

Affidavit of Lynn O'Shea

1. The Central Intelligence Agency (CIA) holds never released documents relating to American servicemen Prisoners of War and Missing in Action in Southeast Asia, and at least one camp believed to hold these servicemen after March 1973. During the period March 1979 – June 1981, the CIA gathered intelligence, including human intelligence reporting, and imagery of a prison camp located in the Nhom Marrott District of Khammouane Province Laos. According to intelligence reports approximately 18 – 30 American Prisoner of War were held at this camp from September 1980 – May 1981 and perhaps beyond.

2. Between January and May 1981 the CIA dispatched a least one reconnaissance team to the camp location to photograph the inmates and gather intelligence. The CIA continues to withhold information on the preparation for the mission, team progress reports, photographs taken at the camp and the debriefing of reconnaissance team members.

3. In April 2008 I filed a Freedom of Information Act (FOIA) request with the CIA. Our FOIA request included; “All documentation and photographs including but not limited to intelligence reporting, source reporting, interagency memorandums, and memorandums for the records, generated in support of CIA sponsored, CIA trained, or CIA manned reconnaissance teams inserted into the Nhom Marrot (note alternate spellings of Nhommarrot, Nhomorrot, Nhommaroth, Gnommorath, and any not specifically named are included in this request) area of Laos, between January 1 and May 31, 1981. This requests includes documentation and photos generated by the team(s) that exited Laos between March 24 – March 28 and the team that entered Laos on/or about March 29th and exited Laos on/or about May 13, 1981.”

4. CIA denied our FOIA request stating: “The CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request.” Exercising our legal rights we appealed the CIA decision. CIA denied our appeal, saying; “The Agency Release panel has considered your

appeal and determined that the Agency can neither confirm nor deny the existence or nonexistence of records responsive to your request....”

5. Subsequent, to the filing of our FOIA request and appeal, and their denials, we located a document confirming CIA holds at minimum 20 documents relating to their effort to confirm the presence of American POWs at the Nhom Marrott camp. We offer the following in support of this statement.

Exhibit 1 - Classified letter to J. William Codhina, Chief Counsel Senate Select Committee on POW/MIA Affairs, from Stanley Moskowitz, Director of Congressional Affairs Central Intelligence Agency. The redactors pen made certain no mention of Nhom Marrott was made in this CIA letter designated, for Senate Records as OSS-92-5076. However the inventory of all Committee records clearly indicates this letter is in response to a request from Senate investigator Robert Taylor for 22 Document relating to Nhommarath.

Exhibit 2 - Inventory of Box 79 – Records of the Senate Select Committee on POW/MIA Affairs. Note item #2 record designated OSS 92-0576 described as “Response To Request For 22 Documents Re: Nhomarath (U)

I, declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of June 2012



Lynn O'Shea

Exhibit 1

DECLASSIFIED
Authority 6012958
By [Signature] NARA Date 7/2/99

Central Intelligence Agency



Washington, D.C. 20505

DECLASSIFIED
E.O. 13526, Sec. 2.6
NND 942062
By DSM/HR-m Date 5/22/96

6 October 1992

Mr. J. William Codinha
Chief Counsel
Select Committee on POW/MIA Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Codinha:

- SANITIZED COPY
SENSITIVE INFORMATION DELETED

Mr. Taylor of the Senate Select Committee on POW/MIA Affairs requested that 22 documents [redacted] be made available to Committee members during the closed hearing [redacted]

E.O. 12858
1.3(a)(4)

We have redacted 20 of the documents requested for delivery to the Committee on the day(s) of the closed hearing. We will make these documents available on the condition that these documents be retrieved at the end of each session and returned each evening to the Agency for storage. We will provide an officer to assume responsibility for the documents.

The other two documents on Mr. Taylor's list, a December 1980 DIA report and a March 17, 1981 State Department telegram from Embassy Vientiane, cannot be released by this Agency. If needed, the Committee should seek release directly from DIA and from the Department of State.

Sincerely,

Stanley M. Moskowitz
Director of Congressional Affairs

CONTROL NUMBER USE 92-5076
Document consists of 1 Pages
Copy 1 of 1

ALL PORTIONS CLASSIFIED
SECRET

CL BY 133763
DECL OADR
DRV FM HUM 4-82

~~SECRET~~

Exhibit 2

TRANSMITTAL RECEIPT Box 29

DATE: 02/12/93 12 DOCUMENTS PAGE 1

METHOD/NO/COURIER: COURIER// RECEIPT: X-OSS-93-00095

FROM: OFFICE OF SENATE SECURITY TO: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
 SECRETARY OF THE SENATE CENTER FOR LEGISLATIVE ARCHIVES
 ROOM S-407 REFERENCE BRANCH (NNLR)
 THE CAPITOL 8TH AND PENNSYLVANIA AVE, NW
 WASHINGTON, DC 20510 WASHINGTON, DC 20408

No.	DCN [COPY]	ECN	CL	Pages
1.	OSS-92-5173 [1] FILES PERTAINING TO AL SHINGLE(U)	.ERMS4060006141	S	658
2.	OSS-92-5076 [1] RESPONSE TO REQUEST FOR 22 DOCUMENTS RE: NHITMARATH(U)	.ERMS4060005950G	S	1
3.	OSS-92-5081 [1] REPORTS SIGNED BY ADMIRAL WHITMIRE(U)	.ERMS4060005955V	S	34
4.	OSS-92-5082 [1] ADDITIONAL QUESTIONS FOR THE RECORD SUBSEQUENT TO THE AUGUST HEARINGS(U)	.ERMS4060005957	S	50
5.	OSS-92-5082 [2] ADDITIONAL QUESTIONS FOR THE RECORD SUBSEQUENT TO THE AUGUST HEARINGS(U)	.ERMS4060005956Y	S	50
6.	OSS-92-5113 [1] AGENDA AND HANDOUT FOR POW/MIA COMMITTEE MEETING HELD ON JULY 2, 1992(U)	.ERMS4060005992Q	S	10
7.	OSS-92-5120 [1] LIR TO KERRY RE IMAGERY(U)	.ERMS4060005009C	S	2
8.	OSS-92-5121 [1] LIR TO SMITH RE IMAGERY(U)	.ERMS4060006010T	S	2
9.	OSS-92-5003 [1] HILSTINE NOTES(U)	.ERMS4060005837W	S	3
10.	OSS-92-5004 [1] PERM CERT(U)	.ERMS4060005838Z	C	1
11.	OSS-92-5015 [1] ONE PHOTO USED TO DEBRIEF SOURCE #1054 AND 38 UNCLASSIFIED PHOTOS USED TO DEBRIEF ROBERT GARWOOD - S-1311(U)	.ERMS4060005873O	S	1
12.	OSS-92-5016 [1] US MILITARY PERSONNEL MISSING AND CAPTURED IN SOUTHEAST ASIA: ALPHABETICAL NAME LIST(U)	.ERMS4060005874R	C	47

Please sign and return this receipt today.

RECEIPT ACKNOWLEDGED:

SIGNATURE

PRINTED NAME

DATE / /

.TTC00003430