

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROBERT MOORE, <i>et al.</i> ,	)	
	)	
Plaintiffs.	)	
	)	
v.	)	Case No. 20-1027 (RCL)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

AFFIDAVIT OF BETHANY HENDERSHOT

Affiant swears and affirms:

1. My name is Bethany Hendershot.
2. As part of my employment as researcher and paralegal for Mr. Clarke's office,

I have reviewed all of the CIA's productions in this case.

CIA Productions

3. CIA productions are combined into one pdf file, and submitted with this affidavit, as Exhibit A, together with a chart of information about the records. The chart has six columns:

- (1) Bates page numbers;
- (2) Type of record;
- (3) Number of redactions under Exemption (b)(1);
- (4) Number of redactions under Exemption (b)(3);
- (5) Number of redactions under Exemption (b)(6); and
- (6) Whether the record was submitted with the FOIA request.

4. There are 55 records. They were generated on the following dates:

<u>Year written</u>	<u>Number of Records</u>
1952	3
1953	3
1954	5
1955	3

1981	1
1982	1
1985	2
1988	1
1991	15
1992	11
1993	2
1994	1
1996	1
1998	1
1999	1
2000	2
2018	1
Unintelligible Date	1

5. Six of the records are unredacted. Twenty-eight of the records have redactions based on Exemptions (b)(1) and (b)(3).

6. All of these records were released, for the first time, in connection with this lawsuit, except for the eight records that were submitted with the FOIA Request.

7. Four records were denied in full under Exemptions (b)(1) and (b)(3):

CADRE No.	Pages	Date
C03100305	3	July 17, 1973
C05427025	2	December 23, 1987
C06495655	3	September 2, 1952
C06898860	213	February 28, 2000

Records Submitted with FOIA Request

8. Below is an itemization of eight redacted records that were submitted with the FOIA Request, seeking disclosure of the redacted information. The CIA reprocessed the records, assigned exemptions to the redactions, and produced the records almost exactly the same as plaintiffs had submitted them. Disclosures include such items as (1) the

release of an original classification in one record (*see* Exhibit A at Bates 6), (2) and the words, “he believes that” (*id.* at Bates 387). The CIA redacted one record more than the version that plaintiffs had submitted. *Id.* at Bates 27.

Bates Nos.	Type of Record, Title	Date	(b)(1)	(b)(3)	(b)(6)	FOIA Request
4-5	CIA Information Report: “Alleged American Held in Soviet Prison”	Dec 8, 1955	3	11	0	Request 12
6-8	CIA Information Report: “Prisoner-of-War Camps in North Korea and China”	July 17, 1952	4	11	0	Request 7
9-11	CIA Information Report: “US Prisoners of War in USSR”	April 27, 1954	3	12	0	Request 11
12-14	CIA Information Report: “Soviet Concentration Camps in the Vorkuta Area”	April 23, 1954	10	11	0	Request 10
15-16	CIA Information Report: “Exploitation of Prisoners-of-War of the Soviets”	March 24, 1954	7	8	0	Request 9
20-22	Memorandum for Joseph A. Schlatter	March 9, 1988	5	14	2	Request 14
23	CIA Information Report: “American Prisoners-of-War Held in the USSR”	Dec 31, 1953	5	7	0	Request 8
27-28	CIA Information Report: “Preparations for Exchange of United Nations Prisoners in Central and South China”	Jan 5, 1952	9	13	0	Request 2

Records cited in Affidavit of Bob Smith

9. On November 10, 1992, Senator Bob Smith, Vice Chairman of the Senate Select Committee on POW/MIA Affairs (August 2, 1991 to January 2, 1993), issued his 54-page Report, *Chronology of Policy and Intelligence Matters Concerning Unaccounted for U.S. Military Personnel at the end of the Korean Conflict and During the Cold War*. That Report (reprinted verbatim in *Affidavit of Bob Smith* ¶¶ 15-281) references 23 CIA Records. Thirteen of these records are combined into one pdf file, attached to a chart of the records, submitted as Exhibit B. The chart's four columns (1) state the paragraph number of the affidavit where the record is cited, (2) recite the citation verbatim, (3) provide links to the thirteen of these records that appear on the CIA website, and (4) states the date released. All of these records are redacted.

10. None of these records were processed or released in this case.

11. Twelve of these 1951-52 records include the release dates—between 1999 and 2014, or between 8 and 23 years ago:

<u>Year written</u>	<u>Release Date</u>
1951	1999
1951	2010
1951	2011
1951	2014
1951	2002
1951	2001
1951	2001
1951	2009
1952	2011
1952	2012
1952	2012
1952	2001

Records Accessioned to National Archives

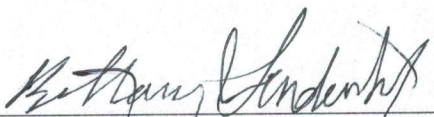
12. Attached hereto as Exhibit C are two 1994 "WITHDRAWAL NOTICE," reflecting the withdrawals by the CIA from the publicly available records at the National Archives, of 24 pages of POW records, on the grounds that these records contain "Security-Classified Information."

14. Attached hereto as Exhibit D is the November 5, 2020 letter from the National Archives in response to FOIA request for many of the same records that plaintiffs seek in this case.

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Date: January 10, 2022.

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

  
Bethany Hendershot