

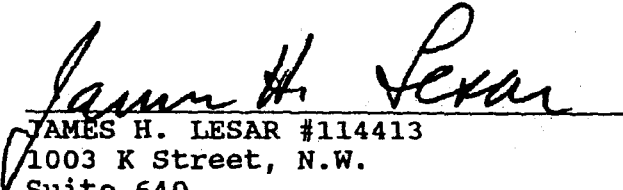
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al., :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 04-0814 (HHK)
 :
 CENTRAL INTELLIGENCE AGENCY, :
 :
 Defendant :
 :

NOTICE OF FILING

Plaintiff Roger Hall hereby gives notice of the filing of two letters dated May 23, 2005 and May 24, 2005, and addressed to Mr. Scott Koch, Information and Privacy Coordinator of the Central Intelligence Agency.

Respectfully submitted,


JAMES H. LESAR #114413
1003 K Street, N.W.
Suite 640
Washington, D.C. 20001
Phone: (202) 393-1921

JAMES H. LESAR
ATTORNEY AT LAW
1003 K STREET, N.W., SUITE 640
WASHINGTON, D.C. 20001
TELEPHONE (202) 393-1021
FAX (202) 393-7310

May 23, 2005

Mr. Scott Koch
Freedom of Information and Privacy
Coordinator
Central Intelligence Agency
Washington, D.C. 20505

VIA CERTIFIED MAIL
NO. 7002 2410 0006 2154 7353

Re: F-2003-00449

Dear Mr. Koch:

I write on behalf of my clients, Mr. Roger Hall and Studies Solutions Research, Inc. (SSRI) to supplement the application they made for status as representatives of the news media and for a public interest fee waiver in connection with their February 7, 2003 Freedom of Information Act request for records pertaining to missing prisoners of wars ("POWs") and persons missing in action ("MIAs") as a result of the Vietnam conflict.

Mr. Hall obtains information on POWs and MIAs from a variety of sources, including veterans, family members of POW/MIAs, and government documents. He disseminates this information through SSRI, a non-profit corporation, in several ways. First, when he obtains documents which contain new information of interest to the segment of the public that is concerned with POW/MIA issues, he sends copies of such records to those on his SSRI email list together with his expert commentary on the significance of the information. This email list contains approximately 3,000 names, including many veterans organizations, news organizations, and so forth. The persons on his email list in turn re-disseminate the information to others.

To give examples of the broadscale dissemination which is achieved through Web links and emails, Hall notes the number of subscribers who are reached when his emails are redistributed by just three of the 3,000 persons and organizations on his email list:

Vietnam Veterans of Brevard, Florida	30,000-40,000
Task Force Omega of Kentucky	50,000
National Alliance of POW/MIA Families	40,000+

In disseminating this information, Mr. Hall uses his editorial skills to make a distinct product. He uses those skills to select which documents are important and to provide an appropriate commentary pointing out what is significant about the documents.

Civil Action No. 04-0814
(HHK)

Attachment A

A1

Secondly, Mr. Hall disseminates information by authoring articles which contain this information and his commentary on it which are published in magazines, newspapers, newsletters and web sites.

Third, Mr. Hall disseminates the information to veterans groups, congressional staffers and others in the form of public speeches, radio appearances, and private briefings.

Mr. Hall and SSRI do not merely "make information available" as a library would. Rather, as indicated above, they actively disseminate information to persons on his email list and others. SSRI is a 501(c)(3) not-for-profit organization whose Articles of Incorporation specifically provide that its purposes include:

(1) To research, identify and obtain access to and copies of available, lost, unknown and/or otherwise withheld information or documentation of general interest (historical or otherwise) to the public from governmental organizations, individuals, or any other entity having possession of such information or documentation;

(2) to concentrate on those subjects that are otherwise neglected or cost prohibitive to individuals to obtain;

(3) To prepare studies and analysis of the information and documentation obtained;

(6) To provide access to and broadly disseminate the information and analysis to the public.

See Attached copy of Articles of Incorporation.

To achieve these goals, Mr. Hall and SSRI have used the above methods of dissemination in the past and firmly intend to keep doing so in the future. In addition, Mr. Hall has an agreement with Mr. Sydney H. Schanberg to write a story or stories on the materials released to him as a result of this lawsuit. Mr. Schanberg won a Pulitzer Prize for reporting on the fall of Cambodia to the Khmer Rouge. His book The Life and Death of Dith Pran, a memoir of his experience covering the war in Cambodia for the New York Times, was the basis for the movie "The Killing Fields," which won several Academy awards. His many other journalistic awards include two George Polk awards, two Overseas Press Club awards and the Sigma Delta Chi prize for distinguished journalism. See attached letter from Sydney Schanberg to James H. Lesar and bio appended thereto.

With respect to his application for a public interest fee waiver, Mr. Hall believes that the records he will obtain as a result of his request will shed light on the CIA's operations and activities by revealing that it has withheld information regarding missing POWs from the public which will show that the CIA has not done what it should have done to locate missing POWs and MIAs.

As an example of the kind of information which can be found in government documents regarding the POW/MIA issue, Mr. Hall notes that the Senate Select Committee on the POW/MIA issue discounted the testimony of Sergeant Major Jerry Money's (?) testimony regarding live POWs who had been captured but who were not listed as captured. Money worked for the NSA. Mr. Hall has obtained NSA Technical Report 002 which confirms Master Sergeant Money's testimony that there were live POWs who were captured but who were not listed as captured. This shows that NSA had information had information regarding POWs which their families had never received. He believes that the documents which the CIA has not yet released will show the same thing.

In this regard, he notes that Sergeant Major Money worked for the NSA but was assigned to the CIA to assist it in placing illegal wiretaps and bugs in Laotian and Cambodian Embassies. Sgt. Maj. Money has told Mr. Hall that the CIA was engaged in joint military operations regarding POWs. He believes the CIA has documents regarding these operations which have not yet been made public.

Mr. Sydney Schanberg has addressed the strong public interest in the records sought by Mr. Hall in his letter to Mr. Lesar:

My research to date has shown that in the Vietnam War alone, a significant number of prisoners were not returned by the Hanoi government, but were held back as bargaining chips for war reparations that never came. The POW/MIA story is clearly of national importance since men and women will continue to be called to war by our nation's leaders--as they have been presently in Iraq. The history of what has happened to those captured in other wars is therefore obviously of interest to . . . the nation at large.

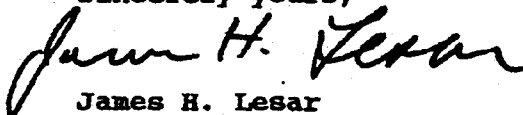
The information Mr. Hall is seeking has been withheld by our government through seven presidencies across 32 years, starting with Richard Nixon, who was in office in 1973 when we signed the peace agreement with North Vietnam. Nearly 600 prisoners were released. Our history in Vietnam will never be complete until we learn what happened to the hundreds of others who were alive and not returned.

4

See Letter from Sydney Schanberg to James H. Lesar attached hereto.

Finally, Mr. Hall notes that there is a pending House Resolution which would establish a new POW/MIA committee. This indicates that this issue is still of current interest to the American public.

Sincerely yours,

A handwritten signature in cursive script that reads "James H. Lesar". The signature is written in dark ink and is positioned above the printed name.

James H. Lesar

May 14 05 06:14p

freiman/schanberg

(212) 769-1053

p.1

Sydney H. Schanberg
164 W. 79th Street Apt. 12 D
New York, New York 10024

Sat., May 15, 2005

Re: Hall et al. Plaintiffs v. CIA Defendant
Civil Action No. 04-0814 (HHK)

Jim Lesar, Attorney
1003 K Street, N.W., Suite 640
Washington, D.C. 20001

Dear Mr. Lesar:

I am an established journalist who has been in the profession for more than 45 years -- at The New York Times (26 years), Newsday (9 years) and presently at the Village Voice. I have enclosed a bio that provides more detail. I have written extensively on the POW/MIA issue for the past two decades.

This letter is to confirm my agreement with Roger Hall to write a story or stories both jointly with him and separately as a reporter under my byline about the documents he hopes to obtain through his FOIA request and lawsuit for POW/MIA files.

My research to date has shown that in the Vietnam War alone, a significant number of prisoners were not returned by the Hanoi government, but were held back as bargaining chips for war reparations that never came. The POW/MIA story is clearly of national importance since men and women will continue to be called to war by our nation's leaders -- as they have been presently in Iraq. The history of what has happened to those captured in other wars is therefore obviously of interest to and to the nation at large.

The information Mr. Hall is seeking has been withheld by our government through seven presidencies across 32 years, starting with Richard Nixon, who was in office in 1973 when we signed the peace agreement with North Vietnam. Nearly 600 prisoners were released. Our history in Vietnam will never be complete until we learn what happened to the hundreds of others who were alive and not returned.

The editor of the Village Voice, which has a national audience through its website, and editors at other widely circulated publications have given me commitments to publish the articles that would undoubtedly be generated from the documents Mr. Hall is seeking.

Sincerely,

Sydney H. Schanberg

Tel (212) 769-0960 Fax (212) 769-1053 E-mail: SYDNEY.SCHANBERG@YANCO.COM
SchanbergS@aol.com

May 14 05 06:51p

freiman/schanberg

(212)769-1053

p. 1

SYDNEY H. SCHANBERG

Sydney H. Schanberg, an internationally known journalist, has written extensively on foreign affairs – particularly Asia – and on domestic issues such as ethics, racial problems, government secrecy, corporate excesses and the weaknesses of the national media.

Most of his 40 years in journalism have been spent on newspapers, but his award-winning work has also appeared widely in other publications and media. The movie, "The Killing Fields," which won several Academy Awards, was based on his book, "The Death and Life of Dith Pran" – a memoir of his experiences covering the war in Cambodia for The New York Times and of his relationship with his Cambodian colleague, Dith Pran. For his reporting on the fall of Cambodia to the Khmer Rouge, Schanberg was awarded the Pulitzer Prize for international reporting "at great risk." He is also the recipient of many other journalism awards – including two George Polk awards, two Overseas Press Club awards and the Sigma Delta Chi prize for distinguished journalism.

Schanberg's first journalism job came after college and a two-year stint in the army. The New York Times hired him in 1959 as a copy boy and he spent the next 26 years there. After rising through the clerical ranks to the reporting staff and doing local and national news for eight years, he was posted overseas – first to New Delhi, where his reporting included the 1971 war between India and Pakistan. In 1973 he moved on to Singapore, from which he covered all of Southeast Asia, but Cambodia and Vietnam in particular.

In 1975, he was one of a handful of Western correspondents to witness the collapse of Cambodia. In the final days, he filed dozens of stories from Phnom Penh about the advancing communist army and the rising anxiety in the capital, where food was short and the few hospitals overflowed with the wounded. When the Westerners were allowed to leave Cambodia after two weeks of detention, he wrote a lengthy account of the barbaric takeover.

Soon after, Schanberg returned to The Times' home office to become the Metropolitan Editor, and, later, a columnist on the opinion page. In 1986, he left The Times to write his column for Newsday, which had decided to expand into New York City. There, he wrote on a range of subjects, from police corruption and real estate scandals to the press's invasions of privacy and the fate of American POWs still missing in Vietnam.

May 14 05 06:51P

freiman/schanberg

(212)769-1053

P.2

After a decade at Newsday, Schanberg departed to work on his own projects. He lectures extensively, usually on the press, and writes for magazines, including a Life piece on child labor in the third world that led to reforms by Nike and other multinationals in their overseas factories.



To better understand the world of the Internet, he spent a year (1999-2000) as investigations editor for APBNews.com, a website that won several press awards for aggressive pursuit of government records and other in-depth reporting. APB also developed radio and television capabilities before it went into bankruptcy in August 2000 in a wave of dot.com financial failures. Schanberg now writes for The Village Voice.

Schanberg's articles have been reprinted in many anthologies and journalism textbooks. In 2002, he taught journalism at the New Paltz campus of the State University of New York, as the first fellow appointed to the James H. Ottaway Sr. Visiting Professorship.

Schanberg was born on January 17, 1934 in Clinton, Massachusetts. He attended Harvard College, graduating with a B.A. in government in 1955. He lives in New York City with his wife, Jane Freiman, an editor and writer. He has two daughters by a previous marriage - Jessica and Rebecca.

February 2004

RECEIVED
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ASSES. & TAX.

ARTICLES OF INCORPORATION FOR
STUDIES  SOLUTIONS  RESULTS
A NONSTOCK CORPORATION

FIRST: The undersigned Bruce K. Hill, whose address is 8715 First Ave., apt 877C Silver Spring, MD 20910 being at least eighteen years of age, does hereby form a corporation under the laws of the State of Maryland.

SECOND: The name of the corporation is **STUDIES  SOLUTIONS  RESULTS**

THIRD: The purposes for which the corporation is organized are to operate exclusively for such educational and charitable purposes as may qualify it for tax exempt status under section 501(c)(3) of the Internal Revenue Code. Such purposes include, but are not limited to: (1) To research, identify and obtain access to and copies of available, free, unknown and/or otherwise withheld information or documentation of general interest (historical or otherwise) to the public from governmental organizations, individuals, or any other entity having possession of such information or documentation; (2) to concentrate on those subjects that are otherwise neglected or not prohibitive to individuals to obtain; (3) To prepare studies and analysis of the information and documentation obtained; (4) To provide access to and hereby disseminate the information and analysis to the public; (5) To obtain funding from donations and grants.

FOURTH: The street address of the principal office of the corporation is
Silver Spring, MD 20910
8715 First Ave., apt 877C

FIFTH: The name and street address of the resident agent of the corporation in Maryland are
Bayer Hall Silver Spring, MD 20910
8715 First Ave., apt 877C

SIXTH: In carrying out its purpose, the corporation shall not engage directly in any activity that would prevent it from qualifying as a corporation described in section 501(c)(3) of the Internal Revenue Code. No part of the assets or earnings, current or accumulated, of the corporation shall at anytime be distributed to or inure to the benefit of any private individual, within the meaning of the prohibition contained in section 501(c)(3) of the Internal Revenue Code.

SEVENTH: The number of directors of the corporation shall be 3 which number may be increased or decreased pursuant to the bylaws of the corporation. The names of the directors who shall act until the first meeting or until their successors are duly chosen and qualified are Miles Bangs, Wayne Hill and Bayer Hill.

EIGHTH: The corporation shall not carry on propaganda or otherwise attempt to influence legislation in an extent that would disqualify it for tax exemption under section 501(c)(3) of the Internal Revenue Code by reason of attempting to influence legislation. The corporation shall not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

NINTH: The corporation shall never be operated for the primary purpose of carrying on a trade or business for profit.

TENTH: Upon the termination, dissolution, or winding up of the corporation in any manner or for any reason, its assets, if any, remaining after payment (or provision for payment) of all liabilities of the corporation shall be distributed to, and only to, one or more organizations described in section 501(c)(3) of the Internal Revenue Code.

Eleventh: The corporation shall have perpetual existence and it shall not have members.

and/or providing personal services to the organization.

SECTION VIII This a public interest organization and loyalty to the organization's mission and policies are required. Information obtained by the organization is the confidential property of Studies Solutions Research, Inc. to be used for the purpose of the organization's pro bono clients, research projects, and investigations not to be shared outside the organization without the approval of the Director with the designated approval of the board.

ARTICLE III
MEETINGS

SECTION I The regular business meetings shall be held the weekend coinciding with: Memorial Day (May), National Alliance of POW/MIA Families annual meeting (June), POW/MIA Recognition Day (September), and Veterans Day (November). Agenda setting, program progress, and any other business as may be brought before the Board will be heard at those times. A business meeting may be called upon the request of two members of the board at any time.

SECTION II The meeting for the purpose of nomination of officers will be held at the November meeting. The meeting for the election of officers shall be at the May meeting. The inclusion of officers shall be the June meeting and shall be designated the annual business meeting. Each Board member must attend at least one meeting each year.

SECTION III A quorum shall exist when the meeting is officially called to order with the presence of the Director and at least one board member who has the proxy vote of a second Board member.

SECTION IV All Board members must be informed of all issues, meeting dates and time. If the matter remains in a tie the matter may be re-voted at any time. A faxed, e-mail, mailed or authorized proxy vote authorized in writing are acceptable from a board member. However, they must be received prior to a vote deadline.

SECTION V Written, faxed or email written notice of meeting time, date, and place will be given at least seven days prior to such meeting.

SECTION VI The board shall meet if emergency action is required. For such a meeting a telephone call or personal contact shall constitute a legal notice.

ARTICLE IV
OFFICERS

SECTION I The officers of this organization shall be as follows:
1. Director, Chief Executive Officer
2. First Vice President/Secretary

Twelfth: These articles of incorporation may be amended on the affirmative vote of two-thirds of all the members of the Board of Directors of the corporation at a general or special meeting where notice and a copy of the proposed amendment(s) have been given to all Board members.

IN WITNESS WHEREOF, I have signed these Articles and acknowledge the same to be my Act.

RETURN TO:

8715 First Ave., apt 827C
Silver Spring, MD 20910

SIGNATURE(S)

Roger Hall
Roger Hall 8/27/98

JUL 21 2003 10:13PM P2

FRX NO. :

FROM :

no answer received this!

JAMES H. LESAR
ATTORNEY AT LAW
1003 K STREET, N.W., SUITE 640
WASHINGTON, D.C. 20001
TELEPHONE (202) 393-1921
FAX (202) 393-7310

FREEDOM OF INFORMATION ACT REQUEST

May 24, 2005

Mr. Scott Koch
Freedom of Information and Privacy
Coordinator
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Koch:

By letter dated February 7, 2003, my clients Roger Hall and Studies Solutions Results, Inc. (SSRI), submitted a request for information regarding missing Prisoners of War (POWs) and persons Missing in Action (MIAs) as a result of the Vietnam conflict. The requests contained in that letter are incorporated in this request by reference.

My clients now add an eighth item to their request. They now also seek all records which relate in any way to your estimate of the fees which will be incurred with regard to the February 7, 2003 request.

My clients again seek status as representatives of the news media and a public interest fee waiver. By letter dated May 23, 2005, we provided more than sufficient information warranting grants of news media status and a public interest fee waiver. The information regarding those issues contained in the May 23, 2005 letter is incorporated herein by reference.

Sincerely yours,

James H. Lesar
James H. Lesar

Civil Action No. 04-0814
(HHK)

Attachment B

A1