

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

WINNING PAPERS

25 SEP 1985

C-109/DC

MEMORANDUM FOR BGEN SHUFELT (VO)

SUBJECT: The POW/MIA Issue (U)

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

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

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

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

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

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

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

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

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

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EXHIBIT 41

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WORKING PAPERS

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

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

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

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

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

Very respectfully,

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

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POW/MIA CHIEF RESIGNS

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

Here is the text of the resignation letter:

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



POW/MIA Chief

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

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

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

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

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

2. BACKGROUND

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

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

EXHIBIT 42

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

3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE

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

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

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

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

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

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

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POW/MIA Chief Con't.

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

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

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

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

5. RECOMMENDATIONS

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

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

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

4. CONCLUSIONS

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

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

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

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

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

Signed/ Millard A. Peck Colonel, Infantry
USA

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

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QV-Maps S

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APCAT chairman - federation of the C of Cs

Here only for newsletter - 8 pages twice a month

Dep for. John Bai?

R

In last year:

1) The consultants met live Americans living on their own in remote areas.
We asked her to get in touch w/ consultants - urgent & very imp.

She promised a fax one way or the other

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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY

Hree

DATE 10/7/91

☒ UNCLASSIFIED ☐ RECLASSIFY☒ IS-100 ☐ RECLASSIFY IN PART☐ IS-100 ☐ RECLASSIFY IN PART

FGL NO or NA exemptions

CLASSIFIED BY ☐ AUTHORITY TO:☐ CLASSIFY AS ☐ , OADR☐ DOWNGRADE TS to ☐ S or ☐ C, OADR

Qu-Maps 5

Story - H-G report

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

NRO National Recon Office - existence is classified
can neither confirm nor deny

→ we have no idea.

no knowledge of satellite photo

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

1987-2 photo did not correlate to a missing person

DEPARTMENT OF STATE A/CDC/ME

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(X) IDENTIFIED	1	CONFIDENTIAL
(X) INDEXED	1	CONFIDENTIAL in PART
() DECLASSIFIED	1	CONFIDENTIAL sensitive info.

FOI b7 - D

TS authority to:

() CLASSIFICATION: _____, OADR

() DOWNGRADE TS to () S cr () C, OADR

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EXHIBIT 44

000122

J.V. Mops 5

Story - H-G report

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

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

no knowledge of satellite photo

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

DEPARTMENT OF STATE A/CDC/ME

REVIEWED by Hree DATE 10/7/91

☒ RELEASE ☐ DECLASSIFY
☒ EXONER ☐ DECLASSIFY in PART
☐ DELJ ☐ Non-responsive info.

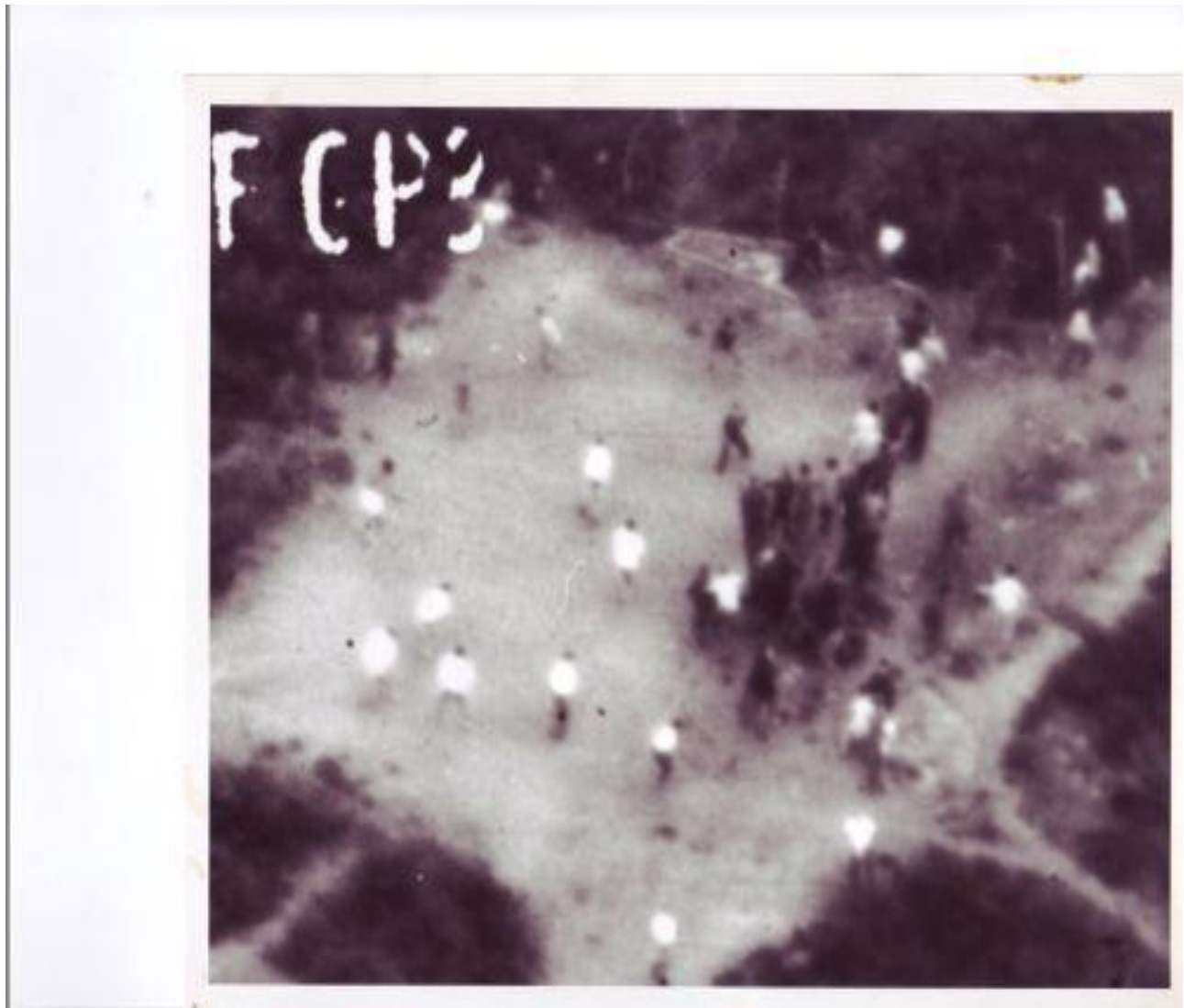
FOI, EO or PA exemptions

TS authority to:

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

DECLASSIFIED

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P 301804Z AUG 84

FM
TO
INFO

SUBJ: THAI HUMINT REPORT OF AMERICAN POW CAMP IN LAOS
REF:

1. APPRECIATE INFO CONTAINED IN REF. REQUEST YOU CONTACT APPROPRIATE OFFICIALS TO ATTEMPT TO OBTAIN ANY FURTHER INFO AVAILABLE TO THEM, E.G., RELIABILITY OF SOURCE, IDENTITY OF SOURCE, EXACT LOCATION (COORDINATES), DATE OF INFO, ETC.
2. FROM THE INFO PROVIDED, WE HAVE BEEN UNABLE TO FIND AN AREA ON OUR MAPS SOUTH OF BAN KADON THAT COULD BE AT THE BASE OF A MOUNTAIN WITH A MOAT FED BY THE NAM PHUANG RIVER. WE DID FIND A MUONG LAMAN (NOT LAMAM) AT XC8205 (1525N 10642E) AND A NAM HIANG AT YB0293 (1518N 10653E). WE HAVE NOT BEEN ABLE TO FIND A HEUP VALLEY BUT DID FIND A HOUEI PHOUANG RIVER IN THE AREA OF YC4310 (1527N 10733E) WHICH IS WELL EAST OF BAN KADON. HOWEVER, JUST NORTH OF BAN KADON ARE TWO BAN KANDON'S AT YC1340 (1544N 10700E) AND YC1443 (1545N 10301E) WITH PHOU KOUNGKING MOUNTAIN TO THE SOUTH AT YC3312 (1528N 10710E). PHOU KOUNGKING IS IN THE IMMEDIATE AREA OF HOUEI PHOUANG RIVER. DO NOT BELIEVE, HOWEVER, ANYONE COULD WALK FROM EITHER BAN KANDON TO THIS AREA IN FOUR HOURS. QUERY IF YOU HAVE HAD ANY BETTER LUCK IN FINDING THE AREA.
3. ALSO, PLEASE INSURE THAT
ARE ALERTED TO THIS INFO AND HAVE THEM

4. PLEASE ADVISE OF ADDITIONAL INFO IF/WHEN IT BECOMES AVAILABLE.

DECL: OADR

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#28

9

EXHIBIT 45

000126

P R 022201Z DEC 80

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

HAVE INFORMATION THAT TRANSFER OF 20 AMERICAN AND 16

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

VN 2 DEC 10

++

R: (U) THIS

PER REQUEST OF

ACUR:

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P 042113Z DEC 79

FM
TO
INFO

POSSIBLE U.S. POWS IN LAOS

WITHOUT COMPROMISING THE SOURCE OF THE INFO CONTAINED IN REF REQUEST, IF POSSIBLE, THAT YOU OBTAIN ANY ADDITIONAL INFO REGARDING THE MENTIONED U.S. POWS FROM THE WE ARE PARTICULARLY INTERESTED IN ANY INFO WHICH WOULD AID IN IDENTIFYING THE POWS, I.E. PHYSICAL DESCRIPTIONS, PLACE(S) /CIRCUMSTANCES OF CAPTURE, CONDITION OF HEALTH, ETC. AS YOU CAN WELL IMAGINE, INTEREST IN U.S. POWS REMAINS EXTREMELY HIGH. PLEASE ADVISE.

REVW 4 DEC 99

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CONCUR:

#14

000128

6

A ROUGH SKETCH MAP SHOWS THE CAMP TO BE FOUR HOURS WALK SOUTH FROM N KADON (LOCATED AT 1519N 10658E YB1195) ON THE EAST SIDE OF THE NAM PHUANG RIVER. IT SHOWS A SMALL CAMP BOUNDED ON THE LEFT BY THE NAM PHUANG RIVER AND ON THE OTHER THREE SIDES BY A MOAT. THERE IS ONE BARBED-WIRE FENCE BETWEEN THE CAMP AND THE WATER, ONE ALONG THE MIDDLE OF THE MOAT AND ONE BETWEEN THE MOAT AND THE GUARDS. ACCORDING TO THE MAP THERE IS ONLY ONE FENCE AND THE RIVER TO THE WEST. ENTRANCE IS OVER A WOODEN BRIDGE ON THE EASTERN SIDE.

DECL: OADR

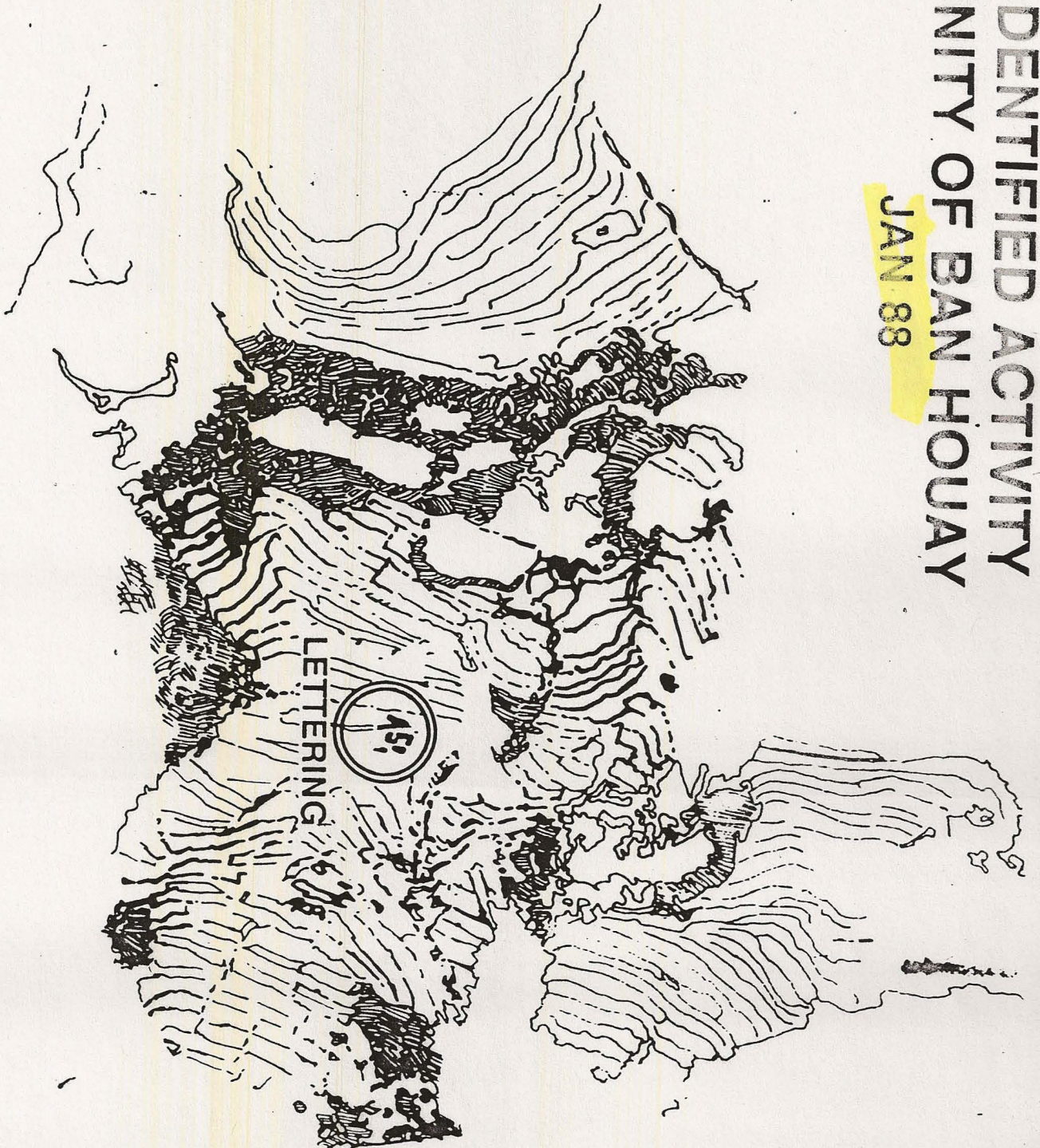
#0591

NNNN

000129

UNIDENTIFIED ACTIVITY VICINITY OF BAN HOUAY

JAN 88

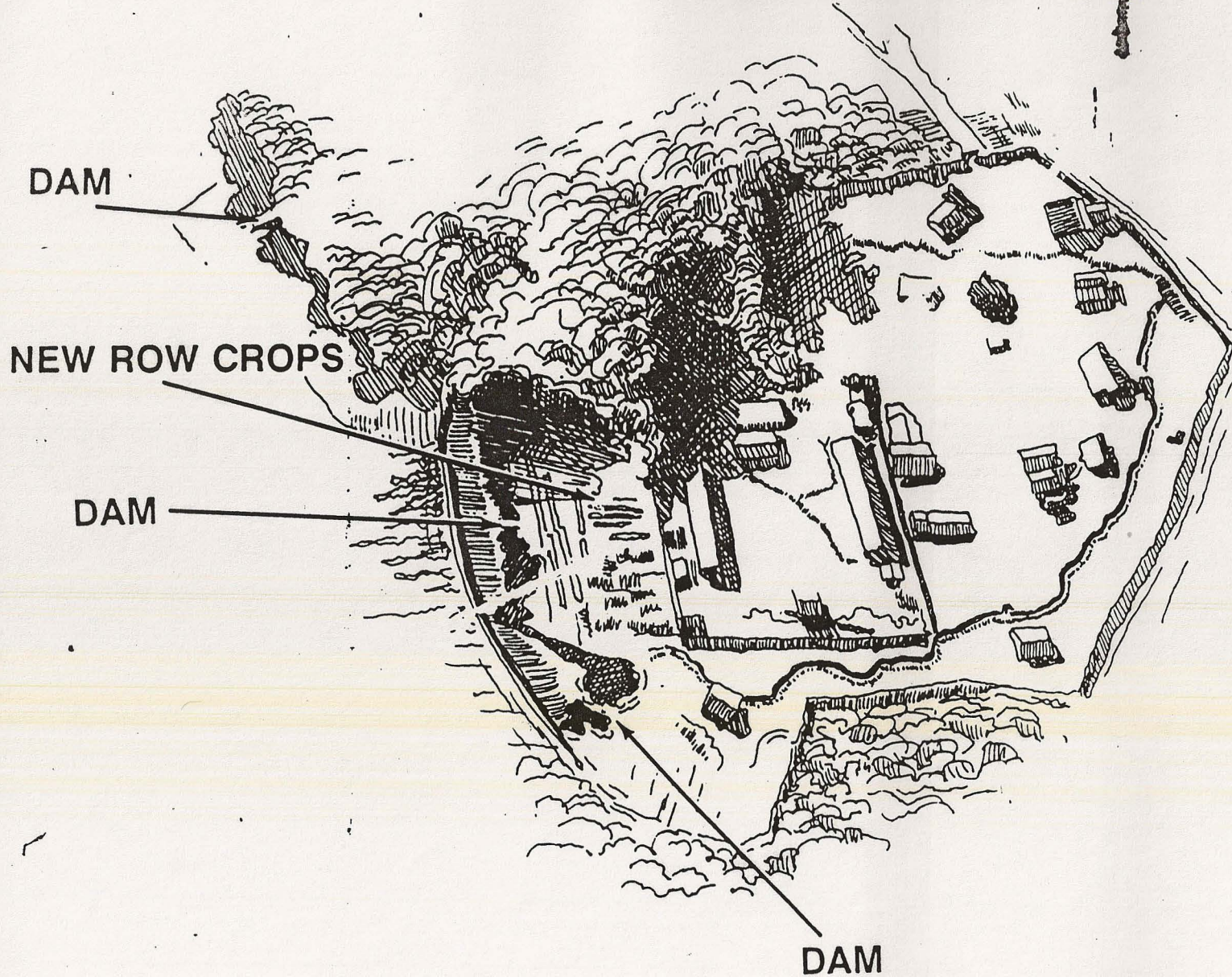


000130



DETENTION CAMP EAST OF THANKHEK, LAOS

DECEMBER 1980



NORTHERN LAOS NEAR SAM NEUA

JANUARY 1988

"USA" CLEARLY VISIBLE



000133

01 07 011501Z JUN 90 PP

1521506Z

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

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

PASS: DIA/PW-MIA FOR

0000

SERIAL: IIR 2 240 5010 90.

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

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

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

EXHIBIT 46

000134

02 07 011501Z JUN 90 PP

1521506Z

WARNING: THIS IS AN INFO REPORT, NOT FINALLY EVALUATED

INTEL.

DEPARTMENT OF DEFENSE

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

DOI: 891212.

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

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

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

000135

03 07 011501Z JUN 90 PP

1521506Z

DISCUSSED A POSSIBLE RESCUE ATTEMPT.

TEXT:

1. SYNOPSIS. A LAOTIAN EXPATRIATE

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

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

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

SSC - 3 DATA

DATA

SSC - 2 PROVIDED SOURCE NEWSPAPER

VB

000136

04 07 011501Z JUN 90 PP

1521506Z

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

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

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

ROGER HALL
8715 First Ave., Apt. 827
Silver Spring, MD 20910
201-585-3361

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

000137

05 07 011501Z JUN 90 PP

ROGER HALL
8715 First Ave., Apt. 8
Silver Spring, MD 20910
301-585-3361

1521506Z

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

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

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

SPECIAL COLLECTOR'S COMMENTS

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

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

000138

06 07 011501Z JUN 90 PP

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

1521506Z

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

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

//IPSP: PG 2430//.

//COMSOBJ: 521//.

PROJ: 203000.

000139

07 07 011501Z JUN 90 PP

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

1521506Z

COLL: VK.

INSTR: US: NO.

ENCL: FOUR ENCL TO FOLLOW -

1. HANDWRITTEN LETTER 1 CY, 890627, ¹APG (U), ENGLISH.
2. LETTER , 1 CY, 891128, 1P ENGLISH.
3. FAX , 1 CY, 891202, 1P, ENGLISH.
4. FAX , 1 CY, 891202, 1P, ENGLISH.

PREP: 2-10321.

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

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

-



000140



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

CM-2730-73
4 JUN 1973

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS

Subject: U.S. Prisoners of War in Laos

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

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

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

MT

COPY NO 9

EXHIBIT 47

DJSM-895-7

0527

000141

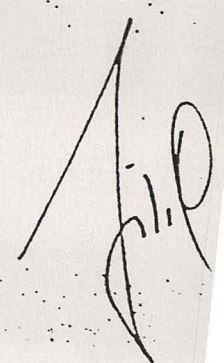
c. The CIA maintains close working level contacts with the Joint Casualty Resolution Center (JCRC) in much the same manner as it did with the JCRC's predecessor, the MACV Joint Personnel Recovery Center (JPRC). However, in order not to jeopardize the status of the JCRC and its humanitarian mission, any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

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

(Sgd) T. H. MOORER

T. H. MOORER
Chairman
Joint Chiefs of Staff

Copy to:
CSA
CSAF
CMC

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

3 0529

000143

OJCS SUMMARY SHEET

TO: CJCS	CLASSIFICATION	FOR USE BY ORIGINATING DIRECTORATE DIA , 576/DI-6			
THRU: MARTIN D. COLLADAY Major General, USAF Director, Joint Staff The Joint Staff		DJSM NO. 895-73	ODJS SUSPENSE DATE		
SUBJECT: U.S. Prisoners of War in Laos		DJSM DATE 31 May 73	ACTION		
		APPROVAL	SIGNATURE	INFORMATION	OTHER
		X			
REMARKS					
1. Reference is made to:					
a. A memorandum from the Chief of Naval Operations, OP-00 00017 73, dated 18 May 1973, which discussed the existing political impasse in Laotian negotiations relevant to a resolution of the status of U. MIA personnel, ^{Data} It stated that the Chief of Naval Operations was informed that the Central Intelligence Agency (CIA) is pursuing a "highest priority effort" directed specifically determining what has happened to U.S. MIAs in Laos. It further recommended that the Joint Chiefs of Staff receive a briefing from the CIA on its effort in this area.					
b. ODJS Routing Slip No. 2030, dated 21 May 1973, which directed that DIA collaborate with J-3 in preparing a reply to your query.					
2. The following facts are pertinent to CIA involvement in the current Laotian MIA situation.					
a. DIA and J-3 (DOCSA) discussions with CIA points of contact and records of DOCSA monitoring of Laos activities indicate that the CIA has had, and currently conducts, an active program to acquire intelligence relative to the status of U.S. MIA personnel. This program is among the highest priority PW/MIA intelligence objectives.					
ACTION OFFICER		COORDINATION/APPROVAL			
CAPT ADAMS, USN, DI-6 26230		OFFICE	NAME	EXTENSION	OFFICE
		CIA	Mr. Horgan (143)	4055	
		J-3	LTC Schroeder	72650	
DATE OF PREPARATION					

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

METHODS

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

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

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

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

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

METHOD

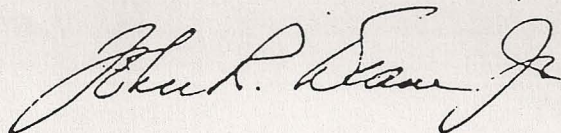
e. All of the nine former U.S. PWs, whose names appeared on the "PLF List" of 1 February 1973, were in fact captured by NVA units operating in Laos along the Ho Chi Minh Trail and were moved to North Vietnam. Thus, the PLF has provided no accounting for U.S. personnel in its custody.

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

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

5. All participating agencies concur in this recommendation.

Enclosure



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



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

IN REPLY REFER TO

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

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF STAFF

Subj: US Prisoners of War In Laos

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

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

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

Copy to:
CSA
CSAF
CMC

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

15 March 1963,

Irvin Hrdlick,
24 Pravda street,
Moscow, USSR,

Dear Mrs. Evans.

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

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

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

2

which were published in the Democratic Republic of Vietnam.

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

Excuse me for not answering your previous letters.

Sincerely yours, *Allegor*
(Ivan Stuchekov)

17 July 1968.


Dear Carol,

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

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

Best regards,
Sincerely yours,

Ivan Loboda



Received Monday
June 10th 1996

EXHIBIT 49

000150

April 21, 1992

MEMORANDUM FOR THE RECORD

SUBJECT: Document Destruction

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

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

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

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

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

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

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

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

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

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

0152

John F. McCreary
John F. McCreary

April 27, 1992

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

FROM: John F. McCreary

SUBJECT: Legal Misconduct and Possible Malpractice in the Select
Committee

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

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

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

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

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

000153

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

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

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

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

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

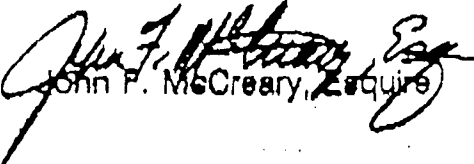
b. Neither the Staff Chief Counsel nor any member of the Select Committee made a protest or uttered words of caution against the destruction of documents, by admission of the Chairman, Senator Kerry. The Chief Counsel has an affirmative duty to advise the Staff about the legality of its actions, and,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

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

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

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


John F. McCreary, Esquire

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May 3, 1992

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

FROM: John F. McCreary

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

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

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

Section 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both. (June 25, 1948, ch. 645, 62 Stat. 795)

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

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

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

b. On 9 April 1992, at the beginning of the meeting of the Select Committee and prior to the scheduled investigators' briefing, Senator McCain produced a copy of the intelligence briefing text, with whose contents he strongly disagreed. He charged that the briefing text had already been leaked to a POW/MIA activist, but was reassured by the Chairman that such was not the case. He replied that he was certain it would be leaked. Whereupon, the Chairman assured Senator McCain that there would be no leaks because all copies would be gathered and destroyed, and he gave orders to that effect. No senior staff member or attorney present cautioned against a possible violation of Title 18, U.S.C., Section 2071, or of Senate or Select Committee rules.

c. Following the briefing on 9 April, the Staff Director, Ms. Frances Zwenig, restated to the intelligence investigators the order to destroy the intelligence briefing text and took measures to ensure execution of the destruction order. (See paragraph 3 of the attachment.) During one telephone conversation with the undersigned, she stated that she was "acting under orders."

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

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

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

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

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

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

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

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

execution of that order.

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

John F. McCreary

Attachment: a/s

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September 19, 1992

MANIFESTO

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Committee members know that the Committee's effort is

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

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

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

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

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

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

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

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

See 1-1 (cover page missing)

LAOS

A. BACKGROUND INFORMATION

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

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

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

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

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

B. CURRENT SITUATION

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

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

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

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

(1) One report concerning the possibility of a single American prisoner being held in Khammouane Province, Laos, was supplied by a controlled source who provided his information fourth hand. The source reported that a U.S. pilot was moved from Bung Kwang to nearby Namthon (see map, Appendix A, point B) on 24 December 1973.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. SUMMARY

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



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

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

4 November 1994

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

Dear Mrs. Hrdlicka,

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

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

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

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

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

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

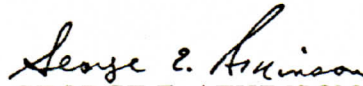
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As in the past, we will keep you apprised of any new information received concerning Colonel Hrdlicka's case.

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

Sincerely


GEORGE E. ATKINSON
Chief, Missing Persons &
Inquiries Division

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[REDACTED] UNCLASSIFIED

BACK-UP E&E CODE LETTERS

LETTER

IDENTIFICATION

USED FROM
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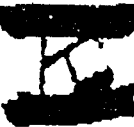
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EXHIBIT 53

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