

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

**AFFIDAVIT OF CAROL HRDLICKA**

I, Carol Hrdlicka, declare and swear:

1. David L. Hrdlicka and I were married on November 3, 1956. We had three children together. Below is the timeline of David's captivity, in Laos, along with a recitation of the government's various positions on David's status.

**1965**

2. David was shot down, and captured, on May 18, 1965. He was alive, in captivity, in Sam Neua, Laos, at the Pathet Lao Headquarters. This is well documented.



Exhibit 1 *Capture Photograph of David Hrdlicka, May, 1965.*

Exhibit 2, a December 28, 1965 *CIA Intelligence Information Cable*, at Bates 2-4, reports on David's first night in captivity:

...Pathet Lao [redaction] who was stationed in Houa Phan (Sam Neua) province until 1965[,] claimed David L. Hrdlicka spent the first night of his captivity at PL headquarters...

## 1966

3. On May 22, 1966, reports were received from the Pathet Lao on David's capture. Two tape recordings were made by him. David wrote a letter to Prince Souphanouvong, asking to be released. Exhibit 3 at Bates 5 is an undated *Intelligence Memo re David Hrdlicka letter*. It relates that David's words:

When I piloted a plane on a bombing mission, I was unable to see the contradictions in the realities. The Johnson administration lied to me, saying that I was sent to bomb the communication lines from Northern to southern Laos. This proves that the US imperialists have deliberately invaded Laos by force I see that the Laotian problem must be solved peacefully by the Laotians themselves without US intervention....

The letter ended with these words: your highness, if you send me back to rejoin my small family, I will never forget your goodwill....

See also Exhibit 4, *Intelligence Memo re voice recording*, including transcript, undated, at Bates 6-9:

...For the past year I have always met with good treatment from your people, your nurses I've taken care of me and save my life. They have given me medicine and special foods. When I was a child I wanted to be a pilot, and when I grow up I became a pilot. Now I regret that I used my strength to wage and aggressive and destructive war. What makes me very sad is that I am very far from my dear wife and my three little children....

4. On July 22, 1966, a Hanoi publication, *Quan Doi Nhan Dan*, printed the capture photograph. Another article also identified the POW as David Hrdlicka. The article is Exhibit 5, at Bates 10.

5. On August 31, 1966 another photograph of the capture appeared in Pravda, in Russia.

## 1967

6. On May 5, 1967, a Laotian representative advised The International Committee of the Red Cross in Geneva, Switzerland, that David had been captured.

Exhibit 7, *State Department memo re Red Cross report re POWs Hrdlicka and Brace, 1967*, at Bates 20: "Laos advises Geneva of capture of 2 Americans Hrdlicka and Brace."

### 1977

7. In November of 1977, the US Air Force Casualty Office made a "presumptive finding of death." At the hearing, there was no evidence presented. Exhibit 9, at Bates 22-24 is the 1977 *DOD Finding of KIA*.

However, the likelihood that he is still alive may no longer reasonably be considered since he has not been repatriated, sufficient time has elapsed during which it is believed some word would have been received if he had survived, and he cannot otherwise be accounted for.

8. In its November 1977 *Air Force Casualty Report*, Exhibit 10 at Bates 25, the Air Force gave as its reason for presumptive finding of death, to "terminate pay and allowance:"

[T]he date death is presumed to have occurred for the purpose of termination of pay and allowances, settlement of accounts, and payment of death gratuities as stated in Section 555, Title 37, USC.

### 1982

9. In a 1982 letter to the National League of Families, the DIA admitted knowledge of POWs, but justified the withholding the information on the grounds that disclosure would be "counterproductive to our intelligence efforts in this vital area." Exhibit 11, *DOD letter to National League of Families*, April 14, 1982, Bates 26.

### 1990

10. I regularly received newsletters from Air Force Casualty, assuring me that they were continuing efforts to find out what happened to David. Twenty-five years after David's capture, in 1990, I realized that the Air Force had not been investigating. Rather, it was dismissing, and debunking, all reports indicating David's survival. In 30 years, the DIA has made no effort to contact the Russian correspondent, Ivan Shchedrov, who had actually talked to David, in captivity, in Sam Neua. See, e.g., Exhibit 48, Letter from Ivan Shchedrov, in 1968, where he wrote, "I have met David Hrdlick had an opportunity to talk to him and I think he is really Hrdlick [sic]..." I would like to know whether the CIA has intelligence on this interview.

11. In June of 1990, the DIA received a report, which states, in part:

I am talking to Col Chaeng (Brig Gen) PL Commander of the 11<sup>th</sup> Regiment at Kham Keut, Kham Moname province suspected of holding D. Hrdlicka and friends. The outcome of my conversation will be relayed to you soon.

See *also* Affidavit of Roger Hall, Exhibit 100.

12. In 1990, upon receipt of this DIA Report, I requested from the DIA, by telephone, the "outcome of conversation." To this day, I have received no answer, or information.

13. In February of 1990, I received a letter from DIA, discussing a 1989 Report that David had escaped, and had been recaptured. The letter went on to disparage the report. I have requested the reports and analysis on which this letter was based, but to date have not received that information. The government claims it has provided all information on David's case. The DIA did not send the 1989 information until 1990. Exhibit 13 is the February 1990 *DIA Report of Hrdlicka escape*, at Bates 30-31:

Late last year an analyst in this office received a telephone call from an American citizen who described himself as a carrier for the U.S. Postal Service. He said he was in frequent contact with a "Frenchman" in Bangkok who allegedly has a source (not identified) who claims that American pilot David Hrdlicka recently escaped, only to be recaptured.

## 1991

14. In May of 1991, I began sending Freedom of Information requests for information concerning David's case. On July 2, 1992, I sent another request for reports that I had not received. I made a specific request for the "code number" or similar identifier carried by David, for identification in case of shoot-down and capture. There was a serial number identifying David, which was referenced in a government report. See Exhibit 14, *Intelligence Cable*, May, 1966, at Bates 32-34:

Name used [was] almost certainly that of David Louis Hrdlicka US Pilot whose F-105 shot down Southeast of Sam Neua on May 18, 1965. The names, dates, and serial numbers used in letter correspond very close to those we carry for Capt. Hrdlicka.

No US government agency has told me what they used for David's identification number.

15. Each "Blood Chit" had a number on it, correlated to the individual carrier. No government agency will tell me what the number was on David's "Blood Chit." Later casualties were assigned authenticator codes, which could be identified by satellite imagery. When men are offered to the US government, the Blood Chit is not honored, or even mentioned. The US government defaults on their contract with the men by denying payment. Exhibit 16 is the *Blood Chit Explanation*, at Bates 37-38:

In the Victorian sense, Blood means friendship, and in military terms, a Chit is a voucher. Hence, the term blood chit or "Friendship Voucher." Our aircrew members carried a blood chit on their person while flying missions during the

Southeast Asian conflict. The request for assistance, in the event they were shot down, is written in English and various languages common to the area. The blood chit is credited with saving many lives.

Exhibit 34 is a 1990 *DOD Cable re Joint Staff denying reward for POWs*, at Bates 100, relating that "RO further 4 advised [Redacted] there would be no rewards..."

## 1992

16. On July 2, 1992, during the Senate Select Committee Hearings, I sent a letter to the head of the Defense Intelligence Agency, Mr. Robert Sheets, requesting information on documents that the agency should have had concerning David's case. Being an Intelligence Agency, they should have access to David's "code number" in case of capture. Exhibit 17 *Carol Hrdlicka letter re reported information*, July, 1992, at Bates 39.

17. In 1992, US News & World Report published an article on 1988 satellite imagery, USA walking "K," taken in the Sam Neua area, where David was held. The government should have notified me. But I had to read about it in the magazine. I requested the information concerning that report.

18. Exhibit 18 is the 1988 *"Walking K" areal image*, at Bates 40. It was picked up by satellite in the Sam Neua area. It is called a "Walking K" because pilots were trained to use this "K" as a distress signal if captured. In 1992, when the DPMO (Department of POW/MIA Office) analysts were asked what investigation they had done on this imagery, they testified at Senate Select Committee Hearing they were still analyzing it. The government made no attempt to rescue, or immediately go to the location, to investigate this distress signal. Four years later they were still "analyzing" it. Exhibit 53 lists *Escape and Evasion Codes*.

19. In 1992, I then called Lorenzo Burroughs, a government satellite imagery expert, about this imagery. I asked him whether any authenticator codes were picked up with it. He responded that there were around ten. The government claimed that the families were being notified of any information concerning their family member.

20. On July 29, 1992, I again requested specific information on a rescue attempt code-named "Duck Soup." On Sept 21, 1992, I received a letter from Charles Trowbridge, stating that there was no such operation associated with the Vietnam Era. In 1995, I received documents showing that there was such an operation, called "Duck Soup," that mentioned David. I am still getting information on "Duck Soup." It was a CIA run operation. General Secord testified before the Senate Select Committee Hearings to attempts to rescue David, and that there was a "raft of cables" in the CIA on the rescue attempts. See Affidavit of Roger Hall Exhibit 8. The DPMO (Department of POW/MIA Office) was tasked to investigate David's case. It never asked the CIA, or DIA, for any information regarding these rescue attempts. Exhibit 19, at Bates 41, is my July 29, 1992 FOIA Request for "Duck Soup" records.

21. The Department of Defense POW/MIA's October 1992 fact book contains statements indicating that David had died in captivity. Upon request for those documents, I was told I had all the information. But I have no report concluding that David had died. A July 1991 JCRC (Joint Casualty Recovery Center) report states there is no evidence of Hrdlicka's fate. I asked the Defense Intelligence Agency to show me the reports that stated that Hrdlicka had died. Finally, the DIA admitted that they have no reports of David's death. Exhibit 20, at Bates 42-59, is a *1991 JCRC Report*. It states:

Although the information obtained is generally consistent with previous reports correlated to this case, the team located no evidence indicating Captain Hrdlicka's fate.

22. The government continues to misinform all inquiries about David's case. See, e.g., Exhibit 21, *DOD POW/MIA Fact Book*, October 1992, at Bates 60-61.

23. On December 2, 1993, the DOD wrote a letter to me, claiming that it had provided all information on David's case. This *DOD letter*, Bates 62-63, is Exhibit 22.

Dated copies of each of these replies are placed in your husband's file for historical purposes. Each response has been as thorough as our knowledge of the known facts in his case has permitted. Apart from this, all other information in our possession that relates to Colonel Hrdlicka has been provided to you. I regret that you feel this is inadequate.

### 1993

24. In June of 1993, my eldest son, David, and I, traveled to Russia, where we met with the wife of the Russian correspondent, Ivan Shchedrov, who had interviewed David in captivity. Mrs. Shchedrov told us that, in 1969, Mr. Shchedrov had interviewed David at a press conference in Sam Neua, Laos. Mrs. Shchedrov gave me an article that Mr. Shchedrov wrote. It reports on the 1969 press conference, where David was present. It was a dedication of the underground city named "Hotel Friendship." This city was designed to keep the people safe from the US bombings. It has recently been opened to the public, as a tourist attraction in Laos. Exhibit 23, the *Shchedrov article re 1969 interview* of David Hrdlicka, is at Bates 64-70. The article recounts David's introduction:

In a few minutes we will hear from an American pilot shot down in this region. His name is Dehvid Luis Khrdlika. He is a Captain in the United States Air Force. He flew from the American base in Tahkli in neighboring Thailand. He was the lead aircraft in a group of three jet-powered F-105 fighter bombers.

In all the years since David was captured, there were no attempts by the US government to interview Ivan Shchedrov. Finally, after our trip to Russia, the DIA interviewed Mrs. Shchedrov.

25. Over the years, there have been reports that a POW had died. When this occurred, the government correlated those reports to David. Later, the government was forced to admit that none of these reports correlated to David. For example, Exhibit 24 is an August 1993 *DOD letter re Hrdlicka and Caswell*, at Bates 71-73:

One of these reports (TDCS- 314/04249-66 of 29 March 1966) which was previously believed to be associated with Col Hrdlicka can no longer be correlated to him because Col Hrdlicka was known to be alive in Vheng Xai area well after the source claims he was transported to Vietnam. The second report does not provide a date of information, but it had to be prior to 5 January 1969, the date of the report.

26. Another time, after a POW had died, the government again claimed that it was David, based on Exhibit 25 (Bates 74), which is a March 1966 *Intelligence Memo* reporting a 1966 death of a POW who had been wearing yellow flight suit. That man was buried at a cemetery in Ban Bac. It was clearly not David, who had been wearing a green flight suit.

27. Another time, based on a JCRC Report of an excavation of a grave site at Ban Bac in August of 1965, the government claimed that it was David. But other reports show that David was alive in late 1966, and early 1967.

28. Later, the government claimed that David was the POW described in an intelligence report on a captured pilot, who had eluded capture, and then died, and was buried at Ban Bac. Here too the government knew that it was not David. David did not try to elude capture.

29. David was in a prison system. He could be tracked through the captor's records. There is no need to continue to excavate grave sites on David's case.

30. Another report claimed to be David was of a pilot who was KIA after being shot down. It was not David. The date June of 1966, and description of the pilot's children did not fit David. See Exhibit 27, *DIA report re 1966 KIA pilot*, father of three sons, at Bates 77-78.

31. There were a number of reports of men who survived their shoot-down, but were never carried as a POW, because their status was wrongfully correlated to David.

32. Exhibit 26 is a *CIA Intelligence Information Cable* regarding the 1968 display of four American Pilots who were being held in Laos for exchange after war's end. Bates 75-76:

A Pathet Lao Propagandist explained to the villagers that the pilots would not be killed but would be held for prisoner exchange after the start of peace negotiation.

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

34. In August of 1993, the DOD admitted that it had correlated reports to David that were not him. But those reports still remain in David's file. See, e.g., Exhibit 24, *DOD letter re Hrdlicka and Caswell*, at Bates 71-73.

Two reports suggest that an unidentified American pilot was transported from the Vieng Xai area of Laos to Vietnam. One of these reports (TDCS314/04249-66 of 29 March 1966) which was previously believed to be associated with Col Hrdlicka can no longer be correlated to him because was known to be alive in the Vleng Xai area well after the source claimed he was transported to Vietnam. The second report does not provide a date of information, but it had to be prior to 5 January 1969, the date of the report.

35. Colonel Schlatter stated that there were no sightings of pilots in caves after 1966, even though I have a 1968 report that states that American pilots were imprisoned in a cave. Exhibit 29 *Intelligence Information Cable*, April 1968 re "PWs held in cave," at Bates 80-81.

36. Another report dated January, 1970 regards a prison camp in Sam Neua that contained about 20 US pilots. See Affidavit of Roger Hall, Exhibit 64. Another report dated 1973 reflects that seven Caucasian prisoners had an audience with Prince Souphanavong.

37. Over 500 men were lost in Laos. An Intelligence Report confirms 54 enemy POW camps in Laos. See Affidavit of Roger Hall Exhibit 34. The government claims that only two men survived their incident. If the only known POWs to be in the area were Hrdlicka and Shelton, then who are all the other men referred to in the US government's own documents? In 1992, the JTFFA (Joint Task Force for Full Accounting) stated that they were excavating another grave site, purportedly David, again.

38. The government continues to excavate grave sites, even while it has documents showing that there was a highly classified record kept by the Laotians stating that, unless the USG abides by Nixon's 17 points, there will be no information on the missing. Exhibit 31 is a 1977 *Intelligence Information Cable* regarding records maintained by Laos of all POWs, at Bates 87-89:



Maintains in the ministry a central and highly classified record of American pilot captured by Lao and Vietnamese communist forces during the war. This record has been kept from the onset of the war and previously held in safe keeping at Khamai's former military Headquarters in Sam Neua.

## 1994

39. In September of 1994, I requested a US Air Force hearing to reinstate Hrdlicka as a POW, as I had new information. I had come into possession of many documents showing David's survival that I did not possess when the initial presumptive finding of death hearing was held in 1977. The Air Force denied my request for a hearing, or to change the status, even though I had new evidence and intelligence reports. Exhibit 28 is my September of 1994 *letter requesting to reinstate Hrdlicka as a POW*.

40. In 1994 the Air Force sent me a letter stating that David "Hrdlicka was a POW at Homecoming." Exhibit 52 *Air Force Letter*.

41. While searching for records in the Library of Congress, I found a report that the government had been tracking 23 POWs in 1984. Exhibit 45, at Bates 126-133, is the 1984 *Report* that I found in the Library of Congress. It states, "Summary of important facts are as follows: (Brief map attached) Number of persons in custody: 23 American Prisoners of War." Another 1984 report also shows these 23 POWs. This record reflects that the CIA believed the number to be 20, not 23. Exhibit 32, *DIA Cable re 23 POWs*, 1984, at Bates 90-92, with the handwritten note, "CIA/JCRC reporting says 20 POWs."

42. A report dated 1969 states that the only that U.S. POW's known to have been held in the Sam Neua area prior to Homecoming were Hrdlicka & Shelton. Who are all these men?

43. Absent from the Library of Congress document is the identity of the agency that wrote it, as well as the recipient agencies. This hampers the effort of families to make FOIA requests regarding the information. Exhibit 33 is an undated report of *POW movements tracked by aircraft*, at Bates 93-99. I have since received message traffic that corroborates this transporting of POWs.

44. A 1974 CIA report reflects knowledge of eight to ten POW's in the Sam Neua area, until 1973. No POWs returned from this area. National Reconnaissance Office ("NRO") handwritten notes mentions live American POWs, and includes "1967 air shots shows POWs playing volleyball." See Exhibit 43, *National Reconnaissance Office Notes*, at Bates 121.

45. Another aerial photograph, this one dated October, 1969, is attached as Exhibit 44, *National Reconnaissance Office Volleyball photograph*, at Bates 122-24.

46. There are numerous intelligence reports showing live POWs all over Laos after Homecoming 1973. Before operation homecoming, in 1971, there were at least 50

POWs in Laos. See, e.g., Exhibit 38, *Intelligence Report* of 50 to 100 POWs in Laos, at Bates 107-09.

47. None of the 1973 Homecoming POW's were ever held in the caves in Laos. See discussion above. After Operation Homecoming, in 1973, a report states, "The fate of Hrdlicka and Debruin must await the formation of a new coalition government." See Exhibit 39, *Memorandum for Dr. Kissinger*, June 9, 1973, at Bates 110-11. Other records reflect that American officials knew that the Laotians were using POWs as hostages to get repatriations. Yet, the government refuses to pay for POWs, even though each man carried a "Blood Chit," stating in 13 different languages, "See that I am returned to my people. My government will reward you." See Exhibit 34, 1990 *DOD Cable re Joint Staff denying reward* for POWs. This record mentions David, at Bates 100. The US government pays only to excavate grave sites.

48. American officials were told that prisoners held in Laos would not be released through Vietnam. American officials knew that men who were captured and never released. Lao officials admitted that there were "that some tens of prisoners were held" by Pathet Lao. See, e.g., Exhibit 51, an undated *Working Papers of Dr. Kissinger*, at Bates 167-172:

"If the (the prisoners) were captured in Laos, they will be returned in Laos." Moreover on February 1973 Soth was told that at a press conference Dr. Kissinger had stated that the responsibility for the identification and repatriation of all prisoners captured in Indochina had been taken by the DRV. To this statement Soth replied "Whatever the US and North Vietnam agreed to regarding prisoners captured in Laos is not my concern. The question of prisoner taken in Laos is to be resolved by the Lao themselves and cannot be negotiated by outside parties over the heads of the Lao"

49. A 1985 DIA memorandum admits to the government's mishandling of the POW/MIA issue, observing that the government "will not look good under scrutiny." Exhibit 41 *DIA Memorandum*, 1985, at Bates 117-18.

50. There is a 1990 report on David. See Exhibit 34. When the source came forward with this information, he was told there would be no reward. This was misinformation. The informant should have been advised about the "Blood Chit" reward for a live man. The government pays millions of dollars in aid, for permission to excavate crash sites. It pays for remains, while refusing to pay comparable amounts for live men. Exhibit 35 is a 1991 *DOD Cable re Joint Staff denying reward* for ten POWs, at Bates 101-02. Exhibit 36 is the *DOD Blood Chit Policy Statement*, at Bates 103-04.

## 1991

51. In February 1991, Colonel Millard Peck, Chief of the Special Office for Prisoners of War and Missing in Action, resigned. *Colonel Millard Peck's resignation* letter, Exhibit 42 at Bates 119-20, explained the deliberate actions to make sure that no

information on live POWs was disseminated, or followed up on:

[S]urveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This idea was further promulgated in a number of legitimate veteran's periodicals and professional journals, as well as the media in general...

\* \* \*

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

\* \* \*

From my vantage point, I observed that the principal government players were interested primarily in conducting a damage limitation exercise... Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads.

\* \* \*

It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress.\*\*\* The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as a "toxic waste dump" to bury the whole "mess" out of sight and mind to a facility with the limited access to public scrutiny.

\* \* \*

Although assiduously "churning" the account to give a tawdry illusion of progress, she [Director of the National League of Families] is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations.... She apparently has access to top secret, code word message traffic, for which she is supposedly not cleared, and she received it well ahead of the DIA intelligence analysts.... She was brought from the "outside," into the center of the imbroglio, and then, cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously "muddles up" the issue. One wonders who she really is and where she came from.... As the principal actor in the grand show, she is in the perfect position to clamor for "progress," while really intentionally impeding the effort. And there are numerous examples of this.

\* \* \*

I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of

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

\* \* \*

For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing in Action.... I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service.

52. Over the years, I have been repeatedly told that I have all information on David's case, yet a researcher found a document in the archives concerning David that had never been given to me, by the DOD, or CIA. See Roger Hall Affidavit Exhibit 103 Bates 134-40.

53. During the 1996 House Subcommittee on hearings Military Personnel, I placed a highly classified Lao document in that record. It was a record of capture and dispersal of POWs. A 1982 DIA letter confirms that they knew about the prisoners and their locations. US government agencies have a mountain of evidence of live men, but they act only on grave sites.

54. A researcher found a 1973 memorandum that concerns Hrdlicka. After handing this 1973 memorandum to Mr. Wold, DPMO Chief, I received a letter in November of 1994, admitting that Hrdlicka was a POW at Homecoming. Exhibit 52, 1994 *Air Force letter*, at Bates 168-69. I have been told many times I have all information concerning David's case. Over the years, I have requested any and all documents mentioning Hrdlicka's name. Yet, I am still receiving documents that have not been given to me by the government agencies tasked with investigating David's case.

#### **1994**

55. In September of 1994, I started mailing complaints to the Department of Defense Inspector General Office. I sent mailings for the next several months with attachments showing examples of misconduct by government agencies tasked with doing the investigations on the POW/MIA issue. Addressing in seven different criminal violations by these agencies, I sent 24 separate complaints to the Inspector General. Later, I made a FOIA request for actions taken by the DOD Inspector General. In response, the Inspector General sent only copies of my complaints. Exhibit 8 is my then lawyer's list of *Criminal Violations committed by DOD and CIA agency personnel*, at Bates 21.

#### **1996 viewing of file**

56. When my son and I viewed the classified file kept by DPMO (Department of POW/MIA) for my husband, it became clear that there had been no investigation. There

were no radio intercepts, or any reports or notes of interviews of individuals. There were no cables from CIA, even though General Secord testified that there were a "mountain of message traffic" on David's case. See Affidavit of Roger Hall. During that review of the file, we asked what training was needed to become an analyst. The analyst responded that he had no special training. The DOD used untrained people to do what it claims is a "high priority" job.

57. The effort was never made by any government agency to interview the Russian reporter, Ivan Shchedrov, who had interviewed David in captivity several times. As my son and I went through the file, it became evident that there was never any follow-up on any information that they had received. The only thing that DPMO continues to do is to excavate grave sites. Mr. Warren Gray of the DPMO told me that they had excavated four grave sites, in David's case, and have found nothing.

58. During the file review, I asked Warren Gray whether the DIA had ever followed up on the La Bounty 1992 live sighting report. Mr. Gray stated there had been no follow-up or investigation—another example of reports that concern live men being ignored. The DPMO has not done the very basic investigation, or tasked the CIA or other agencies to provide the information that those agencies have on David's case. Clearly, the DPMO is not interested in conducting any real investigation of live men.

#### **1981 offer to sell POWs to USG**

59. An investigative reporter found in the National Archives the deposition of Richard Allen, National Security Advisor in the Reagan Administration, and hand written notes regarding an offer to sell to the US 57 men for \$4.5 billion. See Affidavit of Roger Hall Exhibits 23(a) and 23(b).

#### **1996**

60. MACVSOG was the Military Assistance Command, Vietnam-Special Operations Group. It was later renamed the Studies and Observations Group. MACVSOG provided intelligence information to the Pentagon, rescued downed pilots, and destroyed large amounts of enemy material. The government denied for years the existence of MACVSOG. In response to one of my FOIA requests to the DPMO for MACVSOG Daily Summaries, on March 14, 1996, the DPMO wrote that it had no such records. Yet, another family member received a letter from DPMO stating that MACVSOG daily summaries are being reviewed for declassification. There was information on POWs in the daily summaries.

61. June 10, 1996, I received a letter from Ivan Loboda, a Russian correspondent who had accompanied Ivan Shchedrov to Laos in 1969. Mr. Loboda verified that there were American pilots physically present at the 1969 press conference, held in San Neua, for the dedication of the underground city named "Hotel Friendship." Exhibit 49, Letter from Ivan Loboda, at Bates 150.

62. The government has insisted, for over 20 years now, that David is dead. According to the government, David died in 1966. Next, it claimed that he died in 1967. Lastly, according to the government, David died in 1968. It finally settled on 1968 as the date it "believes" that David died. The press conference that displayed David was held in 1969. The government has no evidence that David is dead. The government's "belief" is not based on any evidence. The absence of any evidence cannot be the basis of declaring someone to have died.

63. There has been no credible evidence to date that proves that David L. Hrdlicka has died. Rather, there have been live sighting reports that show him to be alive in the early 1990s.

64. After all the testimony over the years given before Senate and House hearings, showing the misconduct and criminal activity in the government agencies, no one has been held accountable. The POW/MIA families have no one to protect them from these injustices or investigate the possibility of criminal activities in these agencies. Exhibit 50 is the 1992 *DIA Memoranda re Destruction of POW Records* by the CIA, written by Investigator John McCreary, at Bates 151-56. It includes:

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

(Emphasis supplied)

65. In 1996, the POW/MIA families tried to remedy the government's unjustified declarations of death, by amending the Missing Personnel Act, which had not been updated since 1942. The families worked for 6 months, at our own expense, to get this legislation passed and into law. There were provisions in this legislation that would have required evidence of death before the government could declare a person dead. The Speicher case, from the Gulf War, is an example of the US government's declaring a man dead with no evidence.

66. Another provision would have penalized anyone for lying to service family members about their loved ones. Later, our amendments were repealed, at the behest of Senator John McCain. This legislation would have protected future generations from enduring what the Vietnam Era families have endured. A more recent example of agencies lying to a family is the Pat Tillman case, from the Afghanistan conflict, where the family was lied to right from the beginning of his loss.

67. The CIA's intelligence gathering regarding POWs in Laos was ongoing. See June 1973 *Joint Chief Memorandum re CIA's Intelligence* on POWs in Laos, Exhibit 47 at Bates 141-47, with the subject, "US prisoners of war in Laos." It states:

[R]eference is made to your memorandum... dated 18 May 1973, which discussed the US PW/MIA situation allows and recommended that a CIA briefing on the subject we provided to the JCS....

The following are the facts as they relate to CIA involvement in the current Laotian MIA situation. CIA continue to conduct an active program to acquire intelligence relative to the status of US MIA personnel. The agency accords PW/MIA matters one of the highest priorities in its overall intelligence collection efforts in SE Asia...

CNO indicated that CIA is pursuing a priority effort to determine what happened to US POWs in Laos and suggested a brief...

DIA and J-3 (DOCSA) discussions with CIA points of contact and records of DOCSA a monitoring of Laos activities indicate that CIA has had, and currently conducts, an active program to acquire intelligence related to the status of POW/MIA personnel. This program is among the highest priority PW/MIA intelligence objectives within the overall intelligence collection efforts in SEAsia. It is carried out by assets, and winds in the organizational structure of CIA station in Laos...

DIA is collaborating closely where appropriate with CIA in regard to the current situation in Laos... At present there are proximately 350 US military and civilians listed as missing in action in Laos. Of this total, approximately 215 were lost under such circumstances that the Patriotic Laotian Front (PLP) probably has information regarding their fate...

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DATE: July 19, 2016.

Under penalty of perjury, I declare that the foregoing is true and accurate to the best of my information, knowledge, and belief.

  
Carol Hrdlicka

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