

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

2016 AFFIDAVIT OF ROGER HALL

I, Roger Hall, declare and say as follows:

1. I am a plaintiff in this case. In 1993, while a student at the University of Maryland, I began researching the Missing in Action/Prisoners of War issue, particularly as it relates to the Vietnam War. I have been involved in it ever since. As a result, I am familiar with government records on the issue. I have reviewed all of the CIA's productions in this case.

2. The available evidence shows that the CIA was deeply involved, with other government agencies, in matters concerning missing POWs and MIAs. The CIA had key responsibility for these matters in Laos. The CIA claims to have produced or otherwise identified all records that it could locate, responsive to plaintiffs' FOIA requests, after reasonable searches, and to have released all disclosable information. As will be shown below, this claim is not well-founded.

The exhibits cited in this affidavit, with "2015" following the exhibit number, were produced by the in this litigation by the CIA, in 2015.

A. A CHRONOLOGICAL OVERVIEW

1964-1969

CIA list of POWs in Laos

3. William Sullivan was Ambassador to Laos from 1964 to 1969. I obtained a copy of his deposition before the Senate Select Committee on POW/MIA Affairs ("SSC/POW"), 103d Congress, from the files on that Committee at the National Archives and Records Administration ("National Archives" or "NARA"). Sullivan testified that he had direct oversight over the Central Intelligence Agency, that they "worked for me." SSC/POW Deposition of William Sullivan, Ambassador to Laos, Exhibit 7 at Bates 23. Sullivan testified that there were occasions when they were able to get information of POW/MIAs, and that where they obtained information regarding those who had been captured, they "were fed into the POW/MIA system and that person was obviously carried on the list as being a POW/MIA rather than MIA or dead." Id. I have not been provided with records containing such information. In particular, I have not been provided with the "list" referred to by Ambassador Sullivan.

Records of Pathet Lao and North Vietnamese broadcasts identifying POWs

4. Sullivan also testified that the Pathet Lao and North Vietnamese would broadcast information identifying POWs. Id. Exhibit 7, Bates 24-25. I have not been provided with records pertaining to such broadcasts.

1964

No MACVSOG records of joint CIA/DOD intelligence in Laos

5. Exhibit 39, Bates 240-241, is an undated table of contents for a Draft MACSOG Documentation Study (Military Assistance Command Studies and Observation Group), which describes the cooperation between the Department of Defense (“DOD”) and the Central Intelligence Agency (“CIA”) with respect to covert operations in Vietnam and Laos prior to 1964. It memorializes arrangement for the CIA and MACSOG to work together on POW matters, and demonstrates that MACSOG tracked live POWs. In addition to confirming a connection between SOG and the CIA, this document makes several references to "SASCA," or "OSACSA," which appear to be acronyms for joint CIA/DOD efforts. The CIA produced only one document, dating to 1971, that refers in any way to SACSA. I have not been provided any other records referring to SACSA or MACSOG, notwithstanding that Section 3 of Part II the study is titled, "DOD Support of CIA (Covert/PW Operations)" (id. at Bates 190), and Section 5 is titled, "The CIA Program." Id.

1965

1965 Laos raid, Duck Soup, Hrdlicka

6. "Duck Soup" was an attempt to rescue then Captain David Hrdlicka and Captain Charles B. Shelton in the Sam Neua area of Laos. These two POWs held by the Pathet Lao escaped with the assistance of CIA assets, including Air America, American military assets, indigenous assets within Pathet Lao Headquarters, and Controlled American Source ("CAS") personnel from the H'mong tribe of Northern Laos and Royal Laotian Government. One American participant was Air Force pilot Clifford Reese who flew air cover for the Air America Duck Soup rescue of Hrdlicka and Shelton, but they were recaptured. This information is corroborated to a considerable extent by a FLASH telegram from Laotian Ambassador William Sullivan dated June 20, 1965. See Carol Hrdlicka Affidavit.

7. In 1965 there was also a rescue under the auspices of CIA proprietary Air America, using resupply helicopters from an operation codenamed "DUCK SOUP." CIA has not provided any documents related to this operation.

May 1965

8. In May of 1965 two American pilots were being held in the home of Communist General Singkapo in Laos. The pilots were not handcuffed and were provided with items of personal hygiene. They were quiet and looked worried, one

was tall and balding. The other was also tall and had a heavy built and round face. I haven't received any records regarding these POWs.

9. Exhibit 91, Bates 278-282, is a CIA Intelligence Information Report of an American prisoner defector near Ban Nakay in 1966. The CIA has failed to provide any additional information regarding this report.

Debriefing Site for Captured U.S. Pilots in Vinh Phu Province, Vietnam

10. I received from a member of an American POW family a CIA document, an Intelligence Information Report from the Directorate for Plans whose subject is the "Preliminary Debriefing Site for Captured U.S. Pilots in Vinh Phu Province. . . ." Vietnam. It reports on the location of a debriefing facility for U.S. pilots shot down over Vinh Phu Province. The site was located at the Lam Thao Superphosphate Plant. See Exhibit 22 at Bates 73, DOI 1965-June 1967. The CIA did not provide me with this record or any other documents pertaining to this debriefing facility or the fate of that POW or any other POWs taken to that facility.

April 8, 1967

11. Exhibit 71, Bates 241-243, is a CIA Intelligence Information Cable sent on April 8, 1967. It reports that three American prisoners were at Houei Vong in Houa Phan Province, and had been moved there from Ban Nakay Teu, in March of 1966. I have been provided with no records regarding this transfer or any follow-up intelligence on these three American POWs.

May 1967

12. Exhibit 49, Bates 217, is a CIA Telegram Cover Page dated May, 1971. The subject is the capture of two U.S. pilots during a three-day air attack in the Sam Neua area of Houa Phan Province. It appears that a page of this document is missing. The CIA has not provided the identification of these two pilots.

13. Exhibit 92, Bates 283, is a Central Intelligence Information Cable regarding the capture of two U.S. pilots during a three-day air attack in the Sam Nuea Area in May 1967. This appears to be an incomplete document, missing one or more pages. The CIA should be able to provide list and names of all prisoners present.

1966 or 1967

CIA cables re inside info on live POWs in Laos; 1967 Hrdlicka Rescue

Attempt

14. Major General (then-Major) Richard Secord was Laos Chief of Air, Central Intelligence Agency, 1966-1968. See Exhibit 8, Bates 29-33, Senate Select Committee, Testimony of Major General Richard Secord, Laos Chief of Air, Central Intelligence Agency, September 1992. Secord testified that he had been involved in an abortive attempt to rescue David Hrdlicka and two other POWs in 1966 or 1967, stating, "you would have to go to CIA to get all those cables, but there's a raft of cables on that." Bates 31. He also testified that "[w]e knew that

they existed alive because we had an agent inside. We knew their names. We knew where they were." Id. I have not been provided any records related to this rescue, nor records emanating from the "inside agent," much less a "raft of cables."

July 29, 1967

15. Exhibit 86, Bates 267-268, is a CIA Intelligence Information Cable dated July 29, 1967, subject. "Building located on Red River Island might House American POWS." I have not been given any information regarding this. The CIA should be able to locate records on this. The record does not reflect any effort by the CIA to conduct the required searches.

1967—Soviet Union

Transfer of POWs from Vietnam through Czechoslovakia to the Soviet Union

16. Jan Sejna was a Czechoslovakian communist who served as Chief of Staff to the Minister of Defense, as First Secretary to the Communist Party, and as Chief of Staff of the Minister of Defense. Exhibit 13, Bates 40-50, is a November 1992 Deposition of Jan Sejna, Senate Select Committee. Sejna testified, among other things, that on three or four occasions he saw American POWs in Prague, and that after staying there for about a week they were transferred to the Soviet Union. Id. at 48-49.

17. According to Sejna, these groups of U.S. POWs numbered about 20 to 25, all of whom were taken from Vietnam to Czechoslovakia, and then to the Soviet Union. The first group he recalled seeing was in 1967. Id. at 48. At the time he saw these POWs, Sejna was First Secretary of the Communist Party to the Minister of Defense. Id.

18. After he was hired by the Defense Intelligence Agency in 1981, Sejna was interrogated by DIA about his knowledge of U.S. POWs being moved through Czechoslovakia to the Soviet Union. Id. at 47-49. The Air Force tasked the CIA to search archived intelligence reports, as well as current sources, and defectors. Id. at 42 See also Exhibit 14(a), Bates 54-57, October 1996 Jan Sejna testimony, House Armed Services Committee Hearing on POW/MIA Issues. I have not been provided any records relating to the transfer of U.S. POWs from Vietnam through Czechoslovakia to the Soviet Union.

1967

1967 Raid on Mahaxay, Laos

19. Secord also stated in his deposition, Exhibit 9, Bates 35, Senate Select Committee, Deposition Richard V. Secord, that the CIA did conduct a raid—he thought it was in late 1967—in connection with Americans who were reportedly being held at Mahaxay, Laos. Id. at Bates 37-38. Secord refers to photography

taken in connection with this planned rescue attempt in Mahaxay, Laos raid. Id. at Bates 38. I have not been provided with photography pertaining to this raid.

April, 1968

20. Exhibit 88, Bates 270-271, is a State Department Telegraph, written in April, 1968. It recites that the North Vietnamese charge shifted to a bantering style, thanking the U.S. for delivering an F-111 to them so that they could study its electronic system. The U.S. asked the Soviet attaché whether the Soviets had yet received a full briefing on the system. The CIA needs to provide the name of the pilot related to this incident and other POW information related thereto.

June 1968

21. Exhibit 93, Bates 285, is a CIA Intelligence Information Cable dated June 25, 1968, regarding the transfer of two American Pilots held captive in Laos to North Vietnam. The CIA must provide the names of the POWs that were transferred to Vietnam and information relating to their circumstances.

22. Exhibit 85, Bates at 265-266, is a CIA Telegram sent on June 25, 1968, that concerns in part the transfer of two American pilots held captive in Laos, to North Vietnam. It reports that on June 10, 1968, two of four American pilots held prisoners in Tham Sua Cave south of Ban Nakay Neua/VH /1965, in Houa Phan Province, Laos were sent to Hanoi, North Vietnam. Prior to being sent to Hanoi, one of the American pilots, described as an older man, killed three North

Vietnamese Army soldiers when they attempted to interrogate him. The elder pilot refused to answer the NVA officers' questions and instructed the other pilots not to cooperate as well. The killing occurred when the North Vietnamese attempted to chain the pilot to a desk. He overturned the desk on his captives. The CIA is withholding the identity of these POWs nearly 50 years later.

March 23, 1969

23. Exhibit 50, Bates 218, is a CIA Intelligence Information Cable, dated March 23, 1969. This concerns the capture of two U.S. pilots during a three-day air attack in Sam Neua in Houa Phan Province. I have only been provided with the first page of this document. The CIA needs to provide the names of the pilots and declassify the withheld contents of the document. The document contains a handwritten notation which reads "Shelto/Hrdlicka." The CIA needs to confirm that this indicates that this document pertains to Shelton and Hrdlicka.

24. Exhibit 82, a CIA Intelligence Report, Bates 262, dated April 23, 1969, recites information passed to 525th, Phu Bai for BRIGHT LIGHT project. Attached are lists of U.S. prisoners positively and tentatively identified by [REDACTION] from photographs. I have only been provided with poor Xerox copies of these photographs. My request specifies actual photographs.

December 31, 1969

25. Exhibit 51, Bates 219, is a CIA Intelligence Information Cable, dated December 31, 1969. This is an analysis of aerial photograph of trucks and bivouac areas and other areas, and although not listing POW sites, it reveals the amount of aerial photography going on regularly. POW photography is known to have been obtained through such surveillance; e.g., volleyball photo, from project Buffalo Hunter, among others, and CIA has declassification authority over all of this. It has not been provided.

1969-1970

CIA lists of suspected prison sites

26. It is also clear that the CIA kept a list of suspected prison sites by name and grid coordinates. Exhibit 5, Bates 20, is a CIA List POW Camps in Laos and Vietnam, is one such CIA list. See also Exhibit 34, Bates 138-139, a July 25, 1969 Estimated Enemy Prison Order of Battle Laos; Exhibit 34(a), Bates 140-141, a January 6, 1970 Intelligence Information Cable; Exhibit 34(b), Bates at 142-144, List of locations of prison camps in Laos; and Exhibit 34(c), Bates 145-154, December 1, 1970 Intelligence Information Cable. The CIA did not provide the aforementioned records that they produced quarterly through the 1960s to 1975. I am particularly interested in the 1973-1975 period. I have received no such records from the CIA in this case.

27. Exhibit 94, Bates 286, CIA Intelligence Information Cable regarding the vicinity of a prison camp containing about 20 USAF pilots in Ban Nakay region of Houa Phan province, 1969-1970. I have not been given any further information on mentioned 20 Air Force pilots, any follow-up collection activities or intelligence reports. Nor have we been given the identification of any POWs, if known.

1970

No records of POW placements in Laos and North Vietnam to challenge bombing targets

28. Mr. Terry Reed, an Air Force intelligence officer during the Vietnam War, testified in a deposition in a Freedom of Information Act case that, in 1970, he was stationed at a unit called Task Force Alpha I, Nakhon Phanom, Thailand, where he was involved in an extremely classified project which was called "The Project." August 3, 1992 Deposition of Terry Reed in John Cummings v. Department of Defense, Civil Action No. 91-1736. Exhibit 20, Bates 120-25. "The Project"... was a codename for Task Force Alpha." Id. at Bates 121. Mr. Reed targeted, supervised and directed targeting strikes. His unit became aware that POWs were being placed in "a very hostile, threatening environment... in an effort to prevent American targeting efforts in Laos and North Vietnam . . . in order to force us [the Air Force] to comply with the Geneva Convention." Id. at

Bates 122. "And in support of that targeting program, we were the target coordinator to Phon Phan in VNT in Laos for the CIA to conduct its activities." Id. at Bates 123. I should have received records pertaining to "The Project" from the CIA. The CIA has not provided the list of targets or intelligence on known and suspected POWs at all such targets.

29. Thus, small POW sites were being placed near targets such as gasoline pumping stations. Id. at Bates 122. When Reed arrived at his unit, he was briefed as to the pattern that was developing of the Khmer Rouge, or North Vietnamese, to co-locate prisoners to certain target elements, and that he "had gone so far as to establish safeguards within the computer to prevent inadvertent bombing there." Id. at Bates 123. According to Reed, the targeting safeguard system was very simple: "If you listed a target as a POW/MIA possible complex or if you listed it as a hospital, for example, it would be automatically rejected by our computer." Id. at Bates 124. However, later, Reed was informed, "at a unit level... that the safeguards would be removed from the computer system. In other words, the computer would accept the target request from the other unit without alerting that unit that it was, in fact . . . a potential POW location." Id. I have not been provided with any records related to the activities described by Reed.

January 6, 1970

30. Exhibit 56 is a CIA Intelligence Information Cable, dated April 1, 1970, Bates 224. Only the first page of this report has been provided. I need the remainder of the report and all subsequent reports.

June 5, 1970

31. Exhibit 72, Bates 244-248, titled Son Tay Raid Timetable of Planning, is not dated. It includes Son Tay raid and a Timetable of Planning. I want military intelligence on POWs related to the Son Tay raid. I need all information on POWs held at that location prior to the Son Tay raid and all information from whence they came to that location. I would also request all information and identification on POWs gained from fingerprints and other evidence found at Son Tay after the raid. Locations holding POWs are protected under the Geneva Convention, and although the U.S. was not a signatory to the Geneva Convention, we stated that we adhered to it.

32. 5 June 1970, SACSA J-3 briefed JCS and recommended feasibility study of a rescue. JCS approved. SECDEF and Dir, CIA briefed. Approval was deferred pending word from higher authority.

August 1970

33. Exhibit 77, Bates 252-253, is a Department of Defense US Prisoners of War in Laos report dated August 1970, regarding Conversation with Phoun Supraseuth POWs and MIAs. The DCM "EXPLAINED OUR KEEN

DISAPPOINTMENT WITH NORTH VIETNAMESE FAILURE TO COOPERATE WITH US AUTHORITIES ON MIAS AND THAT WE SINCERELY HOPED LPF WOULD ADOPT A MORE POSITIVE APPROACH TOWARDS POW/MIA PROBLEM. . . .” Recommendations were made for changes to help bring about recovery of POWs. I seek these recommendations and the results thereof.

August 1970

34. Exhibit 46, Bates 214, the CIA Telegram/Intelligence Report, August 1970. “[REDACTION] PRISON LOCATIONS [in Laos] VERIFIED BY TWO OR MORE [REDACTION].” This forty-six year-old information should be released.

August 18, 1970

Briefing Board reports and their all source materials

35. At the Library of Congress I obtained from the Microfilm Reading Room, POW/MIA Reel 462, documents which are "Briefing Board" Reports. These Reports are CIA documents concerning information received from all source reports. The text of these reports, included in Exhibit 4, Baes 11-19, dated August 18, 1970, indicate that the information contained therein comes from human sources, photographic surveillance, satellite imagery, etc. These Briefing Board Reports relate only to Vietnam. The CIA did not provide copies of these Briefing

Boards to me in this case, nor any such reports related to Laos, Burma, Cambodia or other countries. Nor did it identify any "all sources" supporting documentation that the CIA used in compiling the Briefing Board Reports, including Combined Area Studies (CAS), and Controlled American Source (CAS).

September 9, 1970

36. Exhibit 76, Bates 249-251, a Joint Chiefs of Staff Memorandum re "US PWs in Laos" dated September 9, 1970, states, in part: "September 1970; To: Brigadier General Blackburn SACSA; Subject: US PWs in Laos." The Text states: "ONCE ENTERED IN THE LAOS PW DETENTION FACILITIES LIST, THE LOCATION OF THE REPORTED CITING MAY PROVIDE THE ENEMY SANCTUARIES THAT WILL REMAIN FREE FROM AIR ATTACK FOR UP TO THIRTY-SIX MONTHS. The CIA has not provided the reason why they wanted to remove the POW facilities from this list removing the protection afforded POWs by being on this list, and we do not have prior documentation showing why this issue arose in the first place.

December 1, 1970

37. Exhibit 55, at Bates 219, is a CIA Intelligence Information Cable, dated December 1, 1970, that refers to ground sources confirming 45 enemy prison camps in Laos, with six new prisons being confirmed since August. The CIA has

not provided successive quarterly reports. Only page one of the document has been provided.

No records on Soviet incarceration of U.S. Vietnam era POWs

38. Exhibit 43, Bates 206, is a March 12, 1982, Foreign Intelligence Information Report from the CIA's Domestic Collection Division, claiming Soviet incarceration of U.S. Vietnam era POWs. Specially selected US prisoners of War were being received into the Soviet Union circa 1970 for long-term or lifetime incarceration and ideological training. He implied the number to be about 2,000. The goal of the program was indefinite, but involved intensive psychological investigation of the prisoners and retraining to make them available as required to serve the needs of the Soviet Union. I have not received any records regarding this from the CIA.

January 21, 1971

39. An excerpt of Exhibit 70, Bates 239, a Memorandum for the Record, dated January 21, 1971 relates that the cable requests in essence that the highest possible priority be assigned to collection of intelligence on American PWs who may be held in Laos. The cable reasons that since only three POW's from Laos are confirmed held in North Vietnam, therefor a major effort should be made to locate the remaining 227 who are listed as MIA in Laos and may still be in Laos. The CIA has not provided information identifying the 227 MIAs or related to efforts to

locate them. Nor has any information been provided pertaining to those captured since 1971.

March 5, 1971

40. Exhibit 57, Bates 225, is a CIA Intelligence Report at Bates 225, dated March 5, 1971. It recites that POW locations were verified by two or more independent sources. The CIA has provided no information indicating that these were included in other quarterly reports.

April 14, 1971

41. Exhibit 58, Bates 226, is a CIA Intelligence Report, dated April 14, 1971, concerning: May 26, 1971. This describes the position and location of the Pathet Lao. The CIA needs to provide all information on the Neo Lao Hak Sat POW information, including this organization's newspapers, intelligence and other information.

42. Exhibit 61, Bates 229, is a CIA Intelligence Information Cable, sent on May 26, 1971, regards two American males and one American female near Sam Neua, Laos and in the Lao Ngam area. This is only one of eight pages in this document. We want the rest of the document and all subsequent information regarding these sightings. The CIA must provide the databank of CIA information and studies on these and other POWs and their locations.

43. Exhibit 35(a), Bates 156-57 is an August 27, 1971 CIA Intelligence

Report:

Three types of material are enclosed herewith for addition to or comparison with the [redacted] databank of intelligence on POW camps in Laos and adjacent areas. The conclusion referenced in paragraph 1 of reference C to the effect that if any American POWs are in Laos they are in the Sam Neua/Van Tong complex in northeast Laos" was supported by a recent working level interagency review of the problem. This review included all types of information to the Washington community. A search was made for studies dealing with PWs and PW camps in Laos, particularly northeast Laos. We have found nothing to date other than photographs and extra collated bits of information on the various sites mentioned in the Station's periodic report on POW detention sites. Only one model has been made of a site in [illegible] Laos, the model of the Ban Nakay Neua cave which was left at [redacted] in 1968. Photos of this model are enclosed. [Redacted] has kindly furnished us with red current set of photos of the principle sites [redacted] probable sites [illegible]...

A search of central indices revealed several reports on American PWs Laos from sources which may not be identical with station sources. We want actual photos, not Xerox reproductions and all related intelligence and analysis. I have not received the referenced "collated bits of information on the various sites," nor "the [CIA] Station's periodic report on POW detention sites,"

44. Exhibit 65, Bates 233, is an October 5, 1971, CIA Intelligence Information Cable. This is page 1 of 25 pp. It is a list of POW camps in Laos. We would like the rest of this document plus all subsequent reports and reporting on the limitation of the techniques used in compiling this report. THIS REPORT

UPDATES FOV-23,008, ISSUED IN MARCH 1971. The CIA needs to provide this report.

November 21, 1971

45. Exhibit 60, Bates 228, is a CIA Intelligence Report, dated November 21, 1971. It states Neo Lao Hak Sat weekly bulletin containing photographs and details of American prisoners captured by the Pathet Lao. The second item of the subject deals with location and details of a Pathet Lao prison near the NLHS Supreme Headquarters in San Neua Province, Laos. The CIA needs to provide all of this Pathet Lao information, photography, actual photos, details of prisoners captured by the Pathet Lao and location and details of the Pathet Lao prison mentioned.

November 24, 1971

46. Exhibit 54, at Bates 222, is a CIA Intelligence Report, dated November 24, 1971: Only page one of this document has been provided. The CIA needs to provide the complete document.

May 1972

POLARD Records

47. During the Vietnam War, the CIA Political Adviser ("POLARD") at the Commander in Chief Pacific ("CINCPAC") was the originator or party to all MIA/POW operations. The CIA's Political Adviser received and provided

information concerning POW matters in a May 1972 telegram from the American Ambassador to Laos to CINCPAC/POLARD, reporting information received from a source on the status of POWs in Laos. See Exhibit 3, at Bates 9-10, May 1972 State Department Cable to SECSTATE re PWs in Laos. Regarding a Laotian source, State advised the CIA to give "priority consideration as sources come in." Id. Bates 9. The next page references the attachment—"CICNPAC FOR POLARD" (Commander in Chief Pacific for CIA political advisor) re "Status of PWs in Laos." Id. at Bates 10. I have not been provided these or related records, nor any records of CIA communications to and from CINPAC and POLARD.

February 1972

48. Exhibit 95, CIA Intelligence Report re communist logistical operations in Northern Laos, February 1972, at Bates 287, is missing all pages except the cover-page.

July 24, 1972

49. Exhibit 59 is the first page of a CIA Intelligence Report, July 24, 1972, at Bates 227, which relates that 10 POWs were sited in 1967. The balance of this record, three pages, has not been produced.

August 15, 1972

50. Exhibit 53 (Bates 221) is an August 15, 1972 CIA Intelligence Report that is almost entirely redacted. This record should be produced, unredacted.

POST OPERATION HOMECOMING

March 5, 1973

51. Exhibit 52 is a March 5, 1973 CIA Intelligence Report. It relates (at Bates 220) that “three captured American pilots, three Tai pilots, and four Lao pilots in the Sam Neua province.” The information on which this report is based has not been produced.

March 7, 1973

52. Exhibit 48, a March 7, 1973 Memorandum for the Record (Bates 216), which reads, in part:

Subject: Status on [REDACTION]

Research was conducted to ascertain whether or not any rescue attempt was made to the prison camp located at BAN NAKAY NEUA, Laos [vicinity VH195565) to free [REDACTION]. Further, one of the recent returnees reported that there was information that [REDACTION] had died in a cave...

The CIA has not provided the identities of these POWs, nor the information upon which this report is based. The CIA has not provided the information on the pilot who died in 1966.

53. Exhibit 96, National Security Council Memorandum for Mr. Kissinger regarding Richardson Memo on POWs in Laos, March 31, 1973, at Bates 290-91, is based on information provided by the CIA. The CIA has not provided us with that information.

1973

Memo to JCS from Zumwalt requesting CIA debriefing

54. In a March 18, 1973 Memorandum from Chief of Naval Operations to Chairman, Joint Chiefs, re POWs in Laos, from Chief of Naval Operations Admiral E. R. Zumwalt to Admiral Thomas Moorer, (Exhibit 2(d) at Bates 8), Admiral Zumwalt wrote, "In view of the direct and personal interest the Services have [in the POW] matter," he recommended 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." The CIA has not produced the referenced briefing papers, nor associated records or communications. The CIA produced no Briefing Board Reports, nor identified, nor correlated, any underlying "all source" materials, for either Vietnam or Laos, in this litigation. I obtained these Briefing Board Reports, which all regard Vietnam, from various POW family members.

May 23, 1973

55. Exhibit 97 is a White House memorandum of conversation between Kissinger and Le Duc Tho, May 23, 1973, at Bates 292-95. The unredacted portion reads:

[REDACTION]

Kissinger: Our understanding is that we can apply Article 8(b). We can claim that it applies to all of Indochina because there is no geographic limit

stated. You will not accept this publicly but you will not contradict this publicly either. And you will be helpful to us in this respect.

Le Due Tho: We will do this say to help you in Laos.

Kissinger: Yes. Is this a correct understanding of what Ambassador Sullivan and Minister Thach have discussed?

Le Due Tho: But in Laos. Minister Thach has told Ambassador Sullivan that we will help you to coordinate with our ally in Laos in getting information about the missing in action in Laos. As to those in Cambodia, we will wait until after the solution and we will deal with this question.

Kissinger: You don't understand the point I am making.

Le Duc Tho: Have I well understood you, that when you make a statement about this question for the whole of Indochina, we will not state it?

Kissinger: You will not contradict it.

Le Duc Tho: We will say nothing about it.

Kissinger: But without saying so, you will help us. We have an understanding on your honor that you will help us.

Le Duc Tho: We have to cooperate with our Lao friends. As to the statement you will make for the purpose of public opinion, we will say nothing.

Kissinger: Yes, but also for the purpose of reality. If you will help us. I will be helpful if you give us your assistance without making a public statement about it. You have often told me you could do things that are not written down.

Le Duc Tho: I agree. But I have to add that we have to cooperate with our Lao friends because it is their sovereignty.

Kissinger: I understand. Now we would still like a sentence from you / hic I don't understand why you can't give us--which says that "the DRV has been informed that there are no U.S. prisoners being held in Laos--that all the prisoners held in Laos have been released. " It would be very important for us.

Le Duc Tho: I have acknowledged to you that all of them have been released.

Kissinger: Then why can't you write it down?

Le Duc Tho: I have acknowledged to you that all of them have been released.

Kissinger: Then why can't you write it down?

[REDACTION]

The CIA should release this record completely unredacted.

1974

No CIA records involving input and receipt of information from IPWIC

56. A document obtained from NARA, circa 1974, Information on the Interagency Prisoner of War Interagency Prisoner of War Intelligence Ad Hoc Committee, Exhibit 35(b) at Bates 158, relates that IPWIC, an interagency committee, was the only intelligence committee responsible for matters relating to POWs:

CIA is the only non-DOD member to IPWIC...

IPWIC [Interagency Prisoner of War Intelligence Ad Hoc Committee] is the only intelligence committee responsible for matters relating to missing and unaccounted for American personnel in Southeast Asia. It provides a working-level forum for a detailed discussion and coordination of intelligence matters pertaining to unaccounted for American personnel. The official members of the Committee are the Services (intelligence and casualty offices), CIA, and DIA. Observers from the Department of State and OASD (ISA) do attend IPWIC meetings, although they are not members...

Currently there are about 950 Americans unaccounted for and about 1500 Americans listed as killed in action (bodies not recovered). Until the other side provides an accounting of these personnel, intelligence assets will remain the primary sources of information on the fate of these personnel.

In this case, the CIA has not provided the records of intelligence on POWs that it supplied to IPWIC.

June 1975

57. Exhibit 115, is a CIA Intelligence Report re POW in Laos, in June 1975, at Bates 360-61:

About June 1975, a caucasian [sic] prisoner, allegedly an American, was sitting on the bamboo floor of a house in Kham Keut town (VF 710180), Khoueng Khammouam, Laos, in the custody of the 31st Sapper Battalion of the Fourth Military Region of the People's Army of Vietnam (PAVN) and the Lao Army Provincial Unit. ... The caucasian [sic] was loaded on a "Gaz" truck after lunch and taken to an unknown destination escorted by ten Lao troops.

The CIA has provided no follow-up information.

1975

IA paper on Vietnam exploitation of POWs

58. Exhibit 35(c), at Bates 159, is a December 4, 1992, CIA letter to Select Committee:

Your letter of 18 November requested a copy of a counterintelligence paper: entitled -North Viet-Nam: "The 'Responsibilities of the Democratic Republic of Vietnam Intelligence and Security Services in the Exploitation of American Prisoners of War....

After reviewing the document for release to the Committee, the Counterintelligence Center (CIC), the successor organization to the CI Staff, appended memorandum commenting on and correcting some of the statements made in the paper of 1975; CIC's memorandum is likewise enclosed....

I have not been provided with the "CIC's memorandum" "appended" memoranda, nor any materials that may have been provided in response to the CIA's offer to "expand on the paper."

1975

59. Exhibit 116 (2015) is a Memorandum re three POWs held in Laos, August 1986, at Bates 362-63:

When subsource asked why the area was restricted, he was told it was because there are Americans being held there.

* * *

[Redacted] said that the PAVN had caught three Americans "since" 1975 and put them in the cave called Sop Khan Noi.... moved to Maung Ngoy cave in June of 1986...

The CIA has provided no additional information, including a referenced map.

1975

60. Exhibit 68, Documents removed from National Archives (Bates 237), dated December 4, 1992, reflects that the CIA removed:

- 1) CIA memo, 26 Nov 1975
- 2) CIA memo, 8 Nov 1975
- 3) CIA memo, 21 Nov 1975
- 4) DUD [illegible] 1/2 with atchs, 14 Apr CIA memo, 1975

These records are representatives of the many documents that have been removed by the CIA from the Senate Select Committee on POW/MIA Affairs. The CIA must have a record of its handling of these classified records, but has failed to reveal the fate of these records.

61. Exhibit 89 CIA Intelligence Report re citing of two US Pilots Captured by Pathet Lao Forces in Sam Neua Province, April 9, 1965, at Bates 273. The CIA failed to identify these pilots.

January 1977

62. Exhibit 117, is a CIA Intelligence Memorandum, March 1977, at Bates 364-65, which states:

Upon his return to [redacted] in January 1977, [redacted] reported to [redacted] that, according to Socialist Republic of Vietnam (SRV) [redacted] and other SRV officials with whom [redacted] was in contact, there were American prisoners of war (POW's) still remaining in Vietnam and that these POW's posed a problem to the opening of diplomatic relations between the SRV and the United States (U.S.). [Redacted] told [redacted] that these POW's included some who did not want to return to the U.S. [redacted].

* * *

...several unconfirmed reports have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam.

The CIA has failed to identify these men who are said not to want to return. Nor has the CIA produced the "several unconfirmed reports [that] have appeared since May 1975 on the possibility of some U.S. prisoners still remaining in Vietnam."

The Geneva Convention provides that POWs who elect no to return to their home country are to be taken to a neutral third country along with any family they may have, and declare where they wish to remain.

1977

63. Exhibit 118 is a CIA Memorandum, CIA, March 11, 1977, at Bates 366-68. It reads, in part:

Regarding U.S. insistence that there are still some Americans in Vietnam who have not been accounted for, [redacted] said that the only Americans remaining in Vietnam are those who have married Vietnamese women and have given up their U.S. citizenship... A small number of Americans who were in Vietnam at the time of

liberation and who were judged to have committed crimes against the Vietnam people. These Americans renounced their citizenship (sic) and were placed in reeducation camps for a period of three years. At the end of this three-year period they will be expected to admit to their crimes and make a “self-criticism,” at which time they will be judged and either set free and permitted to remain in Vietnam as full citizens, or, in the case of a lack of admission of guilt and refusal of self-criticism, they will be “sentenced.”

The CIA has not produced any information on those who are said to have elected to stay in Vietnam, or Laos, or Cambodia, or those who had elected to stay behind, and died.

64. Exhibit 119 is a Memorandum, March 8, 1977, at Bates 369-71:

In response to a statement on the U.S. interest in the U.S. personnel missing in action (MIA's) in Vietnam, the Embassy employee said that Hanoi naturally knows where U.S. pilots shot down over North Vietnam are buried. In response to a statement that the SRV no longer has any Americans still under detention, the Embassy employee demurred and said that there are American prisoners of war (POW's), some of whom are members of wealthy families, still in the SRV and they would not be released until U.S. financial aid for the SRV was forthcoming.

The CIA has failed to provide any additional information on these POWs, including their names.

65. Exhibit 121 is a Memorandum re POWs held in Vietnam problematic for diplomatic relations, January 1977, at Bates 375-76:

[Redacted said] there were American prisoners of war (POW's) still remaining in Vietnam and that these POW's posed a problem to the opening of diplomatic relations between the SRV and the United States (U.S.).... Several unconfirmed reports have appeared since

May 1975 on the possibility of some US prisoners still remaining in Vietnam.

These POWs remain there under duress in that they are still POWs under the Geneva Convention. The CIA has not provided any information on these POWs, including their identities.

66. Exhibit 66 is a Select Committee internal memorandum, dated July 8, 1992. Bates 234. It states, in part:

Bill, at your instructions I called "Mr. Littleton" at 615/8242160, who had called about existence of US pows in Laos in 1977. As it turned out, he has given us a fictional name. (A nom de phone?) Seems an acquaintance of his volunteered in the context of a conversation on the topic of Americans missing in Southeast Asia (if I understood him correctly) that he knew there had been American prisoners in Laos because in 1977 he was part of a special forces team which penetrated Laos to photograph and plant listening devices near a supposedly empty prison or pow camp facility. It was not empty but heavily guarded including antiaircraft weapons. He said they saw and photographed 36 Americans and brought the film back. Said it wasn't a Rambo-style camp but was heavily guarded. He and 4 others on the mission took the photos and returned with the film, which they turned over to superiors and were sworn to secrecy on the mission.

Laos is the CIA's domain. The CIA has not produced the referenced photographs, nor other records associated with this reconnaissance.

August 15, 1978

67. Exhibit 81 is a CIA Intelligence Report of August 15, 1978, at Bates 258-61, states, in part:

40 Miles West of Hanoi
North of VINH

SUBJECT NORTH VIETNAMESE TREATMENT OF
AMERICAN PRISONERS OF WAR

[PROPAGANDA ARTICLE SOURCE REDACTED, NAMES OF
CAMPS REDACTED]

EVEN THOUGH THE POWS ARE CALLED INTERNATIONAL
PIRATES AND ARE OFFICIALLY REFERRED TO AS
CRIMINALS IN THE CIVIL SENSE THE PROVISIONS OF THE
GENEVA CONVENTION ARE STRICTLY APPLIED.
AMERICANS DO NOT STAND TRIAL ALTHOUGH THERE
MAY HAVE BEEN A SHOW TRIAL OR TWO FOR INTERNAL
POLITICAL PURPOSES

THE DRV'S ACCUTE AWARENESS OF WORLD OPINION IS
[ILLEGIBLE] THE MATTER OF POW TREATMENT, HAS
APPARETNLY INFLUENCED ITS DECISION TO GRANT THE
POWS RIGHTS ACCORDED BY THE GENEVA CONVENTION.

[REDACTION] THERE WERE SOME 2,500 ALLIED PRISONERS
[REDACTION] MOST OF THEM AMERICANS. THERE ARE
AMERICANS AT TWO WELL GAURDED CAMPS. ONE
ABOUT [ILLEGIBLE] WEST OF HANOI, ANOTHER
SOMEWHAT NORTH OF VINH. THE CAMPS [ILLEGIBLE]
HAVE FACILITIES FOR ABOUT 195 POWS AND ARE
LOCATED IN RURAL AREAS
[REDACTION]

The CIA has not provided the intelligence on the referenced camps and
POWs.

1979

68. Exhibit 122 (2015) is a CIA Intelligence Report of two POWs in
Laos, May 1988, at Bates 377-78:

[redacted] learned from Kham that the four Americans had been captured at Maung Houn (QC 5829), Oudomsai province in a plane crash (NFI). ...He learned from [redacted] a villager of Ban Tham (UTM UNK) who came to [redacted]'s village to buy food that two of the Americans had died from sickness and starvation and two were still alive.

* * *

According to [redacted] in or about March 1979 when he visited his home at Ban Long Kat he saw four Americans in the village who were being guarded by Oudomsai provincial police.

The CIA has not provided the identities of the referenced POWs, nor follow-up intelligence.

1980

69. Exhibit 123 (2015) is a CIA Intelligence Report on aerial photography in Laos, September 23, 1992, at Bates 379-80:

Analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed by the letter "K," traced on the ground in an agricultural plot inside the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.

The CIA has failed to provide the referenced photography, and has provided only photocopies of photography.

1979-1980

No records of intelligence on Nhom Marrot Detention Facility

70. At NARA I located a document reporting on the Nhom Marrot Detention Facility, Exhibit 16, a January 28, 1981, DIA Memo for Chairman of the Joint Chiefs of Staff regarding POW Intelligence. It states, in part:

Since April, 1979, DIA has been investigating information provided by a refugee who alleged the detention of U.S. PWs in Laos. In November 1980, CIA provided information which corroborates the refugee's report. Overhead imagery has verified the existence of a detention facility at the alleged site. At enclosure is a chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos.... I will request that CIA prepare a topographical model of the site and surrounding area.

Chronological listing of intelligence on Nhommarath Detention Facility, referring to enclosures, tabs A through F. CIA agrees to undertake operation inside Laos to verify presence of Americans

I have not been provided the "information provided by a refugee... [about] the detention of U.S. PWs in Laos," "CIA information" that corroborates the report, including "[o]verhead imagery," ground reconnaissance photography, and reports, or the chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos," nor photographs of the "topographical model of the site and surrounding area," nor the product of the CIA's undertaking of operation[s] inside Laos to verify [the] presence of Americans." In fact, the CIA has never acknowledged or released any information on this facility.

1980

71. Exhibit 69 (at Bates 238), Documents removed from National Archives, dated December 4, 1992 evidences the removal of a 1980 four-page document:

OIA/ERD-307/80; DTD 16 DEC 80 (4 pgs)
NOT DECLASSIFIED
PER CIA

The CIA failed to produce this record, and other removed records.

December 30, 1980

1980 meeting re POW camp and sighting

72. A DIA document dated December 30, 1980 refers to a meeting held that same day at which representatives of the DIA, the CIA, and the NSA were present. Rear Admiral J. O. Tuttle, Assistant Deputy Director for DIA, reviewed a chronological report regarding POW facilities and sighting in Laos. See Exhibit 15, DIA Report re Admiral Tuttle meeting re Nhom Marrot POW camp, at Bates 58. This Report reflects that Admiral Tuttle had a "strong suspicion that American POW's remain in Laos," and discussed overhead photography. It also related that a Vietnamese source had informed the CIA of a North Vietnamese POW camp, with coordinates, photography, and Americans, in August 1980. Although the CIA was present at this meeting concerning POWs, I have received no CIA records regarding this meeting, including the referenced "overhead photography."

1981

73. A January 28, 1981 DIA Memorandum for the Chairman Joint Chiefs of Staff, attached as Exhibit 16, recites:

MEMORANDUM FOR THE CHAIRMAN, JOINT CHIEFS OF
STAFF SUBJECT: Current U.S. Prisoner of War Intelligence

1. As you are aware, there are approximately 2,500 Americans unaccounted-for in Southeast Asia. Since 1975, DIA has received approximately 1,000 reports from Indochinese refugees concerning alleged sightings of Americans, crash locations, grave locations, and the handling and dispositions of U.S. remains. Of these 1,000 reports, approximately 300 deal with the alleged first hand sightings of U.S. PWs detained in Southeast Asia.
2. Since April, 1979, DIA has been investigating information provided by a refugee who alleged the detention of U.S. PWs in Laos. In November 1980, CIA provided information which corroborates the refugee's report. Overhead imagery has verified the existence of a detention facility at the alleged site. At enclosure is a chronological listing with tabs, which support the belief that U.S. PWs may be detained in Laos.
3. On 17 January 1981, DIA requested that CIA attempt to confirm the presence of U.S. PWs in Laos. The details of CIA intentions are contained in the enclosure. As a possibility exists that CIA could confirm these reports, I recommend that you consider preparing a contingency plan in the event this very important undertaking proves successful. To support this effort, I will request that CIA prepare a topographical model of the site and surrounding area.
4. As DIA is also investigating other reports alleging the detention of U.S. PWs in Southeast Asia, it is necessary that DIA (DI) remain the focal point for all intelligence activity relating to this matter. We will continue to obtain imagery of this facility and provide timely information to you concerning the progress of the CIA [redaction MT]

The enclosure is "CHRONOLOGICAL LISTING, SUBJECT: Nhommarath Detention Facility" (*id.* at Bates 60), which recites intelligence on that POW camp. I have not been provided with the imagery referenced, or CIA Memorandum, appearing on tabs A-F. See Bates page 61.

1981

Planning of the Nhom Marrot operation

74. A December 5, 1991 DIA memorandum states that JSOC (Joint Special Operations Command) was involved in planning the 1981 operation for the reconnaissance in support of a rescue of POWs at Nhom Marrot. Exhibit 17 at Bates 62. "JSOC was . . . the joint (inter-service) command authority for special operations units such as Delta (Army) and Seal Team Six (Navy)." *Id.* at 63. In early 1981, JSOC had been "alerted to a possible rescue attempt in Laos for American POWs and had formed a small team to begin planning. Later on, an inter-agency meeting was held to discuss what actions to take. "JSOC, JCS, CIA, and NSA attended." *Id.* at Bates 62. When JSOC argued that Delta should perform the reconnaissance for this mission, the CIA insisted that it had jurisdiction over the reconnaissance. *Id.* I have not been provided with any CIA intelligence, or surveillance, or imagery, other records related to the planning of the Nhom Marrot operation.

Photography re Nhom Marrot operation

75. Exhibit 17 at Bates 62 is a December 5, 1991 Memorandum to Bill LeGro from Select Committee Investigators Bob Taylor regarding CIA involvement in the reconnaissance/rescue operation at a suspected POW camp near Nhom Marrot, Laos. This document references proposed satellite imagery, photographs, and related intelligence. I have been provided no imagery, or records on follow-up planning, or operations, or results.

Planning of second Nhom Marrot operation

76. Exhibit 19, at Bates 65-68, is a March 20, 1981 heavily redacted CIA Intelligence on Nhom Marrot POW camp, which I obtained from the Library of Congress. It is a CIA document reflecting that, based in part on human intelligence, there was a second operation at Nhom Marrot. The memorandum reflects that a second team was awaiting debriefing of a reconnaissance team, and that a review of "over 900" items regarding US POWs in Laos had been "sanitized," and analyzed. This CIA document also refers to a "series of exchanges between CIA, DIA, NSA [REDACTED] seeking to assure that all possible measures to collect any [REDACTED] of POWs in Nhom Marrot facility." Id. The CIA did not provide me with a copy of this document, nor has it provided me with the other records related to this second Nhom Marrot operation, nor the 900 items reviewed regarding US POWs, unredacted, nor the analysis of those items.

Hendon—photography of construction of Nhom Marrot POW camp

77. Billy Hendon recalled in some detail being shown photographs of the construction through completion of a prison in Nhom Marrot, Laos. Id. In 1981, he was briefed as a member of the House MIA/POW Task Force by U.S. Government officials regarding a prison camp near Nhom Marrot, Laos. He and Congressman LeBoutillier were shown the month-by-month progress in the construction of this camp, from the clearing of the jungle to the completion and building of guard towers. Second Hendon Aff. He states that he viewed a number of these photographs in 1981, and again while an intelligence investigator assigned to the Senate Select Committee in 1992. Id. Later, CIA Director Vice Admiral Bobby Inman briefed Hendon and other members of the POW Task Force on this mission, and showed them a number of black and white hand-held pictures said to have been taken of the camp by a reconnaissance team. Id. I have not been provided with any such records, or photographs.

LeBoutillier—same

78. Former Congressman John LeBoutillier confirms Congressman Hendon's statements with respect to certain briefings that occurred at the CIA. In his declaration, Congressman LeBoutillier states that Hendon was involved in briefings he attended, and that he understood that "the photographs and intercepts we were shown were CIA documents," and that to his knowledge, "these documents have never been released by the agency." See LeBoutillier Declaration.

Additionally, there are voice recordings taken by the reconnaissance team recording people at this location. The CIA has not produced these recordings.

1981

1981 Vietnamese ransom demand of \$4.5 billion

79. Exhibit 23(a) at Bates 75 is a document that I obtained from the National Archives Collection on POW/MIAs. It is a typed Memorandum re 1981 discussion of ransom demand with President Reagan, William Casey, and Vice President George Herbert Walker Bush. These individuals came into the Roosevelt Room of the White House from the Oval Office and joined other Reagan administration officials there. The document recites that a meeting and a conversation which occurred just prior to it concerning an offer the North Vietnamese made concerning U.S. POWs which involved payment of \$4.5 billion. President Reagan is reported as having told CIA Director William Casey "to do something about it [this offer]." This typed report is supported by Exhibit 23(b), which I also obtained at NARA, the Handwritten Notes of someone who appears to have been present at the meeting. This meeting is mentioned in the Senate Select Committee Report at page 32. Exhibit 24 at Bates 92. The CIA has not provided me with any records related to this 1981 meeting, or the North Vietnamese offer, or what the CIA (Casey) did in response to President Reagan's directive.

1981

1981 Vietnamese ransom demand of \$4.5 billion

80. I interviewed Secret Service employee John Syphrit, who overheard CIA Director William Casey inform President Ronald Reagan that the Vietnamese had made an offer to hand over live American POWs in exchange for \$4.5 billion. According to Congressman Bill Hendon, a Secret Service employee, John Syphrit previously told this to Hendon, and Syphrit's account was later corroborated by "at least one senior Reagan Administration intelligence official." See Affidavit of Honorable Bill Hendon. According to what Syphrit told me, at President Reagan's request at the above-referenced 1981 meeting, Casey instructed a CIA employee to go back to the CIA and bring the confirming documentation to the White House for the President. Exhibit 23(c) at Bates 77-79 is a letter from the Senate Select Committee on POW/MIA Affairs to Syphrit, demonstrating that the Select Committee wanted to question him about the North Vietnamese offer. I have been provided no records pertaining to this offer, or CIA records of Syphrit's account, or documents which Syphrit says Casey instructed a CIA employee to take to the White House.

1981

Photograph of escape and evasion codes in grass at Vietnamese prison

81. Richard V. Allen, deputy national security adviser under President Nixon, 1968-69, and senior foreign policy and national security adviser to

President Reagan, testified to the Senate Committee about seeing in 1981 a photograph of escape and evasion codes stamped in the grass at what was understood to be a Vietnamese prison. See Exhibit 37, Select Committee Deposition Richard V. Allen, June 23, 1992, at Bates 164-75. He testified that President Reagan launched an operation to investigate the site. Id. However, when the mission arrived at the site, the camp was found to be abandoned. Id. Despite Mr. Allen's testimony about CIA involvement in the preparation for and conduct of this mission, the CIA has failed to release any records pertaining to it.

1981-1982

CIA provided to NSA maps of activities in northeast Laos

82. Admiral Bobby Ray Inman, who served as Deputy Director of Central Intelligence from early 1981 through 1982, indicated in his testimony that maps of activities going on in northeast Laos appeared to flow from the CIA to the NSA. Deposition of Bobby Ray Inman, U.S. Senate Select Committee on POW/MIA Affairs, September, 1992. Exhibit 3 at Bates 129-131.

Q. ...Here's an orientation map of where that activity is going on, far northeastern Laos.

A. And Sam Neua and Viangsai, yes.... In this case, it would appear this flowed from CIA, not from NSA.

Id. at 131.

The CIA failed to provide the documentation referenced by Admiral Inman in his deposition.

1981-1982

LeBoutillier—plans to ship \$200,000 in medical supplies to Laos

83. John LeBoutillier states that in 1981 and 1982 he visited Laos four times, and that Laotian officials told him that in exchange for certain aid, they would make sure that their people looked for and found missing American POWs. Id. He further states that he knows that U.S. AID officials met with Ed Meese and CIA Director Casey, and a shipment of \$200,000 in medical supplies was approved, but that after the first shipment, Robert McFarland ordered a halt to the shipments. He also says that he knew that "the CIA was involved in both the decision to approve and stop these shipments." The CIA has not supplied any records relating to these decisions.

1983

84. Exhibit 124 (2015) is a Memorandum re six POWs held in Laos, undated, at Bates 381-83:

Circa March 1983, [redacted] a militia chief claimed that there is a Prisoner of War (POW) camp located at the foot of Ngoua Mountain (NCA), approximately 25 kilometers south of Kadon Village. According to [redacted] there were 23 American prisoners of war (POW's) detained in the camp.

The CIA has failed to provide any information regarding these 23 live POWs held in Laos.

85. Exhibit 125 (2015) is a CIA Memorandum re six POWs held in Laos, undated, November 2, 1983, at Bates 384-86:

In late April 1982, [redacted] saw a total of six alleged U.S. prisoners of war (POW's) at a detention camp in a small valley of Thao La Hamlet, Houa Phan Province, in northern Laos (grid coordinates 20 degrees north latitude, 104 degrees east meridian). ... He said the camp held about 50 such POW's who had recently been transferred to the camp from an unknown location.

The CIA has failed to provide any information regarding these live POWs held in Laos.

86. Exhibit 126 (2015) is a CIA Memorandum re six POWs held in Laos, 1983, at Bates 387-88:

On 24 February 1983, [redacted] was in the area of Ran (village) Song where several members of the [redacted] were attending a propaganda session. According to an ethnic Lao [redacted] who was present in that village, two Caucasians and six People's Army of Vietnam (PAVN) soldiers were at that session. One of the Caucasians was giving a speech in Lao praising the LPDP regime.

* * *

On 25 February 1983, [redacted] information [redacted] that there were four U.S. POW's being held at the Nadeng Prison in the LPDR.

The CIA has failed to provide any information regarding these live POWs held in Laos.

March 1983

No CIA records of White House briefing on live POWs, except circa 1980

87. Exhibit 38(a) at Bates 177 is a March 1983 CIA Cable regarding "Identification of Possible U.S. Prisoner of War camp in Saravanc Province, Lao People's Democratic Republic," reporting that there were "23 American prisoner of war (POWs) detained in the camp. Prior to 1975 the camp contained 25 American POWs, but two have since died... [Redacted] insisted that he had personally seen the POWs on numerous occasions while escorting food convoys to the camp."

Exhibit 38(b) at Bates 178 is an undated CIA Cable, which states, in part, "Identification of Possible U.S. Prisoner of War camp in Saravanc Province, Lao People's Democratic Republic" regarding detention camp containing "23 American Prisoners of War." The "account is the first believable story on the possibility of live American POWs in the LPDR [Laotian People's Democratic Republic] since 1975." The CIA has provided no records regarding the referenced "23 American prisoner of war (POWs)" in Saravanc Province, Laos.

Mid-1985

88. Exhibit 99 is a CIA Report to the White House Situation Room regarding alleged location of live American POWs in Luang Prabang province Laos mid-1985, 1986, at Bates 303. It relates:

There had been 12 American POWs at the site but in 1985 five of the Americans POWs were moved to the Soviet Union.... All of the American POWs had been captured in 1968 while working at the Nam Bac camp.... Six of the Americans were Hispanic...

Programs had separated POWs by race and ethnicity. The CIA has not provided any information on these separations, nor any other information regarding the POWs mentioned in this document.

1986

89. Exhibit 127 (2015) is a CIA Intelligence Report regarding a 1986 sighting of POWs in Laos, December 23, 1986, at Bates 389-90:

According to [redacted], Stephenson was seriously ill with malaria. ... [Redacted] told [redacted] to have Sithon come for Stephenson immediately because he was afraid of being turned into the LPDR authorities for harboring him.

The CIA has failed to provide any further information on this POW.

1986

90. Exhibit 128 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, October 30, 1986, at Bates 391-92. It states, in part:

[Redacted] told a Lao refugee that a fellow villager told him of a live American "Prisoner of War" (POW) who was living in a cave and was being hidden from the LPDR government by Napeng villagers.... Source said that the remains of two U.S. Airmen were located in the vicinity of Chomat and Viang villages... Savannakhet Province.

The CIA has failed to provide any further information on this POW, or the deceased POWs.

91. Exhibit 129 (2015) is a CIA Intelligence Report regarding an American hiding in Laos, 24 October 1986, at Bates 393-94:

According to a Lao resident who drove a supply truck and reportedly saw the POWs, there were seven American POW's as of mid-1986 being detained at a camp near Nam Bac (Th 3683) town, Oudomsai District, Luang Prabano Province, Lao People's Democratic Republic (LPDR). [Redacted]. The presence of American POWs in this general area was previously reported.

The CIA has failed to provide any further information on this POW.

92. Exhibit 130 (2015) is a CIA Intelligence Report regarding 226 POWs held in Laos, September 20, 1986, at Bates 395-96. It states, in part:

[Redacted] discovered the remains of three servicemen at a crash site located in the June at WC 442864. ...[Redacted] further said that 226 U.S. prisoners of war (POW's) were alive and being held in Laos. ... The period when the alleged POW's were moved into Laos coincided with the mutual cooperation agreement signed between Vietnam and the U.S. on POW/MIA matters.

The CIA has failed to provide any further information on the transfer of these POWs, or any follow-up intelligence on these men, including records on ground reconnaissance operations.

93. Exhibit 131(2015) is a CIA Intelligence Report regarding six POWs held in Laos, September 20, 1986, at Bates 397-98. It relates:

[Redacted], told a member of the Lao resistance and former detention camp inmate that a group of six American Prisoners-of-war (POWs) were still incarcerated at a camp located at Tham Pha Leung (NCA) Cave near Phou Sao (UG 3918) village, Xieng Khouang Province.

The CIA has failed to provide any further information these six POWs, alive in 1986, or their deaths.

94. Exhibit 132 (2015) is a CIA Intelligence Report regarding four POWs

held in Laos, September 16, 1986, at Bates 399-400. It states:

In mid-September 1986 [Redacted] reported that her brother had seen four American prisoners-of-war (POWs) in November 1983 in Xieng Khouang Province, Laos.

The CIA has failed to provide any further information these four POWs.

95. Exhibit 133 (2015) is a Memorandum regarding seven POWs held in Laos, Undated, at Bates 401-04:

In a private conversation with friends and relatives in mid-April 1986 [redacted] state that in Mid-March she had seen seven People's Army of Vietnam (PAVN) guards controlling three Caucasians eight kilometers east of Muang Ngoy (TH 5891) along the main road. ... Local residents later told her the men were American prisoners captured prior to 1972.

The CIA has failed to provide any further information these seven POWs.

96. Exhibit 134 (2015) is a CIA Intelligence Report regarding six POWs held in Laos, September 16, 1986, at Bates 405-06.

[Redacted], told a member of the Lao resistance and former detention camp inmate that a group of six American prisoners-of-war (POWs) were still incarcerated at a camp located at Tham Pha Leung (NCA) cave near Phou Sao (UG 3918) village, Xieng Khouang Province.

The CIA has failed to provide any further information these six POWs.

1987

97. Exhibit 135 (2015) is a CIA Intelligence Report of two live Americans in Laos, 28 April 1987, at Bates 407-08. It states:

[Redacted] claimed to have personally sighted two live Americans being held by local hill tribes, but said that he was not allowed closer than 100 meters from the Americans.

...[Redacted] said that the two Americans were dressed in local village costumes. [Redacted] also claimed to have learned that one of the Americans had married a local villager and had two sons, a five-year-old and a three-year-old.

The CIA has failed to provide any further information these two POWs.

October, 1986

98. Exhibit 101 Alleged location of live American POWs in Luang Prabang province, Laos, w/map, October 24, 1986, at Bates 307-09. It states that “[t]here were seven American POWs as of mid-1986 being detained at a camp near Nam Bac town, Luang Prabang Province, Laos.” The CIA has failed to provide any further information these seven POWs.

1986, 1988—Korea

Sightings of POWs in North Korea 1975-82

99. Exhibit 44 is a March 9, 1988 CIA Memorandum regarding "alleged Sightings of American POWs in North Korea from 1975 to 1982." It refers to three reports. One is of "two Americans [observed] in August 1986," and the other is regarding "about 10 military pilots captured in North Vietnam [that] were brought to North Korea." The third report concerns a sighting of 11 "Caucasians," in 1988. The CIA has produced no records regarding any POWs brought to Korea during the Vietnam War.

1987

100. Exhibit 38(f) at Bates 186-88 is an October 1987 CIA Cable to DIA, "Subject: Comment by low echelon SRV official on POW's in Indochina," reporting source reports of live POWs in Vietnam, Laos, and Cambodia. It states, in part:

In late September and early October 1987 a [redacted] remarked on the ineffectiveness of private US efforts to locate persons killed, captured, or missing in action during the Vietnam War, saying that "there are less than 1,200 prisoners of war" (POWs). Later remarked in a separate conversation that "the actual number of POWs in the SRV is small compared with those in Laos and Cambodia, both in known and unknown locations."

[He is] interested in discussing the topic and has remarked that he would provide more details when and if he gained additional information.

The CIA has provided few of their records regarding the referenced fewer than "1,200 prisoners of war," and little "additional information," from this source, or other sources.

101. Exhibit 102 Stoney Beach (DIA) message re 1987 Sighting of two US PWs in Northern Laos, 1987, at Bates 311-12.

Report contains information about the sighing of two US POWs who were being transported under guard to Sam Neua Province Laos....

The CIA has failed to provide any further information these two POWs, including their identities.

January 1987

102. Exhibit 38(c) at Bates 181-82 is a November 2, 1987 CIA Intelligence Cable, regarding "POW/MIA Reported presence of American POWs in Houa Phan Province, as of January 1987." The cable reads, in part, "[O]ne of the POWs is named [redacted] who was captured on 18 June 1968..." The CIA has provided no records regarding the referenced "POW/MIA in Houa Phan Province," Laos, including his name.

May 2, 1987

103. Exhibit 38(d) at Bates 183-84 is a May 2, 1987 CIA Intelligence Information Cable, "Re allegation of an interrogation center still holding US prisoners of war in an unknown location in southwest Ha Nam Ninh province in early 1986." The CIA has provided no records regarding the referenced interrogation center, or the "US prisoners of war" in Ha Nam Ninh province," Vietnam.

May 18, 1987

104. Exhibit 38, at Bates 176, is a May 18, 1987, CIA Cable. The subject is: "POW/MIA: Allegation of a secret document that mentions the issue of US missing in action servicemen as of mid-1986." Its text: "As of mid-1986 an alleged secret Vietnamese document contained the following statement on the issue of US prisoners of war [POWs] the request from the Americans concerning

the pilots... This matter depends on the coming secret meeting..." The remaining content of the document was not known. The CIA has provided no records of the referenced meeting, nor records of any requests regarding these U.S. POW pilots in 1986.

November 1987

105. Exhibit 38(e) at Bates 185 is a November 1987 CIA Intelligence Information Cable, reporting the "possibility of existence of American POWs in southern Vietnam." It states:

Socialist Republic of Vietnam (SRV) official commented in private in late October 1987 that he is certain that there are American Prisoners of War (POW) still being held in remote areas of southern Vietnam by private militant groups acting without the knowledge of SRV leadership. According to the official, these groups are anti-communist members of the former South Vietnamese government whose motivation is financial. This official commented that during the Vietnam War, the Viet Cong maintained their military units in the jungles and tunnels for years without being discovered, so it should be no surprise that POW could still be hidden.

The CIA withholds additional records regarding the referenced POWs "still being held in remote areas of southern Vietnam."

January 1988

106. Exhibit 67 is a Select Committee internal memorandum of June 16, 1992 (at Bates 236), which includes:

In January 1988, [REDACTION] Several unusual markings—the letters "USA" and what resembled a US Air Forces escape and evasion symbol known and a "Walking Kilo" on the ground west of

Sam Neua, Laos. We are uncertain as to who may have made those markings, but recently completed analysis gives us a better understanding of how the markings were made, how long the markings may have been present, and what activity may have been going on concurrently in the surrounding region.

The CIA can provide photo-enhanced imagery of satellite imagery, and the referenced “recently completed,” and later, analysis, of the imagery.

1989

107. Exhibit 138 (2015) is a Memorandum re 14 POWs held in Laos, October 1989, at Bates 409. It states that “[redacted] told the source that there are 14 American POW’s being held at Tham Luang, Nachik-Canton in the Viengxai District (VH2949) of Houaphan Province.” The CIA withholds additional records regarding the referenced 14 POWs, including their identities.

108. Exhibit 139 is a Memorandum re six POWs held in Laos, February 1990, at Bates 410:

[Redacted] claimed to have seen a U.S. prisoner of war (POW) during a trip to Laos in November-December 1989.... [Redacted] claimed to have spoken with either the Caucasian prisoner directly, or a guard, who confirmed the Caucasian was an American. [Redacted] said that the U.S. POW had beard, was gaunt but not sickly, and had gone native because he had a local wife.

The CIA withholds additional records regarding this POW, including his name, and fate.

109. Exhibit 140 (2015) is a Memorandum regarding two POWs held in Laos, July 1989, at Bates 411:

According to [redacted] two American prisoners of war (POW's) are now being held captive in a Leu village in Xian Khoang province near the Vietnamese border. They are being held and guarded by a local village militia group....

The CIA withholds additional records regarding these two POWs, including their names.

110. Exhibit 141 (2015) is a Memorandum regarding ten POWs held, February 1989, at Bates 412-14. It states, in part:

[Redacted] worked at the prison where ten Americans were reportedly being held.

* * *

[Redacted] learned that the American had been in [unintelligible] Dang prison since about March 1984.

The CIA withholds additional records regarding these POWs, including their probable identities, and fates.

1988

111. Exhibit 142 (2015) is a Memorandum re 20 POWs held in Laos, February 1988, at Bates 415-16. It states:

The first sighting occurred 30 Kilometers north of Sepone. ... Seventeen U.S. Personnel were held in a Montagnard encampment on a small river.

* * *

The second sighting was at Kham Ker... Here he met "Moken Domaho" (Donahue?) whom he described as a former USAF bomber pilot and son of "a general" in the seventh fleet. Domaho was married to a Montagnard woman with whom he had two children.

...The third sighting was at a camp 20 kilometers off the Ho Chi Minh Trail... Twenty-seven U.S. servicemen were incarcerated here within a compound surrounded by four rows of bamboo fencing.

The CIA withholds additional records regarding these POWs, including their names, and fates.

June 1989

112. Exhibit 100 is a DOD Information Report re Colonel Chaeng, June 1989, at Bates 304-06. The CIA withholds information on General Chaeng, his involvement in with the POW issue, including David Hrdlicka.

1989

113. Exhibit 147 (2015) is a Memorandum re POWs held in Laos, October 1989, at Bates 417. It also adds that an unidentified woman said that she saw POW/MIA's in a prison camp at "Dinding" (SIC) and that another unidentified person saw one or more POW/MIA's at Ban "Hoaisan" (sic). The CIA withholds additional records regarding these sightings, including the referenced initial reports.

1990

114. Exhibit 148 (2015) is a Memorandum regarding a POW who fears an escape attempt, 1990, at Bates 418-19:

Another MIA individual (MFI) is alive and under guard, but is afraid to try to escape. When he was asked if he would like to go home, he replied affirmatively, but said that he would need help to do so.

The CIA withholds additional record regarding this POW, including his name, and fate.

115. Exhibit 104 is a DIA Cable regarding contact with a Laotian source regarding POW information, June 1990, at Bates 320. This record concerning “David Hrdlicka and friends” (other POWs), relating that the outcome of further conversations with source will be relayed soon. Source further stated that “he had information from Colonel Chaeng through with Colonel Boua that Hrdlicka was held in the vicinity of Lak Xai.” The CIA withholds the additional pages of this record, and subsequently obtained information on Hrdlicka “and friends,” as well as the subsequent intelligence regarding General Chaeng.

116. Exhibit 103 is a DOD Intelligence Information Report regarding information of a US MIA allegedly alive in Laos, June 1990, at Bates 313-19. The source alleged that he knew of David Hrdlicka’s location, other POWs' locations, as well as a possible rescue attempt. The record relates that the outcome of further conversations would be relayed. The record also references four other documents—two letters and two facsimiles (at Bates 318). The CIA has failed to produce the four specifically mentioned documents, as well as associated intelligence gathered, including the planning, and carrying out of multiple rescue attempts, and the planning of the rescue of Hrdlicka by the source.

1976, 1980, 1981, 1992

117. Exhibit 63 at Bates 231 is the first page of an August 10, 1992 "Possible POW/MIA Associated Markings in Southeast Asia... 1976, 1980, 1981, 1992." The CIA has failed to disclose the balance of this CIA analysis of multiple prison camps over multiple years.

November 9, 1993

CIA withholding 574 documents from the President, in 1993

118. In his November 9, 1993 letter to the President from CIA Director, James Woolsey stated that the CIA was withholding 574 documents pertaining to POWs. See Exhibit 1 at Bates 1:

I am reporting on the completion of CIA's review, declassification and release of all relevant documents, files pertaining to American and missing in Southeast Asia in accordance with Executive Order 12812 deadline of 11 November 1993.

To date, 1,766 documents have been forwarded to the Library of Congress, while only 574 documents have been denied. All denied material was withheld based on the need to protect sources and methods, ongoing clandestine operations, negotiations on foreign policy such as the normalization of relations, or privacy issues related to returnees and the families of POWs and MIAs.

The CIA has not indicated that it has provided the referenced 574 documents.

B. CIA RAN WAR IN LAOS, WAS LEAD INTELLIGENCE AGENCY

CIA ran war in Laos

119. Asked who was the dominant collector of information in Laos, the CIA or the Department of Defense (DOD), Secord replied, "CIA, clearly, because of the

resources they had on the ground." Asked who had the best information, the Defense Intelligence Agency or the CIA, Secord replied:

The CIA was in charge of the war [in Laos], not the military. The military helped out a little bit on the side, particularly through the provisions of air assets, but the military had very few people on the ground except for forward air controllers, which were very good, and some air attaches, whereas the Central Intelligence Agency had several hundred people on the ground in Laos.

Select Committee Deposition William Sullivan, Ambassador to Laos, Exhibit 7, Bates 22, at 32. Secord's recitation is not consistent with the records provided.

Constant CIA reports of POWs

120. Prior to testifying before the Senate Committee, Secord was deposed by it. In response to a question about whether any of the intelligence reports that he had reviewed while detailed to the CIA, or in any other position, "referred to prisoners of war or men who were missing in action," Secord replied, "Oh, many, constantly." Exhibit 9, Select Committee Deposition Richard V. Secord, at Bates 35.

121. Exhibit 38(h), at Bates 189, is a June 1992 Memo to Select Committee re "President's Daily [CIA] Intel Briefings," seeking copies of those briefings "given to the President regarding the possibility of POWs being transferred to the East Bloc after Homecoming." The author has "a source who claims to have seen them." The memo said the CIA had responded that they "are not available to

anyone." The CIA has provided few President's Daily Intel Briefings. The CIA should produce all such briefings that address the POW issue.

C. SEARCH

No search of overseas field stations

122. The CIA has not stated that it searched any overseas field stations for responsive records. Witnesses before the Select Committee testified repeatedly to the involvement of CIA field stations in Vietnam, Laos, Cambodia, and Thailand, in the gathering of information about POW/MIAs. I photocopied pages from the Testimony of the Chief of Station, Vientianne, Laos (1970-1973) (Exhibit 26 at Bates 111-19), before it was reclassified, and withheld. The witness was asked to identify a Report, which he characterized as "a compilation of all" information on POWs. I have not been provided with the referenced CIA Report. Nor have I been provided any CIA records on POW/MIAs from those field stations. And I have not been provided any reclassified depositions.

136. Exhibit 112 DOD letter to AIM regarding search terms, exemptions, August 28, 2015, at Bates 355-56

Code Names

137. In my review of publicly released reports and documents from the CIA and other agencies, the following code names have surfaced as the designations for operations related to or connected with POW/MIAs: Bright Light

(a DOD collection and reporting system on POWs and prison camps—the CIA would have a corresponding code word), Trail Watch (a CIA project using, among others, Controlled American Sources and "indigenous personnel" to observe POW and military movements on routes in Laos and elsewhere), Project Alpha (an Air Force mission to track the location of POW/MIAs to protect them against inadvertent US bombings—the CIA would have a corresponding code word), Operation Pocket Change (a 1981 plan to reconnoiter—including using photography and listening devices—and rescue those believed held in Laos), Project Corona (an operation to photograph--including imagery taken by satellite--and interpret troop movements in South East Asia, including along the Ho Chi Min Trail), and Duck Soup (the CINPAC, Air America (a CIA proprietary) name for a supply operation also used to rescue POWs, including Colonel Hrdlicka and others from Laos). In each of these operations, there is publicly available evidence of the CIA's involvement. The CIA should have searched under these names, and under the CIA's own codename for these operations. I have not received any records related to these operations.

No Select Committee depositions that had been "withdrawn in full" from the Archives, by the CIA

139. Exhibit 40(a) (Bates 200-01) is a April 22, 2008 letter from Kristin Welhelm of the National Archives to me which attaches a list of depositions taken before the Senate Select Committee on POW/MIA Affairs that have been

"withdrawn in full" from public access. Id. On April 4, 2016, Ms. Welhelm informed me that the CIA has not declassified any of these depositions. The CIA has not provided me with copies of any of these depositions or justified their withholding.

No mandatory declassification review of Select Committee depositions of Mason and Graver

140. Exhibit 41 (at Bates 202) is an April 28, 2008 letter from Archives Specialist Thomas Haughton to me which acknowledges my request for mandatory declassification review of the depositions of John Mason and William Graver, and advises me that it may be necessary for him to send them to the CIA for review. Id. I have heard nothing from the National Archives or the CIA.

No mandatory declassification review of Select Committee depositions

141. Exhibit 42 (at Bates 203-05) is a May 25, 2006 typed Note by the Ms. Wilhelm of the National Archives. It attaches a list of Senate Select Committee depositions on POW/MIAs, which the CIA withheld in full, in response to my request for mandatory declassification review ("MDR"). The CIA has neither provided me with copies or nor accounted for their withholding in this lawsuit.

CIA not search all its records as of 1995

142. In 1993-1995, I spoke with Mr. Harry Pugh, a CIA employee, about American POWs in China. He told me over the telephone that all that all the

documentation regarding POWs in China was in the basement of the CIA, and he did not have time to go through it all, and that nobody had gone through it. The record in this case does not reflect a search of this location. The CIA has not acknowledged that it has been in contact with Mr. Pugh.

CIA bug in North Vietnamese Embassy in Laos

143. From 1993 to 1995 I interviewed by telephone Jerry Mooney on several occasions. Mr. Mooney was a United States Air Force analyst who worked for the National Security Agency ("NSA") during the Vietnam War. He informed me that he knew, from the time that he was detailed to CIA, that he showed the Agency how to bug North Vietnamese Embassy in Vientiane, Laos, as well as other embassies. It is my belief that he was in a position to know this and that he was telling me the truth. The CIA has not provided me with any records related to this.

E. MISCELLANEOUS

144. Exhibit 45 at Bates 212 is a 1992 letter from CIA to Senate Select Committee on POW/MIA affairs requesting that 22 documents be made available during a closed hearing. The CIA states, "We have redacted 20 of the documents requested for delivery to the committee on the day of the proposed hearing." The CIA has not indicated that it released these 20 documents, and has not done so to my knowledge.

145. Exhibit 62 at Bates 230 is an undated chart of Latitude and Longitude coordinates, listing prison camps. This record has redactions. The record is based, in part, on CIA intelligence. The CIA did not release the information concerning POWs, on which this chart is based. Nor did it release the other pages of this record.

146. Exhibit 114 is my notes regarding the Trail Watch Program, which was a program to watch trails that the Vietnamese used to move troops, equipment, and POWs. The CIA has not produced any records regarding the Trail Watch Program as it relates to POWs. The note also regards Moua Chung, a Laotian who was part of the David Hrdlicka rescue. Chung also worked for General Vang Poa, who was a CIA asset. The CIA has not produced any records regarding General Vang Poa.

147. Exhibit 113, at Bates 357, is Texas Tech University correspondence to Roger Hall regarding the location of Air America documents. The National Archives has only recently received Air America administrative and training records. The Air America documents are located at the University of Texas, McDermot Library, at Texas Tech Vietnam Project, and the Air America Association. It should release all POW/MIA documents from these holdings.

148. Exhibit 106 is the Select Committee Deposition of Richard Rand, 1992, at Bates 322-45. Referring to a cable that referred to nine POWs held in

Laos, Rand testified that there were more than the nine that Laos had admitted to holding, at Bates 333, 336:

That was my understanding, but I would say it was based on factors such as our having proof that, for example, the Hrdlicka and Debruin - - the proof of their capture and survival of their incidents -- when it was documented, and it would be in that regard that we would have made that statement that there were other people other than the ones on their list that had survived until a more recent date.

Paragraph 3 begins: "We then discussed with him on some detail the cases of Eugene Debruin and U.S. Air Force Captain David Hrdlicka. We presented him with photographs of both men in PL captivity and noted that both photos had appeared in Neo Lao Hak Sot publications. We showed him an embassy memo of conversation prepared in May 1966 in which Soth acknowledged PL detention of Debruin and his report that Debruin was in good health. Soth displayed keen interest in the items presented and stated he would refer the question of other U.S. PWs to his superior at Sam Neua and agreed to convey response to DCM as soon as it is received.

The State Department believed, having evidence, that Hrdlicka and Debruin and others survived. The State Department would have gotten this information from the CIA.

149. Exhibit 98 is a CIA Report of a sighting of 8 to 10 Americans in Laos, Undated, at Bates 297. It states that "two American PWs who cooperated with the enemy" (at Bates 297). The Report also states, at Bates 302:

Nine American PWs were held in the vicinity of Mahaxy, a town about 30 miles east of Thakek in central Laos, in September 1973. One report said they were taken to Hanoi in September 1973. Another report said nine Americans were still in the area near a town called Pha Kateom in March 1974.... The nine Americans captured in

Laos and released in Operation Homecoming had all been moved out of Laos to Hanoi well before the end of 1972.

The Report mentions a series of other reports on which it is based, but the CIA did not produce these underlying and other related reports.

150. Exhibit 84 is my letter to AUSA regarding three additional privacy waivers (at Bates 264), dated April 14, 2011. It releases the names of Hugh M. Fanning USMC, Capt. Peter Richard Matthes, AF, and Capt. Charles Joseph Scharf, AF. These names are not among the 1,711 names that the Primary Next-of-Kin authorized released. The CIA did not specify that it searched for these names.

151. It is clear from the information I have set forth above that the CIA was involved in collecting and monitoring such information. In addition, CIA station chiefs testified before the Senate Committee that the CIA had primary responsibility for interviewing all human sources of such intelligence, including refugees during this period. See Exhibit 26, October 1991 Select Committee Deposition COS, Vientiane (1970-1973) Bates 111-19.

1972 joint CIA military plan to rescue 60 POWs in Laos

152. In 1994 and in 1995, I interviewed Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff. He told me that in 1972 he had authorized a rescue of 60 POWs in Laos. Admiral Moorer told me that, as planned, this raid was second in complexity only to the Son Tay raid. The rescue attempt was

cancelled because of the pending Peace Agreement of January 1973. Admiral Moorer stated that the CIA and the Department of Defense had information on this planned operation, and that I should check with the indigenous personnel files known as Controlled American Source, at the CIA. He said this was a joint CIA DOD operation. I have not received records regarding this planned rescue operation.

I hereby certify and affirm, under penalty of perjury, that the foregoing is true to the best of my information, knowledge, and belief.

Date: October 21, 2016

Roger Hall

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