

HALL, ET AL. V. CIA, 04-00814-HHK

NELSON DECLARATION

EXHIBIT M



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND**  
**FREEDOM OF INFORMATION/PRIVACY OFFICE**  
**FORT GEORGE G. MEADE, MARYLAND 20755-5995**

REPLY TO  
ATTENTION OF:

MAR 24 2008

Freedom of Information/  
Privacy Office

Mr. James H. Lesar  
Attorney at Law  
1003 K Street, Northwest  
Suite 640  
Washington, DC 20001

Dear Mr. Lesar:

References:

- a. Your Freedom of Information Act (FOIA) request of February 7, 2003, to the Central Intelligence Agency (CIA), on behalf of your client, Mr. Roger Hall, requesting records pertaining to members of the American Armed Forces who participated in the War in Vietnam and have been classified as Prisoners of War (POWs) and/or Missing in Action (MIA) as well as any civilian detainees. The CIA, on October 1, 2007, forwarded your client's request, along with Army-originated records retrieved from their files to this office. This correspondence was received in this office on October 4, 2007.
- b. Our letter of October 9, 2007, informing your client that we had forwarded the records to the Joint Personnel Recovery Agency for direct reply to your client.
- c. Our letter of December 19, 2007, informing your client that we were coordinating with other element of our command and would inform your client of the results upon completion of our coordination.

Coordination has been completed and the records have been returned to this office for our review and direct response to your client.

We have completed a mandatory declassification review in accordance with Executive Order (EO) 12958, as amended. As a result of our review, information has been sanitized, as it is currently and properly classified SECRET and CONFIDENTIAL according to Sections 1.2(a)(2), 1.2(a)(3) and 1.4(c) of EO 12958, as amended. This information is exempt from the public disclosure provisions of the FOIA pursuant to Title 5 U.S. Code 552 (b)(1). The records are enclosed for your client's use. A brief explanation of the applicable sections follows:

Section 1.2(a)(2) of EO 12958, as amended, provides that information shall be classified SECRET if its unauthorized disclosure reasonably could be expected to cause serious damage to the national security.

Section 1.2(a)(3) of EO 12958, as amended, provides that information shall be classified CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to cause damage to the national security.

-2-

Section 1.4(c) of EO 12958, as amended, provides that information pertaining to intelligence activities, intelligence sources or methods, and cryptologic information shall be considered for classification protection.


Since the release of the information would result in an unwarranted invasion of the privacy rights of the individuals concerned, this information is exempt from the public disclosure provisions of the FOIA per Title 5 U.S. Code 552 (b)(6).

The withholding of the information described above is a partial denial of your client's request. This denial is made on behalf of Major General David B. Lacquement, the Commanding General, U.S. Army Intelligence and Security Command, who is the Initial Denial Authority for Army intelligence investigative and security records under the FOIA. Your client has the right to appeal this decision to the Secretary of the Army. If he wishes to file an appeal, he should forward it to this office. His appeal must be postmarked no later than 60 calendar days from the date of this letter. After the 60-day period, the case may be considered closed; however, such closure does not preclude him from filing litigation in the courts.

There are no assessable FOIA fees for processing this request.

If you have any questions concerning this action, please feel free to contact this office at (301) 677-6410. Please refer to case #20F-08.

Sincerely,

  
Susan J. Butterfield  
Director  
Freedom of Information/Privacy Office  
Investigative Records Repository

Enclosure



**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND**  
**FREEDOM OF INFORMATION/PRIVACY OFFICE**  
**FORT GEORGE G. MEADE, MARYLAND 20755-5995**

REPLY TO  
ATTENTION OF:

Freedom of Information/  
Privacy Office

Mr. James H. Lesar  
Attorney at Law  
1003 K Street, Northwest  
Suite 640  
Washington, DC 20001

JUN 23 2010

Dear Mr. Lesar:

This is in response to your Freedom of Information Act (FOIA) request of February 7, 2003, to the Central Intelligence Agency (CIA), on behalf of your client, Mr. Roger Hall, requesting records pertaining to members of the American Armed Forces who participated in the War in Vietnam and have been classified as Prisoners of War (POWs) and/or Missing in Action (MIA) as well as any civilian detainees. The CIA, on May 24, 2010, forwarded your client's request, along with Army-originated records retrieved from their files to this office. This correspondence was received on June 18, 2010.

We are providing your client with another copy of the referred Army records and our letter of March 24, 2008.

We have determined that pages 7 through 9 of the referred records are under the purview of the National Air Intelligence Center. We are forwarding your client's request to that organization for appropriate action and direct reply to your client. Should your client wish to contact them, the address is:

National Air Intelligence Center  
SCVMS (FOIA)  
Attention: Gery Huelseman  
4180 Watson Way  
Wright Patterson Air Force Base, Ohio 45433-5648

There are no assessable FOIA fees for processing this request.

If your client has any questions regarding this action, he should feel free to contact this office at 1-866-548-5651, or email the INSCOM FOIA office at: INSCOM\_FOIA\_ServiceCenter@mi.army.mil and refer to case #4406F-10.

Sincerely,

Joanne Benear  
Chief  
Freedom of Information/Privacy Office

Enclosure