

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)

**DEFENDANT’S STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO  
GENUINE ISSUE**

Pursuant to Federal Rule of Civil Procedure 56(b) and Local Civil Rule 7(h), Defendant, the Central Intelligence Agency (“Agency”) respectfully submits this statement of undisputed material facts. The information herein is largely repeated from the declaration of Vanna Blaine, the Information Review Officer (“IRO”) for the Litigation Information Review Office (“LIRO”) at the Central Intelligence Agency (“CIA” or “Agency”). Ms. Blaine describes the search for operational records responsive to Plaintiff’s request under the Freedom of Information Act (“FOIA”).

1. On August 2, 2019, this Court ordered the CIA to “review its operational files and explain with specificity whether any additional responsive records exist and, if so, why they must be exempt from FOIA.” ECF 340. Blaine Decl. ¶ 6.

2. On August 30, 2019, the CIA filed a Motion to Reconsider in response to the Court’s August 2019 order to search its operational files. ECF 342. *Id.* ¶ 7

3. On March 31, 2020, the Court denied the CIA's Motion to Reconsider. ECF 345. Following the Court's March 31, 2020, the CIA began the process of searching its operational files. *Id.* ¶ 8.

4. On October 30, 2020, the CIA reported to the Court the search was complete and no responsive records were located. *Id.* ¶ 9.

5. The CIA conducted thorough and diligent searches of relevant systems of operational records that were reasonably calculated to find documents with respect to "1,400 live sighting reports that were reportedly displayed at Congressional briefings attended by CIA employees, as well as records of imagery and reconnaissance and rescue operations." *Id.* ¶ 10.

6. In response to the Court's 2020 order, CIA information management professionals searched Agency records in operational file systems. *Id.* ¶ 11.

7. The search included an exhaustive electronic and hard copy search of Agency records. In the course of this search, CIA personnel included all relevant office databases likely to contain responsive records. Experienced CIA information management professionals cast a deliberately wide net for the requested records by employing broad search terms such as "POWs," "prisoners of war," "MIA," "missing in action," "Vietnam," "task force," "House Special POW," "image," and different combinations and variations of those search terms. The search was not limited to a particular date range and was thus conducted to include records through the date of the search. *Id.* ¶ 12.

8. The expansive search terms used generated a few records. Each of these records was retrieved from the database and Agency personnel reviewed them to determine whether the records were responsive to the Court-ordered search with respect to "1,400 live sighting reports that were reportedly displayed at Congressional briefings attended by CIA employees, as well as

records of imagery and reconnaissance and rescue operations.” The Agency used a plain reading of the request to inform its responsiveness calls. *Id.* ¶ 13.

9. Following this second-level review, the Agency determined none of the potentially responsive documents retrieved using the electronic search protocols were actually responsive. In each instance, the documents the search retrieved contained at most a mere mention of one or more of the terms but did not address the actual request. *Id.* ¶ 14.

10. CIA personnel conducted a thorough search of all relevant records systems that were reasonably calculated to uncover responsive records. The Agency did not locate records responsive to the request, despite the Agency’s exhaustive search. *Id.* ¶ 15.

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Date: December 21, 2021

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