MWF from CIA Oct 8, 2002

FILE # 0084-1-01 2 OF 4

DIRECTORATE OF PLANS

Intelligence Information Cable

RECEIVED

• ROUTINE

PAGE 1 OF 3 PAGES

STATE/INR OSA NMCC/MC CINCDEF JCS ARMY NAVY AIR CIA/NMCC NIC NSA SOO ONE CIS OCR FBIS LCS IRS AID USIA

D/NPIC 13 Mar 69 22 44z

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

[redacted]

THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

[redacted] 1.3(a)(4)

SECRET

13 18 51 Mar 69

DIST 13 MARCH 1969

207B

COUNTRY LAOS

DOI MAY 1967

SUBJECT CAPTURE OF TWO U.S. PILOTS DURING THREE DAY AIR ATTACK IN THE SAM NEUA AREA OF HOUA PHAN PROVINCE

ACQ LAOS, VIENTIANE / [redacted] 1.3(a)(4)

SOURCE

1. IN MAY 1967, PATHET LAO /PL/ POSITIONS IN THE VICINITY OF [redacted] 1.3(a)(4)

2U May 1967

2T [redacted]

76-064

EXHIBIT 92

Approved for Release
Date OCT 1994

942067-579

MWF from CIA Oct 8, 2002

[redacted] I

DRAFT

7 March 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Status Report on [redacted]

1. At the request of [redacted], DIA, a research was conducted to ascertain whether or not any rescue attempts was made on the prison camp located at BAN NAKAY NEUA, Laos (vicinity VH195565) to free [redacted]. Further, one of the recent returnees reported that there was information that [redacted] had died in a cave because the guards had stopped feeding him [redacted] D

2. All available information indicates that [redacted] was last identified during the period April-June 1965 in the prison camp mentioned in paragraph 1. A later report in September 1966 reports that an unidentified American pilot had died because he was unable to eats while interned in this prison camp.

3. An intelligence collection effort was conducted in September 1966 into this particular area but no actual attempts were conducted to rescue any detainees in this camp. No further information on [redacted] has been reported since June 1965.

Source
5. Information

[redacted] I

Approved for Release
Date 23 Jul 02

213

65

14753

MORI DocID: 196598

MWF from CIA Oct 8, 2002

INFO: C&CS-1 -1 J5-1 SACSA-3 S/DEF-1 ASD/ISA-5 16757
DIA-15 CSA-1 CNO-2 CSAF-1 CMC-3 ASD/SA-1
DCPG-1 FILE-1(47) RAN/JH

PAGE 1 OF 2 PAGES

L.C.

DIRECTOR/DCI PLANS DDI EXO D/NPIC D/DIS

[redacted] 1.5(c) 3.4(b)(1)

THIS IS AN INFORMAL FINALLY EVALUATED INTELLIGENCE

SECRET 060005 CITE TDCS-314/00098-69

5 JANUARY 1969

COUNTRY LAOS/NORTH VIETNAM

DOI 25 JUNE 1968

SUBJECT TRANSFER OF TWO AMERICAN PILOTS HELD CAPTIVE IN LAOS TO NORTH VIETNAM

ACQ LAOS, VIENTIANE [redacted] 1.5(c) 3.4(b)(1)

SOURCE

L-1

1. ON 10 JUNE 1968 TWO OF FOUR AMERICAN PILOTS HELD PRISONER IN THAM SUA CAVE AT VH 193564, 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 /NVA/ SOLDIERS WHEN THEY ATTEMPTED TO INTERROGATE HIM. THE ELDER PILOT REFUSED TO ANSWER THE NVA OFFICERS' QUESTIONS AND INSTRUCTED THE OTHER PILOTS 1.5(c) 3.4(b)(1)

[redacted]

FILE #
0084-1-01
2 of 4

76-067

APPROVED FOR RELEASE
5/15/98

EXHIBIT 93

942045-867

MWF from CIA Oct 8, 2002

AK/C 1-722

PRIORITY

Intelligence Information Cable

IN 001754

PAGE 1 OF 2 PAGES

DIRECTORATE OF PLANS

STATE/INR DIA NMCC/MC (SECDEF JCS ARMY NAVY AIR) [redacted]

[redacted]

THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

0606432 CITE TDCS-314/00217-70

[redacted]

DIST 6 JANUARY 1970

COUNTRY LAOS

DOI POSSIBLY LATE 1969 OR EARLY 1970

SUBJECT GENERAL LOCATION OF PRISON CAMP CONTAINING ABOUT 20 UNITED STATES AIR FORCE PILOTS IN THE BAN NAKAY REGION OF HOUA PHAN PROVINCE

ACQ LAOS, VIENTIANE 75 JANUARY 1970 [redacted]

SOURCE [redacted]

1. ABOUT 20 UNITED STATES AIR FORCE PILOTS WERE IMPRISONED IN A CONCEALED SECTION OF THE BAN NAKAY /VH 1955/ AREA OF SAM NEUA PROVINCE, ACCORDING TO TWO VILLAGERS WHO VISITED THE REGION TO BUY A RADIO ON AN UNSTATED DATE BUT POSSIBLY IN LATE 1969 OR EARLY 1970. WHEN THE NORTH

L-1

[redacted] DIA H-153 [redacted]

Log 1071 0107

APPROVED FOR RELEASE
Date 20 Aug 1979

EXHIBIT
94

[redacted]

DIRECTORATE OF
INTELLIGENCE

Intelligence Report

Communist Logistical Operations in Northern Laos

EXHIBIT
95

[redacted]

[redacted]
February 1972

Copy № 160

MORI DocID: 221804

NWF Oct 8, 2002

[redacted] H

[redacted] H

[redacted] D

[redacted] E

[redacted] E

[redacted] E

[redacted] I

DCI, D/DCI, DDP, (S/RF, [redacted]

[redacted] 122410Z AUG 70 CITE [redacted], SAIGON, [redacted]

DIRECTOR INFO VIENTIANE, [redacted]

COUNTRY LAOS

DOI 29 JULY

SUBJECT ENEMY P

ACQ LAOS, V

SOURCE [redacted]

INTEL [redacted] G

SECTION 1

SUPDATA [redacted]. REPORT PREPARED BY [redacted]. F, H

[redacted]. PRISON LOCATIONS VERIFIED

BY TWO OR MORE [redacted]. NO FILE. [redacted] E

C [redacted]

FILED 122410Z

[redacted] COMMENT: PRISONER FIGURES UNDER ITEM 10 PAGE 6 BEING SERVICED FOR CONFIRMATION.)

[redacted] DELETED FROM PAGE 2 LINE 5.)

H, D

1. AS OF 29

PRISONS AND/OR PR

NEW PRISONS HAVE

XD 3658, WERE OR

NOT BEEN REPORTEI

RESPECTIVELY AND

AN ESTIMATED 1,0

[redacted]

Approved for Release
Date 12 MAR 2002 23286

[redacted] I

12 Aug 70

94

198

see page 13 Ban Nakay photo

MWF from CIA Oct 8, 2002

see p. 2 letter K

[redacted]

10 August 1992

Possible POW/MIA-Associated Markings in Southeast Asia

Introduction

This information was prepared by the Central Intelligence Agency for the Senate Select Committee on POW/MIA Affairs. It is a summary of CIA analysis performed in 1976, 1980, 1981, and 1992 of areas in Vietnam and Laos where markings on buildings and terrain were evaluated as evidence of possible links to US POW/MIAs in Southeast Asia.

July 1976 Analysis of Dong Mang Prison Camp, North Vietnam

The prison is located at 21-04-00N/107-07-15E, approximately 26 kilometers west-northwest of the port of Cam Pha. It is located in a secluded area at the base of the foothills about 1 kilometer north of Dong Mang and 2 kilometers north of Route 183.

Although we were unable to find any conclusive evidence that this prison might contain American POWs, there are several unique features in this prison that differ from other known Vietnamese prisons. It is secluded in a relatively remote area and has an access control point on the road leading to the camp. Walls within the compound physically and visually segregate the prisoners. The visual segregation of prisoners indicates it is

Received by MWF from CIA attorney in Minneapolis October 8, 2002 A.D.

NND 982014 - 1726

05/17/02 FRI 11:10 FAX 001

1738X

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~TOP SECRET~~/SENSITIVE

ACTION

March 31, 1973

MEMORANDUM FOR: MR. KISSINGER

FROM: RICHARD T. KENNEDY
JOHN H. HOLDRIDGE

SUBJECT: Richardson Memo on U.S. POW/MIA in Laos

Secretary Richardson has sent you a m mo (Tab B) which contains a scenario of increasingly strong actions to induce a full accounting of U.S. POWs/MIAs in Laos. While we share Richardson's concern, we believe that this scenario -- summarized below -- overreacts to the situation and could backfire. It ignores the equally serious question of infiltration, but its emphasis on POWs raises the possibility of a double rationale for any direct measures we might wish to take against the Trail.

Richardson states that the Pathet Lao February 1 list of U.S. POWs is unacceptable (10 out of 350 or 2.8%), and implies that unless dramatic measures are taken, this situation will not improve. His diplomatic/military track starts off with protests to Hanoi (U.S. aid and mine-sweeping tied wholly to a full Lao accounting) and an immediate warning to the Pathet Lao. Unless the LPF respond favorably, he recommends we resume tactical air reconnaissance in Laos, and move a new carrier task force to Vietnam waters. He also would advise the LPF privately that the Thai SGU will not be withdrawn and he would urge Souvanna not to move forward in the coalition government until satisfaction is given on the POW/MIA issue. He stops short of recommending resumed air strikes.

We share Richardson's views on the inadequacy of the February 1 list and agree that strong presentation should be made to the LPF and Hanoi about this matter. Our position and dissatisfaction should be placed firmly on record. However, we have the following questions about Richardson's other recommendations:

~~TOP SECRET~~/SENSITIVE GDS

DECLASSIFIED
E.O. 12958 Sec. 3.6
MR 01-132, #37; OSD Ltr. 9/18/01

EXHIBIT
tabbies 96

-- Should we tie our post-war relations to Hanoi solely to Lao POWs/MIAs? We would prefer that the relations be geared to the whole issue of implementing the agreement, of which POWs/MIAs are one part.

-- Resumption of tactical reconnaissance and new naval deployments are a viable option which might better be justified on the dual grounds of overall Vietnam and Lao ceasefire violations (infiltration over the Trail) and POW/MIA accounting.

-- Connecting our POWs/MIAs in Laos to RLG performance under the Lao agreement is unnecessary and could backfire. Hanoi already has agreed in the Vietnam talks to resolve the Lao POW/MIA issue separately. Also, a connection between the release of U.S. POWs in Laos and formation of the new coalition could place us under considerable pressure to "lean" on Souvanna for concessions in order to obtain further POW releases. We should stay away from Lao political questions.

-- Finally, we question whether tieing U.S. POW releases to Thai SGU withdrawals might not be seized upon by the North Vietnamese as a pretext for not withdrawing their own troops.

Of Mr. Richardson's recommendations;

-- We recommend renewed strong protests to the DRV and LPF now.

-- If we do not have a satisfactory response by April 10, begin air reconnaissance over Laos and move a carrier task force back to Vietnamese waters but in the context of the totality of North Vietnamese violations including the Laos POW/MIA issue.

-- We would not link the Thai SGU and political discussions to the POW/MIA issue but we would not move the SGU until we are satisfied.

The memorandum at Tab A to Secretary Richardson thanks him for his views, expresses your concern, and notes that we are reviewing his suggestions.

Recommendation:

That you sign the memorandum at Tab A.

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
301.585.3361

ROGER HALL
STUDIES ▷ SOLUTIONS ▷ RESULT
A Nonprofit Corporation
POW/MIA FOIA Litigation ACCT
www.powfoia.org
rhall8715@aol.com
P.O. Box 8044
301/585-3361
Silver Spring, MD 20907-80
301/587-50

MEMORANDUM

THE WHITE H(
WASHINGTON

UNCLASSIFIED

TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

Le Duc Tho, Representative of the Government of the DRV
Nguyen Co Thach, Vice-Minister of Foreign Affairs
Phan Hien, Ministry of Foreign Affairs
Col. Hoang Hoa
Nguyen Dinh Phuong, interpreter
three notetakers

Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs
[redacted], Ambassador-Designate to RVN
[redacted] Department of State
[redacted] NSC Staff
NSC Staff
notetaker

DATE AND TIME: Wednesday, May 23, 1973
10:30 a.m. - 5:05 p.m.

PLACE: La Fontaine au blanc
St. Nom la Breteche

[redacted]

EXHIBIT
97

Declassified on 9/15/92 under provisions of E.O. 12356 by D. Van Tassel, National Archives

DF

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

UNCLASSIFIED

1021

[redacted]

Kissinger: Our understanding is that we can apply Article 8 (b). We can

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 Duc 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 Duc Tho: But in Laos. Minister Thach has told Ambassador Sullivan that we will help you to coordinate with our ally in Laos in getting informati 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 understanc on your honor that you will help us.

Le Duc Tho: We have to cooperate with our Lao friends. As to the statem 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.

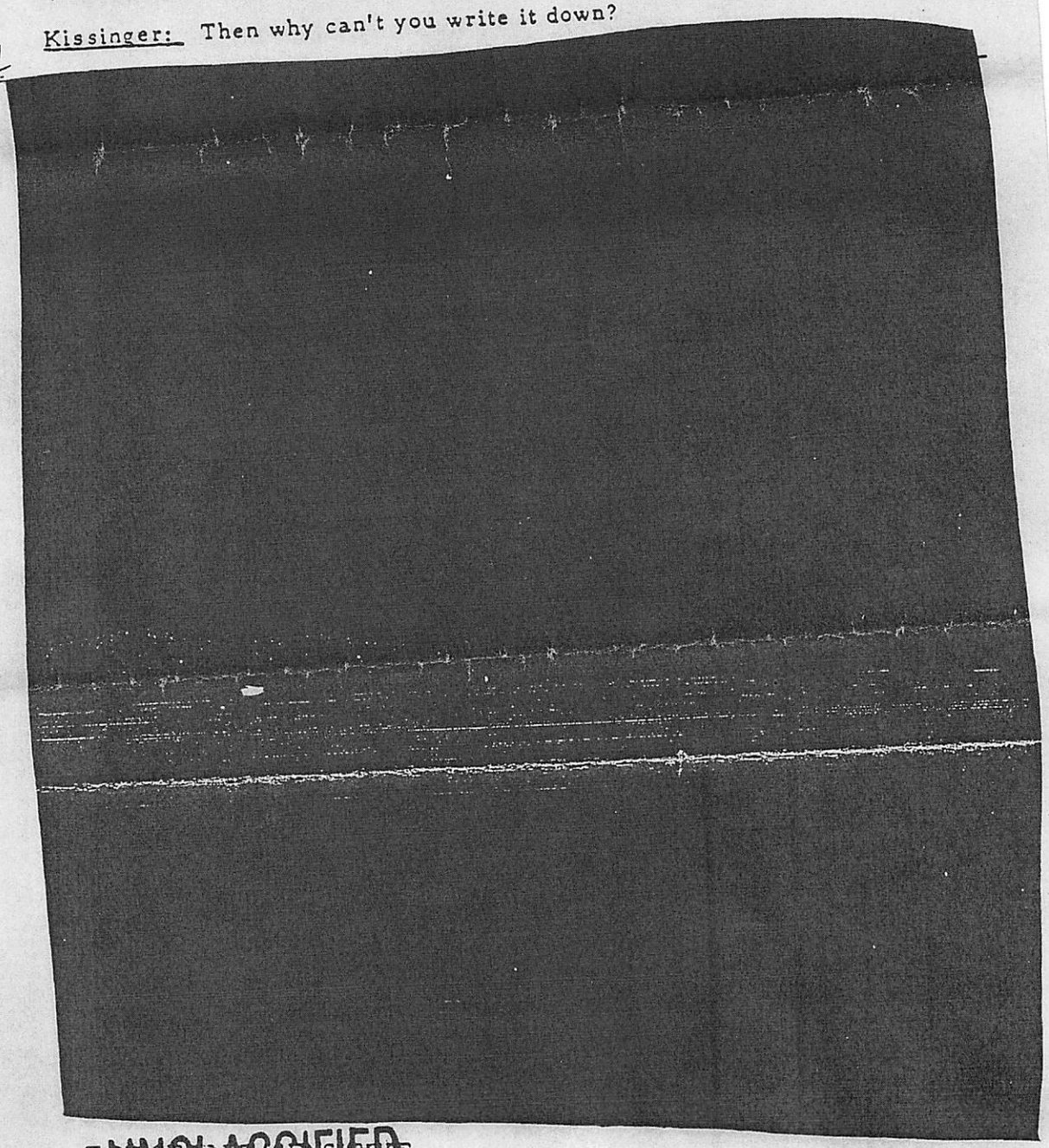
Kissinger: I understand. Now we would still like a sentence from you hic I don't understand why you can't give us--which says that "the DRV has been informed that there are no U.S. prisoners being held in Laos--that all the prisoners held in Laos have been released." It would be very importan for us.

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?



CIA

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] had said that [redacted] 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

A

EXHIBIT 98

RELEASED 4 JUN 1982

Enclosure 4 (S-56 [illegible])

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

3. [redacted]

A

A

B

B

A

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

a. The 1974 report mentioned [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 ahd 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 19 September 1974. Although Emmet Kay's captivity did not overlap with the period when [redacted] the 8 to 10 Americans were known to

A

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.

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 <u>not</u> possess such skills.

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]

#5993

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, DIA OFFICE CURRENT OPERATIONS.

005998

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK DO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA (DIA IS AUTHORIZED TO PASS THIS INFORMATION TO THE JOINT CASUALTY RESOLUTION CENTERS IN BANGKOK AND BARBERS POINT, HAWAII, FOR COMMANDERS ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 24 OCTOBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED LOCATION OF LIVE AMERICAN POWS IN LUANG PRABANG PROVINCE, LAOS

DOI: MID 1986

SOURCE:

TEXT: 1. THERE WERE SEVEN AMERICAN POW'S AS OF MID-1986 BEING DETAINED AT A CAMP NEAR NAM BAC (TH 3683) TOWN, OUDOMSAI DISTRICT, LUANG PRABANG PROVINCE, LAO PEOPLE'S DEMOCRATIC REPUBLIC (LPDR). THE PRESENCE OF AMERICAN POWS IN THIS GENERAL AREA WAS PREVIOUSLY REPORTED

. FORMER REEDUCATION CAMP INMATES FROM LUANG PRABANG PROVINCE, HAVE REPORTED A REEDUCATION CAMP AT NAM BAC. THE CAMP WAS EMPTIED OF REEDUCATION INMATES ABOUT 1980 AND THE CAMP WAS OCCUPIED BY PEOPLE'S ARMY OF VIETNAM (PAVN) TROOPS.) SIX OF THE AMERICANS WERE HISPANICS AND ONE WAS A CAUCASIAN AMERICAN THERE HAD BEEN 32 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. (COMMENT: NAM BAC WAS THE SITE OF AN AIRFIELD DURING THE INDOCHINA WAR. NO AMERICANS WERE STATIONED THERE, BUT SOME AMERICAN PERSONNEL VISITED THERE OCCASIONALLY. NONE OF THEM WERE LOST.) THE CAMP WAS OVERRUN BY THE ENEMY AND THE AMERICANS WERE CAPTURED. IN ADDITION TO THE AMERICANS, THERE WERE 30 FORMER SOUTH VIETNAMESE PRISONERS AT THE CAMP.

2. THE PRISON CAMP WAS SURROUNDED BY A DOUBLE FENCE. THE INTERNAL AREA WAS FENCED WITH BAMBOO WHILE THE EXTERNAL AREA WAS FENCED WITH NINE WALLS OF BARBED WIRE, EACH ABOUT 170 CENTIMETERS IN HEIGHT. THERE WERE ABOUT SIX TO EIGHT BUILDINGS FOR PRISONERS IN THE

EXHIBIT 99

18

SEC[redacted]

NOFORN

PAGE:0002

[redacted] 5USC 552 (b) (2)

FM JOINT STAFF WASHINGTON DC
INFO RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEACMC/CMC WASHINGTON DC
RUEDADA/AFIS AMHS BOLLING AFB DC
RUETIAQ/MPCFTGEORGEGMEADEMD
RUEAIIA/CIA WASHINGTON DC
RUEHC /SECSTATE WASHINGTON DC
RUEAMCC/CMC CC WASHINGTON DC
RUCQVAB/USCINCSOC INTEL OPS CEN MACDILL AFB FL
RUEALGX/SAFE
[redacted] 5USC 552 (b) (2)
FM CDRUSAOPSGP FT GEORGE G MEADE MD //IAGPC-L//
TO RUEKJCS/DIA WASHDC //DAM-1B/PW-MIA//
INFO ZEN/CDRUSAOPSGP FT GEORGE G. MEADE MD //IAGPC-CM//
RUDHAAA/CDRINSCOM FT BELVOIR VA //IAOPS-H-C//
RUEADWD/DA WASHDC //DAMI-POH/DAMI-FII//
RUEHBK/JCRC LIAISON BANGKOK TH
RUHQBPA/CDR JCRC BARBERS PT HI
RHWRMPC/HQ AFMPC RANDOLPH AFB TX //DPMCB//
BT
CONTROLS
~~S E C R E T NOFORN~~
PASS: DIA/PW-MIA FOR J. TRAVIS
QQQQ
SECTION 01 OF 02
SERIAL: (U) IIR [redacted] 5USC 552 (b) (2)

/********** THIS IS A COMBINED MESSAGE **********/
BODY
-
COUNTRY: (U) LAOS (LA); VIETNAM (VM).
-
SUBJ: IIR [redacted] 5USC 552 (b) (2) HEARSAY,RE U.S. MIA ALLEGEDLY ALIVE IN LAOS (U).
-
WARNING: (U) THIS IS AN INFO REPORT, NOT FINALLY EVALUATED INTEL. REPORT CLASSIFIED S E C R E T NOFORN.
-

DEPARTMENT OF DEFENSE

-
DOI: (U) 891212.
-
REQS: (U) [redacted] 5USC 552 (b) (2)
-

EXHIBIT 100

SEC[redacted]

NOFORN

1

HRDAICKA, DAVID L.

PAGE:0003

SOURCE: [redacted] 5USC552 (b) (1) 5USC 552 (b)(7)(D)

SUMMARY: [redacted]

TEXT:

1. SYNOPSIS. [redacted] 5USC552 (b) (1)

2. BACKGROUND. [redacted]

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

----------TEAR LINE----------

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 MOUANE PROVINCE. SUSPECTING OF KIDNAPPING D. HERLICKA AND FRIENDS. THE OUTCOME OF MY CONVERSATION WILL BE RELAYED TO YOU SOON.

----------TEAR LINE----------

B. [redacted] 5USC552 (b) (1)

C. [redacted]

5USC552 (b) (1)

PAGE:0004

D [redacted]

SPECIAL COLLECTOR'S COMMENTS

3 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	72541FR	USAF	DATA	650518 LA

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 TO NEXT OF KIN AS DEEMED APPROPRIATE.

COMMENTS: THIS IS THE SECOND OF TWO REPORTS FROM SOURCE. THE FIRST WAS IIR [redacted] 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//.

5USC 552 (b) (2)

//IPSP: PG 2430//.
//COMSOBJ: 521//.
ADMIN
PROJ: [redacted]
COLL: VK.
INSTR: US: NO.
ENCL: FOUR ENCL TO FOLLOW -
1. HANDWRITTEN LETTER , 1 CY, 890627, 3PG , 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//

#0347

MNN:

#5993

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, DIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA (DIA IS AUTHORIZED TO PASS THIS INFORMATION TO THE JOINT CASUALTY RESOLUTION CENTERS IN BANGKOK AND BARBERS POINT, HAWAII, FOR COMMANDERS ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 24 OCTOBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED LOCATION OF LIVE AMERICAN POWS IN LUANG PRABANG PROVINCE, LAOS

DOI: MID 1986

SOURCE:

TEXT: 1. THERE WERE SEVEN AMERICAN POW'S AS OF MID-1986 BEING DETAINED AT A CAMP NEAR NAM BAC (TH 3683) TOWN, OUDOMSAI DISTRICT, LUANG PRABANG PROVINCE, LAO PEOPLE'S DEMOCRATIC REPUBLIC (LPDR). THE PRESENCE OF AMERICAN POWS IN THIS GENERAL AREA WAS PREVIOUSLY REPORTED

. FORMER REEDUCATION CAMP INMATES FROM LUANG PRABANG PROVINCE, HAVE REPORTED A REEDUCATION CAMP AT NAM BAC. THE CAMP WAS EMPTIED OF REEDUCATION INMATES ABOUT 1980 AND THE CAMP WAS OCCUPIED BY PEOPLE'S ARMY OF VIETNAM (PAVN) TROOPS.) SIX OF THE AMERICANS WERE HISPANICS AND ONE WAS A CAUCASIAN AMERICAN . 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. (COMMENT: NAM BAC WAS THE SITE OF AN AIRFIELD DURING THE INDOCHINA WAR. NO AMERICANS WERE STATIONED THERE, BUT SOME AMERICAN PERSONNEL VISITED THERE OCCASIONALLY. NONE OF THEM WERE LOST.) THE CAMP WAS OVERRUN BY THE ENEMY AND THE AMERICANS WERE CAPTURED. IN ADDITION TO THE AMERICANS, THERE WERE 30 FORMER SOUTH VIETNAMESE PRISONERS AT THE CAMP.

2. THE PRISON CAMP WAS SURROUNDED BY A DOUBLE FENCE. THE INTERNAL AREA WAS FENCED WITH BAMBOO WHILE THE EXTERNAL AREA WAS FENCED WITH NINE WALLS OF BARBED WIRE, EACH ABOUT 170 CENTIMETERS IN HEIGHT. THERE WERE ABOUT SIX TO EIGHT BUILDINGS FOR PRISONERS IN THE

5993

01 A

EXHIBIT 101

INTERNAL AREA. EACH PRISONER BUILDING WAS ABOUT 50X10 METERS IN SIZE. BUILT OF CEMENT WITH CORRUGATED-SHEET METAL ROOFING. THE TOTAL INTERNAL AREA WAS ABOUT 3 RAI IN SIZE. 2.5 RAI EQUALS ABOUT ONE ACRE.)

3. THE AMERICAN POWS WERE GUARDED BY LAO PEOPLE'S ARMY (LPA) SOLDIERS AND HAD BEEN WORKING AS CONSTRUCTION FOREMEN FOR THE CONSTRUCTION OF A DISPENSARY AND LIVING QUARTERS BUILDING LOCATED ACROSS ROUTE SIX FROM THE CAMP WHICH WAS LOCATED ON THE NORTH SIDE OF ROUTE SIX. A PAVN SECURITY UNIT WAS LOCATED NEAR THE DISPENSARY/LIVING QUARTERS AREA AND A PAVN CHECKPOINT WAS LOCATED AT MUANG NGOY (TH 5891). THE SOUTH VIETNAMESE POWS HAD BEEN SERVING AS CONSTRUCTION WORKERS FOR THE PROJECT. THESE TWO BUILDINGS WERE COMPLETED IN 1985. THE PRISONERS WERE GUARDED BY LPA SOLDIERS WHEN THEY WORKED OUTSIDE THE CAMP, BUT WERE ALLOWED TO SPEAK WITH LOCAL VILLAGERS. THE LPA SECURITY CHIEF AT THE CAMP WAS ((SITHON)) (LNU).

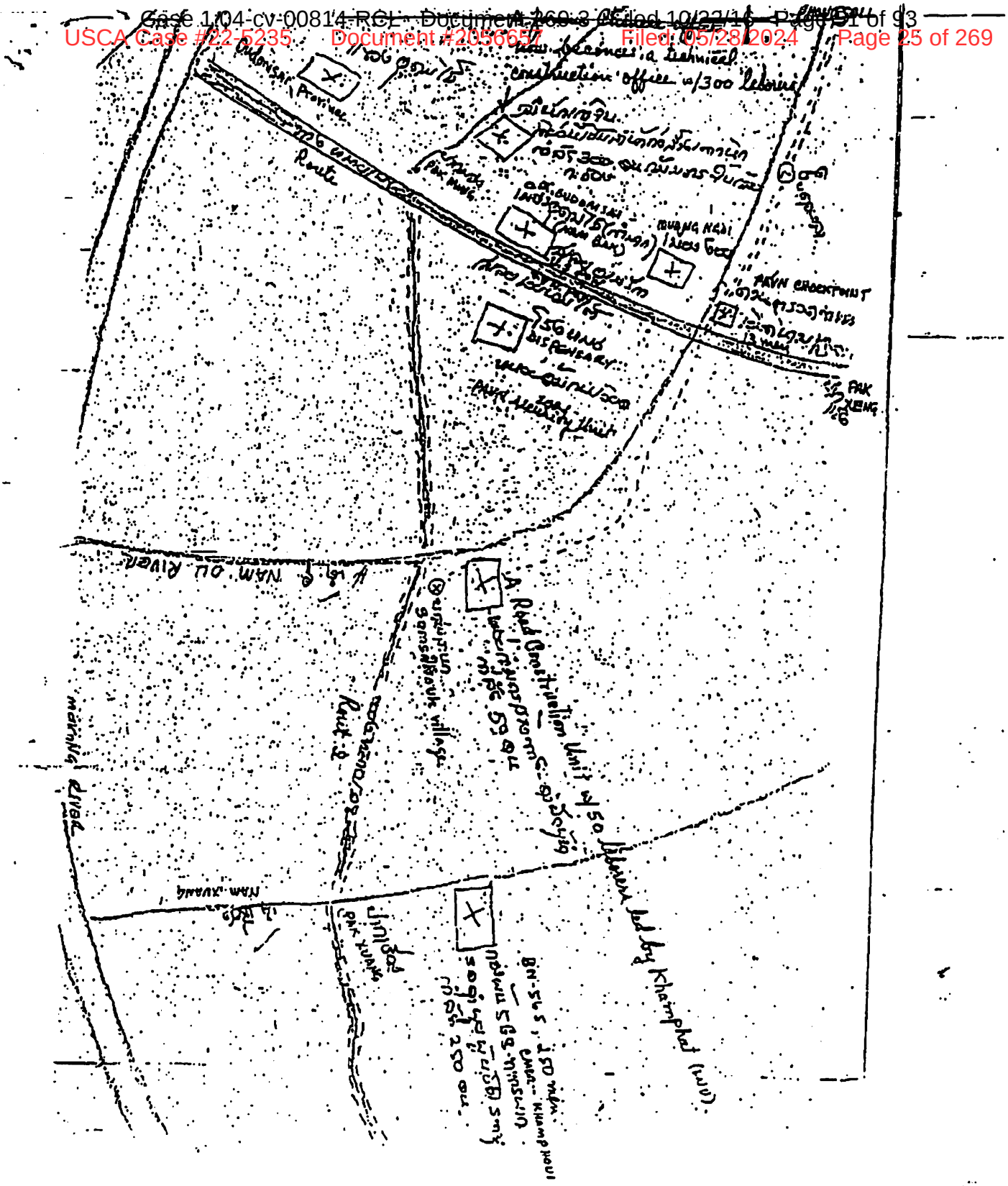
4. THE LIVING CONDITIONS OF THE POWS WERE TERRIBLE. THEY WERE GIVEN MILLED BUT UNPOLISHED RICE TO EAT WHICH WAS SOMETIMES SUPPLIMENTED BY WHEAT OR BARLEY FROM CUBA. THE POWS WERE IN BAD HEALTH DUE TO MALNUTRITION.

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM.
TO STATE:	EXCLUSIVE FOR THE DIRECTOR, INR.
TO DIA:	EXCLUSIVE FOR THE DIRECTOR, DIA.
TO NSA:	EXCLUSIVE FOR THE DIRECTOR, NSA.

5993

02



MAP OF NAM BAK POW CAMP

5993

03

NAME 3 : FIR 315/35655-86 ID # 2 : 5993

AKA 16 : CONFIDENTIALITY37:

BOAT NUMBER 34 : CONTACTED 32:
CATEGORY: 1A

CNTRY LOCATED 23 : STATE/CITY 15 :
CNTRY REPORTED 10: LA
TYPE SIGHTING 46 : POW-HSY
1ST SIGHTING 42 : TH360830 11 203800N 12 1022700E

SUBSOURCES 27 :
ACTIONS 51 :

CURRENT ACT 45 : 5 US MOVED TO SOVIET UNION CAPTIVITY 39:

REMARKS 36 : FOLREG 7 PWS/LINGER/NAM BAC 86 ANALYST 13: KJ

DATE RECEIVED 8: 870306 DATE OF INFO 35 8606

ACT DATE 38: 0306 0 87 ADDRESS 25:

ORIGIN CODE 17: D

POLYGRAPH CATEGORY 53: 07 UNDER ANALYSIS

POLYGRAPH RESULTS 24:

5993 04

PAC

MSGNO 120 (PCXX) *08/24/87* *07:08:23.1.1*
ZCZC 12:06:59Z (PC)
EMI DTG : 87082406291500
RTTSZYUW RUEKJCS6902 2361024- --RUEALGX.
ZNY
R 241024Z AUG 87
FM JCS WASHINGTON DC
INFO RUEADWD/OCSA WASHINGTON DC
RUENAAA/CNO WASHINGTON DC
RUEAHQA/CSAF WASHINGTON DC
RUEDADA/AFIS AMHS BOLLING AFB DC
RUEHC /SECSTATE WASHINGTON DC
RUEAMCC/CMC CC WASHINGTON DC
RUETIAH/DIRNSA FT GEORGE_G MEADE MD
RUEACMC/CMC WASHINGTON DC
RHHMBRA/CINCPACFLT PEARL HARBOR HI
RUETIAQ/MPC FT GEORGE G MEADE MD
RUEALGX/SAFE
R 241027Z AUG 87
FM USDAO BANGKOK TH//PW/MIA TEAM//
TO RUEKJCS/DIA WASHINGTON DC//DAM/VO-PW//
INFO RUEADWW/WHITEHOUSE WASHDC//NSC/MR CHILDRESS//
RUEKJCS/SECDEF WASHDC//OASD-ISA/PW-MIA//
RUEKJCS/JCS WASH DC//J5/OJCS-PW-MIA//
RUHQHQA/USCINCPAC HONOLULU HI//J2/J233/J3/J36//
RUEAIIA/CIA WASHDC//DDO/PCS/LCG/MIL//
RUHQBPA/CDR JCRC BARBERS PT HI
RUEHGP/USDAO SINGAPORE
RUEHML/USDAO MANILA RP
RUEHKL/USDAO KUALA LUMPUR
RUEHHK/USDLO HONG KONG
BT
EZ1:
- ANGKOK TH//PW/ 36902

EZ2:
THIS IS A STONY BEACH MESSAGE
SERIAL: ( ) IIR 6 024 0089 87
COUNTRY: ( ) LAOS (LA)
SUBJ: IIR 6 024 U089 87/SIGHTING OF TWO US PWS IN
- NORTHERN LAOS
WARNING: THIS IS AN INFO REPORT, NOT FINALLY
- EVALUATED INTEL.
DOI: (870609
REQS:) D-VOP-43468.
SOURCE: A MT OF
PROVEN RELIABILITY WITH EXCELLENT ACCESS WHO OBTAINED
THE INFORMATION FROM A SUBSOURCE WHO TRAVELS TO VILLAGES
IN NORTHERN LAOS. THE SUBSOURCE IN TURN OBTAINED THE
INFORMATION FROM THE SSC WHO

EXHIBIT
tabbies
102

PERSONALLY OBSERVED THE PURPORTED AMERICAN PRISONERS.

SUMMARY: REPORT. REPORT CONTAINS INFORMATION ABOUT THE SIGHTING OF TWO U.S. PWS WHO WERE BEING TRANSPORTED UNDER GUARD TO SAM NEUA PROVINCE, LAOS.

TEXT: 1. SSC //UTMCOORD SH 9897//, LAOS, SAID THAT ON 9 JUN 87, A LAO POLICE SUB-LIEUTENANT WITH 12 TROOPS (NFI) ESCORTED TWO U.S. PWS BY VEHICLE INTO BAN LONG KAT WHERE THEY STOPPED TO EAT. SOME OF THE TROOPS ATE AT S HOUSE.

2. THE SUB-LIEUTENANT SAID THAT HE WAS TAKING THE PWS TO SAM NEUA PROVINCE. HE ADDED THAT ON 7 JUN 87, THE LAO FIS IN VIENTIANE HAD ISSUED AN ORDER TO OUDOMSAI PROVINCE TO IMMEDIATELY REMOVE ALL PWS AND TO TRANSPORT THEM TO SAM NEUA PROVINCE. THE ORDER CITED U.S. EMBASSY, VIENTIANE QUESTIONING THE LAO GOVERNMENT ABOUT PW PRESENCE AS THE REASON FOR THE RELOCATION.

3. SC SAID THAT THE PWS WERE CALLED BY LAO NAMES: NAMES BOTH PWS WERE DRESSED IN "VIETNAMESE" BLUE COTTON WORK UNIFORMS WITH BLUE HATS AND WERE BAREFOOT . SC, WHO SPOKE WITH THEM, SAID THAT NAMES COULD SPEAK THE LOCAL LAO DIALECT. COMPLAINED TO SC HAT HE MISSED HIS PIGS AND CHICKENS; HE HAD TO LEAVE THEM AFTER STAYING WITH THEM FOR 8 YEARS AND 4 MONTHS. HE SAID THAT ALL HIS FRIENDS HAD DIED.

4. AFTER THE MEAL, THE SUB-LIEUTENANT'S GROUP AND THE POWS BOARDED A VEHICLE WHICH DEPARTED FOR KILOMETER 18 ON THE WAY TO NAME PROVINCE.

COMMENTS: BAN LONG KAT MAY BE BAN KAT//UTMCOORD SH 973997//SHOWN ON 1:50,000, EDITION 3, L7015 SERIES WHICH IS AT THE JUNCTION OF ROUTES 46 AND 4. THE GROUP MAY HAVE USED ROUTE 4 TO TRAVEL TO NAMA NAMA PROVINCE.

//IPSP: PG 2430//
//COMSOBJ: 410//
PROJ: ( ) 6999-10
COLL: ( ) AC
INSTR: ( ) US: NO
PREP: ( ) TM-02
APPR: ( ) PETER S. HOFFMANN, COL, USA, TM CHIEF
WARNING: NOT RELEASABLE TO FOREIGN NATIONALS.

BT
#6902
NNNN
NNDD

01 07 011501Z JUN 90 PP

152150bZ

CDRUSAOPSGP FT GEORGE G. MEADE MD//IAGPC-L//

DIA WASHDC//DAM-1B/PW-MIA//

INFO ϕ 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. 827
Silver Spring, MD 20910
301.585.3361

PASS: DIA/PW-MIA FOR

QQQQ

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
tabbies
103

02 07 011501Z JUN 90 PP 15215061Z

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED INTEL.

DEPARTMENT OF DEFENSE

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

03 07 011501Z JUN 90 PP 15215062

DISCUSSED A POSSIBLE RESCUE ATTEMPT.

TEXT:

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 PROVIENCE, 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.

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.

05 07 011501Z JUN 90 PP 15215062

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. HRLICKA 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

15215061Z

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.

07 07 011501Z JUN 90 PP

15215061Z

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER 1 CY, 890627, 1 APG {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//

CDD	
A&S	
CSD	
CRB	
INV	
ADP	

ROUTINE 91 APR 26 P10:19

R 261800Z APR 91 ASN 292507P25

COMPLETED

FM DIA WASHINGTON DC//PW-MIA//

TO USDAO BANGKOK TH//PW-MIA//

INFO JCRC LIAISON BANGKOK TH
AMEMBASSY VIENTIANE
HQ AFMPC RANDOLPH AFB TX//DPMCB//
AMEMBASSY BANGKOK//DEA COUNTRY ATTACHE/DAO//
CDR JCRC BARBERS PT HI
SECSTATE WASHINGTON DC//EAP/VLC//
HQ DEA WASHINGTON DC//OH//

BT

C-0410/PW-MIA
SUBJ: FURTHER CONTACT WITH LAO SOURCE OF PW INFO
REFS: A. CDRUSAOPSGP MSG 011501Z JUN 90, SUBJ: IIR 2240501090/HEARSAY RE U.S. MIA ALLEGEDLY ALIVE IN LAOS
B. DIA/POW-MIA MSG 121505Z JUN 90, SUBJ: SOURCE DIRECTED REQUIREMENT, SDR S-VOP-05346
C. USDAO BANGKOK TH//PW-MIA// MSG 220907Z JUN 90, SUBJ: RESPONSE TO SDR S-VOP-05346
D. DIA//CY(DEA-DRE)// MSG 251902Z OCT 90, SUBJ: IIR 6010704191/NARCOTICS STORAGE SITE/REFINERY AT BAN LAKSAO

1. REF A INCLUDED A REPORT FROM LAO SOURCE source, DATED JUNE 1989, AS FOLLOWS: "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." REF B WAS REQUEST THAT SC BE INTERVIEWED AS TO HIS KNOWLEDGE OF AMERICAN DAVID HRDLICKA, MISSING IN LAOS SINCE MAY 1965. DURING STONY BEACH INTERVIEW, REPORTED IN REF C, SC WOULD NOT RESPOND TO SPECIFIC QUESTIONS ON THE "HERLICKA" CASE, HOWEVER, DID SAY THAT HE HAD INFORMATION FROM COL CHAENG THROUGH COL BOUA THAT HERLICKA WAS HELD IN THE VICINITY OF LAK XAO.

2. PARA 1, REF D STATES IN PART, AS FOLLOWS: DATA INDICATES GENERAL CHAENG CHAIWONG, A LAO PEOPLE'S ARMY COMMANDER IS INVOLVED IN NARCOTICS TRAFFICKING. GEN. CHAENG IS ALSO THE CHIEF OF THE PHATANA PHU DOI COMPANY IN THE KHAMMUAN, SAVANNAKHET, AND BOLIKHAMXAI PROVINCES. INVOLVED WITH GEN. CHAENG IS THE GOVERNOR OF KHAMMUAN PROVINCE (LAO PEOPLE'S DEMOCRATIC REPUBLIC)." IT SHOULD

DLVR:CDR JCRC BARBERS PT HI(3)...INFO

RTD:000-000/COPIES:0003 4

292507/2633/117 1 OF 2 M1 0257 117/07:27Z 261800Z APR 91
CSN:RXBP0191 DIA WASHINGTON DC//PW-MIA//

000320

EXHIBIT 104

Stenographic Transcript of
HEARINGS
Before the

SECRET

SELECT COMMITTEE ON POW/MIA AFFAIRS

SANITIZED COPY
SENSITIVE INFORMATION DELETED

UNITED STATES SENATE

DEPOSITION OF S. RICHARD RAND

SECRET

Thursday, June 4, 1992

Washington, D.C.

ALDERSON REPORTING COMPANY
1111 14TH STREET, N.W.
WASHINGTON, D.C. 20005-5650

1 DEPOSITION OF S. RICHARD RAND

2

3 Thursday, June 4, 1992

4

5 U.S. Senate

6 Select Committee on POW/MIA

7 Affairs

8 Washington, D. C.

9 Deposition of S. RICHARD RAND, a witness herein,
10 called for examination by counsel on behalf of the Select
11 Committee on POW/MIA Affairs, pursuant to notice,
12 commencing at 10:02 a.m., in Room S-407, The Capitol, the
13 witness having been duly sworn by MICHAL ANN SCHAFER, a
14 Notary Public in and for the District of Columbia, and the
15 proceedings being taken down by Stenomask by MICHAL ANN
16 SCHAFER and transcribed under her direction.

17

18 see John Dean deposition

19 DCM Dep Chief 3 mission

20

21

22 p26, 27

23 p32

24 p.47

25 50

Feb 2 1st agreement

"

Embassy wants probative evidence
3. Lao held POWs "proof", Lack 8
indication 3 proof,

51

... alive? hearing venue
1973

1 APPEARANCES:

2 On behalf of the Select Committee on POW/MIA Affairs:

3 JOHN F. McCREARY, ESQ.

4 Investigative Counsel

5 DINO CARLUCCIO

6 Deputy Staff Director

7 BARRY VALENTINE

8 Investigator

9 On behalf of the U.S. Department of State:

10 JAMES G. HERGEN, ESQ.

11 Assistant Legal Advisor for East Asian and

12 Pacific Affairs

13 U.S. Department of State

14 Washington, D. C. 20520

15 (202) 647-3044

16

17

18

19

20

21

22

23

24

25

CONTENTS

EXHIBITS

1 P R O C E E D I N G S

2 Whereupon,

3 S. RICHARD RAND,

4 the witness herein, called for examination by counsel on
5 behalf of the Senate Select Committee on POW/MIA Affairs
6 and having been duly sworn by the Notary Public, was
7 examined and testified as follows:

8 EXAMINATION ON BEHALF OF THE SELECT COMMITTEE

9 BY MR. McCREARY:

10 Q. Welcome, Mr. Rand. This is the deposition of
11 Mr. S. Richard Rand. Present are Mr. S. Richard Rand, Mr.
12 Hergen, Mr. Barry Valentine, representing the Committee,
13 and Mr. John McCreary, who will be the chief questioner,
14 representing the Committee. Mr. Dino Carluccio is
15 expected to join us shortly.

16 This deposition is beginning at 10:02 in the
17 office of Senate Security. Again, welcome. I expect that
18 this will be a Secret deposition and remain in Secret
19 channels.

20 We will introduce as Exhibit 1 a copy of the
21 rules.

22 [The document referred to was
23 marked Rand Exhibit No. 1 for
24 identification.]

25 Exhibit 2 will be a copy of the authorization.

1 MR. HERGEN: So we won't discuss anything above
2 Secret?
3 MR. McCREARY: If it goes above that, we will
4 break and discuss how to handle it.
5 MR. HERGEN: I don't have any reason to assume
6 anything's going to come up, and I do recall you having
7 said Secret. I just wanted to confirm that.
8 MR. McCREARY: That's right. It will be Secret.
9 None of the materials I will consult will be higher than
10 that.
11 BY MR. McCREARY:
12 Q. Let's move on, then, to the setting as you
13 experienced it. What kind of problems did you encounter
14 in the embassy and what kind of working relationships did
15 you have with the other Executive Branch presences and the
16 military presence you described, and the intelligence?
17 A. I'm trying to recall if there was a formal
18 structure. I know each of these agencies had a person
19 that had the principal focus on this activity. I can just
20 recall one name, maybe.
21 Q. Would you recall that name, please?
22 A. Yes. For DIA, I believe it was a Major Charlie
23 Tennant -- Charles Tennant -- T-e-n-n-a-n-t, as I recall.
24 I think that's the only name.
25 Q. That's fine. I'd like to pursue this. In your

1 dealing with families and so on, did you have a point of
2 contact in the military presence in the defense attache's
3 office for prisoners of war and MIA issues?
4 A. It would have been Charlie Tennant.
5 Q. Was there one in the Chief-of-Station's
6 organization?
7 A. Yes. As I recall, it was [redacted] CIA 1.3(a)(4)
8 Q. Were those positions established after you
9 arrived, after June '71, or did they preexist?
10 A. I think they preexisted my arrival.
11 Q. Do you recall -- and again I'm only asking for
12 your memories here -- that they existed for some time, had
13 been well established, or were they fairly recently
14 established?
15 A. I don't recall. I know my position was
16 established with my arrival.
17 Q. How would you describe the political milieu in
18 Laos at the time? Was the government strong when you
19 arrived and became weaker? Were people upbeat and
20 optimistic about what the United States was doing at the
21 time? Those kinds of atmospherics, if you will. Feel
22 free to just talk about that as you recall it.
23 A. As I recall it, especially when I first arrived
24 in '71, the atmosphere was upbeat. The Souvannaphouma
25 government was well entrenched and operating efficiently,

1 words, once a guy is on the ground and he becomes sort of
2 anonymous, he's an anomaly walking through a Southeast
3 Asian country in some ways.
4 A. I think that several elements of the mission who
5 were there in Vientiane were information addressees on
6 these reports, but I have a sense that the focus was in
7 CINCPAC, the principal file or the official file or the
8 disposition of these cases.
9 Q. Who was the ambassador that you worked for?
10 A. G. MacMurtrie Godley.
11 Q. Do you maintain contact with him at this point?
12 A. No, I don't.
13 Q. Did Ambassador Godley receive regular briefings
14 on losses in Laos, do you believe or recall?
15 A. Well, he was fully aware of everything that I
16 was made aware of. He had all the traffic I had. I would
17 say yes. I don't know if he had briefings, but he was
18 very well aware of all incidents related to POW/MIA
19 affairs.
20 Q. Do you remember the name of the CIA station
21 chief while you were out there?
22 A. Yes, I do.
23 Q. Would you please state it?
24 THE WITNESS: May I?
25 MR. HERGEN: Sure.

CIA 1.3(a)(4)

1 THE WITNESS: [redacted]

2 BY MR. McCREARY:

3 Q. We intend to depose him. I just wanted to make

4 sure I understood the right sequence in time.

CIA 1.3(a)(4)

5 A. I was trying to recall when [redacted] left. No, I

6 think it was after my entire tenure.

7 Q. Would you describe your impressions of Colonel

8 Soth Petrasy?

9 A. You know, after these many contacts with him

10 over a two-year period, I definitely concluded that Soth

11 Petrasy was not a mover or shaker within the Pathet Lao

12 infrastructure. I often had reason to question whether he

13 was even really in the loop of things. He was really just

14 a figurehead.

15 Again, I have a recollection that there was a

16 conclusion that he was not a very effective functionary of

17 the Pathet Lao movement.

18 Q. On what would you base that conclusion, as you

19 recall, particularly the terminology that he was not very

20 effective?

21 A. Well, he was never able to be responsive to any

22 request we ever made. I recall that, especially toward

23 the end, as we were approaching negotiations in early

24 1973, I had a lot more information than he did about what

25 was going on up north. I clearly recall that. I may have

1 BY MR. McCREARY:

2 Q. We're back on the record. I have some questions
3 for you, Mr. Rand, about some embassy telegrams that were
4 sent between 22 March of 1973 and the 24th of May of '73.
5 The first cable is the one on the 22nd of March. I'd like
6 to draw your attention to paragraph 2 of the cable
7 Vientiane.

8 Do you recall whether you or someone else
9 drafted this cable?

10 A. My recollection is that John Dean and I drafted
11 it together. Let me just --

12 Q. Take your time.

13 [Pause.]

14 A. I would say that at this stage of the scenario
15 the participants had been upgraded so that each of these
16 incidents was in conjunction with the DCM, John Gunther
17 Dean at the time, and although I may have drafted the
18 cable it was coordinated with John and he probably had
19 input into it as well. That's the best of my
20 recollection.

21 Q. Does the cable look familiar to you in gross
22 terms or in specific?

23 A. Yes, it does.

24 Q. And the subject of this cable is U.S. PWs in
25 Laos. I would like to rad the first sentence or so of

1 that second paragraph and ask you to comment and provide a
2 context or your interpretation, your understanding as a
3 person involved in the process at the time as to what that
4 sentence means.
5 The sentences are these: "We believe the
6 LPF" -- that is, the Lao Peoples Front -- "holds
7 throughout Laos more prisoners than found on the DRV list"
8 -- DRV meaning Democratic Republic of Vietnam -- "but we
9 believe that, for the time being, we should concentrate
10 our efforts on getting these nine listed men repatriated
11 as soon as possible. The release of the nine PWs already
12 acknowledged seems possible within the time frame of the
13 Vietnam agreement. However, we do not believe it is
14 reasonable to expect the LPF to be able to produce an
15 accurate PW list by March 28. The LPF just has not
16 focused on the PW repatriation and accounting problem
17 until very recently, and probably cannot collect in the
18 next few days the information we require."
19 I'll stop there. In your time in Laos, did we
20 believe that thee were men alive in Lao hands, and is that
21 what this cable purports to say?
22 A. Yes, at that point in time.
23 Q. We believed, as of the 22nd of March -- correct
24 me if I'm misstating -- that there were more than nine
25 Americans captive by the Pathet Lao; is that correct?

A. That's correct.

Q. And is that your understanding of this cable?

A. That was my understanding, but I would say it was based on factors such as our having proof that, for example, the Hdrlicka 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.

Q. Would that statement also have implied we did not have evidence that the Lao killed people deliberately as a policy -- the Pathet Lao, that is?

A. I can recall information describing mob murder of downed airmen that came in through various channels. I can't recall whether any of those incidents were confirmed, but we were certainly getting information along those lines from time to time.

Is that responsive?

Q. That's very responsive. It's very helpful.

Do you recall Soth Petrasy ever stating that the Lao policy was to kill pilots, was to punish the pirates, if you will, or language to that effect?

A. I do not recall that. In fact, my recollection would be that he would have taken, particularly when I was

there mostly with family members, a much more humanitarian posture. I don't recall that he ever stated that was a policy.

Q. We have no information of that either, so I wanted to confirm it.

A. It just wasn't in his modus operandi to say anything along those lines at all -- that we were the barbarians.

Q. We have not found any policy statements by the Lao, either in intelligence channels or others, that indicates that they had a policy of killing pirates.

A. I can recall -- again, a best recollection is that he would, on the other hand, in that regard have stated that any persons taken prisoner were treated humanely in any discussions that myself or the families would have had with him.

But again I would qualify that by saying the total conclusion I came away with was that probably he had no basis, any valid basis for saying things like that.

Q. Do you believe he had communications with the Pathet Lao headquarters at Sam Neua?

A. I can recall, whether I did in a cable or just informally, at one time questioning whether he did in fact have communication with Sam Neua, and I think this particularly came about at the time of the final

1 opinion, but that was my conclusion.

2 Q. You may not have been in the loop for all this

3 information, you know, and that's fine. I have no way of

4 knowing that. I'm trying to find out.

5 A. Well, all I cay say is that, as I indicated,

6 clearly at that point the embassy focus had been elevated

7 at least to the DCM level and he had to be in the loop.

8 Q. Yes, he did. This leads to a discussion of the

9 next cable. I want to talk about this one.

10 A. I guess really what I'm saying is, you know, to

11 get to have a cable like that approved for dissemination -

12 - I mean, I just didn't sit down and draft it and send it

13 myself. It had to have a much higher level, and probably

14 an ambassadorial level at that time.

15 Q. I understand that and I fully concur.

16 The next cable is Vientiane 2241, and it's

17 toward the back of the package. I apologize. I didn't

18 get time to put them in the right order. 27 March 1973.

19 A. This is still pre-Homecoming?

20 Q. Yes. This is still pre-Homecoming. Cable 2241

21 from Vientiane, dated 27 March 1973, is entitled U.S. PWs

22 in Laos: Discussion with LPF Rep. This cable describes

23 in paragraph 1 a meeting of Deputy Chief of Mission John

24 Gunther Dean and Consul Richard Rand with LPF permanent

25 representative Soth Petrasy and provides details of the

1 discussion.

2 Paragraph 2 describes questions related to the
3 March 28 release of nine PWs in Hanoi, which the cable
4 says were resolved. It goes on to say: "We informed Soth
5 that USG continues to hope LPF holds other U.S. PWs whose
6 names were not placed on list transmitted by DRV on
7 February 1. We asked Soth to transmit this view to LPF
8 authorities in Sam Neua with request that LPF undertake
9 serious research to determine whether there are in fact
10 other PWs being held."

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

23 "He added that in event other PWs located their
24 release would be handled within the framework of the
25 February 21 Vientiane agreement."

1 Do you recall that cable as one you would have
2 seen or helped draft?
3 A. Yes.
4 Q. You would have helped draft?
5 A. Yes.
6 Q. Does that cable reflect, in your recollection,
7 our expectation that the Pathet Lao held more prisoners
8 than the nine that were under discussion?
9 A. I would say yes, at that point in time, based on
10 the Debruin-Hrdlicka evidence that we had.
11 Q. Were you personally convinced that they knew
12 more than they were telling us about Americans alive and
13 in captivity?
14 A. I was convinced that Soth Petrasy most likely
15 told us as much as he knew at the time. Phrasing it
16 differently, I don't believe that Soth Petrasy, when we
17 were talking to him one on one, knew that there were
18 presently any particular individuals such as Debruin or
19 Hrdlicka surviving in the north.
20 Is that responsive?
21 Q. That's fine. Do you recall talking about this
22 issue with DCM Dean in preparation for this meeting?
23 A. I don't have a particular recollection, but I'm
24 absolutely certain we did before we went to talk to
25 Petrasy. We would have reviewed the Hrdlicka and Debruin

1 evidence that we had.

2 Q. Do you have any specific recollection of Dean's

3 attitude? In other words, specifically did he believe the

4 Lao held more prisoners than they were willing to admit?

5 A. I don't have a specific recollection along those

6 lines, but I would say at the time, as much as I did

7 myself, we expected that at least they had a basis for

8 accounting for additional prisoners by virtue of the fact

9 that we know that they had these two particular

10 individuals alive and captives at a certain point.

11 I don't know if either John Gunther Dean or

12 myself were able to conclude that these or other Americans

13 were in fact still alive up north.

14 Q. Were you familiar with an International

15 Committee for the Red Cross, ICRC, program of handling

16 over casualty folders to the Lao?

17 A. Just remind me what a casualty folder it.

18 Q. We had a program --

19 A. Oh, yes.

20 Q. -- where we had told the Lao everybody who was

21 lost in Laos from the 1960s-on. They had the ability to

22 know everybody who was lost. We gave them the data. Do

23 you recall that?

24 A. I recall that that was an ongoing process.

25 MR. McCREARY: Okay. Why don't we break for a

1 toward the end of our interview because we had asked him
2 what kind of contact he had had over the years with the
3 embassy, with the American embassy in Bangkok. We were
4 interested in what the level of that contact was for a
5 number of reasons associated with our interview with him.
6 And we asked him when he last had contact with
7 the embassy. He told us that it was in the early '80s,
8 and that he had been trying to arrange, through a
9 congressman -- we don't know at that time, because he
10 wasn't specific about the time in the early '80s, whether
11 this congressman was still a congressman; John Leboutier,
12 who was from New York.
13 THE WITNESS: Long Island.
14 MR. VALENTINE: Right. And that through
15 Leboutier he had been trying to arrange for passports,
16 official U.S. Government passports, for himself and for
17 another individual to aid them in their work, their search
18 for information.
19 It was his understanding that those passports
20 had been approved, but that he was unable to get them
21 because he claims that you, to use his word, put the
22 kibosh on it so that he was never able to get his
23 passport, [redacted]
24 [redacted]
25 [redacted]

CIA
1.3(a)(4)
State
1.3(a)(5)

1 information that went back and forth on it, but it was an
2 item of serious concern to the mission at the time.
3 MR. VALENTINE: Do you know of anybody else who
4 might be familiar with that particular event?
5 THE WITNESS: I had completely forgotten about
6 it until you just mentioned it. [redacted]
7 [redacted]
8 [redacted]

CIA 1.3(a)(4)
State 1.3(a)(5)

9 MR. VALENTINE: Do you recall any other contact
10 with Mr. Shinkle before or after that time period?
11 THE WITNESS: Let me just say you triggered a
12 memory, and I don't know if I'm confusing two different
13 scenarios, but there was in fact a group -- and I tend to
14 think it was Shinkle-related -- that actually went across
15 the border and into Laos, were picked up and were held a
16 while, and we had to negotiate their release and did in
17 fact do it.
18 Yes, that's it.
19 MR. VALENTINE: The organization with which he
20 was associated at the time was called Skyhook 2. That was
21 the name given to Leboutier's organization.
22 THE WITNESS: Was it? Jim just reminded me that
23 that scenario concerned Bo Gritz, and it was Bo Gritz that
24 I had a lot of contact with up north.
25 MR. VALENTINE: Mr. Shinkle claimed that he

himself had not been in Laos since 1965, that he works through "researchers." But he himself hasn't been in the country at all.

What we were trying to ascertain from him related to a whole other subject -- the time frame and frequency of his contacts with the U.S. embassy.

MR. HERGEN: Just for the record, I don't mean to interrupt you, but could you ask the witness if the post was authorized to issue official passports locally, or were they issued in Washington?

THE WITNESS: Should I answer that?

MR. HERGEN: Yes.

THE WITNESS: They were issued in Washington. We did not have the authority to issue diplomatic or official passports.

MR. VALENTINE: For clarification that's a good point in terms of how the process happens.

BY MR. McCREARY:

Q. [redacted]

A. [redacted]

MR. VALENTINE: [redacted]

CIA 1.3(a)(4) State 3(a)(5)

CIA 1.3(a)(4) State 1.3(a)(5)

1 [redacted]

2 BY MR. McCREARY:

3 Q. [redacted]

4 [redacted]

CIA 1.3(a)(4) State 1.3(a)(5)

5 A. [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 Q. [redacted]

12 A. [redacted]

13 Q. [redacted]

14 [redacted]

15 A. [redacted]

16 Q. Who would you consult with?

17 A. On a passport decision? I was Consul General at

18 the time.

19 Q. Would you notify the Ambassador?

20 A. If information came in that Al Shinkle, who as I

21 recall was a questionable character and whose activities

22 were questionable at the time, I certainly would have

23 consulted with my superiors, the DCM and the Ambassador.

24 [redacted]

CIA 1.3(a)(4) State 1.3(a)(5)

25 [redacted]

Q. That is an issue in some of these cables.

A. I don't have a particular recollection of that.

Q. So it doesn't stand out? If it doesn't stand out, it doesn't stand out.

MR. HERGEN: My recollection may be wrong, but just for the record I think the 22 March cable, the paragraph 2 that you referred to earlier, I seem to recall that as having referred to the DRV list.

MR. McCREARY: That's correct. There's another cable in here that talks about prisoners being released under the Vientiane accords.

MR. HERGEN: Thank you. That's what I wanted to clarify. The witness's testimony, I believe, now on the record is that he does not have a specific recollection of any Vientiane separate accords.

THE WITNESS: That's correct.

BY MR. McCREARY:

Q. That's a helpful clarification. I appreciate that.

Let's go to the 5 April 73 cable, which is Vientiane 2553. There are two parts. There's a part in paragraph 1 that I will read to refresh your memory.

A. This is 5 April and after Homecoming?

Q. Right. This is post-Homecoming. I'll read paragraph 1 of the cable. The subject is PWs in Laos.

for example, through Paris or other channel? Would your position have entitled you to that access?

A. If it related to PW/MIA affairs, I would have expected to have been in that loop, and I can't confirm that I was in fact, but I would have expected to be privy to that.

Q. Would you have been aware of an expectation that the Lao had 40 men alive in March '73, of a communication from the Pathet Lao?

A. Phrase that again.

Q. There is evidence in another file connection that I don't have access to but I have been informed about and other members of the staff have had access to that there was a private communication -- let me rephrase that -- there is documentary evidence that refers to a communication, the tenor of which we do not have, do not know, that says that the Lao have told us they have 40 prisoners.

This is around the middle of March, 1973. Have you ever heard of that information -- in a back-channel capacity or in any capacity?

A. Again, I can only say that you are triggering something when you mention the figure 40. I can't relate it specifically to any communication. I really can't recall.

A. What month?

Q. April 73, basically the day after Senator Brooke met Soth Petrasy, and there's a cable in here. I'm not going to plow through the cables again, but Soth Petrasy and Brooke had a conversation and Brooke told Soth Petrasy -- and this is in that cable -- that there were 318 MIA or CIA, missing in action or captured in action, in 1973, according to U.S. records. Does that sound familiar?

A. It sounds familiar, and I would likely have accompanied him on that.

Q. That's my question. Would you have been with him?

A. I would assume that. Again, I just don't picture myself with Senator Brooke sitting down and talking with Soth Petrasy, but I probably did it. You know, this became such a routine function. I really have no specifics on it at all.

There was a cable that resulted from that?

Q. Yes. There's one in this package, but I've already given you basically the highlights of what we're interested in.

I'm still struck by this. I'd like to return to this phrase that said the embassy is being directed toward making an accounting. Is that language that reflects direction from Washington? How should I understand that?

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MINNESOTA WON'T FORGET POW/MIA Plaintiff, v. CENTRAL INTELLIGENCE AGENCY Washington, D.C. 20505 DEFENSE INTELLIGENCE AGENCY Washington, D.C. 20340 NATIONAL SECURITY AGENCY Ft. George G. Mead, MD Defendants.	Civil No. 99-1822

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT CIA'S MOTION FOR SUMMARY JUDGMENT

NATURE OF THE CASE

Plaintiff in this action seeks various records under the Freedom of Information Act (FOIA) from three federal defendants relating to photographs and related documentation from the Sam Neua/Bon Nakai area of Laos. Defendant Central Intelligence Agency ("CIA") moves for summary judgment.

FACTS

On September 6, 1994, plaintiff submitted a FOIA request to the CIA for "all photo negatives of overhead imagery of the Bon Nakay area of Laos on or about October, 1969 and all

EXHIBIT
tabbies
111

related documents, analysis, and records." On April 4, 1995, CIA informed plaintiff that no responsive records were located pursuant to his September 6, 1994 FOIA request. On April 20, 1995, plaintiff appealed CIA's finding of no responsive records to his FOIA request.

On August 26, 1997, CIA responded to plaintiff's appeal by informing him that on appeal, another search was conducted for materials responsive to his FOIA request and no responsive records were located at the CIA. However, as a result of the additional search, CIA personnel unofficially forwarded the request to the National Imagery and Mapping Agency (hereinafter "NIMA"), which located six documents that were considered to be responsive to plaintiff's FOIA request. These six documents were originated by the Defense Intelligence Agency (hereinafter "DIA"). After reviewing the six documents for CIA information exempt from FOIA and withholding information from two of the documents, the CIA forwarded the six documents to the DIA for review and direct release of non-exempt information to the plaintiff.

DIA reviewed the six documents and also referred three of the documents to NIMA and CIA for a review of the information contained in the materials relating to these agencies. On March 9, 2000, the six documents were released to plaintiff by DIA, with portions of two of the documents withheld at the request of CIA pursuant to FOIA exemptions (b)(1) and (b)(3).

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

ADMINISTRATION

Ref: 03-A-0243-A1
03-A-0243

AUG 28 2015

Mr. Don Irvine
Accuracy in Media, Inc.
4455 Connecticut Ave, NW
Suite # 330
Washington, DC 20008

Dear Mr. Irvine:

This responds to your June 9, 2003, Freedom of Information Act (FOIA) appeal. You appealed the partial denial of information, and the adequacy of the search by the Office of Freedom of Information (OFOI) for your November 4, 2002, FOIA request. I am sorry that this response was not provided in a more timely manner.

Concerning items one and two of your request, I am affirming the initial determination. The Defense Prisoner of War/Missing Personnel Office (DPMO) advises that any records that may be responsive to your request have already been processed by DPMO and placed into the public domain for review by the public as a result of Legislative requirement, specifically, 50 U.S.C. 435 Note, commonly referred to as the "McCain Bill." DPMO has placed well over a million pages of POW/missing personnel material into the Library of Congress (LoC) for public review, and more are being added continuously. These records are retrievable on the public web site of the LoC under the POW/MIA Database collection at following web address: http://leweb2.loc.gov/frd/powquery.html. This database is key word searchable and a search will yield a list of all responsive records.

Concerning item three of your request, the DPMO conducted a new search for records. The search included key word phrases such as, "Operation Tailwind," "POW," "MIA," "POW/MIA, Laos," "Vietnam," "Thailand," and "Cambodia." I have reviewed the search procedures at the appellate level and find their search to be adequate. Therefore, I am affirming that DPMO holds no records transferred to Defense Intelligence Agency by the Central Intelligence Agency since DPMO's founding in 1993. go to DIA directly

Concerning the 404 pages responsive to item four of your request, I have determined at the appellate level that the withheld information remains exempt from release because it is currently and properly classified in accordance with Executive Order 13526, Section 1.4 as it pertains to (a) military plans, weapons, or operations; (b) foreign government information; and (c) intelligence activities (including special activities), intelligence sources or methods, or cryptology. Finally, some information is withheld because release would constitute a clearly unwarranted invasion of the personal privacy of individuals. Consequently, this information is exempt from release pursuant to 5 U.S.C. § 552(b)(1) and b(6).

EXHIBIT
tabbies
112

Concerning items four through seven of your request, the Joint Staff conducted a new search for records. The search included key word phrases such as, "Operation Tailwind," "POW," "MIA," "POW/MIA, Laos," "Vietnam," "Thailand," and "Cambodia." The Joint Staff found no additional records. I have reviewed the search procedures at the appellate level and find their search to be adequate. Therefore, I am affirming the initial search determination.

You have the right to judicial review of this decision in a United States District Court, in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Michael L. Rhodes
Director

Location of Air America documents

From: RHall8715@aol.com
To: johnhclarke@earthlink.net
Subject: Location of Air America documents
Date: Feb 17, 2016 7:41 PM

Univ. of TX .

McDermot Library

972-883-2570

Library at Dallas – Paul 2/17/16

Texas Tech

P.O. # 1041 directory.texastech.edu

Vietnam Project

Lubbock, TX

The Air America Association has reportedly also received some documents.

The National Archives has space reserved for the Air America documents but has never received ant. The CIA as given documents to two Universities shielding them from the FOIA.

The CIA reportedly has refused to declassify any further documents for the Universities according to Paul of Univ. of TX. Thy use the sequester as the excuse to shut down declassification.

EXHIBIT
113

Wm. McLean -- Trail Watch Program and Failed POW Rescue

I was informed of the Trail Watch Program by William McLean, a formed CIA employee that was station in Laos for 10 years, at his home in 199X>. His wife Ruth was present, she was stationed at the American Embassy in Laos as the chief of protocol for 13 years. William informed me that indigenous people were placed along routes including the Ho Chi Minh Trail to observe communist activities. They reported on troop movement, kinds of equipment being moved, and POWs.

He also informed me that Moua Chung, an indigenous Laotian, was part of the failed rescue of David Hrdlicka. Some time after the failed rescue he worked for Vang Pao the H'Moung General whose troops were on the CIA payroll.

Roger Hall

EXHIBIT
tabbies
114

C06001242

(b)(3) CIAAct

[redacted] MSR

PAGE 0001
TOT: 271958Z AUG 87 [redacted]

[redacted]

(b)(3) CIAAct

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE ASSISTANT SECRETARY, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 27 AUGUST 1987

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS

SUBJ: POW/MIA: ALLEGED SIGHTING OF A LIVE CAUCASIAN AMERICAN PRISONER AT KHAM KEUT TOWN, KHOUENG KHAMMOUAM, LAOS, IN JUNE 1975

DOI: JUNE 1975

EXHIBIT 115

[redacted] MSR PAGE 0002
TOT: 271958Z AUG 87 [redacted]

TEXT: 1. ABOUT JUNE 1975, A CAUCASIAN 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 HAD SHORT BROWN HAIR, WAS UNSHAVEN, HANDSOME, WORE A WRIST WATCH AND ONLY HIS SHORT UNDERPANTS. HE WAS ABOUT 1.75 METERS TALL. ACCORDING TO THE LOCAL UNIT'S LOUDSPEAKER, HE WAS CAPTURED AT THE LAO-THAI BORDER, EXACT LOCATION NOT MENTIONED, BY TROOPS OF THE PAVN 31ST SAPPER BATTALION TWO DAYS BEFORE. A COMPANION OF HIS ESCAPED TO THAILAND BY SWIMMING THE MEKONG RIVER. THE PRISONER HAD BEEN FORCE-MARCHED FOR TWO DAYS AND NIGHTS FROM WHERE HE WAS CAPTURED TO KHAM KEUT, LOCATED ON ROUTE EIGHT ABOUT 120 KILOMETERS FROM THE VIETNAMESE PUBLIC SECURITY BORDER CONTROL STATION TO THE EAST. THE CAUCASIAN WAS LOADED ON A "GAZ" TRUCK AFTER LUNCH AND TAKEN TO AN UNKNOWN DESTINATION ESCORTED BY TEN LAO TROOPS.

2. THE REFUGEE CLAIMED HE WATCHED THE CAPTURED CAUCASIAN IN THE HOUSE FROM A DISTANCE OF FIVE METERS FOR SOME 15 MINUTES AND HEARD THE ABOVE BROADCAST.)

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM
TO STATE	EXCLUSIVE FOR THE ASSISTANT SECRETARY, INR
TO DIA	EXCLUSIVE FOR THE DIRECTOR, DIA
TO NSA	EXCLUSIVE FOR THE DIRECTOR, NSA

[redacted]

SECRET ERP: MILITARY

(b)(3) CIAAct

[redacted] MSP

TOT: 300244Z AUG 86 [redacted]

[redacted]

~~S E C R E T~~

[redacted]

(b)(3) CIAAct

TO: PRIORITY DIA.

<> ATTN: <><>VO-PW<><> GEN SHUFELT

SECRET NOFORN [redacted] WNINTEL

(b)(3) NatSecAct

SUBJECT: ADDITIONAL POW/MIA INFO ON LAOS

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

[redacted]

1. (~~S NF~~ [redacted] THE SOURCE OF [redacted] TITLED "REPORTED SIGHTING OF AMERICAN PRISONERS IN LAOS," WHOSE PAST REPORTING HAS BEEN GENERALLY RELIABLE, REPORTED THE FOLLOWING ADDITIONAL INFORMATION.

(b)(3) NatSecAct

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

2. (~~S NF~~ [redacted] IN LATE JULY 1986, SOURCE'S SUBSOURCE, WHO IS A LAO RESIDENT, VISITED BAN KHOANG (QD 9332). BAN KHOANG HAS ABOUT 35 FAMILIES OF ETHNIC LUE PEOLE. WHILE IN BAN KHOANG, SUBSOURCE REQUESTED TO VISIT MUANG NGOY (TH 5891), OBSTENSIVELY TO SEE THE GOLDEN BUDDHA AND THE MAGIC METAL, REPORTED TO BE HARDER THAN STEEL AND INVULNERABLE. SUBSOURCE WAS TOLD THAT HE COULD NOT GO THERE BECAUSE THERE WERE MANY PAVN IN MUANG NGOY AND THEY AND THE LPA DO NOT ALLOW OUTSIDERS. WHEN SUBSOURCE ASKED WHY THE AREA WAS RESTRICTED, HE WAS TOLD IT WAS BECAUSE THERE ARE AMERICANS BEING HELD THERE.

(b)(3) NatSecAct

3. (~~S NF~~ [redacted] SUBSOURCE CONVINCED [redacted] TO GO TO MUANG NGOY AND BUY THEM A BUDDHA IMAGE. [redacted] WALKED TO THE INTERSECTION AT QD 8418 AND CAUGHT A BUS TO MUANG NAM BAC (TH 3583) AND WALKED TO MUANG NGOY KAO (TH 5891). UPON RETURN THEY SAID THAT SECURITY WAS VERY TIGHT IN MUANG NGOY AND THERE WERE MANY PAVN. THEY STAYED WITH A FRIEND [redacted] AND ASKED HIM TO TAKE THEM TO THE CAVE OF THAM PHA YONG WHERE A GOLDEN BUDDHA IS ON DISPLAY. [redacted] SAID THAT PEOPLE WERE ABSOLUTELY FORBIDDEN TO ENTER THE AREA BY THE PAVN. THERE ARE FOUR CAVES IN THE AREA AND PAVN USES THREE CAVES AND PROTECTS THEM WITH 30 MM ANTI-AIRCRAFT GUNS. ANOTHER CAVE CALLED THAM MUANG NGOY IS THE MOST RESTRICTED AREA BECAUSE IT IS A DETENTION CENTER. THERE IS ROOM FOR 3000 PEOPLE INSIDE THE CAVE. IT WAS THE SITE OF DETENTION OF THE LAST LAO KING OF LAOS AND MANY ROYAL RELATIVES AFTER THE COMMUNSTS TOOK OVER.

(b)(3) NatSecAct

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

4. (~~S NF~~ [redacted] SAID THAT THE PAVN HAD CAUGHT

(b)(3) NatSecAct

~~S E C R E T~~

EXHIBIT 116

THREE AMERICANS "SINCE" 1975 AND PUT THEM IN THE CAVE CALLED MUANG NGOY KAO. MANY PEOPLE FROM MUANG NGOY HAVE SEEN THE AMERICANS WHEN THEY ARE TAKEN OUT TO BATHE AND GO TO THE BATHROOM. [redacted] SAID THAT HE HAD SEEN THE AMERICANS WHEN HE SOLD SUGAR CANE AND FOOD TO THE PAVN WHO GUARDED THE CAVE. ONE AMERICAN IS TALLER THAN THE OTHERS WITH BROWN HAIR AND WALKS LIKE HE HAS AN INJURED RIGHT LEG. THE SECOND AMERICAN IS OF MEDIUM HEIGHT WITH SIDEBURNS AND A BLACK SPOT ON HIS RIGHT CHEEK THAT MIGHT BE A BIRTHMARK OR A SCAR CAUSED BY BEING HIT OR BURNED. [redacted] COULD THINK OF NO DISTINGUISHING FEATURES FOR THE THIRD AMERICAN.

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

5. (S/[redacted]) ON 3 JUNE 1986, THE PAVN HAD REPORTEDLY MOVED THE POWS FROM SOP KHAN NOI TO THAM MUANG NGOY CAVE. THE PAVN SAID THAT ANY VILLAGER ENTERING THE NEW AREA WOULD BE SHOT. [redacted] HAD NOT BEEN TO THE THAM MUANG NGOY CAVE SINCE THE AMERICANS WERE MOVED THERE BUT USED TO HUNT IN THE AREA AND PROVIDED A SKETCH MAP.

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

6. (S/[redacted]) SUBSOURCE MEMORIZED THE MAP AND REDREW IT FOR SOURCE. OUR BASE REPORTS THAT THE SKETCH MAP IS CLEAR ON MANY POINTS BUT HAS ONE GLARING ERROR. ACCORDING TO THE MAP, MUANG NGOY MAI (NEW MUANG NGOY) AND MUANG NGOY KAO (OLD MUANG NGOY) ARE ON THE WEST BANK OF THE NAM OU RIVER. UNLESS THESE ARE TWO SUB-VILLAGES OF MUANG NGOY THEY ARE ON THE WRONG BANK. HOWEVER, THE SKETCH MAP DOES SHOW THE AIRFIELD WHICH OUR BASE BELIEVES MUST BE THE ONE AT TH 573894. FROM THE MAP OUR OFFICER GUESSED THAT THE CAVE WHERE THE REPORTED AMERICANS ARE NOW IS AT TH 573984 OR JUST TO THE SOUTH IN THE IRREGULAR HILL THAT HAS ITS PEAK AT TH 563888. THE OLD CAVE IS LOCATED ABOUT TWO KILOMETERS NORTH OF THE NEW SITE AND ON THE EAST BANK OF THE RIVER. OUR BASE PUTS THIS AT THE HILL WITH ITS PEAK AT TH 588899. OUR BASE CAUTIONED THAT THEY ARE BASING LOCATIONS ON THE SUPPOSITION THAT SUBSOURCE GOT THE AIRFIELD SITE ABOUT RIGHT. IF SO THEN THE OLD CAVE, NEW CAVE AND A PAVN AAA SITE SUBSOURCE MARKED, THAT WE PUT ON THE HILL AT TH 583881 WOULD BE ABOUT RIGHT.

(b)(3)
NatSecAct

7. [redacted] HAS NOT AS YET RECEIVED THE MAP FROM OUR BASE. HOPE THIS WILL BE OF ASSISTANCE.

8. [redacted]

(b)(3) CIAAct

CL BY [redacted]

END OF MESSAGE
NNNN
NNDD

~~SECRET~~

~~S E C R E T~~

AUG. -31' 00 (THU) 14:44 P. 013

CENTRAL INTELLIGENCE AGENCY

10 MAR 1977

MEMORANDUM FOR:

Bureau of East Asian and Pacific Affairs
Department of State

(b)(6)

Department of State

[redacted] Commander, USN (R)
Chief, Prisoner of War/Missing in Action Bran
Resources and Installations Division
Directorate for Intelligence (Research Center

(b)(6) [redacted] Captain, USN
Principal Advisor for Prisoner of War and
Missing in Action Affairs
(International Security Affairs)
Office of the Secretary of Defense

FROM : (b)(6)

SUBJECT : Comments of [redacted]
on American Prisoners of War Remaining in
Vietnam

Attached as of possible interest to you is a report resul from information obtained from an agent source in late January 1977. We are giving this report no further dissemination.

Attachment:
[redacted]

(b)(3) NatSecAct

EXHIBIT 117

AUG. -31' 00 (THU) 14:44 P. 014

(b)(3) NatSecAct

[redacted]

COUNTRY: Vietnam

DOI : January 1977 (b)(6)

SUBJECT: Comments of [redacted] on American Prisoners of War Remaining in Vietnam

ACQ : [redacted] (Late January 1977) (b)(3) NatSecAct

(b)(3) NatSecAct SOURCE : [redacted]

1. Upon his return to [redacted] in January 1977, [redacted] (b)(6) reported to [redacted] that, according to Socialist Republic of Vietnam (SRV) [redacted] and other SRV (b)(6) officials with whom [redacted] was in contact, there were American (b)(6) 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] (b)(6) told [redacted] that these POW's included some who did not want to return to the U.S. [redacted] No reason was given as to why [redacted] (b)(6) would make such a statement on POW's especially to an [redacted] (b)(3) NatSecAct

(b)(6) 2. [redacted] Other than one American civilian who was arrested in Saigon after its fall in 1975, the SRV is not known to have any live American military or civilian prisoners. Nevertheless, several unconfirmed reports have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam.)

(b)(3) NatSecAct

C05999547

AUG. -31' 00 (THU) 14:45 P. 015

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

11 MAR 1977

MEMORANDUM FOR:

Department of State

(b)(6)

Department of State

[redacted] Commander, USN (R)
Chief, Prisoner of War/Missing in Action Branch
Resources and Installations Division
Directorate for Intelligence (Research Center)
Defense Intelligence Agency

(b)(3) CIAAct

FROM: [redacted]
Deputy Director for Operations

SUBJECT: Comments of a Socialist Republic of Vietnam (SRV) Ministry of Foreign Affairs Official on Relations with the United States and the Presence of Americans in the SRV

The attached report, which is of possible interest to you, was obtained from an agent source on 9 March 1977. We are giving this information no further dissemination.

Attachment: [redacted]

(b)(3) NatSecAct

EXHIBIT 118

(b)(3) NatSecAct

[redacted]

COUNTRY: VIETNAM

DOI: EARLY MARCH 1977

SUBJECT: COMMENTS OF A SOCIALIST REPUBLIC OF VIETNAM (SRV) MINISTRY OF FOREIGN AFFAIRS OFFICIAL ON RELATIONS WITH THE UNITED STATES AND THE PRESENCE OF AMERICANS IN THE SRV.

ACQ: (9 MARCH 1977) (b)(3) NatSecAct

SOURCE: [redacted]

1. IN EARLY MARCH 1977 WHILE ON A VISIT TO TUNISIA TO [redacted] (b)(6) MADE THE FOLLOWING COMMENTS REGARDING SRV RELATIONS WITH THE UNITED STATES (U.S.) AND PRESENCE OF U.S. PERSONNEL IN VIETNAM. (b)(6)

2. ACCORDING TO [redacted] FULL DIPLOMATIC RELATIONS BETWEEN THE U.S. AND THE SRV WILL BE ESTABLISHED IN THE NEAR FUTURE. HE SAID THAT THE MAJOR STUMBLING BLOCK IN THE PAST HAD BEEN THE U.S. VETO OF VIETNAM'S ENTRY INTO THE UNITED NATIONS BUT THAT NOW HIS COUNTRY FELTS THE U.S. WILL DROP THESE EFFORTS.

3. REGARDING U.S. INSISTENCE THAT THERE ARE STILL SOME AMERICANS IN VIETNAM WHO HAVE NOT BEEN ACCOUNTED FOR, [redacted] (b)(6) SAID THAT THE ONLY AMERICANS REMAINING IN VIETNAM ARE THOSE WHO MARRIED VIETNAMESE WOMEN AND HAVE GIVEN UP THEIR U.S. CITIZENSHIP AND HAVE BECOME [illegible]

A SMALL NUMBER OF AMERICANS WHO WERE IN VIETNAM AT THE TIME OF LIBERATION AND WHO WERE JUDGED TO HAVE COMMITTED CRIMES AGAINST THE VIETNAMESE 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."

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

AUG. -31' 00 (THU) 14:45 P. 018

CENTRAL INTELLIGENCE AGENCY

(b)(6)

8 MAR 1977

MEMORANDUM FOR: [redacted]
Director, Vietnam, Laos, and Cambodia
Bureau of East Asian and Pacific Affairs
Department of State

(b)(6)

[redacted]
Deputy Coordinator for Prisoner of War and
Missing in Action Matters
Department of State

(b)(6)

[redacted]
Commander, USN (R)
Chief, Prisoner of War/Missing in Action Branch
Resources and Installations Division
Directorate for Intelligence (Research Center)
Defense Intelligence Agency

(b)(3) CIAAct

FROM : [redacted]
Deputy Director for Operations

SUBJECT : Comment by Socialist Republic of Vietnam (SRV) Embassy Employee [redacted] on Possibility of U. Prisoners Being Held by the SRV for Use in Negotiations on Aid from the U.S. for the SRV

Attached as of possible interest to you is a report resulting from information obtained from an agent source in early March 1977. We are giving this report no further dissemination.

(b)(3) NatSecAct

Attachment:
Report as Stated
[redacted]

(b)(3) NatSecAct

EXHIBIT 119

(b)(3) NatSecAct

[redacted]

COUNTRY: Vietnam (b)(3) NatSecAct

DOI : Late February 1977

SUBJECT: Comment by Socialist Republic of Vietnam (SRV) Embassy Employee [redacted] on Possibility of U.S. Prisoners Being Held by the SRV for Use in Negotiations on Aid from the U.S. for the SRV

ACQ : (4 March 1977) (b)(3) NatSecAct

SOURCE : [redacted]

1. In a private conversation at a diplomatic function in the Socialist Republic of Vietnam (SRV) Embassy [redacted] in late February 1977, a lower echelon SRV Embassy employee commented on the visit of a U.S. delegation to Hanoi in mid-March 1977. 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. [redacted] Comment: Other than one American civilian who was arrested in Saigon after its fall in 1975, the SRV is not known to have any live American prisoners.) (b)(3) NatSecAct (b)(3) NatSecAct

2. The Embassy employee indicated that the information on MIA's was one trump card the SRV held in the forthcoming negotiations with the U.S. and explained that the SRV, as the victor in the Vietnam war, would take advantage of this situation in negotiating with the U.S. for aid in economic reconstruction. He said that some wealthy prominent American families had been in direct contact with Hanoi in an effort to acquire information about family members who were MIA's.

(b)(3) NatSecAct

However, the SRV had not released such information on the assumption that more could be gained by the SRV economically by awaiting the opening of formal negotiations with the U.S. Government. [redacted] Comment: The SRV Embassy employee appeared nervous in making these comments on U.S. POW's and MIA's, as if it gradually dawned upon him that he was talking about a matter which he had no right to discuss.) [redacted] Comment: The SRV Embassy employee did not indicate the basis for the information he provided on U.S. POW's and MIA's; thus it cannot be determined whether his statements reflect reliable information or unsubstantiated hearsay.)

(b)(3) NatSecAct

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

16 MAR 1977

MEMORANDUM FOR: [redacted]
Director, Vietnam, Laos and Cambodia
Bureau of East Asian and Pacific Affairs
Department of State

[redacted]
Deputy Coordinator for Prisoner of War
and Missing in Action Matters
Department of State

(b)(6)

[redacted] Commander, USN (R) [redacted]
Chief, Prisoner of War/Missing in Action Branch
Resources and Installations Division
Directorate for Intelligence (Research Center)

[redacted] Captain, USN
Principal Advisor for Prisoner of War and
Missing in Action Affairs
(International Security Affairs)
Office of the Secretary of Defense

FROM : [redacted]
Deputy Director for Operations

(b)(3) CIAAct

SUBJECT : Comments
on American Prisoners of War Remaining in
Vietnam

Attached as of possible interest to you is a report resulting from information obtained late January 1977. We are giving this report no further dissemination.

[redacted]

EXHIBIT 121

(b)(3) CIAAct

COUNTRY: Vietnam

DOI : January 1977

SUBJECT: Comments on American Prisoners of War Remaining in Vietnam

ACQ :

SOURCE :

1.

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.). these POW's included some who did not want to return to the U.S.

2. Comment: Other than one American civilian who was arrested in Saigon after its fall in 1975, the SRV is not known to have any live American military or civilian prisoners. Nevertheless, several unconfirmed reports have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam.)

(b)(3) CIAAct

[redacted] MSR PAGE 0001
TOT: 010044Z MAY 87 [redacted]

[redacted] (b)(3) CIAAct

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE ASSISTANT SECRETARY, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 30 APRIL 1987

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS

SUBJ: POW-MIA: ALLEGED AMERICAN POWS SEEN IN 1979 AND 1981 BEING MOVED THROUGH BAN LONG KAT, OUDOMSAI PROVINCE

DOI: 1979 -1981

TEXT: 1. ACCORDING TO

BROUGHT FOUR AMERICAN

6

EXHIBIT 122

MILITARY

[redacted] MSR PAGE 0002
TOT: 010047Z MAY 87 [redacted]

PRISONERS TO THE VILLAGE. AND THE PRISONERS ATE A MEAL AT S HOUSE. LEARNED FROM KHAM THAT THE FOUR AMERICANS HAD BEEN CAPTURED AT MAUNG HOUN (QC 5829), OUDOMSAI PROVINCE IN A PLANE CRASH (NFI). THE PRISONERS WERE BEING MOVED FROM PRISON AT PHON PA RAI, WHICH IS TWO KILOMETERS WEST OF BAN THIN (RC 0892), OUDOMSAI PROVINCE, ON ORDERS OF HIGHER AUTHORITIES WHO WANTED THE PRISONERS HIDDEN AND PUT INTO A RE-EDUCATION PROGRAM. SAID THAT IN 1981 HE LEARNED FROM [redacted] A VILLAGER OF BAN THAM (UTM UNK) WHO CAME TO S VILLAGE TO BUY FOOD THAT TWO OF THE AMERICANS HAD DIED FROM SICKNESS AND STARVATION AND TWO WERE STILL ALIVE. THE AMERICANS WERE RAISING CHICKENS AND MAKING HANDICRAFT ITEMS AT A COVERT SITE (NFI).

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

2. ACCORDING TO 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. THEY HAD A MEAL AT BAN LONG KAT AND LEFT IN A SOUTHEAST DIRECTION. THREE DAYS LATER THE POLICE CAME THROUGH THE VILLAGE AGAIN BUT WITHOUT THE AMERICANS.

DISSEM: FIELD: NONE.

WASHINGTON DISSEM:

TO WHSITRM: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM

TO STATE: EXCLUSIVE FOR THE ASSISTANT SECRETARY, INR

TO DIA: EXCLUSIVE FOR THE DIRECTOR, DIA

S E C R E T

23 September 1992

MEMORANDUM FOR: John Breckenridge
Chief, Senate Liaison Division
Office of Congressional Affairs

VIA: Office of the Deputy Director for Operations

FROM: [redacted] (b)(3) CIAAct
Chief, Indochina Operations Group

SUBJECT: Declassification of an Extract from a 6 January 1981 Directorate of Operations Spot Report, "Developments Concerning Alleged Presence of U.S. Prisoners in Laos"

REFERENCE: 18 August 1992 verbal request by Senate Select Committee Investigator Mr. Robert Taylor

The declassified extract requested by Mr. Taylor is attached, for passage to him. For internal Agency use only is a copy of the entire Spot Report, which remains classified SECRET. Please pass the unclassified sheet only to Mr. Taylor.

[redacted]
(b)(3) CIAAct

Attachments:
Extract
Spot Report

[redacted] (b)(3) CIAAct

S E C R E T

EXHIBIT 123

(Concerning what appeared to be a high security detention facility capable of holding perhaps 50 POW's in a remote area to the east of Nhommarath, Laos):

. . . . . .

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.

. . . . . .

MEMORANDUM FOR: Assistant Vice Director For Collection Management
Department of Defense
Principal Advisor For Prisoner of War Missing In Action Affairs
(International Security Affairs)
Director, Vietnam, Laos and Kampuchea
Bureau of East Asian and Pacific Affairs
Department of State

SUBJECT: Identification of Possible U.S. Prisoners of War Camp in Saravane Province, Lao People's Democratic Republic

EXHIBIT 124

1. Attached as of possible interest to you is a report obtained

refugee observed an apparent detention camp in Saravane Province, Laos, which a local village militia chief told him contained 23 American Prisoners of War.

2. This very sensitive information is for your background use only. There will be no further distribution of this report and additional dissemination or extraction of this information requires prior approval from this Agency. DIA is authorized to pass this information to the Joint Casualty Resolution Center (JCR(

Deputy Director For Operations

cc: DCI
DDCI
EXEC DIR
STATE/EAP
DIA
NIO/EAP
NSA
NSC

Attachment: Report as stated

SUBJECT: Identification of Possible U.S. Prisoner of War Camp in Saravane Province, Lao People's Democratic Republic

TEXT: 1. Circa March 1983, 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 there were 23 American prisoners of war (POW's) detained in the camp. Prior to 1975 the camp contained 25 American POW's, but two had since died. said that Kadon Village is responsible for growing food for the camp and insisted that he had personally seen the POW's on numerous occasions while escorting food convoys to the camp. added that the militia forces of Chavan Village (YB 2197) were actually responsible for security at the camp.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

2 Nov 1983

MEMORANDUM FOR: Assistant Vice Director for Collection Management
Department of Defense
Director, Vietnam, Laos and Kampuchea
Bureau of East Asian and Pacific Affairs
Department of State

SUBJECT: Sightings of Six Alleged U.S. Prisoners-of-War in a Detention Camp Near Thao La Hamlet in Northern Laos

EXHIBIT 125

1. Attached as of possible interest to you is a report about the sightings of a total of six alleged U.S. prisoners-of-war at a detention camp in a small valley of Thao La Hamlet, Houa Phan Province, in northern Laos.

Deputy Director for Operations

cc: DCI
DDCI
EXEC DIR
STATE/EAP
DIA
NIO/EAP
NSA

Attachment: Report as stated

SUBJECT: Sightings of Six Alleged U.S. Prisoners-of-War in a Detention Camp Near Thao La Hamlet in Northern Laos

TEXT: 1. In late April 1982, 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). On 26 April , saw four tall Caucasians who were said to be U.S. POW's being escorted by two small Asian guards from the prisoners' house of detention to the camp office. On 27 April saw two blacks who were also said to be U.S. POW's carrying bamboo baskets on their back being escorted up a hill by a guard to carry out their labor duties. made the observations from a steep hill at the edge of the Thao La Valley where the detention camp was located. (b)(3) NatSecAct the men they had seen were U.S. POW's. He said the camp held about 50 such POW's who had recently been transferred to the camp from an unknown location.) (Headquarters Comment: Presumably the guards were Lao People's Democratic Republic (LPDR) personnel.)

2. The camp was located across the valley to the southeast of Thao La Hamlet. The house of detention was a long, thatched house with a small front yard. It stood between two smaller houses with walls made of timber; apparently the camp office and a guards' quarters. The camp was surrounded by a trench and a fence of closely posted, pointed wood poles. Thao La Hamlet had about 50 small houses located next to a creek.

83

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

MEMORANDUM FOR: Assistant Vice Director for Collection Management
Department of Defense
Principal Advisor for Prisoner of War and Missing in Action Affairs
(International Security Affairs)
Office of the Secretary of Defense
Director, Vietnam, Laos and Kampuchea
Bureau of East Asian and Pacific Affairs
Department of State

SUBJECT : Alleged Sighting of Live U.S. Prisoners of War in the Lao People's Democratic Republic

6

EXHIBIT 126

1. Attached as of possible interest to you is a report obtained from

Deputy Director for Operations

cc:
DCI
DDCI
Exec Dir
D/DDI
STATE/EAP
DIA
NIO/EAP
NSA

Attachment: Report as stated

(b)(3) CIAAct

[redacted] MSO PAGE 0001
TOT: 231422Z DEC 86 [redacted]

[redacted] (b)(3) CIAAct

TO: IMMEDIATE DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA (DIA IS AUTHORIZED TO PASS THIS INFORMATION TO THE JOINT CASUALTY RESOLUTION CENTERS IN BANGKOK AND BARBERS POINT, HAWAII, FOR COMMANDERS ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 23 DECEMBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS

SUBJ: POW-MIA: STATUS OF ALLEGED LIVE MISSING-IN-ACTION AMERICAN IN KHAMMOUAN PROVINCE, LAOS

DOI: 8 DECEMBER 1986

EXHIBIT 127

MILITARY

MSO PAGE 0002

TOT: 231422Z DEC 86

TEXT: 1. ON 8 DECEMBER 1986, [redacted], TO DISCUSS THE ALLEGED LIVE AMERICAN MISSING-IN-ACTION WHO WAS BEING HELD IN KHAMMOUAN PROVINCE. AFTER ESTABLISHED HIS BONA FIDES WITH BY PROVIDING HIM WITH THE SIGNATURE OF GAVE A SLIP OF PAPER WITH THE NAME "H.D. ((STEPHENSON)), [redacted] AND PROTESTANT" WRITTEN ON IT. ACCORDING TO , STEPHENSON WAS SERIOUSLY ILL WITH MALARIA. THE NAPENG (WE 7720) VILLAGER CARING FOR STEPHENSON, ((TO)) (LNU), TOLD THAT HE HAD SOLD A PAIR OF OXEN VALUED AT APPROXIMATELY 4,500 BAHT, A CART AND THREE "HANGS" (PIECES OF SILVER BARS) TO PURCHASE INJECTION MEDICINE FOR STEPHENSON. ABOUT 26 BAHT EQUALS U.S. $1.00 AT THE OFFICIAL EXCHANGE RATE. STEPHENSON H.D. IS LISTED ON JCRC RECORDS AS AN AIR FORCE MAJOR, WHO WAS A CREW MEMBER ON AN AC 130 AIRCRAFT SHOT DOWN IN 1972 IN LAOS AT XD 165414, WHICH IS IN THE GENERAL AREA OF NAPENG VILLAGE.)

(b)(6)

2. TOLD TO HAVE SITHON COME FOR STEPHENSON IMMEDIATELY BECAUSE TO WAS AFRAID OF BEING TURNED IN TO THE LPDR AUTHORITIES FOR HARBORING HIM. CLAIMED TO HAVE GIVEN 6,000 BAHT, 4,000 OF WHICH WAS FOR ; WHICH HE RAISED BY SELLING A RELATIVE'S NECKLACE AND BY BORROWING FROM ACQUAINTANCES. HAD SPENT 1,500 BAHT DURING HIS TRIP WHICH LASTED UNTIL 12 DECEMBER.

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM
TO STATE:	EXCLUSIVE FOR THE DIRECTOR, INR
TO DIA:	EXCLUSIVE FOR THE DIRECTOR, DIA
TO NSA:	EXCLUSIVE FOR THE DIRECTOR, NSA

(b)(3) CIAAct

[redacted] MSR PAGE 0001
TOT: 302228Z OCT 86 [redacted]

[redacted] (b)(3) CIAAct

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 30 OCTOBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/THAILAND

SUBJ: POW-MIA: ALLEGED LIVE MISSING-IN-ACTION AMERICAN IN KHAMMOUAN PROVINCE, LAOS; REMAINS OF TWO AIRMEN IN SAVANNAKHET PROVINCE, LAOS

DOI: LATE JUNE - OCTOBER 1986

SOURCE:

EXHIBIT 128

[redacted] MSR PAGE 0002
TOTL: 302287 OCT 86 [redacted]

TEXT: 1. IN LATE JUNE 1986, (

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. THE VILLAGERS PROVIDED PROTECTION AND GUARDED THE POW. THE POW HAD SUFFERED A BROKEN LEG IN 1972 WHEN HIS AIRCRAFT CRASHED, AND HAD BEEN TREATED BY A VILLAGER WHO STILL CONTINUED TO LOOK AFTER HIM. NAPENG VILLAGE CONSISTED OF APPROXIMATELY 80 HOUSES AND WAS COMPRISED OF INHABITANTS WHO DID NOT CLOSELY COOPERATE WITH LPDR AUTHORITIES. ACCORDING TO , THE POW HAD SAID THAT IF ANY OF THE VILLAGERS COULD CARRY A MESSAGE TO THAILAND AND ARRANGE TO EFFECT HIS RESCUE, THE POW WOULD "TAKE CARE OF THE ENTIRE VILLAGE."

2. T

, SAID THAT THE REMAINS OF TWO U.S. AIRMEN WERE LOCATED IN THE VICINITY OF CHOMAT AND VIANG VILLAGES (POSSIBLY WD 5068) HAT CANTON, PHIN DISTRICT, SAVANNAKHET PROVINCE. , TOLD THE REFUGEE THAT THE REMAINS COULD BE RECOVERED BUT THAT IT WOULD COST MONEY TO EXCAVATE THE SITE AND TO HOLD A CEREMONY FOR THE "SPIRITS" (PHI) BY THE VILLAGERS WHO OWNED THE SITE. SAID THAT IT WOULD COST APPROXIMATELY 25,000 KIP PER SET OF REMAINS. 35 KIP EQUALS U.S. $1.00 AT THE OFFICIAL EXCHANGE RATE.) CLAIMED TO HAVE VISITED THE SITE.

3. IN SEPTEMBER, THE REFUGEE SAID THAT HE HAD PROVIDED WITH 3,000 THAI BAHT TO GO AND GET THE REMAINS. ABOUT 26 BAHT EQUALS U.S. $1.00 AT THE CURRENT EXCHANGE RATE.) THE REFUGEE CLAIMED THAT HIS BROTHER TOLD HIM THAT ONE SET OF REMAINS HAD BEEN DELIVERED TO PAKSEBANGFAI (VD 7373) VILLAGE ON 12 OCTOBER. THE REFUGEE SAID THAT HIS BROTHERS WERE THE VILLAGE CHAIRMAN AND CHIEF OF MILITIA. THE REFUGEE SAID THAT HE PLANNED TO CROSS BACK INTO LAOS TO RETRIEVE THE REMAINS.

(b)(3) CIAAct

[redacted] MSR PAGE 0001
TOT: 242056Z OCT 86 [redacted]

[redacted] (b)(3) CIAAct

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA (DIA IS AUTHORIZED TO PASS THIS INFORMATION TO THE JOINT CASUALTY RESOLUTION CENTERS IN BANGKOK AND BARBERS POINT, HAWAII, FOR COMMANDERS ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 24 OCTOBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED LOCATION OF LIVE AMERICAN POWS IN LUANG PRABANG PROVINCE, LAOS

DOI: MID 1986

SOURCE:

TEXT: 1. 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 PRABANG PROVINCE, LAO PEOPLE'S DEMOCRATIC REPUBLIC

EXHIBIT 129

[redacted] MSR PAGE 0002
TOI: 2420567 OCT 86 [redacted]

(LPDR) THE PRESENCE OF AMERICAN POWS IN THIS GENERAL AREA WAS PREVIOUSLY REPORTED

FORMER REEDUCATION CAMP INMATES FROM LUANG PRABANG PROVINCE, WHO FLED TO THAILAND IN 1986, HAVE REPORTED A REEDUCATION CAMP AT NAM BAC. THE CAMP WAS EMPTIED OF REEDUCATION INMATES ABOUT 1980 AND THE CAMP WAS OCCUPIED BY PEOPLE'S ARMY OF VIETNAM (PAVN) TROOPS.) SIX OF THE AMERICANS WERE HISPANICS AND ONE WAS A CAUCASIAN AMERICAN NAMED ((LINGER)) (PHONETIC). 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. NAM BAC WAS THE SITE OF AN AIRFIELD DURING THE INDOCHINA WAR. NO AMERICANS WERE STATIONED THERE, BUT SOME AMERICAN PERSONNEL VISITED THERE OCCASIONALLY. NONE OF THEM WERE LOST.) THE CAMP WAS OVERRUN BY THE ENEMY AND THE AMERICANS WERE CAPTURED. IN ADDITION TO THE AMERICANS, THERE WERE 30 FORMER SOUTH VIETNAMESE PRISONERS AT THE CAMP.

2. THE PRISON CAMP WAS SURROUNDED BY A DOUBLE FENCE. THE INTERNAL AREA WAS FENCED WITH BAMBOO WHILE THE EXTERNAL AREA WAS FENCED WITH NINE WALLS OF BARBED WIRE, EACH ABOUT 170 CENTIMETERS IN HEIGHT. THERE WERE ABOUT SIX TO EIGHT BUILDINGS FOR PRISONERS IN THE INTERNAL AREA. EACH PRISONER BUILDING WAS ABOUT 50X10 METERS IN SIZE, BUILT OF CEMENT WITH CORRUGATED-SHEET METAL ROOFING. THE TOTAL INTERNAL AREA WAS ABOUT 3 RAI IN SIZE. (FIELD COMMENT: 2.5 RAI EQUALS ABOUT ONE ACRE.)

3. THE AMERICAN POWS WERE GUARDED BY LAO PEOPLE'S ARMY (LPA) SOLDIERS AND HAD BEEN WORKING AS CONSTRUCTION FOREMEN FOR THE CONSTRUCTION OF A DISPENSARY AND LIVING QUARTERS BUILDING LOCATED ACROSS ROUTE SIX FROM THE CAMP WHICH WAS LOCATED ON THE NORTH SIDE OF ROUTE SIX. A PAVN SECURITY UNIT WAS LOCATED NEAR THE DISPENSARY/LIVING QUARTERS AREA AND A PAVN CHECKPOINT WAS LOCATED AT MUANG NGOY (TH 5891). THE SOUTH VIETNAMESE POWS HAD BEEN SERVING AS CONSTRUCTION WORKERS FOR THE PROJECT. THESE TWO BUILDINGS WERE COMPLETED IN 1985. THE PRISONERS WERE GUARDED BY LPA SOLDIERS WHEN THEY WORKED OUTSIDE THE CAMP, BUT WERE ALLOWED TO SPEAK WITH LOCAL VILLAGERS.

4. THE LIVING CONDITIONS OF THE POWS WERE TERRIBLE. THEY WERE GIVEN MILLED BUT UNPOLISHED RICE TO EAT WHICH WAS SOMETIMES SUPPLIMENTED BY WHEAT OR BARLEY FROM CUBA. THE POWS WERE IN BAD HEALTH DUE TO MALNUTRITION.

STAFF

[redacted] ASO PAGE 0002
ROUT 201905Z SEP 86 [redacted]

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 20 SEPTEMBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/THAILAND/VIETNAM

SUBJ: POW/MIA: ALLEGED RELOCATION IN JUNE 1986 OF 226 AMERICAN PRISONERS OF WAR TO SONGHON DISTRICT, SAVANNAKHET PROVINCE, LAOS FROM VIETNAM

DOI: JUNE 1986

SOURCE:

TEXT: 1.

SAID THAT HE HAD OBTAINED THE ALLEGED REMAINS FROM ((NGAM)) (LNU), AN INHABITANT OF NONG CHIK (WC 449862) VILLAGE, SONGHON DISTRICT, SAVANNAKHET PROVINCE, LAOS. ACCORDING TO DISCOVERED THE REMAINS OF THREE SERVICEMEN AT A CRASH SITE LOCATED IN THE JUNGLE AT WC 442864. HAD BEEN SCHEDULED TO MEET AGAIN ON 30 AUGUST. (THE REASON FOR THE SECOND MEETING WAS NOT SPECIFIED, BUT MAY HAVE BEEN TO DISCUSS THE SALE OF THE BALANCE OF THE MIA REMAINS.)

FURTHER SAID THAT 226 U.S. PRISONERS OF WAR (POW'S) WERE ALIVE AND BEING HELD IN LAOS. SAID THAT HE LEARNED ABOUT THE POW'S FROM CLAIMED THAT HIS ELDER BROTHER WAS A MEMBER OF THE UNIT GUARDING THE PRISONERS. SAID THAT THE POW'S HAD BEEN RELOCATED INTO LAOS FROM VIETNAM

EXHIBIT 130

[redacted] ASO PAGE 0003
TOT: 201905Z SEP 86 [redacted]

CIRCA JUNE 1986. SAID HE HAD ASKED TO OBTAIN NAMES AND SIGNATURES OF THE POW'S FROM . WHICH . PLANNED TO SEND TO THE U.S. GOVERNMENT. SAID THAT HE, . AND HAD TRAVELED TO A POINT LOCATED ABOUT 20 KILOMETERS (KMS) DISTANT FROM SEPONE (XD 3244) DISTRICT ALONG ROUTE NINE IN THE DIRECTION OF VIETNAM. SAID THAT WHEN THEY ARRIVED AT THE POINT ALONG ROUTE

NINE, LEFT THE ROAD ON FOOT TRAVELING TO THE SOUTH. . SAID THAT HE WAS DIRECTED TO WAIT AT THE ROAD. . RETURNED TO ROUTE NINE AFTER ABOUT FOUR HOURS AND CLAIMED TO HAVE PERSONALLY SIGHTED THE POWS, BUT SAID HE WAS UNABLE TO "DO ANYTHING" BECAUSE OF A LARGE NUMBER OF LAO PEOPLE'S ARMY (LPA) SECURITY FORCES AT THE "INNER AREA" AND THE PRESENCE OF PEOPLE'S ARMY OF VIETNAM (PAVN) SOLDIERS AT THE "OUTER AREA" WITHIN A TEN KM RADIUS OF THE CAMP. TOLD . THAT . PLEDGED TO RESCUE THE POWS WHEN OPPORTUNITY PERMITTED.

3. [redacted] HAD INVOLVED THEMSELVES WITH THE ALLEGED POWS IN EXPECTATION OF RECEIVING A REWARD AND RESETTLEMENT IN THE U.S. THI'S ATTITUDE CONCERNING THE POW'S WAS ONE OF CONFIDENCE THAT THE STORY WAS TRUE. 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.)

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM.
TO STATE:	EXCLUSIVE FOR THE DIRECTOR, INR.
TO DIA:	EXCLUSIVE FOR THE DIRECTOR, DIA.
TO NSA:	EXCLUSIVE FOR THE DIRECTOR, NSA.

 STAFF

ASO PAGE 0002
TOL 161956Z SEP 86

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM,
ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK 00 ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 16 SEPTEMBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED DETENTION OF SIX PRISONERS OF WAR IN XIENG KHOUANG PROVINCE, LAOS

DOI: MARCH 1986

SOURCE:

TEXT: 1. AS OF EARLY MARCH 1986,

, 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. THERE WERE SEVEN LPA SOLDIERS SERVING AS GUARDS AT THE CAVE AND ONE NURSE WAS ALSO ASSIGNED TO THE CAVE. ONE COMBINED BATTALION-SIZED LPA AND PEOPLE'S ARMY OF VIETNAM FORCE WAS DEPLOYED ALONG ROUTE 5 THROUGH LAT HOUANG (NCA) TO LAT SEN (NCA), CONTROLLING ACCESS TO THE AREA. ANOTHER LPA "SPECIAL FORCE" COMPANY COMPRISING 60 SOLDIERS COMMANDED

EXHIBIT 131

[redacted] ASO PAGE 0003
IOI: 161956Z SEP 86 [redacted]

BY WAS DEPLOYED ABOUT TEN KILOMETERS DISTANT FROM THE CAVE. THE GENERAL AREA WHERE THE CAVE WAS LOCATED, NEAR THE JOINT SOCIALIST REPUBLIC OF VIETNAM (SRV) AND LPDR BORDER, WAS A VACATION AREA FOR LEADERS OF THE THREE "INDOCHINESE" COUNTRIES, AS WELL AS AN INFORMATION CENTER FOR THE INDOCHINESE COUNTRIES.

2.

ORIGINALLY TOLD OF THE SIX POWS BY HAD BEEN

IN 1977, THAT HE HAD TRAVELED TO XIENG KHOUANG PROVINCE TO INVESTIGATE THE POW CASE AT THAM PHA LEUNG CAVE. ACCORDING TO THE SIX AMERICAN POWS AND TWO ROYAL LAO ARMY (FAR) T-28 PILOTS HAD BEEN ARRESTED AND DETAINED AT THE CAVE. AFTER THE PATHET LAO HAD SUCCEEDED IN "LIBERATING" LAOS AND THE PEACE AGREEMENTS SIGNED, THE POW GROUP WAS TRANSFERRED TO LONG (UG 3512) VILLAGE, HOUA GNON CANTON, PEK (UG 1251) DISTRICT, XIENG KHOUANG PROVINCE. THE POWS WERE USED AS LABORERS TO PLANT CROPS UNDER THE CONTROL OF THE SEVEN LPA SOLDIERS AND THE NURSE.

ACQ: (10 SEPTEMBER 1986).

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM.
TO STATE:	EXCLUSIVE FOR THE DIRECTOR, INR.
TO DIA:	EXCLUSIVE FOR THE DIRECTOR, DIA.
TO NSA:	EXCLUSIVE FOR THE DIRECTOR, NSA.

[redacted] ASO PAGE 003 [redacted]
TOT: 162C06Z SEP 86

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM, ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM; NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA); STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

DIST: 16 SEPTEMBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS

SUBJ: ALLEGED SIGHTING OF FOUR AMERICAN POWS IN XIENG KHOUANG PROVINCE, LAOS IN 1983

DOI: NOVEMBER 1983

SOURCE:

TEXT: 1. IN MID-SEPTEMBER 1986, [illegible] REPORTED THAT HER BROTHER HAD SEEN FOUR AMERICAN PRISONERS-OF-WAR (POWS) IN NOVEMBER 1983 IN XIENG KHOUANG PROVINCE, LAOS. THE BROTHER [illegible] THAT HE WAS A DRIVER WITH A TEN-TRUCK CONVOY TRAVELING FROM XIENG KHOUANG TO SALA PHOU KHOUN (TG 3051) IN NOVEMBER 1983. [illegible]: THE CONVOY PROBABLY TRAVELED ON ROUTE SEVEN.) ONE OF THE TRUCKS HAD MECHANICAL PROBLEMS AND THE CONVOY HALTED ON THE ROAD ABOUT 50 KILOMETERS FROM XIENG KHOUANG. ONE OF THE DRIVERS WENT INTO BUSHES OFF THE ROAD TO RELIEVE HIMSELF. HE WAS APPROACHED BY AN UNNAMED LAO MAN WHO STATED THAT HE WAS PART OF A GROUP WHICH HAD ESCAPED FROM A PRISON CAMP AND ASKED FOR ASSISTANCE. THE DRIVER RETURNED TO THE CONVOY AND TOLD THD MERCHANT'S BROTHER WHO WENT TO MEET THE ESCAPEE. THE ESCAPEE TOOK THE BROTHER TO MEET THE OTHER MEN IN THE ESCAPEE GROUP, WHICH INCLUDED THREE FORMER ROYAL LAO ARMY (FAR) GENERALS, FOURTEEN OTHER FAR SOLDIERS AND FOUR CAUCASIAN MALES, WHICH THE BROTHER BELIEVED TO BE AMERICAN POWS. THE BROTHER WAS TOLD THAT THE FOUR CAUCASIANS HAD BEEN CAPTURED AT SOM THONG (TG 7924) NEAR THE FORMER AMERICAN SUPPORTED BASE AT LONG THIENG (TG 8313). THE DATE OF CAPTURE WAS NOT STATED.

2. THE BROTHER RECOGNIZED ONE OF THE ESCAPEES AS A FORMER FAR (FORCE ARMEE ROYALE) PILOT WHO WAS A FRIEND OF THE BROTHER. THE MERCHANT'S BROTHER WAS ASKED TO HIDE THE ESCAPEES ON THE TRUCK CONVOY AND TRANSPORT THEM TO SAFETY. THE BROTHER STATED THAT HE TOLD THE MEN THAT THERE WERE TOO MANY OF THEM AND THAT IT WAS TOO DANGEROUS TO TAKE THEM WITH THE CONVOY. INSTEAD THE BROTHER TOOK ONLY THE PILOT/FRIEND. [illegible] HER BROTHER IMPLIED THAT THE FORMER

EXHIBIT 132

[redacted] ASO PAGE 004
TOT: 162006Z SEP 86 [redacted]

PILOT HAD EVENTUALLY ESCAPED AND WAS SAFE IN ANOTHER COUNTRY.
WAS UNABLE TO REMEMBER ANY OTHER DETAILS OF THE STORY.

WASHINGTON DISSEM:
TO WHSITRM: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM
TO STATE: EXCLUSIVE FOR THE DIRECTOR, INR
TO DIA: EXCLUSIVE FOR THE DIRECTOR, DIA
TO NSA: EXCLUSIVE FOR THE DIRECTOR, NSA

WARNING: REPORT CLASS [illegible]

SUBJECT : Reported Detention of 16 Americans in Laos

TEXT: 1. On 22 July 1985, a -- information report with the above heading and numbered was issued. The source reported the following additional information, based on further discussion with the subsource in early August 1986.

2. The American POW detention camp is at Doi Nang Lio, also known as Tham Mae Mai (Widow's Cave), which is in the area of Muang Ngoy (TH 585915). There is a road linking Oudomsai via Tasseng Phra That to Tasseng Don Lao of Muang Ngoy. This is a new road built by the Vietnamese in 1984 with a length of 36 kilometers. The road circles around Muang Ngoy District office and merges with the main road to Muang Na Mo. Muang Ngoy has six (sic) Tassengs: Ngoy, Nam Lat, Ban Mo, Nong Sing, and Don Lao, which is where the POW camp is located.

3. Headquarters Comment: No coordinates were given for the above locations.

EXHIBIT 133

29 JUL 1986

MEMORANDUM FOR: Assistant Vice Director for Collection Management
Defense Intelligence Agency
Principal Advisor for Prisoner of War
Missing in Action Affairs
(International Security Affairs)
Department of Defense
Director, Vietnam, Laos and Cambodia
Bureau of East Asian and Pacific Affairs
Department of State
Office of the Assistant to the President for
National Security Affairs
National Security Council
Director, National Security Agency

SUBJECT : Reported Detention of 16 Americans in Laos

1.

Deputy Director for Operations

CC: DCI
DDCI
EXEC DIR
NIO/EA
DDI
DDO

Attachment: Report as Stated

SUBJECT : Reported Detention of 16 Americans in Laos

TEXT: According to [redacted] who claimed to have visited the site, as of April 1986, there was a detention camp containing 12 male and four female American prisoners located at Ban Don Lae (near TH 5085), Ngoy District, Luang Prabang Province, Laos. [redacted] said the prisoners were being held in a cave that was used by the Pathet Lao and Vietnamese during the Indochina War years. Eight Vietnamese and 14 Lao ran the detention camp. There were three trucks assigned to the camp which were used to take the prisoners outside the camp to work everyday. [redacted] said eight of the prisoners worked repairing engines and four taught engine repair to the Lao. The four females worked as nurses. The workday was 0800 hours to 1800 hours daily. The LPA soldier claimed that the Americans had been in Laos since before the communists took over the country. The LPA soldier said the Americans were confined in harsh conditions even though they had worked hard while in captivity.

(b)(3) NatSecAct

(b)(3) NatSecAct

(b)(3) NatSecAct

ASD PAGE 003
TOT: 161956Z SEP 86

TO: DIRNSA, DEPT OF STATE, DIA, WHITE HOUSE SITUATION ROOM,
ZEN/CIA OFFICE OF CURRENT OPERATIONS.

PASS: EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM;
NSA FOR ZKZK OO ZRL DE (EXCLUSIVE FOR THE DIRECTOR, NSA);
STATE EXCLUSIVE FOR THE DIRECTOR, INR; DIA EXCLUSIVE FOR
THE DIRECTOR, DIA AND PASS TO NWS (DIRECTOR ONLY).

CENTRAL INTELLIGENCE AGENCY

F

DIST: 16 SEPTEMBER 1986

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS/VIETNAM

SUBJ: ALLEGED DETENTION OF SIX PRISONERS OF WAR IN
XIENG KHOUANG PROVINCE, LAOS

DOI: MARCH 1986

SOURCE: A

TEXT: 1. AS OF EARLY MARCH 1986,

, 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. THERE WERE SEVEN LPA SOLDIERS SERVING AS GUARDS AT THE CAVE AND ONE NURSE WAS ALSO ASSIGNED TO THE CAVE. ONE COMBINED BATTALION-SIZED LPA AND PEOPLE'S ARMY OF VIETNAM FORCE WAS DEPLOYED ALONG ROUTE 5 THROUGH LAT HOUANG (NCA) TO LAT SEN (NCA), CONTROLLING ACCESS TO THE AREA. ANOTHER LPA "SPECIAL FORCE" COMPANY COMPRISING 60 SOLDIERS COMMANDED BY CAPTAIN ((THIEP)) SOUTHIDET, WAS DEPLOYED ABOUT TEN KILOMETERS DISTANT FROM THE CAVE. THE GENERAL AREA WHERE THE CAVE WAS LOCATED, NEAR THE JOINT SOCIALIST REPUBLIC OF VIETNAM (SRV) AND LPDR BORDER, WAS A VACATION AREA FOR LEADERS OF THE THREE "INDOCHINESE" COUNTRIES, AS WELL AS AN INFORMATION CENTER FOR THE INDOCHINESE COUNTRIES.

2.

EXHIBIT 134

24

ASO PAGE 004
TOT: 161956Z SEP 86

HE HAD TRAVELED TO XIENG KHOUANG PROVINCE TO INVESTIGATE THE POW CASE AT THAM PHA LEUNG CAVE. ACCORDING TO THE SIX AMERICAN POWS AND TWO ROYAL LAO ARMY (FAR) T-28 PILOTS HAD BEEN ARRESTED AND DETAINED AT THE CAVE. AFTER THE PATHET LAO HAD SUCCEEDED IN "LIBERATING" LAOS AND THE PEACE AGREEMENTS SIGNED, THE POW GROUP WAS TRANSFERRED TO LONG (UG 3512) VILLAGE, HOUA GNON CANTON, PEK (UG 1251) DISTRICT, XIENG KHOUANG PROVINCE. THE POWS WERE USED AS LABORERS TO PLANT CROPS UNDER THE CONTROL OF THE SEVEN LPA SOLDIERS AND THE NURSE.

ACQ: (10 SEPTEMBER 1986).

WASHINGTON DISSEM:

TO WHSITRM:	EXCLUSIVE FOR THE DIRECTOR, WHITE HOUSE SITUATION ROOM.
TO STATE:	EXCLUSIVE FOR THE DIRECTOR, INR.
TO DIA:	EXCLUSIVE FOR THE DIRECTOR, DIA.
TO NSA:	EXCLUSIVE FOR THE DIRECTOR, NSA.

N'

SECRET

DIST: 28 APRIL 1987

EXCLUSIVE DISSEMINATION TO ADDRESSEES LISTED AT END OF REPORT

COUNTRY: LAOS

SUBJ: POW/MIA: ALLEGED AMERICAN REPORTEDLY BEING CARED FOR BY HMONG IN EARLY 1987 AT SALEO VILLAGE, SAVANNAKHET PROVINCE, LAOS

DOI: EARLY MARCH 1987

ADDENDUM

1. ON 8 APRIL 1987 A [redacted] INFORMATION REPORT WITH THE ABOVE HEADING AND NUMBER WAS ISSUED. THE DEBRIEFING OF [redacted] ON 14 APRIL REVEALED THAT ON 5 AND 6 APRIL 1987, [redacted] TRAVELED TO SALEO (NCA) VILLAGE, SALEO CANTON, SAMOI (XD 9416) DISTRICT, SAVANNAKHET PROVINCE, LAO PEOPLE'S DEMOCRATIC REPUBLIC (LPDR), TO ATTEMPT TO OBTAIN

(b)(3) NatSecAct

EXHIBIT 135

STAFF

[redacted] ASP PAGE 0002
TOT: 281530Z APR 87 [redacted]

FURTHER INFORMATION ON THE AMERICAN WHO WAS ALLEGEDLY STAYING NEAR THE VIETNAM BORDER. SALEO VILLAGE CONSISTED OF SIX HOUSES AND APPROXIMATELY 30-40 INHABITANTS.

ACCOMPAINED ON THE TRIP. CLAIMED TO HAVE PERSONALLY SIGHTED TWO LIVE AMERICANS BEING HELD BY LOCAL HILLTRIBES, BUT SAID THAT HE WAS NOT ALLOWED CLOSER THAN 100 METERS FROM THE AMERICANS. SAID THAT THE HILLTRIBE CARETAKER DEMANDED A PAYMENT OF 500 OF THE "OLD FRENCH SILVER COINS" BEFORE HE (WOULD BE ALLOWED TO APPROACH THE AMERICANS. [redacted] COMMENT: THE FRENCH COINS ARE VALUED AT 2,800 KIP EACH AND ARE HIGHLY SOUGHT AFTER BECAUSE OF THEIR HIGH SILVER CONTENT. THE COINS ARE AVAILABLE FROM PRIVATE SHOPS IN LAOS. U.S.$1.00 EQUALS 35 KIP AT THE OFFICIAL RATE OF EXCHANGE AND MORE THAN 400 KIP AT THE CURRENT BLACK MARKET RATE.)

(b)(3) NatSecAct

2. SAID THAT THE TWO AMERICANS WERE DRESSED IN LOCAL VILLAGE COSTUMES. 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 AMERICAN HAD REPORTEDLY BEEN KEPT SINCE THE "LAM SON 917 OPERATIONS." THE LAM SON 917 OPERATIONS WERE SUPPRESSION OPERATIONS DESIGNED TO CLOSE THE HO CHI MINH TRAIL DURING THE VIETNAM WAR.)

3. IN HAND DRAWN SKETCHES OF THE AREA MADE BY SALEO VILLAGE APPEARS TO BE IN THE VICINITY OF XD 5570, LOCATED NEAR THE TIGER CAVE (THAM SUA) AND THE HOUAI NAMSE STREAM. THE VILLAGE IS LOCATED ON THE WEST BANK OF THE STREAM AND THE LOCATION WHERE THE AMERICANS WERE ALLEGEDLY BEING KEPT WAS ON THE EAST BANK. IN THE SKETCH MAP INDICATED THAT IT IS ABOUT ONE DAYS WALK FROM SALEO VILLAGE TO SAMOI DISTRICT TOWN AND ANOTHER ONE-HALF DAYS WALK (BASED ON APPARENT DISTANCE ONLY) TO TA-OY, THE LOCATION OF OTHER REPORTED STORIES OF AMERICAN PRISONERS OF WAR. DONG VILLAGE (XD 5138) IS LOCATED ON THE OTHER SIDE OF TA-OY VILLAGE FROM SAMOI TOWN. DONG VILLAGE WAS THE SITE OF AN LPDR REEDUCATION CAMP; HOWEVER, NO RUMORS OF AMERICAN PRISONERS WERE ASSOCIATED WITH THE CAMP.)

~~SECRET~~ NOFORN

[redacted] MSR (b)(3) CIAAct

PAGE 001

TOR: 121528Z OCT 89 [redacted]

~~SECRET NOFORN~~ WNINTEL RODCA

[redacted] (b)(3) CIAAct

TO: DIA//PW-MIA (COL JOE SCHLATTER).

SECRET NOFORN WNINTEL RODCA COMMUNICATION-DOD HANDLE AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

(b)(1) [redacted]
(b)(3) NatSecAct

SUBJECT: DOG TAG AND LIVE SIGHTING IN LAOS

1. THE FOLLOWING INFORMATION WAS [illegible] THE OBTAINED THE INFORMATION FROM ONE OF 40 RECENTLY ARRIVED VIETNAMESE BOAT REFUGEES WHO ARE NOW INCARCERATED AT THE THA LUAN POLICE COMPOUND. THE INFORMATION HAS BEEN PASSED TO JCRC AND STONY BEACH AND NOW IS BEING SENT FOR YOUR INFORMATION.

2. A VIETNAMESE BOAT REFUGEE IN TRAT PROVINCE PASSED A COPY OF A DOG TAG RUBBING TO A THAI OFFICIAL. THE DOG TAG IS THAT OF: FRED L. SMITH JR, AF [redacted] METHODIST. A HANDWRITTEN NOTE, IN VIETNAMESE, WITH THE RUBBING STATES THAT SMITH IS AN AMERICAN CAPTAIN AND A HELICOPTER PILOT. SMITH WAS REPORTEDLY SHOT DOWN AT KONTUM DISTRICT IN MARCH 1972 AND HIS BODY BURIED IN GIA LAI - KONTUM PROVINCE.

(b)(6)

3. ON 03 OCTOBER 1989, A LETTER WAS RECEIVED FROM A SOURCE OF UNDETERMINED RELIABILITY WHICH CONTAINED THE POW RELATED INFORMATION DESCRIBED BELOW. THE LETTER CONTAINED INFORMATION FROM A FORMER LAO PEOPLE'S ARMY FIRST LIEUTENANT KHAMPHOU DOUANGMANYCHAN, WHO RESIDES IN XIENG KHOUANG PROVINCE. THE DATE AND PLACE OF THE SOURCE'S MEETING WITH KHAMPHOU WAS NOT INDICATED IN THE LETTER. A GIST OF THE LETTER WAS TO BE PASSED TO STONY BEACH.

4. ON 03 OCTOBER 1989, OUR [redacted] OFFICE RECEIVED THE FOLLOWING POW/MIA RELATED INFORMATION FROM A SOURCE OF UNDERTERMINED RELIABILITY. THE SOURCE CLAIMS HE OBTAINED THE FOLLOWING INFORMATION. (b)(1) (b)(3) NatSecAct

-- 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. "THAM LUANG" IS THE FORMER RESIDENCE OF PRINCE SOUPHANOUVONG, ACCORDING TO THE SOURCE. SAID THAT THAM LUANG IS LOCATED ONE KILOMETER EAST OF BANCHIK, WHICH IS 17 KILOMETERS EAST OF THE VIENGXAI MUNICIPALITY. SAID THAT THE 14 AMERICAN POW'S ARE GUARDED BY A 26-MAN POLICE COMPANY COMMANDED BY A POLICE LIEUTENANT SITHA. SAID THE POW'S GROW RICE AND VEGETABLES FOR A LIVING BUT THEY ARE NOT ALLOWED TO WEAR SHOES. ALSO ACCORDING TO . THERE ARE THREE ADDITIONAL POW'S BEING HELD AT AN AIR BASE IN MAUNG HAM (UH9647). THESE THREE POW'S ARE REPORTEDLY BEING USED TO TEACH ENGLISH TO RAIAI SOLDIERS AND HOW THE LATTER ARE TO USE AN AIR SIGNAL SYSTEM. SAID THERE ARE FOUR MIG-21'S LOCATED AT THE SAME AIRBASE. NO FURTHER INFORMATION WAS AVAILABLE.

5. NOT RELEASABLE TO FOREIGN NATIONALS. (b)(3) CIAAct

6. CLASSIFIED BY SIGNER [redacted] ALL ~~SECRET~~ ~~NOFORN~~ WNINTEL RODCA.>FILE:

~~SECRET~~

EXHIBIT 138

SECRET

OUTGOING

FRP

/327 PER ORIGINATOR

MILITARY

(b)(3) CIAAct

[redacted] --MSR PAGE 001
TOT: 090711Z FEB 90 [redacted]

~~S E C R E T NOFORN~~ WNINTEL RODCA

(b)(3) CIAAct [redacted]

TO: DIA WASHINGTON DC//PW-MIA/ATTN COL JOE SCHLATTER.

~~SECRET NOFORN~~ WNINTEL RODCA COMMUNICATION-DOD HANDLE AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

(b)(1) [redacted]
(b)(3) NatSecAct

SUBJECT: CLAIMED SIGHTING OF U.S. POW AT MINE IN LAOS

1. IN A CASUAL CONVERSATION IN TAIWAN ON 21 DECEMBER 1989. A [illegible] CLAIMED TO HAVE SEEN A U.S. PRISONER OF WAR (POW) DURING A TRIP TO LAOS IN NOVEMBER-DECEMBER 1989. DURING THAT PERIOD WHEN [illegible] WAS IN VIENTIANE DISCUSSING MINERAL PURCHASES, HE WAS TAKEN ON A TWO OR THREE DAY TRIP THROUGH THE MOUNTAINS TO A MINING CAMP, PARTLY BY VEHICLE AND PARTLY ON FOOT. SINCE HE WAS BLINDFOLDED DURING PORTIONS OF THE TRIP, WHEN HE ARRIVED HE DID NOT KNOW EXACTLY WHERE HE WAS. AT THE MINE THERE WERE ABOUT SIX GUARDS AND A BEARDED MALE CAUCASIAN. [illegible] CLAIMED TO HAVE SPOKEN WITH EITHER THE CAUCASIAN PRISONER DIRECTLY OR A GUARD, WHO CONFIRMED THAT THE CAUCASIAN WAS AN AMERICAN. [illegible] SAID THAT THE U.S. POW HAD BEARD, WAS GAUNT BUT NOT SICKLY, AND HAD GONE NATIVE BECAUSE HE HAD A LOCAL WIFE. [redacted] SAID THAT IF CONDITIONS WERE RIGHT HE MIGHT GO BACK TO THE MINING AREA IN LAOS, BUT THAT HE WOULD RETURN TO TAIWAN FOR THE CHINESE LUNAR NEW YEAR (27 JANUARY 1990).

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

2. IN NOVEMBER 1989 ON A VISIT TO BANGKOK. [illegible] PROVIDED A SIMILAR ACCOUNT ABOUT THIS U.S. POW, WITH THE EXCEPTION THAT HE DID NOT CLAIM TO HAVE SEEN THE POW. THE PERSON MAKING THE ACTUAL SIGHTING WAS [illegible]

CLAIMED TO HAVE INFORMATION ON U.S. AIR FORCE CRASH SITES, WHICH HE OBTAINED FROM TRIBESMEN OR OTHER UPCOUNTRY CONTACTS. BECAUSE [illegible] AND HIS CONTACTS HAD HEARD OF A ONE MILLION DOLLAR REWARD FOR POW INFORMATION, THEY WERE ANXIOUS TO GIVE THIS INFORMATION TO THE U.S. GOVERNMENT WITHOUT GOING THROUGH THE AUTHORITIES OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC. TO BACK UP HIS CLAIM TO HAVE INFORMATION ON U.S. POW'S AND PERSONNEL MISSING IN ACTION (MIA), [illegible] A SHEET WITH INFORMATION COPIED FROM EITHER AN IDENTIFICATION CARD OR DOG TAGS AS FOLLOWS: JAMES BLAIR WHITE, DOB 14 MARCH 1942, RANK-CAPTAIN; AIRMAN RALPH W. MAGEE; AND AIRMAN GLENN MATTESON.

3. THE INFORMATION IN PARAGRAPH 2 WAS RELAYED TO JCRC IN BANGKOK, AND IF THE LATTER WERE INTERESTED AN INTRODUCTION TO [illegible] COULD BE MADE. [redacted] STATION STILL HAS THE SHEET DESCRIBED ABOVE, SINCE [illegible] SAID HE WOULD HAVE TO RETURN IT TO [illegible]

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

4. NOT RELEASABLE TO FOREIGN NATIONALS.

5. CLASSIFIED BY SIGNER. [redacted] ALL ~~SECRET~~ ~~NOFORN~~ WNINTEL RODCA.>

(b)(3)
CIAAct

SECRET

EXHIBIT 139

DISSEM PER SOP

SECRET

MILITARY

(b)(3) CIAAct

[redacted] MSR PAGE 001
TOT: 031257Z JUL 89 [redacted]

~~S E C R E T NOFORN~~ WNINTEL RODCA.
[redacted]
TO: DIA//PW-MIA (WARREN GRAY).

(b)(3) CIAAct

SECRET NOFORN WNINTEL RODCA COMMUNICATION-DOD HANDLE AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

(b)(1) [redacted]

SUBJECT: REPORT OF POW'S IN LAOS

1. THE FOLLOWING INFORMATION WHICH HAS BEEN PASSED TO STONY BEACH, HAS BEEN OBTAINED FROM

2. ACCORDING TO , TWO AMERICAN PRISONERS OF WAR (POW'S) ARE NOW BEING HELD CAPTIVE IN A LEU VILLAGE IN XIANG KHOANG PROVINCE NEAR THE VIETNAMESE BORDER. THEY ARE BEING HELD AND GUARDED BY A LOCAL VILLAGE MILITIA GROUP; THE LAO AUTHORITIES AND THE LAO ARMY APPARENTLY DO NOT KNOW OF THEIR PRESENCE. THE POW'S HAVE BEEN IDENTIFIED BY AS ((STOWERS)) AND ((LATONA)).

3. ONE OF THE TWO AMERICANS IS MARRIED TO A LEU WOMAN AND THEY NOW HAVE THREE CHILDREN. ONE WAS INJURED WHEN HIS PLANE CRASHED DURING THE WAR AND HE SUBSEQUENTLY LOST AN ARM. BOTH ARE LIVING MISERABLY AND WANT TO ESCAPE. THE VILLAGE IN WHICH THEY ARE HELD IS ENTIRELY ETHNIC LEU, LOCATED IN A REMOTE AREA.

4. . IS AWARE OF THE AMERICANS' PRESENCE DUE TO THE FACT THAT FRIENDS OF HIS HAVE VISITED THE VILLAGE. SINCE WORD OF A TWO MILLION DOLLAR REWARD FOR RETURN OF U.S. POW'S HAS SPREAD. THE VILLAGERS AND . . ALL WANT A PIECE OF THE ACTION. SAYS THAT HE CAN BRING THE TWO POW'S TO THE THAI BORDER IF HE CAN REACH AN AGREEMENT WITH RESPONSIBLE U.S.REPRESENTATIVES.

5. STATED THAT IN ADDITION TO THE TWO LIVE POW'S, THIS VILLAGE ALSO HAS THE REMAINS OF 17 AMERICAN MISSING IN ACTION (MIA). THE VILLAGERS WANT TO TURN OVER THE REMAINS FOR A REWARD AS WELL. PROVIDED A SOMEWHAT LEGIBLE LIST OF SOME OF THOSE 17 AMERICANS. FOLLOWING ARE THOSE ON THE LIST WHOSE NAMES ARE LEGIBLE ENOUGH FOR US TO REPRINT HERE:

- SHELL, L.
  [redacted]
  USMC S
  BAPTIST
- MARSHALL, T., III
  [redacted]
  USMC
  BAPTIST
- GILBERT, FRANCIS G.
  [redacted]
- SIMS
  [redacted]
  USMC M
  METHODIST
- SHIRLEY, MARSHALL J.
  [redacted]
  CATHOLIC
- POLSTON, H.D.
  [redacted]
  USMC
  BAPTIST
- MACIEJEWSKI, R.C.
  [redacted]

(b)(6)

SECRET

EXHIBIT 140

OUTGOING

MILITARY

(b)(3) CIAAct

[redacted] MSR PAGE 001

TOT 172220Z FEB 89 [redacted]

~~SECRET~~ ~~NOFORN~~ WNINTEL RODCA

[redacted]

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

SECRET NOFORN WNINTEL RODCA COMMUNICATION-DOD HANDLE AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

[redacted] (b)(3) CIAAct

SUBJECT: INFORMATION ON POW/MIA'S IN INDOCHINA

1. THE FOLLOWING INFORMATION ON PRISONERS OF WAR (POW)/MISSING IN ACTION (MIA) PERSONNEL IN INDOCHINA WAS OBTAINED IN LATE 1988 AND JANUARY 1989 AND WAS PASSED AT THAT TIME TO JCRC AND THE STONY BEACH TEAM. IT IS BEING SENT TO YOU FOR YOUR INFORMATION.

2. ON 22 DECEMBER 1988 A DEBRIEFING WAS CONDUCTED OF A [illegible] WHO HAS WORKED BETWEEN CAMBODIA AND VIETNAM AND WHO HAS PROVIDED A HEARSAY REPORT ON AMERICANS BEING HELD IN A PRISON IN TAY NINH PROVINCE. [illegible] STATED THAT IN LATE SEPTEMBER 1988 HE VISITED WITH HIS [illegible] REPORTED THE INFORMATION ABOUT THE AMERICANS [illegible] WORKED AT THE PRISON WHERE TEN AMERICANS WERE REPORTEDLY BEING HELD. THE AMERICANS WERE REPORTEDLY INCARCERATED IN A PRISON IN DANANG BEFORE BEING BROUGHT TO TAY NINH IN AN UNKNOWN TIMEFRAME. THE EXACT LOCATION OF THE PRISON WAS NOT KNOWN.

3. IN A DEBRIEFING ON 7 OCTOBER 1988, [illegible], AN ETHNIC KHMER NOW LIVING IN [illegible] REPORTED SEEING AN AMERICAN IN THE BACH DANG PRISON, SAIGON, BETWEEN SEPTEMBER AND DECEMBER 1984.

[illegible] IN SEPTEMBER 1984 WHEN HE SAW THE AMERICAN AND AN AUSTRALIAN INCARCERATED THERE. THE AMERICAN WAS WHITE, ABOUT 180 CENTIMETERS TALL AND THIN (60 TO 70 KG). HE WORE GLASSES AND WAS OVER 30 YEARS OF AGE. [illegible] LEARNED THAT THE AMERICAN HAD BEEN IN BACH DANG PRISON SINCE ABOUT MARCH 1984. [illegible]

AND SOME VIETNAMESE. HE WAS TO HAVE BEEN DEBRIEFED BY STONY BEACH ON 19 DECEMBER 1988.)

4. THE NAMES BELOW ARE OF ALLEGED POW/MIA'S:

JAMES L. PHILLIPS, JR.	ALLEN K. BURGESS	FRED L. SMITH
AF [redacted]	[redacted]	[redacted]
[redacted]	(UNREADABLE)	
[redacted]	[redacted]	[redacted]
METHODIST	METHODIST	METHODIST

(b)(6)

TERRENCE L. TAYLOR	GEORGE T. MURRAY	WOODROW W. KEMP, JR.
[redacted]	[redacted]	[redacted]

~~SECRET~~

15

EXHIBIT 141

SECRET

[redacted] MSR (b)(3) CIAAct PAGE 002
172220Z FEB 89 [redacted]

[redacted] [redacted] [redacted]
METHODIST CATHOLIC PROTESTANT

(b)(6)

5. IN EARLY DECEMBER 1988 AN ETHNIC CHINESE-KHMER [illegible] TURNED OVER THE FOLLOWING NAMES AND ACCOMPANYING BONE FRAGMENTS TO

A. THREE DOG TAG RUBBINGS, ONE HANDWRITTEN PAPER PLUS BONE FRAGMENT ON RANDY R. SIMPSON, FR. [redacted] DIFFICULT TO READ), [redacted] NONE

B. DOG TAG RUBBINGS AND BONE FRAGMENTS ON GEORGE VARGAS, RA [redacted] CATHOLIC

C. DOG TAG RUBBING, HANDWRITTEN PAPER PLUS BONE FRAGMENT ON ROBERT SUMMERSON JR. US [redacted] PRESBYTERIAN

D. DOG TAG RUBBINGS PLUS BONE FRAGMENT ON MARVIN FUGATE, US [redacted] NO PREF

E. DOG TAG RUBBING ON TON V HUONG, "7 TRAN T REP, CSF B18, MED AUTH 29TH, NOTIFY 5FSG LLDB"

(b)(6)

6. IN EARLY DECEMBER, AN ETHNIC CHINESE-KHMER [illegible] TURNED OVER THE FOLLOWING NAMES AND ACCOMPANYING BONE FRAGMENTS

A. DOG TAG RUBBING PLUS BONE FRAGMENT ON ROBERT L. TROTTER, RA [redacted] CHRISTIAN

B. DUPLICATE OF ABOVE

C. DOG TAG RUBBING PLUS BONE FRAGMENT ON GEORGE VARGAS, RA [redacted] CATHOLIC

NOTE THAT ANOTHER SOURCE TURNED OVER INFORMATION ON "ROBERT L. TROTTER" WHICH WAS PASSED TO JCRC IN EARLY DECEMBER 1988.

7. [illegible] WHO PROBABLY OBTAINED THEM FROM A REFUGEE IN SITE B, PASSED TWO PHOTOGRAPHS OF SKELETONS WITH IDENTIFYING INFORMATION LOCATED IN THE PICTURE (TOO SMALL TO READ); A COPY OF A DOG TAG OF: GEORGE T. MURRAY, RA [redacted] CATHOLIC, AND A MAP SUPPOSEDLY IDENTIFYING MURRAY'S BURIAL PLACE. THE PHOTOGRAPHS LOOK VERY FAMILIAR AND POSSIBLY THEY HAVE PREVIOUSLY BEEN TURNED OVER TO JCRC. THE NAME GEORGE T. MURRAY HAS ALSO BEEN REPORTED IN THE PAST.

(b)(6)

8. ON 9 JANUARY 1989, [illegible] PROVIDED TWO PHOTOGRAPHS OF WHAT ARE ALLEGEDLY HUMAN BONES AND A DOGTAG. ACCORDING TO A CRUDELY WRITTEN NOTE WHICH ACCOMPANIED THE PHOTOS, THE INFORMATION ON THE DOGTAG READS AS FOLLOWS: GOMEZ, ROBERT A. [redacted] CHRIST. SCI. (COMMENT: THE ALPHA ROSTER SHOWS ROBERT ARTHUR GOMEZ WITH SSAN [redacted] LISTED AS DEAD - BODY NOT RECOVERED) [illegible] EXPLAINED THAT [illegible] HAD BEEN APPROACHED IN HIS VILLAGE OF BAN THAN IN SWAENG DAEN DIN DISTRICT, SAKHON NAKHON PROVINCE O/A 7 JAN 89 BY AN ETHNIC LAO (NFI) WHO IS CURRENTLY RESIDING IN NAKHON PHANOM PROVINCE. THE LAO REQUESTED [illegible] TO DETERMINE IF THE BONES IN THE PHOTOGRAPH WERE AUTHENTIC.

SECRET

(b)(3) CIAAct

[redacted] MS< PAGE 003
TOT: 172220Z FEB 89 [redacted]

PAWNS IN LAOS. SUBSEQUENTLY REPORTED THIS AND THE AND WERE INTERVIEWED BY A MEMBER OF THE STONY BEACH OVERT DEBRIEFING TEAM.) WHEN CONTACTED DIRECTLY. ALTHOUGH FULLY COOPERATIVE, WAS UNABLE TO PROVIDE MUCH IN TERMS OF DETAILS ABOUT THE ETHNIC LAO OR THE BONES IN QUESTION SAID THE LAO INDICATED THAT THE BONES WERE FOUND AT A SITE SOMEWHERE NEAR THE BORDER OF LAOS AND VIETNAM. THE LAO CLAIMED THAT IN ADDITION TO THE BONES SHOWN IN THE PHOTO, HE WAS ALSO IN POSSESSION OF A PART OF A JAW BONE WHICH ALLEGEDLY ARE THE REMAINS OF A SECOND PERSON. STATED THAT THE LAO INDICATED THAT HE WOULD RETURN TO BAN THAN O/A 14 JAN 89. SAID HE WOULD BE ABLE TO ASSIST IN CONTACTING THE LAO IN NAKHON PHANOM THROUGH A MUTUAL FRIEND SHOULD THERE BE AN INTEREST IN DOING SO.

9. IN NOVEMBER 1988, T [redacted] TURNED OVER A BONE FRAGMENT ON ROBERT L. TROTTER, RA [redacted] CHRISTIAN. STATED THAT TROTTER'S BROTHER (NOT FURTHER IDENTIFIED) HAD BEEN RELEASED FROM JAIL IN VIETNAM AND WAS NOW IN PHNOM PENH. IS ATTEMPTING TO FIND ADDITIONAL INFORMATION ON THE TROTTER BROTHER IN PHNOM PENH. BONE FRAGMENTS ON THREE INDIVIDUALS (JAMES L. PHILLIPS, ALLEN K. BURGESS AND FRED L. SMITH), WHOSE NAMES WERE PASSED IN AN EARLIER REPORT HAVE BEEN OBTAINED AND WILL BE TURNED OVER TO JCRC AS SOON AS POSSIBLE. TWO HANDWRITTEN COPIES OF DOGTAGS FOR TERRENCE L. TAYLOR WERE ALSO RECEIVED AS WELL AS PHOTOS OF SKELETONS AND HAND-DRAWN MAPS OF SUPPOSED GRAVESITES FOR GEORGE T. MURRAY AND WOODROW W. KEMP. JCRC HAS ADVISED THAT NAMES ON THAT REPORT WERE ALL BOGUS SO THE FRAGMENTS AND OTHER MATERIAL WERE ACCEPTED TO REMOVE THEM FROM CIRCULATION. THE CROSS BORDER TRADERS WHO PROVIDED THE INFORMATION STATE THAT THEY CAN DELIVER THE ENTIRE SKELETONS FOR MURRAY AND KEMP.

(b)(6)

10 REPORTED THAT IN JANUARY 1988 HE VISITED AN "AMERICAN JOURNALIST" BEING DETAINED AT THE FORMER LON NOL RESIDENCE IN PHNOM PENH. THE AMERICAN WAS REPORTEDLY ARRESTED IN WESTERN BATTAMBANG PROVINCE IN JULY 1987. THE AMERICAN WAS TO BE RELEASED IN JANUARY 1988, BUT WAS UNSURE IF THIS CAME ABOUT. THIS SIGHTING IS PROBABLY RELATED TO THE BRIAN BONO CASE; BONO WAS RELEASED EARLIER THIS SUMMER.

11. CLASSIFIED BY SIGNER. [redacted] SECRET NOFORN WNINTEL RODCA.

(b)(3) CIAAct

END OF MESSAGE ~~SECRET~~

~~SECRET~~

MILITARY

(b)(3) CIAAct

[redacted] MSR PAGE 0001
TOT: 181916Z FEB 88 [redacted]

~~S E C R E T~~

[redacted] (b)(3) CIAAct (b)(6)

WNINTEL ~~SECRET~~ [redacted]

SUBJECT: ALLEGED FIRST HAND LIVE SIGHTING REPORTING FROM KHAMTAN NOUMALA IN CANADA (b)(3) NatSecAct

[redacted] (b)(1) (b)(3) NatSecAct

1. PER DISCUSIONS WITH DIA/VO-PW ANALYSIS BRANCH CHIEF (b)(6) [redacted] ON 11 FEBRUARY 1988, WE ARE FORWARDING INFORMATION OUR [redacted] HAS OBTAINED THROUGH [redacted] [redacted] FROM THE DEBRIEFING OF [redacted] IMMIGRANT [redacted] ON ALLEGED FIRST HAND LIVE SIGHTINGS IN LAOS. [redacted] REQUESTS THAT ITS INFORMATION NOT BE DISSEMINATED OUTSIDE OF THIS AGENCY AND DIA WITHOUT [redacted] PERMISSION. WE HAVE SENT A MESSAGE TO [redacted] AS REQUESTED BY [redacted] FOR CONFIRMATION ON ARRANGEMENTS FOR [redacted] TRAVEL HERE FOR VO-PW DEBRIEFINGS ON THE MIA/POW ISSUE CIRCA 15 APRIL 1988. THE TEXT OF THE CANADIAN NOTE ON [redacted] IS AS FOLLOWS.

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

2. SOURCE: [redacted] FORMER LAOTION, NOW A CANADIAN LANDED IMMIGRANT. SOURCE REPORTED THREE SIGHTINGS OF U.S. POW/MIA PERSONNEL IN LAOS IN 1984. DEBRIEFING WAS IN FRENCH BUT SOURCE MADE REFERENCE TO NOTES HE HAD PREPARED IN LAOTION. WE OBTAINED THESE NOTES AND THEY ARE ENCLOSED. YOU WILL BE ABLE TO DISCERN IMPRESSIONS OF PREVIOUSLY WRITTEN NOTES ON THE PAPER, POSSIBLE WRITTEN ON 31 AUGUST 1987. THESE APPEAR TO BE IN A DIFFERENT HAND AND MAY OR MAY NOT BE RELEVANT.

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

3. SOURCE WAS UNABLE TO SPECIFY WHAT MONTH SIGHTS OCCURRED. SOURCE WAS ON THE ROAD FOR TWELVE MONTHS AS PART OF A GROUP DELIVERING MEDICAL SUPPLIES CSOVIET QUININE AND VITAMINSJ TO SEVERAL POPULATED PLACES.

4. THE FIRST SIGHTING OCCURRED 30 KILOMTERS NORTH OF

~~SECRET~~

** TEMPORARY WORKING COPY -- DESTROY AFTER USE **

EXHIBIT 142

SEPONE. HE SPENT TWO TO THREE WEEKS HERE. SEVENTEEN U.S. PERSONNEL WERE HELD IN A MONTAGNARD ENCAMPMENT ON A SMALL RIVER. THEY APPEARED TO BE IN GOOD HEALTH AND WERE FED TWICE A DAY, AT NOON AND 1700 HOURS. THEY WERE TREATED AS PRISONERS AND WERE NOT, AS IN THE CASE OF THE SECOND SIGHTING, INTEGRATED INTO THE LOCAL POPULATION.

5. THE SECOND SIGHTING WAS AT KHAM KER, NEAR NAPE IN KHAKEM PROVINCE. 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. HE WAS INTEGRATED INTO THE COMMUNITY AND HAD COMPLETE FREEDOM OF MOVEMENT. AT THIS SAME LOCATION WAS A BLACK AMERICAN, ALSO FREE. HE WAS UNMARRIED. OUR SOURCE SPENT FOUR WEEKS HERE.

6. THE THIRD SIGHTING WAS AT A CAMP 20 KILOMETERS OFF THE HO CHI MINH TRAIL (SEE SKETCHES). TWENTY-SEVEN U.S. SERVICEMEN WERE INCARCERATED HERE WITHIN A COMPOUND SURROUNDED BY FOUR ROWS OF BAMBOO FENCING. THE PRISONERS WORKED AT CUTTING FIREWOOD. THEY WERE TAKEN OUT EACH DAY BY GUARDS WHO WERE OF THE KHA SENG ETHNIC GROUP. ABOUT 200 METERS OUTSIDE THE COMPOUND WERE THREE GRAVES OF U.S. SERVICEMEN WHO HAD DIED IN THIS PRISON. IN A THREE WEEK PERIOD, SOURCE ENTERED THE COMPOUND FOUR TIMES, TAKING IN QUININE AND VITAMINS.

(b)(6)

7. AT THIS POINT HAVING GATHERED THE HIGHLIGHTS, WE PERSUADED OUR SOURCE TO SPEAK DIRECTLY WITH [redacted] [redacted] OF YOUR OFFICE. AS AGREED WITH YOUR OFFICIALS, PLEASE FEEL FREE TO CONTINUE TELEPHONE CONTACT WITH THE SOURCE. SHOULD YOU WISH TO SEND A REPRESENTATIVE TO CANADA TO MEET FACE-TO-FACE WITH HIM, I WOULD BE HAPPY TO COORDINATE THE MEETING. THIS EXERCISE DEALT WITH A SUBJECT MATTER AND A REGION THAT WE ARE NOT COMPLETELY FAMILIAR WITH, SO OUR APOLOGIES FOR ANY ERRORS IN THE SPELLING OF LAOTIAN NAMES. I WOULD APPRECIATE FROM YOU AN ASSESSMENT OF THE VALUE OF THIS INFORMATION IN DUE COURSE.

8. NOT RELEASABLE TO FOREIGN NATIONALS.

12. [redacted]

(b)(3) CIAAct

[redacted]

END OF MESSAGE ~~SECRET~~

END OF MESSAGE ~~SECRET~~

** TEMPORARY WORKING COPY -- DESTROY AFTER USE **

ORIGINATOR SECRET

(b)(3) CIAAct

[redacted] MSR PAGE 001
TOT 1203392 OCT 89 [redacted]

(b)(3) CIAAct [redacted]

~~SECRET NOFORN~~ WNINTEL RODCA

TO: DIA//PW-MIA (COL. JOE SCHLATTER).

SECRET NOFORN WNINTEL RODCA COMMUNICATION-DOD HANDLE AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

(b)(3) CIAAct [redacted]

SUBJECT: POW/MIA INFORMATION FROM LAO INFORMANT

1. THE FOLLOWING PRISONER OF WAR (POW)/MISSING IN ACTION (MIA) INFORMATION ON LAOS WAS OBTAINED IN LATE SEPTEMBER AND EARLY OCTOBER 1989 HE ALSO PROVIDED NOTES AND A SKETCH MAP OF THE AREA OF LAOS DESCRIBED IN HIS NOTES, WHICH WILL BE PASSED TO YOU SEPARATELY. HIS STATEMENTS AND NOTES ARE BEING PASSED FOR YOUR INFORMATION.

2. THE POW/MIA INFORMATION WHICH FOLLOWS WAS OBTAINED FROM

HE SERVED IN THE ROYAL LAO ARMY. HE RETURNED FROM A TRIP TO LAOS TO VISIT RELATIVES CIRCA AUGUST 1989. HE SAID THAT HE KNOWS PEOPLE IN LAOS AND COULD PROVIDE SOME HELP ON THE POW/MIA ISSUE SHOULD HE RETURN THERE, PROVIDED PROPER ARRANGEMENTS ARE MADE TO PROTECT HIM AND HIS FAMILY.

3.

4. SUBSEQUENTLY PROVIDED THREE PAGES OF NOTES ON THE POW/MIA SUBJECT. ONE PAGE REPEATS SOME INFORMATION GIVEN IN PARA. 3 ABOVE. IT ALSO ADDS THAT AN UNIDENTIFIED WOMAN SAID THAT SHE SAW POW/MIA'S IN A PRISON CAMP AT "DINEDING" (SIC) AND THAT ANOTHER UNIDENTIFIED PERSON SAW ONE OR MORE POW/MIA'S AT BAN "HOAISAN" (SIC). A SECOND PAGE, WHICH OBTAINED FROM AN UNIDENTIFIED LAO WHO HAD RETURNED FROM A TRIP TO LAOS, REPORTS THAT PRISON CAMPS EXIST NEAR "DINEDING" (SIC) AND BAN DONG (UNLOCATED). ALSO IN THIS NOTE IS A STATEMENT THAT A CRASH SITE WITH REMAINS EXISTS AT "BAN HOIASANE" (SIC). THE THIRD PAGE CONSISTS OF A SKETCH MAP OF THAT AREA OF LAOS DESCRIBED ABOVE AND SHOWS THE LOCATION OF A HEAVILY GUARDED CAMP AND OF "BAN HOIASANE" (SIC), WHERE AN ATTEMPT TO RELEASE A POW FAILED FOR LACK OF ENOUGH MONEY.

5. NOT RELEASABLE TO FOREIGN NATIONALS.

6. CLASSIFIED BY SIGNER. [redacted] ALL ~~SECRET NOFORN~~ WNINTEL RODCA.>

(b)(3) CIAAct

INCOMING MESSAGE

CLTGCIN MESSAGE

OUTGOING MESSAGE

~~SECRET~~

EXHIBIT 147

CIA/DDO

TO: DIA WASHINGTON DC//PW MIA (ATTN: COL. MIKE PECK).

SECRET NOFORN WNINTEL RODCA COMMUNICATIONS-DOD HANDLE

AS RODCA MATERIAL-PASS TO RODCA CONTROL OFFICER ONLY.

[redacted] (b)(1) (b)(3) NatSecAct

SUBJECT: REMAINS, DOG TAGS AND LIVE SIGHTING IN LAOS

REFS: [redacted] (b)(1) (b)(3) NatSecAct

1. THE FOLLOWING PRISONER OF WAR (POW)/MISSING IN ACTION (MIA) INFORMATION WAS OBTAINED IN MID-SUMMER 1990

2. AT AN UNKNOWN LOCATION ON AN UNKNOWN DATE A GROUP OF SEVEN POW/MIA'S WERE SHOT AND BURIED. ONE WAS A COLONEL IN FULL UNIFORM. ONE WITNESS OF THIS INCIDENT TOOK THE UNIFORMS AND REBURIED THE BODIES. THE REMAINS AND DOG TAGS ARE STILL AT THE BURIAL SITE. ANOTHER MIA INDIVIDUAL (NFI) 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. HE IS MARRIED (POSSIBLY TO A LAO) AND HAS TWO CHILDREN.

3. PARTIAL DOG TAG INFORMATION ON THESE INDIVIDUALS IS AS FOLLOWS.

A. SAUL JEFFERY L

[redacted] (b)(6)

[redacted]

P O F

~~S E C R E T NOFORN~~ WNINTEL RODCA

[redacted]

B. STONEBR R (SIC) KENNETH A

[redacted]

[redacted]

BAPTIST

(b)(6)

C. TR . D (SIC)

LEATS A

[redacted]

PROTESANT

D. BOBS

LANNY D

[redacted]

BAPTIST

3.

4. NOT RELEASABLE TO FOREIGN NATIONALS.

5. CLASSIFIED BY SIGNER. [redacted] ALL ~~SECRET~~ (b)(3) CIAAct

NOFORN WNINTEL RODCA.

(b)(3) CIAAct

[redacted]

~~SECRET~~ [redacted]

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

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.	)	
	)	

PLAINTIFF ACCURACY IN MEDIA'S CROSS MOTION FOR ENTRY OF SUMMARY JUDGMENT IN ITS FAVOR, AND OPPOSITION TO DEFENDANT CIA'S MOTION FOR ENTRY OF SUMMARY JUDGMENT

COMES NOW plaintiff Accuracy in Media, Inc. ("AIM"), by counsel, and respectfully moves this Court, under Rule 56 of the Federal Rules of Civil Procedure, for entry of summary judgment in its favor, and in opposition to defendant CIA's motion for summary judgment. In support of this relief, plaintiff submits its attached memorandum, together with Plaintiffs' Statement of Facts, Plaintiffs' Response to Defendant's Statement of Facts, and the affidavits of Eugene B. McDaniel, James Sanders, Mark Sauter, and Bob Smith. AIM also joins co-plaintiffs Roger Hall and Studies Solutions Results, Inc., in support of their dispositive motions, including their prayers for leave to take discovery, for *in camera* inspections, and for appointment of a special master.

Captain Eugene B. McDaniel, U.S. Navy (Ret), was a former Vietnam POW for almost six years, author of “Scars & Stripes: The True Story of One Man's Courage in Facing Death as a Vietnam POW,” and founder of the non-profit organization, the American Defense Institute. Investigative journalist James Dwight Sanders, coauthor of "The Men We Left Behind: Henry Kissinger, the Politics of Deceit and the Tragic Fate of POWs After the

Vietnam War," testified before the Senate Select Committee on POW/MIA Affairs, as an expert witness. Mark Sauter, author, investigator, and recognized expert on POW/MIA issues, co-authored four books, including "American Trophies: How American POWs Were Surrendered to North Korea, China, and Russia by Washington's Cynical Attitude." Bob Smith served as Vice Chairman of the Senate Select Committee on POW/MIA Affairs, from 1989 to 1993.

AIM also relies on the affidavits submitted by co-plaintiffs with their dispositive motion, those of plaintiff Roger Hall and Carol Hrdlicka, as well as the affidavits previously submitted in this matter, of Bill Hendon, John LeBoutillier, Larry J. O'Daniel, Lynn O'Shea, and Barry Allen Toll.

Carol Hrdlicka is the wife of David Hrdlicka, who was shot down over Laos in 1965, and was alive in captivity, at least into the early 1990s. Former Congressman Bill Hendon served on the U.S. House of Representatives POW/MIA Task Force, as consultant to the Pentagon on POW/MIA matters, as a full-time intelligence investigator assigned to the Senate Select Committee on POW/MIA Affairs, and co-authored, "An Enormous Crime, The Definitive Account of American POWs Abandoned in Southeast Asia." John LeBoutillier, former Congressman and member of the Foreign Affairs Committee's Special POW/MIA Task Force, authored the book, "Vietnam Now: A Case for Normalizing Relations with Hanoi," as well as numerous articles on the POW/MIA issue for such publications as *The New York Times* and *The Wall Street Journal*. Vietnam veteran Intelligence Officer Larry J. O'Daniel served in a counterinsurgency special operations program whose mission included liberation of American POWs, held a "military occupational specialty" as Military Historian, as well as an Electronic Warfare and Tactical Cover and Deception Officer.

Researcher Lynn O'Shea wrote "Abandoned in Place," the story of Operation Pocket Change, the planned rescue of POWs held in Laos. Barry Allen Toll participated in secret reconnaissance missions as a member of the elite covert operations branch of the American military in Vietnam, MACV-SOG.

Plaintiffs' affidavits contain numerous examples of operations, events and activities that surely generated relevant records that have not been provided or identified. The paucity of the CIA's production, as compared to the records clearly in its possession, is uncontroverted. This deficiency, along with the shortcomings evident in defendant's *Vaughn* indices, as well as the inadequacy of its search for responsive records, demonstrates that there is no genuine issue as to any material fact and plaintiffs are entitled to entry of summary judgment as a matter of law.

WHEREFORE, Plaintiff Accuracy in Media, Inc., respectfully prays that this Court:

(1) Grant Plaintiffs' Motions for Summary Judgment;

(2) Deny Defendant's Motion for Summary Judgment;

(3) Permit Plaintiffs to engage in limited discovery;

(4) Examine a certain number of documents *in camera*; and

(5) Appoint a special master.

DATE: October 21, 2016.

Respectfully submitted,

/s/

John H. Clarke # 388599
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
Fax: (202) 332-3030
johnhclarke@earthlink.net

Counsel for plaintiff
Accuracy in Media, Inc.

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.	)	
	)	

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF ACCURACY IN MEDIA'S CROSS MOTION FOR ENTRY OF SUMMARY JUDGMENT IN ITS FAVOR, AND IN OPPOSITION TO DEFENDANT CIA'S MOTION FOR ENTRY OF SUMMARY JUDGMENT

AIM submits this memorandum in support of its Cross-motion for entry of Summary Judgment in its favor, and in opposition to the CIA's motion for entry of summary judgment. Additionally, AIM joins in the points in authorities submitted by co-plaintiffs Roger Hall and Studies Solutions Results, Inc., in support of their dispositive motions, and as well as co-plaintiffs' prayers for leave to take discovery, for *in camera* inspections, as well as for appointment of a special master.

Background on the Request

History reveals Communist policy of holding American soldiers captive in the aftermath of war. Such was the case in World Wars I and II, and the Korean War.[1]

---

[1] *See* Affidavit of James Sanders ("*Sanders Aff.*") ¶ 4 quoting 1991 Senate Foreign Staff Report, "An Examination of U. S. Policy Toward POW/MIAs":

> Moreover, the Vietnamese, as Communists, have had the additional benefit of the experience of other Communist regimes in dealing with the United States and European powers. Therefore, it is not surprising to learn that the problems which the United States has had in dealing with prisoners of war and the missing in action are not the result of chance, but of historic Communist policy. Indeed, history reveals that policy. In the years after

In 1967, American troop strength in Vietnam had reached 500,000. Protests, peace marches, demonstrations, and acts of civil disobedience were escalating, as many Americans questioned whether the U.S. war effort could succeed, or was morally justifiable.

The following year, the United States and Hanoi entered into preliminary peace talks, in Paris. However, the talks stalled, for three-and-a-half years. The Paris Peace Accords were finally signed on January 27, 1973, on the heels of President Nixon's so-called "Christmas bombing"—a 12-day campaign of nearly 2,000 sorties, dropping 35,000 tons of bombs, the most concentrated bombing in world history.

At the peace talks, reparation "negotiations had been extensive, and detailed. A list of specific items was drawn up for the first year of U.S. aid. Among some of the items on the list were… 200,000 metric tons of steel building supplies… between 2,650 and 2,900 tractors, bulldozers and excavators…"[2] Henry Kissinger had hand-carried a letter to the

---

> World Wars I and II, the Soviet regime, and later their North Korean cohorts, held American soldiers and citizens captive in the aftermath of these wars.*** The fact is that Soviet and Asian Communist regimes view POW/MIAs, living or dead, not as a problem of humanitarian concern but as leverage for political bargaining, as an involuntary source of technical assistance, and as forced labor. There is, therefore, no compelling reason in Communist logic to return POWs, or their remains, so long as political and economic goals have not been met.

[2] *See also Sanders Aff.* ¶¶ 6-7 quoting 1991 Senate Foreign Staff Report, "An Examination of U. S. Policy Toward POW/MIAs":

> In fact, U.S. reparations to North Vietnam were being discussed in Paris, France from April through June of 1973. The negotiations were extensive and detailed. A list of specific items was drawn up for the first year of U.S. aid. Among some of the items on the list: 700,000 square meters of prefabricated housing and warehouses; 200,000 metric tons of steel building supplies; 50,000 cubic meters of timber; 40 million meters of cloth; 2,000 metric tons of Rayon fibers; between 2,650 and 2,900 tractors, bulldozers and excavators…" Five days after the signing of the Paris Peace Accords,

North Vietnamese detailing the Administration's interpretation of Article 21 of the Paris Peace Accords, which pledged that the United States would "contribut[e] to postwar reconstruction… in the range of $3.25 billion." The Vietnamese released 527 men, but continued its detention of over 600 more,[3] held as collateral for the promised billions. "Dr. Kissinger's letter would not become public for another four years." *Sanders Aff.* ¶ 6. Regrettably, President Nixon had announced to the country that "all of our American POWs are on the way home…. What President Nixon did not tell the American people and the families of the missing was that the American government had numerous classified

---

Kissinger hand-carried a letter, dated February 1, 1973 to the North Vietnamese Prime Minister which detailed the Administration's interpretation of Article 21 of the Paris Peace Accords, which pledged that the United States would "contribute to the healing the wounds of war and post-reconstruction of the Democratic Republic of Vietnam." The Committee reprinted that letter in the Report. The salient provision:

1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of $3.25 billion of grant aid over five years.

[3] Affidavit of Senator Bob Smith ("*Smith Aff.*") ¶¶ 10, 14, 17-18: "One of the most intriguing documents on the issue is the one called the '1205 Document… [I]n September of 1972… the Deputy Chief of the General Staff of the Vietnam People's Army… told the Politburo members that North Vietnam was holding 1205 prisoners of war…. [A]ll other detailed statements in the 1205 were known to be true…. [A] high ranking former member of the KGB who told me point blank that the document is real, because the Soviets actually had the Vietnamese Politburo bugged and the words were a verbatim transcript…. The 1205 accurately recounts that the Socialist Republic of Vietnam held 1,205 men, just months before it released Vietnamese released only 527 of them."

documents and human intelligence that men were, in fact, still alive in Southeast Asia." *Smith Aff.* ¶¶ 2-3. Of the 50 or so POWs known to be held in Laos,[4] only nine were repatriated. The Laotians themselves admitted that they were holding American POWs.[5]

In response, "Chairman of the Joint Chiefs of Staff Admiral Thomas Moorer… order[ed] Saigon command to 'halt the withdrawal from Vietnam immediately,' pending the resolution of the Laos POW/MIA situation…. Roger Shields, Chief of the DOD's POW/MIA Office, protested to Acting Secretary of Defense William Clements' plan to declare that "[t]he rest are dead," whereupon Shields thought he would be fired. Affidavit of Barry Allan Toll ("*Toll Aff.*") Docket 83-1, pp. 9-10.

When it appeared that Congress would not authorize Nixon to pay reparations, Secretary of State William P. Rogers threatened to seek payment via executive order, and "three times called for restraint by members of Congress in making adverse comments on

---

[4] *See* Affidavit of Carol Hrdlicka ("*Hrdlicka Aff.*") ¶¶ 37, 46: "There are numerous intelligence reports showing live POWs all over Laos after Homecoming 1973. Before operation homecoming, in 1971, there were at least 50 POWs in Laos. *See, e.g.*, Exhibit 38, *Intelligence Report* of 50 to 100 POWs in Laos, at Bates 107-09:

> DIA is collaborating closely where appropriate with CIA in regard to the current situation in Laos... At present there are proximately 350 US 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 (PLP) probably has information regarding their fate...

See also Toll Aff. Docket 83-1, p. 7: "We fully expected approximately 300 to 350 Americans to be released from Laos alone, out of a true figure of 600 men missing there. We also expected between 1,050 and 1,200 American POWs to come home."

[5] *See Hrdlicka Aff.* ¶ 48: "Lao officials admitted that there were "that some tens of prisoners were held" by Pathet Lao. *See, e.g.*, Exhibit 51, an undated *Working Papers of Dr. Kissinger*…"

the aid issue, at least until American troops are out of Vietnam and all American prisoners are released."[6]

"The final death-knell for the payment of reparations to North Vietnam occurred a week later when Armed Services Chairman F. Edward Hebert... served notice he will introduce a proposal to prohibit any U.S. aid for Hanoi…. It was the very next day… that the United States made its definitive statement that there were no more Americans alive in Southeast Asia and that 'rumors' did the families a disservice."[7] From that point, and going forward to the present day, the government is loath to admit its extreme misconduct. And there are other motives, endemic to the bureaucracy,[8] to continue to falsely declare that the

---

[6] *Sanders Aff.* ¶ 10, quoting 1991 Senate Foreign Staff Report, "An Examination of U. S. Policy Toward POW/MIAs."

[7] *Id.*

[8] *See, e.g.*, *Sanders Aff.* ¶ 11, quoting 1991 Senate Foreign Staff Report, "An Examination of U.S. Policy Toward POW/MIAs: "Off the record, this priority vanishes. Instead, other considerations emerge: Grand visions of a foreign policy of peace and reconciliation; desire for a new economic order of trade and investment; ideological imperatives to downplay the hostility of antagonistic systems; and the natural tendency of the bureaucracy to eliminate its workload by filing cases marked 'closed' instead of finding the people."

See also Hrdlicka Aff. ¶ 33: "When men were put in an MIA status, as opposed to POW, it made easier for the government to declare those men KIA, at the end of the war. In Admiral Moorer's 1992 Senate Select Committee Deposition, he states, 'God help us if a man is put in a POW status.' Exhibit 37 at Bates 105-06 is the 1992 *Testimony of Chairman Joint Chiefs Thomas Moorer* regarding the problems to the government resulting from categorizing Americans as POWs."

And see Affidavit of Congressman Bill Hendon ("*Hendon Aff.*") Docket 116-42 ¶ 62, quoting talk by Assistant Secretary of Defense: "If future Americans become convinced their country won't stand behind them when the chips are down, then they won't stand on the front lines for their country."

POWs are dead.[9]

But the government's private posture was quite different. Cross-border, covert operational teams "routinely were inserted in attempts to locate survivors, retrieve bodies of SOG members, or quickly exploit opportunity to liberate them from their recent capture by the enemy."[10] After Operation Homecoming, SOG (Studies and Observations Group), did not cease its activities.[11] "Overtly, [the government] search[ed] for remains of Americans

---

[9] *See Hrdlicka Aff.* ¶ 62: "The government has insisted, for over 20 years now, that David is dead. According to the government, David died in 1966. Next, it claimed that he died in 1967. Lastly, according to the government, David died in 1968. It finally settled on 1968 as the date it 'believes' that David died. The press conference that displayed David was held in 1969. The government has no evidence that David is dead." "Rather, there have been live sighting reports that show him to be alive in the early 1990s." *Id.* ¶ 63.

[10] *Toll Aff.* Docket 83-1, p. 3: "These highly trained mercenaries were provided to us from joint CIA and MACVSOG commando schools, and were composed of various Montangnard tribal groups, Chinese Nungs or Vietnamese. Our mission was to sneak amongst the enemy's base areas and gather covertly gather strategic intelligence, often in Cambodia and Laos. *** Upon disappearance of one or more, or all members of a team in Laos or Cambodia, codename "Brightlight" teams, standing by in Vietnam, routinely were inserted in attempts to locate survivors, retrieve bodies of SOG members, or quickly exploit opportunity to liberate them from their recent capture by the enemy. *** Bull Simon would later lead the SOG-80 attempt to rescue American POWs in North Vietnam, at Son Tay…. cross-border forays, which in those years, averaged seven to eight hundred yearly, on the ground alone."

[11] *See, e.g., Hrdlicka Aff.* ¶ 67: "The CIA's intelligence gathering regarding POWs in Laos was ongoing. *See* June 1973 *Joint Chief Memorandum re CIA's Intelligence* on POWs in Laos, Exhibit 47 at Bates 141-47, with the subject, 'US prisoners of war in Laos." It states: …CIA continue to conduct an active program to acquire intelligence relative to the status of US MIA personnel. … CNO indicated that CIA is pursuing a priority effort to determine what happened to US POWs in Laos and suggested a brief... DIA and J-3 (DOCSA) discussions with CIA points of contact and records of DOCSA a monitoring of Laos activities indicate that CIA has had, and currently conducts, an active program to acquire intelligence related to the status of POW/MIA personnel. It is carried out by assets, and winds in the organizational structure of CIA station in Laos...'"

missing, or last known held prisoner there, while covertly, standing ready to affect their rescue[12] in the known, second-tier POW camp system operating in Northern Cambodia and Laos, that [had been] extensively detailed, photographed, and ground reconnaissanced throughout the war era." *Toll Aff*. Docket 83-1, p. 6.

The government had "vast studies of these camps in Laos, derived from SOG operations, Imagery Intelligence (IMINT, satellite, low and high altitude aircraft), and much agent reporting from… operations and CIA operatives reporting on the Americans held in these camps in Laos." Particularly illuminating was the "unreleased SOG archives and the satellite imagery showing secret authenticator symbols for dozens of missing men, since 1975 to late 1992,"[13] some of which are "newly emerged intelligence documents… since the Senate Select Committee closed up shop in January, 1993." *Id*. at 13. One such camp was Nhom Marrott, Laos.[14]

---

12 *See Hrdlicka Aff.* ¶ 20: "On July 29, 1992, I again requested specific information on a rescue attempt code-named 'Duck Soup.' … It was a CIA run operation. General Secord testified before the Senate Select Committee Hearings to attempts to rescue David, and that there was a 'raft of cables' in the CIA on the rescue attempts."

13 *See Hrdlicka Aff. ¶ 19*: "In 1992, I then called Lorenzo Burroughs, a government satellite imagery expert, about this imagery. I asked him whether any authenticator codes were picked up with it. He responded that there were around ten."

See also Hendon Aff., Docket 95-45 ¶ 21: "During the closed briefings… Dussault explained to the senators what the CIA personnel had said about the June 5, 1992, SEREX imagery…. and then stunned those present by declaring that, while recently reviewing 1988 imagery of Laos, he and his associates had discovered <u>nineteen</u> four-digit numbers that matched the four-digit authenticators of known MIAs…"

14 *See* Affidavit of Lynn O'Shea ("*O'Shea Aff.*") Docket 182-6 ¶¶ 1, 3, 5: "The Central Intelligence Agency (CIA) holds never released documents relating to… at least one camp believed to hold these servicemen… [In] 1981, the CIA gathered intelligence, including human intelligence reporting, and imagery of a prison camp located in… Laos [where] 18-30 American Prisoner of War were held… from September 1980-

While government efforts to free the POWs was clandestine, Vietnam War activists, veterans groups, and family members, have openly pressed on several fronts. They have embarked on a wide range of public-awareness campaigns, including rallies, marches, educational forums, newsletters and newspapers, television and radio programs, ceremonies, sale of memorabilia, creation of memorials and parks, and civil disobedience.[15] They have sponsored legislative initiatives,[16] prodded the government to act, and

---

May 1981 and perhaps beyond…. [T]he CIA dispatched a least one reconnaissance team to the camp location to photograph the inmates and gather intelligence. The CIA continues to withhold information on the preparation for the mission, team progress reports, photographs taken at the camp and the debriefing of reconnaissance team members… 'The CIA can neither confirm or deny'… [Attached is] a document confirming CIA holds at minimum 20 documents relating to their effort to confirm the presence of American POWs at the Nhom Marrott camp."

15 *See* Affidavit of Captain Eugene B. McDaniel, U.S. Navy (Ret) ("*McDaniel Aff.*") ¶¶ 9, 10, 15: "In 1986, four years after retiring from the U.S. Navy, I began to speak out publicly about our missing men. Almost immediately, the power brokers on the POW issue began to attempt to attack my character…. It was not long after I began to 'speak out' in 1986 that I received a late-night phone call from a National Security Council official confirming that we did indeed still have living American POWs in Southeast Asia. I was admonished to 'be patient' and advised that we would have them home 'in two or three years, plus.'… I continued to pursue getting the truth out about the POW/MIA issue for many years through the non-profit organization I founded in 1983, the American Defense Institute (ADI)… instrumental in helping to get a Senate Select Committee on POW/MIA Affairs established in 1991."

See also, e.g., Betrayal: Left Behind, Prisoners of War and Military Veterans, 2016, by Jerry Kiley, narrating 30-year fight to gain freedom for US prisoners of the Vietnam War still in captivity for decades after war's end.

16 *See, e.g., Hrdlicka Aff.* ¶¶ 65-66: "In 1996, the POW/MIA families tried to remedy the government's unjustified declarations of death, by amending the Missing Personnel Act, which had not been updated since 1942. The families worked for 6 months, at our own expense, to get this legislation passed and into law. There were provisions in this legislation that would have required evidence of death before the government could declare a person dead…. Another provision would have penalized anyone for lying to service family members about their loved ones. Later, our amendments were repealed, at the behest of Senator John McCain…"

demanded investigations into the government's misconduct. And they have supported various reconnaissance and rescue operations, a few of which have been publicized. The decades-long non-governmental quest for repatriation is known as "Operation Homecoming II."

The breadth of the intelligence gathered on POWs after the end of the war, from 1975 through 1992, is staggering. The government had *over 1,400* first-hand live-sighting reports, and *several thousand* second hand reports, of Americans being held captive throughout Vietnam and Laos.[17] Many are from the 1980s and early 1990s. Almost all live sighting reports were funneled through CIA Station Chiefs in both Laos and Cambodia.

This lawsuit seeks disclosure of records of human intelligence, audio intercepts, and satellite and photographic imagery, analysis, correspondence, and testimony, along with other associated documentation.[18]

---

[17] *Sanders Aff.* ¶ 13, quoting 1991 Senate Foreign Staff Report, An Examination of U.S. Policy Toward POW/MIAs:

> The original plan of the Minority Staff was to review the U.S. government's handling and evaluation of "live-sighting" reports. These reports are first-hand narratives by witnesses who believe that they have seen American military personnel alive in various locations in Southeast Asia. *** For Vietnam, the U.S. Government has at least 1,400 such reports, including reports that have been received up until the publication of this report in May, 1991. In addition, the U.S. Government has received thousands and thousands of second-hand reports--accounts often full of vivid detail...

[18] *See* FOIA Requests Docket 114-1 at 3-5:

1. Southeast Asia POW/MIAs (civilian or military) and detainees, who have not returned, or whose remains have not been returned to the United States, regardless of whether they are currently held in prisoner status, and regardless of whether they were sent out of Southeast Asia.
2. POW/MIAs sent out of Southeast Asia (for example, to China, Cuba, North Korea, or Russia).
3. Prepared by and/or assembled by the CIA between January 1, 1960, and

I. DEFENDANT'S SEARCH IS INADEQUATE

A. The CIA Must Search its Operational Files

From the time it was signed into law on October 15, 1984, until April 21, 2005, the effective date of its amendment by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458), the Central Intelligence Agency Information Act, 50 U.S.C. 431 ("Act"), authorized the Director of Central Intelligence (DCI) to exempt CIA operational files from the search, review, publication, and disclosure provisions of the Freedom of Information Act (FOIA). The Act defines operational files as:

(1) files of the Directorate of Operations which document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;

(2) files of the Directorate for Science and Technology which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; and

---

December 31, 2002, relating to the status of any United States POWs or MIAs in Laos, including but not limited to any reports, memoranda, letters, notes or other documents prepared by Mr. Horgan or any other officer, agent or employee of the CIA for the Joint Chiefs of Staff, the President, or any federal agency.

4. Records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the National Archives and returned to the CIA for processing.
5. Records relating to 44 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, attachment 1, and records relating to those persons who are named on attachment 2, the Prisoner of War/Missing Personnel Office's list of persons whose primary next-of-kin (PNOK) have authorized the release of information concerning them.
6. All records on or pertaining to any search conducted for documents responsive to Roger Hall's requests…
7. All records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs…
8. All records of whatever nature pertaining to the estimates of fees…

(3) files of the Office of Personnel Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources; except that files which are the sole repository of disseminated intelligence are not operational files.

Id.

In its Renewed Motion for Summary Judgment, defendant perfunctorily states, at p. 3, that it "did not search operational files which are exempt from search and review pursuant to the CIA Information Act of 1984, 50 U.S.C. § 431(a)." In its Statement of Material Facts Not in Genuine Dispute, the CIA claims, at ¶¶ 8 and 9, that "[t]he Agency has determined that CADRE and archived records are the only systems likely to contain responsive records," and that its "broad searches yielded approximately 16,500 hits… [but it] did not search operational files which are exempt from search and review…"

Absent from its dispositive motion is any statement that it conducted a "decennial review" of these files, as required. Under the Act, not less than once every 10 years, the DCI must review the exemptions then in force to determine whether such exemptions could be removed from any category of exempted files or any portion of those files. The Act specifically requires that the DCI's decennial review include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein. Federal courts are authorized to review whether CIA has, in fact, performed the decennial review and, in doing so, considered these criteria. Here, the information concerns events which have both been the subject of official congressional investigations and extensive news, book, and film publicity, for decades. Thus, the subject records are of historical value and widespread public interest, and the CIA must search its operational files.

Additionally, on July 22, 1992, President Bush issued Executive Order 12812, requiring that all government agencies declassify and publicly release, to the extent that it would not compromise U.S. national security, all documents, files and other materials pertaining to POWs and MIAs. In 1993, President Clinton reiterated that order in Presidential Decision Directive NSC 8, requiring that all agencies complete their review by 11 November 1993—Veterans' Day. CIA Director James Woolsey agrees that Executive Order 12812, as well as Presidential Decision Directive NSC 8, includes disclosure of operational files, as reflected in his November 9, 1993 letter to President Clinton:

> As directed by Presidential Decision Directive NSC/8, "Declassification of POW/MIA Records," I am reporting on the completion of the CIA's review, declassification and release of all relevant documents files pertaining to American POWs and MIAs missing in Southeast Asia in accordance with Executive Order 12812… Our review included a thorough, exhaustive search of operational files, finished intelligence reports, memoranda, background studies, and open source files…. We will continue to be responsive to this issue through our active participation on the POW MIA intelligence review panel and in handling future FOIA requests.

Exhibit 1 to Affidavit of Roger Hall ("*Hall Aff.*")

B. <u>Inadequacy of Search, Paucity of Responsive Records</u>

Notwithstanding the fundamental question being not "whether there might exist any other documents responsive to the request, but rather whether the search for those documents was adequate," *Steinberg v. Dep't of Justice*, 23 F.3d 548, 551 (D.C. Cir. 1994) the absence of identification and production of responsive records is so wide-ranging as to be highly probative of the inadequacy of the government's search.

Although the CIA was joined by the DOD in tracking POWs in Southeast Asia—both before and after Operation Homecoming—the CIA played a major, if not the dominant, role in those efforts. "Asked who was the dominant collector of information in Laos, the CIA or

the Department of Defense (DOD), [Major General Richard] 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.

Hall Aff. ¶ 119, quoting Exhibit 8 at Bates 32.

"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." *Hall Aff.* ¶ 151. The CIA has not stated that it searched any systems that contain records of overseas field stations. Yet, it opposes even limited discovery regarding its search.

"[A]ll live sighting reports that came into the [US] embassy [in Laos] went directly to the CIA Station Chief." *LeBoutillier Aff.* Docket 83-15 ¶ 12. "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." *Hall Aff.* ¶ 122. "The government had over 1,400 first-hand live-sighting reports, and several thousand second hand reports, of Americans being held captive throughout Vietnam and Laos" (*Sanders Aff.* ¶ 13), and "investigators on the Senate Select Committee found literally thousands of live-sighting reports over the years from the end of the war into the 1990s." *Smith Aff.* ¶ 9. These accounts of live sighting occasioned an initial interview, and an interview report, accompanied, presumably, by hand-written notes. Of the several

thousand raw initial interview reports, the CIA has produced exactly *zero*. It has produced a few hundred summaries—a far cry from the *thousands* available to the Senate Select Committee looking into the matter.

Those who have seen the records furnished Congress would appear to agree that defendant's search was inadequate. Former Congressman John LeBoutillier has "personal knowledge of several POW-related incidents where the CIA has had documents that have not been publicly acknowledged or released." *LeBoutillier Aff.* Docket 83-15 ¶ 7. Former Congressman Billy Hendon has "personal knowledge of several incidents where the CIA has had intelligence on living POWs that has not been publicly acknowledged and/or released." *Hendon Aff.* Docket 95-45 ¶ 4. Senator Smith has "personally have seen hundreds of classified documents that could and should be released as they pose no national security risk…. I can state without any equivocation that they are still holding documents that should be declassified." *Smith Aff.* ¶¶ 8, 20.

The CIA has provided no information on the Military Assistance Command, Vietnam – Studies and Observations Group ("MACV-SOG" or "MACSOG"), which was a highly classified, multi-service United States Special Operations unit that conducted reconnaissance missions in the Vietnam, the Laos, and Cambodia, as Hall observes:

> 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… 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.

Hall Aff. ¶ 5.

Another telling deficiency is the CIA's claim to have searched "all systems that are likely to produce responsive records" for the 1,711 names on the Primary Next-of-Kin list, but produced records on only 11 of those 1,711 names. Hall's dispositive pleading aptly characterizes this fact as "stunning."

Plaintiffs' affidavits contain numerous examples of operations, events and activities that surely generated relevant records that have not been provided or otherwise identified. The paucity of the CIA's production, compared to the records clearly in its possession, is uncontroverted. Plaintiffs have pointed to a number of specific documents which are reasonably thought to be responsive records—in Hall's extensive affidavit—but which remain unidentified.

The CIA reports that it searched CADRE and the Office of Congressional Affairs and the Office of the Director of the CIA using the search terms "Missing in Action", "MIA", "Missing", "POW/MIA", "POW-MIA", "Prisoner(s) of War," "POW", "Prisoners", "War", "Vietnam War," and "Vietnam." Shiner Decl. ¶ 26. But the Agency is well aware that other search terms are appropriate. For example, it could search using the names of facilities known to house American POWs,[19] including Nhom Marrott—the subject of Lynn O'Shea's

---

[19] *E.g*., Tran Phu prison in Haiphong, North Vietnam (*see* Plaintiffs' Statement of Material Facts ¶¶ 29, 39), or Dong Vai (Dong Mang) prison (*id*.), or the camp in Sam Neua Laos (*id*. ¶¶ 50,103), or Tan Lap Prison, Vinh Phu Province, North Vietnam (*id*. ¶ 92), or facilities in the towns of Mahaxy, Pha Kateom, Laos (*id*. ¶ 114), or in Son Tay, Vietnam (*id*. ¶ 119).

book, "Abandoned in Place,"[20] or the code names of known operations of rescue reconnaissance,[21] for which it has provided *no* responsive records. Nor has the CIA provided any records of POWs transferred to Russia, North Korea, or China.[22]

---

[20] Plaintiffs' Statement of Material Facts ¶ 71:

> The Central Intelligence Agency (CIA) holds never released documents relating to American servicemen Prisoners of War and Missing in Action in Southeast Asia, and at least one camp believed to hold these servicemen after March 1973. During the period March 1979- June 1981, the CIA gathered intelligence, including human intelligence reporting, and imagery of a prison camp located in the Nhom Marrott District of Khammouane Province Laos. According to intelligence reports approximately 18- 30 American Prisoner of War were held at this camp from September 1980-May 1981 and perhaps beyond. Between January and May 1981 the CIA dispatched a least one reconnaissance team to the camp location to photograph the inmates and gather intelligence. The CIA continues to withhold information on the preparation for the mission, team progress reports, photographs taken at the camp and the debriefing of reconnaissance team members. *O'Shea Aff.* Docket 182-6 ¶¶ 1-2.

[21] *E.g.*, code names Duck Soup (*id.* ¶ 57), Operation Thunderhead (*id.* ¶ 62), Operation Blackbeard, Oak, Nantucket, Vesuvius One, Sunstune Park, Gunboat, Bright Light, Project Alpha, Operation Pocket Change, Project Corona (*id.* ¶ 115).

[22] *See e.g.*, plaintiffs' Statement of Material Fact ¶¶ 154-158:

> After his May 19, 1967, shoot down and capture, James Kelly Patterson, "an expert in the use of his aircraft's state-of-the-art electronics system being used to defeat Vietnam's Russian-made missile defense system" was shipped to a closed Russian military region dedicated to missile research and testing. *McDaniel Aff.* ¶ 12.
>
> "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….' The CIA has not provided any… information regarding the POWs mentioned in this document." *Hall Aff.* ¶ 88.
>
> "Exhibit 43, Bates 206, is a March 12, 1982, Foreign Intelligence Information Report from the CIA's Domestic Collection Division, claiming Soviet

Additionally, plaintiffs' affidavits include proof that the Director of Operations maintained files "detailing our certain knowledge of the second tier prison system in Laos, and the numbers of American POWs being held there," and that these files may have thereafter been relocated to the "Executive Registry Files of CIA."[23] But the Agency declined to search those records.

---

incarceration of U.S. Vietnam era POWs…. I have not received any records regarding this from the CIA." *Hall Aff.* ¶ 38.

"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." *Hall Aff.* ¶ 99.

"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. *Hall Aff.* ¶ 121.

[23] Plaintiffs' Statement of Material Fact ¶¶ 163-65:

At a meeting in the White House in 1993, "George [Carver] proffered CIA documents he'd authored, as late as 1975, going to the Director himself, about Americans still held captive in Indochina in the hundreds. I [Toll] provided CIA documents going to the Director himself, in 1967 and 1969, detailing our certain knowledge of the second tier prison system in Laos, and the numbers of American POWs being held there at the time. Their exact coordinates were noted." *Toll Aff.* Docket 83-1 at p. 12.

At a meeting in the White House in 1993 Toll asked Carver "'all of those intelligence materials and product flowed directly to you in the Nixon White

II. THE CIA HAS FAILED TO MEET ITS BURDEN OF PROOF TO SHOW THAT ITS EXEMPTION 5 CLAIMS ARE VALID

A. Legal Standards

(1) Deliberative Process Privilege

Under the FOIA Improvement Act of 2016, Exemption 5 of the FOIA is amended to provide that "the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested." Exemption 5, 5 U.S.C. § 552(b) (5), provides that the FOIA does not apply to matters that are:

> (5) inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;

Exemption 5 was intended to incorporate the government's common law privilege from discovery in litigation. H.R. Rep. No. 1497, 89th Cong., 2d Sess. 10 (1966); S. Rep. No. 813, 89th Cong., 1st Sess. 29 (1966); S. Rep. No. 1219, 88th Cong., 2d Sess. 607, 13-14 (1964). However, the Supreme Court has cautioned that discovery rules be applied to FOIA cases only "by way of rough analogies." *EPA v. Mink*, 410 U.S. 73, 86 (1973). The CIA invokes 5's privilege for the deliberative process.

House, did they not?' and George said 'Yes,'" again. *Toll Aff.* Docket 83-1 at p. 12.

Regarding records referenced in the foregoing paragraph, "George [Carver] said, 'I sent them back to Langley for storage, through the DO,' meaning the Directorate for Operations in the CIA. 'That was the arrangement I had,' he continued, 'usually by courier.'" *Toll Aff.* Docket 83-1 at p. 18.

Carver stated that [i]f they moved them out of Operations, historically, they would probably be moved to the Director's files... to the Executive Registry Files of CIA..." *Toll Aff.* Docket 83-1 at p. 18.

The ultimate burden which an agency must carry under this privilege is to show that the document is so candid or personal in nature that public disclosure is likely in the future to stifle honest and frank communications within the agency. *Coastal States Gas Corp. v. Department of Energy*, 617 F. 2d 854, 866 (D.C. Cir. 1980). Congress intended to confine Exemption 5 "as narrowly as [is] consistent with efficient Government operation." *Id*. at 868, quoting S. Rep. No. 813, 89th Cong., 1st Sess. at 9 (1965). The agency must show "by specific and detailed proof that disclosure would defeat, rather than further, the purposes of the FOIA." *Senate of Puerto Rico v. U.S. Dept. of Justice*, 823 F.2d 574, 585 (D.C. Cir. 1987), quoting *Mead Data Central, Inc. v. Dep't of the Air Force*, 566 F. 2d 242, 258 (D.C. Cir. 1977). The possibility that disclosure will be "likely in the future to stifle honest and frank communications within the agency" depends on the identities of the author and recipient of the communication being disclosed. Here, such damage cannot occur because the identities of the author and recipient of these communications can be deleted. *See Boch v. C.I.A.*, 593 F. Supp. 675, 689 (D.D.C. 1984) ("given the anonymity of [blind memorandum], [the CIA] has failed to show by specific and detailed proof that disclosure of this document would defeat rather than further the purposes of FOIA").

An agency invoking Exemption 5's deliberative process privilege bears the burden of demonstrating that the material at issue is predecisional and deliberative. *Schlefer v. United States*, 702 F. 2d 233,237 (D.C. Cir. 1983); *Paisley v. C.I.A.*, 712 F. 2d 687, 698 (D.C. Cir. 1983) ("The agency bears the burden of establishing the character of the decision, the deliberative process involved, and the role played by the documents in the course of that process.").

In order to uphold an Exemption 5 claim on grounds that the document is predecisional, "a court must be able 'to pinpoint an agency decision or policy to which the document contributed.'" *Senate of Puerto Rico*, 823 F.2d at 585, quoting *Paisley v. CIA*, 712 F.2d 686, 698 (D.C. Cir. 1983), vacated in part on other grounds, 24 F.2d 201 (D.C. Cir. 1984). If there is no definable decision-making process that results in a final agency decision, then the documents are not predecisional." *Paisley v. C.I.A.*, 712 P. 2d 686, 698 (D.C. Cir. 1983), citing *Vaughn v. Rosen*, 523 P.2d 1136, 1146 (D.C. Cir. 1975). Moreover, "[p]redecisional communications ' are not exempt merely because they are predecisional; they must also be part of the agency give-and-take by which the decision itself is made."' *Senate of Puerto Rico*, 823 P. 2d at 585, quoting *Vaughn v. Rosen*, 523 P.2d at 1144. Finally, where an agency in making a final decision "chooses expressly to adopt or incorporate by reference" a predecisional recommendation, that document loses its protection under Exemption 5. *NLRB v. Sears*, *supra*, 421 U.S. at 161. This principle applies to a wide range of agency recommendations, and to "formal or informal adoption." *Coastal States, supra*, 617 P. 2d at 866.

(2) <u>Extreme Government Wrongdoing Vitiates Privilege</u>

Agency bad faith in the litigation is relevant because it undermines the credibility of the agency's statements in its affidavits. *Allen v. CIA,* 636 F.2d 1287 (D.C.Cir. 1980). The same result is warranted where the agency engaged in bad faith in the activities that generated the records at issue. "[W]here it becomes apparent that the subject matter of a request involves activities which, if disclosed, would publicly embarrass the agency or that a so-called 'cover up' is presented, government affidavits lose credibility." *Rugiero v. U.S. Dept. of Justice*, 257 F.3d 534 (6th Cir. 2001).

Additionally, government misconduct vitiates the deliberative process privilege, mandating disclosure of what otherwise may be exempt deliberative materials. *See Tri-State Hosp. Supply Corp. v. U.S.,* 226 F.R.D. 118, D.D.C., 2005:

> The deliberative process privilege yields, however, when government misconduct is the focus of the lawsuit. In such instances, the government may not use the deliberative process privilege to shield its communications from disclosure. Thus, "if either the Constitution or a statute makes the nature of governmental officials' deliberations *the* issue, the privilege is a nonsequitur." *In re Subpoena Duces Tecum Served on Office of the Comptroller of Currency,* 145 F.3d 1422, 1424 (D.C.Cir.1998) (citations omitted). Simply put, when there is reason to believe that government misconduct has occurred, the deliberative process privilege disappears. *Id.; In re Sealed Case,* 121 F.3d 729, 746 (D.C.Cir.1997). *See also In re Subpoena Served Upon Comptroller of Currency,* 967 F.2d 630, 634 (D.C.Cir.1992); *Alexander v. FBI,* 186 F.R.D. 170, 177 (D.D.C.1999) (citations omitted).

This Court discussed the application of this principle to the (b)(5) exemption in *ICM Registry, LLC v. U.S. Department of Commerce*, 538 F. Supp. 2d 130, 133 (D.D.C. 2008):

> In this court, the deliberative process privilege has been disregarded in circumstances of extreme government wrongdoing. *See, e.g., Alexander v. FBI,* 186 F.R.D. 154, 164 (D.D.C. 1999) (no privilege where documents related to misuse of a government personnel file to discredit a witness in an ongoing investigation of Clinton administration); *Tax Reform Research Group v. Internal Revenue Service,* 419 F. Supp. 415, 426 (D.D.C. 1976) (no privilege where documents concerned recommendation to use the powers of the IRS in a discriminatory fashion against "enemies" of the Nixon administration).

The privilege does not apply where the plaintiff's allegations "place the deliberative process itself directly in issue." *Dominion Cogen D.C., Inc. v. District of Columbia,* 878 F.Supp. 258, 268 (D.D.C. 1995). In *Tax Reform Research Grp. v. IRS*, 419 F. Supp. 415 (D.D.C. 1976), the court refused to permit the government to invoke Exemption 5 and ordered the release of withheld documents where the documents at issue "simply cannot be construed as being part of any proper governmental process." *Id*. at 426. Similarly, in *Judicial Watch of Florida, Inc. v. U.S.*

Dep't of Justice, 102 F. Supp. 2d 6 (D.D.C. 2000), another court in this District recognized that the exception could be invoked in FOIA suits.

The court in *Nat'l Whistleblower Ctr. v. Dep't of Health & Human Servs.* (D.D.C., 2012) concluded, "[c]onsistent with these cases, the Court here finds that the government-misconduct exception may be invoked to overcome the deliberative-process privilege in a FOIA suit."

The party seeking release of withheld documents under this exception must "provide an adequate basis for believing that [the documents] would shed light upon government misconduct." *Judicial Watch of Florida, Inc.*, 102 F. Supp. 2d at 15; *see also ICM Registry*, 538 F. Supp. 2d at 133.

B. <u>Argument</u>

(1) <u>Deliberative Process Claims</u>

In this case, the deliberative process privilege under exemption (b)(5) was asserted for three released-in-part records, as reflected in the sample *Vaughn* index (entry numbers 26, 62, 79), and for 17 of the denied-in-full documents ("DIF") (entry numbers 1-2, 5-7, 9, 11-14, 20-21, 23, 25, 32, 34-35).

AIM's Extract of defendant's inventory of these records is submitted herewith as Exhibit A.

As Hall points out in his dispositive motion, of the 48 numbered items which comprise the DIF index, seven contain more than 10 pages: Item 6 (58 pages); Item 20 (16 pages); Item 21 (11 pages); Item 23 (15 pages); Item 29 (20 pages); Item 31 (18 pages); Item 36 (12 pages). The use of the date of the "package" conceals the dates of the 20 CIA documents and the date of the information they describe. Obviously, the Court and

plaintiffs cannot tell whether the deliberative process privilege is being asserted to records "created 25 years or more before the date on which the records were requested," as the use of the date of the "package" conceals the dates of the 20 CIA documents and the information in them.

The Agency bears the burden of demonstrating that withheld documents contain no reasonably segregable factual information, which it clearly has not done.

(2) Extreme Government Wrongdoing

Plaintiffs aver that the CIA is covering up its participation in knowingly leaving POWs in Southeast Asia post-1973 Operation Homecoming—its motive for withholding documents and information about American POWs abandoned in Vietnam. In support of their allegations, plaintiffs have proffered affidavits and testimony from indisputably qualified experts, as well as dozens of examples in the record of operations, events and activities which surely generated relevant CIA records that have not been identified, or provided.

Plaintiffs' allegations of serious misconduct are borne out in their Statement of Material Facts not in Genuine Dispute. In February of 1974, President Nixon announced to the country that "all of our American POWs are on the way home." However, Nixon knew that this was not true. In accordance with their "long-standing communist policy holding back POWs in furtherance of political and economic goals," the Vietnamese and Laotian governments held back approximately 600 POWs, as collateral for the approximately $3.5 billion in war reparations that President Nixon had promised. The money never came, and the POWs never came home. *Id.* ¶¶ 4, 7, 10.

In the years that followed, the government declared that the POWs are dead, notwithstanding the government's receipt of "over 1,400 first-hand live-sighting reports, and several thousand second hand reports, of Americans being held captive throughout Vietnam and Laos" (*id.* ¶¶ 16-17), as well as *several dozen* secret military signals and codes and messages sent from desperate POWs. *Id.* ¶¶ 18, 27-31, 33, 35-39, 41, 50. Additionally, the government declined several offers to repatriate POWs for rewards (¶¶ 14, 51-56), and contemplated rescue missions (*id.* ¶¶ 57-65), even while repeatedly lying to family members that their loved ones were dead. *Id.* ¶ 76.

The CIA's long-standing policy is to withhold post Operation Homecoming POW records, such as satellite imagery and photographs, live sighting reports, radio intercepts, correspondence, communist broadcasts, analysis, studies, memoranda, briefings, and testimony. As Vice Chairman of the Senate Select Committee on POW/MIA Affairs wrote, he has "personally seen hundreds of classified documents that could and should be released as they pose no national security risk. What is really at risk are the reputations and careers of the intelligence officials who participated in and perpetrated this sorry chapter in American history." *Smith Aff.* ¶ 8. Aside from the affidavit of Vice Chairman of the Senate Select Committee Senator Smith, particularly forceful is the February of 1991 resignation letter of the Chief of the Special Office for Prisoners of War and Missing in Action, Colonel Millard Peck. That letter is summarized in the May 1991 U.S. Senate Committee on Foreign Relations Republican Staff Report, "An Examination of U. S. Policy Toward POW/MIAs:"

> Colonel Peck confirms that a "cover-up" has been in progress. He speaks of a "mindset to debunk"-- that is, to discredit witnesses rather than to ascertain the truth of their statements. He says that there was no effort to pursue ''live sightings." He states that "any soldier left in Vietnam, even inadvertently,

> was, in fact, abandoned years ago." He also criticizes the U.S. government's treatment of the families and friends of the POW/MIAs.
>
> These statements should be evaluated in the light of Colonel Peck's long career of faithful service in the U.S. Army, including three combat tours in Vietnam, for which he was awarded numerous medals of gallantry, including the nation's second-highest award, the Distinguished Service Cross. These are serious charges put forth by a man who knows their seriousness.
>
> Moreover, he is one of the few who have intimate knowledge of the way the U.S. Government's POW/MIA policy operates.

Sanders Aff. ¶ 16.

Colonel Peck was so thoroughly disgusted with the matter that he ended his letter, "I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service." *Hrdlicka Aff.* Exhibit 42.[24]

Here, it is quite "apparent that the subject matter of a request involves activities which, if disclosed, would publicly embarrass the agency or that a so-called 'cover up' is presented." *Rugiero, infra*.

Given the history of the matter, the reasonable inference is that the CIA was not deliberating how best to provide information to members of Congress in its internal memoranda,, withheld in full on deliberative process grounds (entry numbers 1-2, 5-7, 9, 12-14, 20-21, 23, 25, 31-32, 36), but, rather, was deliberating how to cover it up.

Here, the CIA's credibility is lacking. This affects the trustworthiness of its affidavits, works in favor of plaintiffs' prayer for *in camera* inspection, and, given the volume of its

---

[24] *See also Hrdlicka Aff.* Exhibit 50, *DIA Memoranda re Destruction of POW Records*, 1992; *Id.* ¶ 55, relating 24 complaints to the DOD Office of Inspector General, citing Exhibit 8, her "lawyer's list of *Criminal Violations committed by DOD and CIA,*" including "Perjury Before the Senate Select Committee."

questionable redactions, would seem to evidence the advisability of the appointment of a special master.

Hall's dispositive motion thoroughly analyzes the shortcomings of defendant's assertions of under exemptions 1 and 3—5 U.S.C. § 552(b)(1) and 5 U.S.C. § 552(b)(3).

CONCLUSION

WHEREFORE, Plaintiff Accuracy in Media, Inc., respectfully prays that this Court:

(1) Grant Plaintiffs' Motions for Summary Judgment;

(2) Deny Defendant's Motion for Summary Judgment;

(3) Permit Plaintiffs to engage in limited discovery;

(4) Examine a certain number of documents *in camera*; and

(5) Appoint a special master.

DATE: October 21, 2016.

Respectfully submitted,

/s/

John H. Clarke # 388599
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
Fax: (202) 332-3030
johnhclarke@earthlink.net

Counsel for plaintiff
Accuracy in Media, Inc.

EXHIBIT A
CIA INVENTORY OF RECORDS DENIED IN FULL

Item No., CADRE #	Date, No. of pages	Exemption	Description of Document and Information Withheld
1 C59999025	08/02/00 4	(b)(3), (b)(5)	This document is composed of a one-page cover sheet and handwritten **comments on a three page request for information by a member of Congress**. The handwritten notes include a draft response to the request. Exemption (b)(3) (CIA Act) was invoked to protect identifying information of CIA personnel (names). The **deliberative process privilege** of Exemption (b)(5) was asserted to protect predecisional intra-agency analysis and recommendations on responding to the request.
2 C05999027	None 3	(b)(1), (b)(3), (b)(5)	This is a three-page draft internal memorandum **describing a proposed response to a congressional request**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names). The **deliberative process privilege** of Exemption (b)(5) was asserted to protect pre-decisional intra-agency analysis and recommendations included in the proposed response.
3 C05999550	05/02/03 5	(b)(1), (b)(3)	This five page document consists of a one page cover sheet, a one page print out from an action item tracker, a one page routing slip, and a **two page memorandum for the record recounting a classified briefing provided by the CIA to a Senate staff member**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and

			methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature, office location).
4 C06001231	None 4	(b)(1), (b)(3)	This four page document consists of **three intelligence reports derived from human source reporting**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods.
5 C06001238	09/23/92 3	(b)(1), (b)(3), (b)(5)	This document is comprised of a one-page routing sheet and a **two-page internal memorandum discussing a proposed reply to a request for information from a congressional committee**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel and offices. **The deliberative process privilege of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations on how to respond to the congressional request**.
6 C06001241	10/06/92 58	(b)(1), (b)(3), (b)(5)	This **fifty-eight page** document is a **package of twenty CIA documents requested by a congressional committee for review**. The package also includes three memoranda discussing the documents, a draft proposed response to the committee, and a draft list of the documents with handwritten notes. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature, office locations, phone numbers) and offices. The **deliberative process privilege** of Exemption (b)(5) was asserted to protect pre-decisional intra-agency

			deliberations with regard to the reply as reflected in the draft proposed response and handwritten notes.
7 C06001244	03/92 8		This document consists of a **five-page draft of the final memorandum detailing written responses to questions posed to CIA by the Senate** that is located in C0600124; and three internal routing sheets. Included on the routing sheets are handwritten notes discussing the content of the memo. **The entire memo and handwritten notes** are classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and are withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption b(3) (CIA Act) was also invoked to protect the information on the routing sheet and identifying information of CIA personnel (names, signatures, office location, phone numbers) and offices. The **deliberative process privilege** of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations with regard to the reply as reflected in the draft proposed response and handwritten notes.
8 C06001316	03/16/92 2	(b)(1), (b)(3)	This document is a **memorandum from the CIA to the Senate in response to a request for information**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activity, method) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a former CIA officer (name, address, phone number).
9 C06001317	03/06/92 2	(b)(1), (b)(3), (b)(5)	This document is comprised of an **internal memorandum proposing a response to a request for information from the Senate** and two routing sheets. The final response is located in C06001316. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activity, method) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a former CIA officer (name,

			address, phone number) and CIA offices. The **deliberative process privilege** of Exemption (b)(5) was asserted to protect predecisional **intra-agency deliberations** with regard to the reply as reflected in the proposed response.
10 C06001322	06/23/92 2	(b)(1), (b)(3)	This document consists of a **two page memorandum from the CIA to a Senate Committee**. Exemption (b)(1) applies to all of the sections of the memo that are classified as SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activity). Disclosure of this information could reasonably be expected to cause serious damage to national security because it would reveal intelligence sources or methods. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, phone numbers, signature).
11 C06001323	06/19/92 3	(b)(1), (b)(3), (b)(5)	This document is comprised of a one page routing sheet and a two page draft memorandum with handwritten edits. **The final draft of the memo is located in C06001322**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activity, method) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature, office locations, phone number). The **deliberative process privilege of** Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations on the draft response to the congressional request as reflected in the handwritten notes and proposed reply.
12 C06001408	07/21/92 2	(b)(1), (b)(3), (b)(5)	This document is a **two page internal memorandum discussing a response to a request from Congress**. Exemption (b)(1) applies to all of the sections of the memo that are classified as SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, methods) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature).The

			deliberative process privilege of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations on the draft response to the congressional request as reflected in the discussion of the response to the congressional request.
13 C06001411	07/92 7	(b)(3), (b)(5)	This document contains **a one page draft memorandum from CIA to a Senator** and four internal routing slips. One of the routing slips contains handwritten notes about the draft memo. Exemption (b)(3) per the CIA Act was invoked to protect information identifying CIA personnel (names, phone number) and information identifying CIA offices on the routing slips. The **deliberative process** privilege of Exemption (b) (5) was asserted to protect the draft memo and the handwritten notes on the draft memo because they reflect pre-decisional **intra-agency** analysis and deliberations concerning the CIA's response to a letter from a Senator.
14 C06002420	None 2	(b)(3), (b)(5)	This document is **a two page draft memorandum from the CIA to a Senator**. It contains handwritten notes and handwritten edits. Exemption (b)(3) per the CIA Act was invoked to protect identifying information of CIA personnel (name, phone number). The **deliberative process privilege** of Exemption (b)(5) was asserted to protect the entire draft memo because it was part of pre-decisional intra-agency deliberations concerning the CIA's response to the Senator.
15 C06002421	None 7	(b)(1), (b)(3)	This document consists of talking points prepared for a CIA senior leader. The talking points **identify and extensively discuss a CIA human source**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, intelligence source, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel.
16 C06002459	08/26/92 2	(b)(1), (b)(3)	This document is a **two page memorandum** for the record. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3)

			per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA covert officer (name, signature).
17 C06002464	09/01/92 2	(b)(1), (b)(3)	This document is a **two page memorandum** for the record. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (name, signature).
18 C06002470	12/03/92 4	(b)(1), (b)(3), (b)(6)	This document includes a one page routing sheet and a three page letter from the CIA to Congress **to respond to a request from Congress**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature) and information identifying a CIA office. Exemption (b)(6) was asserted to protect the names and identifying information of third parties not employed by the Agency.
19 C06002471	11/20/92 2	(b)(1), (b)(3), (b)(6)	This document is a **two page internal memorandum prepared to assist with the CIA's response to a request from Congress**. The final letter from CIA to Congress is in C06002470. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature) and information identifying a CIA office. Exemption (b)(6) was asserted to protect the names and identifying information of third parties not employed by the Agency.

20 C06002484	11/21/91 16	(b)(1), (b)(3), (b)(5)	This document contains **draft remarks and background information compiled for a senior Agency officer in preparation for a briefing to a Senate committee**. It contains handwritten comments and edits. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature) and information identifying a CIA office. The **deliberative process** privilege of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations concerning the draft document as reflected by the handwritten edits and comments.
21 C06002485	11/91 11	(b)(1), (b)(3), (b)(5)	This document contains **draft remarks and background information compiled for a senior Agency officer in preparation for a briefing to a Senate committee**. It contains pages marked draft and handwritten edits and comments. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature) and information identifying a CIA office. The **deliberative process** privilege of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations concerning the draft document as reflected by the handwritten comments.
22 C06159048	02/21/92 3	(b)(1), (b)(3), (b)(6)	This document is a **one page letter from the CIA to a Senate Committee staff member and two pages of enclosures attached to the letter**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to

			protect information identifying a CIA employee (name, signature). Exemption (b)(6) was asserted to protect the names and identifying information of third parties not employed by the Agency.
23 C06002563	11/20/91 15	(b)(1), (b)(3), (b)(5)	This document is a **draft of remarks prepared for a senior Agency officer**. It contains handwritten comments and questions. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. The **deliberative process** privilege of Exemption (b)(5) was asserted to protect predecisional intra-agency deliberations concerning the draft document as reflected by the handwritten comments.
24 C06002568	11/92 5	(b)(1), (b)(3)	This document contains a two page letter from the CIA to Congress, a routing sheet, and a two page enclosure that **summarizes information from a named CIA human source**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signatures, phone number) and information identifying CIA offices.
25 C06010745	12/24/91 4	(b)(1), (b)(3), (b)(5)	This document is a one page routing sheet and a two page draft memorandum **providing a proposed response to a request for information from Congress**. The document contains handwritten comments and edits. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, phone number) and information identifying CIA offices. The **deliberative process** privilege

			of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations concerning the draft document as reflected by the handwritten comments.
26 C06010746	11/29/91 1	(b)(1), (b)(3)	This is a **one page CIA cable**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect information identifying CIA offices
27 C06010769	10/92 4	(b)(1), (b)(3)	This document is a one page routing sheet and **a three page memorandum for the record documenting a closed congressional hearing**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, phone number, signatures) and information identifying CIA offices.
28 C06010770	10/19/92 9	(b)(1), (b)(3)	This document contains **information compiled in response to a question raised during a congressional hearing. The information includes memoranda and a disseminated report**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, phone number, office location, signatures) and information identifying CIA offices.
29 C06010780	02/11/92 20	(b)(1), (b)(3)	This document contains a one page routing sheet, **two letters from CIA to Congress, and information requested by Congress**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order

			13526 (intelligence methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel and information identifying CIA offices
30 C06010782	02/07/92 2	(b)(1), (b)(3)	This document is a **two page memorandum for the record regarding a briefing provided by the CIA for Congress**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel (names, signature) and information identifying CIA offices.
31 C06010789	01/21/92 18	(b)(1), (b)(3), (b)(5)	This document includes a routing sheet, **two memoranda to Congress discussing a congressional request to review CIA files**, and enclosures included with the memoranda. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of former CIA officers (names, addresses) and information identifying CIA offices. Exemption (b)(6) was asserted to protect the names and identifying information of third parties not employed by the Agency.
32 C06010792	01/92 5	(b)(1), (b)(3), (b)(5)	This document includes two routing sheets and an incomplete, **internal draft of the memoranda included in C0601789 which discuss the CIA response to a congressional request to review CIA files**. One of the routing sheets has handwritten notes regarding the memoranda. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information

			could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA officers and former CIA officers (names, signatures, phone number, addresses) and information identifying CIA offices. The **deliberative process** privilege of Exemption (b)(5) was asserted to protect pre-decisional intra-agency deliberations concerning the draft memoranda as reflected by the handwritten comments and the incomplete nature of the memoranda.
33 C06010827	12/08/98 1	(b)(3), (b)(5)	This document is **a memorandum from the head of an office within CIA to the Director of the CIA**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA officer (name) and information identifying CIA offices. Exemption (b)(6) was invoked to protect information identifying third parties who are not employed by the Agency
34 C06010842	11/18/91 3	(b)(3), (b)(5)	This document is a memo from the CIA's Office of Congressional Affairs to the Director of the CIA **discussing the Director's proposed attendance at a closed briefing**. Exemption (b)(3) per the CIA Act was invoked to protect information identifying a CIA employee (phone number). The entire document is withheld under the **deliberative process** privilege of Exemption (b)(5) because it includes recommendations and deliberations from a subordinate to the Director, CIA regarding a briefing.
35 C06010843	Undated 5	(b)(5)	This document **contains three drafts of a memorandum from the Director, CIA to a Senator and a routing page**. It includes handwritten notes and edits regarding the text of the memorandum. The entire draft document is withheld under the **deliberative process** privilege of Exemption (b)(5) because it reflects intra-agency pre-decisional analysis and deliberations.

36 C06010933	03/30/92 12	(b)(1), (b)(3)	This document is a **twelve page memorandum detailing written responses to questions posed to CIA by the Senate**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence activities, sources, methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA personnel and information identifying CIA offices
37 C06010936	05/05/92 4	(b)(1), (b)(3)	This document is a **four page memorandum for the record detailing a meeting between CIA employees and a member of a congressional staff**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA officer (name, signature) and information identifying a CIA office.
38 C06010939	06/06/92 5	(b)(1), (b)(3)	This document is a one page memorandum from the head of an office in the CIA to the CIA's office of congressional affairs and **four pages of sensitive human source reporting**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA officers (names, signature) and information identifying a CIA office.
39 C06010951	10/92 5	(b)(1), (b)(3)	This document contains **two CIA operational cables**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, methods, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence

			sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect information identifying CIA offices
40 C06010954	02/12/92 2	(b)(1), (b)(3)	This document is a two page memorandum for the record **recounting a classified briefing provided by the CIA to members of a Senate staff**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence source, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA officers (names, signature) and information identifying a CIA office.
41 C06010955	02/14/92 2	(b)(1), (b)(3)	This document is a **two page memorandum for the record recounting a classified briefing provided by the CIA to a member of a Senate staff**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence source, activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of CIA officers (names, signature) and information identifying a CIA office.
42 C05006257	06/27/73 4	(b)(1), (b)(3)	This document is a **two page memorandum for the record drafted by the head of a CIA office**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence sources, intelligence activities, intelligence methods) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA employee (name, signature) and information identifying a CIA office.
43 C06116955	01/13/76 2	(b)(1), (b)(3)	This document contains a one page routing sheet and a **one page internal memorandum**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods) and is withheld under Exemption (b)(1) because disclosure of this information

			could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA employee (name, signature) and information identifying a CIA office.
44 C06117105	01/06/75 1	(b)(1), (b)(3)	This document is a **one page operational cable**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods, intelligence activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect information identifying CIA offices
45 C06117100	01/26/76 1	(b)(1), (b)(3)	This document is an **internal one page memorandum**. The entire document is classified SECRET pursuant to 1.4(c) of Executive Order 13526 (intelligence methods, intelligence activities) and is withheld under Exemption (b)(1) because disclosure of this information could reasonably be expected to cause serious damage to national security. All of this information is also protected under Exemption (b)(3) per the National Security Act which protects intelligence sources and methods. Exemption (b)(3) (CIA Act) was also invoked to protect identifying information of a CIA employee (names, signature) and information identifying a CIA office.

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.	)	
	)	

AFFIDAVIT OF CAPTAIN
EUGENE B. MCDANIEL, U.S. NAVY (RET)

Captain Eugene B. McDaniel, U.S. Navy (Ret.) hereby swears and affirms:

1. On May 19, 1967, James Kelly Patterson and I were flying a fully loaded (15,000 lbs. of bombs and 15,000 lbs. of fuel) A-6 *Intruder* on our 81st mission over North Vietnam. We were in a loose formation of 24 aircraft flying deep into the country to bomb Van Diem, a truck repair facility.

2. About forty miles away from our target our instruments indicated missile activity nearby. Shortly thereafter, we began to have the indication on our instrument panel that a SAM (surface-to-air missile) was "locked on" to our aircraft. The missile looks like a telephone pole with a plume of gray smoke appearing on the firing end. We could normally out-maneuver the SAM if we could see it.

3. While dodging one missile, we were hit by another one that we did not see. On impact the aircraft pitched down, controls frozen, and began to burn. Our one option was to eject one second apart from one another into the jungle of North Vietnam. Patterson landed on one side of the mountain range and I landed in a tall tropical tree on the other side. My parachute had snagged into a tree limb and I was dangling about 40 feet above the ground.

4. As I struggled to reach the trunk of the tree to descend, the limb broke and I fell 30-40 feet to the ground, crushing two vertebrae in my back. I later learned that Patterson was alive

without capture for four days and then disappeared into oblivion, never to be seen again.

5. The Vietnamese, who are known to be impeccable record-keepers, have given his family three different locations of his burial: (1) in a stream bed that has been washed out, (2) in another location that animals have dug up, leaving no traces of remains, and (3) another location that I do not recall, but I remember thinking when I heard it that it was also totally unrealistic. The U.S. government has never recovered any of his remains. During my almost six years of captivity I asked the guards and interrogators many times about Patterson's whereabouts. I was told many different stories. Based on what I was told, I believe that he survived and reached the Hanoi Hilton compound.

6. I was able to survive almost six years (2,117 days) of brutal and barbaric torture by clinging to a false belief that "the United States government would never abandon living Americans." Had I known then what I have learned since being released—that

records indicate that my country has abandoned POWs after every war since WW II—I could not have survived that long in captivity.

7. My captivity experience was among the most brutal, primarily due to an unsuccessful escape attempt in May 1969. My cell was the communication link between two adjoining camps that contained more than 200 prisoners. The breakout was successful, but the escapees were recaptured the next day. USAF Major Ed Attaberry was tortured severely and died shortly after recapture. During the next six weeks more than 20 POWs were tortured brutally. At the end of that period, the interrogators came to my cell, and for two weeks I was brutalized to confirm all that the enemy had learned from torturing other POWs. Confirming their confessions was impossible. The torture that occurred in May and June 1969 resulted in POW leadership cancelling a White House-approved escape plan in 1972 (Operation Thunderhead). With the exception of the May 10, 1969, escape attempt and the resulting torture, my captivity was consistent with that of others who were

held. My story is chronicled in the book "*Scars & Stripes: The True Story of One Man's Courage in Facing Death as a Vietnam POW*" (Library of Congress Catalog Number: 79-56818 ISBN 0-89081-231-4)

8. In 1978 I was interviewed and selected to become Director of Navy/Marine Corps Liaison to the U.S. House of Representatives. During my tour of duty on Capitol Hill, after seeing multiple aerial photographs and hearing of Vietnamese "boat people" who had seen Caucasians in a captive environment long after the war's end, I became convinced that our country had abandoned some of our POWs.

9. In 1986, four years after retiring from the U.S. Navy, I began to speak out publicly about our missing men. Almost immediately, the power brokers on the POW issue began to attempt to attack my character. Up until this time, I had received accelerated promotions twice, selected to command two Navy ships (USS Niagara Falls and aircraft carrier USS Lexington). These two

command assignments indicated that I was on a "fast track" to flag rank.

10. It was not long after I began to "speak out" in 1986 that I received a late-night phone call from a National Security Council official confirming that we did indeed still have living American POWs in Southeast Asia. I was admonished to "be patient" and advised that we would have them home "in two or three years, plus." I heard three years ago that in 1988 we had extracted 62 POWs from Hoa Binh, a POW camp southwest of Hanoi. I read that these POWs were taken to a VA hospital in Oklahoma City, in the book, "*An American in the Basement*," at page 272.

11. Shortly after the fall of the USSR, an investigative reporter in the respected Moscow newspaper *Commersant* wrote in an article published on November 4, 1991, that a "U.S. second pilot shot down over North Vietnam on May 19, 1967, was taken overland through a 'window' in the China-Soviet border to Saryshagansk on Lake Balkash in the then Soviet Socialist Republic of Kazakhstan during

the fall of 1967." A copy of that article is attached. The author suggested that the American was still working in the area (although he later recanted this). A February issue stated that he was transferred to nearby Prlozersk. These were in a closed Russian military region dedicated to missile research and testing.

12. Kelly Patterson's case is the only unresolved M.I.A. case meeting Pankov's criteria. Note: He (Patterson) was an expert in the use of his aircraft's state-of-the-art electronics system being used to defeat Vietnam's Russian-made missile defense system. Saryshagansk, Kazakstan, was the site of a modern Soviet military missile research facility involved in the development or more sophisticated and effective technology to circumvent the American countermeasures.

13. I continued to pursue getting the truth out about the POW/MIA issue for many years through the non-profit organization I founded in 1983, the American Defense Institute (ADI). ADI was instrumental in helping to get a Senate Select Committee on

POW/MIA Affairs established in August of 1991. We thought we had gotten the national attention needed to get an earnest look at all the evidence surrounding this issue and that the full story would finally be known. We soon discovered that it would become more of the same of the U.S. Government bureaucracy keeping the truth of this tragic episode of history hidden from the American public.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief

Eugene B. McDaniel

Eugene B. McDaniel

Date: September 14, 2016.

Commersant
N42(92)
THE SOVIET BUSINESS WEEKLY ◆ November 4, 1991

AMERICAN MIA'S IN RUSSIA?

By YURI PANKOV

A former KGB official claims that American servicemen missing in action (MIA) were brought to the Soviet Union and Commersant has been told by confidential sources that one American MIA is living in Saryshagansk. On the heels of these reports, the US Senate began hearings on October 29 to shed some light on the fate of MIA's.

A private investigation by this correspondent has led to one such MIA, who was brought to Alma Ata in September 1967 and then on to Saryshagansk. The American's name cannot be disclosed here, because this was requested by *Commersant's* informants connected with the man through work. He served as a second pilot with the US Air Force and was shot down over Vietnam on May 19, 1967.

On October 27 the *Los Angeles Times Magazine* published an interview with KGB Maj.-Gen. (Ret.) Oleg Kalugin. In it he claimed that an acquaintance had personally interrogated Americans in Vietnam.

Two days later, Senator Bob Kerry, speaking at the Senate hearings, presented direct proof of Kalugin's disclosure. He read from a declassified CIA intelligence information report (of which *Commersant* has a copy), saying, in part:

"Preliminary debriefing site for captured US pilots in Vinh Phu province and presence of Soviet and communist Chinese personnel at the site.

"1. A preliminary debriefing point for US pilots shot down over Vinh Phu province, North Vietnam (NVN), was located at the Lam Thao superphosphate plant (WJ301588) near Thach Son village, Lam Thao district, Vinh Phu province.

"Two US pilots were taken to the debriefing point on one occasion in 1965; eight, in 1966; and an unknown number, in 1967. The prisoners were escorted to the site by personnel of the armed public security forces (APSF), and students from a nearby school served as perimeter guards... Upon their arrival at the plant, the guards lined up, forming a corridor through which the pilots entered the building. At this point a Soviet, a Chinese and a Vietnamese greeted the pilots and led them into the building.

"The pilots usually remained in the building for several hours. When they emerged, they had changed from uniforms into civilian clothing. (Deleted) said (deleted) had told him the foreigners were Soviet and communist Chinese. Soviet personnel had been stationed at the plant since its construction in 1963, but in 1965 the number of Soviets was reduced to three or four, and it remained at that level as of June 1967."

Alexander Karbainov, public relations chief of the KGB's successor — the Inter-Republican Security Service, said he could not clarify the MIA story. An informant, though, from among KGB officers who served in Vietnam during the 1960s disclosed that US POW's were a target, in particular, for Soviet scientific and technical intelligence seeking information about US aircraft. Interrogations were conducted not only in Vietnam but also in Laos.

Another Soviet Vietnam war veteran, Pavel Ponomarev, said that as the navigator of a transport plane in 1962, he had personally flown US POW's out of South Vietnam and that the "deportations" had been overseen by a KGB official he refused to identify. Other Soviet military personnel serving in Vietnam during the war say there were also several attempts to bring sick POW's from Hai Phon to Vladivostok in the Soviet Far East. One such sea lift ended with five Americans dying from fever.

What happened to the GI's brought to the Soviet Union later, just as their overall number, is anybody's guess. US press reports say that President George Bush asked Mikhail Gorbachev to clear up the MIA controversy during their summit last July. But experts do not believe this will happen at any time soon. Some MIA's may have been "turned" over during their stay in the Soviet Union and might now be working abroad as Soviet spies.

Commersant
The Soviet Business Weekly
November 4, 1991

A former KGB official claims that American servicemen missing in action (MIA) were brought to the Soviet Union and Commersant has been told by confidential sources that one American MIA is living in Saryshagansk. On the basis of these reports, the US Senate began hearings on October 29 to shed some light on the fate of MIAs.

A private investigation by this correspondent has led to one such MIA, who was brought to Alma Ata in September 1967 and then on to Saryshagansk. The Americans name cannot be disclosed here, because this was requested by Commersant informants connected with the man through work. He served as a second pilot with the US Air Force and was shot down over Vietnam on May 19, 1967.

On October 23, the *Los Angeles Times* magazine published an interview with KGB Maj. Gen. (Ret.) Oleg Kalugin. In it he claimed that and an acquaintance had personally interrogated Americans in Vietnam.

Two days later, Senator Bob Kerry, speaking at the Senate hearings, presented direct proof of Kalugin's disclosure. He read from a declassified CIA intelligence information report (of which Commersant has a copy), saying, in part:

Preliminary debriefing site for captured US pilots in Vinh Phis province and presence of the Soviet and Chinese personnel at the site.

1. Communist preliminary debriefing point for US pilots shot down over Vinh Phu province, North Vietnam (NVN), was located at the Larn Thao superphosphors plant (WJ301588) near Tach Son village, Lam Thao district, Vinh Phu province.

"Two US pilots were taken to the debriefing point on one occasion in 1965; eight in 1966; unknown number, in 1967. The prisoners were escorted to the site by personnel of the armed public security forces (ASF), and students from a nearby school served as perimeter guards… Upon their arrival at the plant, the guards lined up, forming a corridor through which the pilots entered the building. At this point, a Chinese and Vietnamese greeted the pilots and lead them into the building."

"The pilots usually remained in the building for several hours. When they emerge they had changed from uniforms into civilian clothing. (Deleted) said (deleted) had told him the foreigners were Soviet and communist Chinese. Soviet personnel had been stationed at the plant since it's construction in 1963, but in 1965 the number of Soviets was reduced to three or four, and it remained at that level as of June 1967."

Alexander Karbinov, public relations chief of the KBG's successor – the Inter-Republican Security Service, said he could not clarify the MIA story. An informant, though, from among KGB officers who served in Vietnam during the 1960s disclosed that US POWs were a target, in particular, for Soviet scientific and technical intelligence seeking information about US aircraft. Interrogations were conducted not only in Vietnam but also in Laos.

Another Soviet Vietnam war veteran, Pavel Ponomarev, said that as navigator of a transport plane in 1962, he had personally flown US POWs out of South Vietnam and that the "deportations" had been overseeing by KGB official he refused to identify. Other Soviet military personnel serving in Vietnam during the war say there were also several attempts to bring sick POWs from Hai Phon Vladivatok in the Soviet Far East. One such seat lift ended with five it Americans dying from fever.

What happened to the GIs brought to the Soviet Union later, just as their overall number, is anybody's guess. US press reports say that President George Bush asked Mikhail Gorbachev to clear up the MIA controversy during their summit last July. But experts do not believe that this will happen at any time soon. Some MIAs may have been "turned" over during their stay in the Soviet Union and might now be working abroad as Soviet spies.

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.	)	
	)	

AFFIDAVIT OF JAMES SANDERS

James Sanders hereby swears and affirms:

1. After my 1976 retirement as a police officer, from the Seal Beach, California, Police Department, I began my career as an investigative journalist. For more than 25 years, I have researched POW/MIA issues, and have had a number of articles published. I, along with coauthor Mark Sauter, wrote the book, *The Men We Left Behind: Henry Kissinger, the Politics of Deceit and the Tragic Fate of POWs After the Vietnam War*, published in 1993. In 1992, I testified, as an expert witness, before the Senate Select Committee on POW/MIA Affairs.

1991 Senate Committee on Foreign Relations Staff Report

2. On May 23, 1991, the U.S. Senate Committee on Foreign Relations Republican Staff released its Report, "An Examination of U. S. Policy Toward POW/MIAs," hereinafter cited as "Report." Accuracy in Media published that Report on its website http://www.aim.org/pdf/Hall-CIA/An-Examination-of-US-Policy-Toward-POW-MIAs-US-Senate-1991-105-pages.pdf.

3. The Report succinctly relates the history of communist regimes holding back POWs in World War I, World War II, the Korean War, and the Second Indochina War, known as the Vietnam War. The Report also accurately summarizes other aspects of the matter. I agree with the conclusions from the Report, quoted below, in paragraphs four through 16.

Communist policy to hold back POWs

4. The Report relates the long-standing communist policy holding back POWs in furtherance of political and economic goals.

> The war that Americans call the Vietnam War is really, from the standpoint of history, the Second Indochina War. The French have the dubious distinction of having fought the First Indochina War--a most important fact to know in order to understand that the Communist Vietnamese act out of an acquired experience of warfare with Western countries. Moreover, the Vietnamese, as Communists, have had the additional benefit of the experience of other Communist regimes in dealing with the United States and European powers. Therefore, it is not surprising to learn that the problems which the United States has had in dealing with prisoners of war and the missing in action are not the result of chance, but of historic Communist policy.
>
> Indeed, history reveals that policy. In the years after World Wars I and II, the Soviet regime, and later their North Korean cohorts, held American soldiers and citizens captive in the aftermath of these wars.
>
> * * *
>
> The fact is that Soviet and Asian Communist regimes view POW/MIAs, living or dead, not as a problem of humanitarian concern but as leverage for political bargaining, as an involuntary source of technical assistance, and as forced labor. There is, therefore, no compelling reason in Communist logic to return POWs, or their remains, so long as political and economic goals have not been met.

Report at page 13.

Paris peace talks contemplated reparations

5. "Five days after the signing of the Paris Peace Accords, Kissinger hand-carried a letter, dated February 1, 1973 to the North Vietnamese Prime Minister which

detailed the Administration's interpretation of Article 21 of the Paris Peace Accords, which pledged that the United States would 'contribute to the healing the wounds of war and post-reconstruction of the Democratic Republic of Vietnam.'" Report at 67. The Committee reprinted that letter in the Report. The salient provision:

> 1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.
> 2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of $3.25 billion of grant aid over five years.

Id.

Kissinger's letter was not made public for another four years.

6. "In fact, U.S. reparations to North Vietnam were being discussed in Paris, France from April through June of 1973. The negotiations were extensive and detailed. A list of specific items was drawn up for the first year of U.S. aid. Among some of the items on the list: 700,000 square meters of prefabricated housing and warehouses; 200,000 metric tons of steel building supplies; 50,000 cubic meters of timber; 40 million meters of cloth; 2,000 metric tons of Rayon fibers; between 2,650 and 2,900 tractors, bulldozers and excavators…" Report at 5-7.

7. "The Vietnamese believed that they had a deal--a dirty deal, to be sure, in which prisoners would be exchanged for cold cash. It was a deal brokered by Secretary of State Henry Kissinger via a secret hand-carried letter. It would be perfectly consistent with the historical Communist policy to hold back prisoners against their will, and even the remains of the dead, to exchange for dollars at a later date. The evidence of this investigation, therefore, must be weighed against the probabilities of the historical background." Report at 14.

8. "[T]he fate of POW/MIAs of the Vietnam War may be tied to the diplomatic history of the Paris Peace Accords of 1973. Some may agree, as Col. Peck indicated, that the real abandonment of the American POW/MIAs took place at the Paris Conference, and that the present POW/MIA policies of the U.S. Government are merely an implementation of flawed decisions taken at that time." Report at 11-12.

Congress refused to pay

9. "One news report related that Secretary of State William P. Rogers Wednesday refused to rule out reconstruction aid to North Vietnam by presidential order if Congress fails to appropriate the funds. Rogers three times called for restraint by members of Congress in making adverse comments on the aid issue, *at least until* American troops are out of Vietnam and *all American prisoners are released."* Report at 70. Emphasis in original. However, "Congress saw Kissinger's plan as a betrayal and an admission of guilt." *Ibid*.

10. "The final death-knell for the payment of reparations to North Vietnam occurred a week later when Armed Services Chairman F. Edward Hebert... served notice he will introduce a proposal to prohibit any U.S. aid for Hanoi…. It was the very next day… that the United States made its definitive statement that there were no more Americans alive in Southeast Asia and that 'rumors' did the families a disservice." *Ibid*.

Bureaucratic motives

11. I also agree with the Report's observations about the government's motivations to declare POWs dead.

> On the record, the U.S. government has professed to give these concerns "the highest national priority." Off the record, this priority vanishes. Instead, other considerations emerge: Grand visions of a foreign policy of peace and reconciliation; desire for a new economic order of trade and investment;

> ideological imperatives to downplay the hostility of antagonistic systems; and the natural tendency of the bureaucracy to eliminate its workload by filing cases marked "closed" instead of finding the people.

Report at 8.

Laos

12. "The United States did not receive the list of Americans POWs whom North Vietnamese admitted they were holding in captivity until after the peace accords were signed." Report at 64. "[I]t was widely known that the Pathet Lao were holding many other U.S. POWs. The absence of names on the U.S. POW list handed over by the North Vietnamese of Americans captured in Laos and held by the Pathet Lao was one of the great blunders of the Paris Peace Accord negotiations and caused great confusion and emotional duress among family members of missing and captured personnel." *Ibid.*

Live sightings

13. As the Report states, the intelligence community has records of over 1,400 first-hand live-sighting reports, and several thousand second-hand reports.

> The original plan of the Minority Staff was to review the U.S. government's handling and evaluation of "live-sighting" reports. These reports are first-hand narratives by witnesses who believe that they have seen American military personnel alive in various locations in Southeast Asia.
>
> * * *
>
> For Vietnam, the U.S. Government has at least 1,400 such reports, including reports that have been received up until the publication of this report in May, 1991. In addition, the U.S. Government has received thousands and thousands of second-hand reports--accounts often full of vivid detail...
>
> Indeed, a list has circulated among POW/MIA families purporting to show that 20 U.S. personnel listed as deserters, or AWOL, were left in North Vietnamese custody after OPERATION HOMECOMING, the 1973 prisoner exchange. Four others are listed as disappearing under unexplained or unusual circumstances. The Minority Staff takes no position on the validity of this list, but it does note that almost all of the individuals cited appear on a

> DIA alphabetic list entitled "U.S. Casualties in South East Asia," dated 2/26/80, but are conspicuously absent from a similar DIA list dated 8/22/84. Report at 78.

News media

14. "[O]ne news report quoted a United States government spokesman, who stated, 'Rumors that there were hundreds of U.S. Servicemen held in Laotian prison camps, does the families [of the missing] a disservice.' These statements were made notwithstanding the eighty men cited by Henry Kissinger held by the North Vietnamese, and notwithstanding the fact the no U.S. POWs held by Pathet Lao forces have ever been repatriated. Clearly, both of the above United States Government statements were demonstrably false; they were designed--one can only speculate--to persuade the media that information with regard to prisoners still alive in Southeast Asia had no foundation whatsoever, and furthermore, only compounded the emotional anxiety of anxious and grieving family members. The fact of the matter is that the Pathet Lao publicly admitted to holding U.S. POWs in Laos, and Kissinger implicitly agreed…." Report at 66-67.

15. Aside from repeating official government positions, the news media has a history of suppressing information, as requested by the government.

> Several weeks later, in June, 1973, the American Embassy, Saigon, sent a cable to the Secretary of State, in Washington, D.C. which documents one of the attempts to cover up evidence that the U.S. Government abandoned U.S. POWs in Southeast Asia…
>
> Defector Nguyen Thanh Son was surface by GVN to press June 8 in Saigon. In follow on interview with AP, UPI and NBC American correspondents, questions cited information that he had seen six prisoners whom he believed were Americans who had not yet been released. American officer present at interview requested news services to play down details: AP mention was consistent with embargo request, while UPI and NBC after talk with Embassy press officer omitted it entirely from their stories.

Report at 73-74.

Cover-up

16. In February 1991, Colonel Millard Peck, Chief of the Special Office for Prisoners of War and Missing in Action, resigned. The Report tells of Colonel Peck's resignation letter.

> Colonel Peck confirms that a "cover-up" has been in progress. He speaks of a "mindset to debunk"--that is, to discredit witnesses rather than to ascertain the truth of their statements. He says that there was no effort to pursue ''live sightings." He states that "any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago." He also criticizes the U.S. government's treatment of the families and friends of the POW/MIAs.
>
> These statements should be evaluated in the light of Colonel Peck's long career of faithful service in the U.S. Army, including three combat tours in Vietnam, for which he was awarded numerous medals of gallantry, including the nation's second-highest award, the Distinguished Service Cross. These are serious charges put forth by a man who knows their seriousness.
>
> Moreover, he is one of the few who have intimate knowledge of the way the U.S. Government's POW/MIA policy operates.

Report at 79.

<u>Men held in Laos</u>

17. Leaders of the Pathet Lao claimed throughout the war that they were holding American prisoners in Laos. U.S. defense and intelligence officials hoped that 40 servicemen captured in Laos would be released at operation homecoming, instead of the less than a dozen who were actually repatriated.

18. Dr. Kissinger sent a cable to Le Duc Tho on March 20, 1973 saying in part that the U.S. side had become increasingly disturbed about the question of American prisoners how old or missing in Lao. The U.S. side made it clear on many occasions that the list of only nine American prisoners presently presented belatedly by the Pathet Lao is clearly incomplete. During the first 60 days while the American troop withdrawal was underway,

the Nixon administration contacted North Vietnamese officials repeatedly to express concern about the incomplete nature of the prisoner lists that had been received. In early February, President Nixon sent a message to the DRV prime minister saying, with respect to the list of only 10 POWs from Laos, that:

> U.S. records show there are 317 American military man on the counter for in Laos ~~laws~~ and it is inconceivable that only 10 of these men's would be held prisoner in Laos.

19. Soon thereafter, Dr. Kissinger presented DRV officials with 19 case folders of Americans who should have been accounted for, but who were not. The U.S. protests continued, and, in mid-March, the U.S. threatened to hold the withdrawal of American troops. Based on intelligence reports, some officials advised military action aimed at gaining the release of the additional POWs.

DATE: September 8, 2016.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief

James Dwight Sanders

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.	)	

AFFIDAVIT OF MARK SAUTER

Mark Sauter hereby swears and affirms:

1. I am an author and investigator recognized as an expert on POW/MIA issues. My research has been cited by: major media outlets, including the *Associated Press*, *New York Times*, *Wall Street Journal*, *Los Angeles Times*, *ABC News* and *Washington Post*; POW/MIA family members and their associations; Pentagon POW/MIA officials; and two US Senate investigations. For more than 25 years I have researched the issue via hundreds of FOIA requests; research at Presidential Libraries and the National Archives; travel to locations including Russia and North Korea; and the supervision of multi-national researchers. Co-author of four books, including American Trophies: How American POWs Were Surrendered to North Korea, China, and Russia by Washington's "Cynical Attitude," I am a graduate of Harvard University (mcl) and the Columbia University Graduate School of Journalism, as well as an

honorably-discharged US Army officer and veteran of US military operations in the Korean Demilitarized Zone.

2. My affidavit documents the CIA's record of failing to disclose and release its POW/MIA information and identifies POW/MIA records the Agency apparently possesses but has not produced in this case. My research indicates the CIA has failed to produce POW/MIA documents falling into four categories:

> **CIA records specifically mentioned in other production by title, content <u>and/or date but apparently not produced</u>;**
>
> **CIA records specifically alluded to in production <u>but, to my knowledge, not produced</u>;**
>
> **CIA records that, based upon other production, almost certainly exist due to known Agency processes but, to my knowledge, <u>have not been produced</u>;**
>
> **CIA records that, based upon information revealed outside this production by the CIA and other sources, almost certainly exist due to known Agency <u>processes but, to my knowledge, have not been produced</u>.**

3. The CIA has kept important POW-related information classified in contradiction to the spirit and letter of the FOIA; pertinent Executive Orders and laws; and its own pledges of transparency. It has also denied the very existence of historically-significant information to POW/MIA family members; FOIA requestors; Congress and other executive branch organizations, only to declassify and release such information years or even decades later.

4. For example, according to production in this case, the Agency informed both the US Senate Select Committee on POW/MIA Affairs and the US Army in 1992 that it held "no information" indicating US POWs were sent to the Soviet Union during the Korean War (and, in the case of this CIA communication to the Senate, that it had no information that such shipments occurred during the Vietnam War, though the Agency later changed that position).[1] Yet at the very time the CIA was stating it had "no information" on shipments of US POWs from Korea to the Soviet Union, it possessed detailed classified documents on just such reported transfers, with titles such as: "Location of Certain Soviet Transit Camps for POW from Korea" (May 3, 1953); "American Prisoners-of-War Held in the USSR" (Dec. 31, 1953); "US Prisoners of War in USSR" (April 27, 1954), attached as Exhibit 1; and "American Prisoners-of-War Held in the USSR" (Dec. 29, 1953). These documents were only revealed and declassified years after the Agency's denials, and it appears likely others like them remain secret to this day.

5. The withheld POW/MIA records included those of substantial historical and political significance, including one entitled: "U. S. Prisoners of War Remaining in Communist Custody After Termination of Exchange of Prisoners Under Terms of Korean Armistice Agreement" (Feb. 2, 1954), attached as Exhibit

[1] ["We have reviewed our files and found no information which would indicate that American POWs from either the Korean or Vietnam wars were transferred to the Soviet Union:" CIA letter to Chairman of US Senate Select Committee on POW/MIA Affairs, Jan. 21, 1992 (C00492268). "The general asked if we had any information supporting the sometimes heard allegations that American POWs were moved to the Soviet Union during the Korean War. We said we do not:" "EA/ICOG Spot Report - 4 November 1992" reporting on meeting with U.S. Army POW/MIA official (C06010860).]

2. This document reveals the US Air Force Chief of Staff secretly asked the CIA to conduct "clandestine and covert" operations to rescue "an unknown but apparently substantial number of U.S. military personnel captured in the course of the Korean War (who) are still being held prisoners by the Communist Forces" in various locations, possibly including the "Soviet orbit." This document was revealed on the CIA Freedom of Information Act Electronic Reading Room (the "FOIA Web site" or "site"), not via production for this case. According to meta-data on the CIA site, this document from 1954 was not posted for public review until 2012, after being "approved for release" in 2004. This was more than a decade after the Agency told the Senate it possessed "no information" on this topic and after the CIA had failed to release this document to a number of FOIA requestors seeking such records.

6. The CIA apparently continues to withhold POW/MIA documents, including some more than 60-years-old. The CIA record related to the Air Force's POW rescue request, discussed in Paragraph 5 above, references a similar plea from the US Army for help in recovering its Korean War prisoners. To the best of my knowledge, CIA records related to that 1953 Army request have not yet been released. At the National Archives, other documents dating back to 1953 are being refused to POW/MIA family members and researchers based on documented and suspected CIA classification authority.[2] I have seen no

[2] Examples from the National Archives that include specific reference to CIA classification authority include "Withdrawal Sheets" (archival placeholders indicating the removal of still-classified records) for "(USAF) Master SIRAB File Secret OCT-DEC 1953, Authority: CIA" (among

indication in the CIA production pursuant to this action that the Agency has reviewed or processed National Archives documents from these and certain later document sets.

7. The Agency also continues to violate the spirit and, I believe, letter of the FOIA. Take the case of Yuri Rastvorov, a Soviet defector and source for the now declassified, and widely reported, White House document entitled "Subject: Interview with Rastvorov (former MVD) concerning U.S. prisoners of war in the USSR" (Jan. 31, 1955) attached as Exhibit 3, which was declassified pursuant to my request after years of review. Following the 2004 death of Rastvorov (reported in the *Washington Post* and elsewhere), I submitted a FOIA request to the CIA for files concerning his POW/MIA information. The Agency has refused even to admit the existence of such records, generated more than 60 years ago, stating: "(I)n accordance with section 3.6(a) of Executive Order 13526, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. The fact of the existence or nonexistence of requested records is currently and properly classified…" (Nov. 16, 2012). This response was issued despite the federal government's declassification of Rastvorov's White House POW report; comments in the media by former CIA officers concerning his POW information; and widely-publicized congressional

---

others in this series). I believe CIA information is likely included in the still-classified files of CCRAK, a joint U.S. Army/CIA organization known to have collected POW/MIA information during and after the Korean War. "Withdrawal Sheets" for CCRAK include "350.05 E.E.I. Escape and Evasion," a document from Aug. 11, 1955, among others.

testimony and media interviews on other topics by Rastvorov after his defection, which were almost certainly approved and managed by the CIA. To my knowledge, these POW/MIA records involving Rastvorov -- and later files from certain other Soviet defectors related to Vietnam POW/MIAs, see below -- have not been produced pursuant to this litigation.

8. Vietnam War POW/MIA records are also apparently being withheld by the CIA. These documents fall into several categories:

CIA records specifically mentioned in other production by title, content and/or date but apparently not produced:

9. The missing "initial reviews" mentioned in, and other records related to, a produced document entitled "The [REDACTED] Reports" and provided by CIA to various Senators on or about May 26, 1993. This produced document (C006002491) mentions the continued "political sensitivity" of reports provided years before by the [REDACTED] source, because they "tend to corroborate" the (then) recently revealed Soviet "1205 Document" attached as Exhibit 4. This redacted source is almost certainly defector Dr. Dang Tan, whose defection was made public in a press conference arranged by the CIA in 1971. Other records that I believe exist concerning this defector's knowledge of US POW/MIAs and the CIA's analysis of that knowledge – including, I believe, at least one CIA memo to senior White House officials -- should be produced.

10. The CIA Memorandum for Dr. Henry A. Kissinger, "Subject: Indication that the Communists Are Holding Previously Unlisted U.S. POWs as a Future Bargaining Tool, March 20, 1973." This document (C00313431) is referenced in a

record released at least twice under production, but I have not found the document itself in the production or in the CIA's FOIA Web site.

11. The "Memorandum for National Security Advisor Anthony Lake from National Intelligence Officer for East Asia (NIC/CIA), indicating it was 'possible' Hanoi held back US POWs in 1973, and was angry reparations from the U.S. had not been forthcoming," dated December 13, 1993. The existence of this document and its description are revealed in other production. I believe this record may be the same document described elsewhere as: "Memorandum to Assistant to the President for National Security Affairs Anthony Lake from National Intelligence Officer for East Asia Robert Suettinger, dated December 13, 1993. (S)."

12. The "Memorandum for Director of Central Intelligence, Subject: Re-evaluation of PW/MIA Information, dated August 13, 1976" (C00313431).

13. The record: "Central Intelligence Agency, Director of Intelligence Memorandum, Hanoi and US Prisoners of War June 28, 1971" (C00313431).

14. "CIA 240202Z Jul 82, Subject: Organization and Inmates of Tan Lap Prison, Vinh Phu Province (North Vietnam)" (C00313431).

15. "Memorandum for the Record, 22 December, 1970, Subject: Meeting of the NSC Ad Hoc Group on Vietnam, see para 4, "Possible High-Level DRV Meeting in Hanoi" (C00313431).

16. "DO Spot Report date 6 January 1981."

17. "Memorandum for the Record," March 5, 1999 (C0600273):

"September 1996 and August 1998 Top Secret memorandum."

CIA records specifically alluded to in production but, <u>to my knowledge, not produced</u>

18. These include CIA documents concerning U.S. POWs reported in North Korea prior to 1975 and after 1982, including but not limited to those allegedly captured during the Vietnam War and shipped to Hanoi's allies in North Korea. Production has included a March 9, 1988 document (Hall Exhibit 44) entitled "Alleged Sightings of Americans POWs in North Korea from 1975 to 1982" and a produced CIA memo confirms its search was limited to 1975-82. Based on reported sightings released by the DoD and other U.S. agencies, including some still listed as classified, I believe there is a strong possibility CIA has reports from before 1975 and after 1982 concerning alleged American POWs in North Korea. They should be produced.

CIA records that , based upon other production, almost certainly exist due to <u>known Agency processes but, to my knowledge, have not been produced</u>

19. Records almost certainly remain to be produced in relation to the 2-page letter, attached as <u>Exhibit 5</u>, from the DCI to the Director of the Defense Intelligence Agency, Aug. 28, 1985, that concerns "the (Central Intelligence) Agency's capability to [REDACTED] should other credible intelligence sources indicate the possible presence of U.S. POWs" (C00479076). The letter appears to discuss the CIA's ability to conduct secret operations in Southeast Asia involving reported POWs. In my experience, a detailed letter such as this, from the head

of the CIA to the head of the DIA, would have been written based on staff reports and analysis, which have to my knowledge not been produced.

20. POW-related information from CIA debriefings of various Soviet defectors, including MIG-pilot defector Alexander Zuyev, who was moved to the United States and whose POW/MIA knowledge is referenced in 2016 production and limited open-source references. The produced document C06002273 from 1999 also refers to additional information from Soviet sources that has not been produced.

21. CIA analysis of the statement by Dmitri Volkogonov, Russian head of the U.S. Joint Commission on POW/MIAs, whose widely-publicized comments on a "KGB-assigned mission and plan to 'transfer knowledgeable Americans (POWs in Vietnam) to the USSR'" is also referenced in 2016 production.

CIA records that, based upon information revealed outside this production by the CIA and/or other sources, almost certainly exist due to known Agency processes but, to my knowledge, have not been produced

22. CIA records produced pursuant to a memo from the Director of the CIA (DCI) to the Deputy Director of Operations (DDO) entitled "Subject: Prisoners of War" and reading: "I'd like a rundown of the present state of our knowledge, leads, and activities with respect to POWs," attached as Exhibit 6. I retrieved this April 29, 1985 memo from the CIA FOIA Web site; it appears related to another document on the site entitled "LETTER - SOLARZ TO CASEY - REQUEST FOR INFO ON POW - WALL STREET JOURNAL ARTICLE DATED 24 APRIL 1985--INTERIM

RESPONSE" (CIA-RDP87M01152R000500640048-0). I have not seen this document, or the "final response" that was presumably sent by the DCI, in production.

23. CIA analysis and support of the effort in 1984-5 (detailed by the US Senate Select Committee on POW/MIA Affairs, declassified State Department records and other sources) to respond to an alleged Vietnamese offer to sell American POW/MIA remains and, potentially, living POWs to the United States. Assistant Secretary of State Paul Wolfowitz informed Secretary of State George Shultz of a plan to pay for remains and "possible live POWs" (also called "breathers", according, the Senate noted, to a January 1985 memo marked "super-sensitive.") NSC staffer Richard Childress, with the concurrence of the National Security Advisor, traveled to Vietnam and "intended to fund the initiative with either CIA or private funds," according to the Senate, which reported "the Committee could not conclusively determine whether individuals in the government of North Vietnam discussed the possibility of there being live POWs in 1984; the Select Committee does find that the sale of remains was discussed." In my experience, such a sensitive foreign policy initiative could not have occurred without CIA documentation being produced, especially as the White House was considering the use of "CIA funds" for the transaction.

24. POW/MIA records involving Le Quang Khai, a Vietnamese diplomat who defected to the US in/around 1992 and made comments concerning Hanoi's retention of US POW/MIA.

25. Supporting documents related to various documents released on the CIA Web site, but apparently not in production. These include files used to prepare the 23-page, Top Secret "US-Vietnamese Talks on POWs/MIAs During the Nixon, Ford, and Carter Administrations

Prepared for Richard Childress, National Security Council," Sep. 23, 1985 (released on the CIA FOIA Web site, Document Number (FOIA) / ESDN (CREST): 0005359871. I also believe relevant documents remain unproduced that relate to various entries in the President's Daily Brief (PDB) record series, released in part on the CIA FOIA site this year. This includes but is not limited to supporting documentation for statements in the Feb. 28, 1973 PDB that: "Hanoi's announcement that no US prisoners will be released until 'serious problems' in the implementation of the Vietnam agreement are take care of appears to reflect North Vietnamese fears that return of all the prisoners will cost them their leverage." The June 4, 1974 PDB notes that "four Americans are believed to have been captured in Laos prior to the February 1973 cease-fire agreement," in addition to 314 Americans listed as MIA. This briefing for the President reports: "The Communists' failure to release any prisoners prior to the June 4 deadline supports earlier indications that they intend to use the issue to force changes in US and Thai policy toward Laos," followed by a redacted section. While production does include documents that apparently allude to the four captured Americans, I believe other records related to these PDBs, along with PDBs from the late 1970s and after that contain POW/MIA information, may not have been produced.

26. High-quality photographs, audio and video records involving POW/MIA. To my knowledge, no such records have been produced, although produced records and declassified CIA documents show they exist.

27. Documents related to dozens of still-classified "live sightings" listed by the Defense POW/MIA Accounting Agency (DPAA), which receives information from, and coordinates certain activities with, the CIA. Aside from "live sightings" of allegedly identified American POW/MIAs, the DPAA makes public a list of classified "generic case files," which involve alleged sightings of American POW/MIAs in Southeast Asia and North Korea whose names are not provided in or evident from the reports. In relation to Vietnam, these "generic" files appear to be part of a broader group of 55 classified "unresolved live sightings" (generic and named sightings) of Americans in Southeast Asia, most reported in "captive environments" (figure as of June 9, 2016).

"As a matter of policy, all firsthand live sightings remain classified while being analyzed or investigated. Once a sighting is resolved, the initial report and all associated documents are reviewed for declassification, and as appropriate, released," the DPAA has stated on its Web site. Based upon historical sources of "live sightings" and intelligence community and DPAA processing of such cases, along with publicly-available descriptions of these files, I believe some were likely generated by, contain information from, or have been analyzed and/or investigated by, the CIA. It appears not all such files have been produced.

In the context of this case, the FOIA and other laws involving classification of POW/MIA information, it is worth noting the "generic files" involving US POW/MIAs from Vietnam date back to Nov. 9, 1979, the "date of report" for the oldest listing, entitled "Americans in North Vietnam." The DPAA states this document is classified because its investigation is "ongoing," apparently meaning the US government is still "investigating" a report received in 1979. Korean War generic files dating back almost 15 years are still classified. The oldest listed Korean file was apparently received on April 22, 2002, but is still "under investigation."

28. Open sources, including some reviewed and approved prior to publication by the CIA, indicate the existence of records not produced. For example, the CIA had a source (codename: "PASSAGE") providing "details of Hanoi's secret bargaining position" during the 1972 Paris Peace Talks and also launched a covert operation that year to investigate an estimated 50 or more US military and civilian POWs held in caves near the Laotian city of Sam Neua, according to former CIA official Antonio J. Mendez in his 1999 book The Master of Disguise: My Secret Life in the CIA (the CIA also managed coded messages from US POWs during the war.[3]) This book was cleared by the CIA Publication Review Board. However, to my knowledge, all relevant information on "PASSAGE," coded POW messages and the 1972 classified operation have not

[3] The CIA Web site also includes a 2016 document entitled "Intelligence Support for Communications with US POWs in Vietnam." I have not seen this document or the CIA sources on which it is based in production.

been produced. Another example involves an "elderly Laotian" woman with close ties to senior Laotian officials. She provided highly-sensitive intelligence to the CIA regarding US POWs held in Laos after the war, according to the 2014 book Abandoned in Place by Lynn O'Shea, which documents repeated references in the Senate investigation to this CIA source. The book also provides extensive details of CIA support for a potential POW rescue operation in Laos. I believe some CIA documents concerning the Laotian source and the rescue operation have not been produced.

DATE: September 23, 2016.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief

Mark A. Sauter

Mark A. Sauter

SECRET

CENTRAL INTELLIGENCE AGENCY

INFORMATION REPORT

COUNTRY USSR

SUBJECT US Prisoners of War in USSR

25X1

25X1

DATE DISTR. 27 Apr 1954

NO. OF PAGES 3

NO. OF ENCLS.

SUPP. TO
REPORT NO.

25X1

THIS IS UNEVALUATED INFORMATION

25X1

1. information regarding the presence of US prisoners (captured during the Korean War) on the territory of Asiatic USSR. Mostly they were in Komsomolsk (Amur River), Magadan (Bay of Nogaevo, Sea of Okhotsk), Chita, Irkutsk, Molotov, Gubaiha (northwest of Molotov), Kami Permiak (Siberia), Kudymkar (northwest of Molotov), Chusovoy (on the Kama River, north of Molotov. There is nothing to indicate that any of them have ever been returned.).

2. Over a year ago, the Soviet authorities established camps for prisoners (not necessarily US) taken in Korea by the Sino-North Korean forces. These camps were located at:

Komsomolsk, on the River Amur
Magadan, on the bay of Nogaievo, Sea of Okhotsk
Chita
Irkutsk

Prisoners from both the US and the various cooperating European armies were alike known as Voyennoplenniye Amerikantsi.

SEE LAST PAGE FOR SUBJECT & AREA CODES

EXHIBIT 1

25X1

SECRET

25X1

SECRET

[redacted]

3. In Feb 1952, three hundred US prisoners of war were transported by rail from Chita to Molotov (in Soviet Russia, east of the Ural Mountains). At Chita, in Eastern Siberia, the prisoners were sorted out.

4. The prisoners were dressed in cotton mattress-cover cloth of the Soviet type. They wore no insignia. They traveled on a train of nine cars under strict MVD (Ministry Internal Affairs) guard. They made a long halt at the prison of the city of Gubakha and were not sent on to the prison at Molotov until 5 Apr 52. In Mar 1952 there were reports of other loads of prisoners being transported. These men spoke English among themselves. They were shipped, in groups of about fifty, every fifteen days, though it is not known how long this continued. 25X1

5. About this same time [redacted] a group of prisoners were being sent to Komi Permiak, in the northwestern part of Siberia. Their eventual destinations were Molotov, Gubakha (northwest of Molotov), Kudymkar (also northwest of Molotov), and Chermoz (on the Kama River, north of Molotov).

6. Still another report, dated Apr 1952, reported the presence of US prisoners. These were probably US officers. At Molotov this group of prisoners of war was designated, "American staff group." They were placed in an MVD building and completely isolated from the rest of the world.

7. The camps of Gubakha, Kudymkar, and Chermoz were also isolated and were under control of the MVD. The political control was in charge of a man named Edovin, of the Communist Party organization at Komi-Permiak. The three camps were under direction of a well-known Soviet officer, under the name of Kalypin, rank unknown. 25X1

8. In another camp, near the railroad station of Gubakha, called Zapretchdelanki, there were 150 US prisoners. [redacted] probably mixed up an "Entrance Forbidden" sign with the name of the camp. [redacted] Russian is mixed, but certainly "zapreshchat" means "to forbid.")

9. These prisoners were kept under constant surveillance by Soviet agents, who knew English perfectly. The Soviet authorities tried their best to build up a list of US prisoners who were not completely hostile to Soviet ideology or who were at least not inveterate foes of it. The US prisoners talked a good deal. In this way, the Soviet agents were able to pick out those men who might be willing to ameliorate their situation by taking an interest in courses of political instruction.

10. Every two or three days, an MVD officer called away one or two prisoners (the Soviet first choices for such instruction). These prisoners never came back to the camp.

11. Some prisoners were sent to the forced labor camps and used in the construction of a railway line. This camp was called Gaysk. These prisoners wore padded tunics of the Russian style and pantaloons. They wore a civilian headdress called "sibirki". Conditions were primitive. Sickness and death rates were high.

SECRET

25X1

SECRET

-3-

12. According to information covering the period Aug to Dec 1952, three hundred US [illegible] prisoners were transported to the camps mentioned above. The total number of prisoners brought in the same direction reached six thousand.

13. According to information received the following facts may be regarded as established:

25X1

a. Prisoners were taken by rail from the station of Poset (on the Chinese-Soviet boundary) over the line of the East Siberian Railway. They were taken to the eastern Urals.

b. Prisoners were also taken by boat from the ports of Bukhta, Okhotsk, and Magadan. They then went by rail or truck to Vaikarem [sic] (on the Sea of Chukost) to Ust Maisk (on the Aldan River) and to Yakutsk (on the Lena River.)

c. Transportation of prisoners to Vaikarem, or Vakairem, [sic] was followed by their distribution to a network of camps in the region of Nizhni Kolymsk, on the East Siberian Sea. These camps were run by the MVD, under the command of an officer of unknown rank, named Soroshuk (probably an MVD major) and a civilian official named Chimbo.

d. At the hi25X1t possible estimate, there were no more than 12,000 of these prisoners. By Apr 1952, three hundred were dead and 400 had been taken to barracks, gravely ill.

- end -

SECRET

DEPARTMENT OF THE AIR FORCE
OFFICE OF THE CHIEF OF STAFF
UNITED STATES AIR FORCE
WASHINGTON, D. C.

ER 5-5837

16 March 1954

MEMORANDUM FOR DIRECTOR OF CENTRAL INTELLIGENCE

SUBJECT: (Unclassified) U. S. Prisoners of War Remaining in Communist Custody After Termination of Exchange of Prisoners Under Terms of Korean Armistice Agreement

1. An unknown but apparently substantial number of U. S. military personnel captured in the course of the Korean War are still being held prisoners by the Communist Forces. These individuals will not necessarily be retained in North Korea or Manchuria, but may be held elsewhere within the Soviet orbit.

2. While it is possible that the release of some or all of these prisoners of war may eventually be effected through diplomatic negotiations, the fact that to this day apparently large numbers of German and Japanese prisoners of war from World War II are still in custody must be accepted as a Communist pattern. Today, for the first time, U. S. personnel in any quantity are coming into contact with this pattern. It is a fundamental obligation of the U. S. Government to vigorously pursue every authorized means to recover its fighting men being held hostage by anyone under any circumstances whatsoever.

3. The recovery of even a single individual in this category would have a salutory effect upon the morale of U. S. military personnel in contact with Communist Forces in the event of future hostilities, and would be of inestimable value in our National psychological program to expose for the world at large to see and understand the true nature of the Soviet-directed world Communist plot.

4. It is therefore requested that requirements be placed on appropriate operating organizations for clandestine and covert action to locate, identify, and recover those U. S. prisoners of war still in Communist custody. This action should take precedence over all other evasion and escape activities currently being planned or undertaken by the Agency in support of military requirements. It is further requested that any information collected pertaining to U. S. and other United Nations prisoners of war still in Communist custody be immediately forwarded to this Headquarters.

V. F. Twining
V. F. TWINING
Chief of Staff, United States Air Force

The office of record for this document is "Chief, Psychological Warfare Division, Directorate of Plans, DCS/Operations, Hq. USAF." Normal handling procedures are not applicable. Request replies or references be forwarded directly to or through the offi of record.

Special handling of this paper is requested. Access should be limited to individuals requiring the information herein in order to carry out their official duties.

Psy War 16-54

EXHIBIT 2

MAR 24 1954

MEMORANDUM FOR: DIRECTOR OF CENTRAL INTELLIGENCE

THROUGH: DEPUTY DIRECTOR (PLANS)

SUBJECT: U. S. Prisoners of War Remaining in Communist Custody.

REFERENCES: a. Memo fm C/S, USAF, dtd 16 Mar '54, Subj. as above.

b. Memo fm Assistant Chief of Staff, G-2, D/A, dtd 14 Aug '53, Subj. "Post Korean Armistice Planning for Covert, Clandestine, and Related Activities."

1. Reference a. contains a request from Chief of Staff, USAF that CIA undertake to locate, identify, and recover U.S. Prisoners of War still in Communist custody.

2. This request is in most respects identical with reference b., which was received last August from the Assistant Chief of Staff, G-2, D/A.

3. The FI Staff has had a long standing requirement for information of this type, but so far has not obtained any worthwhile intelligence in this regard.

4. It is believed, as you are no doubt aware, that CIA has little or no operational capability to recover personnel from those areas in which POW's are being held in Manchuria, China, or the Soviet Union. In almost all such areas the priority of CIA effort is on the collection of early warning and order of battle information.

5. It is the opinion of this Staff that this Agency has no significant capabilities along the lines requested by the USAF.

6. It is therefore recommended that you sign the attached memorandum to Chief of Staff, USAF.

25X1

DOCUMENT NO. ____
NO CHANGE IN CLASS. ☐
DECLASSIFIED
CLASS. CHANGED TO: TS S C
NEXT REVIEW DATE: 2011
AUTH: HR 70-2
DATE: 17 MAR 1981 REVIEWER: ____ 25X1

Attachment: 1 - as stated in par. 6 above

SECRET

9557a

MEMORANDUM FOR: Chief of Staff
United States Air Force

SUBJECT: United States Prisoners of War Remaining in Communist Custody After Termination of Exchange of Prisoners Under Korean Armistice Agreement Terms.

1. Receipt is acknowledged of your memorandum dated 16 March 1954 on the above subject, asking Central Intelligence Agency to take action to locate, identify and recover U.S. POW's in Communist custody.

2. I agree with you fully that any accomplishment in this field would unquestionably have a salutory effect upon morale and would be of significant value in our national psychological program.

3. This Agency has had a continuing requirement for the development of information on the location of U.S. POW's. Any intelligence developed on this subject will be discussed promptly with Headquarters, United States Air Force. CIA then will consider in each case what steps, if any, can be taken to effect the release of the POW's involved. The inherent operational difficulties which would surround such an undertaking are clearly apparent, I am sure, to you.

4. The undertaking of any such action is predicated upon the availability of adequate operational intelligence. This agency does not have at the present time such adequate operational intelligence on which to base plans for liberating POW's under Communist control. Nor is it anticipated

Reuriew

that CIA will have significant capabilities along these lines so long as operating conditions continue to follow the present pattern.

5. In compliance with your request, CIA will continue to endeavor to develop the required intelligence on POW's in Communist hands and will maintain appropriate contact with your headquarters on this subject.

Rewritten

ALLEN W. DULLES
Director

25X1

25X1

25X1 [redacted]

[redacted]

[redacted]

24 March 1954

DD/P

Distribution:
Orig & 1 - Addressee
2 - DCI
1 - DD/P
1 - C/PM
25X1 1 - [redacted]
1 - OPS/Chrono
1 - RI

Concur
CPC
DDCI
x 9 May

- 2 -

1-625a

5-5837/A

MAY 29 1954

MEMORANDUM FOR: Chief of Staff
United States Air Force

SUBJECT: United States Prisoners of War remaining in Communist Custody after termination of Exchange of Prisoners under Korean Armistice Agreement Terms.

1. Reference is made to your memorandum of 16 March on the above subject, requesting that this Agency take action to locate, identify and recover U.S. POWs in Communist custody.

2. I agree with you fully that any accomplishment in this field would unquestionably have a salutary effect upon morale and would be of significant value in our national psychological program. At the same time I feel certain that you realize the inherent difficulties involved in operations of this type, particularly in the very territories where U.S. POWs are likely to be held.

3. This Agency has had a continuing requirement for the development of information on the location of U.S. POWs, and will continue to endeavor to obtain any possible intelligence in this regard. Any information produced on this subject will be promptly conveyed and discussed with Headquarters, United States Air Force. Should the Air Force receive any "leads" deemed worthy of exploration, it will be appreciated if you will make these available to us. CIA will then be in a position to determine what steps, if any, can be appropriately undertaken towards affecting the release of the POWs involved.

25X1

DOCUMENT NO.
NO CHANGE IN CLASS. ☐
☐ DECLASSIFIED
CLASS. CHANGED TO: TS S C
NEXT REVIEW DATE:
AUTH: HR 70-2
DATE: 17 MAR 1981 REVIEWER: 0 2011

ER file

SECRET

4. You may be sure that CIA will do everything practicable to comply with your request and will maintain appropriate contact with your Headquarters concerning this subject.

SIGNED

ALLEN W. DULLES
Director

Rewritten [redacted]

25X1 26 May 1954

[See Concurrences attached]

Dist:
Orig + 1 - addressee
2 - DCI
1 - DDP - [redacted] for CO Pouch signed cover sheet

25X1

25X1 [redacted]

1 - R/I

Orig of basic DER file
Cy of basic to [redacted]

25X1

STANDARD FORM NO. 64

SECRET

1628

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, CENTRAL INTELLIGENCE

DATE: 26 May 1954

25X1 FROM : [redacted]

SUBJECT: U.S. PRISONERS OF WAR REMAINING IN COMMUNIST CUSTODY

In compliance with your request, the letter to the Chief of Staff of the Air Force in regard to the recovery of Air Force personnel now held as prisoners has been rewritten.

The new letter to the Air Force is attached.

25X1 [redacted]

DOCUMENT NO. ____
NO CHANGE IN CLASS. ☐
☐ DECLASSIFIED
CLASS. CHANGED TO: TS S C
NEXT REVIEW DATE: 2011
AUTH: HR 70-2
DATE: 17 MAR

25X1 [redacted]

SECRET

MEMORANDUM FOR: Mr. Du s

PM, which has the carbon of this letter, is preparing a reply for your signature which will be here tomorrow, Wednesday, 24 March.

RWF

23 March 1954
(DATE)

FORM NO. 10.101 JAN 1952 (47)

STAT

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : EO - Mr. Staats

DATE: 31 January 1955

FROM : SPS - Dr. Craig

SUBJECT: Interview with Rastvorov (former MVD) concerning U.S. Prisoners of War in the USSR

On Friday, 28 January 1955, a meeting was arranged between members of the Special Projects Staff and Mr. Rastvorov. General Dale O. Smith was also present. The interview was on the subject of U.S. prisoners of war being held by the Soviets.

Mr. Rastvorov made the following important points bearing upon the subject:

1. He was told by recent arrivals (1950-1953) from the Soviet Union to the USSR's Tokyo mission that U.S. and other UN POW's were being held in Siberia.

2. The POW's will be screened by the Soviets and trained to be illegal residents in U.S. or other countries where they can live as Americans.

3. Selected POW's will be used in propaganda work.

4. Use will be made of the identities and biographies of dead POW's in preparing legends for new Soviet agents.

5. The mechanism for POW control in Korea was headed by the Soviets.

6. The sentencing of the eleven U.S. POW's charged with espionage by the Chinese Communists was conceived and directed by the Soviets. The release of other Americans in Europe was part of this plot.

OCB:SPSPJCorso:mas

EXHIBIT 3

C06002491

02 JUN 1993

CLASSIFIED VERSION OF UNCLASSIFIED DOCUMENTS HAND DELIVERED TO HILL ON 26 MAY 93 BY [redacted] SENATE LIAISON OFFICER.

DELIVERED TO: HPSCI, SSCI, SEN SMITH, AND TO WOODWARD, SEN KERRY'S OFFICE.

(b)(3)(c)

EXHIBIT 4

C06002491

DD/SA

~~SECRET~~ NOFORN

(b)(3)(n)
(b)(1)

The [redacted] Reports

Seven intelligence reports on treatment of US prisoners in Hanoi--disseminated during 1970--found by CIA in routine review for the Senate Select Committee on POW-MIA Affairs. Not released until February 1993 (after Select Committee went out of business), due to massive volume of information reviewed.

(b)(3)(c)

(b)(1)
(b)(3)(n)

[redacted]

Political sensitivity: The reports tend to corroborate both the numbers and some other facts contained in the recently-released Russian document (purporting to be a report to the Vietnamese Politburo, it claimed Hanoi held 1205 POWs in 1972). [redacted]

(b)(1)
(b)(3)(n)

On [redacted] A "rallier" (*chieu hoi*) in 1969, formerly a North Vietnamese army doctor. Claimed a lot of knowledge on the POW system, but his reporting was portrayed at the time as second or third hand. [redacted] was "surfaced" in Saigon in 1971 for the press, probably because his information on Russian, Chinese and Czech involvement in interrogating POWs (subsequently proven inaccurate) was useful. CIA decided his numbers of POWs were not verifiable and could only mislead families, and deleted that section from his press conference. [redacted]

(b)(1)
(b)(3)(n)

Additional Questions of Concern

Assessment of his reporting -- Not formally done yet. Initial reviews indicate a lot of errors in his information on how POWs were handled. Enough to make all his reporting, including numbers, suspect. Because CIA knew so little about the system at the time, his reports were disseminated. Subsequent debriefs of actual POWs prove his information erroneous.

[redacted] No longer in possession of current information, was evidently not very useful in consultant position (no disseminable info). Seems to have wanted to pursue other employment options, as a medical doctor, perhaps in US.

Where is he now? -- We don't know. INS has no record of him as an immigrant, refugee, or applicant for asylum. [redacted]

~~SECRET~~ NOFORN

Central Intelligence Agency

Washington, D.C. 20505

28 August 1985

Lieutenant General James A. Williams, USA
Director, Defense Intelligence Agency
Department of Defense
Washington, D.C. 20301

Dear Jim:

In your letter of 12 August 1985, you enquired about the Agency's capability to [redacted] should other credible intelligence sources [redacted] indicate the possible presence of U.S. POWs. We have queried [redacted] to determine their views and have been advised that operations [redacted] are certainly feasible although they would require the witting cooperation of [redacted] Similarly, a mission to the Central Highlands of the SRV would be possible [redacted] It should be borne in mind, however, that in the event the team was discovered, the problems of exfiltration [redacted] would be immense. Overland missions [redacted] would be even more difficult and would almost certainly come to the attention of the Vietnamese authorities. Infiltration of a team [redacted] does not seem practical at this time although it could be attempted if [redacted] the probable high risk of failure were factored in and accepted.

Should a mission [redacted] be considered justified, we would estimate that a minimum of four to six weeks would be necessary for the selection and training of personnel. Depending upon the wishes of [redacted] team members [redacted] It is difficult to estimate lead time required for an infiltration into Vietnam because much would depend on the precise location of the target.

[redacted]

[redacted]

~~SECRET~~

EXHIBIT 5

00069

NND 982022 ------ 1911

SECRET

As indicated above, existing equities would require that any mission [redacted] be mounted only with the full approval and cooperation of [redacted] If the Ops Plan appeared feasible, we believe [redacted] would cooperate.

I hope this is helpful and if there is any additional information you require, we would be pleased to assist.

Sincerely,

William J. Casey
Director of Central Intelligence

SECRET

29 April 1985

MEMORANDUM FOR: Deputy Director for Operations

FROM: Director of Central Intelligence

SUBJECT: Prisoners of War

I'd like a rundown of the present state of our knowledge, leads, and activities with respect to POWs.

William J. Casey

Attachment:
WALL STREET JOURNAL article, dtd 24 April 1985, "POWs Won't Be Found Without Cost"

25X1

EXHIBIT 6

SECRET

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.	)	
	)	

AFFIDAVIT OF BOB SMITH

Bob Smith hereby swears and affirms:

1. From 1985 to 1990, I served as a member of the United States House of Representatives for New Hampshire's 1st Congressional District. From 1990 to 2003, I served as the United States Senator, representing New Hampshire. The Senate Select Committee on POW/MIA Affairs was a special committee convened by the United States Senate during the George H. W. Bush administration (1989 to 1993) to investigate the Vietnam War POW/MIA issue, that is, the fate of United States service personnel listed as missing in action during the Vietnam War. I wrote, and introduced, the Senate Resolution establishing that Committee, to attempt to get the documents and the truth released to the public. I served as the Committee's Vice Chairman. It was in existence from August 2, 1991 to January 2, 1993.

2. On January 17, 1973, the Paris Peace Accords were signed by the United States, South Vietnam, Viet Cong and North Vietnam. They were touted as "An Agreement Ending the War and Restoring Peace in Vietnam." The agreement did not, however, end the war and restore the peace for the hundreds of POWs and MIAs who were not returned

from the war, for their families, who have waited for decades for answers, nor for the tens of thousands of South Vietnamese who were murdered or imprisoned in "re-education camps" in the North. "All of our American POWs are on the way home" said Richard Nixon shortly after the signing.

3. Soon thereafter, 527 men returned alive from the war to a well-deserved heroes' welcome. What President Nixon did not tell the American people and the families of the missing was that the American government had numerous classified documents and human intelligence that men were, in fact, still alive in Southeast Asia. We had men on our lists, that we knew had been captured alive, yet, they never appeared on the homecoming lists and were never returned. We simply accepted the "word" of the North Vietnamese that the lists were complete.

4. President Nixon had sent the North Vietnamese a secret letter promising them approximately $3.5 billion in war reparations. The Vietnamese retained "collateral" for that money. The money never came because Congress did not approve it, when congressmen became aware of the torture of many of the returning prisoners.

5. Two former Secretaries of Defense testified under oath before the Select Committee, that men were left behind. Schlesinger, when asked directly if we left men, said, "I can come to no other conclusion." Secretary Laird went into even more detail saying that the Pentagon had "solid information, such as letters or direct contacts, with about 20 airmen who survived in Laos after their planes were shot down."

6. On one of my frequent visits to Southeast Asia as a U.S. senator and congressman, I had occasion to speak to one of the North Vietnamese officials who was present at the negotiations in Paris. He told me point blank that "the American side handed

over their list and we handed over ours and there was little discussion," and that "the POW issue was not aggressively pursued at all."

7. The live-sighting reports of former Marine Bobby Garwood, who remained behind in Vietnam until 1979, are well documented. Bobby told me with tears in his eyes how he had seen Americans climb out of a box car in the late 70's in Yen Bai, Vietnam. I took Garwood back on a trip to Vietnam in the 90's when I was in the Senate and he showed me where he had seen American POWs on an island in Tach Ba Lake, in Vietnam as well.

8. The investigators on the Senate Select Committee found literally thousands of live-sighting reports over the years from the end of the war into the 1990s. There was also ample evidence of pilot-identifier codes on the ground and seen from the air. I personally have seen hundreds of classified documents that could and should be released as they pose no national security risk. What is really at risk are the reputations and careers of the intelligence officials who participated in and perpetrated this sorry chapter in American history.

9. During the Senate Select Committee's tenure, I fought with the bureaucrats, and Senators McCain and Kerry, to the point of exhaustion. It was a very sad chapter in American history.

10. One of the most intriguing documents on the issue is the one called the "1205 Document," or the "1205." This document was retrieved from the old Soviet archives by an independent researcher from Australia by the name of Stephen Morris. He was not a so-called "POW activist" and was not looking for information on American POWs from Vietnam. While doing unrelated research, he found a document stamped "Extremely

Secret" from the old Soviet General Staff Intelligence (GRU). The contents of this document depicted a speech given to the Politburo of the Vietnamese Communist Party in September of 1972 by General Tran Van Quang, the Deputy Chief of the General Staff of the Vietnam People's Army (VPA). In his remarks Quang told the Politburo members that North Vietnam was holding 1205 prisoners of war. This, of course, is critical since only a few months later the Vietnamese released less than half of that number, 527.

11. In the spring of 1997, in relation to Senate confirmation of a U.S. Ambassador to Vietnam, the Assistant to the President for National Security Affairs, Samuel R. Berger, directed the U.S. Intelligence Community (IC) to undertake a special National Intelligence Estimate (NIE) on the Vietnam War POW/MIA issue and to provide the ICs updated assessment of the so-called "1205" document from the Russian archives. Mr. Berger further directed the IC to consult with the Senate Select Committee on Intelligence (SSCl) on the terms of reference for the NlE. Mr. Berger's directives followed personal discussions with both myself and the Senate Majority Leader, Senator Trent Lott. Subsequent to Mr. Berger's pledge to have the IC conduct a special NIE, I met personally with the Director of Central Intelligence, George Tenet, and the Director of the Defense Intelligence Agency, Lt Gen. Patrick Hughes, to underscore the importance I attached to the need for this NIE to be thorough and objective.

12. In the fall of 1997, Congress passed, and the President signed into law, the National Defense Authorization Act for fiscal Year 1998, which included a provision that I authored that required the Director of Central Intelligence to "provide analytical support on POW/MIA matters." The legislative history of this provision made clear that it was

related to both the preparation of the forthcoming NIE, which would be relied on by departments and agencies involved with POW/MIA matters.

13. The POW/MIA issue addressed in the NIE centered on two key questions, as stated in the NIE's Scope Note: (1) Since 1987, to what extent has the leadership of Vietnam demonstrated a commitment to cooperating with the United States to achieve the fullest possible accounting of missing in action personnel, and (2) What is the Intelligence Community's assessment of the so-called "1205" and "735" documents from the Russian archives?

14. The IC released its NIE in early 1998. It judged the "1205" to be unreliable. The NIE was extremely inaccurate, misleading, speculative and unsupported. It ignored that virtually all other detailed statements in the 1205 were known to be true. Yet the IC singled out only the statements about the 1,205 POWs as being false. In November of 1998, I demanded that the NIE be retracted, in a detailed, 160-page Critical Assessment ("Report").

15. This Report was sent to the Members of the National Foreign Intelligence Board and the Military Intelligence Board, along with a request that those boards meet to consider and approve the retraction of the NIE. The Report was also sent to relevant Congressional leaders, along with requests that oversight hearings concerning this NIE be conducted at the earliest possible date. Additionally, the Report was sent to officials who may rely on the NIE, such as U.S. policy-makers with responsibility for U.S. relations with the Government of the Socialist Republic of Vietnam, and to U.S. military officials with responsibility for POW/MIA accounting efforts in Southeast Asia.

16. The CIA released this Report to the plaintiffs in this case, in redacted form, in 2016. Accuracy in Media has posted this record on its website, here http://www.aim.org/pdf/Hall-CIA/CIA-Production-2016-209-pages.pdf. The Report's cover-page reads:

> A Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue, Prepared and Submitted by the Office of U.S. Senator Bob Smith,
> November, 1998.
>
> > Sen. Smith is the U.S. Chairman of the Vietnam War Working Group of the U.S.-Russia joint Commission on POWs and MIAs. He is also a senior Member of the Senate Committee on Armed Services and the former Co-Chairman of the Senate Select Committee on POW/MIA Affairs (1991-1993).

17. I spoke to a high ranking former member of the KGB who told me point blank that the document is real, because the Soviets actually had the Vietnamese Politburo bugged and the words were a verbatim transcript. He told me that he would never state this publicly, for obvious reasons. The English translation of the 1205 Document is in the Annex to the Report.

18. The 1205 accurately recounts that the Socialist Republic of Vietnam held 1,205 men, just months before it released Vietnamese released only 527 of them.

19. The American government wrote off all pending POW/MIA cases at war's end to close the books on this ugly foreign policy disaster. After decades of FOIA requests, emotional appeals from family members, senators and congressmen, and House and Senate Committee investigations, the intelligence agencies still keep numerous documents classified under the guise of national security.

20. I can state without any equivocation that they are still holding documents that should be declassified. The families of these men, and the American public, deserve to know the truth about what is in those files.

Date: August 13, 2016.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Bob Smith

Bob Smith

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.	)	
	)	

PLAINTIFFS' STATEMENT
OF MATERIAL FACTS NOT IN GENUINE DISPUTE

Under Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7(h), plaintiffs Roger Hall, Accuracy in Media, Inc., and Study Solutions Results, Inc., respectfully submit this Statement of Material Fact to which there is no Genuine Issue.

1. In 2003, plaintiffs submitted a Freedom of Information Act ("FOIA") request to the Central Intelligence Agency ("CIA"). The Request sought the following eight items of information:

1. Southeast Asia POW/MIAs (civilian or military) and detainees, who have not returned, or whose remains have not been returned to the United States, regardless of whether they are currently held in prisoner status, and regardless of whether they were sent out of Southeast Asia.
2. POW/MIAs sent out of Southeast Asia (for example, to China, Cuba, North Korea, or Russia).
3. Prepared by and/or assembled by the CIA between January 1, 1960, and December 31, 2002, relating to the status of any United States POWs or MIAs in Laos, including but not limited to any reports, memoranda, letters, notes or other documents prepared by Mr. Horgan or any other officer, agent or employee of the CIA for the Joint Chiefs of Staff, the President, or any federal agency.
4. Records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the National Archives and returned to the CIA for processing.

5. Records relating to 44 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, attachment 1, and records relating to those persons who are named on attachment 2, the Prisoner of War/Missing Personnel Office's list of persons whose primary next-of-kin (PNOK) have authorized the release of information concerning them.
6. All records on or pertaining to any search conducted for documents responsive to Roger Hall's requests…
7. All records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs, including any search for such records conducted in response to any request by any congressional committee or executive branch agency.
8. All records of whatever nature pertaining to the estimates of fees made in response to the February 7, 2003 Freedom of Information Act request of Mr. Roger Hall and Studies Solutions Research, Inc., and how each estimate was made.

[Docket 114-1 at 3-5.]

2. The CIA did not search its operational files.

3. Regarding its Southeast Asia POW/MIA records, the CIA did not complete its decennial review, together with the declassifications of those records.

4. The CIA did not complete its review and declassification of records under Executive Order 12812.

Contents — Paragraph

Communist policy to hold back POWs

4. The long-standing communist policy holding back POWs in furtherance of political and economic goals. *Sanders Aff.* ¶ 4.

Paris Peace Accords

5. At the peace talks, reparation "negotiations had been extensive, and detailed. A list of specific items was drawn up for the first year of U.S. aid. Among some of the items on the list were… 200,000 metric tons of steel building supplies… between 2,650 and 2,900 tractors, bulldozers and excavators…" *Sanders Aff.* ¶¶ 6-7.

6. Five days after the signing of the Paris Peace Accords, Kissinger hand carried a letter, dated February 1, 1973 to the North Vietnamese Prime Minister which detailed that the Administration pledged approximately $3.25 billion of grant aid over five years. *Sanders Aff.* ¶ 5. 33.

600 men not repatriated

7. In Operation Homecoming, "527 men returned alive from the war to a well-deserved heroes' welcome. What President Nixon did not tell the American people and the families of the missing was that the American government had numerous classified documents and human intelligence that men were, in fact, still alive in Southeast Asia." *Smith Aff.* ¶ 3.

8. "Two former Secretaries of Defense [Schlesinger and Laird] testified under oath before the Select Committee, that men were left behind." *Smith Aff.* ¶ 5.

9. "[I]n September of 1972… North Vietnam was holding 1205 prisoners of war. This, of course, is critical since only a few months later the Vietnamese released less than half of that number, 527." *Smith Aff.* ¶¶ 10, 14, 17-18.

10. "When the American government withdrew its forces from Vietnam in 1973, it knowingly left hundreds of U.S. POWs in Communist captivity. (See *An Enormous Crime,* Chapter 9)." *Smith Aff.* ¶ 1.

11. Of the 50 or so POWs known to be held in Laos (*Hrdlicka Aff.* ¶¶ 37, 46), only nine were repatriated. The Laotians themselves admitted that they were holding American POWs. *Hrdlicka Aff.* ¶ 48.

US government to refusal to provide war reparations

12. "President Nixon had sent the North Vietnamese a secret letter promising them approximately $3.5 billion in war reparations. The Vietnamese retained "collateral" for that money. The money never came…" *Smith Aff.* ¶ 4. The U.S. Government declined to pay the promised reparations. *Sanders Aff.* ¶ 10.

13. "[T]here was a highly classified record kept by the Laotians stating that, unless the USG abides by Nixon's 17 points, there will be no information on the missing." *Hrdlicka Aff.* ¶ 38 citing Exhibit 31, 1977 *Intelligence Information Cable*.

14. "There is a 1990 report on David… When the source came forward with this information, he was told there would be no reward." *Hrdlicka Aff.* ¶ 50.

Motives for declaring dead

15. Motives to declare that the POWs are dead include morale among DOD personnel (*Hendon Aff.* Docket 95-45 ¶ 62), to foster peace and reconciliation and trade and investment (*Sanders Aff.* ¶ 10), and to terminate pay (*Hrdlicka Aff.* ¶ 8). "What is really at risk are the reputations and careers of the intelligence officials who participated in and perpetrated this sorry chapter in American history." *Smith Aff.* ¶ 20.

Thousands of live sighting reports

16. "The investigators on the Senate Select Committee found literally thousands of live-sighting reports over the years from the end of the war into the 1990s." *Smith Aff.* ¶ 9.

17. The government had over 1,400 first-hand live-sighting reports, and several thousand second hand reports, of Americans being held captive throughout Vietnam and Laos. *Sanders Aff.* ¶ 13.

18. "Since Operation Homecoming in 1973, there have been hundreds of postwar sightings and intelligence reports of Americans being held captive throughout Vietnam and Laos, and numerous secret military signals and codes and messages sent from desperate POWs." *Hendon Aff.* Docket 95-45 ¶ 3.

Policy of withholding records

19. "In a 1982 letter to the National League of Families, the DIA admitted knowledge of POWs, but justified the withholding the information on the grounds that disclosure would be 'counterproductive to our intelligence efforts in this vital area.'" *Hrdlicka Aff.* ¶ 9.

20. "I personally have seen hundreds of classified documents that could and should be released as they pose no national security risk. What is really at risk are the reputations and careers of the intelligence officials who participated in and perpetrated this sorry chapter in American history…. I can state without any equivocation that they are still holding documents that should be declassified. *Smith Aff.* ¶¶ 8, 20.

21. Former Congressman John LeBoutillier has "personal knowledge of several POW-related incidents where the CIA has had documents that have not been publicly acknowledged or released." *LeBoutillier Aff.* Docket 83-15 ¶ 7.

22. Hendon has "personal knowledge of several incidents where the CIA has had intelligence on living POWs that has not been publicly acknowledged and/or released." *Hendon Aff.* Docket 95-45 ¶ 4.

Criminal misconduct, cover-up

23. "In February 1991, Colonel Millard Peck, Chief of the Special Office for Prisoners of War and Missing in Action, resigned. *Colonel Millard Peck's resignation* letter, Exhibit 42… explained the deliberate actions to make sure that no information on live POWs was disseminated, or followed up on. [Colonel Peck wrote]

> The entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government… [The Director of the National League of Families]… interferes in or actively sabotages POW-MIA analyses or investigations…. was brought from the "outside." One wonders who she really is and where she came from…. I feel strongly that this issue is being manipulated and controlled at a higher level… to obfuscate the question of live prisoners…

Hrdlicka Aff. ¶ 51.

24. "[Beginning] in September of 1994, [Mrs. Hrdlicka] sent 24 separate complaints to the Inspector General…" *Hrdlicka Aff.* ¶ 55.

25. Exhibit 8 is my then lawyer's list of *Criminal Violations committed by DOD and CIA* agency personnel, at Bates 21. *Id*.

26. "Exhibit 50 is the 1992 *DIA Memoranda re Destruction of POW Records*" *Hrdlicka Aff*. ¶ 64.

Secret military signals and codes and messages sent from POWs

27. "In May of 1991, [Mrs. Hrdlicka] began sending Freedom of Information requests for information concerning David's case. On July 2, 1992, [she] sent another request for reports that [she] had not received. [She] made a specific request for the 'code number' or similar identifier carried by David, for identification in case of shoot-down and capture. There was a serial number identifying David, which was referenced in a government report…. No US government agency has told me what they used for David's identification number." *Hrdlicka Aff*. ¶¶ 14-15.

28. "In 1992, [Mrs. Hrdlicka] called Lorenzo Burroughs, a government satellite imagery expert, about this imagery. [She] asked him whether any authenticator codes were picked up with it. He responded that there were around ten." *Hrdlicka Aff*. ¶ 19.

29. CIA Director Casey shared with Hendon and the Hon. John LeBoutillier "either satellite imagery or aerial photography which showed laundry arranged in the form of escape and evasion codes on the roof of the Tran Phu prison in Haiphong, North Vietnam… and Directory Casey stated that only an imprisoned U.S. flyer could have made the codes on the prison roof." *Hendon Aff.* Docket 95-45 ¶ 8.

30. "Since Operation Homecoming in 1973, there have been hundreds of postwar sightings and intelligence reports of Americans being held captive throughout Vietnam and

Laos, and numerous secret military signals and codes and messages sent from desperate POWs." *Hendon Aff.* Docket 95-45 ¶ 3.

31. "Richard V. Allen… 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…. President Reagan launched an operation to investigate the site…. 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." *Hall Aff.* ¶ 81.

Other satellite imagery and photographs

32. "High-quality photographs, audio and video records involving POW/MIA… have [not] been produced, although produced records and declassified CIA documents show they exist." *Sauter Aff.* ¶ 26.

33. In early 1981, Hendon was briefed as a member of the House POW/MIA Task Force by officials regarding a prison camp near Nhom Marrott, Laos, and was "shown aerial/satellite photographs… also confirmed by radio traffic intercepts. American POWs were reliably reported to be in the camp… In addition, an escape and evasion code was imaged inside the camp," which Hendon saw. *Hendon Aff.* Docket 95-45 ¶ 9. Hendon "believes that the CIA is in possession of both the above described satellite imagery and hand held photography." *Hendon Aff.* Docket 95-45 ¶ 3.

34. "Air Force Lt. Col. (then-Major) Henry M. 'Mick' Serex, an electronic warfare officer, went missing on April 2, 1972, when his EB-66, code-named "Bat 21," was shot down over the Demilitarized Zone while accompanying a B-52 strike during the Easter invasion…. Air Force records indicate Bat 21 was hit by a surface-to-air missile while flying at an altitude of approximately twenty-six thousand feet. An intercepted PAVN radio

communication reported the shootdown and stated that PAVN personnel had "sighted orange parachutes in the area." *Hendon Aff*. Docket 95-45 ¶ 12.

35. Before the Senate Select Committee, twenty-six-year veteran Robert G. Dussault testified that "while studying recent (June 5, 1992) satellite imagery of the Dong Val (Dong Mang) Prison north of Hon Gai, he and one of his associates discovered a valid escape and evasion code in a field just west of the prison and above it the name of a missing USAF flight officer. The deputy director would later testify formally what he and his associate had seen:

> A. I saw up at the CIA, very clearly to me there was the name S-E-R-E-X.
> Q. Capital letters?
> A. Yes, and it was in a field just outside the...[Dong Vai Prison], and there was a number above it and there was the name SEREX, and below it, as I remember now, 72/TA/88.

Hendon Aff. Docket 95-45 ¶ 12.

36. "Satellite imagery imaged in 1975 and analyzed in mid-1976 had shown what CIA and DOD photo interpreters believed at the time was a valid USAF/USN Escape and Evasion code at this same Dong Vai (Dong Mang) prison.... In addition, approximately a half dozen postwar HUMINT (human intelligence) reports had told of US POWs being detained at the prison both during and after the war...." in 1976, 1979, and 1982. *Hendon Aff*. Docket 95-45 ¶ 16.

37. "During the closed briefings, held on October 2 and 5 1992, Dussault... stunned those [Senators] present by declaring that, while recently reviewing 1988 imagery of Laos, he and his associates had discovered <u>nineteen</u> four-digit numbers that matched the four-digit authenticators of known MIAs..." Hendon "believes that the CIA is in possession of this imagery." *Hendon Aff*. Docket 95-45 ¶ 22.

38. Hendon "believes that the CIA is in possession of the original unadulterated satellite imagery described above." *Hendon Aff*. Docket 95-45 ¶ 22.

39. CIA Director Casey shared with Hendon and the Hon. John LeBoutillier "either satellite imagery or aerial photography which showed laundry arranged in the form of escape and evasion codes on the roof of the Tran Phu prison in Haiphong, North Vietnam… and Directory Casey stated that only an imprisoned U.S. flyer could have made the codes on the prison roof." *Hendon Aff.* Docket 95-45 ¶ 8.

40. Hendon is "certain the CIA was in possession of this imagery in 1981 and I believe it is still in possession of this imagery." *Hendon Aff.* Docket 95-45 ¶ 8.

41. In early 1981, Hendon was briefed as a member of the House POW/MIA Task Force by officials regarding a prison camp near Nhom Marrott, Laos, and was "shown aerial/satellite photographs… also confirmed by radio traffic intercepts. American POWs were reliably reported to be in the camp… In addition, an escape and evasion code was imaged inside the camp," which Hendon saw. *Hendon Aff.* Docket 95-45 ¶ 9.

42. Hendon "believes that the CIA is in possession of both the above described satellite imagery and hand held photography." *Hendon Aff.* Docket 95-45 ¶ 9.

43. Barry Allan Toll "delivered intelligence materials in our possession… [including] satellite photos depicting explosive intelligence…", the "satellite imagery show[s] secret symbols…" *Toll Aff.* Docket 83-1 at p. 12.

44. "[T]he photographs and intercepts we were shown were CIA documents." "To my knowledge, these documents have never been released by the agency." *LeBoutillier Aff.* Docket 83-15 ¶ 9.

45. "[A]erial photographs" showed POWs which had been abandoned "long after the war's end." *McDaniel Aff.* ¶ 8.

46. Hendon is "certain the CIA was in possession of this imagery in 1981 and I believe it is still in possession of this imagery." *Hendon Aff.* Docket 95-45 ¶ 9.

47. Exhibit 66 is a Select Committee internal memorandum, dated July 8, 1992. Bates 234. It states, in part… "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
Laos is the CIA's domain. The CIA has not produced the referenced photographs, nor other records associated with this reconnaissance." *Hall Aff.* ¶ 66.

48. "Exhibit 123 (2015) is a CIA Intelligence Report on aerial photography in Laos, September 23, 1992, at Bates 379-80… The CIA has failed to provide the referenced photography, and has provided only photocopies of photography." *Hall Aff.* ¶ 69.

49. "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…. 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.'" *Hall Aff.* ¶ 72.

50. "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… recently completed analysis

gives us a better understanding ...'" The CIA can provide photo-enhanced imagery of satellite imagery, and the referenced "recently completed," and later, analysis, of the imagery." *Hall Aff.* ¶ 106.

Offer to repatriate POWs for reward

51. "[T]he deposition of Richard Allen, National Security Advisor in the Reagan Administration, and hand written notes regarding an offer to sell to the US 57 men for $4.5 billion. *See* Affidavit of Roger Hall Exhibits 23(a) and 23(b)." *Hrdlicka Aff.* ¶ 59.

52. "[O]fficials of US AID met with Ed Meese and CIA Director Casey and a shipment of $200,000 of medical supplies was approved as good faith evidence of our intent to work with the Laotian government... I know the CIA was involved in both the decision to approve and stop these shipments." *LeBoutillier Aff.* Docket 83-15 ¶ 11.

53. "In 1986, White House US Secret Service Agent John Syphrit told Hendon "that, while stationed in the hallway just outside the Oval Office in late January 1981, he observed and heard the following: President Reagan, Vice-President Bush, Director-designate of the CIA William Casey, and National Security Advisor Richard Allen emerged from the Oval Office and, pausing in the hallway, en route to the Cabinet Room, briefly discussed an offer made by the Vietnamese government to the Reagan Administration to trade the American POWs they were holding in return for payment of some four billion dollars." *Hendon Aff.* Docket 95-45 ¶ 25.

54. In 1986, White House US Secret Service Agent John Syphrit told Hendon "that, while stationed in the hallway just outside the Oval Office in late January 1981, he observed and heard the following: President Reagan, Vice-President Bush, Director-designate of the CIA William Casey, and National Security Advisor Richard Allen emerged

from the Oval Office and, pausing in the hallway, en route to the Cabinet Room, briefly discussed an offer made by the Vietnamese government to the Reagan Administration to trade the American POWs they were holding in return for payment of some four billion dollars." *Hendon Aff.* Docket 95-45 ¶ 25.

55. "John Syphrit… 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…. Syphrit previously told this to Hendon… Casey instructed a CIA employee to go back to the CIA and bring the confirming documentation to the White House for the President…. I have been provided no… documents which Syphrit says Casey instructed a CIA employee to take to the White House… President Reagan is reported as having told CIA Director William Casey "to do something about it [this offer]"… This meeting is mentioned in the Senate Select Committee Report at page 32. Exhibit 24 at Bates 92. The CIA has not provided plaintiffs 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. *Hall Aff.* ¶¶ 79-80.

56. "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." *Hall Aff.* ¶ 83.

Rescue Operations

57. "On Sept 21, 1992, [Mrs. Hrdlicka] received a letter from Charles Trowbridge, stating that there was no such [Duck Soup] operation associated with the Vietnam Era. In 1995, [she] received documents showing that there was such an operation, called 'Duck Soup,' that mentioned David… It was a CIA run operation. General Secord testified before the Senate Select Committee Hearings to attempts to rescue David, and that there was a 'raft of cables' in the CIA on the rescue attempts." *Hrdlicka Aff.* ¶¶ 19-20.

58. The CIA trained mercenaries for use by the Military Assistance Command Vietnam, Studies and Observations Group, "MACVSOG" or "SOG." Covert SOG teams were routinely inserted into Laos in attempts to locate, and on occasion, to rescue, POWs, from the Laotian "second-tier POW camp system," which held "310 to 350" U.S. POWs after Operation Homecoming. SOG "had extensively detailed, photographed, and ground reconnaissanced throughout the war era." *Toll Aff.* Docket 83-1 at pp. 2-5.

59. 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." *Hall Aff.* ¶ 116.

60. "Duck Soup" was an attempt to rescue then Captain David Hrdlicka and Captain Charles B. Shelton in the Sam Neua area of Laos… with the assistance of CIA assets…." The CIA failed to produce any records of this rescue mission. *Hall Aff.* ¶ 6.

61. "[A] series of reports, dating from 1966 to 1981 all showing American POWs in captivity in the area of a series of numbered canals along the Trem Trem River… referred to only by name or extract (Sage Brush I and Sage Brush II) deal with POW rescue attempts involving Provincial Reconnaissance Units, CIA paid and trained." *O'Daniel Aff.* Docket 95-44 ¶ 2.

62. "Operation Thunderhead" was a White House-approved escape plan, from the "Hanoi Hilton" in 1972. *McDaniel Aff.* ¶ 7. No records regarding this rescue mission have been produced in this lawsuit.

63. 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." *Hall Aff.* ¶ 75.

64. "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…. 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." *Hall Aff.* ¶ 75.

65. "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." *Hall Aff.* ¶ 152.

Military Assistance Command, Vietnam—Special Operations Group

66. "MACVSOG was the Military Assistance Command, Vietnam-Special Operations Group… provided intelligence information… The government denied for years the existence of MACVSOG…. Yet, another family member received a letter from DPMO stating that MACVSOG daily summaries are being reviewed for declassification. There was information on POWs in the daily summaries." *Hrdlicka Aff.* ¶ 60.

67. Mr. George Carver of the Central Intelligence Agency served as Special Assistant to three different Directors of the CIA on Vietnam matters, and was on loan from CIA to the Nixon White House serving as Chairman for the Indochina Subcommittee on Intelligence during the critical Nixon years of the Indochina conflict. *Toll Aff.* Docket 83-1 at p. 12.

68. As of 1993, all SOG records had been stored in the "Directorate for Operations in the CIA." These SOG records may have thereafter been "moved to the Director's files...to the Executive Registry Files of CIA." Toll Aff. pp 2-5. "Carver stated that [i]f they moved them out of Operations, historically, they would probably be moved to the Director's files... to the Executive Registry Files of CIA…" (*Id.*) "If the records have been destroyed, there will be a record of it." *Toll Aff.* Docket 83-1 at p. 19.

69. MACVSOG tracked live POWs, in cooperation with the CIA. The CIA failed to provide the records it supplied to MACVSOG. *Hall Aff*. ¶ 5.

Nhom Marrott

70. "From October, 1980 through February, 1981 [LeBoutillier] was briefed, as a member of the House Special POW/MIA Task Force, on the construction in Laos at Nhom Marrott of a prison camp. We were shown aerial reconnaissance photographs showing the month-by-month progress of this construction project… also confirmed by radio traffic intercepts." *LeBoutillier Aff.* Docket 83-15 ¶ 8.

71. "The Central Intelligence Agency (CIA) holds never released documents relating to American servicemen Prisoners of War and Missing in Action in Southeast Asia, and at least one camp believed to hold these servicemen after March 1973. During the period March 1979- June 1981, the CIA gathered intelligence, including human intelligence reporting, and imagery of a prison camp located in the Nhom Marrott District of Khammouane Province Laos. According to intelligence reports approximately 18- 30 American Prisoner of War were held at this camp from September 1980-May 1981 and perhaps beyond. Between January and May 1981 the CIA dispatched a least one reconnaissance team to the camp location to photograph the inmates and gather

intelligence. The CIA continues to withhold information on the preparation for the mission, team progress reports, photographs taken at the camp and the debriefing of reconnaissance team members. *O'Shea Aff.* Docket 182-6 ¶¶ 1-2.

72. "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… '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…. CIA agrees to undertake operation inside Laos to verify presence of Americans.'" [Plaintiffs] 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. *Hall Aff.* ¶ 70.

73. "A January 28, 1981 DIA Memorandum for the Chairman Joint Chiefs of Staff, attached as Exhibit 16, recites… 'there are approximately 2,500 Americans unaccounted-for in Southeast Asia… 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…. On 17 January 1981, DIA requested that CIA attempt to confirm the

presence of U.S. PWs in Laos.' 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." *Hall Aff.* ¶ 73.

74. "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… 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." *Hall Aff.* ¶ 76.

David Hrdlicka

75. "David Hrdlicka was shot down, and captured, on May 18, 1965. He was alive, in captivity, in Sam Neua, Laos, at the Pathet Lao Headquarters. This is well documented." *Hrdlicka Aff.* ¶ 2.

76. "The government has insisted, for over 20 years now, that David is dead. According to the government, David died in 1966. Next, it claimed that he died in 1967. Lastly, according to the government, David died in 1968. It finally settled on 1968 as the date it "believes" that David died. The press conference that displayed David was held in

1969. The government has no evidence that David is dead…. The absence of any evidence cannot be the basis of declaring someone to have died… There has been no credible evidence to date that proves that David L. Hrdlicka has died. Rather, there have been live sighting reports that show him to be alive in the early 1990s." *Hrdlicka Aff.* ¶¶ 62-63.

77. "In 1996, the POW/MIA families… amend[ed] the Missing Personnel Act… worked for 6 months, at our own expense, to get this legislation passed… required evidence of death before the government could declare a person dead… Another provision would have penalized anyone for lying to service family members about their loved ones. Later, our amendments were repealed, at the behest of Senator John McCain." *Hrdlicka Aff.* ¶¶ 65-66.

78. "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." *Hall Aff.* ¶ 112.

79. "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." *Hall Aff.* ¶ 115.

Other records not produced

80. Supporting documents related to the preparation of the 23-page, Top Secret "US Vietnamese Talks on POWs/MIAs During the Nixon, Ford, and Carter Administrations Prepared for Richard Childress, National Security Council," Sep. 23, 1985, have not been produced in this lawsuit. *Sauter Aff.* ¶ 25.

81. CIA analysis and support of the effort in 1984-5 (detailed by the US Senate Select Committee on POW/MIA Affairs, declassified State Department records and other sources) to respond to an alleged Vietnamese offer to sell American POW/MIA remains and, potentially, living POWs to the United States. *Sauter Aff.* ¶ 23. "Such a sensitive foreign policy initiative could not have occurred without CIA documentation being produced, especially as the White House was considering the use of 'CIA funds' for the transaction," but have not been produced in this lawsuit. *Sauter Aff.* ¶ 23.

82. "[T]he classified file kept by DPMO (Department of POW/MIA) for [Mrs. Hrdlicka's] husband, [had] no cables from CIA, even though General Secord testified that there were a 'mountain of message traffic' on David's case. *See* Affidavit of Roger Hall." *Hrdlicka Aff.* ¶ 56.

83. "Over the years, I have requested any and all documents mentioning Hrdlicka's name. Yet, I am still receiving documents that have not been given to me by the government agencies tasked with investigating David's case." *Hrdlicka Aff.* ¶ 54.

84. "A United Nations Official in Laos in 1981… saw Caucasian men working on a road under armed guards... [who were identified as] American prisoners left over from the War." *LeBoutillier Aff.* Docket 83-15 ¶ 13.

85. "Air Force Lt. Col. (then-Major) Henry M. "Mick" Serex, an electronic warfare officer, went missing on April 2, 1972, when his EB-66, code-named "Bat 21," was shot down over the Demilitarized Zone while accompanying a B-52 strike during the Easter invasion…. Air Force records indicate Bat 21 was hit by a surface-to-air missile while flying at an altitude of approximately twenty-six thousand feet. An intercepted PAVN radio communication reported the shootdown and stated that PAVN personnel had "sighted orange parachutes in the area." *Hendon Aff.* Docket 95-45 ¶ 12.

86. The "detailed" letter attached as Exhibit 5 to Sauter Affidavit, from the head of the CIA to the head of the DIA, would have been written based on staff reports and analysis," which have not been produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 19.

87. CIA records associated with a memo from the Director of the CIA (DCI) to the Deputy Director of Operations (DDO) entitled "Subject: Prisoners of War" and reading: "I'd like a rundown of the present state of our knowledge, leads, and activities with respect to POWs," have not been produced in this lawsuit. *Sauter Aff.* ¶ 22, citing its Exhibit 6.

88. The CIA Memorandum for Dr. Henry A. Kissinger, "Subject: Indication that the Communists Are Holding Previously Unlisted U.S. POWs as a Future Bargaining Tool, March 20, 1973" was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 10.

89. The "Memorandum for National Security Advisor Anthony Lake from National Intelligence Officer for East Asia (NIC/CIA), indicating it was 'possible' Hanoi held back US POWs in 1973, and was angry reparations from the U.S. had not been forthcoming," dated December 13, 1993, described elsewhere as: "Memorandum to

Assistant to the President for National Security Affairs Anthony Lake from National Intelligence Officer for East Asia Robert Suettinger, was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 11.

90. The "Memorandum for Director of Central Intelligence, Subject: Reevaluation of PW/MIA Information, dated August 13, 1976" was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 12.

91. The "Central Intelligence Agency, Director of Intelligence Memorandum, Hanoi and US Prisoners of War June 28, 1971" was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 13.

92. The July 1982, document, "Organization and Inmates of Tan Lap Prison, Vinh Phu Province (North Vietnam)" was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 14.

93. The "DO Spot Report date 6 January 1981," was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 16.

94. The "Memorandum for the Record," dated March 5, 1999 "September 1996 and August 1998 Top Secret memorandum," was not produced in this lawsuit, nor does it appear on the CIA's FOIA Web site. *Sauter Aff.* ¶ 17.

95. The government maintained a "list" of POWs. The CIA has not produced this list. *Hall Aff.* ¶ 3, citing deposition of Ambassador to Laos William Sullivan.

96. "In May of 1965 two American pilots were being held in the home of Communist General Singkapo in Laos…. [Hall] hasn't received any records regarding these POWs." *Hall Aff.* ¶ 8.

97. "[A]n Intelligence Information Report from the Directorate for Plans is a 'Preliminary Debriefing Site for Captured U.S. Pilots in Vinh Phu Province. . . .' Vietnam.... 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." *Hall Aff.* ¶ 10.

98. 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." Plaintiffs have not been provided these recommendations. *Hall Aff.* ¶ 33.

99. "At the Library of Congress [Hall] obtained... "Briefing Board" Reports.... CIA documents concerning information received from all source reports.... information contained therein comes from human sources, photographic surveillance, satellite imagery, etc.... 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... *Hall Aff.* ¶ 35.

100. An excerpt of Exhibit 70... reasons that since only three POW's from Laos are confirmed held in North Vietnam... 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. *Hall Aff.* ¶ 39.

101. Exhibit 35(a), Bates 156-57 is an August 27, 1971 CIA Intelligence Report states that "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." Plaintiffs have not received the referenced "collated bits of information on the various sites," nor "the [CIA] Station's periodic report on POW detention sites." *Hall Aff.* ¶ 43.

102. "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…. See Exhibit 3, at Bates 9-10, May 1972 State Department Cable to SECSTATE re PWs in Laos…. 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." *Hall Aff.* ¶ 47.

103. 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. *Hall Aff.* ¶ 51.

104. "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." *Hall Aff.* ¶ 54.

105. Exhibit 97 is a White House memorandum of conversation between Kissinger and Le Duc Tho, May 23, 1973, at Bates 292-95…. The CIA should release this record completely unredacted." *Hall Aff.* ¶ 55.

106. 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, and that 'CIA is the only non-DOD member to IPWIC.'… In this case, the CIA has not provided the records of intelligence on POWs that it supplied to IPWIC." *Hall Aff.* ¶ 56.

107. "Exhibit 35(c), at Bates 159, is a December 4, 1992, CIA letter to Select Committee… '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." *Hall Aff.* ¶ 58.

108. "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." *Hall Aff.* ¶ 47.

109. 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. *Hall Aff.* ¶ 49.

Other records of POWs in Laos

110. "Over 500 men were lost in Laos. An Intelligence Report confirms 54 enemy POW camps in Laos. *See* Affidavit of Roger Hall Exhibit 34." *Hrdlicka Aff.* ¶ 37.

111. "There are numerous intelligence reports showing live POWs all over Laos after Homecoming 1973. Before operation homecoming, in 1971, there were at least 50 POWs in Laos." *Hrdlicka Aff.* ¶ 46, citing Exhibit 38.

112. "While searching for records in the Library of Congress, [Mrs. Hrdlicka] found a report that the government had been tracking 23 POWs in 1984… 'Number of persons in custody: 23 American Prisoners of War.' Another 1984 report… reflects that the CIA believed the number to be 20, not 23." *Hrdlicka Aff.* ¶¶ 41-42, citing Exhibits 32, 45.

113. "The CIA's intelligence gathering regarding POWs in Laos was ongoing. *See* June 1973 *Joint Chief Memorandum re CIA's Intelligence* on POWs in Laos, Exhibit 47 at Bates 141-47, with the subject, "US prisoners of war in Laos." It states:

> [R]eference is made to your memorandum… dated 18 May 1973, which discussed the US PW/MIA situation allows and recommended that a CIA briefing on the subject we provided to the JCS…. CIA continue to conduct an active program to acquire intelligence relative to the status of US MIA personnel. The agency accords PW/MIA matters one of the highest priorities in its overall intelligence collection efforts in SE Asia…
> CIA has had, and currently conducts, an active program to acquire intelligence related to the status of POW/MIA personnel… carried out by assets, and winds in the organizational structure of CIA station in Laos…
>
> DIA is collaborating closely where appropriate with CIA in regard to the current situation in Laos… At present there are proximately 350 US military and civilians listed as missing in action in Laos.

Hrdlicka Aff. ¶ 67.

114. "Exhibit 98 is a CIA Report of a sighting of 8 to 10 Americans in Laos, Undated, at Bates 297. It states… '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." *Hall Aff.* ¶ 149.

<u>Other records of specific operations and locations</u>

115. "Blackbeard was CIA run and had agents with free access to POW camps… [to run] cross border operations" to gather intelligence on POW camps. *O'Daniel Aff.* Docket 95-44 ¶ 15.

116. "CIA also ran a project called OAK…. [that] targeted POW camps in Cambodia and South Vietnam." *O'Daniel Aff.* Docket 95-44 ¶ 15.

117. "CIA run operations into Cambodia were Nantucket, Vesuvius One, Sunstune Park, and Gunboat. All these operations had a priority mission of finding American POW/MIA information. *O'Daniel Aff.* Docket 95-44 ¶ 15.

118. O'Daniel has "read summaries of regular CIA reports showing locations of POW camps in Laos." *O'Daniel Aff.* Docket 95-44 ¶ 16.

119. "CIA also had a controlled American Source giving American intelligence detailed lists of Americans held in Son Tay and probably other prisons in North Vietnam." *O'Daniel Aff.* Docket 95-44 ¶ 17.

120. A CIA Intelligence Information Cable sent on April 8, 1967, reports that three American prisoners were at this location, Houei Vong in Houa Phan Province, and had been moved there from Ban Nakay Teu, in March 1966. Hall has "been provided with no records regarding this transfer or any follow-up intelligence on these three American POWs." *Hall Aff.* ¶ 11.

121. "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." *Hall Aff.* ¶ 137.

122. "Exhibit 94… is an 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. [Plaintiffs] have not been given any further information on mentioned 20 Air Force pilots, any follow-up collection activities or intelligence reports." *Hall Aff.* ¶ 27.

123. The Project out of Nekhon Phenom, Thailand, was tasked with selecting targets for bombing strikes, some of which housed POWs, "to prevent American targeting efforts in Laos and North Vietnam... the Project coordinated bombing in "Laos for the CIA to conduct its activities… The CIA has not provided the list of targets or intelligence on known and suspected POWs at all such targets. *Hall Aff.* ¶ 28.

124. Exhibit 72, Bates 244-248, titled Son Tay Raid Timetable of Planning, does not incude information on POWs held at that location prior to the raid nor information and found at Son Tay after the raid. *Hall Aff.* ¶ 31.

125. "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." *Hall Aff.* ¶ 146.

Lists of prison sites

126. "It is also clear that the CIA kept a list of suspected prison sites by name and grid coordinates…. [Plaintiffs] have received no such records from the CIA in this case." *Hall Aff*. ¶ 26.

127. "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." *Hall Aff*. ¶ 17.

Additional records of POWs into the 1980s and 1990s

128. "Exhibit 126 (2015) is a CIA Memorandum re six POWs held in Laos, 1983, at Bates 387-88… '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. *Hall Aff.* ¶ 86.

129. "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." *Hall Aff.* ¶ 84.

130. "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." *Hall Aff.* ¶ 85.

131. "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." *Hall Aff.* ¶ 110.

132. "[I]n 1986… the National Security Council… confirm[ed] that we did indeed still have living American POWs in Southeast Asia." *McDaniel Aff.* ¶ 10.

133. "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….' 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'… The CIA has provided no records regarding the referenced '23 American prisoner of war (POWs)' in Saravanc Province, Laos." *Hall Aff.* ¶ 87.

134. "Exhibit 127 (2015) is a CIA Intelligence Report regarding a 1986 sighting of POW in Laos, December 23, 1986… The CIA has failed to provide any further information on this POW." *Hall Aff.* ¶ 89.

135. "Exhibit 128 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, October 30, 1986, at Bates 391-92… The CIA has failed to provide any further information on this live POW…" *Hall Aff.* ¶ 89.

136. Exhibit 129 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, 24 October 1986… The CIA has failed to provide any further information on this POW." *Hall Aff.* ¶ 91.

137. "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 '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. *Hall Aff.* ¶ 92.

138. "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." *Hall Aff.* ¶ 93.

139. "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." *Hall Aff.* ¶ 94.

140. "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.'" *Hall Aff.* ¶ 95.

141. "Exhibit 134 (2015) is a CIA Intelligence Report regarding six POWs held in Laos, September 16, 1986, at Bates 405-06…. '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." *Hall Aff.* ¶ 96.

142. "Exhibit 135 (2015) is a CIA Intelligence Report of two live Americans in Laos, 28 April 1987… The CIA has failed to provide any further information these two POWs." *Hall Aff.* ¶ 97.

143. "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." *Hall Aff.* ¶ 98.

144. "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." *Hall Aff.* ¶ 103.

145. 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. *Hall Aff.* ¶ 102.

146. "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…' The CIA withholds additional records regarding the referenced POWs "still being held in remote areas of southern Vietnam."
Hall Aff. ¶ 105.

147. "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. …The third sighting was at a camp 20 kilometers off the Ho Chi Minch 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. *Hall Aff.* ¶ 111.

148. "In June of 1990, the DIA received a report, which states, in part, 'I am talking to Col Chaeng (Brig Gen) PL Commander of the 11th Regiment at Kham Keut, Kham Moname province suspected of holding D. Hrdlicka and friends. The outcome of my conversation will be relayed to you soon.'" *Hrdlicka Aff.* ¶ 11.

149. "In 1992, US News & World Report published an article on 1988 satellite imagery, USA walking 'K,' taken in the Sam Neua area, where David was held. The government should have notified [Mrs. Hrdlicka]. But [she] had to read about it in the magazine. [She] requested the information concerning that report…. [P]ilots were trained to use this 'K' as a distress signal if captured." *Hrdlicka Aff.* ¶¶ 17-18.

150. "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." *Hall Aff.* ¶ 109.

151. "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." *Hall Aff.* ¶ 113.

152. "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." *Hall Aff.* ¶ 107.

153. "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." *Hall Aff.* ¶ 114.

<u>POWs transferred to Russia, North Korea, China</u>

154. After his May 19, 1967, shoot down and capture, James Kelly Patterson, "an expert in the use of his aircraft's state-of-the-art electronics system being used to defeat Vietnam's Russian-made missile defense system" was shipped to a closed Russian military region dedicated to missile research and testing. *McDaniel Aff.* ¶ 12.

155. "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….' The CIA has not provided any… information regarding the POWs mentioned in this document." *Hall Aff.* ¶ 88.

156. "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…. I have not received any records regarding this from the CIA." *Hall Aff.* ¶ 38.

157. "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." *Hall Aff.* ¶ 99.

158. "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. *Hall Aff.* ¶ 121.

159. "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." *Hall Aff.* ¶ 142.

CIA records

160. The purpose of Barry Allen Toll's Affidavit is to recount his knowledge of the location specific Top Secret archives pertaining to American POWs during and after the Vietnam War. *Toll Aff.* Docket 83-1 at p. 3.

161. Mr. George Carver of the Central Intelligence Agency served as Special Assistant to three different Directors of the CIA on Vietnam matters, and was on loan from CIA to the Nixon White House serving as Chairman for the Indochina Subcommittee on Intelligence during the critical Nixon years of the Indochina conflict. *Toll Aff.* Docket 83-1 at p. 12.

162. "[T]he nation's most covert, extensive, and productive strategic intelligence operations… directly flowed their product into the Nixon White House, to George's Indochina Committee on Intelligence…. As such, George was the most informed man in the United States on intelligence in Indochina. His knowledge and awareness was virtually unique. *Toll Aff.* Docket 83-1 at p. 12.

163. At a meeting in the White House in 1993, "George [Carver] proffered CIA documents he'd authored, as late as 1975, going to the Director himself, about Americans still held captive in Indochina in the hundreds. I [Toll] provided CIA documents going to the Director himself, in 1967 and 1969, detailing our certain knowledge of the second tier prison system in Laos, and the numbers of American POWs being held there at the time. Their exact coordinates were noted." *Toll Aff.* Docket 83-1 at p. 12.

164. At a meeting in the White House in 1993 Toll asked Carver "'all of those intelligence materials and product flowed directly to you in the Nixon White House, did they not?' and George said 'Yes,'" again. *Toll Aff.* Docket 83-1 at p. 12.

165. Regarding records referenced in the foregoing paragraph, "George [Carver] said, 'I sent them back to Langley for storage, through the DO,' meaning the Directorate for Operations in the CIA. 'That was the arrangement I had,' he continued, 'usually by courier.'" *Toll Aff.* Docket 83-1 at p. 18.

166. Carver stated that [i]f they moved them out of Operations, historically, they would probably be moved to the Director's files... to the Executive Registry Files of CIA…" *Toll Aff.* Docket 83-1 at p. 18.

167. CIA has failed to search the archive of records referenced in the foregoing paragraphs, stored at its Langley facility.

168. "[A]ll live sighting reports that came into the [US] embassy [in Laos] went directly to the CIA Station Chief." *LeBoutillier Aff.* Docket 83-15 ¶ 12.

169. "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." *Hall Aff.* ¶ 60.

170. Exhibit 69 (at Bates 238), Documents removed from National Archives, dated December 4, 1992 evidences the removal of a 1980 four-page document… The CIA failed to produce this record, and other removed records." *Hall Aff.* ¶ 71.

171. "Admiral Bobby Ray Inman… indicated in his testimony that maps of activities going on in northeast Laos appeared to flow from the CIA to the NSA…. The CIA failed to provide the documentation referenced by Admiral Inman in his deposition." *Hall Aff*. ¶ 82.

172. "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." *Hall Aff*. ¶ 118.

173. "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. *Hall Aff.* ¶ 119.

174. "Prior to testifying before the Senate Committee, [General] 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." *Hall Aff.* ¶ 120.

175. "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 identity 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." *Hall Aff.* ¶ 122.

176. "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." *Hall Aff.* ¶ 139.

177. "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." *Hall Aff.* ¶ 140.

178. "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." *Hall Aff.* ¶ 141.

179. "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." *Hall Aff.* ¶ 150.

180. "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." *Hall Aff.* ¶ 151.

DATE: October 21, 2016.

Respectfully submitted,

/s/

James H. Lesar # 114413
930 Wayne Avenue
Suite 1111
Silver Spring, MD 20910
(301) 328-5920
jhlesar@gmail.com

Counsel for Plaintiffs
Roger Hall and SSRI, Inc.

/s/

John H. Clarke # 388599
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
Fax: (202) 332-3030
johnhclarke@earthlink.net

Counsel for plaintiff
Accuracy in Media, Inc.