

Roger Hall, et al. v. Central Intelligence Agency

FOIA/PA Request No.: F-2003-00449
 Document Number: Item 5 Coord: C03336699
 Date of Document: October 29, 1971
 Document Type: Memo
 Classification: Secret
 From/To: CIA/Kissinger
 Subject: Info about Vietnamese
 Prisoner Exchange Overture
 Document Pages: 51

FOIA Exemptions:

- (b)(1) properly classified information
- (b)(1) foreign government information
- (b)(1) foreign relations or foreign activities of the US
- (b)(1) intelligence activities (including special activities)
- (b)(1) intelligence methods
- (b)(1) intelligence sources (including confidential sources)
- (b)(2) internal rules and practices
- (b)(3) Section 102A(i)(1), National Security Act of 1947, as amended (sources and methods)
- (b)(3) Section 6, Central Intelligence Agency Act of 1949, as amended (sources and methods)
- (b)(3) Section 6, Central Intelligence Agency Act of 1949, as amended (organizational information)
- (b)(3) Section 6, Central Intelligence Agency Act of 1949, as amended (functions)
- (b)(3) Section 6, Central Intelligence Agency Act of 1949, as amended (names)
- (b)(3) Section 6, Central Intelligence Agency Act of 1949, as amended (official titles)
- (b)(5) attorney-client privilege
- (b)(5) attorney work product
- (b)(5) deliberative process
- (b)(5) presidential communication
- (b)(6) personal privacy

Dispositio

- Denied
- Partial
- Release
- Referr

Justification Category IDs:

Document Description:

This document is 51 pages total and consists of a series of separate and distinct memorandums, one of which is responsive to Item 5. The responsive portion of this document is a 6-page CIA memorandum from the CIA to Dr. Henry A. Kissinger about a Vietnamese Communist prisoner exchange overture. The document reveals information about human sources, internal CIA control markings, numbers, dissemination control information in addition to names of individuals all of which have been properly withheld. The substantive portion of this document has been released. It is currently and properly classified SECRET.

Exhibit B

C.A. No. 09-0819

This document is withheld in part on the basis of FOIA Exemptions (b)(1), (b)(3) and (b)(6).

Exemption (b)(1): This document is withheld in part on the basis of FOIA exemption (b)(1). This document contains information relating to intelligence activities, sources and methods, foreign relations or foreign activities of the United States that is properly classified pursuant to section 1.4(c) and 1.4(d) of Executive Order 12958, as amended. Disclosure of the information withheld pursuant to exemption (b)(1) reasonably could be expected to cause serious damage to the national security. Additionally, the information withheld pursuant to exemption (b)(1) is exempt from automatic declassification at 25 years under Executive Order 12958, as amended. The CIA has determined that the information withheld pursuant to exemption (b)(1) is also exempt from automatic declassification at 25 years under Executive Order 13526.

Exemption (b)(3): This document is withheld in part on the basis of FOIA exemption (b)(3). This document contains information relating to intelligence sources and methods that is specifically exempted from disclosure pursuant to the National Security Act of 1947, as amended, and the Central Intelligence Agency Act of 1949, as amended, and thus is protected from disclosure by exemption (b)(3). This document also contains CIA internal organizational data, functions, and personnel information that is specifically exempted from disclosure pursuant to the Central Intelligence Agency Act of 1949, and thus is protected from disclosure by exemption (b)(3).

Exemption (b)(6): The CIA withheld certain information from this document pursuant to FOIA exemption (b)(6) on the grounds that the information, if disclosed, would constitute a clearly unwarranted invasion of personal privacy of individuals. Specifically, this document contains personal information including the names of individuals. Because this withheld information provides personal identifying information about particular individuals, it is protectable under exemption (b)(6).

The CIA conducted a line-by-line review of this document to determine whether meaningful, reasonably segregable, non-exempt portions of the document could be released. As a result, the CIA is releasing all information that was segregable and not otherwise exempt.

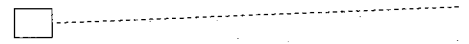
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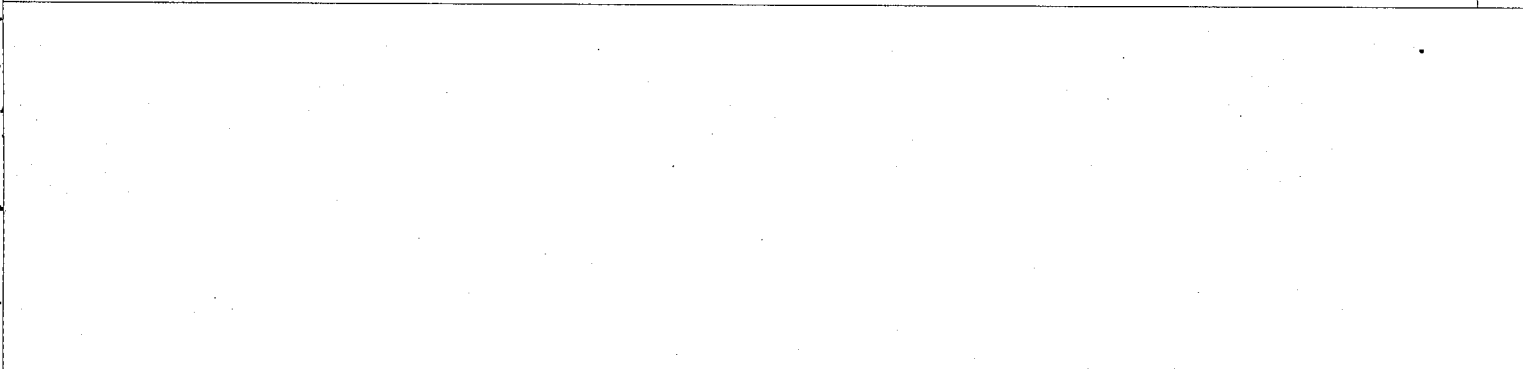
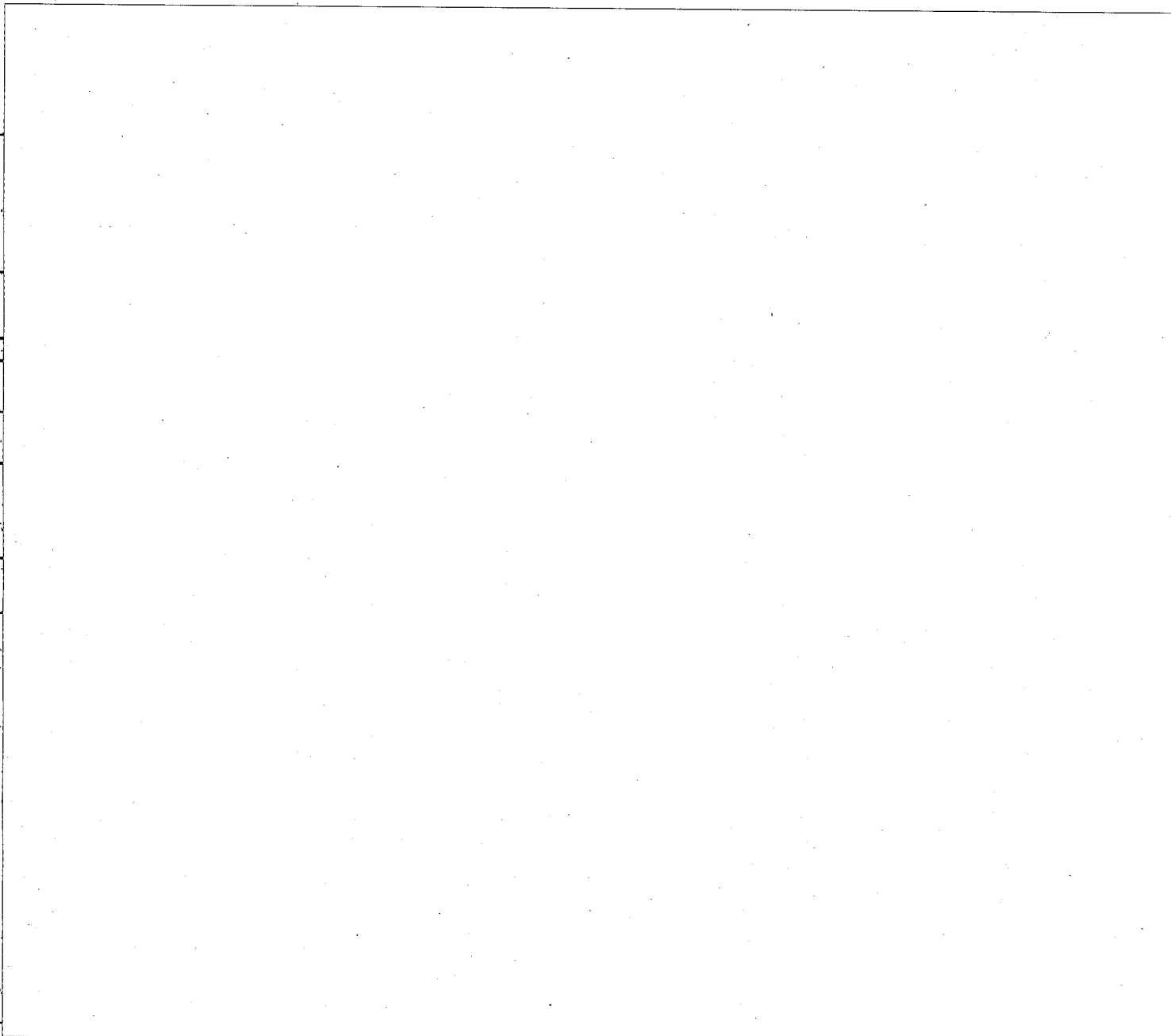
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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR

SECRET

29

29 October 1971

MEMORANDUM FOR: Dr. Henry A. Kissinger
Assistant to the President for
National Security Affairs

SUBJECT : Background Data Possibly Relevant to the
Current Vietnamese Communist Prisoner
Exchange Overture

1. The current Vietnamese Communist overtures on possible prisoner exchanges, covered in our memoranda of 27 and 28 October, seems to relate to the earlier BUTTERCUP activity that began in August 1967. We have checked the voluminous BUTTERCUP file and found three items of possible relevance. The pertinent traffic should be contained in your records, but in the interests of time and convenience we are repeating it here.

2. The January 1968 Letters. On 3 January 1968, then Deputy Assistant Secretary of Defense (ISA) Richard Steadman was given five letters prepared in Washington for passage to five American citizens believed to be in VC hands. The pertinent message here is Secretary Rusk's cable to Ambassador Bunker transmitted on 3 January 1968 as

(b)(1)
(b)(3)
(b)(6)

"Five letters to US personnel who may be held by VC being carried by Steadman for delivery to Calhoun. Steadman traveling with General William Depuy. ETA Saigon 1330 local January 4 on Braniff military charter flight 241. In view shortness of time suggest envelope be picked up from Steadman upon arrival Saigon.





"Letters are addressed to following US personnel:
(Dates shown are date of casualty, which may be same
as date of capture if men are in fact prisoners.)

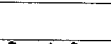


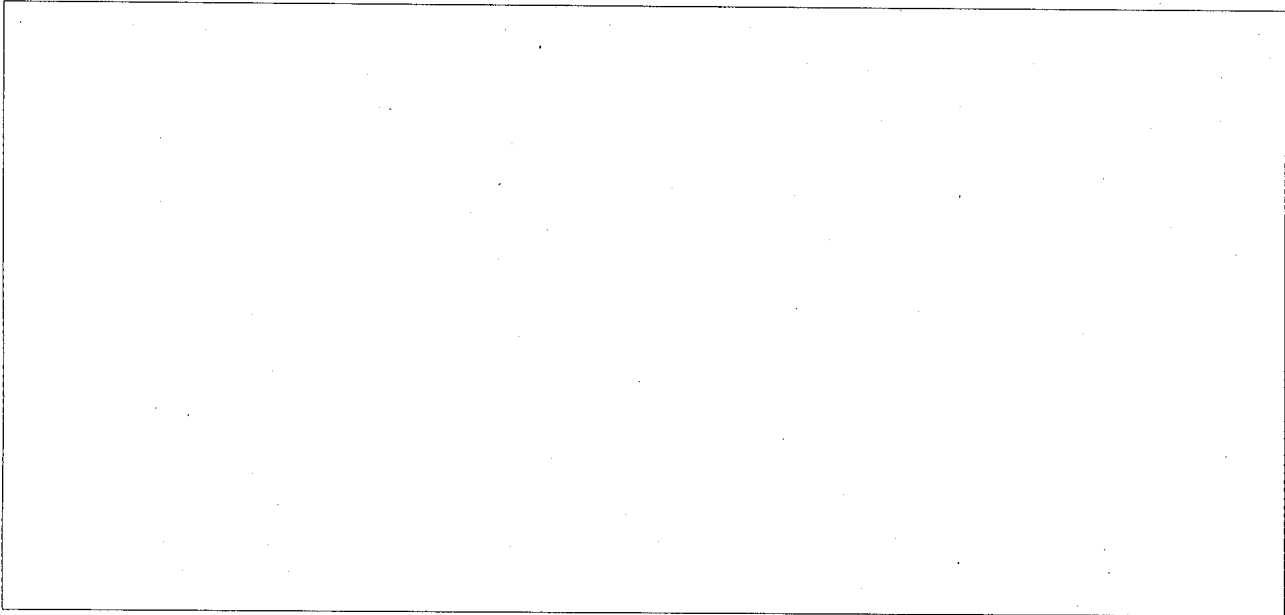
John F. Conlon III, Capt. 79318, AF,
4 March 1966

David S. Demmon, SP4, 563 73 772, Army,
9 June 1965

William F. Eisenbraun, Capt. 04074803,
Army, 5 July 1965

Douglas K. Ramsey, Foreign Service Officer,
17 January 1966

"Eisenbraun and Ramsey are confirmed prisoners.
 Conlon, and Demmon are listed as missing in action,
but in each instance there is some reason to hope that
service man is actually prisoner of VC. Families unaware
letters being sent by this route. "



::

[REDACTED]

4. The February 1968 List. In January and February 1968 there was much discussion about giving the courier for passage to Tran Bach Dang a list of US prisoners whose release we desired as part of any exchange. The most important message here is Secretary Rusk's 7 February 1968 cable to Ambassador Bunker transmitted as CAS

[REDACTED]

"List of names to send to [REDACTED] should be drawn from list of US prisoners we have identified as held by the VC (18 at present). Since [REDACTED] has been specific with his lists we believe we should also be precise. We recognize problem of choosing among prisoners, and accordingly propose that we select those who have been held two years or longer. This would be a total of ten names: five officers, four EM, one civilian. There is a time gap of eight months between the most recent capture on the list of ten (January 1966) and the next most recent captures (August 1966). From released prisoners we know that the longer a man is held, the more likely he is to be seriously ill. In the absence of reliable information on the health of individual prisoners, a selection by duration of captivity appears to be fairest. Accordingly, the following list should be sent [REDACTED] with the request that at least three of the named prisoners be released. Message should also state that we would particularly like to have any prisoners who may be seriously sick or injured, whether or not their names are on list. (Date in each case is date of capture, and should not be transmitted to VC.)

Begin list:

T/Sgt Samuel Adams, AF, 31 Oct 65
 Capt. Donald Gilbert Cook, MC, 31 Dec 64
 Capt. William Forbes Eisenbraun, Army,
 6 July 65
 Pvt. Robert Russell Garwood, MC, 28 Sept 65
 Capt. Lawrence Thomas Holland, AF,
 12 June 65
 SP/4 James Henry McLean, Army, 9 Feb 65

[REDACTED]

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[REDACTED]

M/Sgt Thomas Moore, AF, 31 Oct 65
Douglas K. Ramsey, Civ., 17 Jan 66
Capt. James Nicholas Rowe, Army,
29 Oct 63
Capt. Floyd James Thompson, Army,
26 Mar 64

"Believe we should inform Thieu of plan to send list
and give him opportunity to provide similar list of ARVN
prisoners."

[REDACTED]

6. The January 1969 List. In a later BUTTERCUP development,
on 30 January 1969 Secretary Rogers sent Ambassador Bunker the
following list of twenty names "suitable to give to VC with request that
they release ten of them in exchange for the four they have requested."

[REDACTED] info copies to Dr. Kissinger and Secretary Laird):

TSGT Samuel Adams, 18554000, AF,
October 31, 1965
Michael D. Bengé, Civilian,
January 31, 1968
SGT Richard Gordon Burgess, 2084229, MC,
September 25, 1966
MAJ Donald Gilbert Cook, 072794, MC,
December 31, 1964

[REDACTED]

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[redacted]
Gary Daves, Civilian, January 31, 1968
1st LT David Ronald Devers, 05321911,
Army, August 13, 1966

[redacted]

TSGT Charles Gale Dusing, 17203698,
AF, October 31, 1965
SGT Edwin Russel Grissett, Jr., 1938579,
MC, January 22, 1966
MAJ Lawrence Thomas Holland, 57577,
AF, June 12, 1965
Philip W. Manhard, Civilian, January 31, 1968
SP4 James Henry McLean, 19722072, Army,
February 9, 1965
MSGT Thomas Moore, 14268347, AF,
October 31, 1965
SFC John Joseph O'Neill, 11212494, Army,
August 13, 1966
Thomas W. Ragsdale, Civilian, January 31, 1968
Douglas Ramsey, Civilian, January 17, 1966
SP5 Edward Daniel Reilly, Jr., 23933241, Army,
April 26, 1966
CAPT Floyd James Thompson, 05304076, Army,
March 26, 1964
Eugene Weaver, Civilian, January 31, 1968
Charles Willis, Civilian, January 31, 1968

7.

[redacted]

the above list of twenty names was never passed to the Communists. Three of the names on the February 1968 list of ten were not included in the January 1969 list of twenty: US Army Captain Rowe, who escaped on 31 December 1968, US Army Captain William E. Eisenbraun (also an addressee of one of the five January 1968 letters) and USMC Private Robert R. Garwood.

[redacted]



8. I am sending copies of this memorandum on an eyes only basis to the other three recipients of my 27 and 28 October memoranda, namely, Secretary Rogers, Secretary Laird and Admiral Moorer.

/s/

Richard Helms
Director

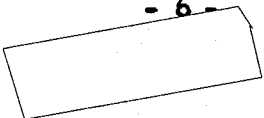
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cc: Secretary Rogers
Secretary Laird
Admiral Moorer

DCI/SAVA
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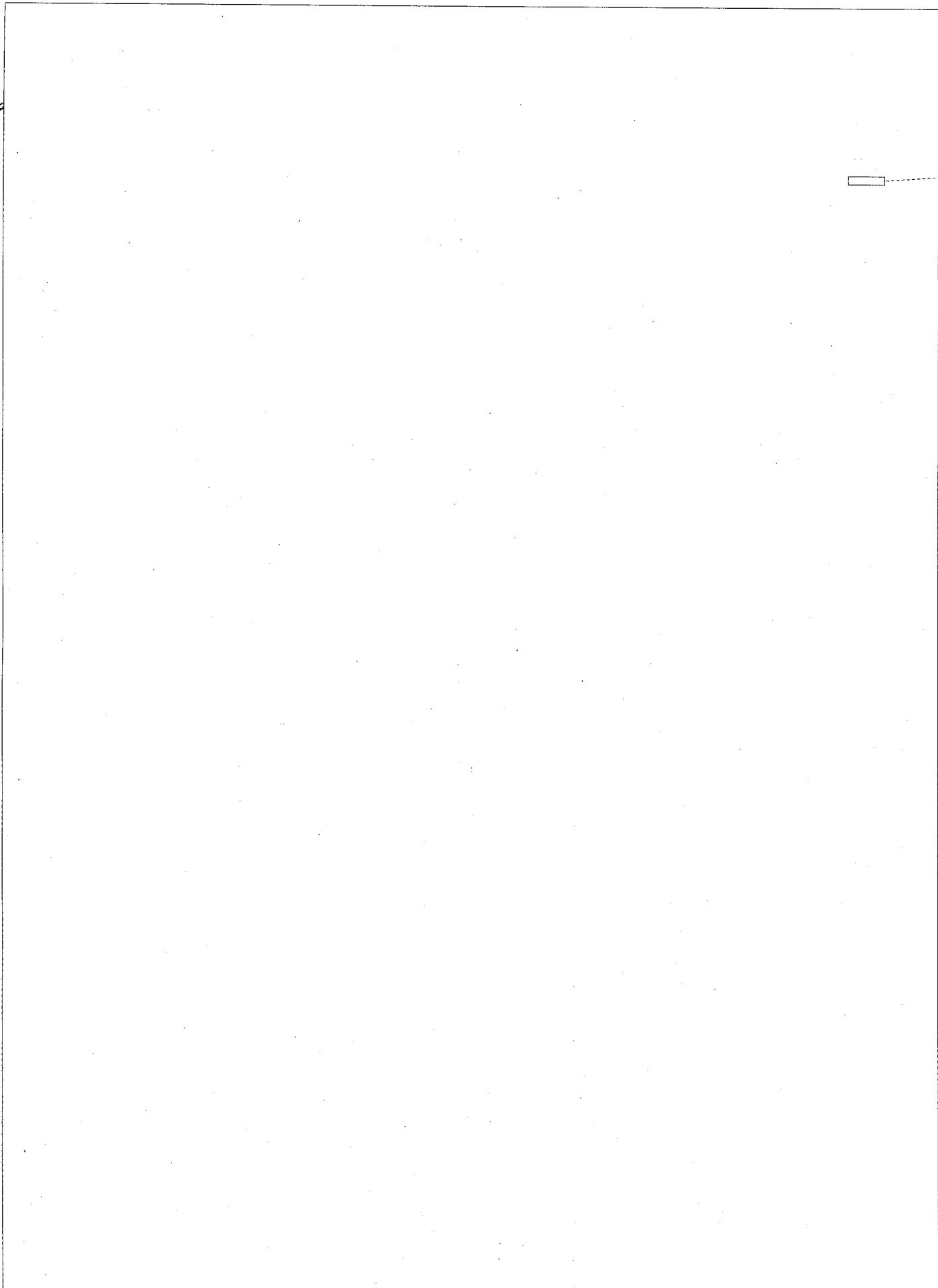
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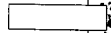
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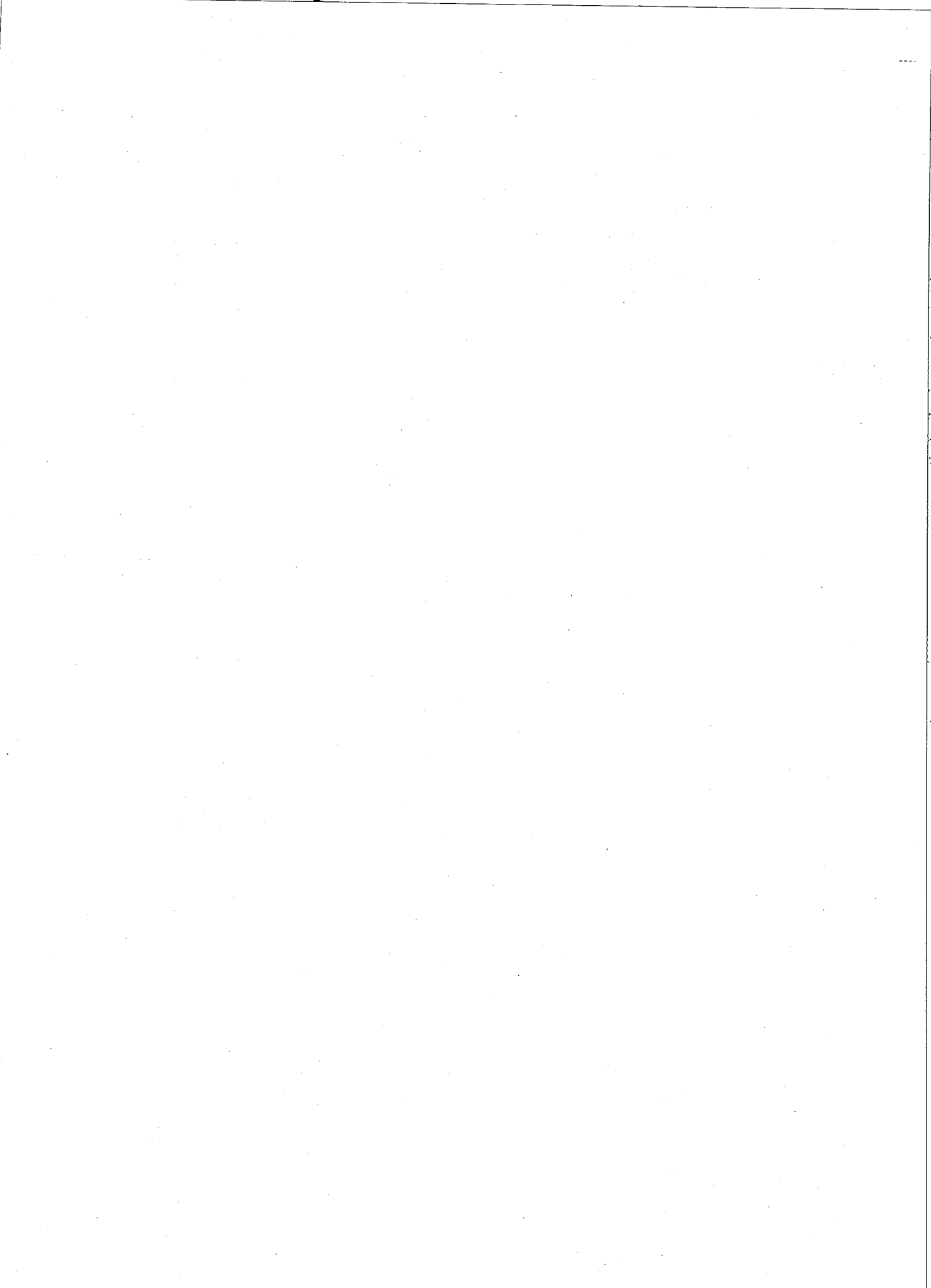
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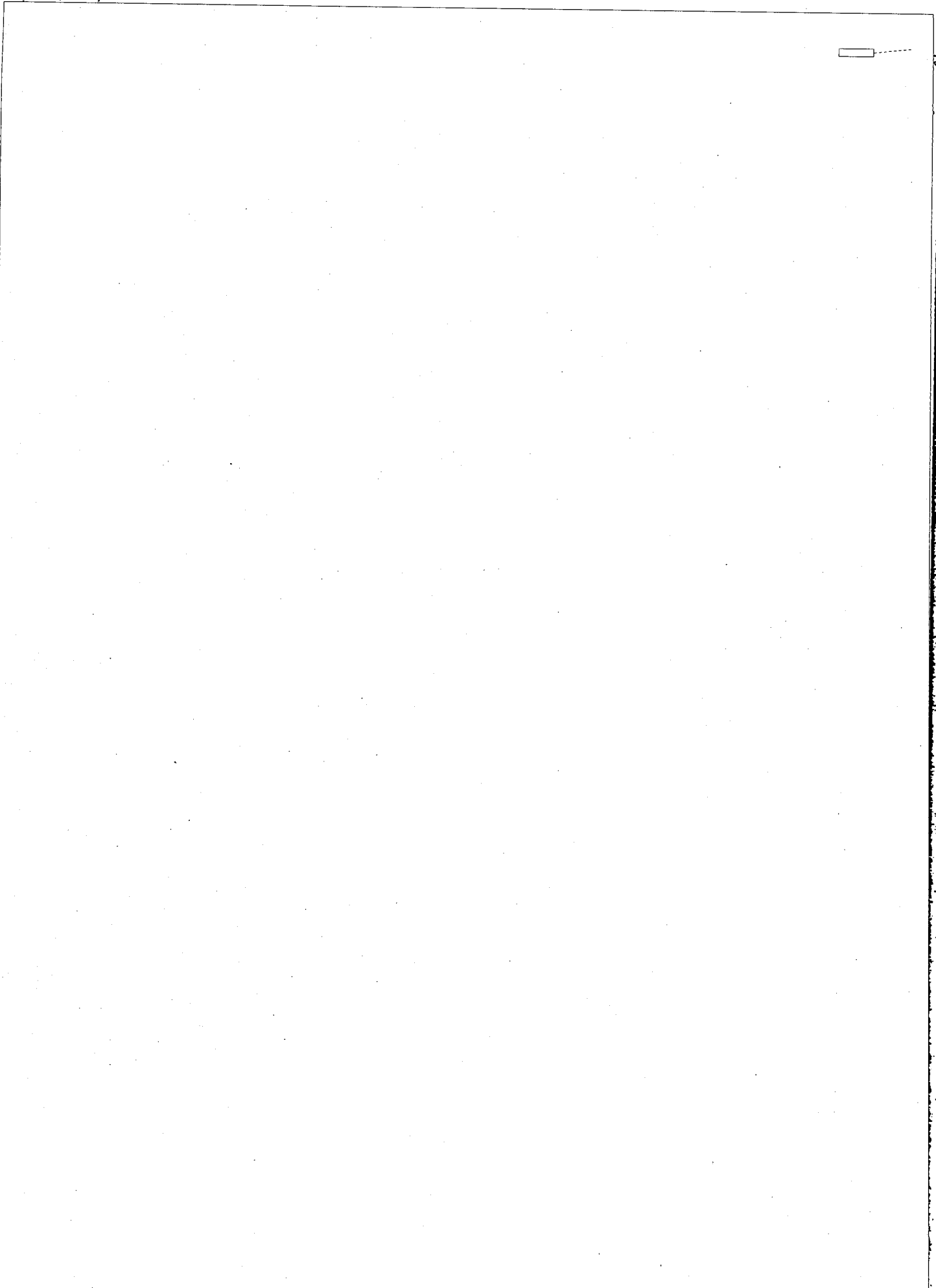






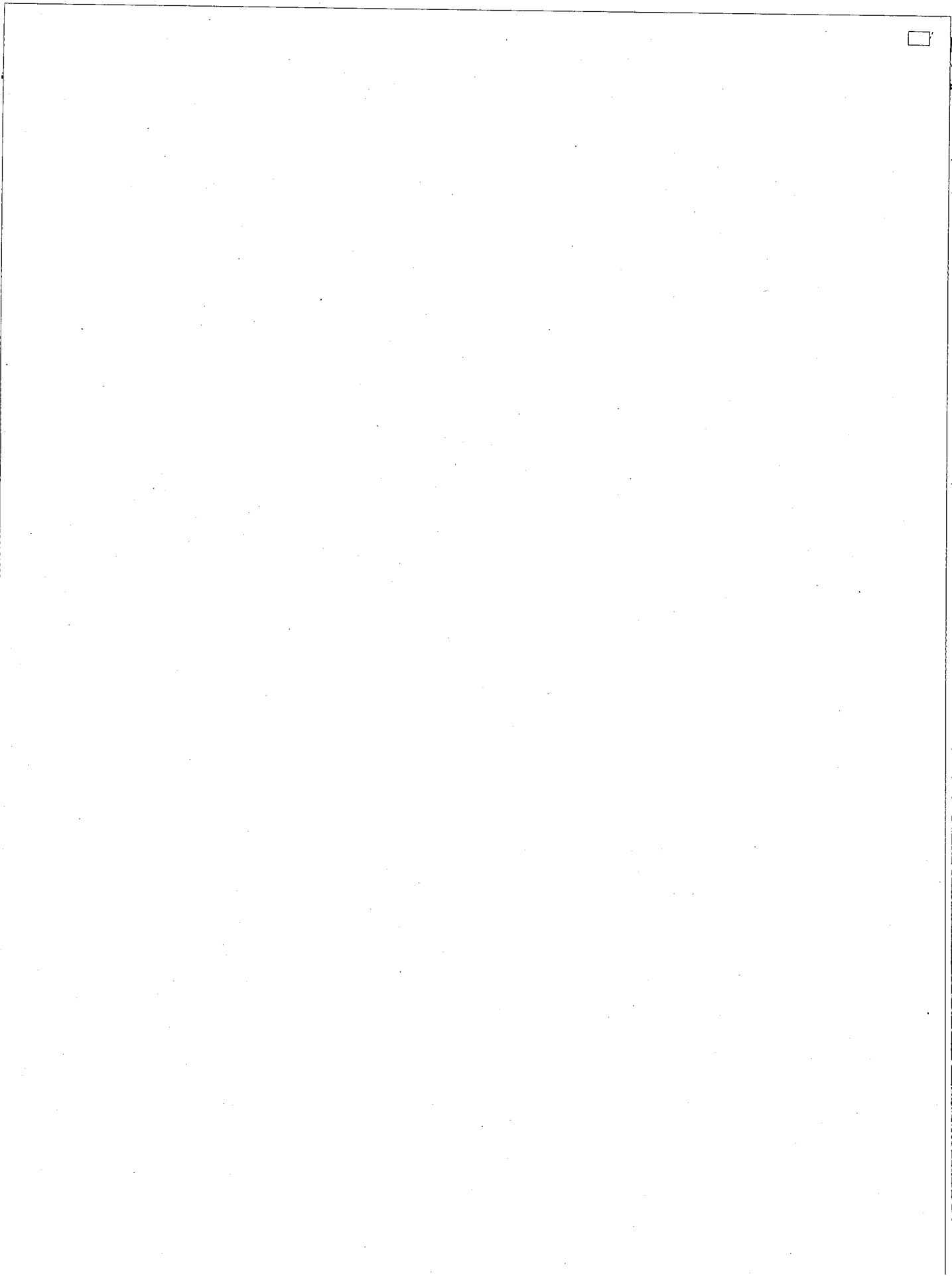


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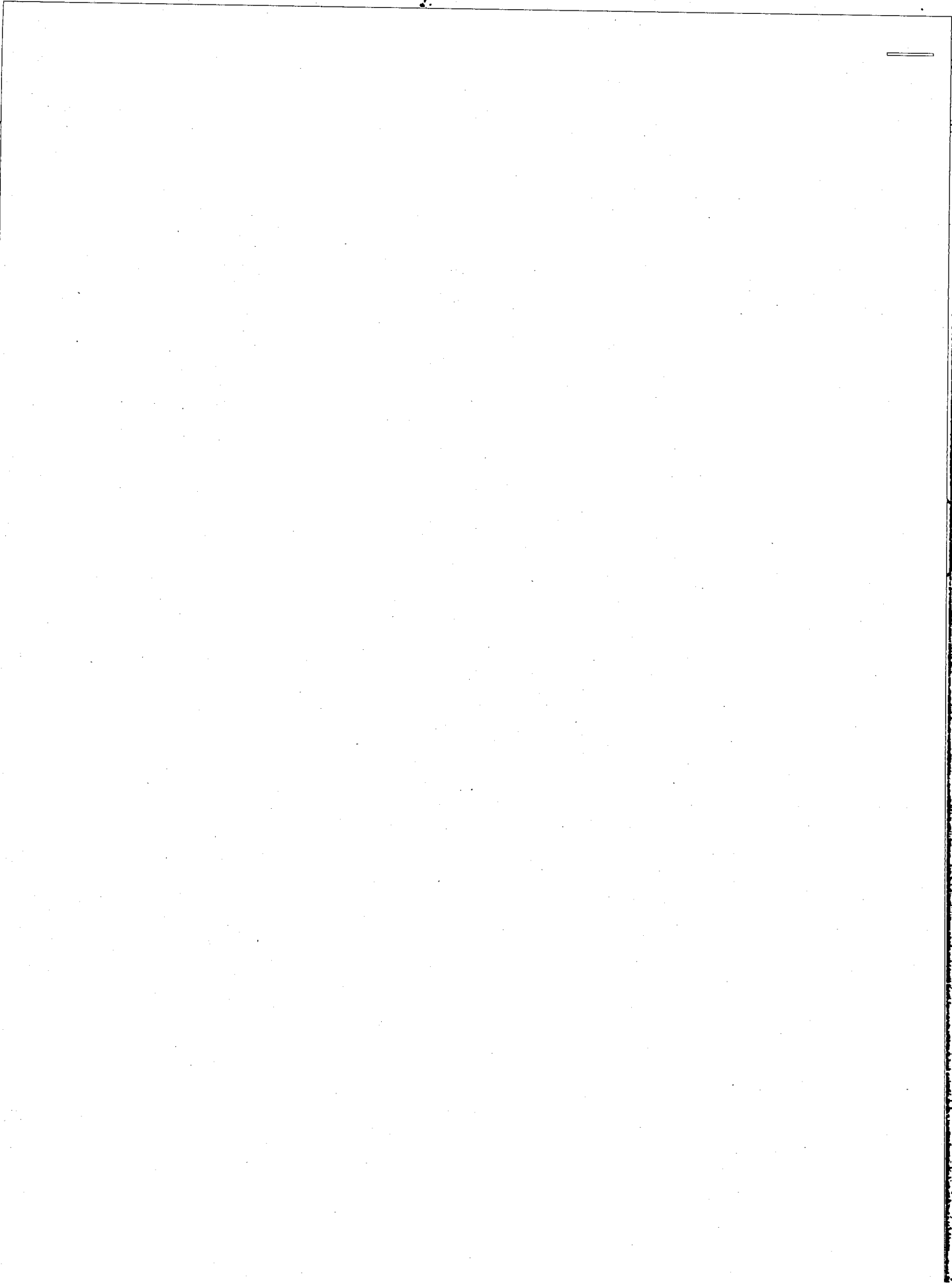


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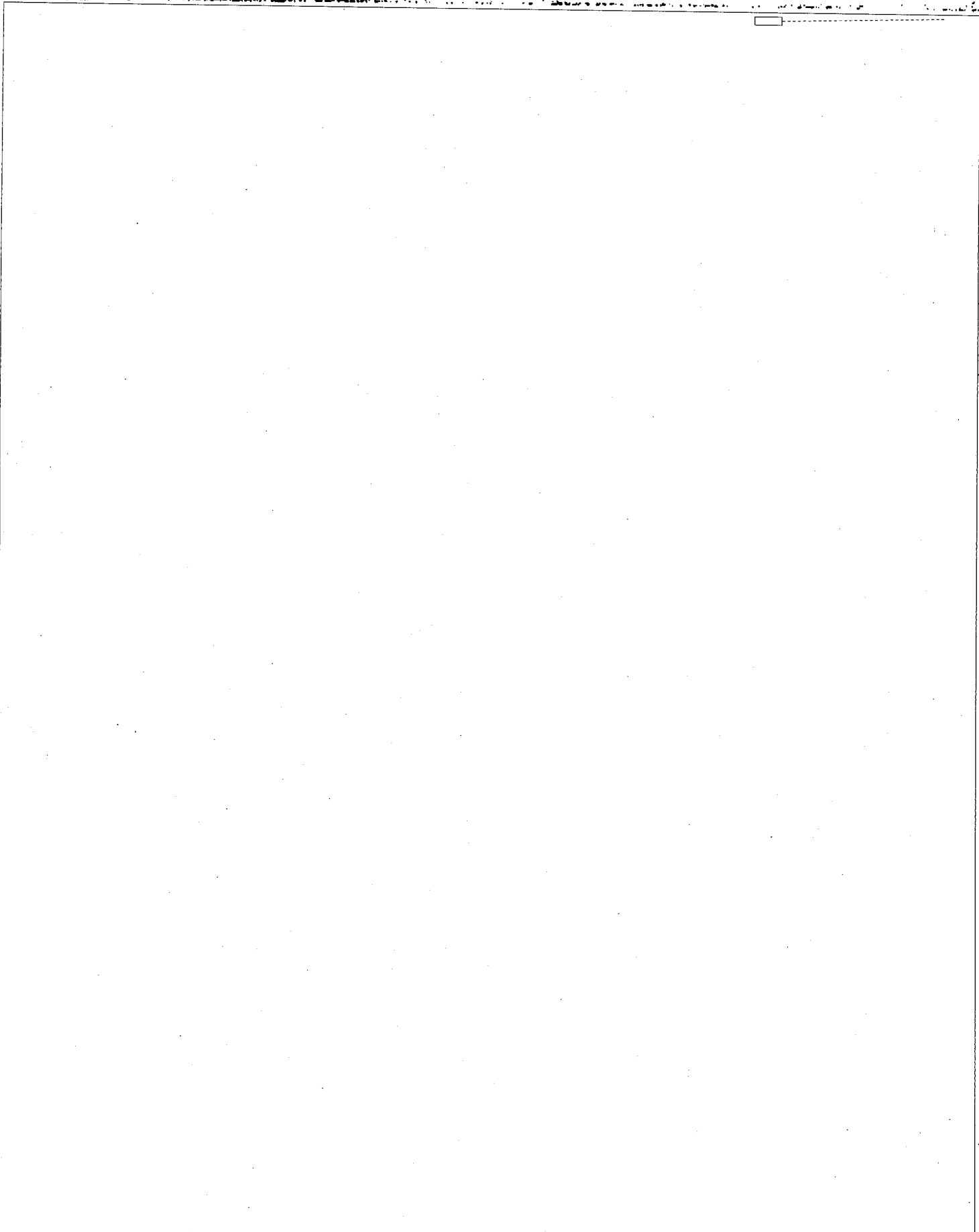




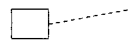
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082335Z

TO: PRIORITY DIA WASHINGTON DC//PW-MIA (ATTN. COL. JOE SCHLATTER).

~~SECRET~~

BODY

SUBJECT: AMERICAN POW/MIA LIVING IN LAOS

C O R R E C T I O N

- THIS IS A REISSUE OF [REDACTED] WHICH WAS INADVERTENTLY SENT UNDER THIS NUMBER. THE CORRECT NUMBER SHOULD BE [REDACTED] PLEASE CORRECT ALL FILES. THE TEXT DOES NOT CHANGE. -

1.

THIS INFORMATION WAS TO BE PASSED TO STONY BEACH AND JCRC.

2. ACCORDING TO

25 JANUARY 1990, THERE ARE NO AMERICAN POW/MIA'S LEFT IN LAOS, EXCEPT FOR ONE AMERICAN WHO MARRIED A LAO WOMAN AND RESIDES IN HOUAPHAN PROVINCE. THE GOVERNMENT OF THE LPDR (GOL) TURNED OVER ALL ITS AMERICAN POW/MIA'S TO VIETNAM IN 1982/1983 (SIC) BECAUSE THERE WAS NO PLACE IN LAOS TO DETAIN THEM. SIPHON SAID HE DOES NOT KNOW THE NUMBER OF AMERICANS THE GOL TURNED OVER TO VIETNAM, BUT HE KNOWS THAT THEY ARE BEING DETAINED AT A PLACE THAT IS 420 KILOMETERS AWAY FROM HANOI, ALTHOUGH SIPHON DOES NOT KNOW IN WHICH DIRECTION. (COMMENT: IF THE PLACE IS INDEED 420 KILOMETERS FROM HANOI, IT WOULD HAVE TO BE SOMEWHERE IN WHAT WAS FORMERLY SOUTH VIETNAM. THE LPDR WAS FORMALLY ESTABLISHED IN 1975.)

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