

DEX 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| _____                           | ) |                             |
| MICHAEL DRIGGS, <i>et al.</i> , | ) |                             |
|                                 | ) |                             |
| Plaintiffs,                     | ) |                             |
|                                 | ) |                             |
| v.                              | ) | Case No. 1:23-cv-1124 (DJN) |
|                                 | ) |                             |
| CENTRAL INTELLIGENCE AGENCY     | ) |                             |
|                                 | ) |                             |
| Defendant.                      | ) |                             |
| _____                           | ) |                             |

SUPPLEMENTAL DECLARATION OF MARY C. WILLIAMS,  
LITIGATION INFORMATION REVIEW OFFICER,  
INFORMATION REVIEW AND RELEASE DIVISION,  
CENTRAL INTELLIGENCE AGENCY

I, Mary C. Williams, hereby declare and state:

I. INTRODUCTION

A. Purpose of this Declaration

1. This supplemental declaration is provided in support of the Department of Justice's ("Government") Combined Reply Memorandum of Law in Support of its Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment ("Reply") to explain and justify, to the greatest extent possible on the public record, the Central Intelligence Agency's ("CIA" or "Agency") newly-contested redactions to an additional document produced in response to Plaintiffs' Request 28, as set forth below.

B. My Professional Background

2. I continue to serve as the Litigation Information Review Officer ("LIRO") for the Information Review and Release Division at the CIA. I respectfully refer the Court to CIA's declaration, dated 23 April 2025 ("Williams Declaration"), for information concerning my work experience.<sup>1</sup> As described in the Williams Declaration, through the exercise of my official duties, I have become and remain familiar with: the information described in my previous declaration and this declaration; relevant documents; and Plaintiffs' FOIA requests. I make the following statements based upon my personal knowledge and information made available to me in my official capacity.

II. PLAINTIFFS' FOIA REQUESTS

3. As previously set out in the Williams Declaration, Plaintiffs' FOIA request at issue in the instant case sought disclosure of 28 categories of information.<sup>2</sup> I understand that Plaintiffs now challenge redactions to the document produced in response to Request 28, which sought "the redacted portions of

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<sup>1</sup> ECF No. 38-1.

<sup>2</sup> As noted in the Williams Declaration, the classified Department of Defense and CIA Joint Report (C06898860) is responsive to Request 27 in this matter, as it was responsive to Request 19 in *Moore, et al. v. Central Intelligence Agency*, 1:20-cv-01027-RCL (D.D.C.). See Williams Declaration, Exhibit J (Vaughn Index reflecting C06898860, which is the classified version of C00311210 that was produced in *Moore* as well as in this matter). The redactions to the classified Joint Report were addressed in the Williams Declaration.

the November 1998 Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue, by Senator Bob Smith" ("Critical Assessment"). Plaintiffs challenge 14 pages of the document identified as No. C06548527.<sup>3</sup> The CIA did not produce C06548527 in this matter.<sup>4</sup> Instead, on 23 May 2024, the CIA produced C00313431, which is a duplicate of C06548527 but on which the redactions differ. Consequently, the Critical Assessment produced by the CIA in this matter does not fully align with the redactions challenged by the Plaintiffs.<sup>5</sup> In its production in this case, the CIA lifted a significant quantity of redactions from C00313431 that remain on C06548527.<sup>6</sup> In only a few places does C00313431 reflect redactions over

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<sup>3</sup> See Plaintiffs' Exhibit B, *Challenged Redactions to Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue* (ECF 41-2). Plaintiffs' Exhibit B contains 16 of the 209 pages from the Critical Assessment, but only 14 of those pages contain redactions.

<sup>4</sup> Document No. C06548527 was produced 9 years ago on 25 May 2016 via hard copy to the U.S. Attorney's Office for the District of Columbia for dissemination to the attorneys of record in *Roger Hall, et al. v. Central Intelligence Agency*, 1:04-cv-0081-RCL (D.D.C.), which included Mr. Clarke. The CIA provided the document in response to F-2014-00185, which was one of the FOIA requests at issue in that case.

<sup>5</sup> See Plaintiff's Memorandum of Points and Authorities in Support of their Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment ("Plaintiff's Memo" or "Memo"), ECF 42 at 15.

<sup>6</sup> See Attachment A, which extracts comparable pages from C00313431 and provides a side-by-side comparison with C06548527.

information that is visible on C06548527, for example: 1) with regard to portion markings on .pdf pages 000073, 000137, 000139, and 000146; 2) portions of text on .pdf pages 000074 and 000142; and 3) a footnote on .pdf page 000142. To the extent that portions of C00313431 contain redactions to information that is unredacted in C06548527, the CIA withdraws those specific redactions and will re-produce C00313431 with those redactions lifted. However, to the remaining portions - i.e., information redacted in C00313431 and C06548527, the CIA continues to apply FOIA exemptions (b)(1), (b)(3), and (b)(6).

### III. EXEMPTIONS CLAIMED

#### A. FOIA Exemption (b)(1)

4. I respectfully refer the Court to Paragraphs 14 and 15 of the Williams Declaration, which describe Exemption (b)(1) of the FOIA and Section 1.1(a) of Executive Order 13526 regarding classification. Here, the information redacted in the Critical Assessment pursuant to Exemption (b)(1) satisfies the procedural and the substantive requirements of E.O. 13526, which governs classification. See E.O. 13526 § 1.1(a), § 1.4(c)-(d).

5. As a current, original classification authority, I have determined that the challenged portions of the Critical Assessment are currently and properly classified and that the information is owned and controlled by the U.S. Government. Unauthorized disclosure of this information could reasonably be

expected to result in damage to national security. Additionally, the information falls under classification categories § 1.4(c) and § 1.4(d) of E.O. 13526 because it concerns "intelligence activities (including covert action), [or] intelligence sources or methods" and "foreign relations or foreign activities of the United States." The information's unauthorized disclosure could reasonably be expected to result in damage to national security. Further, the responsive document contains classified information that is properly marked pursuant to § 1.6. In accordance with E.O. § 1.7(a), none of the information at issue has been classified in order to conceal violations of law, inefficiency or administrative error; prevent embarrassment to a person, organization or agency; restrain competition; or prevent or delay the release of information that does not require protection in the interests of national security.

6. The challenged portions of the Critical Assessment cover a range of Agency functions and operations and contain classified information related to: the priority of intelligence activities and targets; methods of collection; and classified relationships. For these reasons, the CIA has applied Exemption (b)(1) to the currently and properly classified information. Despite the passage of time, this information remains currently and properly classified because the release of this information could significantly impair the CIA's ability to protect its human

sources and carry out its core missions of gathering and analyzing foreign intelligence and counterintelligence and conducting intelligence operations, thereby damaging the national security.

7. *Intelligence Activities.* Intelligence activities refer to the CIA's targets and operations, including the means the CIA utilizes to collect intelligence. Here, redactions conceal the means, policies, and processes used to collect and analyze certain CIA intelligence interests and activities. Although it is widely acknowledged that the CIA is responsible for conducting intelligence collection and analysis for the United States, the CIA generally does not disclose the targets of specific intelligence collection activities or the operations it conducts or supports. Such disclosure would allow intelligence targets to circumvent the CIA's collection efforts, damaging the Agency's ability to carry out its intelligence mission. The Critical Assessment reflects certain priorities regarding specific U.S. intelligence targets, the locations of CIA activities, the targets of specific CIA operations and analysis, and Agency processes for handling intelligence information. Disclosing this type of detail reasonably could be expected to damage national security because it could impair effective collection of foreign intelligence.

8. *Intelligence Methods.* Intelligence methods are the means by which an intelligence agency accomplishes its objectives. Intelligence methods must be protected to prevent foreign adversaries, hostile actors, terrorist organizations, and others from learning the ways in which the CIA operates, which would allow them to take measures to hide their activities from the CIA or target Agency officers. The more information the CIA discloses about its tradecraft, the more difficult it becomes for the CIA to actually collect and analyze foreign intelligence from around the world. Intelligence collection methods are valuable from an intelligence-gathering perspective only so long as they remain unknown and unsuspected. Once the nature of an intelligence method or the fact of its use in a certain situation is discovered, its usefulness in that situation is neutralized, and the CIA's ability to apply that method in other situations is significantly degraded or terminated. Here, the redactions obfuscate specific types of intelligence methods, as well as policies and processes for utilizing those intelligence methods and the information obtained therefrom. Disclosure of these details reasonably could be expected to damage national security because it could impair the CIA's ability to continue to collect and analyze intelligence and conduct operations.

9. *Classified Relationships.* The CIA also protects the nature and details of classified relationships to protect



specific intelligence sources, methods, and activities used operationally, which includes the identities of individuals and foreign partners who assist the Agency. The redactions here protect the process and policies for working with foreign services, foreign individuals, and/or clandestine assets and cooperative sources who aided the CIA in its intelligence gathering mission. These details have been withheld because their disclosure would reveal intelligence priorities and the CIA's information-sharing relationships with specific foreign individuals and governments. This information constitutes "foreign government information" and "information pertaining to the foreign relations or activities of the United States" under Executive Order 13526. Revelation of these relationships could hurt the Agency's relationship with these entities – entities that often agree to cooperate with the CIA on the understanding that the relationship will remain secret. Disclosing the details of these relationships reasonably could be expected to harm national security because it would reveal certain interests and activities of the U.S. Government and could lead to the deterioration of relationships, thereby decreasing the CIA's access to information and potentially impacting U.S. diplomatic relations.

B. FOIA Exemption (b)(3)

10. FOIA Exemption (b)(3) provides that FOIA does not apply to matters that are:

Specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld...

5 U.S.C. § 552(b)(3).

11. Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C. § 3024(i)(1) (the "National Security Act"), and the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3507 ("the CIA Act"), apply to redactions to information in the Critical Assessment.

12. The National Security Act provides that the Director of National Intelligence ("DNI"), "shall protect intelligence sources and methods from unauthorized disclosure." Accordingly, it is well-established that the National Security Act constitutes a federal statute that "requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue." 5 U.S.C. § 552(b)(3). Under the direction of the DNI pursuant to section 102A, and consistent with section 1.6(d) of Executive Order 12333, the CIA is required to protect CIA intelligence sources and methods from unauthorized disclosure. As addressed above, the Critical Assessment contains information

related to intelligence sources and methods. I respectfully refer the Court to Paragraphs 6-11 for a discussion of the damage to national security, and intelligence sources and methods.

13. Further, section 6 of the CIA Act provides that the CIA shall be exempted from the provisions of any law which requires the publication or disclosure of the "organization or functions of the Agency, or of the names, official titles, salaries, or numbers of personnel employed by CIA." The CIA Act therefore constitutes a federal statute which "establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. § 552(b)(3). Section 6 of the CIA Act supports the CIA's withholding of information from the Critical Assessment such as titles, names, identification numbers, functions, and organizational information related to CIA employees.

14. In contrast to Exemption (b)(1), Exemption 3 does not require the CIA to identify and describe the damage to national security that reasonably could be expected to result in harm should the CIA disclose the information. Nonetheless, I refer the Court to Paragraphs 6-11 above for a description of the damage to national security that reasonably could be likely to occur should disclosure take place. FOIA Exemptions (b)(1) and (b)(3) thus apply independently and co-extensively to the challenged portions of the Critical Assessment.

C. FOIA Exemption (b)(6)

15. The Agency invoked Exemption (b)(6) to withhold identifying information of U.S. Government officials and third-party individuals unaffiliated with the Agency that were named in the document. The third-party individuals consisted of private citizens not affiliated with the U.S. Government. The Agency invoked this exemption to protect the personally identifying information of individuals named in the responsive record in order to protect their privacy interests and avoid subjecting them and/or their families to unwanted contact and publicity, harassment or embarrassment.

16. For example, CIA personnel participating in the intelligence collection and/or analysis surrounding this request could face unwanted contact or harassment by press and other interested parties for information related to this or other similar inquiries. Exposing CIA or U.S. Government affiliation also potentially exposes the individuals and their families to general unwanted contact or harassment based on this affiliation. Similarly, releasing the personally identifiable information of third-party individuals opens them up to potentially unwanted contact and questioning by members of the press and other inquiring parties.

17. Consequently, the Agency determined that both U.S. Government-affiliated and third-party individuals retain a

privacy interest and redacted their names pursuant to Exemption (b) (6) .

18. Importantly, Plaintiff has failed to identify - and I am unaware of - any qualifying countervailing public interest in such disclosure. Specifically, the disclosure of the personally identifying information in the Critical Assessment would not shed any light on the activities or operations of the Federal Government related to this request. As a result, I have determined that the release of this information would constitute a clearly unwarranted invasion of these individuals' personal privacy.

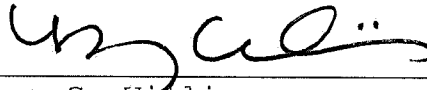
#### IV. SEGREGABILITY

19. In evaluating the Critical Assessment, the CIA released all reasonably segregable non-exempt information. With respect to the single document at issue here, I have determined that only the previously released information from C06548527 that is being challenged and was redacted from C0313431 may also be disclosed. The remaining redactions pertain to information that continues to be protected by Exemptions (b) (1), (b) (3), (b) (6) .

\*\*\*

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

Executed this 4<sup>th</sup> day of June 2025.



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Mary C. Williams  
Litigation Information Review Office  
Information Review and Release Division  
Central Intelligence Agency

WILLIAMS SUPPLEMENTAL DECLARATION  
ATTACHMENT A

C06548527

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## A CRITICAL ASSESSMENT

of the

1998 National Intelligence Estimate (NIE)

on Vietnamese Intentions,

Capabilities, and Performance

Concerning the POW/MIA Issue

Prepared and Submitted by the Office of U.S. Senator Bob Smith<sup>1</sup>.  
November, 1998

<sup>1</sup> Sen. Smith is the U.S. Chairman of the Vietnam War Working Group of the U.S.-Russia Joint Commission on POWs and MIAs. He is also a senior Member of the Senate Committee on Armed Services and the former Co-Chairman of the Senate Select Committee on POW / MIA Affairs (1991-1993).

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*A Critical Assessment  
of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions,  
Capabilities, and Performance Concerning the POW/MIA Issue (U)*

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*A Critical Assessment  
of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions,  
Capabilities, and Performance Concerning the POW/MIA Issue (U)*

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claimed to American officials and the press at large that the 1205 document is a 'complete fabrication,'<sup>73</sup> they have apparently not made any such claim in the course of several discussions on the matter with Russian officials, the contents of which have been reliably reported to US officials.

(b)(1)

<sup>73</sup> See Interim Analysis of 1205 Document, by Sen. Smith to Amb. Toon, July 21, 1993, section entitled "Reaction by Vietnamese Officials" contains extensive quotes in media by Vietnamese officials, along with commentary by Hanoi publications. The most recent reported denial took place during a meeting between Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs) Robert Jones and Vietnam's Vice Minister of Defense, Tran Hanh, during a luncheon in the Executive Dining Room, Lounge 1, at the Pentagon, on October 5, 1998. Hanh reportedly stated that "the Russian documents are complete fabrications." (U)

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(b)(1)

(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

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claimed to American officials and the press at large that the 1205 document is a 'complete fabrication,'<sup>73</sup> they have apparently not made any such claim in the course of several discussions on the matter with Russian officials, the contents of which have been reliably reported to US officials.

a recent admission to me, that Russia and Vietnam signed an agreement in October, 1993 to ensure that no further documents were released without consultations with Hanoi. If Hanoi truly believed the documents were fabrications,

(b)(1)

(b)(3) NatSecAct

why would they have insisted on an agreement being signed to prevent any further releases of information?<sup>74</sup> The

<sup>73</sup> See Interim Analysis of 1205 Document, by Sen. Smith to Amb. Toon, July 21, 1993, section entitled "Reaction by Vietnamese Officials" contains extensive quotes in media by Vietnamese officials, along with commentary by Hanoi publications. The most recent reported denial took place during a meeting between Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs) Robert Jones and Vietnam's Vice Minister of Defense, Tran Hanh, during a luncheon in the Executive Dining Room, Lounge 1, at the Pentagon, on October 5, 1998. Hanh reportedly stated that "the Russian documents are complete fabrications." (U)

<sup>74</sup> Vietnam's Foreign Minister, Nguyen Manh Cam (a Communist Party Central Committee Member since 1986)

(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

arrived in Moscow on October 28, 1993 for two days of talks with Russian Foreign Minister Andrey Kozyrev and other senior Russian officials.

(b)(1)

(b)(3) CIAAct

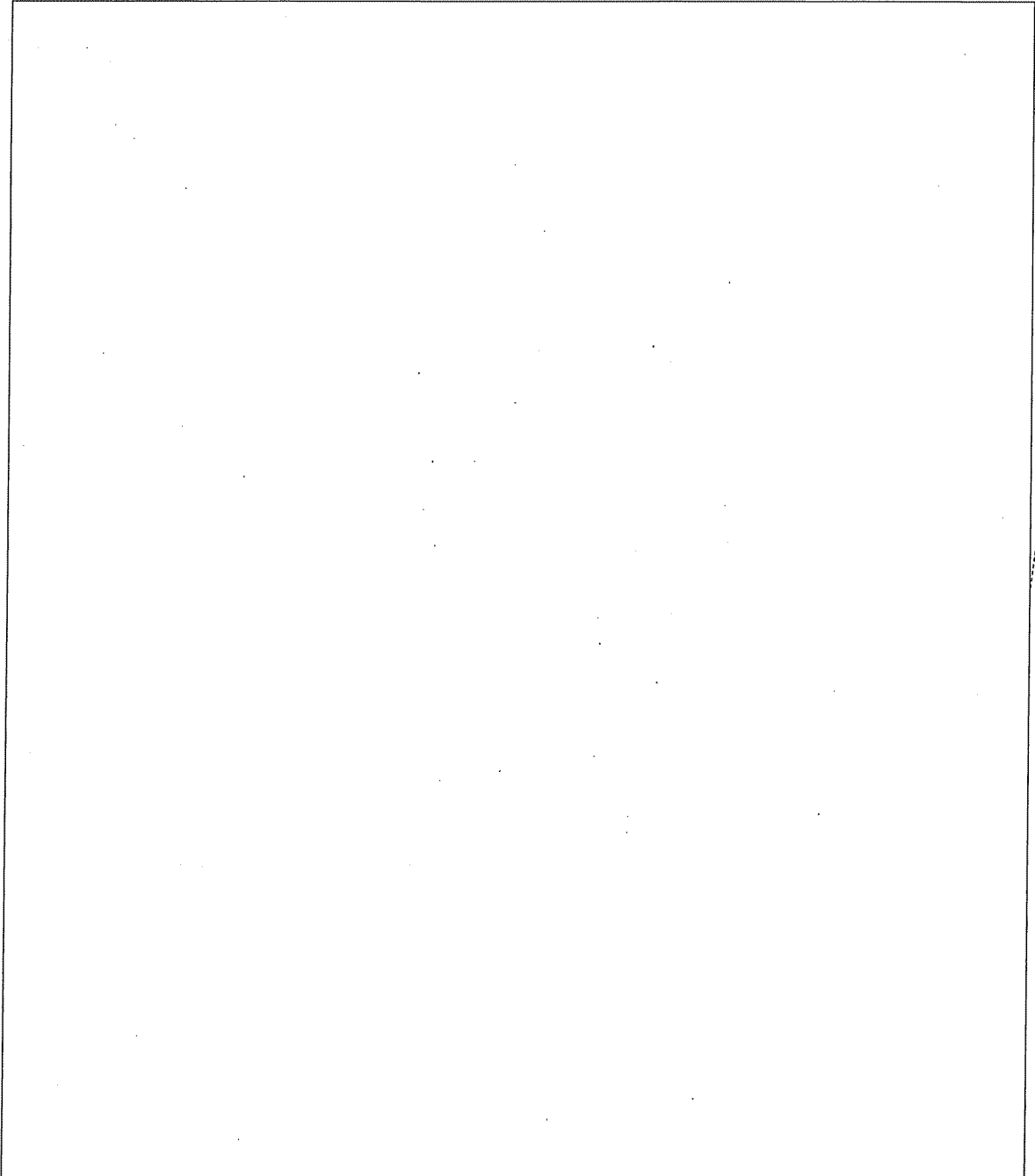
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[REDACTED]

The Russian press report on this same visit [REDACTED]

[REDACTED] stated: "...Kozyrev acknowledged that the Russian

Foreign Ministry had nothing to do with sending to the United States secret documents from CPSU and former Soviet military intelligence archives which maintained that far more American pilots were imprisoned in Vietnamese prisoners during the war than figured on the official lists.

The head of the Russian Federation's foreign policy department assured his Vietnamese colleague that henceforth documents of a similar nature would be examined in Moscow and would not go abroad *without consultations with the Vietnamese side*. The sides *agreed* to consider the event a 'misunderstanding' which must not affect the development of friendly relations between the two countries...the Vietnamese minister mentioned that the unexpected appearance of the so-called 'Russian documents' has adversely affected the normalization of Vietnam's relations with the United States. This humanitarian problem requires delicate treatment, the minister pointed out." Based on the above, it is possible, if not likely, that the unspecified *agreement* [REDACTED]

[REDACTED] "on consultations between the two foreign ministries" signed by Cam and Kozyrev, pertained, at least in part, to the 1205/735 documents. (There is also little doubt that Hanoi's leaders were pleased with Cam's performance as Foreign Minister, including the results of his October, 1993 trip to Russia and his work to convince the U.S. to lift its trade embargo on Vietnam, which was done in early February, 1994 — Cam was made a full Member of the Politburo of Vietnam's Communist Party, which was announced publicly in 1994.) [REDACTED]

[REDACTED] In addition to this meeting,

other Russian officials have also indicated that the Vietnamese were and continue to be angry at Russian officials, in addition to being adamantly opposed to any further release of documents bearing on "1205/735" issues. For instance, in a meeting with me on May 13, 1997 (the notes of which were provided to the NIC earlier this year), Dr. Igor Vladimirovich Lebedev, Chief, Department of Historical Documentation, Russian Ministry of Foreign Affairs, described "how he

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[REDACTED]

(b)(1)

NIE STATEMENT: *"None of the new information helps to confirm the accuracy of the 1205 report." (p.27) (S)*

ASSESSMENT:

(b)(1)

(b)(3) NatSecAct

This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets [REDACTED] briefly referenced in the NIE under the heading "*New Information*" — does, in fact, *help to confirm* that the 1205 document was an *accurate* representation of the political-military situation in North Vietnam in 1972. So does the information provided by former USSR Central Committee Secretary Katushev, and two Chiefs of the GRU -- Generals Ladygin and Korabelnikov -- in 1994 and 1997. In short, since 1994, the GRU has expressed its confidence in both the authenticity and the reliability of the information in the 1205 report. To ignore this evidence implies that the GRU being confident enough in the information it acquired in 1972 to forward it to the Soviet Central Committee (whose own official viewed it with confidence) is somehow *not* helpful information in judging whether the 1205 report could have

[REDACTED]

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(b)(1)

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NIE completely fails to analyze the implications of this apparent reality. ☐

(b)(3)  
NatSecAct

NIE STATEMENT: *"None of the new information helps to confirm the accuracy of the 1205 report."* (p.27) ☐

(b)(3)  
NatSecAct  
(b)(1)  
(b)(3) NatSecAct

ASSESSMENT:

This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets ☐ briefly referenced in the NIE under the heading "*New Information*" — **does**, in fact, *help to confirm* that the 1205 document was an *accurate* representation of the political-military situation in North Vietnam in 1972. So does the information provided by former USSR Central Committee Secretary Katushev, and two Chiefs of the GRU -- Generals Ladygin and Korabelnikov -- in 1994 and 1997. In short, since 1994, the GRU has expressed its confidence in both the authenticity and the reliability of the information in the 1205 report. To ignore this evidence implies that the GRU being confident enough in the information it acquired in 1972 to forward it to the Soviet Central Committee (whose own official viewed it with confidence) is somehow *not* helpful information in judging whether the 1205 report could have

had personally come under fire by the Vietnamese who spoke in harsh terms in discussing this situation with him" following the release of the 1205 document to the U.S. At no time, did Dr. Lebedev indicate that Vietnamese officials had accused the Russians of having fabricated the 1205 document. ☐

(b)(1)  
(b)(3) NatSecAct

☐ as this critical assessment was being drafted, a Russian official from the Foreign Ministry in Moscow confirmed to me that there had, in fact, (as I suspected) been a signed agreement between Vietnam and Russia in October, 1993, restricting release of additional documents. ☐

(b)(3)  
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been accurate. For the NIE to assert such an argument is absurd. (S)

NIE STATEMENT: *"Quang's<sup>75</sup> responsibilities as a battlefield commander in a combat situation make it unlikely that he would be brought to Hanoi to report on issues that were not within his scope of responsibility...Quang claims he remained with his troops during the (Easter Offensive) period and could not have been in Hanoi for a 15 September Politburo meeting...He (Quang) argues plausibly that he would not have been the one to deliver such a report because the issue would not have been handled by a regional military commander." (p.27-28) (S)*

ASSESSMENT:

This NIE judgment is *contradicted* by substantial evidence originated by or made available to the Intelligence Community prior to and during the drafting of this estimate. This includes information which indicates Quang was hardly just a battlefield commander with a scope of responsibilities limited to his battlefield command position, (who would have had to have been "brought to Hanoi") but rather was a top leader in the communist North Vietnamese hierarchy during the Vietnam War. As examples —

(b)(1)  
(b)(3) NatSecAct

[REDACTED]

[REDACTED] Quang was elected a secret alternate member of the Lao Dong (North Vietnam's Communist) Party Central Committee and of the Central

<sup>75</sup> North Vietnamese Lt. General Tran Van Quang, now Chairman of the Vietnamese War Veterans Association (elected in November, 1992), was reported by the Russian GRU in 1972 to be the North Vietnamese author of the "1205" report acquired by the GRU and dated September 15, 1972. (U)

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been accurate. For the NIE to assert such an argument is absurd.

(b)(3) NatSecAct

NIE STATEMENT:

*"Quang's<sup>75</sup> responsibilities as a battlefield commander in a combat situation make it unlikely that he would be brought to Hanoi to report on issues that were not within his scope of responsibility..."*

(b)(1)

(b)(3) NatSecAct

(p.27-

ASSESSMENT:

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<sup>75</sup> North Vietnamese Lt. General Tran Van Quang, now Chairman of the Vietnamese War Veterans Association (elected in November, 1992), was reported by the Russian GRU in 1972 to be the North Vietnamese author of the "1205" report acquired by the GRU and dated September 15, 1972. (U)

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(b)(1)

(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

NIE STATEMENT:

[Redacted]

ASSESSMENT:

(b)(1)  
(b)(3) NatSecAct

This statement's choice of words is extremely incomplete and misleading to the NIE reader in several important respects —

• [Redacted]

crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead. Based on Department of Defense POW/MIA lists, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). (U)

[Redacted]

(b)(1)

[Redacted]

(b)(1)

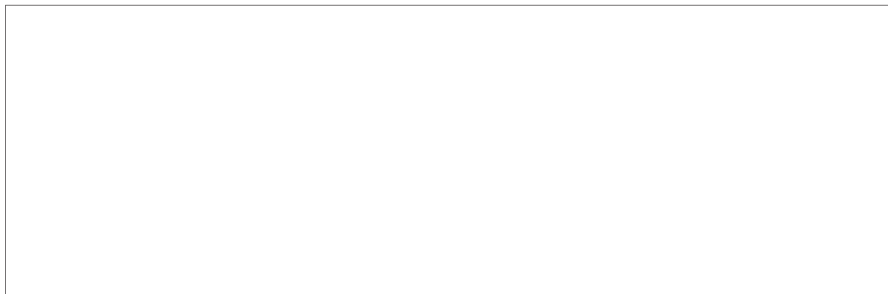
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(b)(3) NatSecAct

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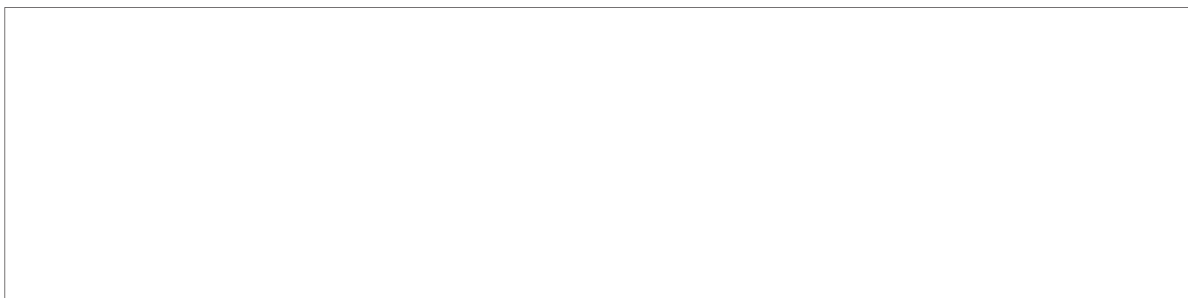
NIE STATEMENT:



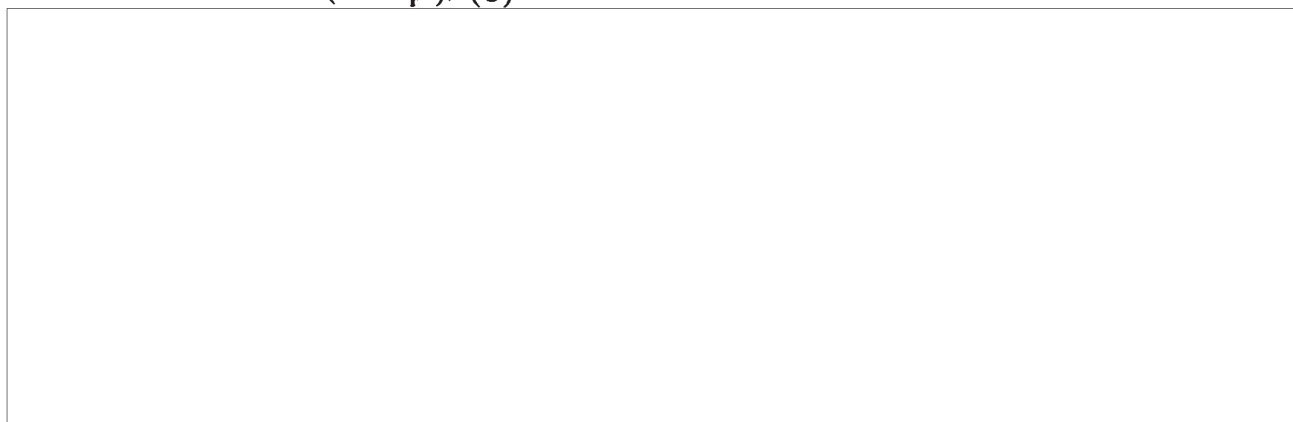
ASSESSMENT:

This statement's choice of words is extremely incomplete and misleading to the NIE reader in several important respects —

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(b)(3) CIAAct  
(b)(3) NatSecAct



crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead. Based on Department of Defense POW/MIA lists, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). (U)



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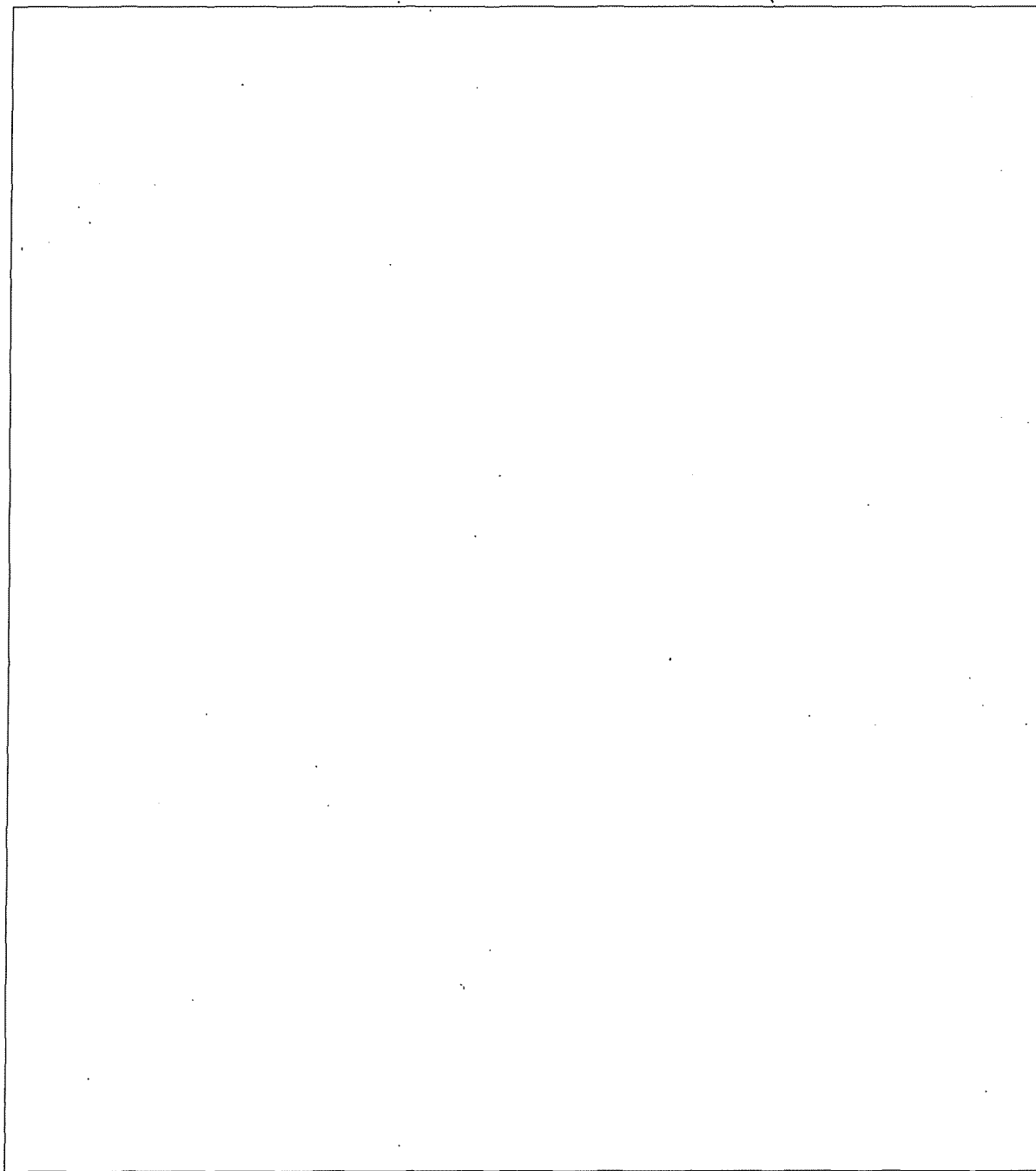
(b)(1)  
(b)(3) NatSecAct

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(b)(1)  
(b)(3) NatSecAct

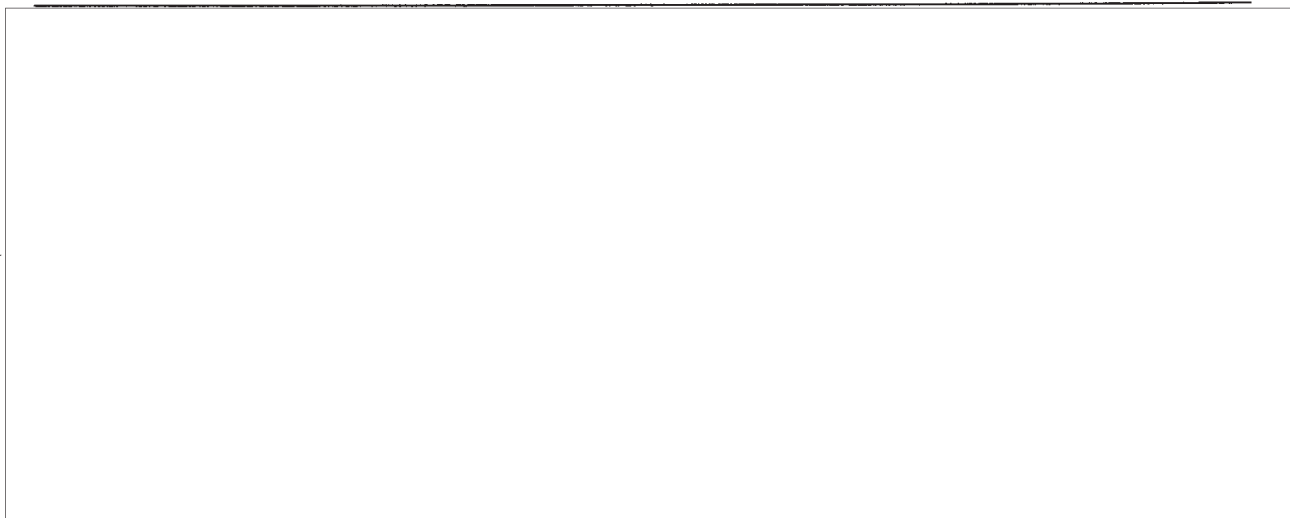
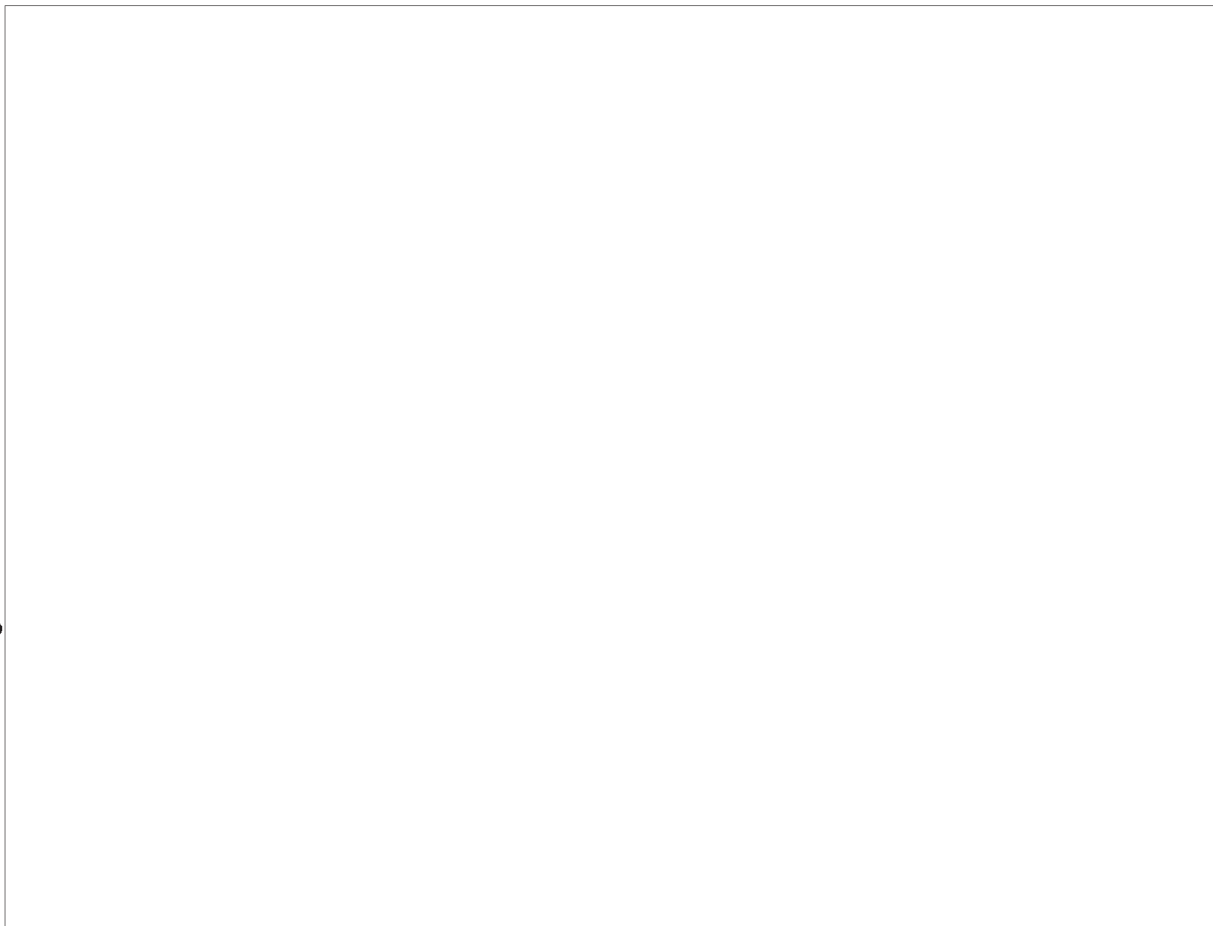


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(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct  
(b)(6)

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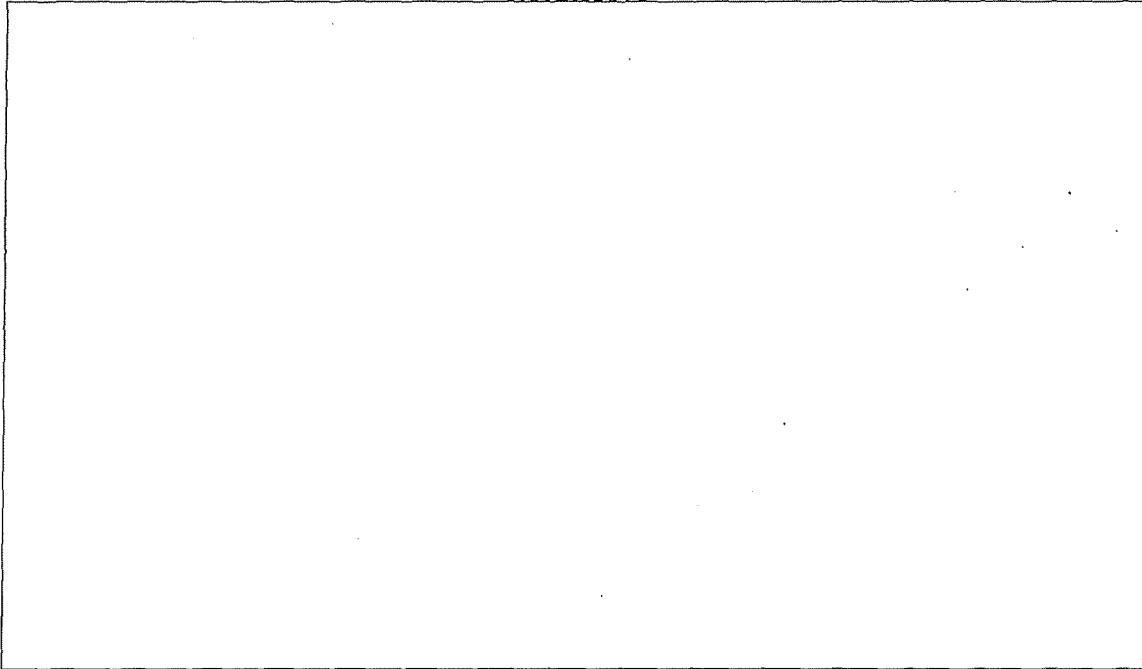
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(b)(1)  
(b)(6)  
(b)(3) CIAAct  
(b)(3) NatSecAct

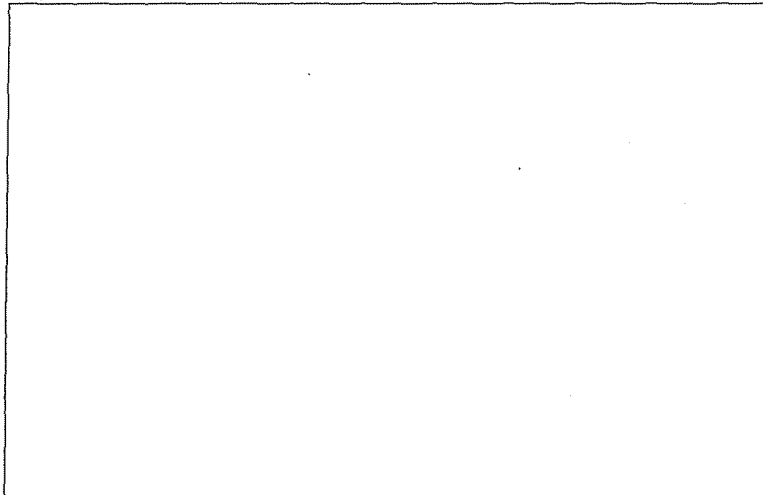
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NIE STATEMENT:



(b)(1)

ASSESSMENT:

<sup>186</sup> Ibid. (S)

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2018

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

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## NIE STATEMENT:

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

## ASSESSMENT:

<sup>186</sup> Ibid. ☐

(b)(3) NatSecAct

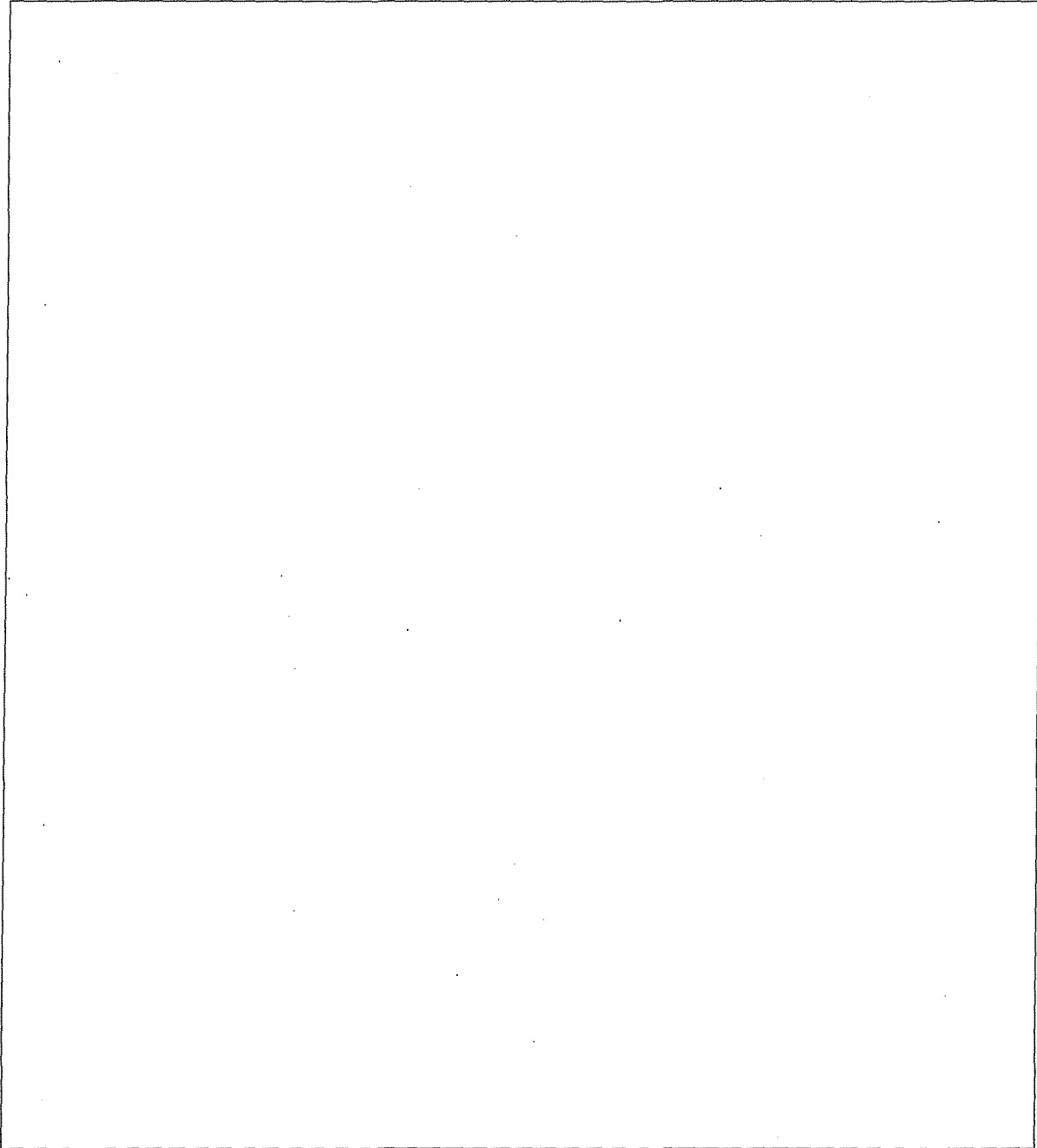
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(b)(3) CIAAct  
(b)(3) NatSecAct



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(b)(6)  
(b)(3) CIAAct  
(b)(3) NatSecAct

2020

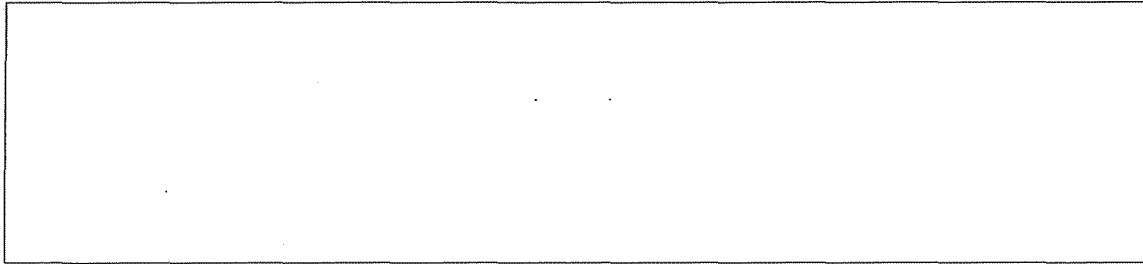
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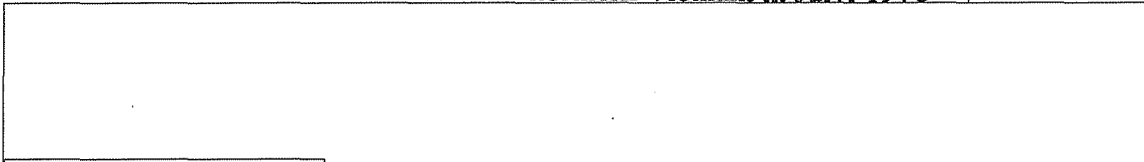
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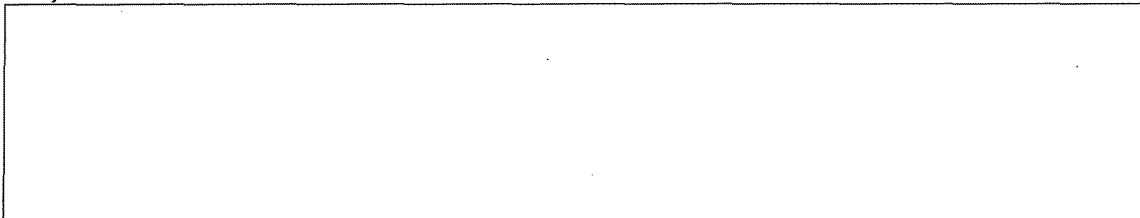
(b)(1)

But even more disturbing is the NIO's claim that the "allegations" in the report are "uncorroborated by any other intelligence reporting." According to a Defense Intelligence Agency Directorate for Intelligence Research published study in 1977, a report was received in the Fall of 1976 indicating that two North Vietnamese officials who had recently come to southern Vietnam had told a "high PRG official" that 235 US POWs were executed in northern Vietnam in July, 1976<sup>188</sup>



(b)(1)

(S)



(b)(1)

• Former National Security Advisor to President Carter (1977-1980), Zbigniew Brzezinski, provided the following assessment:

[Redacted] when

(b)(1)

<sup>188</sup> Recent Reports of U.S. PWs and Collaborators in Southeast Asia, Defense Intelligence Agency, information cut-off date April 1, 1977, see pages 65, and 69-70. The person who had actually learned of the above information and then passed it to U.S. intelligence had been an American left behind in the Fall of Saigon who was released on August 1, 1976. (U)

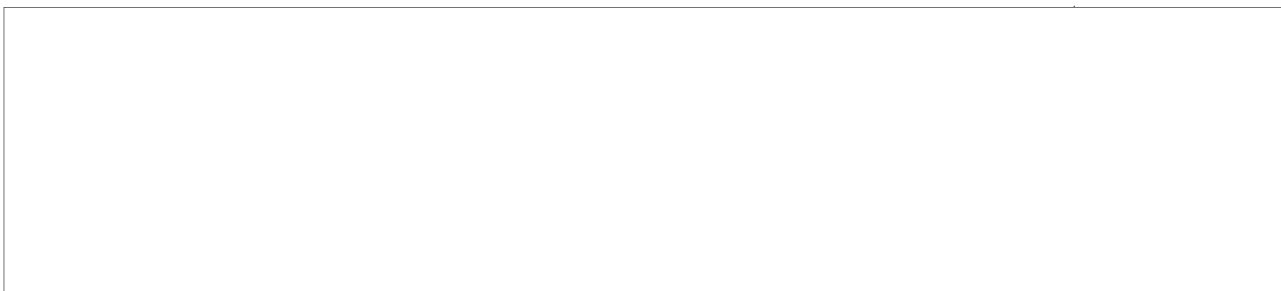
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2022

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

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(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

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(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

when

<sup>188</sup> Recent Reports of U.S. PWs and Collaborators in Southeast Asia, Defense Intelligence Agency, information cut-off date April 1, 1977, see pages 65, and 69-70. The person who had actually learned of the above information and then passed it to U.S. intelligence had been an American left behind in the Fall of Saigon who was released on August 1, 1976. (U)

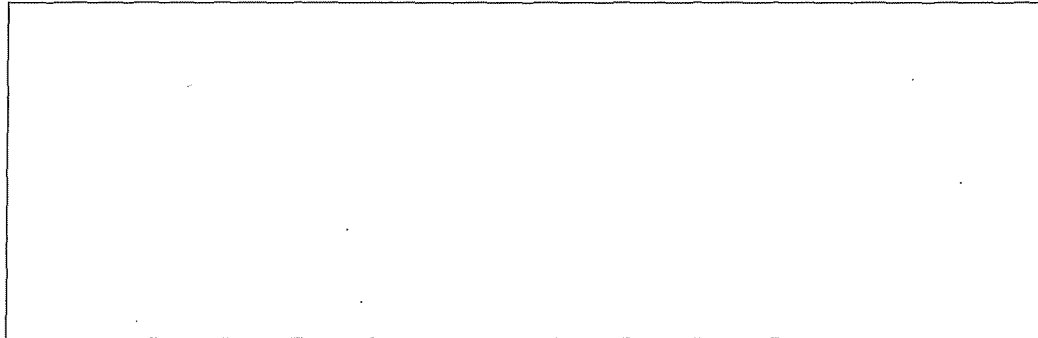
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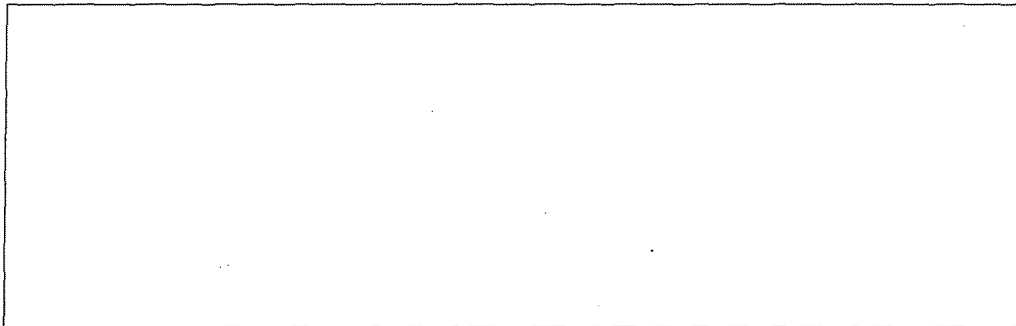
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*in order to blackmail us, they would have at some point produced them. Whether they thought this was no longer necessary after Saigon collapsed...after that they might have believed that there was no longer any negotiating tool.*<sup>190</sup> (U)



(b)(1)

- A DIA contract agent reported being privately told in 1993 by a Vietnamese PAVN General Political Directorate (GPD) officer in Hanoi that “perhaps hundreds” of the unreturned U.S POWs had been executed by North Vietnam, and that this was “Hanoi’s darkest and worst secret.”<sup>192</sup> (U)



<sup>190</sup> Ibid.

<sup>191</sup> Department of Defense JCRC Liaison, Bangkok, TH, priority message, info to DIA Washington, USCINCPAC, SECDEF, P 080156Z March, 1985. (U)

<sup>192</sup> See *Inside Hanoi's Secret Archives* by Malcolm McConnell with Theodore “Ted” Schweitzer, 1995, p. 268-270. (U)

<sup>193</sup> Letter from Director of Central Intelligence James Woolsey to Sen. Bob Smith, dated July

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(b)(3) NatSecAct

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*in order to blackmail us, they would have at some point produced them. Whether they though this was no longer necessary after Saigon collapsed...after that they might have believed that there was no longer any negotiating tool.*<sup>190</sup> (U)

- A 1985 Department of Defense report from Bangkok, Thailand provided information from a source, as obtained from a North Vietnamese military cadre, that during the time-frame "between April and July, 1976," North Vietnam "was holding 180 US POWs who were not released in 1973." The objective in holding them had back had been to "obtain an advantage in future dealings with the U.S."<sup>191</sup>

(b)(1)

(b)(3) NatSecAct

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(b)(1)

(b)(3) CIAAct

(b)(3) NatSecAct

<sup>190</sup> Ibid.

<sup>191</sup> Department of Defense JCRC Liaison, Bangkok, TH, priority message, info to DIA Washington, USCINCPAC, SECDEF, P 080156Z March, 1985. (U)

<sup>192</sup> See *Inside Hanoi's Secret Archives* by Malcolm McConnell with Theodore "Ted" Schweitzer, 1995, p. 268-270. (U)

<sup>193</sup> Letter from Director of Central Intelligence James Woolsey to Sen. Bob Smith, dated July

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(b)(1)

- (b)(3) NatSecAct

(U)

<sup>195</sup> See Memorandum to Assistant to the President for National Security Affairs Anthony Lake from National Intelligence Officer for East Asia Robert Suettinger, dated December 13, 1993. (S)

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(b)(3) CIAAct  
(b)(3) NatSecAct

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(b)(3) CIAAct  
(b)(3) NatSecAct

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- Russian Presidential Advisor and Co-Chairman of the Joint U.S.-Russia Commission on POW/MIAs, General Volkogonov, told President Clinton's Special POW/MIA Emissary to Hanoi, General Vessey, in 1993, that "he feared" some of the alleged 465 US POWs with reactionary views referenced in the September, 1972 1205 report "may have been later executed."<sup>194</sup> (U)

• [REDACTED]

There is also additional evidence that North Vietnam may have had a motive, appropriate opportunity, and a perception in July, 1976 that promised US aid would not be forthcoming and US POWs were, therefore, no longer a bargaining chip [REDACTED] and thus, North Vietnam decided to secretly and quietly execute them in [REDACTED] July, 1976, during what was a clearly documented hostile period of US-Vietnam relations [REDACTED] —

(b)(3) NatSecAct

- Earlier that same month, The Washington Post reported, in a front page article, entitled "*No Hope, MIA Families Told*," that Congressman Sonny Montgomery, Chairman of the House Select Committee on Missing Persons, had told POW/MIA family members gathered in

26, 1993 (see enclosures).

<sup>194</sup> Memorandum for the Record, Subject: Conversation between GEN Volkogonov and GEN Vessey during visit at Walter Reed Medical Center, dated June 22, 1993. (U)

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(b)(3) CIAAct  
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“died in captivity” by the Provisional Revolutionary Government (PRG) in their POW list turned over in Paris in January, 1973, and their remains, as of 1998, have still not been repatriated to the United States. (As noted earlier, Quang had also served as the PRG Defense Minister following its establishment in 1969, and would have logically prepared or approved, under that leadership capacity, the PRG US POW list presented in Paris. (U)

[REDACTED]

(b)(1)

Following the return of acknowledged US POWs in 1973, there remained over 1,300 U.S. personnel in a missing in action status, and DoD could not say whether those individuals “were alive or dead.” Moreover, U.S. officials at the time had expected a higher number of US POWs to be returned, as earlier indicated in this assessment. Finally, the figures referenced by the NIE itself (p.19) show that, as of 1998, there remain 370 unaccounted for U.S. personnel, in the judgment of DoD, whose fate has not been determined, including 48 on the “priority” last known alive list. (S)

[REDACTED]

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[REDACTED]

(b)(1)

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“died in captivity” by the Provisional Revolutionary Government (PRG) in their POW list turned over in Paris in January, 1973, and their remains, as of 1998, have still not been repatriated to the United States. (As noted earlier, Quang had also served as the PRG Defense Minister following its establishment in 1969, and would have logically prepared or approved, under that leadership capacity, the PRG US POW list presented in Paris. (U)

(b)(1)

(b)(3) NatSecAct

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(b)(3) NatSecAct

(b)(1)

(b)(3) NatSecAct

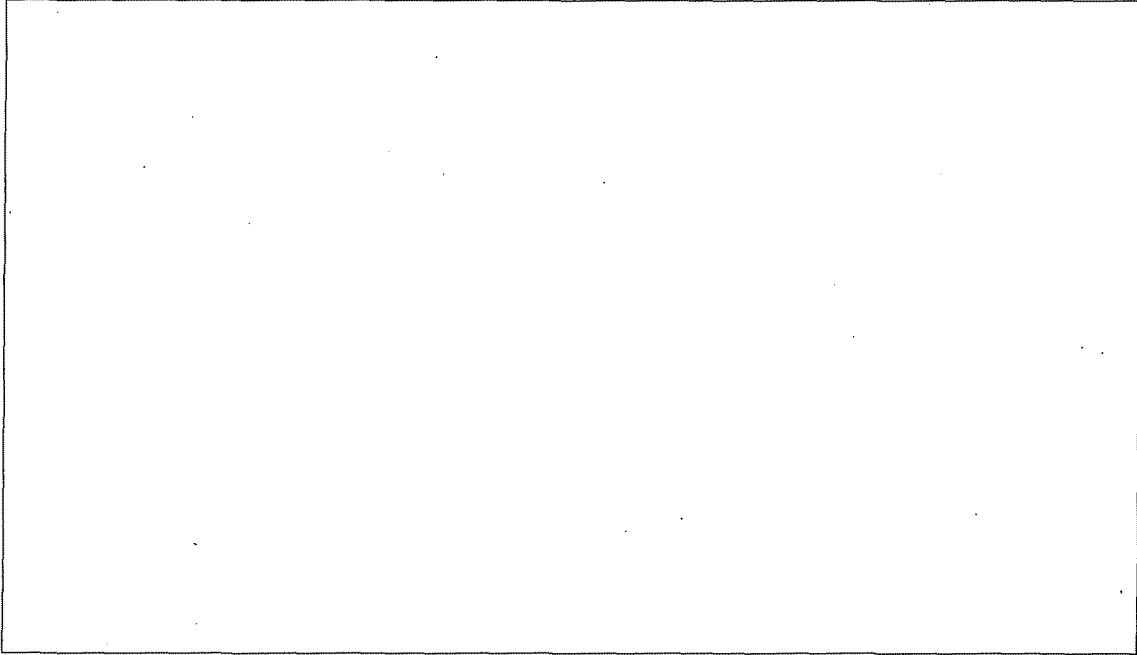
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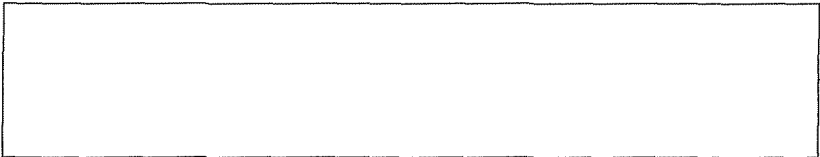
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(b)(1)  
(b)(3) NatSecAct

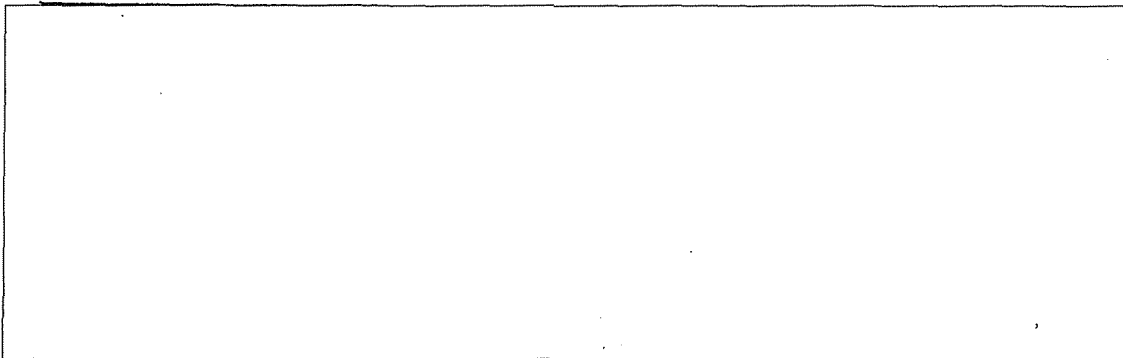
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NIE STATEMENT:



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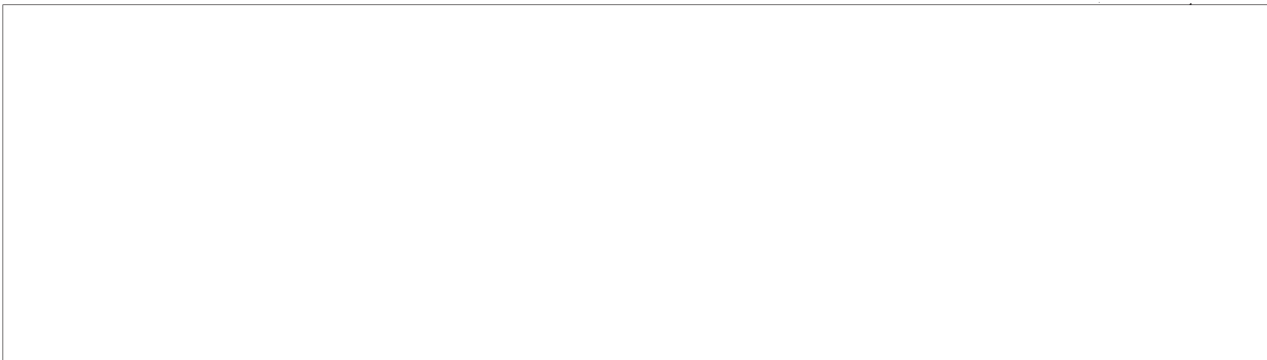
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(b)(1)  
(b)(3) NatSecAct

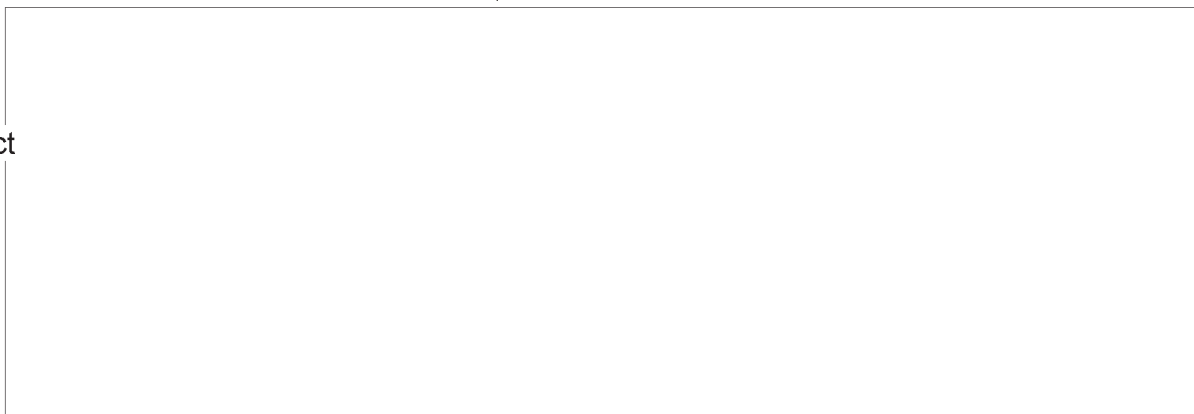
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(b)(1)  
(b)(3) NatSecAct

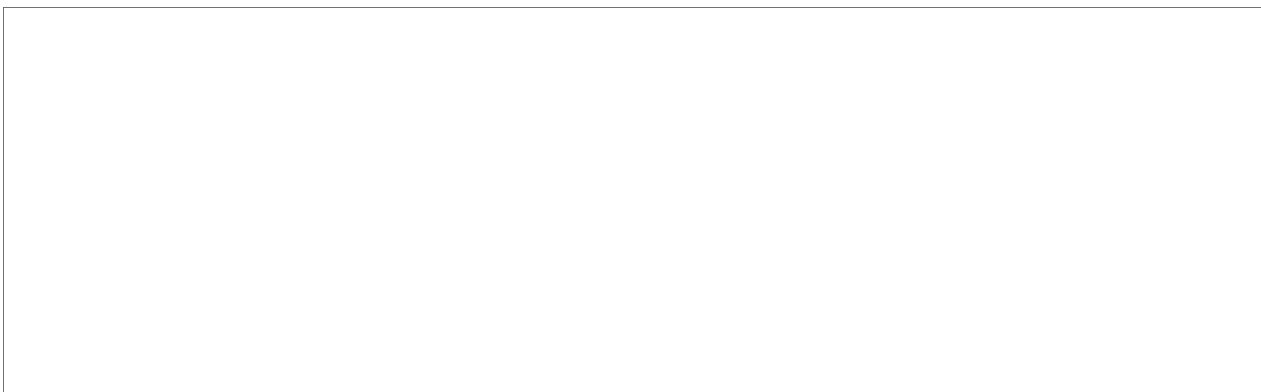
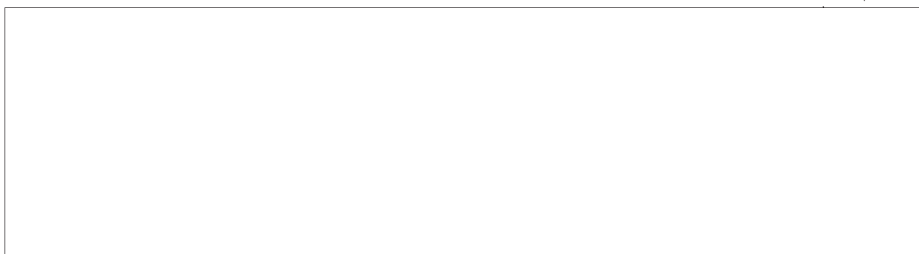
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NIE STATEMENT:

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(b)(3) NatSecAct



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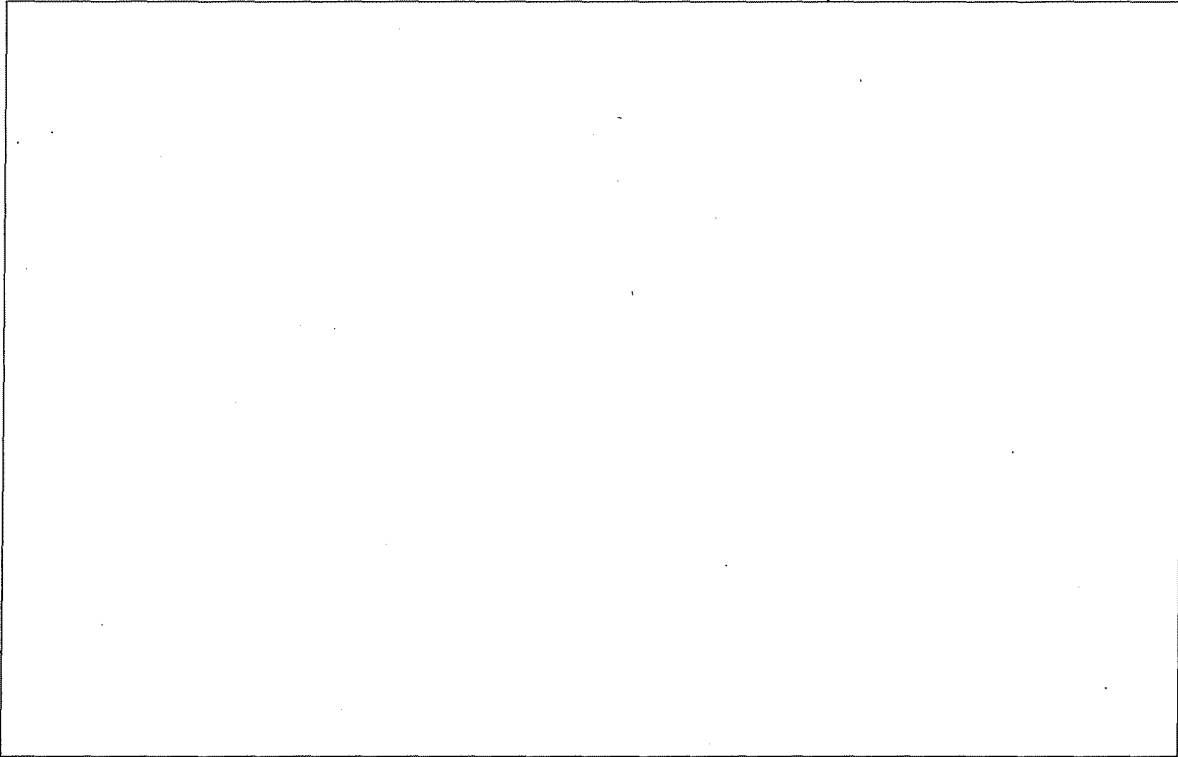
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(b)(3) NatSecAct

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ASSESSMENT:



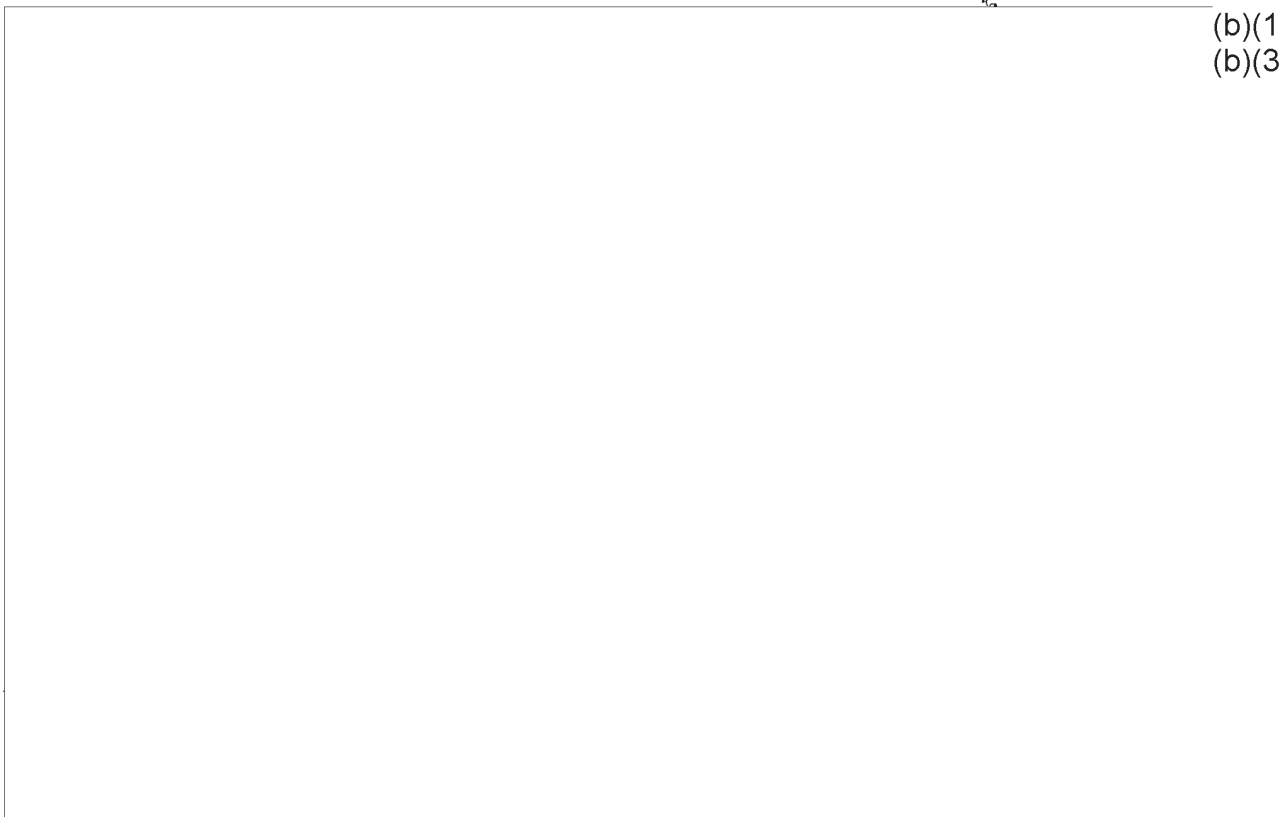
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ASSESSMENT:



(b)(1)  
(b)(3) NatSecAct

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