

CIA?
DATE 20 JUN 1977
IN 319123
PAGE 1 OF 4 PAGES

INTELLIGENCE INFORMATION CABLE

I [REDACTED] I
[REDACTED]

DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR
DISTRIBUTION TO: SDO

I [REDACTED]

[REDACTED]

COUNTRY LAOS/SRV

DOI

SUBJECT

RECORDS MAINTAINED BY A SENIOR LAO GOVERNMENT
AND COMMUNIST PARTY OFFICIAL LISTING AMERICAN
MIA FROM THE WAR IN LAOS

ACD

SOURCE

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

B

[REDACTED]

EXHIBIT 31

I [REDACTED]

000087

IN 319133

PAGE 2 OF 4 PAGES

I. [REDACTED] I [REDACTED]

1.

[REDACTED]

B

B

B

B

B

[REDACTED] LPDR MINISTER OF NATIONAL DEFENSE K H A M T A I S I P H A N D O N [REDACTED] MAINTAINS IN THE MINISTRY A CENTRAL AND HIGHLY CLASSIFIED RECORD OF AMERICAN PILOTS CAPTURED BY LAO AND VIETNAMESE COMMUNIST FORCES DURING THE WAR IN LAOS. [REDACTED] THIS RECORD ALSO PROVIDES DETAILS ON THE DISPATCH OF CAPTURED PILOTS TO PRISONER OF WAR (POW) CAMPS AT SEVERAL LOCATIONS IN THE NORTHERN SECTOR OF THE SOCIALIST REPUBLIC OF VIETNAM (SRV) INCLUDING THE SON TAY CAMP. [REDACTED] THIS RECORD HAD BEEN KEPT FROM THE OUTSET OF THE WAR, AND PREVIOUSLY HELD IN SAFEKEEPING AT KHAMTAI'S FORMER MILITARY HEADQUARTERS IN SAM NEUA. [REDACTED]

2. [REDACTED] REMARKED THAT IT IS HIGHLY UNLIKELY THAT COMPLETE

I

IN 319123

D

PAGE 3 OF 4 PAGES

I

[REDACTED]

[REDACTED]

I

(classification)

INFORMATION ON AMERICANS MISSING OR KILLED IN ACTION WILL EVER
BE RELEASED SO LONG AS THE U.S. GOVERNMENT REFUSES TO ABIDE BY
THE PROVISIONS OF THE PARIS AGREEMENT TO HEAL THE WOUNDS OF
WAR, AND THE 17 POINTS INCLUDED IN FORMER PRESIDENT RICHARD M.
NIXON'S LETTER TO SRV PRESIDENT TON DUC THANG.

[REDACTED]

B

3.

[REDACTED]

B

4. FIELD DISSEM: NONE

[REDACTED]

I

405-142271 UCDSN=DP212

DP = 301604Z AUG 84

STATION # UNASSIGNED
INFO # DB-2(1) DB-3(1) NMIC(-)
SAFE (-) DC(1)

TOTAL COPIES = 00003 MDC = WW

NY MMHSH
RZK PR ASP DE
301525Z AUG 84
M DIRNSA
O SSO DIA//DC-2//
WHITE HOUSE
DIA//DDO/EA/VKL//
EM

TOO
FOR MR. CHILDRESS ROOM 302 OLD EOB; CIA FOR MR. FALLS;
FOR MR. TRONBRIDGE
540210-84

THAI REPORT OF AMERICAN POW CAMP IN LAOS
THE FOLLOWING IS AN UNEVALUATED VERSION OF THE THAI
LANGUAGE ROYAL THAI ARMED FORCES SECURITY CENTER (AFSC) HUMINT
REPORT WHICH WAS PASSED TO U.S. ADVISORS BY A THAI OFFICER
CONCERNING A POW/MIA CAMP LOCATED IN SARAVAN PROVINCE, LAOS.
QUOTE

SUBJECT: AMERICAN POW CAMP IN SARAVAN PROVINCE (LAOS)
DATE: 21 AUG 84

1. THE SPECIAL AFSC DETACHED ELEMENT RECEIVED AN UNCONFIRMED
REPORT THAT THERE IS A CAMP FOR AMERICAN PRISONERS OF WAR IN THE
AREA OF THE HEUP VALLEY, BAN KADON VILLAGE, NINH HIANG SUB-DISTRICT,
HYANG LAMAH DISTRICT, SARAVAN PROVINCE. A SUMMARY OF THE IMPURT
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

CIA/JCRC REPORTING
SAYS 20 PWIS

354
20

PAGE 2 MLN#48112
DAN#486-142271 OCDSN#MDP212

>>> P R I O R I T Y

SURROUNDED BY TRENCH WITH WATER FROM THE NAM PHUANG. THE CAMP IS SURROUNDED BY THREE BARBED-WIRE FENCES. THE INTER-MOST BARBED-WIRE FENCE IS CONNECTED TO THE TWO SLEEPING QUARTERS OF THE POW! 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 TRANSCEIVER IN CONTACT WITH THE PARENT STATION IN VIENTIANE. IT HAS AN ANTENNA ABOUT 500 FEET HIGH.

2. THE SPECIAL AFSC DETACHED ELEMENT 3-4, AFTER CONSIDERATION, IS OF THE OPINION THAT THIS INFORMATION SHOULD BE PROVIDED TO THE ANTI-SABOTAGE UNIT AND DIV SIX FOR THEIR KNOWLEDGE ALSO.

3. THIS FOR YOUR CONSIDERATION.

COMMENT: A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM BAN KADON (LOCATED AT 1519N 10558E 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 KUODEN BRIDGE ON THE EASTERN SIDE.

UNQUOTE

2. EXACT LOCATION OF CAMP IS UNKNOWN; PLACENAMES PROVIDED IN THE REPORT (NAM PHUANG RIVER, HEUP VALLEY, AND MYANG LAMAM DISTRICT) ARE NOT IN GAZETTEERS OR ON MAPS AVAILABLE HERE. BAN KADON IS LOCATED AT YB1195 BUT APPEARS TO BE IN AN AREA WHICH DOES NOT MATCH THE DESCRIPTION IN THE REPORT. A HOUAY PHOUANG STREAM IS IN THE AREA OF YC4010 TO YC5000.

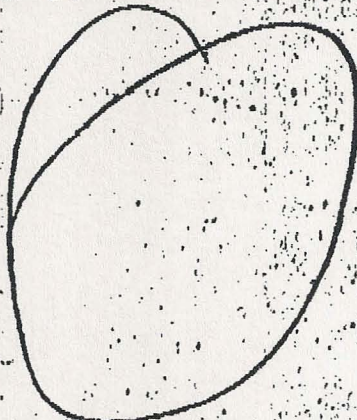
3. WE WILL TAKE THE FOLLOWING ACTIONS:

R 354
122

>>> P R I O R I T Y

PAGE 3 MLN=48112
DAN=406-142271 OCOSN=MOP212

- A. QUERY THE THAT REGARDING THE IDENTITY AND RELIABILITY OF THE SOURCE AND DATE OF THE INFORMATION.
- B. REQUEST AFSC SEARCH FOR ANY COMMS WHICH MAY BE EMANATING FROM THAT AREA OR SERVING UNITS STATIONED IN THE AREA.
- C. REQUEST AFSC PROVIDE ANY ADDITIONAL INFORMATION THEY MAY HAVE
- 4. WILL KEEP YOU APPRISED OF ANY ADDITIONAL INFO WE MAY ACQUIRE.



#8149

NNNN

[REDACTED]

[REDACTED]

NSA
E.O. 12352
1.3 (a) [(1), (2), (3), (4), (5)] + (b)

[REDACTED]

DTG: 190330Z DEC 80

FM [REDACTED]

TO [REDACTED]

SUBJ: ACFT MOVEMENTS IN LAOS

REF: [REDACTED] OF 060405Z DEC 80
(SC) WUD APPREC ANS TO REF AS SOON AS POSSIBLE. QUERY HAS TO
DO WITH [REDACTED] SUSPICION THAT AN AIRCRAFT MAY HAVE BEEN
USED TO TRANSPORT A NUMBER OF U.S. POWS IN LAOS.

REVM 09 DEC 80
#1045

CC71926

[REDACTED]

As suspected: why didn't

the [REDACTED] say that the first time it

3

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED] 027,752//

DTG: 090415Z DEC 88

FM:

TO:

INFO:

SUBJ: AIR MOVEMENTS

REF: DTG 084405Z DEC 88

1. JUST FINISHED CHECKING WITH SEASAT AND THEY HAD NO REFLECTIONS OF ACFT ACTIVITY IN THAT AREA. THEY DID SAY THAT THEY WOULD RECEIVE [REDACTED] FOR THE 7TH TOMORROW. WILL PASS ON ANYTHING THEY MIGHT COME UP WITH ASAP.

2. REGARDS, [REDACTED]

4072060

no reflections, when looked
up to the [REDACTED]

[REDACTED]

NSA

E.O. 12356

1.3 (a) [(1), (2), (3), (4), (5)] + (6)

3

15 DECEMBER 1982

PRIORITY

NSA
E.O. 12352
1.3 (a) [(1), (2), (3), (4), (5)] + (6)

[REDACTED] - will send via UNSCOP

TO: N-31 - FOR 35, 3366

FM: OSO/AGE/ES

[REDACTED] NEGATIVE
FLIGHT ACTY

SUBJECT: AN-26 FLIGHT ACTIVITY IN LAOS

1. THE FOLLOWING INFORMATION WAS RECEIVED [REDACTED]

[REDACTED] AS A RESULT OF A QUERY TO THE [REDACTED]

[REDACTED] AS TO POSSIBLE RADAR VERIFICATION OF FLIGHTS TO AND FROM CUDOMSAI AND ATTAPU FOR 23 NOVEMBER AND 7 DECEMBER 1982. [REDACTED] RECORDS SHOW A FLIGHT ON 28 NOVEMBER, BELIEVED TO BE AN-26, FROM THE VICINITY OF LONG CHIENG (TG 8322) TO VIENTIANE LANDING THERE 1202 HOURS. [REDACTED] UNABLE TO MONITOR FLIGHT TO AND FROM CUDOMSAI BECAUSE OF TERRAIN. ALSO ON 28 NOVEMBER [REDACTED] RECORDED A FLIGHT, AGAIN BELIEVED TO BE AN-26, FROM THE NORTH WHICH LANDED AT ATTAPU CIRCA 1502 HOURS. ON 7 DECEMBER [REDACTED] RECORDED ANOTHER SUSPECTED AN-26 FLIGHT FROM THE NORTH WHICH WAS LANDED ATTAPU CIRCA 1500 HOURS AND A SECOND FLIGHT FROM HANOI WHICH LANDED AT ATTAPU AND PROCEEDED ON TO STEUNG TRENG, KAMPUCHEA.

2. [REDACTED]

WOULD WELCOME YOUR COMMENTS ON THIS INFORMATION AS IT APPLIES TO THE PRISONER OF WAR SITUATION. RVW DEC 83

NSA [REDACTED]

NSA
E.O. 12856
1.3 (a) [(1), (2), (3), (4), (5)] + (6)

31 DECEMBER 1988

IMMEDIATE

OO [REDACTED]

~~SECRET~~ [REDACTED]

TO: [REDACTED]

FM: [REDACTED]

PER [REDACTED]

TELEPHONE CONVERSATION OF 31 DECEMBER
MESSAGE [REDACTED]

FOLLOWING IS TEXT OF [REDACTED]

BECAUSE U. S. AND THAI POWS HAVE BEEN IDENTIFIED BY THAIS,

THEY BE REMOVED FROM ATTOPEU PROVINCE.

PLANE WILL PICK UP POWS AT THE AIRFIELD ON 28 DEC AT

1238 HOURS. [REDACTED]

SITSUM ITEM FOR THE DIRECTOR

Serial: [REDACTED]

Subject: U.S. POW/MIA's in Laos

1. [REDACTED] On 28 November, [REDACTED] was contacted by [REDACTED] regarding the subject. Specifically, [REDACTED] advised that he had just been informed about a [REDACTED] which disclosed that 20 "American prisoners" and 16 Laotian prisoners were to be transported from Oudomsai Province, Laos to Vientiane before 2 December. 2 December is the fifth anniversary of the founding of the Lao Peoples Democratic Republic (the Vietnamese backed government currently in power) and Lao insurgent activity against the government and Vietnamese forces in Laos will increase.

2. [REDACTED]

NSA
E.O. 12356
1.3 (a) [(1), (2), (3), (4), (5)] + (b)

[REDACTED]

0175

Encl

[REDACTED]

327

0023

000097

E.O. 12333
1.3 (a) [(1), (2), (3), (4), (5)] +
(b)

DTG: 080450Z DEC 80 (RESEND)

FM
TO

ZEM

S E C R E T

SUBJ: ACFT MOVEMENTS IN LAOS

QUERY IF YOU HAVE ANY SOVIET, LAO, OR
VIETNAMESE AIRCRAFT MOVEMENTS BETWEEN VIENTIANE AND ATTOPEU DURING
5-7 DECEMBER FRAME OR BETWEEN VIENTIANE AND UDOM SAI DURING
27 NOV - 7 DEC FRAME. WUD APPREC ANY DETAILS ON TYPE AND NATIONALITY
OF ACFT AND SUSPECTED REASONS FOR FLIGHT.

14

A HO PEU
1448N 10650E

RU543

CC67465

5

memorandum

REPLY TO
ATTN OF: [REDACTED]

Serial: [REDACTED] 394-80

SUBJECT: American Prisoners in Laos (U)

NSA
E.O. 12356
1.3(a) [(1), (2), (3), (4), (5)] & (b)

TO: [REDACTED]

1. [REDACTED] Regarding the SITSUM item which you received in Bangkok on the subject, we have received a copy of the "collateral" from [REDACTED] East Asia. This "collateral" appears to be an [REDACTED]

[REDACTED] specifically mention 20 American prisoners.

2. [REDACTED] We have requested [REDACTED] contact [REDACTED] to ascertain specific technical details [REDACTED] so we can attempt [REDACTED] Intend to have the wideband tapes shipped here for verification of the [REDACTED] Laotian linguists.

3. [REDACTED] We have notified [REDACTED] of the probable [REDACTED] collateral source for the subject information. [REDACTED] has also been advised.

[REDACTED]

Encl:
SITSUM Item [REDACTED]
Subj: U.S. POW/MIA's in Laos

cc: [REDACTED]



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~SECRET~~ [REDACTED]

ROUTINE ZYUW RUEHBKAB16Z 1730908
R 220907Z JUN 90
FM USDAO BANGKOK TH//PW-MIA//
TO DIA WASHINGTON DC//PW-MIA/DAM//

BANGKOK TH 3616Z

SB-0461 JUN 90

SUBJECT: RESPONSE TO SDR S-VOP-0534E (U)

1. MET 1000-1100 HRS,
22 JUN 90 AT THE HILTON HOTEL, BANGKOK. HAD BEEN
ADVISED BY TELEPHONE ON 18 JUN 90 THAT THE PURPOSE OF THE
MEETING WAS TO DISCUSS TWO SPECIFIC INCIDENTS--THE
"HERLICKA" REPORTING AND THE FEB 73 C47 CRASH REPORTING.

2. J APPEARED FOR THE MEETING WITH AN
UNIDENTIFIED CAUCASIAN MALE IN TOW. IDENTIFIED
THE PERSON ONLY AS A FRIEND, AND POSITIONED HIM AT A
WEARY TABLE. THE INDIVIDUAL WAS

THAT INCLUDED NAMES OF ACTUAL MISSING PERSONS MUST BY LAW
BE PASSED TO THE FAMILIES INVOLVED. RESPONDED
THAT HE NEVER ASKED THE U.S. GOVERNMENT TO CONTACT THE
FAMILIES.

8. MAIN INTEREST APPEARED TO BE
OPENING A NEW CHANNEL TO THE US GOVERNMENT SO THAT HE
COULD VERIFY PW-MIA REPORTS HE CONTINUALLY RECEIVES. RO
ADVISED THAT WE WOULD ACCEPT ANY INFORMATION HE
PROVIDES BUT THAT WE WERE LOOKING FOR VERIFIABLE DATA,
NOT RUMORS. RO FURTHER ADVISED THAT REGARDLESS
OF WHAT HE REPORTED, THERE WOULD BE NO REWARDS AND
WOULD NEVER BE ASKED TO ACT ON BEHALF OF THE U.S.
GOVERNMENT IN ANY MATTER RELATING TO THE PW-MIA ISSUE.

9. RO TERMINATED THE MEETING WHEN BEGAN
REPEATING THAT HE DIDN'T WANT TO BE SEEN AS TRYING TO
PROFIT ON PW-MIA INFORMATION AND THAT HE WAS WILLING TO
REWARD HIS SOURCES OUT OF HIS OWN POCKET.

BT

IRRELEVANT DATA DELETED

4. WOULD NOT RESPOND TO SPECIFIC
QUESTIONS ON THE "HERLICKA" CASE. HE STATED THAT IN DEC
89 HE HAD RECEIVED INFO FROM

THAT D.
HERLICKA WAS HELD WITH ONE OTHER UNIDENTIFIED AMERICAN IN
THE VICINITY OF LAK KAO. CLAIMED A PHOTOCOPY OF
AN I.D. CARD ASSOCIATED WITH "BANNERMAN" WAS RELATED TO
THIS CASE. SAID HE DID NOT THINK WHO
CUSTODY OF ANY AMERICAN PWS. RIT WAS AN INTERMEDIARY FOR
PROMISED TO FORWARD.
WITHIN A FEW DAYS. ALL DOCUMENTS HE HAD RECEIVED ON THE
MATTER.

IRRELEVANT DATA DELETED

HE ALSO STATED THAT "IF ONLY HE
HAD KNOWN IN ADVANCE THAT RO WISHED TO TALK ABOUT THESE
TWO CASES", HE WOULD HAVE COME PREPARED TO DISCUSS THEM
IN DETAIL.

IRRELEVANT DATA DELETED

EXHIBIT 34

7. RO EXPLAINED TO THAT ANY INFORMATION

(M)

330

000100

P USDAOBANGKOKTH/ 936734
ORIGIN DAO INFO ORIG COPY//STAMP//ENVELOPE// INHIBIT (1)
VZCZC
RR RUEKJCS
DE RUEBK #6734 212 **
ZNY
R 311139Z JUL 91
FM USDAO BANGKOK TH//PW-MIA//
TO DIA WASHINGTON IC//PW-MIA/DAH/DAT-3//
BT
BANGKOK TH 36734

CHRG: DAO 67/31/01
APPRV: DAO 67/31/01
DRAFT: DAO 67/31/01
CLEAR: DAO 67/31/01
DISTR: DORO
ORIGIN: OCR

SB-0218 91

SUBJECT: ALLEGED HEARSAY LIVE SIGHTING OF U.S. POW'S -
- TRADING VISAS FOR U.S. POW'S.

1. ON 02 JUL 91, SOURCE, AN AMERICAN CITIZEN OF THAI ANCESTRY NAMED SC, HOME ADDRESS: NUMBER SD, PHONE SD, VISITED THE EMBASSY AND CALLED TH-01 (NO) STATING THAT HE HAD EARLIER BEEN IN CONTACT WITH THE PW-MIA OFFICE IN THE PENTAGON IN WASHINGTON, D.C. AFTER ALLEGEDLY WRITING PRESIDENT BUSH A PERSONAL LETTER, OFFERING HIS ASSISTANCE IN THE RESOLUTION OF THE PW-MIA ISSUE, SOURCE STATED THAT HE HAD TALKED TO A DIA-LAO ANALYST OF THE PW-MIA SHOP (MFI) AND THAT THE ANALYST HAD GIVEN SOURCE THE STONY BEACH TEAM CHIEF'S NAME AND PHONE NUMBER IN BANGKOK.

2. SOURCE STATED THAT HE MADE FREQUENT TRIPS BACK TO THAILAND FOR BUSINESS PURPOSES AND ON THIS PARTICULAR TRIP HE HAD BEEN IN CONTACT WITH SEVERAL OLD BUSINESS ACQUAINTANCES IN NORTHEAST THAILAND WHOM HE REFUSED TO NAME. THESE BUSINESS CONTACTS WERE OFTEN IN RECEIPT OF INFORMATION CONCERNING ALLEGED, LIVE U.S. PW AND HAD TOLD HIM THAT THERE ARE AT LEAST 10 (TEN) AMERICAN PWS BEING HELD IN THE VICINITY OF CHIANG KHONG, IN NORTHERN LAOS, NEAR THE CHINESE BORDER, BY ELEMENTS OF THE LAO PEOPLES ARMY. THE PW ARE BEING HELD IN CAVES (NFI). A RANSOM MUST BE PAID FOR THEIR RELEASE. SOURCE STATED THAT ONE OF THE PW IS LT NAME. HE PROVIDED RO WITH A XEROX COPY OF LT NAME'S MILITARY ID CARD AND AN ATTACHED HAND WRITTEN NOTE ALLEGEDLY FROM LT NAME AS PROOF. SOURCE REFUSED TO IDENTIFY THE OTHER NINE ALLEGED U.S. PW.

3. SOURCE STATED THAT HE REALIZED THAT THE OFFICIAL U.S. GOVERNMENT POLICY WAS THAT NO AWARDS COULD BE PAID FOR PW/MIA INFO. HOWEVER, HE STATED THAT AS AN ALTERNATIVE PROPOSAL HE KNEW OF SEVERAL HIGH RANKING THAI ARMY GENERALS AND SEVERAL WEALTHY BUSINESSMEN IN THAILAND, NONE OF WHOM HE IDENTIFIED, WHO WOULD BE WILLING TO SUPPLY THE REQUIRED RANSOM MONEY IN EXCHANGE FOR A NUMBER OF TOURIST VISAS (B-1, F-2) AND STUDENT VISAS FOR THEIR RELATIVES TO VISIT AND STUDY IN THE UNITED STATES.

P // // USDAOBANGKOKTH/ 936734

4. RO THANKED SOURCE FOR HIS OFFER TO ASSIST IN THE RESOLUTION OF THE PW-MIA ISSUE AND REINFORCED THE SOURCE'S OWN UNDERSTANDING (STATED IN PARAGRAPH 3 ABOVE) OF U.S. GOVERNMENT POLICY CONCERNING THE NON-PAYMENT OF REWARDS. RO ALSO INFORMED SOURCE THAT THE VISA PROPOSITION WAS IN VIOLATION OF U.S. LAW AND REGULATIONS AND WAS COMPLETELY OUT OF THE QUESTION.

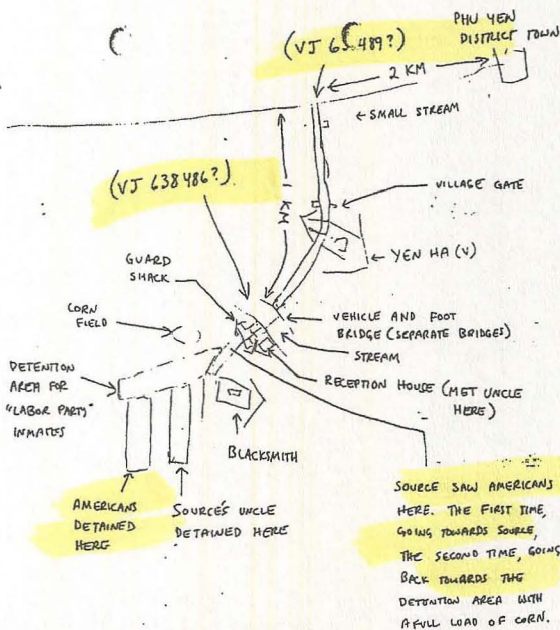
5. LT NAME HAS BEEN THE SUBJECT OF PAST REPORTING BY THIS OFFICE.

BT
#6734

NNNN

P USDAOBANGKOKTH/ 836734

EXHIBIT 35



Source
 NP 004822

2626

25

DEPARTMENT OF DEFENSE
 JCS MESSAGE CENTER
 ROUTINE
 R 071424Z SEP 84
 FM DIA WASHINGTON DC//DC-2//
 TO JCRC LIAISON BANGKOK TH
 INFO CDR JCRC BARBERS PT HI
 ZYUN RUEKJCS6281 2522002
 USEINCPAC HONOLULU HI//J36//

SUBJ: ALLEGED LIVE U.S. PWS HELD IN LAOS
 REF: JCRC LIAISON BANGKOK TH MSG DTG 311013Z AUG 84, SAB
 1. REQUEST YOU EXPEDITIOUSLY REINTERVIEW ALL SOURCES OF INFORMATION REPORTED IN REF AND OBTAIN DETAILED INFORMATION REGARDING THEIR RESPECTIVE SIGHTINGS.
 2. BACKGROUND INFORMATION, INTERIM ASSESSMENTS AND GUIDANCE WILL BE FORTHCOMING BY DIA IN SEPARATE MESSAGES.

ACTION DC-2(2)
 INFO NMIC(1) VO(1) DIA(1)
 +SAFE

(D,6,8,F)

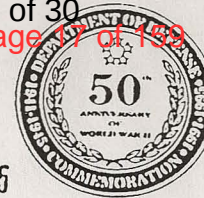
2626

26

DDI-W-0255/0237P TOR#84

1/2604Z CDSN#214101 PAGE 1 OF 1

000666



DPMO POLICY MEMORANDUM

09 JUN 1995

COMPENSATION FOR INFORMATION RELATING TO UNACCOUNTED
FOR U.S. SERVICE PERSONNEL

POLICY: This memorandum reaffirms U.S. Government (USG) policy that accounting for U.S. military and related-civilian personnel is a humanitarian issue based on the principle that all individuals who make the ultimate sacrifice in service to their nation deserve to be accounted for, and, if possible, their remains returned to U.S. soil. DoD encourages individuals to cooperate with U.S. investigators seeking to account for Americans, but will not reward an individual or group for recovery and return of remains or information relating to an unaccounted for individual. To reduce the risk of Americans being held as hostages, the USG has long held that it will not pay ransom for hostages, prisoners of war, or other individuals held against their will as a result of service to their country. The refusal to pay for remains of our fallen is an extension of this principle.

DoD will continue to honor commitments negotiated in good faith with foreign governments to compensate for costs associated with the repatriation of remains ultimately judged to be those of missing Americans. Excluding negotiated costs associated with joint recoveries, in most cases such compensation for individual citizens will be based on fair and reasonable costs associated with the recovery, transfer, and storage of repatriated remains. In most instances this compensation will be paid to the foreign government with the expectation that government officials will reimburse individual citizens responsible for the unilateral return of remains.

This policy differs from that regarding POWs and individuals who are not in a captive status, but attempting to evade or escape from hostile territory. Consistent with existing policy and commitments, such as those extended in service personnel blood chits, DoD will monetarily reward an individual or group who directly liberates an American service member detained against his or her will in a foreign country as a result of his or her status as a U.S. combatant. To receive such a reward, the individual must be returned to U.S. custody and identified as an actual POW or MIA from a recognized conflict.

RATIONALE: The DoD decision not to pay for the recovery of remains or for information related to such recovery stems directly from the negative consequences associated with such action. Specifically, experience has shown that offering monetary awards for the turnover of remains often encourages:

- **Looting of Crash and Grave Sites.** Individuals eager to make a profit in the trading of remains or information associated with loss incidents feel emboldened to rob graves and loot crash sites in an effort to obtain artifacts and remains for sale. For example, remains traders have in the past regularly desecrated graves,

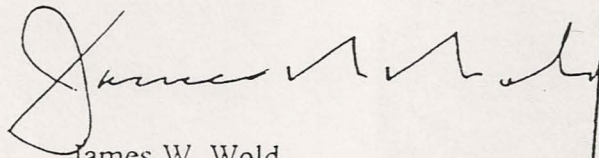


EXHIBIT 36

including those of their own family members or of foreign soldiers, in an attempt to dupe U.S. investigators into accepting non-American remains.

- **Destruction of Remains and Crashsite Evidence.** Unauthorized excavation of graves and crash sites frequently result in damage to potential investigation sites, thus severely complicating subsequent official USG accounting efforts. Moreover, some individuals eager to make a profit have, in the past, destroyed remains--for example, breaking a large bone into little pieces--to maximize the amount of money they can collect. Likewise, large pieces of wreckage often are dispersed among many individuals, or even among different villages, in an attempt to maximize the amount of reward money collected.
- **Identification Complications.** Even when individuals seeking a reward turn over legitimate remains, the lack of a chain of custody associated with such recoveries can severely hinder the identification process. Many identifications rely on crash site evidence recovered in conjunction with the remains to make an identification strong enough to withstand Armed Forces Identification Review Board scrutiny. The absence of such associated evidence and the lack of first hand knowledge of a site make it more difficult for the Central Identification Laboratory to make an identification.
- **Impaired Government-to-Government Cooperation.** Currently the USG enjoys a high level of cooperation around the globe from foreign officials involved in joint investigative and recovery activities. Such cooperation includes local officials' willingness to persuade their citizens to turn over American remains as a humanitarian gesture. A USG willingness to reward individual citizens, however, would make them less likely to cooperate with their government officials, who do not offer such rewards. Experience has shown that in these circumstances foreign officials become less committed to the accounting process and less willing to cooperate with U.S. officials.
- **Potential Personal Security Dangers.** Although a minimal risk, DoD cannot discount the possibility that some individuals may seek to harm U.S. or other western individuals in an attempt to recover a reward associated with the return of remains.

Approved



James W. Wold
Deputy Assistant Secretary of Defense
(POW/MIA Affairs)

1 June 1995

Stenographic Transcript of
HEARINGS
Before the

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

UNITED STATES SENATE

CONTINUED DEPOSITION OF
ADMIRAL (Ret.) THOMAS HINMAN MOORER

Thursday, April 30, 1992

Pages 172 through 316

Exhibit Numbers 5 through 10

Washington, D.C.

EXHIBIT 37

ALDERSON REPORTING COMPANY
1111 14TH STREET, N.W.

000105

1 information, it should be made in compliance with the
2 law." That's my position. I tell Red McDaniels and all
3 these guys that all the time.

4 Q. It's hard to argue with that position.

5 A. Yes. What do you want me to say about that?

6 Q. I guess what I want to ask you is, in your
7 opinion, if you consider the April 12 press conference
8 statements of Mr. Shields, the June 8, 1973 memo of Mr.
9 Clements, really putting himself into the process of
10 moving people into a POW status, and then the July 17 memo
11 of Mr. Clements saying we're going to move forward with
12 status changes into the KIA status, is there any pattern,
13 any political pattern or any pattern whatsoever that has
14 any significance or should have any significance to our
15 committee?

16 A. No. I think that that directive, that he was
17 going to take over the change in status, is a matter of
18 common sense, for the simple reason that you've got three
19 categories: killed, missing, and POW. Once they get
20 moved into that POW status, God help you, there'd be an
21 avalanche of relatives there in five minutes. So that's
22 why it's most important that, when you do a change of
23 status to POW, you know what you're talking about because
24 you're going to have a hell of a lot of questions to
25 answer, I guarantee you, whether the guy's a POW or not.

This report contains unprocessed information.
 Plans and/or policies should not be evolved
 or modified solely on the basis of this report.

(Classification and Control Markings)

<p>VIETNAM Description of U.S. PW Camp in Laos NUMBER: 723.610</p> <p>4. DATE OF INFORMATION: Unknown Period between 1965 - 1970</p> <p>5. PLACE AND DATE OF ACQ: Thailand 28 February 1971</p> <p>6. EVALUATION: SOURCE B/F/F INFORMATION 6</p> <p>7. SOURCE: 15310085/OTS 500271/OTS 500371</p>	<p>8. REPORT NUMBER: 1 775 0034 71 (5905-04)</p> <p>9. DATE OF REPORT: 31 March 1971</p> <p>10. NO. OF PAGES: 2</p> <p>11. REFERENCES: SICR: D-7CX-49018 DIRM: 1Q16, 6G (Refer to COMMENTS for additional references)</p> <p>12. ORIGINATOR: Hq 1021st USAF Fld Acty Sq</p> <p>13. PREPARED BY: Det 5, 1021st USAF Fld Acty Sq</p> <p>14. APPROVING AUTHORITY: <i>For</i> Colonel, USAF</p>
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RECD CO-3 09 APR 1971

LTOL

<p>15. SUMMARY: "EVALUATION OF THIS REPORT IS REQUESTED"</p> <p>This report provides information on a U.S. PW camp located in the immediate vicinity of XAMTAI (195920N/1043835, VH622702, Sheet 5948 IV), Laos. During an unspecified period between 1965 and 1970, a group of 50 to 100 U.S. PW's were interned at this detention facility.</p> <p>CIRCUMSTANCES OF ACQUISITION:</p> <p>1. The information in this report was obtained from <i>DATA</i>, a former PL soldier who defected in early February 1971. <i>DATA</i> as in the XAMTAI area during an unspecified period between 1965 and 1970 where he claimed to have personally observed the reported PW detention site.</p> <p>2. During an unspecified time period between 1965 and 1970, a group of 50-100 U.S. PW's were held at a detention facility in the immediate vicinity of XAMTAI in HOUA PHAN Province, Laos, near the NVN border. This camp was referred to by Pathet Lao (PL) personnel as "KHAI KHOOK SOONKLANG KAO PAED (Center Prison Number 98 Camp)" and sometimes termed "The Center" or "98th Camp". While PW's were held there, this PW camp was the main detention facility for U.S. PW's in Laos. "The Center" camp</p>	<p>(Leave Blank)</p> <p>5</p> <p><i>53504-1A 32860-1A 35410-1A 37410-1A</i></p>
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<p>16. DISTRIBUTION BY ORIGINATOR: DIA, CINCPAC, CINCPACFLT, USARPAC, FICPAC, DOD/PRO, 051 005 13AF JSPC, 314A0.</p>	<p>17. DOWNGRADING DATA: REGRAUING; JDD DIR 5200.10</p>	<p>18. ATTACHMENT DATA:</p>
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EXHIBIT 38

NOTE: This document contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Sec. 793 and 794. The transmission or the revelation of its contents in any manner to an unauthorized person is prohibited by law.

(Classification and Control Markings)

This report contains unprocessed information. Plans and/or policies should not be evolved or modified solely on the basis of this report.

1. COUNTRY: LAOS	8. REPORT NUMBER: 1 775 0003 71 (5905-04)
2. SUBJECT: (U) Possible Location of American POW Site in Laos	9. DATE OF REPORT: 4 March 1971
3. ISC NUMBER: 723.670	10. NO. OF PAGES: 2
4. DATE OF INFORMATION: 20 December 1970	11. REFERENCES: SICR: D-7CX-49018 DIRM: 1Q16, 6G MSG: Det 5 Msg DTG: 140905Z Jan (BRIGHT LIGHT) (See COMMENTS) MAP: Hq 1021st USAF Fld Acty Sq
5. PLACE AND DATE OF ACQ: Thailand 27 December 1970	12. ORIGINATOR: Hq 1021st USAF Fld Acty Sq
6. EVALUATION: SOURCE F/F/F/F INFORMATION 6	13. PREPARED BY: Det 5, 1021st USAF Fld Acty Sq
7. SOURCE: 15310076/OTS 502370/FAR Official/ Unidentified Informants	14. APPROVING AUTHORITY: Lt Col FOR Colonel, USAF

15. SUMMARY: An unspecified number of Americans who had been captured in Laos are reported to be detained in the Valley KHUN PRA TAEM (VH213585; 202530N/1041442E, Sheet NF 48-14), HUA PHAN (SAM NEUA) Province, Laos. The point(s) of capture are unknown; the captors were identified only as Pathet Lao. The location is further described as a relatively small, shallow dead-end valley, east of RAUNG KHU (ED: Coordinates unknown) Village. The detention facilities are described as a cave with only one "tunnel-like" opening at one end of the valley. The cave opening faces to the west, and has a door structure (ED: Composition unknown) to permit opening and closing the cave. The valley was described as having only one access way and contains several other caves, all described as being fortified against aerial bombing. One company of soldiers (ED: one Source stated 50-60 men) guard the cave entrance. One Source stated that many Americans were definitely held in the cave, but the exact number was unknown. The duration of detention was also unknown.

CIRCUMSTANCES OF ACQUISITION:

1. An ethnic Thai with numerous high-level contacts within the Royal Lao Army (FAR), obtained the information from an unidentified member of FAR in VIENTIANE.

COMMENTS OF THE COLLECTOR:

2. Files available at this detachment do not contain any previous reporting of a POW detention facility at the precise location mentioned in this report. There has been previous reporting that American POWs formerly held at BAN NAKAY NEUA (VH1956; 202445N/1041350E, Sheet NF 48-14) were possibly moved as of 20 October 1970

16. DISTRIBUTION BY ORIGINATOR:
DIA, CINCPAC, CINCPACFLT,
USARPAC, FICPAC, DOD/PRO,
PEC, 5AF, 13AF, JSPC, 314AD,
327AD, MACV, 7AF, 600MTG(SD)

17. DOWNGRADING DATA

18. ATTACHMENT DATA

REC'D 03-23 MAR 1971

169

201120
334130
334130
334110
374105
LA
334135
338125
201120
LA

CONTINUATION SHEET

REPORT NO. 775 0003 71
PAGE 2 OF 2 PAGES
ORIGINATOR Hq 1021st USAF Fld
Acty Sq

(Classification and Control Markings)

to an unknown location north of BAN NAKAY NEUA. The site location of this report is approximately four kilometers northeast of BAN NAKAY NEUA.

(Leave Blank)

3. Aerial photographic coverage, 12 January 1971, of the reported site is available. A scale of approximately 1:3000 in vertical format reveals an occupied facility with a physical description which is identical to the facility in this report plus several man-made structures. Location of the photo site is approximately 700 meters northeast of the reported facility, and is precisely at (VH217590; 202548N/1041500E, Sheet NF 48-14).

4. Information in this report partially satisfies SICR D-7CX-49018. Collection action continues.

5. (U) Coordinates in this report were derived from AMS Series 1501, Sheet NF 48-14, Edition 2, Dtd 1967.

David Emerson

REPRODUCED AT THE NATIONAL ARCHIVES

Bx1

SA 99 A-193

MEMORANDUM

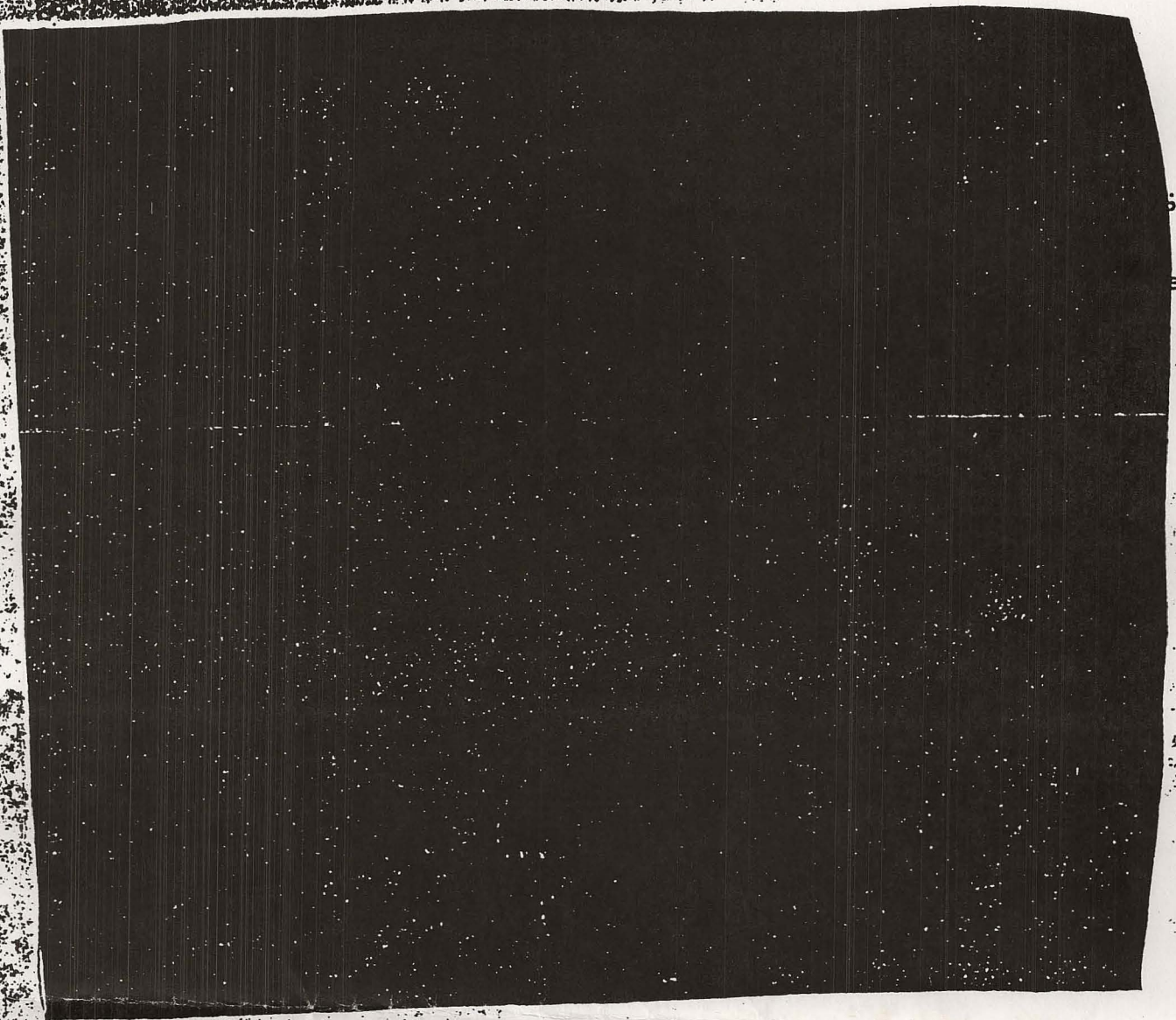
THE WHITE HOUSE
WASHINGTON

June 9, 1973

MEMORANDUM FOR DR. KISSINGER

FROM: The Situation Room

SUBJECT: Additional Information Items



~~TOP SECRET SENSITIVE~~
~~CONTAINS CODEWORD~~

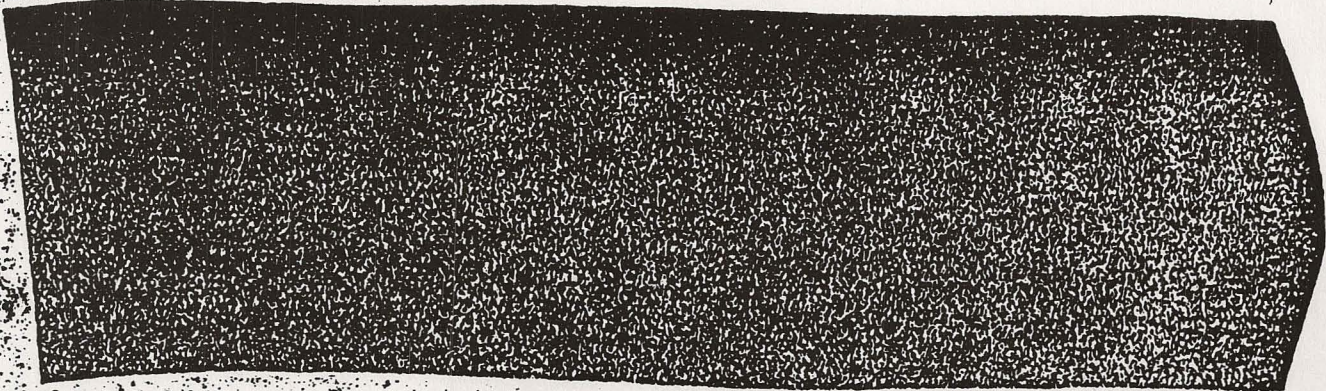
(DP)

EXHIBIT 39

REPRODUCED AT THE NATIONAL ARCHIVES

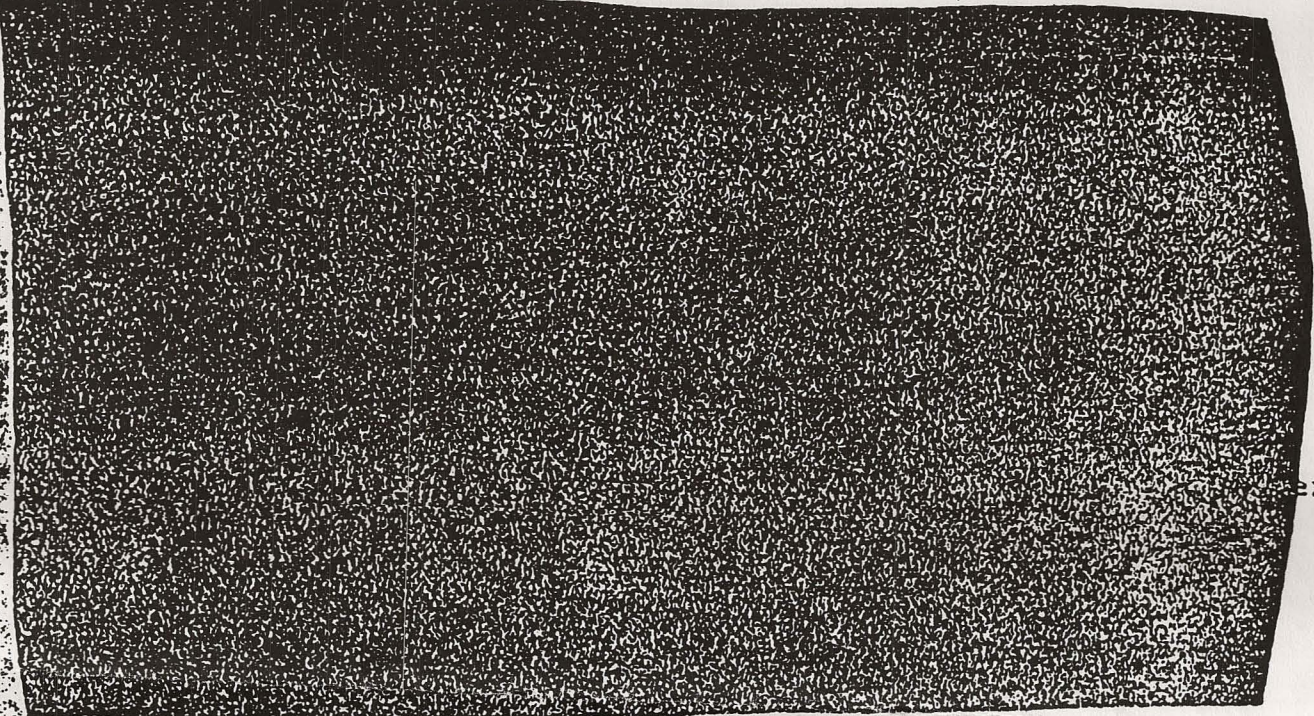
~~TOP SECRET SENSITIVE~~
~~CONTAINS CODEWORD~~

- 4 -



1.3 (213) MIA/Laos: The Pathet Lao's chief representative in Vientiane June 8 accepted a personal letter from Mrs. Kay to her husband but told our Embassy officer that further information on two other acknowledged POW's (Hrdlicka and Debruin) must await the formation of a new coalition government in Laos.

SANITIZED



~~TOP SECRET SENSITIVE~~
~~CONTAINS CODEWORD~~

PRELIMINARY EVALUATION OF INFORMATION

Information to be evaluated: See copy attached.

REPORTED SIGHTING OF EIGHT TO TEN ALLEGED AMERICANS IN LAOS

1.

[REDACTED]

A, B

2.

[REDACTED]

A

[REDACTED] said that [REDACTED] had obtained the information about ten days earlier in conversation with a Pathet Lao soldier. The soldier claimed that about two months earlier, he had personally observed Americans working with the North Vietnam Army near the Demilitarized

EXHIBIT 40

4 JUN 1982
RELEASED 342

Enclosure 4 (S-56 169/DB-4)
3 000112

A

Zone between North and South Vietnam. [REDACTED]
was not able to recontact the Pathet Lao source or obtain
further confirmation.

3. [REDACTED]

A

[REDACTED]

A

B

B

4. The information which [REDACTED] provided
[REDACTED] in 1976 contained items not in the information
provided [REDACTED] in 1974. The new bits of
information were as follows:

A

a. The 1974 report mentioned [REDACTED]
[REDACTED] that the North Vietnamese were exploiting
certain PWs for their technical skills, and that the
PWs worked on the Ho Chi Min trail; but the 1974
report did not specify that the PWs cooperated with
the North Vietnamese by defusing unexploded ordnance.

b. The 1974 report did not mention that the
group of 8 to 10 American PWs were known to be in
the vicinity of Sam Neua in early 1973.

c. Nor did the earlier report mention a suspicion the the group of American PWs had been in the vicinity of the Plain of Jars.

d. the 1974 report did not mention dates on which new bits of information were acquired.

e. The 1974 report mentioned "brainwashing", but was not as specific as the 1976 report in stating that the American PWs were cooperating with the North Vietnamese as a result of being pressured until they "broke".

5. [REDACTED]

A, B

6. One of the Americans released from Laos, a civilian named Emmet Kay, was captured on 7 May 1973 and on 11 June 1973 moved into the Sam Neua area, where he was held until his release on 18 September 1974. Although Emmet Kay's captivity did not overlap with the period when [REDACTED]

A

[REDACTED] the 8 to 10 Americans were known to

be in the Sam Neua area, i.e., early 1973, Emmet Kay might have learned from the guards or prison personnel if such a large group of American PWs was being held or had been held nearby. At no time during his detainment in the Sam Neua area did he have knowledge or hear of any other U.S. personnel being held in the area.

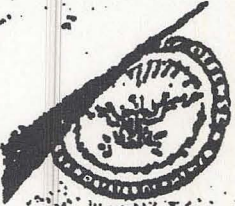
A 7. None of the returnees in Operation Homecoming had been forced to perform hard labor, such as road building. If the [REDACTED] report is looked on as a report on Americans performing hard labor, then it is a unique report. On the other hand, if it is viewed in terms of exploitation of technical skills, then it must be considered compatible with many other reports of attempts to exploit PWs. The returnees had seen two American PWs who cooperated with the enemy. There have been unconfirmed reports of collaborators. The North Vietnamese deliberately exploited the skills of the PWs for propaganda. It is not inconceivable that they might have tried to exploit PWs skilled in ordnance. Military pilots, as a rule, did not possess such skills.

A A 8. Although there is no confirmed reporting that correlates directly with the [REDACTED] report, there are reports of varying reliability which might possibly be related. For instance, a series of reports [REDACTED]

A [REDACTED] stated that nine American PWs were held in the vicinity of Mahaxay, a town about 30 miles east of Thakhek in Central Laos, in September 1973. One report said they were taken to Hanoi in September 1973. Another report said nine Americans were still in the area, at a detention camp near a town called Pha Katao, in March 1974. This information did not correlate to any known individual or group of PW/MIAs; the nine Americans captured in Laos and released in Operation Homecoming had all been moved out of Laos to Hanoi well before the end of 1972. This series of reports did not imply that the nine Americans in the Mahaxay area had been defusing ordnance or cooperating in any way with the North Vietnamese. The Mahaxay reports remain unconfirmed in spite of extensive research and follow-up.

A 9. It is highly unlikely that [REDACTED] could at this time provide enough information, even if they were available for extensive debriefing, to establish positive identification of persons they may have seen working on the Ho Chi Min trail, or to establish conclusively that such persons were Americans and not Europeans, Russians, Cubans or other nationalities. Research at this time would probably produce as little or less than it did in 1974 [REDACTED]

D, A [REDACTED]
[REDACTED]



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

WINNING PAPERS

25 SEP 1985

C-109/DC

MEMORANDUM FOR BGEN SHUFELT (VO)

SUBJECT: The POW/MIA Issue (U)

1. (C) I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. ~~The deeper I looked, the less professional the operation appeared.~~ It appeared to be particularly sloppy in the late seventies, but it is by no means a squared-away operation today. As a professional intelligence officer with a significant portion of my career spent as an analyst, I found the following to be particular problems:

a. ~~Case files were incomplete, sloppy (i.e. mixed-up, loose papers, undated, scribbled analyst notes, misfiled papers, etc.) and generally unprofessional.~~

b. ~~There were no action logs in the cases or where there were logs, entries had not been made in a long time.~~

c. ~~Follow-up actions had not been pursued. In some cases, obvious follow-up actions were called for but were never taken and years had passed.~~

d. ~~There was no tickler system to ensure that we followed up on our own tasking. Thus, we might have tasked imagery or tasked JCRC years ago, never got a response, and never followed up.~~

e. ~~Efforts to recontact sources in the U.S. were perfunctory at best and normally amounted to merely trying to contact them by telephone rather than using local DoD or law enforcement agencies to track them down and then calling on them in person.~~

f. ~~We had never employed some of the most basic analytic tools such as plotting all sightings on a map to look for patterns, concentrations, etc.~~

2. (C) ~~Thus, there is a great element of truth in General Tighe's statements that we have done a sloppy job. I come to the same conclusion after having looked into the issue probably in somewhat more detail than General Tighe, but not for as long a period of time.~~

3. (C) ~~With regard to the allegation of "mindset to debunk" I must conclude that there is an element of truth to this as well, although probably not as much as has been publicly stated. In fairness to DC-2, a good measure of this is attributable simply to human nature. The analysts have seen so many fabrications for so long that their first subconscious reaction is "this is just more of the same garbage". And most of it is. But some may not be. Frustrating as it all is, they have got to run all the leads to the ground. They have not been doing this as faithfully as they should. Thus, the "mindset to debunk" charge and~~

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DECLASSIFY ON OADR

EXHIBIT 41

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WORKING PAPERS

The "stagnant analysis" charge are closely related. The former causes the latter. The leadership of DC-2 (the O-6, Deputy, and senior analyst) must be the conscience of the organization to preclude this mindset taking hold and to closely monitor the work. This they definitely have not done well over the years.

4. (C) I am not persuaded that enough assets are being dedicated to this problem. If it is the top priority problem we claim it is. In particular, I wonder if JCRC is adequately manned, whether we have enough polygraph operators available, etc. I would not be able to make a judgment on this without actually having visited JCRC and the camps, which I have not had an opportunity to do. I would encourage you to do this early in your time here so you can draw conclusions regarding the adequacy of our level of effort in the field. Without firsthand exposure, my observations in this area fall into the category of gut... feelings rather than researched opinions.

5. (C) A key area which requires attention is DIA's image -- how we are perceived to be doing our job rather than (or in addition to) how we really are doing it. We need to portray an image of open-minded, objective professionals who take this business very seriously and are willing to talk to anyone who might be able to provide us information. This includes the Baileys, Garwoods, and the lunatic fringe.

6. (C) I see the most important thing we must do right now is to be cementing relationships on the Hill. We have not done as well there as we should. It is clear that Congressman Hendon will be using our files to discredit us (and he will have lots of ammunition there). We need to ensure that we have formed the necessary alliances with HPSCI and the Asian-Pacific Affairs committees, their staffers, and their chairmen that we receive support in our efforts to damage/limit Congressman Hendon.

7. (C) I am afraid we are in for some troubled times. We have not done our job as well as we should have in days passed and we will not withstand scrutiny very well. Yet we will receive plenty of scrutiny in days to come. We must make all preparations to minimize the criticism this scrutiny will bring. I have attached a list of action items which I believe are required to accomplish this. I have already tasked DC-2 in these areas, but close monitoring and some personal involvement will be called for. I stand by to help in any way I can.

Very respectfully,

Thomas A. Brooks
THOMAS A. BROOKS
Commodore, USN
Assistant Deputy Director
for Collection Management

3000047

POW/MIA CHIEF RESIGNS

Hopes that our government might find some prisoners of war or men missing in action were again dashed when Colonel Millard A. Peck, Chief of the POW/MIA section of the Defense Intelligence Agency (DIA) resigned February 12, 1991. Col. Peck left behind a resignation letter that renewed fears of a 'government cover-up' that extends from Operation Desert Storm back through the Vietnam War, Korean War, into the World Wars, fifty and seventy years ago. Because the DIA is subject to review by several agencies between it and the President of the United States, secrecy and silence hamper efforts to locate and recover troops not returned at war's end.

Here is the text of the resignation letter:

1. PURPOSE: I hereby, request to resign my position as the Chief of the Special Office for Prisoners of War and Missing in Action. (POW/MIA)



POW/MIA Chief

when dealing with or mentioning the office, always spoke about it in deprecating tones, alluding to the fact that any report which found its way there would quickly disappear into a "black hole."

c. General Attitudes. Additionally, surveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This idea was further promulgated in a number of legitimate veterans' periodicals and professional journals, as well as the media in general, which held that where there was so much smoke there must be fire.

d. Cover up. The darkside of the issue was particularly unsettling because of the persistent rumors and innuendoes of a Government conspiracy, alleging that U.S. military personnel had been left behind to the victorious communist governments in Vietnam, Laos, and Cambodia, and that for "political reasons" or running the risk of a second Vietnam War, their existence was officially denied. Worse yet was the implication that DIA's Special Office for POWs and MIAs was an integral part of this effort to cover the entire affair up so as not to embarrass the Government nor the Defense Establishment.

e. The Crusade. As a Vietnam veteran with a certain amount of experience in Indochina, I was interested in the entire POW-MIA question, and willingly volunteered for the job, viewing it as a sort of holy crusade.

f. The Harsh Reality. Heading up the office has not been pleasant. My plan was to be totally honest and forthcoming on the entire issue and aggressively pursue innovative actions and concepts to clear up the live sighting business, thereby refurbishing the image and honor of the DIA. I became painfully aware, however, that I was not really in charge of my own office, but was merely a figurehead or whipping boy for a larger and totally

2. BACKGROUND

a. Motivation. My initial acceptance of this posting was based upon two primary motives: first, I had heard that the job was highly contentious and extremely frustrating, that no one would volunteer for it because of its complex political nature. This, of course, made it appear challenging. Secondly, since the end of the Vietnam War, I had heard the persistent rumors of American Servicemen having been abandoned in Indochina, and that the Government was conducting a "cover-up" so as not to be embarrassed. I was curious about this and thought that serving as the chief of POW-MIA would be an opportunity to satisfy my own interest and help clear the Government's name.

b. The Office's reputation. It was interesting that previous exposure to the POW-MIA Office, while assigned to the DIA, both as a Deputy Director for Intelligence (DDI) and as the Chief of the Asia Division for Current Intelligence (JSI-3) was negative. DIA personnel who worked for me,

Machiavellian group of players outside of DIA. What I witnessed during my tenure as the cardboard cut-out "Chief" of the POW/MIA could euphemistically be labeled as disillusioning.

3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE

a. Highest National Priority. That National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise" and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results.

b. The Mindset to Debunk. The mindset to "debunk" is alive and well. It is held at all levels, and continues to pervade the POW/MIA Office, which is not necessarily the fault of the DIA. Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads. The latter was a moot point, anyway, since the Office was continuously buried in an avalanche of "ad hoc" taskings from every quarter, all of which required an immediate response. It was impossible to plan ahead or prioritize courses of action. Any real effort to pursue live sighting reports or exercise initiative was diminished by the plethora of "busy work" projects directed by higher authority outside DIA. A number of these grandiose endeavors bordered on the ridiculous—quite significantly—there was never an audit trail. None of these taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW/MIA office.

c. Duty, Honor, Integrity. It appears that the entire issue is being manipulated by

unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover up may be in progress. The entire charade does not appear to be an honest effort and may never have been.

d. POW/MIA Officers Abandoned. When I assessed the office for the first time, I was somewhat amazed and greatly disturbed by the fact that I was the only military officer in an organization of more than 40 people. Since combatants of all Services were lost in Vietnam, I would have thought there would at least be a token service representation for a matter of the "highest National priority". Since the normal mix of officers from all services is not found in my organization it would appear that the issue, at least at the working level, has, in fact, been abandoned. Also, the horror stories of the succession of military officers at the O-5 and O-6 level who have in some manner "rocked the boat" and quickly come to grief at the hands of the Government policy makers who direct the issue, lead one to the conclusion that we are all quite expendable, so by extrapolation one simply concludes that these same bureaucrats would "sacrifice" anyone who was troublesome or contentious — including prisoners of war and missing in action. Not a comforting thought. Any military officer expected to survive in this environment would have to be myopic, an accomplished sycophant, or totally insouciant.

e. The DIA Involvement. DIA's role in the affair is truly unfortunate. The overall Agency had generally practiced a "damage limitation drill" on the issue, as well. The POW/MIA Office had been cloistered for all practical purposes and left to its own fortunes. The POW office is the lowest level in the Government "effort" to resolve the issue, and oddly for an intelligence organization, has become the "lightning rod" for the entire establishment.

EXHIBIT 42

POW/MIA Chief Con't.

on the matter. The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as "toxic waste dump" to bury the whole "mess" out of sight and mind in a facility with limited access to public scrutiny. Whatever happens in the issue, DIA takes the blame, while the real players remain invisible. The fact that the POW/MIA Office is always the center of an investigation is of no surprise. Many people suspect that something is rotten about the whole thing, but cannot find an audit trail to ascribe blame, so they attack the DIA/POW/MIA "dump" simply because it has been placed in the line of fire as a cheap, expendable decoy.

f. "Suppressio Veri Suggesto Falsi". Many of the puppet masters play a confusing murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, inserting her own twist or meaning to what was originally prepared. This is then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in "jerk-

show, she is in the perfect position to clamor for "progress", while really intentionally impeding the effort. And, there are numerous examples of this. Otherwise, it is inconceivable that so many bureaucrats in the "system" would instantaneously do her bidding and humor her every whim.

1. DIA's Dilemma. Although greatly saddened by the role ascribed to the Defense Intelligence Agency, I feel, at least, what I am dealing with honest men and women who are generally powerless to make the system work. My appeal and attempt to amend this role perhaps never had a chance. We, all, were subject to control. I particularly salute the personnel in the POW-MIA Office for their long suffering, which I regrettably was unable to change. I feel that the Agency and the Office are being used as the "fall guys" or "patsies" to cover the tricks of others.

5. RECOMMENDATIONS

a. One Final Vietnam Casualty. So ends the war and my last grand crusade, like it did actually did end, I guess. However, as they say in the Legion, "Je ne regrette rien..." For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing In Action.

b. A Farewell to Arms. So as to avoid the annoyance of being shipped off to some remote corner, out of sight and out of the way, in my own "bamboo cage" of silence somewhere, I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being relieved immediately from active military service.

around" everyone and everything involved in the issue goes far beyond the "war and MIA protester gone straight" scenario. She was brought from the "outside" into the center of the imbroglio, and then, cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously "muddles up" the issue. One wonders who she really is and where she came from...

4. CONCLUSIONS

a. The Stalled Crusade. Unfortunately, what began on such a high note never succeeded in embarking. In some respects, however, I have managed to satisfy some of my curiosity.

b. Everyone is expendable. I have seen firsthand how ready and willing the policy people are to sacrifice or "abandon" anyone who might be perceived as a political liability. It is quick and facile, and can be easily covered.

c. High-Level Knavery. I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give the illusion of progress through hyperactivity.

d. "Smoke and Mirrors". From what I have witnessed, it appears that any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago, and that the farce that is being played is no more than political legerdemain done with "smoke and mirrors", to stall the issue until it dies a natural death.

e. National League of Families. I am convinced that the Director of this organization is much more than meets the eye. As the principal actor in the grand

Signed/ Millard A. Peck Colonel, Infantry USA

I want to tell you a true story that has no ending. It goes back to the frustration that many feel. On August 15, 1985, I received a letter from a source from a refugee who, one week earlier, had come out of Laos. The letter referred to four servicemen BY NAME AND NUMBERS, and referred to one as 'young man die.' No reference to the other three as living or dead. I checked my list of missing and only one name was on my list. It just happened that man was from Illinois. I sent that letter to Washington by two sources. In January or 1986, I received another letter from the same source. This time he referred to a living POW. I sent the 2nd letter to Washington by two sources. To this date, neither the source nor the man in the refugee camp in Thailand has been contacted by anyone to prove or disprove the information in the letters. Who is lying to whom, and who can you trust to take action? ♦

E0051

Handwritten signature/initials

2/27

APCAT chairman - federation of Am CofCs

here only for newsletters - 8 pages twice a month

Dep for. Dick Bai?

R

In last year:

1) Am consultants met live Americans living on their own in remote areas. We asked her to get in touch w/ consultants - urgent & very imp't.

She promised a fax one way or the other

320

DEPARTMENT OF STATE A/CDC/MR

REVIEWED by Hree DATE 10/7/91

UNCLASSIFIED RECLASSIFY
 IS-3/TS RECLASSIFY in PART
 IS-3/TS RECLASSIFY in PART

FGL NO or NA exemptions _____

-TS authority to:
 CLASSIFY as _____, OADR
 DOWNGRADE TS to S or C, OADR

Handwritten signature/initials

Story - H-G report

Partym source - said photo. = Bill Gutz, ^{reports} about photo
DIA didn't know of photo

NRO National Recon Office - existence is classified
can neither confirm nor deny
we have no idea.

no knowledge of satellite photo

1967 - air shots showing ~~live photos~~ people playing volleyball.
but you can't even tell were - ~~classified~~ considered that
supposedly because Viet don't play volleyball
1967 photo did not correlate to a missing person

DEPARTMENT OF STATE A/ODC/MR

REVIEWED by Hree DATE 10/7/91

- RECLASSIFIED
- EXCLUDED FROM AUTOMATIC DOWNGRADING in PART
- DOWNGRADE TO CONFIDENTIAL SENSITIVE INFO.

FOI, EO or P.L. authority to:

CLASSIFY in _____, OADR

DOWNGRADE TS to S or C, OADR

EXHIBIT 44

E0039

Handwritten initials/signature

Story - M-G report

Partyn source - said photo. - Bill Gutz, ^{reports} about photo
DIA didn't know of photo

NRO National Recon office - existence is classified
can neither confirm nor deny
- we have no idea.

no knowledge of satellite photo

1967 - air shots ~~showing~~ ~~live photos~~ people playing volleyball.
but you can't even tell were - classified ~~classified~~ that
supposedly because Viet don't play volleyball
1967 photo did not correlate to a missing person

DEPARTMENT OF STATE A/CDC/ME

REVIEWED by Hree DATE 10/7/91

- RELEASE RECLASSIFY
- EXCISE RECLASSIFY in PART
- DERJ Non-responsive info.

FOI, EO or PA exemptions _____

_____ TS authority to:

- CLASSIFY to _____, OADR
- DOWNGRADE TS to S or C, OADR

DECLASSIFIED



000124

P 301804Z AUG 84

FM
TO
INFO

[Handwritten signature]

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 10553E). 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 BAN 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 KANDON 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

EXHIBIT 45

P R 022201Z DEC 80

FC

SUBJECT: REQUEST YOU PLACE ON TOP PRIORITY IMMEDIATELY
TIL 05 DECEMBER 80 OR UNTIL FURTHER NOTICE.

HAVE INFORMATION THAT TRANSFER OF 20 AMERICAN AND 16

POW/MIAS FROM OUDOM SAI PROVINCE TO VIENTIANE TO TAKE PLACE.

VN 2 DEC 10

++

R: (U) THIS

PER REQUEST OF

ACUR:

22

58

P 042113Z DEC 79

FM
TO
INFO

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 *92*

++++

CONCUR:

#14

6

A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM N KADON (LOCATED AT 1519N 10658E 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 BAREED-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

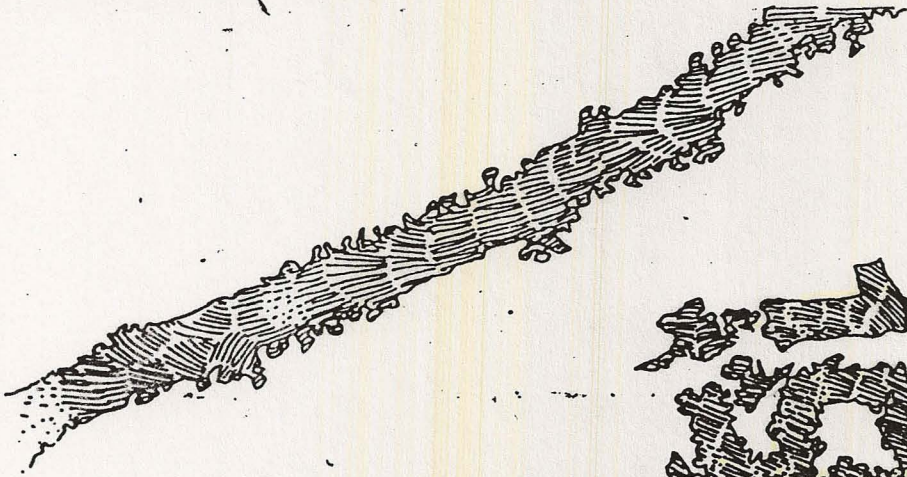
#0591

NNNN

UNIDENTIFIED ACTIVITY
VICINITY OF BAN HOUAY

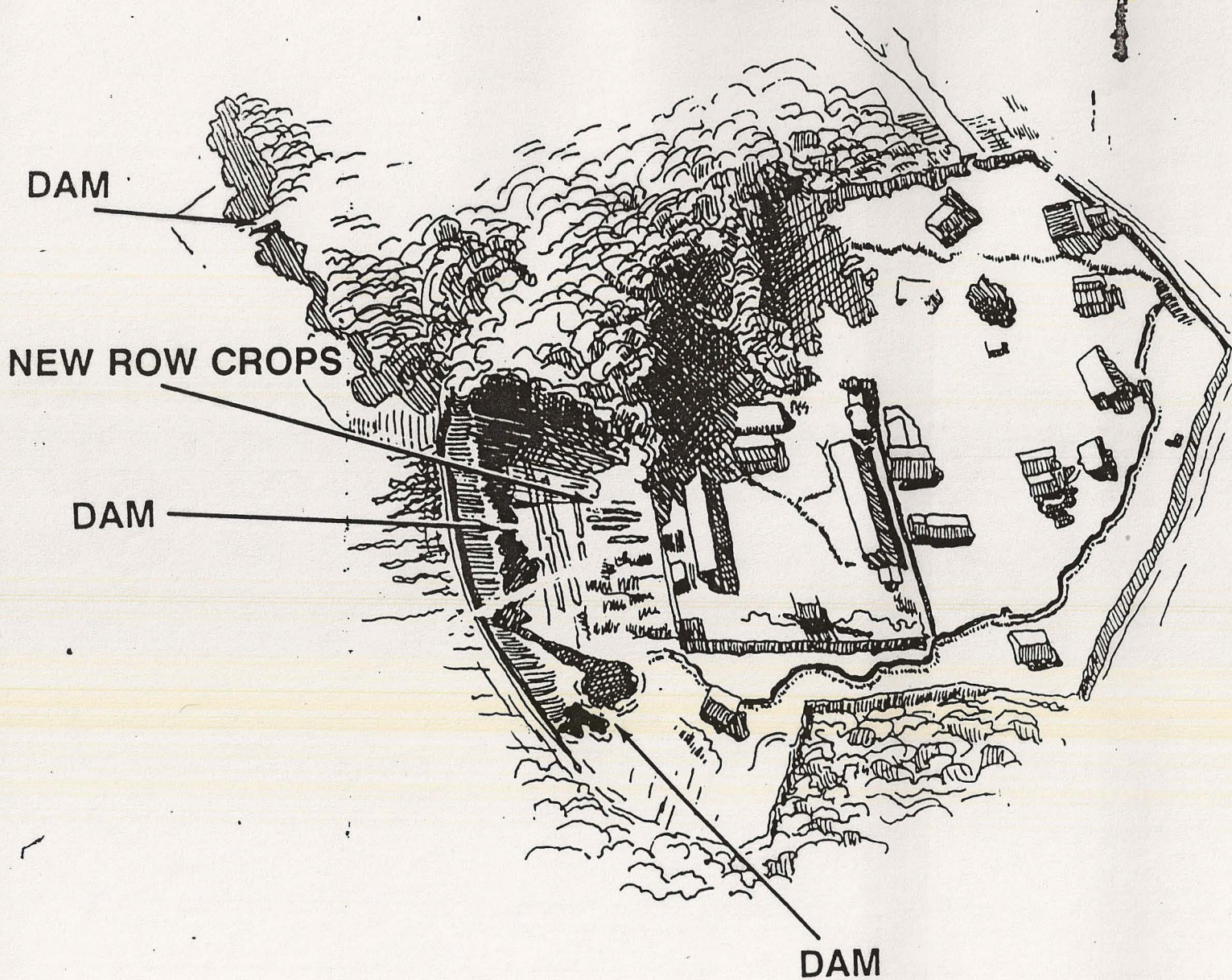
JAN 88





POSSIBLE TH

DECEMBER 1980



NORTHERN LAOS NEAR SAM NEUA

JANUARY 1988



"USA" CLEARLY VISIBLE

01 07 011501Z JUN 90 PP

1521506Z

CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L//
DIA WASHDC//DAM-1B/PW-MIA//
INFO * ZEN CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-CM//
CDRUSAINSCOM FT BELVOIR VA//IAOPS-H-C//
DA WASHDC//DAMI-POH/DAMI-FII//
JCRC LIAISON BANGKOK TH
CDR JCRC BARBERS PT HI
HQ AFMPC RANDOLPH AFB TX//DPMCB//

ROGER HALL
8715 First Ave., Apt. B27
Silver Spring, MD 20910
301-585-3361

PASS: DIA/PW-MIA FOR

0000

SERIAL: IIR 2 240 5010 90.

COUNTRY: LAOS (LA); VIETNAM (VM).

SUBJ: IIR 2 240 5010 90/HEARSAY, RE U.S. MIA ALLEGEDLY
ALIVE IN LAOS

GLORIA F. HORN,
GS-12, DET L, USAOG

EXHIBIT 46

363

000134

02 07 011501Z JUN 90 PP

1521506Z

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED

INTEL.

DEPARTMENT OF DEFENSE

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301.585-3361

DOI: 891212.

REQS: D-VOP-2430-03-90; D-VOP-43468.

SOURCE: //OTS 2 240 0011 90//, A U.S. FEDERAL AGENT
WHO OBTAINED THE INFORMATION IN THIS REPORT IN THE COURSE OF AND IN
CONJUNCTION WITH OTHER OFFICIAL DUTIES.

SUMMARY: A LAOTIAN EXPATRIATE AND SELF-DECLARED LAOTIAN
RESISTANCE GROUP LEADER CLAIMED THAT THE PATHET LAO COMMANDER OF
THE 11TH REGIMENT AT KHAM KEUT //GEOCOORD
KHAM MONAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE

115

03 07 011501Z JUN 90 PP

1521506Z

DISCUSSED A POSSIBLE RESCUE ATTEMPT.

TEXT:

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

1. SYNOPSIS. A LAOTIAN EXPATRIATE

CLAIMED IN A JUN 89 LETTER THAT THE PATHET LAO COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE WAS SUSPECTED OF HOLDING "D. HERLICKA." HE DISCUSSED A POSSIBLE RESCUE ATTEMPT. ADDITIONAL CORRESPONDENCE IN DEC 89 INDICATED THAT "HERLICKA" HAD BEEN HELD IN VINH PROVINCE, VIETNAM.

2. BACKGROUND. SOURCE OBTAINED COPIES OF CORRESPONDENCE BETWEEN SSC - 1 {SUBJECT 1}, AN EXPATRIATE LAOTIAN AND SSC - 2 {SUBJECT 2}, A FRENCH CITIZEN AND PERMANENT RESIDENT ALIEN IN THE UNITED STATES. THE CORRESPONDENCE WAS FREELY PROVIDED BY SSC - 2 ALONG WITH COPIES OF CORRESPONDENCE BETWEEN SSC - 2 AND SEVERAL U.S. CITIZENS CONCERNING INFORMATION PROVIDED BY SSC - 3 . SSC - 3 WAS

SSC - 3 DATA

DATA

SSC - 2 PROVIDED SOURCE NEWSPAPER

VB

04 07 011501Z JUN 90 PP

1521506Z

CLIPPINGS OF HIS OWN MIA "RESCUE" ATTEMPTS CIRCA 1985 AND 1986.

SSC-2 INDICATED THAT SSC-3 HAD NEW INFORMATION CONCERNING U.S. MIA STILL ALIVE IN LAOS, AND THAT HE, SSC-2, WAS WILLING TO PROVIDE INFORMATION TO THE U.S. GOVERNMENT.

3. CORRESPONDENCE IN REFERENCE TO U.S. MIA.

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301-585-3361

A. EXCERPT NAMING POSSIBLE MIA. THE FOLLOWING WAS TAKEN FROM A LETTER FROM SUBJECT 1 TO SUBJECT 2 DATED 27 JUN 1989, BANGKOK. "I AM TALKING TO COL CHAENG {BRIG GEN} PL COMMANDER OF THE 11TH REGIMENT AT KHAM KEUT, KHAM MONAME PROVINCE. SUSPECTING OF HOLDING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON.

8715 First Ave.
Silver Spring, MD 20910
301-585-3361

05 07 011501Z JUN 90 PP

1521506Z

B. DATE OF LOSS. THE FOLLOWING IS A NOTATION ON A BUSINESS LETTER FROM CARL W. CURTIS TO SUBJECT 2 DATED NOV 28, 1989. "MR. H- NO- STILL MISSING- YOUR NOTE IS NEW TO AIR FORCE, STATE, DIA. HAVE GIVEN THEM YOUR PHONE NUMBER THERE. SHOT DOWN 13 MAY 65. MANY STORIES UNTIL 67/68 WHEN ASSUMED DEAD."

C. LOCATION OF MIA. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO CARL DATED 12-2-89 BANGKOK. "D. H. WOULD BE DETAINED NOT FAR AWAY FROM VINH PROVINCE."

D. POSSIBLE RESCUE ATTEMPT. THE FOLLOWING IS A FAX FROM SUBJECT 2 TO RICK DATED 12-2-89 BANGKOK. "HOUMPHENG IS READY TO FREE SEVERAL US POWS AGAINST A SAFE PASSAGE TO THE US....D. HRDLICKA IS SAID TO BE DETAINED NEAR VINH PROVINCE. WHAT YOU COULD DO IS DOUBLE CHECK...".

SPECIAL COLLECTOR'S COMMENTS

1. SEARCH OF MIA RECORDS. DIA PERSONNEL MISSING IN ACTION COLLECTION SUPPORT DATA BASE LISTS AS MISSING IN ACTION -

NAME	SERNO	SERVICE	DOB	DATE/PLACE OF LOSS
HRDLICKA, DAVID LOUIS		USAF		650518 LA

06 07 011501Z JUN 90 PP

1521506Z

2. RELEASE OF INFORMATION TO NEXT OF KIN. DUE TO THE POSSIBLE CORRELATION OF THE NAME PROVIDED IN THIS REPORT WITH THE EVENT-RECORDED IN DIA MISSING IN ACTION RECORDS, THIS REPORT IS FORWARDED TO DEPARTMENT OF THE AIR FORCE PERSONNEL FOR POSSIBLE RELEASE OF PERTINENT INFORMATION ELEMENTS IN PARAGRAPH 3, A (U) TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR 2 240 5009 90, HEARSAY, RE U.S. MIA/C47 CREW ALLEGEDLY ALIVE IN LAOS. SOURCE PROVIDED THE INFORMATION IN THIS REPORT WILLINGLY AND WITHOUT EVASION. ANY EVALUATIONS IN RESPONSE TO THIS IIR SHOULD BE FORWARDED TO: CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L/IAGPC-CM//.

//IPSP: PG 2430//.

//COMSOBJ: 521//.

PROJ: 203000.

18

07 07 011501Z JUN 90 PP

ROGER HALL
8715 First Ave., Apt. 821
Silver Spring, MD 20910
801-585-3361

1521506Z

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER 1 CY, 890627, ¹APG (U), ENGLISH.

2. LETTER , 1 CY, 891128, 1P ENGLISH.

3. FAX , 1 CY, 891202, 1P, ENGLISH.

4. FAX , 1 CY, 891202, 1P, ENGLISH.

PREP: 2-10321.

ACQ: FT GEORGE G. MEADE, MD {900426}.

DISSEM: FIELD: NONE; SENT TO: DIA//RTS-2B/PW-MIA//

-



THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

CM-2730-73
4 JUN 1973

G

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS

Subject: U.S. Prisoners of War in Laos

EA NE
#6
c/92 ME

1. Reference is made to your memorandum, Op-00 00173-73, dated 18 May 1973, which discussed the U.S. PW/MIA situation in Laos and recommended that a CIA briefing on the subject be provided the JCS.

2. The following are the facts as they relate to CIA involvement in the current Laotian MIA situation.

a. CIA continues to conduct an active program to acquire intelligence relative to the status of U.S. MIA personnel. That Agency accords PW/MIA matters one of the highest priorities in its overall intelligence collection effort in SEAsia.

MT

COPY NO

9

DJSM-895-7

0527

EXHIBIT 47

000141

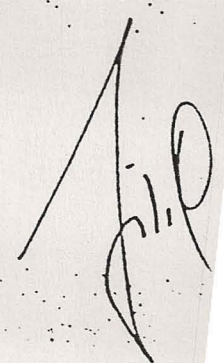
c. The CIA maintains close working level contacts with the Joint Casualty Resolution Center (JCRC) in much the same manner as it did with the JCRC's predecessor, the MACV Joint Personnel Recovery Center (JPRC). However, in order not to jeopardize the status of the JCRC and its humanitarian mission, any proposed covert effort should be tied to existing intelligence collection activities.

3. Since the PW/MIA intelligence collection effort in Laos is limited to that described above, it is not believed that a briefing of the Joint Chiefs of Staff by the CIA is warranted at this time.

(Sgd) T. H. MOORER

T. H. MOORER
Chairman
Joint Chiefs of Staff

Copy to:
CSA
CSAF
CMC

REGISTER OF PERSONNEL HANDLING CLASSIFIED DOCUMENT			DATE RECEIVED
RETURN TO			31 May 73
OFFICE, CHAIRMAN, JCS ROOM 2E865, THE PENTAGON			CLASSIFICATION
DOCUMENT NUMBER	COPY NUMBER	DATE OF DOCUMENT	
DJSM-895-73		31 May 73	
SUBJECT			
U.S. Prisoners of War in Laos			
THE ABOVE-DESCRIBED DOCUMENT HAS BEEN RECEIVED IN THIS OFFICE. CIRCULATION OF DOCUMENT WILL BE LIMITED TO INDIVIDUALS INDICATED BELOW. THE DOCUMENT WILL BE RETURNED ADMINISTRATIVE OFFICE FOR RECORD PRIOR TO DISPATCH TO ANOTHER OFFICE, OR OTHER DISPOSITION. THIS FORM WILL NOT BE REMOVED FROM SUBJECT DOCUMENT.			
TO	NAME	INITIAL	REMARKS
✓	CHAIRMAN, JCS	00	1 June 1973
3	EXECUTIVE	02	1. CNO indicated that CIA is pursuing a priority effort to determine what had happened to US POWs in Laos and suggested a brief
2.	THE ASSISTANT TO THE CHAIRMAN	01	
1	CHAIRMAN'S STAFF GROUP AIR FORCE MBR	01B	
	CHAIRMAN'S STAFF GROUP NAVY MBR	01C	
	CHAIRMAN'S STAFF GROUP MARINE MBR	01D	2. The attached report by DIA states that no special program is being undertaken and that a CIA briefing is not in order.
	CHAIRMAN'S STAFF GROUP ARMY MBR	01E	3. A proposed memorandum to CNO to this effect has been prepared for your signature.
	LEGAL ADVISOR AND LEGISLATIVE ASST	01F	4. <u>Recommend signature.</u>
	ASSISTANT FOR PUBLIC AFFAIRS	01G	Very respectfully,
	SPECIAL ASSISTANT	01H	EV TRUE
4	ADMINISTRATIVE ASSISTANT		
	ADMIN AIDE	03	
	AIR FORCE AIDE	05	
	MARINE AIDE	06	
	SOCIAL SECY	05A	

0529

TO: CJCS	CLASSIFICATION	FOR USE BY ORIGINATING DIRECTORATE DIA , 576/DI-6			
THRU: MARTIN B. COLLADAY Major General, USAF Director, Director Staff The Joint Staff		DJSM NO. 895-73	ODJS SUSPENSE DATE		
SUBJECT: U.S. Prisoners of War in Laos		DJSM DATE 31 May 73			
		ACTION			
		APPROVAL	SIGNATURE	INFORMATION	OTHER
		X			

REMARKS

1. Reference is made to:

a. A memorandum from the Chief of Naval Operations, OP-00 00017 73, dated 18 May 1973, which discussed the existing political impasse in Laotian negotiations relevant to a resolution of the status of U. MIA personnel, ^{Data} It stated that the Chief of Naval Operations was informed that the Central Intelligence Agency (CIA) is pursuing a "highest priority effort" directed specifically determining what has happened to U.S. MIAs in Laos. It further recommended that the Joint Chiefs of Staff receive a briefing from the CIA on its effort in this area.

b. ODJS Routing Slip No. 2030, dated 21 May 1973, which directed that DIA collaborate with J-3 in preparing a reply to your query.

2. The following facts are pertinent to CIA involvement in the current Laotian MIA situation.

a. DIA and J-3 (DOCSA) discussions with CIA points of contact and records of DOCSA monitoring of Laos activities indicate that the CIA has had, and currently conducts, an active program to acquire intelligence relative to the status of U.S. MIA personnel. This program is among the highest priority PW/MIA intelligence objectives.

ACTION OFFICER CAPT ADAMS, USN, DI-6 26230	COORDINATION/APPROVAL					
	OFFICE	NAME	EXTENSION	OFFICE	NAME	EXTENSION
	CIA	Mr. Horgan (143)	4055			
	J-3	LTC Schroeder	72650			
DATE OF PREPARATION						

cy 1 of 9 Cys

within the overall intelligence collection effort in SEAsia.
It is carried out by the assets, and within the organizational structure, of the CIA station in Laos.

METHODS

d. Since the PW/MIA intelligence collection effort in Laos is limited to that described above, it is not believed that a briefing of the Joint Chiefs of Staff is warranted.

3. DIA is collaborating closely where appropriate with CIA in regard to the current situation in Laos. A summary of the present PW/MIA situation in Laos as held in DIA files is as follows:

a. At present there are approximately 350 U.S. military and civilians listed as missing in action in Laos. Of this total, approximately 215 were lost under such circumstances that the Patriotic Laotian Front (PLF) probably has information regarding their fate.

b. Previous PLF mention of U.S. PWs detained in Laos included a statement on 3 October 1967 by the Pathet Lao Radio that, between 17 May and 16 September 1967, the Pathet Lao had "captured about a dozen U.S. pilots." Furthermore, on 2 February 1971 PLF spokesman Soth Phetrasy commented that "quelques dixaines ("some tens") of prisoners were being held by the Pathet Lao.

c. The Pathet Lao has made repeated claims of downing many U.S. aircraft. A 16 May 1973 broadcast reported that, from 17 May 1964 to 16 May 1973, 2,496 U.S. aircraft had been shot down over Laos. This would imply an enemy ability to account for some U.S. personnel involved.

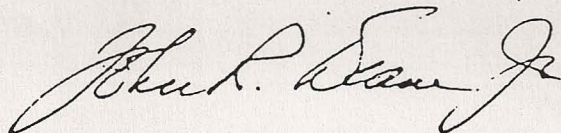
METHOD

e. All of the nine former U.S. PWs, whose names appeared on the "PLF List" of 1 February 1973, were in fact captured by NVA units operating in Laos along the Ho Chi Minh Trail and were moved to North Vietnam. Thus, the PLF has provided no accounting for U.S. personnel in its custody.

f. The cease-fire agreement, signed in Vientiane on 21 February 1973, provided for the exchange of prisoners. Article 5 of the Protocol states that all captured personnel, regardless of nationality, will be released and provides for an accounting of those personnel missing in action. The release of all PWs is scheduled to take effect within 60 days subsequent to the establishment of a Provisional National Union Government. According to the terms of the agreement, the Provisional Government was to have been implemented within 30 days of the signing of the cease-fire.

4. On the basis of the above discussion as it relates to the current CIA program of gathering intelligence on U.S. PWs/MIAs, this Agency recommends that a CIA briefing not be scheduled for the Joint Chiefs of Staff at this time.

5. All participating agencies concur in this recommendation.



Enclosure

JOHN R. DEANE, Jr.
Lieutenant General, USA
Acting Director



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D.C. 20350

IN REPLY REFER TO

Op-00:br
Op-00 Memo 000
18 May 1973

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subj: US Prisoners of War In Laos

1. The continuing failure of the two Lao parties to agree on a Provisional Government of National Union, as provided for in the Laos Agreement, has obstructed further progress toward achievement of some USG post-ceasefire objectives in Laos. Although the ceasefire has been effective in reducing the level of armed hostilities, the inability of the Royal Lao Government (RLG) and the Lao Patriotic Front (LPF) to fashion an accommodation on the political level has effectively arrested any movement toward an environment in which the status of American missing in action in Laos can be resolved. Additionally, ongoing bilateral, semi-official contacts between USG officials in Laos and senior representatives of the LPF have not revealed any cause to believe that this particular channel will provide helpful information in this matter; the LPF has steadfastly disclaimed all knowledge of any American POWs other than those few already released.

2. In this unsatisfactory climate it appears clear that a successful, ^{MT} US unilateral effort is essential if we are to properly resolve the status of these missing American fighting men; we owe them no less. I am informed that the Central Intelligence Agency is pursuing a "highest priority effort" directed at specifically determining what has happened to US MIAs in Laos.

3. In view of the direct and personal interest the Services have in this matter, I recommend that the JCS receive a briefing from the CIA on their effort in this area so that we may be confident this important humanitarian issue is receiving appropriate attention.

Copy to:
CSA
CSAF
CMC

E. R. ZUMWALT, JR.
Admiral, U.S. Navy

15 weeks 1963

John Hedlick,
24 Pravda street,
Moscow, USSR,

Dear Mrs. Evans.

In your letter you ask me whether I have any information on the destiny of your husband. I have visited the liberated areas of Laos several times in last three years but neither met your husband among the prisoners of war nor seen his name in the lists of the american fliers shot down over Laos.

I have met David Hedlick had an opportunity to talk to him and I think he is really Hedlick and not your husband.

I haven't met your husband's name in the lists of captured american pilots and in the lists of dead Americans.

2
which were published in the Democratic Republic of Vietnam.

Your attempts to find your husband, Mrs. Evans, are hindered by the fact that the United States don't recognize officially that they are at war in Laos. As is known Pentagon doesn't admit the fact that hundreds of American planes have been shot down over Laos and hundreds of pilots have been killed or captured in Laos. The life in the liberated areas is really hard. They are being bombed by the American aviation day and night, thousands of towns and villages are ruined.

Excuse me for not answering your previous letters.

Sincerely yours,
Tran Stuchetsov

17 July 1968.

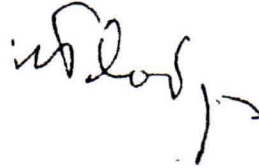
Dear Carol,

First of all, let me express my admiration of your devotion to your mission, the love mission. I received your letter, all the materials, met your lawyer, and had a talk with him. All these induced a great desire to contribute as much as I am able to your noble mission. Unfortunately, it is not much. I hope your lawyer will tell you about my general considerations of the matter. As to the facts, I can definitely confirm that the press conference took place in 1969. It is the only press conference in this region with the participation of American pilots I have ever attended. I write "pilots", though do not remember exactly one or two of them were there, but it seems to me that two. I know exactly that the pilots talked but I, myself, did not talk with them.

I wish you every success and hope that your efforts will end in coming your husband home in the nearest future, the more so that the political situation in the region of interest develops favorably. I also hope you will inform me of how the things go.

Best regards,
Sincerely yours,

Ivan Loboda



Received Monday
June 10th 1996

EXHIBIT 49

379

000150

April 21, 1992

MEMORANDUM FOR THE RECORD

SUBJECT: Document Destruction

1. Discrepancies concerning the destruction of Staff documents on 9 April 1992 prompted John McCreary, as Alternate Security Manager and author of the briefing text, entitled "Intelligence Briefing," to conduct further investigations into the disposition of the 15 copies of the Intelligence Briefing text.

2. Following a presentation of the Staff Intelligence briefing for the Staff designees on 8 April 1992, the Staff Director ordered that no copies of the briefing text should be removed from SRB-78. Both the Staff Director and the Deputy Staff Director returned their copies to the briefers and helped gather copies from the Designees. The Chief Counsel refused to use a copy during the briefing and did not have one in his possession at any time. A count of the copies following the briefing for the Staff designees indicated that two copies had been removed without authorization. One of these surfaced in the hand of Senator McCain during the 9 April 1992 briefing for the Select Committee.

3. Following the briefing to the Select Committee on 9 April, the Staff Director told the Staff to collect all copies of the briefing text held by the Investigators and to deliver them to Mr. Valentine, the Security Manager, for destruction. She also directed that all computer files be purged. When informed that at least one copy was missing, the Staff Director assured Mr. McCreary that she did not have a copy, having left hers in SRB-78 on 8 April, but that she would ask the Designees whether they had kept any copies and to return them and opined that a copy might be in the office of Senator Kassebaum. Subsequently, the Staff Director informed Mr. McCreary that she had located a copy in the office of Senator Kassebaum and directed that Mr. Valentine pick it up, which he did. She also asked whether McCreary had received Senator McCain's copy of the briefing text which he displayed during the briefing. McCreary replied that Senator McCain's copy was in Mr. Valentine's hands. The copies received from both Senators Kassebaum and McCain had had their staples removed, raising the possibility that additional copies had been made. Nevertheless, Mr. McCreary believed that all copies of the document in the possession of the investigative staff plus all that could be retrieved in response to the query of the Staff Director had been accounted for. They were given to Mr. Valentine for destruction on 9 April, as ordered. On reflection, McCreary recalled that the 15 copies were in addition to the original printed copy which McCreary delivered in person to Mr. Valentine. Thus, at least one copy of the briefing text remained unaccounted for.

4. What prompted further investigation was Senator Kery's statement during a Staff meeting at 162130 EDT April 1992 that all extraneous copies had been destroyed but that the original was deposited in the Office of Senate Security. Mr. McCreary was concerned about accountability for the documents because he personally had delivered the original to Mr. Valentine for destruction. The stated presence of the original report in the Office Senate Security was at variance with the orders the Staff Director gave to

McCreary and with Mr. McCreary's personal accounting of the original. This raised several possibilities concerning a lack of accountability for documents ostensibly destroyed but possibly removed without authorization or copied without authorization.

5. On 19 April 1992, while conducting a routine inventory of files in SRB-78, John McCreary found the original of a receipt signed by the Office of Senate Security for 15 copies of the briefing text ordered destroyed on 9 April. The receipt (attached) is dated 10 April 1992 and states "received for destruction."

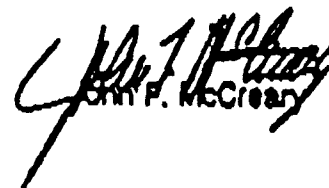
6. On 201200 EDT April 1992 McCreary in the company of Mr. Taylor asked Mr. DiSilvestro whether 15 copies of the document in question had been destroyed as indicated on the receipt. Mr. McCreary informed Mr. DiSilvestro that he (McCreary) had been ordered on 9 April 1992 to deliver to Mr. Valentine for destruction all copies of the document and to purge all computer files. Mr. McCreary accomplished these tasks in the presence of Mr. Valentine. McCreary wondered how the original could now be deposited in the Office of Senate Security and asked whether anyone had brought up a copy of that document during the week.

7. After conducting an investigation, Mr. DiSilvestro informed Mr. McCreary that the 15 documents were destroyed by shredding on 10 April 1992 in the presence of Mr. Valentine. Mr. DiSilvestro also stated that the Staff Director had arrived (a check of the Access Log indicated at 161307 EDT April 1992) after lunch and gave to Pat a sealed envelope to be held for the Staff Director's eyes only in the Office of Senate Security. (FOR THE RECORD: This event took place about an hour after the Staff was informed that Senator Smith had sent to Senator Kerry a memo stating his concern about document destruction.) McCreary asked to see the envelope to determine whether it contained a copy of the intelligence briefing text.

8. DiSilvestro stated that he could not ethically open the document. Nor could he provide a copy of the Access Log for 16 April 1992. He was asked to retain for the record a copy of the Access Log to the Office of Senate Security which also showed the departure of the Staff Director exactly one minute after her arrival. Mr. DiSilvestro advised that if the "Eyes Only" document was a Committee document, it must be made available to both the Democratic and Republican members.

9. A check at the Office of Senate Security on 21 April 1992 indicated that no member of the Committee or of the Staff had requested the Office of Senate Security to log in and to assign a control number to a document bearing any resemblance to the intelligence briefing text. The files of the Select Committee held by or under the control of Office of Senate Security contain no document bearing any resemblance to the intelligence briefing text.

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John F. McCreary

April 27, 1992

MEMORANDUM FOR: VICE CHAIRMAN, SENATE SELECT COMMITTEE ON
PRISONERS OF WAR AND MISSING IN ACTION

FROM: John F. McCreary

SUBJECT: Legal Misconduct and Possible Malpractice in the Select
Committee

1. As a member of the Virginia State Bar, I am obliged by Disciplinary Rule DR-1-103(a) to report knowledge of misconduct by an attorney "to a tribunal or other authority empowered to investigate or act upon such violations." Under Rule IV, Paragraph 13, of the Rules for the Integration of the Virginia State Bar, this obligation follows me as a member of the Bar, regardless of the location of my employment, for as long as I remain a member of the Virginia State Bar. Therefore, I am obliged, as a matter of law and under pain of discipline by the Virginia State Bar, to report to you my knowledge of misconduct and possible prima facie malpractice by attorneys on the Select Committee in ordering the destruction of Staff documents containing Staff Intelligence findings on 9 April 1992 and in statements in meetings on 15 and 16 April to justify the destruction.

2. The attached Memoranda For the Record, one by myself and another by Mr. Jon D. Holstine, describe the relevant facts, which I summarize herein:

a. On 9 April 1992, the Chairman of the Senate Select Committee, Senator John Kerry of Massachusetts, in response to a protest by other members of the Select Committee, told the Select Committee members that "all copies" would be destroyed. This statement was made in the presence of the undersigned and of the Staff Chief Counsel who offered no protest.

b. Later on 9 April 1992, the Staff Director, Frances Zwenig, an attorney, repeated and insured the execution of Senator Kerry's order for the destruction of the Staff Intelligence briefing text. I personally delivered to Mr. Barry Valentine, the Security Manager for SRB-78, the original printed version of the intelligence briefing text. I also verified that the original was destroyed by shredding in the Office of Senate Security on 10 April 1992, along with 14 copies.

c. On 15 April 1992, the Staff Chief Counsel, J. William Codinha of Massachusetts, when advised by members of the Staff about their concerns over the possible criminal consequences of destroying documents, minimized the significance of the act of destruction; ridiculed the Staff members for expressing their concerns;

and replied, in response to questions about the potential consequences, "Who's the injured party," and "How are they going to find out because its classified." Mr. Codinha repeatedly defended the destruction of the documents and gave no assurances or indications that any copies of the intelligence briefing text existed.

d. On 16 April, the Chairman of the Senate Select Committee, Senator John Kerry, stated that he gave the order to destroy "extraneous copies of the documents" and that no one objected. Moreover, he stated that the issue was "moot" because the original remained in the Office of Senate Security "all along."

e. I subsequently learned that the Staff Director had deposited a copy of the intelligence briefing text in the Office of Senate Security at 1307 on 16 April.

3. The foregoing facts establish potentially a prima facie violation of criminal law and a pattern of violations of legal ethics by attorneys in acts of commission and omission.

a. It is hornbook law that an attorney may not direct the commission of a crime. In this incident two attorneys, one by his own admission, ordered the destruction of documents, which could be violation of criminal law.

b. Neither the Staff Chief Counsel nor any member of the Select Committee made a protest or uttered words of caution against the destruction of documents, by admission of the Chairman, Senator Kerry. The Chief Counsel has an affirmative duty to advise the Staff about the legality of its actions, and, in fact, had earlier issued the general prohibition to the Staff against document destruction.

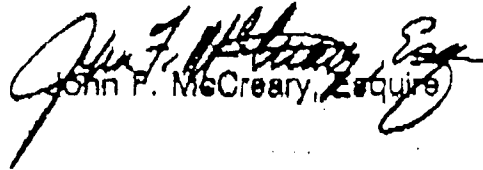
c. The Chief Counsel's statements during the 15 April meeting to discuss the document destruction showed no regard for the legality of the action and displayed to the Staff only a concern about getting caught. By his words and actions, he presented to the Staff investigators an interpretation of the confidentiality and security rules that the rules of the Select Committee may be used to cover-up potentially unethical or illegal activity.

d. The Staff Director's action in placing an unaccounted-for copy of the intelligence briefing text in the Office of Senate Security on 16 April constitutes an act to cover-up the destruction. Throughout the 16 April meeting, all three attorneys persisted in stating that the document had been on file since 9 April. This is simply not true.

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4. I believe that the foregoing facts establish a pattern of grave legal misconduct -- possibly including orders to commit a crime, followed by acts to justify and then to cover-up that crime. Even absent criminal liability, the behavioral pattern of the attorneys involved plays fast and loose with the Canons of Legal Ethics and establishes that one or more of the attorneys on the Select Committee are unfit to practice law. I am obliged to recommend that this report be filed with the appropriate disciplinary authorities of the State Bars in which these attorneys are members.


John F. McCreary, Esquire

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May 3, 1992

MEMORANDUM FOR: VICE CHAIRMAN, SENATE SELECT COMMITTEE ON
PRISONERS OF WAR AND MISSING IN ACTION

FROM: John F. McCreary

SUBJECT: Possible Violations of Title 18, U.S.C., Section 2071, by the
Select Committee and Possible Ethical Misconduct by Staff
Attorneys

1. Continuing analysis of relevant laws and further review of the events between 8 April and 16 April 1992 connected with the destruction of the Investigators' Intelligence Briefing Text strongly indicate that the order to destroy all copies of that briefing text on 9 April and the actual destruction of copies of the briefing texts plus the purging of computer files might constitute violations of Title 18, U.S.C., Section 2071, which imposes criminal penalties for unlawful document destruction. Even absent a finding of criminal misconduct, statements, actions, and failures to act by the senior Staff attorneys following the 9 April briefing might constitute serious breaches of ethical standards of conduct for attorneys, in addition to violations of Senate and Select Committee rules. The potential consequences of these possible misdeeds are such that they should be brought to the attention of all members of the Select Committee, plus all Designees and Staff members who were present at the 9 April briefing.

2. The relevant section of Title 18, U.S.C., states in pertinent part:

Section 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both. (June 26, 1948, ch. 645, 62 Stat. 795)

3. The facts as the undersigned and others present at the briefing recall them are presented in the attached Memorandum for the Record. A summary of those facts -- and others that have been established since that Memorandum was written -- follows.

a. On 8 April 1992, the Investigators' Intelligence Briefing Text was presented to Senior Staff members and Designees for whom copies were available

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prior to beginning the briefing. Objections to the text by the Designees prompted the Staff Director to order all persons present to leave their copies of the briefing text in Room SRB-78. Subsequent events indicated that two copies had been removed without authorization.

b. On 8 April 1992, at the beginning of the meeting of the Select Committee and prior to the scheduled investigators' briefing, Senator McCain produced a copy of the intelligence briefing text, with whose contents he strongly disagreed. He charged that the briefing text had already been leaked to a POW/MIA activist, but was reassured by the Chairman that such was not the case. He replied that he was certain it would be leaked. Whereupon, the Chairman assured Senator McCain that there would be no leaks because all copies would be gathered and destroyed, and he gave orders to that effect. No senior staff member or attorney present cautioned against a possible violation of Title 18, U.S.C., Section 2071, or of Senate or Select Committee rules.

c. Following the briefing on 8 April, the Staff Director, Ms. Frances Zwenig, restated to the intelligence investigators the order to destroy the intelligence briefing text and took measures to ensure execution of the destruction order. (See paragraph 3 of the attachment.) During one telephone conversation with the undersigned, she stated that she was "acting under orders."

d. The undersigned also was instructed to delete all computer files, which Mr. Barry Valentine witnessed on 9 April.

e. In a meeting on 15 April 1992, the Staff's Chief Counsel, J. William Codinha, was advised by intelligence investigators of their concerns about the possibility that they had committed a crime by participating in the destruction of the briefing text. Mr. Codinha minimized the significance of the documents and of their destruction. He admonished the investigators for "making a mountain out of a molehill."

f. When investigators repeated their concern that the order to destroy the documents might lead to criminal charges, Mr. Codinha replied "Who's the injured party." He was told, "The 2,494 families of the unaccounted for US Servicemen, among others." Mr. Codinha then said, "Who's gonna tell them. It's classified." At that point the meeting erupted. The undersigned stated that the measure of merit was the law and what's right, not avoidance of getting caught. To which Mr. Codinha made no reply. At no time during the meeting did Mr. Codinha give any indication that any copies of the intelligence briefing text existed.

g. Investigators, thereupon, repeatedly requested actions by the Committee to clear them of any wrongdoing, such as provision of legal counsel. Mr. Codinha admitted that he was not familiar with the law and promised to look into it.

He invited a memorandum from the investigators stating what they wanted. Given Mr. Codinha's statements and reactions to the possibility of criminal liability, the investigators concluded they must request appointment of an independent counsel. A memorandum making such a request and signed by all six intelligence investigators was delivered to Mr. Codinha on 16 April.

h. At 2130 on 16 April, the Chairman of the Senate Select Committee, convened a meeting with the intelligence investigators, who told him personally of their concern that they might have committed a crime by participating in the destruction of the briefing texts at the order of the Staff Director. Senator Kerry stated that he gave the order to destroy the documents, not the Staff Director, and that none of the Senators present at the meeting had objected. He also stated that the issue of document destruction was "moot" because the original briefing text had been deposited with the Office of Senate Security "all along." Both the Staff Director and the Chief Counsel supported this assertion by the Chairman.

i. Senator Kerry's remarks prompted follow-up investigations (See paragraphs 4 through 9 of the attachment) and inquiries that established that a copy of the text was not deposited in the Office of Senate Security until the afternoon of 16 April. The Staff Director has admitted that on the afternoon of 16 April, after receiving a copy of a memorandum from Senator Smith to Senator Kerry in which Senator Smith outlined his concerns about the destruction of documents, she obtained a copy of the intelligence briefing text from the office of Senator McCain and took it to the Office of Senate Security. The access log maintained by the Office of Senate Security establishes that at 1307 EDT on 16 April the Staff Director entered the Office of Senate Security. Office of Senate Security personnel confirmed that the Staff Director gave them an envelope, marked "Eyes Only," to be placed in her personal file. The Staff Director has admitted that the envelope contained the copy of the intelligence briefing text that she obtained from the office of Senator McCain.

3. The facts of the destruction of the intelligence briefing text would seem to fall inside the prescriptions of the Statute, Title 18, U.S.C., Section 2071, so as to justify their referral for investigation to a competent law enforcement authority. The applicability of that Statute was debated in *United States v. Poindexter*, D.D.C. 1989, 725 F. Supp. 13, in connection with the Iran-Contra investigation. The District Court ruled, *inter alia*, that the National Security Council is a public office within the meaning of the Statute and, thus, that its records and documents fall within the protection of the Statute. In light of that ruling, the Statute would seem to apply to this Senate Select Committee and its Staff. The continued existence of a "bootleg" copy of the intelligence briefing text -- i.e., a copy that is not one of those made by the investigators for the purpose of briefing the Select Committee -- would seem to be irrelevant to the issues of intent to destroy and willfulness; as well as to the issue of responsibility for the order to destroy all copies of the briefing text, for the attempt to carry out that order, and for the destruction that actually was accomplished in

execution of that order.

4. As for the issue of misconduct by Staff attorneys, all members of the Bar swear to uphold the law. That oath may be violated by acts of omission and commission. Even without a violation of the Federal criminal statute, the actions and failures to act by senior Staff attorneys in the sequence of events connected with the destruction of the briefing text might constitute violations of ethical standards for members of the Bar and of both Senate and Select Committee rules. The statements, actions and failures to act during and after the meeting on 15 April, when the investigators gave notice of their concern about possible criminal liability for document destruction, would seem to reflect disregard for the law and for the rules of the United States Senate.

John F. McCreary

Attachment: a/s

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September 19, 1992

MANIFESTO

SENATOR JOHN KERRY AND SOME MEMBERS OF THE SENATE SELECT COMMITTEE ON POWS AND MIA AFFAIRS, ABETTED BY THE STAFF DIRECTOR, are repeating the same act of national betrayal that they are accusing Henry Kissinger of committing -- knowing abandonment of US military men.

The difference is that Kerry has more and better intelligence information than was ever available to Nixon and Kissinger.

1. Committee members now know that overhead photography has detected numerous distress signals etched out in rice paddies and clearings in Laos during the decades since Homecoming.

2. The Committee members have the benefit of intercepted messages that Kissinger did not have, indicating movement of prisoners in Laos.

3. The Committee members have information from numerous sources of underground prisons not only in Hanoi but in other cities of North Vietnam in which prisoners have been or are still held.

4. The Committee has the benefit of intelligence collection during 19 years and over 1,000 sighting reports of live prisoners, less than a quarter of which have even received analysis.

5. The Committee has the benefit of sources of reporting from Laos who have passed multiple polygraph tests in reporting sightings of US POWs in northeastern and northern Laos.

6. The Committee has irrefutable evidence of DIA malfeasance, outright mendacity, and staggering incompetence in

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its stewardship of the POW Issue. The Committee has benefit of the findings of Brooks, Galnes and Tighe that the DIA data base is a waste land, its analysts are burned out, and that its collection and analyses are not honest efforts.

7. The Committee has official documents that in 1973 the US expected some 1,360 or more men to return and wrote them off.

8. The Committee knows that in 1981 the Vietnamese made an offer to sell them back and the Committee has other evidence that this might not have been the only offer.

9. The Committee knows that the Vietnamese and Lao lied repeatedly even when the US knew they had men, and has the benefit of the experiences of Emmet Kay and of Robert Garwood to prove the deceptive practices.

10. The Committee members know that John Kerry ordered the destruction of the briefing text that contained the findings of the investigators that US military men remain alive and in captivity in Vietnam and Laos through 1989 and which constitutes the most recent independent review of the intelligence.

John Kerry has admitted that the DIA effort is a disaster. The Committee knows that DIA analysts have lied under oath and that they have abused immigrants and American citizens of Asian descent.

The Committee members know that John Kerry has suppressed and harassed the Vice Chairman so that pertinent information has not come to the public's attention.

The Committee members know that John Kerry nor others have asked the difficult questions prepared by the Staff regarding live sightings.

The Committee members know that the Committee's effort is

neither complete nor honest; that John Kerry and his Staff Director and aides have distorted the definitions of MIA status and engaged in legal slight of hand and in semantic games to mislead and deceive the people.

The Committee members know that the fraud investigation is a fraud in that it harasses the very people whose support made the Committee possible, and that it should be more profitably directed against the executive branch.

Despite all that the Committee and Staff have discovered and all that it has concluded, John Kerry insists

- that the "universe" is only 133 discrepancy cases;**
- that the POW issue will be resolved this year;**
- that no one remains alive and in captivity;**
- that this is an honest effort;**
- that this is the final chapter.**

John Kerry and some Committee members and senior staff stand accused of high crimes and misdemeanors, TO WIT;

- they have destroyed government documents;**
- they have participated knowingly in and perpetuated the abandonment of US military personnel in captivity, an act of national betrayal;**
- they conspired to cover up and suppress information on their actions and those of others in this act of national betrayal;**
- they have lied to the American public;**
- they have perpetrated fraud on the American people;**
- they have abused legal process in mounting fraud investigation against 50 organizations whose efforts directly contributed to the creation of the very Committee now investigating them;**
- they have violated the oaths, rules, and ethics of the United States Senate, ignoring oaths of confidentiality and compromising the integrity of the oversight responsibilities of the Senate;**
- those who are lawyers have violated the canons of**

*legal ethics in the bars of the States in which they are members;
- they have consulted, consorted, and conspired with a
hostile power to deceive the United States Congress and People,
taking direction and guidance from the leaders of Vietnam.*

**THIS MANIFESTO DEMANDS THE APPOINTMENT
IMMEDIATELY OF A SPECIAL PROSECUTOR TO INVESTIGATE
THIS COMMITTEE AND THAT THE MEMBERS OF THE COMMITTEE
AND THE STAFF DIRECTOR SHOW CAUSE AS TO WHY THEY
SHOULD NOT BE IMPEACHED.**

See 1-1 (cover page missing)

LAOS

A. BACKGROUND INFORMATION

1. When the Democratic Republic of Vietnam (DRV) and the Provisional Revolutionary Government (PRG) released their lists of U.S. prisoners to the United States Government on 27 January 1973, none of the names of men known to have been captured in Laos appeared on either list. The absence of any names of U.S. prisoners from Laos on either the DRV or PRG lists was particularly disconcerting because it was known at the time that a small number of Americans had been captured in Laos, moved to North Vietnam for detention, and were still in North Vietnamese prison camps. As a result of pressure applied by U.S. officials, a list of nine American prisoners and one Canadian prisoner captured in Laos was produced in Paris on 1 February 1973.

2. Some of the circumstances leading to the release of these ten men became complicated due in part to a question of whose prisoners they were, the Pathet Lao's or the North Vietnamese'. The list of "Laos prisoners" was far below expectation because it contained the names of only ten individuals: nine Americans (seven military and two civilian) and one Canadian. The list was also below expectation in two other regards:

a. It contained absolutely no information on men who died in captivity (both the DRV and the PRG lists provided names of men who died in captivity).

b. It contained the names of men who were apparently captured by the North Vietnamese troops operating in Laos, not by Pathet Lao forces. The North Vietnamese, on their part, created the facade that these ten "Laos prisoners" were truly captives of the Pathet Lao, not the North Vietnamese. For example, the North Vietnamese actually produced the list of the ten "Laos prisoners." However, when they released the list, the North Vietnamese maintained they were "informed by the Pathet Lao that the ten personnel on the list had been captured in Laos."

EXHIBIT 51

6. Since *Operation Homecoming*, the Pathet Lao claim to hold no other U.S. personnel except Mr. Emmet J. Kay, captured in Laos on 7 May 1973. On 6 April 1973, Soth stated that the Pathet Lao are holding no more prisoners in Laos, and he went on to say that the U.S. prisoners returned on 28 March 1973 in Hanoi were the only ones the Pathet Lao held.

B. CURRENT SITUATION

1. Although the Pathet Lao claim that *Name* is the only U.S. prisoner currently held in Laos, the following unconfirmed reports provide information to the contrary:

a. Eyewitness Sighting of a Small Group of Caucasian PWs in the Sam Neua Area Prior to *Operation Homecoming*.

During previous years there have been numerous U.S. PW sightings in the Sam Neua area (see map, Appendix A, point A). However, the most recent eyewitness sighting of a small group of U.S. PWs still being held in that area occurred between January and May 1972. A telephone lineman serving with the Pathet Lao reported that he entered a man-made cave on three occasions during January-May 1972 to repair the telephone line running into the cave. On all three occasions, he claimed to have observed seven or eight male Caucasians and a small number of indigenous prisoners. He was allegedly told by Pathet Lao guards that the Caucasian males were American prisoners. According to the lineman, two Pathet Lao guards were stationed outside the cave entrance door, and these guards controlled entry into the cave. In the immediate vicinity of the cave, security was provided by a Pathet Lao guard element of fifty men. His information has not been confirmed by any subsequent reports, and the identities of the Caucasian prisoners he allegedly saw cannot be determined. Moreover, debriefing information established that none of the ten "Laos returnees" was ever detained in Sam Neua; consequently, this fact eliminated the possibility that any of them correlated to the alleged Caucasians sighted in that area.

b. Two Hearsay Reports Concerning U.S. PWs in Laos after *Operation Homecoming*.

(1) One report concerning the possibility of a single American prisoner being held in Khammouane Province, Laos, was supplied by a controlled source who provided his information fourth hand. The source reported that a U.S. pilot was moved from Bung Kwang to nearby Namthon (see map, Appendix A, point B) on 27 December 1973.

3. The Canadians also became involved in this confusing situation shortly after the release of the list of "Laos prisoners." On about 3 February 1973, Canadian officials met with the Pathet Lao and North Vietnamese representatives in Vientiane in an attempt to have Mr. Lloyd Opperl, the Canadian national whose name appeared on the list, released to the Canadians. Responding to the Canadian request, Soth Petrasay (permanent Pathet Lao representative in Vientiane), disclaimed any knowledge of the list or of an agreement to release prisoners captured in Laos through Hanoi. During another meeting with Soth later in February 1973 regarding Mr. Opperl's release, Soth indicated he was not familiar with the subject and would inquire through Pathet Lao Headquarters in Sam Neua. However, on 6 March 1973, Soth informed the Canadians that Mr. Opperl would be released very soon, and he indicated that the modalities of the release would probably involve Mr. Opperl's being flown back to Vientiane where the official return would take place in a "small ceremony" at the airport there.

4. During the time the Canadians were negotiating for the release of Mr. Opperl, similar inquiries were being sought concerning the release of the nine Americans. Approximately two weeks after the release of the list of "Laos prisoners," Soth declined to give detailed comments concerning U.S. prisoners in Laos, but said that a detailed accounting of prisoners and their places of detention was held by the Pathet Lao and that the exchange of prisoners would take place upon the cessation of fighting in Laos. Further reiterating that the exchange was to occur in Laos, he emphatically stated: "If they (the prisoners) were captured in Laos, they will be returned in Laos." Moreover, on 17 February 1973, Soth was told that at a press conference Dr. Kissinger had stated that the responsibility for the identification and repatriation of all prisoners captured in Indochina had been taken by the DRV. To this statement Soth replied: "Whatever U.S. and North Vietnam agreed to regarding prisoners captured in Laos is not my concern. The question of prisoners taken in Laos is to be resolved by the Lao themselves and cannot be negotiated by outside parties over the heads of the Lao."

5. Despite a few delays and Pathet Lao insistence that prisoners captured in Laos would be returned in Laos, the ten "Laos prisoners" were released at Gia Lam Airport in Hanoi on 27 March 1973. The nine Americans and one Canadian were turned over to their respective receiving delegations, and Lt Col Thoong Sing, head of the Pathet Lao delegation in North Vietnam, was in attendance at the release ceremonies.

(2) Another controlled source, supplying thirdhand information, reported that in September 1973 nine U.S. prisoners were being held with four Thai and 82 Lao prisoners at a Pathet Lao/North Vietnamese Army PW camp at Pha Dakthong (see map, Appendix A, point C). According to source's information, the nine American and four Thai prisoners were sent to Hanoi during September 1973. The validity of this information has not been ascertained. The information does not correlate either to any previously received reports or to any confirmed data. Based on a review of this report, the only possibly equatable information is that there were nine Americans captured in Laos who were released in Hanoi during *Operation Homecoming*; however, this may only be a coincidence.

(3) In both of the above-mentioned reports, the sources were not able to provide any details regarding the descriptions or capture circumstances of the alleged American prisoners. Both of the above reports are viewed as unconfirmed until additional information is received.

2. Although recent reports and sightings of U.S. prisoners in Laos have been unconfirmed, it is clear that the Pathet Lao had captured some U.S. personnel who were not released. Regarding this point, on the day preceding the release of the ten "Laos prisoners," a U.S. official expressed to Soth the U.S. Government's hope that the Pathet Lao were holding additional U.S. prisoners other than those appearing on the list. At the time, U.S. officials brought up the names of Mr. Eugene Debruin, U.S. civilian, and Lt Col David Hrdlicka, USAF, and showed Soth Petrasz photographs of both men in captivity that had appeared in Pathet Lao publications. Neither PW was on the list for release, and the Pathet Lao had not provided any information on their current fate. At this meeting, Soth was also given a copy of a May 1966 memorandum of conversation in which he acknowledged that the Pathet Lao were holding Mr. Debruin and that he was in good health. Soth replied he would refer the matter of other U.S. prisoners in Laos to his superiors in Sam Neua. Mr. Debruin and Lt Col Hrdlicka are examples of the few men who were definitely known to have been captured by the Pathet Lao, but were not released. The Pathet Lao have yet to provide any information regarding the fate of these men.

3. The Pathet Lao themselves have made various statements over the years that indicate their knowledge of U.S. PWs in Laos. The following examples illustrate such statements:

a. In September 1968, Soth Petrasz told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

b. In the course of a February 1972 interview, Soth made a statement to the effect "that some tens of prisoners are presently being held" by the Pathet Lao.

c. During an April 1972 interview, Soth spoke about prisoners, including many U.S. airmen, being detained in secured areas inside various caves in northern Laos.

d. On ~~the~~ April 1972, Soth reportedly stated that "there are many American PWs held in liberated areas of Laos," but he would not provide specific figures.

e. During an April 1971 interview with a Swedish correspondent, Prince Souphanouvong, Chairman of the Lao Patriotic Front Central Committee, was asked to comment on the Pathet Lao policy toward captured enemy soldiers and American pilots. In response, Prince Souphanouvong made the following statement:

"The LPF (Lao Patriotic Front) has made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GIs. All the American pilots engaged in bombings or toxic chemical sprays on Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with the humane policy of the LPF. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

Prince Souphanouvong's statement, together with statements made by Soth Petrasz, indicates that the Pathet Lao were holding American prisoners. As previously mentioned, the ten "Laos returnees" during ~~Operation Homecoming~~ were captured and held by the North Vietnamese, not the Pathet Lao, and, with one exception, they were moved expeditiously out of Laos to North Vietnam. Their experiences do not conform to the statements mentioned above. Therefore, if true, the Pathet Lao statements cited above refer to PWs other than the ten released during Operation Homecoming.

C. SUMMARY

There is no doubt that the Pathet Lao have yet to provide even a partially satisfactory accounting of the approximately 300 U.S. personnel unaccounted for in Laos. This accounting should be provided as the February 1973 Vientiane Peace Agreement and associated protocols are implemented. Because there has not been an official accounting furnished by the Pathet Lao and since there are only unconfirmed reports of U.S. PWs alive in Laos except for Mr. Kay, one can only speculate about the current fate of the Americans who were known to have been held captive by the Pathet Lao in previous years.



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

HQ AFMPC/DPMCB
550 C Street West Suite 15
Randolph AFB TX 78150-4717

4 November 1994

Mrs. Carol A. Hrdlicka
Route 1, Box 24
Conway Springs KS 67031

Dear Mrs. Hrdlicka,

In late 1992 analysts of the Defense Intelligence Agency and Joint Task Force - Full Accounting reviewed all American losses in Cambodia and Laos from the Vietnam War. This review identified priority discrepancy cases for investigation specifically to help resolve the live prisoner question. Forty-four cases involving 81 individuals from Laos and 10 cases involving 18 individuals from Cambodia were selected. The categories of the discrepancy cases identified were "Listed as POW at Homecoming" and "Last Known Alive." The vast majority of these cases have been investigated at least once, and further investigations are likely.

The last known alive discrepancy case listings were not made public, primarily because they were prepared for use as investigative tools and considered working lists. However, because these lists have always been unclassified and available to anyone who asked for them, some families have learned of their existence.

To avoid other families learning of their loved ones name being on one of these lists through other than official sources, the Defense POW-MIA office has asked that we inform our families in this regard.

This is to advise you that the name of your husband, Colonel David L. Hrdlicka, appears on the "Listed as POW at Homecoming" priority discrepancy list for Laos.

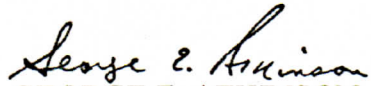
For your information, a discrepancy case involves an unaccounted for individual about whom the United States Government has convincing evidence that the government of Vietnam, Laos, or Cambodia should have specific knowledge about the case.

This is a group of individuals who, during the Vietnam War, were classified by their commanding officers and Service Secretaries as POWs, but did not return during Operation Homecoming (February - April 1973). These cases also are known to many families as "last known alive" due to their POW status. There were 97 individuals from Southeast Asia who are so listed. Subsequently, 42 "listed Pows" have been accounted for through unilateral Vietnamese remains repatriations.

As in the past, we will keep you apprised of any new information received concerning Colonel Hrdlicka's case.

Please contact us on our toll free telephone line 800-531-5501 if you have questions concerning this matter.

Sincerely


GEORGE E. ATKINSON
Chief, Missing Persons &
Inquiries Division

[REDACTED]

UNCLASSIFIED

BACK-UP E&E CODE LETTERS

LETTER

IDENTIFICATION

USED FROM
(DATE/DATE)

A
X
K
L
R
P
F
N
M

FOOT
↑

[REDACTED] ALPHA

[REDACTED] XRAY

WALKING
[REDACTED] KILO

[REDACTED] ROMEO

[REDACTED] PAPA

[REDACTED] FOXTROT

[REDACTED] NOVEMBER

[REDACTED] MIKE

[REDACTED]

[REDACTED]

[REDACTED]

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SPECIAL HANDLING REQUIRED
NOT RELEASABLE TO
FOREIGN NATIONALS

The information contained in this document will not be disclosed to

EXHIBIT 53

401

000170

UNCLASSIFIED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 04-814 (RCL)
)
CENTRAL INTELLIGENCE)
AGENCY,)
)
Defendant.)
_____)

2016 AFFIDAVIT OF ROGER HALL

I, Roger Hall, declare and say as follows:

1. I am a plaintiff in this case. In 1993, while a student at the University of Maryland, I began researching the Missing in Action/Prisoners of War issue, particularly as it relates to the Vietnam War. I have been involved in it ever since. As a result, I am familiar with government records on the issue. I have reviewed all of the CIA's productions in this case.

2. The available evidence shows that the CIA was deeply involved, with other government agencies, in matters concerning missing POWs and MIAs. The CIA had key responsibility for these matters in Laos. The CIA claims to have produced or otherwise identified all records that it could locate, responsive to plaintiffs' FOIA requests, after reasonable searches, and to have released all disclosable information. As will be shown below, this claim is not well-founded.

The exhibits cited in this affidavit, with "2015" following the exhibit number, were produced by the in this litigation by the CIA, in 2015.

A. A CHRONOLOGICAL OVERVIEW

1964-1969

CIA list of POWs in Laos

3. William Sullivan was Ambassador to Laos from 1964 to 1969. I obtained a copy of his deposition before the Senate Select Committee on POW/MIA Affairs ("SSC/POW"), 103d Congress, from the files on that Committee at the National Archives and Records Administration ("National Archives" or "NARA"). Sullivan testified that he had direct oversight over the Central Intelligence Agency, that they "worked for me." SSC/POW Deposition of William Sullivan, Ambassador to Laos, Exhibit 7 at Bates 23. Sullivan testified that there were occasions when they were able to get information of POW/MIAs, and that where they obtained information regarding those who had been captured, they "were fed into the POW/MIA system and that person was obviously carried on the list as being a POW/MIA rather than MIA or dead." Id. I have not been provided with records containing such information. In particular, I have not been provided with the "list" referred to by Ambassador Sullivan.

Records of Pathet Lao and North Vietnamese broadcasts identifying POWs

4. Sullivan also testified that the Pathet Lao and North Vietnamese would broadcast information identifying POWs. *Id.* Exhibit 7, Bates 24-25. I have not been provided with records pertaining to such broadcasts.

1964

No MACVSOG records of joint CIA/DOD intelligence in Laos

5. Exhibit 39, Bates 240-241, is an undated table of contents for a Draft MACSOG Documentation Study (Military Assistance Command Studies and Observation Group), which describes the cooperation between the Department of Defense (“DOD”) and the Central Intelligence Agency (“CIA”) with respect to covert operations in Vietnam and Laos prior to 1964. It memorializes arrangement for the CIA and MACSOG to work together on POW matters, and demonstrates that MACSOG tracked live POWs. In addition to confirming a connection between SOG and the CIA, this document makes several references to "SASCA," or "OSACSA," which appear to be acronyms for joint CIA/DOD efforts. The CIA produced only one document, dating to 1971, that refers in any way to SACSA. I have not been provided any other records referring to SACSA or MACSOG, notwithstanding that Section 3 of Part II the study is titled, "DOD Support of CIA (Covert/PW Operations)" (*id.* at Bates 190), and Section 5 is titled, "The CIA Program." *Id.*

1965

1965 Laos raid, Duck Soup, Hrdlicka

6. "Duck Soup" was an attempt to rescue then Captain David Hrdlicka and Captain Charles B. Shelton in the Sam Neua area of Laos. These two POWs held by the Pathet Lao escaped with the assistance of CIA assets, including Air America, American military assets, indigenous assets within Pathet Lao Headquarters, and Controlled American Source ("CAS") personnel from the H'mong tribe of Northern Laos and Royal Laotian Government. One American participant was Air Force pilot Clifford Reese who flew air cover for the Air America Duck Soup rescue of Hrdlicka and Shelton, but they were recaptured. This information is corroborated to a considerable extent by a FLASH telegram from Laotian Ambassador William Sullivan dated June 20, 1965. See Carol Hrdlicka Affidavit.

7. In 1965 there was also a rescue under the auspices of CIA proprietary Air America, using resupply helicopters from an operation codenamed "DUCK SOUP." CIA has not provided any documents related to this operation.

May 1965

8. In May of 1965 two American pilots were being held in the home of Communist General Singkapo in Laos. The pilots were not handcuffed and were provided with items of personal hygiene. They were quiet and looked worried, one

was tall and balding. The other was also tall and had a heavy built and round face. I haven't received any records regarding these POWs.

9. Exhibit 91, Bates 278-282, is a CIA Intelligence Information Report of an American prisoner defector near Ban Nakay in 1966. The CIA has failed to provide any additional information regarding this report.

Debriefing Site for Captured U.S. Pilots in Vinh Phu Province, Vietnam

10. I received from a member of an American POW family a CIA document, an Intelligence Information Report from the Directorate for Plans whose subject is the "Preliminary Debriefing Site for Captured U.S. Pilots in Vinh Phu Province. . . ." Vietnam. It reports on the location of a debriefing facility for U.S. pilots shot down over Vinh Phu Province. The site was located at the Lam Thao Superphosphate Plant. See Exhibit 22 at Bates 73, DOI 1965-June 1967. The CIA did not provide me with this record or any other documents pertaining to this debriefing facility or the fate of that POW or any other POWs taken to that facility.

April 8, 1967

11. Exhibit 71, Bates 241-243, is a CIA Intelligence Information Cable sent on April 8, 1967. It reports that three American prisoners were at Houei Vong in Houa Phan Province, and had been moved there from Ban Nakay Teu, in March of 1966. I have been provided with no records regarding this transfer or any follow-up intelligence on these three American POWs.

May 1967

12. Exhibit 49, Bates 217, is a CIA Telegram Cover Page dated May, 1971. The subject is the capture of two U.S. pilots during a three-day air attack in the Sam Neua area of Houa Phan Province. It appears that a page of this document is missing. The CIA has not provided the identification of these two pilots.

13. Exhibit 92, Bates 283, is a Central Intelligence Information Cable regarding the capture of two U.S. pilots during a three-day air attack in the Sam Nuea Area in May 1967. This appears to be an incomplete document, missing one or more pages. The CIA should be able to provide list and names of all prisoners present.

1966 or 1967

CIA cables re inside info on live POWs in Laos; 1967 Hrdlicka Rescue

Attempt

14. Major General (then-Major) Richard Secord was Laos Chief of Air, Central Intelligence Agency, 1966-1968. See Exhibit 8, Bates 29-33, Senate Select Committee, Testimony of Major General Richard Secord, Laos Chief of Air, Central Intelligence Agency, September 1992. Secord testified that he had been involved in an abortive attempt to rescue David Hrdlicka and two other POWs in 1966 or 1967, stating, "you would have to go to CIA to get all those cables, but there's a raft of cables on that." Bates 31. He also testified that "[w]e knew that

they existed alive because we had an agent inside. We knew their names. We knew where they were." Id. I have not been provided any records related to this rescue, nor records emanating from the "inside agent," much less a "raft of cables."

July 29, 1967

15. Exhibit 86, Bates 267-268, is a CIA Intelligence Information Cable dated July 29, 1967, subject. "Building located on Red River Island might House American POWS." I have not been given any information regarding this. The CIA should be able to locate records on this. The record does not reflect any effort by the CIA to conduct the required searches.

1967—Soviet Union

Transfer of POWs from Vietnam through Czechoslovakia to the Soviet Union

16. Jan Sejna was a Czechoslovakian communist who served as Chief of Staff to the Minister of Defense, as First Secretary to the Communist Party, and as Chief of Staff of the Minister of Defense. Exhibit 13, Bates 40-50, is a November 1992 Deposition of Jan Sejna, Senate Select Committee. Sejna testified, among other things, that on three or four occasions he saw American POWs in Prague, and that after staying there for about a week they were transferred to the Soviet Union. Id. at 48-49.

17. According to Sejna, these groups of U.S. POWs numbered about 20 to 25, all of whom were taken from Vietnam to Czechoslovakia, and then to the Soviet Union. The first group he recalled seeing was in 1967. Id. at 48. At the time he saw these POWs, Sejna was First Secretary of the Communist Party to the Minister of Defense. Id.

18. After he was hired by the Defense Intelligence Agency in 1981, Sejna was interrogated by DIA about his knowledge of U.S. POWs being moved through Czechoslovakia to the Soviet Union. Id. at 47-49. The Air Force tasked the CIA to search archived intelligence reports, as well as current sources, and defectors. Id. at 42 See also Exhibit 14(a), Bates 54-57, October 1996 Jan Sejna testimony, House Armed Services Committee Hearing on POW/MIA Issues. I have not been provided any records relating to the transfer of U.S. POWs from Vietnam through Czechoslovakia to the Soviet Union.

1967

1967 Raid on Mahaxay, Laos

19. Secord also stated in his deposition, Exhibit 9, Bates 35, Senate Select Committee, Deposition Richard V. Secord, that the CIA did conduct a raid—he thought it was in late 1967—in connection with Americans who were reportedly being held at Mahaxay, Laos. Id. at Bates 37-38. Secord refers to photography

taken in connection with this planned rescue attempt in Mahaxay, Laos raid. Id. at Bates 38. I have not been provided with photography pertaining to this raid.

April, 1968

20. Exhibit 88, Bates 270-271, is a State Department Telegraph, written in April, 1968. It recites that the North Vietnamese charge shifted to a bantering style, thanking the U.S. for delivering an F-111 to them so that they could study its electronic system. The U.S. asked the Soviet attaché whether the Soviets had yet received a full briefing on the system. The CIA needs to provide the name of the pilot related to this incident and other POW information related thereto.

June 1968

21. Exhibit 93, Bates 285, is a CIA Intelligence Information Cable dated June 25, 1968, regarding the transfer of two American Pilots held captive in Laos to North Vietnam. The CIA must provide the names of the POWs that were transferred to Vietnam and information relating to their circumstances.

22. Exhibit 85, Bates at 265-266, is a CIA Telegram sent on June 25, 1968, that concerns in part the transfer of two American pilots held captive in Laos, to North Vietnam. It reports that on June 10, 1968, two of four American pilots held prisoners in Tham Sua Cave south of Ban Nakay Neua/VH /1965, in Houa Phan Province, Laos were sent to Hanoi, North Vietnam. Prior to being sent to Hanoi, one of the American pilots, described as an older man, killed three North

Vietnamese Army soldiers when they attempted to interrogate him. The elder pilot refused to answer the NVA officers' questions and instructed the other pilots not to cooperate as well. The killing occurred when the North Vietnamese attempted to chain the pilot to a desk. He overturned the desk on his captives. The CIA is withholding the identity of these POWs nearly 50 years later.

March 23, 1969

23. Exhibit 50, Bates 218, is a CIA Intelligence Information Cable, dated March 23, 1969. This concerns the capture of two U.S. pilots during a three-day air attack in Sam Neua in Houa Phan Province. I have only been provided with the first page of this document. The CIA needs to provide the names of the pilots and declassify the withheld contents of the document. The document contains a handwritten notation which reads "Shelto/Hrdlicka." The CIA needs to confirm that this indicates that this document pertains to Shelton and Hrdlicka.

24. Exhibit 82, a CIA Intelligence Report, Bates 262, dated April 23, 1969, recites Information passed to 525th, Phu Bai for BRIGHT LIGHT project. Attached are lists of U.S. prisoners positively and tentatively identified by [REDACTION] from photographs. I have only been provided with poor Xerox copies of these photographs. My request specifies actual photographs.

December 31, 1969

25. Exhibit 51, Bates 219, is a CIA Intelligence Information Cable, dated December 31, 1969. This is an analysis of aerial photograph of trucks and bivouac areas and other areas, and although not listing POW sites, it reveals the amount of aerial photography going on regularly. POW photography is known to have been obtained through such surveillance; e.g., volleyball photo, from project Buffalo Hunter, among others, and CIA has declassification authority over all of this. It has not been provided.

1969-1970

CIA lists of suspected prison sites

26. It is also clear that the CIA kept a list of suspected prison sites by name and grid coordinates. Exhibit 5, Bates 20, is a CIA List POW Camps in Laos and Vietnam, is one such CIA list. See also Exhibit 34, Bates 138-139, a July 25, 1969 Estimated Enemy Prison Order of Battle Laos; Exhibit 34(a), Bates 140-141, a January 6, 1970 Intelligence Information Cable; Exhibit 34(b), Bates at 142-144, List of locations of prison camps in Laos; and Exhibit 34(c), Bates 145-154, December 1, 1970 Intelligence Information Cable. The CIA did not provide the aforementioned records that they produced quarterly through the 1960s to 1975. I am particularly interested in the 1973-1975 period. I have received no such records from the CIA in this case.

27. Exhibit 94, Bates 286, CIA Intelligence Information Cable regarding the vicinity of a prison camp containing about 20 USAF pilots in Ban Nakay region of Houa Phan province, 1969-1970. I have not been given any further information on mentioned 20 Air Force pilots, any follow-up collection activities or intelligence reports. Nor have we been given the identification of any POWs, if known.

1970

No records of POW placements in Laos and North Vietnam to challenge bombing targets

28. Mr. Terry Reed, an Air Force intelligence officer during the Vietnam War, testified in a deposition in a Freedom of Information Act case that, in 1970, he was stationed at a unit called Task Force Alpha I, Nakhon Phanom, Thailand, where he was involved in an extremely classified project which was called "The Project." August 3, 1992 Deposition of Terry Reed in John Cummings v. Department of Defense, Civil Action No. 91-1736. Exhibit 20, Bates 120-25. "'The Project'... was a codename for Task Force Alpha." Id. at Bates 121. Mr. Reed targeted, supervised and directed targeting strikes. His unit became aware that POWs were being placed in "a very hostile, threatening environment... in an effort to prevent American targeting efforts in Laos and North Vietnam . . . in order to force us [the Air Force] to comply with the Geneva Convention." Id. at

Bates 122. "And in support of that targeting program, we were the target coordinator to Phon Phan in VNT in Laos for the CIA to conduct its activities." Id. at Bates 123. I should have received records pertaining to "The Project" from the CIA. The CIA has not provided the list of targets or intelligence on known and suspected POWs at all such targets.

29. Thus, small POW sites were being placed near targets such as gasoline pumping stations. Id. at Bates 122. When Reed arrived at his unit, he was briefed as to the pattern that was developing of the Khmer Rouge, or North Vietnamese, to co-locate prisoners to certain target elements, and that he "had gone so far as to establish safeguards within the computer to prevent inadvertent bombing there." Id. at Bates 123. According to Reed, the targeting safeguard system was very simple: "If you listed a target as a POW/MIA possible complex or if you listed it as a hospital, for example, it would be automatically rejected by our computer." Id. at Bates 124. However, later, Reed was informed, "at a unit level... that the safeguards would be removed from the computer system. In other words, the computer would accept the target request from the other unit without alerting that unit that it was, in fact . . . a potential POW location." Id. I have not been provided with any records related to the activities described by Reed.

January 6, 1970

30. Exhibit 56 is a CIA Intelligence Information Cable, dated April 1, 1970, Bates 224. Only the first page of this report has been provided. I need the remainder of the report and all subsequent reports.

June 5, 1970

31. Exhibit 72, Bates 244-248, titled Son Tay Raid Timetable of Planning, is not dated. It includes Son Tay raid and a Timetable of Planning. I want military intelligence on POWs related to the Son Tay raid. I need all information on POWs held at that location prior to the Son Tay raid and all information from whence they came to that location. I would also request all information and identification on POWs gained from fingerprints and other evidence found at Son Tay after the raid. Locations holding POWs are protected under the Geneva Convention, and although the U.S. was not a signatory to the Geneva Convention, we stated that we adhered to it.

32. 5 June 1970, SACSA J-3 briefed JCS and recommended feasibility study of a rescue. JCS approved. SECDEF and Dir, CIA briefed. Approval was deferred pending word from higher authority.

August 1970

33. Exhibit 77, Bates 252-253, is a Department of Defense US Prisoners of War in Laos report dated August 1970, regarding Conversation with Phoun Supraseuth POWs and MIAs. The DCM "EXPLAINED OUR KEEN

DISAPPOINTMENT WITH NORTH VIETNAMESE FAILURE TO COOPERATE WITH US AUTHORITIES ON MIAS AND THAT WE SINCERELY HOPED LPF WOULD ADOPT A MORE POSITIVE APPROACH TOWARDS POW/MIA PROBLEM. . . .” Recommendations were made for changes to help bring about recovery of POWs. I seek these recommendations and the results thereof.

August 1970

34. Exhibit 46, Bates 214, the CIA Telegram/Intelligence Report, August 1970. “[REDACTION] PRISON LOCATIONS [in Laos] VERIFIED BY TWO OR MORE [REDACTION].” This forty-six year-old information should be released.

August 18, 1970

Briefing Board reports and their all source materials

35. At the Library of Congress I obtained from the Microfilm Reading Room, POW/MIA Reel 462, documents which are "Briefing Board" Reports. These Reports are CIA documents concerning information received from all source reports. The text of these reports, included in Exhibit 4, Baes 11-19, dated August 18, 1970, indicate that the information contained therein comes from human sources, photographic surveillance, satellite imagery, etc. These Briefing Board Reports relate only to Vietnam. The CIA did not provide copies of these Briefing

Boards to me in this case, nor any such reports related to Laos, Burma, Cambodia or other countries. Nor did it identify any "all sources" supporting documentation that the CIA used in compiling the Briefing Board Reports, including Combined Area Studies (CAS), and Controlled American Source (CAS).

September 9, 1970

36. Exhibit 76, Bates 249-251, a Joint Chiefs of Staff Memorandum re "US PWs in Laos" dated September 9, 1970, states, in part: "September 1970; To: Brigadier General Blackburn SACSA; Subject: US PWs in Laos." The Text states: "ONCE ENTERED IN THE LAOS PW DETENTION FACILITIES LIST, THE LOCATION OF THE REPORTED CITING MAY PROVIDE THE ENEMY SANCTUARIES THAT WILL REMAIN FREE FROM AIR ATTACK FOR UP TO THIRTY-SIX MONTHS. The CIA has not provided the reason why they wanted to remove the POW facilities from this list removing the protection afforded POWs by being on this list, and we do not have prior documentation showing why this issue arose in the first place.

December 1, 1970

37. Exhibit 55, at Bates 219, is a CIA Intelligence Information Cable, dated December 1, 1970, that refers to ground sources confirming 45 enemy prison camps in Laos, with six new prisons being confirmed since August. The CIA has

not provided successive quarterly reports. Only page one of the document has been provided.

No records on Soviet incarceration of U.S. Vietnam era POWs

38. Exhibit 43, Bates 206, is a March 12, 1982, Foreign Intelligence Information Report from the CIA's Domestic Collection Division, claiming Soviet incarceration of U.S. Vietnam era POWs. Specially selected US prisoners of War were being received into the Soviet Union circa 1970 for long-term or lifetime incarceration and ideological training. He implied the number to be about 2,000. The goal of the program was indefinite, but involved intensive psychological investigation of the prisoners and retraining to make them available as required to serve the needs of the Soviet Union. I have not received any records regarding this from the CIA.

January 21, 1971

39. An excerpt of Exhibit 70, Bates 239, a Memorandum for the Record, dated January 21, 1971 relates that the cable requests in essence that the highest possible priority be assigned to collection of intelligence on American PWs who may be held in Laos. The cable reasons that since only three POW's from Laos are confirmed held in North Vietnam, therefor a major effort should be made to locate the remaining 227 who are listed as MIA in Laos and may still be in Laos. The CIA has not provided information identifying the 227 MIAs or related to efforts to

locate them. Nor has any information been provided pertaining to those captured since 1971.

March 5, 1971

40. Exhibit 57, Bates 225, is a CIA Intelligence Report at Bates 225, dated March 5, 1971. It recites that POW locations were verified by two or more independent sources. The CIA has provided no information indicating that these were included in other quarterly reports.

April 14, 1971

41. Exhibit 58, Bates 226, is a CIA Intelligence Report, dated April 14, 1971, concerning: May 26, 1971. This describes the position and location of the Pathet Lao. The CIA needs to provide all information on the Neo Lao Hak Sat POW information, including this organization's newspapers, intelligence and other information.

42. Exhibit 61, Bates 229, is a CIA Intelligence Information Cable, sent on May 26, 1971, regards two American males and one American female near Sam Neua, Laos and in the Lao Ngam area. This is only one of eight pages in this document. We want the rest of the document and all subsequent information regarding these sightings. The CIA must provide the databank of CIA information and studies on these and other POWs and their locations.

43. Exhibit 35(a), Bates 156-57 is an August 27, 1971 CIA Intelligence

Report:

Three types of material are enclosed herewith for addition to or comparison with the [redacted] databank of intelligence on POW camps in Laos and adjacent areas. The conclusion referenced in paragraph 1 of reference C to the effect that if any American POWs are in Laos they are in the Sam Neua/Van Tong complex in northeast Laos" was supported by a recent working level interagency review of the problem. This review included all types of information to the Washington community. A search was made for studies dealing with PWs and PW camps in Laos, particularly northeast Laos. We have found nothing to date other than photographs and extra collated bits of information on the various sites mentioned in the Station's periodic report on POW detention sites. Only one model has been made of a site in [illegible] Laos, the model of the Ban Nakay Neua cave which was left at [redacted] in 1968. Photos of this model are enclosed. [Redacted] has kindly furnished us with red current set of photos of the principle sites [redacted] probable sites [illegible]...

A search of central indices revealed several reports on American PWs Laos from sources which may not be identical with station sources. We want actual photos, not Xerox reproductions and all related intelligence and analysis. I have not received the referenced "collated bits of information on the various sites," nor "the [CIA] Station's periodic report on POW detention sites,"

44. Exhibit 65, Bates 233, is an October 5, 1971, CIA Intelligence Information Cable. This is page 1 of 25 pp. It is a list of POW camps in Laos. We would like the rest of this document plus all subsequent reports and reporting on the limitation of the techniques used in compiling this report. THIS REPORT

UPDATES FOV-23,008, ISSUED IN MARCH 1971. The CIA needs to provide this report.

November 21, 1971

45. Exhibit 60, Bates 228, is a CIA Intelligence Report, dated November 21, 1971. It states Neo Lao Hak Sat weekly bulletin containing photographs and details of American prisoners captured by the Pathet Lao. The second item of the subject deals with location and details of a Pathet Lao prison near the NLHS Supreme Headquarters in San Neua Province, Laos. The CIA needs to provide all of this Pathet Lao information, photography, actual photos, details of prisoners captured by the Pathet Lao and location and details of the Pathet Lao prison mentioned.

November 24, 1971

46. Exhibit 54, at Bates 222, is a CIA Intelligence Report, dated November 24, 1971: Only page one of this document has been provided. The CIA needs to provide the complete document.

May 1972

POLARD Records

47. During the Vietnam War, the CIA Political Adviser ("POLARD") at the Commander in Chief Pacific ("CINCPAC") was the originator or party to all MIA/POW operations. The CIA's Political Adviser received and provided

information concerning POW matters in a May 1972 telegram from the American Ambassador to Laos to CINCPAC/POLARD, reporting information received from a source on the status of POWs in Laos. See Exhibit 3, at Bates 9-10, May 1972 State Department Cable to SECSTATE re PWs in Laos. Regarding a Laotian source, State advised the CIA to give "priority consideration as sources come in." Id. Bates 9. The next page references the attachment—"CICNPAC FOR POLARD" (Commander in Chief Pacific for CIA political advisor) re "Status of PWs in Laos." Id. at Bates 10. I have not been provided these or related records, nor any records of CIA communications to and from CINPAC and POLARD.

February 1972

48. Exhibit 95, CIA Intelligence Report re communist logistical operations in Northern Laos, February 1972, at Bates 287, is missing all pages except the cover-page.

July 24, 1972

49. Exhibit 59 is the first page of a CIA Intelligence Report, July 24, 1972, at Bates 227, which relates that 10 POWs were sited in 1967. The balance of this record, three pages, has not been produced.

August 15, 1972

50. Exhibit 53 (Bates 221) is an August 15, 1972 CIA Intelligence Report that is almost entirely redacted. This record should be produced, unredacted.

POST OPERATION HOMECOMING

March 5, 1973

51. Exhibit 52 is a March 5, 1973 CIA Intelligence Report. It relates (at Bates 220) that “three captured American pilots, three Tai pilots, and four Lao pilots in the Sam Neua province.” The information on which this report is based has not been produced.

March 7, 1973

52. Exhibit 48, a March 7, 1973 Memorandum for the Record (Bates 216), which reads, in part:

Subject: Status on [REDACTION]

Research was conducted to ascertain whether or not any rescue attempt was made to the prison camp located at BAN NAKAY NEUA, Laos [vicinity VH195565) to free [REDACTION]. Further, one of the recent returnees reported that there was information that [REDACTION] had died in a cave...

The CIA has not provided the identities of these POWs, nor the information upon which this report is based. The CIA has not provided the information on the pilot who died in 1966.

53. Exhibit 96, National Security Council Memorandum for Mr. Kissinger regarding Richardson Memo on POWs in Laos, March 31, 1973, at Bates 290-91, is based on information provided by the CIA. The CIA has not provided us with that information.

1973

Memo to JCS from Zumwalt requesting CIA debriefing

54. In a March 18, 1973 Memorandum from Chief of Naval Operations to Chairman, Joint Chiefs, re POWs in Laos, from Chief of Naval Operations Admiral E. R. Zumwalt to Admiral Thomas Moorer, (Exhibit 2(d) at Bates 8), Admiral Zumwalt wrote, "In view of the direct and personal interest the Services have [in the POW] matter," he recommended that "the JCS receive a briefing from the CIA on their effort in this area so that we may be confident this important humanitarian issue is receiving appropriate attention." The CIA has not produced the referenced briefing papers, nor associated records or communications. The CIA produced no Briefing Board Reports, nor identified, nor correlated, any underlying "all source" materials, for either Vietnam or Laos, in this litigation. I obtained these Briefing Board Reports, which all regard Vietnam, from various POW family members.

May 23, 1973

55. Exhibit 97 is a White House memorandum of conversation between Kissinger and Le Duc Tho, May 23, 1973, at Bates 292-95. The unredacted portion reads:

[REDACTION]

Kissinger: Our understanding is that we can apply Article 8(b). We can claim that it applies to all of Indochina because there is no geographic limit

stated. You will not accept this publicly but you will not contradict this publicly either. And you will be helpful to us in this respect.

Le Due Tho: We will do this say to help you in Laos.

Kissinger: Yes. Is this a correct understanding of what Ambassador Sullivan and Minister Thach have discussed?

Le Due Tho: But in Laos. Minister Thach has told Ambassador Sullivan that we will help you to coordinate with our ally in Laos in getting information about the missing in action in Laos. As to those in Cambodia, we will wait until after the solution and we will deal with this question.

Kissinger: You don't understand the point I am making.

Le Duc Tho: Have I well understood you, that when you make a statement about this question for the whole of Indochina, we will not state it?

Kissinger: You will not contradict it.

Le Duc Tho: We will say nothing about it.

Kissinger: But without saying so, you will help us. We have an understanding on your honor that you will help us.

Le Duc Tho: We have to cooperate with our Lao friends. As to the statement you will make for the purpose of public opinion, we will say nothing.

Kissinger: Yes, but also for the purpose of reality. If you will help us. I will be helpful if you give us your assistance without making a public statement about it. You have often told me you could do things that are not written down.

Le Duc Tho: I agree. But I have to add that we have to cooperate with our Lao friends because it is their sovereignty.

Kissinger: I understand. Now we would still like a sentence from you / hic I don't understand why you can't give us--which says that "the DRV has been informed that there are no U.S. prisoners being held in Laos--that all the prisoners held in Laos have been released. " It would be very important for us.

Le Duc Tho: I have acknowledged to you that all of them have been released.

Kissinger: Then why can't you write it down?

Le Duc Tho: I have acknowledged to you that all of them have been released.

Kissinger: Then why can't you write it down?

[REDACTION]

The CIA should release this record completely unredacted.

1974

No CIA records involving input and receipt of information from IPWIC

56. A document obtained from NARA, circa 1974, Information on the Interagency Prisoner of War Interagency Prisoner of War Intelligence Ad Hoc Committee, Exhibit 35(b) at Bates 158, relates that IPWIC, an interagency committee, was the only intelligence committee responsible for matters relating to POWs:

CIA is the only non-DOD member to IPWIC...

IPWIC [Interagency Prisoner of War Intelligence Ad Hoc Committee] is the only intelligence committee responsible for matters relating to missing and unaccounted for American personnel in Southeast Asia. It provides a working-level forum for a detailed discussion and coordination of intelligence matters pertaining to unaccounted for American personnel. The official members of the Committee are the Services (intelligence and casualty offices), CIA, and DIA. Observers from the Department of State and OASD (ISA) do attend IPWIC meetings, although they are not members...

Currently there are about 950 Americans unaccounted for and about 1500 Americans listed as killed in action (bodies not recovered). Until the other side provides an accounting of these personnel, intelligence assets will remain the primary sources of information on the fate of these personnel.

In this case, the CIA has not provided the records of intelligence on POWs that it supplied to IPWIC.

June 1975

57. Exhibit 115, is a CIA Intelligence Report re POW in Laos, in June 1975, at Bates 360-61:

About June 1975, a caucasian [sic] prisoner, allegedly an American, was sitting on the bamboo floor of a house in Kham Keut town (VF 710180), Khoueng Khammouam, Laos, in the custody of the 31st Sapper Battalion of the Fourth Military Region of the People's Army of Vietnam (PAVN) and the Lao Army Provincial Unit. ... The caucasian [sic] was loaded on a "Gaz" truck after lunch and taken to an unknown destination escorted by ten Lao troops.

The CIA has provided no follow-up information.

1975

IA paper on Vietnam exploitation of POWs

58. Exhibit 35(c), at Bates 159, is a December 4, 1992, CIA letter to Select Committee:

Your letter of 18 November requested a copy of a counterintelligence paper: entitled -North Viet-Nam: "The 'Responsibilities of the Democratic Republic of Vietnam Intelligence and Security Services in the Exploitation of American Prisoners of War....

After reviewing the document for release to the Committee, the Counterintelligence Center (CIC), the successor organization to the CI Staff, appended memorandum commenting on and correcting some of the statements made in the paper of 1975; CIC's memorandum is likewise enclosed....

I have not been provided with the "CIC's memorandum" "appended" memoranda, nor any materials that may have been provided in response to the CIA's offer to "expand on the paper."

1975

59. Exhibit 116 (2015) is a Memorandum re three POWs held in Laos, August 1986, at Bates 362-63:

When subsource asked why the area was restricted, he was told it was because there are Americans being held there.

* * *

[Redacted] said that the PAVN had caught three Americans "since" 1975 and put them in the cave called Sop Khan Noi.... moved to Maung Ngoy cave in June of 1986...

The CIA has provided no additional information, including a referenced map.

1975

60. Exhibit 68, Documents removed from National Archives (Bates 237), dated December 4, 1992, reflects that the CIA removed:

- 1) CIA memo, 26 Nov 1975
- 2) CIA memo, 8 Nov 1975
- 3) CIA memo, 21 Nov 1975
- 4) DUD [illegible] 1/2 with atchs, 14 Apr CIA memo, 1975

These records are representatives of the many documents that have been removed by the CIA from the Senate Select Committee on POW/MIA Affairs. The CIA must have a record of its handling of these classified records, but has failed to reveal the fate of these records.

61. Exhibit 89 CIA Intelligence Report re citing of two US Pilots Captured by Pathet Lao Forces in Sam Neua Province, April 9, 1965, at Bates 273. The CIA failed to identify these pilots.

January 1977

62. Exhibit 117, is a CIA Intelligence Memorandum, March 1977, at Bates 364-65, which states:

Upon his return to [redacted] in January 1977, [redacted] reported to [redacted] that, according to Socialist Republic of Vietnam (SRV) [redacted] and other SRV officials with whom [redacted] was in contact, there were American prisoners of war (POW's) still remaining in Vietnam and that these POW's posed a problem to the opening of diplomatic relations between the SRV and the United States (U.S.). [Redacted] told [redacted] that these POW's included some who did not want to return to the U.S. [redacted].

* * *

...several unconfirmed reports have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam.

The CIA has failed to identify these men who are said not to want to return. Nor has the CIA produced the "several unconfirmed reports [that] have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam."

The Geneva Convention provides that POWs who elect no to return to their home country are to be taken to a neutral third country along with any family they may have, and declare where they wish to remain.

1977

63. Exhibit 118 is a CIA Memorandum, CIA, March 11, 1977, at Bates 366-68. It reads, in part:

Regarding U.S. insistence that there are still some Americans in Vietnam who have not been accounted for, [redacted] said that the only Americans remaining in Vietnam are those who have married Vietnamese women and have given up their U.S. citizenship... A small number of Americans who were in Vietnam at the time of

liberation and who were judged to have committed crimes against the Vietnam people. These Americans renounced their citizenship (sic) and were placed in reeducation camps for a period of three years. At the end of this three-year period they will be expected to admit to their crimes and make a “self-criticism,” at which time they will be judged and either set free and permitted to remain in Vietnam as full citizens, or, in the case of a lack of admission of guilt and refusal of self-criticism, they will be “sentenced.”

The CIA has not produced any information on those who are said to have elected to stay in Vietnam, or Laos, or Cambodia, or those who had elected to stay behind, and died.

64. Exhibit 119 is a Memorandum, March 8, 1977, at Bates 369-71:

In response to a statement on the U.S. interest in the U.S. personnel missing in action (MIA's) in Vietnam, the Embassy employee said that Hanoi naturally knows where U.S. pilots shot down over North Vietnam are buried. In response to a statement that the SRV no longer has any Americans still under detention, the Embassy employee demurred and said that there are American prisoners of war (POW's), some of whom are members of wealthy families, still in the SRV and they would not be released until U.S. financial aid for the SRV was forthcoming.

The CIA has failed to provide any additional information on these POWs, including their names.

65. Exhibit 121 is a Memorandum re POWs held in Vietnam problematic for diplomatic relations, January 1977, at Bates 375-76:

[Redacted said] there were American prisoners of war (POW's) still remaining in Vietnam and that these POW's posed a problem to the opening of diplomatic relations between the SRV and the United States (U.S.).... Several unconfirmed reports have appeared since

May 1975 on the possibility of some US prisoners still remaining in Vietnam.

These POWs remain there under duress in that they are still POWs under the Geneva Convention. The CIA has not provided any information on these POWs, including their identities.

66. Exhibit 66 is a Select Committee internal memorandum, dated July 8, 1992. Bates 234. It states, in part:

Bill, at your instructions I called "Mr. Littleton" at 615/8242160, who had called about existence of US pows in Laos in 1977. As it turned out, he has given us a fictional name. (A nom de phone?) Seems an acquaintance of his volunteered in the context of a conversation on the topic of Americans missing in Southeast Asia (if I understood him correctly) that he knew there had been American prisoners in Laos because in 1977 he was part of a special forces team which penetrated Laos to photograph and plant listening devices near a supposedly empty prison or pow camp facility. It was not empty but heavily guarded including antiaircraft weapons. He said they saw and photographed 36 Americans and brought the film back. Said it wasn't a Rambo-style camp but was heavily guarded. He and 4 others on the mission took the photos and returned with the film, which they turned over to superiors and were sworn to secrecy on the mission.

Laos is the CIA's domain. The CIA has not produced the referenced photographs, nor other records associated with this reconnaissance.

August 15, 1978

67. Exhibit 81 is a CIA Intelligence Report of August 15, 1978, at Bates 258-61, states, in part:

40 Miles West of Hanoi
North of VINH

SUBJECT NORTH VIETNAMESE TREATMENT OF
AMERICAN PRISONERS OF WAR

[PROPAGANDA ARTICLE SOURCE REDACTED, NAMES OF
CAMPS REDACTED]

EVEN THOUGH THE POWS ARE CALLED INTERNATIONAL
PIRATES AND ARE OFFICIALLY REFERRED TO AS
CRIMINALS IN THE CIVIL SENSE THE PROVISIONS OF THE
GENEVA CONVENTION ARE STRICTLY APPLIED.
AMERICANS DO NOT STAND TRIAL ALTHOUGH THERE
MAY HAVE BEEN A SHOW TRIAL OR TWO FOR INTERNAL
POLITICAL PURPOSES

THE DRV'S ACCUTE AWARENESS OF WORLD OPINION IS
[ILLEGIBLE] THE MATTER OF POW TREATMENT, HAS
APPARETNLY INFLUENCED ITS DECISION TO GRANT THE
POWS RIGHTS ACCORDED BY THE GENEVA CONVENTION.

[REDACTION] THERE WERE SOME 2,500 ALLIED PRISONERS
[REDACTION] MOST OF THEM AMERICANS. THERE ARE
AMERICANS AT TWO WELL GAURDED CAMPS. ONE
ABOUT [ILLEGIBLE] WEST OF HANOI, ANOTHER
SOMEWHAT NORTH OF VINH. THE CAMPS [ILLEGIBLE]
HAVE FACILITIES FOR ABOUT 195 POWS AND ARE
LOCATED IN RURAL AREAS
[REDACTION]

The CIA has not provided the intelligence on the referenced camps and
POWs.

1979

68. Exhibit 122 (2015) is a CIA Intelligence Report of two POWs in
Laos, May 1988, at Bates 377-78:

[redacted] learned from Kham that the four Americans had been captured at Maung Houn (QC 5829), Oudomsai province in a plane crash (NFI). ...He learned from [redacted] a villager of Ban Tham (UTM UNK) who came to [redacted]'s village to buy food that two of the Americans had died from sickness and starvation and two were still alive.

* * *

According to [redacted] in or about March 1979 when he visited his home at Ban Long Kat he saw four Americans in the village who were being guarded by Oudomsai provincial police.

The CIA has not provided the identities of the referenced POWs, nor follow-up intelligence.

1980

69. Exhibit 123 (2015) is a CIA Intelligence Report on aerial photography in Laos, September 23, 1992, at Bates 379-80:

Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed by the letter "K," traced on the ground in an agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.

The CIA has failed to provide the referenced photography, and has provided only photocopies of photography.

1979-1980

No records of intelligence on Nhom Marrot Detention Facility

70. At NARA I located a document reporting on the Nhom Marrot Detention Facility, Exhibit 16, a January 28, 1981, DIA Memo for Chairman of the Joint Chiefs of Staff regarding POW Intelligence. It states, in part:

Since April, 1979, DIA has been investigating information provided by a refugee who alleged the detention of U.S. PWs in Laos. In November 1980, CIA provided information which corroborates the refugee's report. Overhead imagery has verified the existence of a detention facility at the alleged site. At enclosure is a chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos.... I will request that CIA prepare a topographical model of the site and surrounding area.

Chronological listing of intelligence on Nhommarath Detention Facility, referring to enclosures, tabs A through F. CIA agrees to undertake operation inside Laos to verify presence of Americans

I have not been provided the "information provided by a refugee... [about] the detention of U.S. PWs in Laos," "CIA information" that corroborates the report, including "[o]verhead imagery," ground reconnaissance photography, and reports, or the chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos," nor photographs of the "topographical model of the site and surrounding area," nor the product of the CIA's undertaking of operation[s] inside Laos to verify [the] presence of Americans." In fact, the CIA has never acknowledged or released any information on this facility.

1980

71. Exhibit 69 (at Bates 238), Documents removed from National Archives, dated December 4, 1992 evidences the removal of a 1980 four-page document:

OIA/ERD-307/80; DTD 16 DEC 80 (4 pgs)
NOT DECLASSIFIED
PER CIA

The CIA failed to produce this record, and other removed records.

December 30, 1980

1980 meeting re POW camp and sighting

72. A DIA document dated December 30, 1980 refers to a meeting held that same day at which representatives of the DIA, the CIA, and the NSA were present. Rear Admiral J. O. Tuttle, Assistant Deputy Director for DIA, reviewed a chronological report regarding POW facilities and sighting in Laos. See Exhibit 15, DIA Report re Admiral Tuttle meeting re Nhom Marrot POW camp, at Bates 58. This Report reflects that Admiral Tuttle had a "strong suspicion that American POW's remain in Laos," and discussed overhead photography. It also related that a Vietnamese source had informed the CIA of a North Vietnamese POW camp, with coordinates, photography, and Americans, in August 1980. Although the CIA was present at this meeting concerning POWs, I have received no CIA records regarding this meeting, including the referenced "overhead photography."

1981

73. A January 28, 1981 DIA Memorandum for the Chairman Joint Chiefs of Staff, attached as Exhibit 16, recites:

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF
STAFF SUBJECT: Current U.S. Prisoner of War Intelligence

1. As you are aware, there are approximately 2,500 Americans unaccounted-for in Southeast Asia. Since 1975, DIA has received approximately 1,000 reports from Indochinese refugees concerning alleged sightings of Americans, crash locations, grave locations, and the handling and dispositions of U.S. remains. Of these 1,000 reports, approximately 300 deal with the alleged first hand sightings of U.S. PWs detained in Southeast Asia.
2. Since April, 1979, DIA has been investigating information provided by a refugee who alleged the detention of U.S. PWs in Laos. In November 1980, CIA provided information which corroborates the refugee's report. Overhead imagery has verified the existence of a detention facility at the alleged site. At enclosure is a chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos.
3. On 17 January 1981, DIA requested that CIA attempt to confirm the presence of U.S. PWs in Laos. The details of CIA intentions are contained in the enclosure. As a possibility exists that CIA could confirm these reports, I recommend that you consider preparing a contingency plan in the event this very important undertaking proves successful. To support this effort, I will request that CIA prepare a topographical model of the site and surrounding area.
4. As DIA is also investigating other reports alleging the detention of U.S. PWs in Southeast Asia, it is necessary that DIA (DI) remain the focal point for all intelligence activity relating to this matter. We will continue to obtain imagery of this facility and provide timely information to you concerning the progress of the CIA [redaction MT]

The enclosure is "CHRONOLOGICAL LISTING, SUBJECT: Nhommarath Detention Facility" (*id.* at Bates 60), which recites intelligence on that POW camp. I have not been provided with the imagery referenced, or CIA Memorandum, appearing on tabs A-F. *See* Bates page 61.

1981

Planning of the Nhom Marrot operation

74. A December 5, 1991 DIA memorandum states that JSOC (Joint Special Operations Command) was involved in planning the 1981 operation for the reconnaissance in support of a rescue of POWs at Nhom Marrot. Exhibit 17 at Bates 62. "JSOC was . . . the joint (inter-service) command authority for special operations units such as Delta (Army) and Seal Team Six (Navy)." *Id.* at 63. In early 1981, JSOC had been "alerted to a possible rescue attempt in Laos for American POWs and had formed a small team to begin planning. Later on, an inter-agency meeting was held to discuss what actions to take. "JSOC, JCS, CIA, and NSA attended." *Id.* at Bates 62. When JSOC argued that Delta should perform the reconnaissance for this mission, the CIA insisted that it had jurisdiction over the reconnaissance. *Id.* I have not been provided with any CIA intelligence, or surveillance, or imagery, other records related to the planning of the Nhom Marrot operation.

Photography re Nhom Marrot operation

75. Exhibit 17 at Bates 62 is a December 5, 1991 Memorandum to Bill LeGro from Select Committee Investigators Bob Taylor regarding CIA involvement in the reconnaissance/rescue operation at a suspected POW camp near Nhom Marrot, Laos. This document references proposed satellite imagery, photographs, and related intelligence. I have been provided no imagery, or records on follow-up planning, or operations, or results.

Planning of second Nhom Marrot operation

76. Exhibit 19, at Bates 65-68, is a March 20, 1981 heavily redacted CIA Intelligence on Nhom Marrot POW camp, which I obtained from the Library of Congress. It is a CIA document reflecting that, based in part on human intelligence, there was a second operation at Nhom Marrot. The memorandum reflects that a second team was awaiting debriefing of a reconnaissance team, and that a review of "over 900" items regarding US POWs in Laos had been "sanitized," and analyzed. This CIA document also refers to a "series of exchanges between CIA, DIA, NSA [REDACTED] seeking to assure that all possible measures to collect any [REDACTED] of POWs in Nhom Marrot facility." Id. The CIA did not provide me with a copy of this document, nor has it provided me with the other records related to this second Nhom Marrot operation, nor the 900 items reviewed regarding US POWs, unredacted, nor the analysis of those items.

Hendon—photography of construction of Nhom Marrot POW camp

77. Billy Hendon recalled in some detail being shown photographs of the construction through completion of a prison in Nhom Marrot, Laos. Id. In 1981, he was briefed as a member of the House MIA/POW Task Force by U.S. Government officials regarding a prison camp near Nhom Marrot, Laos. He and Congressman LeBoutillier were shown the month-by-month progress in the construction of this camp, from the clearing of the jungle to the completion and building of guard towers. Second Hendon Aff. He states that he viewed a number of these photographs in 1981, and again while an intelligence investigator assigned to the Senate Select Committee in 1992. Id. Later, CIA Director Vice Admiral Bobby Inman briefed Hendon and other members of the POW Task Force on this mission, and showed them a number of black and white hand-held pictures said to have been taken of the camp by a reconnaissance team. Id. I have not been provided with any such records, or photographs.

LeBoutillier—same

78. Former Congressman John LeBoutillier confirms Congressman Hendon's statements with respect to certain briefings that occurred at the CIA. In his declaration, Congressman LeBoutillier states that Hendon was involved in briefings he attended, and that he understood that "the photographs and intercepts we were shown were CIA documents," and that to his knowledge, "these documents have never been released by the agency." See LeBoutillier Declaration.

Additionally, there are voice recordings taken by the reconnaissance team recording people at this location. The CIA has not produced these recordings.

1981

1981 Vietnamese ransom demand of \$4.5 billion

79. Exhibit 23(a) at Bates 75 is a document that I obtained from the National Archives Collection on POW/MIAs. It is a typed Memorandum re 1981 discussion of ransom demand with President Reagan, William Casey, and Vice President George Herbert Walker Bush. These individuals came into the Roosevelt Room of the White House from the Oval Office and joined other Reagan administration officials there. The document recites that a meeting and a conversation which occurred just prior to it concerning an offer the North Vietnamese made concerning U.S. POWs which involved payment of \$4.5 billion. President Reagan is reported as having told CIA Director William Casey "to do something about it [this offer]." This typed report is supported by Exhibit 23(b), which I also obtained at NARA, the Handwritten Notes of someone who appears to have been present at the meeting. This meeting is mentioned in the Senate Select Committee Report at page 32. Exhibit 24 at Bates 92. The CIA has not provided me with any records related to this 1981 meeting, or the North Vietnamese offer, or what the CIA (Casey) did in response to President Reagan's directive.

1981

1981 Vietnamese ransom demand of \$4.5 billion

80. I interviewed Secret Service employee John Syphrit, who overheard CIA Director William Casey inform President Ronald Reagan that the Vietnamese had made an offer to hand over live American POWs in exchange for \$4.5 billion. According to Congressman Bill Hendon, a Secret Service employee, John Syphrit previously told this to Hendon, and Syphrit's account was later corroborated by "at least one senior Reagan Administration intelligence official." See Affidavit of Honorable Bill Hendon. According to what Syphrit told me, at President Reagan's request at the above-referenced 1981 meeting, Casey instructed a CIA employee to go back to the CIA and bring the confirming documentation to the White House for the President. Exhibit 23(c) at Bates 77-79 is a letter from the Senate Select Committee on POW/MIA Affairs to Syphrit, demonstrating that the Select Committee wanted to question him about the North Vietnamese offer. I have been provided no records pertaining to this offer, or CIA records of Syphrit's account, or documents which Syphrit says Casey instructed a CIA employee to take to the White House.

1981

Photograph of escape and evasion codes in grass at Vietnamese prison

81. Richard V. Allen, deputy national security adviser under President Nixon, 1968-69, and senior foreign policy and national security adviser to

President Reagan, testified to the Senate Committee about seeing in 1981 a photograph of escape and evasion codes stamped in the grass at what was understood to be a Vietnamese prison. See Exhibit 37, Select Committee Deposition Richard V. Allen, June 23, 1992, at Bates 164-75. He testified that President Reagan launched an operation to investigate the site. Id. However, when the mission arrived at the site, the camp was found to be abandoned. Id. Despite Mr. Allen's testimony about CIA involvement in the preparation for and conduct of this mission, the CIA has failed to release any records pertaining to it.

1981-1982

CIA provided to NSA maps of activities in northeast Laos

82. Admiral Bobby Ray Inman, who served as Deputy Director of Central Intelligence from early 1981 through 1982, indicated in his testimony that maps of activities going on in northeast Laos appeared to flow from the CIA to the NSA. Deposition of Bobby Ray Inman, U.S. Senate Select Committee on POW/MIA Affairs, September, 1992. Exhibit 3 at Bates 129-131.

- Q. ...Here's an orientation map of where that activity is going on, far northeastern Laos.
- A. And Sam Neua and Viang sai, yes.... In this case, it would appear this flowed from CIA, not from NSA.

Id. at 131.

The CIA failed to provide the documentation referenced by Admiral Inman in his deposition.

1981-1982

LeBoutillier—plans to ship \$200,000 in medical supplies to Laos

83. John LeBoutillier states that in 1981 and 1982 he visited Laos four times, and that Laotian officials told him that in exchange for certain aid, they would make sure that their people looked for and found missing American POWs. Id. He further states that he knows that U.S. AID officials met with Ed Meese and CIA Director Casey, and a shipment of \$200,000 in medical supplies was approved, but that after the first shipment, Robert McFarland ordered a halt to the shipments. He also says that he knew that "the CIA was involved in both the decision to approve and stop these shipments." The CIA has not supplied any records relating to these decisions.

1983

84. Exhibit 124 (2015) is a Memorandum re six POWs held in Laos, undated, at Bates 381-83:

Circa March 1983, [redacted] a militia chief claimed that there is a Prisoner of War (POW) camp located at the foot of Ngoua Mountain (NCA), approximately 25 kilometers south of Kadon Village. According to [redacted] there were 23 American prisoners of war (POW's) detained in the camp.

The CIA has failed to provide any information regarding these 23 live POWs held in Laos.

85. Exhibit 125 (2015) is a CIA Memorandum re six POWs held in Laos, undated, November 2, 1983, at Bates 384-86:

In late April 1982, [redacted] saw a total of six alleged U.S. prisoners of war (POW's) at a detention camp in a small valley of Thao La Hamlet, Houa Phan Province, in northern Laos (grid coordinates 20 degrees north latitude, 104 degrees east meridian). ... He said the camp held about 50 such POW's who had recently been transferred to the camp from an unknown location.

The CIA has failed to provide any information regarding these live POWs held in Laos.

86. Exhibit 126 (2015) is a CIA Memorandum re six POWs held in Laos, 1983, at Bates 387-88:

On 24 February 1983, [redacted] was in the area of Ran (village) Song where several members of the [redacted] were attending a propaganda session. According to an ethnic Lao [redacted] who was present in that village, two Caucasians and six People's Army of Vietnam (PAVN) soldiers were at that session. One of the Caucasians was giving a speech in Lao praising the LPDP regime.

* * *

On 25 February 1983, [redacted] information [redacted] that there were four U.S. POW's being held at the Nadeng Prison in the LPDR.

The CIA has failed to provide any information regarding these live POWs held in Laos.

March 1983

No CIA records of White House briefing on live POWs, except circa 1980

87. Exhibit 38(a) at Bates 177 is a March 1983 CIA Cable regarding "Identification of Possible U.S. Prisoner of War camp in Saravanc Province, Lao People's Democratic Republic," reporting that there were "23 American prisoner of war (POWs) detained in the camp. Prior to 1975 the camp contained 25 American POWs, but two have since died... [Redacted] insisted that he had personally seen the POWs on numerous occasions while escorting food convoys to the camp."

Exhibit 38(b) at Bates 178 is an undated CIA Cable, which states, in part, "Identification of Possible U.S. Prisoner of War camp in Saravanc Province, Lao People's Democratic Republic" regarding detention camp containing "23 American Prisoners of War." The "account is the first believable story on the possibility of live American POWs in the LPDR [Laotian People's Democratic Republic] since 1975." The CIA has provided no records regarding the referenced "23 American prisoner of war (POWs)" in Saravanc Province, Laos.

Mid-1985

88. Exhibit 99 is a CIA Report to the White House Situation Room regarding alleged location of live American POWs in Luang Prabang province Laos mid-1985, 1986, at Bates 303. It relates:

There had been 12 American POWs at the site but in 1985 five of the Americans POWs were moved to the Soviet Union.... All of the American POWs had been captured in 1968 while working at the Nam Bac camp.... Six of the Americans were Hispanic...

Programs had separated POWs by race and ethnicity. The CIA has not provided any information on these separations, nor any other information regarding the POWs mentioned in this document.

1986

89. Exhibit 127 (2015) is a CIA Intelligence Report regarding a 1986 sighting of POWs in Laos, December 23, 1986, at Bates 389-90:

According to [redacted], Stephenson was seriously ill with malaria. ... [Redacted] told [redacted] to have Sithon come for Stephenson immediately because he was afraid of being turned into the LPDR authorities for harboring him.

The CIA has failed to provide any further information on this POW.

1986

90. Exhibit 128 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, October 30, 1986, at Bates 391-92. It states, in part:

[Redacted] told a Lao refugee that a fellow villager told him of a live American "Prisoner of War" (POW) who was living in a cave and was being hidden from the LPDR government by Napeng villagers.... Source said that the remains of two U.S. Airmen were located in the vicinity of Chomat and Viang villages... Savannakhet Province.

The CIA has failed to provide any further information on this POW, or the deceased POWs.

91. Exhibit 129 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, 24 October 1986, at Bates 393-94:

According to a Lao resident who drove a supply truck and reportedly saw the POWs, there were seven American POW's as of mid-1986 being detained at a camp near Nam Bac (Th 3683) town, Oudomsai District, Luang Prabano Province, Lao People's Democratic Republic (LPDR). [Redacted]. The presence of American POWs in this general area was previously reported.

The CIA has failed to provide any further information on this POW.

92. Exhibit 130 (2015) is a CIA Intelligence Report regarding 226 POWs held in Laos, September 20, 1986, at Bates 395-96. It states, in part:

[Redacted] discovered the remains of three servicemen at a crash site located in the June at WC 442864. ...[Redacted] further said that 226 U.S. prisoners of war (POW's) were alive and being held in Laos. ... The period when the alleged POW's were moved into Laos coincided with the mutual cooperation agreement signed between Vietnam and the U.S. on POW/MIA matters.

The CIA has failed to provide any further information on the transfer of these POWs, or any follow-up intelligence on these men, including records on ground reconnaissance operations.

93. Exhibit 131(2015) is a CIA Intelligence Report regarding six POWs held in Laos, September 20, 1986, at Bates 397-98. It relates:

[Redacted], told a member of the Lao resistance and former detention camp inmate that a group of six American Prisoners-of-war (POWs) were still incarcerated at a camp located at Tham Pha Leung (NCA) Cave near Phou Sao (UG 3918) village, Xieng Khouang Province.

The CIA has failed to provide any further information these six POWs, alive in 1986, or their deaths.

94. Exhibit 132 (2015) is a CIA Intelligence Report regarding four POWs

held in Laos, September 16, 1986, at Bates 399-400. It states:

In mid-September 1986 [Redacted] reported that her brother had seen four American prisoners-of-war (POWs) in November 1983 in Xieng Khouang Province, Laos.

The CIA has failed to provide any further information these four POWs.

95. Exhibit 133 (2015) is a Memorandum regarding seven POWs held in Laos, Undated, at Bates 401-04:

In a private conversation with friends and relatives in mid-April 1986 [redacted] state that in Mid-March she had seen seven People's Army of Vietnam (PAVN) guards controlling three Caucasians eight kilometers east of Muang Ngoy (TH 5891) along the main road. ... Local residents later told her the men were American prisoners captured prior to 1972.

The CIA has failed to provide any further information these seven POWs.

96. Exhibit 134 (2015) is a CIA Intelligence Report regarding six POWs held in Laos, September 16, 1986, at Bates 405-06.

[Redacted], told a member of the Lao resistance and former detention camp inmate that a group of six American prisoners-of-war (POWs) were still incarcerated at a camp located at Tham Pha Leung (NCA) cave near Phou Sao (UG 3918) village, Xieng Khouang Province.

The CIA has failed to provide any further information these six POWs.

1987

97. Exhibit 135 (2015) is a CIA Intelligence Report of two live Americans in Laos, 28 April 1987, at Bates 407-08. It states:

[Redacted] claimed to have personally sighted two live Americans being held by local hill tribes, but said that he was not allowed closer than 100 meters from the Americans.

...[Redacted] said that the two Americans were dressed in local village costumes. [Redacted] also claimed to have learned that one of the Americans had married a local villager and had two sons, a five-year-old and a three-year-old.

The CIA has failed to provide any further information these two POWs.

October, 1986

98. Exhibit 101 Alleged location of live American POWs in Luang Prabang province, Laos, w/map, October 24, 1986, at Bates 307-09. It states that “[t]here were seven American POWs as of mid-1986 being detained at a camp near Nam Bac town, Luang Prabang Province, Laos.” The CIA has failed to provide any further information these seven POWs.

1986, 1988—Korea

Sightings of POWs in North Korea 1975-82

99. Exhibit 44 is a March 9, 1988 CIA Memorandum regarding "alleged Sightings of American POWs in North Korea from 1975 to 1982." It refers to three reports. One is of "two Americans [observed] in August 1986," and the other is regarding "about 10 military pilots captured in North Vietnam [that] were brought to North Korea." The third report concerns a sighting of 11 "Caucasians," in 1988. The CIA has produced no records regarding any POWs brought to Korea during the Vietnam War.

1987

100. Exhibit 38(f) at Bates 186-88 is an October 1987 CIA Cable to DIA, "Subject: Comment by low echelon SRV official on POW's in Indochina," reporting source reports of live POWs in Vietnam, Laos, and Cambodia. It states, in part:

In late September and early October 1987 a [redacted] remarked on the ineffectiveness of private US efforts to locate persons killed, captured, or missing in action during the Vietnam War, saying that "there are less than 1,200 prisoners of war" (POWs). Later remarked in a separate conversation that "the actual number of POWs in the SRV is small compared with those in Laos and Cambodia, both in known and unknown locations."

[He is] interested in discussing the topic and has remarked that he would provide more details when and if he gained additional information.

The CIA has provided few of their records regarding the referenced fewer than "1,200 prisoners of war," and little "additional information," from this source, or other sources.

101. Exhibit 102 Stoney Beach (DIA) message re 1987 Sighting of two US PWs in Northern Laos, 1987, at Bates 311-12.

Report contains information about the sighing of two US POWs who were being transported under guard to Sam Neua Province Laos....

The CIA has failed to provide any further information these two POWs, including their identities.

January 1987

102. Exhibit 38(c) at Bates 181-82 is a November 2, 1987 CIA Intelligence Cable, regarding "POW/MIA Reported presence of American POWs in Houa Phan Province, as of January 1987." The cable reads, in part, "[O]ne of the POWs is named [redacted] who was captured on 18 June 1968..." The CIA has provided no records regarding the referenced "POW/MIA in Houa Phan Province," Laos, including his name.

May 2, 1987

103. Exhibit 38(d) at Bates 183-84 is a May 2, 1987 CIA Intelligence Information Cable, "Re allegation of an interrogation center still holding US prisoners of war in an unknown location in southwest Ha Nam Ninh province in early 1986." The CIA has provided no records regarding the referenced interrogation center, or the "US prisoners of war" in Ha Nam Ninh province," Vietnam.

May 18, 1987

104. Exhibit 38, at Bates 176, is a May 18, 1987, CIA Cable. The subject is: "POW/MIA: Allegation of a secret document that mentions the issue of US missing in action servicemen as of mid-1986." Its text: "As of mid-1986 an alleged secret Vietnamese document contained the following statement on the issue of US prisoners of war [POWs] the request from the Americans concerning

the pilots... This matter depends on the coming secret meeting..." The remaining content of the document was not known. The CIA has provided no records of the referenced meeting, nor records of any requests regarding these U.S. POW pilots in 1986.

November 1987

105. Exhibit 38(e) at Bates 185 is a November 1987 CIA Intelligence Information Cable, reporting the "possibility of existence of American POWs in southern Vietnam." It states:

Socialist Republic of Vietnam (SRV) official commented in private in late October 1987 that he is certain that there are American Prisoners of War (POW) still being held in remote areas of southern Vietnam by private militant groups acting without the knowledge of SRV leadership. According to the official, these groups are anti-communist members of the former South Vietnamese government whose motivation is financial. This official commented that during the Vietnam War, the Viet Cong maintained their military units in the jungles and tunnels for years without being discovered, so it should be no surprise that POW could still be hidden.

The CIA withholds additional records regarding the referenced POWs "still being held in remote areas of southern Vietnam."

January 1988

106. Exhibit 67 is a Select Committee internal memorandum of June 16, 1992 (at Bates 236), which includes:

In January 1988, [REDACTION] Several unusual markings—the letters "USA" and what resembled a US Air Forces escape and evasion symbol known and a "Walking Kilo" on the ground west of

Sam Neua, Laos. We are uncertain as to who may have made those markings, but recently completed analysis gives us a better understanding of how the markings were made, how long the markings may have been present, and what activity may have been going on concurrently in the surrounding region.

The CIA can provide photo-enhanced imagery of satellite imagery, and the referenced “recently completed,” and later, analysis, of the imagery.

1989

107. Exhibit 138 (2015) is a Memorandum re 14 POWs held in Laos, October 1989, at Bates 409. It states that “[redacted] told the source that there are 14 American POW’s being held at Tham Luang, Nachik-Canton in the Viengxai District (VH2949) of Houaphan Province.” The CIA withholds additional records regarding the referenced 14 POWs, including their identities.

108. Exhibit 139 is a Memorandum re six POWs held in Laos, February 1990, at Bates 410:

[Redacted] claimed to have seen a U.S. prisoner of war (POW) during a trip to Laos in November-December 1989.... [Redacted] claimed to have spoken with either the Caucasian prisoner directly, or a guard, who confirmed the Caucasian was an American. [Redacted] said that the U.S. POW had beard, was gaunt but not sickly, and had gone native because he had a local wife.

The CIA withholds additional records regarding this POW, including his name, and fate.

109. Exhibit 140 (2015) is a Memorandum regarding two POWs held in Laos, July 1989, at Bates 411:

According to [redacted] two American prisoners of war (POW's) are now being held captive in a Leu village in Xian Khoang province near the Vietnamese border. They are being held and guarded by a local village militia group....

The CIA withholds additional records regarding these two POWs, including their names.

110. Exhibit 141 (2015) is a Memorandum regarding ten POWs held, February 1989, at Bates 412-14. It states, in part:

[Redacted] worked at the prison where ten Americans were reportedly being held.

* * *

[Redacted] learned that the American had been in [unintelligible] Dang prison since about March 1984.

The CIA withholds additional records regarding these POWs, including their probable identities, and fates.

1988

111. Exhibit 142 (2015) is a Memorandum re 20 POWs held in Laos, February 1988, at Bates 415-16. It states:

The first sighting occurred 30 Kilometers north of Sepone. ... Seventeen U.S. Personnel were held in a Montagnard encampment on a small river.

* * *

The second sighting was at Kham Ker... Here he met "Moken Domaho" (Donahue?) whom he described as a former USAF bomber pilot and son of "a general" in the seventh fleet. Domaho was married to a Montagnard woman with whom he had two children.

...The third sighting was at a camp 20 kilometers off the Ho Chi Minh Trail... Twenty-seven U.S. servicemen were incarcerated here within a compound surrounded by four rows of bamboo fencing.

The CIA withholds additional records regarding these POWs, including their names, and fates.

June 1989

112. Exhibit 100 is a DOD Information Report re Colonel Chaeng, June 1989, at Bates 304-06. The CIA withholds information on General Chaeng, his involvement in with the POW issue, including David Hrdlicka.

1989

113. Exhibit 147 (2015) is a Memorandum re POWs held in Laos, October 1989, at Bates 417. It also adds that an unidentified woman said that she saw POW/MIA's in a prison camp at "Dinding" (SIC) and that another unidentified person saw one or more POW/MIA's at Ban "Hoaisan" (sic). The CIA withholds additional records regarding these sightings, including the referenced initial reports.

1990

114. Exhibit 148 (2015) is a Memorandum regarding a POW who fears an escape attempt, 1990, at Bates 418-19:

Another MIA individual (MFI) is alive and under guard, but is afraid to try to escape. When he was asked if he would like to go home, he replied affirmatively, but said that he would need help to do so.

The CIA withholds additional record regarding this POW, including his name, and fate.

115. Exhibit 104 is a DIA Cable regarding contact with a Laotian source regarding POW information, June 1990, at Bates 320. This record concerning “David Hrdlicka and friends” (other POWs), relating that the outcome of further conversations with source will be relayed soon. Source further stated that “he had information from Colonel Chaeng through with Colonel Boua that Hrdlicka was held in the vicinity of Lak Xai.” The CIA withholds the additional pages of this record, and subsequently obtained information on Hrdlicka “and friends,” as well as the subsequent intelligence regarding General Chaeng.

116. Exhibit 103 is a DOD Intelligence Information Report regarding information of a US MIA allegedly alive in Laos, June 1990, at Bates 313-19. The source alleged that he knew of David Hrdlicka’s location, other POWs’ locations, as well as a possible rescue attempt. The record relates that the outcome of further conversations would be relayed. The record also references four other documents—two letters and two facsimiles (at Bates 318). The CIA has failed to produce the four specifically mentioned documents, as well as associated intelligence gathered, including the planning, and carrying out of multiple rescue attempts, and the planning of the rescue of Hrdlicka by the source.

1976, 1980, 1981, 1992

117. Exhibit 63 at Bates 231 is the first page of an August 10, 1992 "Possible POW/MIA Associated Markings in Southeast Asia... 1976, 1980, 1981, 1992." The CIA has failed to disclose the balance of this CIA analysis of multiple prison camps over multiple years.

November 9, 1993

CIA withholding 574 documents from the President, in 1993

118. In his November 9, 1993 letter to the President from CIA Director, James Woolsey stated that the CIA was withholding 574 documents pertaining to POWs. See Exhibit 1 at Bates 1:

I am reporting on the completion of CIA's review, declassification and release of all relevant documents, files pertaining to American and missing in Southeast Asia in accordance with Executive Order 12812 deadline of 11 November 1993.

To date, 1,766 documents have been forwarded to the Library of Congress, while only 574 documents have been denied. All denied material was withheld based on the need to protect sources and methods, ongoing clandestine operations, negotiations on foreign policy such as the normalization of relations, or privacy issues related to returnees and the families of POWs and MIAs.

The CIA has not indicated that it has provided the referenced 574 documents.

B. CIA RAN WAR IN LAOS, WAS LEAD INTELLIGENCE AGENCY

CIA ran war in Laos

119. Asked who was the dominant collector of information in Laos, the CIA or the Department of Defense (DOD), Secord replied, "CIA, clearly, because of the

resources they had on the ground." Asked who had the best information, the

Defense Intelligence Agency or the CIA, Secord replied:

The CIA was in charge of the war [in Laos], not the military. The military helped out a little bit on the side, particularly through the provisions of air assets, but the military had very few people on the ground except for forward air controllers, which were very good, and some air attaches, whereas the Central Intelligence Agency had several hundred people on the ground in Laos.

Select Committee Deposition William Sullivan, Ambassador to Laos, Exhibit 7,

Bates 22, at 32. Secord's recitation is not consistent with the records provided.

Constant CIA reports of POWs

120. Prior to testifying before the Senate Committee, Secord was deposed by it. In response to a question about whether any of the intelligence reports that he had reviewed while detailed to the CIA, or in any other position, "referred to prisoners of war or men who were missing in action," Secord replied, "Oh, many, constantly." Exhibit 9, Select Committee Deposition Richard V. Secord, at Bates 35.

121. Exhibit 38(h), at Bates 189, is a June 1992 Memo to Select Committee re "President's Daily [CIA] Intel Briefings," seeking copies of those briefings "given to the President regarding the possibility of POWs being transferred to the East Bloc after Homecoming." The author has "a source who claims to have seen them." The memo said the CIA had responded that they "are not available to

anyone." The CIA has provided few President's Daily Intel Briefings. The CIA should produce all such briefings that address the POW issue.

C. SEARCH

No search of overseas field stations

122. The CIA has not stated that it searched any overseas field stations for responsive records. Witnesses before the Select Committee testified repeatedly to the involvement of CIA field stations in Vietnam, Laos, Cambodia, and Thailand, in the gathering of information about POW/MIAs. I photocopied pages from the Testimony of the Chief of Station, Vientianne, Laos (1970-1973) (Exhibit 26 at Bates 111-19), before it was reclassified, and withheld. The witness was asked to identify a Report, which he characterized as "a compilation of all" information on POWs. I have not been provided with the referenced CIA Report. Nor have I been provided any CIA records on POW/MIAs from those field stations. And I have not been provided any reclassified depositions.

136. Exhibit 112 DOD letter to AIM regarding search terms, exemptions, August 28, 2015, at Bates 355-56

Code Names

137. In my review of publicly released reports and documents from the CIA and other agencies, the following code names have surfaced as the designations for operations related to or connected with POW/MIAs: Bright Light

(a DOD collection and reporting system on POWs and prison camps—the CIA would have a corresponding code word), Trail Watch (a CIA project using, among others, Controlled American Sources and "indigenous personnel" to observe POW and military movements on routes in Laos and elsewhere), Project Alpha (an Air Force mission to track the location of POW/MIAs to protect them against inadvertent US bombings—the CIA would have a corresponding code word), Operation Pocket Change (a 1981 plan to reconnoiter—including using photography and listening devices—and rescue those believed held in Laos), Project Corona (an operation to photograph--including imagery taken by satellite--and interpret troop movements in South East Asia, including along the Ho Chi Min Trail), and Duck Soup (the CINPAC, Air America (a CIA proprietary) name for a supply operation also used to rescue POWs, including Colonel Hrdlicka and others from Laos). In each of these operations, there is publicly available evidence of the CIA's involvement. The CIA should have searched under these names, and under the CIA's own codename for these operations. I have not received any records related to these operations.

No Select Committee depositions that had been "withdrawn in full" from the Archives, by the CIA

139. Exhibit 40(a) (Bates 200-01) is a April 22, 2008 letter from Kristin Welhelm of the National Archives to me which attaches a list of depositions taken before the Senate Select Committee on POW/MIA Affairs that have been

"withdrawn in full" from public access. Id. On April 4, 2016, Ms. Welhelm informed me that the CIA has not declassified any of these depositions. The CIA has not provided me with copies of any of these depositions or justified their withholding.

No mandatory declassification review of Select Committee depositions of Mason and Graver

140. Exhibit 41 (at Bates 202) is an April 28, 2008 letter from Archives Specialist Thomas Haughton to me which acknowledges my request for mandatory declassification review of the depositions of John Mason and William Graver, and advises me that it may be necessary for him to send them to the CIA for review. Id. I have heard nothing from the National Archives or the CIA.

No mandatory declassification review of Select Committee depositions

141. Exhibit 42 (at Bates 203-05) is a May 25, 2006 typed Note by the Ms. Wilhelm of the National Archives. It attaches a list of Senate Select Committee depositions on POW/MIAs, which the CIA withheld in full, in response to my request for mandatory declassification review ("MDR"). The CIA has neither provided me with copies or nor accounted for their withholding in this lawsuit.

CIA not search all its records as of 1995

142. In 1993-1995, I spoke with Mr. Harry Pugh, a CIA employee, about American POWs in China. He told me over the telephone that all that all the

documentation regarding POWs in China was in the basement of the CIA, and he did not have time to go through it all, and that nobody had gone through it. The record in this case does not reflect a search of this location. The CIA has not acknowledged that it has been in contact with Mr. Pugh.

CIA bug in North Vietnamese Embassy in Laos

143. From 1993 to 1995 I interviewed by telephone Jerry Mooney on several occasions. Mr. Mooney was a United States Air Force analyst who worked for the National Security Agency ("NSA") during the Vietnam War. He informed me that he knew, from the time that he was detailed to CIA, that he showed the Agency how to bug North Vietnamese Embassy in Vientiane, Laos, as well as other embassies. It is my belief that he was in a position to know this and that he was telling me the truth. The CIA has not provided me with any records related to this.

E. MISCELLANEOUS

144. Exhibit 45 at Bates 212 is a 1992 letter from CIA to Senate Select Committee on POW/MIA affairs requesting that 22 documents be made available during a closed hearing. The CIA states, "We have redacted 20 of the documents requested for delivery to the committee on the day of the proposed hearing." The CIA has not indicated that it released these 20 documents, and has not done so to my knowledge.

145. Exhibit 62 at Bates 230 is an undated chart of Latitude and Longitude coordinates, listing prison camps. This record has redactions. The record is based, in part, on CIA intelligence. The CIA did not release the information concerning POWs, on which this chart is based. Nor did it release the other pages of this record.

146. Exhibit 114 is my notes regarding the Trail Watch Program, which was a program to watch trails that the Vietnamese used to move troops, equipment, and POWs. The CIA has not produced any records regarding the Trail Watch Program as it relates to POWs. The note also regards Moua Chung, a Laotian who was part of the David Hrdlicka rescue. Chung also worked for General Vang Poa, who was a CIA asset. The CIA has not produced any records regarding General Vang Poa.

147. Exhibit 113, at Bates 357, is Texas Tech University correspondence to Roger Hall regarding the location of Air America documents. The National Archives has only recently received Air America administrative and training records. The Air America documents are located at the University of Texas, McDermot Library, at Texas Tech Vietnam Project, and the Air America Association. It should release all POW/MIA documents from these holdings.

148. Exhibit 106 is the Select Committee Deposition of Richard Rand, 1992, at Bates 322-45. Referring to a cable that referred to nine POWs held in

Laos, Rand testified that there were more than the nine that Laos had admitted to holding, at Bates 333, 336:

That was my understanding, but I would say it was based on factors such as our having proof that, for example, the Hrdlicka and Debruin - - the proof of their capture and survival of their incidents -- when it was documented, and it would be in that regard that we would have made that statement that there were other people other than the ones on their list that had survived until a more recent date.

Paragraph 3 begins: "We then discussed with him on some detail the cases of Eugene Debruin and U.S. Air Force Captain David Hrdlicka. We presented him with photographs of both men in PL captivity and noted that both photos had appeared in Neo Lao Hak Sot publications. We showed him an embassy memo of conversation prepared in May 1966 in which Soth acknowledged PL detention of Debruin and his report that Debruin was in good health. Soth displayed keen interest in the items presented and stated he would refer the question of other U.S. PWs to his superior at Sam Neua and agreed to convey response to DCM as soon as it is received.

The State Department believed, having evidence, that Hrdlicka and Debruin and others survived. The State Department would have gotten this information from the CIA.

149. Exhibit 98 is a CIA Report of a sighting of 8 to 10 Americans in Laos, Undated, at Bates 297. It states that "two American PWs who cooperated with the enemy" (at Bates 297). The Report also states, at Bates 302:

Nine American PWs were held in the vicinity of Mahaxy, a town about 30 miles east of Thakek in central Laos, in September 1973. One report said they were taken to Hanoi in September 1973. Another report said nine Americans were still in the area near a town called Pha Kateom in March 1974.... The nine Americans captured in

Laos and released in Operation Homecoming had all been moved out of Laos to Hanoi well before the end of 1972.

The Report mentions a series of other reports on which it is based, but the CIA did not produce these underlying and other related reports.

150. Exhibit 84 is my letter to AUSA regarding three additional privacy waivers (at Bates 264), dated April 14, 2011. It releases the names of Hugh M. Fanning USMC, Capt. Peter Richard Matthes, AF, and Capt. Charles Joseph Scharf, AF. These names are not among the 1,711 names that the Primary Next-of-Kin authorized released. The CIA did not specify that it searched for these names.

151. It is clear from the information I have set forth above that the CIA was involved in collecting and monitoring such information. In addition, CIA station chiefs testified before the Senate Committee that the CIA had primary responsibility for interviewing all human sources of such intelligence, including refugees during this period. See Exhibit 26, October 1991 Select Committee Deposition COS, Vientiane (1970-1973) Bates 111-19.

1972 joint CIA military plan to rescue 60 POWs in Laos

152. In 1994 and in 1995, I interviewed Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff. He told me that in 1972 he had authorized a rescue of 60 POWs in Laos. Admiral Moorer told me that, as planned, this raid was second in complexity only to the Son Tay raid. The rescue attempt was

cancelled because of the pending Peace Agreement of January 1973. Admiral Moorer stated that the CIA and the Department of Defense had information on this planned operation, and that I should check with the indigenous personnel files known as Controlled American Source, at the CIA. He said this was a joint CIA DOD operation. I have not received records regarding this planned rescue operation.

I hereby certify and affirm, under penalty of perjury, that the foregoing is true to the best of my information, knowledge, and belief.

Date: October 21, 2016

Roger Hall

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