



POST-CAPTURE PHOTOGRAPHY OF
CAPTAIN DAVID L. HRDLICKA, USAF

EXHIBIT 1

000001

80 DEC 65

CENTRAL INTELLIGENCE AGENCY
Intelligence Information Cable

ROUTINE

14699-123

COUNTRY

LAOS

TDCS DB-315/04216-65

DATE OF
RCD

APRIL - JUNE 1965

DISTR 28 DECEMBER 1965

SUBJECT

PATHEP LAO [REDACTED] SUBSEQUENT ACCOUNT OF HIS
 WITNESSING THE INTERROGATION OF A DOWNED AMERICAN
 PILOT

PLACE &
DATE ACQ.

LAOS, VIENTIANE (24 AND 28 DECEMBER 1965)

REF

IN 22129

SOURCE
AND
APPRAISAL

[REDACTED]

1. [REDACTED] PATHEP LAO (FL) [REDACTED]

WHO WAS STATIONED IN HOUA PHAN (SAM NEUA) PROVINCE UNTIL JUNE 1965
 CLAIMED DAVID L. HRDLICKA SPENT THE FIRST NIGHT OF HIS CAPTIVITY AT
 A PL HEADQUARTERS IN THE VICINITY OF BAN BAN (VH 1600), 10 KILOMETERS
 (KM) EAST OF SAM NEUA, AT APPROXIMATELY VH 195559. THE NEXT DAY,
 BEFORE BEING TAKEN TO CAVES WHERE PRISONERS WERE HELD, HRDLICKA
 WAS INTERROGATED IN FRONT OF A PL SCHOOL IN THE VICINITY OF VH
 195548 THAT WAS IN SESSION. [REDACTED] COMMENT: [REDACTED] TDCS DB-315/04216-65

GAVE THE PRELIMINARY [REDACTED] ON HRDLICKA AND CHARLES
 [REDACTED]

STAFF: DA ARMY/ACM NAVY AIR JCS SMCDF NSA NIC RETIRECH [REDACTED] [REDACTED]

EXHIBIT 2

20/66

000002

22129

315/0216-65 PAGE 6

I
 SHELTON'S CAPTURE AND INTERNMENT. [REDACTED] LATER [REDACTED] A
 IDENTIFIED A PHOTOGRAPH OF HRDLICKA AS ONE OF THE TWO PILOTS
 UNDER ARREST IN THE NUONG NGA (VH 1559) AREA. [REDACTED] CS-311/01444-55, D
 PARAGRAPH 4, REPORTED A PL SCHOOL AT PHOU KHE, ONE KM
 FROM XIENG SU (VH 1953). THE LOCATION OF THIS SCHOOL REPORTED
 BY [REDACTED] IS APPROXIMATELY TWO KM NORTH OF XIENG SU. THE TWO A
 SCHOOLS ARE PROBABLY IDENTICAL.)

2. ACCORDING TO [REDACTED] INVITED
 HIM TO GO TO THE SCHOOL AND [REDACTED] WAS PRESENT FOR THIS INTER-
 ROGATION OF HRDLICKA. (FIELD COMMENT: [REDACTED] A

[REDACTED] B

[REDACTED] INTERROGATED HRDLICKA IN ENGLISH
 [REDACTED] MOST OF THE QUESTIONS A
 WERE OF A POLITICAL/PROPAGANDA NATURE AND HRDLICKA ANSWERED ONLY
 THAT HE KNEW NOTHING ABOUT POLITICS. QUESTIONING LASTED ABOUT AN
 HOUR.

3. [REDACTED] SAW SHELTON ON TWO OR THREE OCCASIONS BY LOOKING A
 IN HIS CAVE. [REDACTED] TDC308-315/04026-65 D
 REPORTED THE CAVES WHERE PRISONERS WERE
 HELD AT APPROXIMATELY 833 METERS NORTHWEST OF BAN NA KAY TAY (VH
 1955), 18 KM SOUTHEAST OF SAM NEUA. ANOTHER PL [REDACTED] B

000003

22129

TDCDS-315/04216- PAGE 3

123 65

ON 25 DECEMBER REPORTED THAT THE ENEMY HAD A COMMAND POST IN A CAVE AT VH 1915556, 553 METERS NORTH OF BAN NA KAY TEU AND THAT AMERICAN PILOTS WERE HELD IN REAR OF A CAVE NEAR THIS COMMAND POST, ON AMS 1:55, 653 SCALE MAPS THERE IS LESS THAN ONE KM DIFFERENCE IN THE LOCATION OF THE CAVES, WHERE PRISONERS WERE HELD, SO IT IS PROBABLY THAT BOTH ARE IDENTICAL. THE COMMAND POST IS PROBABLY IDENTICAL TO PL HEADQUARTERS MENTIONED IN PARA ONE ABOVE.)

4. FIELD DISSEM: STATE ARMY AIR USAID CINCPAC PACFLT PACAF ARPAC USMACV-SAIGON 2ND AIR DIVISION-SAIGON [REDACTED] E

END OF MESSAGE

National Alliance of Families
Minnesota Chapter
Barb Sworski 612-378-1947

000004

FBIS 35

ONLY ADD 54 (U.S. FLIER'S LETTER TO SOUPHANOUVONG)

X.X X THE COALITION GOVERNMENT.

(TEXT) WHEN I PILOTED A PLANE ON A BOMBING MISSION, I WAS UNABLE TO SEE THE CONTRADICTIONS IN THE REALITIES. THE JOHNSON ADMINISTRATION LIED TO ME, SAYING THAT I WAS SENT TO BOMB THE COMMUNICATION LINES FROM NORTHERN TO SOUTHERN LAOS. THIS PROVES THAT THE U.S. IMPERIALISTS HAVE DELIBERATELY INVADDED LAOS BY FORCE. I SEE THAT THE LAOTIAN PROBLEM MUST BE SOLVED PEACEFULLY BY THE LAOTIANS THEMSELVES WITHOUT U.S. INTERVENTION AND AGGRESSION, AND THAT THIS SETTLEMENT MUST BE BASED STRICTLY ON THE ARTICLES OF THE 1952 GENEVA AGREEMENTS ON LAOS. IN THE 1962 GENEVA AGREEMENTS, IT WAS MENTIONED THAT THE UNITED STATES WOULD NOT BE AUTHORIZED TO SEND OFFICERS AND SOLDIERS TO LAOS AND THAT THE UNITED STATES AND THAILAND WOULD NOT BE ALLOWED TO USE THAI TERRITORY AS A MILITARY BASE FOR AGGRESSION IN LAOS. HOWEVER, THESE TWO COUNTRIES HAVE ATTACKED THE LIBERATED AREAS OF THE PATRIOTIC FORCES. NOW AS (I) WRITE THIS LETTER TO YOUR HIGHNESS REQUESTING MY RELEASE, FLYING ABOVE ME THERE ARE U.S. JETS COMING TO BOMB.

THE LETTER ENDED WITH THESE WORDS: YOUR HIGHNESS, IF YOU SEND BE BACK TO REJOIN MY SMALL FAMILY, I WILL NEVER FORGET YOUR GOOD WILL. MY SMALL FAMILY WILL OPEN ITS DOOR TO WELCOME YOUR HIGHNESS AND PEOPLE WITH SINCERITY AND AT ANY TIME. ONCE AGAIN, I BEG YOUR HIGHNESS TO PARDON ME AND TO RELEASE ME SO THAT I WILL BE ABLE TO REJOIN MY CHILDREN AND MY FAMILY. I WILL GUIDE MY COMRADES IN THE STRUGGLE TO VOICE PROTESTS AGAINST THE GOVERNMENT WHICH IS CRUELLY, SAVAGELY, AND INHUMANLY INVADING LAOS.

WITH MY SINCERE WISHES.

SIGNED: CAPT. DAVID L. HRDLICKA OF THE U.S. ARMED FORCES IN THAILAND.

(ENDALL)

24 MAY 1960Z

EXHIBIT 3

000005

RUMSBJ/2 ADIV DIPS
 RUECH/BUPERS
 RUECW/ONI WASH DC
 RUWTFJA/USAF MIL PERS CTR
 RUECLM/CODE DNA
 RUMSMA/COMUSMACV

unclas abva wa bbc

S 260815 copy to liaison

radio pathet lao (clandestine) in lao to laos 0415 gmt 26 july 1966—s

(text) here is a report about a voice recording made by captain

david ~~louis~~ hrdlicka, ~~a~~ a u.s. ~~aggressor~~ pilot,

whose plane was shot down and who was captured on eighteen 18

may nineteen sixtyfive 1965. he asks his highness prince

a souphanouvong to free him.

(recording in american-accented english follows—ed.) prince

souphanouvong, president of the neo lao hak xat and vice premier of the

laotian national coalition government:

most honorable prince souphanouvong: this letter (few words
indistinct) laotian citizens the rare privilege of writing to you.

for a year now i have had a chance to think about my crimes against

the laotians, and they don't draw a very pretty picture in my mind.

on may eighteenth 18th nineteen sixtyfive 1965 i took off from

~~ta khli~~ ta khli ^{RPT TA KHLI} | airbase in thailand and was shot down by the ~~laotian~~

laotian people's liberation army of the neo lao hak xat for bombing

the liberated zone ~~controlled~~ controlled by the neo lao hak xat. as

i bombed i was under the mistaken impression that i was cutting

off the flow of men and supplies to south vietnam. however, ~~→~~

now i can see the south vietnam national liberation front for

liberation ~~front~~ is really with the people of south vietnam

fighting for their liberation and free dom, as ¹⁵ the neo lao

hak xat. (end of english-language voice ~~recording~~ ^{recording. translation in})

lao follows--ed.)

he said: i request his highness prince souphanouvong, president

of the central committee of the neo lao hak xat and vice ~~premier~~

~~premier~~ premier of the tripartite national coalition government,

to understand that ^I ~~we~~ have had ~~enough~~ time to think carefully

and to realize my criminal actions against your ~~people~~ people.

on eighteen 18 may nineteen sixtyfive 1965 i left the

ta khli airbase, thailand, and afterward my plane was shot down by the

laotian people's liberation armed ^M forces of the neo lao hak xat

as i was bombing a certain area in the regions controlled by the

neo lao hak xat. as i was bombing, i ^{mistakenly thought} ~~did not think about~~

~~that i was doing~~ that i was doing it to cut off the flow of arms supplies and ~~troops~~

troops to south vietnam. however, i ^A have now recognized that the

liberation front of south vietnam is really the people of vietnam,

who are waging a struggle to liberate their nation and to win

freedom. the liberation front of south vietnam is like the neo lao

hak xat.

now i have understood and have become familiar with everything abo

the neo lao hak xat ~~and its fight~~ of your highness ^{IN} its fight

000007

→ to preserve ^{the} peace, neutrality, sovereignty, independence, unity,

and territorial integrity of laos. the neo lao hak xat has tried

to safeguard the geneva accords of nineteen sixtytwo 1962 on laos;

whereas, the united states and thailand, which signed the nineteen

sixtytwo 1962 ~~the~~ geneva accords on laos, are trampling upon these

accords. formations of u.s. jets from their airbases in thailand,

have unleashed attacks on the free areas of laos, ~~which~~

as i sit here ~~requesting you to free me, u.s. planes~~ ^{FLY}

~~overhead~~ overhead to bomb the free areas of ^{LAOS} day and night.

throughout history military aggressors have never been able to

conquer gerrillas. our nation will have to realize this, for this

has ~~shown~~ shown that your country is fighting a battle for its

independence. the laotian problem must be resolved by your people

be means of negotiations between the two parties concerned.

for the past year i have always met with good

treatment from your people. your nurses have taken care of me

and have saved my life. they have given me medicine and special

foods. when i was a child i wanted to be a ~~man~~ pilot, and when

i grew up i became a pilot. now i regret ^R that i used my strength to

wage an aggressive and destructive war. what makes me very sad is

that i am very far from my dear wife and my three little children.

i have always hoped to return to my family and live with my wife

and my children. surely i will ^{be ABLE} ~~be able~~ to tell ^{MY WIFE} ~~the~~ the story

000008

→ of a famous man named "prince ~~souphanouvong~~" who forgave me
so much.

i beg your highness to be still more kind and to free
me, so that i can rejoin my wife and children. ~~Even~~ if i have
committed criminal actions against the laotian people of your
~~highness~~ highness, i ask you once more to pardon me and free me,
so that i may go back to my children^N, my ~~wife~~^{WIFE,} and my family.
i oppose and protest the aggressive war policy of the u.s. government
in indochina, especially on the territory of your ~~our~~ country. 26041!

*English portion
transcribed 26 July
by Robert H. Baker*

Prisoner of War

CAPTURE OF US PILOT HRDLICKA — Quan Doi Nhan Dan, 22 July-66, page 4

[Full] Captain David Louis Hrdlicka, American pilot, Serial No DATA, is one of the men captured by the Lao People's Liberation Army after his jet plane was shot down by the Lao People's Army on 18 May 1965.

He said: "after being shot down by the guns of the Lao People's Liberation Army I was immediately captured and ever since then I have received very humane treatment." Before my capture I could not understand that the warfare of the people of Laos was for the sovereignty, independence, neutrality, and unification of Laos. But now I clearly understand why the soldiers of the Lao People's Liberation Army are so enthusiastically fighting for their cause."

He denounced the US authorities in these words: "it is because of the aggressive policy of the US Government that my plane was shot down and my back was injured, and I am very homesick for my three children and my dear wife. My heart is sick and miserable because I am forlorn and lonely when I think of them. But this matter is making my heart angry and displeased, because I have to be detained in prison here while the people concealing their war policy sit at home safe with their families. [omission indicated in Vietnamese text]. Together with the people of the world I beg permission to raise my voice of protest against the policy which the Johnson administration is daily carrying out through Air Force attacks against Lao territory."

Finally he expressed his thanks to the people of Laos and asked for forgiveness for having taken part in the US war of aggression in Laos.

Hrdlicka, D.L.

EXHIBIT 5

000010

ATTACHMENT
1

HOT!

6

R 290845Z AUG 84

FM

TO

INFO

SUBJECT: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS

ON 28 AUGUST

PASSED TO

THE FOLLOWING INFORMATION REPORTED TO

ELEMENT FROM AN UNIDENTIFIED SOURCE. THIS INFORMATION IS PASSED ON FOR YOUR INFORMATION. HARDCOPY OF THE THAI REPORT AND THE MAP WILL BE FORWARDED VIA FAST POUCH. ENGLISH TEXT OF THE THAI REPORT FOLLOWS:

SUBJECT: AMERICAN POW CAMP IN SARAVAN PROVINCE (H LAOS)

DATE: 21 AUG 84

TO:

FM:

1. THE REPORT THAT THERE IS A CAMP FOR AMERICAN PRISONERS OF WAR IN THE AREA OF THE HEUP VALLEY, BAN KADON VILLAGE, NAM HIANG SUB-DISTRICT, MYANG LAMAM DISTRICT, SARAVAN PROVINCE. A SUMMARY OF THE IMPORTANT FACTS ARE AS FOLLOWS: (BRIEF MAP IS ATTACHED)
- 1.1 NUMBER OF PERSONS IN CUSTODY: 23 AMERICAN PRISONERS OF WAR
- 1.2 LOCATION: THE CAMP IS IN THE AREA OF THE FOOT OF A MOUNTAIN, SURROUNDED BY TRENCH WITH WATER FROM THE NAM PHUANG. THE CAMP IS SURROUNDED BY THREE BARBED-WIRE FENCES. THE INNER-MOST BARBED-WIRE FENCE IS CONNECTED TO THE TWO SLEEPING-QUARTERS OF THE POW'S. THE SITE IS COMPOSED OF:
 - 1.2.1 TWO POW SLEEPING QUARTERS (INSIDE THE FENCES)
 - 1.2.2 ONE KITCHEN BUILDING (OUTSIDE THE FENCES)
 - 1.2.3 CAMP FOR ETHNIC KHA LAO SOLDIERS (GUARDS) COMPRISING THREE BUILDINGS.
- 1.3 GUARD FORCE: THERE ARE ABOUT 30 FULLY ARMED ETHNIC KHA LAO SOLDIERS AS GUARDS. FROM TIME TO TIME, 10-20 VIETNAMESE SOLDIERS COME AND INSPECT THE CAMP ABOUT ONCE A MONTH.
- 1.4 COMMUNICATIONS: THERE IS A RADIO TRANSMITTER BEING USED WITH THE ELEMENT STATION IN MONTANE. IT HAS AN ANTENNA ABOUT 5008 FEET HIGH.

2. THE AFTER CONSIDERATION, IS OF THE OPINION THAT THIS INFORMATION SHOULD BE PROVIDED TO THE ANTI-SABOTAGE UNIT AND FOR THEIR KNOWLEDGE ALSO.

3. THIS FOR YOUR CONSIDERATION.

(((SIGNED

AND SEEN BY
BEFORE IT WAS PASSED

4)

#27

EXHIBIT 6

000011

6

A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM KADOM (LOCATED AT 1519N 10655E YB1195) ON THE EAST SIDE OF THE NAM PHUANG RIVER. IT SHOWS A SMALL CAMP BOUNDED ON THE LEFT BY THE NAM PHUANG RIVER AND ON THE OTHER THREE SIDES BY A MOAT. THERE IS ONE BARBED-WIRE FENCE BETWEEN THE CAMP AND THE WATER, ONE ALONG THE MIDDLE OF THE MOAT AND ONE BETWEEN THE MOAT AND THE GUARDS. ACCORDING TO THE MAP THERE IS ONLY ONE FENCE AND THE RIVER TO THE WEST. ENTRANCE IS OVER A WOODEN BRIDGE ON THE EASTERN SIDE.

DECL: OADR

#0591

NNNN

This work sheet contains information affecting the National Defense of the United States within the meaning of the Espionage Laws, Title 18, U.S.C., Sections 793, 794 and 795, the transmission or the revelation of which in any manner to an unauthorized person is prohibited by law.

THIS DOCUMENT CONTAINS UNCLASSIFIED INFORMATION

000012

P. R. 0222017 DEC 80

FM
TO
INFO

ATTACHMENT
#2

SUBJECT: REQUEST YOU PLACE ON TOP PRIORITY IMMEDIATELY
1. UNTIL 05 DECEMBER 80, OR UNTIL FURTHER NOTICE.
2. HAVE INFORMATION THAT TRANSFER OF 20 AMERICAN AND 16
LAO POW/MIAS FROM OUDOM SAI PROVINCE TO VIENTIANE TO TAKE PLACE.
REVA 2 DEC 10

M/R: (U) THIS
CONCUR:

PER REQUEST OF

22

58

000013

P 042113Z DEC 79

FM
TO
INFOATTACHMENT
#3

POSSIBLE U.S. POWS IN LAOS

WITHOUT COMPROMISING THE SOURCE OF THE INFO CONTAINED IN REF REQUEST, IF POSSIBLE, THAT YOU OBTAIN ANY ADDITIONAL INFO REGARDING THE MENTIONED U.S. POWS FROM THE WE ARE PARTICULARLY INTERESTED IN ANY INFO WHICH WOULD AID IN IDENTIFYING THE POWS, I.E. PHYSICAL DESCRIPTIONS, PLACE(S)/CIRCUMSTANCES OF CAPTURE, CONDITION OF HEALTH, ETC. AS YOU CAN WELL IMAGINE, INTEREST IN U.S. POWS REMAINS EXTREMELY HIGH. PLEASE ADVISE.

REVW 4 DEC 79

CONCUR:

#14

000014

P. 301804Z AUG 84

FM
TO
INFO

SUBJ: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS

- REF: 1. APPRECIATE INFO CONTAINED IN REF. REQUEST YOU CONTACT APPROPRIATE OFFICIALS TO ATTEMPT TO OBTAIN ANY FURTHER INFO AVAILABLE TO THEM, E.G., RELIABILITY OF SOURCE, IDENTITY OF SOURCE, EXACT LOCATION (COORDINATES), DATE OF INFO, ETC.
2. FROM THE INFO PROVIDED, WE HAVE BEEN UNABLE TO FIND AN AREA ON OUR MAPS SOUTH OF BAN KADON THAT COULD BE AT THE BASE OF A MOUNTAIN WITH A MOAT FED BY THE NAM PHUANG RIVER. WE DID FIND A MUONG LAMAN (NOT LAMAM) AT XC8205 (1525N 10642E) AND A NAM HIANG AT YB0293 (1518N 10653E). WE HAVE NOT BEEN ABLE TO FIND A HEUP VALLEY BUT DID FIND A HOUEI PHOUANG RIVER IN THE AREA OF YC4310 (1527N 10733E) WHICH IS WELL EAST OF BAN KADON. HOWEVER, JUST NORTH OF BAN KADON ARE TWO SAN KANDON'S AT YC1340 (1544N 10700E) AND YC1443 (1545N 10301E) WITH PHOU KOUNGKING MOUNTAIN TO THE SOUTH AT YC3312 (1528N 10710E). PHOU KOUNGKING IS IN THE IMMEDIATE AREA OF HOUEI PHOUANG RIVER. DO NOT BELIEVE, HOWEVER, ANYONE COULD WALK FROM EITHER BAN KADON TO THIS AREA IN FOUR HOURS. QUERY IF YOU HAVE HAD ANY BETTER LUCK IN FINDING THE AREA.
3. ALSO, PLEASE INSURE THAT ARE ALERTED TO THIS INFO AND HAVE THEM

4. PLEASE ADVISE OF ADDITIONAL INFO IF/WHEN IT BECOMES AVAILABLE.
- DECL: OADR

#28

9

000015



NORTHERN LAOS NEAR SAM NEUA

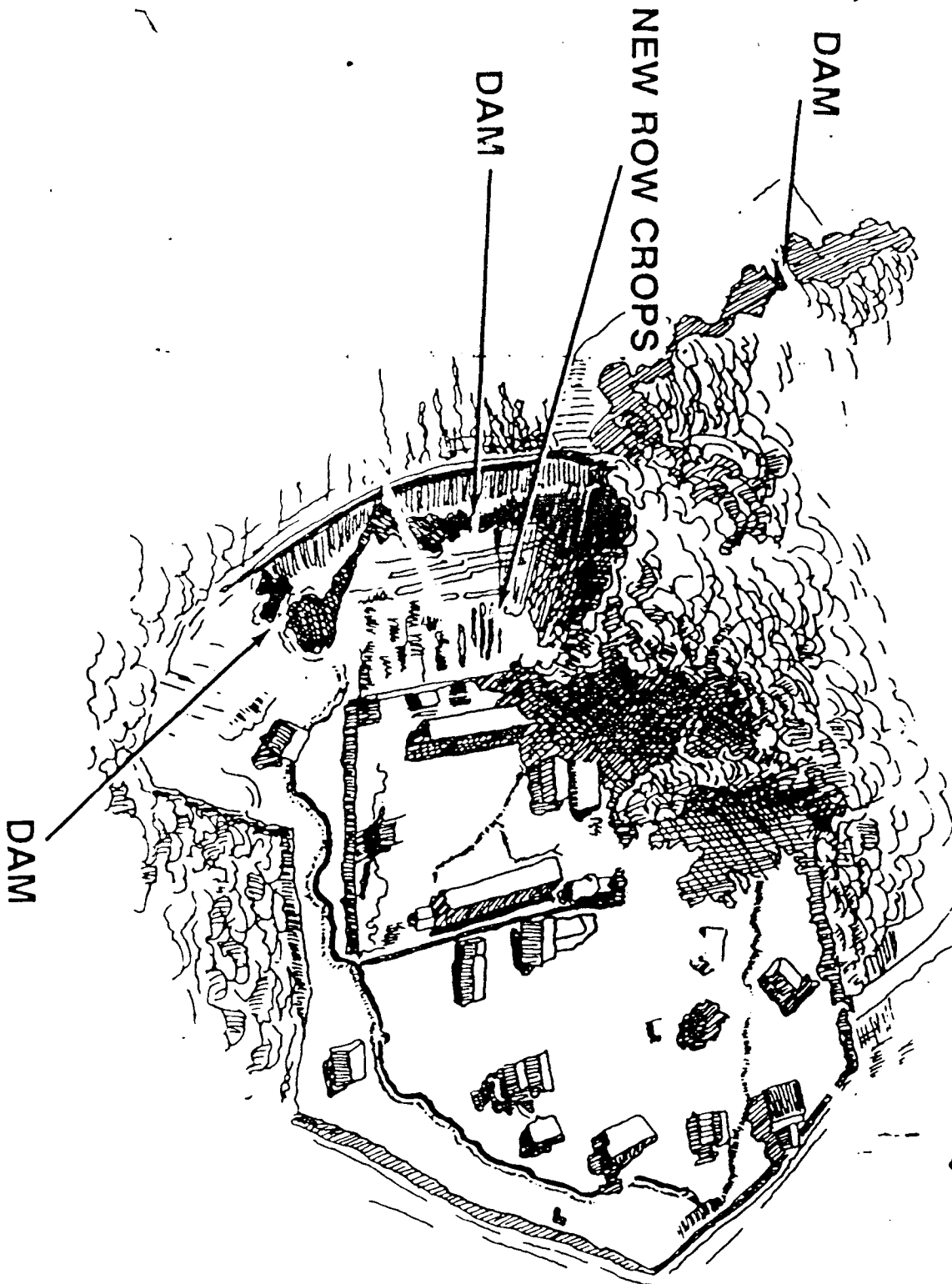
JANUARY 1988

"USA" CLEARLY VISIBLE



000017

DETENTION CAMP EAST OF THANKHEK, LAOS DECEMBER 1980



000018

UNIDENTIFIED ACTIVITY
VICINITY OF BAN HOUAY
JAN 88



000019

D0014

14316

INFO: J5-2 NMCC-1 SECDEF-7 ASD/ISA-9 DIA-15

CSA-1 CNO-10 CSAF-1 CMC-2 CJCS-1 DJS-3 J1-1

J3-8 GC-1 ASD/PA-1 FILE-1 (64) RLI/AS

CALL 53337
FOR NMCC/MC
SERVICE

87-80

CONFIDENTIAL

517 06 05Z

Action

EA

Info

SS

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RR RUEHC RUMJFS

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ZNY CCCCC

R 1809Z MAY 67

FM USMISSION GENEVA

TO RUF(/SECSTATE WASHDC

INFO RUMJFS/AMEMBASSY VIENTIANE

STATE GRNC

BT

C O N F I D E N T I A L GENEVA 3687

ICRC REP LAOS (DR. BAER) HAS INFORMED ICRC GENEVA THAT ON MAY 5
 PATHET LAO CONTROL REPORTED CAPTURE OF TWO AMERICANS, NAMELY:
 MR. ERNEST CARRIE BRACE AND USAF CAPTAIN DAVID L. HRDLICKA.

GP-3. TUBBY

NOTE: COPIES SENT TO SS/O.

DEPARTMENT OF STATE A/CDC/MR

REVIEWED by

Date

☒ RELEASE☒ DECLASSIFY☐ EXISE☐ DECLASSIFY in PART☐ DENY☐ DELETE☐ Not responsive info.

FOI, EO or PA exemptions

TS authority to:

☐ CLASSIFY as OADR☐ DOWNGRADE TS to () S or () C, OADRCONFIDENTIAL

EXHIBIT 7

000020

FRAUD AND MISMANAGEMENT IN THE DEFENSE INTELLIGENCE AGENCY,
PERJURY BEFORE THE SENATE SELECT COMMITTEE, AND FAILURE TO
FOLLOW REGULATIONS.

(1) FALSE OFFICIAL STATEMENTS: VIOLATION OF ARTICLE 107, UCMJ;
SECTION 907 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR VIOLATIONS UNDER
TITLE 18, U.S.C.]

(2) WILLFUL DERELICTION OF DUTY: VIOLATION OF ARTICLE 92, UCMJ;
SECTION 892 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR VIOLATIONS UNDER
TITLE 18, U.S.C.]

(3) NEGLIGENT DERELICTION OF DUTY: VIOLATION OF ARTICLE 92, UCMJ;
SECTION 892 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR VIOLATIONS UNDER
TITLE 18, U.S.C.]

(4) ACCESSORY AFTER THE FACT: VIOLATION OF ARTICLE 78, UCMJ;
SECTION 878 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR VIOLATIONS UNDER
TITLE 18, U.S.C.]

(5) CONSPIRACY TO MAKE FALSE OFFICIAL STATEMENTS: VIOLATION OF
ARTICLE 81, UCMJ; SECTION 881 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR
VIOLATIONS UNDER TITLE 18, U.S.C.]

(6) CONSPIRACY TO BE WILLFULLY DERELICT IN PERFORMANCE OF
DUTIES: VIOLATION OF ARTICLE 81, UCMJ; SECTION 881 TITLE 10, U.S.C.
[FOR CIVILIANS SIMILAR VIOLATIONS UNDER TITLE 18 U.S.C.]

(7) CONSPIRACY TO BE ACCESSORIES AFTER THE FACT: VIOLATION OF
ARTICLE 81, UCMJ; SECTION 881 TITLE 10, U.S.C. [FOR CIVILIANS SIMILAR
VIOLATIONS UNDER TITLE 18, U.S.C.]

EXHIBIT 8

000021

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname and Grade)		TO	ACTION	SIGNATURE (Surname and Grade)
1	AF/DP	Appr	<i>Killpack m/b 21 Oct</i>	6			
2	SAF/GC	Coord	<i>P. B. Horni</i> <i>11/10/77</i>	7			
3	SAF/MI	Coord	<i>Col. Gratch</i> <i>10 Nov 77</i>	8			
4	SAF/US	Coord	<i>Gratch 11/11/77</i>	9			
5	SAF/OS	Appr	<i>[Signature]</i>	10			
SURNAME OF ACTION OFFICER AND GRADE			SYMBOL	PHONE	TYPIST'S INIT.		SUSPENSE DATE
Colonel Gratch			AFMPC/ DPMC	RAFB 2909	hcm		
SUBJECT Proposed Change of Status of Lieutenant Colonel David L. Hrdlicka, 476-28-0663FR							DATE 10 OCT 1977

SUMMARY

- Reference is made to the memorandum from the Deputy Secretary of Defense, dated 17 August 1973, subject: Change of Status of Servicemen Who Did Not Return From Southeast Asia, requesting that the Service Secretaries make each proposed status change a matter for their personal attention, and the desire of the Secretary of the Air Force to personally review each case.
- Review hearing procedures established to satisfy the requirements of the order of the three-judge federal court (McDonald v. McLucas, D.C.N.Y. 1974, 371 F. Supp. 831, affirmed 95 S. Ct. 297, 419 U.S. 987, 42 L. Ed. 2d 261) to allow the next of kin due process have been complied with.
- The attached memorandum constitutes a proposed change of status from captured to killed in action and is forwarded for review by the Secretary prior to any announcement. No other personnel involved in this incident.

RECOMMENDATION

- That the Secretary indicate his concurrence opposite his office symbol and return to HQ USAF/DP.

[Signature]
H. L. Emanuel
Brigadier General, USAF
Dep Asst DCS/Pers for Mil Pers

1 Atch
AFMPC/DPMC Memo, 18 Oct 77,
w/2 Atch

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS 78148



REPLY TO
ATTN OF:

DPMC

18 OCT 1977

SUBJECT:

Status Review in the Case of Lieutenant Colonel
David L. Hrdlicka, 476-28-0663FR

TO:

HQ USAF/DPM

1. Preface: A status review in the above case was held in accordance with Section 555, Title 37, United States Code, by the undersigned at the Air Force Military Personnel Center, Randolph Air Force Base, Texas. In determining whether the captured status should reasonably be continued or terminated by a finding of death, reconsideration was given to the facts and circumstances as warranted by the signing of the Paris Peace Agreement, 27 January 1973, the general repatriation of prisoners of war, the cessation of United States involvement in hostilities in Southeast Asia, and the lapse of time without information.

2. Discussion: The review and reconsideration of all the facts and circumstances (summarized and attached hereto) resulted in a determination that it is not possible to conclusively establish the member's ultimate fate. However, the likelihood that he is still alive may no longer reasonably be considered since he has not been repatriated, sufficient time has elapsed during which it is believed some word would have been received if he had survived, and he cannot otherwise be accounted for. Accordingly, with respect to the above and in the absence of any information to support a presumption of his continued survival, it is concluded that he may now no longer reasonably be presumed to be alive.



000023

3. Recommendation:

a. It is recommended that, pursuant to the authority contained in Section 555, Title 37, United States Code, an administrative determination be made that Lieutenant Colonel David L. Hrdlicka, 476-28-0663FR, was killed in action. It is further recommended that the casualty report issued as a result of this action include a statement that the determination was made following a subsequent review of all available information and, as provided by and for the purpose of the law, the date death is presumed to have occurred is the date the Secretary's designee approves this recommendation. Death is held to have occurred while in a pay, flying pay, and duty status.

b. Lieutenant Colonel Hrdlicka was selected for promotion to the grade of colonel. It is recommended that he be promoted posthumously under the provisions of Section 1521, Title 10, United States Code.

4. Pursuant to authority delegated to you by the Secretary of the Air Force under the provisions of Chapter 10, Title 37, United States Code, request your review and approval.

A. W. Gratch

A. W. GRATCH, Colonel, USAF
Asst for Casualty Matters

2 Atch

1. Summary of Facts and Circumstances
2. Disclosure of Decision Form

Lew D. Brundage

LEW D. BRUNDAGE, Colonel, USAF
Staff Judge Advocate

Richard D. Hansen

RICHARD D. HANSEN, Colonel, USAF, MC
Surgeon

008

 PARTMENT OF THE AIR FORCE
 WASHINGTON, D.C. 20330

REPORT OF CASUALTY		1. REPORT NUMBER AND TYPE 1140 - Final		2. DATE PREPARED 23 Nov 77	
3. SERVICE IDENTIFICATION (Name, Social Security Number, Grade or Rate, Component, Branch and Organization), (MOS/ NJC) HRDLICKA, David Louis, 476-28-0663FR, Colonel*, Regular, USAF - 563 Tac Ftr Sq, McConnell AFB KS TDY TO: APO San Francisco 96273 AFSC: 1115E					
4. CASUALTY STATUS a. <input checked="" type="checkbox"/> BATTLE <input type="checkbox"/> NON-BATTLE b. COMMENCED TOUR DATE: TDY from CONUS					
c. STATUS: <input type="checkbox"/> DEATH <input checked="" type="checkbox"/> KIA <input type="checkbox"/> MISSING <input type="checkbox"/> MISSING IN ACTION <input type="checkbox"/> CAPTURED <input type="checkbox"/> OTHER _____					
d. DATE: ** e. PLACE: Laos (Specify)					
f. CAUSE & CIRCUMSTANCES: Pilot (F-105 Aircraft)					
5. a. DATE AND PLACE OF BIRTH 30 Dec 31 - Stewartville MN		b. RACE Caucasian		c. SEX Male	
d. RELIGIOUS PREFERENCE Roman Catholic					
6. DATE AND PLACE OF LAST ENTRY ON ACTIVE DUTY IN CURRENT STATUS AND HOME OF RECORD AT TIME 30 Oct 56 - Littleton CO - Littleton CO					
7a. PAY GRADE O-5		b. BASIC PAY		c. INCENTIVE/ADDITIONAL PAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
d. CHECK IF APPLICABLE <input checked="" type="checkbox"/> CREW <input type="checkbox"/> PASSENGER					
8. DUTY STATUS Active - On Duty SGLI: Public Law 93-289 Applies. No certificate on file \$20,000 Deduction in amount of \$3.40 verified by AFAFC.					
9. INTERESTED PERSONS (Name, Address, Relationship) DATE OF RECORD OF EMERGENCY DATA FORM: 17 May 65					
Mrs Carol A. Hrdlicka Rt 2, Box 236A, Derby KS 67037 wife (3)					
Denise M. Hrdlicka same dau					
Damian M. Hrdlicka same son					
Mr Theodore J. Hrdlicka 6486 Crocker Street Littleton CO 80120 father					
Mrs Maxine F. Hrdlicka same mother					
10. REPORT FOR VA TO FOLLOW <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		11. REPORTING COMMAND AGENCY AND UNIT (See Section 555, Title 37, USC Applies) NOT USED			
12. PRIOR SERVICE DATA <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO A0306574: 251187					
13. REMARKS * Under the provisions of Section 1521, Title 10, USC, subject officer was posthumously promoted to the grade of Colonel, effective 21 Nov 77, by Department of the Air Force Special Order AB-3383, dated 22 Nov 77. This promotion is subject to the provisions of Section 1523, which states that no increased pay or gratuities may be derived from such action. ** Under the provisions of Section 555, Title 37, USC, and upon direction and delegation by the Secretary of the Air Force, the Assistant Deputy Chief of Staff, Personnel for Military Personnel finds this individual to be dead. He was officially reported as missing in action on 18 May 65. Sufficient evidence was received on 24 May 65 to warrant placing him in a captured status. He was continued in this status until 21 Nov 77, the date death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities as stated in Section 555, Title 37, USC. FY 78 Fund Cite: 5783500 328 5781.0* S503725 (off)					
NOTE: THIS FORM MAY BE USED TO FACILITATE THE CASHING OF BONDS, THE PAYMENT OF COMMERCIAL INSURANCE, OR IN THE SETTLEMENT OF ANY OTHER CLAIM IN WHICH PROOF OF DEATH IS REQUIRED.					
FOOTNOTES: 1. Adult next of kin. 2. Beneficiary for gratuity pay in event there is no surviving wife or child—as designated on record of emergency data. 3. Beneficiary for unpaid pay and allowances—as designated on record of emergency data.					
14. DISTRIBUTION NOT USED		15. BY ORDER OF THE SECRETARY OF THE AIR FORCE DEAN M. MURPHY, Lt Colonel, USAF Ch, Casualty Rptg & Survivor Assistance			

DD FORM 1300
FEB 73

REPLACES DD FORM 1300, 1 MAR 60, WHICH IS OBSOLETE.

EXHIBIT 10

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