

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROGER HALL, et. al.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Civil Action No. 04-0814 (RCL)
ECF

STATUS REPORT

In anticipation of the upcoming status conference, to be held on July 3, 2013, the Defendant hereby submits the following report to the Court. The Agency has advised under signed counsel as follows:

1. Archived Record Searches

The CIA has completed its searches for records pertaining to 1,711 named POW/MIAs requested by plaintiffs (also referred to as “Item 5” records). As part of that search, the CIA queried an electronic database which contains an automated inventory of records retired to the Agency Archives and Records Center (“AARC”). Personnel from the Agency’s records management and technology group conducted Boolean searches for each of the names provided by plaintiffs. Search personnel used an expansion character to ensure that all variations of the names were retrieved (e.g., for “Roger Hall” the searches “roger% hall%” and “hall%, roger%” were conducted). Those broad preliminary searches yielded approximately 16,500 hits. Personnel reviewed those search results culling any “false” hits that did not match the names provided. For example, on the search listed above, personnel excluded names such as “Roger Hallman” or “Hallan Rogers” and did not search operational file systems, which are exempt from

search and review pursuant to the CIA Information Act of 1984, 50 U.S.C. § 431(a). As a result, records management personnel were able to narrow the responsive results down to 569 hard copy folders associated with 204 individuals. Personnel later determined that 114 of those files had been destroyed in proper course in accordance with the CIA's records control schedule.

At the AARC, designated search staff located and retrieved the boxes containing the remaining folders associated with the "hits" from the electronic index. The search team manually reviewed each of the folders to determine responsiveness. Files were deemed responsive where the names matched those provided by plaintiffs and contained information indicating that the individual was a POW/MIA or possessed a connection to Southeast Asia. Additionally, search teams excluded records of individuals who did not have any connection with South Asia (including Vietnam, Laos, Cambodia, Kampuchea, and cities therein, as well as Thailand, Japan, Taiwan, etc.). As a result, the search team located 46 responsive folders, representing eleven names on plaintiffs' list, six of whom were Air America employees. The 46 responsive folders contain approximately 10,000 pages.

Due to their age, the documents are fragile and require special treatment in order to prepare them for scanning into the CIA's Automated Declassification and Release Environment ("CADRE") for processing.¹ The personnel files of the Air America employees are the most voluminous of the responsive records, accounting for 42 of the 46 responsive folders. The bulk of the information in those files consists of benefits or personnel-related information, such as leave requests and medical records, related to the employees and their families. The files contain pay records, personal correspondence, personal travel documentation, and records related to the

¹ CADRE is an application which serves as a repository for documents related to various release programs, including FOIA, Privacy Act and Mandatory Declassification Review, as well as the means by which all documents are processed in response to information access requests.

schooling of employees' children. The records also document benefits received by survivors after the Air America employee's disappearance. These files contain no substantive information about the disappearances of these individuals. Based on other POW/MIA information produced in the course of this litigation, these records do not appear to be of primary interest to the plaintiffs and would be of minimal interest to the public.

To provide plaintiffs with an example of these Air America records and in the interest of narrowing the scope of this production, the CIA processed records pertaining to George Ritter, one of the employees who disappeared. The seven folders related to Mr. Ritter consisted of 2,014 pages. The Agency asserted only Exemption (b)(6) in connection with those folders to protect the names and personally identifying information of third parties contained in those documents. However, CIA personnel did not redact the names/identifying information of any persons who appeared on plaintiffs' list. At a meeting on 20 May 2013, the CIA produced the records pertaining to Mr. Ritter and requested that plaintiffs identify the specific types of information contained in these files, if any, in which they are interested. As of this date, plaintiffs have not specified which information in which they are interested. The CIA is prepared to waive certain duplication costs associated with archived records, but only if plaintiffs can agree to exclude categories of records.

During the parties' conference, plaintiff expressed disbelief that the AARC search would have only yielded 46 folders and asserted that additional records on the requested individuals are located in other Agency spaces, such as "the basement." However, Agency personnel have confirmed that, excepting the documents maintained in CADRE (discussed below), the AARC is only other place that would maintain "Item 5" records and that the search methodology detailed above, is the only manner to locate any responsive documents.

2. Classified Automated Declassification and Review Environment (“CADRE”) Searches

Information Management Services (“IMS”) has searched CADRE for documents referencing the 1,711 names provided by plaintiffs. Based on a preliminary search, using the names combined with certain search terms (such as “POW,” “POW/MIA,” “prisoners of war,” and “missing in action,” etc.), IMS personnel identified 8,000 responsive hits. In order to provide plaintiffs with a sense of the types of documents uncovered in this search, the Agency has processed 463 pages of responsive records, which are associated with eleven POW/MIAs. These documents were released to plaintiffs on June 18, 2013 and redactions were made pursuant to Exemptions (b)(1), (b)(3), and (b)(6). Some of the documents consist of the same types of records that were provided in connection with the Ritter file, discussed above. The CIA estimates that reviewing the 8,000 hits for responsiveness and processing the documents for release to plaintiffs will take approximately nine months, unless plaintiffs agree to narrow.

3. “Item 7” Searches

The third and final production relates to “all records on/or pertaining to any search conducted regarding any congressional committee requests pertaining to Vietnam War POW/MIAs.” The Agency identified approximately 260 responsive documents consisting of roughly 3,200 pages. The Agency searched both the Office of Congressional Affairs and the Office of the Director of the CIA and used the following search terms, with no date parameters: “Missing in Action”, “MIA”, or “Missing”; “POW/MIA” or “POW-MIA”; “Prisoner(s) of War”, “POW”, or “Prisoners”, “War”; and “Vietnam War” or “Vietnam”. These are the only two offices within the Agency that would maintain records on congressional committee requests.

On June 18, 2013, the CIA produced 210 documents to plaintiffs, consisting of approximately 2,500 pages. Redactions were made pursuant to Exemptions (b)(1), (b)(3), (b)(5) and (b)(6). The CIA is currently processing a second smaller set of documents and anticipates that these will be produced to plaintiffs by end of July. Finally, the CIA has identified twelve documents, which will require referral to other government agencies. The Agency will advise plaintiffs as to the status of those referrals in connection with the July production.

Respectfully submitted,

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