AND WHO STILL REMAIN UNACCOUNTED FOR IS WELL RECOGNIZED BY DIA. I ALSO KNOW THAT THE TASK FORCE IS WELL AWARE OF DIA'S ROLE AND CONTRIBUTIONS.

IN THAT REGARD, I DO WANT TO REAFFIRM DIA'S FULL COOPERATION WITH YOU IN THIS MATTER. I WOULD ALSO EMPHASIZE RIGHT FROM THE START THAT THE CRITICAL NEED FOR CONTINUED INTELLIGENCE EFFORTS IS RECOGNIZED AND I ASSURE YOU THAT DIA WILL CONTINUE TO PROVIDE THE INTELLIGENCE SUPPORT NEEDED FOR AS LONG AS AMERICANS REMAIN UNACCOUNTED FOR IN SOUTHEAST ASIA. MAJ GEN JERRY PAULSON, WITH WHOM YOU ARE FAMILIAR, IS THE ASSISTANT VICE DIRECTOR FOR COLLECTION MANAGEMENT AND HEADS OUR PW/MIA STAFF.

LIKE MOST MILITARY MEN, MY PERSONAL ASSOCIATION WITH MEN WHO ARE NOW AMONG THE MISSING HAS KEPT ME CLOSE TO THE ISSUE FOR MANY YEARS. AS PART OF DIA'S COMMAND ELEMENT I FOLLOW THIS AGENCY'S EVERY DAY EFFORTS ON THIS ISSUE THROUGH A DAILY REPORT TO THE DIRECTOR. I CAN SAY WITHOUT RESERVATION THAT DIA REMAINS DEDICATED IN ITS PURSUIT AND RESEARCH OF INFORMATION WHICH COULD LEAD TO THE DETERMINATION OF THE PRESENT FATE OF THESE MISSING AMERICANS. ASSUREDLY, THE PW/MIA FUNCTION HAS AND WILL CONTINUE TO RECEIVE STRONG COMMAND ATTENTION WITHIN DIA.

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MORI DocID: 1340882

AFTER HAVING SAID THAT HER LITTLE DAUGHTER AT THE HIGH SCHOOL LEVEL, ADD, AND REGRETTABLY SO, THAT THERE HAS BEEN NO SIGNIFICANT CHANGE IN THE SITUATION SINCE DIA'S CONGRESSIONAL TESTIMONY OF SIX MONTHS AGO. THERE ARE STILL 2,406 AMERICANS WHO WERE DETERMINED TO BE EITHER A PRISONER, MISSING OR KILLED (BODY NOT RECOVERED) THAT REMAIN UNACCOUNTED FOR. WE HAVE STRESSED IN THE PAST THAT DIA MAKES NO DISTINCTION BETWEEN THE TERMS OF AN INDIVIDUAL STATUS. OUR GOAL IS TO RECOVER ANY AMERICAN - WHETHER LIVE OR DEAD. OUR COLLECTION AND RESEARCH EFFORTS RELATIVE TO REPORTS OF AMERICANS IN SOUTHEAST ASIA REFLECT OUR DEDICATION TO THAT END.

UNDERSTANDABLY, THE REFUGEE REPORTING FROM SOUTHEAST ASIA CONTINUES TO BE OUR MAJOR SOURCE OF INFORMATION. SINCE THE COMMUNIST TAKEOVER OF SOUTH VIETNAM IN 1975 WE HAVE ACQUIRED A TOTAL OF 1,303 REPORTS BEARING ON THE PM/MIA PROBLEM. OF THE TOTAL REPORTING, ^{FIRST HAND} 804 ARE LIVE SIGHTING REPORTS. APPROXIMATELY 39 PERCENT OF THESE LIVE SIGHTING REPORTS HAVE BEEN EQUATED TO AMERICANS WHO HAVE SINCE BEEN ACCOUNTED FOR. WE ARE CONFIDENT THAT USING A SLIGHTLY MORE LIBERAL APPROACH, THAT AN ADDITIONAL ¹⁰ PERCENT OF THE SIGHTING REPORTS WOULD EQUATE TO ACCOUNTED FOR AMERICANS. SOME OF THE REMAINING SIGHTING REPORTS ARE FABRICATIONS AND OTHERS ARE REPORTS FROM PERHAPS WELL INTENDED BUT MISGUIDED INDIVIDUALS. THERE ARE OTHER SIGHTING REPORTS WHICH WE HAVE EXTENSIVELY INVESTIGATED AND OTHERS FOR WHICH OUR FOLLOW UP EFFORTS CONTINUE. DESPITE THE LARGE NUMBER OF SIGHTING REPORTS WHICH REMAIN UNRESOLVED AND OUR PERSISTENT EFFORTS, WE STILL CAN NOT PROVE THAT THERE ARE ANY AMERICANS BEING DETAINED AGAINST THEIR WILL.

AS A CASE IN POINT, WE HAD HIGH HOPES FOR ONE OF OUR RECENT LIVE SIGHTING REPORTS. APPROXIMATELY 165 HOURS HAVE BEEN EXPENDED IN HOPEFUL PURSUIT OF THE TRUTHFULNESS OF THE SOURCE'S INFORMATION. THE INTERVIEWS, INVESTIGATIONS, POLYGRAPH EXAMINATIONS AND ANALYTICAL RESEARCH COVERED A PERIOD BACK TO 1954,

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MORI DocID: 1340882

... INVOLVED A NUMBER OF AGENCIES AND ORGANIZATIONS IN FOUR ...
AFTER THIS THOROUGH EXAMINATION ARE WE NOW SATISFIED THAT THIS SOURCE HAS BEEN
DECEPTIVE AND UNTRUTHFUL.

DURING THE PAST TWO YEARS DIA HAS TAKEN EVER INCREASING STEPS TO INTENSIFY ITS
EFFORTS AND CAPABILITIES CONSIDERATE WITH THE IMPORTANCE OF THIS ISSUE.

DIA'S PW/MIA STAFF IS CURRENTLY AT A MANNING LEVEL OF 15 PERSONNEL. THE STAFF
HAS ADDED PERSONNEL WITH LANGUAGE CAPABILITIES IN VIETNAMESE AND CHINESE, AND
WITH EXTENSIVE INVESTIGATIVE BACKGROUNDS. THE EXPERIENCE LEVEL OF THE STAFF
RELATIVE TO ANALYTICAL SKILLS AND SOUTHEAST ASIAN BACKGROUND INCLUDING
INCOUNTRY EXPERIENCE IS EXCEPTIONAL. ADDITIONALLY, WE ARE REGULARLY ASSISTED
IN OUR EFFORTS THROUGH THE DEFENSE ATTACHE SYSTEM, PHOTO INTERPRETERS,
LINGUISTS, INVESTIGATORY PERSONNEL, AND OTHER INTELLIGENCE SPECIALISTS ON A
WORLD WIDE BASIS. NO BUDGETARY CONSTRAINTS ARE IMPOSED ON RESEARCH,
INTERVIEWS AND INVESTIGATIVE FOLLOW-UP ASSOCIATED WITH DIA'S PURSUIT OF PW/MIA
INFORMATION. ALTHOUGH TRAVEL ALLOCATIONS REMAIN MUSTERED FOR OTHER PURPOSES,
THIS SAME POLICY OF NO CONSTRAINTS APPLIES TO TRAVEL FUNDS ASSOCIATED WITH
DIA'S QUICK REACTION TEAM WHICH TRAVELS WITHIN CONUS AND OVERSEAS TO INTERVIEW
SOURCES OF POTENTIAL PW/MIA INFORMATION DEEMED ESSENTIAL TO OUR EFFORTS.
OUR WORKING RELATION AND SUPPORT FROM OTHER U.S. GOVERNMENT AGENCIES AND
MILITARY INTELLIGENCE ORGANIZATIONS CONTINUE TO BE EXCELLENT. ESPECIALLY
NOTEWORTHY IS THE COOPERATION AND RESPONSIVENESS OF THE JOINT CASUALTY
RESOLUTION CENTER PERSONNEL TO OUR TASKING AND FOLLOW-UP REQUIREMENTS RELATIVE
TO REFUGEE INTERVIEWS. IN ORDER TO ENSURE A COMPLETE UNDERSTANDING EXISTS ON
VARIOUS ISSUES AND REQUIREMENTS, DIA RECENTLY BROUGHT THE JCRC BANGKOK LIAISON
OFFICER TO WASHINGTON FOR EXTENSIVE WORKING DISCUSSIONS AND MEETINGS WITH
SENIOR LEADERSHIP. ADDITIONALLY, THROUGH DIA INITIATION, THE STATE DEPARTMENT
OBTAINED AUTHORIZATION FOR JCRC PERSONNEL TO CONDUCT PW/MIA INTERVIEWS WITH

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MORI DocID: 1340882

INTERVIEW REFUGES IN HOCH KUNG AND OTHER AREAS. THE QUALITY OF THE INTERVIEW DEBRIEFINGS HAS BEEN EXEMPLARY THROUGHOUT THE VARIOUS REFUGEE CAMPS IN SOUTHEAST ASIA. THEIR PROFESSIONALISM GREATLY FACILITATES OUR ANALYTICAL EFFORTS.

DIA PROVIDES THE INTELLIGENCE UPON WHICH DECISIONMAKERS DEVELOP U.S. GOVERNMENT POLICY. THE LEADERSHIP WITHIN THE DEPARTMENTS OF DEFENSE AND STATE MEMBERS OF THIS TASK FORCE AND OTHER MEMBERS OF CONGRESS HAVE BEEN UPDATED ON OUR CURRENT INTELLIGENCE EFFORTS THROUGH INFORMAL CLOSED SESSION BRIEFINGS. WHEN OUR RESEARCH HAS DEVELOPED INFORMATION TO A POINT THAT FURTHER PURSUIT WARRANTS ACTION BEYOND THE CAPABILITY OR CHARTER OF DIA THEN AT THAT POINT ACTION IS TRANSFERRED TO THE APPROPRIATE ORGANIZATION OR AGENCY. ANY ADDITIONAL INFORMATION DEVELOPED IN THIS MANNER WOULD BE PROVIDED TO DIA FOR FURTHER ANALYSIS AND DISSEMINATION. I THINK IT WORTHWHILE AT THIS POINT TO NOTE AGAIN THAT ALTHOUGH THIS IS A HUMANITARIAN ISSUE, SOME OF THE INFORMATION MUST BE CLASSIFIED AND REMAIN SO IF OUR EFFORTS ARE TO BE EFFECTIVE AND ALSO TO PRECLUDE HARM TO ANY AMERICANS WHO MIGHT STILL BE HELD IN CAPTIVITY. SINCE PFC ROBERT GARMOD, USMC, RETURNED FROM VIETNAM IN FEBRUARY 1979, DIA HAS WORKED CLOSELY WITH THE MARINE CORPS ON A NUMBER OF ISSUES CONCERNING HIS CASE. ALTHOUGH RESTRAINED FROM DEBRIEFING GARMOD DUE TO HIS COURT MARTIAL, DIA DID HAVE ACCESS TO PM/MIA INTERVIEWS CONDUCTED BY THE MARINE CORPS, AND BY THE FORMER CHAIRMAN AND A PRESENT MEMBER OF THIS SUBCOMMITTEE DURING 1979. THE MARINE CORPS RECENTLY ADVISED DIA THAT THE PRESENT STATUS OF GARMOD'S COURT AND ADMINISTRATIVE ACTIONS WERE SUCH THAT THEY HAD NO FURTHER RESERVATIONS IN REGARD TO AN INTERVIEW WITH GARMOD. A LETTER HAS BEEN SENT FROM DIA TO GARMOD'S COUNSEL REQUESTING HIS COOPERATION AND ASSISTANCE IN OBTAINING A GARMOD INTERVIEW DEDICATED TO THE HUMANITARIAN ISSUE OF RESOLVING THE FATE OF THOSE AMERICANS STILL UNACCOUNTED FOR IN SOUTHEAST ASIA.

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MORI DocID: 1340882

THE SOUTHEAST ASIAN COMMUNIST CONFIDENTIALS CONTINUE TO BE THE MAIN ISSUE. DURING PREVIOUS TESTIMONY BEFORE THIS SUBCOMMITTEE, DIA REPORTED THAT IT HAD JUDGED AS VALID A FORMER VIETNAMESE INTELLIGENCE OFFICIAL'S INFORMATION THAT THE VIETNAMESE GOVERNMENT HAS IN ITS POSSESSION THE REMAINS OF SOME 400 U.S. MILITARY PERSONNEL LOST AS A RESULT OF HOSTILITIES IN INDOCHINA. THE FORMER CHAIRMAN OF THIS SUBCOMMITTEE CONFRONTED THE VIETNAMESE GOVERNMENT WITH THIS INFORMATION IN HANOI. VIETNAMESE OFFICIALS DENIED ANY KNOWLEDGE OF THESE REMAINS. IN OUR TESTIMONY IN JUNE OF THIS YEAR IT WAS NOTED THAT THE SOCIALIST REPUBLIC OF VIETNAM HAD RECENTLY ANNOUNCED THEY WOULD PROVIDE THE REMAINS OF THREE ADDITIONAL MISSING AMERICANS. IT WAS ALSO NOTED THAT THE RETURN OF THESE REMAINS WERE WELCOMED, AND IN A LARGER SENSE, IT WAS A CYNICAL REFLECTION ON THEIR INTRANSIGENCE ON THIS ISSUE. THESE REMAINS HAVE SINCE BEEN RETURNED AND IDENTIFIED AS BEING THREE INDIVIDUALS WHO HAD BEEN THE SUBJECT OF OUR NEGOTIATION FOLDER EFFORTS. IN PARTICULAR, THESE CASES WERE THREE OF FOUR INCLUDED IN MEETINGS WITH THE VIETNAMESE JUST PRIOR TO AND AT THE TIME OF THE VIETNAMESE ANNOUNCEMENT. THE EVENT OF A SIMULTANEOUS RETURN OF THESE THREE INDIVIDUALS CONSIDERING THE CIRCUMSTANCES SURROUNDING THEIR LOSS, VARIED YEARS OF LOSS, AND CONFIRMED KNOWLEDGE FOLLOWING THEIR LOSS, CLEARLY SIGNALS THAT THE VIETNAMESE DID NOT JUST RECOVER THESE INDIVIDUALS ON THE BASIS OF DETAILED INFORMATION PROVIDED IN OUR NEGOTIATION FOLDERS. IT IS CLEAR THAT THE VIETNAMESE ARE WITHHOLDING INFORMATION. ALTHOUGH THERE HAVE BEEN OCCASIONAL SMALL GAINS, THE OVERALL ISSUE OF AN ACCOUNTING REMAINS VIRTUALLY UNACCOMPLISHED. RECENT PROPOSALS TO THE VIETNAMESE FOR A CONTINUATION OF THE PM/MIA MEETINGS IN HANOI THIS PAST FALL AND A RECIPROCAL PM/MIA VISIT TO HANOI, WERE DEFERRED BY THE VIETNAMESE. A VERY RECENT PROPOSAL FOR A STATE AND DEFENSE DEPARTMENT SPECIAL PM/MIA MISSION TO VISIT VIENTIANE WAS ALSO TURNED DOWN BY THE LAOTIANS. WE ARE STILL AWAITING THE

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MORI DocID: 1340882

IN RESPONSE TO THE REQUEST THAT THE STATE/DOO IN:
HANOI. THE VIETNAMESE AND LAO REACTION TO THESE PROPOSALS IS TYPICAL OF THEIR
ATTITUDE OVER THE YEARS. THEREIN LIES THE ROADBLOCK TO ACHIEVING AN
ACCOUNTING FOR OUR MISSING.

THE EXPRESSIONS OF SUPPORT FOR DIA'S EFFORTS AS PREVIOUSLY STATED BY THE TASK
FORCE AND THE HOUSE SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS HAVE BEEN MOST
ASSURING AND THAT SUPPORT WILL BE CALLED UPON SHOULD THE OCCASION ARISE. AT
PRESENT IT IS FELT THAT ACTIONS OF THE TASK FORCE AND THE SUBCOMMITTEE,
COUPLED WITH THOSE OF THE DEPARTMENT OF STATE TO CONTINUE TO PRESS THE
COMMUNIST GOVERNMENTS OF SOUTHEAST ASIA THROUGH ALL AVAILABLE DIPLOMATIC
CHANNELS IS OUR BEST COURSE OF ACTION TO ACHIEVE ADDITIONAL ACCOUNTING OF OUR
MISSING MEN. FURTHER RESOLUTION OF THIS ISSUE RESTS WITH THE INFORMATION HELD
BY THOSE GOVERNMENTS AND NOT IN THE INFORMATION HELD BY THE U.S. GOVERNMENT.
IN SPITE OF THE INTRANSIGENCE OF THESE COMMUNIST GOVERNMENTS ON THIS ISSUE, IT
IS DIA'S INTENT AND DUTY TO COLLECT AND ANALYZE ALL AVAILABLE INFORMATION AND
FOR AS LONG AS NECESSARY.

DIA HAS PLACED THE HIGHEST PRIORITY ON INFORMATION RELATING TO AMERICANS WHO
MIGHT STILL BE ALIVE IN SOUTHEAST ASIA AND WILL CONTINUE TO PROVIDE A
DEDICATED AND PROFESSIONAL EFFORT TOWARD A SUCCESSFUL ACCOUNTING FOR AMERICANS
MISSING IN SOUTHEAST ASIA.

MR. CHAIRMAN, I WANT YOU TO KNOW DIA'S RESOLVE IS UNWAVERING. LIEUTENANT
GENERAL WILLIAMS, MYSELF, RADM PARLSON AND HIS STAFF WILL CONTINUE TO
COOPERATE CLOSELY WITH YOUR TASK FORCE.

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MORI DocID: 1340882

~~TOP SECRET~~Attachment B to American POWs and MIAs in Southeast Asia

- Intelligence Community very sensitive to the importance of POM/MIA problem.
- Imagery, SIGINT and human resources have been tasked to collect information on this problem.
- Imagery - generated in an effort to confirm or negate reports from HUMINT sources. Over 900 imagery operations to date in 1981.
- Imagery search is employed whenever a source provides a general location of possible POW camp. Surveillance coverage is used to monitor known facilities that are suspected to house POWs.
- Requirements receive whatever priority is required to meet the imagery need.
- Imagery hampered by adverse weather prevalent throughout most of the year and the requirement for very high resolution imagery.
- In 1981, only nine requirements identified for imagery collection and only six facilities are presently active for imagery collection.
- SIGINT - Currently, three active requirements in National SIGINT Requirements List (NSRL).
- To date, there has been no SIGINT information either substantiating or refuting the existence of POMs/MIAs in Southeast Asia.
- Efforts by NSA and State in 1979 to stimulate exploitable communications between the Ministries of Foreign Affairs of Vietnam and Laos by having the Deputy Secretary General of the United Nations pass U.S. concerns to the Ambassadors of Vietnam and Laos were not successful.
- HUMINT - Collection responsibilities for POM/MIA problem have been levied on State, CIA's clandestine service and DIA with support from DCD and FBIS.
- HUMINT collection which has been productive primarily derived from debriefing of refugees and Vietnam.
- Some HUMINT information has been derived from Vietnamese media.
- Continued diplomatic efforts, combined with Intelligence Community attempts to obtain positive information, appear to be best course of action at this time.
- Need to control leaks of classified activities against the problem and limit the publicity given to independent actions by private groups.

~~TOP SECRET~~