

**NOT YET SCHEDULED FOR ORAL ARGUMENT**

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UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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D.C. CIRCUIT NO. 22-5235  
(C.A. No. 04-814)

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ACCURACY IN MEDIA, INC., *Plaintiff-Appellant*, )  
 )  
 v. )  
 )  
CENTRAL INTELLIGENCE AGENCY, *Defendant-Appellee*. )  
 )  
 )

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**DEFERRED JOINT APPENDIX**

**VOLUME 3 OF 3**

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On Appeal from the United States District Court for the  
District of Columbia, Hon. Royce C. Lambert, District Judge

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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

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**DEFENDANT’S RENEWED MOTION FOR SUMMARY JUDGMENT**

Defendant, the Central Intelligence Agency (CIA), by and through the United States Attorney for the District of Columbia, hereby respectfully submits this motion for summary judgment pursuant to Fed. R. Civ. P. 56. In this case brought under the Freedom of Information Act 5 U.S.C. § 552, plaintiff sought seven categories records concerning Vietnam War POWs and MIAs. In previous opinions, the Court has granted in part and denied in part defendant’s dispositive motions. *See* Nov. 12, 2009, Mem. Op. (ECF No. 137); Aug. 3, 2012, Mem. Op. (ECF No. 187). This renewed motion for summary judgment encompasses the documents as to which the Court denied summary judgment in its August 3, 2012, memorandum opinion. As explained in the Declaration of Antoinette B. Shiner, filed herewith, and defendant’s Statement Of Material Facts As To Which There Is No Genuine Dispute, summary judgment in defendant’s favor is warranted as to all remaining issues.

Dated: July 13, 2016

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**DEFENDANT’S STATEMENT OF FACTS**

Pursuant to Local Rule 7(h), defendant respectfully submits this Statement of Material Facts Not in Genuine Dispute in support of its renewed motion for summary judgment.

1. By letter dated 7 February 2003, plaintiffs submitted a FOIA request seeking seven categories of records pertaining to POWs and MIAs from the Vietnam War era. *See* Declaration of Antoinette B. Shiner at ¶ 7 & Ex. A thereto. In light the Court’s previous decisions, two categories of records remain at issue.

2. For Item 5, plaintiffs requested: “All records relating to 47 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, and those persons who are on 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.” *Id.* at ¶ 9 & Ex. A thereto.

3. For Item 7, plaintiffs requested: “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 a Congressional

Committee or executive branch agency.” *Id.* at ¶ 13 & Ex. A thereto.

### **Item 5 Referral Documents**

4. In 2011, in response to Item 5, the Agency located seven responsive documents originating with other agencies, specifically the Department of Defense (DOD) and the National Security Agency (NSA). CIA sent referral letters to those two agencies in September 2011 for direct response to plaintiffs, and the Court’s 2012 Order instructed the Agency to ensure that the referrals were being processed. Consistent with the Order, CIA followed up with both agencies, notifying the Court in its November 2012 Status Report that NSA had sent an update to Plaintiffs on October 5, 2012 and DOD planned to have its review completed no later than December 2012. Based on subsequent interactions with Plaintiffs and the agencies, it is CIA’s understanding that this issue has been resolved. *Id.* at ¶ 16.

### **Exemption 3 Names**

5. On August 23, 2012, Roland D. Tisdale submitted a supplemental declaration clarifying and confirming that he had consulted the PNOK list prior to redacting the missing persons’ names, and he only redacted names for which written consent had not been provided. *See* Response to Order of the Court (ECF No. 188).

### **Exemption 6 Names**

6. By letter dated November 20, 2012, the Agency informed plaintiffs that it had lifted the redaction of non-CIA names from the three CIA documents that plaintiffs were challenging (C00465780, C00472096, and C00492526), and released new versions of those documents to plaintiffs. *See* Shiner Decl. ¶ 19.

### **Item 5 Search**

7. In its 2012 Order, the Court held that the Agency’s Item 5 search was

inadequate because: (a) CIA searched its CADRE system for only 31 of the 1,711 names provided by Plaintiffs; (b) the CIA did not search its archived records; and (c) the CIA had erroneously stated that it had searched the systems "most likely" to contain responsive documents rather than "all systems that are likely to produce responsive records." *See* Shiner Decl. ¶ 20.

8. The Agency has determined that CADRE and archived records are the only systems likely to contain responsive records. *See* Shiner Decl. ¶ 21.

9. AARC Search: As outlined in the 28 June 2013 Status Report, the Agency queried an electronic database which contains an automated inventory of records retired to the AARC. Personnel from the Agency's records management and technology group conducted Boolean searches for each of the names provided by Plaintiffs. An expansion character was used to ensure all variations of the names were retrieved (*e.g.*, for "Roger Hall" the searches "roger%hall%" and "hall%, roger%" were conducted). These broad searches yielded approximately 16,500 hits. Personnel reviewed these search results for any false hits that did not match the names provided (*e.g.*, excluding "Roger Hallman" or "Hallan Rogers") and 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). From this initial search, the response was narrowed to 569 hard copy folders associated with 204 individuals. It was later determined that 114 of those folders had been properly destroyed in accordance with the CIA's records control schedule. At the AARC, designated search staff located and retrieved the boxes containing the remaining folders and "hits" compiled from the electronic search. The search team manually reviewed each folder, page-by-page, to determine responsiveness. Files were found responsive if the names matched those provided by Plaintiffs and contained information

indicating the individual was a POW/MIA or possessed a connection to Southeast Asia. As a result, the search team located 46 responsive folders, representing eleven names on Plaintiffs' list, six of whom are Air America employees. The 46 responsive folders contained approximately 10,000 pages. *See* Shiner Decl. ¶ 22.

10. After the AARC search team completed its search, information review specialists in the LIRO reviewed each document contained in the 46 responsive folders. LIRO identified material Plaintiffs previously agreed to exclude from production.<sup>1</sup> The remaining responsive documents were processed for possible public release. *See* Shiner Decl. ¶ 23.

11. CADRE Search. Pursuant to the Court's 2012 Order, the CIA searched CADRE for responsive records on all 1,711 names provided by Plaintiffs, not just the 34 names that included additional information such as birthdate and/or social security numbers. Due to the volume of hits, the LIRO staff conducted an initial review of the document title (*e.g.*, looking for key words such as "POW/MIA," "Prisoner," "Vietnam," "Laos," "Southeast Asia," "Cambodia," and "VietCong") and date (documents dated before 1959 were deemed non-responsive as U.S. involvement in the war began that year) to help rule out false hits. If there was uncertainty as to the whether a document was potentially responsive, it was reviewed in its entirety. After this initial review, the LIRO team then reviewed each of the remaining documents, page-by-page, to determine responsiveness. Ultimately, LIRO identified 283 responsive documents, although some of them had already been previously released to Plaintiffs in this case. *See* Shiner Decl. ¶ 24.

12. After completing both the AARC and CADRE searches outlined above, CIA released over 500 documents to Plaintiffs. *See* Shiner Decl. ¶ 25.

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<sup>1</sup> At the status conference held on 2 July 2013, Plaintiffs agreed to exclude from the search personnel records with minimal public interest value.

### **Item 7 Search**

13. Regarding Item 7, in its 2012 Order, the Court stated that the CIA's search of CADRE was insufficient and, "summary judgment cannot be granted until it searches for all records on or pertaining to any search conducted regarding any congressional committee requests pertaining to Vietnam War POW/MIAs, in all systems likely to contain responsive documents, and provides plaintiffs with all non-exempt records and photographs." Because these documents specifically relate to responses to congressional requests, the Agency determined that the Office of Congressional Affairs and the Office of the Director of the CIA were the two offices likely to contain responsive records. Accordingly, the Agency searched both of these offices using the following search terms with no date parameters: "Missing in Action", "MIA", "Missing", "POW/MIA", "POW-MIA", "Prisoner(s) of War," "POW", "Prisoners", "War", "Vietnam War," and "Vietnam." As a result of this search, the CIA identified 260 responsive documents. In 2013 and 2014, the Agency released over 200 documents to Plaintiffs. *See* Shiner Decl. ¶ 26.

14. In connection with Item 7, the Court also noted in its 2012 Order that the CIA previously provided Plaintiffs with documents that reference other specific responsive records that had not been produced. The Court ordered the CIA to show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports mentioned in the following 14 documents: C00482286; C00465737; C00482286; C00492378; C00492397; C00492546; C00478688; C00492526; C00471978; C00478651; C00492461; C00492546; C00472096; and C00483710. *See* Shiner Decl. ¶ 27.

15. In the fall of 2012, the Agency conducted a thorough search of its records repository and located attachments referenced in the documents noted above. In a letter dated 20 November 2012, the Agency informed Plaintiffs about the additional searches and released all of

the attachments found, redacting portions based on exemptions (b)(1), (b)(3) and (b)(6) (redacting intelligence sources and methods, names of CIA employees and military personnel and signatures). The Agency also removed the SECRET stamp from C00492526, which was an incorrect classification and released an updated version of the document with fewer redactions. An updated version of document C00465780 was also found and sent to Plaintiffs, with its accompanying attachment. *See* Shiner Decl. ¶ 28.

### **Withholdings**

16. As a result of the Item 5 and Item 7 searches conducted in response to the Court's 2012 Order and described above, the Agency has processed and released – either in-full or in-part – over 750 additional responsive documents to Plaintiffs. In 2014, the parties agreed that the Agency would provide a sample *Vaughn* index of the newly located release-in-part documents. Given the opportunity to identify up to 100 documents, Plaintiff ultimately selected 86 of the documents released-in-part since the 2012 Order for inclusion in the sample *Vaughn* index. Because two of the 86 documents are duplicates, the CIA's sample *Vaughn* index, which is attached as Exhibit B to the Shiner Declaration, covers only 84 documents, with the duplications noted in the index. In addition, in February 2016, the CIA provided Plaintiffs with a separate *Vaughn* index of all documents that have been denied-in-full throughout the duration of this case. A copy of the denied-in-full *Vaughn* index is attached as Exhibit C to the Shiner Decl.. *See* Shiner Decl. ¶ 29.

17. **Denied-in-Full *Vaughn* Index.** The attached *Vaughn* index for the denied-in-full documents describes what the documents are and the information withheld under applicable FOIA exemptions 1, 3, 5, and 6. Exemptions 1 and 3 were asserted for almost all of the DIF documents to protect the names of Agency employees and their signatures, office locations, and



phone numbers (entry numbers 1-3, 5-22, 24-34, 36-45) as well as to prevent disclosure that would reveal intelligence sources, methods and activities and/or would harm foreign relations and activities of the United States (entry numbers 2-12, 15-45). Documents denied-in-full were classified as SECRET because releasing the information could reasonably be expected to cause serious damage to national security. *See* Shiner Decl. ¶ 30.

18. Exemption 5 was also asserted for many of the DIF documents to protect pre-decisional intra-agency analysis and recommendations (entry numbers 1,2,5,6,7,9, 11, 12, 13, 14, 20, 21, 23, 25, 32, 34, 35). *See* Shiner Decl. ¶ 31.

19. Exemption 6 was applied to several of the denied-in-full documents to protect the names, signatures, and identifying information of third parties not employed by the Agency, members of Congress, and military personnel (entry numbers 18, 19, 22, 31, 33). *See* Shiner Decl. ¶ 32.

20. **Released-in-Part (Sample) Vaughn Index.** As referenced above, 84 of the newly released-in-part documents are contained in a sample *Vaughn* index. Like the denied-in-full documents, information was withheld from these released-in-part documents based on exemptions 1, 3, 5, and 6. The Agency made minimal redactions, only withholding information which would reveal names and personal information of CIA employees, intelligence sources, methods and activities and/or harm foreign relations and activities of the United States (entry numbers 2-35, 37-68, 70-86), disclose internal, deliberative agency processes (entry numbers 26, 62, 79), or disclose personal information of third party individuals whose privacy interest outweighs the interest of public disclosure (entry numbers 1-3, 7, 9-10, 13-14, 18-19, 22-24, 26-27, 31-32, 35-37, 43, 45-46, 48-50, 53-57, 62-63, 66, 68-77, 79-80, 83, 86). *See* Shiner Decl. ¶ 33

## Segregation

21. With regard to the denied-in-full documents, the CIA determined that the documents did not contain any non-exempt, reasonably segregable material. This determination was based on a careful review of the documents, following a line-by-line review of each. *See* Shiner Decl. ¶ 67.

22. With respect to documents denied-in-full under exemption 5, the nature of the exemption and the nature and content of the documents, comprised of internal pre-decisional deliberations, are such that there exists no information that is nonexempt which can be reasonably segregated. The documents were reviewed line-by-line and in all instances the character of the statements are an integral part of CIA's internal deliberative process. Any nonexempt information in these documents is either non-responsive to Plaintiff's requests or is so inextricably intertwined that no portions can be reasonably segregated and released. *See* Shiner Decl. ¶ 68.

23. In the instances where documents have been denied-in-full based on exemptions other than 5, the contents of the documents are such that any nonexempt information is either non-responsive to the Plaintiff's requests or is so inextricably intertwined with exempt information that release of the nonexempt information would produce only incomplete, fragmented, unintelligible phrases composed of isolated, meaningless words. Thus, no nonexempt information remains that reasonably could be segregated for release, and as a result, these documents must be withheld-in-full. *See* Shiner Decl. ¶ 69.

Dated: July 11, 2016

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
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CENTRAL INTELLIGENCE AGENCY, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**ORDER**

Upon consideration of defendant’s motion for summary judgment as to all remaining claims, it is hereby ordered that the motion is **GRANTED**.

**SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Royce C. Lamberth  
United States District Judge

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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ROGER HALL, et al., )  
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CENTRAL INTELLIGENCE AGENCY, )  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

The background to this long-running FOIA case is familiar to the Court, which previously has ruled on two dispositive motions. *See* Nov. 9, 2009, Mem. Op. (ECF No. 137); Aug. 3, 2012, Mem. Op. (ECF No. 187). Briefly, plaintiffs sought seven categories of records, or “Items,” relating to Vietnam Prisoners of War (“POWs”) and persons declared Missing in Action (“MIAs”). The Court has granted summary judgment in defendant’s favor regarding five of the seven Items; the Agency’s renewed motion addresses those Items as to which the Court denied summary judgment in its opinion dated August 3, 2012. *See* ECF No. 187.

**BACKGROUND**

By letter dated 7 February 2003, Plaintiffs submitted a FOIA request seeking various records pertaining to POW/MIAs from the Vietnam War era. *See* Shiner Decl. Ex. A. Plaintiffs filed their complaint in 2004.

In 2012, the CIA filed a renewed motion for summary judgment, attempting to address the remaining issues set forth in the Court’s 12 November 2009 Order. On 3 August 2012, the Court granted that motion in part and denied it in part. *See* ECF No. 187. The Court ordered that the following issues remained outstanding: (a) the inadequate disposition of Item 5 referral

documents; (b) production of the names where Exemption 3 and 6 claims have been rejected; (c) the inadequate search for Item 5 documents; and (d) the inadequate search for Item 7 documents.

First, for Item 5, Plaintiffs requested:

All records relating to 47 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, and those persons who are on 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.

Attachments to this item listed over 1,700 individuals pertaining to the request. The Court's 2012 Order notes that the CIA conducted a supplemental Item 5 search for "Capt. Peter Richard Mathes," finding seven responsive documents, all originating with other agencies. The Court's Order indicates that these seven documents were referred to the originating agencies but no response had been provided to Plaintiffs. The Court ordered the CIA to confirm in a supplemental filing that it had taken immediate affirmative steps to ensure that these seven referral documents were being processed.

Second, the Court's 2012 Order provides that the names and photographs must be produced where the CIA's Exemption 3 and 6 claims were rejected. For Exemption 3, the Court ordered that the 29 documents listed under ¶ 5B of the Tisdale Declaration must be released without the POW/MIA names redacted, or a declaration must be submitted to the Court specifying that the withheld names are not on the primary next of kin ("PNOK") list. For Exemption 6, Plaintiffs challenged the withholdings of three specific documents – C00942526, C00472096, and C00465780. For these three documents, the Court ordered the CIA to disclose the names of deceased individuals who were not CIA employees.

Third, in connection with Item 5, the Court held that the Agency's search was inadequate because: (a) the CIA searched its Classified Automated Declassification and Review Environment ("CADRE") system for only 31 of the 1,711 names; (b) the CIA did not search its

archived records; and (c) the CIA had erroneously stated that it had searched the systems “most likely” to contain responsive documents rather than “all systems that are likely to produce responsive documents.”

Finally, for Item 7, Plaintiffs requested:

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 a Congressional Committee or executive branch agency.

The CIA previously searched its CIA Automatic Declassification and Release Environment (“CADRE”) system for documents requested by other federal agencies that concerned POW/MIAs and found no responsive documents. In its 2012 Order, the Court instructed the Agency to also search “all systems likely to contain responsive documents” pertaining to any search conducted regarding any congressional committee requests related to Vietnam War POW/MIAs.

In connection with Item 7, the Court also noted in that the CIA previously provided Plaintiffs with documents that reference other specific responsive records that had not been produced. The Court ordered the CIA to show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports mentioned in the following 14 documents: C00482286; C00465737; C00482286; C00492378; C00492397; C00492546; C00478688; C00492526; C00471978; C00478651; C00492461; C00492546; C00472096; and C00483710.

As explained below, the CIA has now met its burden with respect to each of these outstanding issues, and summary judgment therefore is warranted in its favor.

## LEGAL STANDARD

Summary judgment is appropriate when the pleadings and evidence “show[] that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247 (1986); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Tao v. Freeh*, 27 F.3d 635, 638 (D.C. Cir. 1994). The party seeking summary judgment must demonstrate the absence of a genuine issue of material fact. *See Celotex*, 477 U.S. at 248. A genuine issue of material fact is one that “might affect the outcome of the suit under the governing law.” *Anderson*, 477 U.S. at 248. Once the moving party has met its burden, the nonmoving party “may not rest upon the mere allegations or denials of his pleading, but . . . must set forth specific facts showing that there is a genuine issue for trial.” *Anderson*, 477 U.S. at 248.

The “vast majority” of FOIA cases are decided on motions for summary judgment. *See Brayton v. Office of U.S. Trade Rep.*, 641 F.3d 521, 527 (D.C. Cir. 2011); *Media Research Ctr. v. U.S. Dep’t of Justice*, 818 F. Supp. 2d 131, 136 (D.D.C. 2011) (“FOIA cases typically and appropriately are decided on motions for summary judgment.”); *Citizens for Responsibility & Ethics in Washington v. U.S. Dep’t of Labor*, 478 F. Supp. 2d 77, 80 (D.D.C. 2007) (“CREW”). An agency may be entitled to summary judgment in a FOIA case if it demonstrates that no material facts are in dispute, it has conducted an adequate search for responsive records, and each responsive record that it has located either has been produced to the plaintiff or is exempt from disclosure. *See Weisberg v. Dep’t of Justice*, 627 F.2d 365, 368 (D.C. Cir. 1980). To meet its burden, a defendant may rely on reasonably detailed and non-conclusory declarations. *See McGehee v. C.I.A.*, 697 F.2d 1095, 1102 (D.C. Cir. 1983); *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert denied*, 415 U.S. 977 (1974); *Media Research Ctr.*, 818 F. Supp. 2d at 137. “[T]he Court may award summary judgment solely on the basis of information provided by the



department or agency in declarations when the declarations describe ‘the documents and the justifications for nondisclosure with reasonably specific detail, demonstrate that the information withheld logically falls within the claimed exemption, and are not controverted by either contrary evidence in the record nor by evidence of agency bad faith.’” *CREW*, 478 F. Supp. 2d at 80 (quoting *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981)). “[A]n agency’s justification for invoking a FOIA exemption is sufficient if it appears ‘logical’ or ‘plausible.’” *Media Research Ctr.*, 818 F. Supp. 2d at 137 (quoting *Larson v. Dep’t of State*, 565 F.3d 857, 862 (D.C. Cir. 2009)).

### **ARGUMENT**

The CIA’s processing of plaintiffs’ FOIA request has faithfully adhered to President Obama’s directive that, “[i]n the face of doubt, openness prevails.” *Presidential Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act*, 74 Fed. Reg. 4683 (Jan. 21, 2009). Over the course of this litigation, the CIA has made discretionary releases of thousands of documents. Of the records released, approximately 80 percent were released in full, whereas only 45 documents were denied in full. Those relatively few denied-in-full records were withheld primarily under Exemptions 1, 3, and 5, exemptions that, by nature, often preclude word-by-word redactions. For the records that were released in part, plaintiffs identified 84 records for the CIA to include in a *Vaughn* index. In an effort to limit, or perhaps eliminate, any remaining disputes in this long-running case, the CIA compiled the sample *Vaughn* and provided it to plaintiffs on multiple occasions and in multiple formats, but the Agency’s efforts at conciliation were not rewarded – plaintiffs declared flatly that they intended to challenge each and every withholding the CIA asserted.

At this late date, as explained below, summary judgment is warranted in the Agency’s favor as to all outstanding records.

## **I. REFERRALS TO DOD AND NSA**

As explained in the Court’s 2012 Order, the Agency conducted a supplemental Item 5 search in 2011 for “Capt. Peter Richard Mathes,” finding seven responsive documents, all originating with other agencies – specifically the Department of Defense (“DOD”) and the National Security Agency (“NSA”). CIA sent referral letters to these two agencies in September 2011 for direct response to Plaintiffs, and were directed in the 2012 Order to take steps to ensure the referrals were being processed by DOD and NSA. Consistent with the Order, CIA followed up with both agencies, notifying the Court in its November 2012 Status Report that NSA had sent an update to Plaintiffs on 5 October 2012 and DOD planned to have its review completed no later than December 2012. Based on subsequent interactions with Plaintiffs and the agencies, it is CIA’s understanding that this issue has been resolved. *See* Shiner Decl. ¶ 16. Accordingly, the CIA has met its burden as to the handling of those records.

## **II. RELEASE OF NAMES**

In its 2012 Order, the Court held that one of the outstanding issues was the production of the names where CIA’s Exemption 3 and 6 claims were rejected.

Regarding Exemption 3, 50 U.S.C. § 435 requires the Primary Next of Kin (“PNOK”) to give written consent to the release of information concerning a POW/MIA’s treatment, location, or condition. The Court found that there was a genuine issue of material fact regarding whether DOD had consulted the PNOK list before redacting the names from the 29 documents listed under ¶ 5B of the Roland D. Tisdale Declaration. Accordingly, the Court held that the 29 documents must be released without the POW/MIA names redacted, or a declaration must be submitted to the Court specifying that the withheld names are not on the PNOK list. To address this outstanding issue, DOD’s Roland D. Tisdale submitted a supplemental declaration on 23 August 2012 clarifying and confirming that he had in fact consulted the PNOK list prior to

making redactions of the missing persons' names and only redacted the names for which written consent had not been provided. *See* ECF No. 188. That clarification having been made, summary judgment is warranted.

For Exemption 6, the Court's 2012 Order granted the CIA's motion for summary judgment except for redactions concerning the names of non-CIA employees. By letter dated 20 November 2012, the Agency informed Plaintiffs that it had lifted the redactions of the non-CIA names from the three CIA documents being challenged by Plaintiffs (C00465780, C00472096 and C00492526), and released the new versions of these three documents to Plaintiffs. *See* Shiner Decl. ¶ 19. Summary judgment therefore is warranted as to these records.

### **III. THE CIA CONDUCTED A THOROUGH SEARCH FOR RECORDS RESPONSIVE TO ITEMS 5 AND 7 OF PLAINTIFFS' REQUEST**

#### **A. Legal Standard**

An agency's search for records in the context of a FOIA case is adequate if it was "reasonably calculated to uncover all relevant documents." *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 325 (D.C. Cir. 1999) (internal quotation marks omitted); *see Oglesby*, 920 F.2d at 68 ("[T]he agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested."). A search is not inadequate merely because it failed to "uncover every document extant." *SafeCard Servs., Inc. v. S.E.C.*, 926 F.2d 1197, 1201 (D.C. Cir. 1991). A search is inadequate only if the agency fails to "show, with reasonable detail, that the search method . . . was reasonably calculated to uncover all relevant documents," *Oglesby*, 920 F.2d at 68. An agency may prove the adequacy of its search through a reasonably detailed declaration. *Perry v. Block*, 684 F.2d 121, 127 (D.C. Cir. 1982).

**B. The CIA Conducted A Search For Item 5 Records That Was Reasonably Calculated To Locate All Responsive Records**

**1. Description of the Search**

In its 2012 Order, the Court held that the Agency's Item 5 search was inadequate because: (a) CIA searched its CADRE system for only 31 of the 1,711 names provided by Plaintiffs; (b) the CIA did not search its archived records; and (c) the CIA had erroneously stated that it had searched the systems "most likely" to contain responsive documents rather than "all systems that are likely to produce responsive records." *See* ECF No. 187.

With regard to the adequacy of the CIA's search, the CIA previously indicated that CADRE and archived records are the two systems "most likely" to contain responsive records. By saying this, however, the CIA did not intend to erroneously suggest that it had excluded other record systems or databases that are also "likely" to contain responsive records. Nonetheless, given the historical nature of the requested documents, CIA has reconsidered the matter and determined that CADRE and archived records are in fact the only systems likely to contain responsive records. Thus, as described below, the CIA searches of CADRE and archived records constitute CIA's good-faith effort to search all records systems likely to produce responsive documents. *See* Shiner Decl. ¶ 21.

**a. AARC Search**

Consistent with the Court's 2012 Order, the CIA has conducted a reasonable search of the Agency Archives and Records Center ("AARC") for records on the 1,711 individuals. As outlined in the 28 June 2013 Status Report, the Agency queried an electronic database which contains an automated inventory of records retired to the AARC. Personnel from the Agency's records management and technology group conducted Boolean searches for each of the names provided by Plaintiffs. An expansion character was used to ensure all variations of the names

were retrieved (e.g., for “Roger Hall” the searches “roger%hall%” and “hall%, roger%” were conducted). These broad searches yielded approximately 16,500 hits. Personnel reviewed these search results for any false hits that did not match the names provided (e.g., excluding “Roger Hallman” or “Hallan Rogers”) and 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). From this initial search, the response was narrowed to 569 hard copy folders associated with 204 individuals. It was later determined that 114 of those folders had been properly destroyed in accordance with the CIA’s records control schedule. At the AARC, designated search staff located and retrieved the boxes containing the remaining folders and “hits” compiled from the electronic search. The search team manually reviewed each folder, page-by-page, to determine responsiveness. Files were found responsive if the names matched those provided by Plaintiffs and contained information indicating the individual was a POW/MIA or possessed a connection to Southeast Asia. As a result, the search team located 46 responsive folders, representing eleven names on Plaintiffs’ list, six of whom are Air America employees. The 46 responsive folders contained approximately 10,000 pages. *See Shiner Decl.* ¶ 22.

After the AARC search team completed its search, information review specialists in the LIRO reviewed each document contained in the 46 responsive folders. LIRO identified material Plaintiffs previously agreed to exclude from production.<sup>1</sup> The remaining responsive documents were processed for possible public release, as described below. *See Shiner Decl.* ¶ 23.

**b. CADRE Search**

Pursuant to the Court’s 2012 Order, the CIA searched CADRE for responsive records on all 1,711 names provided by Plaintiffs, not just the 34 names that included additional information

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<sup>1</sup> At the status conference held on July 2, 2013, Plaintiffs agreed to exclude from the search personnel records with minimal public interest value.

such as birthdate and/or social security numbers. Due to the volume of hits, the LIRO staff conducted an initial review of the document title (*e.g.*, looking for key words such as “POW/MIA,” “Prisoner,” “Vietnam,” “Laos,” “Southeast Asia,” “Cambodia,” and “Viet Cong”) and date (documents dated before 1959 were deemed non-responsive as U.S. involvement in the war began that year) to help rule out false hits. If there was uncertainty as to the whether a document was potentially responsive, it was reviewed in its entirety. After this initial review, the LIRO team then reviewed each of the remaining documents, page-by-page, to determine responsiveness. Ultimately, LIRO identified 208 responsive documents, although some of them had already been previously released to Plaintiffs in this case. *See* Shiner Decl. ¶ 24.

## **2. The CIA’s release**

After completing both the AARC and CADRE searches outlined above, CIA released over 500 documents to Plaintiffs. *See* Shiner Decl. ¶ 25.

### **C. The CIA Conducted A Search For Item 7 Records That Was Reasonably Calculated To Locate All Responsive Records**

#### **1. Searches for Congressional Committee Reports**

Regarding Item 7, in its 2012 Order, the Court stated that the CIA’s search of CADRE was insufficient and, “summary judgment cannot be granted until it searches for all records on or pertaining to any search conducted regarding any congressional committee requests pertaining to Vietnam War POW/MIAs, in all systems likely to contain responsive documents, and provides plaintiffs with all non-exempt records and photographs.” Because these documents specifically relate to responses to congressional requests, the Agency determined that the Office of Congressional Affairs and the Office of the Director of the CIA were the two offices likely to contain responsive records. Accordingly, the Agency searched both of these offices using the following search terms with no date parameters: “Missing in Action”, “MIA”, “Missing”,

“POW/MIA”, “POW-MIA”, “Prisoner(s) of War,” “POW”, “Prisoners”, “War”, “Vietnam War,” and “Vietnam.” As a result of this search, the CIA identified 260 responsive documents. In 2013 and 2014, the Agency released over 200 documents to Plaintiffs. *See* Shiner Decl. ¶ 26.

## **2. Missing Attachments, Enclosures, Photographs, Reports**

In connection with Item 7, the Court also noted in its 2012 Order that the CIA previously provided Plaintiffs with documents that reference other specific responsive records that had not been produced. The Court ordered the CIA to show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports mentioned in the following 14 documents: C00482286; C00465737; C00482286; C00492378; C00492397; C00492546; C00478688; C00492526; C00471978; C00478651; C00492461; C00492546; C00472096; and C00483710. *See* Shiner Decl. ¶ 27.

In the fall of 2012, the Agency conducted a thorough search of its records repository and located attachments referenced in the documents noted above. In a letter dated 20 November 2012, the Agency informed Plaintiffs about the additional searches and released all of the attachments found, redacting portions based on exemptions 1, 3, and 6 (redacting intelligence sources and methods, names of CIA employees and military personnel, and signatures). The Agency also removed the SECRET stamp from C00492526, which was an incorrect classification and released an updated version of the document with fewer redactions. An updated version of document C00465780 was also found and sent to Plaintiffs, with its accompanying attachment. *See* Shiner Decl. ¶ 28.

## **IV. THE CIA CORRECTLY APPLIED EXEMPTIONS AND RELEASED TO PLAINTIFFS ALL RECORDS TO WHICH THEY WERE ENTITLED**

“Under FOIA, an agency is obligated to produce requested information unless it falls under one of the Act’s nine exemptions.” *Reliant Energy Power Generation Inc. v. Fed. Energy*

*Regulatory Comm'n*, 520 F. Supp.2d 194, 200 (D.D.C. 2007) (citing *U.S. Dep't of Justice v. Tax Analysts*, 492 U.S. 136, 150-51 (1989)). The agency bears the burden of demonstrating that the documents it has withheld fall into one of the enumerated exemptions. 5 U.S.C. § 552(a)(4)(B); see also *Natural Res. Defense Council, Inc. v. Nuclear Regulatory Comm'n*, 216 F.3d 1180, 1190 (D.C. Cir. 2000). Document-by-document withholdings are explained in the *Vaughn* indexes attached to the Shiner declaration. See Shiner Decl. at Exs. B (Released in Part), C (Denied in Full).

As a result of the Item 5 and Item 7 searches conducted in response to the Court's 2012 Order and described above, the Agency has processed and released – either in-full or in-part – over 750 additional responsive documents to Plaintiffs. In 2014, the parties agreed that the Agency would provide a sample *Vaughn* index of the newly located release-in-part documents. Given the opportunity to identify up to 100 documents, Plaintiffs ultimately selected 86 of the documents released-in-part since the 2012 Order for inclusion in the sample *Vaughn* index. Because two of the 86 documents are duplicates, the CIA's sample *Vaughn* index, which is attached as Exhibit B to the Shiner Decl., covers only 84 documents, with the duplications noted in the index. In addition, in February 2016, the CIA provided Plaintiffs with a separate *Vaughn* index of all documents that have been denied-in-full throughout the duration of this case.

**Denied-in-Full Vaughn Index (Shiner Decl. Ex. C).** The vast majority of the responsive records identified in this case – approximately 80 percent – were released in full. Only 45 documents were denied in full. The attached *Vaughn* index for the denied-in-full documents describes what the documents are and what information was withheld under FOIA Exemptions 1, 3, 5, and 6. Exemptions 1 and 3 were asserted for almost all of the DIF documents to protect the names of Agency employees and their signatures, office locations, and phone numbers (entry numbers 1-3, 5-22, 24-34, 36-45) as well as to prevent disclosure that would reveal intelligence



sources, methods and activities and/or would harm foreign relations and activities of the United States (entry numbers 2-12, 15-45). Documents denied-in-full were properly classified as SECRET because releasing the information could reasonably be expected to cause serious damage to national security.

Exemption 5 was also asserted for many of the DIF documents to protect pre-decisional intra-agency analysis and recommendations (entry numbers 1,2,5,6,7,9, 11, 12, 13, 14, 20, 21, 23, 25, 32, 34, 35). *See* Shiner Decl. ¶ 31. Similarly, Exemption 6 was applied to several of the denied-in-full documents to protect the names, signatures, and identifying information of third parties not employed by the Agency, members of Congress, and military personnel (entry numbers 18, 19, 22, 31, 33). *See* Shiner Decl. ¶ 32.

**Released-in-Part (Sample) Vaughn Index (Shiner Decl. Ex. B).** As noted, 84 of the newly released-in-part documents are contained in a sample *Vaughn* index. Like the denied-in-full documents, information was withheld from these released-in-part documents based on Exemptions 1, 3, 5, and 6. The Agency made minimal redactions, only withholding information which would reveal names and personal information of CIA employees, intelligence sources, methods and activities and/or harm foreign relations and activities of the United States (entry numbers 2-35, 37-68, 70-86), disclose internal, deliberative agency processes (entry numbers 26, 62, 79), or disclose personal information of third party individuals whose privacy interest outweighs the interest of public disclosure (entry numbers 1-3, 7, 9-10, 13-14, 18-19, 22-24, 26-27, 31-32, 35-37, 43, 45-46, 48-50, 53-57, 62-63, 66, 68-77, 79-80, 83, 86). *See* Shiner Decl. ¶ 33.

As described below, each of the CIA's withholdings was as narrow as possible and was fully consistent with a FOIA Exemption. The CIA refers the Court to the *Vaughn* indexes for specific withholding explanations; the legal discussion below analyzes the types of withholdings

asserted and gives examples, but is not meant to be an exhaustive treatment of each record at issue.

**A. The CIA Properly Invoked Exemption 1**

**a. Legal Standard**

FOIA Exemption 1 provides that agencies are not required to produce records that are: “(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.” 5 U.S.C. § 552(b)(1). As explained below, the Exemption 1 withholdings in the responsive documents set forth in the two *Vaughn* indexes satisfy the procedural and substantive requirements of Executive Order 13526.

**b. Application**

**1. Procedural requirements**

Section 1.1(a) of Executive Order 13526 provides that information may be originally classified only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) the information is owned by, produced by or for, or is under the control of the U.S. Government; (3) the information falls within one or more of the categories of information listed in section 1.4 of Executive Order 13526; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in some level of damage to the national security, and the original classification authority is able to identify or describe the damage. Each of these criteria has been met for the CIA information at issue here.

Original Classification Authority. Pursuant to a written delegation of authority in accordance with Executive Order 13526, Shiner, the CIA’s declarant, holds original classification authority at the TOP SECRET level. Therefore, she is authorized to conduct

classification reviews and to make original classification decisions. She has determined that the records described above that are responsive to the Plaintiff's request are currently and properly classified at the TOP SECRET, SECRET, and CONFIDENTIAL levels. *See* Shiner Decl. ¶ 36.

U.S. Government information. The information at issue is owned by the U.S. Government, was produced by or for the U.S. Government, and is under the control of the U.S. Government. *See* Shiner Decl. ¶ 37.

Classification Categories in Section 1.4 of the Executive Order. As for the categories of information listed in section 1.4 of the Executive Order, Shiner determined that certain of the responsive records at issue contain information concerning sections 1.4(c) (“intelligence activities (including covert action) [and] intelligence sources or methods”) and/or 1.4(d) (“foreign relations or foreign activities of the United States”). *See* Shiner Decl. ¶ 38.

Damage to the National Security. The unauthorized disclosure of the classified information at issue in this case reasonably could be expected to result in damage, serious damage, or in some cases, exceptionally grave damage to the national security. Section 1.2(a) of Executive Order 13526 provides that information shall be classified at one of three levels if the unauthorized disclosure of the information reasonably could be expected to cause damage to the national security and the original classification authority is able to identify or describe the damage. Information shall be classified TOP SECRET if its unauthorized disclosure reasonably could be expected to result in exceptionally grave damage to the national security; SECRET if its unauthorized disclosure reasonably could be expected to result in serious damage to the national security; and CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to result in damage to the national security. As described more fully below, Shiner determined that the unauthorized disclosure of the classified information at issue in this case reasonably could be

expected to cause damage, serious damage, or in some cases exceptionally grave damage to U.S. national security. *See* Shiner Decl. ¶ 39.

Proper Purpose. As required by Executive Order 13526, § 1.7(a), Shiner has stated under penalty of perjury that the information at issue has not been classified to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interests of national security. *See* Shiner Decl. ¶ 40.

Marking. The documents are properly marked in accordance with section 1.6 of the Executive Order. *See* Shiner Decl. ¶ 41.

## **2. Substantive requirements**

Shiner is familiar with the records at issue and avers that, with respect to information relating to CIA intelligence activities, sources, and methods; and with respect to foreign relations and activities, and for which FOIA Exemption 1 is asserted, she determined that this information has been classified in accordance with the substantive and procedural requirements of Executive Order 13526, and that this information is currently and properly classified. *See* Shiner Decl. ¶ 42.

In general, the information being withheld in the documents at issue implicates intelligence sources and methods, intelligence activities, and the foreign relations and activities of the United States. More specifically, the information, if disclosed, would reveal the Agency's presence in certain foreign countries, the location and undisclosed details of certain covert operations, intelligence collection techniques, and clandestine relationships with certain foreign governments. This information is classified as its unauthorized disclosure could reasonably be expected to result in damage, serious damage or exceptionally grave damage to the national security. *See* Shiner Decl. ¶ 43.

**Intelligence Sources.** Some of the information at issue relates to intelligence sources. One of the core functions of the CIA is to collect foreign intelligence from around the world for the President and other United States Government officials to use in making policy decisions. To accomplish this function, the CIA must rely on information from knowledgeable sources that the CIA can obtain only under an arrangement of absolute secrecy. Intelligence sources will rarely furnish information unless they are confident that they are protected from retribution or embarrassment by the confidentiality surrounding the source-CIA relationship. In other words, intelligence sources must be certain that the CIA can and will do everything in its power to prevent the public disclosure of their association with the CIA. *See* Shiner Decl. ¶ 44.

The CIA relies on clandestine human sources – often called “assets” – to collect foreign intelligence, and it does so with the promise that the CIA will keep their identities and their relationships with the CIA secret. This is because the revelation of this secret relationship could harm the individual and inhibit the CIA’s ability to collect foreign intelligence from that individual and others in the future. When a foreign national abroad cooperates with the CIA, for example, it is often without the knowledge of his or her government or organization, and the consequences of the disclosure of this relationship can be swift and far-ranging, from economic reprisals to harassment, imprisonment, or death. In addition, such disclosure may place in jeopardy the lives of every individual with whom the foreign national has had contact, including his or her family and associates. *See* Shiner Decl. ¶ 45.

Another type of CIA source is a “liaison relationship.” A liaison relationship is a cooperative and secret relationship between the CIA and an entity of a foreign government. Most CIA liaison relationships involve a foreign country’s intelligence or security service. Liaison relationships between the CIA and other foreign intelligence services or government entities are initiated and continued only on the basis of a mutual trust and understanding that the

existence and details of such liaison arrangements will be kept in the utmost secrecy. The CIA's liaison relationships are critical and extremely sensitive. Accordingly, officially acknowledging foreign liaison information – or even the existence of a particular liaison relationship – can undermine a foreign government's trust in the CIA's ability to protect their sensitive intelligence information. *See Shiner Decl.* ¶ 46.

Additionally, in many foreign countries, cooperation with the CIA is not a popular concept. If a foreign liaison service's cooperation with the CIA were to be officially confirmed by the CIA, then that service and government could face a popular backlash that reasonably could be expected to reduce or eliminate the information-sharing relationship with the CIA. This, in turn, reasonably could be expected to damage U.S. national security. *See Shiner Decl.* ¶ 47.

**Intelligence Methods.** The information at issue also implicates intelligence methods. Intelligence methods are the means by which an intelligence agency accomplishes its objectives. Intelligence methods must be protected in situations where a certain capability or technique or the application thereof is unknown to others, such as a foreign intelligence service or terrorist organization, which could take countermeasures. Secret information collection techniques are valuable from an intelligence-gathering perspective only so long as they remain unknown and unsuspected. Once the nature of an intelligence method or the fact of its use in a certain situation is discovered, its usefulness in that situation is neutralized and the CIA's ability to apply that method in other situations is significantly degraded. *See Shiner Decl.* ¶ 48.

The CIA must do more than prevent explicit references to intelligence methods; it must also prevent indirect references that would tend to reveal the existence (or non-existence) of such methods. One vehicle for gathering information about the capabilities of the CIA is by reviewing officially-released information. The CIA is aware that terrorist organizations and

other hostile groups have the capacity and ability to gather information from myriad sources, analyze it, and deduce means and methods from disparate details in order to defeat the CIA's collection efforts. Thus, even seemingly innocuous, indirect references to an intelligence method could have significant adverse effects when juxtaposed with other publicly-available data. *See* Shiner Decl. ¶ 49.

Intelligence methods include the use of human assets and liaison relationships, described above. Intelligence methods also include the CIA's selection of targets for intelligence collection or operational activities. When a foreign intelligence service or adversary nation learns that a particular foreign national or group has been targeted for intelligence collection by the CIA, it will seek to glean from the CIA's interest what information the CIA has received, why the CIA is focused on that type of information, and how the CIA will seek to use that information for further intelligence collection efforts and clandestine intelligence activities. If terrorist groups, foreign intelligence services, or other hostile entities were to discover what the CIA has or has not learned about certain individuals or groups, this information could be used against the CIA to thwart future intelligence operations, jeopardize ongoing human sources, and otherwise derail the CIA's intelligence collection efforts. Finally, intelligence methods include specific technical capabilities and the financial resources to effectively implement those capabilities. *See* Shiner Decl. ¶ 50.

**Intelligence Activities.** The information being withheld in this case also concerns clandestine intelligence activities, which lie at the heart of the CIA's mission. Intelligence activities refer to the actual implementation of intelligence sources and methods in the operational context. Accordingly, the discussion above of the harm to national security stemming from the disclosure of "sources and methods" applies with equal force to the disclosure of "intelligence activities." An acknowledgment of information regarding specific

intelligence activities can reveal the CIA's specific intelligence capabilities, authorities, interests, and resources, allowing hostile groups to use the information to attack the U.S. and its interests.

*See* Shiner Decl. ¶ 51.

**U.S. Foreign Relations.** Finally, some of the material being withheld would reveal information concerning U.S. foreign relations and foreign activities, the disclosure of which reasonably can be expected to harm the national security. In carrying out its legally authorized intelligence activities, the CIA engages in activities which, if officially confirmed, reasonably could be expected to cause damage to U.S. relations with affected or interested nations. Although it is generally known that the CIA conducts clandestine intelligence operations, identifying an interest in a particular matter or publicly disclosing a particular intelligence activity could cause the affected or interested foreign government to respond in ways that would damage U.S. national interests. An official acknowledgement that the CIA possesses the requested information could be construed by a foreign government, whether friend or foe, to mean that the CIA has operated within that country's borders or has undertaken certain intelligence operations against its residents. Such a perception could adversely affect U.S. foreign relations with that nation. *See* Shiner Decl. ¶ 52.

**Exemption from Automatic Declassification at 25 Years.** Executive Order 13526 provides that all classified records that are more than 25 years old and otherwise have been determined to have permanent historical value shall be automatically declassified. Such information, however, is exempt from automatic declassification per §3.3(a) if it includes "information, the release of which should clearly and demonstrably be expected to: reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source; or impair the effectiveness of an intelligence method currently in



use, available for use, or under development.” As explained below, the denied-in-full and released-in-part documents, outlined in the accompanying *Vaughn* indexes, that are older than 25 years, are exempt from automatic declassification pursuant to the Executive Order.<sup>2</sup> *See* Shiner Decl. ¶ 53.

As part of the Agency’s processing of FOIA and Privacy Act requests, information responsive to FOIA requests is reviewed to determine whether the information is currently and properly classified. *See* Shiner Decl. ¶ 54.

Shiner determined that the information withheld pursuant to FOIA Exemption 1 which is older than 25 years falls within categories of information exempt from automatic declassification listed in §3.3(b) of the Executive Order. First, the information, if released, should clearly and demonstrably be expected to reveal the identities of human intelligence sources. For instance, the withheld CIA information in these documents is precise as to time, date and place of collection that, combined with the fact that only a limited number of individuals would have had access to such information, disclosure of the documents would necessarily tend to reveal the identity of the sources at issue. Given the specificity of the source-revealing information, and recognizing that foreign intelligence services are capable of gathering and analyzing information from myriad sources, disclosure of this information could leave sources and their families perpetually vulnerable to discovery and retribution. *See* Shiner Decl. ¶ 55.

Additionally, release of the withheld information would impair the effectiveness of CIA intelligence methods, many of which remain in use today. As noted above, the documents describe the practices of the CIA, the means by which the CIA planned or carried out specific activities, as well as information regarding the relative success of particular methods. These

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<sup>2</sup> Five of the documents included in the denied-in-full *Vaughn* index are undated; having been unable to discern the true date of these documents, Shiner used the analysis applicable to documents older than 25 years.

detailed descriptions would greatly assist foreign intelligence services and other adversaries in thwarting U.S. intelligence activities, thereby significantly degrading the usefulness to the CIA of the described intelligence methods. In sum, Shiner reasonably determined that the classified information at issue that is older than 25 years remains currently and properly classified and, therefore, exempt from disclosure pursuant to Exemption 1. *See* Shiner Decl. ¶ 56.

## **B. The CIA Properly Invoked Exemption 3**

### **1. Legal standard**

FOIA Exemption 3 provides that FOIA does not apply to matters that are: “specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3). The sole issue for decision “is the existence of a relevant statute and the inclusion of withheld material within the statute’s coverage.” *Morley v. CIA*, 508 F.3d 1108, 1126 (D.C. Cir. 2007).

### **2. Application**

Some of the information at issue in this case is exempted from disclosure under the Central Intelligence Agency Act of 1949 and/or National Security Act, as discussed below. *See* Shiner Decl. ¶ 57.

Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3507 (the “CIA Act”), provides that the CIA shall be exempted from the provisions of “any other law” (in this case, FOIA) which requires the publication or disclosure of, the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. Accordingly, under Section 6, the CIA is exempt from disclosing information relating to employees’ names and personal identifiers (for example, employee signatures or identification numbers, titles and

internal organizational data). The CIA Act therefore constitutes a federal statute that “establishes particular criteria for withholding or refers to particular types of matters to be withheld.” 5 U.S.C. § 552(b)(3). Many of the documents at issue contain information concerning the organization, names, or official titles of personnel employed by the CIA, the disclosure of which the CIA Act expressly prohibits. *See* Shiner Decl. ¶ 58.

Additionally, Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C. § 3024 (the “National Security Act”), which provides that the Director of National Intelligence (“DNI”) “shall protect intelligence sources and methods from unauthorized disclosure,” applies to certain responsive records. The National Security Act is a well-recognized Exemption 3 withholding statute that both refers to particular types of matters to be withheld, and “requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue.” 5 U.S.C. § 552(b)(3). *See CIA v. Sims*, 471 U.S. 159, 167 (1985) (holding that the National Security Act qualifies as a withholding statute under Exemption 3). Under the direction of the DNI pursuant to section 102A of the National Security Act, as amended, and in accordance with Section 6 of the CIA Act of 1949, as amended, and sections 1.6(b) and 1.6(d) of Executive Order 12333,<sup>3</sup> the Director of the CIA is responsible for protecting CIA intelligence sources and methods from unauthorized disclosure. Accordingly, the CIA relies on the National Security Act to withhold information that would reveal intelligence sources and methods and their application. The National Security Act’s statutory requirement to protect intelligence sources and methods does not require the CIA to identify or describe the damage to national security that reasonably could be expected to result from their unauthorized

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<sup>3</sup> Section 1.6(d) of Executive Order 12333, as amended by Executive Order 13470 (July 30, 2008), requires the Director of the Central Intelligence Agency to “[p]rotect intelligence and intelligence sources, methods, and activities from unauthorized disclosure . . . .”

disclosure. *See* Shiner Decl. ¶ 59. That is because “the congressional intent to withhold is made manifest in the withholding statute itself.” *Fitzgibbon v. CIA*, 911 F.2d 755, 762 (1990).

The Supreme Court and D.C. Circuit have described the scope of Exemption 3 as “sweeping.” *Id.* at 764. In considering its contours with respect to intelligence sources and methods, courts “accord substantial weight and due consideration to the CIA’s affidavits.” *Id.* (citing *King v. DOJ*, 830 F.2d 210, 217 (D.C. Cir. 1987)). The exemption extends to any material that “relates to” intelligence sources and methods. *Id.* With respect to intelligence sources, it does not matter that a certain contact between the CIA and a foreign official might be considered “nonsensitive,” because “apparently innocuous information can be protected and withheld.” *Id.* (citing *Sims*, 471 U.S. at 176. Indeed, “information from ordinary private citizens – information from contacts that are as ‘nonsensitive’ as any imaginable – is a vital part of the Agency’s congressionally-mandated function and indeed composes ‘one of the greatest repositories of intelligence that we have.’” *Id.* Even unwitting and potential sources are exempt from disclosure. *Id.* at 762.

Exemption 3 permits similarly broad withholding to protect intelligence methods. In *Fitzgibbon*, the Court upheld the withholding of even information related to intelligence methods that is considered “so basic and innocent that its release could not harm the national security or betray a CIA method.” 911 F.2d at 762. The Supreme Court has emphasized that it is not the province of the judiciary to determine whether a method should be (or should not be) disclosed:

[I]t is the responsibility of the Director of Central Intelligence, not that of the judiciary, to weigh the variety of complex and subtle factors in determining whether disclosure of information may lead to an unacceptable risk of compromising the Agency’s intelligence-gathering process.

*Sims*, 471 U.S. at 180. For that reason, it is insufficient to argue that an intelligence method must be disclosed if widely known – in considering potential harm, courts “must take into

account . . . that each individual piece of intelligence information, much like a piece of jigsaw puzzle, may aid in piecing together other bits of information even when the individual piece is not of obvious importance itself.” *Fitzgibbon*, 911 F.2d at 763 (quoting *Gardels v. CIA*, 689 F.2d 1100, 1106 (D.C. Cir. 1982)).

In this case, the protections of the National Security Act apply to the same information for which Exemption 1 was asserted as well as other information that would reveal sources and methods of the Agency, such as techniques used by the CIA to assess and evaluate intelligence and the sources of intelligence information. As indicated above, although no harm rationale is required, the release of this information could significantly impair the CIA’s ability to carry out its core missions of gathering and analyzing foreign intelligence. *See* Shiner Decl. ¶ 60.

### **C. The CIA Properly Invoked Exemption 5**

#### **1. Legal Standard**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). This exemption shields documents of the type that would be privileged in the civil discovery context, including materials protected by the attorney-client privilege, the attorney work-product privilege, and the executive deliberative process privilege. *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 149 (1975); *see Judicial Watch, Inc. v. Dep’t of Justice*, 365 F.3d 1108, 1113 (D.C. Cir. 2004); *Rockwell Intern. Corp. v. DOJ*, 235 F.3d 598, 601 (D.C. Cir. 2001).

Documents covered by the deliberative process privilege and exempt under Exemption 5 include those “reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated.” *Sears, Roebuck*, 421 U.S. at 150 (quoting *Carl Zeiss Stiftung v. V.E.B. Carl Zeiss, Jena*, 40 F.R.D. 318, 324

(D.D.C. 1966)); *see McKinley v. FDIC*, 744 F. Supp. 2d 128, 137-38 (D.D.C. 2010). As the Supreme Court has explained:

The deliberative process privilege rests on the obvious realization that officials will not communicate candidly among themselves if each remark is a potential item of discovery and front page news, and its object is to enhance the quality of agency decisions by protecting open and frank discussion among those who make them within the Government.

*Department of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8-9 (2001) (internal quotation marks and citations omitted).

The deliberative process privilege is designed to prevent injury to the quality of agency decisions by: (1) encouraging open, frank discussions on matters of policy between subordinates and superiors; (2) protecting against premature disclosure of proposed policies before they are adopted; and (3) protecting against public confusion that might result from the disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's decision. *See Sears, Roebuck*, 421 U.S. at 151-53; *Coastal States Gas Corp. v. U.S. Dep't of Energy*, 617 F.2d 854, 866 (D.C. Cir. 1980); *Citizens for Responsibility and Ethics in Washington v. U.S. Dep't of Homeland Security*, 648 F. Supp. 2d 152, 156 (D.D.C. 2009); *FPL, supra*, 698 F. Supp. 2d 66, 81 (D.D.C. 2010). Examples of documents covered by the deliberative process privilege include recommendations, draft documents, proposals, suggestions, advisory opinions and other documents such as email messages, that reflect the personal opinions of the author rather than the policy of the agency or the give and take of the policy making process. *See Bloomberg, L.P. v. U.S. Securities and Exchange Commission*, 357 F. Supp. 2d 156, 168 (D.D.C. 2004).

To invoke the deliberative process privilege, an agency must show that the exempt document is both pre-decisional and deliberative. *Access Reports v. U.S. Dep't of Justice*, 926 F.2d 1192, 1194 (D.C. Cir. 1991); *Coastal States Gas, supra*, 617 F.2d at 868; *Tax Analysts v. IRS*, 117 F.3d 607, 616 (D.C. Cir. 1997). For a document to be pre-decisional, it must be

antecedent to the adoption of an agency policy. *See Jordan v. U.S. Dep't of Justice*, 591 F.2d 753, 774 (D.C. Cir. 1978) (en banc); *see also In re Sealed Case*, 121 F.3d 729, 737 (D.C.Cir.1997) (“The deliberative process privilege does not shield documents that simply state or explain a decision the government has already made[.]”). To show that a document is pre-decisional, however, the agency need not identify a specific final agency decision; it is sufficient to establish “‘what deliberative process is involved, and the role played by the documents at issue in the course of that process.’” *Heggestad v. United States Dep't of Justice*, 182 F. Supp. 2d 1, 7 (D.D.C. 2000) (quoting *Coastal States Gas, supra*, 617 F.2d at 868); *see Gold Anti-Trust Action Committee v. Board of Governors*, 2011 U.S. Dist. LEXIS 10319 at \*22 (D.D.C., Feb. 3, 2011) (“GATA”) (“even if an internal discussion does not lead to adoption of a specific government policy, its protection under Exemption 5 is not foreclosed as long as the document was generated as part of a definable decision-making process.”).

A document is “deliberative” if it “‘reflects the give-and-take of the consultative process.’” *McKinley*, 744 F. Supp. 2d at 138 (quoting *Coastal States Gas*, 617 F.2d at 866). Thus, “‘pre-decisional materials are not exempt merely because they are pre-decisional; they also must be part of the agency give-and-take of the deliberative process by which the decision itself is made.’” *Jowett, Inc. v. U.S. Dep't of the Navy*, 729 F. Supp. 871, 875 (D.D.C. 1989) (quoting *Vaughn v. Rosen*, 523 F.2d 1136, 1144 (D.C Cir. 1975)). The privilege protects factual material if it is “inextricably intertwined” with deliberative material, *FPL*, 698 F. Supp. 2d at 81, or if disclosure “would ‘expose an agency’s decision-making process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions.’” *Quarles v. Dep't of Navy*, 893 F.2d 390, 392 (D.C. Cir. 1990)) (quoting *Dudman Communications Corp. v. Dep't of Air Force*, 815 F.2d 1565, 1568 (D.C. Cir. 1987)). “The ‘key question’ in identifying ‘deliberative’ material is whether disclosure of the information would

‘discourage candid discussion within the agency.’” *Access Reports*, 926 F.2d at 1195 (quoting *Dudman*, 815 F.2d at 1567-68).

## 2. Application

In this case, all of the documents for which Exemption 5 was asserted have either been circulated within the Agency, and therefore satisfy the intra-agency threshold, or have been circulated between agencies, thereby satisfying the inter-agency threshold. As described in the attached *Vaughn* indexes, the CIA determined that the information for which Exemption 5 was asserted is protected by the deliberative process privilege. The CIA invoked the deliberative process privilege to withhold draft versions of various memoranda, letters, charts and other documents which contain comments or handwritten notes, made in connection with inter and intra-agency pre-decisional discussions. Disclosure of these drafts would inhibit the frank communications and the free exchange of ideas that the privilege is designed to protect, and would hamper the ability of Agency personnel to candidly discuss, debate, and provide assessments of the facts. *See* Shiner Decl. ¶ 62.

### D. The CIA Properly Invoked Exemption 6

#### 1. Legal Standard

Exemption 6 permits the withholding of “personnel and medical files and similar files” when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). The term “similar files” is broadly construed and includes “[g]overnment records on an individual which can be identified as applying to that individual.” *U.S. Dep’t of State v. Wash. Post Co.*, 456 U.S. 595, 602 (1982); *Lepelletier v. Fed. Deposit Ins. Corp.*, 164 F.3d 37, 47 (D.C. Cir. 1999) (“The Supreme Court has interpreted the phrase ‘similar files’ to include all information that applies to a particular individual.”); *Govt. Accountability Project v. U.S. Dep’t of State*, 699 F. Supp. 2d 97, 105-06 (D.D.C. 2010). In



assessing the applicability of Exemption 6, courts weigh the “privacy interest in non-disclosure against the public interest in the release of the records in order to determine whether, on balance, the disclosure would work a clearly unwarranted invasion of personal privacy.” *Lepelletier*, 164 F.3d at 46; *Chang v. Dep’t of Navy*, 314 F. Supp. 2d 35, 43 (D.D.C. 2004). “[T]he only relevant public interest in the FOIA balancing analysis [is] the extent to which disclosure of the information sought would ‘she[d] light on an agency’s performance of its statutory duties’ or otherwise let citizens know ‘what their government is up to.’” *Lepelletier*, 164 F.3d at 47 (quoting *U.S. Dep’t of Def. v. Fed. Labor Relations Auth.*, 510 U.S. 487, 497 (1994)) (alterations in original); *Beck v. Dep’t of Justice*, 997 F.2d 1489, 1492 (D.C. Cir. 1993) (quoting *Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)). “Information that ‘reveals little or nothing about an agency’s own conduct’ does not further the statutory purpose.” *Beck*, 997 F.2d at 1492.

## 2. Application

The CIA invoked FOIA Exemption 6 to withhold the names and personally-identifying details of individuals working in other government entities, personally identifying information of CIA employees, or names of individuals whose privacy interest outweighs public release of their information in relation to the subject matter of the document. The release of the identities of these individuals would not serve the core purpose of the FOIA, *i.e.*, informing the public about the operations or activities of the government. *See Shiner Decl.* ¶ 63. As described in the attached *Vaughn* indexes, the information at issue includes personal identifying information about private citizens including CIA employees and third parties not employed by the Agency. *See Shiner Decl.* ¶ 64.

Even if some minimal public interest could be found in disclosure of the personal information at issue, the balance would still tilt dramatically against disclosure. Disclosure of

this personal information would certainly violate the personal privacy of these persons, while identifying the specific individuals whose personal information is discussed would not serve the purpose of the FOIA. In some cases, names and information regarding military members have been redacted in the interest of national security<sup>4</sup> (e.g., entry number 3 on the sample released-in-part *Vaughn* index). Likewise, individuals' signatures and names have been redacted as the public interest in that information is outweighed by the individuals' privacy interest. Public release of the names and identifying information could bring unwanted attention from the media or general public, especially in the social media age. *See Shiner Decl.* ¶ 65.

Because there is no qualifying public interest in disclosure, the release of this information would constitute a clearly unwarranted invasion of these individuals' personal privacy.

## V. SEGREGATION

With regard to the denied-in-full documents, as described in this declaration and accompanying *Vaughn* index, the CIA determined that the documents did not contain any non-exempt, reasonably segregable material. This determination was based on a careful review of the documents, following a line-by-line review of each. *See Shiner Decl.* ¶ 67.

With respect to documents denied-in-full under Exemption 5, the nature of the exemption and the nature and content of the documents, comprised of internal pre-decisional deliberations, are such that there exists no information that is nonexempt which can be reasonably segregated. The documents were reviewed line-by-line and in all instances the character of the statements are an integral part of CIA's internal deliberative process. Any nonexempt information in these documents is either non-responsive to Plaintiffs' requests or is so inextricably intertwined that no portions can be reasonably segregated and released. *See Shiner Decl.* ¶ 68.

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<sup>4</sup> In light of ever-increasing terrorist activities, names and personal information of military and Department of Defense civilians are generally protected pursuant to Exemption 6 for national security reasons.

In the instances where documents have been denied-in-full based on exemptions other than 5, the contents of the documents are such that any nonexempt information is either non-responsive to the Plaintiff's requests or is so inextricably intertwined with exempt information that release of the nonexempt information would produce only incomplete, fragmented, unintelligible phrases composed of isolated, meaningless words. Thus, no nonexempt information remains that reasonably could be segregated for release, and as a result, these documents must be withheld-in-full. *See* Shiner Decl. ¶ 69.

As explained above, and as described in the denied-in-part *Vaughn* index, partial withholdings also were tailored as closely as possible. For example, redactions under Exemption 6 were limited to names, signatures, and similar identifying information. *See* Shiner Decl. ¶ 65.

### **CONCLUSION**

For the reasons set forth above, summary judgment should be granted in favor of the CIA.

Respectfully Submitted,

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al., )  
)  
Plaintiffs, )  
)  
v. ) Civil Action 04-00814 (RCL)  
)  
Central Intelligence Agency, )  
)  
Defendant. )  
\_\_\_\_\_ )

DECLARATION OF ANTOINETTE B. SHINER  
INFORMATION REVIEW OFFICER  
FOR THE LITIGATION INFORMATION REVIEW OFFICE  
CENTRAL INTELLIGENCE AGENCY

I, ANTOINETTE B. SHINER, hereby declare and state:

I. INTRODUCTION

1. I currently serve as the Information Review Officer ("IRO") for the Litigation Information Review Office ("LIRO")<sup>1</sup> at the Central Intelligence Agency ("CIA" or "Agency"). I assumed this position in January 2016.

2. Prior to becoming the IRO for LIRO, I served as the IRO for the Directorate of Support for over sixteen months. In that capacity, I was responsible for making classification and release determinations for information originating within the Directorate of Support. Prior to serving in the Directorate of Support, I was the Deputy IRO for the Director's Area of the CIA ("DIR Area") for over three years. In that role, I was

<sup>1</sup> Prior to February 2015, LIRO was called the Litigation Support Unit.

responsible for making classification and release determinations for information originating within the DIR Area, which included, among other offices, the Office of the Director of the CIA, the Office of Congressional Affairs, the Office of Public Affairs, and the Office of General Counsel. I have held other administrative and professional positions within the CIA since 1986, and have worked in the review and release field since 2000.

3. I am a senior CIA official and hold original classification authority at the TOP SECRET level under written delegation of authority pursuant to section 1.3(c) of Executive Order 13526, 75 Fed. Reg. 707 (Jan. 5, 2010). This means that I am authorized to assess the current, proper classification of CIA information, up to and including TOP SECRET information, based on the classification criteria of Executive Order 13526 and applicable regulations.

4. Among other things, I am responsible for the classification review of CIA documents and information that may be the subject of court proceedings or public requests for information under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a.

5. Pursuant to authority delegated by the Executive Director of the CIA, I also have been designated as a Records Validation Officer ("RVO"). As an RVO, I am authorized to

testify or execute affidavits regarding CIA records and records searches for litigation matters involving CIA information.

6. Through the exercise of my official duties, I have become familiar with this civil action and the underlying FOIA request. I make the following statements based upon my personal knowledge and information made available to me in my official capacity. I am submitting this declaration in support of the CIA's renewed motion for summary judgment filed by the Department of Justice in this proceeding. The purpose of this declaration is to explain and justify, to the greatest extent possible on the public record, the CIA's actions in responding to the outstanding issues set forth in the Court's 3 August 2012 Order. For the Court's convenience, I have divided the remainder of this declaration into two parts. Part II summarizes Plaintiffs' FOIA request and the outstanding issues outlined in the Court's 2012 Order. Part III describes how the outstanding issues have been resolved.

II. FOIA REQUEST AND OUTSTANDING ISSUES

7. By letter dated 7 February 2003, which is attached as Exhibit A, Plaintiffs submitted a FOIA request seeking various records pertaining to POW/MIAs from the Vietnam War era. Plaintiffs filed their complaint in 2004.

8. In 2012, the CIA filed a renewed motion for summary judgment, attempting to address the remaining issues set forth



in the Court's 12 November 2009 Order. On 3 August 2012, the Court granted-in-part, and denied-in-part, the CIA's renewed motion for summary judgment. The Court ordered that the following issues were still outstanding: (a) the inadequate disposition of Item 5 referral documents; (b) production of the names where Exemption 3 and 6 claims have been rejected; (c) the inadequate search for Item 5 documents; and (d) the inadequate search for Item 7 documents.

9. First, for Item 5, Plaintiffs requested:

All records relating to 47 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, and those persons who are on 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.

Attachments to this item listed over 1,700 individuals pertaining to the request.

10. The Court's 2012 Order notes that the CIA conducted a supplemental Item 5 search for "Capt. Peter Richard Mathes," finding seven responsive documents, all originating with other agencies. The Court's Order indicates that these seven documents were referred to the originating agencies but no response had been provided to Plaintiffs. The Court ordered the CIA to confirm in a supplemental filing that it had taken immediate affirmative steps to ensure that these seven referral documents were being processed.

11. Second, the Court's 2012 Order provides that the names and photographs must be produced where the CIA's Exemption 3 and 6 claims were rejected. For Exemption 3, the Court ordered that the 29 documents listed under ¶ 5B of the Tisdale Declaration must be released without the POW/MIA names redacted, or a declaration must be submitted to the Court specifying that the withheld names are not on the primary next of kin ("PNOK") list. For Exemption 6, Plaintiffs challenged the withholdings of three specific documents (C00942526, C00472096, and C00465780). For these three documents, the Court ordered the CIA to disclose the names of deceased individuals who were not CIA employees.

12. Third, in connection with Item 5, the Court held in its 2012 Order that the Agency's search was inadequate for the following reasons: (a) CIA searched its Classified Automated Declassification and Review Environment ("CADRE") system for only 31 of the 1,711 names; (b) the CIA did not search its archived records; and (c) the CIA had erroneously stated that it had searched the systems "most likely" to contain responsive documents rather than "all systems that are likely to produce responsive documents."

13. Finally, for Item 7, Plaintiffs requested:

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 a Congressional Committee or executive branch agency.



The CIA previously searched its CIA Automatic Declassification and Release Environment ("CADRE") system for documents requested by other federal agencies that concerned POW/MIAs and found no responsive documents. In its 2012 Order, the Court instructed the Agency to also search "all systems likely to contain responsive documents" pertaining to any search conducted regarding any congressional committee requests related to Vietnam War POW/MIAs.

14. In connection with Item 7, the Court also noted in its 2012 Order that the CIA previously provided Plaintiffs with documents that reference other specific responsive records that had not been produced. The Court ordered the CIA to show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports mentioned in the following 14 documents: C00482286; C00465737; C00482286; C00492378; C00492397; C00492546; C00478688; C00492526; C00471978; C00478651; C00492461; C00492546; C00472096; and C00483710.

15. The remaining portions of this declaration explain what the CIA has done to address the outstanding issues outlined in the Court's 2012 Order.

**III. RESOLUTION OF OUTSTANDING ISSUES**

**A. Disposition of Item 5 Referral Documents**

16. As explained in the Court's 2012 Order, the Agency conducted a supplemental Item 5 search in 2011 for "Capt. Peter Richard Mathes," finding seven responsive documents, all originating with other agencies; specifically the Department of Defense ("DOD") and the National Security Agency ("NSA"). CIA sent referral letters to these two agencies in September 2011 for direct response to Plaintiffs, and were directed in the 2012 Order to take steps to ensure the referrals were being processed by DOD and NSA. Consistent with the Order, CIA followed up with both agencies, notifying the Court in its November 2012 Status Report that NSA had sent an update to Plaintiffs on 5 October 2012 and DOD planned to have its review completed no later than December 2012. Based on our subsequent interactions with Plaintiffs and the agencies, it is CIA's understanding that this issue has been resolved.

**B. Production of the Names (and photographs) Where Exemptions 3 and 6 Were Rejected**

17. In its 2012 Order, the Court held that one of the outstanding issues was the production of the names (and photographs) where CIA's Exemption 3 and 6 claims were rejected.

18. Regarding Exemption 3, 50 U.S.C. §3161 requires PNOK to give written consent to the release of information concerning

a POW/MIA's treatment, location, or condition. The Court found that there was a genuine issue of material fact regarding whether DOD had consulted the PNOK list before redacting the names from the 29 documents listed under ¶ 5B of the Roland D. Tisdale Declaration. Accordingly, the Court held that the 29 documents must be released without the POW/MIA names redacted, or a declaration must be submitted to the Court specifying that the withheld names are not on the PNOK list. To address this outstanding issue, DOD's Roland D. Tisdale submitted a supplemental declaration on 23 August 2012 clarifying and confirming that he had in fact consulted the PNOK list prior to making redactions of the missing persons' names and only redacted the names for which written consent had not been provided.

19. For Exemption 6, the Court's 2012 Order granted the CIA's motion for summary judgment except for redactions concerning the names of non-CIA personnel. By letter dated 20 November 2012, the Agency informed Plaintiffs that it had lifted the redactions of the non-CIA names from the three CIA documents being challenged by Plaintiffs (C00465780, C00472096 and C00492526), and released the new versions of these three documents to Plaintiffs.

**C. Searches and Processing for Items 5 and 7**

**1. Item 5 Search**

20. In its 2012 Order, the Court held that the Agency's Item 5 search was inadequate because: (a) CIA searched its CADRE system for only 31 of the 1,711 names provided by Plaintiffs; (b) the CIA did not search its archived records; and (c) the CIA had erroneously stated that it had searched the systems "most likely" to contain responsive documents rather than "all systems that are likely to produce responsive records."

21. With regard to the adequacy of the CIA's search, the CIA previously indicated that CADRE and archived records are the two systems "most likely" to contain responsive records. By saying this, CIA did not intend to erroneously suggest that it had excluded other record systems or databases that are also "likely" to contain responsive records. Nonetheless, given the historical nature of the requested documents, CIA has reconsidered the matter and determined that CADRE and archived records are in fact the only systems likely to contain responsive records. Thus, as described below, the CIA searches of CADRE and archived records constitute CIA's good-faith effort to search all records systems likely to produce responsive documents.

22. AARC Search: Consistent with the Court's 2012 Order, the CIA has conducted a reasonable search of the Agency



Archives and Records Center ("AARC") for records on the 1,711 individuals. As outlined in the 28 June 2013 Status Report, the Agency queried an electronic database which contains an automated inventory of records retired to the AARC. Personnel from the Agency's records management and technology group conducted Boolean searches for each of the names provided by Plaintiffs. An expansion character was used to ensure all variations of the names were retrieved (e.g., for "Roger Hall" the searches "roger%hall%" and "hall%, roger%" were conducted). These broad searches yielded approximately 16,500 hits. Personnel reviewed these search results for any false hits that did not match the names provided (e.g., excluding "Roger Hallman" or "Hallan Rogers") and did not search operational files which are exempt from search and review pursuant to the CIA Information Act of 1984, 50 U.S.C. § 3141. From this initial search, the response was narrowed to 569 hard copy folders associated with 204 individuals. It was later determined that 114 of those folders had been properly destroyed in accordance with the CIA's records control schedule. At the AARC, designated search staff located and retrieved the boxes containing the remaining folders and "hits" compiled from the electronic search. The search team manually reviewed each folder, page-by-page, to determine responsiveness. Files were found responsive if the names matched those provided by

Plaintiffs and contained information indicating the individual was a POW/MIA or possessed a connection to Southeast Asia. As a result, the search team located 46 responsive folders, representing eleven names on Plaintiffs' list, six of whom are Air America employees. The 46 responsive folders contained approximately 10,000 pages.

23. After the AARC search team completed its search, information review specialists in the LIRO reviewed each document contained in the 46 responsive folders. LIRO identified material Plaintiffs previously agreed to exclude from production.<sup>2</sup> The remaining responsive documents were processed for possible public release, as described below.

24. CADRE Search: Pursuant to the Court's 2012 Order, the CIA searched CADRE for responsive records on all 1,711 names provided by Plaintiffs, not just the 34 names that included additional information such as birthdate and/or social security numbers. Due to the volume of hits, the LIRO staff conducted an initial review of the document title (e.g., looking for key words such as "POW/MIA," "Prisoner," "Vietnam," "Laos," "Southeast Asia," "Cambodia," and "Viet Cong") and date (documents dated before 1959 were deemed non-responsive as U.S. involvement in the war began that year) to help rule out false

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<sup>2</sup> At the status conference held on 2 July 2013, Plaintiffs agreed to exclude from the search personnel records with minimal public interest value.

hits. If there was uncertainty as to the whether a document was potentially responsive, it was reviewed in its entirety. After this initial review, the LIRO team then reviewed each of the remaining documents, page-by-page, to determine responsiveness. Ultimately, LIRO identified 208 responsive documents, although some of them had already been previously released to Plaintiffs in this case.

25. After completing both the AARC and CADRE searches outlined above, CIA released over 500 documents to Plaintiffs.

## **2. Item 7 Search**

### **i. Searches for Congressional Committee Reports**

26. Regarding Item 7, in its 2012 Order, the Court stated that the CIA's search of CADRE was insufficient and, "summary judgment cannot be granted until it searches for all records on or pertaining to any search conducted regarding any congressional committee requests pertaining to Vietnam War POW/MIAs, in all systems likely to contain responsive documents, and provides plaintiffs with all non-exempt records and photographs." Because these documents specifically relate to responses to congressional requests, the Agency determined that the Office of Congressional Affairs and the Office of the Director of the CIA were the two offices likely to contain responsive records. Accordingly, the Agency searched both of these offices using the following search terms with no date

parameters: "Missing in Action", "MIA", "Missing", "POW/MIA", "POW-MIA", "Prisoner(s) of War," "POW", "Prisoners", "War", "Vietnam War," and "Vietnam." As a result of this search, the CIA identified 260 responsive documents. In 2013 and 2014, the Agency released over 200 documents to Plaintiffs.

**ii. Missing Attachments, Enclosures, Photographs, Reports**

27. In connection with Item 7, the Court also noted in its 2012 Order that the CIA previously provided Plaintiffs with documents that reference other specific responsive records that had not been produced. The Court ordered the CIA to show that it has conducted a reasonable good-faith search for the missing attachments, enclosures, photographs, and reports mentioned in the following 14 documents: C00482286; C00465737; C00482286; C00492378; C00492397; C00492546; C00478688; C00492526; C00471978; C00478651; C00492461; C00492546; C00472096; and C00483710.

28. In the fall of 2012, the Agency conducted a thorough search of its records repository and located attachments referenced in the documents noted above. In a letter dated 20 November 2012, the Agency informed Plaintiffs about the additional searches and released all of the attachments found, redacting portions based on exemptions (b)(1), (b)(3) and (b)(6) (redacting intelligence sources and methods, names of CIA employees and military personnel and signatures). The Agency



also removed the SECRET stamp from C00492526, which was an incorrect classification and released an updated version of the document with fewer redactions. An updated version of document C00465780 was also found and sent to Plaintiffs, with its accompanying attachment.

### **3. Application of FOIA Exemptions**

29. As a result of the Item 5 and Item 7 searches conducted in response to the Court's 2012 Order and described above, the Agency has processed and released - either in-full or in-part - over 750 additional responsive documents to Plaintiffs. In 2014, the parties agreed that the Agency would provide a sample *Vaughn* index of the newly located release-in-part documents. Given the opportunity to identify up to 100 documents, Plaintiff ultimately selected 86 of the documents released-in-part since the 2012 Order for inclusion in the sample *Vaughn* index. Because two of the 86 documents are duplicates, the CIA's sample *Vaughn* index, which is attached as Exhibit B, covers only 84 documents, with the duplications noted in the index. In addition, in February 2016, the CIA provided Plaintiffs with a separate *Vaughn* index of all documents that have been denied-in-full throughout the duration of this case. A copy of the denied-in-full *Vaughn* index is attached as Exhibit C.

**i. Denied-in-Full Vaughn Index:**

30. The majority of the documents produced in this case have been released-in-full or in part. Of the thousands of documents released to Plaintiffs, only 45 have been denied-in-full. The attached *Vaughn* index for the denied-in-full documents describes what the documents are and the information withheld under applicable FOIA exemptions; specifically, (b) (1), (b) (3), (b) (5) and (b) (6). Exemptions (b) (1) and (b) (3) were asserted for almost all of the denied-in-full documents to protect the names of Agency employees and their signatures, office locations, and phone numbers (entry numbers 1-3, 5-22, 24-34, 36-45) as well as to prevent disclosure that would reveal intelligence sources, methods and activities and/or would harm foreign relations and activities of the United States (entry numbers 2-12, 15-45). Documents denied-in-full were properly classified as SECRET because releasing the information could reasonably be expected to cause serious damage to national security, as described further below.

31. The deliberative process privilege and exemption (b) (5) was also asserted for many of the denied-in-full documents to protect pre-decisional intra-agency analysis and recommendations (entry numbers 1,2,5,6,7,9, 11, 12, 13, 14, 20, 21, 23, 25, 32, 34, 35).

32. Exemption (b) (6) was applied to several of the denied-in-full documents to protect the names, signatures, and identifying information of third parties not employed by the Agency, members of Congress, and military personnel (entry numbers 18, 19, 22, 31, 33).

**ii. Released-in-Part (Sample) Vaughn Index:**

33. As referenced above, 84 of the newly released-in-part documents are contained in a sample *Vaughn* index. Like the denied-in-full documents, information was withheld from these released-in-part documents based on exemptions (b) (1), (b) (3), (b) (5), and (b) (6). The Agency made minimal redactions, only withholding information which would reveal names and personal information of CIA employees, intelligence sources, methods and activities and/or harm foreign relations and activities of the United States (entry numbers 2-35, 37-68, 70-86), disclose internal, deliberative agency processes (entry numbers 26, 62, 79), or disclose personal information of third party individuals whose privacy interest outweighs the interest of public disclosure (entry numbers 1-3, 7, 9-10, 13-14, 18-19, 22-24, 26-27, 31-32, 35-37, 43, 45-46, 48-50, 53-57, 62-63, 66, 68-77, 79-80, 83, 86).

**iii. Exemption (b) (1)**

34. FOIA exemption (b) (1) provides that FOIA does not require the production of records that are: "(A) specifically

authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C. § 552(b)(1). As explained below, the Exemption (b)(1) withholdings in the responsive documents set forth in the two *Vaughn* indexes satisfy the procedural and substantive requirements of Executive Order 13526.

35. Section 1.1(a) of Executive Order 13526 provides that information may be originally classified only if all of the following conditions are met: (1) an original classification authority is classifying the information; (2) the information is owned by, produced by or for, or is under the control of the U.S. Government; (3) the information falls within one or more of the categories of information listed in section 1.4 of Executive Order 13526; and (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in some level of damage to the national security, and the original classification authority is able to identify or describe the damage. As explained below, each of these criteria has been met for the CIA information at issue here.

*Procedural Requirements*

36. Original Classification Authority. Pursuant to a written delegation of authority in accordance with Executive



Order 13526, I hold original classification authority at the TOP SECRET level. Therefore, I am authorized to conduct classification reviews and to make original classification decisions. I have determined that the records described above that are responsive to the Plaintiff's request are currently and properly classified at the TOP SECRET, SECRET, and CONFIDENTIAL levels.

37. U.S. Government information. The information at issue is owned by the U.S. Government, was produced by or for the U.S. Government, and is under the control of the U.S. Government.

38. Classification Categories in Section 1.4 of the Executive Order. As for the categories of information listed in section 1.4 of the Executive Order, I have determined that certain of the responsive records at issue contain information concerning sections 1.4(c) ("intelligence activities (including covert action) [and] intelligence sources or methods") and/or 1.4(d) ("foreign relations or foreign activities of the United States").

39. Damage to the National Security. As described in more detail below, the unauthorized disclosure of the classified information at issue in this case reasonably could be expected to result in damage, serious damage, or in some cases, exceptionally grave damage to the national security. Section 1.2(a) of Executive Order 13526 provides that information shall

be classified at one of three levels if the unauthorized disclosure of the information reasonably could be expected to cause damage to the national security and the original classification authority is able to identify or describe the damage. Information shall be classified TOP SECRET if its unauthorized disclosure reasonably could be expected to result in exceptionally grave damage to the national security; SECRET if its unauthorized disclosure reasonably could be expected to result in serious damage to the national security; and CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to result in damage to the national security.

40. Proper Purpose. As required by Executive Order 13526, § 1.7(a), the information at issue has not been classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interests of national security.

41. Marking. The documents are properly marked in accordance with section 1.6 of the Executive Order.

*Substantive Requirements*

42. I am familiar with the records at issue and I aver that, with respect to information relating to CIA intelligence activities, sources and methods; and foreign relations and

activities, as described in this declaration, and for which FOIA Exemption (b)(1) is asserted, this information has been classified in accordance with the substantive and procedural requirements of Executive Order 13526, and that this information is currently and properly classified.

43. In general, the information being withheld in the documents at issue implicates intelligence sources and methods, intelligence activities, and the foreign relations and activities of the United States. More specifically, the information, if disclosed, would reveal the Agency's presence in certain foreign countries, the location and undisclosed details of certain covert operations, intelligence collection techniques, and clandestine relationships with certain foreign governments. This information is classified as its unauthorized disclosure could reasonably be expected to result in damage, serious damage or exceptionally grave damage to the national security.

a. Intelligence Sources

44. Some of the information at issue relates to intelligence sources. One of the core functions of the CIA is to collect foreign intelligence from around the world for the President and other United States Government officials to use in making policy decisions. To accomplish this function, the CIA must rely on information from knowledgeable sources that the CIA

can obtain only under an arrangement of absolute secrecy. Intelligence sources will rarely furnish information unless they are confident that they are protected from retribution or embarrassment by the confidentiality surrounding the source-CIA relationship. In other words, intelligence sources must be certain that the CIA can and will do everything in its power to prevent the public disclosure of their association with the CIA.

45. The CIA relies on clandestine human sources - often called "assets" - to collect foreign intelligence, and it does so with the promise that the CIA will keep their identities and their relationships with the CIA secret. This is because the revelation of this secret relationship could harm the individual and inhibit the CIA's ability to collect foreign intelligence from that individual and others in the future. When a foreign national abroad cooperates with the CIA, for example, it is often without the knowledge of his or her government or organization, and the consequences of the disclosure of this relationship can be swift and far-ranging, from economic reprisals to harassment, imprisonment, or death. In addition, such disclosure may place in jeopardy the lives of every individual with whom the foreign national has had contact, including his or her family and associates.

46. Another type of CIA source is a "liaison relationship." A liaison relationship is a cooperative and



secret relationship between the CIA and an entity of a foreign government. Most CIA liaison relationships involve a foreign country's intelligence or security service. Liaison relationships between the CIA and other foreign intelligence services or government entities are initiated and continued only on the basis of a mutual trust and understanding that the existence and details of such liaison arrangements will be kept in the utmost secrecy. The CIA's liaison relationships are critical and extremely sensitive. Accordingly, officially acknowledging foreign liaison information - or even the existence of a particular liaison relationship - can undermine a foreign government's trust in the CIA's ability to protect their sensitive intelligence information.

47. Additionally, in many foreign countries, cooperation with the CIA is not a popular concept. If a foreign liaison service's cooperation with the CIA were to be officially confirmed by the CIA, then that service and government could face a popular backlash that reasonably could be expected to reduce or eliminate the information-sharing relationship with the CIA. This, in turn, reasonably could be expected to damage U.S. national security.

b. Intelligence Methods

48. The information at issue also implicates intelligence methods. Intelligence methods are the means by which an

intelligence agency accomplishes its objectives. Intelligence methods must be protected in situations where a certain capability or technique or the application thereof is unknown to others, such as a foreign intelligence service or terrorist organization, which could take countermeasures. Secret information collection techniques are valuable from an intelligence-gathering perspective only so long as they remain unknown and unsuspected. Once the nature of an intelligence method or the fact of its use in a certain situation is discovered, its usefulness in that situation is neutralized and the CIA's ability to apply that method in other situations is significantly degraded.

49. The CIA must do more than prevent explicit references to intelligence methods; it must also prevent indirect references that would tend to reveal the existence (or non-existence) of such methods. One vehicle for gathering information about the capabilities of the CIA is by reviewing officially-released information. The CIA is aware that terrorist organizations and other hostile groups have the capacity and ability to gather information from myriad sources, analyze it, and deduce means and methods from disparate details in order to defeat the CIA's collection efforts. Thus, even seemingly innocuous, indirect references to an intelligence

method could have significant adverse effects when juxtaposed with other publicly-available data.

50. Intelligence methods include the use of human assets and liaison relationships, described above. Intelligence methods also include the CIA's selection of targets for intelligence collection or operational activities. When a foreign intelligence service or adversary nation learns that a particular foreign national or group has been targeted for intelligence collection by the CIA, it will seek to glean from the CIA's interest what information the CIA has received, why the CIA is focused on that type of information, and how the CIA will seek to use that information for further intelligence collection efforts and clandestine intelligence activities. If terrorist groups, foreign intelligence services, or other hostile entities were to discover what the CIA has or has not learned about certain individuals or groups, this information could be used against the CIA to thwart future intelligence operations, jeopardize ongoing human sources, and otherwise derail the CIA's intelligence collection efforts. Finally, intelligence methods include specific technical capabilities and the financial resources to effectively implement those capabilities.

c. Intelligence Activities

51. The information being withheld in this case also concerns clandestine intelligence activities, which lie at the heart of the CIA's mission. Intelligence activities refer to the actual implementation of intelligence sources and methods in the operational context. Accordingly, the discussion above of the harm to national security stemming from the disclosure of "sources and methods" applies with equal force to the disclosure of "intelligence activities." An acknowledgment of information regarding specific intelligence activities can reveal the CIA's specific intelligence capabilities, authorities, interests, and resources, allowing hostile groups to use the information to attack the U.S. and its interests.

d. U.S. Foreign Relations

52. Finally, some of the material being withheld would reveal information concerning U.S. foreign relations and foreign activities, the disclosure of which reasonably can be expected to harm the national security. In carrying out its legally authorized intelligence activities, the CIA engages in activities which, if officially confirmed, reasonably could be expected to cause damage to U.S. relations with affected or interested nations. Although it is generally known that the CIA conducts clandestine intelligence operations, identifying an interest in a particular matter or publicly disclosing a



particular intelligence activity could cause the affected or interested foreign government to respond in ways that would damage U.S. national interests. An official acknowledgement that the CIA possesses the requested information could be construed by a foreign government, whether friend or foe, to mean that the CIA has operated within that country's borders or has undertaken certain intelligence operations against its residents. Such a perception could adversely affect U.S. foreign relations with that nation.

e. Exemption from Automatic Declassification at 25 Years

53. Executive Order 13526 provides that all classified records that are more than 25 years old and otherwise have been determined to have permanent historical value shall be automatically declassified. However, pursuant to § 3.3(b), such information is exempt from automatic declassification if it includes information, the release of which should clearly and demonstrably be expected to, *inter alia* "reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source; or impair the effectiveness of an intelligence method currently in use, available for use, or under development." As explained below, the denied-in-full and released-in-part documents, outlined in the accompanying *Vaughn*

indexes, that are older than 25 years are exempt from automatic declassification pursuant to the Executive Order 13526.<sup>3</sup>

54. As part of the Agency's processing of FOIA and Privacy Act requests, information responsive to the requests is reviewed to determine whether the information is currently and properly classified.

55. I have determined that the information withheld pursuant to FOIA exemption (b)(1) which is older than 25 years falls within categories of information exempt from automatic declassification listed in §3.3(b) of the Executive Order. First, the information, if released, should clearly and demonstrably be expected to reveal the identities of human intelligence sources. For instance, the withheld CIA information in these documents is so precise as to time, date and place of collection that, combined with the fact that only a limited number of individuals would have had access to such information, disclosure of the documents would necessarily tend to reveal the identity of the sources at issue. Given the specificity of the source-revealing information, and recognizing that foreign intelligence services are capable of gathering and analyzing information from myriad sources, disclosure of this

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<sup>3</sup> Five of the documents included in the denied-in-full Vaughn index are undated; having been unable to discern the true date of these documents, I will use the analysis applicable to documents older than 25 years.

information could leave sources and their families perpetually vulnerable to discovery and retribution.

56. Additionally, release of the withheld information would impair the effectiveness of CIA intelligence methods, many of which remain viable and are still in use today. As noted above, the documents describe the practices of the CIA, the means by which the CIA planned or carried out specific activities, as well as information regarding the relative success of particular methods. These detailed descriptions would greatly assist foreign intelligence services and other adversaries in thwarting U.S. intelligence activities, thereby significantly degrading the usefulness to the CIA of the described intelligence methods. In sum, I have determined that the classified information at issue that is older than 25 years remains currently and properly classified and, therefore, exempt from disclosure pursuant to exemption (b) (1).

**iv. Exemption (b) (3): Protection by Statute**

57. FOIA exemption (b) (3) provides that FOIA does not apply to matters that are: "specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be

withheld." 5 U.S.C. § 552(b)(3). Some of the information at issue in this case is also protected from disclosure under the Central Intelligence Agency Act of 1949 and/or National Security Act, as discussed below.

58. Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3507 (the "CIA Act"), which has been widely recognized by courts to constitute an Exemption 3 withholding statute, provides that the CIA shall be exempted from the provisions of any law which requires the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency. Under Section 6, the CIA is exempt from disclosing information relating to employees' names and personal identifiers (for example, employee signatures or identification numbers, titles and internal organizational data). Many of the documents at issue contain information concerning the organization, names, or official titles of personnel employed by the CIA, which the CIA Act expressly authorizes withholding.

59. Additionally, the CIA has determined that Section 102A(i)(1) of the National Security Act of 1947, as amended, 50 U.S.C. § 3024 (the "National Security Act"), which provides that the Director of National Intelligence ("DNI") "shall protect intelligence sources and methods from unauthorized disclosure" applies to certain responsive records.



As an initial matter, the National Security Act is likewise a well-recognized Exemption (b)(3) withholding statute that both refers to particular types of matters to be withheld, and "requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue." 5 U.S.C.

§ 552(b)(3). Under the direction of the DNI pursuant to section 102A of the National Security Act, as amended, and in accordance with Section 6 of the CIA Act of 1949, as amended, and sections 1.6(b) and 1.6(d) of Executive Order 12333,<sup>4</sup> the Director of the CIA is responsible for protecting CIA intelligence sources and methods from unauthorized disclosure. Accordingly, the CIA relies on the National Security Act to withhold information that would reveal intelligence sources and methods and their application.

60. In this case, the protections of the National Security Act apply to the same information for which Exemption (b)(1) was asserted as well as other information that would reveal sources and methods of the Agency, such as techniques used by the CIA to assess and evaluate intelligence and the sources of intelligence information. Although the National Security Act's statutory requirement to protect intelligence sources and methods does not require the CIA to identify or describe the damage to national

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<sup>4</sup> Section 1.6(d) of Executive Order 12333, as amended by Executive Order 13470 (July 30, 2008), requires the Director of the Central Intelligence Agency to "[p]rotect intelligence and intelligence sources, methods, and activities from unauthorized disclosure . . . ."

security that reasonably could be expected to result from their unauthorized disclosure, the unauthorized release of this information is reasonably likely to significantly impair the CIA's ability to carry out its core missions of gathering and analyzing foreign intelligence.

v. FOIA Exemption (b) (5): Privileged Information

61. Exemption (b) (5) provides that the FOIA's disclosure requirements do not apply to inter-agency or intra-agency memoranda or letters that would not be available by law to a private party in litigation with the Agency. 5 U.S.C. § 552(b) (5). In this case, all of the documents for which Exemption (b) (5) was asserted have either been circulated within the Agency and therefore satisfy the intra-agency threshold, or have been circulated between agencies, satisfying the inter-agency threshold. As described in the attached *Vaughn* indexes, the CIA determined that the information for which Exemption (b) (5) was asserted is protected by the deliberative process privilege.

62. Deliberative Process Privilege. The deliberative process privilege protects Agency communications that are pre-decisional and deliberative. The purpose of the privilege is to prevent injury to the quality of agency decision making. Here, the CIA invoked the deliberative process privilege to withhold draft versions of various memoranda, letters, charts and other documents which contain comments or handwritten notes, made in

connection with inter- and intra-agency pre-decisional discussions. Disclosure of these drafts would inhibit the frank communications and the free exchange of ideas that the privilege is designed to protect, and would hamper the ability of Agency personnel to candidly discuss, debate, and provide assessments of the facts.

**vi. FOIA Exemption (b) (6): Privacy**

63. Exemption 6 provides that FOIA's information-release requirements do not apply to "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b) (6). Courts have broadly construed the term "similar files" to cover any personally identifying information. Here, the CIA invoked FOIA Exemption 6 to withhold the names and personally-identifying details of individuals working in other government entities, personally identifying information of CIA employees, or names of individuals whose privacy interest outweighs public release of their information in relation to the subject matter of the document. The release of the identities of these individuals would not serve the core purpose of the FOIA -- informing the public about the operations or activities of the government.

64. As described in the attached *Vaughn* indexes, the information at issue also includes personal identifying

information about private citizens including CIA employees and third parties not employed by the Agency.

65. Even if some minimal public interest could be found in disclosure of the personal information at issue, the balance would still tilt dramatically against disclosure. Disclosure of this personal information would certainly violate the personal privacy of these persons, while identifying the specific individuals whose personal information is discussed would not serve the purpose of the FOIA. In some cases, names and information regarding military members have been redacted in the interest of national security<sup>5</sup> (e.g., entry number 3 on the sample released-in-part *Vaughn* index). Likewise, individuals' signatures and names have been redacted as the public interest in that information is outweighed by the individuals' privacy interest. Public release of the names and identifying information could bring unwanted attention from the media or general public, especially in the social media age.

66. Accordingly, because there is no qualifying public interest in disclosure, I have determined that the release of this information would constitute a clearly unwarranted invasion of these individuals' personal privacy.

**vii. Segregability**

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<sup>5</sup> In light of ever-increasing terrorist activities, names and personal information of military and Department of Defense civilians are generally protected pursuant to exemption (b) (6) for national security reasons.



67. With regard to the denied-in-full documents, as described in this declaration and accompanying *Vaughn* index, the CIA determined that the documents did not contain any non-exempt, reasonably segregable material. This determination was based on a careful review of the documents, following a line-by-line review of each.

68. With respect to documents denied-in-full under exemption (b) (5), the nature of the exemption and the nature and content of the documents, comprised of internal pre-decisional deliberations, are such that there exists no information that is nonexempt which can be reasonably segregated. The documents were reviewed line-by-line and in all instances the character of the statements are an integral part of CIA's internal deliberative process. Any nonexempt information in these documents is either non-responsive to Plaintiff's requests or is so inextricably intertwined that no portions can be reasonably segregated and released.

69. In the instances where documents have been denied-in-full based on exemptions other than (b) (5), the contents of the documents are such that any nonexempt information is either non-responsive to the Plaintiff's requests or is so inextricably intertwined with exempt information that release of the nonexempt information would produce only incomplete, fragmented, unintelligible phrases composed of isolated, meaningless words.

Thus, no nonexempt information remains that reasonably could be segregated for release, and as a result, these documents must be withheld-in-full.

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

Executed this 13<sup>th</sup> day of July, 2016.



\_\_\_\_\_  
Antoinette B. Shiner  
Information Review Officer  
Central Intelligence Agency

# EXHIBIT A



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2003 FEB 14 11 09 20

February 7, 2003

FREEDOM OF INFORMATION ACT REQUEST

Ms. Katherine I. Dyer  
Freedom of Information and Privacy  
Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

BY CERTIFIED MAIL  
NO. 2 015 674 437

Re: Requests for Records on Missing POWs

Dear Ms. Dyer:

I represent Mr. Roger Hall and Studies Solutions Results, Inc., trading as POW/MIA FOIA Litigation Account. Mr. Hall is joined in this request by Mr. Reed Irvine and Accuracy in Media, Inc., who are represented by Mr. Joe Jablonski. As further described below, our clients seek records pertaining to members of the American Armed Forces who participated in the War in Vietnam and have been classified as Prisoners of War (POWs) and/or Missing in Action (MIAs), as well as any civilian detainees.

Roger Hall has for many years conducted research into the POW/MIA question for the National Alliance of Families, a service he provides without charge. He distributes the information he obtains in newspapers, research papers, and documents he provides to members of Congress, veterans and POW/MIA groups. His research contributions on this issue have been reprinted in newsletters and magazines, including the National Vietnam Veterans Coalition Magazine. The Marine Corps League POW/MIA Affairs News Letter and Information Report has on numerous occasions carried documentation he has made available to them. One of his contributions was reprinted in toto in an article in the Conservative Review. He has made public presentations to the National Alliance of Families and the Sarah McClendon Study Group, and appeared on the Zoe Hieronimus talk radio show. He has also briefed veterans groups, including the POW/MIA Ad Hoc Committee, the Disabled American Veterans, and the Veterans of Foreign Wars, among many other groups, as well as members of Congress and their staffs. Mr. Hall sends out email newsletters on POW matters to various organizations such as Rolling pride, Vietnow, and Pride of Illinois, which have a combined membership in excess of 100,000. The frequency of these newsletters varies from twice daily to twice a month.

The American Legion has manifested an interest in the missing POW/MIAs issue, and in Mr. Hall's work on it, carrying an interview of him in its December 2002 issue which dealt with his FOIA case to

obtain records from your agency. The American Legion magazine reaches an audience of over 100,000.

Reed Irvine is a media critic who is Chairman of the Board of Accuracy in Media, Inc. ("AIM"). He is Editor of AIM Report, a bi-weekly publication which has an interest in the POW/MIA issue. AIM has approximately 3,300 subscribers. Mr. Irvine is editor of AIM Report. He is author of Media Mischief and Misdeeds, 1984; and co-author (with Cliff Kincaid) of Profiles in Deception, 1990, and The News Manipulators (with Joseph C. Goulden and Cliff Kincaid).

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, our clients request all records and information on or pertaining to:

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, Cuban, North Korea, 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 47 individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall, see Attachment 1 hereto, and those persons who are on 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 (Attachment 2).

6. All records on or pertaining to any search conducted for documents responsive to Roger Hall's requests dated January 5, 1994, February 7, 1994, and April 23, 1998, including but not limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto, and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged for the search, the date and duration and kind of search performed, etc.

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.

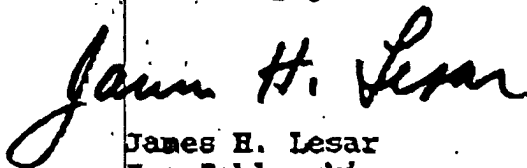
Our clients are entitled to status as "representatives of the news media" and thus cannot be charged search fees. 5 U.S.C. § 552(A)(4)(A)(ii)(II).

Materials on POW/MIAs will necessarily shed light on the operations or activities of the government. Among other things, they will reveal the extent, nature, intensity, and duration of the Government's efforts to locate POW/MIAs, a subject that has long been of intense interest to the public. Records disclosed to our clients are likely to contribute significantly to public understanding of such operations or activities, by disclosing records that have remained secret despite congressional inquiries and Presidential directives to disclose them. The records will provide information regarding the thoroughness, scope, intensity, dedication and creativity of the search for missing POW/MIAs, and whether or not it was conducted in good faith. This information will show the degree to which the CIA has complied with Executive Order 12812 and Presidential Decision Directive NSC 8 and whether it has accurately informed Congress and the public about its search efforts and the information it possesses. It will also show how the CIA cooperated and coordinated its search efforts with other agencies and how and the CIA controlled the documentation other agencies possessed regarding POW/MIAs and detainees.

As noted above, Roger Hall, through his company, Studies, Solutions Results, Inc., regularly disseminates information concerning missing POW/MIAs to organizations which further disseminate said information, and Hall and his company intend to continue to do this. Indeed, one of the stated purposes of Studies Solutions Results, Inc. is to obtain and disseminate information concerning missing POW/MIAs to the public. Reed Irvine and AIM similarly intend to disseminate information on this issue derived from this request to the public.

Accordingly, our clients are entitled to a waiver of copying costs, and they request that such a waiver be granted pursuant to 5 U.S.C. § 552 (a) (4) (a) (iii).

Sincerely yours,



James H. Lesar  
Joe Jablonski

# **EXHIBIT B**

DRAFT Vaughn Index—Documents Released in Part (Sample)  
Hall v. CIA, D.D.C. case no. 04-cv-814-RCL

Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
1	C00005776	One-page document with information on a POW/MIA individual (Walter Hugh Moon). Names of individuals withheld to protect personal privacy under Exemption (b)(6). The hand-marked redactions appear in the original.	1961 Data	Release in Part (RIP)	1	(b)(6)
2	C00313431	Senator Bob Smith's Report entitled A Critical Assessment of the 1998 National Intelligence Estimate. Document classified SECRET. This document was reviewed and largely declassified in 2000. Upon re-review, limited information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States. Names and other information regarding certain individuals, including CIA employees, were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	11/1998	RIP	209	(b)(1), (b)(3), (b)(6)
3	C00864343	Documents relating to Donald Lee Sparks. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States. Exemption (b)(6) was asserted to protect the names, titles, home addresses, and social security numbers of several U.S. Military employees.	08/28/70	RIP	10	(b)(1), (b)(3), (b)(6)
4	C00685435	Classified intelligence report containing information on three U.S. POW/MIAs and other matters. Document classified TOP SECRET. Details regarding acquisition of information withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods and would cause serious harm to foreign relations and/or diplomatic activities.	03/25/94	RIP	2	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
5	C00864343	Duplicate of Item 3, see above.				
6	C05528353	CIA Memorandum to NSC re: Release of Information on U.S. Servicemen Still Missing. Names and other information regarding CIA employees were withheld under Exemption (b)(3)(CIA Act) and (b)(3)(National Security Act).	06/07/85	RIP	3	(b)(3)
7	C05779307	FOIA correspondence with Trumbull County Vietnam Veterans Association and internal routing documents. Names, signatures, and other information regarding certain individuals, including CIA employees, was withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	08/11/86	RIP	46	(b)(3), (b)(6)
8	C05850742	CIA Memorandum titled The Situation in Vietnam. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States.	12/19/65	RIP	25	(b)(1), (b)(3)
9	C05871286	Memo from DIA to CIA re: CIA-Originated Reports Relating to the Fall of Lima Site 85 in Laos. Document classified SECRET. A list of classified intelligence reports was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organization of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and signatures of other individuals were withheld under Exemption (b)(6) to protect personal privacy.	01/15/88	RIP	8	(b)(1), (b)(3), (b)(6)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
10	C05916795	Intelligence reports regarding potential sightings of POW/MIAs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States. Names of certain individuals were withheld under Exemption (b)(6) to protect personal privacy.	4/3/92	RIP	79	(b)(1), (b)(3), (b)(6)
11	C05999026	Internal memorandum re: provision of requested POW/MIA information to Senator Shelby. Document classified TOP SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names and other information regarding CIA employees were withheld under Exemption (b)(3)(CIA Act).	9/6/2000	RIP	3	(b)(1), (b)(3)
12	C05999532	Letters to SSCI from CIA Director of Congressional Affairs regarding access to certain documents. Names, titles, organization, and signatures of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Limited details regarding internal CIA organizational matters withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence methods.	01/30/98	RIP	6	(b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
13	C05999533	Memorandum for the record concerning congressional briefing on POW/MIA issues. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States. Limited details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities. Names and other information regarding certain individuals, including CIA employees, were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	05/08/98	RIP	3	(b)(1), (b)(3), (b)(6)
14	C05999547	Letter to Senator Bob Smith from DCIA James Woolsey forwarding declassified intelligence reports. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods. Limited details regarding internal CIA administrative/organizational matters were withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence methods. Names and other information regarding certain individuals, including CIA employees, were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	07/26/93	RIP	21	(b)(3), (b)(6)
15	C05999548	Letter to DCIA James Woolsey from Senator Bob Smith concerning requested intelligence reports. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods.	05/17/93	RIP	3	(b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
16	C05999551	Letter to J. William Codinha (Select Committee on POW/MIA Affairs) from CIA Director of Congressional Affairs enclosing an imagery analysis. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Limited details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities.	08/06/92	RIP	9	(b)(1), (b)(3)
17	C05999564	Internal memorandum concerning declassification of document on POW/MIAs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organization of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Limited details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities.	08/07/92	RIP	3	(b)(1), (b)(3)

Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
18	C05999573	Internal Memorandum for Office of Congressional Affairs concerning briefing of Ross Perot in April 1970. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods, titles, and other information regarding CIA employees were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	08/31/92	RIP	2	(b)(1), (b)(3), (b)(6)
19	C06001216	Letter to J. William Codinha from CIA Deputy Director for Senate Affairs re: CIA intelligence reports. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names of titles, and organization of CIA personnel were withheld under Exemptions (b)(3)(CIA Act). Names of other individuals were withheld under Exemption (b)(6).	06/23/92	RIP	6	(b)(1), (b)(3), (b)(6)
20	C06001229	Letter to Senator John Kerry from CIA Director of Congressional Affairs concerning organization of Laos's prison camp system. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities.	09/10/92	RIP	50	(b)(1), (b)(3)

Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
21	C06001232	Letter to Senate Investigator from CIA forwarding an imagery assessment prepared by Office of Imagery Analysis. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities. The signature of a CIA employee was withheld under Exemption (b)(3)(CIA Act).	09/18/92	RIP	9	(b)(1), (b)(3)
22	C06001235	Memorandum sent to Senate Investigator from CIA concerning verbal request for partial declassification of a spot report regarding POWs in Laos. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organization of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of another individual was withheld under Exemption (b)(6).	09/29/92	RIP	6	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
23	C06001242	Letters to Senators Kerry and Smith from CIA Director of Congressional Affairs concerning request for CIA Intelligence reports on live sightings in Laos after January 27, 1973. Documents classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities. Names and other information regarding certain individuals, including CIA employees, were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	02/11/92	RIP	129	(b)(1), (b)(3), (b)(6)
24	C06001324	Letter from Chief Counsel of U.S. Senate to CIA Congressional Relations Director requesting COMINT information pertaining to U.S. POWs in Southeast Asia. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities; and/or would harm foreign relations and activities of the United States. The signature of a U.S. Senate employee was withheld under Exemption (b)(6).	06/10/92	RIP	2	(b)(1), (b)(3), (b)(6)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
25	C06001361	Correspondence between CIA and U.S. Senate concerning analysis of photograph prepared by Office of Imagery Analysis. Documents classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Details regarding internal CIA administrative/organizational matters were withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence methods and activities. The signature of a CIA employee was withheld under Exemption (b)(3)(CIA Act).	06/17/92	RIP	10	(b)(1), (b)(3)
26	C06001372	Memo to Senate Investigator from CIA Office of Congressional Affairs. Names and signatures of private citizens, CIA personnel, and other government employees were withheld under Exemptions (b)(3)(CIA Act) and (b)(6). Titles and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The third page of the document is a pre-decisional, deliberative draft internal memorandum regarding the CIA's response to the Senate Investigator's request, with handwritten edits. That page was withheld under Exemption (b)(5)(deliberative process privilege).	05/21/92	RIP	3	(b)(3), (b)(5), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
27	C06001388	Memorandum for the record re: meeting between Senate POW/MIA Committee Investigator and DI/OIA personnel. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of an individual was withheld to protect personal privacy under Exemption (b)(6).	05/05/92	RIP	4	(b)(1), (b)(3), (b)(6)
28	C06001389	Memorandum for the record re: Meeting with Senate Select Committee on POW/MIA Affairs Investigator Bob Taylor Concerning Sanitized DO Documents, Imagery and a Chronology on PDB References to POWs and MIAs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	08/20/92	RIP	3	(b)(1), (b)(3)
29	C06001395	Spot Report re: Senate Select Committee on POW/MIA Affairs proposed actions to declassify documents related to POW/MIA Matters. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Identifying information regarding CIA personnel was withheld under Exemption (b)(3)(CIA Act).	07/02/92	RIP	1	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
30	C06001398	Internal Memorandum re: Response to Senate Select Committee on POW/MIA Affairs relative to Declassification of Documents. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	07/10/92	RIP	3	(b)(1), (b)(3)
31	C06001399	Letter to National Security Council from J. William Codinha (U.S. Senate) re declassification request from Senate Select Committee on POW/MIA Affairs. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names and other identifying information of CIA personnel and U.S. Government employees were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	07/09/92	RIP	12	(b)(3), (b)(6)
32	C06001400	Routing page and memo from Chief, Indochina Operations Group re: document response to July 9, 1992 request from Select Committee on POW/MIA Affairs, with enclosures. Most of the redactions appear in the original documents. Some additional information was withheld under Exemption (b)(3) because disclosure would reveal intelligence sources and methods. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other identifying information of U.S. Government employees and other individuals were withheld under Exemption (b)(6).	08/11/92	RIP	309	(b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
33	C06001404	Correspondence with Senate Select Committee on POW/MIA Affairs re: declassification of imagery and related written analysis. Names, signatures, titles, and organizational information of CIA personnel was withheld under Exemption (b)(3)(CIA Act).	08/12/92	RIP	22	(b)(3)
34	C06001407	Letters to Senators Kerry and Smith from CIA Director of Congressional Affairs re POW/MIA related graphics of imagery, enclosed. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods. Names, titles, and organization of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	07/24/92	RIP	8	(b)(3)
35	C06001416	Letter to Senate Select Committee on POW/MIA Affairs enclosing analysis of photography. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Signature of a Senate employee was withheld under Exemption (b)(6).	08/06/92	RIP	12	(b)(1), (b)(3), (b)(6)
36	C06002276	Letter from Samuel R. Berger, Assistant to the President for National Security Affairs, to Sen. Robert Smith re: National Intelligence Estimate. Mr. Berger's signature was withheld under Exemption (b)(6).	01/19/99	RIP	3	(b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
37	C06002273	Memorandum for the Record re POW/MIA Briefing for Senate. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of U.S. Government employees and other individuals were withheld under Exemption (b)(6).	03/05/99	RIP	5	(b)(1), (b)(3), (b)(6)
38	C06002344	Letters from CIA to Senators re: declassification of NIE 98-03. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	08/03/98	RIP	19	(b)(3)
39	C06002382	Memorandum for the Record re: 29 October Meeting with Frances Zwenig, POW/MIA Committee. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, salaries, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	10/29/92	RIP	3	(b)(1), (b)(3)
40	C06002387	Internal Memo re: Senate Select Committee on POW/MIA Affairs Request for Copies of CIA documents found in NSC Files. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, salaries, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	09/30/92	RIP	3	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
41	C06002390	Memorandum from CIA to National Security Council re: response to POW/MIA documents provided. Titles, organizational information, and the signature of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	08/27/92	RIP	2	(b)(3)
42	C06002416	Memorandum for the Record re: telephone conference with Frances Zwenig re: POW/MIA Report. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	01/08/93	RIP	2	(b)(1), (b)(3)
43	C06002417	Memorandum for the Record re: Meeting with Reps. Bob Smith and John Rowland re: MIA/POW Issues. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of a Senate employee was withheld under Exemption (b)(6).	12/18/87	RIP	5	(b)(1), (b)(3), (b)(6)
44	C06002430	Request from Senate Select Committee on POW/MIA Affairs to CIA re: additional reports requested. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods.	09/10/92	RIP	2	(b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
45	C06002436	Internal CIA Memorandum re: Requests from Senate Select Committee Concerning Lao Reports. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name and telephone number of a Senate employee were withheld under Exemption (b)(6).	09/23/92	RIP	3	(b)(1), (b)(3), (b)(6)
46	C06002440	Letters to Senators Shelby and Bryan from CIA Director of Congressional Affairs re list of CIA POW/MIA documents, enclosed. Document classified TOP SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, organizational information, and identifying information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other personal information of U.S. Government employees and other individuals were withheld under Exemption (b)(6).	10/02/00	RIP	32	(b)(1), (b)(3), (b)(6)
47	C06002458	CIA response to questions from Senate Select Committee on POW/MIA Affairs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	09/28/92	RIP	9	(b)(1), (b)(3)

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48	C06002465	Letter from CIA to Senate Select Committee on POW/MIA Affairs re: request for information available in the files and archives of the National Warning Staff. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other information regarding foreign individuals were withheld under Exemption (b)(6).	12/14/92	RIP	8	(b)(1), (b)(3), (b)(6)
49	C06002467	Cover pages and letters to Director of Senate Security and the Senate Select Committee on POW/MIA Affairs from CIA Office of Congressional Affairs and Deputy Director for Senate Affairs re: classified CIA intelligence reports document review by cleared Senate staff only, with enclosures. Documents classified SECRET and TOP SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of congressional employees were withheld under Exemption (b)(6).	12/14/92	RIP	18	(b)(1), (b)(3), (b)(6)

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50	C06002472	Internal Memorandum re: Briefing of Senate Select Committee Staffers on Three Individuals. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Personal information regarding three individuals was withheld under Exemption (b)(6).	11/03/92	RIP	5	(b)(1), (b)(3), (b)(6)
51	C06002491	Fax from CIA to Senator Bob Taylor re: Dong Mang Prison Camp. One attachment classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names and other identifying information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	01/08/93	RIP	9	(b)(1), (b)(3)
52	C06002562	Letter to Robert Taylor from CIA Deputy Director for Senate Affairs re: chronology. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Signature, organizational information, and other identifying information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	02/21/92	RIP	5	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
53	C06002566	Deputy Director of CIA Richard J. Kerr oral statement on selected covert action programs before the Senate Select Committee on POW/MIA Affairs. Enclosures include DOD testimony and document redaction guidelines. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other identifying information of U.S. Government personnel and other individuals were withheld under Exemption (b)(6).	11/15/91	RIP	77	(b)(1), (b)(3), (b)(6)
54	C06002566	Duplicate of Item 53, see above.				
55	C06007738	Senate Select Committee on POW/MIA Affairs request for copies of CIA Documents found in NSC files. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other information regarding U.S. Government personnel were withheld under Exemption (b)(6).	10/19/92	RIP	10	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
56	C06007756	Letter to Senate Select Committee on POW/MIA Affairs re: review of depositions made by CIA employees. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of current and former U.S. Government employees were withheld under Exemption (b)(6).	11/02/92	RIP	2	(b)(1), (b)(3), (b)(6)
57	C06008028	Internal Memorandum re: Decision not to Declassify Depositions made to Senate Select Committee on POW/MIA Affairs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of current and former U.S. Government employees were withheld under Exemption (b)(6).	10/20/92	RIP	2	(b)(1), (b)(3), (b)(6)
58	C06008037	Letter from CIA to Senate Select Committee on POW/MIA Affairs re: no records located in response to search request. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	11/02/92	RIP	3	(b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
59	C06010751	Internal Memorandum with draft response to Senator Kerry re: his request for information on the POW/MIA matter. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	12/11/91	RIP	6	(b)(1), (b)(3)
60	C06010759	Memorandum to DCI re: disagreement with Senate on POW/MIA matters. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	11/27/92	RIP	4	(b)(1), (b)(3)
61	C06010762	Letter from CIA to Senator Robert Smith providing requested information on GRU General-Major Polyakov. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	03/23/01	RIP	5	(b)(1), (b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
62	C06010772	Communications re: Senate request for access to all operational files on POW/MIA matters. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Internal deliberative, pre-decisional memorandum discussing possible response to Senator was withheld under Exemption (b)(5). The name of a U.S. Government employee was withheld under Exemption (b)(6).	10/02/92	RIP	37	(b)(1), (b)(3), (b)(5), (b)(6)
63	C06010785	Memorandum for the Record re: Briefing for POW/MIA committee staff member re: his forthcoming article. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of Senate employees were withheld under Exemption (b)(6).	01/24/92	RIP	2	(b)(3), (b)(6)
64	C06010788	Internal Memorandum referencing requested information from Senate Select Committee on POW/MIA Affairs. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Identifying information, organizational information, and the signature of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	01/14/92	RIP	3	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
65	C06010819	Letter from CIA to Senators John Kerry and Bob Smith referencing CIA Intelligence Reports provided. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	03/14/92	RIP	22	(b)(3)
66	C06010823	Memo to DDCI from Acting Chief, East Asia Division re: comments regarding the request from Rep. Dornan for DDCI testimony and answers related to Rep. Dornan's letter dated November 6, 1981, with enclosure. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of U.S. Government employees were withheld under Exemption (b)(6).	12/03/81	RIP	40	(b)(1), (b)(3), (b)(6)
67	C06010826	Memo to DDCI from Acting Chief, Interdepartmental Affairs Staff, OPP re: material provided in preparation for appearance in front of the House Task Force on American POW/MIAs in Southeast Asia on 8 December 1981, with enclosure. Documents classified SECRET and TOP SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	12/04/81	RIP	42	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
68	C06010828	Letter from CIA to Senator Jesse Helms re: requested information on source of Prisoner of War Information. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of private individuals were withheld under Exemption (b)(6).	04/23/84	RIP	2	(b)(1), (b)(3), (b)(6)
69	C06010830	Request letter from Senator Jesse Helms to DCIA William Casey. Names, addresses, telephone numbers, and other personal information of private individuals, and the signature of a Senator, were withheld under Exemption (b)(6).	04/09/81	RIP	18	(b)(6)
70	C06010832	Letter from CIA to Rep. Visclosky in response to a concern of his constituent. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of a private individual was withheld under Exemption (b)(6).	01/18/91	RIP	3	(b)(3), (b)(6)
71	C06010841	Memorandum for the record from Office of Congressional Affairs re: briefing of Senator Smith on Vietnamese colonel and POW/MIA issue. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Identifying information regarding a private individual was withheld under Exemption (b)(6).	11/04/91	RIP	2	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
72	C06010851	Letters to U.S. Senate Officials from CIA Deputy Director for Senate Affairs enclosing 141 POW/MIA documents requested by Art Grant. Documents classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other identifying information of various individuals were withheld under Exemption (b)(6).	01/07/93	RIP	289	(b)(1), (b)(3), (b)(6)
73	C06010857	Memorandum for the Record re: Possible Call to DCI from Senator John Kerry (note: attachments contain duplicates). Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of U.S. Government employees were withheld under Exemption (b)(6).	10/29/92	RIP	38	(b)(1), (b)(3), (b)(6)
74	C06010859	Memorandum to National Security Council from CIA re: Congressional Request for Information Regarding Possible Covert Action in Connection with POW/MIA Issue. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of a U.S. Government employee was withheld under Exemption (b)(6).	11/04/92	RIP	2	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
75	C06010860	Spot Report (Update on Committee Request for National Warning Files). Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The names of a U.S. Government employee and other individuals were withheld under Exemption (b)(6).	11/04/92	RIP	6	(b)(1), (b)(3), (b)(6)
76	C06010924	Fax to SSCI with CIA information re: Jan Sejna. Attachment classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other identifying information of Senate employees was withheld under Exemption (b)(6).	12/04/92	RIP	6	(b)(1), (b)(3), (b)(6)
77	C06010929	Memo to C/EA/ICOG and DCEA/SEA from C/EA/ICOGPOW re CDO weekly meeting. Includes the Executive Summary TOC of the Committee Report. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names of U.S. Government employees were withheld under Exemption (b)(6).	01/06/93	RIP	13	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
78	C06010931	Letter from CIA to Senator John Kerry enclosing an analysis on the POW/MIA issue prepared by the Foreign Broadcast Information Service. Information was withheld under Exemption (b)(3)(National Security Act) because disclosure would reveal intelligence sources and methods. Names, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	03/23/93	RIP	43	(b)(3)
79	C06010937	Internal Memorandum re: Visit by Senate Select Committee Investigator on 15 May. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Certain deliberative, pre-decisional information was withheld under Exemption (b)(5). Names and other personal information regarding U.S. Government employees were withheld under Exemption (b)(6).	05/15/92	RIP	12	(b)(1), (b)(3), (b)(5), (b)(6)
80	C06010938	Internal Memorandum re: Items Requested by Senate Investigator. The signature and other identifying and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). Names and other personal information of U.S. Government employees and other individuals were withheld under Exemption (b)(6).	05/19/92	RIP	4	(b)(3), (b)(6)
81	C06010943	Internal Memorandum re: Response to Request from Senate Select Committee for POW/MIA Affairs Investigator. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. The signature and other identifying and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	06/16/92	RIP	1	(b)(1), (b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
82	C06010945	Letter from CIA to Senator John Kerry enclosing information on the Ministry of the Interior organization, structure and management of the prison camp system in Vietnam. Identifying information, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	06/22/92	RIP	127	(b)(3)
83	C06010948	Internal Memorandum re: Response to Request from Senate Select Committee for POW/MIA Affairs Investigator. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act). The name of a Senate employee was withheld under Exemption (b)(6).	06/17/92	RIP	4	(b)(1), (b)(3), (b)(6)
84	C06010978	Memorandum for the Record re: HPSCI Staff Briefing on Reporting of U.S. POWs in the USSR Post World War II. Document classified SECRET. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	06/24/92	RIP	3	(b)(1), (b)(3)
85	C06016455	Internal Memorandum re: Documentation Concerning Possible Interrogation of U.S. POWs/MIAs by Soviet Officers. Names, signatures, titles, and organizational information of CIA personnel were withheld under Exemption (b)(3)(CIA Act).	01/10/92	RIP	22	(b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
86	C06116916	Internal CIA Bulletin re: Remains of CIA Employee Killed in '75 Plane Crash Confirmed. Document classified CONFIDENTIAL. Information was withheld under Exemptions (b)(1) and (b)(3)(National Security Act) because disclosure would reveal intelligence sources, methods, and activities. Names of CIA personnel and other individuals were withheld under Exemptions (b)(3)(CIA Act) and (b)(6).	03/17/94	RIP	8	(b)(1), (b)(3), (b)(6)

# EXHIBIT C

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
1	C59999025	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 pre-decisional intra-agency analysis and recommendations on responding to the request.	08/02/00	Denied in Full (DIF)	4	(b)(3), (b)(5)
2	C05999027	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.	None	DIF	3	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
3	C05999550	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).	05/02/03	DIF	5	(b)(1), (b)(3)
4	C06001231	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.	None	DIF	4	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
5	C06001238	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.	09/23/92	DIF	3	(b)(1), (b)(3), (b)(5)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
6	C06001241	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.	10/06/92	DIF	58	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
7	C06001244	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 C06001244; 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 indentifying 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.	03/92	DIF	8	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
8	C06001316	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).	03/16/92	DIF	2	(b)(1), (b)(3)
9	C06001317	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 pre-decisional intra-agency deliberations with regard to the reply as reflected in the proposed response.	03/06/92	DIF	3	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
10	C06001322	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).	06/23/92	DIF	2	(b)(1), (b)(3)
11	C06001323	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.	06/19/92	DIF	3	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
12	C06001408	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.	07/21/92	DIF	2	(b)(1), (b)(3), (b)(5)
13	C06001411	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.	07/92	DIF	5	(b)(3), (b)(5)

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14	C06002420	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.	None	DIF	2	(b)(3), (b)(5)
15	C06002421	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.	None	DIF	7	(b)(1), (b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
16	C06002459	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).	08/26/92	DIF	2	(b)(1), (b)(3)
17	C06002464	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).	09/01/92	DIF	2	(b)(1), (b)(3).

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
18	C06002470	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.	12/03/92	DIF	4	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
19	C06002471	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.	11/20/92	DIF	2	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
20	C06002484	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.	11/21/91	DIF	16	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
21	C06002485	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.	11/91	DIF	11	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
22	C06159048	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.	02/21/92	DIF	3	(b)(1), (b)(3), (b)(6)
23	C06002563	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 pre-decisional intra-agency deliberations concerning the draft document as reflected by the handwritten comments.	11/20/91	DIF	15	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
24	C06002568	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.	11/92	DIF	5	(b)(1) (b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
25	C06010745	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.	12/24/91	DIF	4	(b)(1), (b)(3), (b)(5)
26	C06010746	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	11/29/91	DIF	1	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
27	C06010769	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.	10/92	DIF	4	(b)(1), (b)(3)
28	C06010770	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.	10/19/92	DIF	9	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
29	C06010780	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	02/11/92	DIF	20	(b)(1), (b)(3)
30	C06010782	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.	02/07/92	DIF	2	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
31	C06010789	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.	01/21/92	DIF	18	(b)(1), (b)(3), (b)(6)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
32	C06010792	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.	01/92	DIF	5	(b)(1), (b)(3), (b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
33	C06010827	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.	12/08/98	DIF	1	(b)(1), (b)(3), (b)(6)
34	C06010842	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.	11/18/91	DIF	3	(b)(3), (b)(5)
35	C06010843	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.	Undated	DIF	5	(b)(5)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
36	C06010933	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	03/30/92	DIF	12	(b)(1), (b)(3)
37	C06010936	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.	05/05/92	DIF	4	(b)(1), (b)(3)



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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
38	C06010939	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.	06/06/92	DIF	5	(b)(1), (b)(3)
39	C06010951	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	10/92	DIF	3	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
40	C06010954	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.	02/12/92	DIF	2	(b)(1), (b)(3)
41	C06010955	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.	02/14/92	DIF	2	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
42	C05006257	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.	06/27/73	DIF	4	(b)(1), (b)(3)
43	C06116955	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.	01/13/76	DIF	2	(b)(1), (b)(3)

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Item #	CADRE #	Description of Document and Information Withheld	Date of Doc.	Disposition	Number of Pages	Exemptions Cited
44	C06117105	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	01/06/75	DIF	1	(b)(1), (b)(3)
45	C06117100	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.	01/26/76	DIF	1	(b)(1), (b)(3)

Affidavit of Lynn O'Shea

1. 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.

2. 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.

3. In April 2008 I filed a Freedom of Information Act (FOIA) request with the CIA. Our FOIA request included; “All documentation and photographs including but not limited to intelligence reporting, source reporting, interagency memorandums, and memorandums for the records, generated in support of CIA sponsored, CIA trained, or CIA manned reconnaissance teams inserted into the Nhom Marrot (note alternate spellings of Nhommarrot, Nhomorrot, Nhommaroth, Gnommorath, and any not specifically named are included in this request) area of Laos, between January 1 and May 31, 1981. This requests includes documentation and photos generated by the team(s) that exited Laos between March 24 – March 28 and the team that entered Laos on/or about March 29th and exited Laos on/or about May 13, 1981.”

4. CIA denied our FOIA request stating: “The CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request.” Exercising our legal rights we appealed the CIA decision. CIA denied our appeal, saying; “The Agency Release panel has considered your

appeal and determined that the Agency can neither confirm nor deny the existence or nonexistence of records responsive to your request....”

5. Subsequent, to the filing of our FOIA request and appeal, and their denials, we located 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. We offer the following in support of this statement.

**Exhibit 1 - Classified letter to J. William Codhina, Chief Counsel Senate Select Committee on POW/MIA Affairs, from Stanley Moskowitz, Director of Congressional Affairs Central Intelligence Agency. The redactors pen made certain no mention of Nhom Marrott was made in this CIA letter designated, for Senate Records as OSS-92-5076. However the inventory of all Committee records clearly indicates this letter is in response to a request from Senate investigator Robert Taylor for 22 Document relating to Nhommarath.**

**Exhibit 2 - Inventory of Box 79 – Records of the Senate Select Committee on POW/MIA Affairs. Note item #2 record designated OSS 92-0576 described as “Response To Request For 22 Documents Re: Nhomarath (U)**

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

Executed this 20<sup>th</sup> day of June 2012



Lynn O'Shea

Exhibit 1

DECLASSIFIED  
Authority 6012958  
By [Signature] NARA Date 7/2/09

Central Intelligence Agency



Washington, D.C. 20505

DECLASSIFIED  
E.O. 13526, Sec. 2.6  
NND 942062  
By [Signature] Date 5/22/96

6 October 1992

Mr. J. William Codinha  
Chief Counsel  
Select Committee on POW/MIA Affairs  
United States Senate  
Washington, D.C. 20510

Dear Mr. Codinha:

Mr. Taylor of the Senate Select Committee on POW/MIA Affairs requested that 22 documents [redacted] be made available to Committee members during the closed hearing [redacted]

- SANITIZED COPY  
SENSITIVE INFORMATION DELETED

E.O. 12858  
1.3(a)(4)

We have redacted 20 of the documents requested for delivery to the Committee on the day(s) of the closed hearing. We will make these documents available on the condition that these documents be retrieved at the end of each session and returned each evening to the Agency for storage. We will provide an officer to assume responsibility for the documents.

The other two documents on Mr. Taylor's list, a December 1980 DIA report and a March 17, 1981 State Department telegram from Embassy Vientiane, cannot be released by this Agency. If needed, the Committee should seek release directly from DIA and from the Department of State.

Sincerely,

Stanley M. Moskowitz  
Director of Congressional Affairs

CONTROL NUMBER USE 92-5076  
Document consists of 1 Pages  
Copy 1 of 1

ALL PORTIONS CLASSIFIED  
SECRET

CL BY 133763  
DECL OADR  
DRV FM HUM 4-82

~~SECRET~~



Exhibit 2

TRANSMITTAL RECEIPT Box 29

DATE: 02/12/93 12 DOCUMENTS PAGE 1

METHOD/NO/COURIER: COURIER// RECEIPT: X-OSS-93-00095

FROM: OFFICE OF SENATE SECURITY TO: NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
 SECRETARY OF THE SENATE CENTER FOR LEGISLATIVE ARCHIVES  
 ROOM S-407 REFERENCE BRANCH (NNLR)  
 THE CAPITOL 8TH AND PENNSYLVANIA AVE, NW  
 WASHINGTON, DC 20510 WASHINGTON, DC 20408

No.	DCN [COPY]	ECN	CL	Pages
1.	OSS-92-5173 [1] FILES PERTAINING TO AL SHINGLE(U)	.ERMS4060006141	S	658
2.	OSS-92-5076 [1] RESPONSE TO REQUEST FOR 22 DOCUMENTS RE: NHITMARATH(U)	.ERMS4060005950G	S	1
3.	OSS-92-5081 [1] REPORTS SIGNED BY ADMIRAL WHITMIRE(U)	.ERMS4060005955V	S	34
4.	OSS-92-5082 [1] ADDITIONAL QUESTIONS FOR THE RECORD SUBSEQUENT TO THE AUGUST HEARINGS(U)	.ERMS4060005957	S	50
5.	OSS-92-5082 [2] ADDITIONAL QUESTIONS FOR THE RECORD SUBSEQUENT TO THE AUGUST HEARINGS(U)	.ERMS4060005956Y	S	50
6.	OSS-92-5113 [1] AGENDA AND HANDOUT FOR POW/MIA COMMITTEE MEETING HELD ON JULY 2, 1992(U)	.ERMS4060005992Q	S	10
7.	OSS-92-5120 [1] LIR TO KERRY RE IMAGERY(U)	.ERMS4060005009C	S	2
8.	OSS-92-5121 [1] LIR TO SMITH RE IMAGERY(U)	.ERMS4060006010T	S	2
9.	OSS-92-5003 [1] HILSTINE NOTES(U)	.ERMS4060005837W	S	3
10.	OSS-92-5004 [1] PERM CERT(U)	.ERMS4060005838Z	C	1
11.	OSS-92-5015 [1] ONE PHOTO USED TO DECLASSIFY SOURCE #1054 AND 38 UNCLASSIFIED PHOTOS USED TO DECLASSIFY ROBERT GARWOOD - S-1311(U)	.ERMS4060005873O	S	1
12.	OSS-92-5016 [1] US MILITARY PERSONNEL MISSING AND CAPTURED IN SOUTHEAST ASIA: ALPHABETICAL NAME LIST(U)	.ERMS4060005874R	C	47

Please sign and return this receipt today.

RECEIPT ACKNOWLEDGED:

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SIGNATURE

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PRINTED NAME

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**ROGER HALL, et al.,**  
  
**Plaintiffs,**  
  
**v.**  
  
**CENTRAL INTELLIGENCE AGENCY,**  
  
**Defendant.**

**Civil Action 04-00814 (HHK)**

**MEMORANDUM OPINION AND ORDER**

Plaintiffs Roger Hall, Studies Solutions Results, Inc., and Accuracy in Media (“AIM”) filed this action against defendant Central Intelligence Agency (“CIA” or “Agency”) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, seeking records related to prisoners of war or soldiers missing in action from the Vietnam War era. Before the Court are the Agency’s “Renewed Motion to Dismiss and for Partial Summary Judgment” [#109], Hall’s<sup>1</sup> renewed “Cross-Motion for Partial Summary Judgment, an Order Authorizing Plaintiffs to Take Discovery, an Order Instructing Defendant to Conduct Additional Searches, and Orders for Certain Other Relief” [#117], and AIM’s “Cross-Motion for Summary Judgment and for Other Relief” [#114]. Upon consideration of the motions, the oppositions thereto, and the record of this case, the Court concludes that the CIA has properly declined to respond to some of plaintiffs’ requests but must respond to others, the CIA has demonstrated the adequacy of some searches for records but not others, and the CIA has properly invoked some statutory exemptions to its

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<sup>1</sup> In this opinion, references to “Hall” include Studies Solutions Results, Inc., which appears to be under Hall’s exclusive control and which has made all filings jointly with him.

disclosure obligations but has not provided sufficient information to support reliance on others. Accordingly, each motion shall be granted in part and denied in part, and the CIA shall be required to submit additional information to the Court.

## I. BACKGROUND

### A. The Freedom of Information Act

FOIA generally allows any person to obtain access to federal agency records, subject to certain specified exceptions. 5 U.S.C. § 552(a), (b). Congress enacted FOIA to “set[] forth a policy of broad disclosure of Government documents in order to ensure ‘an informed citizenry, vital to the functioning of a democratic society.’” *Critical Mass Energy Project v. Nuclear Regulatory Comm’n*, 975 F.2d 871, 872 (D.C. Cir. 1992) (quoting *FBI v. Abramson*, 456 U.S. 615, 621 (1982)) (alteration in original). Although Congress acknowledged that information requests may impose burdens upon government agencies, it decided that the “ultimate policy of open government should take precedence.” *Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 325 (D.C. Cir. 1999) (citations omitted).

In response to a FOIA request, an agency must “conduct[] a search reasonably calculated to uncover all relevant documents.” *Steinberg v. U.S. Dep’t of Justice*, 23 F.3d 548, 551 (D.C. Cir. 1994) (quoting *Weisberg v. U.S. Dep’t of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1985) (internal quotation marks omitted). If a requester’s suit challenges an agency’s invocation of exemptions to its disclosure obligation, the agency must justify its reliance on those exemptions through the submission to the court of a so-called “*Vaughn* index,” affidavits or declarations, or

both, containing a detailed description of the information withheld. *Defenders of Wildlife v. U.S. Border Patrol*, 623 F. Supp. 2d 83, 88 (D.D.C. 2009); *see also Vaughn v. Rosen*, 484 F.2d 820, 827-28 (D.C. Cir 1973).<sup>2</sup>

## **B. Factual Background**

Hall researches the status of Prisoners of War and Missing in Action (“POW/MIAs”) from the Vietnam War era, on his own and on behalf of families of those veterans, and shares information he collects via email newsletters. AIM is a non-profit corporation that “disseminates analysis of news media reporting.” Am. Compl. ¶ 3. Hall has submitted several FOIA requests to the CIA; requests he made in 1994 and 1998 were the subject of previous litigation before United States District Judge Paul L. Friedman, *see Hall v. CIA*, Civil Action No. 98-1319, slip op. at 1-4 (D.D.C. Aug. 10, 2000) (“*Hall I*”), the outcome of which has some bearing on this action, as explained below.

By letter dated February 7, 2003, Hall made a FOIA request of the CIA on behalf of himself and AIM. The request sought: (1) records pertaining to Southeast Asia POW/MIAs who have not returned to the United States; (2) records pertaining to POW/MIAs sent out of Southeast Asia; (3) documents prepared and/or assembled by the Agency between January 1, 1960 and

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<sup>2</sup> The Court notes here that the CIA has provided a variety of such documents in this case. The Agency first submitted a motion to dismiss and for summary judgment in October 2006, to which the Declaration of Scott A. Koch, Information and Privacy Coordinator, Central Intelligence Agency (“Koch Declaration”) and other exhibits, including a *Vaughn* index, were attached. That filing was later vacated, and the Agency submitted a renewed motion in October 2008, to which the Declaration of Ralph S. DiMaio, Information Review Officer, National Clandestine Service, Central Intelligence Agency (“DiMaio Declaration”) and other exhibits, including another *Vaughn* index, were attached. The DiMaio Declaration and 2008 *Vaughn* index supplemented, rather than replaced, the Koch Declaration and 2006 *Vaughn* index. For ease and clarity, this opinion will cite directly to the two declarations and their exhibits.

December 31, 2002 regarding any POW/MIAs in Laos; (4) records of the Senate Select Committee on POW/MIA Affairs that were withdrawn from the National Archives; (5) records relating to forty-four particular POW/MIAs from whose next-of-kin Hall had received privacy waivers as well as approximately 1,700 POW/MIAs whose next-of-kin have made a general authorization for the release of those individuals' information; (6) all records pertaining to searches conducted for three previous FOIA requests Hall submitted in 1994 and 1998; and (7) all records related to "any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs." Koch Decl. Ex. 1 at 2-3 ("February 2003 Letter" or "2003 request"). Hall and AIM asserted in their request letter that they were entitled to a waiver of their search fees because they are representatives of the news media and that they should receive a public interest waiver of their copying fees. *Id.* at 3.

On May 19, 2004, having received no substantive response to their request, Hall and AIM filed this action. On June 15, 2004, the CIA responded to the February 2003 letter, indicating that it could not accept items 1, 2, and 3 "as part of this new request" because Hall had asked for the same documents in the 1998 FOIA request at issue in *Hall I*. Koch Decl. Ex. 2 at 2. The CIA also indicated that it could not accept item 4 because the documents sought therein "are not 'agency records' subject to FOIA." *Id.* Regarding item 5, the Agency wrote that it could not accept the request unless plaintiffs provided "the date and place of birth and the full name of all individuals listed." *Id.* at 3. The CIA indicated that the item 7 request imposed "such overly burdensome search requirements as to not require a search." *Id.* The Agency stated that Hall had "failed to demonstrate that he meets the criteria for the 'representative of the news media' fee

category” and estimated that the search fees for items 5, 6, and 7 would be \$606,950. *Id.* It demanded a \$50,000 deposit before it would process Hall’s request. *Id.*<sup>3</sup>

On April 13, 2005, this Court addressed several motions then pending in this case. Relevant here are the rulings in that opinion that “plaintiffs may not challenge” either “the CIA’s withholding of certain records Hall sought in his May 28, 1998, FOIA request” or the conclusion “that particular records are exempt from the definition of ‘agency records’ under FOIA.” *Hall v. CIA*, 2005 WL 850379, at \*3 (D.D.C. Apr. 13, 2005) (“*Hall II*”). The Court also concluded that, based on the evidence before it, neither Hall nor AIM qualified as a representative of the news media for purposes of a fee limitation and plaintiffs were not entitled to a public interest fee waiver. *Id.* at \*6-7.

On April 26, 2005, AIM sent a letter to the CIA duplicating the seven February 2003 requests and adding an eighth category, records “pertaining to the estimates of fees made in response” to the February 2003 letter. Koch Decl. Ex. 9 at 2 (“April 2005 Letter”). AIM again requested a waiver of search fees as a representative of the news media as well as a public interest waiver of copying fees. The CIA responded by letter, stating that all eight items were the subject of this pending case and therefore the CIA would not accept the request. Koch Decl. Ex. 10 at 2.

In May 2005, Hall sent two letters to the CIA: one included information “to supplement the application” for a fee limitation as a representative of the news media and for a public interest fee waiver, Koch Decl. Ex. 11, and the second made the same eight-part FOIA request as was

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<sup>3</sup> The CIA later sent a “follow-up” to this letter in May 2005 reiterating its previous position that it need not respond to items 4, 5, or 7 and requesting a \$20,000 deposit based on its estimate of the cost of searching for the remaining documents. Koch Decl. Ex. 5 at 2-3.



included in AIM's April 2005 letter, *id.* ("May 2005 Letter"). The CIA responded to Hall's requests regarding fees, referring to the Court's April 2005 determination of these issues and writing that it had "considered the information" in Hall's letter before concluding that he had "not met the standard for a public interest fee waiver," nor did he "meet the definition of a representative of the news media." Koch Decl. Ex. 12 at 1.

In November 2005, the CIA released 122 documents, twenty in full and 102 in part, to Hall in response to the 1994 and 1998 requests that were the subject of *Hall I*. Koch Decl. Ex. 3 at 2. The Agency withheld twenty-six responsive documents "in their entirety" on the basis of certain FOIA exemptions. *Id.* The CIA asserts that this disclosure—which it notes was voluntary, because *Hall I* had been dismissed by the time it was made—responded to items 1 and 2 as well as, for the years 1971 to 1975, item 3 of Hall and AIM's current requests. Def.'s Renewed Mot. to Dismiss at 7. In September 2007, the CIA sent a letter to Hall and AIM stating that it had performed a search for item 3 documents from 1960 to 1971 and 1976 to 2002, the years included in the February 2003 request but not the 1994 and 1998 requests, and the Agency disclosed responsive, non-exempt documents. DiMaio Decl. Ex. 1 at 1. The letter also indicated that the CIA had located other responsive materials that originated outside the CIA and had referred those records to the relevant, unnamed agencies "for review and direct response to you." *Id.* at 2.

As to item 6, the CIA sent letters to Hall and AIM in August and October 2006 indicating it was providing responsive, non-exempt documents described in that portion of their request. Koch Decl. Exs. 6, 7.



Regarding item 8, the category added to the initial request, the CIA responded in July 2007 by providing one document in full and three in part. DiMaio Decl. Ex. A.

Meanwhile, in September 2005, Hall and AIM filed an amended complaint in this action asserting five claims. The plaintiffs allege that they have a right under FOIA to the records sought in their February 2003 letter (Count I); they have a right to the records sought in AIM's April 2005 letter and Hall's May 2005 letter, respectively (Counts II and III); they are entitled to a fee waiver as representatives of the news media (Count IV); and they are entitled to a public interest fee waiver (Count V).

## II. LEGAL STANDARD

### A. Summary Judgment

Summary judgment is appropriate if “the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). In a FOIA action, the agency must prove that “each document that falls within the class requested either has been produced, is unidentifiable, or is wholly exempt from the Act’s inspection requirements.” *Goland v. CIA*, 607 F.2d 339, 352 (D.C. Cir. 1978), *cert. denied*, 445 U.S. 927 (1980). The agency is entitled to summary judgment in an action challenging the adequacy of its search only if it demonstrates that it has “conducted a search reasonably calculated to uncover all relevant documents.” *Steinberg v. U.S. Dep’t of Justice*, 23 F.3d 548, 551 (D.C. Cir. 1994) (quoting *Weisberg v. U.S. Dep’t of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1985) (internal quotation marks omitted)). Regarding withholdings pursuant to statutory exemptions, the Court may award summary judgment solely on the information provided in affidavits or declarations that describe

“the justifications for nondisclosure with reasonably specific detail, demonstrate that the information withheld logically falls within the claimed exemption, and are not controverted by either contrary evidence in the record nor by evidence of agency bad faith.” *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981). Agency decisions to withhold or disclose information under FOIA are reviewed *de novo*. *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977). A reviewing court “has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.” 5 U.S.C. § 552(a)(4)(B).

### **B. Dismissal for Failure to State a Claim**

Under Federal Rule of Civil Procedure 12(b)(6), a court may dismiss a complaint, or any portion of it, for failure to state a claim upon which relief may be granted. Fed. R. Civ. P. 12(b)(6). A court considering such a motion to dismiss must assume that all factual allegations are true, even if they are doubtful. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). “[A] plaintiff’s obligation to provide the ‘grounds’ of [her] ‘entitle[ment] to relief,’” however, “requires more than labels and conclusions . . . . Factual allegations must be enough to raise a right of relief above the speculative level.” *Id.* (internal citations omitted).

### **III. ANALYSIS**

The parties’ motions each make a number of arguments, many of which overlap or interrelate. Therefore, rather than addressing each motion in turn, the Court will consider first the CIA’s refusal to respond to certain portions of Hall and AIM’s requests, next the adequacy of the CIA’s search for records pursuant to requests to which it has responded, third the propriety of the Agency’s invocation of certain exemptions from FOIA’s disclosure requirements, and finally the remaining issues of discovery, in camera inspection of documents, and fee waivers.

## A. The CIA's Failure to Disclose Certain Categories of Documents

### 1. Item 4

The CIA requests dismissal under Rule 12(b)(6) as to item 4, which seeks records of the Senate Select Committee on POW/MIA Affairs that were withdrawn from the National Archives. The CIA argues that Hall and AIM are collaterally estopped from asserting any claim regarding item 4 because Judge Friedman ruled in *Hall I* that these records, as Senate documents, are not “agency records” subject to FOIA. Hall and AIM respond that *Hall I* required the CIA to confirm that no responsive documents are of its own creation and thus within the Agency's, rather than the Senate's, control.

As explained in this Court's earlier ruling, the principle of collateral estoppel<sup>4</sup> applies here to prevent Hall and AIM from arguing that the Senate Committee's records are “agency records.” See *Hall II*, 2005 WL 850379, at \*3 (D.D.C. Apr. 13, 2005). Consequently, insofar as plaintiffs' complaint requests the records of the Senate Committee, it must be dismissed. But collateral estoppel also applies against the CIA. Judge Friedman noted that although the Agency need not search or disclose any documents in the Senate Select Committee files, any “identical copies of . . . documents of its own creation” contained in CIA files would be subject to FOIA. *Hall I*, Civil Action No. 98-1319, slip op. at 14 n.4 (D.D.C. Aug. 10, 2000). Judge Friedman therefore ruled that “[i]n preparing its supplemental declarations in this matter, the CIA should confirm that it has independently reviewed all documents of its own creation that were included

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<sup>4</sup> “Collateral estoppel, or issue preclusion, provides that ‘once a court has decided an issue of fact or law necessary to its judgment, that decision may preclude relitigation of the issue in a suit on a different cause of action involving a party to the first case.’” *Stonehill v. IRS*, 534 F. Supp. 2d 1, 6 (D.D.C. 2008) (quoting *Allen v. McCurry*, 449 U.S. 90, 94 (1980)), *aff'd* 558 F.3d 534 (D.C. Cir. 2009).

with the Senate Select Committee documents.” *Id.* The CIA ultimately did not provide this confirmation,<sup>5</sup> so dismissal as to this specific category of documents is denied. The Agency must provide the confirmation Judge Friedman required or turn over any non-exempt records to Hall and AIM.

## 2. Item 5

The CIA asks this Court to rule that plaintiffs’ item 5 request, which seeks “[r]ecords relating to [forty-four] individuals who allegedly are Vietnam era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall . . . and those persons who are on 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,” February 2003 Letter at 2, is improper. The Agency argues that the request, which pertains to approximately 1,700 individuals,<sup>6</sup> was too vague to process and that Hall and AIM did not provide the additional information—the date of birth, place of birth, and full name of each person—the CIA notified them it required to conduct a proper search. The Agency refers to the contention in the Koch Declaration that searching without this additional information might turn up records pertaining to individuals with names similar to those on the list but whose private information plaintiffs are not authorized to see. *See* Koch Decl. ¶¶ 25-26.

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<sup>5</sup> *Hall I* was ultimately dismissed because Hall did not submit funds to pay for his requested search, and thus the Agency, which had not by the time of dismissal provided the court with the additional information described in Judge Friedman’s opinion, no longer had “any obligation to file the supplemental declarations or affidavits.” *Hall I*, Civil Action No. 98-1319, slip op. at 5 (D.D.C. Nov. 13, 2003).

<sup>6</sup> The parties have not provided the Court with the lists of these forty-four and 1,700 individuals that were apparently attached to the February 2003 letter. Because no party disputes any description of these lists contained in the briefing—in particular, the number of names listed and certain additional information about the individuals included and not included—the Court assumes the parties’ representations are accurate.

Hall responds that the item 5 request is not vague. He argues that the CIA should search for, and provide records that contain, information sufficient to identify the person to whom it relates as one on Hall's lists. AIM contends that the Agency is able to perform searches for the forty-four individuals whose next-of-kin provided authorizations directly to Hall, noting that plaintiffs have provided specific information—such as social security numbers, service numbers, and other data—for many of those POW/MIAs. AIM further asserts that the information accompanying the longer list of POW/MIAs whose families have made records accessible—including branch of service, a seven-digit reference number, and other data regarding capture—makes a search of those names possible as well.

The CIA does not identify the legal authority on which its argument is based, but it seems to contend that item 5 does not fulfill the requirement that a FOIA request “reasonably describe[]” the records sought. 5 U.S.C. § 552(a)(3)(A). “A request reasonably describes records,” however, “if ‘the agency is able to determine precisely what records are being requested.’” *Kowalczyk v. U.S. Dep’t of Justice*, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982)). The Agency has not alleged that it cannot discern what records Hall and AIM seek. Instead, it has asserted that were it to search for the names, the search would turn up some records that are not responsive to Hall and AIM’s request. So the Agency has conceded that a search is possible. And it has not explained why it could verify the identity of individuals whose names appear in its records by date and place of birth but not by, for example, social security number. If such an explanation exists, the CIA must provide it in a supplemental declaration. Otherwise, it must search for and disclose any non-exempt records which, based on the information Hall and AIM have provided

and the details contained in the records themselves, it can verify pertain to an individual on plaintiffs' lists. Pending compliance with these instructions, the Agency is not entitled to summary judgment that it has complied with FOIA as to item 5.

### **3. Item 7**

The CIA has not provided any records in response to item 7 of Hall and AIM's request, which asks for "all records pertaining to any search ever conducted by the Agency, at any time and for any reason, for records concerning Vietnam War POW/MIAs." February 2003 Letter at 3. The Agency argues that the request is "unreasonably burdensome" based on assertions in the Koch Declaration that "the Agency's record systems are not configured in a way that enables us to search for records of searches in [non-FOIA] contexts" and a search for FOIA searches "timed out" after producing over 3,500 potentially responsive results. Def.'s Renewed Mot. to Dismiss at 20-21; Koch Decl. ¶¶ 37-38. Hall responds that it would not "require a gargantuan effort to locate some responsive records" to this request "through reasonable searches." Pl. Hall's Cross-Mot. for Summ. J. at 45. AIM argues that "[t]here is no exemption for a search being unduly burdensome" and notes that it has, as the Agency requested, narrowed its item 7 request: it is no longer seeking records of previous FOIA requests pertaining to POW/MIAs but instead is requesting only records of previous searches that resulted from other types of requests. Pl. AIM's Cross-Mot. for Summ. J. at 18-19. In reply, the CIA maintains that the more limited request is not sufficiently narrowed to alleviate the burden a search would impose.

First, based on the parties' representations,<sup>7</sup> the Court will treat item 7 as excluding records of searches performed in response to previous FOIA requests. Thus the question of whether it is unreasonably burdensome for the CIA to sort through and provide responsive documents pertaining to such searches is moot.

As to the remaining requested records, the Court will not order the CIA to perform a search that its recordkeeping system does not allow. *See Sonds v. Huff*, 391 F. Supp. 2d 152, 160 (D.D.C. 2005) (“[A]gencies are not required to perform searches which are not compatible with their own document retrieval systems.” (quoting *Judicial Watch, Inc. v. Export-Import Bank*, 108 F. Supp. 2d 19, 27 (D.D.C. 2000) (internal quotation marks omitted)). But despite a contention in the Koch Declaration that the CIA can only retrieve records of FOIA searches, the Declaration also indicates that the Agency's electronic database system tracks “searches recently conducted for other federal agencies.” Koch Decl. ¶ 38 n.11. The Court cannot grant summary judgment to the CIA as to Hall and AIM's remaining item 7 request until it performs a search of that system for responsive documents or explains to the Court why it cannot do so.

#### **4. Item 3 referrals**

As indicated in letters to Hall and AIM, the CIA asserts that in performing its search for documents responsive to item 3 of Hall and AIM's request, which seeks records “[p]repared by and/or assembled by the CIA” between 1960 and 2002 related to the status of any POW/MIAs in Laos, February 2003 Letter at 2, the Agency “located information within CIA records . . . that

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<sup>7</sup> Although Hall has not stated directly that he agrees with AIM's narrowing of item 7, his discussions of item 7 refer only to records related to searches requested by congressional committees and executive agencies. The Court therefore infers that he is no longer requesting information regarding searches conducted in response to FOIA requests.



originated from a third agency.” DiMaio Decl. ¶ 7. The CIA has referred these documents to those other, unnamed agencies for review, and plaintiffs have not yet received them. *Id.* Hall argues that because of the delay in receiving responses, “the right to claim exemptions for these materials has been waived” or, in the alternative, that this Court should set a deadline by which the CIA must provide “all nonexempt referral materials and justify any withholdings.” Pl. Hall’s Cross-Mot. for Summ. J. at 4. The CIA responds that it cannot compel other agencies to respond quickly, nor can it declassify information of another agency. The Agency notes that it has not requested summary judgment as to these referred records.

When an agency receives a FOIA request for records in its possession, “it must take responsibility for processing the request” even if the documents originated elsewhere. *McGehee v. CIA*, 697 F.2d 1095, 1110 (D.C. Cir. 1983). Referrals to the originating agency are appropriate, but a referral system constitutes withholding “if its net effect is significantly to impair the requester’s ability to obtain the records or significantly to increase the amount of time [s]he must wait to obtain them.” *Id.* The withholding is “‘improper’ unless the agency can offer a reasonable explanation for its procedure.” *Id.*

Hall and AIM initially requested the records described in item 3 in February 2003. The CIA released the results of the search it conducted in response to that request in September 2007. The letter accompanying those records indicated that the Agency had contacted the relevant agencies by September 2007, but did not state on what date or dates it made the referrals.<sup>8</sup> Those

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<sup>8</sup> One factor in evaluating referral procedures is whether the referral was “prompt and public.” *McGehee*, 697 F.2d at 1111. To make a “prompt and public” referral, the agency must “immediately (i) inform the requester of the situation, (ii) notify the originating agency and, (iii) if necessary, forward to the latter copies of the relevant documents.” *Id.* Without precise information regarding the timing of the referrals, the Court cannot consider this factor.

agencies had apparently not provided responses by the time briefing on the motions currently before the Court was completed in September 2009. Thus at least a two-year delay has transpired, and the CIA does not assert that it has made any effort to ensure that its referrals are being processed. The time Hall and AIM have waited for the records has been significantly increased by these referrals, so the referral process here constitutes improper withholding. *Cf. Keys v. U.S. Dep't of Homeland Sec.*, 570 F. Supp. 2d 59, 70 (D.D.C. 2008) (concluding that an agency had “ignored its responsibilities under FOIA” by failing to follow up with two other agencies to which it had referred records while eleven months passed between the referral and the eventual disclosure of the documents). Although the Court declines to grant Hall the precise relief he has requested, the Court holds that the CIA is responsible for responding to this request and that it must take affirmative steps to ensure that its referrals are being processed, which it should describe in its supplemental filing.

## **B. The Adequacy of the CIA’s Search**

### **1. Items 1, 2, and 3**

#### **i. Search terms**

Hall and AIM argue that the CIA’s search for records described in items 1, 2, and 3 of their request—which seek records regarding POW/MIAs in Southeast Asia, sent out of Southeast Asia, and in Laos—was inadequate because the Agency’s search terms were deficient. Specifically, Hall asserts that the Agency used the term “Prisoner of War” but not the plural “Prisoners of War”; that it did not search for several terms Hall asserts are often used to refer to POW/MIAs, such as “pirates” and “criminals”; that it entered search terms in all capital letters and so would not turn up matches in lower case; that it did not search for any code names or

cryptonyms used in projects regarding POW/MIAs; and that it did not search for the names of prisons. Hall also attempts to demonstrate the inadequacy of the search by providing a list of documents that the CIA has not provided to him even though, he asserts, they exist and are responsive to his FOIA request.

First, the CIA responds that Hall may not object to the adequacy of search terms used to locate records provided in November 2005 pursuant to the requests discussed in *Hall I*.

Regarding the search for item 3 records for the years 1960 to 1970 and 1976 to 2002, which the CIA released to plaintiffs in September 2007, the Agency argues that the terms were those used for prior, extensive searches and that Hall had not previously objected to them.

As described above, this Court ruled in April 2005 that, based on the doctrine of collateral estoppel, issues litigated in *Hall I* may not be raised again here. *Hall II*, 2005 WL 850379, at \*3 (D.D.C. Apr. 13, 2005). The Court specifically noted that “Hall challenged the adequacy of CIA’s search” in *Hall I*. *Id.* In *Hall I*, Judge Friedman questioned whether the Agency’s search terms were adequate because the CIA had not indicated what terms three of four divisions within the Agency had used and because the Directorate of Operations, the one division that had provided a list of search terms, did not search for the terms “PW” or “PWs.” *Hall I*, Civil Action No. 98-1319, slip op. at 9 (D.D.C. Aug. 10, 2000). The Koch Declaration states explicitly that to locate the records disclosed in November 2005, the three other directorates performed searches using the terms the Directorate of Operations had listed as well as “PW” and “PWS.” Koch Decl. ¶ 21. Because the opinion in *Hall I* approved these search terms, plaintiffs may not now challenge their use in responding to requests duplicative of those addressed in that case.

As to the searches conducted to locate item 3 records from years other than 1971 to 1975, the Court does not have sufficient information to evaluate the parties' arguments. To be granted summary judgment, an agency must demonstrate that its search was "reasonably calculated to uncover all relevant documents." *Steinberg*, 23 F.3d at 551 (quoting *Weisberg*, 745 F.2d at 1485) (internal quotation marks omitted). The affidavits or declarations submitted to meet this burden must "explain in reasonable detail the scope and method of the agency's search." *Defenders of Wildlife v. U.S. Border Patrol*, 623 F. Supp. 2d 83, 91 (D.D.C. 2009) (citing *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 185 F. Supp. 2d 54, 63 (D.D.C. 2002)); *see also Morley v. CIA*, 508 F.3d 1108, 1121 (D.C Cir. 2007) (holding that the CIA's description of a search was inadequate where the declaration "provide[d] no information about the search strategies of the components charged with responding to [plaintiff]'s FOIA request" and did not "provide any indication of what each directorate's search specifically yielded"); *Steinberg*, 23 F.3d at 551-52 (finding a "serious doubt" as to whether an agency's search was reasonable when the accompanying affidavit "fails to describe what records were searched, by whom, and through what processes").

The Koch Declaration states that "the same search terms will be used" to perform a search for the remaining item 3 documents as were used to produce the November 2005 disclosures, Koch Decl. ¶ 23, but it does not identify which directorates would conduct searches, describe the databases to be searched, or explain how the search would be tailored to locate records from the years in question or with content specific to Laos. The DiMaio Declaration includes no information regarding how the search used to locate the records produced in September 2007 occurred. DiMaio Aff. ¶ 6. The Court therefore denies the CIA's request for

summary judgment as to the adequacy of its search for additional item 3 records. The CIA must provide a supplemental declaration describing its search method, including search terms, databases searched, and other relevant information that will allow the Court to evaluate whether the Agency's search was adequate.<sup>9</sup>

## ii. Operational Files

The Koch Declaration states that the Directorate of Operations “did not conduct an additional search” using “PW” and “PWS” per Judge Friedman’s instructions in *Hall I* because that Directorate “determined that any responsive records it had would be contained in properly designated operational files, which are exempt from the search, review, and release provisions of the FOIA.” Koch Decl. ¶ 22 n.6. Hall argues that this failure to search was improper because the statute permitting the CIA to exempt “operational files”<sup>10</sup> from FOIA states that “exempted operational files shall continue to be subject to search and review for information concerning . . . the specific subject matter of an investigation by the congressional intelligence committees.” 50

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<sup>9</sup> The declaration should be sufficiently detailed to allow the Court to address Hall’s objections to the search. Specifically, the Agency should address whether it used both “Prisoner of War” and “Prisoners of War” as search terms. If it did not, it must either explain why the unused form would not have turned up any additional responsive documents or perform a new search using that term. The Agency should also indicate whether its retrieval system is case-sensitive, meaning that a search for a term in all capital letters would not locate a document containing that term in lowercase letters. The Court also advises the Agency to explain why it believes its search terms are sufficient to locate responsive documents or why Hall’s suggested additional search terms were not necessary or useful to a reasonable search for the item 3 request.

<sup>10</sup> The statute defines “operational files” as including “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.” 50 U.S.C. § 431(b)(1). Hall does not dispute the CIA’s premise that a further search by the Directorate of Operations would locate only records that fall within this definition.

U.S.C. § 431(a), (c). Hall asserts that “[t]he Government’s handling of the MIA/POW issue was the subject of investigations” by several Senate committees. Pl. Hall’s Cross-Mot. for Summ. J. at 5.<sup>11</sup> The CIA responds that none of those committees are “congressional intelligence committees” to which the statute refers.

The CIA is correct. As noted in a case Hall cites, *see Morley v. CIA*, 508 F.3d 1108, 1116 n.1 (D.C. Cir. 2007), “congressional intelligence committees” as used in section 431 means “(A) the Select Committee on Intelligence of the Senate; and (B) the Permanent Select Committee on Intelligence of the House of Representatives.” 50 U.S.C. § 401a(7). Hall has not alleged that either of those committees conducted investigations relevant to his search. The Court therefore declines to order the Agency to perform an additional search of the files of the Directorate of Operations for records responsive to items 1, 2, or 3.

## **2. Item 6**

Hall also contests the adequacy of the CIA’s search for documents responsive to item 6 of his and AIM’s request. Item 6 seeks records pertaining to searches the CIA performed in response to Hall’s 1994 and 1998 FOIA requests as well as to fee assessments connected to those searches. Hall argues that the CIA has not explained why it did not search beyond the one record

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<sup>11</sup> Hall also argues that a 1993 Presidential Directive requiring declassification and release of documents related to POW/MIAs overrides the statute exempting the CIA’s operational files from searches pursuant to FOIA requests. He provides no support for this contention.

system mentioned in the Koch Declaration.<sup>12</sup> The Agency responds that it was required only to search the record system likely to contain responsive documents.

Review of the adequacy of an agency's search for records responsive to a FOIA request is based on "principles of reasonableness." *Weisberg*, 745 F.2d at 1485. An agency is required "to make a good faith effort to conduct a search for the requested records, using methods which can reasonably be expected to produce the information requested." *Int'l Trade Overseas, Inc. v. Agency for Int'l Dev.*, 688 F. Supp. 33, 36 (D.D.C. 1988) (quoting *Marrera v. U.S. Dep't of Justice*, 622 F. Supp. 51, 54 (D.D.C. 1985)). The Court may rely on "[a] reasonably detailed affidavit, setting forth the search terms and the type of search performed, and averring that all files likely to contain responsive materials (if such records exist) were searched."

*Valencia-Lucena v. U.S. Coast Guard*, 180 F.3d 321, 326 (D.C. Cir. 1999) (quoting *Oglesby v. U.S. Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)). An agency is not required to search all of its record systems if searches of particular systems "are unlikely to produce any marginal return." *Campbell v. U.S. Dep't of Justice*, 164 F.3d 20, 28 (D.C. Cir. 1998) (citing *Oglesby*, 920 F.2d at 68).

The Court cannot conclude based on the information in the record that the CIA's search fulfilled these requirements as to item 6. The Koch Declaration explains that the CIA's Public

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<sup>12</sup> Hall also argues that the CIA's search did not locate records of time spent searching and rates charged. But review of the adequacy a FOIA search is not based on whether all responsive documents are found. *See Boyd v. Criminal Div. of U.S. Dep't of Justice*, 475 F.3d 381, 390-91 (D.C. Cir. 2007) ("[T]he fact that a particular document was not found does not demonstrate the inadequacy of a search." (citations omitted)); *Judicial Watch, Inc. v. U.S. Food and Drug Admin.*, 514 F. Supp. 2d 84, 87 (D.D.C. 2007) ("[I]n assessing the reasonableness of a search, a court is not guided by whether the search actually uncovered every document." (quoting *Ferranti v. Bureau of Alcohol, Tobacco & Firearms*, 177 F. Supp. 2d 41, 47 (D.D.C. 2001) (internal quotation marks omitted))).



Information Programs Division “manages the processing of FOIA requests, including any assessment of fees associated with FOIA requests,” so the administrative files of that division are “most reasonably likely to contain documents or information pertaining to the assessment of fees associated with Hall’s requests.” Koch Decl. ¶ 32. But the Declaration does not state that other divisions, such as those that performed searches, are unlikely to have any records related to Hall’s requests or the Agency’s fee assessments. Such a statement is necessary to determine that a search was reasonable. *See Oglesby*, 920 F.2d at 68 (holding that summary judgment was not appropriate where the agency limited its search to one record system without making clear that the single system was “the *only* possible place that responsive records are likely to be located” and stating that “[a]t the very least, [the agency] was required to explain in its affidavit that no other record system was likely to produce responsive documents”). Therefore the Court denies summary judgment to the CIA as to the adequacy of its search for records responsive to item 6.

### 3. Item 8

The CIA seeks judgment as a matter of law as to item 8, Hall and AIM’s request for records related to fees estimates for the February 2003 request. Hall does not challenge the adequacy of the CIA’s search for these records.<sup>13</sup> The Court therefore treats the argument as conceded, *see Klugel v. Small*, 519 F. Supp. 2d 66, 72 (D.D.C. 2007) (“It is well established in the D.C. Circuit that when a party does not address arguments raised by a movant, the court may treat those arguments as conceded.” (citing *Hopkins v. Women’s Div. Gen. Bd. of Global Ministries*, 238 F. Supp. 2d 174, 178 (D.D.C. 2002))), and concludes that judgment shall be entered in favor of the CIA as to the adequacy of its search for item 8 records.

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<sup>13</sup> AIM asserts that plaintiffs have not received certain documents it suggests would be responsive to the item 8 request. But it refers to Hall’s motion without otherwise articulating or supporting an argument that the CIA is not entitled to summary judgment as to item 8.

### C. Exemptions

Because Congress recognized that “legitimate governmental and private interests could be harmed by release of certain types of information” pursuant to FOIA, *FBI v. Abramson*, 456 U.S. 615, 621 (1982), it set forth nine exemptions to the statute under which an agency may properly withhold information. See 5 U.S.C. § 552(a)(4)(B), (b)(1)–(9). The agency bears the burden of justifying its decision to withhold requested documents. *Beck v. U.S. Dep’t of Justice*, 997 F.2d 1489, 1491 (D.C. Cir. 1993). An agency’s declaration explaining its withholdings is sufficient to support a claimed exemption if it: (1) is not conclusory; (2) is neither controverted by evidence in the record nor by evidence of agency bad faith, *Shaw v. U.S. Dep’t of State*, 559 F. Supp. 1053, 1056 (D.D.C. 1983) (quoting *Military Audit Project v. Casey*, 656 F.2d 724, 738 (D.C. Cir. 1981)); and (3) describes the justification for withholding the requested records “in sufficient detail to demonstrate that the claimed exemption applies,” *Carter v. U.S. Dep’t of Commerce*, 830 F.2d 388, 392 (D.C. Cir. 1987). If the declarations or affidavits meet these standards, “then the court need not question the submissions’ veracity and must accord them substantial weight in its decision.” *Schlesinger v. CIA*, 591 F. Supp. 60, 64 (D.D.C. 1984) (citing *Taylor v. Dep’t of the Army*, 684 F.2d 99, 106–07 (D.C. Cir. 1982)).

In the *Vaughn* indexes the CIA submitted to the Court in 2006 and 2008, the Agency invokes exemptions 1, 2, 3, 5, and 6 to justify the withholding of portions of, or in some cases the entirety of, records responsive to Hall and AIM’s 2003 and 2005 requests for production. The Agency has not submitted a *Vaughn* index to accompany the November 2005 disclosures it made pursuant to the 1994 and 1998 requests reviewed in *Hall I*. Hall and AIM object to the Agency’s reliance on exemptions 1, 2, 5, and 6 and to its failure to justify its *Hall I* withholdings.

### 1. November 2005 withholdings

Hall and AIM argue that the CIA has failed to meet its obligation to provide a “relatively detailed analysis,” *Vaughn v. Rosen*, 484 F.2d 820, 826 (D.C. Cir. 1973), supporting withholdings regarding the items 1, 2, and 3 records it disclosed in November 2005. Pl. Hall’s Cross-Mot. for Summ. J. at 19-20. The Agency has submitted no declaration or index pertaining to those withholdings to this Court. The CIA argues this omission is acceptable because Judge Friedman approved the invocations of exemptions in *Hall I* and this Court ruled that collateral estoppel barred relitigation of issues presented in that case, including “the CIA’s withholding of certain records Hall sought in his May 28, 1998 FOIA request.” *Hall II*, 2005 WL 850379, at \*3.

Judge Friedman approved the Agency’s invocation of certain exemptions in withholding records located by a search the CIA performed prior to his August 2000 opinion. *Hall I*, Civil Action No. 98-1319, slip op. at 17-21. This Court held that Hall and AIM may not challenge that decision. *Hall II*, 2005 WL 850379, at \*3. But the *Vaughn* index submitted to Judge Friedman did not address the withholdings from the CIA’s November 2005 disclosures; the CIA performed the search for those records in accordance with, and thus after the issuance of, Judge Friedman’s opinion. *See Koch Decl.* ¶¶ 19-22. Therefore, the issue of whether the Agency properly withheld records or portions of records from the November 2005 disclosures has not been the subject of litigation. Therefore, the CIA must submit a *Vaughn* index describing “the documents and the justifications for nondisclosure with reasonably specific detail, [and] demonstrat[ing] that the information withheld logically falls within the claimed exemption,” *Military Audit Project*, 656 F.2d at 738, for the 102 records the Agency located but did not provide in full to Hall and AIM in November 2005 as well as the twenty-six documents it withheld in their entirety.

The Court now turns to considering the Agency's reliance on exemptions to justify withholdings from records responsive to item 3 for the years not covered in the *Hall I* requests, item 6, and item 8.

## **2. Exemption 1**

Exemption 1 permits the withholding of records that are "(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." 5 U.S.C. § 552(b)(1). The CIA has withheld a number of documents pursuant to this exemption and Executive Order 12,958, "Classified National Security Information," as amended, 60 Fed. Reg. 19,825 (April 17, 1995) ("E.O. 12,958"). Hall argues that the withholding is inappropriate because the records relate to historical matters, the Agency has made only "conclusory assertions" without stating how disclosure would harm national security, and the CIA has not shown that the documents have proper markings of classified documents as required by the executive order. Pl. Hall's Cross-Mot. for Summ. J. at 25-26. The CIA responds that the DiMaio Declaration states that the information is properly classified, the *Vaughn* indexes describe "to the greatest degree possible the information that was withheld." Def.'s Opp. to Pls.' Cross-Mots. for Summ. J. at 14 ("Def.'s Opp."). The CIA also argues that the information is "less than 25 years old," *id.*, meaning it is not subject to the provision of Executive Order 12,958 automatically declassifying records that are more than twenty-five years old.

An agency bears the burden of establishing that documents are properly classified as secret and thus clearly exempt from disclosure. *Founding Church of Scientology of Wash., D.C., Inc. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979) (citing 5 U.S.C. § 552(a)(4)(B)). But the D.C.

Circuit has articulated an expansive standard of deference in national security cases, noting that “little proof or explanation is required beyond a plausible assertion that information is properly classified.” *Morley*, 508 F.3d at 1124; *see also Larson v. U.S. Dep’t of State*, 565 F.3d 857, 862 (D.C. Cir. 2009) (noting that court need only examine whether agency’s classification decision “appears ‘logical’ or ‘plausible’” (citing *Wolf v. CIA*, 473 F.3d 370, 374-75 (D.C. Cir. 2007))). The Court is to afford “*substantial weight* . . . to an agency’s affidavit concerning the details of the classified status of the disputed record.” *Morley*, 508 F.3d at 1124 (quoting *Military Audit Project*, 656 F.2d at 738) (emphasis in original) (internal quotation marks omitted).

Here, the DiMaio Declaration states that all withheld records are properly classified and explains the rationales for keeping secret information pertinent to intelligence methods, internal information, and cryptonyms. DiMaio Decl. ¶¶ 13-26. The *Vaughn* indexes state the level of classification of each particular document for which the CIA invokes exemption 1. These explanations appear comparable to those the D.C. Circuit approved in *Morley v. CIA*, 508 F.3d 1108, 1124, 1125 (D.C. Cir. 2007) (affirming the CIA’s use of exemption 1 based on an explanation in a declaration of “the CIA’s reasons for protecting intelligence sources and methods along with other internal information”). Hall’s arguments regarding the detail of the CIA’s justification is therefore unpersuasive.

But the Agency’s statement to this Court that the records withheld pursuant to exemption 1 are less than twenty-five years old is, as to some documents, plainly incorrect. For example, portions of several documents dating from 1962 are withheld on the basis of exemption 1.

DiMaio Decl. Ex. 2, Part 3, at 26-30 (“2008 *Vaughn* Index”).<sup>14</sup> Executive Order 12,958 calls for the automatic declassification of records “more than 25 years old” with “permanent historical value.” E.O. 12,958 §§ 3.4(a). The Order exempts from this requirement nine categories of information. *Id.* § 3.4(b).<sup>15</sup> The records at issue here may well fall into one or more of these categories, but the CIA has not made such an assertion. *Cf. Schoenman v. FBI*, 2009 WL 763065, at \*21 (D.D.C. 2009) (holding that the CIA complied with the requirements of E.O. 12,958 where a declaration regarding a FOIA request stated that the declarant had “re-reviewed each of the documents described in the CIA’s *Vaughn* index during the current litigation process and determined that [the relevant documents] each contain information . . . warranting their continued classification despite their age”). The CIA should address this issue in its supplemental filing to this Court pursuant to this opinion.

Therefore, the Court grants summary judgment to the CIA as to its withholding of documents less than twenty-five years old pursuant to exemption 1 but denies summary judgment as to those documents that are more than twenty-five years old.

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<sup>14</sup> The 2008 *Vaughn* index does not number each document consecutively. The 1962 documents are numbered MORI 1342289, MORI 1342290, MORI 1342291, and MORI 1342292.

<sup>15</sup> These categories include information which would, if released, “reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States”; “reveal information that would impair U.S. cryptologic systems or activities”; or “reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States.” E.O. 12,958 § 3.4(b).

### 3. Exemption 2

Exemption 2 allows an agency to withhold information “related solely to the internal personnel rules and practices of an agency.” 5 U.S.C. § 552(b)(2). Information is excepted from FOIA’s disclosure requirements under exemption 2 if (1) it “fall[s] within the terms of the statutory language” and (2) the agency can show that “disclosure may risk circumvention of agency regulation” (“high b(2)”) or “the material relates to trivial administrative matters of no genuine public interest” (“low b(2)”). *Morley*, 508 F.3d at 1124 (quoting *Schwanner v. U.S. Dep’t of Air Force*, 898 F.2d 793, 794 (D.C. Cir. 1990) (internal quotation marks omitted)); *Schiller v. Nat’l Labor Relations Bd.*, 964 F.2d 1205, 1207 (D.C. Cir. 1992). For most documents withheld in part on the basis of exemption 2, the 2008 *Vaughn* index states, using the same language for each document: “The distribution information consists of internal administrative information in which there is no genuine public interest, including filing identifiers, routing codes, handling instructions, origination markings, and other internal administrative information which is protected from disclosure by exemption low b(2).” *See, e.g.*, 2008 *Vaughn* Index, Part 1, at 4, 6, 8, 10, 12.<sup>16</sup> For other documents, the index states, again repeatedly using the same language: “The block at the end of the letter contains a set of internal routing and filing information, which is included on the internal file copies of correspondence but not on the original sent to the addressee. This block was withheld on the basis of Exemption (b)(2).” *See* 2008 *Vaughn* Index, Part 4, at 6-13, 19-20.<sup>17</sup>

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<sup>16</sup> These pages correspond to documents numbered MORI 1479578, MORI 1479579, MORI 1479580, MORI 1479581, and MORI 1479582.

<sup>17</sup> These pages correspond to documents numbered MORI 141096, MORI 1370159, MORI 1370160, MORI 1370161, MORI 1370162, MORI 1370163, MORI 1370164, MORI



Hall argues that the CIA has not properly invoked this exemption because the information withheld is of interest to the public; he asserts that the data “provides knowledge of where records are located, who was aware of what, when, who did what, etc.” Pl. Hall’s Cross-Mot. for Summ. J. at 28. The CIA argues that this administrative data is of the sort courts have permitted agencies to withhold in other cases.

The CIA misunderstands its responsibility. The D.C. Circuit has made clear that exemption 2 “does not shield information on the sole basis that it is designed for internal agency use,” *Morley*, 508 F.3d at 1125 (quoting *Fitzgibbon v. U.S. Secret Serv.*, 747 F. Supp. 51, 56 (D.D.C. 1990)) (internal quotation mark omitted), and that “it is the agency’s burden to establish that the information withheld is too trivial to warrant disclosure,” *id.* (citing 5 U.S.C. 552(a)(4)(B); *U.S. Dep’t of Justice v. Tax Analysts*, 492 U.S. 136, 142 n.3 (1989)). As in other cases requiring an agency to provide more justification for reliance on exemption 2, the CIA “has failed even to suggest any . . . reason or need to keep secret the administrative routing information and internal data.” *Id.* (quoting *Fitzgibbon*, 747 F. Supp. at 57) (internal quotation marks omitted). Because the Agency has not provided evidence regarding this exemption, Hall and AIM have established that a genuine issue of material fact exists, *cf. id.*, and the Court denied summary judgment to the CIA. The CIA’s supplemental filing to this Court shall include further detail regarding its invocation of exemption 2 or the CIA shall disclose to Hall and AIM information previously withheld pursuant to this exemption.

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1370165, MORI 1383898, and MORI 1383899. By highlighting these documents and those identified in the preceding footnote, the Court does not mean to exclude from its ruling other documents for which the CIA justified withholdings based on exemption 2.

#### **4. Exemption 3**

The CIA invoked exemption 3, which permits withholding records “specifically exempted from disclosure by statute” if the relevant statute affords the agency no discretion on disclosure, establishes particular criteria for withholding the information, or refers to the particular types of material to be withheld. *See* 5 U.S.C. § 552(b)(3)(A)–(B). The Agency seeks summary judgment as to its reliance on this exemption, and Hall and AIM have not responded to that request. Because “when a party does not address arguments raised by a movant, the court may treat those arguments as conceded,” *Klugel*, 519 F. Supp. 2d at 72 (citing *Hopkins*, 238 F. Supp. 2d at 178), the Court holds that the CIA is entitled to summary judgment on the issue of whether it properly withheld records pursuant to exemption 3.

#### **5. Exemption 5**

Exemption 5 permits an agency to withhold “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). “As such, [exemption 5] is interpreted to encompass, *inter alia*, three evidentiary privileges: the deliberative process privilege, the attorney-client privilege, and the attorney work product privilege.” *Tax Analysts v. IRS*, 294 F.3d 71, 76 (D.C. Cir. 2002). The CIA appears to seek summary judgment as to its reliance on all three privileges to invoke exemption 5.

##### **i. Deliberative process privilege**

Hall and AIM challenge the CIA’s reliance on the deliberative process privilege as to six particular documents, arguing that the Agency’s justifications are conclusory because they fail to describe the decision or advice involved. They also argue that because of its age, the withholding

of a seventh document, dated June 4, 1981, does not further the purposes of the exemption. The CIA responds that it has properly invoked the exemption because the relevant documents “contain[] the recommendations or opinions of the Agency and its personnel on matters preceding final Agency action.” Def.’s Opp. at 16.

The deliberative process privilege “protects ‘confidential intra-agency advisory opinions’ and ‘materials reflecting deliberative or policy-making processes.’” *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 365 F.3d 1108, 1113 (D.C. Cir. 2004) (quoting *EPA v. Mink*, 410 U.S. 73, 86 (1973)). The purpose of the deliberative process privilege is to ensure open communication between subordinates and superiors, to prevent premature disclosure of policies before final adoption, and to avoid public confusion if grounds for policies that were not part of the final adopted agency policy happened to be exposed to the public. *Defenders of Wildlife v. U.S. Dep’t of Agric.*, 311 F. Supp. 2d 44, 57 (D.D.C. 2004) (citations omitted). Therefore, when a court reviews whether an agency properly withheld documents under the deliberative process privilege, the critical question is whether “disclosure of [the] materials would expose an agency’s decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s ability to perform its functions.” *Formaldehyde Inst. v. U.S. Dep’t of Health & Human Servs.*, 889 F.2d 1118, 1122 (D.C. Cir. 1989).

One of the documents Hall identified as improperly withheld pursuant to the deliberative process privilege contains “emails and internal memos dated in June of 2004 from individuals in various CIA directorates and offices”; five others are “memorandums . . . addressed to various CIA directorates from CIA’s FOIA office and pertain to fee estimates for preliminary searches

conducted in response to Roger Hall's FOIA request." 2008 *Vaughn* Index, Part 4, at 22-23.<sup>18</sup>

The CIA withheld these records because "they reflect internal pre-decisional deliberations of agency officials on records relating to the POW/MIA [*sic*] and fee estimates on conducting searches." *Id.*

The Court cannot ascertain from these statements, which reflect all of the pertinent information provided in the 2008 *Vaughn* index, whether the CIA properly invoked exemption 5. Merely asserting that the documents are "pre-decisional" without explaining to what pending decisions they related or making clear whether they "make[] recommendations or express[] opinions on legal or policy matters," *Vaughn*, 523 F.2d at 1143-44, is insufficient. Insofar as the memorandums indicate that certain decisions about searches or fees had already been made, they do not fall within exemption 5. See *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151 (1975) ("it is difficult to see how the quality of a decision will be affected by communications with respect to the decision occurring after the decision is finally reached"). The CIA must either disclose these documents or, if it wishes to continue to withhold them pursuant to exemption 5, include in its supplemental filing details that "illuminate the contents of the documents and the reasons for non-disclosure." *Defenders of Wildlife*, 311 F. Supp. 2d at 60.

As to the June 4, 1981 document,<sup>19</sup> Hall is correct that the age of a document is one factor to consider in assessing whether the deliberative process privilege is properly invoked. See *Lardner v. U.S. Dep't of Justice*, 2005 WL 758267, at \*13 (D.D.C. 2005) (citing *In re Sealed*

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<sup>18</sup> These documents are numbered MORI 1100665, MORI 1100667, MORI 1100668, MORI 1100669, MORI 1100670, and MORI 1100671.

<sup>19</sup> This document is numbered MORI 1479603.

*Case*, 121 F.3d 729, 753 (D.C. Cir. 1997)). But age alone is not determinative. *Id.* The CIA has asserted that the document “reflects the deliberations of agency officials on how it intends to handle specific requests for records.” 2008 *Vaughn* Index, Part 3, at 37. But it provides no further detail to support withholding, and the *Vaughn* index indicates that the document is a “Weekly Report of the Information and Privacy Division,” which suggests it more likely contains the results of deliberation than deliberation itself. *Id.* The Court requires more information to make a determination about the propriety of the CIA’s reliance on exemption 5 for withholding this document.

The CIA is entitled to summary judgment as to all other withholdings it justified by reliance on the deliberative process privilege.<sup>20</sup>

## **ii. Attorney-client privilege**

The Agency has also withheld a number of documents under exemption 5 because, it asserts, the documents are protected by the attorney-client privilege. Hall and AIM argue that the CIA has not demonstrated that the communications were made in confidence and that “there is some evidence that they were not, as the CIA has apparently invoked Exemption 2 to redact the

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<sup>20</sup> The only argument Hall and AIM make regarding *all* documents for which the CIA invokes the deliberative process privilege is that the withholding of the identities of the documents’ authors sufficiently protects the interest in not stifling future communications. But the focus of the privilege is not on the effect of disclosure on any particular individual at an agency, rather, the exemption seeks to protect candid deliberation throughout the agency. *See Greenberg v. U.S. Dep’t of Treasury*, 10 F. Supp. 2d 3, 16 n.19 (D.D.C. 1998) (rejecting an argument that redacting the names of individuals would eliminate the need for the invocation of exemption 5 because redaction “would not eliminate the effect that the release of these documents, illustrating the CIA’s decision-making process, would have on the candor of future deliberations at the CIA”).

list of distribute[e]s of these com[m]unications.” Pl. Hall’s Cross-Mot. for Summ. J. at 32.<sup>21</sup>

The CIA asserts that it has properly invoked the attorney-client privilege to withhold communications between Agency attorneys and officers.

Information shared with a third party is not protected by the attorney-client privilege. *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 253 (D.C. Cir. 1977) (citations omitted). Because “[w]here the client is an organization, the privilege extends to those communications between attorneys and all agents or employees of the organization who are authorized to act or speak for the organization in relation to the subject matter of the communication,” *id.* at 253 n.24, some CIA employees should be considered third parties for purposes of assessing whether the invocation of exemption 5 was proper and others should not. The documents at issue here are listed in the *Vaughn* indexes as communications between “CIA lawyer” or “CIA attorney” and “CIA officer.” *See, e.g.*, 2008 *Vaughn* index, Part 4, at 24.<sup>22</sup> The Agency has not provided any additional information about the responsibilities of the officers to which it refers. Therefore, the Court cannot determine whether the officers are individuals who, by virtue of their authority to represent the Agency, are entitled in their communications with

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<sup>21</sup> Hall includes a variety of other arguments regarding exemption 5 in his motion, none of which impact the Court’s conclusions. He argues that CIA attorneys are in a fiduciary relationship with citizens who make FOIA requests and that the CIA has waived the privilege by engaging in misconduct. These arguments are unsupported and therefore unpersuasive. He also argues that certain records he did not receive regarding fees are business records and are therefore not subject to the attorney-client privilege. But he acknowledges that the CIA did not assert that its search located the records to which he refers, so there is no exemption invocation for the Court to assess.

<sup>22</sup> This page corresponds to documents numbered MORI 1100673 and MORI 110[0]675. The Court’s ruling applies to all documents as to which the CIA invokes the attorney-client privilege.

attorneys to the protections of the attorney-client privilege. The CIA must either disclose records withheld pursuant to the attorney-client privilege or indicate in its supplemental filings, in sufficient detail, why withholding is proper as to each document for which it relies on the privilege.

### **iii. Attorney work product privilege**

Hall makes descriptive statements regarding the attorney work product privilege, but he does not articulate an argument that the CIA improperly withheld any documents pursuant to it. AIM similarly makes no such argument. Because the CIA asserts that it properly invoked the privilege, this lack of response constitutes a concession. *See Klugel*, 519 F. Supp. 2d at 72 (citing *Hopkins*, 238 F. Supp. 2d at 178). The Court therefore grants summary judgment to the Agency as to its reliance on the attorney work product privilege.

### **6. Exemption 6**

Exemption 6 allows agencies to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). Hall and AIM argue that the CIA’s invocation of exemption 6 is insufficient because it is conclusory. The CIA argues that its use of the exemption is appropriate because there is no public interest in the names and identifying information of individual CIA employees.

The D.C. Circuit has read the statutory requirement that the invasion protected by exemption 6 be “clearly unwarranted” as imposing a “heavy burden” to overcome the presumption that records should be disclosed. *Morley*, 508 F.3d at 1127. The agency must provide context so that the reviewing court can assess the privacy interest at stake. *See Armstrong v. Executive Office of the President*, 97 F.3d 575, 581 (D.C. Cir. 1996) (“The scope of



a privacy interest under Exemption 6 will always be dependent on the context in which it has been asserted.”). In *Morley v. CIA*, the CIA’s declaration explaining the invocation of exemption 6 stated only that “disclosure would constitute a clearly unwarranted invasion of the personal privacy of third parties.” *Morley*, 508 F.3d at 1128. The D.C. Circuit held that the disclosure of biographical information does not necessarily invade an individual’s privacy and that summary judgment was inappropriate where the agency “failed to explain the extent of the privacy interest or the consequences that may ensue from disclosure.” *Id.* Here, the CIA has similarly stated only<sup>23</sup> that each document for which it relies on exemption 6 “contains information that applies to a particular, identifiable individual” so “[d]isclosure of this information would constitute an unwarranted invasion of personal privacy.” 2008 *Vaughn* Index, Part 1, at 37, 39; Part 2, at 10, 15, 27; *see also id.*, Part 4, at 1, 14 (using slightly different language to describe the individuals but offering the same justification for withholding).<sup>24</sup> For the reasons articulated in *Morley*, this Court denies summary judgment to the CIA on this issue. The Agency must disclose the information or include in its supplemental declaration further explanation of its decision to withhold it.

## 7. Segregability

FOIA requires that “[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.” 5 U.S.C. §

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<sup>23</sup> In the rare instances in which the CIA has provided more information, the details do not pertain to the privacy interest at stake.

<sup>24</sup> These pages correspond to documents numbered MORI 1479603, MORI 1479604, MORI 1442331, MORI 1333276, MORI 1340885, MORI 1370168, and a document apparently incorrectly labeled “6.001.” The same conclusion applies to the invocation of exemption 6 in the 2006 *Vaughn* index for documents numbered 1 and 29.

552(b). Accordingly, “non-exempt portions of a document must be disclosed unless they are inextricably intertwined with exempt portions.” *Krikorian v. Dep’t of State*, 984 F.2d 461, 466 (D.C. Cir. 1993) (quoting *Mead Data*, 566 F.2d at 260). The agency bears the burden of demonstrating that withheld documents contain no reasonably segregable factual information, *see Army Times Pub. Co. v. Dep’t of Air Force*, 998 F.2d 1067, 1068 (D.C. Cir.1993); *Mead Data*, 566 F.2d at 260, and must do so with “reasonable specificity,” *Armstrong*, 97 F.3d at 578 (citing *Quiñon v. FBI*, 86 F.3d 1222, 1227 (D.C. Cir. 1996)). The Court has an affirmative duty to consider whether an agency has released all reasonably segregable information, *Morley*, 508 F.3d at 1123, and can do so only when the agency has correlated each exemption it claims with the particular portion of the document to which the exemption applies, *Schiller*, 964 F.2d at 1209-10 (citing *Schwartz v. IRS*, 511 F.2d 1303, 1306 (D.C. Cir. 1975); *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 224 (D.C. Cir. 1987)).

Hall and AIM argue that the CIA has failed to meet this requirement because the Agency gave no or only a conclusory explanation of its decision to withhold substantial portions of many documents. The CIA responds that “the exempt portions are explained to the fullest extent possible without disclosing the information that is protected” and that the DiMaio Declaration states that “no further information could be segregated.” Def.’s Opp. at 13.

The CIA’s *Vaughn* index does not provide information sufficient for the Court to review its compliance with FOIA’s requirement that reasonably segregable portions of records be released. The DiMaio Declaration does address the issue, but statements referring to “all documents,” DiMaio Decl. ¶ 37, do not provide the specificity necessary to conduct a segregability analysis. Nor does the statement, repeated throughout the 2008 *Vaughn* index, that

“[n]o meaningful nonexempt information is reasonably segregable for release.” *See, e.g.*, 2008 *Vaughn* Index, Part 1, at 1, 2, 3, 4, 6, 8, 10. The 2006 *Vaughn* index does not mention segregability at all. FOIA does not require explanations “rich with detail or lavish with compromising revelations,” but some specificity is necessary. *Animal Legal Defense Fund, Inc. v. Dep’t of Air Force*, 44 F. Supp. 2d 295, 302 (D.D.C. 1999).<sup>25</sup> The Court therefore concludes that the CIA’s supplemental filing must include more information about the segregability of documents, “‘specify[ing] in detail which portions of the document are disclosable and which are allegedly exempt,’ . . . mak[ing] specific findings for each document withheld[,] . . . and ‘correlat[ing] claimed exemptions with particular passages.’” *Id.* (quoting *Schiller*, 964 F.2d at 1209, 1210).

### **C. Fee Limitation and Fee Waiver**

The CIA asks the Court to dismiss the counts of Hall and AIM’s complaint pertaining to plaintiffs’ requests for a fee limitation for representatives of the news media and for a public interest fee waiver. Hall and AIM appear to request summary judgment on the two counts in their favor. The Court addresses each issue in turn.

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<sup>25</sup> In *Armstrong v. Executive Office of the President*, 97 F.3d 575, 581 (D.C. Cir. 1996), the D.C. Circuit held that an agency’s explanations for withholding documents in full were sufficiently specific to permit the reviewing court to conduct a segregability analysis. *Id.* at 578-79. The explanations the court approved included that one record was not segregable “because it discusses throughout intelligence data as well as cooperative counter-terrorist actions flowing from that intelligence” and that another was withheld in full because “[t]his note consists of an extensive review of numerous intelligence cables, revealing one piece of specific intelligence after another.” *Id.* at 578, 579. These statements, despite providing only minimal specificity, are nevertheless far more informative than the submissions currently before the Court.

### 1. Status as representatives of the news media

FOIA requesters must ordinarily pay reasonable charges associated with processing their requests, including search, review, and duplication charges. 5 U.S.C. § 552(a)(4)(A). A request by a “representative of the news media,” however, is only subject to duplication fees. *Id.* § 552(a)(4)(A)(ii)(II). Hall and AIM argue that they are entitled to status as representatives of the news media. The CIA argues that the Court decided in its previous ruling in this case that neither plaintiff met the requirements for such status and, regardless, the issue is moot because the Agency waived search fees in this case.<sup>26</sup>

The Court need not resolve the question of whether it can properly reconsider this issue. The CIA has decided, “[a]s a matter of administrative discretion,” that “[t]he plaintiffs’ fee treatment will be the same as what representatives of the news media receive.” DiMaio Aff. ¶ 10. Therefore, the issue is moot. *See Hall v. CIA*, 437 F.3d 94, 99 (D.C. Cir. 2006) (“the CIA’s decision to release documents to Hall without seeking payment from him moots Hall’s arguments that the district court’s denial of a fee waiver was substantively incorrect. . . . Hall’s case is moot because he already has ‘obtained everything that [he] could recover . . . by a judgment of this court in [his] favor.’” (quoting *Better Gov’t Ass’n v. Dep’t of State*, 780 F.2d 86, 91 (D.C. Cir. 1986))).

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<sup>26</sup> The Agency refers to having waived “all applicable fees for searches it conducted in response to items 3, 6, and 8 in this case.” Def.’s Opp. at 14. It does not mention review fees. Because the DiMaio Declaration states that the CIA will treat Hall and AIM as representatives of the news media and because the plaintiffs do not argue that they have been required to pay review fees, the Court will presume that the Agency has also waived any applicable review fees.

## 2. Public interest fee waiver

FOIA also directs that properly disclosed documents will be provided to a requester without charge or at reduced rates “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

5 U.S.C. § 552(a)(4)(A)(iii); 32 C.F.R. § 1900.13(b)(2); *Judicial Watch*, 185 F. Supp. 2d at 60.

Hall and AIM argue that they are entitled to a public interest fee waiver, emphasizing that they have provided to the CIA additional information relevant to this determination since this Court addressed the issue in April 2005. The CIA does not distinguish its arguments on this point from those it makes regarding fee limitations granted to representatives of the news media. The only type of fees potentially at issue, given the CIA’s treatment of Hall and AIM as representatives of the news media, are duplication fees. The record before this Court contains no indication that the plaintiffs have ever been charged duplication fees.<sup>27</sup> Because it does not appear that an actual controversy exists, the Court will not address this issue. *See Better Gov’t Ass’n*, 780 F.2d at 91 (declining to consider an argument that a FOIA requestor was entitled to a public interest fee waiver where the agency had already waived fees because “a declaration from this court that the initial refusals to waive FOIA fees were unlawful . . . would be an advisory opinion which federal courts may not provide” (citing *Natural Resources Defense Council, Inc. v. U.S. Nuclear Regulatory Comm’n*, 680 F.2d 810, 815 (D.C. Cir. 1982))).

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<sup>27</sup> The only fee request the Court can identify, asserted in a June 2004 letter and recalculated in May 2005, was an estimate of *search* fees, which the CIA has since waived.

#### **D. Discovery**

Hall has requested discovery under Rule 56(f) of the Federal Rules of Civil Procedure, asserting that discovery is necessary to show that the CIA possesses additional records it has not provided to him. But “[d]iscovery is not favored in lawsuits under the FOIA. Instead, when an agency’s affidavits or declarations are deficient regarding the adequacy of its search . . . the courts generally will request that the agency supplement its supporting declarations.” *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 185 F. Supp. 2d 54, 65 (D.D.C. 2002) (citing *Nation Magazine, Wash. Bureau v. U.S. Customs Serv.*, 71 F.3d 885, 892 (D.C. Cir. 1995); *Oglesby*, 920 F.2d at 68). Courts may permit discovery in FOIA cases where a “plaintiff has made a sufficient showing that the agency acted in bad faith.” *Voinche v. FBI*, 412 F. Supp. 2d 60, 71 (D.D.C. 2006) (citing *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 812 (2d Cir. 1994)). Although Hall states that “[t]he circumstances suggest that in Hall I the CIA deliberately misled [Hall] and the Court regarding the amount of search fees allegedly incurred,” he has provided no evidence for his contention that the CIA engaged in “misbehavior” other than citation to another case in which the CIA made misrepresentations to a judicial officer regarding a FOIA request. Pl. Hall’s Cross-Mot. for Summ. J. at 18. The Court cannot infer from the record before it that the Agency has acted in bad faith here and therefore denies the discovery request.

#### **E. In Camera Inspection**

Hall and AIM have also asked that the Court conduct *in camera* review of a sampling of documents. Although district courts may, at their discretion, examine agency records *in camera*, “*in camera* review should not be resorted to as a matter of course.” *Quiñon*, 86 F.3d at 1228 (citing *Ray v. Turner*, 587 F.2d 1187, 1195 (D.C. Cir. 1978)). Circumstances that suggest *in*

*camera* review is particularly appropriate include that “the number of withheld documents” is manageably small, “the agency affidavits are insufficiently detailed to permit meaningful review of exemption claims,” and the record contains “evidence of bad faith on the part of the Agency.” *Id.* (citations omitted). There are over 125 documents at issue here. Although the Agency’s declaration and *Vaughn* index are in many ways insufficient, the Court expects that the CIA’s supplemental filings will correct the deficiencies described in this opinion. And despite Hall’s unsupported assertion to the contrary, there is no evidence of bad faith on the part of the CIA before the Court. The Court therefore declines to exercise its discretion to review records *in camera* at this time.

#### IV. CONCLUSION

For the foregoing reasons, it is this 12<sup>th</sup> day of November 2009 hereby

**ORDERED** that the CIA’s motion for partial summary judgment [#109] is **GRANTED** in part and **DENIED** in part; and it is further

**ORDERED** that Hall’s motion [#117] and AIM’s motion [#114] are **GRANTED** in part and **DENIED** in part; and it is further

**ORDERED** that by no later than December 4, 2009, the parties shall submit a joint proposed case management plan and briefing schedule to govern the future proceedings in this case; and it is further

**ORDERED** that if the parties are unable to agree on a proposed case management plan and briefing schedule each party shall submit its own proposed plan and schedule by December 4, 2009.

Henry H. Kennedy, Jr.  
United States District Judge



# ATTACHMENT 1

## ADMINISTRATIVE RECORD

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EXHIBIT A

AIM April 22, 2005 letter for inclusion in administrative record

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FAX (202) 331-3759

April 22, 2005

BY CERTIFIED MAIL –  
RETURN RECEIPT REQUESTED  
Article No. 7099 3220 0009 2976 5086

Mr. Scott Koch  
Freedom of Information and Privacy Coordinator  
CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

Re: FOIA Request Reference No. F-2003-00449  
*Accuracy in Media et al. v. CIA*, USDC DC CA No. 04-814  
Freedom of Information Act Lawsuit  
Request for fee waivers

Dear Mr. Koch:

I represent Accuracy in Media, Inc. (AIM) in the captioned FOIA request and corresponding lawsuit. This letter supplements the captioned February 7, 2003, FOIA request made by AIM, its then-chairman Reed Irvine, Roger Hall, and Studies Solutions Results, Inc. Specifically, this letter addresses AIM's requests for fee waivers under the FOIA. Kindly refer to the CIA's June 15, 2004 letter to James H. Lesar, Esquire, wherein Alan W. Tate identified himself as the CIA's acting Information and Privacy Coordinator.

The initial February 7, 2003, FOIA request seeking a fee waiver supplied facts supporting Mr. Reed Irvine's status as a representative of the news media, but did not do so for AIM because it was assumed that Mr. Irvine would be a party to any lawsuit, and since he ran AIM. At the time suit was filed, Mr. Irvine was ill, and he passed away soon afterwards. Therefore, I am now setting forth a separate showing for AIM's being a member of the news media in light of Judge Kennedy's April 13, 2005, memorandum opinion.

AIM is an entity that is organized and operated to publish and broadcast news to the American public. It has been disseminating its analysis of news media reporting for more than 35 years. Its semi-monthly newsletter, *The AIM Report*, has gone out without fail for 32 years. *The AIM Report* now has about 3,300 subscribers. AIM's other publications include AIM columns, *Briefings* (opinions), *Special Reports*, and *Guest Columns*. AIM's principals have published three books on the subject of the news media: Media Mischief and Misdeeds 1984; Profiles in Deception 1990; and News Manipulators 1993. AIM has also produced several nationally distributed documentaries, including Television's Vietnam, The Clinton Legacy, TWA 800: The Search for the Truth, and Confronting Iraq. More than 100,000 people visit AIM's website nearly every month. AIM has an active speaker's bureau, providing speakers on relevant topics to various groups around the country. Additionally, AIM delivers a daily radio commentary, *Media Monitor*, carried across the country. Oftentimes newspapers and websites around the country have picked up *The AIM Report's* stories. Due to its many efforts, AIM enjoys the ability to convey information to a broad public audience.

It is thus clear that AIM gathers information of potential interest to the general public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to its audience. Upon disclosure of the records sought, AIM has concrete plans to make the information public in a *Special Report*, and perhaps also in the *AIM Report*, all in accordance with AIM's news dissemination function. All of its work on the POW/MIA issue will appear on AIM's website, AIM.org. Moreover, many of AIM's publications have referred to the POW issue.<sup>1</sup>

Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Disclosure will help create a greater understanding of the inner workings of government as shedding light on the extent, nature, intensity, and duration of the government's efforts to locate POW/MIAs, and will show the degree to which the CIA has complied in good faith with relevant Executive Orders and whether it has accurately informed Congress and the public about its search efforts and the information it possesses. Thus, disclosure to AIM will meaningfully enhance public understanding of the POW/MIA issue. It will also show how the CIA cooperated and coordinated its search efforts with other agencies, and show how the CIA controlled the documentation that other agencies possessed regarding POW/MIAs and detainees.

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<sup>1</sup> See, e.g., June 3, 2004 AIM Report, *Media Exploit U.S. War Dead – Kerry Beats The Press*; Aug. 30, 2004, *American Jobs Exported to Vietnam*, C. Kincaid; Aug. 30, 2004, *Whitewashing John Kerry's Record*, C. Kincaid; & Oct. 20, 2004, *Vietnam Atrocities*, W. Fielder.

The interest of enhancing the public's understanding of the operations or activities of the U.S. Government is clear. The subject of the requested records concerns the operations or activities of the government, the records' connection to these government activities is not remote or attenuated, disclosure is likely to contribute to an understanding of government operations or activities, and the records are not already in the public domain. Disclosure of the information will enhance public understanding of the POW/MIA issue as compared with awareness prior to the disclosure.

As set forth above, AIM is entitled to status as "representatives of the news media" and thus cannot be charged search or review fees under 5 U.S.C. 552 (a)(4)(A)(ii)(II). Additionally, AIM intends to disseminate information derived from this request to the public, and, accordingly, seeks waiver of copying costs under 5 U.S.C. 552 (a)(4)(a)(iii).

Very truly yours,

John H. Clarke

cc: Don Irvine, Chairman, Accuracy in Media, Inc.

## EXHIBIT B

CIA May 26, 2005 re exclusion of AIM April 22 letter in administrative record



Washington, D.C. 20505

26 May 2005

VIA FACSIMILE AND  
CERTIFIED MAIL

John H. Clarke, Esquire  
1717 K Street, N.W., Suite 600  
Washington, D.C. 20036

Reference: No. F-2003-00449 (Civil Action No. 04-00814)

Dear Mr. Clarke:

In your letter dated 22 April 2005, you asserted that your client, Accuracy in Media (AIM), is entitled to a public interest fee waiver of costs associated with its Freedom of Information Act (FOIA) request dated 7 February 2003. Alternatively, AIM seeks placement in the "news media" fee category, which would render AIM responsible only for the copy costs, beyond the first 100 pages of reproduction, associated with its request.

We have considered the information AIM provided in support of its request for a fee waiver. We have determined that the standards for a public interest fee waiver set forth in subpart 1900.13 of title 32 of the Code of Federal Regulations have not been met. Therefore, we deny AIM's request for a fee waiver.

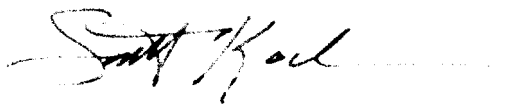
With respect to AIM's request to be placed in the "news media" fee category, on 13 April 2005, the Court, in ongoing litigation related to AIM's 7 February 2003 request, determined that both AIM and co-plaintiff Roger Hall "fail to demonstrate their eligibility for fee limitations based on news media status." Because the Court has determined that AIM does not meet the criteria for "news media" fee status, we have placed AIM in the "all other" fee category. As a result, AIM will be responsible for all copy costs, beyond the first 100 pages of reproduction, and for all search costs, beyond the first two hours of search time.

If you disagree with the fee waiver denial, you may appeal the Agency's determination by filing an appeal within 45 days of the date of this letter. Please address your appeal to the Executive Secretary of the Agency Release Panel. We encourage you to provide any additional pertinent explanation or



argument in support of your fee waiver request. Agency regulations provide that either the Chair of the Agency Release Panel or the full Agency Release Panel may adjudicate appeals of denials of requests for fee waivers. Please note that, in accordance with Agency regulations, because the Agency has started to process your FOIA request, the Agency will only accept your appeal of the fee waiver denial if you agree to be responsible for the costs in the event of an adverse administrative or judicial decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch", written over a horizontal line.

Scott Koch  
Information and Privacy Coordinator

## EXHIBIT C

AIM April 26, 2005 FOIA Request  
44 PNOK Waivers  
PNOK authorized list

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Also admitted in  
Virginia and Maryland

FAX (202) 331-3759

April 26, 2005

**FREEDOM OF INFORMATION ACT REQUEST**

By regular mail and by  
Certified mail return receipt requested article No. 7099 3220 0009 2975 0068

Mr. Scott Koch  
Freedom of Information and Privacy Coordinator  
CENTRAL INTELLIGENCE AGENCY  
Washington, DC 20505

Dear Mr. Koch:

I write on behalf of my client, Accuracy in Media, Inc. ("AIM"), a District of Columbia 501(c)(3) non-profit corporation. Under the Freedom of Information Act, 5 U.S.C. § 552, AIM requests all records pertaining to:

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.

April 26, 2005  
Mr. Scott Koch  
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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 dated January 5, 1994, February 7, 1994, April 23, 1998, and May 28, 1998, including but not limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto, and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged for the search, the date and duration and kind of search performed, etcetera.

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.

For the reasons set forth below, AIM seeks waiver of search and review fees as being a representative of the news media, and seeks public interest waiver of copying costs as disclosure will shed light on the CIA's operations and activities. See 5 U.S.C. § 552 (a)(4)(a)(iii) and 5 U.S.C. § 552 (a)(4)(A)(ii)(II).

April 26, 2005  
Mr. Scott Koch  
Page 3

AIM is an entity that is organized and operated to publish and broadcast news to the American public. It has been disseminating its analysis of news media reporting for more than 35 years. It disseminates information in several ways. Its semi-monthly newsletter, *The AIM Report*, has gone out without fail for 32 years. *The AIM Report* now has about 3,300 subscribers. AIM's other publications include AIM columns, *Briefings* (opinions), *Special Reports*, and *Guest Columns*. AIM's principals have published three books on the subject of the news media: Media Mischief and Misdeeds 1984; Profiles in Deception 1990; and News Manipulators 1993. AIM has also produced several nationally distributed documentaries, including Television's Vietnam, The Clinton Legacy, TWA 800: The Search for the Truth, and Confronting Iraq. More than 100,000 people visit AIM's website nearly every month. AIM has an active speaker's bureau, providing speakers on relevant topics to various groups around the country. Additionally, AIM delivers a daily radio commentary, *Media Monitor*, carried across the country. Oftentimes newspapers and websites around the country have picked up *The AIM Report's* stories. Due to its many efforts, AIM enjoys the ability to convey information to a broad public audience. It is thus clear that AIM gathers information of potential interest to the general public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to its audience.

Upon disclosure of the records sought, AIM has concrete plans to make the information public in a *Special Report*, and perhaps also in the *AIM Report*, all in accordance with AIM's news dissemination function. All of its work on the POW/MIA issue will appear on AIM's website, AIM.org. Moreover, a number of AIM's publications in the past have referred John Kerry's record on the POW issue, and AIM has a concrete intention to do so in the future. AIM posts most of the docket sheet of its POW/MIA litigation on its website (see [http://www.aim.org/special\\_report/1763\\_0\\_8\\_0\\_C/](http://www.aim.org/special_report/1763_0_8_0_C/)), but it will do more than just making the information available as a library would: AIM will actively disseminate the information. Disclosure of the information will enhance public understanding of the POW/MIA issue as compared with awareness prior to the disclosure.

There is a pending House Resolution which would establish a new POW/MIA committee. This indicates that this issue is still of current interest to the American public.

Materials on POW/MIAs will necessarily shed light on the operations or activities of the government. Among other things, they will reveal the extent, nature, intensity, and duration of the Government's efforts to locate POW/MIAs, a subject that has long been of intense interest to the public. Records disclosed to AIM is likely to contribute significantly to public understanding of such operations or activities by disclosing records that have remained secret despite congressional inquiries and Presidential

April 26, 2005  
Mr. Scott Koch  
Page 4

directives to disclose them. The records will provide information regarding the thoroughness, scope, intensity, dedication and creativity of the search for missing POW/MIAs, and whether or not it was conducted in good faith. This information will show the degree to which the CIA has complied with Executive Order 12812 and Presidential Decision Directive NSC 8 and whether it has accurately informed Congress and the public about its search efforts and the information it possesses. It will also show how the CIA cooperated and coordinated its search efforts with other agencies and how and the CIA controlled the documentation other agencies possessed regarding POW/MIAs and detainees.

AIM believes that the records it will obtain as a result of this request will shed light on the CIA's operations and activities by revealing that it has withheld information regarding missing POWs from congress and the public. This will show that the CIA has not done what it should have done to locate missing POWs and MIAs. The interest of enhancing the public's understanding of the operations or activities of the U.S. Government is clear, and the records' connection to these government activities is direct. Release of the information is will contribute to an understanding of government operations or activities regarding the POW/MIA issue, as compared with awareness prior to the disclosure.

One example of the information that can be found in government documents regarding the POW/MIA issue is that the CIA and the military jointly conducted POW operations. Another example is corroboration of Sergeant Major Jerry Mooney's testimony before the Senate Select Committee regarding live POWs who had been captured but who were not listed as captured. Mooney had worked for the NSA. The NSA's Technical Report 002 confirms Mooney's testimony of there being live POWs who were not listed as captured, but the Committee had discounted his testimony. The POWs' families never received NSA's information. AIM avers that the records show that the CIA also withheld this information from the families of the POWs.

Very truly yours,



John H. Clarke

Enclosures:

- Attachment 1: 44 next-of-kin releases to Roger Hall
- Attachment 2: 30-page Defense Department FOIA division declassification Casualty List primary next-of-kin (PNOK) Authorizations

June 20, 2001

I MARY E. BENTON swear and affirm that I am Primary Next  
of Kin of GREGORY R. BENTON, JR and authorize Roger Hall to research all  
information regarding my BROTHER POW or MIA status withheld under the  
McCain Privacy Act or for any other reason.

POW/MIA incident date MAY 23, 1969 SOUTH VIETNAM/LAOS BORDER

SS# or service number 248 3053

Branch of service U.S. MARINE CORPS

Signed,

*Mary E Benton*

HE IS THE ONLY MIA FROM 1/9,  
3RD MARINE DIVISION (GROUND TROOP)  
DURING THE VIETNAM CONFLICT.

Address

P.O. Box 1796  
OCEANSIDE, CA 92051

Tel.

760-497-2211

Fax or email

POW52369@EARTHLINK.NET

Mail to: Please send the signed authorization to:

Address: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910

Tel. #: 301/585-3361  
301/587-5055

E-mail: Rhall8715@aol.com



I, Elmer W. Getz, 17161 Alva Road Apt 1622 San Diego, CA 92127-2148,  
Primary Next of Kin, authorize Roger Hall to research all information regarding  
Air Force Captain Robert D. Beutel reference number 1781-02 social security  
number 325-40-1943 who became missing in Laos November 26, 1971.

Elmer W. Getz Date Oct. 2, 2000  
Elmer W. Getz

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 2 DAY OF oct, 2000,  
BY Elmer W. Getz  
Mukta Tantod  
NOTARY PUBLIC



SEPTEMBER 21,  
July, 2001

I JAMES E. BORAH swear and affirm that I am Primary Next of Kin of DANIEL V. BORAH, JR., and authorize Roger Hall to research and obtain any/all information withheld under the McCain Privacy Act or for any other reason or law.

POW/MIA incident date 9-24-72  
SS# or service number 333-38-7776  
Branch of service or civilian U.S. NAVY (RESERVE)  
Other information \_\_\_\_\_

Signed, Jan E. Borah

Address 34 ROYAL ROAD  
SPRINGFIELD, IL 62702

Tel. # (217) 698-1738

Fax or email borah67@fgi.net

Mail to: **Roger Hall**  
**POW/MIA FOIA Litigation Acct.**  
**8715 First Ave., apt 827C**  
**Silver Spring, MD 20910**

Tel # **301/585-3361**  
**301/587-5055**

E-mail **RHall8715@aol.com**

From: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910

Subject: LAST KNOWN LOCATIONS OF A PARTICULAR POW/MIA

In the case of Roger Hall, Plaintiff vs CIA, Defendant, Civil Action No. 98-1319, now pending in the U.S. District Court for the District of Columbia, one of the courts recent rulings is "the Department of Defense [properly, ed.] also invoked [FOIA] exemption 3 to withhold information regarding last known locations of a particular POW/MIA, the organization of the Defense Intelligence Agency (DIA) and the organization of the CIA. The last known locations of the POW/MIA were withheld under the McCain Bill, which forbids the disclosure of such information when the POW/MIA's next of kin has not given express permission for its release."

The recent court finding is not the end of this case. Families wishing to obtain such information on their next of kin, if it does in fact exist, through this court case will need to sign a permission slip as follows:

*ELEANOR BOTT GREGORY*  
I [name] authorize Roger Hall to research all information regarding [POW/MIA family members name] withheld under the McCain Bill or for any other reason. Please include the full name of the person that is POW, MIA, or detainee, date person was captured or went missing, branch of service or civilian, service number, and social security number. The authorization must be notarized (which can be done at your local bank).  
*U.S.A. S.F. AIRBORNE  
MSGT. RUSSELL P. BOTT  
MIA DEC. 2, 1966  
LAOS  
RA 51276702  
SS. 114-28-841*

The full text of the recent court decision is 22 pages long and will be made available upon request. Please send the signed authorization to:

Address: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910  
Tel. #: 301/585-3361  
E-mail: Rhall8715@aol.com

*Eleanor Bott-Gregory  
Oct. 4, 2000*

*Worried Case & MIA  
Worried Public  
My com. exp 5-1-2003*

June 20, 2001

I Dorothy Boyer swear and affirm that I am Primary Next of Kin of Alan L. Boyer and authorize Roger Hall to research all information regarding my son POW or MIA status withheld under the McCain Privacy Act or for any other reason.

Case  
1108

POW/MIA incident date March 28, 1968

SS# or service number \_\_\_\_\_

Branch of service Army

Signed, Dorothy Boyer

Address 4216 Rolling Meadow Lane  
Rockford, IL 61114

Tel. (815) 877-0346

Fax or email dorboy@mindspring.com

Mail to: Please send the signed authorization to:

Address: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910

Tel. #: 301/585-3361  
301/587-5055

E-mail: Rhall8715@aol.com

October 19, 2000

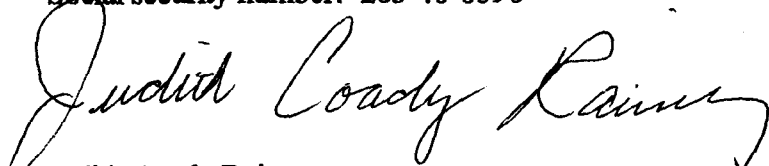
I Judith Coady Rainey authorize Roger Hall to research all information regarding  
Maj. Robert Franklin Coady withheld under the McCain Bill or for any reason.

Date missing: 1-18-69

Branch of service: Air Force

Service number: FR76813

Social security number: 263-48-8596



Judith Coady Rainey

Betsy Dear  
11-23-2000

Dr. Jeffrey C. Donahue  
39 Sailmakers Court  
William Morris Way  
London SW6 2UX  
England

Tel: 44-(0)-171-731-0914  
Fax: 44-(0)-171-731-5398  
email: sun.burst@virgin.net

November 20, 2000

Mr. Roger Hall  
8715 First Avenue  
Apartment 827-C  
Silver Spring, Maryland  
USA 20910

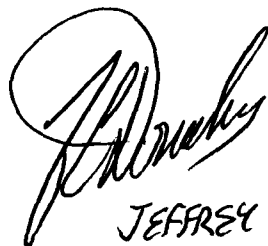
Dear Roger:

I, Jeffrey C. Donahue, authorize Roger Hall to research all information regarding my brother, Morgan Jefferson Donahue, withheld under the McCain Bill or for any other reason. Full details follow:

MORGAN JEFFERSON DONAHUE

Branch of Service:	USAF
Rank	Lieutenant at time of incident
Country of Incident	Laos
Date of Incident:	December 13, 1968
Status:	Declared Missing-in-Action after incident
Service Number:	FR 3195518
Social Security Number:	I do not know

Most sincerely,



JEFFREY C. DONAHUE

Mrs. Henry E. Dooley  
1912 S. E. Jerry Lane #A-104  
Port Orchard, Washington 98366

Jan. 25, 2001

Roger Hall  
1/6 POW/MIA FOIA Litigation Act.  
8715 First Ave. Apt. 827C  
Silver Spring, Md. 20910

Dear Sir,  
I, Elizabeth H. Dooley authorize  
Roger Hall to research all information  
regarding MIA Lt. James E. Dooley withheld  
under the M. & C. Bill or for any other  
reasons. Lt. James E. Dooley MIA, captured  
or missing October 22, 1967 U. S. Navy.  
REF No - 0872 Social Security # 008-30-3710

Yours truly,  
Elizabeth H. Dooley



Mrs. Henry E. Dooley  
1912 SE Jerry Ln - A-104  
Port Orchard, Wa 98366



Duke

April 26, 1998

To All U.S. Government Agencies and All Else to Whom it May Concern:

I Jane Duke Gaylor as Mother and Primary next of Kin of Charles Duke,  
Case # 1625-01 a POW/MIA from the Vietnam War, authorize Roger Hall to research  
any and all documentation/ information on my son.

Thank you,

Jane Duke Gaylor  
Jane Duke Gaylor  
Tel # 941/747-2926  
FAX 941/750-9554

TO-  
8715 FIRST AVE  
APT 827-C  
SILVER SPRINGS, MD. 20910

From-

THE VERRANDOS  
AT RIVER FRONT  
105 1ST<sup>ST</sup> EAST  
BRADENTON,  
FL 34208

WLD  
4/28/98

(750-9491)

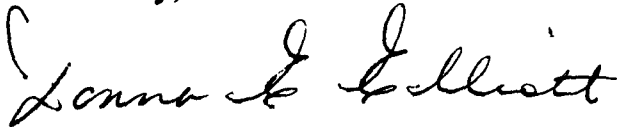
Roger Hall  
8715 First Avenue  
Apt 827C  
Silver Spring MD 20910

November 22, 2000

To Whom It May Concern:

I, Donna E. Elliott, as the primary next-of-kin for SSGT Jerry W. Elliott, social security number 491-52-9740, service number RA 14 941 536, aka DPMO POW/MIA case number 1000, do hereby authorize Roger Hall to research this case under the McCain Act, and for any other reason as my representative, to obtain any and all documents and information pertaining to the loss incident on 21Jan68 at the Old French Fort near Khe Sanh, and any and all records from that date forward that correlate to this case from any government agency, to include the CIA and any other source.

Sincerely,



Donna E Elliott  
4561 Davis Mtn Rd  
Pleasant Grove AR 72567  
870 652 3538  
donnae@mvtel.net

ON THIS 22 DAY OF NOVEMBER, 2000 DONNA E. ELLIOTT PERSONALLY  
APPEARED BEFORE ME TO SIGN THIS DOCUMENT.

1-1-2004



NOTARY PUBLIC

October 19, 2000

Jean Belle Reid Fallon  
1889 Castleway Ln NE  
Atlanta, GA 30345

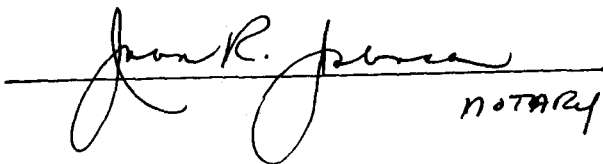
To Whom It May Concern:

I, Jean Belle Reid Fallon, authorize Roger Hall to research all information regarding my husband, colonel Patrick Martin Fallon, withheld under the McCain Bill or for any other reason. Colonel Fallon, USAF, SS#579-18-5823, DOB 12 November 1921, was shot down in the Plaine of Jars Laos on July 4<sup>th</sup>, 1969, was first listed as MIA and in 1979 the President changed the status of everyone listed MIA to KIA-BNR (killed in action-body not recovered).

Sincerely,

  
Jean Belle Reid Fallon

JBRF/km

  
NOTARY

Notary Public, DeKalb County, Georgia  
My Commission Expires Sept. 23, 2002

**POW / MIA FAMILIES AND PNOK.**

**PNOK: MRS. JENNIE B. FORS**

**AUTHORIZATION: I AUTHORIZE ROGER HALL TO RESEARCH ALL INFORMATION REGARDING;**

**POW/MIA, FAMILY NAME: CAPT.GARY H.FORS:**

**MCCAIN BILL:POW/MIA OR DETAINEE: CAPT GARY HENRY FORS.**

**DATE OF LOSS:12-22-67**

**BRANCH OF SERVICE: U.S.M.C.**

**SERVICE NUMBER: 2044569**

**S.S.NUMBER: 539-38-4075**

**THE AUTHORIZATION MUST BE NOTARIZED (WHICH CAN BE DONE AT YOUR LOCAL BANK)**

STATE OF ARIZONA

COUNTY OF Maricopa

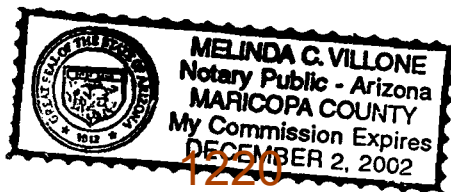
The foregoing instrument was acknowledged before me this 17 day of Oct 2000

By Jennie B. Fors

Notary Public Melinda C. Villone


My commission expires: 12 02 2002

*Jennie B Fors*  
10-17-00



000025

I, Marie V. Gould, \_\_\_\_\_ authorize Roger Hall to research all information regarding Col. Frank A. Gould, USAF, SS 101-24-2560, missing since December 20, 1972 withheld under the McCain Bill or for any other reason.

 \_\_\_\_\_  
Signed \_\_\_\_\_ Date 10-16-00

Please send the signed authorization to:

Address: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910

Tel. #: 301/585-3361  
E-mail: Rhall8715@aol.com

L i l l i a n B i c k e l

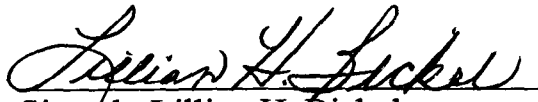
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5330 Manhattan Circle, Suite C  
P.O. Box 9300, Boulder, CO 80301  
303/499-9500 (Day) • 303/494-2179 (Eve)

To Whom It May Concern:

I, Lillian H. Bickel, primary next of kin of USAF Major James W. Grace (MIA-6/14/69) hereby authorize Roger Hall to research this case on my behalf under the McCain Act or for any other reason. Major Grace's SSN is 456-56-0820.

This authorization is predicated on the requirement that I receive a copy of all information found by Mr. Hall.

  
Signed: Lillian H. Bickel

  
Date

*Guillet*

I, Doris Guillet Maitland authorize Roger Hall to research all information regarding Andre R. Guillet which has been withheld under the McCain Bill or for any other reason. Smsgt. Andre R. Guillet became missing in Laos on May 18, 1966 while a member of the Air Force. His service number is 11431983 . His social Security Number is 047347571.

Doris G. Maitland, POK

*Doris G. Maitland POK*

**KIMBERLY A. O'MEARA**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES OCT. 31, 2004

*Kimberly A. O'Meara*  
*10/2/00*



I Christine LaFrate ( primary next of kin) authorize Roger Hall to research all information regarding SGT. Gregory John Harris USMC ( captured on June 12<sup>th</sup>, 1966 SVN service number 2077294/2841--- refno 0358) withheld under the McCain Bill or for any other reason.

Christine LaFrate  
187 Owens Road  
Fulton, NY 13069  
Tel.# 315-593-3844

*Christine LaFrate*

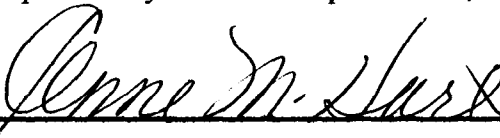
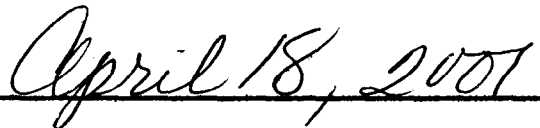
FRANK A. MANCARI  
Notary Public, State of New York  
No. 01MA5082769  
Qualified in Onondaga County  
Commission Expires July 28, 2001

*Frank A Mancari*

April 18, 2001

To Whom It May Concern:

I Anne M. Hart, the Primary Next of Kin of THOMAS T. HART, III 266 58 2399, USAF, authorize Roger N. Hall to conduct research on my husband and any and all information concerning his loss, under the McCain Privacy Act or for any other reason. I expect to receive copies of any information/photos etc., Mr. Hall is able to obtain.

 ,   
\_\_\_\_\_

Anne M. Hart  
904 N. Barcelona Street  
Pensacola, FL 32501  
(805) 433-4263

Mrs. Ila Vivian Herrick  
5735 E. McDowell Road  
#331  
Mesa, AZ 85215  
480-641-7005

1 January 2001

Roger Hall  
8715 First Avenue  
Apartment 827C  
Silver Springs, MD 20910

I, Ila Vivian Herrick, authorize Roger Hall to research all information regarding my son, James Wayne Herrick, Jr., withheld under the McCain Bill or for any other reason.

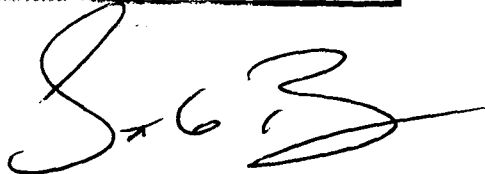
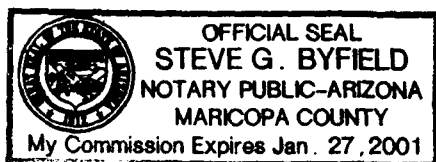
Capt. James Wayne Herrick Jr.  
United States Air Force  
27 October 1969  
Laos

Social Security # 482-50-3407  
Service # FV3210190

Sincerely,



Ila Vivian Herrick



January, 21, 2002

I MYRTLE ANN HOLLAND swear and affirm that I am Primary Next of Kin of TSGT MELVIN A. HOLLAND, and authorize Roger Hall to research and obtain any/all information withheld under the McCain Privacy Act or for any other reason or law.

POW/MIA incident date 11 MAR 68  
SS# or service number AF 1949 5705  
Branch of service or civilian USAF  
Other information LOST AT SITE 85, PHOU PHA, THI, LAOS

Signed, Myrtle Ann Holland

Address P.O. Box 1356  
Rainier, OR 97048

Tel. # 702-204-7962

Fax or email annieh1@msn.com

Mail to: **Roger Hall**  
**POW/MIA FOIA Litigation Acct.**  
**8715 First Ave., apt 1131C**  
**Silver Spring, MD 20910**

Tel # **301/585-3361**  
**301/587-5055**

E-mail **RHall8715@aol.com**

Colonel and Mrs. Earl P. Hopper, Sr.

14043 North 64th Drive  
Glendale, Arizona 85306  
623+979-5651  
E-mail: tfoinc@inficad.com

20 December 2000

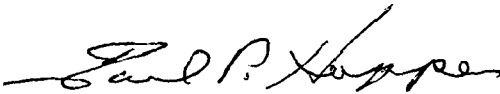
Roger Hall  
8715 First Avenue  
Apartment 827C  
Silver Spring, MD 20910

I, Earl P. Hopper, Sr., authorize Roger Hall to research all information regarding my son, Earl P. Hopper, Jr., withheld under the McCain Bill or for any other reason.

Lt. Col. Earl P. Hopper, Jr.  
United States Air Force  
10 January 1968  
North Vietnam

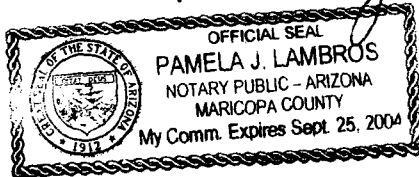
Social Security # 526-60-4263  
Service # FR80425

Sincerely,



Earl P. Hopper, Sr.  
Colonel, United States Army, Retired

Notary: Pamela J Lambros



**Carol Hrdlicka**  
770 N. Mayfield Rd.  
Conway Springs, Ks 67031  
Ph. 316-456-2439 Fax 316-456-2702

**I, Carol Hrdlicka, authorize Roger Hall to research all information regarding Col. David L. Hrdlicka withheld under the McCain Bill or for any other reason. Col. David L. Hrdlicka U.S Air Force was captured on May 18, 1965. Service #72541 SSN # 476-28-0663**

Carol Hrdlicka

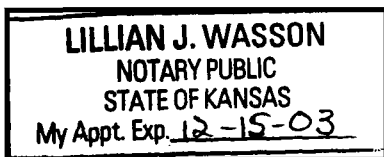
**Signed**

10-3-00

**Date**

Before me, a Notary, for the State of Kansas, Sedgwick County, came Carol Hrdlicka, who signed this document on October 3, 2000.

Lillian J. Wasson

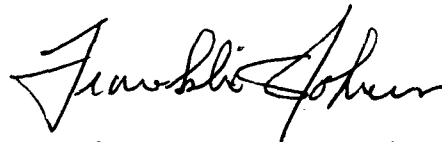



30 November 2000  
4748 Hill St.  
Acworth, GA, 30101

TO WHOM IT MAY CONCERN:

I, Franklin C. Johnson, am the brother of  
LCDR. Robert D. Johnson, USN, 626423.  
LCDR. Johnson crashed into the Bassac River,  
South Vietnam, on 1 Sept. 1967.

In recognition of the McCain Bill, I hereby  
authorize Mr. Roger Hall to research the  
crash incident and all subsequent pertinent  
events.

  
Franklin C. Johnson

Notary:   
Notary Public, Paulding County, Georgia.  
My Commission Expires January 14, 2003.



July 19, 2001

I Norma Hesse swear and affirm that I am Primary Next of Kin of Capt. James Alan Ketterer and authorize Roger Hall to research and obtain any/all Information withheld under the McCain Privacy Act or for any other reason or Law.

POW/MIA Incident Date Jan. 20, 1968

SS# or Service Number 395 40 9501

Branch of Service or Civilian U.S. Air Force

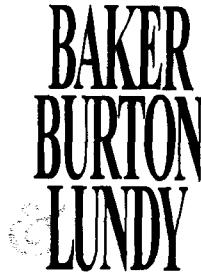
Other Information Case #0998\_\_\_\_\_

Signed Mrs. Norma Hesse

Address 7116 - Sauk Circle  
Mequon, Wis 53092

Tel. # 1-262 238 0729

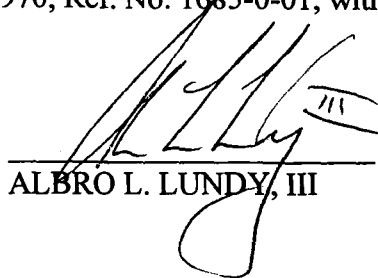
KENT BURTON  
BRAD N. BAKER  
ALBRO L. LUNDY, III  
ANNE MCWILLIAMS



ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION  
515 PIER AVENUE  
HERMOSA BEACH CA 90254-3889  
TELEPHONE: 310 • 376-9893  
FACSIMILE: 310 • 376-7483

I, Albro L. Lundy, III, authorize Roger Hall to research all information regarding my father, Albro L. Lundy, Jr., POW/MIA, SS# 555-42-4053, United States Air Force, Service #A03050945, missing since December 24, 1970, Ref. No. 1685-0-01, withheld under the McCain Act or for any other reason.

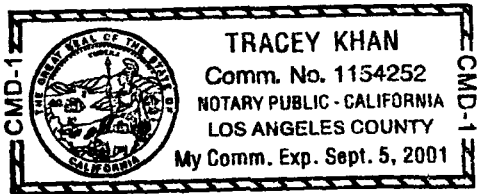
Dated: 12 DEC 00

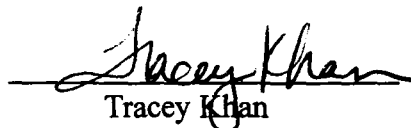
  
ALBRO L. LUNDY, III

STATE OF CALIFORNIA        )  
  )  
COUNTY OF LOS ANGELES    )

On December 12, 2000 before me, Tracey Khan, Notary personally appeared Albro L. Lundy, III, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
Tracey Khan

(Seal)

NOTARY.FRM

Get your Free Fax/Voice/E-mail at <http://www.urosch.com>

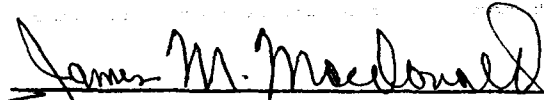
**Facsimile Message**

<b>To:</b> James Macdonald	<b>From:</b> Jennifer Martinez
<b>Fax Number:</b> (561) 276-5860	<b>Date:</b> Mon, 16 Oct 2000 08:48:16 -0400
<b>cc:</b>	<b>Total No. Pages:</b> 1
<b>Subject:</b> Permission Slip For Roger Hall	<b>Fax/Voice-mail:</b> 877-561-5776

**Message:**

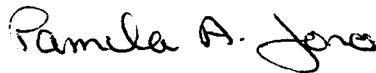
I, James M. Macdonald authorize Roger Hall to research all information regarding CPT. George Duncan Macdonald withheld under the McCain Bill or for any other reason.

Date of Loss: 21 Dec 1972  
Branch of Service: USAF  
Social Security #: 326-42-9491  
Country of Loss: Laos

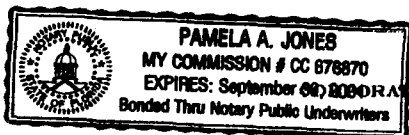
  
Signature/James M. Macdonald-PNOK for George D. Macdonald

State of Florida  
County of Palm Beach

James M. MacDonald personally appeared before me this 31st day of October 2000.



Pamela A. Jones



WALTER MIDDLETON & COMPANY  
5105 NORTH OCEAN BOULEVARD - SUITE A  
OCEAN RIDGE, FLORIDA 32835

JAMES M. MACDONALD  
PRESIDENT

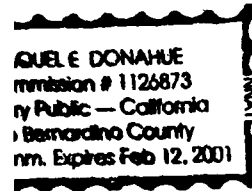
TELEPHONE 561/276-7270  
FAX 561/276-5860

I, *Frances A. Masterson*  
authorize *Roger Hall* to research  
all information regarding  
*Michael J. Masterson*, who became  
missing in Laos on Oct. 13, 1968,  
USAF, 537-32-1147, withheld  
under the McCain Bill or for  
any other reason.

*Frances A. Masterson*

undersigned a Notary Public in and for

whose name(s) is/are subscribed to  
authorized capacity(ies), and that by  
the person(s) acted, executed the



1 July, 2001

I Helen I. May Ludgate swear and affirm that I am  
Primary Next of

Kin of Sgt. Homer L. May, and authorize Roger Hall to  
research and

obtain any/all information withheld under the McCain Privacy Act or for any other  
reason or law.

POW/MIA incident date September 2, 1951

SS# or service number RA 37 590 089  
Infantry

Branch of service or civilian U.S. Army, 7th Infantry Division, 17th Infantry  
Regiment

Other information DSC awarded fro action on 1 sept. 1950, Hill 851,  
North Korea

Signed, *Helen I. May Ludgate*

Address 260 Hill and Dell Drive  
Warrenville, SC. 29851

Tel. # (803) 593-3553

Fax or email jknight593@aol.com *(Janet Knight -*  
*niece of Homer*

Mail to: **Roger Hall**  
**POW/MIA FOIA Litigation Acct.**  
**8715 First Ave., apt 827C**  
**Silver Spring, MD 20910**

Tel # **301/585-3361**  
**301/587-5055**

E-mail **RHall8715@aol.com**

MAH  
et al

June 20, 2001

I Pamela M. Cain swear and affirm that I am Primary Next of Kin of Oscar Montoya and authorize Roger Hall to research all information regarding my father! POW or MIA status withheld under the McCain Privacy Act or for any other reason.

POW/MIA incident date 2-15-66  
SS# 0000 283 27  
Branch of service USAF

Signed, Pamela M. Cain\*

Address 6404 Foggy Hills Way  
Clifton VA 20124

Tel. 703-802-3049

Fax or email pmcain@earthlink.net

Mail to: Please send the signed authorization to:

Address: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., Apt 827C  
Silver Spring, MD 20910

Tel. #: 301/585-3361  
301/587-5055

E-mail: Rhall8715@aol.com

\*please contact me prior to sharing any info with media or using for commercial

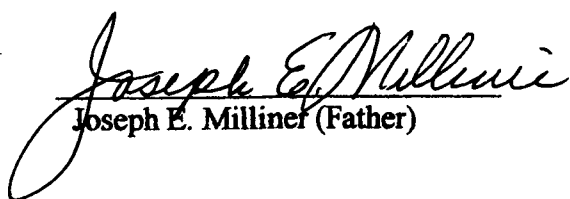
1236

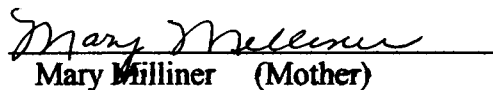
Vertical  
TR 00047

September 14, 2000

We, Joseph E. Milliner and Mary Milliner, authorize Roger Hall to research all information regarding: CW3 William Patrick Milliner, SSN: 401-74-5001 Army, MIA 3-6-71

withheld under the McCain Bill or for any other reason.

  
Joseph E. Milliner (Father)

  
Mary Milliner (Mother)

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of Sept 18 2000 by JOSEPH E. MILLINER to be his/her voluntary act and deed MARY MILLINER

JOSEPH L. BARGER, NOTARY PUBLIC

  
My comm. expires November 23, 1999

JAN 10 2004

June, 2001

I NORA DIANE MOORE swear and affirm that I am Primary Next of  
Kin of THOMAS MOORE, and authorize Roger Hall to research and  
obtain all information withheld under the McCain Privacy Act or for any other  
reason.

POW/MIA incident date October 31 1965  
SS# or service number 264-40-0328 ref. 0120.03  
Branch of service or civilian USAF  
Date of POW/MIA Incident October 31 1965

Signed, Nora D. Moore  
PNOK

Address 2525 CENTER WEST Pkway.  
APT 10-B  
AUGUSTA GA 30909  
Tel. # 706-737-6656  
Fax or email norad65@bellsouth.net

Mail to: **Roger Hall**  
**POW/MIA FOIA Litigation Acct.**  
**8715 First Ave., apt 827C**  
**Silver Spring, MD 20910**

Tel # **301/585-3361**  
**301/587-5055**

E-mail **RHall8715@aol.com**



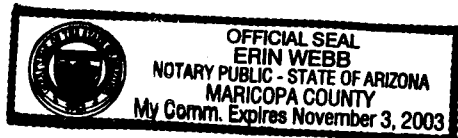
I, Billie Ann Morrissey, Primary next of kin, authorize Roger Hall to research all information  
Regarding Air Force Lt. Col. Robert D. Morrissey withheld under the Micatin act or for any  
Other reason. Missing since 11/07/72. 366-62-6305

*Billie Ann Morrissey*

Billie Ann Morrissey  
Primary next of kin  
Point of contact  
R.D. Morrissey, Jr.  
3726 W. Northview  
Phoenix AZ 85051

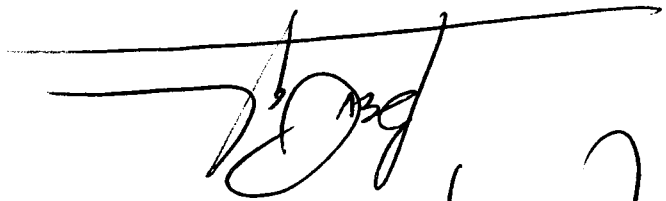
STATE OF ARIZONA }  
COUNTY OF MARICOPA } s.s.

This instrument was acknowledged before me this 12th day of  
Dec, 1972, by Billie Ann Morrissey  
In witness whereof I herewith set my hand and official seal.  
Erin Webb, NOTARY PUBLIC



(33) 399.1990  
Denver Co: 80250  
P.O. Box #102015  
Ferdinand Fogarty

April 13, 2001



Thank you,

J. Ferdinandy Fogarty, daughter of Colonel  
Dean Fogarty, hereby give authorization  
to Roger Hall to research my  
father's MIA case under  
the "McLean Act."

**Shelby R. Quast**  
**11405 Waples Mill Road**  
**Oakton, VA 22124**  
**(703) 715-0787**

February 10, 2001

**Roger Hall**  
**8715 First Ave**  
**Apt. 827 "C"**  
**Silver Spring, MD 20910**

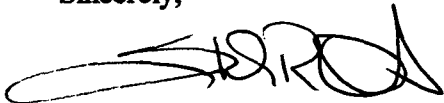
Dear Mr. Hall,

As John L. Robertson's next of kin, I grant the Defense Intelligence Agency and the Central Intelligence Agency, as well as any other named U.S. agencies, permission to disclose to Roger Hall, in response his request for last known locations of POW/MIAs under Case Number 1:98-cv-01319 in the U.S. District Court for the District of Columbia, information regarding John L. Robertson, ref. No. 0459. This permission is granted only in regard to requests made by Roger Hall under the above named case. The information gleaned from John L. Robertson's files may be used only in relation to this case and for no other purpose.

This grant is limited to Case Number 1:98-cv-01319 in the U.S. District Court for the District of Columbia. This release is not intended to affect the Robertson family's general request for no public disclosure of information regarding John L. Robertson, as provide under the McCain Bill.

Should there be any questions regarding this limited release please contact me.

Sincerely,



**Shelby R. Quast**  
**Next of kin for John L. Robertson**  
**(703) 715-0787**

Subj: (no subject)  
Date: 7/28/02 3:24:38 PM Pacific Daylight Time  
From: RHall8715  
To: Ingagold

July, 29 2002

I Ingrid Deann Robinson swear and affirm that I am Primary Next of Kin of Larry Warren Robinson, and authorize Roger Hall to research and obtain any/all documentation/information withheld under the McCain Privacy Act or for any other reason or law.

POW/MIA incident date January 5, 1970

SS# or service number 508-48-4472

Branch of service or civilian Marine

Other information incident date probable December 1969.

Ref NO NO. 1544  
not flying with regular squadron

Signed, Ingrid D Robinson

Address 321 Anade Avenue  
Newport Beach, CA 92661

Tel. # 949-625-2870

Fax or email Ingagold@aol.com

Mail to: Roger Hall  
POW/MIA FOIA Litigation Acct.  
8715 First Ave., apt 1131C  
Silver Spring, MD 20910

Tel # 301/585-3361  
301/587-5055

E-mail RHall8715@aol.com

January, 31 2002

I Jennifer Serex-Helwig swear and affirm that I am Primary Next of Kin of Lt Col. Henry M. Serex, and authorize Roger Hall to research and obtain any/all information withheld under the McCain Privacy Act or for any other reason or law.

POW/MIA incident date 4/2/72  
SS# or service number unavailable @ this time  
Branch of service or civilian USAF  
Other information BAT 21 crew, case #1811-05, Aerial imagery taken June 1992 revealing "SEREX" in a rice paddy in North Vietnam

Signed, Jennifer V. Serex Helwig

Address 2922 Oberlin Court  
Sacramento CA 95826

Tel. # 916-381-3078  
Fax or email JV SERWIG@aol.com

Mail to: **Roger Hall**  
**POW/MIA FOIA Litigation Acct.**  
**8715 First Ave., apt 1131C**  
**Silver Spring, MD 20910**

Tel # **301/585-3361**  
**301/587-5055**

Please inform me with all action taken & any info received. Thank you

000048

copy

I, Dorothy M. Shriver, Primary Next of Kin, Jerry's mother, authorize Roger Hall to research all information regarding MSG Jerry M. Shriver, MIA 4-24-69, USA Special Forces (MACV-SOG), social security number: 315-46-1629 withheld under the McCain Act or for any other reason.

Dorothy M. Shriver  
Dorothy M. Shriver, mother of MSG Jerry M. Shriver  
Primary Next of Kin

March 20, 2001

Date

There is a discrepancy with Jerry's service number, some papers state RA 19 521 029, other papers indicate RA 19 621 029. Please notify me of the correct service number; also please check the incorrect file number as some of Jerry's paperwork may have been filed incorrectly. Any paperwork that is produced or found in this search please send me copies as this is, and all requests, are FOIA requests.

Sincerely,

Dorothy M. Shriver

Dorothy M. Shriver, Mother of Jerry M. Shriver  
Primary Next of Kin

11 June 2001

I, Madeline Kaminski, swear and affirm that I am Primary  
Next of Kin of SFC Leo Earl Seymour and authorize  
Roger Hall to research all information withheld under the  
McCain Privacy Act or for any other reason. POW/MIA  
incident date 3 July 1967, SS# 249-70-3453, Branch of  
Service United States Army, Special Forces.

Signed Madeline Kaminski

Address:

RD #2 Box 85  
Rome, PA. 18837

email: \_\_\_\_\_

phone: 570-247-7939

I RITA M SIMMONS give my  
authorization to release  
any information to research  
the case under the McCain  
Act and for any other  
reasons pertaining to  
my son Robert E Simmons  
USAF to Roger Hall-Silver  
Spring, MD.

Date:  
Signed:

Rita M Simmons  
1-18-2001

1-18-01  
Lori Preston

LORI J. PRESTON  
Notary Public, State of New York  
Cortland County, #4967480  
My Commission Expires June 4, 02



*Stafford*

March 18, 2001

Mrs. Dawn Pedersen the search for documents on your father will not incur any expenses for which you would be liable. I will indemnify and hold you harmless from any liability in connection with this search.

Signed,  
*Roger Hall*

Roger Hall

March 18, 2001  
*26*

I Dawn Renee Pedersen daughter and Primary Next of Kin of USAF Captain Ronald Dean Stafford authorize Roger Hall to research and obtain all information on my father under the McCain Act or for any other reason.

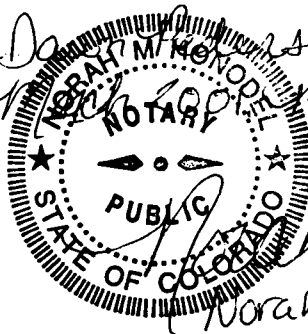
Date of Birth	January,-03-1943	
MIA incident date	21 November 1972	pilot of a F-111 aircraft
Service number	507-50-3284 FR	
SS #	507-50-3284	

Signed,  
*Dawn Pedersen*

Dawn Pedersen  
943 Tari Drive  
Colorado Springs, CO 80921

Notary

I certify that Dawn Pedersen appeared before me this 26th day of March 2001. My commission expires 8/7/02.



*Nora M. Honodel*  
Nora M. Honodel

November 20, 2000

I Gladys Fleckenstein, Primary Next of Kin of Lt. Cmdr. Larry J. Stevens, Social Security Number 557-60-9776, Ref. No. 1383, authorize Roger Hall to research all information in any way correlating to Larry's case withheld under the McCain Act or for any other reason.

Signature

Jack and Gladys Fleckenstein  
Tel. 909866-4918  
FAX 9098665959

OK 11/20/2000

Remember the Authorization MUST BE NOTARIZED.

Mail to: Roger Hall  
8715 First Ave.  
apt 827C  
Silver Spring, MD 20910

#####

Jack & Gladys  
PO # 3508  
Big Bear Lake, CA 92315

573 Talmadge Rd ← (UPS)  
Big Bear Lake, CA 92315

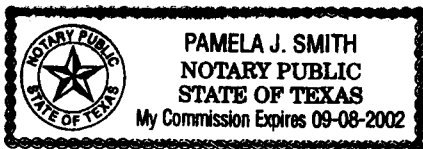
**INFORMATION RELEASE**

I, NORMAN WAYNE TOWNSEND, am the father and primary next-of-kin of CAPT. FRANCIS W. TOWNSEND, Social Security No. 458-76-9151, whose date of birth was April 24, 1948 in Bristow, Oklahoma. He was a pilot in the United States Air Force. I hereby give ROGER HALL my permission to research the case of CAPT. FRANCIS W. TOWNSEND under the McCain Act and for any other reason to obtain any information from the CIA concerning my son, or the events surrounding my son's case, that may be in the possession of any government agency, including, but, not limited to, the CIA. This Release is being given to Mr. Hall in relation to his lawsuit against the CIA now pending in the United States District Court in the District of Columbia, Cause No. 98-1391(PLF).

SIGNED on February 6th, 2001.

Norman Wayne Townsend  
NORMAN WAYNE TOWNSEND

SWORN TO AND SUBSCRIBED TO before me by NORMAN WAYNE TOWNSEND on this the 6th day of February, 2001, to certify which witness my hand and seal of office.



Pamela J. Smith  
NOTARY PUBLIC, STATE OF TEXAS

October 13, 2000

Re: Sgt. Carl R. Ussery  
Date of Birth: November 22, 1948  
United States Army  
RA 16 958 393/SSN: 498-48-7369

To whom it may concern:

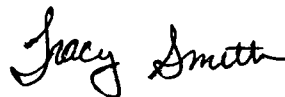
I, Joyce Ussery, authorize Roger Hall to research any and all information and obtain documentation on Carl Richard Ussery withheld under the McCain Bill or for any other reason.

Sgt. Carl R. Ussery went Hostile Missing on September 28, 1968.

Sincerely,



Joyce Ussery  
3015 Cotton Hollow Rd.  
Norwood, Missouri 65717



TRACY SMITH  
NOTARY PUBLIC STATE OF MISSOURI  
WRIGHT COUNTY  
MY COMMISSION EXP. MAR. 21, 2004

July 13, 2001

To Whom It May Concern:

I, Stephen Vincent Versace, Ph.D., am the primary next of kin of Capt. Humbert Roque Versace. I authorize Roger Hall to obtain all information on my brother under the McCain Privacy Act or for any other reason pursuant to the search for information on his military service, captivity and/or execution while held captive or under other conditions.

Captain Humbert Roque Versace  
SSN:



Stephen V. Versace, Ph.D.  
10316 Burnside Drive  
Ellicott City, MD 21042

*SVERSACE@YAHOO.COM*

*410-465-5916*

May 11, 2001

**Roger Hall**  
Rhall8715@aol.com  
c/o POW/MIA FOIA Litigation Acct  
8715 First Ave, Apt 827C  
Silver Spring MD 20910

To Roger Hall:

RE: Release of Classified Data

I, Lori Bouchard, Legal PNOK, authorize Roger Hall to research all information regarding Michael Lora Bouchard withheld under the McCain Bill or for any other reason.

**Individual information follows:**

**Michael Lora Bouchard**  
DOB: 1 Nov 38  
Date MIA: 20 Dec 68, 2000L, Savannakhet Province/Muang Nong District  
Location 48QXD673026, 161759N/1063358E  
SSN: 516-40-5665  
SN: 644411  
Lt, USN

Please release the data requested to:

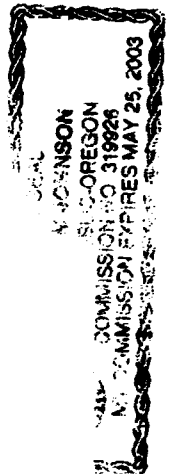
**Lori Bouchard, PNOK**  
6291 Fairway Ave SE  
Salem OR 97306

Thank you,



**Lori Bouchard**  
loribee59@hotmail.com

cc: Debra J. Bouchard  
Julia D. (Bouchard) McCallum  
John S. Bouchard



*Office of the  
Assistant Secretary of Defense  
Defense Prisoner of War/Missing Personnel Office  
Declassification/FOIA Division*

***Vietnam War  
PNOK “YES”  
Casualty List***

*Current as of  
October 4, 2000*

**PNOK RESPONSE CLASSIFICATION CODES:**

**RELEASEABLE FILES**

- Y - YES**
- YR - YES (REMAINS RECOVERED AND IDENTIFIED)**
- Y\* - UNLOCATABLE PNOK (McCAIN BILL - YES)**
- Y+ - PREVIOUS NO, REMAINS HAVE BEEN SUBSEQUENTLY RECOVERED AND IDENTIFIED (McCAIN BILL - YES)**
- + - NO PNOK RESPONSE, REMAINS HAVE BEEN SUBSEQUENTLY RECOVERED AND IDENTIFIED (McCAIN BILL - YES)**
- \*+ - CONTINGENCY, REMAINS HAVE BEEN SUBSEQUENTLY RECOVERED AND IDENTIFIED (McCAIN BILL - YES)**
- NA - SERVICE MEMBER ALIVE LIVING IN THE US**



Wednesday, October 04, 2000

Vietnam PNOK 'YES' Casualty List

Page 1

NAME	SERVICE	REFNO	RESPONSE
ACALOTTO, ROBERT JOSEPH	A	1708-0-03	Y
ADAM, JOHN QUINCY	F	1187-0-01	Y
ADAMS, JOHN ROBERT	A	0899-0-01	Y
ADAMS, LEE AARON	F	0307-0-01	Y
ADAMS, SAMUEL	F	0180-2-01	Y
ADAMS, STEVEN HAROLD	F	0496-0-01	Y
ADRIAN, JOSEPH DANIEL	F	0618-0-01	Y
AHLMAYER, HEINZ JR	M	0676-0-04	Y
ALBERTON, BOBBY JOE	F	0350-0-03	Y
ALBRIGHT, JOHN SCOTT II	F	1340-0-01	Y
ALDERN, DONALD DEANE	N	1641-0-01	Y
ALDRICH, LAWRENCE LEE	A	1161-0-01	Y
ALFORD, TERRY LANIER	A	1515-0-02	Y
ALFRED, GERALD OAK JR	F	0546-0-01	Y
ALLARD, RICHARD MICHAEL	A	0811-0-03	Y
ALLEN, HENRY LEWIS	F	1579-0-02	Y
ALLEN, MERLIN RAYE	M	0746-0-04	Y
ALLGOOD, FRANKIE EUGENE	M	1103-0-01	Y
ALLOWAY, CLYDE DOUGLAS	F	1629-0-01	Y
ALM, RICHARD ANDREW	M	0246-0-01	Y
ALMENDARIZ, SAMUEL (NMN)	A	0763-0-02	Y
ALTIZER, ALBERT HAROLD	A	1498-0-01	Y
ALTUS, ROBERT WAYNE	F	1779-0-02	Y
ALWAN, HAROLD JOSEPH	M	0603-0-01	Y
AMESBURY, HARRY ARLO JR	F	1837-0-03	Y
ANDERSON, DENIS LEON	N	0982-0-01	Y
ANDERSON, GREGORY LEE	F	1552-0-02	Y
ANDERSON, WARREN LEROY	F	0317-0-01	Y
ANDREWS, STUART MERRILL	F	0262-0-01	Y
ANGSTADT, RALPH HAROLD	F	0496-0-02	Y
ANSELMO, WILLIAM FRANK	F	1074-0-02	Y
ANSPACH, ROBERT ALLEN	A	0832-1-01	Y
ANTUNANO, GREGORY ALFRED	A	1762-0-01	Y
APODACA, VICTOR JOE JR	F	0727-0-01	Y
APPELHANS, RICHARD DUANE	F	0862-0-01	Y
ARD, RANDOLPH JEFFERSON	A	1719-0-02	Y
ARMOND, ROBERT LAURENCE	F	2032-0-01	Y
ARMSTRONG, FRANK ALTON III	F	0852-0-01	Y
ARMSTRONG, JOHN WILLIAM	F	0833-0-01	Y
ARNOLD, WILLIAM TAMM	N	0525-0-01	Y
ASHALL, ALAN FREDERICK	N	1267-0-01	Y
ASHLOCK, CARLOS	M	0678-0-01	Y
ASMUSSEN, GLENN EDWARD	N	2033-0-01	Y
ASTON, JAY STEVEN	A	1761-0-01	Y
AUSTIN, CARL BENJAMIN	N	0202-0-01	Y
AUSTIN, JOSEPH CLAIR	F	0626-0-01	Y
AVOLESE, PAUL ANDREW	F	0757-0-01	Y
AVORE, MALCOLM ARTHUR	N	0110-0-01	Y
AYERS, DARRELL EUGENE	M	1574-0-01	Y
AYERS, RICHARD LEE	F	1596-0-01	Y
AYRES, JAMES HENRY	F	1688-0-01	Y
BABCOCK, RONALD LESTER	A	1711-0-02	Y
BABULA, ROBERT LEO	M	0439-0-01	Y
BACKUS, KENNETH FRANK	F	0706-0-01	Y
BADLEY, JAMES LINDSAY	F	1105-0-01	Y
BAILEY, JOHN HOWARD	M	0665-0-01	Y
BAKER, ARTHUR DALE	F	0070-0-01	Y
BALCOM, RALPH CAROL	F	0340-0-01	Y
BALDRIDGE, JOHN ROBERT JR	F	1524-0-02	Y
BANCROFT, WILLIAM W JR	F	1675-0-01	Y
BANKOWSKI, ALFONS ALOYZE	F	0004-0-01	Y
BANNON, PAUL WEDLAKE	F	1465-0-01	Y
BARBER, ROBERT FRANKLIN	N	0148-0-02	Y
BARBER, THOMAS DAVID	N	1091-0-04	Y
BARE, WILLIAM ORLAN	F	0774-0-01	Y
BARKER, JACK LAMAR	A	1731-0-01	Y
BARNETT, ROBERT RUSSELL	F	0298-0-01	Y
BATES, PAUL JENNINGS JR	A	1766-0-02	Y
BATT, MICHAEL LERO	A	1407-0-02	Y
BAUDER, JAMES REGINALD	N	0465-0-01	Y
BAUMAN, RICHARD LEE	A	1727-1-01	Y
BEALS, CHARLES ELBERT	A	1648-0-02	Y
BECKWITH, HARRY MEDFOR III	A	1735-0-01	Y
BEECHER, QUENTIN RIPPETOE	A	0731-0-01	Y

Wednesday, October 04, 2000

Vietnam PNOK 'YES' Casualty List

Page 2

NAME	SERVICE	REFNO	RESPONSE
BEENE, JAMES ALVIN	N	0483-0-01	Y
BELCHER, ROBERT ARTHUR	F	1417-0-01	Y
BENEDETT, DANIEL ANDREW	M	2003-0-13	Y
BENNETT, HAROLD GEORGE	A	0049-1-01	Y
BENNETT, ROBERT ELWOOD III	F	0938-0-01	Y
BENNETT, THOMAS WARING JR	F	1965-0-02	Y
BENNETT, WILLIAM GEORGE	F	0825-0-01	Y
BENSON, LEE DAVID	N	1091-0-03	Y
BENTON, GREGORY REA JR	M	1447-0-01	Y
BERDAHL, DAVID DONALD	A	1795-0-02	Y
BERESIK, EUGENE PAUL	F	1200-1-01	Y
BERG, GEORGE PHILLIP	A	1706-0-01	Y
BERUBE, KENNETH ALLEN	M	0790-0-01	Y
BEUTEL, ROBERT DONALD	F	1781-0-02	Y
BEYER, THOMAS JOHN	F	1241-0-01	Y
BEZOLD, STEVEN NEIL	A	1314-0-01	Y
BIBBS, WAYNE (NMN)	A	1874-0-02	Y
BIBER, GERALD MACK	A	0005-0-01	Y
BIDWELL, BARRY ALAN	N	1755-0-01	Y
BIRCHIM, JAMES DOUGLAS	A	1322-0-01	Y
BIRD, LEONARD ADRIAN	M	1225-0-01	Y
BISHOP, EDWARD JAMES JR	A	1608-0-01	Y
BIXEL, MICHAEL SARGENT	N	2019-0-01	Y
BLACK, PAUL VERNON	A	1712-0-01	Y
BLACKMAN, THOMAS JOSEPH	M	1167-0-13	Y
BLEWETT, ALAN L	V	0012-0-02	Y
BLODGETT, DOUGLAS RANDOLPH	A	1134-0-01	Y
BLOOM, DARL RUSSELL	M	0044-0-01	Y
BLOOM, RICHARD MCAULIFFE	M	0464-0-01	Y
BODENSCHATZ, JOHN EUGEN JR	M	0439-0-03	Y
BOGARD, LONNIE PAT	F	1856-0-01	Y
BOGIAGES, CHRISTOS C JR	F	1397-0-01	Y
BOHLIG, JAMES RICHARD	M	1483-0-02	Y
BOHLSCHIED, CURTIS RICHARD	M	0734-0-01	Y
BOIS CLAIRE, RONALD ALAN	N	0812-0-03	Y
BOLTZE, BRUCE EDWARD	M	1933-0-02	Y
BOND, RONALD DALE	F	1080-0-01	Y
BOND, RONALD LESLIE	F	1772-0-02	Y
BOOTH, GARY PRESTON	A	1684-0-01	Y
BOOZE, DELMAR GEORGE	M	0239-0-01	Y
BORDEN, MURRAY LYMAN	F	0494-0-01	Y
BORJA, DOMINGO R S	A	0598-0-01	Y
BORONSKI, JOHN ARTHUR	A	1578-0-07	Y
BOSSMAN, PETER ROBERT	N	0472-0-01	Y
BOSTON, LEO SIDNEY	F	0319-0-01	Y
BOTT, RUSSELL PETER	A	0536-0-02	Y
BOUCHARD, MICHAEL LORA	N	1345-0-01	Y
BOWER, JOSEPH EDWARD	F	0120-0-01	Y
BOWERS, RICHARD LEE	A	1414-0-01	Y
BOYER, ALAN LEE	A	1108-0-01	Y
BOYLE, WILLIAM (NMN)	A	1564-0-01	Y
BRADSHAW, ROBERT SAMUEL 3D	M	1559-0-02	Y
BRASHEAR, WILLIAM JAMES	F	1437-0-01	Y
BRASHER, JIMMY MAC	A	0477-0-01	Y
BRAUNER, HENRY PAUL	F	1807-0-01	Y
BREEDING, MICHAEL HUGH	M	1559-0-01	Y
BREINER, STEPHEN EUGENE	M	1287-0-01	Y
BRENNING, RICHARD DAVID	N	1471-0-01	Y
BRETT, ROBERT ARTHUR JR	F	1929-0-02	Y
BRICE, ERIC PARKER	N	1201-0-01	Y
BRIDGES, JERRY GLEN	A	1306-0-04	Y
BRIDGES, PHILIP WAYNE	A	1757-0-01	Y
BRIGGS, RONALD DANIEL	A	1372-0-01	Y
BRIGHAM, ALBERT	M	0549-0-01	Y
BROMS, EDWARD JAMES JR	N	1242-0-01	Y
BROOKS, JOHN HENRY RALPH	A	1440-0-01	Y
BROWER, RALPH WAYNE	F	0902-0-03	Y
BROWN, DONALD ALAN	F	1652-0-02	Y
BROWN, EDWARD DEAN JR	N	0117-0-01	Y
BROWN, FRANK MONROE JR	N	0461-0-01	Y
BROWN, GEORGE RONALD	A	1108-0-02	Y
BROWN, HARRY WILLIS	A	1046-0-01	Y
BROWN, JAMES WILLIAM	M	0295-0-01	Y
BROWN, ROBERT MACK	F	1945-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
BROWN, WILBUR RONALD	F	0248-0-01	Y
BROWN, WILLIAM THEODORE	A	1514-0-03	Y
BROWNEE, CHARLES RICHARD	F	1347-0-01	Y
BRUCH, DONALD WILLIAM JR	F	0322-0-01	Y
BRUCHER, JOHN MARTIN	F	1388-0-01	Y
BUCHER, BERNARD LUDWIG	F	1170-0-01	Y
BUCKLEY, LOUIS JR	A	0344-0-01	Y
BUCKLEY, VICTOR PATRICK	N	1537-0-01	Y
BUELL, KENNETH RICHARD	N	1924-0-02	Y
BUERK, WILLIAM CARL	F	1740-0-01	Y
BULLOCK, LARRY ALAN	A	0557-0-01	Y
BUNDY, NORMAN LEE	N	0449-0-01	Y
BURD, DOUGLAS GLENN	F	1474-0-01	Y
BURGESS, JOHN LAWRENCE	A	1645-0-01	Y
BURKE, MICHAEL JOHN	M	0497-0-01	Y
BURNS, ROBERT WAYNE	M	1544-0-01	Y
BURNETT, DONALD FREDERICK	N	2022-0-01	Y
BURNETT, SHELDON JOHN	A	1719-0-01	Y
BURNHAM, DONALD DAWSON	A	1024-0-02	Y
BURNS, MICHAEL PAUL	A	1473-0-01	Y
BURRIS, DONALD DEANE JR	A	1539-0-02	Y
BUSH, JOHN ROBERT	F	1235-0-01	Y
BUSH, ROBERT IRA	F	0357-0-01	Y
BYNUM, NEIL STANLEY	F	1505-0-01	Y
BYRNE, JOSEPH HENRY	F	1084-0-01	Y
CAFFARELLI, CHARLES JOSEPH	F	1948-0-01	Y
CAIRNS, ROBERT ALEXANDER	F	0363-0-02	Y
CALDWELL, FLOYD DEAN	A	1783-0-04	Y
CALHOUN, JOHNNY C	A	1106-0-01	Y
CALLAHAN, DAVID FRANCIS JR	N	1286-0-01	Y
CALLANAN, RICHARD JOSEPH	F	0228-0-01	Y
CALLIES, TOMMY LEON	F	1474-0-02	Y
CALLOWAY, PORTER EARL	A	1078-0-01	Y
CAMPBELL, WILLIAM EDWARD	F	1368-0-01	Y
CANIFORD, JAMES KENNETH	F	1807-0-04	Y
CANUP, FRANKLIN HARLEE JR	N	0565-0-01	Y
CARLOCK, RALPH LAURENCE	F	0606-0-01	Y
CARLSON, JOHN WERNER	F	0543-0-01	Y
CARLSON, PAUL VICTOR	N	0592-0-02	Y
CARLTON, JAMES EDMUND JR	M	0643-0-01	Y
CARPENTER, HOWARD B	A	0608-0-01	Y
CARR, DONALD GENE	A	1758-0-02	Y
CARROLL, JOHN LEONARD	F	1944-0-01	Y
CARTER, JAMES LOUIS	F	0248-0-02	Y
CARVER, HARRY FRANKLIN	A	1124-0-01	Y
CASEY, DONALD FRANCIS	F	1213-0-02	Y
CASTRO, REINALDO ANTONIO	M	0657-0-02	Y
CAUSEY, JOHN BERNARD	F	0257-0-01	Y
CAVALLI, ANTHONY FRANK	F	0376-0-02	Y
CECIL, ALAN BRUCE	A	1491-0-01	Y
CESTARE, JOSEPH ANGELO	M	1136-0-02	Y
CHANDLER, ANTHONY GORDON	N	1210-0-02	Y
CHAPMAN, RODNEY MAX	N	1389-0-01	Y
CHARVET, PAUL CLAUDE	N	0628-0-01	Y
CHAVEZ, GARY ANTHONY	F	1652-0-01	Y
CHAVIRA, STEPHEN (NMN)	A	1750-0-01	Y
CHENEY, JOSEPH C	V	0018-0-03	Y
CHERRY, ALLEN SHELDON	F	0788-0-01	Y
CHIPMAN, RALPH JIM	M	1973-0-01	Y
CHOMYK, WILLIAM (NMN)	F	1140-0-01	Y
CHRISTENSEN, ALLEN DUANE	A	1814-0-03	Y
CHRISTENSEN, JOHN MICHAEL	M	1826-0-02	Y
CHRISTENSEN, WILLIAM MURRE	N	0260-0-01	Y
CHRISTIANO, JOSEPH	F	0222-0-01	Y
CHRISTIANSÉN, EUGENE F	A	1372-0-02	Y
CHRISTOPHERSEN, KEITH ALLE	N	1980-0-02	Y
CHUBB, JOHN JACOBSEN	A	1731-0-02	Y
CHURCHILL, CARL RUSSELL	F	1611-0-02	Y
CICHON, WALTER ALAN	A	1112-0-01	Y
CLACK, CECIL JAMES	A	1353-0-01	Y
CLAFLIN, RICHARD AMES	F	0772-0-02	Y
CLAPPER, GEAN PRESTON	F	0954-0-01	Y
CLARK, LAWRENCE	F	0496-0-03	Y
CLARK, ROBERT ALAN	N	1979-0-01	Y

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Vietnam PNOK 'YES' Casualty List

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NAME	SERVICE	REFNO	RESPONSE
CLARK, STANLEY SCOTT	F	1382-0-01	Y
CLARK, THOMAS EDWARD	F	1374-0-01	Y
CLARKE, FRED LEE	F	1340-0-03	Y
CLARKE, GEORGE WILLIAM JR	F	0862-0-02	Y
CLAXTON, CHARLES PETER	F	0954-0-03	Y
CLAY, EUGENE LUNSFORD	F	0902-0-05	Y
CLEM, THOMAS DEAN	M	1156-0-02	Y
CLYDESDALE, CHARLES FREDRI	N	0060-0-01	Y
COADY, ROBERT FRANKLIN	F	1363-0-01	Y
COALSTON, ECHOL W JR	A	1002-0-01	Y
COATES, DONALD LEROY	M	0246-0-03	Y
COCHRANE, DEVERTON C	A	1634-0-01	Y
CODY, HOWARD RUDOLPH	F	0023-0-01	Y
COEN, HARRY BOB	A	1171-0-01	Y
COHRON, JAMES DERWIN	A	0984-0-01	Y
COLEMAN, JIMMY LEE	A	1401-0-01	Y
COLLETTE, CURTIS DAVID	N	0363-0-08	Y
COLLINS, RICHARD FRANK	N	1527-0-01	Y
COLLINS, WILLARD MARION	F	0267-0-03	Y
COLOMBO, GARY LEWIS	M	1076-0-01	Y
COLWELL, WILLIAM KEVIN	F	0222-0-03	Y
COMP, JOSEPH JAMES JR	A	0096-0-04	Y
COMPTON, FRANK RAY	N	0285-0-01	Y
CONAWAY, LAWRENCE YERGES	F	1611-0-01	Y
CONDREY, GEORGE THOMAS III	A	1164-0-01	Y
CONFER, MICHAEL STEELE	N	0491-0-01	Y
CONGER, JOHN EDWARD JR	A	1367-0-01	Y
CONLON, JOHN FRANCIS III	F	0262-0-02	Y
CONNER, EDWIN RAY	N	1620-0-01	Y
CONNER, LORENZA (NMI)	F	0881-0-01	Y
CONNOR, CHARLES RICHARD	M	1313-0-01	Y
COOK, DENNIS PHILIP	N	0296-0-01	Y
COOK, DONALD GILBERT	M	0050-0-01	Y
COOK, GLENN RICHARD	F	1504-0-02	Y
COOK, KELLY FRANCIS	F	0904-0-02	Y
COOK, WILLIAM RICHARD	F	1147-0-02	Y
COOLEY, DAVID LEO	N	1139-0-02	Y
COOLEY, ORVILLE DALE	N	0991-0-01	Y
COONS, HENRY ALBERT	N	1064-0-01	Y
COOPER, DANIEL DEAN	N	2018-0-01	Y
COOPER, RICHARD WALLER JR	F	1954-0-01	Y
COPLEY, WILLIAM MICHAEL	A	1325-0-01	Y
CORLE, JOHN THOMAS	M	0208-0-01	Y
CORNELIUS, JOHNNIE CLAYTON	F	1216-0-02	Y
CORONA, JOEL (NMN)	A	1674-0-01	Y
COTTEN, LARRY WILLIAM	F	1570-0-01	Y
CRAMER, DONALD MARTIN	A	1689-0-01	Y
CREAMER, JAMES EDWARD JR	A	1138-0-01	Y
CREAR, WILLIS CALVIN	A	1703-0-04	Y
CREED, BARTON SHELDON	N	1724-0-01	Y
CREW, JAMES ALAN	F	0904-0-01	Y
CRISTMAN, FREDERICK LEWIS	A	1730-0-01	Y
CRODY, KENNETH LLOYD	M	1999-0-01	Y
CRONE, DONALD EVERETT	A	1703-0-02	Y
CROPPER, CURTIS HENRY	N	1584-0-01	Y
CROSBY, BRUCE ALLEN JR	A	1808-0-01	Y
CROSBY, FREDERICK PETER	N	0090-0-01	Y
CROSBY, RICHARD ALEXANDER	A	0933-0-01	Y
CROSS, ARIEL LINDLEY	M	1229-0-01	Y
CROSS, JAMES EMORY	F	1604-0-01	Y
CROSSMAN, GREGORY JOHN	F	1144-0-01	Y
CROW, RAYMOND JACK JR	F	1805-0-02	Y
CROWLEY, JOHN EDWARD	A	1655-0-01	Y
CROXDALE, JACK LEE II	A	0921-0-01	Y
CRUMM, WILLIAM JOSEPH	F	0757-0-02	Y
CUNNINGHAM, KENNETH LEROY	A	1496-0-01	Y
CURLEE, ROBERT LEE JR	A	0096-0-03	Y
CURRAN, PATRICK ROBERT	M	1495-0-02	Y
CUTRER, FRED CLAY JR	F	0036-0-01	Y
CZERWIEC, RAYMOND GEORGE	A	1416-0-01	Y
CZERWONKA, PAUL STEVEN	M	1167-0-10	Y
DAFFRON, THOMAS CARL	F	1561-0-02	Y
DAHILL, DOUGLAS EDWARD	A	1428-0-03	Y
DALE, CHARLES ALVA	A	0094-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
DALLAS, RICHARD HOWARD	M	0657-0-01	Y
DALTON, RANDALL DAVID	A	1762-0-02	Y
DANIELSON, BENJAMIN FRANKL	F	1535-0-01	Y
DARCY, EDWARD JOSEPH	F	0954-0-02	Y
DAVIES, JOSEPH EDWIN	F	1182-0-01	Y
DAVIS, FRANCIS JOHN	N	1877-0-01	Y
DAVIS, JAMES WOODROW	F	2052-0-08	Y
DAVIS, RICARDO GONZALES	A	1411-0-01	Y
DAWES, JOHN JAMES	A	0327-0-01	Y
DAWSON, DANIEL GEORGE	A	0043-0-01	Y
DAWSON, JAMES VERNON	F	1468-0-01	Y
DAY, DENNIS IRVIN	A	1672-0-08	Y
DAYTON, JAMES LESLIE	A	1164-0-02	Y
DE HERRERA, BENJAMIN DAVID	A	0921-0-02	Y
DE SOTO, ERNEST LEO	F	1423-0-01	Y
DEBLASIO, RAYMOND VINCE JR	N	1755-0-03	Y
DEGNAN, JERRY L	V	0816-0-01	Y
DEICHELMANN, SAMUEL MACKAL	F	1273-0-01	Y
DELEIDI, RICHARD AUGUSTINE	M	1373-0-01	Y
DELONG, JOE LYNN	A	0689-0-01	Y
DEMMON, DAVID STANLEY	A	0094-0-02	Y
DEMPSEY, JACK ISHUM	N	0363-0-07	Y
DEMSEY, WALTER EDWARD JR	A	1706-0-04	Y
DENNIS, WILLIAM ROY	A	1134-0-03	Y
DENNISON, JAMES RICHARD	N	0959-0-01	Y
DENTON, MANUEL REYES	N	0019-0-01	Y
DERRICKSON, THOMAS G II	F	0859-0-01	Y
DEWBERRY, JERRY DON	M	1223-0-01	Y
DEXTER, RONALD JAMES	A	0720-0-05	Y
DI TOMMASO, ROBERT JOSEPH	F	0407-0-05	Y
DIBBLE, MORRIS FREDERICK	A	0205-0-01	Y
DILGER, HERBERT HUGH	N	2004-0-01	Y
DILLENDER, WILLIAM EDWARD	A	1731-0-04	Y
DILLON, DAVID ANDREW	A	0401-0-01	Y
DINAN, DAVID THOMAS III	F	1408-0-01	Y
DINGWALL, JOHN FRANCIS	M	0108-0-02	Y
DION, LAURENT NORBERT	N	0794-0-01	Y
DIXON, DAVID LLOYD	N	1292-0-02	Y
DONAHUE, MORGAN JEFFERSON	F	1340-0-05	Y
DONOVAN, LEROY MELVIN	A	0085-0-01	Y
DONOVAN, MICHAEL LEO	F	1772-0-01	Y
DOOLEY, JAMES EDWARD	N	0872-0-01	Y
DORITY, RICHARD CLAIR	A	1672-0-03	Y
DOTSON, JEFFERSON SCOTT	F	1477-0-01	Y
DOUGLAS, THOMAS EVAN	M	0195-0-01	Y
DOWNING, DONALD WILLIAM	F	0829-0-01	Y
DRAEGER, WALTER FRANK JR	F	0067-0-01	Y
DRAKE, CARL WILSON	F	1636-0-02	Y
DREHER, RICHARD E	F	1805-0-04	Y
DRIVER, CLARENCE N	V	1985-0-01	Y
DRIVER, DALLAS ALAN	A	1500-0-03	Y
DUBBELD, ORIE JOHN JR	A	1714-0-01	Y
DUCAT, PHILLIP ALLEN	M	0472-0-03	Y
DUCKETT, THOMAS ALLEN	F	1683-0-01	Y
DUDLEY, CHARLES GLENDON	F	0376-0-03	Y
DUENSING, JAMES ALLYN	N	2008-0-01	Y
DUFFY, CHARLES J	V	0002-0-01	Y
DUGAN, JOHN FRANCIS	A	1731-0-03	Y
DUGAN, THOMAS WAYNE	F	1341-0-01	Y
DUGGAN, WILLIAM YOUNG	F	1794-0-01	Y
DUKE, CHARLES R	V	1625-0-01	Y
DUNCAN, ROBERT RAY	N	1267-0-02	Y
DUSING, CHARLES GALE	F	0180-0-02	Y
DUVALL, DEAN ARNOLD	F	0271-0-04	Y
DYCZKOWSKI, ROBERT RAYMOND	F	0313-0-01	Y
DYE, MELVIN C	A	1054-0-01	Y
DYER, IRBY III (NMN)	A	0537-0-01	Y
EADS, DENNIS KEITH	A	1603-0-02	Y
EARLE, JOHN STILES	N	1637-0-01	Y
EATON, NORMAN DALE	F	1359-0-01	Y
EBY, ROBERT GINO	V	0795-0-02	Y
ECHANIS, JOSEPH YGNACIO	F	1518-0-01	Y
ECHEVARRIA, RAYMOND L	A	0480-0-01	Y
ECKLUND, ARTHUR G	A	1422-0-01	Y



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NAME	SERVICE	REFNO	RESPONSE
EDGAR, ROBERT JOHN	F	1036-0-01	Y
EDMONDSON, WILLIAM ROTHROC	F	0350-0-04	Y
EDWARDS, HARRY JEROME	A	1795-0-01	Y
EGAN, JAMES THOMAS JR.	M	0235-0-01	Y
EGAN, WILLIAM PATRICK	N	0321-0-01	Y
EHRlich, DENNIS MICHAEL	N	0574-0-02	Y
EIDSMOE, NORMAN EDWARD	N	1004-0-02	Y
EILERS, DENNIS LEE	F	0222-0-02	Y
EISENBERGER, GEORGE JOE BU	A	0205-0-02	Y
EISENBRAUN, WILLIAM F	A	0106-0-01	Y
ELLEN, WADE LYNN	A	1833-0-02	Y
ELLIOTT, ANDREW JOHN	A	1631-0-01	Y
ELLIOTT, JERRY W	A	1000-0-01	Y
ELLIS, BILLY J	A	0960-0-01	Y
ELLIS, WILLIAM JR	A	0372-0-01	Y
ELLISON, JOHN C	N	0629-0-01	Y
ELZINGA, RICHARD G	F	1579-0-01	Y
ENTRICAN, DANNY D	A	1748-0-01	Y
ERICKSON, DAVID W	M	1088-0-01	Y
ERSKINE, JACK D	V	1321-0-01	Y
ESCOBEDO, JULIAN JR	M	1487-0-01	Y
ESTOCIN, MICHAEL JOHN	N	0656-0-01	Y
EVANCHO, RICHARD	M	1103-0-04	Y
EVANS, BILLY KENNEDY JR	A	1334-0-01	Y
EVELAND, MICKEY EUGENE	A	1775-0-01	Y
EVERT, LAWRENCE G	F	0897-0-01	Y
FALLON, PATRICK M	F	1463-0-01	Y
FANNING, JOSEPH PETER	F	1340-0-02	Y
FARLOW, CRAIG L	A	1746-0-04	Y
FEATHERSTON, FIELDING W 3D	F	1541-0-01	Y
FELLOWS, ALLEN E	F	1099-0-01	Y
FENELEY, FRANCIS JAMES	F	0337-0-01	Y
FERGUSON, WALTER JR	A	1260-0-01	Y
FIESZEL, CLIFFORD W	F	1295-0-01	Y
FINGER, SANFORD IRA	A	1775-0-06	Y
FINLEY, DICKIE W	A	1308-0-01	Y
FINN, WILLIAM ROBERT	F	1788-0-01	Y
FINNEY, CHARLES E	M	1409-0-02	Y
FISCHER, JOHN RICHARD	M	0450-0-01	Y
FISCHER, RICHARD WILLIAM	M	0977-0-01	Y
FISHER, DONALD E	F	0954-0-05	Y
FISHER, DONALD G	F	1600-0-08	Y
FIVELSON, BARRY FRANK	A	1703-0-01	Y
FLANAGAN, SHERMAN E JR	F	1232-0-01	Y
FOBAIR, ROSCOE HENRY	F	0112-0-01	Y
FOLEY, BRENDAN PATRICK	F	0925-0-01	Y
FOLEY, JOHN JOSEPH III	M	0734-0-04	Y
FORAME, PETER CHARLES	A	1787-0-01	Y
FORMAN, WILLIAM S	N	0237-0-01	Y
FORRESTER, RONALD W	M	1973-0-02	Y
FORS, GARY HENRY	M	0947-0-01	Y
FOSTER, ROBERT EUGENE	F	0267-0-02	Y
FOWLER, JAMES ALAN	F	1870-0-01	Y
FOWLER, ROY G	N	2004-0-19	Y
FRAKES, DWIGHT GLENN	N	0057-0-01	Y
FRANCISCO, SAN DEWAYNE	F	1329-0-01	Y
FRANKS, IAN JACK	A	1102-0-02	Y
FREDERICK, PETER J	F	0621-0-01	Y
FRENYEA, EDMUND HENRY	N	0237-0-02	Y
FROSIO, ROBERT CLARENCE	N	0521-0-01	Y
FRYAR, BRUCE C	N	1542-0-01	Y
FRYER, CHARLES WIGGER	N	0416-0-01	Y
FULLER, WILLIAM O	F	0813-0-01	Y
FULLERTON, FRANK EUGENE	N	1238-0-01	Y
GAGE, ROBERT HUGH	M	0381-0-01	Y
GALLAGHER, DONALD L	N	2022-0-04	Y
GALLAGHER, JOHN THEODORE	A	0967-0-04	Y
GALLANT, HENRY JOSEPH	A	0109-0-02	Y
GANDE, BERMAN JR	A	1578-0-04	Y
GARCIA, RICARDO MARTINEZ	A	1730-0-02	Y
GARRETT, MAURICE EDWIN JR	A	1774-0-01	Y
GASSMAN, FRED ALLEN	A	1663-0-02	Y
GATES, ALBERT HENRY JR	M	1568-0-01	Y
GATES, JAMES W	A	0297-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
GATEWOOD, CHARLES HUE	M	1199-0-01	Y
GATWOOD, ROBIN F JR	F	1811-0-02	Y
GAUGHAN, ROGER CONRAD	M	0665-0-03	Y
GAULEY, JAMES PAUL	F	0561-0-01	Y
GAUSE, BERNARD JR	N	2003-0-02	Y
GAUTHIER, DENNIS L	A	1507-0-01	Y
GEHRIG, JAMES M JR	F	2032-0-02	Y
GERBER, DANIEL A	V	0011-0-01	Y
GERSTEL, DONALD ARTHUR	N	1920-0-01	Y
GERVAIS, DONALD PETER	A	1153-0-01	Y
GETCHELL, PAUL E	F	1359-0-02	Y
GIAMMERINO, VINCENT F	A	1217-0-01	Y
GIANNANGELI, ANTHONY ROBER	F	1811-0-03	Y
GILCHRIST, ROBERT M	F	0486-0-01	Y
GILLEN, THOMAS ELDON	F	1560-0-01	Y
GINN, DAVID LANDRELL	A	1672-0-06	Y
GISH, HENRY GERALD	F	2052-0-04	Y
GIST, TOMMY E	F	1181-0-01	Y
GLANDON, GARY ALVEN	F	0346-0-01	Y
GLANVILLE, JOHN TURNER JR	N	0361-0-01	Y
GLASSON, WILLIAM ALBERT JR	N	0299-0-01	Y
GLOVER, DOUGLAS J	A	1054-0-03	Y
GODFREY, JOHNNY HOWARD	F	0230-0-01	Y
GODWIN, SOLOMON HUGHEY	M	1035-0-01	Y
GOLZ, JOHN BRYAN	N	1599-0-01	Y
GOMEZ, ROBERT A	F	1601-0-02	Y
GONZALES, DAVID	M	1577-0-01	Y
GONZALEZ, JOSE JESUS	M	0734-0-05	Y
GOODWIN, CHARLES B	N	0139-0-01	Y
GORSUCH, WILLIAM D	N	2004-0-11	Y
GORTON, THOMAS FREDERICK	F	0025-0-01	Y
GOSEN, LAWRENCE DEAN	N	1233-0-01	Y
GOULD, FRANK ALTON	F	1959-0-01	Y
GOVAN, ROBERT A	F	0635-0-01	Y
GRACE, JAMES W	F	1455-0-01	Y
GRAF, JOHN GEORGE	N	1523-0-01	Y
GRAFFE, PAUL L	A	1496-0-02	Y
GRAHAM, DENNIS L	F	1107-0-01	Y
GRAHAM, GILBERT JAMES	N	0843-0-02	Y
GRANIOLA, JOSE ANTONIO JR	A	1251-0-02	Y
GRANTHAM, ROBERT EUGENE	A	1721-0-01	Y
GRAUERT, HANS HERBERT	N	0889-0-02	Y
GRAVITTE, CONNIE MACK	F	0363-0-03	Y
GRAY, HAROLD EDWIN JR	N	0121-0-01	Y
GRAYSON, WILLIAM RONALD	N	0292-0-01	Y
GRAZIOSI, FRANCIS GEORGE	A	1547-0-03	Y
GREEN, GEORGE CURTIS JR	A	1681-0-01	Y
GREEN, GERALD (NMN)	N	0142-0-01	Y
GREEN, JAMES ARVIL	A	1635-0-01	Y
GREEN, LARRY EDWARD	M	1103-0-03	Y
GREEN, NORMAN M	F	0980-0-01	Y
GREEN, ROBERT BAILEY	F	0505-0-01	Y
GREEN, THOMAS FREDERICK	A	1775-0-05	Y
GREENLEY, JON ALFRED	F	0228-0-02	Y
GREGORY, PAUL ANTHONY	N	1651-0-01	Y
GREILING, DAVID SCOTT	N	1234-0-01	Y
GRELLA, DONALD CARROLL	A	0224-0-01	Y
GRENZEBACH, EARL W	F	0679-0-01	Y
GRIFFEY, TERRENCE HASTINGS	F	0346-0-02	Y
GRIFFIN, RODNEY L	A	1610-0-01	Y
GUILLET, ANDRE R	F	0343-0-01	Y
HACKETT, HARLEY B III	F	1235-0-02	Y
HAIL, WILLIAM W	F	0118-0-01	Y
HALE, JOHN DOUGLAS	A	1721-0-02	Y
HALL, GARY LEE	M	1998-0-01	Y
HALL, WALTER LOUIS	A	0096-0-02	Y
HALL, WALTER RAY	A	1733-0-03	Y
HALL, WILLIS ROZELLE	F	2052-0-05	Y
HALLBERG, ROGER C	A	0630-0-02	Y
HALPIN, DAVID PAUL	N	1292-0-01	Y
HAMILTON, DENNIS C	A	0967-0-05	Y
HAMMOND, DENNIS WAYNE	M	1042-0-01	Y
HANRATTY, THOMAS MICHAEL	M	0734-0-06	Y
HANSEN, LESTER ALAN	A	1481-0-01	Y

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Vietnam PNOK 'YES' Casualty List

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NAME	SERVICE	REFNO	RESPONSE
HARBER, STEPHEN J	A	1646-0-01	Y
HARGROVE, JOSEPH N	M	1998-0-02	Y
HARGROVE, OLIN JR	A	0867-0-02	Y
HARLEY, LEE D	F	0343-0-02	Y
HARNED, GARY ALAN	A	1578-0-05	Y
HARPER, RALPH LEWIS	M	1203-0-03	Y
HARRIS, GREGORY J	M	0358-0-01	Y
HARRIS, REUBEN BEAUMONT	N	0299-0-02	Y
HARRISON, LARRY GENE	A	1709-0-02	Y
HART, JOSEPH LESLIE	F	0600-0-01	Y
HARTNESS, GREGG	F	1330-0-01	Y
HARVEY, JACK ROCKWOOD	F	1949-0-01	Y
HARWOOD, JAMES ARTHUR	A	1692-0-01	Y
HASENBACK, PAUL ALFRED	A	0646-0-01	Y
HASSENGER, ARDEN K	F	0222-0-05	Y
HASTINGS, STEVEN M	A	1244-0-02	Y
HAUER, ROBERT D	F	1659-0-01	Y
HAVRANEK, MICHAEL WILLIAM	M	0734-0-08	Y
HAWKINS, EDGAR L	F	0150-0-01	Y
HAWTHORNE, RICHARD W	M	0834-0-01	Y
HEEP, WILLIAM ARTHUR	N	1261-0-01	Y
HEIDEMAN, THOMAS EDWARD	F	1670-0-01	Y
HEISKELL, LUCIUS L	F	0591-0-02	Y
HEITMAN, STEVEN W	A	1085-0-01	Y
HELD, JOHN WAYNE	F	1131-0-01	Y
HELMICH, GERALD ROBERT	F	1521-0-01	Y
HELWIG, ROGER DANNY	F	1488-0-01	Y
HEMMEL, CLARENCE JOSEPH	F	0871-0-01	Y
HENN, JOHN ROBERT JR	A	1865-0-01	Y
HENSLEY, THOMAS TRUETT	F	1089-0-01	Y
HENTZ, RICHARD JAY	A	1715-0-02	Y
HEPLER, FRANK MONROE	F	1170-0-02	Y
HERNANDEZ, FRANK SANCHEZ	A	1612-0-01	Y
HEROLD, RICHARD WALTER	F	1917-0-01	Y
HERREID, ROBERT D	A	1300-0-01	Y
HERRERA, FREDERICK D	A	1415-0-02	Y
HERRICK, CHARLES	V	0018-0-04	Y
HERRICK, JAMES W JR	F	1506-0-01	Y
HERRIN, HENRY HOWARD JR	N	0959-0-02	Y
HERROLD, NED R	F	0351-0-01	Y
HERTZ, GUSTAV	V	0052-0-01	Y
HESFORD, PETER D	F	1100-0-01	Y
HESS, GENE KARL	F	0363-0-04	Y
HESTLE, ROOSEVELT JR	F	0386-0-01	Y
HETRICK, RAYMOND HARRY	F	0256-0-01	Y
HEYNE, RAYMOND THOMAS	M	1167-0-05	Y
HICKMAN, VINCENT JOSEPH	F	0027-0-01	Y
HICKS, PRENTICE W	A	1415-0-01	Y
HIEMER, JERRY ALLEN	A	0192-0-01	Y
HILBRICH, BARRY W	A	1632-0-01	Y
HILL, ARTHUR SINCLAIR JR	N	0225-0-02	Y
HILL, JOHN RICHARD	A	1606-0-01	Y
HILL, JOSEPH ARNOLD	M	1195-0-01	Y
HILL, RAYFORD J	N	2004-0-05	Y
HILL, RICHARD DALE	F	0025-0-02	Y
HILLS, JOHN RUSSELL	F	0252-0-01	Y
HODGSON, CECIL J	A	0242-0-01	Y
HOFF, MICHAEL G	N	1546-0-01	Y
HOGAN, JERRY F	N	0578-0-01	Y
HOLDEN, ELMER LARRY	F	1206-0-01	Y
HOLGUIN, LUIS GALLEGOS	A	1687-0-03	Y
HOLLAND, LAWRENCE THOMAS	F	0097-0-01	Y
HOLLEY, TILDEN S	F	0998-0-01	Y
HOLLINGER, GREGG NEYMAN	A	1783-0-06	Y
HOLM, ARNOLD EDWARD JR	A	1874-0-01	Y
HOLMAN, GERALD ALLAN	N	0548-0-01	Y
HOLMES, DAVID HUGH	F	0275-0-01	Y
HOLMES, FREDERICK LEE	N	1793-0-01	Y
HOLT, JAMES W	A	1040-0-03	Y
HOLTON, ROBERT E	F	1368-0-02	Y
HOMUTH, RICHARD WENDAL	N	0708-0-02	Y
HOPPER, EARL PEARSON JR	F	0981-0-01	Y
HOSKINS, CHARLES L	F	1704-0-01	Y
HOSKINS, DONALD RUSSELL	F	1837-0-02	Y



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NAME	SERVICE	REFNO	RESPONSE
HOWARD, LEWIS JR.	A	1648-0-01	Y
HOWELL, CARTER A	F	1800-0-01	Y
HRDLICKA, DAVID LOUIS	F	0084-0-01	Y
HUBBS, DONALD RICHARD	N	1091-0-01	Y
HUBERTH, ERIC J	F	1619-0-02	Y
HUBLER, GEORGE LAWRENCE	M	1057-0-01	Y
HULL, JAMES LARRY	F	1707-0-01	Y
HUME, KENNETH EDWARD	N	0061-0-01	Y
HUMMEL, JOHN F	A	1718-0-02	Y
HUMPHREY, GALEN FRANCIS	M	0246-0-02	Y
HUNSICKER, JAMES EDWARD	A	1833-0-03	Y
HUNT, JAMES D	N	1304-0-01	Y
HUNT, ROBERT W	A	1065-0-01	Y
HUNTER, JAMES D	A	1315-0-01	Y
HUNTER, RUSSELL PALMER JR	F	0250-0-01	Y
HUNTLEY, JOHN NORMAN	A	1493-0-01	Y
HUSTON, CHARLES G	A	1108-0-03	Y
HYNDS, WALLACE G JR	F	0782-0-01	Y
INNES, ROGER B	N	0952-0-01	Y
IRSCH, WAYNE C	F	0980-0-02	Y
JACKSON, JAMES TERRY	F	1802-0-02	Y
JACKSON, JAMES W JR	M	1492-0-01	Y
JACKSON, PAUL VERNON III	F	1967-0-01	Y
JACOBSEN, TIMOTHY J	A	1746-0-02	Y
JACQUES, JAMES J	M	2003-0-09	Y
JANOUSEK, RONALD JAMES	M	1478-0-01	Y
JARVIS, JEREMY M	F	0771-0-01	Y
JEFFERSON, PERRY HENRY	F	1422-0-02	Y
JEFFORDS, DERRELL B	F	0222-0-04	Y
JEFFS, CLIVE G	F	1723-0-01	Y
JEWELL, EUGENE M	F	0135-0-02	Y
JIMENEZ, JUAN MACIAS	A	1171-0-12	Y
JOHNS, PAUL F	F	1218-0-01	Y
JOHNSON, AUGUST DAVID	N	0588-0-01	Y
JOHNSON, DALE ALONZO	F	0507-0-01	Y
JOHNSON, FRANKIE B JR	A	1138-0-03	Y
JOHNSON, GARY LEE	A	1706-0-03	Y
JOHNSON, ROBERT DENNISON	N	0824-0-01	Y
JOHNSON, WILLIAM D	A	0997-0-01	Y
JOHNSTON, STEVEN BRYCE	F	1977-0-01	Y
JOHNSTONE, JAMES MONTGOMER	A	0526-0-02	Y
JONES, GRAYLAND (NMN)	A	1528-0-01	Y
JONES, LOUIS F	F	0929-0-01	Y
JONES, ORVIN C JR	F	1828-0-02	Y
JONES, THOMAS PAUL	N	2022-0-06	Y
JUDD, MICHAEL BARRY	N	0746-0-03	Y
JURECKO, DANIEL EDWARD	A	1164-0-03	Y
KALIL, TANOS E	V	1375-0-01	Y
KANE, BRUCE EDWARD	M	1478-0-02	Y
KASTER, LEONARD LEE	F	0036-0-02	Y
KEARNS, JOSEPH T JR	F	0721-0-01	Y
KEEFE, DOUGLAS ONEIL	M	0699-0-01	Y
KEIPER, JOHN CHARLES	M	0523-0-02	Y
KELLER, JACK ELMER	N	0309-0-02	Y
KELLEY, DANIEL MARTIN	A	1145-0-01	Y
KEMMERER, DONALD R	F	0786-0-01	Y
KENNEDY, JAMES EDWARD	A	1539-0-01	Y
KENNEY, HARRY JOHN	N	1317-0-01	Y
KERNS, ARTHUR WILLIAM	A	2058-0-01	Y
KERR, EVERETT O	F	0359-0-02	Y
KERR, JOHN CREIGHTON GILLE	F	0802-0-01	Y
KETCHIE, SCOTT DOUGLAS	M	1824-0-01	Y
KETTERER, JAMES ALAN	F	0998-0-02	Y
KIBBEY, RICHARD ABBOT	F	0591-0-03	Y
KIEFEL, ERNST PHILIP JR	F	0250-0-02	Y
KIEFFER, WILLIAM L JR	F	1558-0-01	Y
KILCULLEN, THOMAS M	F	0813-0-02	Y
KILLEN, JOHN DEWEY III	M	0746-0-02	Y
KILPATRICK, LARRY R	N	1878-0-01	Y
KIMSEY, WILLIAM ARTHUR JR	A	1001-0-01	Y
KING, CHARLES D	F	1348-0-01	Y
KING, DONALD L	F	0338-0-01	Y
KING, GERALD EUGENE	M	1167-0-04	Y
KING, PAUL CHESTER JR	A	1159-0-01	Y

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Vietnam PNOK 'YES' Casualty List

NAME	SERVICE	REFNO	RESPONSE
KING, RONALD RUNYAN	F	0846-0-01	Y
KLEMM, DONALD M	F	0732-0-01	Y
KLEMDA, DEAN ALBERT	F	0147-0-01	Y
KLINGNER, MICHAEL LEE	F	1587-0-01	Y
KLUTE, KARL EDWIN	F	0273-0-01	Y
KNAPP, FREDRIC WOODROW	N	0887-0-01	Y
KNEBEL, THOMAS E	F	1187-0-05	Y
KNIGHT, LARRY COLEMAN	N	1590-0-02	Y
KNIGHT, ROY A JR	F	0690-0-01	Y
KNOCHEL, CHARLES ALLEN	N	0467-0-01	Y
KNUTSEN, DONALD PAUL	A	1733-0-02	Y
KOENIG, EDWIN LEE	N	0548-0-03	Y
KOHLER, DELVIN LEE	N	2004-0-24	Y
KOMMENDANT, AADO	F	0424-0-01	Y
KONYU, WILLIAM MICHAEL	A	1426-0-01	Y
KOONCE, TERRY T	F	0950-0-01	Y
KOSKO, WALTER	F	0114-0-01	Y
KROGMAN, ALVA RAY	F	0572-0-01	Y
KROMMENHOEK, JEFFREY M	N	0875-0-01	Y
KROSKE, HAROLD W JR	A	1380-0-01	Y
KRUPA, FREDERICK	A	1744-0-01	Y
KRYSZAK, THEODORE E	F	0354-0-01	Y
KUBLEY, ROY ROBERT	F	0587-0-04	Y
KUSICK, JOSEPH GEORGE	A	0902-0-02	Y
KUSTIGIAN, MICHAEL J	N	2054-0-01	Y
KUYKENDALL, WILLIE CLYDE	A	1769-0-01	Y
LACEY, RICHARD J	A	1011-0-01	Y
LADWIG, MELVIN E	F	1262-0-01	Y
LAHAYE, JAMES DAVID	N	0081-0-01	Y
LAKER, CARL JOHN	A	1634-0-02	Y
LAMBTON, BENNIE RICHARD	N	0361-0-03	Y
LANCASTER, KENNETH R	A	0961-0-01	Y
LANE, GLEN O	A	1191-0-01	Y
LANE, MITCHELL S	F	1355-0-01	Y
LANNOM, RICHARD CLIVE	N	1068-0-02	Y
LAPHAM, ROBERT GRANTHAN	F	1043-0-01	Y
LAPORTE, MICHAEL LOUIS	N	0830-0-01	Y
LAUTZENHEISER, MICHAEL (NM)	A	1775-0-04	Y
LAWRENCE, GREGORY PAUL	F	1298-0-01	Y
LAWS, DELMER LEE	A	0409-0-01	Y
LAWSON, KARL WADE	A	1123-0-01	Y
LEDBETTER, THOMAS ISAAC	A	0032-0-01	Y
LEE, ALBERT EUGENE	N	2026-0-01	Y
LEEPER, WALLACE WILSON	A	0933-0-03	Y
LEESER, LEONARD CHARLES	F	1552-0-04	Y
LEETUN, DAREL D	F	0460-0-01	Y
LEFEVER, DOUGLAS PAUL	F	1518-0-02	Y
LEMCKE, DAVID EARL	A	1185-0-01	Y
LEONOR, LEONARDO C	F	1936-0-02	Y
LENER, IRWIN S	F	1955-0-02	Y
LESTER, RODERICK B	N	1912-0-01	Y
LEVAN, ALVIN LEE	N	2025-0-01	Y
LEVIS, CHARLES ALLEN	F	1811-0-04	Y
LEWANDOWSKI, LEONARD J JR	M	0497-0-02	Y
LEWIS, CHARLIE GRAY	A	0686-0-01	Y
LEWIS, LARRY GENE	N	1710-0-01	Y
LILLY, CARROLL B	F	1739-0-01	Y
LINDAHL, JOHN CARL	N	2012-0-01	Y
LINDBLOOM, CHARLES DAVID	N	1257-0-01	Y
LINDSTROM, RONNIE G	F	1543-0-02	Y
LINEBERGER, HAROLD B	F	1695-0-01	Y
LINK, ROBERT C	A	1138-0-06	Y
LITTLE, DANNY LEONARD	A	1602-0-01	Y
LIVINGSTON, RICHARD ALLEN	N	2004-0-02	Y
LOCKER, JAMES D	F	1206-0-02	Y
LOGAN, JACOB DRUMMOND	N	0202-0-02	Y
LOMAX, RICHARD EUGENE	A	1104-0-01	Y
LONEY, ASHTON N	M	2038-0-01	Y
LONG, GEORGE WENDELL	F	1170-0-06	Y
LONO, LUTHER A	M	1495-0-01	Y
LOPEZ, ROBERT (NMN)	A	1077-0-02	Y
LOPEZ, ROBERT CHARLES	M	1167-0-06	Y
LORD, ARTHUR J	A	1132-0-01	Y
LUCAS, LARRY FRANCIS	A	0553-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
LUCKI, ALBIN E	F	1601-0-01	Y
LUKENBACH, MAX DUANE	N	0217-0-01	Y
LUKER, RUSSELL BURT	M	0246-0-04	Y
LULL, HOWARD B JR	A	1819-0-01	Y
LUM, DAVID ANTHONY	F	0552-0-01	Y
LUNA, CARTER PURVIS	F	1405-0-01	Y
LUNDY, ALBRO LYNN JR	F	1685-0-01	Y
LUTTRELL, JAMES M	A	1745-0-01	Y
LYON, JAMES MICHAEL	A	1556-0-01	Y
MAC LAUGHLIN, DONALD C JR	N	0227-0-01	Y
MACCANN, HENRY ELMER	F	1107-0-02	Y
MACKEDANZ, LYLE E	A	1138-0-04	Y
MAGEE, PATRICK JOSEPH	A	1687-0-05	Y
MAGERS, PAUL GERALD	A	1752-0-01	Y
MAHONEY, THOMAS PATRICK 3D	M	1224-0-01	Y
MAILHES, LAWRENCE SCOTT	N	0122-0-01	Y
MALONE, JIMMY M	A	0326-0-01	Y
MANGUS, ARLIE ROBERT	A	1672-0-01	Y
MANN, ROBERT LEE	F	0177-0-02	Y
MANNING, RONALD JAMES	N	2003-0-03	Y
MANOR, JAMES (NMN)	F	1805-0-05	Y
MARIK, CHARLES WELDON	N	0374-0-01	Y
MARK, KIT T	V	1625-0-02	Y
MARKER, MICHAEL WAYNE	A	1715-0-04	Y
MARSHALL, DANNY G	M	1998-0-03	Y
MARSHALL, RICHARD CARLTON	F	0137-0-02	Y
MARTIN, DAVID EARL	N	0637-0-01	Y
MARTIN, DUANE WHITNEY	F	0152-0-01	Y
MARTIN, RUSSELL D	F	0354-0-03	Y
MARTIN, SAMMY ARTHUR	F	0953-0-01	Y
MARVIN, ROBERT CLARENCE	N	0594-0-01	Y
MASCARI, PHILLIP LOUIS	F	1435-0-01	Y
MASON, JAMES PHILIP	A	1305-0-01	Y
MASSUCCI, MARTIN J	F	0158-0-01	Y
MASTERSON, MICHAEL JOHN	F	1303-0-01	Y
MASUDA, ROBERT S	A	1442-0-02	Y
MATEJA, ALAN PAUL	F	1828-0-01	Y
MATOCHA, DONALD JOHN	M	1119-0-01	Y
MAUTERER, OSCAR	F	0253-0-01	Y
MAY, MICHAEL FREDERICK	A	1398-0-02	Y
MAYER, RODERICK LEWIS	N	0168-0-01	Y
MAYSEY, LARRY WAYNE	F	0902-0-01	Y
MCANDREWS, MICHAEL WILLIAM	A	1684-0-03	Y
MCBRIDE, EARL PAUL	N	0503-0-01	Y
MCCLELLAN, PAUL TRUMAN JR	F	0190-0-01	Y
MCCONNAUGHAY, DAN DAILY	N	2033-0-02	Y
MCCORMICK, CARL OTTIS	F	1933-0-01	Y
MCCORMICK, MICHAEL T	N	1979-0-02	Y
MCCOY, MERIL OLEN JR	N	2007-0-04	Y
MCCUBBIN, GLENN DEWAYNE	F	1182-0-02	Y
MCDANIEL, JOHN LEWIS	F	1146-0-01	Y
MCDONALD, JOSEPH WILLIAM	M	1842-0-02	Y
MCDONALD, KURT CASEY	F	0051-0-02	Y
MCDONNELL, JOHN TERRENCE	A	1402-0-01	Y
MCDONOUGH, JOHN RICHARD	N	0365-0-01	Y
MCELHANON, MICHAEL OWENS	F	1250-0-01	Y
MCELROY, GLENN DAVID	A	0276-0-01	Y
MCELROY, JOHN LEE	F	1170-0-03	Y
MCEWEN, JAMES ARTHUR	F	0177-0-01	Y
MCGARVEY, JAMES MAURICE	M	0643-0-02	Y
MCGONIGLE, WILLIAM DEE	M	1167-0-07	Y
MCGRATH, JAMES PATRICK	N	0784-0-04	Y
MCINTIRE, SCOTT WINSTON	F	1782-0-01	Y
MCKAIN, BOBBY LYN	A	1155-0-01	Y
MCKINLEY, GERALD WAYNE	N	0062-0-01	Y
MCKITTRICK, JAMES C	A	0737-0-02	Y
MCLAMB, HARRY LAWRENCE	F	1636-0-01	Y
MCLAUGHLIN, ARTHUR V JR	F	1955-0-04	Y
MCLEAN, JAMES HENRY	A	0054-0-01	Y
MCLEOD, DAVID VANCE JR	F	1988-0-01	Y
MCMURRAY, FRED HOWELL JR	A	1122-0-01	Y
MCPHAIL, WILLIAM THOMAS	F	1187-0-02	Y
MCPHEE, RANDY NEAL	M	0664-0-01	Y
MCPHERSON, EVERETT ALVIN	M	0279-0-02	Y

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**Vietnam PNOK 'YES' Casualty List**

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NAME	SERVICE	REFNO	RESPONSE
MCPHERSON, FRED LAMAR	F	0241-0-01	Y
MCRAE, DAVID EDWARD	N	0540-0-01	Y
MELDAHL, CHARLES H	A	1306-0-02	Y
MELLOR, FREDRIC M	F	0124-0-01	Y
MERONEY, VIRGIL K III	F	1396-0-02	Y
METZLER, CHARLES D	N	2041-0-01	Y
MEYERS, ROGER ALLEN	N	1378-0-01	Y
MICKELSEN, WILLIAM EMIL JR	N	1479-0-01	Y
MIDGETT, DEWEY ALLEN	A	2056-0-01	Y
MIDNIGHT, FRANCIS B	F	0806-0-01	Y
MILIKIN, RICHARD M III	F	0435-0-01	Y
MILLER, CARL D	F	0828-0-02	Y
MILLER, CARLETON PIERCE JR	N	1690-0-01	Y
MILLER, GEORGE C	V	1997-0-01	Y
MILLER, GLENN EDWIN	A	1167-0-02	Y
MILLER, MALCOLM THOMAS	N	0676-0-01	Y
MILLER, MICHAEL ANDREW	F	1417-0-02	Y
MILLER, RICHARD ARTHUR	M	0195-0-03	Y
MILLER, ROBERT CHARLES	F	1266-0-01	Y
MILLINER, WILLIAM PATRICK	A	1718-0-01	Y
MILLNER, MICHAEL	A	0930-0-01	Y
MILLS, JAMES DALE	M	1005-0-01	Y
MINOR, CARROL WILLIAM	N	2046-0-01	Y
MIRRRER, ROBERT HENRY	F	1693-0-01	Y
MISHUK, RICHARD E	M	0497-0-03	Y
MITCHELL, ALBERT C	F	1144-0-02	Y
MITCHELL, ARCHIE EMERSON	V	0011-0-03	Y
MITCHELL, CARL BERG	F	0027-0-02	Y
MITCHELL, DONALD WAYNE	M	1167-0-08	Y
MITCHELL, GILBERT L	N	1075-0-01	Y
MITCHELL, HARRY E	N	2053-0-01	Y
MITCHELL, THOMAS B	F	1187-0-04	Y
MIXTER, DAVID IVES	A	1696-0-01	Y
MONGILARDI, PETER NMN JR	N	0103-0-01	Y
MONTEZ, ANASTACIO (NMN)	A	1449-0-01	Y
MONTGOMERY, RONALD WAYNE	N	2004-0-23	Y
MOON, WALTER HUGH	A	0005-0-03	Y
MOONEY, FRED (NMN)	A	1711-0-01	Y
MOORE, HERBERT WILLIAM JR	F	0826-0-01	Y
MOORE, JERRY L	A	1386-0-01	Y
MOORE, RAYMOND GREGORY	A	1500-0-04	Y
MOORE, WILLIAM JOHN	F	0342-0-02	Y
MORALES, FRANK ADRIAN	V	1335-0-01	Y
MORELAND, JAMES L	A	1040-0-04	Y
MORELAND, STEPHEN CRAIG	F	1170-0-04	Y
MORGAN, BURKE HENDERSON	F	0802-0-02	Y
MORGAN, EDWIN E	F	0271-0-02	Y
MORGAN, JAMES S	F	0903-0-01	Y
MORIARTY, PETER GIBNEY	F	1732-0-01	Y
MORLEY, CHARLES FRANK	F	1561-0-01	Y
MORRILL, DAVID WHITTIER	M	0625-0-01	Y
MORRIS, GEORGE WILLIAM JR	F	1981-0-01	Y
MORRISON, GLENN R JR	F	0506-0-01	Y
MORRISSEY, RICHARD THOMAS	M	1483-0-01	Y
MORRISSEY, ROBERT D	F	1945-0-02	Y
MORROW, LARRY K	A	1868-0-01	Y
MOSBURG, HENRY LEE	A	0474-0-01	Y
MOSER, PAUL KIERSTEAD	N	2004-0-03	Y
MOSHIER, JIM EDWIN	M	0734-0-10	Y
MOSSMAN, JOE RUSSELL	N	0143-0-01	Y
MOWREY, GLENN WILLIAM	M	1103-0-05	Y
MULHAUSER, HARVEY	F	0587-0-03	Y
MULLEN, WILLIAM FRANCIS	M	0323-0-01	Y
MULLINS, HAROLD E	F	0354-0-02	Y
MUNOZ, DAVID LOUIE	A	1442-0-01	Y
MUREN, THOMAS R	N	2013-0-01	Y
MURPHY, BARRY DANIEL	A	1410-0-01	Y
MURPHY, LARRON D	A	1603-0-01	Y
MURPHY, TERENCE MEREDITH	N	0072-0-01	Y
MURRAY, JOSEPH VAUGHN	N	0254-0-01	Y
MUSETTI, JOSEPH TONY JR	N	0843-0-01	Y
MUSIL, CLINTON ALLAN SR	A	1751-0-01	Y
MYERS, DAVID GEPHART	M	0726-0-01	Y
NAHAN, JOHN BENEDICT III	M	0784-0-02	Y

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Vietnam PNOK 'YES' Casualty List

NAME	SERVICE	REFNO	RESPONSE
NASH, JOHN MICHAEL	A	0276-0-02	Y
NEAL, DENNIS PAUL	A	1473-0-02	Y
NELLANS, WILLIAM L	F	0838-0-02	Y
NELSON, JAMES R	A	0731-0-05	Y
NELSON, JAN HOUSTON	M	1592-0-01	Y
NETH, FRED ALBERT	N	0231-0-01	Y
NEVILLE, WILLIAM EDWARD	F	2032-0-05	Y
NEWBURN, LARRY STEPHEN	A	0818-0-01	Y
NEWELL, MICHAEL THOMAS	N	0550-0-01	Y
NEWMAN, JAMES C JR	N	2022-0-08	Y
NEWTON, CHARLES V	A	1428-0-01	Y
NEWTON, DONALD S	A	0258-0-01	Y
NEWTON, WARREN E	A	0979-0-03	Y
NICHOLS, HUBERT C JR	F	0443-0-01	Y
NICKOL, ROBERT ALLEN	A	1775-0-03	Y
NIDDS, DANIEL R	A	0646-0-04	Y
NIEDECKEN, WILLIAM CLINTON	N	1385-0-01	Y
NIGHTINGALE, RANDALL JOHN	N	1091-0-02	Y
NOBERT, CRAIG R	F	0399-0-01	Y
NOPP, ROBERT G	A	0393-0-02	Y
NORDAHL, LEE E	N	0215-0-02	Y
NORRIS, CALVIN ANDREW	A	1672-0-05	Y
O'BRIEN, KEVIN	A	1357-0-02	Y
O'GRADY, JOHN FRANCIS	F	0641-0-01	Y
O'HARA, ROBERT CHARLES	A	1372-0-03	Y
OCHAB, ROBERT (NMN)	F	1545-0-01	Y
ODONNELL, MICHAEL DAVIS	A	1578-0-02	Y
OKERLUND, THOMAS RICHARD	A	1687-0-02	Y
OLSEN, BETTY ANN	V	1018-0-01	Y
OLSON, BARRY ALLEN	A	1290-0-01	Y
OLSON, DELBERT AUSTIN	N	0982-0-03	Y
OLSON, GERALD E	F	0271-0-07	Y
OMELIA, DENNIS WILLIAM	A	1687-0-06	Y
ONEILL, DOUGLAS LEE	A	1814-0-04	Y
ORELL, QUINLAN ROBERTS	N	1304-0-02	Y
OSBORN, GEOFFREY HOLMES	N	0153-0-01	Y
OSBORNE, EDWIN NELMS JR	F	0954-0-08	Y
OSTERMAYER, WILLIAM HENRY	F	1856-0-02	Y
OTT, EDWARD LOUIS III	N	0824-0-02	Y
OTT, PATRICK LEWIS	M	0844-0-01	Y
OTT, WILLIAM A	F	1664-0-01	Y
OVERLOCK, JOHN F	F	1250-0-02	Y
OWEN, CLYDE C	N	2007-0-02	Y
OWEN, TIMOTHY S	A	1219-0-01	Y
OWENS, FRED MONROE	A	0096-0-05	Y
OWENS, JOY L	F	0725-0-01	Y
PABST, EUGENE M	F	0486-0-02	Y
PADGETT, DAVID E	A	1372-0-05	Y
PADGETT, SAMUEL JOSEPH	A	1125-0-01	Y
PADILLA, DAVID ESEQUIEL	M	1180-0-01	Y
PAINTER, JOHN ROBERT JR	N	1755-0-02	Y
PALACIOS, LUIS FERNANDO	M	1203-0-04	Y
PALEN, CARL ANTHONY	A	1687-0-04	Y
PALENSCAR, ALEXANDER J 3D	N	0633-0-01	Y
PALMER, GILBERT S JR	F	1063-0-01	Y
PALMGREN, EDWIN D	F	1139-0-01	Y
PANNABECKER, DAVID ERIC	F	1805-0-01	Y
PANTALL, JAMES ROBERT	A	1672-0-09	Y
PARISH, CHARLES C	N	1236-0-01	Y
PARKER, FRANK C III	F	0954-0-07	Y
PARKER, MAXIM CHARLES	M	0625-0-02	Y
PARKER, THOMAS AQUINAS	N	2021-0-01	Y
PARKS, JOE	A	0048-0-01	Y
PARRA, LIONEL	M	1229-0-02	Y
PARSLEY, EDWARD MILTON	F	0248-0-03	Y
PARSONS, DON BROWN JR	N	0462-0-01	Y
PARSONS, DONALD E	A	1372-0-04	Y
PARSONS, MICHAEL D	A	1687-0-07	Y
PASEKOFF, ROBERT E	F	0271-0-05	Y
PASTVA, MICHAEL JAMES	M	0936-0-01	Y
PATE, GARY	F	1187-0-08	Y
PATTERSON, JAMES KELLY	N	0691-0-01	Y
PATTILLO, RALPH NATHAN	F	1704-0-02	Y
PATTON, KENNETH J	A	1024-0-05	Y



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NAME	SERVICE	REFNO	RESPONSE
PATTON, WARD KARL	N	1239-0-01	Y
PAWLISH, GEORGE F	N	0610-0-03	Y
PEACE, JOHN DARLINGTON III	N	0958-0-01	Y
PEACOCK, JOHN ROBERT II	M	1937-0-01	Y
PEARCE, DALE ALLEN	A	1747-0-02	Y
PENNINGTON, RONALD KEITH	M	0657-0-05	Y
PERISHO, GORDON SAMUEL	N	0958-0-02	Y
PERRINE, ELTON L	F	0706-0-02	Y
PERRY, RANDOLPH ALLEN JR	F	1955-0-03	Y
PERRY, THOMAS HEPBURN	A	1167-0-01	Y
PETERSON, DELBERT R	F	0267-0-01	Y
PETERSON, MARK ALLEN	F	1981-0-02	Y
PETTIS, THOMAS EDWIN	N	0708-0-01	Y
PHARRIS, WILLIAM VALRIE	A	0388-0-01	Y
PHELPS, JESSE DONALD	A	0224-0-02	Y
PHILLIPS, DANIEL R	A	1040-0-05	Y
PHILLIPS, DAVID JOSEPH JR	F	0382-0-01	Y
PHILLIPS, ELBERT AUSTIN	F	1266-0-02	Y
PHILLIPS, MARVIN FOSTER	A	0474-0-02	Y
PICK, DONALD WILLIAM	F	1265-0-01	Y
PIERSANTI, ANTHONY J JR	N	2007-0-03	Y
PIERSON, WILLIAM C III	A	1425-0-01	Y
PIETSCH, ROBERT E	F	1151-0-02	Y
PIITTMANN, ALAN D	F	0524-0-01	Y
PIKE, DENNIS STANLEY	N	1803-0-01	Y
PIKE, PETER X	F	1465-0-02	Y
PILKINGTON, THOMAS HOLT	N	0462-0-02	Y
PINEAU, ROLAND ROBERT	N	0856-0-02	Y
PIRKER, VICTOR J	M	0195-0-02	Y
PIRRUCCELLO, JOSEPH S JR	F	1536-0-01	Y
PITMAN, PETER POTTER	F	0681-0-01	Y
PITTMAN, ROBERT EDWARD	A	0477-0-02	Y
PLASSMEYER, BERNARD HERBER	M	1660-0-01	Y
PLATT, ROBERT L JR	A	0728-0-01	Y
PLUMADORE, KENNETH LEO	M	0839-0-01	Y
POGREBA, DEAN ANDREW	F	0162-0-01	Y
POLSTER, HARMON	F	1467-0-01	Y
POSEY, GEORGE RAY	N	1271-0-01	Y
POTTER, WILLIAM TOD	F	1036-0-02	Y
POTTS, LARRY FLETCHER	M	1820-0-01	Y
POWERS, LOWELL S	A	1421-0-01	Y
PRENTICE, KENNETH M	N	2004-0-18	Y
PREVEDEL, CHARLES F	A	1428-0-02	Y
PREWITT, WILLIAM ROLAND	M	0780-0-01	Y
PRICE, BUNYAN DURANT	A	1610-0-04	Y
PRICE, WILLIAM MARSHALL	M	1937-0-02	Y
PRUDHOMME, JOHN DOUGLAS	N	0219-0-01	Y
PRUETT, WILLIAM DAVID	F	1552-0-03	Y
PUGGI, JOSEPH D	A	1024-0-03	Y
PUGH, DENNIS GERARD	F	1573-0-01	Y
PYLES, HARLEY B	F	0171-0-02	Y
QUINN, MICHAEL EDWARD	N	1527-0-02	Y
RACKLEY, INZAR WILLIAM JR	F	0496-0-06	Y
RALSTON, FRANK DELZELL III	F	0338-0-02	Y
RAMOS, RAINIER S	A	0979-0-01	Y
RAMSDEN, GERALD LEE	N	1003-0-01	Y
RANSBOTTOM, FREDERICK J	A	1171-0-03	Y
RATTIN, DENNIS M	A	1502-0-02	Y
RAVENNA, HARRY M III	A	0523-0-01	Y
RAWSTHORNE, EDGAR ARTHUR	N	0225-0-01	Y
RAY, JAMES MICHAEL	A	1093-0-01	Y
RAY, RONALD E	A	1522-0-01	Y
RAYMOND, PAUL D	F	0829-0-02	Y
READ, CHARLES HAROLD W JR	F	1262-0-02	Y
REESE, GOMER DAVID III	F	1604-0-02	Y
REHE, RICHARD RAYMOND	A	0976-0-01	Y
REHN, GARY LEE	M	0900-0-01	Y
REID, JOHN ERIC	A	1708-0-01	Y
REITER, DEAN WESLEY	M	0472-0-02	Y
REITMANN, THOMAS E	F	0200-0-01	Y
RENO, RALPH JOSEPH	A	0383-0-01	Y
REX, ROBERT F	F	1403-0-01	Y
REYNOLDS, TERRY L	V	1836-0-01	Y
RHODES, FERRIS ANSEL JR	A	1687-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
RICH, RICHARD	N	0692-0-01	Y
RICHARDSON, STEPHEN GOULD	N	0198-0-01	Y
RICKEL, DAVID J	F	1177-0-02	Y
RICKER, WILLIAM ERNEST	N	1313-0-02	Y
RICKMAN, DWIGHT G	M	1970-0-01	Y
RIGGINS, ROBERT PAUL	F	1140-0-02	Y
RIORDAN, JOHN MICHAEL	N	0514-0-04	Y
RIOS, NOEL LUIS	F	1074-0-01	Y
RITCHEY, LUTHER EDMOND JR	M	0019-0-02	Y
RITTER, GEORGE L	V	1791-0-03	Y
ROARK, JAMES DAVID	N	2005-0-02	Y
ROBERTS, HAROLD J JR	F	2032-0-06	Y
ROBERTS, MICHAEL LAND	N	0982-0-02	Y
ROBERTS, RICHARD D	A	1415-0-03	Y
ROBERTSON, JOHN HARTLEY	A	1184-0-01	Y
ROBERTSON, MARK JOHN	A	1701-0-02	Y
ROBINSON, FLOYD HENRY	A	1406-0-01	Y
ROBINSON, LARRY WARREN	M	1544-0-02	Y
ROCKETT, ALTON C JR	F	0717-0-02	Y
ROE, JERRY L	A	1046-0-02	Y
ROGERS, BILLY LEE	N	1532-0-01	Y
ROGERS, EDWARD FRANCIS	M	1081-0-01	Y
ROGGOW, NORMAN LEE	N	0856-0-03	Y
ROMERO, VICTOR	F	1096-0-02	Y
ROMIG, EDWARD LEON	N	0363-0-10	Y
ROSE, LUTHER L	F	0354-0-04	Y
ROSENBACH, ROBERT PAGE	F	1567-0-01	Y
ROSS, DOUGLAS ALAN	A	1364-0-01	Y
ROSS, JOSEPH S	F	1243-0-01	Y
ROSSANO, RICHARD JOSEPH	A	1736-0-03	Y
ROTH, BILLIE LEROY	F	0104-0-02	Y
ROWLEY, CHARLES S	F	1600-0-06	Y
ROZO, JAMES MILAN	A	1639-0-02	Y
RUCKER, EMMETT JR	F	1192-0-01	Y
RUMBAUGH, ELWOOD EUGENE	F	2002-0-01	Y
RUNNELS, GLYN LINAL JR	M	0746-0-05	Y
RUSCH, STEPHEN A	F	1800-0-02	Y
RUSSELL, PETER J	A	1244-0-03	Y
RUSSELL, RICHARD LEE	F	1837-0-04	Y
RYDER, JOHN L	F	1632-0-02	Y
SAAVEDRA, ROBERT	N	1148-0-01	Y
SAEGAERT, DONALD RUSSELL	A	0096-0-06	Y
SAGE, LELAND CHARLES COOKE	N	1460-0-01	Y
SALAZAR, FIDEL G	N	2004-0-16	Y
SANCHEZ, JOSE RAMON	M	1203-0-05	Y
SANDERS, WILLIAM STEPHEN	F	1644-0-01	Y
SANDS, RICHARD EUGENE	A	1172-0-01	Y
SANSONE, JAMES J	N	2016-0-01	Y
SARGENT, JAMES RAY	M	1167-0-03	Y
SAVOY, M J	N	0363-0-11	Y
SCAIFE, KENNETH D	N	2048-0-01	Y
SCHELL, RICHARD J	A	0811-0-02	Y
SCHEURICH, THOMAS EDWIN	N	1068-0-01	Y
SCHIELE, JAMES F	A	0762-0-01	Y
SCHIMMELS, EDDIE RAY	N	1389-0-03	Y
SCHMIDT, PETER ALDEN	A	1657-0-02	Y
SCHMIDT, WALTER R JR	M	1205-0-01	Y
SCHODERER, ERIC JOHN	N	0514-0-03	Y
SCHOEPPNER, LEONARD JOHN	N	1571-0-01	Y
SCHOONOVER, CHARLES DAVID	N	0232-0-01	Y
SCHOTT, RICHARD S	A	1819-0-02	Y
SCHULTZ, RONALD JAMES	A	1649-0-01	Y
SCHULTZ, SHELDON D	A	0967-0-03	Y
SCHUMANN, JOHN ROBERT	A	0099-0-01	Y
SCOTT, DAIN V	N	0800-0-02	Y
SCOTT, DAVID LEE	A	1145-0-03	Y
SCOTT, MARTIN R	F	0274-0-01	Y
SCOTT, MIKE JOHN	A	1443-0-02	Y
SCOTT, VINCENT CALVIN JR	F	1430-0-01	Y
SCRIVENER, STEPHEN RUSSELL	F	1726-0-01	Y
SENNETT, ROBERT R	N	0237-0-03	Y
SEUELL, JOHN W	F	1870-0-02	Y
SEYMOUR, LEO E	A	0750-0-01	Y
SHAFER, PHILIP R	A	1132-0-04	Y

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NAME	SERVICE	REFNO	RESPONSE
SHANKS, JAMES LEE	F	1192-0-02	Y
SHARP, SAMUEL ARTHUR JR	M	0676-0-02	Y
SHAW, GARY FRANCIS	A	0905-0-02	Y
SHAY, DONALD EMERSON JR	F	1664-0-02	Y
SHEA, JAMES PATRICK	N	0077-0-01	Y
SHELTON, CHARLES ERVIN	F	0079-0-01	Y
SHEWMAKE, JOHN DANIEL SR	A	1672-0-02	Y
SHIMEK, SAMUEL DALE	A	1338-0-01	Y
SHIMKIN, ALEX	V	1899-0-01	Y
SHINN, WILLIAM CHARLES	F	1552-0-05	Y
SHONECK, JOHN R	F	0496-0-07	Y
SHORACK, THEODORE JAMES JR	F	0356-0-01	Y
SHUMWAY, GEOFFREY RAYMOND	N	1883-0-01	Y
SIEGWARTH, DONALD E	N	0363-0-12	Y
SIGAFOOS, WALTER HARRI III	F	1743-0-01	Y
SILVA, CLAUDE ARNOLD	F	0586-0-01	Y
SILVER, EDWARD D	F	1222-0-02	Y
SIMPSON, JAMES EDWARD	V	1318-0-02	Y
SIMPSON, JOSEPH L	A	1171-0-05	Y
SIMPSON, MAX COLEMAN	A	0582-0-01	Y
SINGLETON, DANIEL E	F	1366-0-01	Y
SISSON, WINFIELD WADE	M	0171-0-01	Y
SITEK, THOMAS WALTER	N	0807-0-01	Y
SIZEMORE, JAMES ELMO	F	1464-0-02	Y
SKEEN, RICHARD ROBERT	N	1620-0-02	Y
SKIBBE, DAVID WILLIAM	M	2051-0-01	Y
SKILES, THOMAS WILLIAM	A	1787-0-02	Y
SKIVINGTON, WILLIAM E JR	A	1171-0-08	Y
SMALL, BURT CHAUNCEY JR	A	0607-0-01	Y
SMALLWOOD, JOHN J	F	1989-0-02	Y
SMILEY, STANLEY KUTZ	N	1470-0-01	Y
SMITH, CARL ARTHUR	M	0665-0-05	Y
SMITH, DAVID R	A	1407-0-05	Y
SMITH, HALLIE W	F	0978-0-02	Y
SMITH, HARDING EUGENE SR	F	0354-0-05	Y
SMITH, HAROLD VICTOR	F	0266-0-01	Y
SMITH, HARRY W	F	1520-0-02	Y
SMITH, HOWARD HORTON	F	1295-0-02	Y
SMITH, JOSEPH STANLEY	F	1738-0-01	Y
SMITH, LEWIS PHILIP II	F	1196-0-01	Y
SMITH, ROBERT NORMAN	M	1484-0-02	Y
SMITH, RONALD EUGENE	A	1679-0-01	Y
SMITH, VICTOR A	F	1361-0-01	Y
SMITH, WARREN PARKER JR	F	0370-0-01	Y
SMITH, WILLIAM WARD	F	0405-0-01	Y
SOUCY, RONALD PHILIP SR	N	0708-0-04	Y
SOULIER, DUWAYNE	M	0665-0-06	Y
SOYLAND, DAVID PECOR	A	1747-0-01	Y
SPARKS, DONALD L	A	1456-0-01	Y
SPENCER, DEAN CALVIN III	A	1204-0-01	Y
SPILMAN, DYKE AUGUSTUS	F	0475-0-01	Y
SPINDLER, JOHN GATES	M	1137-0-01	Y
SPINELLI, DOMENICK ANTHONY	N	1294-0-02	Y
SPINLER, DARRELL JOHN	F	0738-0-01	Y
SPRINGSTEADAH, DONALD K	F	2052-0-10	Y
SPROTT, ARTHUR ROY JR	F	1358-0-01	Y
STAEHLI, BRUCE WAYNE	M	1152-0-01	Y
STAFFORD, RONALD DEAN	F	1948-0-02	Y
STANCIL, KENNETH LEON	A	0224-0-03	Y
STANDERWICK, ROBERT L	F	1698-0-01	Y
STANLEY, CHARLES I	A	1372-0-06	Y
STANLEY, ROBERT W	F	0634-0-02	Y
STANTON, RONALD	A	1306-0-05	Y
STARK, WILLIE E	A	0536-0-01	Y
STEADMAN, JAMES E	F	1781-0-01	Y
STEEN, MARTIN W	F	0349-0-01	Y
STEGMAN, THOMAS	N	1064-0-02	Y
STEPHENSON, HOWARD D	F	1807-0-14	Y
STEVENS, LARRY JAMES	N	1383-0-01	Y
STEVENS, PHILLIP PAUL	N	0982-0-09	Y
STEWART, JACK T	A	0630-0-01	Y
STEWART, ROBERT ALLAN	F	0681-0-02	Y
STEWART, VIRGIL GRANT	F	1444-0-01	Y
STICKNEY, PHILLIP J	F	0350-0-06	Y



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NAME	SERVICE	REFNO	RESPONSE
STINE, JOSEPH M	F	0475-0-02	Y
STODDARD, CLARENCE W JR	N	0458-0-01	Y
STONE, DANA	V	1588-0-02	Y
STONE, JAMES MARVIN	A	0973-0-02	Y
STONEBRAKER, KENNETH ARNOL	F	1312-0-01	Y
STOW, LILBURN RAY	F	1146-0-02	Y
STOWERS, AUBREY E JR	F	1100-0-02	Y
STPIERRE, DEAN PAUL	F	1188-0-02	Y
STRAIT, DOUGLAS F	A	1668-0-01	Y
STRALEY, JOHN LEROY	A	0028-0-01	Y
STRANGE, FLOYD W	A	0933-0-04	Y
STRATTON, CHARLES W	F	1688-0-02	Y
STRAWN, JOHN THOMAS	A	1715-0-05	Y
STRINGER, JOHN CURTIS 11	A	1680-0-01	Y
STROBRIDGE, RODNEY L	A	1855-0-02	Y
STROHLEIN, MADISON ALEXAND	A	1756-0-01	Y
STRONG, HENRY HOOKER JR	N	1866-0-01	Y
STROVEN, WILLIAM HARRY	F	1312-0-02	Y
STUART, JOHN F	F	1955-0-01	Y
STUCKEY, JOHN STEINER JR	A	0905-0-03	Y
STUIFBERGEN, GENE PAUL	F	1332-0-01	Y
STULLER, JOHN CHARLES	A	1171-0-10	Y
SUBER, RANDOLPH BOTHWELL	A	1522-0-02	Y
SULANDER, DANIEL ARTHUR	A	0537-0-02	Y
SULLIVAN, ROBERT JOSEPH	A	0763-0-01	Y
SUTTER, FREDERICK JOHN	F	1794-0-02	Y
SUYDAM, JAMES LAWRENCE	A	1500-0-01	Y
SWANSON, JOHN W JR	F	0736-0-01	Y
SWANSON, ROGER W	A	1316-0-01	Y
SWIGART, PAUL EUGENE JR	N	1370-0-01	Y
SWITZER, JERROLD ALLEN	M	1094-0-01	Y
SWORDS, SMITH III	F	0956-0-01	Y
TADIOS, LEONARD MASAYON	A	0047-0-01	Y
TALKEN, GEORGE FRANCIS	N	1475-0-01	Y
TALLEY, JAMES LANE	A	0032-0-02	Y
TAPP, JOHN BETHEL	N	0287-0-01	Y
TATUM, LAWRENCE B	F	0453-0-01	Y
TAYLOR, DANNY GENE	A	0476-0-01	Y
TAYLOR, EDMUND BATTLE JR	N	1846-0-01	Y
TAYLOR, FRED (NMN)	A	0109-0-01	Y
TAYLOR, JAMES HARRY	A	1703-0-05	Y
TAYLOR, JAMES LAWRENCE	A	0268-0-01	Y
TEMPLIN, ERWIN BERNARD JR	N	0237-0-04	Y
TERAN, REFUGIO THOMAS	A	1613-0-02	Y
TERRELL, KEAVIN LEE	N	2004-0-15	Y
TERRY, ORAL R	A	1157-0-01	Y
TERRY, RONALD TERRANCE	A	0242-0-02	Y
TERWILLINGER, VIRGIL BYRON	M	0620-0-02	Y
THACKERSON, WALTER ANTHONY	A	0345-0-01	Y
THOMAS, DANIEL W	F	1758-0-01	Y
THOMAS, DARWIN JOEL	N	0495-0-01	Y
THOMAS, JAMES R	F	1780-0-01	Y
THOMPSON, DAVID MATHEW	N	1907-0-01	Y
THOMPSON, DONALD E	N	0590-0-02	Y
THOMPSON, MELVIN CARL	N	2022-0-10	Y
THOMPSON, WILLIAM J	F	1243-0-02	Y
THOMPSON, WILLIAM JOSEPH	N	0991-0-03	Y
THORESEN, DONALD NELLIS	N	0982-0-06	Y
THORNE, LARRY ALAN	A	0174-0-01	Y
THORNTON, LARRY C	F	0222-0-06	Y
TIDERMAN, JOHN MARK	N	0284-0-01	Y
TIFFIN, RAINFORD	F	0402-0-01	Y
TODD, ROBERT JACY	M	0675-0-01	Y
TOMS, DENNIS LEROY	N	2035-0-01	Y
TRAMPSKI, DONALD JOSEPH	A	1489-0-01	Y
TRAVER, JOHN GROVE III	A	1733-0-04	Y
TREECE, JAMES ALLEN	F	0488-0-02	Y
TRENT, ALAN ROBERT	F	1619-0-01	Y
TRIMBLE, JAMES MITCHELL	M	1120-0-02	Y
TRITT, JAMES FRANCIS	N	0756-0-01	Y
TRIVELPIECE, STEVE MAURICE	A	1118-0-01	Y
TRUJILLO, ROBERT S	A	0973-0-01	Y
TUBBS, GLENN E	A	1550-0-01	Y
TUCCI, ROBERT L	F	1519-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
TUNNELL, JOHN WALLACE	N	0366-0-01	Y
TUROSE, MICHAEL STEPHEN	F	1925-0-02	Y
TYCZ, JAMES NEIL	M	0676-0-03	Y
TYE, MICHAEL JAMES	N	2004-0-04	Y
TYLER, GEORGE E	F	1309-0-01	Y
UHLMANSIEK, RALPH E	A	0731-0-04	Y
UPNER, EDWARD CHARLES	A	0205-0-03	Y
URQUHART, PAUL DEAN	A	1750-0-02	Y
VADEN, WOODROW WILSON	F	0046-0-02	Y
VAN BUREN, GERALD GORDON	F	0954-0-09	Y
VAN CAMPEN, THOMAS CHARLES	A	0102-0-01	Y
VAN CLEAVE, WALTER SHELBY	F	1430-0-02	Y
VANDEGEER, RICHARD (NMI)	F	2003-0-01	Y
VAUGHAN, ROBERT REDDINGTON	N	0861-0-01	Y
VERSACE, HUMBERTO ROQUE	A	0021-0-01	Y
VIETTI, ELEANOR A	V	0011-0-02	Y
VILLEPONTEAUX, JAMES H JR	M	0336-0-01	Y
VISCONTI, FRANCIS	M	0195-0-04	Y
WAGENER, DAVID RAYMOND	F	0498-0-01	Y
WALKER, BRUCE C	F	1820-0-02	Y
WALKER, KENNETH EARL	F	0040-0-01	Y
WALKER, LLOYD FRANCIS	F	0587-0-01	Y
WALKER, MICHAEL S	F	1467-0-02	Y
WALKER, ORIENT J	A	0086-0-01	Y
WALKER, SAMUEL F JR	F	1340-0-06	Y
WALKER, THOMAS TAYLOR	F	0298-0-02	Y
WALL, JERRY MACK	F	0342-0-01	Y
WALLACE, CHARLES FRANKLIN	M	0817-0-01	Y
WALLACE, HOBART M JR	M	0996-0-02	Y
WALLACE, MICHAEL J	A	1135-0-02	Y
WALLER, THERMAN M	F	0248-0-04	Y
WALLING, CHARLES MILTON	F	0424-0-02	Y
WALSH, BRIAN	V	2049-0-01	Y
WALSH, RICHARD A III	F	1384-0-01	Y
WALTON, LEWIS C	A	1745-0-02	Y
WANN, DONALD LYNN	A	1752-0-02	Y
WARD, RONALD J	F	1952-0-01	Y
WARE, JOHN ALAN	A	1515-0-01	Y
WARREN, GRAY D	F	1505-0-02	Y
WASHBURN, LARRY EUGENE	F	0363-0-05	Y
WATKINS, ROBERT JAMES JR	A	1499-0-01	Y
WATSON, FRANK PETER	F	2032-0-07	Y
WEAVER, GEORGE ROBERT JR	N	0509-0-01	Y
WEGER, JOHN (NMN) JR	F	0177-0-03	Y
WEISNER, FRANKLIN LEE	A	1501-0-02	Y
WEISSENBACK, EDWARD J	V	1791-0-01	Y
WEISSMUELLER, COURTNEY E	F	0593-0-01	Y
WELCH, ROBERT J	F	0566-0-01	Y
WELLONS, PHILLIP ROGERSON	F	1658-0-01	Y
WELSHAN, JOHN T	F	1070-0-01	Y
WEST, JOHN THOMAS	F	1543-0-01	Y
WESTBROOK, DONALD E	F	1083-0-01	Y
WESTCOTT, GARY PATRICK	A	1808-0-02	Y
WESTON, OSCAR BRANCH JR	F	0004-0-07	Y
WESTWOOD, NORMAN PHILIP JR	N	1621-0-01	Y
WHEELER, EUGENE LACY	M	1598-0-01	Y
WHEELER, JAMES ATLEE	F	0075-0-01	Y
WHITE, CHARLES E	A	1006-0-01	Y
WHITE, JAMES B	F	1529-0-01	Y
WHITED, JAMES LAFAYETTE	A	0526-0-01	Y
WHITESIDES, RICHARD LEBROU	F	0029-0-01	Y
WHITFORD, LAWRENCE W JR	F	1510-0-01	Y
WHITMIRE, WARREN T JR	A	1153-0-02	Y
WHITTEKER, RICHARD LEE	F	1105-0-02	Y
WHITTLE, JUNIOR LEE	A	0469-0-01	Y
WICKHAM, DAVID WALLACE II	N	0211-0-01	Y
WIDDISON, IMLAY SCOTT	A	1171-0-09	Y
WIDENER, JAMES EDWARD	M	0734-0-11	Y
WIDNER, DANNY L	A	1171-0-07	Y
WIECHERT, ROBERT CHARLES	F	1324-0-01	Y
WIEHR, RICHARD DANIEL	N	1980-0-03	Y
WILBRECHT, KURT MICHAEL	M	1630-0-01	Y
WILES, MARVIN BENJAMIN C	N	1843-0-01	Y
WILKE, ROBERT F	F	0992-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
WILLETT, ROBERT VINCENT JR	F	1427-0-01	Y
WILLIAMS, DAVID R	F	0635-0-02	Y
WILLIAMS, EDDIE L	A	0480-0-03	Y
WILLIAMS, EDWARD W	A	1814-0-02	Y
WILLIAMS, JAMES R	F	0954-0-11	Y
WILLIAMS, ROBERT J	A	1855-0-01	Y
WILLIAMS, ROY C	A	1171-0-06	Y
WILLIAMSON, JAMES D	A	0967-0-02	Y
WILLING, EDWARD ARLO	M	1231-0-01	Y
WILSON, HARRY TRUMAN	M	1627-0-01	Y
WILSON, PETER JOE	A	1669-0-01	Y
WINKLER, JOHN ANTHONY	N	2037-0-01	Y
WISEMAN, BAIN WENDELL JR	A	1684-0-02	Y
WISTRAND, ROBERT C	F	0082-0-01	Y
WOGAN, WILLIAM M	A	1387-0-01	Y
WOLFKEIL, WAYNE B	F	1245-0-01	Y
WOLOSZYK, DONALD J	N	0259-0-01	Y
WONG, EDWARD PUCK KOW JR	A	1806-0-01	Y
WOOD, DON C	F	0233-0-01	Y
WOOD, PATRICK HARDY	F	0591-0-04	Y
WOOD, REX STEWART	N	0719-0-01	Y
WOOD, WALTER SUTTON	N	0325-0-01	Y
WOOD, WILLIAM C JR	F	1918-0-01	Y
WOODS, DAVID WALTER	A	1672-0-10	Y
WOODS, GERALD ERNEST	A	1706-0-06	Y
WOODS, LAWRENCE (NMN)	A	0042-0-01	Y
WOODWORTH, SAMUEL ALEXANDE	F	0074-0-01	Y
WORCHESTER, JOHN B	N	0175-0-01	Y
WORST, KARL EDWARD	F	0261-0-01	Y
WORTH, JAMES F	M	1810-0-01	Y
WOZNIAK, FREDERICK J	F	0570-0-01	Y
WRIGHT, DAVID IRVIN	F	1675-0-02	Y
WRIGHT, GARY G	F	0570-0-02	Y
WROBLESKI, WALTER F	A	0703-0-01	Y
YEAKLEY, ROBIN RAY	A	1874-0-03	Y
YEEND, RICHARD CAROLINUS J	F	1206-0-03	Y
YIM, JOHN SUNG	V	2060-1-01	Y
YOUNG, BARCLAY B	F	1807-0-05	Y
YOUNG, JEFFREY JEROME	A	1582-0-01	Y
ZAVOCKY, JAMES JOHN	N	0812-0-02	Y
ZEMPEL, RONALD LEE	N	0602-0-04	Y
ZERBE, MICHAEL R	N	2036-0-01	Y
ZICH, LARRY ALFRED	A	1814-0-01	Y
ZOLLIFFER, FRANKLIN	A	1833-0-04	Y
ZORN, THOMAS ONEAL JR	F	1925-0-01	Y
ZUTTERMAN, JOSEPH A JR	M	1136-0-01	Y

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NAME	SERVICE	REFNO	RESPONSE
ADACHI, THOMAS YUJI	F	1600-0-09	YR
ALLEE, RICHARD KENNETH	F	1346-0-01	YR
AMOS, THOMAS HUGH	F	1831-0-01	YR
APPLEBY, IVAN DALE	F	0853-0-01	YR
ASHBY, CLAYBORN WILLIS JR	N	1053-0-06	YR
AVERY, ALLEN JONES	F	1817-0-01	YR
AYRES, GERALD FRANCIS	F	1879-0-05	YR
BAILEY, JOHN EDWARD	F	0335-0-01	YR
BALAMOTI, MICHAEL DIMITRI	F	1530-0-08	YR
BARR, JOHN FREDERICK	N	0869-0-01	YR
BARRAS, GREGORY INMAN	F	1342-0-01	YR
BEGLEY, BURRISS NELSON	F	0542-0-01	YR
BELL, MARVIN EARL	F	1643-0-01	YR
BILLIPP, NORMAN KARL	M	1436-0-01	YR
BISCAILUZ, ROBERT LYNN	M	0777-0-01	YR
BLANKENSHIP, CHARLES HERMA	F	0758-0-01	YR
BLASSIE, MICHAEL JOSEPH	F	1853-0-01	YR
BLOOD, HENRY F	V	1017-0-01	YR
BODDEN, TIMOTHY ROY	M	0720-0-02	YR
BORAH, DANIEL VERNOR JR	N	1927-0-01	YR
BORTON, ROBERT CURTIS JR	M	0439-0-02	YR
BOYD, WALTER	M	2003-0-11	YR
BROOKS, WILLIAM LESLIE	F	1600-0-03	YR
BROWN, EARL CARLYLE	F	1530-0-01	YR
BROWN, JOSEPH ORVILLE	F	0305-0-01	YR
BURNHAM, MASON IRWIN	F	1831-0-02	YR
BURNS, FREDERICK JOHN	M	0951-0-01	YR
CALL, JOHN HENRY III	F	1817-0-04	YR
CARROLL, ROGER WILLIAM JR	F	1926-0-01	YR
CARTER, JAMES DEVRIN	A	1208-0-01	YR
CHAPMAN, PETER HAYDEN II	F	1817-0-03	YR
CHESTNUT, JOSEPH LYONS	F	1666-0-01	YR
CLARK, JOHN CALVIN II	F	1534-0-01	YR
COGDELL, WILLIAM KEITH	F	0571-0-01	YR
COLE, RICHARD MILTON JR	F	1879-0-12	YR
CONDIT, DOUGLAS CRAIG	F	0928-0-02	YR
CONDIT, WILLIAM HOWARD JR	F	1461-0-01	YR
COOK, DWIGHT WILLIAM	F	1926-0-02	YR
COONS, CHESTER LEROY	N	1053-0-07	YR
COPENHAVER, GREGORY SCOTT	M	2003-0-10	YR
CORNWELL, LEROY JASON III	F	1771-0-02	YR
CRANDALL, GREGORY STEPHEN	A	1705-0-02	YR
CRESSMAN, PETER RICHARD	F	1983-0-05	YR
CRUZ, CARLOS RAFAEL	F	0955-0-02	YR
CRUZ, RAPHAEL (NMN)	F	0017-0-01	YR
CUNNINGHAM, CAREY ALLEN	F	0782-0-02	YR
DANIELSON, MARK GILES	F	1879-0-10	YR
DAVIS, BRENT EDEN	M	0279-0-01	YR
DAVIS, CHARLIE BROWN JR	F	1600-0-01	YR
DAVIS, DANIEL RICHARD	F	1482-0-01	YR
DAVIS, DONALD VANCE	N	0770-0-01	YR
DEWISPELAERE, REXFORD JOHN	F	1530-0-05	YR
DONATO, PAUL NICHOLAS	N	1053-0-09	YR
DOUGHTIE, CARL LOUIS	N	0095-0-01	YR
DOVE, JACK PARIS SR	F	0761-0-01	YR
EAST, JAMES BOYD JR	F	1432-0-01	YR
EMRICH, ROGER G	N	0911-0-01	YR
FELLENZ, CHARLES R	F	1530-0-03	YR
FOULKS, RALPH EUGENE JR	N	0968-0-01	YR
FREDERICK, DAVID ADDISON	M	0777-0-03	YR
GANLEY, RICHARD O	F	1530-0-07	YR
GARCIA, ANDRES	M	2003-0-04	YR
GARDNER, JOHN G	M	0720-0-04	YR
GILBERT, PAUL F	F	1879-0-03	YR
GOLD, EDWARD FRANK	N	0220-0-02	YR
GREWELL, LARRY I	F	1530-0-06	YR
HALL, HARLEY HUBERT	N	1982-0-01	YR
HANGEN, WELLES	V	1626-0-04	YR
HANSON, STEPHEN PAUL	M	0720-0-01	YR
HARRIS, JEFFREY L	F	1848-0-02	YR
HARRIS, STEPHEN W	F	1600-0-07	YR
HARROLD, PATRICK K	F	1534-0-02	YR
HARTZHEIM, JOHN FRANCIS	N	1062-0-02	YR
HELLBACH, HAROLD JAMES	M	0697-0-01	YR

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NAME	SERVICE	REFNO	RESPONSE
HENSLEY, RONNIE L	F	1600-0-10	YR
HESSOM, ROBERT CHARLES	N	0263-0-01	YR
HODGES, DAVID LAWTON	N	0854-0-01	YR
HOFFMAN, TERRY ALAN	M	1254-0-01	YR
HOLT, ROBERT ALAN	M	1281-0-01	YR
HUARD, JAMES L	F	1898-0-01	YR
HUGGINS, BOBBY GENE	F	1628-0-01	YR
IRELAND, ROBERT NEWELL	F	1600-0-04	YR
JAMES, SAMUEL L	F	1986-0-02	YR
JENSEN, GEORGE W	F	0339-0-01	YR
JONES, GEORGE EMERSON	F	0758-0-02	YR
KARST, CARL F	F	1323-0-01	YR
KENNEDY, JOHN W	F	1768-0-01	YR
KLINKE, DONALD HERMAN	F	1879-0-09	YR
KRAVITZ, JAMES STEPHEN	N	1053-0-02	YR
KUHLMANN, CHARLES F	F	1284-0-01	YR
LANEY, BILLY R	A	0720-0-03	YR
LAVOO, JOHN ALLEN	M	1281-0-02	YR
LEE, GLENN HUNG NIN	F	1623-0-01	YR
LEHRKE, STANLEY L	F	1879-0-11	YR
LINT, DONALD M	F	1600-0-02	YR
MACKO, CHARLES	F	1392-0-01	YR
MADISON, WILLIAM L	F	0339-0-08	YR
MARTIN, DOUGLAS K	F	1986-0-01	YR
MARTIN, JAMES EDWARD	N	1053-0-08	YR
MATEJOV, JOSEPH A	F	1983-0-06	YR
MATTHES, PETER R	F	1530-0-04	YR
MCGAR, BRIAN KENT	A	0715-0-01	YR
MCKENNEY, KENNETH DEWEY	F	0339-0-07	YR
MCLEOD, ARTHUR EDWARD	A	1702-0-01	YR
MELTON, TODD M	F	1983-0-03	YR
MORGAN, THOMAS R	F	0584-0-01	YR
NEWMAN, LARRY J	F	1879-0-01	YR
NYHOF, RICHARD E	F	1879-0-07	YR
OFFUTT, GARY PHELPS	F	0159-0-01	YR
PACKARD, RONALD L	F	0778-0-02	YR
PAGE, GORDON L	F	0265-0-01	YR
PASCHALL, RONALD PAGE	A	1812-0-03	YR
PAXTON, DONALD E	F	1392-0-02	YR
PEARSON, WAYNE E	F	1391-0-01	YR
PEARSON, WILLIAM ROY	F	1817-0-05	YR
PENDER, ORLAND JAMES JR	N	1910-0-02	YR
PIRKLE, LOWELL ZINN	V	2061-0-01	YR
PITZEN, JOHN RUSSELL	N	1910-0-01	YR
POTTER, WILLIAM JOSEPH JR	F	0955-0-03	YR
POYNOR, DANIEL ROBERTS	F	1786-0-01	YR
PRESTON, JAMES A	F	0339-0-03	YR
PRIMM, SEVERO J III	F	1983-0-04	YR
RAWLINGS, JAMES	V	2050-0-01	YR
REED, TERRY MICHAEL	F	1461-0-02	YR
REID, HAROLD E	M	0835-0-01	YR
REILLY, LAVERN G	F	0339-0-04	YR
ROBBINS, RICHARD JOSEPH	F	0306-0-01	YR
ROBERTS, GERALD RAY	N	0201-0-01	YR
ROBINSON, LEWIS MERRITT	F	0722-0-01	YR
ROSS, JLYNN JR	A	1092-0-01	YR
RUSSELL, DONALD M	F	0935-0-01	YR
SANDNER, ROBERT LOUIS	F	0355-0-01	YR
SANDOVAL, ANTONIO RAMOS	M	2003-0-06	YR
SCHANEBERG, LEROY CLYDE	F	1643-0-04	YR
SHERMAN, JOHN BROOKS	M	0290-0-01	YR
SHINGLEDECKER, ARMON D	F	0350-0-07	YR
SITTNER, RONALD NICHOLIS	F	0804-0-01	YR
SMITH, ROGER LEE	A	1297-0-01	YR
SQUIRE, BOYD E	F	0761-0-02	YR
STINSON, WILLIAM SHERRIL	A	1978-0-03	YR
TAPP, MARSHALL L	F	0339-0-02	YR
TAYLOR, PHILLIP CHARLES	A	1749-0-02	YR
THOMAS, HARRY EUGENE	N	0125-0-01	YR
THOMAS, LEO TARLTON JR	F	1786-0-02	YR
THOMPSON, GEORGE W	F	0339-0-05	YR
THURMAN, CURTIS FRANK	N	1053-0-04	YR
TOWLE, JOHN C	F	1600-0-05	YR
TRUJILLO, JOSEPH F	M	0444-0-01	YR

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NAME	SERVICE	REFNO	RESPONSE
TURNER, KELTON RENA	M	2003-0-05	YR
UNDERWOOD, PAUL G	F	0277-0-01	YR
VINSON, BOBBY G	F	1141-0-02	YR
WADSWORTH, DEAN AMICK	F	0020-0-01	YR
WALTERS, TIM LEROY	A	1403-0-02	YR
WATERMAN, CRAIG HOUSTON	M	0777-0-04	YR
WHITE, DANFORTH ELLITHORNE	N	1420-0-02	YR
WIDDIS, JAMES W JR	F	1413-0-02	YR
WILKINS, GEORGE HENRY	N	0391-0-01	YR
WILKINSON, CLYDE DAVID	A	1702-0-02	YR
WILLIAMS, JAMES E	F	0339-0-06	YR
WILLIAMS, ROBERT CYRIL	F	0378-0-01	YR
WILLIAMS, THADDEUS EDWARD	A	0229-0-01	YR
WILSON, ROBERT ALLAN	F	1879-0-04	YR
WONN, JAMES CHARLES	N	1053-0-03	YR
ZUKOWSKI, ROBERT JOHN	F	1379-0-01	YR



### Vietnam PNOK 'YES' Casualty List

NAME	SERVICE	REFNO	RESPONSE
ANDERSON, THOMAS EDWARD	M	0015-0-01	Y*
ARMITSTEAD, STEVEN RAY	M	1409-0-01	Y*
AVERY, ROBERT DOUGLAS	M	1156-0-01	Y*
BACIK, VLADIMIR HENRY	M	0815-0-01	Y*
BAILON, RUBEN	V	0223-0-01	Y*
BARTOCCI, JOHN EUGENE	N	1268-0-01	Y*
BEACH, ARTHUR JAMES	M	0280-0-01	Y*
BECK, EDWARD EUGENE JR	M	1476-0-01	Y*
BELKNAP, HARRY JOHN	N	0371-0-02	Y*
BELL, RICHARD WILLIAM	N	2004-0-25	Y*
BISZ, RALPH CAMPION	N	0785-0-01	Y*
BOLES, WARREN WILLIAM	N	0995-0-01	Y*
BOWMAN, FRANK (NMN)	N	1210-0-01	Y*
BRASSFIELD, ANDREW THOMAS	A	1586-0-01	Y*
BREUER, DONALD CHARLES	M	1947-0-01	Y*
BUCK, ARTHUR CHARLES	N	0982-0-04	Y*
CARTER, DENNIS RAY	M	0439-0-04	Y*
CHAN, PETER	N	2034-0-01	Y*
CHAPA, ARMANDO JR	N	2022-0-02	Y*
CHOMEL, CHARLES DENNIS	M	0734-0-07	Y*
CHRISTIE, DENNIS RAY	M	0734-0-02	Y*
CLARK, STEPHEN WILLIAM	M	1158-0-01	Y*
COCHRAN, ISOM CARTER JR	A	1190-0-01	Y*
COLLINS, ARNOLD	M	0934-0-01	Y*
COLLINS, THEOTHIS	M	1255-0-01	Y*
CORDOVA, ROBERT JAMES	N	2006-0-01	Y*
CORFIELD, STAN LEROY	M	0665-0-02	Y*
COTA, ERNEST KENO	N	1174-0-01	Y*
DAWSON, FRANK ARTHUR	N	1053-0-05	Y*
DERBY, PAUL DAVID	M	1326-0-01	Y*
DYER, BLENN COLBY	M	0657-0-03	Y*
EVANS, WILLIAM ANTHONY	A	1398-0-01	Y*
FARRIS, WILLIAM F	N	2022-0-03	Y*
FRAZIER, PAUL REID	A	1270-0-01	Y*
GARNER, JOHN HENRY	N	0713-0-01	Y*
GEE, PAUL S	M	0988-0-01	Y*
GEORGE, JAMES E JR	A	1044-0-01	Y*
GOETSCH, THOMAS AUGUST	N	2010-0-01	Y*
GOPP, THOMAS ALAN	M	0784-0-01	Y*
GRIFFITH, JOHN GARY	N	1082-0-02	Y*
HAMILTON, ROGER D	M	0647-0-01	Y*
HARPER, RICHARD K	A	0085-0-02	Y*
HARRIS, PAUL WINIFORD	M	0620-0-01	Y*
HATTORI, MASAKI (NMN)	A	1102-0-01	Y*
HEMPEL, BARRY LEE	M	1167-0-12	Y*
HINES, VAUGHN MAURICE	A	0898-0-01	Y*
HISE, JAMES HAMILTON	N	0631-0-01	Y*
HOPPS, GARY DOUGLAS	N	0251-0-01	Y*
HUDDLESTON, LYNN R	A	0841-0-01	Y*
HURST, JOHN CLARK	M	1225-0-02	Y*
HYDE, JIMMY DON	N	2027-0-01	Y*
JEROME, STANLEY MILTON	N	1389-0-02	Y*
JOHNSON, JAMES REED	A	0436-0-01	Y*
JONES, JAMES GRADEY	N	0520-0-01	Y*
JONES, JOHN ROBERT	A	1753-0-01	Y*
KARGER, BARRY EDWIN	N	1175-0-01	Y*
KMETYK, JONATHAN PETER	M	0907-0-01	Y*
KOOI, JAMES WILLARD	M	0734-0-03	Y*
KUHLMAN, ROBERT J JR	M	1362-0-02	Y*
LAPLANT, KURT ELTON	M	1203-0-01	Y*
LONG, CARL EDWIN	M	1538-0-01	Y*
LONGANECKER, RONALD LEE	M	0390-0-01	Y*
MARTINEZ-MERCADO, EDWIN JU	A	0905-0-01	Y*
MOE, HAROLD JOHN	M	0842-0-01	Y*
MOORE, MAURICE HENRY	A	1171-0-04	Y*
MOORE, RALPH EDWARD	A	0666-0-01	Y*
MOWREY, RICHARD LYNN	N	0548-0-02	Y*
NEISLAR, DAVID PHILLIP	N	1390-0-01	Y*
NORTON, MICHAEL ROBERT	A	1511-0-01	Y*
OGDEN, HOWARD JR	M	0870-0-01	Y*
OLDHAM, JOHN SANDERS	M	0734-0-09	Y*
OSBORNE, RODNEY DEE	A	1715-0-03	Y*
OSBORNE, SAMUEL WILLIAM JR	M	0657-0-06	Y*
PARCELS, REX LEWIS JR	N	1571-0-02	Y*

Wednesday, October 04, 2000

**Vietnam PNOK 'YES' Casualty List**

Page 1

NAME	SERVICE	REFNO	RESPONSE
ABRAMS, LEWIS HERBERT	M	0927-0-01	Y+
ALLEN, THOMAS RAY	F	0778-0-01	Y+
ALLEY, JAMES HAROLD	F	1817-0-02	Y+
ANDERSON, ROBERT DALE	F	1934-1-01	Y+
BELCHER, GLENN ARTHUR	F	0957-0-01	Y+
BLOODWORTH, DONALD BRUCE	F	1650-0-02	Y+
BOLLINGER, ARTHUR RAY	F	1983-0-02	Y+
BRANCH, JAMES ALVIN	F	0135-0-01	Y+
BRANDENBURG, DALE	F	1983-0-07	Y+
BURNS, JOHN ROBERT	F	0414-0-01	Y+
BUTLER, JAMES EDWARD	A	1575-0-02	Y+
COLLAZO, RAPHAEL LORENZO	A	1092-0-02	Y+
CUTHBERT, BRADLEY GENE	F	1327-0-01	Y+
DAVIS, ROBERT CHARLES	F	1413-0-01	Y+
DEAN, MICHAEL FRANK	F	1643-0-02	Y+
DEANE, WILLIAM LAWRENCE	A	1978-0-05	Y+
DUFFY, JOHN EVERETT	F	1580-0-01	Y+
ECKLEY, WAYNE ALVIN	F	0954-0-06	Y+
EDWARDS, HARRY S JR	N	0500-0-01	Y+
EGGER, JOHN CULBERTSON JR	F	0890-0-01	Y+
FLANIGAN, JOHN NORLEE	M	1484-0-01	Y+
FOSTER, PAUL L	F	0955-0-01	Y+
FRINK, JOHN W	A	1812-0-02	Y+
GOEGLEIN, JOHN WINFRED	F	1643-0-05	Y+
HAGAN, JOHN ROBERT	M	1436-0-02	Y+
HAMILTON, JOHN S	F	0644-0-01	Y+
HARRISON, ROBERT HEERMAN	F	1879-0-08	Y+
HOLDEMAN, ROBERT EUGENE	M	0927-0-02	Y+
HUDGENS, EDWARD MONROE	F	1576-0-01	Y+
HUNT, LEON ANDREW	F	1879-0-06	Y+
IVAN, ANDREW JR	F	1771-0-01	Y+
JEFFERSON, JAMES MILTON	F	0680-0-01	Y+
JENKINS, PAUL LAVERNE	F	1643-0-03	Y+
KNUCKEY, THOMAS WILLIAM	A	1749-0-01	Y+
KNUTSON, RICHARD ARTHUR	A	1978-0-01	Y+
LAMP, ARNOLD WILLIAM JR	F	1424-0-01	Y+
LEE, LEONARD MURRAY	N	0952-0-02	Y+
LOHEED, HUBERT B	N	0245-0-01	Y+
MAPE, JOHN CLEMENT	N	0301-0-01	Y+
MAY, DAVID M	A	1708-0-04	Y+
MCCARTY, JAMES L	F	1882-0-01	Y+
MCKINNEY, NEIL BERNARD	F	0017-0-03	Y+
MCQUADE, JAMES RUSSELL	A	1873-0-02	Y+
MEADOWS, EUGENE THOMAS	F	0494-0-02	Y+
MERCER, JACOB E	F	1879-0-02	Y+
NETHERLAND, ROGER M	N	0677-0-01	Y+
OLDS, ERNEST ARTHUR	F	1079-0-01	Y+
PARKER, WOODROW WILSON II	F	1141-0-01	Y+
PRATER, ROY DEWITT	F	1817-0-06	Y+
PREISS, ROBERT FRANCIS JR	A	1618-0-01	Y+
PURCELL, HOWARD PHILIP	F	0017-0-02	Y+
REX, ROBERT A	F	1336-0-01	Y+
SCHIMBERG, JAMES PHILIP	A	0229-0-02	Y+
SEWARD, WILLIAM HENRY	M	1077-0-01	Y+
SHINE, ANTHONY C	F	1950-0-01	Y+
SMITH, RICHARD D	F	0059-0-01	Y+
SPITZ, GEORGE R	F	1983-0-01	Y+
WAX, DAVID J	F	0212-0-01	Y+
WENAAS, GORDON J	F	0954-0-10	Y+
WILSON, MICKEY ALLEN	A	1978-0-02	Y+
WRIGHT, DONALD L	F	1530-0-02	Y+



## Vietnam PNOK 'YES' Casualty List

NAME	SERVICE	REFNO	RESPONSE
BLESSING, LYNN	M	2003-0-12	+
BUSH, ELBERT WAYNE	A	1978-0-04	+
BYARS, EARNEST RAY	M	0777-0-02	+
CAMERON, VIRGIL KING	N	0408-0-01	+
CARPENTER, RAMEY LEO	N	1420-0-01	+
CARTWRIGHT, BILLIE JACK	N	0220-0-01	+
CLAY, WILLIAM CLIFTON III	M	0642-0-01	+
DUNN, MICHAEL E	N	1004-0-01	+
ELLIOT, ROBERT MALCOLM	F	1049-0-01	+
FITZGERALD, JOSEPH E	A	0715-0-02	+
GRAINGER, JOSEPH W	V	0037-0-01	+
HACKETT, JAMES EDWARD	A	1873-0-01	+
HALL, JAMES WAYNE	N	1940-0-01	+
HAYDEN, GLENN MILLER	N	1053-0-01	+
JAKOVAC, JOHN ANDREW	A	0715-0-03	+
KULLAND, BYRON K	A	1812-0-01	+
LAUTERIO, MANUEL ALONZO	A	1978-0-06	+
SMITH, WILLIAM ARTHUR JR	A	1291-0-01	+
WALTON, WILBERT	A	2055-0-01	+
YOUNG, ROBERT M	A	1610-0-05	+

Wednesday, October 04, 2000

### Vietnam PNOK 'YES' Casualty List

Page 1

NAME	SERVICE	REFNO	RESPONSE
MCCRARY, JACK	F	0954-0-04	**

Wednesday, October 04, 2000

### Vietnam PNOK 'YES' Casualty List

Page 1

NAME

SABOG, MATEO

SERVICE

A

REFNO

2059-0-01

RESPONSE

NA

## EXHIBIT D

CIA June 1, 2005 rejecting April 26 FOIA Request – with no right of Administrative Appeal



Washington, D.C. 20505

1 June 2005

VIA FACSIMILE AND  
CERTIFIED MAIL

John H. Clarke, Esquire  
1717 K Street, N.W., Suite 600  
Washington, D.C. 20036

Reference: F-2005-01217 (Civil Action No. 04-00814)

Dear Mr. Clarke:

We received your letter of April 26, 2005 on May 3, 2005. You requested on behalf of your client, Accuracy in the Media, Inc. (AIM) all records pertaining to:

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<sup>1</sup> 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 dated January 5, 1994, February 7, 1994, and April 23, 1998, including but not limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto, and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged for the search, the date and duration and kind of search performed, etc.
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.

On 7 February 2003, James Lesar and Joe Jablonski submitted a FOIA request on behalf of their clients, Roger Hall and AIM respectively, in which Mr. Hall and AIM requested records pertaining to seven different items. Items 1 through 7 of your 26 April 2005 request are identical to items 1 through 7 of your 7 February 2003 request. The seven items contained in the 7 February 2003 FOIA request are the subject of the current litigation (04-0814). For that reason, we will not accept these items as part of this request.

With regard to item 8, which requests information on fee estimates related to your 7 February 2003 request, this issue is also before the Court in the pending litigation, and we will therefore not accept it as part of this request.

---

<sup>1</sup> Attachment 1 to Item 5 of the 7 February 2003 request purports to request information on 47 individuals, but the number of individuals listed in the attachment is actually 44-two of the names appear more than once in the attachment.

Pursuant to 32 C.F.R. Part 1900.42(c), because the information you are seeking is the subject of pending litigation in the federal courts, no right of administrative appeal exists from our decision not to accept items 1 through 8 of this request.

Sincerely,



Scott Koch  
Information and Privacy Coordinator



**EXHIBIT E**

AIM June 29 Administrative Appeal AIM Articles of Incorporation

Law Office  
**John H. Clarke**  
1717 K Street, NW  
Suite 600  
Washington, DC 20036  
**(202) 332-3030**  
JohnHClarke@earthlink.net  
June 29, 2005

Also admitted in  
Virginia and Maryland

FAX (202) 331-3759

**ADMINISTRATIVE APPEAL**  
**FREEDOM OF INFORMATION ACT**

By certified mail – return receipt requested  
Article No. 7099 3220 0009 2976 5109

Mr. Scott Koch  
Freedom of Information and Privacy Coordinator  
CENTRAL INTELLIGENCE AGENCY  
Washington, DC 20505

Executive Secretary of the Agency Release Panel  
CENTRAL INTELLIGENCE AGENCY  
Washington, DC 20505

Re: FOIA Requester: Accuracy in Media, Inc.  
Your reference No.: F-2005-01217 (Civil Action No. 00814)  
(1) Supplement to February 2003 FOIA Request: April 22, 2005  
CIA Response: May 26, 2005  
(2) FOIA Request: April 26, 2005  
CIA Response: June 1, 2005

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Dear Gentlemen:

**May 26, 2005 CIA denial.** Your May 26 denial of Accuracy in Media's ("AIM") request for fee waivers recites that AIM seeks a public interest fee waiver or "alternatively AIM seeks placement in the 'news media' fee category." This is incorrect. AIM seeks both public interest fee waiver of copying costs under 5 U.S.C. § 552 (a)(4)(a)(iii), as well as a waiver of search fees as a member of the news media under 5 U.S.C. § 552 (a)(4)(A)(ii)(II).

The CIA claimed that the information that AIM provided in support of its request for a public interest fee waiver did not meet the standards under 32 C.F.R. Part 1900.13. Page 2 of AIM's letter includes information that release is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the United States Government and is not primarily in the commercial interest of the requester:

Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Disclosure will help create a greater understanding of the inner workings of government as shedding light on the extent, nature, intensity, and duration of the government's efforts to locate POW/MIAs, and will show the degree to which the CIA has complied in good faith with relevant Executive Orders and whether it has accurately informed Congress and the public about its search efforts and the information it possesses. Thus, disclosure to AIM will meaningfully enhance public understanding of the POW/MIA issue. It will also show how the CIA cooperated and coordinated its search efforts with other agencies, and show how the CIA controlled the documentation that other agencies possessed regarding POW/MIAs and detainees.

AIM's April 22 letter, as well as its April 26 FOIA request, meet the standards under 32 C.F.R. Part 1900.13.

The CIA relied on its own regulations in denying AIM's request for a public interest fee waiver. But its reliance on the court's decision that ("AIM had failed to demonstrate its eligibility for fee limitations based on news media status.") in denying AIM's request for a news media status is contrary to law. See D.C. Technical Assist. Org. v. U.S. Dept. Housing, 85 F. Supp.2d at 48 (D.D.C. 2000):

The decision of an agency to grant or deny a fee waiver request is reviewed *de novo* looking only to the administrative record before the agency at the time of the decision. 5 U.S.C. (a)4(vii). (The additional supporting documents submitted with plaintiff's motion for summary judgment were not considered in the disposition of this case).

AIM submits what it could not in the district court. The CIA is not free to exclude it from the administrative record. "In 1986, Congress amended the statute governing fee waivers for FOIA requests... The amendment also changed the standard of review to *de novo*, but limited the court's review to the record before the agency." Larson v. CIA, 843 F.2d at 1481-82 (D.C. Cir. 1988). "The court must limit its review to the administrative record established before the agency." Judicial Watch, Inc. v. US Dept. of Justice, 122 F.Supp. 2d 13 (D.D.C. 2000), Kennedy, J. The court in Oglesby v. US Dept. of Army, 920 F.2d 57 (D.D.C. 1990) remanded in part "to grant petitioner the right, if he chooses, to pursue administrative appeals from the initial agency denials" (at 71).

As the CIA cannot restrict the administrative record to the initial FOIA request, kindly include AIM's 1971 articles of incorporation, as well as its April 26 FOIA request, in the record of this administrative appeal under 32 C.F.R. 1900.13(c)). Copies are enclosed.

Additional support for AIM's fee waiver requests is its 1971 articles of incorporation's purpose clause:

The purpose or purposes of the corporation is organized is to promote, encourage, sponsor, support, finance and facilitate communication, education and cooperation among individuals and organizations working in the mass communications media and to conduct, promote, encourage, sponsor, support, finance, and facilitate research, education and information activities and public discussion groups, forums, panels, lectures, and other educational and informational processes in connection with the mass communication media and public understanding thereof with the aim of improving the accuracy of news media reporting in the mass communication media and to work for the adoption by editors and publishers of codes setting forth good journalistic practice relating to accuracy in reporting and the correction of errors.

The CIA's May 26, 2005 response conditioned the acceptance of this appeal on AIM's agreement to be bound by fees incurred. ("In accordance with agency regulations, because the Agency has started to process your FOIA request, the Agency will only accept your appeal of the fee waiver denial if you agree to be responsible for the costs in the event of an adverse administrative or judicial decision.")

Because AIM's FOIA request is duplicative of Roger Hall's and SSRI's (see Civil Action No. 00814), and Roger Hall has tendered payment for these FOIA requests (see Docket No. 12), AIM contests the CIA's refusal to accept this appeal absent agreement to be bound to pay fees. AIM appeals the fee waiver denial but does not agree to be responsible for any costs in the event of an adverse decision.

Moreover, the CIA's regulation that it will not accept AIM's appeal unless it agrees to pay fees in the event of an adverse position is invalid because it violates and is inconsistent with the FOIA. The FOIA gives any request a right of appeal and does not authorize any agency to abrogate it. The right of appeal is provided for in 5 U.S.C. 552(a)(6)(A) and is critical to (1) exhaustion of administrative remedies, (2) when a court has jurisdiction to entertain a FOIA case, (3) when the statute or limitations begins to run, and (4) the composition of the nature of the administrative record on which a Court determines eligibility for a fee waiver. In sum, the CIA regulation abrogates the right of appeal provided by Congress.

Alternatively, should the agency decline to accept this appeal absent agreement to pay fees, please provide a fee estimate under 32 C.F.R. §1900.14, at your earliest convenience. This estimate should be for those fees attributable only to AIM, not fees attributable to Roger Hall or SSRI, who requested the exact same information. Under the CIA regulations, it must be notify AIM if the search will cost more than \$100.

I have no authority to bind AIM to pay an unspecified amount of fees. As the reason given for agreement to pay fees is that "the Agency has started to process your FOIA request," please cease incurring any fees on AIM's behalf until the issue has been administratively or judicially decided.

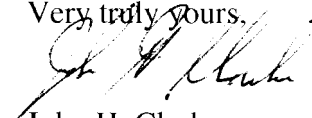
**June 1, 2005 CIA denial.** The CIA declined to "accept" this Request claiming the absence of the right to an administrative appeal under 32 C.F.R. Part 1900.42(c) because the information sought is the subject of pending litigation in the federal courts. Specifically, you recite that "items 1 through 7" of the "April 26, 2005 request are identical to items 1 through 7 of your 7 February 2003 request," and item 8, requesting "fee estimates related to your 7 February 2003 request," is also "the subject of pending litigation (04-0814)."

Items 1 through 7 of the April 26 Request are identical to items 1 through 7 of the February 7, 2003 Request, but the CIA's reliance on 32 C.F.R. Part 1900.42(c) does not apply to AIM's requests for fee waiver, as explained above. The CIA's June 1 letter refusing to accept the April 26 Request ignores AIM's fee waiver requests.

And 32 C.F.R. Part 1900.42(c) does not bar item 8 from administrative appeal. The information sought, regarding the CIA's fee estimates related to the February 7, 2003 FOIA Request is not the subject of any previous FOIA Request. Roger Hall's pending motion for an accounting does not exclude item 8 from the purview of the FOIA. While not authorizing CIA to incur search fees absent a fee waiver, AIM requests two hours of free search time applied to item 8.

AIM's April 26 letter is a separate FOIA request, the denial of which AIM hereby appeals.

Very truly yours,



John H. Clarke

Enclosures: Articles of Incorporation  
April 26, 2005 FOIA Request

711373

OFFICE OF RECORDER OF DEEDS, D. C.

Corporation Division  
Sixth and D Streets, N. W.  
Washington, D. C. 20001

CERTIFICATE

*THIS IS TO CERTIFY* that all provisions of the District of Columbia  
Non-profit Corporation Act have been complied with and ACCORD-  
INGLY this Certificate of Incorporation

is hereby issued to the ACCURACY IN MEDIA

as of the date hereinafter mentioned.

Date June 17, 1971



PETER S. RIDLEY,  
Recorder of Deeds, D. C.

*Alfred Goldstein*  
Alfred Goldstein  
Superintendent of Corporations



OFFICE OF RECORDER OF DEEDS, D. C.  
CORPORATION DIVISION  
SIXTH AND D STREETS, N. W.  
WASHINGTON, D. C. 20001

**FEES DUE**

Filing Fee \$10.00  
Indexing Fee 2.00  

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Total \$12.00

MAKE CHECK PAYABLE  
TO  
RECORDER OF DEEDS, D. C.

NON-PROFIT CORPORATION  
ARTICLES  
OF  
INCORPORATION

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators of a corporation adopt the following Articles of Incorporation for such corporation pursuant to the District of Columbia Non-profit Corporation Act:

FIRST: The name of the corporation is  
ACCURACY IN MEDIA

SECOND: The period of duration is Perpetual

THIRD: The purpose or purposes for which the corporation is organized is/~~are~~ To promote, encourage, sponsor, support, finance and facilitate communication, education and cooperation among individuals and organizations working in the mass communications media and to conduct, promote, encourage, sponsor, support, finance, and facilitate research, education and information activities and public discussion groups, forums, panels, lectures and other educational and informational processes in connection with the mass communication media and public understanding thereof with the aim of improving the accuracy of news reporting in the mass communication media and to work for the adoption by editors and publishers of codes setting forth good journalistic practice relating to accuracy in reporting and the correction of errors.

FILED  
JUN 17 1971

BY: *[Signature]*

FOURTH: \* (A) The corporation will not have members.

~~(B) The corporation is to be divided into~~

~~classes of members. The designation of each class of members, the  
qualifications and rights of the members of each class and the confer-  
ring, admitting, suspending, the right to be admitted to membership in  
the corporation.~~

FIFTH: The directors shall be elected or appointed as shall be provided in the bylaws.

SIXTH: Provisions for the regulation of the internal affairs of the corporation, including provisions for distribution of assets on dissolution or final liquidation shall be provided in the bylaws.

SEVENTH: The address, including street and number, of its initial registered office is Suite 1012, 501-13th St. N.W., Washington, D.C.  
~~Suite 1012, 501 - 13th Street, N.W., Washington, D.C.~~

and the name of its initial registered agent at such address is A.H.K. Robert S. Mcblellan  
~~ABRAHAM H. KALISH, Executive Secretary~~

EIGHTH: The number of directors constituting the initial board of directors is 3 and the names and addresses, including street and number of the persons who are to serve as the initial directors until the first annual meeting or until their successors be elected and qualified are:

NAME	ADDRESS
<u>Paul J. [unclear]</u>	<u>11120 Nicholas Dr., Silver Spring, Md.</u>
<u>John K. McLean</u>	<u>317 Mancini Dr Alexandria, Va</u>
<u>Abraham H. Kalish</u>	<u>10807 E Nolcrest Dr Silver Spring, Md.</u>

\*Execute only (A) or (B) and strike other provision.





## EXHIBIT F

CIA July 19, 2005 re acceptance for inclusion in administrative record re search fee waiver



Washington, D.C. 20505

19 July 2005

VIA FACSIMILE AND  
CERTIFIED MAIL

John H. Clarke  
1717 K Street, NW  
Suite 600  
Washington, D.C. 20036

Reference: F-2005-01217 (Civil Action No. 04-00814)

Dear Mr. Clarke:

On 8 July 2005, we received your letter of 29 June 2005 appealing our denial of your request for a fee waiver. You also requested that we reconsider the fee category in which we placed you based on the information in your 7 February 2003 and 26 April 2005 FOIA requests. These letters relate to the current litigation (CV 00814).

As we explained in our 1 June 2005 letter, pursuant to Agency regulations, we will not accept an administrative appeal where the information that the requestor is seeking is the subject of pending litigation. With regard to the 8 items contained in your separate FOIA requests referenced above, the items are subject of the current litigation (00814). Therefore, we are limiting our acceptance of your appeal to the issue of the denial of the fee waiver request.

Your appeal will be processed in accordance with Agency regulations and will include consideration of the additional information you provided in your appeal letter. We will notify you of the results of that deliberation as soon as we are able to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Koch", with a long horizontal line extending to the right.

Scott Koch  
Executive Secretary, Agency Release Panel

## EXHIBIT G

AIM June 13, 2007 letter narrowing Request 7

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June 13, 2007

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And by fax (202) 514-8780

Mercedeh Momeni, Esquire  
Assistant United States Attorney  
Civil Division  
555 4th Street, NW  
Washington, DC 20530

Re: Roger Hall, et al., v. Central Intelligence Agency  
Civil Action No. 04-0814 (HHK)

Dear Ms. Momeni:

AIM accepts the CIA's invitation to narrow Request 7, which now states:

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.

AIM hereby narrows that request to exclude all FOIA requests, so the request should read:

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, excluding requests made solely under the Freedom of Information Act.

June 13, 2007

Mercedeh Momeni, Esquire

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I suggest we enter a stipulation.

Thank you.

Very truly yours,

John H. Clarke

cc: Accuracy in Media, Inc.  
James Lesar, Esquire

## AFFIDAVIT OF LARRY J. O'DANIEL

County of La Paz  
State of Arizona

NOW COMES Larry J. O'Daniel, and hereby swears and affirms the following:

1. I am 61 years of age, a resident of La Paz County Arizona, and a 1968 graduate of Arizona State University with a degree in Accounting. I was commissioned in the USAR in the intelligence branch; trained as an infantry officer (IOBC 2) at Ft. Benning, GA; and as a Combat Intelligence Staff Officer (MOS 9301) at Ft. Holabird, MD. While attending the Infantry School orders were cut for my service in Vietnam. I arrived in country in January, 1969, five months after entry on active duty. In country, I graduated from the Counterinsurgency Orientation Course for Phung Hoang (Phoenix) Advisers (19 through 28 March, 1969). Post Vietnam instruction included "E" prefix (2GF8) instruction at the US Army Electronic Warfare School, described below, and I have an earned MOS as Military Historian.

2. In Vietnam, I was picked for a counterinsurgency special ops program known as Phung Hoang or Phoenix. The object of this program was to identify and "neutralize" the Viet Cong "Infrastructure" or political apparatus. A corollary part of that job was to identify the officials holding American and allied POWs; identify the locations of such camps holding American and allied POWs; and when asked or required, to participate in operations whose object it was to liberate American and allied POWs. During my tour, I personally handled three POW reports; one emanating from Air Force Intelligence, one from my own agent network, and the third emanating from a "higher headquarters." All three reports dealt with either the U-Minh Forest or the Nam Can Forest, often referred to as the lower U-Minh Forest. However, the one emanating from my agent network tied in with 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. Some of the reports are 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. These reports have not been released and are referred to only in passing in released reports).

3. After returning stateside in early 1970, I was transferred to Ft. Huachuca, AZ, and assigned to the command of the US Army Electronic Warfare School. While there, I advanced to the rank of Captain and earned the "E" prefix to my MOS signifying my competence to teach and work as an Electronic Warfare and Tactical Cover and Deception officer in a command. I further worked as a researcher in both fields adding to the curriculum of the school the concept of "disinformation" as practiced by the USSR and its allies. I left active duty in December, 1972 and resigned my commission in October, 1974.

4. These specialties combined to form my ability presently as a writer of fiction and non-fiction on the subject of POW/MIA and Vietnam related subjects. Military intelligence is a discipline whose first job is to prepare for a command an estimate towards completion of a mission. That estimate is based upon facts and assumptions grounded in facts showing the best way to accomplish the mission. Tradecraft dictates that alternate solutions be presented if interpretations of the underlying information can be reasonably inferred. It then lies in the discretion of the command to pick or choose the final way to accomplish their designated mission. Any breakdown of this disciplined approach to mission accomplishment is a violation of intelligence tradecraft.

5. This affidavit is being prepared in response to a request from Roger Hall showing ties, connections, interactions, and results of operations of the CIA towards the question of Prisoners of War and Missing in Action. This is an attempt to set the record straight on this subject. This affidavit will be confined to areas I know of personally, either through training, in the field experience, or research in the fields or subjects herein specified.

6. In Vietnam, I was first assigned to the Go Cong Province Intelligence and Operations Coordinating Center (PIOCC). There, I went out into the field with my Phoenix supervisor and other Vietnamese contacts to learn more about Hoa Tan District, my assigned area of operations, as a DIOCC coordinator.

7. At Hoa Tan, I went on operations with District specialized units. Further, I ran my own agent network through operatives furnished by the OSA, Office of Special Assistant to the Ambassador, CIA, or the PIOCC. These agents, Kit Carson Scouts, or former VC who received specialized intelligence and operations training, also doubled as guides on particularly sensitive missions where their expertise from their previous VC association was needed. In Hoa Tan, I conducted armed aerial reconnaissance missions to achieve a first hand assessment of intelligence from other sources; to enforce a previously agreed upon restricted access area; and to develop further intelligence upon certain areas known to harbor VCI. This supplemented information not readily accessible from ground reconnaissance operations. Here, I attended the CIA run school in Vung Tau for Phoenix Coordinators to learn the full ins and outs



of our duties.

8. From approximately July, 1969 until mid - January 1970, I served in An Xuyen Province, first at the PIOCC, and then Thoi Binh and Song Ong Doc Districts. This transfer came after obtaining the near pacification of Hoa Tan and in the midst of a military drawdown. An Xuyen is being targeted as a priority designation for high priority missions associated with SEALORDS. There, I was picked for Song Ong Doc, where I stayed until the end of my 12 month tour. This was a time of redeployment of troops back home, contraction in size of District Advisory Teams, and further expansion of Phoenix efforts, all being accomplished simultaneously. Operational control of certain aspects of Phoenix passed from the CIA to MACV. Song Ong Doc was 90 percent unpacified. With my Infantry training and previous field experience, I was moved to help persons or fill spots where the infantry training was lacking.

9. In Song Ong Doc I was the main District coordinator with the Swift Boat Command outside Song Ong Doc, Breezy Cove; the SEAL team, UDT team, and Duffel Bag Team all collocated at Breezy Cove; and flew armed aerial recon missions with the Sea Wolves located off shore. This was facilitated through the Naval Intelligence Liaison Officer assigned to Breezy Cove and through direct meetings at my initiation. All units and their respective intelligence were made members of the DIOCC and coordinated through myself with the Vietnamese intelligence. Field operations, outside aerial recon, were constricted due to lack of Vietnamese military. At Song Ong Doc, I ran field agents, Provincial Reconnaissance Unit (PRU) personnel who were assigned to me in a major reorganization of PRU operations. PRU were CIA trained. I coordinated with Vietnamese agents through the DIOCC.

10. Phoenix was a police type operation designed to eliminate the Viet Cong political infrastructure. A specific directive (MACV 381-41) stated District personnel, were to achieve "rapid evaluation and dissemination of infrastructure intelligence and" to form "quick reaction operations targeted on disrupting, harassing, capturing and eliminating local VC infrastructure..." Elimination meant simply, capture, cause to defect, or when unavoidable, kill. My specific orders read "... Primary duties include performance of duties as tactical advisor to ARVN/GVN infantry type military or paramilitary units in the district area of responsibility to include frequent participation in ground combat operations..." Infantry trained, I earned my CIB.

11. In flying with the SEAWOLVES, I encountered a place, designated a no fly zone, due to the presumed internment of American POWs. It was in the U-Minh forest where subsequent research showed a connection between this location and other co-locations of prisoners of war during and after the 1973 end of conflict. It was also collocated with an area where the late POW Nick Rowe saw American POWs, not returned. I was informed by his close friend and fellow POW, Dan Pitzer, verifying the details he wrote in his book. Rowe was also a source of information to me, with the late Dermot Foley being the cut-out, on my first book on POWs.

12. In writing my three books (one almost finished), I drew upon my experience in the military, read over 10,000 pages of previously highly classified documents, read hundreds of the first and subsequent reports of refugees pertaining to live prisoners of war left behind, read tens of government studies pertaining to the POW issue, and interviewed tens of families and present and former military personnel who dealt with all aspects of the POW question. This was what I called the "Phoenix" approach or sharing of "all source" intelligence so that the fullest possible picture could be obtained as opposed to the usual compartmentalization of information. In the course of this research, I formed fact based opinions of the connections of CIA, past and present, to the POW issue. Many would not be apparent except for the highly disciplined approach I used.

13. In early 1970, I was assigned to Ft. Huachuca, AZ. Upon my arrival in February, almost the first person I met was CPT John J. McCarthy Jr., who assigned me to the US Army Electronic Warfare School. It was my relationship with CPT McCarthy that was "enlightening" then and later as I found out in early 2000. I became friends with John since we were in the same command and we had "similar" military experiences. We also had similar types of "problems" with our experiences. I worked with Phoenix, a CIA creation. John refused work with Phoenix and was eventually assigned to a CIA creation called Cherry. John's predecessor in Cherry was Mike Eiland. A member of his team was William Macris. Cherry was an unauthorized CIA creation designed to overthrow and assassinate Prince Norodom Sihanouk. (It was part of SOG - B-57 - Gamma - funded by the CIA through operation Parasol Switchback).

14. Since John was the first officer I met, I determined to know him better. One of the first things that I found out was that he was a "convicted killer" of a "Cambodian double agent" and that he had "no security clearance" and that he was "guilty and had just been caught." All of this intrigued me because it did not fit the reality of what I was seeing. A "convicted killer" is not on active duty - and a person with "no security clearance" is not a training officer handling highly classified details. It was dealing with the "killing" of the "Cambodian double agent" and "getting caught" that formed the basis for our first few conversations.

15. The person he was alleged to have killed was a multiple agent for the Russians, CIA, Cherry, and Norodom Sihanouk. A colleague of Inchin Lam on Cherry (the man killed) turned up at Blackbeard, run by elements of B-57 - Gamma. Blackbeard was CIA run and had agents with free access to POW camps. (Black designates the operation as being covert). Running with Khmer Serei operatives (both Chuyen and Lam were so identified) made the operation unauthorized by Presidential orders. Eiland likewise worked on projects concerning Cambodia. The colleague of Lam, named Chuyen, was killed (body never recovered) because he was a multiple agent for the CIA, NVA, a peace group, and Blackbeard. He was killed because he lured SF patrols into traps. A document which identified him as an agent was found on an NVA intelligence Colonel's body by a SOG (Studies and Observations Group - funded by CIA) patrol. He was also identified as an agent by photos showing him with high ranking NVA personnel and members of a lost patrol (probably listed MIA) tortured to death.

During this period of time, SOG and all its patrols suffered almost instantaneous losses and compromises on cross border operations. The CIA refused to investigate these losses. They also did not report to SOG (in this I refer to all cross border teams as SOG) the existence of the moles they ran or what they knew of their activities. No reports have been released by CIA on these POW/MIA losses. Some SF were known to have been captured.

CIA also ran a project called OAK. Oak was targeted against COSVN - the Central Office for South Vietnam, the main VC/NVA headquarters running the war. Oak also targeted POW camps in Cambodia and South Vietnam (COSVN was located in Cambodia). Lost on an operation targeted against COSVN was a SOG operative, Jerry "Mad Dog" Shriver. He was believed to have been captured alive. Oak likewise (according to one of its creators, had Khmer Serei contacts, thus making it also unauthorized). The only report I saw from OAK was from inside SVN, near the Rung Sat Special Zone in 1967.

A third project of the CIA was Pine. In 1975, Arlo Gay, captured in South Vietnam and transferred to North Vietnam, and believed by Vietnam to be a CIA agent (he was not) found the name of a LTC Comb scratched on the wall of a NVA prison. The inscription was "G1//Corps/PINE/G4 FWD/CP arr from Danang Apr 23 1975 Depart" A translation could mean that for Pine he was the G-4 at the Forward Command Post at Danang and departed the cell on April 23, 1975. G1 might mean the personnel officer for I Corps at some other time. The name is not on any MIA roster. However, with Pine being a CIA creation, he would not appear on the military rolls. Someone knew the name PINE and Gay said a man with "European features" occupied the cell before he got there.

Associated projects with B-57 and other CIA run operations into Cambodia were Nantucket, Vesuvius One, Sunshine Park, and Gunboat. All these operations had a priority mission of finding American POW/MIA information. I have read some reports from these operations.

16. I have read summaries of regular CIA reports showing locations of POW camps in Laos. They give detailed numbers of "confirmed" locations of American POWs in Laos. To "confirm a location" would require a minimum of two reports, from CIA sources, detailing the same location. None of the confirming reports were released in the over 10,000 pages of reports released by DIA. However, some of the regular summarized ones were. For example, in November 1970, forty five confirmed camps were in Laos, the largest in Ban Nakay Neua holding American POWs. American POWs captured in Laos were believed to be transferred further into North Vietnam. The 1205 document showed that in September 1972 were at least 43 prisoners captured in Laos. 43 prisoners were not returned from Laos.

One summary showed in late 1972 a cave, near Kham Keut Laos, holding American POWs. This was a CIA confirmed location. Kham Keut was among locations used by DIA in developing an "all source" or utilizing reports from all agencies in the "intelligence community, including CIA," to develop a plan leading to a rescue mission in 1981. In 1979, a guerilla source of Vang Pao, a Controlled American Source (CAS), reported American POWs were moved to Nhom Marrot, near Kam Keut. In 1980, satellite imagery, tasked by CIA, showed American POWs in Nhom Marrot. Paul Bannon, and his backseater, named Pike, were believed by agent reports to be in Nhom Marrot. Multiple reports on Bannon were received. On December 30, 1980, an internal NSA memorandum (released to the Senate Select Committee on POWs) told of an interagency meeting on Nhom Marrot. In attendance were representatives of "DIA, CIA, and NSA..." All attendees would have evaluated the intelligence, then tasked to DIA, based in part upon their own sources. Only released documents from NSA and DIA are known to exist and only those pertaining to meetings and conclusions which relate to the decision to ask the President for a rescue mission.

I was personally told by a former head of DIA, Daniel Graham, and a member of the President's Intelligence transition team in March 1981, that "we know where about 20 POWs are and we are going to do something about it." Graham would have had access to this information. There were no known dissenters on American POWs being held capture in 1981 at Nhom Marrot.

A June 25, 1981 article in the New York Daily News reported "American servicemen were transferred from

a jungle stockade in Laos ... because of publicity ... Laotian mercenaries paid by the CIA went into Laos in January and May to confirm evidence from US reconnaissance photographs ...”

17. In late 1981, DIA through ISA (Intelligence Support Activity), sent a mission into Laos targeted against another camp holding POWs. I saw the affidavit of one of the participants and the results of his sodium amathol test, showing his truthfulness. On that mission were Jerry Daniels, a CIA agent; William Macris, a CIA person from Operation Cherry; the photographs taken were to be mailed to Daniel Arnold, identified as a CIA operative. When he returned with photographic evidence of American POWs in captivity, Macris told him that Bo Gritz, the DIA control, had been replaced by Michael Eiland, a CIA operative from Cherry, and the “mechandise was to be liquidated” or killed. John McCarthy Jr, Cherry case officer who succeeded Eiland and worked with Macris, asked me if the “photos might be of” persons the Agency took in Saigon of what they called “long shadows.” While technically not POWs, long shadows did not return and possibly were counted in numbers captured by VC or NVA and held beyond the 1973 time period.

To the Solarz committee, an extract of testimony showed that in 1984, the CIA submitted “the first believable story ... of live POWs in Laos... located at the foot of Ngoua Mountain (NCA)... There were 23 American POWs detained...”

18. The CIA attempted to discredit Jan Sejna, the highest ranking defector from communism on his testimony on POWs. John McCreary, a DIA analyst assigned to the Senate Select Committee on POWs and who estimated that 850 American POWs were alive in 1992, swore in an affidavit that CIA sought to discredit him before anyone knew what he was to testify about. CIA declared none of his information was verified by his former home country. None of those documents have been released. Joseph Douglass Jr., an 18 year debriefer of Sejna, testified that CIA was “surprised” by Sejna’s allegations of medical experimentation and transfer to the Soviet Union. However, he also said, “the existence of the hospital Sejna referred to in his allegations was verified by the Czech government.”

Sejna testified about medical experimentation on American POWs in Laos and Vietnam. One location in Vietnam, N-13 or Ba Vi, was known by Bobby Garwood, whom I debriefed before anyone in government, and contained a chemical interrogation room. It was close to Bat Bat, also known by Garwood. CIA had a controlled American source on Ba Vi reporting until 1968. In developing target boards, all sources including CIA, would have been used to determine that N-13 was a POW camp from which Americans were expected to return. Mike Bosiljcevac was shot down on Ba Vi Mountain, near Son Tay, Bat Bat, and Ba Vi and did not return alive. Medical evidence showed he lived until 1978, in captivity, possibly transferred to Russia. His remains contained no organs, but showed medical experimentation consistent with the testimony of Sejna (including examining removed internal organs to evaluate the experimentation). ADM Thomas Moorer, relying upon CAS (Combined Area Studies - CIA acronym for Laos) information stated that American POWs in Laos were being attempted to “turn” by KGB interrogation. No documents from CIA have been released confirming or denying these sworn allegations. (Van Buskirk v CNN C99-2009 1/17/2000 deposition pg. 322, par. 3-7)

19. I was told that CIA operatives Eugene Weaver and James Lewis were held at various times at Bat Bat interrogation center. Lewis was there until October 1975. Weaver told his son that he thought he had been in China at one time. CIA documents from his time of captivity show possible prison camps of American POWs in Yunan Province China. CIA operative Tucker Gougleman, imprisoned until he died under torture by NVA and KGB personnel, ran operations into North Vietnam. The 1205 document, from NVA Central Committee member Quang, declared American POWs from these “diversionary” operations were held in September, 1972. None returned. The Pentagon Papers refer to CIA run operations, OPS 34A and Hardnose, among others, went with Americans into North Vietnam. These began in 1961, the same year Sejna said transfer of Americans to Russian control began. It was also in the same time frame Ba Vi began to accept American prisoners of War, replacing French prisoners. The prison was run by the Public Security Division (a CIA target of political intelligence) and was reported on by among others, the cousin of the camp commander. 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

20. I have had experience in probing the world of intelligence. I have written three full length books on the issue of the Missing in Action and Prisoners of War from Vietnam, Korea, and World War II.

21. In line with that and relevant to the subject of this current suit, I found as a result of my research into POW studies, the following material:

A. In the January, 2000 sworn deposition of ADM Thomas Moorer, former Chairman of the Joint Chiefs of Staff, it was shown that certain military activities could be undertaken by the CIA, such as hunting down military “defectors,” and eliminating them which ordinary military units could not do without violating rules of ground

warfare. It is believed that part of the objective of Tailwind, in Laos, was to allow CIA units, to infiltrate other objectives from the legitimate role of SOG (who created the diversion at CIA's request) and take care of such persons, identified also by Moorer as American prisoners who were attempted by KGB to be "turned." (Van Buskirk pg. 314 par. 14-19, 318, par. 9-22, 322, par. 3-7, 11-22, and 323, par. 1-9) Bobby Garwood, was identified by Marine Counterintelligence operative McKenney, as such a target on intelligence furnished by the CIA. They allowed him to think the operation was part of Phoenix. Garwood was traced by CIA into North Vietnam to allow for identification of prison camps.

B. Documents relating to Cambodia (declassified in 2000 over the objections of the CIA), it was shown that US government operatives were prohibited from associating with Khmer Serei personnel, using Khmer Serei personnel in cross border operations, or otherwise hiring or utilizing Khmer Serei personnel. The June 22, 1966 Presidential directive further implemented a policy adopted by President Kennedy and put into an NSAM as one of his first acts by President Johnson.

In the Rheault case (Blackbeard), history is repeated. A "triple agent" is killed. SOG operatives are lost. That means signal materials are probably compromised. Doing the compromising is a veteran transferred from Cherry. This person is an agent for the Agency, Blackbeard, the NVA, and possibly a peace group inside South Vietnam. The CIA "sanctions" the killing of the agent, providing no other alternative, and then refuses to testify in the court martial. Ted Shackley brags he was not "afraid" to testify since the Agency testified in the McCarthy case. (All personnel testifying swore they were military). Several men are killed as MIAs as a result of this betrayal. CIA has released no documents concerning the "trees" programs it ran.

C. For a six year period from 1964 - 1971, SOG suffered POW and MIA losses out of the ordinary. Official history only credits NVA Trinh Sat with one mole, ignoring the mole in Cherry. CIA knew of both. Neither were around after 1967 and 1969 respectively. CIA, through project OAK, officially infiltrated COSVN through a high level operative called HACKLE. Speculation was HACKLE was a double agent, since he refused to leave Vietnam. Reports on any CIA counterintelligence moves, pertaining to POW losses, have not been released. CIA knew who some of the moles were and did nothing.

22. The remains of Michael Bosiljevac were returned in 1987. Examination findings were not made public until last November. The widow specifically asked that I examine the article on it and make sure it was known. From that article, the I will summarize important findings as regards this issue:

...The CILHI photograph of Mike's skull revealed two precise, "clean" cuts...The cut is not of recent origin. [Note: Mike was shot down on September 29, 1972 and his remains were not repatriated until September 24, 1987, fifteen years later.]. The Chief Medical Examiner of one of California's largest counties explained that a human skull is sectioned in this manner in order to remove the "skull cap," which, in turn, is necessary in order to remove the brain. (possibly) or 3) **for the purpose of medical research** ....Dr. Charney was specifically asked to address the "age of death" question.... the close examination of specific bones would—and did!—reveal that Mike's age was closer to age 33 at the time of his death. ...If Dr. Charney was correct, this means that Mike Bosiljevac was alive for about six years after he was shot down— or **until possibly late 1978** . Even if CILHI was correct, Bosiljevac would have been alive up to 1975.

Such treatment would have been consistent with the testimony of Sejna. The Agency in MKULTRA attempted to duplicate some of the experimentation by illegally testing Korean POWs (In the Korean War) and CIA operatives to develop controllable agents and assassination agents. To know what to work on, they had to have something and information to duplicate.

23. Sejna's testimony was buttressed by a report by a US Commission on a similar transfer of POWs from Korea to the USSR (Sejna knew of that transfer likewise). One section of that report is of interest since the imparter of information is of similar value to Sejna. "LTC Corso's single most dramatic source was North Korean Lieutenant General Pak San Yang. Pak was a Soviet colonel of Korean ethnicity who had been seconded to the North Korean People's Army and promoted to Lieutenant General. He was also a member of the North Korean Communist Central Committee. Pak had been captured and disguised himself as a private but had been denounced by anti-Communist fellow prisoners. Under interrogation, he revealed that U.S. POWs had been sent to the Soviet Union and that they had been prioritized by specialty and that he had a list of those specialties. Pak had no information on the number of POWs sent to the Soviet Union. (This prioritizing by specialty was mentioned by Quang in the 1205 document and by Sejna. Likewise, Sejna and Quang were members of their respective countries party central committees. This gives us three high ranking communists from different countries all saying the same thing our intelligence community guessed at. The CIA, in knew of the prioritizing of prisoners from previous releases of their own documents.)



The August 26, 1993 working paper had this executive summary: (A) U.S. Korean War POWs were transferred to the Soviet Union and never repatriated. (B) This transfer was a highly secret MGB program approved by the inner circle of the Stalinist dictatorship (C) The rationale for taking selected prisoners to the USSR was: (1) To exploit and counter U.S. aircraft technologies; (2) to use them for general intelligence purposes; (3) It is possible that Stalin, given his positive experience with Axis POWs, viewed U.S. POWs as potentially lucrative hostages. (4) The range of eyewitness testimony as to the presence of U.S. Korean War POWs in the GULAG is so broad and convincing that we cannot dismiss it. (5) The Soviet 64th. Fighter Aviation Corps which supported the North Korean and Chinese forces in the Korean War had an important intelligence collection mission that included the collection, selection and interrogation of POWs.

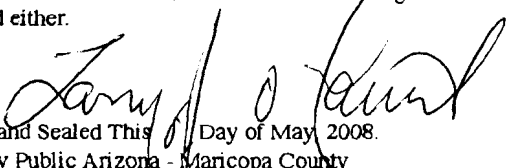
To know of KGB and MGB programs would have required the cooperation of the CIA who was targeted against such agencies. At a minimum, transfer of documents would have been facilitated for comments. Those comments who have been CIA originated.

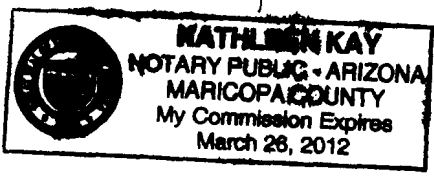
This above summary could have been written by either Sejna or Quang changing only a few words and times. In addition, it matches other material uncovered by the Institute from classified and formerly classified documents. In that regard, it should be remembered that in 1981, former President Ronald Reagan authorized a rescue mission for POWs from Laos. That authorization came only after an extensive vetting of valid, confirmed POW intelligence. Some of the material also matches that from Oleg Kalugin.

24. Oleg Kalugin, a KGB operative targeted against the United States, he headed the operation that among other items recruited the Walker Spy Ring. Kalugin asserted American POWs were interrogated by KGB operatives up to 1978, the year Bosiljevac apparently died in captivity. CIA would have interrogated and asked questions of Kalugin and learned the same facts he asserted in sworn and public testimony. None of these documents have been released or made public. Kalugin also asserted military information was part of the GRU (Soviet Military Intelligence Service - the same one obtaining the 1205 information for the KGB) requirements. However, protocol dictated KGB be made aware of all information and operations were controlled by the KGB. Therefore, GRU operations targeted against military would have been known in the 1205 summary and the CIA in debriefing of all KGB defectors. Released summaries and books written by such defectors show this to be true.

Conclusions can be made in this case on a professional level, based upon my experience, research of nearly 40 years on POW matters, and research on the related materials outlined here. The important one is either bad tradecraft, denouncing of documents not of their own making, or pure political moves, the CIA has impeded the resolution of the POW question. They have released no documents showing why other intelligence is flawed. Either the documents exist and are hidden or they do not exist to hide CIA incompetence or political maneuvering (either is contrary to their own published tradecraft rules).

It is my informed position that the CIA will hide good intelligence that goes against their institutional bias. They will sacrifice careers, cause men to be imprisoned, cause men to be court-martialed, cause prisoners not to be released, and in at least one case related to POWs maybe even coverup a homicide. It is my informed position that the Agency has used authorized methods (compartmentalization) to achieve unauthorized goals of undercutting national priority programs like the resolving the POW/MIA program and other foreign policy objectives by programs like Cherry. In so doing, it has hidden behind "national security" and "classification" to keep their results from being discovered. This in reality acutally weakens our foreign policy and our national security. In the Sompongs case, an offer was made to trade American POWs for money in Laos. The CIA traced a movement of POWs identical to that intimated by Sompongs and advised the Embassy in Laos, in May, 1971, not to take the offer, although it was cash only upon verified delivery. The documents outlining the reasoning have not been released. The documents, other than the intelligence summary, outlining the move of the POWs have not been released either.

  
Signed and Sealed This \_\_\_\_\_ Day of May, 2008.  
- Notary Public Arizona - Maricopa County



STATE OF ARIZONA  
COUNTY OF Maricopa  
This foregoing instrument was acknowledged  
before me this 8 day of May, 2008  
By Larry J. O'Daniel  
Notary Public Kathleen Kay  
My Commission Expires March 26, 2012

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 04-0814 (HHK)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

AFFIDAVIT OF HON. BILL HENDON

**Summary**

1. Along with co-author Elizabeth A. Stewart, I wrote *An Enormous Crime, The Definitive Account of American POWs Abandoned in Southeast Asia*. The book, ten years in the writing, was published by St. Martin's Press in May 2007. *An Enormous Crime* is based primarily on open-source documents; thousands of pages of now-declassified U.S. government documents and my experiences in dealing with the POW/MIA issue. It is the history of living American POWs left behind in Vietnam and Laos at war's end; an account of the circumstances that left them there and what the intelligence indicates they have endured in the years since.

2. 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).

3. 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.

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4. I have personal knowledge of several incidents where the CIA has had intelligence on living POWs that has not been publicly acknowledged and/or released.

**Expertise**

5. I was twice elected to the United States Congress from District 11 in my home state of North Carolina and served in the 97th and 99th Congresses, from 1981—1983 and 1985—1987. During both terms in office, I served as an ex-officio member of the House POW/MIA Task Force. Hon. John LeBoutillier, Congressman from New York, served with me on that Task Force during the 97th Congress. During the 99<sup>th</sup> Congress I also served on the House Veterans Affairs Committee.

6. From January through June, 1983 I worked as a consultant on POW/MIA affairs at the Pentagon. During 1991 and 1992 I served as a full-time intelligence investigator assigned to the Senate Select Committee on POW/MIA Affairs from the office of Sen. Bob Smith (R-NH), the Select Committee's Vice Chairman. I have traveled to Vietnam, Laos and Cambodia many times to learn information about and to discuss solutions to the POW/MIA problem.

7. *An Enormous Crime* is the culmination of my having spent 25 years investigating the POW/MIA issue.

**CIA Records of late-1970s imagery/photography of USAF/USN aircrew Escape and Evasion codes at Tran Phu Prison, Haiphong, North Vietnam**

8. In 1981, Hon. John LeBoutillier and I met with CIA Director William Casey at Director Casey's office at Langley, Virginia to discuss the POW/MIA issue. On at least one occasion, Casey shared with us 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. To the best of my recollection, Directory Casey told us the imagery/photography had been imaged/taken during the late 1970's. These escape and evasion

codes were information known only to U.S. pilots and air crewmen, and Directory Casey stated that only an imprisoned U.S. flyer could have made the codes on the prison roof.

9. I am certain the CIA was in possession of this imagery in 1981 and I believe it is still in possession of this imagery.

**CIA records of 1981 imagery of US pilot escape and evasion codes at prison near Nhom Marrott, North Vietnam**

10. In early 1981, I was briefed as a member of the House POW/MIA Task Force by U.S. government officials regarding a prison camp near Nhom Marrott, Laos. Congressman LeBoutillier and I were shown aerial/satellite photographs showing the month-by-month progress of the construction of this camp, from the clearing of the jungle to the completion of buildings and guard towers. We were told that the completion of the camp was also confirmed by radio traffic intercepts. American POWs were reliably reported to be in the camp from a human intelligence source inside Laos, satellite imagery (IMINT), and a low power radio intercept (SIGINT). In addition, an escape and evasion code was imaged inside the camp. I saw the imagery and code. A reconnaissance team was sent to the camp and took a number of photographs of the camp and its occupants. I viewed a number of these photographs as a member of the US House POW/MIA task force in 1981 and while an intelligence investigator assigned to the Senate Select Committee on POW/MIA affairs in 1992. I believe that the CIA is in possession of both the above described satellite imagery and hand held photography.

11. Later, Deputy Director of Central Intelligence, Vice Admiral Bobby Inman, USN, briefed me and other members of the Task Force on the findings of the mission. He also showed us a number of black and white hand held pictures said to have been taken of the camp by the reconnaissance team. To my knowledge, these photographs have never been released by the CIA.



**CIA records of a 1992 coded message from Lieutenant Colonel Serex, Dong Vai (Dong Mang) Prison, North Vietnam**

12. 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. (See Defense Prisoner of War/Missing in Action Officer, "U.S. Personnel Missing, Southeast Asia (and Selected Foreign Nationals) (U)," June 1995, p.42.) 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." (See Exhibit 1: O 032052Z, APR 72 FM DIRNSA) [Director, National Security Agency], Summary. Shootdown of AN-3B-66, [sic] by Battalion 86, 274TH SAM Regiment, released by NSA on January 29, 2001, pursuant to the Freedom of Information Act, files of Mr. Rich Daly.) One of those parachuting from the plane, navigator Lt. Col. Iceal Hambleton, USAF, reached the ground alive and evaded capture until rescued eleven days later. Though Humbleton reported no knowledge that any of his fellow crewmen might also have survived, an Air Force report filed shortly after his rescue states that "although no contact was established with the [other] crewmembers of Bat 21, the possibility of survival is good, since one member of the crew ejected unobserved and evaded capture until his rescue. Since there were hostile forces in the immediate area, it is possible that the other crewmembers ejected unobserved, are evading capture, or have been captured by the hostile forces." (SUMMARY OF FACTS AND CIRCUMSTANCES"; Exhibit 2, untitled typewritten USAF after-action report, POW/MIA collection, Library of Congress.

13. In late August 1992, the deputy director of the U.S. Air Force Joint Services SERE Agency (JSSA)—the agency responsible for survival, evasion, resistance, and escape

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(SERE) training for U.S. pilots—informed Senate Select Committee investigators that while studying recent (June 5, 1992) satellite imagery of the Dong Vai (Dong Mang) Prison north of Hon Gai, he and one of his associates discovered a valid USAF/USN 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, twenty-six-year veteran Robert G. Dussault, 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.
- Q. How many digit number [sic] was above the SEREX?
- A. I'd say roughly nine or ten. I don't remember. I'd say roughly nine or ten. It could have been a Social Security Number or just my imagination. But the thing that struck me as interesting is that—and I didn't know this at the time, I just wrote that stuff down, and when I got back . . . I checked the list of people that are unaccounted for, and there was an individual still unaccounted for by the name of Serex. . . .
- Q. Okay, so you saw on a June 5, 1992 photograph of the Dong Mang [Dong Vai] prison camp that you looked at the CIA this year. . . . you saw SEREX with the nine to ten digit number above and the 72/TA/88 beneath it?
- A. Mmm-hmm. [Yes.]
- Q. How do you interpret the 72/TA/88?
- A. Well, this is a guess, but the way I would look at it would be that the guy went down in 72—my first reaction would be that he went down in 72, the TA would be his monthly followed by his long term E&E symbol, followed by the year he arrived at the location. That's all speculation.
- Q. Was A a backup symbol?
- A. Yes.
- Q. Do you know when?
- A. In the—according to my recollection, in the 72 timeframe. . .
- A. . . . What I did with the CIA [personnel] is I circled it for them to look at.<sup>1</sup>
14. I believe that the CIA is in possession of this imagery.

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<sup>1</sup> Exhibit 3: Deposition of Robert George Dussault. pp. 75-81, October 8, 1992, (Deposition from Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives).

15. According to available declassified U.S government records, no information pertaining to Serex was received by the government from any official or unofficial source from his date of shootdown (April 2, 1972) until his name and a valid USAF/USN Escape and Evasion code was imaged in the field outside the Dong Vai Prison in northern Vietnam on June 5, 1992.

**Other U.S. POWs believed held at Dong Vai (Dong Mang) Prison, North Vietnam**

16. 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. (See Exhibit 4, declassified DOD line drawing of imagery of Dong Mang [Dong Vai] Prison, with supporting CIA documentation and memoranda.) 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. Included in these reports were reports of fifty to sixty American POWs seen inside the prison in 1976,<sup>2</sup> perhaps thirty seen there again in mid-1979,<sup>3</sup> and three to four dozen reportedly taken there by truck in 1982.<sup>4</sup> I believe that the CIA is in possession of this imagery.

17. In spite of the prior intelligence reports telling of American POWs being detained at Dong Vai (Dong Mang Prison) in the postwar period, officials quickly developed a program to

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<sup>2</sup> Exhibit 5: JCRC M80-015, 31 JANUARY 1980 subject: Refugee Report, Alleged Sighting of Caucasians in Captivity, NVN, DIA Source file 0558, both POW/MIA collection, Library of Congress.

<sup>3</sup> Exhibit 6: JCRC HK81-007, subject: Refugee Report, Alleged American Prisoners in Quang Ninh and Memorandum for Record, 21 October 1983, subject: Telecon between Vietnamese Refugee [name redacted] and DC-2 analyst [name redacted], both DIA Source file 1228, Inventory of the Records of the Senate Select Committee on POW/MIA Affairs.

<sup>4</sup> Exhibit 7: CIA IIR (Intelligence Information Report).

assail, ridicule, attack, and discredit the June 5, 1992 imagery so forcefully and thoroughly that its intelligence value would be destroyed.<sup>5</sup>

18. Here, in affiant's opinion, is why they did this:

Today is a day we recognize our POWs and MIAs... Today is a day to remember that over 70,000 Americans remained unaccounted for from World War II, 8,000 from Korea, and over 2,000 from Vietnam.

Today I want to talk about one very basic truth about those Americans unaccounted for, and I want to talk about one very basic lie. The basic truth is this: your government, from the President of the United States on down is fully committed to accounting for these Americans.

[Regarding those unaccounted for from Vietnam], let me give you a short report of the steps we have taken, all within the past year. The President created the office I now occupy, This is the first time that our government has had a Deputy Assistant Secretary of Defense to focus exclusively on POW-MIA issues. We have begun one of the largest declassifying operations in government history. We have already released 82,000 pages of previously secret and top secret documents relating to POW and MIA matters. Last year we had 150 men and women working POW/MIA issues. We have increased that number to over 400. We have put Americans on the ground in Vietnam, Laos, and Cambodia. We are working full time to account for our missing because we see it as a sacred obligation that we owe these Americans and their families.

And that brings me to the basic lie I mentioned earlier. The basic lie is that the U.S. Government knowingly left Americans behind and is now covering this up. **If this lie lives, then it will tear at the very guts of our military. 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.** So let me start here, today, with you, to bury this lie.

First, though hundreds of investigators have been through millions of pages of documents, not one shred of evidence, solid evidence, has been found to support this lie. The next time you hear somebody talk about coverup, think about this: Most of the 400 men and women working to account for POW/MIAs are men and women in uniform. Like you, they take pride in their military service. Like you, they would not let their buddies down. Like you, they would be the first to speak out at the first hint of foot-dragging or coverup.

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<sup>5</sup> "Panel on POWs Deeply Divided Over Direction." *Los Angeles Times*, November 19, 1992, p. A2.

Yes, there are questions about our missing and unaccounted for Americans. But the answers aren't in American files. The answers are in Vietnam, in Laos, [and] in Cambodia. . . .The answers are slow in coming, but we will not rest until we're certain we have them.

Thank you. God bless you. . .God bless the United States Army. . .and God bless the United States of America.

(Emphasis supplied)

"DASD PTAK Addresses AMCI," *Department of Defense POW/MIA Newsletter*, October 1992, p.2, files of William Stewart.

19. Dussault, preparing his testimony for the upcoming Select Committee imagery hearings scheduled for mid-October, met with CIA photo interpreters to review all the postwar imagery relating to POWs and to further discuss the Serex imagery in detail. This meeting took place at the National Photographic Interpretation Center (NPIC) (pronounced "N-pick"), a joint CIA/DIA command located at the Navy Yard near Capitol Hill. Dussault later told Senate investigators that to his amazement, the CIA photo interpreters informed him during the portion of the discussion relating to the June 5, 1992, imagery of the Dong Mang [Dong Vai] Prison that the "SEREX 72/TA/88" all of which he had circled on the photograph up at Langley—had now *disappeared*.

Q. You say that you then met again with CIA photo interpreters . . . ?

A. Right. . . . When we went to NPIC, the CIA guys were there and they briefed us. . . . They said look, we saw the numbers. They admitted seeing the same numbers I did. When I circled it they were right there and they said yeah, we saw it. But. . . .at NPIC, they briefed the fact that they . . . did a digital on this thing, looked at it on a light table, and it wasn't there, and [they said] it must have been in an anomaly, [a] photographic anomaly.

I don't understand photographic anomalies, I wouldn't know how to explain one if somebody asked me to. . .

. . . .When someone tells me that that's a photo anomaly that SEREX would occur on a photo—and they say that happens, a SEREX would appear on a photo and

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would be a result of the photographic process. I think that's unusual, but I've got no way to argue with them.<sup>6</sup>

20. I believe that the CIA is in possession of the original unadulterated satellite imagery described above.

21. During the closed briefings, held on October 2 and 5 1992, Dussault explained to the senators what the CIA personnel had said about the June 5, 1992, "SEREX" imagery, offered JSSA's analysis of the other imagery relating to live POWs, and then stunned those present by declaring that, while recently reviewing 1988 imagery of Laos, he and his associates had discovered nineteen four-digit numbers that matched the four-digit authenticators of known MIAs, each laid out or constructed on the ground in remote areas along Lao National Route 4 southeast of the Plain of Jars, and had discovered the name of a missing USAF pilot and an accompanying four-digit number laid out or constructed beside a road east of the Sam Neua Valley.<sup>7</sup> (The name of the missing pilot was Wrye, along with the four-digit number 1104. RF-101 pilot Maj. Blair C. Wrye, USAF, was lost over North Vietnam on August 12, 1966.)

22. I believe that the CIA is in possession of this imagery.

23. An imagery expert later hired by the Select Committee to review the June 5, 1992 imagery from Dong Vai (Dong Mang) discovered another pilot distress signal in the same field where Dussault and his associate had seen and marked the "SEREX 72/TA/88." According to the

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<sup>6</sup> Exhibit 3: Deposition of Robert George Dussault, pp. 75-81, October 8, 1992, Source: Deposition from Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives.

<sup>7</sup> Exhibit 8: Handwritten investigator's notes titled "Questions For JSSA" and "Questions For DIA/CIA photo interpreters [*sic*]," both from Working Files of Committee Investigator Bob Taylor, 1991-1992, Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives. Exhibit 9: "Joint Document by LWB & CLL Concerning Unresolved Differences in Their Analyses of Imagery Over Sam Neua, Laos and Adjacent to the Doug Vai Prison in Viet Nam," p.2.

expert, Col. Lorenzo "Larry" Burroughs, USAF (Ret.), who had once served as acting director at NPIC, the signal was the two-letter USAF/USN E&E code "G/Walking X," followed by the four-digit authenticator "2527." Burroughs would later report with a "100% level of confidence" that he had seen the "GX 2527" in the imagery and added that "JSSA has... confirm[ed] and match[ed] this number as a valid authenticator code against a known MIA."<sup>8</sup> I believe that the CIA is in possession of this imagery.

24. Only one of the several known postwar satellite images/photographs showing valid USAF/USN Escape and Evasion codes, secret authenticators and/or the names of missing pilots and/or air crewmen laid out or constructed on the ground in northern Vietnam and/or Laos has ever been declassified and released to the public. Not one of the satellite images/photographs discussed above has ever been made public. The only postwar satellite image showing a valid USAF/USN Escape and Evasion code that *has* been released appears on the cover of *An Enormous Crime*. That image, like the imagery of the nineteen four-digit numbers that matched the four-digit authenticators of known MIAs, each laid out or constructed on the ground in remote areas along Lao National Route 4 southeast of the Plain of Jars, and the name of a missing USAF pilot and an accompanying four-digit number laid out or constructed beside a road east of the Sam Neua Valley, was imaged over northern Laos in early 1988. (Declassified satellite image from Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives). I believe that the CIA is in possession of this imagery.

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<sup>8</sup> Exhibit 10: "NTM Imagery Analysis Report of POW/MIA Related Photography," December 7, 1992, Prepared by Colonel (Ret.) Lorenzo W. Burroughs, copy faxed by OASD (C3I) 12/14/92 [Excerpts].

*See also* Exhibit 9.



**US Secret Service Agent John Syphrit**

25. In early January, 1986, White House US Secret Service Agent John Syphrit came to my Congressional office and told me 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. In August of 1992, the Washington Times (Exhibit 11) recounted this incident, as well as efforts to have Syphrit testify before the Senate Select Committee on POW/MIA Affairs.

26. Syphrit's account was later corroborated by at least one senior Regan Administration intelligence official. See "An Enormous Crime," at pp. 458-59.

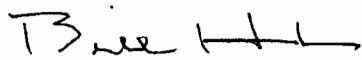
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27. The Exhibits attached hereto, and listed below my signature, are authentic.

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

Executed this 19 day of <sup>APRIL</sup> ~~May~~, 2008. (SH)

  
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Bill Hendon

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Exhibit 1: O 032052Z, APR 72 FM DIRNSA) [Director, National Security Agency], Summary. Shootdown of AN-3B-66, [sic] by Battalion 86, 274Th SAM Regiment, released by NSA on January 29, 2001, pursuant to the Freedom of Information Act, files of Mr. Rich Daly. . . . . 15-16

Exhibit 2: Untitled typewritten USAF after-action report, POW/MIA collection, Library of Congress. . . . . 17

Exhibit 3: Deposition of Robert George Dussault. pp. 75-81, October 8, 1992, Source: Deposition from Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives. . . . . 18-25

Exhibit 4: Declassified DOD line drawing of imagery of Dong Mang [Dong Vai] Prison, with supporting CIA documentation and memoranda. . . . . 26-34

Exhibit 5: CRC M80-015, 31 JANUARY 1980 subject: Refugee Report, Alleged Sighting of Caucasians in Captivity, NVN, DIA Source file 0558, both POW/MIA collection, Library of Congress. . . . . 35-36

Exhibit 6: JCRC HK81-007, subject: Refugee Report, Alleged American Prisoners in Quang Ninh and Memorandum for Record, 21 October 1983, subject: Telecon between Vietnamese Refugee [name redacted] and DC-2 analyst [name redacted], both DIA Source file 1228, Inventory of the Records of the Senate Select Committee on POW/MIA Affairs. . . . . 37-41

Exhibit 7: CIA IIR (Intelligence Information Report) . . . . . 42-44

Exhibit 8: Handwritten investigator’s notes titled “Questions For JSSA” and “Questions For DIA/CIA photo interpreters [sic],” both from Working Files of Committee Investigator Bob Taylor, 1991-1992, Inventory of the Records of the Senate Select Committee on POW/MIA Affairs, National Archives. . . . . 45-51

Exhibit 9: “Joint Document by LWB & CLL Concerning Unresolved Differences in Their Analyses of Imagery Over Sam Neua, Laos and Adjacent to the Doug Vai Prison in Viet Nam,” p. 2. . . . . 52-53

Exhibit 10: “NTM Imagery Analysis Report of POW/MIA Related Photography,” December 7, 1992, Prepared by Colonel (Ret.) Lorenzo W. Burroughs, copy faxed by OASD (C3I) 12/14/92 [Excerpts]. . . . . 54-58

Exhibit 11: *Panel awaits agent's story on POW swap*, Washington  
Times, A4, Aug. 11, 1992. . . . . 59-61

~~TOP SECRET UMBRA~~

CATEGORY = 4

M = 83

MESSAGE = #1918523

ZCZCC#3 7992EXA581 LOO LN NO. #69

DDI [REDACTED] DE [REDACTED] #942138  
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O #328522 APR 72 ZYM  
FM DIRNSA  
TO NSA [REDACTED]  
ZEM

(b) (1)  
(b) (3) -50 USC 403  
(b) (3) -18 USC 798  
(b) (3) -P.L. 86-36

~~TOP SECRET UMBRA~~

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ENPH1F008J842 3/004 [REDACTED] 2895-72

[REDACTED] NORTH  
VIETNAMESE AIR SUMMARY FOR 01/17/00Z TO 02/17/00Z APRIL 1972  
XXCC

(ALL TIMES ZULU) PART ONE, HIGHLIGHTS A. SUMMARY 1. SHOOTDOWN OF AN-38-66 BY BATTALION 86, 274TH SAM REGIMENT. B. DETAILS. 1. AT 0952 BATTALION 86 (LOCATED [REDACTED]) THE 274TH SAM REGIMENT REPORTED THE LAUNCH OF THREE SURFACE-TO-AIR MISSILES. THE SPEAKER REPORTED THAT THEY HAD STRUCK THE TARGET AND AT [REDACTED] HAD LIGHTED ORANGE PARACHUTES IN THE VICINITY OF BAI SON (16-53N 107-32E). COLLATERAL SOURCES REPORTED THE LOSS OF AN EB-66 AIRCRAFT AT [REDACTED] SOUTH OF THE DMZ. (Z [REDACTED] 087-72, 021803) PART TWO, ROUTINE ACTIVITY A. AIR ACTIVITY TWO MIO-17 PILOTS AT KIEN AN, TWO MIO-21 PILOTS AT QUAN LANG AND ONE MIO-21 PILOT AT BAI THUONG WERE PLACED ON STRIP ALERT AT VARIOUS TIMES THROUGHOUT THE DAY. TWO MI-6'S FLEW FROM PHUC YEN TO GIA LAM. B. SAM/AAA ACTIVITY 1. BETWEEN 0405 AND 0501, BATTALION 41 (UNLOCATED) OF THE NVN 263RD SAM REGIMENT WAS NOTED TRACKING TWO HOSTILE AIRCRAFT NORTHEAST OF VINH OVER THE GULF OF TONKIN. 2. BETWEEN 0949 AND 1028, BATTALION 88 (UNLOCATED) OF THE 274TH SAM REGIMENT WAS DETECTED TRACKING AN UNIDENTIFIED AIRCRAFT SOUTH OF THE DMZ NEAR DOMO HA. 3. FROM 0339 UNTIL 0347, AN UNIDENTIFIED UNIT POSSIBLY ASSOCIATED WITH THE 267TH SAM REGIMENT WAS NOTED TRACKING FOUR HOSTILE AIRCRAFT IN THE VICINITY OF THE DMZ. C. RADAR ACTIVITY - NTR B. COMMUNICATIONS DEVELOPMENTS DURING THREE SEPARATE PERIODS BETWEEN 2325 1 APRIL AND 0908 2 APRIL AIRFIELD CONTROLLERS AT QUAN LANG AIRFIELD WERE NOTED IN UNUSUAL COMMUNICATIONS PROCEDURES DURING THE FIRST PERIOD. 2323 THRU 2333 TWO CONTROLLERS

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[REDACTED] APPEARED TO BE TESTING UNSPECIFIED EQUIPMENT. IN THE SECOND INCIDENT BETWEEN 0106 AND 0158, THE SAME [REDACTED] WERE USED IN PROBABLE SIMULATED COMMUNICATIONS ACTIVITY. AND FINALLY BETWEEN 0908 AND 0921, QUAN LANG GROUND CONTROLLERS [REDACTED] SIMULATED PRACTICE GCI ACTIVITY. THE [REDACTED]

[REDACTED] USED IN THE EARLIER ACTIVITY [REDACTED] WERE LAST NOTED AT PHUC YEN ON 27 AND 29 MARCH RESPECTIVELY. PART THREE, AIR MOVEMENTS STATISTICAL SUMMARY (READ, TIME/NR PILOTS, TYPE ACFT/ACTUAL PILOT NR/ACTY/ALT/AREA/AVIONICS/COMMENTS.) A. NVAF FIGHTERS 1. BAI THUONG (1) 1158-1204/ONE, MIO-21 [REDACTED] STRIP ALERT--BAI THUONG AFLD/--. 2. KIEN AN (1) 2221/TNO, MIO-17 [REDACTED] STRIP ALERT--KIEN AN AFLD/--. 3. QUAN LANG (1) 2308/ONE, MIO-21 [REDACTED] STRIP ALERT--QUAN LANG AFLD/--. (2) 2325/ONE, MIO-21 [REDACTED] STRIP ALERT--QUAN LANG AFLD/--. B. NVAF BOMBERS/TACTICAL TRANSPORTS - NTR C. NVAF TRANSPORTS - NTR D. NVAF HELICOPTERS 1. INTERAIRFIELD (1) 0857-0908/TNO, MI-6 [REDACTED] VIA/--PHUC YEN TO GIA LAM/--INA. E. NON-NVAF TRANSPORTS - NTR PART

~~TOP SECRET UMBRA~~

Released by NSA on 29 Jan 01  
pursuant to the Freedom of Information Act  
Case # J9137-95

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~~TOP SECRET UMBRA~~

FOUR. ADDENDA/CORRECTIONS IN THE MAS FOR 29/1700Z TO 30/1700Z  
(3/004 [redacted] YR92-72, 212054Z MARCH ADD THE FOLLOWING TO PART ONE, A. SUMMARY  
3. ONE NVAF MIG-21 CRASHES IN THE QUAN LANG AREA FOLLOWING FLIGHT OVER SOUTHERN  
LAOS ON 30 MARCH 1972 B. DETAILS ON 30 MARCH BETWEEN 1217 AND 1325, ONE NORTH  
VIETNAMESE AIR FORCE (NVAF) MIG-21 STAGED FROM VINH, OVERFLEW SOUTHERN LAOS,  
AND WAS SUBSEQUENTLY UNABLE TO RECOVER AT VINH DUE TO ADVERSE WEATHER. THE MIG  
THEN PROCEEDED TO QUAN LANG WHERE INTERNAL EQUIPMENT (ARK-15) MALFUNCTION AND  
ADVERSE WEATHER AGAIN PREVENTED HIS LANDING. FINALLY, AS A RESULT OF FUEL  
EXHAUSTION, THE PILOT EJECTED FROM THIS AIRCRAFT AND THE MIG CRASHED IN AN AREA  
EAST OF QUAN LANG. THE MIG-21 INVOLVED IN THIS ACTIVITY DEPLOYED FROM PHUC YEN  
TO VINH UNDER RADIO SILENCE DURING THE 0900 HOURS. (2/004 [redacted] YR43-72,  
031901) ADD THE FOLLOWING TO PART THREE, ALPHA, ITEM 4, 4. INTERAIRFIELD (1)  
0904-0934/ONE, MIG-21, [redacted] JAF--PHUC YEN TO VINH, --RADIO SILENCE, SEE  
HIGHLIGHTS. (2) 1228-1325/ONE, MIG-21, [redacted] ATTEMPTED INTCP, 3000-100000/SOUTHERN  
NVN, LAOS AND SOUTH VIETNAM/CROSS UP/ SEE HIGHLIGHTS. XXHH A 000 03165 NNNH

FOIA(b)1 1  
FOIA(b)3 - 50 USC 403  
FOIA(b)3 - 18 USC 798  
FOIA(b)3 - P.L. 86-36 sec 6

~~TOP SECRET UMBRA~~



*Why is this here?*

11. WITNESSES AND/OR PERSONS BELIEVED TO HAVE KNOWLEDGE OF MISSING PERSONNEL OR AIRCRAFT  
 ATTACH PERTINENT STATEMENTS FROM EACH

LAST NAME - FIRST NAME - MIDDLE INITIAL	GRADE	SOCIAL SECURITY NO. AND SERVICE NUMBER
CHESTER, ROBERT I.	MAJOR	DATA
DEY, JAMES J.	LT COLONEL	
MURPHY, EDWARD L.	MAJOR	
HEWITT, DAVID R.	CAPTAIN	
SMITH, RICHARD E.	MAJOR	

12. DETAILED CIRCUMSTANCES SURROUNDING DISAPPEARANCE (Duration, extent and results of search, life saving equipment available and/or used, if applicable, peculiarities of tides, terrain, etc., and any other details pertinent to a determination of status not included elsewhere in this report.) (S)

Major NAME was the pilot of an EB-66 aircraft, call sign Bat 21, which departed Korat Royal Thai Air Force Base, Thailand, on a normal Electronic countermeasures mission at approximately 1337 hours, local, 2 April 1972. Other crewmembers on board were, Lt Colonel Ieal Hambleton, Navigator, Lt Colonel Anthony R. Giannangeli, EWO, Major NAME, EWO, Lt Colonel NAME, EWO, and First Lieutenant NAME, EWO. At approximately 1000Z hours, location 1645N - 10641E, an F-105, call sign Coy 01, flying an Arc Light Support mission had a SAM launch indication. The aircraft commander observed the missile contrail and the SAM explosion at about 26000 feet. At the same time he saw an aircraft diving in the vicinity of the explosion and thought it had evaded the SAM. He then noticed flame trailing each wing and the aircraft break into two (2) major pieces and two (2) smaller ones at about 18000 feet. The burning wreckage continued to the ground. One member of coy flight (a flight of two F-105s), reported hearing an intermittent beeper on guard channel. Bat 21's wingman, Bat 22, was in a SAM break maneuver at this time. Personnel aboard Bat 22 reported hearing a short beeper and a direction by an airborne aircraft to "come up voice". Shortly thereafter, they heard the airborne aircraft establish voice contact with Bat 21 Bravo (Lt Colonel Hambleton). He stated that he was okay and in good spirits. SAR was effected immediately and continued throughout the night. SAR efforts were severely hampered by heavy ground fire and poor weather conditions. On 2, 3, 4, and 5 April, voice contact with Bat 21 Bravo continued. SAR efforts continued daily until Bat 21 Bravo was rescued on 13 April 1972. Throughout the period of the SAR, voice contact was maintained with Bat 21 Bravo, however, no contact was ever established with other crewmembers of Bat 21. All personnel aboard the EB-66 have had extensive jungle survival training and carried the standard jungle survival equipment.

13. OPINION OF THE COMMANDING OFFICER

A. CIRCUMSTANCES WARRANT CONTINUATION IN A MISSING STATUS       B. CHANGE FROM MISSING TO DEAD

C. REASONS

Although no contact was established with the crewmembers of Bat 21, the possibility of survival is good, since one member of the crew ejected unobserved and evaded capture until his rescue.

Since there were hostile forces in the immediate area, it is possible that the other crewmembers ejected unobserved, are evading capture, or have been captured by the hostile forces.

NAME is the only Colonel (i.e., Lt Col) who meets the height and location of capture.

COMMANDING OFFICER      AFSC AND GRADE      SIGNATURE



COMMITTEE CONFIDENTIAL

3

Stenographic Transcript of  
HEARINGS  
Before the

SELECT COMMITTEE ON POW/MIA AFFAIRS

UNITED STATES SENATE

DEPOSITION OF ROBERT GEORGE DUSSAULT

*Guy is from JSSA, the  
ESCAPE + EVASION GUY IN D.O.D.*

Thursday, October 8, 1992

Washington, D.C.

COMMITTEE CONFIDENTIAL

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3

1 another -- angle has a lot to do with it. There's a 2, that  
2 looks like a 3 -- but again, I wouldn't stand 100 percent on  
3 this that they are there in reality, okay? People have told  
4 me that this occurs, and I believe it. I've seen stuff on a  
5 screen that had five numbers all over the screen, based on  
6 this type of thing being shown on a TV screen, numbers appear  
7 everywhere.

8 But what I'm bringing out at this point is I don't  
9 think this is exactly the one I saw in the CIA because the one  
10 at CIA, as I recall, was a lot bigger. There was also a field  
11 out here where I saw what looked like a name, and below the  
12 name was -- here it comes -- do you see this? 5-3-3-5-5-4-  
13 5 -- do you see that?

14 MR. DYSON: I can't.

15 THE WITNESS: Anyway, these numbers appear to me.  
16 What we're really dealing with here is something that is maybe  
17 overgrown, something that was maybe clear at one time and now  
18 no longer exists, but right now it's not easy to see. I see  
19 it. But in talking to the photo interpreters, they say this  
20 happens everywhere. It's a photo anomaly. And to save the  
21 game, I can't argue with them.

22 Q. Have any of the numbers or groups of numbers that  
23 you've seen in this photograph been compared to known  
24 authenticator numbers of MIA's?

25  
*Begin* →

A. I didn't check it against any list. What did seem

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1 to make -- on this particular photograph that I saw up at the  
2 CIA, very clearly to me there was the name S-E-R-E-X. (K)

3 Q. Capital letters?

4 A. Yes, and it was in a field outside this -- excuse  
5 me, I don't know if it was exactly that field, but it was in a  
6 field just outside the same place, and there was a number  
7 above it and there was the name SEREX, and below it, as I  
8 remember now, 72/TA/88.

9 Q. How many digit number was above the SEREX?

10 A. I'd say roughly nine or ten. I don't remember. I'd  
11 say roughly nine or ten. It could have been a Social Security  
12 Number or just my imagination. But the thing that struck me  
13 as interesting is that -- and I didn't know this at the time,  
14 I just wrote that stuff down, and when I got back Al checked  
15 the list of people that are unaccounted for, and there was an  
16 individual still unaccounted for by the name of Serex.

17 Now, when someone tells me that that's a photo  
18 anomaly that SEREX would occur on a photo -- and they say that  
19 happens, a SEREX would appear on a photo and would be a result  
20 of the photographic process, I think that's unusual, but I've  
21 got no way to argue with them.

22 Q. Now, which photograph was this that you saw the  
23 SEREX on?

24 A. This one. I'm saying, here it's supposed to be the  
25 same date and same location, but I believe it was a little bit

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1 bigger and better.

2 Q. Okay, so you saw on a June 5, 1992 photograph of the  
3 Dong Mang prison camp that you looked at at the CIA this year  
4 is a picture that you saw the SEREX with the nine to ten digit  
5 number above and the 72/TA/88 beneath it?

6 A. Mmm-hmm.

7 Q. How do you interpret the 72/TA/88?

8 A. Well, this is a guess, but the way I would look at  
9 it would be the guy went down in 72 -- my first reaction would  
10 be that he went down in 72, the TA would be his monthly  
11 followed by his long term E&E symbol, followed by the year he  
12 arrived at that location. That's all speculation.

13 Q. Was A a backup symbol?

14 A. Yes.

15 Q. Do you know when?

16 A. In the -- according to my recollection, in the 72  
17 timeframe.

18 Q. And what about T, was that a primary symbol?

19 A. Mmm-hmm?

20 Q. You say you wrote down the nine to ten digit number?

21 A. No, I didn't write anything down.

22 Q. Oh.

23 A. I put it all in my head.

24 Q. Okay.

25 A. What I did with the CIA is I circled it for them to

Dong Mang  
AKA Dong Vai

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6

1 look at. When they told me the next time I met them that they  
2 looked at that and they went back to the number one, highest  
3 quality photo that they had, that stuff wasn't there. And  
4 that being photo interpreters, what I saw was a photo anomaly.  
5 And basically, I bought it.

6 Q. You said at some point, while you were looking at  
7 the photograph at the CIA, you memorized the nine or ten-  
8 digit number?

9 A. No, I didn't.

10 Q. Oh, you didn't memorize it?

11 A. I didn't memorize the number at the top. I  
12 memorized the one below, which is the one I read to you. I  
13 remember seeing 72/TA/88, because that was, for some reason,  
14 easy for me to remember.

15 Q. Do you know whether anyone has ever compared the  
16 nine to ten digit number that was son top of SEREX to --

17 A. I don't think anybody has. I don't even know what  
18 the number is. I'd have to look at the photograph and pull it  
19 off. I may have read it aloud, and Al Erickson may have taken  
20 it as a note. But I'll have to check on that, I don't  
21 remember.

22 Q. I think we can all agree that that's something that  
23 someone should do.

24 A. Oh, yeah.

25 Q. Right away.

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1 A. So I'll talk to him as soon as I get back this  
2 afternoon.

3 Q. To Erickson?

4 A. Yeah. See if he's got a note on the numbers I read  
5 off. I'm pretty sure I read it off to somebody. I don't know  
6 if it was the CIA people or Al. I did not take it.

7 Q. It seems to me that that number ought to be checked  
8 against the guy's -- Mr. Serex's Social Security Number  
9 against his authenticator number to see if there's any  
10 overlap.

11 Q. You say that you then met again with CIA photo  
12 interpreters who told you that it was a photographic anomaly.

13 A. Right. That was it. When we went to NPIC, the CIA  
14 guys were there and they briefed us on what they tried. They  
15 said look, we saw the numbers. They admitted seeing the same  
16 numbers I did. When I circled it they were right there and  
17 they said yeah, we saw it. But when we met a week ago, 2  
18 weeks ago, at NPIC, they briefed the fact that they tried to  
19 go back to the original, more recent stuff, they did a digital  
20 on this thing, looked at it on a light table, and it wasn't  
21 there, and it must have been an anomaly, photographic anomaly.


22 I don't understand photographic anomalies, I  
23 wouldn't know how to explain one if somebody asked me to. And  
24 when I have to stand up and say hey, are you a photo  
25 interpreter, I have to say no. So what I said the other day

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DISAPPEARED  
AT NPIC

000023

1 about deferring to these experts, in one sense, I have to do  
2 that and in another sense I still wonder.

3 Q. Had you ever heard of Mr. Serex? 

4 A. No. I didn't realize -- in fact, when I first  
5 looked at that, I thought the guy was saying SERE -- survival  
6 evasion resistance escape -- to get somebody's attention in  
7 our business. So it may be possible it ain't Serex, it's some  
8 guy trying to get our attention to survive, as an alternative.  
9 Okay, so that's another one. You know, I sit here and try  
10 give all possible solutions. The first one, i.e., Serex, may  
11 be the valid one. Maybe the number above that would be the  
12 key.

13 Q. Were there any other symbols that you saw on the  
14 equivalent of this photograph that we should know about?

15 A. No, I didn't see any. Al may have seen something,  
16 but I didn't see anything.

17 Q. When was it that you first looked at the June 5th,  
18 1972 photograph over at the CIA?

19 A. I think it was -- when did we go to CIA? August  
20 timeframe, I think. I'd have to look. Either August  
21 or September or something like that. I'd say August.

22 Q. August 1992.

23 A. Wait a minute, hold on. CIA, Langley, 13 August.

24 Q. And then you went back a second time -- did you say  
25 about a month later and met with them again?

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1 A. No, we only went there once. The next time we met  
2 them is when they visited us at NPIC that one morning.

3 Q. And NPIC, just for the record, is what? (9)

4 A. National Photographic Interpretation Center.

5 Q. It's located at?

6 A. It's located at the Navy Yard in Washington, D.C.

7 It's run by the CIA and DIA. It's a joint command, I guess. END

8 Q. I want to ask you some questions about the possible  
9 52K symbol seen at Nhom Marat in 1981. Are you familiar with  
10 that photograph?

11 A. Oh, yeah. I am familiar with the case. I've seen  
12 the photograph. I haven't really spent that much time with  
13 the photograph. I don't think we ever had a copy of that in  
14 our possession. We were shown it here.

15 Q. You were shown it here at the Senate?

16 A. Mmm-hmm.

17 Q. When was that?

18 A. I think April.

19 Q. During the first deposition?

20 A. Mmm-hmm.

21 Q. Had you never seen it before that?

22 A. No.

23 Q. Let's just assume, for sake of this discussion, that  
24 it really is a 52K. What does that mean to you as an expert  
25 in E&E?

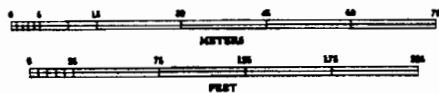
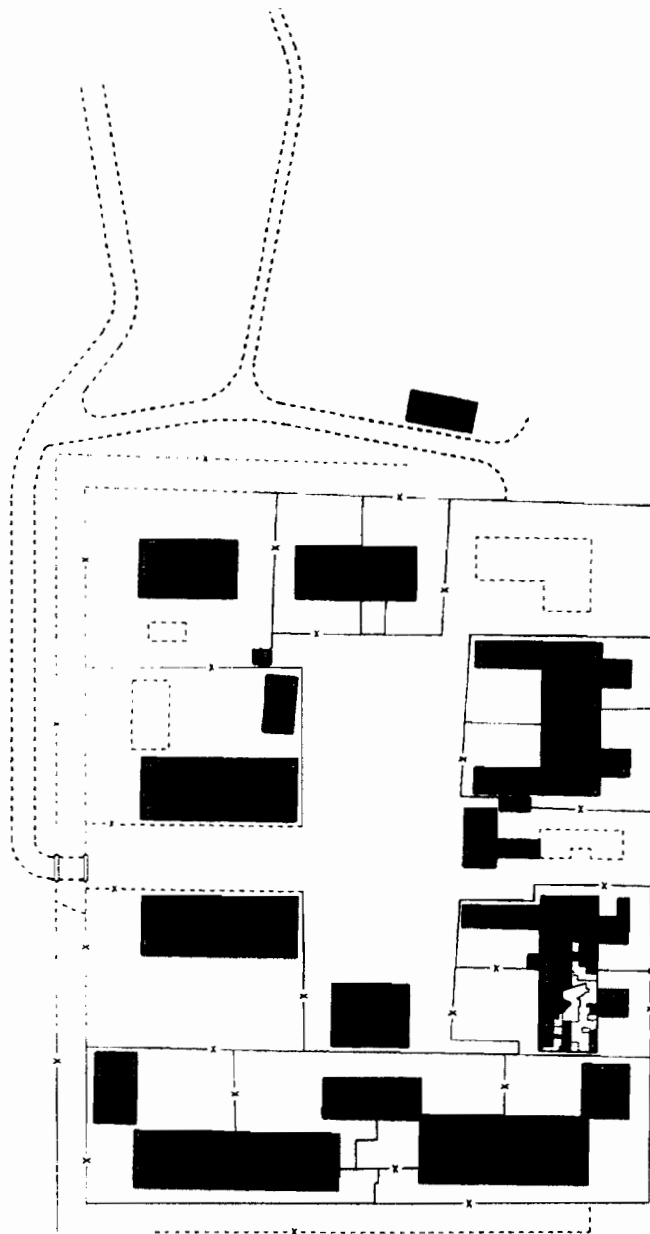
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Prison Camp  
Dong Mang, Vietnam  
30 July 1975



*Pseudocolor Enhancement of Rooftop Markings*



000026

6 July 1976.

CENTRAL INTELLIGENCE AGENCY  
Directorate of Intelligence

[Redacted signature box]

MEMORANDUM FOR: [Redacted]

ATTENTION [Redacted]

THROUGH [Redacted]

SUBJECT : Dong Mang Prison Camp, NVN

REFERENCES : (a) Requirement No. DDO/48/76 (25 May 1976)  
(b) IAS Project No. 054145

1. This memorandum is in response to your requirement for [Redacted] analysis of a prison camp located in the vicinity of Cam Pha, North Vietnam. [Redacted]

Prison Location

NF 48-12

2. 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.

Discussion

3. Although we were unable to find any conclusive evidence that this prison might contain American POWs, we did notice 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 not a forced labor camp. The only other known prison that used internally walled compounds to segregate the prisoners was the former POW camp at Dan Hoi.

4. Roof repair work was [Redacted] on one of the confinement buildings/living quarters [Redacted]. A close study of the roof repair work revealed a unique alternating light and dark pattern on the roof. This pattern, in the form of squares, was repeated

[Redacted footer area]

000027

[REDACTED]

SUBJECT: Dong Mang Prison Camp, NVN

three times at different locations on the roof. Because of the seemingly unusual manner in which the roof was being repaired we attempted to discern if this pattern was coincidental or purposeful. We were unable to make this distinction and realize that the prospect of it being purposeful is remote. It is not known if prisoners would be used or allowed to make these repairs. However, we did investigate this possibility. An attempt was made to transpose this pattern into Morse code. The white squares, being larger than the dark ones, were considered as dashes and the dark squares as dots. A dash-dot-dash in Morse code transposes as the letter "K". [REDACTED]

[REDACTED] two other less conspicuous possibilities exist. These are the letters "NI" and "TA" that are variations of the same dash-dot-dash pattern. We contacted an individual in the Office of Naval Intelligence who has extensive knowledge of the POW situation. According to this source, the letter "K" was the permanently designated signal letter assigned to air crews should they be downed and unable to recall the monthly and/or daily assigned signal letters. This information has been confirmed through discussions with former POWs.

#### Construction Details

5. The prison was [REDACTED] in the early stages of construction adjacent to a small possible detention camp on [REDACTED] July 1972. The possible detention camp consisted of a secured compound containing approximately ten small, semipermanent buildings. As work on the present prison progressed, the semipermanent facility was dismantled.

6. The currently existing prison consists of a walled compound containing eight confinement buildings/living quarters, one probable messhall, two support buildings, at least four latrines, ten unidentified buildings and two probable guard houses/towers. The interior of the compound is divided into 14 separately secured areas. Each area is secured by a solid wall with a single access. The only buildings in the compound that are not separately secured are the probable messhall and two support buildings. Studies of prisons in North Vietnam known to contain POWs during the war have shown efforts to segregate the prisoners by using walls or other materials to obscure visibility. However, none were as extensively segregated as at this compound. A small building, possibly used for solitary confinement, is located outside of the walled

[REDACTED]

SUBJECT: Dong Mang Prison Camp, NVN

compound. The building is secured on three sides by fencing and on one side by the east wall of the compound. Two possible guard houses/towers are at the two outer corners of the fenced area. Another guard tower is located on a hillside outside of the compound near the southeast corner and it affords good visibility of the entire prison.

7. During the construction of one of the confinement buildings/living quarters, we [determined] the building would contain eight rooms or cells. Assuming the other confinement buildings also contain eight rooms and if two to four prisoners were in each room the compound could contain between 130 to 260 prisoners.

8. A large area behind the east (rear) wall of the compound has been cleared and leveled. Portions of an outer wall have been constructed around the compound with one segment of this outer wall extending into the cleared area. The height of this outer wall is about three times higher than the existing wall securing the prison. If this cleared area is for enlarging the compound, it could increase the current capacity by approximately 50 percent.

9. The administration and support facility for the prison is located just outside of the prison compound. This facility consists of one administration building, three barracks, one probable messhall and 11 support buildings:

10. A possible satellite/auxiliary detention camp is located 1,100 meters northwest of the main compound. This camp began to develop as construction of the main compound progressed. It may have been constructed to hold personnel from the possible detention camp that was dismantled to make room for the main compound. If, as it appears, this satellite area is a detention facility, it indicates an effort to separate the prisoners being kept there from those being confined at the main compound. Otherwise the main compound would have originally been constructed of sufficient size to accommodate these prisoners.

11. This possible satellite compound is triangular shaped and contains four to five possible confinement buildings/living quarters and seven or eight support buildings. These buildings are much smaller than those at the main compound. Two walls of the compound were in the open, but vegetation obscures the area where the third wall should be located. A



[REDACTED]

SUBJECT: Dong Mang Prison Camp, NVN

large opening can be seen where the two visible walls should meet.. This large opening raises questions about the security of the compound. Nine administration/support buildings are located outside of the compound.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*(Handwritten initials)*

CENTRAL INTELLIGENCE AGENCY  
Directorate of Intelligence  
Imagery Analysis Service

MEMORANDUM FOR THE RECORD

SUBJECT: Briefing to DOD on North Vietnamese Prison Camp

On 21 June 1976 Messrs. [REDACTED]  
[REDACTED] of IAS accompanied by [REDACTED]  
briefed Rear Admiral James B. Stockdale, USN and Commander C. R. Polfer,  
USN (both former POWs in North Vietnam).

The purpose of the briefing was to solicit DOD aid in identifying possible [REDACTED] American presence at a prison camp in North Vietnam. Although Admiral Stockdale was unable to provide any indicators he referred us to Commander Robert Buroughs (retired) at the Office of Naval Intelligence who had extensive contact with the POWs during their debriefings. Commander Buroughs was briefed on 24 June 1976. Commander Buroughs did not give us confirmation of American presence but did indicate that one possible sign of evidence we were pursuing was feasible. A white, dark, white pattern seen on a roof within the compound could, by transposing the pattern into Morse code, indicate the letter "K". Commander Buroughs informed us that the letter "K" was the permanently designated letter assigned to air crews as a signal should they be downed and unable to recall the monthly and/or daily assigned signal letters. This information has been confirmed through discussions with former POWs.

[REDACTED]

Distribution:

[REDACTED]

[REDACTED]



[REDACTED]

9 July 1976

[REDACTED]

Copy 1

NOTE FOR: Mr. Bush

The possibility of the existence of this camp was first raised by [REDACTED] that such a camp existed on an island near Cam Pha and continued to hold American POWs. [REDACTED] to the United States after leaving North Vietnam which ultimately came to the attention of the DDO, who has followed up on the case [REDACTED] IAS was asked to search for such a camp by the DDO. It failed to find one on any of the many islands in that region but did locate this camp inland and to the west of Cam Pha. The attached memorandum provides some information on its characteristics.

Three people in the Pentagon have been contacted for information on North Vietnamese prison camps. The initial contact was with Admiral Lawrence who referred the IAS analyst to Admiral Stockdale. He in turn referred the analyst to Cmdr. Burrows who is supposed to be the Pentagon's leading expert on POW camps. I have expressed your concern about the sensitivity of the hypothesis that this camp holds POWs with those in IAS which served to re-enforce their appreciation of its sensitivity. All material, of which the attached report is the only significant piece, will be stamped sensitive and given controlled dissemination.

[REDACTED]

Recd 519

9 July 1976

*Handwritten initials in a circle*

CENTRAL INTELLIGENCE AGENCY  
Directorate of Intelligence  
Imagery Analysis Service

MEMORANDUM FOR THE RECORD

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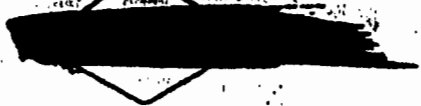
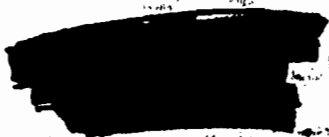
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76 - 28



9 July 1976

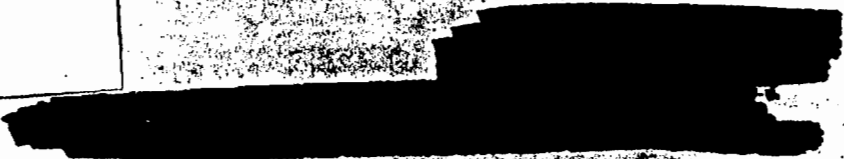
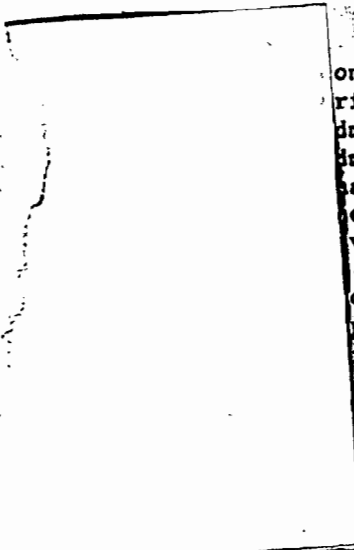
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Recd 519



15 FEB 1980



JOINT CASUALTY RESOLUTION CENTER

LIAISON OFFICE  
AMERICAN EMBASSY  
APO SAN FRANCISCO 98348

FROM: JCRC-LNB

Reference: M80-015

31 January 1980

SUBJ: Refugee Report, Alleged Sighting of Caucasians in Captivity, NVN

TO: Commander, JCRC  
Barbers Point, HI 96862

Mr. SC (Boat #DN 0487), a 23 year old native of Mong Cai, NVN, was interviewed at Pulau Bidong, Malaysia, on 18 January 1980. He stated that in early 1976 he saw American pilots in captivity at the Dong Dang Public Security Camp located in Quang Yen District of Quang Ninh Province at approximate coordinates YJ0533 on Route 183 just outside the town of Dong Dang. SC claimed he saw several caucasians in striped prisoner clothing within the camp area on various work projects. Asked about how many caucasians he saw, SC stated that he heard there were 50 or 60 in the camp but he only saw a few of them. SC described the camp as having 6 meter high concrete walls all around. When asked how he could see through a 6 meter wall, SC stated that this sighting was made from a nearby hill northwest from a distance of 500 to 600 meters. Interviewer pointed out that the hill must have been quite high to offer such a view over a 6 meter wall. SC agreed, but further went on to say that the inside of the camp was also hill-shaped, and that is why he was able to see the caucasians. He said he was in the area on a business/pleasure trip with some friends when one of them pointed to the camp and said there were Americans in there. That is when SC noticed the caucasians. His friends said the caucasians were American pilots captured in 1972. Asked to describe the prisoners he saw, Quang said they were wearing baggy striped prison uniforms and SC couldn't tell if they were healthy or not but all appeared skinny. He stated that many had "red faces", apparently from exposure to the sun. The camp was fairly isolated, about a 20 minute walk on a curving road from the main road (183), SC said. He saw no vehicles entering or leaving the camp. He said there were several nice houses built outside of the camp (about 5 or 6).

Comments: SC was previously interviewed on 16 November 79 at which time he reported a second hand account of live Americans working with the resistance forces in Long Khanh. (See report M79-254.) At that time he made no mention of his rather significant sighting in Quang Ninh. Asked why he had not mentioned this sighting during the previous

000035

10 FEB 1980

interview, he said he thought we were only interested in South Vietnam. SC seemed very unsure of his information throughout this interview and was particularly unsure of the number of Americans he saw, starting with "over 50" and finally saying that he saw only a few but that he was sure there were many more. His general demeanor and claimed ability to determine a man's race and facial color from half a kilometer away gave the interviewer the impression that SC is a less than reliable source. It is noted, too, that there is some question as to SC place of birth. In spite of the above, there appears to be a grain of belief on SC part that Americans are still held at the Dong Dang facility, and SC seems to know a great deal about the area. With this in mind, an attempt will be made to re-interview SC during the next interview trip to Pulau Bidong, Malaysia.

NAME



JOINT CASUALTY RESOLUTION CENTER

LIAISON CENTER REPRODUCED AT THE NATIONAL ARCHIVES  
AMERICAN EMBASSY  
APO SAN FRANCISCO 96346

FROM: JCRC-LNB

Reference: HK81-007  
30 December 1981

SUBJ: Refugee Report, Alleged American Prisoners in Quang Ninh

TO: Commander, JCRC  
Barbers Point, HI 96862

Source: *SC*; DPOB: *SD*, *SD* Yen Hung  
District, Quang Ninh Province; ID card *SD* former  
merchant; interviewed at *SD*, on 15 December 1981; map  
NF48-12.

Source had five years of primary school at his POB studying there from the age of nine until fourteen years of age. Source had to leave school when his father was detained and sent for reeducation (unable to explain why, except that his father had bad political ideas). After school, Source remained at home with his mother and did not seek employment. Source was never called for military service (he speculated that he was not called because of his father's reputation as a trouble maker). At the age of 21 Source got married and continued to reside with his mother and his father who returned from reeducation the same year (he could not explain the reason for his father's release). Source's wife and four children remained at his POB when Source departed Vietnam. (He stated he left them behind because he was afraid they would be captured in the escape attempt. He plans to request family reunification after resettlement.) Source departed Vietnam from Hai Phong on 22 August 1981 with 14 other refugees including Source's two younger sisters and their husbands. Source's brother-in-law, *Name*, was the boat owner. Source heard from his parents that he has relatives in the U.S. who moved from North Vietnam to the south in 1954. Source believes that his relatives were in the U.S. on student visas and were studying law at the time of the communist takeover in 1975. (Source was not able to provide any names or addresses of any relatives in the U.S. Source claimed that he had heard their names mentioned by his parents but had forgotten them.) Source stated that after his resettlement he will establish contact with his relatives in the U.S. (he could not explain how he would contact them other than just "asking around"). At the time of the communist takeover of the south in 1975, Source resided at his POB.

Source stated that sometime during mid 1979 (didn't recall what month) he went to deliver rice to his cousin *Name* who was undergoing reeducation at Dong Vai Prison, Hoanh Bo District, Quang Ninh Province (he could not explain the reason for cousin's reeducation other than that he had been accused of having "bad political ideas"). Source's cousin had been in reeducation since 1973 and had previously received rice from other relatives (didn't know which relatives). Source was tasked by his parents to deliver rice on the mid 1979 trip. Source claimed he was able to find the way by asking road directions as he went along. When Source arrived at Dong Vai prison he observed approximately 30 male caucasian prisoners who were outside of their cells for sun and

000037



REPRODUCED AT THE NATIONAL ARCHIVES

exercise. Source observed the men from a distance of approximately 100 meters for a period of from five to ten minutes. Source's cousin told him that the men were Americans. Source's cousin also told him that all of the men could speak Vietnamese well and that he had had an opportunity to talk to some of them. Source did not know any details concerning the conversation between his cousin and the alleged Americans. Source heard from his cousin that the section of the prison where the alleged Americans were held was called F6. Source heard from his cousin that the commander of the prison was LTC Dong. Source did not know which section his cousin was held in, the composition of the prison, or the prison population. Source observed that the 30 alleged Americans were all dressed in white or light gray uniforms with two-inch vertical red stripes. Source was not able to provide any further description of the prisoners. Source stated that the prisoners were not bound or chained and were able to walk around in the compound. Source observed that the prison was inside of a five meter high cement wall with a one meter electrified fence on top. A three meter high bamboo fence followed the inner contour of the cement wall. Guard dogs were placed between the cement wall and bamboo wall to prevent escape by the prisoners. Source stated that the dogs were big and black and were the "German" type. Military guards armed with assault (AK) rifles were all around the prison. Source heard from his cousin that the American prisoners had been moved to Dong Vai Prison from a camp near Phu Tho when the Chinese attacked Vietnam. Source stated that he did not know of anyone in addition to his cousin who observed the alleged American prisoners. Source did not know the location of Dong Vai Prison except that it was located near Vu Oai Village (NFI) and approximately 45 kilometers from the Dong Dang Road junction (poss location vic YJ 0431). Source stated that he rode a bicycle for one half day along a gravel road through the mountains from Dong Dang Road junction to Dong Vai Prison. Near the prison Source turned off the gravel road and crossed a wooden bridge over a creek and then arrived at the large metal gate of the prison. Source stated that his cousin was released from reeducation at the time of his visit (he could not explain why, and he explained the rice resupply trip at the time of cousin's release by stating that the release was unexpected with no prior notification). Source speculated that his cousin who also observed the American prisoners, would not try to escape from Vietnam because it was "too difficult". Source had not been accepted for resettlement by any country and therefore was not able to provide a forwarding address. Source intends to seek resettlement in the U.S.

AN

JCRC Liaison Officer

Atch:  
Camp Sketch

000038





REPRODUCED AT THE NATIONAL ARCHIVES

Memorandum for Record

21 October 1983

SUBJECT: Telecon between Vietnamese Refugee SC and DC-2 analyst

1. On 19 October 1983 the undersigned, along with interpreter *Name* telephoned SC and interviewed him with regard to a firsthand live sighting he had previously reported to JCRC officials in 1981.
2. According to his initial testimony, SC claims to have travelled to the Dong Vai Prison in Quang Ninh Province sometime during mid-1979 to take rice to his cousin who was in reeducation there. When SC arrived at the prison, he observed approximately 30 Caucasian prisoners outside of their prison cells for 5 to 10 minutes from approximately 100 meters away. SC learned from his cousin that the area where the "Americans" were held was designated F-6. The alleged Americans were all dressed in white or light gray uniforms with two-inch vertical red stripes. SC added that his cousin was released from reeducation at the time of his visit.
3. During this telephonic interview, SC stated that, while on a trip to bring food to his brother who was in reeducation, he had seen between 50 and 60 U.S. prisoners at the Dong Vai prison camp. When asked how he knew that the men were Americans, SC responded that he could not be sure, but that they were all Caucasians. None of the men appeared to be injured. SC gave the name of his brother as being *Name* (consistent with name he had provided earlier). He stated that he had been to Dong Vai on two separate occasions to see his brother. The first visit took place two years earlier (1977) and on each occasion he had travelled alone to Dong Vai. He gave the location of the camp as being about 80 kilometers from his home at *Data* Hamlet, Yen Hung District, Quang Ninh Province. He travelled the entire distance by bike.
4. According to SC, upon arriving at Dong Vai, he was required to stand in line outside the prison compound in order to see his brother. It was while waiting in line that he observed the alleged American prisoners from a distance of two to three hundred meters for one to two hours. At this point, it was mentioned to SC that the undersigned noted considerable discrepancies in what he was now stating compared with the information he had given JCRC. SC explained this by saying that he observed the Caucasians from 100 meters away for five or ten minutes while they were outside of their cells, but that when they went indoors, they were further away (200-300 meters) and at this point he observed them for one to two hours. SC then proceeded to describe the men as wearing light grey prison uniforms with blue strips. They all appeared to be doing lawn work in an area of the camp that was designated F-4. SC stated that his brother was in a different section of the camp but that the Vietnamese prisoners occasionally had contact with the Americans, who could speak Vietnamese. SC was told by other prisoners at Dong Vai that the Caucasians were Americans. When asked about the date of the sighting, SC stated that it

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REPRODUCED AT THE NATIONAL ARCHIVES

had taken place during the time of the Chinese-Vietnamese conflict. When asked about his brother's release, he answered that his brother had been released about six months after the China-Vietnam conflict. SC was also queried as to what his brother told him about the Americans after his release from Dong Vai. He responded only that they spoke of "pleasantries" and did not discuss the U.S. PWs.

5. SC went on to say that his father had been in the Vietnamese Army under the French and his family was therefore considered a bad element by the Communists. For this reason, he chose to leave Vietnam from Haiphong with the assistance of his sister and brother-in-law. He felt that the danger of remaining in Vietnam was much greater for him than his wife and children.

6. At this point in the interview the undersigned determined it necessary to mention to SC several remarks he had made which contradicted his earlier statements to JCRC in Hong Kong. When asked about the discrepancy between the 50-60 U.S. PWs he now claimed to have seen and his earlier claim of 30 PWs, SC explained that during his interview in Hong Kong, he was asked to recall how many Americans he'd seen and he told them "a bunch" which he estimated to be 30. But, he went on, the men were walking all around so it was difficult for him to tell how many there were. He could only guess, therefore, that they numbered between 30 and 60. I asked SC if he believes he has a good memory and he readily replied that he did. I then asked him how is it that he gave the camp designation to JCRC as F-6 and provided it to me as F-4. SC responded that his memory may not be perfect on other matters, but he is sure that the designation began with an "F". Other discrepancies were pointed out to SC (i.e., prisoners' uniforms, brother's release date from prison) and, at the same time he was asked if he would be willing to submit to a polygraph examination. It appeared that SC wished to avoid any further explanations and/or confrontation on this matter, and stated that his main concern since he has come to this country has been to work hard as he has a wife and 5 children to support. Finally, after stalling awhile, SC agreed to a polygraph examination.

7. SC has in the past expressed an eagerness to present his report to U.S. Government officials. It is the undersigned's opinion that ~~the only one~~ <sup>method by which we can verify</sup> means of resolving his sighting is to administer a polygraph examination to him.

AN

DC-2 Analyst

Ch 23 CU 4 (Anthony 44-1)

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

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 : The Transfer of Caucasian Prisoners By Truck  
From Thanh Hoa to Quang Ninh Province, Socialist  
Republic of Vietnam, in Early March 1982

± Ac... /



Ch23CU40amTuy 44-2

SUBJECT: The Transfer of Caucasian Prisoners By Truck From  
Thanh Hoa To Quang Ninh Province, Socialist Republic  
of Vietnam, in Early March 1982.

TEXT: 1. In early March 1982 a cargo truck driver casually told a friend in Hai Phong, Socialist Republic of Vietnam (SRV), that he had just returned from transporting Caucasian prisoners, whom he presumed were Americans. The driver was hired to transport goods and was sent from Hai Phong to Reeducation Camp 90A/TD63 in Cam Tuy, Thanh Hoa Province. He arrived at the camp at night and was told to stay in the driver's cabin while people were loaded into the rear of the truck. The truck was covered and remained covered during the trip to the Dong Vai Reeducation Camp in Quang Ninh Province. The driver arrived at the Dong Vai Camp at night and was again instructed to remain in the truck cabin. When the people were taken from the truck, the driver saw that they were handcuffed in pairs. There were three or four dozen of these prisoners, most of whom were a head taller than the guards. The driver said that when he cleaned the back of the truck after the trip, there were many empty food cans. The driver stated that other prisoners, such as former officers of the Army of the Republic of Vietnam, were usually just given bread.

2. According to a Hai Phong resident, Camp 90A/TD63 was located on top of a hill in Cam Tuy, about ten kilometers from Thanh Hoa Town via Route 15, and approximately 20 kilometers west of the Cam Tuy train station. Before 1975 the camp held northerners who had committed grave civil offenses. After 1975, the camp held former officers of the Army of the Republic of Vietnam in compartmented areas. The Dong Vai Camp is a national prison camp under the jurisdiction of the Ministry of Interior (Bo Noi Vu/BNV). To reach Dong Vai Camp, one must travel from Hon Gai Town to Bai Chay and then to Dong Dang Town. In Dong Dang Town one turns at the Cho Troi market to Hoang Bo and Vu Streets where the

CH 2304 ANT 44-3.

Local people can give directions to the nearby Dong Vai Camp. The Dong Vai Camp held prisoners who had committed grave civil offenses and were sentenced to ten or more years of hard labor. (Source Comment: The Dong Vai Camp should not be confused with the Dong Muoi Camp, under BNV supervision, also located near Hon Gai. From Hon Gai, one reaches the Dong Muoi Camp via Long Tonc and Nui Xe villages.)

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## Questions for JSSA

To JSSA (Intro Questions to establish expertise)

- Have JSSA describe their responsibilities.
- Wasn't JSSA an intelligence organization until recently - when moved to Air Force Operations?
- What kind of intelligence experience do JSSA personnel have?
- Doesn't JSSA manage a number of compartment programs?
- ★ - Isn't JSSA the executive agent and ultimate authority for pilot distress symbols for all the Services?
- Doesn't JSSA have overall responsibility to train pilots for all the services on how to make distress symbols?
- Mr Erickson, did you train pilots on distress symbols during the Vietnam War? What did you promise them? (That if they <sup>and</sup> put out distress symbols, we would come after them.)
- Do you Mr Dussault have any training in imagery analysis?

000045



2

(To JSSA cont)

- \* - Mr Dismant, how long have you worked POW issues? Weren't you a debriefer at Homecoming?
- \* - Col Bonn, I understand JSSA has been designated the executive agent for writing DoD's new directive that outlines what components will have POW related responsibilities in the future, and what those responsibilities will be.

### Key Questions to JSSA

- When was the first time JSSA was shown the 1973 "TH" photo? (ANS: mid-80's)
- When was the first time JSSA was shown the 1981 "52" photo at Nhom Marrot? (ANS: By the Committee 1991)
- When was the first time JSSA was shown the 1988 "USA" photo? (ANS: By the Committee in 1992)
- When was the first time JSSA was shown the 1975 Dong Mang "roof top" photo? (ANS: By the Committee in 1992)
- \* - So, DIA has never shown JSSA any of these symbols when they were taken?

000046

(To JSSA cont)

- What is your analysis of the 1973 "TH" photo?
- ★ ★ - Has JSSA found what appear to be other symbols on hard copy photography the Committee has had DIA send to you for evaluation? (Ans: yes)
- ★ ★ ★ - Has JSSA found a number of possible authenticator numbers (4-digit numbers) that ~~may be~~ match the authenticator numbers of Missing Americans?  
↓ (ANS: yes)
- ★ ★ - How many have you found?  
(ANS: 19-20)
- ★ ★ - Have you found any Names? (Ans: yes)  
Do you have any names that match MIAs? (Ans: yes) What Date?  
(ANS: June 1992!)
- I notice you keep deferring to the Photo Interpretors, have you been told to do this? (Ans: yes)
- ★ - The Committee recently forwarded to you (JSSA) a December 1988 photo of the "USA" site. We thought we saw some possible symbols. Did you find any on that photo? (Ans: yes)  
(cont)

(To JSSA)

★ ★ - What did you find on the December 1988 photo of the "USA site" ?  
(ANS: A "USA" and a "XMAS")

★ ★ ★ - Do these symbols, in your expert opinion as DoD's authority on distress symbols, appear to be consistent with the symbols taught to pilots during the Vietnam War ? (ANS: YES)

★ ★ ★ - In your opinion as the DoD component responsible for training pilots in the use of distress symbols and Authenticator numbers, ~~appear to confirm to~~ Do these symbols appear to confirm to your training and methods ? (ANS: YES)

- Is it the opinion of JSSA, that the USA "K" symbol appears to be a valid pilot distress symbol ?  
(ANS: YES)

- What does JSSA make of the "A5" and "LO" symbols at Young TAN ?  
Is there any possible significance, if these are real symbols ? (ANS: A "White", still MIA, was a A5 pilot - only one unaccounted for)

## Questions for DIA/CIA Photo Interpreters

\*\*\* - CAN you see any of these symbols on the hard copy photos — the ones JSSA has found?  
ANS: (IF Pushed they should admit they see them)

\*\* - IF you blow up any photo enough, the image will disappear. Convince me you are not making the symbol disappear in your enlarging process?

- IF ~~you~~ I can see these symbols on the photograph and they appear to be symbols, a series of numbers or letters, tell <sup>us</sup> what they are if they are not manmade symbols?

\*\*\* - Are you willing to tell this Committee with absolute certainty that these symbols ~~are~~ are not there — are photographic anomalies?

- You had better be 100% certain because American lives may depend on your answer.

\*\*\* - Can you say with absolute certainty your photographic technology is without fault — cannot possibly be missing something?

NAL ARCHIVES

To DIA/CIA 2

~~ASK!!!~~ — Can you say the "USA KC" is not a distress signal with certainty? If not, then it may in fact be a distress symbol, is that right?  
(ANS: CIA has said it "could be" a distress signal) in deposition

~~ASK!!!~~ — (To DIA) When did Al Shinkle supposedly make, or have made, the USA symbol as you suggest? How do you explain what appears to be another "USA" symbol seen in the same valley 10 months later in December 1988? Also an "XMAS" symbol?

— (To DIA) IN 1973 you obtained a photo of a symbol "1973" or "1573" "TH" in Laos; What did you do to investigate this symbol? (ANS: They will say Emmet Kay made?)  
(Ask JSSA of their opinion of who made it)

— (To DIA) What did you do to investigate the 1975 Dong Mang roof top symbol in morse code?

~~ASK!!!~~  
~~ASK!!!~~  
~~ASK!!!~~ — (To DIA/CIA Photo Interpreters) Explain to me how JSSA or I can see 4-digit numbers, in a line, oriented the same direction, that match the 4 digit Authenticator numbers of missing pilots and you say its an illusion or shadows? How can this be possible 5 times, 10 times 19 times?

000050

JNAL ARCHIVES

3

To DIA/CIA

\*\*\* - (To Photo Interpreters) Have you seen the name JSSA says they see on a 5 June 1992 photograph of the Dong Mang Prison Camp in Vietnam? (ANS: The CIA analyst has admitted in deposition he can see it) "SERE"

\*\*\* - (To JSSA) What does "SERE" mean to you? Is it a possible name of anyone missing in the war? (ANS: SEREX MIA)

\*\*\* - (To DIA General Clapper) Is your entire position hinged on the analysis of your photo interpreters, & the "technology" of their equipment? In other words, do you dismiss JSSA's observations simply because your Photo Interpreters can't see the symbols after they enlarge, stretch and otherwise distort the image we can see with the naked eye on the photo? IF SO, this is a very weak position when America lives may be at stake.

\*\*\* - IF you can't say with absolute 100% certainty these are not legitimate symbols, I believe it inappropriate - perhaps irresponsible - to take the position these are not real, when American lives may depend on it.

000051

DEC-17-92 THU 12:09

P.02

**Joint Document by:**

**LWB & CLL**

**Concerning Unresolved  
Differences in Their  
Analyses of Imagery Over  
Sam Nuea, Laos and  
Adjacent to the Dong Vai  
Prison in Viet Nam**

**December 17, 1992**

000052



Documentation of the Analyses

In order to assure that the results of this paper are as clear as possible, the following definitions have been agreed upon:

- **Man-made—scars and suspect symbols that are attributed to conventional human activities unrelated to POW distress signals.**  
**Examples—USA symbol at Sam Nuca**  
**"Arrow" at Ban Nam PO**
- **Intentional distress signal—man-made symbol constructed to alert others of a distressful condition.**
- **Natural configurations—having the appearance of symbols but are not man-made or intentionally made.**

Following is a listing of the unresolved images along with descriptions of the analysis by LWB and CLL.

Dong Vai Prison area.

Symbol GX2527

LWB Analysis

GX 2527, was found about 415 feet S/E of the Dong Vai Prison in an open field, using special imagery enhancement techniques of positive and negative viewing, etc. Note: Since follow-up action by JSSA has also validated and matched this number with a given MIA, no further discussion is made. LWB Analysis is unchanged.

CLL Analysis

Using the IDEX-2, Zoom-500, and prints made by LWB, tonal and textural changes were observed that simulated parts of this alphanumeric; I believe these to be natural shadings in the field and are not man-made intentional symbols. I can only state coincidence with the possible match with an authenticator number.

12/14/92

18:35

703 614 8080

OASD(C3I)

## NTM IMAGERY ANALYSIS REPORT OF POW/MIA RELATED PHOTOGRAPHY

Date: 07 DECEMBER 1992

Prepared by:  
Colonel (Ret.) Lorenzo W. Burroughs

000054

12/14/82 16:40 703 614 8060

OASD(CJI)

40

## Dong Mang (Cam Pha) Symbols

000055

12/14/92 18:38 703 814 8080

OASD(C31)

### 1. STATEMENT OF REQUIREMENT

This imagery analysis requirement is a direct out growth of the hearings on the POW/MIA Affairs by the US Senate Select Committee on POW/MIA Affairs. LWB & Associates was ask to perform and independent assessment on selected NTM imagery, pertaining to, alleged pilot distress symbols detected in Southeast Asia. The tasks required analysis of all possible symbols previously identified by DIA, CIA, or JSSA in each target area. Also to determine if symbols are man made and the degree of confidence, expressed as a percentage. Additionally provide alternative explanations for the appearance of the possible images, to include possible age of symbols using the same frames of NTM imagery which JSSA identified a number of possible authenticator numbers and other markings. The task order ( see appendix I ) also required LWB & Associates to identify any other symbols on the imagery examined, which may not have been previously reported.

000056

12/14/92 16:37 703 814 8080

OASD(CJI)

\* GX 2527 Located in open field (100% level of confidence) 415 ft. S/E of Dong Vai Prison Note: Target can only be seen on the IDEX using special enhancement technique. JSSA has also confirm and match this number as a validate authenticator code against a known MIA.

\* The Letters P A I R A L (?) can also be seen in an area directly across from the Prison at a point east of the Lake in a low and open hedges grove (level of confidence 70%). Note: These letters can be seen on IDEX using both positive and negative processing; the letters R A L stand out even with image rotation).

\* A detail search of a suspect area about 150 feet North of the above area, and east of the primary road was made to confirm or negate suspect symbols 172 TA 88. Suspect area is a low cut over grown hedge grove which made it difficult to analyze. A 20-30% level of confidence call is made for the possible numbers of 1 3 k (or X ) A 7 2 2 ? See discussion.

\* In an area due South of the above suspect activity and closer to the possible name PAIRAL is an area where with special Photographic Printing and Processing Techniques I believe contains a number of older symbols etc., such as to warrant special consideration by DIA & CIA/NPIC.

A detail and lengthy analysis was made of the Ban Nampo Symbols and Arrow. This is a military area with what appear to be Quonset like Huts, seven in a row (use unknown). The arrow points to what appears to be a military area with no activity. The Arrow Symbol appear to be man made because of its well define shape, conversely the letter "P" lack shape and definition. This suspect area is considered negated for POW/MIA Symbols.

In summary its my opinion that while a large percentage of suspect symbols were negated there is justification for continue and expanded imagery collection and analysis of suspect subject areas of Sam Neua Valley and Dong Mang general area for possible new activity.

000057

**TAB 3 DONG HANG ( DONG VAI PRISON AREA )**

Review of this suspect target area was conducted as an area analysis due to the known POW activity of this prison as reported by CIA. The area East of the prison was the subject of LWB search and analysis efforts. While this area is not active as can be seen on 1992 Imagery it and does not warrant further analysis. The following suspect symbols and numbers were detected with a given level of confidence:

**(SUSPECT NEW SYMBOLS)**

- A. GX 2527. was found about 415 feet S/E of the Dong Vai Prison in an open field, using special imagery enhancement techniques of positive and negative viewing etc. Note: Since follow-up action by JSSA has also validated and matched this number with a given MIA no further discussion is made.
- B. P A I RAL, suspect name is found in a low open hedge area which is serving as a border or boundary marker to separate the fields directly across the primary road E/S of the lake which look like a boot. All possible techniques were used to confirmed of deny, due to the fact that the letters RAL can easily be seen a of confidence call of 70% is made.
- C. 172TA88? Suspect Symbols this area is located about 150ft. North of the suspect PAIRAL in a heavy bushy area which made analysis difficult. The possible numbers 1 3 k ( or X ) A722 can be seen on a very low probability. The call is 20-30%.
- D. Suspect Number 232? or 8 can be seen using IDEX just South of the name the suspect name PAIRAL. The call is 40%.
- E. Like the Number 232? or 8 there is an area with a X a possible other numbers, that with special processing enhance ~~these numbers and suspect symbols~~ which appear ( thought weak ) in an open field. Special Processing is recommended for this entire area, further that the area of search and surveillance be expanded in minimum of 250 miles radius from the Dong Vai Prison to look to look for confinement centers and symbols.

NOTE: With the exception of the Name PAIRAL all other Symbols and Numbers appears to be very old and may account for the like of reporting by other agencies.

000058





expert, or experiential knowledge of the handling and archival storage of highly classified materials of concern to the aforementioned bodies, or the President's National Security Council, that have been under investigation during this recent period.

Official Exhibits to my sworn testimony for the SSC from my Department of Defense Personnel File, exemplify my access to, and expertise in handling, extremely sensitive classified materials pertaining to the national security with the following the words:

**"A highly intelligent and tactful young man who has proved to be a valuable member of this Joint Service Staff. He was responsible for establishing procedures which resulted in an efficient security and control mechanism for a large volume of extremely sensitive material. His outstanding abilities permit him to routinely perform complex duties....performs duties as an Operations and Intelligence Assistant on a Joint Service Staff of all services. Maintains proficiency as an air-crew member of high altitude aircraft. Requires inordinate degree of integrity, responsibility and tact dealing with high ranking officers, and extremely sensitive materials". Signed, Wallace W. Crompton, Colonel, United States Marine Corps, July 3, 1974.**

Colonel Crompton was then my Commander, and the Senior Colonel in the entire Marine Corps. Our duties at that time were to stand ready to brief and assist the President of the United States, or his designated successor, the National Command Authority, in carrying out the nation's highest, strategic, nuclear policies. In short; we were a highly specialized team carrying the President's Nuclear Execution Codes, and standing ready at a moment's notice, to enable the President to respond to a nuclear situation. As such, I was privy to the combined, integrated output of the entire United States Intelligence Community, as it flowed to the President, in order to be momentarily aware of precisely what he knew, and did not know, that may impact his decision making process in a nuclear emergency.

To carry out these duties, for years I was granted access to, and was the designated Official Custodian of huge volumes of classified materials the President may need, up to and beyond classification of Top Secret, including SIOP-ESI-SI (Single Integrated Operational Plan, Extremely Sensitive Information, Special Intelligence), and numerous Top Secret Codenamed Special Access Programs far too lengthy, and still remaining classified, to mention herein.

The limited purpose of this Affidavit, is to recount and attest to my knowledge of the last known locations of specific Top Secret archives, derived from some of the nation's most covert operations and intelligence gathering methods and techniques, pertaining to American Prisoners of War and Missing In Action, both armed service and Central Intelligence Agency personnel during the Third Indochina Conflict, commonly known as the Vietnam War, and what I have told Mr. Anthony Lake, National Security Advisor to the President, about their location and contents, as a result of my duties in that era.

Specifically, I am referring to that archive specially caveated and accessed, flowing directly to the White House, derived from the Military Assistance Command Vietnam, Studies and Observations Group, hereinafter referred to as "MACVSOG" or "SOG", and its various attendant numerical sub-divisions such as "SOG-80" or "SOG-35" or "SOG-34". It is important to note at this point, that the authority for the covert operations conducted by SOG, was derived from, and proceeded only, with the direct, personal, authorization of the Presidents of the United States, during the era.

My first familiarity with MACVSOG and its highly compartmentalized and covert operations, occurred in mid-1968, while I was serving as a volunteer Team Leader of Top Secret, clandestine, intelligence gathering reconnaissance teams, along the Tri-Border region of Vietnam, Laos and Cambodia. In such operations, I typically worked with only one other American, and the rest of our clandestine team was composed of indigenous, ethnic, personnel from the region. These highly trained mercenaries were provided to us from joint CIA and MACVSOG commando schools, and were composed of various Montagnard tribal groups, Chinese Nungs or Vietnamese. Our mission was to sneak amongst the enemy's base areas.

During September, October and November 1968, I was detached and relocated to MACVSOG, Operation 35, Ground Studies Division, operational Mission Support Site, codenamed "Sledgehammer". The location of this covert site is variously given in historical texts now as "in Cambodia", although the border between then South Vietnam and Cambodia

was ill defined. Mission Support Site "Leghorn", was approximately 20 miles away, also occupied by SOG-35, in Laos. This area is at the precise junction of Laos and Cambodia. The term "Ground Studies Division" is the unclassified designator meaning in actuality, the Top Secret, covert, ground forays for strategic reconnaissance purposes, proceeding across international borders into, for instance, Laos and Cambodia, with the President's direct authority.

During this period, MACVSOG operations suffered losses of covert operational teams, across the borders, in Laos and Cambodia and I was directly involved in communicating and coordinating with the teams, and the various support assets assigned to assist us in these covert operations. Several teams simply disappeared, either without notice, or after short or prolonged fights with the enemy in Laos or Cambodia during the period, and teams disappeared in our area from other SOG operations, such as SOG-32, Air Studies Division.

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. After initial Search and Rescue operations, for them, and aircraft pilots or personnel of the various armed services or Air American assets, shot down in these cross-border operations supporting SOG operations, the responsibility passed to MACVSOG Division 80. SOG-80's unclassified name was listed for intelligence cover purposes on organizational charts to deceive the enemy, press, and those not granted access for lack of need-to-know, as the "Recovery Studies Division" of SOG.

The classified reality is SOG-80 was the central, bottleneck, through which all POW/MIA intelligence derived from all agencies operating in Indochina, whether they be CIA, NSA, SOG, NRO (aerial imagery), or regular armed services, or even State Department, flowed to the White House. As such, SOG-80 was responsible for analyzing, developing, coordinating, and planning POW and MIA rescue attempts throughout the Indochina region. It was our covert attempt to rescue POWs in Laos and Cambodia, and even North Vietnam. All

intelligence pertaining to POWs and MIAs in Indochina, flowed through SOG-80, and made their way to the White House in final form, after analysis.

My exposure to the operations, covert knowledge of the organizational structure of the labyrinth-like SOG administrative design, allowed me this understanding.

Later, in Hawaii, assigned in sensitive Command and Control Operations Center duties as an Operations and Intelligence Specialist with caveated accesses to POW/MIA material, I maintained my familiarity with SOG operations, and through the anecdotal experience of communicating with numerous SOG associates over the years, I maintained knowledge of the operations. As the war wound down, increasingly, those of us privy to the SOG awareness, became fixated on the resolution, through rescue, or negotiated return, of the many hundreds of men missing, or known captured in Laos and Cambodia, from SOG, or the air operations supporting them. This awareness and my duties, which involved briefing the Flag Officers I served directly, kept me abreast of the SOG picture. Further, I would talk with Colonel Arthur "Bull" Simon, who had led SOG at one time, who was assigned as the Special Operations Officer at the Commander-In-Chief-Pacific (CINCPAC) Unified Joint Command in Hawaii. Bull Simon would later lead the SOG-80 attempt to rescue American POWs in North Vietnam, at Son Tay. I also would attend specialized briefings on the POW/MIA situation from CINCPAC, at times from later Lieutenant General Eugene Tighe, then Colonel, who was J-2, Intelligence, at CINCPAC. The SOG experienced and accessed community was a tight-knit one, obviously.

CINCPAC was the interim flow-point, for SOG-80 intelligence heading back to the White House. As such, Colonel Simon's placement there, monitoring SOG, was no coincidence.

At various times it was necessary to publicly expose SOG-80's operations, and at those times, the cover designation of SOG-80's assigned mission, to recover POWs and MIAs or their remains, would surface as the "Joint Personnel Recovery Center" (JPRC), or later, in late 1972 and early 1973, as the overtly designated "Joint Casualty Recovery Center" (JCRC).

As the American part of the war wound down, I became aware that SOG-80 would convert, and arise publicly postured, as the JCRC. Being very concerned, knowing the true classified picture of the hundreds of men believed captured or missing in Laos and Cambodia from these covert activities, being hidden from the American people and Congress, I went to Bull Simon to volunteer for, and expedite my immediate assignment to the JCRC, which was going to take up overt operations in Thailand. Our loyalty to the missing men was undying and profound to us.

Ultimately, I would end up suddenly assigned, with only a few hours notice to depart Hawaii for Thailand, to Top Secret Intelligence duties, detached from the Defense Office of the U.S. Embassy, in Bangkok, on Temporary Duties from January to April, 1973. This was when JCRC formed. Recurrent malaria, and attendant relapses, kept me medically profiled, and prohibited from being assigned permanently to JCRC, but I was there in Thailand as it swung into action, attempting to foray into Cambodia and Laos in the wake of the signing of the Paris Accords in January, 1973, to overtly search for remains of Americans missing, or last known held prisoner there, and covertly, stand ready to effect their rescue in the known, second-tier POW camp system operating in Northern Cambodia and Laos, that we had extensively detailed, photographed, and ground reconnoissanced throughout the war era. We 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 SOG-34, or SOG-36 Operations and CIA operatives reporting on the Americans held in these camps in Laos.

At the time of Operation Homecoming, we believed our highest probability intelligence showed an estimated 310 to 350 men alive in camps within this second tier system in Laos. In 1973, I became aware as a result of my intelligence assignment in Bangkok as JCRC geared up for operations, that a considerable portion of the massive, many-years-accumulated, SOG-80 source archive had to be transported from Hawaii to Thailand. The reason for this is, as JCRC began to plan operations to recover remains, they discovered quite readily that the individual armed services, in order to protect SOG operations, had officially been ordered to



falsify the actual incident-loss locations of the covert operations personnel lost cross border in Laos or Cambodia. Hence, in many cases, JCRC didn't know where to look, having false location data, designed to conceal the concerted violation of the international borders of Laos and Cambodia, as the last known location of American personnel.

Since the existence of the SOG-80 operations during the years 1966 through the end of the war, was so highly covert and classified, the administrative problem of resolving these cases was severely exacerbated. Further, since President Nixon had been denying (like his predecessors, Johnson and Kennedy), to the Congress investigating, and the American public, the existence at any time of any American combat, or covert forces in Laos or Cambodia, the issue was extremely sensitive politically. The matter of our signature to the 1962 Geneva Accords on Laos Neutrality, and international law, and our credibility and liability were at stake. Even further, the Congress had been literally breathing down Nixon's neck, with the McCloskey Hearings, focusing in recent years, on alleged illegal and unconstitutional acts of war proceeding covertly in Laos and Cambodia, and the attendant mass-bombing supporting these operations throughout the war. There was real fear, I saw manifested in "back channel" cables emanating from the Nixon White House, directly from Henry Kissinger in certain cases, that the discovery and public disclosure of the full extent of these covert operations and the true MIA figures for Laos and Cambodia, could result in potential impeachment. It is historically important here to note that one of the chief Articles of Impeachment arising eventually in the House of Representatives, in 1974 against Richard Nixon, was Conduct of an Illegal and Unconstitutional War in Laos.

Given the statements of the President publicly on March 28, 1973, before a national press conference that "Tonight all our prisoners of war from Indochina are on their way home", it would have been catastrophic politically for the public and Congress to become suddenly aware that in reality, we fully expected approximately 300 to 350 Americans to be released from Laos alone, out of a true figure of 600 men missing there.

Being kept tightly secret, in Top Secret, Eyes Only, Limited Distribution papers, were the memorandum written on that very same day, March 28, 1973, by then Assistant Secretary of State for International Security Affairs, Lawrence Eagleburger (later Secretary of State under George Bush), stating the expectation that Laos was still holding "350 American POWs". Eagleburger, strenuously recommended therein, that a large portion of the war in Indochina be virtually restarted. He advised in his memo to Secretary of Defense Elliot Richardson, that we should start a massive B-52 bombing campaign immediately against Laos, and that an aircraft carrier task force group be hurriedly moved into the Indian Ocean, to resume air bombing operations against Laos. Considering we were supposedly bound to withdraw all American combat forces from the Vietnam war effort, under the terms of the Paris Accords, and the Congress had stopped all funding for combat operations there, beginning June 1st, 1973, these were potentially explosive conclusions and recommendations.

SECDEF Richardson, removed the suggestion of the carrier task force group movement from Eagleburger's memo and quickly passed it on to the Nixon White House; but Nixon had spoken publicly, and desperately needed the withdrawal to proceed smoothly from Vietnam. He was also beleaguered by Watergate, being hounded by Congress.

Compounding this situation, was the reality that on or about March 20th, 1973, the week before, Chairman of the Joint Chiefs of Staff Admiral Thomas Moorer, had issued a Top Secret Eyes Only Limited Distribution message, ordering the Saigon command to "halt the withdrawal from Vietnam immediately", pending the resolution of the Laos POW/MIA situation. As he and the President well knew, of the 600 men missing in Laos alone, the United States Government insisted, fully 80% of those men, had fallen into areas of Laos directly and totally under North Vietnamese control. This order, had it become public, would have resulted in a massive media conflagration, given the state of political anathema, in the public and Congress, for anything but immediately ending the Vietnam conflict finally. Admiral Moorer, was prompted to write this astonishing order, because he knew that on February 1st, 1973, in a top secret exchange of letters, between an American intelligence operative, and the North Vietnamese in Paris, arranged by Kissinger, we received the "Laos POW list", and there were only nine



American names on it, instead of the expected 300 plus. Nixon, had secretly been forced to provide as his end of the exchange, a promissory letter, guaranteeing the North Vietnamese a minimum of 3.25 billion dollars in ransom for the Laos men, under the guise of wording that this sum would be "reconstruction aid". All of this was being withheld from the American public and the Families of the missing, and the Congress, while the President disingenuously lied and said "All our POWs are on their way home tonight". As I testified under oath, the atmosphere inherent in the Joint Chiefs of Staff's back channel messages at this time, became "near mutinous" in tone. It is important to understand that Nixon was literally besieged with Watergate that very week in 1973. In essence, the expected return of 300 plus American POWs, based upon highest probability intelligence forecast to the Nixon White House, much of it derived over the years from the SOG-80 integrated intelligence archive directly flowing to the White House, and the resultant ransom/hostage situation implied, was being swept under the rug from political expedience, and to forestall revelations that could quickly result in impeachment of a President, already beleaguered by Congressional angst. This revelation also probably would have destroyed the last remaining legacy being shepherded by the Nixon White House, as to their foreign policy competence and expertise.

To these, and other events of which I had personal awareness through intelligence traffic, and virtually riding the spinal cord of the POW/MIA hidden nervous system over the previous years, I have testified extensively to the Senate Select Committee and to a lesser degree, the House. Senate Investigators spent over 50 hours interrogating me under oath, through sworn statement, or live testimony behind closed doors, or in interview.

In the confusion and chaos that followed leading to Nixon's impeachment, the truth was swept desperately under the rug. Voices of dissent, like those of Roger Shields, Chief of the DOD's POW/MIA Office, were squelched. Shields, in that infamous and secret week at the end of March, 1973, was called into Acting Secretary of Defense William Clements' office to discuss his upcoming press conference on the status of the POW situation. Clements, as Shields would later testify, said for Shields to say "The rest are dead". Shields, stunned, said to Clements "You can't say that!" and Clements quickly replied in such a manner that Shields

later testified he thought he was about to be fired on the spot warned "You didn't hear me Roger...the rest are dead!". Shields, later was taken by Clements to a secret session with President Nixon in the White House, with Brent Scowcroft attending, on April 11th, and thereafter dutifully stated words to the effect at his press conference on or about April 14, 1973, that the rest of the men were dead, dashing the hopes of hundreds of families.

In the years that followed, and the Ford Administration ensuing, the evidence was ignored, kept tightly secret and hidden, and eventually a purge I testified to, began in 1975 of certain POW materials, from archives, with the intent, I believe, to bury the dark secret forever. With CIA Director William Colby spilling the beans on CIA misdeeds on Capitol Hill, President Ford and Henry Kissinger sought damage control; Colby had to go. The purge continued as George Bush was appointed Acting Director of CIA. Faced with the ignoble collapse of Saigon and Cambodia, and the onset of a genocide in Cambodia that President Ford chose to conceal clear evidence of from our public, so as not to acknowledge any political culpability for that human catastrophe, and to avoid revisitation of the lies of the Nixon Administration, the legacy of the hundreds of men was falsely sealed and a perverted history was put in place, with an officially stated public policy that we had certainly obtained the release of all our POWs and MIAs in Southeast Asia. In short, observing these ominous events, in my mind, the men were being written off.. Strategic Intelligence Collection Requirements (SICRs) were drastically altered, to virtually prevent agencies from searching for signs of any POWs. Especially curtailed, were satellite imagery collection efforts; a sure sign of not wanting to literally see evidence of the men's presence in Southeast Asia, signalling through symbols they were trained to surreptitiously construct skyward, around their prison camps.

These lies led me on July 4, 1975, to refuse formal transfer and acceptance of the Presidential Nuclear Execution Codes at assumption of my duty period scheduled, and to demand immediate discharge. I stated that in good conscience, I could no longer wear the uniform under a lying Executive. A series of top secret intelligence debriefings began as intelligence agents arrived from Washington, wherein I stated the basis of my decision and

revealed what had occurred, and what I had witnessed. I could not speak publicly for fear any remaining men would be summarily executed by the Communists. Such disclosure could negate any discreet opportunity to pay the promised 3.25 billion without the stigma of ransoming hostages to our credibility, and also for fear of real, imminent prosecution of disclosure. I simply abandoned eight years of exemplary service, leaving after having attained the pinnacle of responsibility, and as records attest, while serving as one of the top three men rated in my career field of Operations and Intelligence Specialists within the entire Army.

This secret, in my opinion, became one of the darkest, most tightly held of the modern era, out of fear of public disclosure. No President wanted to grasp the nettle of the issue, and disingenuous statements, and outright lies, continued to emanate from the various White Houses, and the DOD. Congress, unaware of the Nixon secret promissory letter to the North Vietnamese, refused any "reconstruction aid" to North Vietnam. It took four years for the truth of the secret promissory letter from Nixon to surface in Congress. The reasons behind the need for the letter, were obfuscated, and the Top Secret Rand Corporation Studies commissioned and followed by Nixon and Kissinger, recommending this approach to avoid the stigma of paying ransom for hostages, remained sequestered away. By then, many of the knowledgeable were continuing to rise in government and no one wanted to revisit the issue, including the American press, save the Families of the missing men. Apathy towards, and benign neglect of, anything "Vietnam" reigned.

So it was I testified and described to the Senate Select Committee these events, and the necessity of locating the critical, all sourced, SOG archives. Despite finding evidence, as I'd testified to, of the 1975 purge of critical materials, the SSC could never locate the SOG archives and admits so in its mushy final report. Documents and archives pertaining to other decisions and critically telling POW messages after Operation Homecoming, were blatantly withheld from the investigation by the Bush White House on grounds of Executive Privilege or national security rationales. I had testified to exact CIA and National Security Council documents, and upon that testimony the SSC challenged the Bush White House for them and was "stonewalled" in the words of several Senators. Ineffectively, the Senate voted

unanimously in a 96-0 passage of a Resolution, that the Bush Administration should declassify POW/MIA materials soon after my testimony, adding a harsh clause that the Nixon NSC materials and tapes should be immediately forthcoming. The Bush White House ignored the Resolution and the weak Select Committee failed to confront them with subpoena.

In August of 1993, at the continued urging of many of the POW/MIA Families, especially at their National Convention in Washington, I found myself virtually drafted into proceeding on their requested behalf. to "form a team of experts, and go to the White House and inform the new President (President Clinton) of what he was not being told". Meanwhile, persons eager to stifle further inquiry, pushed normalization with Vietnam.

Coordinating with Mr. Ross Perot, I set about doing just that. I selected LTG Eugene Tighe and Mr. George Carver, with myself, to form the nucleus of such a "team". LTG Tighe, as I mentioned earlier had been Intelligence Chief at CINCPAC during critical periods, and later became head of the Defense Intelligence Agency. Then in 1986, he had been appointed by President Reagan to investigate the issue, and his Tighe Commission Report, although watered down for political reasons, concluded the "strong possibility that men remain alive in Southeast Asia today". It was kept secret, and withheld from the Families, Congress, press and public.

Mr. George Carver, was retired from the Central Intelligence Agency, where he had arisen to be Special Assistant to three different Directors of the CIA, on Vietnam matters. Dr. Carver, had been retired, and in 1993, was an Olin Fellow, for the Washington think-tank, Center for Strategic and International Studies, and he continued to lecture at Cambridge and Yale, often on Indochina matters. More importantly and specifically to my intent, George had been on loan from CIA to the Nixon White House where he served as Chairman, for the Indochina Subcommittee on Intelligence, of the Washington Special Action Group, headed by Henry Kissinger, Nixon's National Security Advisor, during the critical Nixon years of the Indochina conflict.

What I well knew, was that the nation's most covert, extensive, and productive strategic intelligence operations, MACVSOG, and all other gathering agencies, directly flowed their product into the Nixon White House, to George's Indochina Committee on Intelligence. In short, George was the hands-on recipient and coordinator of the entire SOG product. The SOG operations were controlled by the WSAG directly, with the imprimatur of the President himself, for the cross border forays, which in those years, averaged seven to eight hundred yearly, on the ground. As such, George was the most informed man in the United States on intelligence in Indochina. His knowledge and awareness was virtually unique.

In early 1993, George and I both had called for the new President, through letters and press statements (and George wrote Commentary pieces for the Wall Street Journal) to appoint an Independent Commission to review the critical, capstone, intelligence materials that had been withheld from the Senate Investigation by the Bush White House, and to analyze newly emerged intelligence documents come to light since the SSC closed up shop in January, 1993. I had written five discreet letters to President Clinton and Anthony Lake, citing evidence not publicly known. George unequivocally stated publicly, that "a rock solid, core case presentable to a jury, that approximately 300 men were kept behind, alive in Laos, could be made".

LTG Tighe had essentially testified and stated publicly the same numbers.

I had stated the exact same numbers as well, under oath, behind closed doors, and later after the Bush stonewalling, in numerous public venues. We were unanimous.

The reasons for the similarities were quite understandable. We had all seen and handled the exact same materials. Simply put, we were three men, whom the government itself admitted had access to the materials and the flow of intelligence to the White House in those critical years, who had directly perused, briefed and archived the materials so attesting.



I chose George and LTG Tighe to contact for the nucleus of our "team", because I felt that this President could not ignore the statements of three men who actually were there, handling the materials, and knew what President Nixon had been given over the years. We were not merely experts, or historians viewing isolated documents, from a perverted and purged archive, through the gloomy lens of history. We were direct witnesses.

George and LTG Tighe agreed to join the effort to convince President Clinton, and Ross Perot set about arranging the details with the Clinton White House. Much occurred within the period early September, 1993 thru December, 1993. LTG Tighe was gravely ill, and was forced to speak to the White House telephonically, from his deathbed. He would die in December after giving his recommendations and conclusions.

On September 9th and again on November 4th, 1993, we conducted confidential meetings at the Clinton White House. The principals present were George Carver, Carol Hrdlicka, wife of known alive, but not returned, Laos POW, Major David Hrdlicka, and myself at various times. I refused to attend the initial meetings at the last minute after traveling to Washington, because we were stopped short of seeing the President himself. Listening for President Clinton, were variously Mr. Anthony Lake, Mr. David Gergen, Mr. Sandy Berger, Mr. Kent Wiedemann, Ms. Nancy Soddeberg <sic>, and Mr. Rod von Lipsey, from either NSC or the Chief of Staff's Office, for Mac McLarty.

We delivered intelligence materials in our possession, not known of publicly, and still classified. I spoke to Anthony Lake privately of satellite photos depicting explosive intelligence, having been withheld from the investigations, and from the President's knowledge.

Much of the discussion was to satisfy the President's personal request, according to White House letters and Mr. Lake's assertions, that I tell them where materials were hidden in U.S. archives. I gave detailed lists of materials not having been subjected to investigation, and having been shunted around and hidden by persons not wanting the issue opened up. Central to this, were the SOG archives, and satellite imagery showing secret symbols.

As I had always testified, the quintessential archive pertaining to this matter, would be that which contained the SOG materials; the record of our most covert intelligence gathering operations, flowing directly to the White House, into George's hands. It was clear to anyone studying the issue, that if the SSC investigation proved anything, it was that the materials upon which Lawrence Eagleburger recommended restarting the war, and Admiral Moorer halted the withdrawal from Vietnam of American troops, over the men kept behind in Laos, had not yet been discovered despite the extent of a year long investigation. Since LTG Tighe and I had testified to what these voluminous materials said, and other events such as Moorer's and Eagleburger's actions proved, and now George Carver joined in describing, it was clear to any rational person these materials did exist, although remaining undiscovered.

The SOG archive therefore, undiscovered, or the Bush White House, unwilling to disclose them for embarrassment, had to be located. I had discussed the administrative procedures, and handling mechanisms and the flow arrangement of the SOG materials with George in several sessions between August and November we held secretly with Ross Perot and others assisting from inside the intelligence community.

In the November 4th, 1993 meeting with Mr Anthony Lake in the West Wing of the White House, Lake and I had agreed in advance I would speak to certain critical intelligence materials, alone with him, with no others present. Leakers, fearing political retribution for disclosure, wanted President Clinton to protect them, if they came forward. They had been prepared to see the President with me, and George and LTG Tighe and several selected Family members, had we gained entrance to the Oval Office. But we had been thwarted, initially believing we were to see the President personally, only to have two months of intensive meetings and communications, with everyone but the President himself, to our vocal, protesting, disappointment. Ross Perot was irritated at this baiting, also.

Yet, I insisted to Mr. Lake that I bring George Carver with me for that second meeting. Mr. Lake knew George personally, and had worked with him in the Nixon White House, as



Lake had been a Special Assistant to Henry Kissinger while George chaired the Indochina Intelligence Subcommittee of the WSAG. Lake though, had resigned in April, 1970, protesting the Nixon decision to secretly invade Cambodia, on principle. Respectfully, he listened to George, and George 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 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. These particular documents directly put the lie to the notion POW/MIA debunkers constantly offered, that no secret prison camps existed. They were lying; here was the evidence.

I wanted the SOG archive found. I knew where it was, and so did George, just as I'd testified, but I wanted George, who Lake personally knew handled these critical materials, to corroborate what I had testified. After George finished his presentation to Lake, and we'd made our international security policy arguments as to strategy with the Vietnamese, and our recommendations to President Clinton, I reminded Lake of my assertions that the SOG archive was the key to the whole hidden mess, and the President's promise to declassify POW/MIA materials.

I chose to elicit the corroboration of my statements from George Carver, through questioning, before the President's National Security Advisor, in Lake's Office that evening. My notes and recollections of exactly how I proceeded to do this, are as follow.

I said "George, the WSAG controlled the operations approval for SOG, right from the White House, did it not?". George replied, "Yes". I said, "The purpose of SOG was to provide the President directly with strategic intelligence in Southeast Asia to conduct the war, through these most covert operations, was it not?". George said, "Yes". I said "And as Chairman, of the Indochina Subcommittee on Intelligence for the WSAG for Kissinger, all of those intelligence materials and product flowed directly to you in the Nixon White House, did they not?", and George said "Yes" again. I said "That would include the materials produced from

cross border ground surveillance in Laos and Cambodia from SOG-35 right?". Again George nodded emphatically, "Yes" he said.

"And that would also include the product flowing from and through SOG-80, POW/MIA Rescue and Recovery too, would it not?" I asked tediously. I wanted Lake to understand without question. "Yes" George said again, "all of the various SOG divisions' product came to us in the White House". I said "Weren't these materials voluminous?". "Yes, they were, hundreds of pages", George said earnestly.

"Did you keep them here, in the White House after you received and reviewed them for the President's information, George?". George immediately responded "Oh, no! They were too voluminous and we didn't want materials that dangerous hanging around the White House...not with the press leaks we'd had."

I said, "Did you give them then to Blackburn, the SACSA?", referring to the Special Assistant for Counter-Insurgency and Special Activities, to the Chairman, Joint Chiefs of Staff. Brigadier General Donald Blackburn <sic>, USA, was the "cut out" between the White House and the Joint Chiefs, monitoring the SOG-White House controlled operations. As such he coordinated and consulted with George frequently, and was whom the White House directed orders for SOG. The role of the SACSAs, though they changed, remained constant with SOG operations through both President Johnson and Nixon.

"Oh no" George said, "Blackburn didn't have the administrative facility or staff to deal with these hot materials...he couldn't keep them in his offices over the Pentagon."

"Did you give them to your buddies, your counter-parts from your alma mater, at the CIA, George, for storage?" I asked with a certain smile.

"Yes", George 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".

"So insofar as you know, those materials should be, exactly as I testified, held at Directorate of Operations in CIA, at Langley?" I continued patiently.

"Yes. That's where I sent them...they always went there, we didn't have the ability or need or want to keep them laying around here. They were far too sensitive...too many leaks...people nosing around." George continued with words to that exact effect.

"And George" I concluded, "if they weren't right in the Director of Operations files, those archives at Langley now, where else might they be now?"

"Well, if they moved them out of Operations, historically, they would probably be moved to the Director's files...to the Executive Registry Files of CIA", George finished, while Lake nodded.

"One last thing, George" I said, "if these files had been destroyed over the years, there would have to be a formal, detailed official record of their certified destruction, would there not?".

"Absolutely", George said.

This is in essence the same testimony or interview or sworn statement conclusions I had given the Senate Investigators back in 1992.

"Oh Georgel" I said, "I almost forgot...wouldn't a bunch of that stuff from SOG also have been siphoned off at CINCPAC out in Hawaii as well? Didn't they keep their own archive.

of SOG material passing through also, since they were in the Administrative flow and often oversaw operational support role for SOG too?”.

“Yes” George said, “They probably had a lot of it out there too, Barry...it flowed through there as well...through the Political Advisor to the CINC, or Special Operations staff.”

The Political Advisor or POLAD staff position on the various Unified commands, is the cover designation, unclassified name, for the CIA representative on a Commander-In-Chief's staff.

The point here is that although SOG was a military, covert operation, having been essentially taken away from CIA in 1963, insofar as Indochina operations were concerned, and given to the Pentagon, the intelligence materials still ended up for storage purposes at CIA, as I had always known and George corroborated. While SOG was essentially a White House dedicated and strategically tasked and ultimately controlled operation, run by the military in covert fashion, with full CIA support when needed, the product ended up at CIA, in Langley, when the White House was done with it. That material is voluminous. The SOG-80 materials focused exclusively on POWs and MIAs, and the second-tier system in Laos and Northern Cambodia, upon which SOG attempted dozens of raids and reconnaissance missions over the years, and therefore contained the best, integrated, all sourced record of our picture of the POW/MIA situation for the war. It would be the bible on POWs and MIAs.

If that archive has been destroyed, there will be a record for it, as you cannot destroy classified materials so sensitive, without legally certifying its destruction through certificate. It would be a violation of the United States Code to do so, and there would always be extremely strict accountability in doing so. If CIA doesn't have the materials, or the complete record, detailed and signaturized and dated as to destruction and who authorized it, some very serious felonies have occurred.

If one goes looking for the SOG archive, the CIA is the place to start and finish, as far as George and I were concerned, and we so told Lake that day. It should be noted that I spoke with George about this archive several times, for a cumulative period of hours, in our association during those months of concerted effort to get the new President to grasp the nettle to the POW/MIA issue, and face the truth, so true healing can finally begin, once and for all, over the Vietnam experience that lingers for this country. Until they do face the truth, and acknowledge the legacy of the men left behind and kept behind, Vietnam will never go away.

Five United States Presidents, at one point or another in their terms, have stood before the American people, and exhorted them to "put Vietnam behind us". But a nation and its people cannot "put behind" them, that which they know they've been continuously deceived about by their leaders. And if there is one thing the American people old enough to know, or read, or watch TV really understand, it is that virtually everything their leaders once told them about Vietnam, and the war in Southeast Asia, has later been proven to be a lie, to manipulate them or hide illegal or unconstitutional acts by Presidents from them and the Congress.

Until Presidents are willing to stop this abuse of the national security imprimatur for politically expedient and self-protecting motives, of which the POW/MIA conundrum is surely the most embarrassing icon, we are stuck with the lingering cultural cancer that was our Vietnam aftermath.

No true healing will occur, no resolution and satisfaction and closure can finally begin, until a President with the moral courage to stop the charade concerning the legacy of these men abandoned, steps forward and honorably and finally puts an end to this trail of tears and anguish and frustration of these Families. Only then. honor can be restored to their sacrifice on behalf of the nation.

This Affidavit was given for the limited purpose of providing background as to the location of the MACVSOG derived and integrated intelligence archive pertaining to POW/MIA information long hidden from the American people. It by no means constitutes even remotely,

the extent or scope of my testimonies and recollections regarding the POW/MIA situation or the details of consensus conclusions of the higher levels of the U.S. intelligence community, and that should be understood by the reader. This, is SOG specific only.

Dr. George Carver died suddenly in Washington D.C. within the last 40 days at 64. LTG Tighe died at 72 of years late last year. While former Secretaries of Defense Laird and Richardson acknowledged in their Senate testimonies they believed men probably were left behind, and former Director of the CIA, and later SECDEF James Schlesinger also acknowledged that "I can draw no other conclusion...in 1973 men were left behind", they have not been pressed and said little more about those times, and the extent of the consensus within the intelligence community, that up to 350 men perhaps, were kept behind in Laos alone. I give this Affidavit as the only remaining member of our "team" effort alive, of those that actually handled the materials, for whatever its historical or legal value, to citizens.

On January 10th, 1994 after months of pressing the Clinton White House and Anthony Lake and his National Security Council senior staff as to the disingenuousness of recurring, calcified official statements emanating from both Department of Defense, and especially of late from the Department of State, the State Department Office of the Spokesman issued the following Immediate Release in response to a Taken Question:

**Q.: Were U.S. POWs left behind in Laos? Is Laos doing enough on the POW/MIA issue?**

**A: This issue has received extensive review in both the legislative and executive branches. Following its year-long investigation into the POW/MIA issue, the Senate Select Committee on POW/MIA Affairs noted in its Final Report "American Officials did not have certain knowledge that any specific prisoner or prisoners were being left behind. However, we cannot rule out the possibility that live Americans may be held in Laos. Both executive branch representatives and members of the Senate Select Committee followed up expeditiously in Laos on reports and photos suggesting that American servicemen might be alive. We continue to investigate any report of Americans in captivity. Cooperation on the POW/MIA issue is a priority in our relations with Laos. We will continue to press for additional cooperation and progress on this issue. 505 Americans remain unaccounted for in Laos. Last year, the U.S. and Laos conducted six joint field activities. However, more than 80 percent of the persons unaccounted for in Laos were actually lost in areas under the control of the North Vietnamese. This demonstrates the importance of the first ever Trilateral Operation with Vietnam, which was completed on December 20. End of State Department Statement.**



We had fought months to force such a frank statement out of the Clinton Administration. What is not told, is that on September 7, 1993, I confronted Assistant Secretaries Herschel Gober of Veterans Affairs, and Ed Ross, of the Pentagon's POW/MIA Office in person, over their repeated public statements that "all live sighting reports of Americans in captivity have now been investigated". I specifically accused them of misstating the situation in Laos, to mislead the public. We were in the Secretary of Defense's Conference Room in the Pentagon at a "closed" briefing. They both dodged and ducked my challenging question, but shortly thereafter, the statistical slide for the status of Live Sighting Reports of Americans In Captivity In Laos was shown. It said plainly "Live Sightings: 82, Investigations Completed: 1". When I then pressed the briefer, reminding him of my earlier allegation and query as to "How are the Laotians cooperating in the Trilateral meetings?", he responded grudgingly. "There is no real cooperation. They promise one thing at the talks, then never deliver."

Nonetheless, President Clinton, against all major Veterans' Organizations protests, and those of the Families of the POWs and MIAs groups, lifted the 26 year old Trade Embargo against the Communist Regime in Vietnam. News reports in national magazines claimed "sources inside the White House say the President's National Security Advisor, Anthony Lake, was the last holdout" against lifting the embargo. The Clinton Administration has moved quickly towards full normalization of relations with Vietnam.

There will be no true healing, no closure for the nation, on the Vietnam stigma, during this President's term. Indeed, national polls taken immediately after the President's action in February, showed that 83% of Americans "don't believe the Vietnamese are cooperating enough" to resolve the MIA issue, despite Clinton's assurances they were. Another poll showed "73% of Americans "believe their government is lying about Vietnam POWs and MIAs", and an astounding "53% of Americans believe there is a live American POW alive today in Vietnam".

George Carver, LTG Eugene Tighe and I have always said the hundreds of men left behind were in Laos. Laos, is the Rosetta Stone to the whole POW/MIA charade and hall of



mirrors the issue has become. The internationally illegal, and unconstitutional war and covert activities mainly in Laos, since immediately after Kennedy's signature to the 1962 Geneva Accords on Laos Neutrality, which we immediately began violating, is the whole reason we could never officially admit these men's fate there. In the years since, the preservation of a perverted history and a game of lies endures to preserve the reputations of those participating originally, as they continued right through the Bush Administration.

Winston Lord, the Assistant Secretary of State for Asian Affairs today, in the Clinton Administration, was in 1973 Henry Kissinger's Personal Assistant, replacing Anthony Lake when he quit, and later Kissinger's Chief of Staff when Kissinger became Secretary of State. Winston Lord insists publicly the Vietnamese are cooperating superbly and recommended lifting the Trade Embargo. When asked under oath recently at a House Foreign Affairs committee hearing on Vietnam and POWs and MIAs that I also testified at, if "Did we leave men behind in 1973?", Lord responded "I wouldn't want to raise unfair accusations". When further pressed if he'd had any special or intelligence awareness of the POW/MIA situation through 1973, when serving as Henry Kissinger's Special Assistant in those critical years the SOG materials were flowing to George Carver, then on to Henry Kissinger and the President in the Nixon White House where Lord worked, Lord answered "No. None". Ironically, Lord had filled Anthony Lake's role for Kissinger, when Lake resigned in protest.

If you look right around Page 455, in Henry Kissinger's The White House Years, you will see Kissinger's own words, describing what a terrific job Winston Lord did in an exhaustive study of the SOG operations, that Kissinger tasked him with in those years. Winston Lord, was under oath that day, as I was.

Let the chips fall where they may.

////////////////////////////////////NOTHING FOLLOWS////////////////////////////////////

Dated this 2nd Day of August, 1994.

*Barry Allen Toll* <sup>24</sup> *Ball*  
**BARRY ALLEN TOLL**

Subscribed to and sworn to (or affirmed) before us this 3rd Day of August, 1994.

Witnesseth *Marian R. Toll* <sup>mt</sup>  
**Marian R. Toll**

Witnesseth *James A. Waterman* <sup>SAW</sup>  
**James A. Waterman**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL,	)
	)
Plaintiff,	)
	)
v.	) Civil Action No. 98-1319 PLF
	)
CENTRAL INTELLIGENCE AGENCY,	)
	)
Defendant.	)

DECLARATION OF JOHN LeBOUTILLIER

I, John LeBoutillier, hereby declare and state:

1. I currently reside in Old Westbury, New York, where I oversee the operations of the Sky Hook II Project, a privately funded group dedicated to recovering living American Prisoners of War held against their will in Southeast Asia. With over 50,000 supporters, the Sky Hook II Project seeks to gather on-the-ground human intelligence throughout Laos and Vietnam and educate the American public about the POW issue.

2. I was elected to the United States Congress from my home district in November, 1980 where I served as the youngest member of the 97<sup>th</sup> Congress. During my time in office, I served on the House Foreign Affairs Committee and as a member of the House Special POW/MIA Task Force.

3. In 1989, I authored a book, Vietnam Now: A Case for Normalizing Relations with Hanoi that was published by Praeger Publishers. I have written numerous articles on the POW/MIA issue for such publications as *The New York Times* and *The Wall Street Journal* as

well as books and articles on other topics.

4. My interest in the POW/MIA issue goes back to 1974 when I served as National Finance Chairman for Leo Thoraness, a former POW, during his campaign for the U.S. Senate in South Dakota.

5. Since 1983, I have traveled to Southeast Asia many times, including two trips to Vietnam as the guest of the Hanoi government, to discuss a solution to the POW problem.

6. I am familiar with Roger Hall's efforts to seek access to records about POWs from federal agencies, including this litigation under the Freedom of Information Act that he has ongoing against the CIA.

7. I have personal knowledge of several POW-related incidents where the CIA has had documents that have not been publicly acknowledged or released.

8. From October, 1980 through February, 1981 I 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, from the clearing of the jungle in that area to the erection of buildings and guard towers. By February, 1981 the completion of the camp was also confirmed by radio traffic intercepts. Ultimately, a recon team was sent in to scout out whether or not there were any Americans in the camp. No Caucasians were seen; however, there was a building in the middle of the camp, whose inhabitants could not be discerned.

9. Deputy CIA Director Admiral Bobby Inman was involved in these briefings, and I understood that the photographs and intercepts we were shown were CIA documents. To my knowledge, these documents have never been released by the agency.

10. I visited Laos four times in 1981 and 1982 where I met with Laotian officials who confirmed there were live prisoners in their country. They indicated to me that if the United States would give them such things as new hospitals and roads, they would make sure their people looked for and found missing American prisoners of war.

11. I know that ultimately officials 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 on these issues. The first shipment was made in December, 1981, but Robert McFarland ordered a halt to the shipments. I know the CIA was involved in both the decision to approve and stop these shipments.

12. I was told that in both Bangkok and Vientiane all live sighting reports that came into the embassy went directly to the CIA Station Chief.


13. A United Nations Official Verner Blatter was in Laos in 1981 on a helicopter trip of irrigation projects. The Governor General of the province was escorting him when they looked down and saw Caucasian men working on a road under armed guards. Blatter asked the Governor General to explain, and he stated that the men were American prisoners left over from the War. Blatter reported this to an embassy in Bangkok, and the story was reported to the CIA. Although Blatter was instructed not to discuss the matter, the episode was confirmed to me by U.S. Charge D' Affaires to Laos, Leo Moser.

14. While I was in Congress and for several years later, I had various meetings with CIA Director Casey on the POW/MIA issue. My last meeting with him was in 1985 when I took with me the wife of a prisoner of war who had been shot down in 1967. To my knowledge, no

reports of these meetings have ever been made public by the CIA.

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

Executed this 28 day of August, 1998.

  
John LeBoutillier

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 04-0814 (HHK)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

**AMENDED COMPLAINT FOR INJUNCTIVE RELIEF**  
**(Freedom of Information Act, 5 U.S.C. § 552, as amended)**

Jurisdiction

1. Plaintiffs brings this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended.

Parties

2. Plaintiff Roger Hall ("Hall") is a freelance researcher who has been working on his own and with families of American Prisoners of War and Missing in Action ("POWs/MIAs") and other interested organizations to locate information concerning their whereabouts and status. After obtaining information on missing POWs/MIAs, Hall reviews the information and selects significant items which he disseminates to a variety of news media, including publications such as National Vietnam Veterans Coalition Magazine, and the Marine Corps League POW/MIA Affairs Newsletter and Information Report. His email newsletters on POW matters are distributed to various organizations such as Rolling Pride, Vietnow, and Pride of Illinois. Hall has an agreement with Sydney H. Schanberg, a Pulitzer Prize-winning journalist to



write a story or stories with him, as well as separately, about the documents he hopes to obtain as a result of his Freedom of Information Act requests. Mr. Schanberg has written extensively on the POW/MIA issue for the past two decades. The editor of the Village Voice has given him a commitment to publish the articles which would result from such disclosures, as have the editors of other widely-circulated publications.

3. Plaintiff Accuracy in Media, Inc. ("AIM") is a District of Columbia non-profit corporation, operating as a section 501(c)(3) corporation under the Internal Revenue Code. AIM is an entity organized and operated to publish and broadcast news to the American public. AIM disseminates analysis of news media reporting, in several ways. AIM has done so for more than 35 years.

4. Plaintiff Studies Solutions Results, Inc. ("SSRI") is a non-profit private company incorporated in Maryland which regularly disseminates information concerning POWs and MIAs to other organizations which further disseminate such information.

5. Defendant Central Intelligence Agency ("CIA") is an agency of the United States and has possession and control of records requested by plaintiffs which are the subject of this action.

February 7, 2003 FOIA Request by all plaintiffs

6. By letter dated February 7, 2003, plaintiffs requested the following categories of records:

- (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 dated January 5, 1994, February 7, 1994, April 23, 1998, and May 28, 1998, including but not limited to all instructions and descriptions of searches to be undertaken by any component of the CIA and all responses thereto, and all records pertaining to the assessment of fees in connection therewith, including but not limited to any itemizations or other records reflecting the time spent on each search, the rate charged for the search, the date and duration and kind of search performed, etc.
  - (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.
7. Attached to plaintiffs' request were copies of 44 next-of-kin releases to Roger Hall and a 30-page Defense Department FOIA division declassification Casualty List of Primary Next of Kin (PNOK) Authorizations.

8. Plaintiffs' February 7, 2003 FOIA Request represented that they are each entitled to:
- (a) A waiver of search as being a representative of the news media under 5 U.S.C. § 552 (a)(4)(A)(ii)(II); as well as
  - (b) A public interest waiver of copying costs under 5 U.S.C. § 552 (a)(4)(a)(iii).
9. The CIA received plaintiffs' February 7, 2003 request on February 15, 2003.
10. On March 13, 2003, the CIA acknowledged receipt of plaintiffs' request, but over fourteen months later still had not provided a substantive response. So, on May 19, 2004, plaintiffs filed this action, seeking, inter alia, disclosure of the records enumerated in the forgoing paragraph six, as well as for a determination of their entitlement to waiver of fees associated with the search and copying of the records, as set forth in paragraph eight above.

April 13, 2005 Court Order Denying  
AIM's News Media Status and Public Interest Fee Waiver

11. By Memorandum Opinion and Order dated April 13, 2005 (Docket # 30), this Court denied AIM's application for status as representatives of the news media and for a public interest fee waiver; based upon the administrative record.

April 26, 2005 FOIA Request by AIM

12. On April 26, 2005, plaintiff AIM filed a second FOIA request, in which it requested:
- (a) Disclosure of the records enumerated in its February 7, 2003 FOIA request;
  - (b) 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.

13. In addition to the records requested, AIM's April 26, 2005 FOIA request set forth its entitlement to:

- (a) A waiver of search fees as being a representative of the news media under 5 U.S.C. § 552 (a)(4)(A)(ii)(II); as well as
- (b) A public interest waiver of copying costs under 5 U.S.C. § 552 (a)(4)(a)(iii).

14. AIM's April 26 2005 FOIA Request stated, inter alia:

- (a) Specific activities that AIM conducts entitling it to treatment as a representative of the news media;
- (b) That AIM has the ability to convey the information to others;
- (c) The details of AIM's concrete plans to convey the information to others; and
- (d) How disclosure of the information sought is in the public interest and how it is likely to contribute significantly to public understanding of the operations of activities of the government – meaningfully enhancing the public's understanding of the POW/MIA issue.

15. By letter of June 1, 2005, the CIA denied AIM's FOIA Request, and, citing 32 C.F.R. Part 1900.42(c), stated that "because the information you are seeking is the subject of pending litigation in the federal courts, no right of administrative appeal exists from our decision not to accept items 1 through 8 of this request."

AIM's Exhaustion of its Administrative Remedies

16. Notwithstanding the CIA's June 1, 2005 claim that "no right of administrative appeal exists from [its] decision not to accept" AIM's FOIA Request, on June 29, 2005, AIM administratively appealed the CIA's denial of its FOIA Requests. That administrative appeal reiterated AIM's grounds for its entitlement, under 5 U.S.C. § 552 (a)(4)(a)(iii) and 5 U.S.C. § 552 (a)(4)(A)(ii)(II), to a waiver of the fees associated

search fees and copying costs. Additionally, AIM submitted a copy of its 1971 Articles of Incorporation, for inclusion in the record in the administrative appeal.

17. On July 8, 2005, the CIA received AIM's June 1, 2005, FOIA administrative appeal. By July 19, 2005, letter, the CIA acknowledged receipt of AIM's administrative appeal but limited its acceptance of the FOIA appeal "to the issue of the denial of the fee waiver request."

18. Under 5 U.S.C. § 552(a)(6)(A)(ii), the CIA is required to make a determination on the merits of AIM's FOIA administrative appeal within 20 working days of the CIA's receipt of the appeal. The CIA has, to date, failed to make a determination on the merits of AIM's FOIA administrative appeal.

April 13, 2005 Court Order Denying Hall and  
SSRI News Media Status and Public Interest Fee Waiver

19. By Memorandum Opinion and Order dated April 13, 2005, this Court denied Hall's and SSRI's applications for status as representatives of the news media and a public interest fee waiver; based upon the administrative record.

Hall's and SSRI's Correspondence Supplementing  
the Administrative Record, and Exhaustion of Administrative Remedies

20. By letter dated May 11, 2005, Scott A. Koch ("Koch"), Information and Privacy Coordinator, Central intelligence Agency, wrote plaintiffs Hall's and SSRI's counsel a letter following up on the Agency's prior letter of June 15, 2004 regarding his February 7, 2003 request. Mr. Koch stated, inter alia, that the CIA could not accept Item 4 of the request because Judge Paul Friedman had concluded in Hall v. CIA, Civil Action No. 98-1319, that the Senate records requested therein were not "agency records;" that it could not accept Item 5 of the request because Hall had not provided the full name and

date and place of birth of all of the individuals listed in attachments 1 and 2 to Item 5 of the request; and that it could not accept Item 7 of the request because it imposed an unreasonably burdensome search requirement on the Agency.

21. Mr. Koch's May 11, 2005 letter further advised that the CIA had determined that Mr. Hall's request fell in the "all other" fee category, and that this meant that he would be required to pay search fees and copying costs beyond the first 100 pages of documents and two hours of search time. He estimated that the search charges for items 1-3 and 6 of the February 7, 2005 request to be \$40,466. He noted that this figure differed from the CIA's June 15, 2004 estimate because that included an estimate of approximately \$518,220 for Item 5 of the request and \$83,520.00 for Item 7. Given the fact that the CIA was not accepting Items 5 and 7 of the request, it now requested an advance deposit of \$20,000.

22. By his May 11, 2005 letter, Mr. Koch also returned two checks totaling \$10,906.33 which had been submitted to pay for the searches conducted by the CIA in response to Judge Paul Friedman's order in *Hall v. CIA*, Civil Action No. 98-1319.

23. By letter dated May 23, 2005, plaintiffs Hall and SSRI supplemented their requests for news media status and a public interest fee waiver.

24. By letter dated July 18, 2005, Mr. James H. Lesar, counsel for Hall and SSRI, responded to Mr. Koch's May 11, 2005 letter. Accompanying it was a new check in the amount of \$10,906.33, which he specified was to be used to pay for the searches ordered by Judge Friedman in *Hall v. CIA*, Civil Action No. 98-1319.

25. With respect to the CIA refusal to accept Item 5 of the request because the full name and date and place of birth of the persons listed in Attachments 1 and 2 had not

been provided, Mr. Lesar pointed out that there was a reference number next to each of the names that had been assigned by the Defense Intelligence Agency to each POW/MIA case. He stated that this reference number would allow the CIA to obtain all information it needed to ascertain the identities of the persons listed.

26. With respect to the CIA's contention that Item 7 of the request imposed an unreasonably burdensome search requirement on it, Mr. Lesar noted that the Agency had not explained what it was about this item that made it unreasonably burdensome to search it, nor had it elucidated what it was about this item that entailed research that the FOIA does not require.

27. Finally, Mr. Lesar noted that Koch's May 11th letter had stated that the CIA would provide two free hours of search time and 100 pages of responsive records free of charge. He stated that Hall wanted the two hours of free search time to be applied first to Item 6 of the request, then to Item 7. With respect to Item 7, he requested some description of the various searches which might be undertaken so he could select those Hall wished to have his allotment of two free hours of search time applied to. He also stated that Hall committed to pay for copies responsive to Item 6 and 7 of the request which exceeded his 100 free pages.

28. By letter dated July 1, 2005, Koch responded to Lesar's May 23, 2005 letter and denied Hall's and SSRI's application for status as representatives of the news media as a public interest fee waiver. He also asserted that because the CIA already had started processing their request, the CIA would accept an appeal only if they agreed to be responsible for the costs in the event of an adverse administrative or judicial determination.



29. By letter dated August 14, 2005, which the CIA received on August 22, 2005, Hall and SSRI appealed their denial of their requests for media status and a public interest fee waiver. They also asserted that they could not accept the CIA's attempt to condition their right of appeal on their agreement to pay search and copying costs in the event of an adverse determination because they had a statutory right of appeal which was critical to (1) the exhaustion of administrative remedies, (2) determining whether a court had jurisdiction over the case, (3) the accrual of a statute of limitations, and (4) the composition of the administrative record on which a district court determines the eligibility for fee waivers.

30. Mr. Lesar's August 14, 2005, letter also addressed at length each of the five criteria set forth in CIA regulations for determining eligibility for a fee waiver. With respect to the issue of news media status, it gave a detailed explanation as to why Hall and SSRI qualified for this status based on the facts set forth and the existing case law.

May 24, 2005 Request of Roger Hall and SSRI

31. By letter dated May 24, 2005, plaintiffs Hall and SSRI submitted a new FOIA request for records of POWs/MIAs. The new request incorporated the seven items of the February 7, 2003 request and added an eighth item, a request for "all records which related in any way to your estimate of the fees which will be incurred with regard to the February 7, 2003 request."

32. Hall's and SSRI's May 24, 2005 request also sought status as representatives of the news media and a public interest fee waiver. The request incorporated by reference the May 23, 2005 letter to the CIA which supplied a great deal of additional information in support of these applications.

Hall & SSRI's Exhaustion of Administrative Remedies

33. As noted above, by letter dated July 1, 2005, the CIA responded to Hall and SSRI's May 23rd supplementation of their request for a fee waiver and news media status, a request which was also incorporated in their new May 24, 2005 FOIA request. By letter dated August 14, 2005, which was received by the CIA on August 22, 2005, Hall and SSRI appealed the denial.

33. No response to their appeal having been received by this date, plaintiffs Hall and SSRI have exhausted their administrative remedies with respect to their May 24, 2005 FOIA request, under 5 U.S.C. § 552(a)(6)(A)(ii).

**COUNT I**

**February 7, 2005 FOIA Request – all plaintiffs**

35. Plaintiffs reallege the allegations in paragraphs 1 through 34 above.

36. Plaintiffs have a statutory right to the records they seek by their February 7, 2005 FOIA request, and there is no legal basis for the CIA's refusal to disclose them.

**COUNT II**

**April 26, 2005 FOIA Request – plaintiff AIM**

37. Plaintiff realleges the allegations in paragraphs 1 through 36 above.

38. Plaintiff AIM has a statutory right to the additional records it seeks by its April 26, 2005, FOIA request, and there is no legal basis for the CIA's refusal to disclose them.

**COUNT III**

**May 24, 2005 FOIA Request – plaintiffs Hall & SSRI**

39. Plaintiffs reallege the allegations in paragraphs 1 through 38 above.

40. Plaintiffs Hall and SSRI have a statutory right to the additional records they seek by their May 24, 2005, FOIA Request, and there is no legal basis for the CIA's refusal to disclose them.

**COUNT IV**  
**News Media Status – all plaintiffs**

41. Plaintiffs reallege the allegations in paragraphs 1 through 40 above.

42. Plaintiffs' February 7, 2005, April 26, 2005, and May 24, 2005 letters requested status as representatives of the news media, and the administrative record demonstrates that all plaintiffs are entitled to a waiver of search fees under 5 U.S.C. § 552 (a)(4)(A)(ii)(II).

**COUNT V**  
**Public Interest Fee Waiver – all plaintiffs**

43. Plaintiffs reallege the allegations in paragraphs 1 through 42 above.

44. Plaintiffs' February 7, 2005, April 26, 2005, and May 24, 2005 letters sought a public interest fee waiver, and the administrative record demonstrates that plaintiffs are entitled to a waiver of copying fees under 5 U.S.C. § 552(a)(4)(A)(iii).

**WHEREFORE**, plaintiffs pray that this Court:

- (1) Order defendant to make the requested information promptly available to plaintiffs;
- (2) Order defendant to grant plaintiffs status as representatives of the news media under 5 U.S.C. § 552(a)(4)(A)(ii)(II);
- (3) Order defendant to grant plaintiffs a complete waiver of copying fees under 5 U.S.C. § 552(a)(4)(A)(iii);
- (4) Order defendant to conduct a thorough search for all responsive records;
- (5) Order defendant to provide a Vaughn index inventorying all responsive records and itemizing and justifying all withholdings from plaintiffs;

- (6) Order defendant to promptly provide all nonexempt documents or portions of documents which were referred to other government agencies;
- (7) Expedite this action in every way pursuant to 28 U.S.C. § 1657(a); and
- (8) Award plaintiffs reasonable costs and attorneys' fees as provided in 5 U.S.C. § 552 (a)(4)(E) and 28 U.S.C. § 2412(d).

DATE: September 26, 2005

Respectfully submitted,

/s/

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/s/

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