

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT MOORE, *et al.*)
)
 Plaintiffs,)
)
 v.)
)
 CENTRAL INTELLIGENCE AGENCY,)
)
 Defendant.)
 _____)

Civil Action No. 20-1027 (RCL)

PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS TO DEFENDANT

Pursuant to 50 U.S.C. § 3141 (f)(5), and Rule 36 Federal Rules of Civil Procedure, plaintiffs propound the following Request for Admissions, to answer the following facts, within thirty days.

Records Released in this Case

- Request 1 (a): The CIA disclosed the 1952 record, “USSR Survey [of] Two Camps” (*Hendershot Aff.* Ex. A, ECF No. 25-5 at Bates 51-53) in April of 2021.
- Request 1 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 2(a): The CIA released the 1953 “CIA Information Report: US Prisoners of War Camps and Conditions” (*Id.* at Bates 54) in April of 2021.
- Request 2(b): The CIA failed to release this now 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 3 (a): The CIA released the 1953 “UN Prisoners of War Camps and Conditions in Korea, Manchuria and China” (*Id.* at Bates 55-74), in April of 2021.
- Request 3 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 4 (a): The CIA released the 1954 “CIA Information Report: Probable Communist course of action regarding American Prisoners in Communist China” (*Id.* at Bates 389-391), in September of 2021.
- Request 4 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Exhibit B

- Request 5 (a): The CIA released the 1955, "*RIS Interrogation and Indoctrination of PWs*" (*Id.* at Bates 392-393) in September of 2021.
- Request 5 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 6 (a): The CIA released the 1955, "*Memorandum: Interview with Rastvorov (former MVD) concerning U.S. Prisoners of War in the USSR*" (*Id.* at Bates 429) in October of 2021.
- Request 6 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 7 (a): The CIA released the 1982, "*Alleged Soviet Incarceration of U.S. Vietnam Prisoners of War*" (*Id.* at Bates 349-352) in September 2021.
- Request 7 (b): The CIA failed to release the aforementioned 40-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 8 (a): The CIA released the 1986, "*Possible Location of Remains of U.S. Soldiers Who Died During the Korean War; Prisoners of War Allegedly Still Living in North Korea*," (*Id.* at Bates 50) in April 2021.
- Request 8 (b): The CIA failed to release the aforementioned 36-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 9 (a): The CIA released the 1991, *CIA Letter to John Kerry*, (*Id.* at Bates 266-269) in September 2021.
- Request 9 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 10 (a): The CIA released the 1991, *Senate appearance by Richard J. Kerr*, (*Id.* at Bates 276-302) in September 2021.
- Request 10 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 11 (a): The CIA released the 1991, "*Categories for review/redaction with release of classified POW/MIA documents to appropriately SCI Cleared staff of temporary Senate Select Committee on POW/MIA Affairs*," (*Id.* at Bates 304-307) in September 2021.
- Request 11 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 12 (a): The CIA released the 1991, "*Memorandum for the Record: POW/MIA Hearing on 15 November*" (*Id.* at Bates 308-326), in September 2021.
- Request 12 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 13 (a): The CIA released the 1991, "*Spot Report: Update on PW-MIA activities*" (*Id.* at Bates 346-347), in September 2021.
- Request 13 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

- Request 14 (a): The CIA released the 1991, "*Joint Staff Info Service Center: POW-MIA Issues*" (*Id.* at Bates 348), in September 2021.
- Request 14 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 15 (a): The CIA released the 1991, *CIA letter to John Kerry*, (*Id.* at Bates 353-360), in September 2021.
- Request 15 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 16 (a): The CIA released the 1991, *Routing Slip* (*Id.* at Bates 394-395), in September 2021.
- Request 16 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 17 (a): The CIA released the 1991, *letter to Robert Gates and a Fax Sheet*, (*Id.* at Bates 396-397), in September 2021.
- Request 17 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 18 (a): The CIA released the 1991, *letters to John Kerry and Bob Smith*, (*Id.* at Bates 398-401), in September 2021.
- Request 18 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 19 (a): The CIA released the 1991, *letters to Robert Gates*, (*Id.* at Bates 402-403), in September 2021.
- Request 19 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 20 (a): The CIA released the 1991, *letter to John Kerry*, (*Id.* at Bates 404-408), in September 2021.
- Request 20 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 21 (a): The CIA released the 1991, *letter to Robert Gates* (*Id.* at Bates 409-411), in September 2021.
- Request 21 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 22 (a): The CIA released the 1991, "*Information concerning U.S. POWs/MIAs in the former USSR*" (*Id.* at Bates 412-414), in September 2021.
- Request 22 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 23 (a): The CIA released the 1991, *letter to Bob Smith* (*Id.* at Bates 415-418), in September 2021.
- Request 23 (b): The CIA failed to release the aforementioned 31-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

- Request 24 (a): The CIA released the 1992, "*Documents reveal U.S. POWs kept in GULAG*" (*Id.* at Bates 33-43), in April 2021.
- Request 24 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 25 (a): The CIA released the 1992, "*Status of quest for U.S. MIA's Updated*" (*Id.* at Bates 44-46), in April 2021.
- Request 25 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 26 (a): The CIA released the 1992, "*Spot Report: Update on Committee Request for National Warning Files*" (*Id.* at Bates 361-366), in September 2021.
- Request 26 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 27 (a): The CIA released the 1992, *letter to Frances Zwenig* (*Id.* at Bates 367-372), in September 2021.
- Request 27 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 28 (a): The CIA released the 1992, *Memorandum: "Responses to 20 October Requests from Senate Select Committee for POW/MIA Affairs"* (*Id.* at Bates 373-375), in September 2021.
- Request 28 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 29 (a): The CIA released the 1992, *letter to John Breckenridge* (*Id.* at Bates 376-386), in September 2021.
- Request 29 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 30 (a): The CIA released the 1992, *Memorandum: "Request for CIA Reporting Pertaining to Soviet or Chinese Contact with American POWs"* (*Id.* at Bates 421-422), in September 2021.
- Request 30 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 31 (a): The CIA released the 1992, *Memorandum: "POW/MIA Committee's Request for Access to National Indications Center (NIC) Archives"* (*Id.* at Bates 426-427), in October 2021.
- Request 31 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 32 (a): The CIA released the 1992, *Memorandum: "POW/MIA Committee's request for access to National Indications Center (NIC) archives"* (*Id.* at Bates 432-433), in October 2021.
- Request 32 (b): The CIA failed to release the aforementioned 30-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

- Request 33 (a): The CIA released the 1993, “*U.S. claims hundreds of American POWs from Korea were taken to USSR,*” (*Id.* at Bates 47-49) in April 2021.
- Request 33 (b): The CIA failed to release the aforementioned 29-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 34 (a): The CIA released the 1993, “*American POWs in USSR—AP News Story*” (*Id.* at Bates 444-446), in November 2021.
- Request 34 (b): The CIA failed to release the aforementioned 29-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 35 (a): The CIA released the 1994, *Memorandum: “Senator Conrad’s request for information on possible Russian POW Lt Warren J. Sanderson USAF”* (*Id.* at Bates 78-84), in June 2021.
- Request 35 (b): The CIA failed to release the aforementioned 28-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 26 (a): The CIA released the 1996, *letter to John Deutch* (*Id.* at Bates 270), in September 2021.
- Request 36 (b): The CIA failed to release the aforementioned 26-year-old record upon its Decennial Reviews in 2005 and 2015.
- Request 37 (a): The CIA released the 1998, *letter to Jesse Helms* (*Id.* at Bates 419-420), in September 2021.
- Request 37 (b): The CIA failed to release the aforementioned 24-year-old record upon its Decennial Reviews in 2005 and 2015.
- Request 38 (a): The CIA released the 1999, *letter to John Deutch* (*Id.* at Bates 271-275), in September 2021.
- Request 38 (b): The CIA failed to release the aforementioned 23-year-old record upon its Decennial Reviews in 2005 and 2015.
- Request 39 (a): The CIA released the 2000, *letter to Richard Shelby* (*Id.* at Bates 260-262), in June 2021.
- Request 39 (b): The CIA failed to release the aforementioned 22-year-old record upon its Decennial Reviews in 2005 and 2015.

Records Withheld in Full

- Request 40 (a): The CIA denied in full a 1952 record, C06495655, totaling three pages in length (*Hendershot Aff.* ECF No. 25-4 ¶ 7).
- Request 40 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005 and 2015.
- Request 41 (a): The CIA denied in full a 1973 record, C03100305, totaling three pages in length. (*Id.*).
- Request 41 (b): The CIA failed to release the aforementioned 49-year-old record upon its Decennial Reviews in 1995, 2005 and 2015.

Request 42 (a): The CIA denied in full a 1987 record, C05427025, totaling two pages in length. (*Id.*).

Request 42 (b): The CIA failed to release the aforementioned 35-year-old record upon its Decennial Reviews in 1995, 2005 and 2015.

Request 43 (a): The CIA denied in full a 2000 record, C06898860, totaling two hundred and thirteen pages in length. (*Id.*).

Request 43 (b): The CIA failed to release the aforementioned 22-year-old record upon its Decennial Reviews in 2005 and 2015.

Records cited in Affidavit of Bob Smith classified as "Operational"

Request 44 (a): CIA classifies its August 11, 1951 record, "*CIA Report No. S065823*" (cited *Smith Aff.* ECF No. 25-1 ¶ 36), as "operational."

Request 44 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 45 (a): CIA classifies its 1951 record, "*CIA Report No. S069870*" (cited *Smith Aff.* ECF No. 25-1 ¶ 37), as "operational."

Request 45 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 46 (a): CIA classifies its 1951 record, "*CIA Report No. S070338*" (cited *Smith Aff.* ECF No. 25-1 ¶ 38), as "operational."

Request 46 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 47 (a): CIA classifies its 1951 record, "*CIA Report No. S070512*" (cited *Smith Aff.* ECF No. 25-1 ¶ 39), as "operational."

Request 47 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 48 (a): CIA classifies its September 6, 1951 record regarding 60 American Prisoners of War (cited *Smith Aff.* ECF No. 25-1 ¶ 40), as "operational."

Request 48 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 49 (a): CIA classifies its 1951 record, "*CIA Report No. S073337*" (cited *Smith Aff.* ECF No. 25-1 ¶ 43), as "operational."

Request 49 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Request 50 (a): CIA classifies its October 27, 1951 record regarding 125 American Prisoners of War (cited *Smith Aff.* ECF No. 25-1 ¶ 46), as "operational."

Request 50 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

- Request 51(a): CIA classifies its January 5, 1952 record regarding 13 American and 8 British prisoners of war (cited *Smith Aff.* ECF No. 25-1 ¶ 52), as "operational."
- Request 51 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 52 (a): CIA classifies its February 14, 1951 record regarding "Chinese Communists [that] were parading U.S. captives" (cited *Smith Aff.* ECF No. 25-1 ¶ 54), as "operational."
- Request 52 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 53 (a): CIA classifies its April 15, 1952 record regarding 50 American prisoners of war (cited *Smith Aff.* ECF No. 25-1 ¶ 57), as "operational."
- Request 53 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Records housed at the National Archives

- Request 54 (a): CIA classifies its 1955 record, "A16 -2/26.27.8 Prisons..." (see CIA withdrawal slip at NARA, *Hendershot Aff.* Ex. C at 1, ECF No. 25-7) as "operational."
- Request 54 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.
- Request 55 (a): CIA classifies another 1955 record, "A16-2/26.27.8 Prisons ..." (see CIA withdrawal slip at NARA, *Hendershot Aff.* Ex. C at 2, ECF No. 25-7) as "operational."
- Request 55 (b): The CIA failed to release the aforementioned 70-year-old record upon its Decennial Reviews in 1995, 2005, and 2015.

Date: August 25, 2022.

Respectfully submitted,

/s/ John H Clarke
John H. Clarke Bar No. 388599
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
Fax (202) 332-3030
johnhclarke@earthlink.net
Attorney for Plaintiffs

