

	A	B	C	D	E	UNCLASSIFIED Document 263-3 Filed 10/24/16	G	H	I	J	K	
1	#	<u>NSA Doc ID</u>	<u>CIA Doc ID</u>	<u>Case Number/NSA Case Number</u>	<u>Other Agency Case Number</u>	<u>Case Type</u>	<u>DOCUMENT TITLE</u>	<u>Pgs</u>	<u>DISPO</u>	<u>Redactions Cited</u>	<u>Released to Plaintiff On:</u>	<u>COMMENTS</u>
2	<u>1</u>	3938868	C0049885	10-L-0010 /65207		consultation	U.S. Copter Downed Near Thai/Lao Border	1	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	
3	<u>2</u>	3938869	C0049885	10-L-0010 /65207		consultation	Assisting American Pilots in Distress	1	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	
4	<u>3</u>	3938892	C0049885	10-L-0010 /65207		consultation	U.S. Copter Shot Down Near Thai/Lao Border	1	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	
5	<u>4</u>	3938893	C0049885	10-L-0010 /65207		consultation	Police Investigating Report of U.S. Copter Crash	1	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	
6	<u>5</u>	3938894	C0049885	10-L-0010 /65207		consultation	Forces in District	1	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	
7	<u>6</u>	3902418	C00495839	10-L-0010 /65207		consultation	Letter to Select Committee on POW/MIA Affairs, U.S. Senate	1	No Equities	n/a	Returned to DoD on 6 Jan 2012	returned to DoD
8	<u>7</u>	3902417	C00495839	10-L-0010 /65207		consultation	Letter to Select Committee on POW/MIA Affairs, U.S. Senate	1	No Equities	n/a	Returned to DoD on 6 Jan 2012	returned to DoD
9	<u>8</u>	3938873	C00495839	10-L-0010 /65207		consultation	Senate Select Committee Request of 9 Oct 1992 (Mooney Material) - CDO 373/92 - Information Memorandum	2	Granted in Full	n/a	To Plaintiff on 6 Jan 2012	page 2 only
10	<u>9</u>	3938874	C00495839	10-L-0010 /65207		consultation	Senate Select Committee on POW/MIA Affairs Request for Information, 9 October 1992 - Information Memorandum	2	Partial Denial	(b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	Previously released in MDR 20985

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A	B	C	D	E	G	H	I	J	K	
#	NSA Doc ID	CIA Doc ID	Other Agency Case Number/NSA Case Number	Case Type	DOCUMENT TITLE	Pgs	DISPO	Redactions Cited	Released to Plaintiff On:	COMMENTS
11	10	3938875	C00495839	10-L-0010 /65207	consultation	7	Partial Denial	(b)(3) 102-190 (b)(6)	To Plaintiff on 6 Jan 2012	Previously released in MDR 20985. Reviewed and Released additional name for Hall.
12	11	3938876	C00495839	10-L-0010 /65207	consultation	107	Partial Denial	(b)(1), OGA, (b)(3)-10 USC 130, (b)(3)-18 USC 798, (b)(3)-P.L. 86-36, (b)(3)-50 USC 403, (b)(3) 102-190, (b)(6)	To Plaintiff on 6 Jan 2012	Released in MDR 20985. Conducted updated review. This version is for Hall ONLY.
13	12	3938877	C00495839	10-L-0010 /65207	consultation	17	Partial Denial	(b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	Previously released in MDR 20985. Conducted updated review. This version is for Hall ONLY.
14	13	3938891	C0049885	10-L-0010 /65207	consultation	1	Partial Denial	(b)(1),(b)(3)-18 USC 798, (b)(3)-P.L. 86-36, (b)(3)-50 USC 403	To Plaintiff on 6 Jan 2012	Previously released in 11529. Reviewed but no additional info released.
15	14	3938895	C0049885	10-L-0010 /65207	consultation	1	Partial Denial	FOIA(b)1, FOIA(b)3 - 50 USC 403, FOIA(b)3 - 18 USC 798, FOIA(b)3 - P.L. 86-36 sec 6	To Plaintiff on 6 Jan 2012	Previously released in FOIA 11529. Reviewed and released SIGAD and validity terms.
16	15	3938896	C0049885	10-L-0010 /65207	consultation	1	Partial Denial	FOIA(b)1, FOIA(b)3 - 50 USC 403, FOIA(b)3 - P.L. 86-36 sec 6	To Plaintiff on 6 Jan 2012	Previously released in 11529. Reviewed but no additional info released.

1	A #	B NSA Doc ID	C CIA Doc ID	D Other Agency Case Number/NSA Case Number	E Case Type	F DOCUMENT TITLE	G Pgs	H DISPO	I Redactions Cited	J Released to Plaintiff On:	K COMMENTS
17	16	3938884	C0049885	10-L-0010 /65207	consultation	Communist Chinese Capture American Soldiers in Laos; Laotian Refugee Reports	1	Partial Denial	FOIA(b)1, FOIA(b)3 - 50 USC 403, FOIA(b)3 - 18 USC 798, FOIA(b)3 - P.L. 86-36 sec 6	To Plaintiff on 6 Jan 2012	Previously released in 11529. Reviewed and released indicators of missing text and validity terms which adds additional context.
18	17	3887448	C00488720	10-L-0018/65207	consultation	South Vietnam	1	No Equities		Responded to DoD on 8 Sep 2011	no equities.
19	18	3896037	C05123606	10-L-0018/65207	consultation	NSC Response to requester	3	No Equities		Responded to DoD on 8 Sep 2011	no equities.
20	19	3896048	C00005798	10-L-0018/65207	consultation	CIA CIR	1	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
21	20	3896050	C00005799	10-L-0018/65207	consultation	CIA CIR	1	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
22	21	3896053	C00005972	10-L-0018/65207	consultation	CIA Background Data Possibly Relevant to the Current Vietnamese Communist Prisoner Exchange Overture	6	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
23	22	3896058	C00005972	10-L-0018/65207	consultation	CIA Prisoner Exchange Instructions for Saigon Station	51	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
24	23	3896062	C00005972	10-L-0018/65207	consultation	CIA Background Data Possibly Relevant to the Current Vietnamese Communist Prisoner Exchange Overture	6	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
25	24	3896066	C00005972	10-L-0018/65207	consultation	CIA New Vietnamese Communist Overture on Prison Exchanges	29	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.

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B <u>NSA Doc ID</u>	C <u>CIA Doc ID</u>	D <u>Other Agency Case Number/NSA Case Number</u>	E <u>Case Type</u>	F <u>DOCUMENT TITLE</u>	G <u>Pgs</u>	H <u>DISPO</u>	I <u>Redactions Cited</u>	J <u>Released to Plaintiff On:</u>	K <u>COMMENTS</u>
896068	C00005972	10-L-0018/65207	consultation	CIA Background Data Possibly Relevant to the Current Vietnamese Communist Prisoner Exchange Overture	6	No Equities	n/a	Responded to DoD on 8 Sep 2011	no equities.
398851	C00311210	11-L-0032/65207	consultation	National Intelligence Estimate; Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue	42	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-18 USC 798, (b)(3)-P.L. 86-36	Returned to DoD on 6 Jan 2012	Redactions on page 32.
302456	C00498885	11-L-0032/65207	consultation	C00498885 Technical Sigint Report 002-92	164				This document was sent by DoD but was NOT be reviewed for this case. The document, with the exception of a DoD cover memo and Enclosure 2 (pages 156-164), was reviewed in 63960. The 11 pages (156-164) of foreign intelligence reports in Enclosure 2 were scanned into Case 65207 for redaction.
338878	C00498934	11-L-0032/65207	consultation	NSA: Shutdown of Allied Acft by NVN	1	Partial Denial	(b)(1), (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	Previously released in MDR (24020). Reviewed for this case and released Intelligence Source Identifiers

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1	A #	B NSA Doc ID	C CIA Doc ID	D Other Agency Case Number/NSA Case Number	E Case Type	F DOCUMENT TITLE	G Pgs	H DISPO	I Redactions Cited	J Released to Plaintiff On:	K COMMENTS
30	29	3938879	C00498934	11-L-0032/65207	consultation	NSA: NVN 243rd AAA Regiment Reports Shootdown of an OV10	1	Partial Denial	(b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	Previously released in MDR (24020). Reviewed for this case and released Intelligence Source Identifiers
31	30	3938880	C00498934	11-L-0032/65207	consultation	NSA: NVN 243rd AAA Regiment Reports Shootdown of an OV10 (message)	1	Partial Denial	(b)(1), (b)(3)-P.L. 86-36	To Plaintiff on 6 Jan 2012	Previously released in MDR (24020). Reviewed for this case and released Intelligence Source Identifiers
32	31	3902948	C00498728	11-L-0032/65207	consultation	DIA Briefing of the Senate Select Committee on POW's and MIA's	31	Granted in Full	n/a	Informal GF response to DoD sent 4 October 2011	NSA equities are releasable. See page 25 and term "signal intelligence. Informal GF response sent 4 October
33	32	3902949	C00501220	11-L-0032/65207	consultation	SecDef Response to McCain Request for Info on DoD Investigation of POW/MIA Reports	18	Granted in Full	n/a	Informal GF response to DoD sent 4 October 2011	NSA equities releasable.
34	33	3931038	C00488217	11-L-0032/65207	consultation	C00488217 DIA: Chronology of Reporting	20	Granted in Full	n/a	Informal GF response to DoD sent sent 6 Dec 2011	NSA equities releasable.
35	34	3939013	C00498934	11-L-0032/65207	consultation	DIA: Collection of DIA Documents	56	Partial Denial	(b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36	Returned to DoD on 6 Jan 2012	Page 4 only

<u>NSA Doc ID</u>	<u>CIA Doc ID</u>	<u>Other Agency Case Number/NSA Case Number</u>	<u>Case Type</u>	<u>DOCUMENT TITLE</u>	<u>Pgs</u>	<u>DISPO</u>	<u>Redactions Cited</u>	<u>Released to Plaintiff On:</u>	<u>COMMENTS</u>
3909306	C00268074, C00268075, and C00800075	F-2010-01645/F2003-00449/63960	referral	NSA: NSA Sigint Correlation Study - POW/MIA	428	Partial Denial	(b)(1), OGA, (b)(3)-10 USC 130, (b)(3)-18 USC 798, (b)(3)-P.L. 86-36, (b)(3)-50 USC 403, (b)(3), (b)(3) 102-190, (b)(6)	(Substituted document provided to Plaintiff on 5 Oct 2011 - see entry 36)	CIA forwarded 3 documents (737 pages) C00268074, C00268075, and C00800075. The documents forwarded were 'outdated' versions of a more complete document in our system. Discussions with our FOIA attorney and CIA attorneys determined that our updated version of the documents would be used instead of the three CIA forwarded since it was more comprehensive.
3909305	see above	F-2010-01645/F2003-00449/63960	referral	NSA: NSA Sigint Correlation Study - POW/MIA page 107	1	Partial Denial	b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36, (b)(3)-18 USC 798	To Plaintiff on 5 Oct 2011	see above.
3866555	C02189996	F-2010-01645/F2003-00449/63961	consultation	CIA: Vietnam Checklist for the Director	25	Partial Denial	b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36, (b)(3)-18 USC 798	Returned to CIA on 21 June 2011	
3866559	C02985239	F-2010-01645/F2003-00449/63961	consultation	CIA: The Situation In Vietnam	19	Partial Denial	b)(1), (b)(3)-50 USC 403, (b)(3)-P.L. 86-36, (b)(3)-18 USC 798	Returned to CIA on 21 June 2011	

**TAB A**



**NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000**

FOIA Case: 63960

5 October 2011

Mr. James H. Lesar  
Attorney at Law  
930 Wayne Avenue  
Unit 1111  
Silver Spring, MD 20910

Dear Mr. Lesar:

This responds to your Freedom of Information Act (FOIA) request of 7 February 2003 on behalf of Mr. Roger Hall to the Central Intelligence Agency (CIA) for "all records and information on or pertaining to:

- 1) Southeast Asia POW/MIAs (civilian or military) and detainees who have not returned, or whose remains have not been returned, to the US regardless of whether they are currently held in prisoner status or whether they were sent out of Southeast Asia;
- 2) POW/MIAs sent out of Southeast Asia;
- 3) records prepared by/assembled by CIA between 1 Jan 60 and 31 Dec 02, relating to the status of any US POWs or MIAs in Laos, including but not limited to any reports etc prepared by Mr. Horgan and any other officer, agent or employee of the CIA for the JCS, the President or any federal agency;
- 4) records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the Nat'l Archives and returned to CIA for processing;
- 5) records relating to 47 individuals who allegedly are Vietnam-era POW/MIAs, and whose next-of-kin have provided privacy waivers to Roger Hall;
- 6) records on or pertaining to any search conducted for documents responsive to Roger Hall's requests dated 5 Jan 94, 7 Feb 94 and 23 Apr 98;
- 7) records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs, including any search for such records conducted in response to any request by any Congressional Committee or executive branch agency."



FOIA Case: 63960

A copy of your request is enclosed. The CIA (original FOIA Case F-2003-00449) referred three NSA-originated documents (734 pages) to the National Security Agency/Central Security Service (NSA/CSS) on 21 January 2011 (new CIA Case F-2010-01645) for review and direct response to you. This referral has been assigned case number 63960. The three documents referred to us by the CIA as responsive to Item 5 of your request were portions of early versions of an NSA working aid originated in 1992 as an open or "draft" working aid called "NSA SIGINT Correlation Study - POW/MIA." That working aid continued to grow through several years as additional SIGINT data and all-source information was correlated to POWs/MIAs and was incorporated into the report, as late as 1996. The "NSA SIGINT Correlation Study - POW/MIA" has been reviewed in the past for release under the FOIA. Because this document is a more complete version of the documents forwarded to us by the CIA, this document was processed as the document responsive to your request rather than providing portions of incomplete documents.

The document (428 pages) has been reviewed as required by the FOIA using current guidance and is enclosed. Certain information, however, has been deleted from the enclosure. Some of the withheld information has been found to be currently and properly classified in accordance with Executive Order 13526. This information meets the criteria for classification as set forth in (c) and (d) of Section 1.4 and remains classified TOP SECRET as provided in Section 1.2 of Executive Order 13526. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in this document. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, Diane M. Janosek. Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days from the date of the

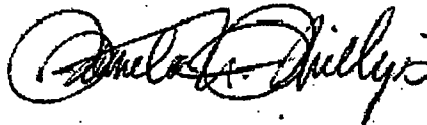
FOIA Case: 63960

initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

The CIA has asked that we protect information pursuant to 5 U.S.C. 552 (b)(1) and (b)(3), and the Department of Defense (DoD) has asked that we protect information pursuant to 5 U.S.C. 552 (b)(3), specifically Public Law 102-190, and (b)(6). Those deletions have been marked with the code OGA (Other Government Agency). Any appeal of the denial of CIA or DoD information should be directed to those agencies.

Finally, please be advised that the enclosed document released to Mr. Hall contains the names of some POW/MIA next of kin that he, specifically, has permission to receive. It should not be further disseminated in order to respect their privacy. Those names will be removed from a public copy which we will post to NSA's web site in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips". The signature is fluid and cursive, with the first name being the most prominent.

PAMELA N. PHILLIPS  
Chief  
FOIA/PA Office

Encls:  
. a/s

**TAB B**



**NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000**

**FOIA Case: 65207  
6 January 2012**

**James H. Lesar, Esq.  
1003 K Street, N.W. Suite 640  
Washington, DC 20001**

**Dear Mr. Lesar:**

**This responds to your Freedom of Information Act (FOIA) request of 7 February 2003 to the Central Intelligence Agency (CIA) on behalf of Mr Roger Hall for all records and information on or pertaining to:**

**1) Southeast Asia POW/MIAs (civilian or military) and detainees, who have not returned, or whose remains have not been returned to the US, regardless of whether they are currently held in prisoner status, and regardless of whether they were sent out of Southeast Asia;**

**2) POW/MIAs sent out of Southeast Asia;**

**3) Prepared by/assembled by CIA between 1 Jan 1960 and 31 Dec 2002, relating to the status of any US POWs or MIAs in Laos, including but not limited to any reports, memoranda, letters, notes or other documents prepared by Mr. Horgan or any other officer, agent or employee of the CIA for the JCS, the President, or any federal agency;**

**4) records of the Senate Select Committee on POW/MIA Affairs which were withdrawn from the collection at the National Archives and returned to the CIA for processing;**

**5) Records relating to 47 individuals who allegedly are Vietnam era POW/MIAs and whose next-of-kin have provided privacy waivers to Roger Hall, and those persons who are on the POW/Missing Personnel office's list of persons whose primary next-of-kin (PNOK) have authorized the release of information concerning them;**

**6) all records on or pertaining to any search conducted for documents responsive to Roger Hall's requests dated 5 Jan 1994, 7 Feb 1994 and 23 Apr 1998;**

**7) all records on or pertaining to any search conducted regarding any other requests for records pertaining to Vietnam War POW/MIAs including any search for such records conducted in response to any request by any Congressional Committee or executive branch agency.**

**A copy of your request is enclosed. The Department of Defense (DoD) referred NSA-originated documents to the National Security Agency/Central Security Service (NSA/CSS) on 11 August, 15 August, 9 September, 14 September and 22 December 2011 (case numbers DoD/10-L-0010, 10-L-0018 and 11-L-0032) for our review and direct response to you. The DoD apparently received the documents first from the CIA as a result of your original request to the CIA. This referral has been assigned case number 65207.**

**Most of the documents referred to our Agency have been released in previous FOIA and Mandatory Declassification Review (MDR) requests (many to Mr. Hall);**

FOIA Case: 65207

however, we have conducted an updated review of the documents as required by the FOIA consistent with current declassification guidance for this response, and the documents are enclosed. These are not recently discovered Vietnam-related documents being released, but rather, previously available information being released using the most current declassification guidance available. Certain information, however, has been deleted from the enclosures.

Some of the withheld information has been found to be currently and properly classified in accordance with Executive Order 13526. The information meets the criteria for classification as set forth in Subparagraph (c) of Section 1.4 and remains classified SECRET as provided in Section 1.2 of Executive Order 13526. The information is classified because its disclosure could reasonably be expected to cause serious damage to the national security. The information is exempt from automatic declassification in accordance with Section 3.3(b (1) of E.O. 13526. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

In addition, this Agency is authorized by various statutes to protect certain information concerning its activities. We have determined that such information exists in these documents. Accordingly, those portions are exempt from disclosure pursuant to the third exemption of the FOIA which provides for the withholding of information specifically protected from disclosure by statute. The specific statutes applicable in this case are Title 18 U.S. Code 798; Title 50 U.S. Code 403-1(i); and Section 6, Public Law 86-36 (50 U.S. Code 402 note).

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D. M. Janosek. Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJP4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent unusual circumstances.


The CIA has asked that we protect information pursuant to 5 U.S.C. 552(b)(1) and (b)(3). Those deletions have been marked with the code OGA (Other Government Agency). The Department of Defense (DoD) has asked that we protect information pursuant to 5 U.S.C. 552 (b)(3), specifically Public Law 103-190, and (b)(6) in order to protect the names of some POW/MIA whose next of kin do not want names released, in addition to protecting some personal information about them. Any appeal of the denial of CIA or DoD information should be directed to those agencies.

Finally, please be advised that the enclosed documents released to Mr. Hall contain the names of some POW/MIAs whose next of kin specifically gave him permission to receive the names. Those documents are marked "For HALL ONLY" and

FOIA Case: 65207

should not be further disseminated in order to respect the families' privacy. Those names will be removed from the public copy which will be posted to NSA's web site in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela N. Phillips". The signature is written in a cursive style with a large initial "P".

PAMELA N. PHILLIPS  
Chief  
FOIA/PA Office

Encls  
a/s