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On Behalf of the Defendant:

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## C O N T E N T S

EXAMINATION BY:	Page:
Counsel for Defendant:	5
Counsel for Plaintiff:	82

## E X H I B I T S

## REED DEPOSITION EXHIBITS:

No. 1 -	FOIA dated June 21, 1992 to Chief, Defense Intelligence Agency from James H. Lesar.	8
No. 2 -	Hand-written notes from notebook dated 5-15-92.	25
No. 3 -	Hand-written notes from notebook dated 8-3-92.	28
No. 4 -	DD Form 214, Report of Separation from Active Duty.	62
No. 5 -	Request and Authorization for Permanent Change of Station for Terry K. Reed.	62
No. 6 -	Airman Military Record for Terry K. Reed.	62

## P R O C E E D I N G S

1  
2 Whereupon,

3 TERRY REED

4 having been first duly sworn was called as a witness herein  
5 and testified as follows:

6 EXAMINATION BY COUNSEL FOR DEFENDANT

7 BY MR. REES:

8 Q State your name, please?

9 A My name is Terry Kent Reed.

10 Q Mr. Reed, can I have your address, please?

11 MR. LESAR: Objection. He will -- you can contact  
12 him through me if you need to.

13 BY MR. REES:

14 Q May I have your address, please?

15 A I can give you an address I can be contacted  
16 through.

17 Q But you decline to give me a street address to  
18 which I can contact you?

19 A Yes, I do. Yes, I do.

20 MR. REES: Let me ask you this, are you  
21 representing this gentleman here today?

22 MR. LESAR: Yes, I am. I will accept anything you  
23 wish to serve on him.

24 MR. REES: Is he your client?

25 MR. LESAR: No, he is not for purposes of this

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1 deposition. No.

2 MR. REES: So you're not representing him at this  
3 deposition.

4 MR. LESAR: I'm representing John Cummings at this  
5 deposition. You have noted Mr. Reed's deposition. And if he  
6 has no objection, I will represent him at this deposition.

7 MR. REES: On what theory? If he's not your  
8 client, how are you possibly representing him, Mr. Lesar?

9 THE WITNESS: Well, I have an attorney who does  
10 represent me. If want to cut through that argument, I can  
11 just get right down to another attorney who is my  
12 representative.

13 MR. REES: Okay.

14 THE WITNESS: He's not here today.

15 BY MR. REES:

16 Q He's not here today?

17 A No.

18 Q Okay.

19 A But if you'd like to have his name and address,  
20 he's my official service of record. I can give you that.  
21 And I can also give you another address I can be contacted  
22 through in addition to Mr. Lesar and Mr. Cummings.

23 Q But you decline to give me your own address?

24 A Yes, I do.

25 Q May I ask why?

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1 A I'm a very private individual.

2 Q I'm aware of no privilege for very private  
3 individuals, but I will take whatever information at this  
4 time that you're willing to give me. What addresses other  
5 than your own are you willing to be contacted through?

6 A 3232 San Mateo. That's S-a-n M-a-t-e-o, NE, Suite  
7 155, Albuquerque, New Mexico 87110. And my counsel is a Mr.  
8 John Wesley Hall. His address is 523 West 3rd Street, Little  
9 Rock, Arkansas, 72201. Area code 501-371-9131.

10 Q What is your occupation, Mr. Reed?

11 A I'm a manufacturing specialist.

12 Q And what do you manufacture?

13 A I don't manufacture anything. I'm a consultant to  
14 manufacturing companies who are wishing to automate to  
15 current industry standards.

16 Q Can you tell me the kinds of companies to which you  
17 consult?

18 A Various manufacturing companies; aerospace,  
19 defense, automotive, electronics. A whole gambit of fortune  
20 500 and medium fortune 200 style companies that are in wish  
21 of building new manufacturing facilities to remain  
22 competitive with world-class manufacturing.

23 Q Can you give me two or three names of companies to  
24 which you consult?

25 A Right now I'm consulting with a company that's a

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1 division of Lincoln Laser out of Cincinnati, Ohio. They're a  
2 Lincoln Arc Welder Company. That's my current one. And in  
3 the past, I've consulted with various oil field companies.  
4 Hughes Tool, for an example. And General Dynamics in Fort  
5 Worth. That's pretty much of a cross-section of the larger  
6 companies.

7 Q Can you tell me, were the kinds of issues with  
8 respect to which you are engaged to consult?

9 A Yes. I consider myself an expert in manufacturing  
10 techniques utilizing computer-controlled machine tools.  
11 Referred to in the industry as CNC and robotics. And I  
12 normally enter into a relationship with the client to explore  
13 and develop a manufacturing plan for them to go from their  
14 problematic stages to solving the solutions of what kind of  
15 monies they should spend, and where they should spend them to  
16 automate their factory.

17 Q Are you familiar with a FOIA request that was  
18 directed to the Defense Intelligence Agency by letter dated  
19 June 21, 1991, which sought imagery for nine specified  
20 coordinates and the request being made by Mr. James Lesar?

21 A Do you have it there in front of you?

22 Q Yes.

23 A May I see it?

24 Q Sure.

25 A Yes, I have a copy of this.

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1 Q Can you tell me what role, if any, you played in  
2 the preparation of this request?

3 A I didn't prepare it. I provided Mr. Cummings with  
4 some information I think that led up to that request.

5 MR. REES: Okay. Let me mark this Exhibit 1 for  
6 the record.

7 (Reed Deposition Exhibit No. 1 was  
8 marked for identification.)

9 BY MR. REES:

10 Q What information did you provide to Mr. Cummings?

11 A Specifically in that document or in general?

12 Q In general.

13 A I had reason to -- Mr. Cummings and I met. He's a  
14 writer and a researcher. And he was researching an issue  
15 that I had some information on. And I shared it with him,  
16 and he ultimately wished for me to attempt to prove some of  
17 the points that I had expressed to him.

18 So I shared data that I had personal first-hand  
19 knowledge of when I was in the Vietnam war.

20 Q And what is the data you shared with him, please?

21 A Oh, a large sum of data. But I was in Air Force  
22 Intelligence for eight years and stationed in Southeast Asia.  
23 And he was doing research at the time on MIA-POW issues.

24 Q And what did you tell him? What did you provide to  
25 him, please?

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1           A     I provided him an outline of activities that  
2     resulted in the ultimate disappearance of a large quantity of  
3     POW-MIA people.

4           Q     Can you be more specific, please?

5           A     Sure. In 1970, I was stationed at a unit called  
6     **Task Force Alpha** in Nakhon Phnom, Thailand, and I was cleared  
7     for top-secret material. And we ran a very extremely  
8     classified project at the time that was called, "**The**  
9     **Project.**"

10          Q     The Project?

11          A     The Project. And the Project was a code name for  
12     **Task Force Alpha**, which was a personal project of Defense  
13     **Secretary McNamara**. And its area of involvement was to  
14     coordinate the war effort throughout Laos.

15                 And in doing so, I was a targeter. My job was to  
16     supervise people and **direct targeting strikes** through --  
17     **target requests** throughout primarily an area known as **Steel**  
18     **Tiger** within Laos.

19                 And in so doing, we became aware -- "we" meaning  
20     the U.S. Air Force -- became aware of patterns of placing  
21     **POW's** in a very hostile, threatening environment to be used  
22     in an effort to prevent American targeting efforts in Laos  
23     and North Vietnam.

24          Q     I'm not with you. What is the hostile environment  
25     to which you refer?

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1           A     Well, hostile environment I refer to is taking  
2     **small POW sites** and building them, constructing them within  
3     **the interval** confinement of another target complex, i.e., a  
4     **pumping station**, POL storage, ammunition storage, truck  
5     park/storage area.

6           The types of targets that we were trained to go  
7     after in Laos was exactly the type of targets that they were  
8     shipping prisoners of war to in an attempt to force us to  
9     comply with the Geneva Convention and not bomb such  
10    facilities.

11          Q     What other information did you provide to Mr.  
12    Cummings on this occasion?

13          A     **I relayed** to him a concern that I've had since  
14    **1970. And that was** that a decision was made to allow the  
15    **strikes** to actually penetrate those target complexes where  
16    **the POW's** were held. An overt decision was made to hit those  
17    targets and we did so. And resultedly destroyed a lot of  
18    material along with human life.

19          Q     **Do you have** an understanding as to when that  
20    **decision was made?**

21          A     Yes, I do. Shortly after the Kent State incident  
22    in 1970, **which** I believe was in May of 1970, if my memory  
23    serves me correctly.

24          Q     And do you have an understanding as to who made  
25    that decision?

1           A     I was an instrument of the decision. I did not  
2 make the decision. I -- my job at the time was to -- the  
3 **computerized targeting system** that we utilized at Task Force  
4 **Alpha** -- which at that time was the world's most complex, we  
5 were told. It was an **IBM 360 -- 360E** system that required  
6 on-site technicians continuously from IBM to maintain it.

7           The -- a lot of this I don't wish to go into. I'm  
8 sure it's still classified. But the system itself was a  
9 guidance system using sensors buried in the ground to  
10 coordinate and conduct strikes at night and in very inclimate  
11 weather conditions, primarily during the rainy monsoon season  
12 in Southeast Asia.

13           And in support of that targeting program, we were  
14 **the target coordinator** to Phon Phen in VNT in Laos for the  
15 **CIA to conduct their activities**. So we were basically the  
16 liaison or coordinator for all strike authorization within  
17 **Steel Tiger** and part of what was called **Barrel Roll** area.

18           Q     Again, do you -- do you know who made the decision  
19 in question? I understand you did not.

20           A     I know who implemented the order. I don't know who  
21 made the decision.

22           Q     Tell me, please, what is Steel Tiger?

23           A     **Steel Tiger**, if you have a **map of Laos** is primarily  
24 the area that's slender, skinny, approximately a hundred  
25 nautical miles wide that's below the large round northern

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1 area of Laos that encompasses down to about where the  
2 Cambodian border joins.

3 It's the area where the bulk of the Ho Chi Minh  
4 Trail complex existed or may still exist for all I know.

5 Q What is Barrel Roll?

6 A Barrel Roll -- R-o-l-l -- was the area north of  
7 there that included the Plain des Jarres complex, the larger  
8 section above what was referred to as the pan-handle of Laos.

9 Q What else did you tell Mr. Cummings in this  
10 conversation?

11 A Well, I told Mr. Cummings that when I arrived  
12 there, that we were briefed as targeters, that of the habit  
13 pattern that was developing of the <sup>Pathet lao</sup> Kamir Rouge or the North  
14 Vietnamese tending to co-locate prisoners to protect certain  
15 target elements, and that we had gone so far as to establish  
16 safeguards within the computer to prevent inadvertent bombing  
17 there.

18 Since we were the target clearing house, as I  
19 viewed it, we received IPIRS -- I-P-I-R-S -- initial photo  
20 interpretation reports from all units throughout the <sup>PACAF</sup> Pak F  
21 complex that were wishing to target within Laos. And we took  
22 those IPIRS and converted them to UPIRS, which were unit  
23 photo interpretation reports that ultimately were used to  
24 develop the target folder to give to the crew members -- the  
25 flight crew members.

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1           And the safeguard system was very simple. If you  
2 entered in a set of coordinates and you referred into a  
3 computer code, if you listed a target as a POW-MIA possible  
4 complex or if you listed it as a hospital, for example, any  
5 other agency trying to target that unit -- that complex, it  
6 would be automatically rejected by our computer.

7           So that we would alert the other organization that  
8 they couldn't bomb there. And we had to write up a reason  
9 why. We had to relay a computerized message to that element  
10 to say what we knew that they probably were unaware of  
11 through PIREPS, pilot reports, predominantly.

12           **So the safeguards were in place when I arrived.**  
13 And throughout my -- I arrived in Thailand in October of  
14 1970. And throughout that dry period -- I had arrived just  
15 as the monsoon season was over.

16           And as the hostile activities increased -- which  
17 was primarily a movement of materials in massive quantity to  
18 the south in an attempt of what we in intelligence assumed  
19 was going to be another Tet offensive.

20           As we basically became crippled with our targeting  
21 activities throughout the initial onset of the dry season  
22 from October up until February or so, we could bomb less and  
23 less and hit less and less and get less and less bomb damage  
24 assessment.

25           **At a unit level, I was informed that as of March,**

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1 that the safeguards would be removed from the computer  
2 system. In other words, the computer would accept the target  
3 request from the other unit without alerting that unit to the  
4 fact that it was, in fact, a POW -- a potential POW location.

5 Q What else did you tell Mr. Cummings during that  
6 conversation?

7 A I told Mr. Cummings I thought this was horrendous  
8 that we did this to our people. And that I would help in any  
9 way whatsoever to -- within the framework of the law to help  
10 him do research in that area.

11 Q Did you tell him anything else on that occasion?

12 A I have outlined the bulk of what we discussed. And  
13 I believe your request -- I believe there's an affidavit or a  
14 document I have seen that discusses a source that Mr.  
15 Cummings has, and I am that source.

16 Q What did Mr. Cummings say to you during this  
17 conversation?

18 A Well, he was -- if this proved to be true, he was  
19 appalled too. He couldn't believe that a decision was made  
20 without the public knowledge of. And there's obviously been  
21 an ongoing -- I don't want to use the word "cover-up," but  
22 lack of initiative to get to the bottom of a lot of the MIA  
23 issue, in my opinion, and he wanted to pursue it. And I  
24 strongly encouraged him to do so.

25 Q How did you and Mr. Cummings happen to meet?

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1           A     Mr. Cummings, I found out, was a writer for quite  
2 some time, and he was doing research on a book, and had  
3 contacted me to a totally unrelated matter to relay data, if  
4 I had it, to him concerning his book of research.

5           Q     When was this conversation with Mr. Cummings?

6           A     Very initial conversation? I mean, our initial  
7 contact?

8           Q     Yes.

9           A     Probably in the summer of 1990. Spring or summer  
10 of 1990.

11          Q     How did you help Mr. Cummings -- or did you help  
12 Mr. Cummings, as you had indicated you intended to?

13          A     I don't believe so.

14          Q     Did you do -- did you have any further contact with  
15 anyone regarding the subject of that discussion that day with  
16 Mr. Cummings?

17          A     This subject?

18          Q     Yes.

19          A     **Yes**, I contacted the POW Families' Organization on  
20 ~~one occasion~~. I talked to a -- I believe her name was **Mary**  
21 **Kural**. I'm not certain of the spelling. And we had a chat  
22 about the same subject matter.

23          Q     Mary Kural?

24          A     I believe that's -- yeah.

25          Q     Do you know how to spell that name?

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1           A     I never saw it in writing. I just -- phonetically  
2 it was Kural, I believe. I always thought of Charles Kural  
3 as I spoke with her.

4           Q     And what was your conversation with her, please?

5           A     This subject. There was -- there was another  
6 individual that had surfaced that was talking about  
7 communications out of Laos. That he was -- he was an Air  
8 Force communications specialist, I believe, and he had -- I  
9 read an article -- I believe it was in the Los Angeles Times  
10 that brought my attention to it.

11                     Another retired Air Force veteran had surfaced with  
12 the story of monitoring communications in Steel Tiger and in  
13 the plain de jars of Laos as Soviet interrogators were  
14 shuttling POW's around after '73 when we supposedly accounted  
15 for all the live POW's. And that stirred a desire in me to  
16 find out what was being said and who was coming forth and so  
17 on and so forth.

18                     There was also the initial -- my initial  
19 revitalization of this subject matter occurred in 1983-84 in  
20 Arkansas when I was contacted by at that time the Defense  
21 Group working against General Westmoreland and -- for CBS  
22 news. And I was contacted by a girl by the name of Susan  
23 Aasen, A-a-s-e-n. Just totally in the blind one day received  
24 a phone call.

25                     And she indicated she knew who I was and what unit

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1 I had been in. And that another individual within my unit  
2 was relaying a story that is the same story, and that they  
3 wanted -- she wanted me to come forward and testify in that  
4 trial.

5 Q What trial?

6 A **The CBS liability** -- the CBS Westmoreland --  
7 General George Westmoreland trial.

8 Q Was she counsel for one of the parties?

9 A She was a legal researcher. I called her back to  
10 confirm who she was. And she was, in fact, attached to the  
11 staff at that time as a legal intern, whatever you want to  
12 call them, doing witness screening.

13 Q Who is the other Air Force communication specialist  
14 to who you referred to a minute ago?

15 A **I think his name was Terry Manarson.** He's in  
16 Wisconsin, I believe. But he was the individual that was  
17 featured in a Sunday section of the Los Angeles Times last  
18 summer in LA. It was a major story on him. And resulting  
19 from that, I contacted this Mary -- Ms. Kural.

20 I'm sorry. I've just been given a note that this  
21 individual's name is Moody, but we all make mistakes, I  
22 guess. Okay. But Mr. Moody was going public with his story  
23 at the time. And I believe he's been here to Washington to  
24 testify before Senator Kerry's committee. It's my  
25 understanding.

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1 Q After this conversation with Mr. Cummings in the  
2 spring or summer -- spring or summer of 1990, did you ever  
3 have any discussion with anyone concerning a FOIA request  
4 related to this subject matter of your conversation with Mr.  
5 Cummings?

6 A Yes, I did.

7 Q And can you describe that, please?

8 A Well, I -- we -- Mr. Cummings and I -- discussed  
9 what vehicle should be taken to try to prove what are  
10 horrible allegations. And I felt that the best possible  
11 proof was the photography from which I worked daily. And so  
12 we formulated a plan to try to locate that photography.

13 Q And what was that plan?

14 A The plan was to try to locate the photography.

15 Q I gathered. Could you be more specific?

16 A I initiated a telephone search from my home in near  
17 El Paso, Texas at the time and actually in Santa Terese, New  
18 Mexico. And I was able by going to old Air Force contacts  
19 that I have remained in contact with, I was able to leap  
20 frog, so to speak, through the maze of networking and locate  
21 a person that said that he had photography or had access to  
22 photography of that time frame.

23 Q Who was that person?

24 A **His name was Ron Munson.** Master Sergeant Ron  
25 Munson, United States Air Force active duty.

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1 Q When was the conversation with Mr. Cummings at  
2 which you formulated the plan you described?

3 A Mr. Cummings had reason to come to El Paso in other  
4 research in May of 1991, and took that opportunity to come to  
5 my house and we discussed it. And shortly thereafter or  
6 during the month of May was when I started making phone calls  
7 to try to locate an individual or a element. All I was  
8 looking for at the time was the depository of record where  
9 the film may be located that I was looking for.

10 Q The purpose of your phone calls was to locate a  
11 person for what purpose?

12 A Locate the photography.

13 Q Okay. You described a leap frog through a maze of  
14 networking. Can you tell me what your leap frog was?

15 A Well, my leap frog was I contacted initially an  
16 officer that I was stationed with at my last active duty  
17 station. And he directed me to a friend of his that was  
18 still in active duty. And he directed me to where he thought  
19 it may be. And that unit or organization directed me to an  
20 organization that I was told were -- that that's where it was  
21 or that it could be accessed through that shop.

22 Q Okay. Could you put some meat on the bones of what  
23 you just described for us?

24 A Mm-hmm.

25 Q Could you give me some names and some

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1 organizations?

2 A Yeah, I contacted a good friend of mine. His name  
3 is **Phillip Rowell, R-o-w-e-l-l**. Phillip -- Phil is in Intel,  
4 Air Force Intel.

5 Q He is now?

6 A Yes.

7 Q Okay. Do you know what his duty station is?

8 A I know he's -- he's in reserves. Active duty  
9 reserves right now. I think he's out of Omaha, Nebraska. I  
10 don't know the unit. But he's also employed full-time by a  
11 company called Science Application International Corporation,  
12 which is a large consultant to the Defense Department or has  
13 a large defense department element in their business plan, I  
14 guess I should say.

15 And Phil relayed -- or introduced me to a  
16 ~~lieutenant colonel~~ by the name of **Charles Stevens**, nicknamed  
17 **Cat Stevens**. And I contacted him. He's here in Washington  
18 somewhere. And he did some research and called me back. It  
19 was a very generic request. No classified information was  
20 discussed.

21 I said that I was looking for what was considered  
22 to be very old photography from the Vietnam war period of  
23 various platforms to be used for a person doing research on  
24 our bombing policies in Southeast Asia. And so Phil -- back  
25 to Phil.

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1 Phil I recall saying, "I want to keep this real  
2 official." He said, "I'll tell you a friend of mine that I  
3 think is involved in that, because I see him whenever I go to  
4 Washington to consult with SAIC here with the Pentagon." And  
5 so Phil introduced me by telephone to Mr. Stevens -- Colonel  
6 Stevens.

7 And then Colonel Stevens was nice enough to call me  
8 back in New Mexico and tell me that he had found a section.  
9 I've got some notes here, if you want me to refer to those.

10 Q Sure.

11 A Mr. Stevens told me that he had located an **Imagery**  
12 **Systems branch**, headquarters Air Force, area code 703-695-  
13 4820.

14 Q 703-69 --

15 A 695-4820. I may be in error there. That may be  
16 Mr. Stevens' -- **that's Colonel Stevens' phone number.**  
17 **Colonel Stevens gave me the phone number of 703-697-3204,**  
18 which I was told by phone was the Air Breather combat -- the  
19 Air Breather division of the combat support branch. My notes  
20 here reflected DIA Bolling Air Force Base.

21 And that occurred on the 20th of May 1991 by my  
22 notes, and also by phone records that I've brought with me.

23 Q I'm sorry, what occurred on the 20th of May?

24 A That conversation from Colonel Stevens as to where  
25 I should be inquiring.

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1 Q Could I see your notes, please?

2 A Sure. I believe they start on 5-15.

3 Q Thank you. And they go to what date? Just the  
4 notes --

5 MR. LESAR: Give him the copy.

6 THE WITNESS: Yes. Here's the copy of the  
7 pertinent pages of -- did you get the fourth page in there?  
8 We found another page this morning that had notes. This is  
9 5-20. I don't think we left all three copies at your office.  
10 But anyway, 5-20 here's a -- on 5-20 of 91, I was contacted  
11 by Colonel Stevens. Excuse me.

12 BY MR. REES:

13 Q Do any other pages in this notebook concern your  
14 contacts with respect to this matter?

15 A I don't believe so. I've looked through it. Just  
16 this morning I discovered the 5-20 page, because what I did  
17 there was I had started the subject matter. That's how I  
18 work in my business. I always carry a spiral notebook. The  
19 Air Force, in fact, taught me to do that. To keep a running  
20 chronology in a very unclassified nature of my business  
21 activities. And I found I was well-trained. I like to do  
22 that.

23 Here's an example of one here this year of '92.  
24 And this is how I run my business in my personal life. And  
25 what I did there was revert back to the onset of my initial

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1 contact, which was 5-15, I believe, where I ultimately had a  
2 conversation with a Mr. Munson, Mr. Ron Munson.

3 So it may appear somewhat scattered, but it's my  
4 system.

5 Q Okay. And your system is by dates; is that  
6 correct?

7 A Well, my system is by date and by subject matter.  
8 See, in that case I started the subject on 5-15 of '91, and I  
9 left a hole in it after making the initial telephone contact.  
10 So that if I had future information related to the same  
11 subject, I'd go back and fill in the blanks. And I did in  
12 that case. As well as you can see my telephone entry log on  
13 5-20 of '91 or at the top it says, "Colonel Stevens" first  
14 entry "202-373-3526," I believe.

15 Q Could you -- I think what I'd like to do is make a  
16 copy of the 5-20 page and copies of this.

17 A Sure.

18 Q And then make this an exhibit. As we sit here,  
19 could you look through here now and be sure that the only  
20 page of what we do not already have a copy is the 5-20 that  
21 concerns this matter. I just want to be sure we don't leave  
22 something out.

23 A There's a page missing from my notebook that I'd  
24 like to discuss at this point and that was on 5-20. After  
25 the conversation with Mr. Munson, I made a full-page -- I

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1 don't want to say report. -- a synopsis of what was  
2 discussed with Master Sergeant Munson, and I gave that to Mr.  
3 Cummings, unfortunately, who has lost it.

4 But it was torn from this notebook and it -- the  
5 same material is right here in front of us. I made have  
6 expanded on it somewhat for clarity, but the highlights of  
7 what we discussed are right here.

8 Q Okay. I'll borrow that for a minute. I'll go make  
9 some copies.

10 A You're welcome to copy 5-15, the back of 15, 5-16  
11 and 5-20 are the pertinent pages.

12 Q Thanks.

13 (A discussion was held off the record.)

14 BY MR. REES:

15 Q Mr. Reed, are there any other contemporaneous notes  
16 that you made in May of '91 other than the ones that we --  
17 that you've discussed in your notebook and other than the one  
18 that, as I understand it, Mr. Cummings has not been able to  
19 locate?

20 A To the best of my knowledge, these are the extent  
21 of the notes I made from that time.

22 Q Okay. Mr. Phillip Rowell was one of the names you  
23 had mentioned?

24 A Yes.

25 Q Do you have his rank?

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1           A     I believe he's a captain or a major. I don't  
2 recall.

3           Q     Okay.

4           A     I really don't. I know he was a captain and it was  
5 some time ago. And that since he -- I know he went over to  
6 Desert Storm. And I think he was promoted shortly after  
7 Desert Storm to major.

8           Q     Do you know what --

9           A     He's an 8054 is his career title.

10          Q     And do you know what unit to which he is now  
11 assigned?

12          A     No, I don't.

13          Q     Okay. Colonel Stevens is it that -- as I  
14 understand it that Mr. --

15          A     Mr. Rowell.

16          Q     Mr. Rowell referred you to Mr. Stevens?

17          A     Mr. Rowell was stationed with Mr. Stevens someplace  
18 in his career after I was discharged in '76, 1976, and he  
19 told me that there was a guy -- in fact, I'll look through my  
20 notes. He said he was with the Library of Congress. Charles  
21 -- if you're looking on 5-16 of '91.

22               MR. REES: Okay. Let's go ahead and mark this.  
23 Mark that, please.

24                               (Reed Deposition Exhibit No. 2 was  
25                               marked for identification.)

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1 THE WITNESS: I apologize for these notes, because  
2 commingled in here is other business activity on 5-16, but  
3 some --

4 BY MR. REES:

5 Q Let me hand you what's been marked as Exhibit 2.

6 A Okay.

7 Q Can you tell me are these the notes that you at  
8 least now have access to that you contemporaneously made on  
9 May of '91?

10 A Yes. Yes, they are.

11 Q Okay. And you just made reference to one page.

12 A Well, why don't we chronologically go through  
13 this --

14 Q Sure.

15 A -- for clarity.

16 Q Why not.

17 A Okay. On 5-15 of '91, I initiated a telephone  
18 search that started out by me looking in my directory and  
19 finding two telephone numbers for Phillip Rowell; area code  
20 402-291-2401 being the home phone, 402-775-2642 as being the  
21 headquarters and phone number for SAIC.

22 I contacted his wife, Karen Rowell, at 2106  
23 Brighten Drive, Omaha, Nebraska, and we had that  
24 conversation, I'm sure, on 5-15 of '91. And she related to  
25 me that Phil was out of town. That Phil was at a motel in

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1 Washington, D.C. near Tyson's Corner at Day's Inn; area code  
2 703-448-8020.

3 And then she said, "Did you see Good Morning,  
4 America, because we were all on it this morning?" So that's  
5 what that note there's about.

6 And I then called Phil at that number and left a  
7 message for him. He called me back on my phone somewhere  
8 between the 15th and the 16th, because I have a phone record  
9 that you probably haven't seen yet in which I contacted the  
10 Day's Inn on the 16th to discuss this with Phil.

11 And Phil then gave me the name and a phone number  
12 of Colonel Stevens. His organizational unit, I was told, was  
13 BB-TFO. I have no idea what that stands for, but Brabo Brabo  
14 Tango Foxtrot Oscar.

15 Q I'm sorry, are we still on the first page of  
16 Exhibit 2?

17 A No. I'm looking from this.

18 Q Can you tell me what "this" is? I'm sorry.

19 A This is this morning. Well, while Mr. Munson was  
20 being deposed, I was scanning down through these notes. And  
21 to organize my own mind, I put down the chronological order  
22 in which phone calls were made from phone records I have.

23 Q Okay. Would you mind if I copied that. Is there  
24 anything else that -- do you have any other notes with you  
25 that bear on this general topic?

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1           A     No. Phone records. Do you have the phone records  
2 yet?

3           Q     Let's go off the record.

4                     (A discussion was held off the record.)

5                             (Reed Deposition Exhibit No. 3 was  
6                             marked for identification.)

7           BY MR. REES:

8           Q     Let me show you what's been marked as Exhibit 3.  
9 Can you tell me what that is, please?

10          A     That's a page from my current notebook that I  
11 generated this morning while I was putting the phone calls in  
12 chronological order for the purposes of this deposition.

13          Q     I take it, Exhibit 3 is a kind of seeing-eye dog  
14 guide to Exhibit 2. Is that fair to say?

15          A     Yes.

16          Q     Okay. Let me ask you, what is this reference to  
17 "Military Historian" on the first page of Exhibit 2, please?

18          A     That's just Mr. Cummings' phone number and his  
19 access code.

20          Q     Okay.

21          A     And we were kicking around the idea of contacting  
22 him Military Historian.

23          Q     Okay. Can you tell me what these names are at the  
24 bottom of the first page of Exhibit 2?

25          A     Exhibit 2, the first page?

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1 Q Yes.

2 A Richard Gadd, Langton, Gadd, Rodriguez, Clines,  
3 Secord. These were people that were active in the Iran-  
4 Contra affair of which Mr. Cummings is a buff on.

5 Q Do you know why those names are there on this page,  
6 which concerns POW's and MIA's?

7 A No. It has nothing to do with that. Like I said,  
8 the fallacy of my system is my subjects sometimes get inter-  
9 mixed. But chronologically, they're close to accurate.  
10 Extremely accurate, I should say.

11 Q Referring to the second page of Exhibit 2, can you  
12 tell me what that reflects?

13 A The second page of Exhibit 2, I assume you're -- it  
14 starts out with TAC?

15 Q That's correct.

16 A Okay. Somewhere in my discussion with Phil Rowell,  
17 we discussed tactical air command at Langley, Virginia. And  
18 Pentagon -- my notes say, "~~Pentagon~~ Air Imagery Systems  
19 Branch, headquarters Air Force, 703-695-4820." That is, in  
20 fact, the information that was given to me by Phil Rowell  
21 that resulted in my phone call to that number to contact  
22 Colonel Stevens. That's where he works. It's my  
23 understanding.

24 Q For the Imagery Systems Branch?

25 A Headquarters, Air Force.

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1 Q Okay. And what does the next couple of lines  
2 reflect?

3 A The next couple of lines reflect a unit that Mr. --  
4 that Colonel Stevens referred me to, which was an imagery  
5 when I was -- at least when I was in the Air Force, and he  
6 used the same terminology. We divided the platforms into two  
7 categories; Air Breathers and Non-Air Breathers.

8 And he referred me to the Air Breather division of  
9 the combat support group, area code 703-697-3204. And I  
10 called that number and contacted a Major Ed Mimms, M-i-m-m-s.  
11 And discussed with Major Mimms what I was researching, and he  
12 referred me to Ron Munson. This is the first time I had run  
13 across that name. As you see, it's underlined, Ron Munson.

14 Q Okay.

15 A And informed me that Mr. Munson was not there. He  
16 was the individual I needed to talk to. And that was that.

17 Q Where are we now on Exhibit 3? Maybe you can help  
18 me with that. We're still --

19 MR. LESAR: On Exhibit 2, I believe.

20 BY MR. REES:

21 Q I'm sorry. I'm asking, how does what we've learned  
22 so far relate to Exhibit 3?

23 A What we've learned so far is we're now up to --  
24 we're into the 5-20-91 discussions with Colonel Stevens after  
25 I had called that number, area code 703-697-3204.

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1 Q And what does the BP -- BBTFO stand for on Exhibit  
2 3?

3 A On Exhibit 3, BBTFO. That was my understanding  
4 that was the unit that Mr. Stevens was attached to. An  
5 abbreviation of the unit --

6 MR. LESAR: He's already given --

7 THE WITNESS: -- of the shop. I don't know what it  
8 stood for. I recall the girl saying BBTFO.

9 BY MR. REES:

10 Q Okay.

11 A Like I worked in DOIP, you know. I don't know  
12 where you work.

13 Q Sure. And it is thought that the outside world  
14 should understand what that means without further  
15 explanation.

16 A Right.

17 Q That was kind of the context you're describing?

18 A Yeah.

19 Q Okay. Did you have two conversations with Colonel  
20 Stevens on the 20th of May?

21 A Yes, I did. In fact, I had -- my phone records  
22 reflect -- I believe it was two different numbers I got a  
23 hold of Colonel Stevens. First, I had the number that Phil  
24 Rowell gave me. And it was a wild goose chase. If you ever  
25 try to do this, you'll understand what I'm talking about.

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1 I was bounced around from several organizations,  
2 and I don't know if I actually talked to Colonel Stevens. In  
3 my notes, I've made reference to Colonel Stevens, because  
4 that's who I was trying to contact. We may call all those  
5 numbers and learn something, but I brought my phone records  
6 to show you the trail of accessing that I accomplished from  
7 my home.

8 Q So you're not sure how many times you've talked to  
9 Colonel Stevens on the -- actually talked to Colonel Stevens  
10 on the 20th?

11 A He called me. I know on one occasion he called me.  
12 So I don't know from what phone or -- but there was -- my  
13 initial request to him by my recollection was he wanted to do  
14 some research on it and find out where I should call.

15 And I believe on my first -- my first call, I was  
16 unable to get through to him. I'm showing two phone calls to  
17 202-373-3526 on 5-20 of '91. All of that was an attempt to  
18 find Colonel Stevens.

19 Q And then there's a third reference to Colonel  
20 Stevens at a different number?

21 A Right.

22 Q I mean, beneath that on --

23 A He called me from another phone. He gave me  
24 another phone number. I recall that. That he was talking  
25 from. He had gone somewhere within the Pentagon or wherever

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1 and called me and said, "Here's another number for you, but  
2 in the meantime, I've got a number for you to call." And  
3 that -- he relayed the 703-697-3204 number that resulted in  
4 what I consider a direct hit.

5 Q And what was the direct hit?

6 A It was Sergeant Munson.

7 Q And when -- did you speak with a Sergeant Munson?

8 A Yes.

9 Q What day?

10 A On the 20th.

11 Q And can you tell me what was said?

12 A Yes. In fact, he called me. I had called -- on  
13 the 20th, you're seeing a conversation by your phone records,  
14 if you have those handy.

15 Q Okay. Let's stop for a minute. Let me show you  
16 what was marked as Exhibit 1 to the Deposition of Ronald  
17 Munson. Are these the phone records that you've just  
18 referred to?

19 A Yes.

20 Q Okay.

21 A So I'm referring right now to line 56 --

22 Q All right.

23 A -- on the second page on May the 20th, my accessing  
24 -- or my calling the phone number 703-697-3204. That 16  
25 minute conversation was with Major -- he identified himself

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1 as Major Ed Mimms, as reflected in my notes. And he told me  
2 that the guy that took care of those requests was a Sergeant  
3 Ron -- Master Sergeant Ron Munson, who was not available at  
4 that time. And then Mr. Munson later called me.

5 Q On that date?

6 A Yes.

7 Q On the 20th of May?

8 A Yes.

9 Q And that is not reflected here; is that correct?

10 A No, I don't -- he called me.

11 Q Okay.

12 A He initiated that phone call and it was not  
13 collect. It was just a call to my residence. I had left my  
14 phone number with Mr. Mimms.

15 Q You just said as the notes reflect, you spoke to  
16 Mr. Mimms. Are you referring to the second page of Exhibit  
17 2?

18 A Yes. Yeah, you can see in the center of that page  
19 it says, "~~703-697-3204~~." Immediately to the right it says,  
20 "Major Ed Mimms." So that was the day that I finally was  
21 able to get through to someone who knew of something about  
22 what I was looking for.

23 Q Mr. Mimms told you basically what?

24 A After I outlined what I was looking, which we had a  
25 discussion of my AFSC, it was called when I was in the Air

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1 Force. Air Force Specialty Code.

2 After we had a discussion of who I was, what I was  
3 doing, I openly said that I was doing research for a writer  
4 doing research on the Vietnam war, and he was in need of some  
5 photography of a certain scale and certain taking unit, if  
6 possible, and certain time frame. And we chatted about that.

7 And he said -- after 16 minutes of discussion, he  
8 said the guy you need to talk to is a Master Sergeant Ron  
9 Munson, who processes this type of a request. I'll have him  
10 give you a call back, and he did. Later he called me back.

11 Q And what was your conversation with Mr. Munson?

12 A Mr. Munson and I had a lengthy discussion  
13 concerning the request, concerning what I was looking for.  
14 And my notes are on the second page.

15 Q Referring to Exhibit 2?

16 A Yes. Exhibit 2, second page --

17 MR. LESAR: This is?

18 MR. REES: I'm sorry. Exhibit 2 of this  
19 deposition.

20 MR. LESAR: The Defendant's Exhibit 2.

21 THE WITNESS: -- were highlights of that  
22 discussion. And it bled over into my notebook. Here are the  
23 originals -- and that laying flat. I ran out of room on the  
24 one page and we continued talking over onto the next page.  
25 So you have two pages here that basically form a book, as my

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1 notebook is laid flat, indicate this section and this section  
2 in here all went together.

3 BY MR. REES:

4 Q So the lower half of the second page of Exhibit 2  
5 to your deposition matches with the lower half of the third  
6 page of Exhibit 2 to this deposition?

7 A That's -- the lower one-third, yes.

8 Q Lower one-third?

9 A Mm-hmm.

10 Q And the lower one-third beginning with the line  
11 "Naval Ordinance F-295?"

12 A That's -- I-295.

13 Q I-295.

14 A Yes. Interstate 295.

15 Q Okay.

16 A Right. That's correct.

17 Q Can you -- let me ask you this, apart from looking  
18 at those notes, do you have a present recollection of what  
19 was discussed?

20 A Certainly.

21 Q Can you tell me what that is?

22 A Chronologically, we got to know each other. I told  
23 him who I was, my AFSC, with an understanding he was in the  
24 same career field. So we discussed how the Air Force had  
25 transpired since my discharge in 1976 and his time of service

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1 entry.

2 He wanted to know -- he said he had gotten in on  
3 the tail end of the Vietnam war. And I said, "Well, I was in  
4 the thick of it." And I discussed where I had been  
5 stationed. And we warmed up to each other.

6 And then we discussed the platforms, in which I was  
7 seeking unclassified information. I made that very clear. I  
8 was not asking him to do anything illegal. I was trying to  
9 find information that, quite frankly, was classified only  
10 "Confidential Group 4 no foreign dissemination" when I worked  
11 with it. And he said, "Oh that's been declassified. That's  
12 so old, nobody cares about it."

13 And we discussed the time frame. And he indicated  
14 to me that automation had invaded that area too. When I  
15 discussed my -- what I did for a living, he told me that they  
16 had developed a computer system that accessed coordinates by  
17 computer for data base research and all that.

18 We talked about two types of searches; manual and  
19 computer, and fees associated with both types of searches.  
20 How long those searches should expect. How long I should  
21 expect for those searches to take to see if he had what we  
22 needed.

23 We talked about how to structure a request. A  
24 letter to his unit. He told me FOIA was not necessary. In  
25 fact, he told me not to do an FOIA request. In fact, my

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1 letter -- the page that I tore from my notebook that Mr.  
2 Cummings had outlined that, that Mr. Munson had informed me  
3 just to make a very low-key -- was his language -- request.

4 That he was inundated with requests for the area --  
5 the same area that we were wanting. That, in fact, his  
6 specific language was "every retired B-52 pilot in the world  
7 is wanting a picture of Mugia Pass, which we bombed  
8 horrendously during the war, and he did this all the time.  
9 And I said, "Fine. How do we proceed?"

10 And he says, "Have your guy contact me directly."  
11 He said, "There's no reason to go through you. Have this guy  
12 that you're working with have him call me, and I'll relay the  
13 same data to him."

14 And then we went into a discussion of where to  
15 retire, to make your retirement pay stretch. And I even  
16 volunteered -- I discussed -- he wanted to know the bases  
17 that were in New Mexico. He said he was in love with the  
18 southwest. He was, I believe, from Denver. The whole  
19 southwest was discussed. The Colorado area. Of course, I  
20 had gone to TAC School there and was familiar with Denver.  
21 That's where Lowry Air Force Base, the intelligence school  
22 was that I attended.

23 We discussed Denver. We discussed New Mexico. We  
24 discussed Colorado, New Mexico, and I believe Arizona and  
25 Southern California as a retirement site. And somewhere in

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1 that conversation, I recall him talking about San Diego,  
2 Southern California as being a retirement location, but the  
3 cost of living was too expensive. I told him that my choice  
4 would be Kirtland Air Force Base in Albuquerque as a place  
5 where he could still get medical and VX privileges.

6 We talked about Fort Bliss in El Paso, which I told  
7 him I would not retire there. There was some concern about  
8 was Canon Air Force Base still open. I recall that was an  
9 Air Force base in New Mexico that had F-111-B's, and we  
10 talked about that.

11 And we talked about -- I extended him the  
12 opportunity to come to my house and stay. I gave him my home  
13 phone number, home address, and told him that if he wanted to  
14 come and scout out New Mexico, he was more than welcome to  
15 come and spend a couple of nights with me. And he said he  
16 would take me up on it.

17 I think that's the highlights of what my notes  
18 reflect.

19 Q You said that there was discussion about fees of  
20 manual and computerized. Could you be more specific on that?

21 A Yes. I was unfamiliar with the computer. And I  
22 did not have any coordinates prepared for him at that time.  
23 In fact, he seemed more than anxious to process my  
24 coordinates over the phone to see if he had it.

25 But he said that if I would itemize the coordinates

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1 -- we discussed did he want geographic coordinates or UTM  
2 coordinates, which are two different coordinates systems; one  
3 the Army uses heavily, and the other one the Air Force  
4 utilizes. And he said he wanted both if I had access to  
5 them.

6 And that the computer would not take any time at  
7 all. By my notes here, less than 20 minutes. It would be  
8 less than \$300 on the computer. And by the hour, which is  
9 just a physical search of overlays that you lay on maps to  
10 see if there's a rout trace in the area you wanted, he said  
11 he should know in a couple of hours, and that should be less  
12 than \$250. We weren't talking about a large sum of money, in  
13 my opinion.

14 But he said to be sure to say in the letter -- if  
15 we were going to write a letter -- **to say that we were**  
16 ~~willing to pay~~. That that was a key factor. They were  
17 getting requests by people that -- it developed into a drawn  
18 out ordeal on who wanted to pay for what or what rights a  
19 person had to get this information.

20 He further stipulated that what we would receive  
21 who had no classification on it and it would have no taking  
22 unit, because I had specifically requested if at all possible  
23 to get **F4 low level** recognizance from 2000 feet approximately  
24 AGL on a Little Looker camera system backed up with KS 72,  
25 which is a 12 x 4 format.

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1           And he said, "Well, whatever you get." He says, "I  
2 can't tell you where it came -- what the taking platform was.  
3 That would make it classified." I said, "Fine. Just as long  
4 as it's of the time frame we need, I don't care."

5           Q     Can you take me through the second -- the entry on  
6 Exhibit 2 to your deposition you've just been referring to?  
7 Can you read me that second half of page two and tell me the  
8 significance of those things? You've been referring to it  
9 from time to time.

10          A     Okay. The first entry is Ron Munson, Master  
11 Sergeant. I think Mr. Mimms did not relay his rank to me  
12 just other than sergeant. I became aware that he was a  
13 master sergeant.

14                 And then we talked about -- after I rambled on  
15 about my military time, we got into a discussion of Laos.  
16 And a discussion of passes, because I was curious about  
17 available photography of Mugia Pass, M-u-g-i-a, in Ban Karai,  
18 B-a-n K-a-r-a-i, in Nape, N-a-p-e, Pass in Laos.

19                 I knew that Task Force Alpha had -- was receiving  
20 dup positives and dup negatives of all recognizance flown in  
21 Laos during the time frame that I was stationed there. And  
22 we were also forwarding dup negatives to --

23          Q     Duplicates?

24          A     Duplicate negatives to DIA Film Depository,  
25 Washington, D.C. And that's who I presumed I was talking to.

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1 We never really -- I never went further than saying he said  
2 he knew where to get it. He asked me, "Taking units that  
3 were involved," and I mentioned Sac, who has a K-17 platform  
4 that shoots through the bomb bay when the bombs are dropping.  
5 I told him that TAC -- you know, all the TAC Recon.

6 I was steering him in directions that I knew of  
7 photography I had worked with specifically. I told him that  
8 TAC had four bases in Thailand that were flying the format  
9 that I wanted. ~~Pac F~~, which was the oversight command  
10 **definitely was receiving** dup negatives and dup positives from  
11 **our film library at Task Force Alpha.**

12 And then we were receiving satellite photography on  
13 a case-by-case basis. And we discussed Happy Snaps, Arc  
14 Light, 432 RTS, ~~which is 432~~ **recognizance** -- 432 **recognizance**  
15 ~~technical squadron out of Udorn, Thailand,~~ which operated  
16 **RF4C's** at the time that I was familiar with their operation.

17 Q What's a Happy Snap?

18 A A Happy Snap is a picture of no particular military  
19 significance. It's a picture that you want. It's a picture  
20 that it shows something that you're interested in or  
21 whatever. It's like your home album. Those are all Happy  
22 Snaps in my opinion.

23 And this is the section -- this is the area of our  
24 conversation, which he relayed to me about being tasked  
25 repeatedly to find photography of different time frames to

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1 capture the destruction that was -- that was being rained  
2 down by the B-52's in Mugia, Pass.

3 Does that answer that?

4 Q Yes.

5 A Okay. Next line was Air Breather Library, which  
6 was my understanding of where he worked or he had access to.  
7 Air Breather Library film -- they had the film there. I  
8 could get only prints. I could not get film. As I discussed  
9 that I might like to get dup negatives, if possible, to make  
10 my own prints instead of getting one print. You lose a lot  
11 when you duplicate it. You have to make a negative from  
12 that. So I was asking him could I get film, and he said no,  
13 I could get prints only.

14 We got into a discussion of Air Force low-level  
15 recognizance. There was the KS72, which was a -- it's a  
16 camera system ~~in an~~ F4 along with LL, which is a nose camera  
17 system in the F4 that shoots a 4 x 4 format called, "Little  
18 Lookers." And then we had SR-71 photography, U-2 and  
19 Satellite of which he was going to research to see if he  
20 could fit the request into the formats that I was looking  
21 for.

22 Then he stipulated that a letter -- request  
23 computer manual search. We got into the cost. Less than 20  
24 minutes. Less than \$300 on the computer. Manual or by the  
25 hour. Two hours max, less than \$250. FOIA not necessary.

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1 Prints would only be available. Structure the request low  
2 key. Be sure to say willing to pay.

3 Q What does it mean "low key?"

4 A Don't draw attention to -- other than just say, "I  
5 want Happy Snaps." **Don't** say I'm trying to prove a POW-MIA  
6 issue. In fact, that was not discussed with Mr. Munson. We  
7 did not discuss what this was about. I told him that a  
8 researcher, a writer was doing research on the Vietnam war  
9 and our bombing policies. And that was it.

10 So no classification and no taking unit.

11 Q No taking what?

12 A Unit would be available. To keep it from being  
13 classified. And then we led over into a conversation of -- I  
14 wish I'd remember what this line meant. Naval --

15 Q Are you referring to the third page of Exhibit 2?

16 A Yes, bottom page, "Naval Ordinance I-295." And I  
17 know that's National Airport. And I think that's where the  
18 building was where the material was. But I didn't care. I  
19 had found the guy that knew -- that said he knew where it  
20 was.

21 He said it would take one week maximum. That's a  
22 one. Mark to the attention of Ron Munson, Combat Support  
23 Branch, Imagery Systems Branch.

24 And then that heart was around New Mexico. This  
25 was our discussion of places to retire. He also said he

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1 loved New Mexico and Sante Fe area, and was -- he could not  
2 wait to get to the big 20. And that's 20 year's service.

3 Q Did you know where Sergeant Munson worked?

4 A When I was calling that number?

5 Q Yes.

6 A No, I never did -- it never was made clear, because  
7 on that same page, it says, "Library of Congress, Charles  
8 'Cat' Stevens." When he called me -- when Colonel Stevens  
9 called, this looped arrow looped up to --

10 Q I'm sorry. If you could give me a page number  
11 here. You're on --

12 A Okay. I'm on page -- I'm on 5-16-91. My notes are  
13 5-16-91.

14 Q Okay.

15 A The looped arrow was up to Colonel Stevens was  
16 saying, "DIA-DIAC at Bolling Air Force Base, Maryland" was  
17 his best guess at that time of where this information was  
18 available, and that's reinforced. I'll tell you the truth, I  
19 thought I was talking to Bolling Air Force Base when I got a  
20 hold of Munson.

21 Q DIA?

22 A DIA. Yeah, Bolling Air Force Base. Again, when I  
23 called Mimms, the answer was some kind of a unit. They don't  
24 say, -- you know, you were trained to do it in the Air Force.  
25 You don't get into where you are.

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1           So I assumed all along that I was talking to DIA at  
2 Bolling Air Force Base, and that's what I conveyed to Mr.  
3 Cummings. That, in fact, my report to him said -- by my  
4 recollection of having written it -- that it was -- the  
5 photography was available. I had a master sergeant that  
6 would get it for us. Here's his phone number. He can be  
7 contacted at the Combat Support Group, the Air Breather  
8 Combat Support Branch, 703-697-3204, DIA Bolling Air Force  
9 Base.

10           Q     Is it your understanding that that's where DIA is  
11 located?

12           A     It's my understanding of where the photography was.

13           Q     Okay. Can you tell me about the top half of the  
14 third page of Exhibit 2 to your deposition?

15           A     Do you mean on 5-16-91?

16           Q     Yes.

17           A     Again, that was other business. 581 was a phone  
18 number. A local phone number there in El Paso. Bob Bickel,  
19 Jr. was a guy that had been -- I had been talking to on the  
20 phone not concerning this issue. And William Howard McCoy is  
21 a friend of mine, and he had given me his -- the information  
22 here of social security number and date of birth for some  
23 reason. I don't recall why he had did that, but it's  
24 something to do with military retirement. He's a retired  
25 U.S. Army individual.

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1 Q What does the next page of this exhibit reveal?  
2 That last page I guess it is.

3 A 5-20-91 was when Colonel Stevens called. That's  
4 the number that Colonel Stevens had called that resulted in  
5 me going back to my 5-15 notes to make my entries. And I  
6 believe those are all private notes concerning business until  
7 we get down to "Chairman."

8 Let's see, we have Gavin Scott. Again, this was to  
9 do with Mr. Cummings' research on this subject matter. Gavin  
10 Scott is a guy that was with Time Magazine at the time. He  
11 was a bureau chief out of Chicago. And he was assigned to  
12 Saigon, 18 months, 73 through 74, and it was phone number for  
13 him that Mr. Cummings was going to utilize later on to call  
14 and get some -- try to get some information from Mr. Scott.

15 And the POW hot line, those were numbers -- I think  
16 that's the number that Kural -- Mary Kural was available  
17 through. And SAIC Huntsville, Alabama, these were notes that  
18 I had taken in talking to Phil Rowell. He had told me that  
19 they were -- ~~they had~~ a facility in Huntsville, Alabama.  
20 That I should call concerning automation, computerized  
21 equipment for manufacturing purposes.

22 And the rest, I think, is just strictly business.

23 Q Let me show you what's been marked as Exhibit 1,  
24 which I understand is the request that flowed from your work.  
25 Is that fair to say?

1           A     Do you mean the result -- this was a result of my  
2 involvement with Mr. Cummings?

3           Q     Yes.

4           A     Yes.

5           Q     It makes no reference to a Master Sergeant Munson;  
6 does it?

7           A     No.

8           Q     Do you know why?

9           A     I -- no. I have had an argument -- an on-going  
10 argument about that ever since the day it was submitted. I  
11 can't control Mr. Lesar and Mr. Cummings. But Mr. Lesar is  
12 an expert on freedom of information, and Mr. Cummings --  
13 being the hard-headed individual he is -- ignored my report,  
14 and when about this the hard way. And that's why we're here  
15 today.

16          Q     Can you tell me what you mean by what you've just  
17 said?

18          A     Well, Mr. Munson said, structure a low-key request,  
19 do not use FOIA, map out the following information, and he  
20 would get me the photography or get Mr. Cummings the  
21 photography. I relayed that data to Mr. Cummings, and in  
22 fact I -- Mr. Cummings returned to my home in **El Paso** before  
23 he -- he lives in New York. And before he left my home in  
24 **New Mexico** for his home in New York in May of that year,  
25 1991, I hand-delivered him my findings and said, "Here's what

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1 you ought to do." And he didn't take my advice.

2 He wanted to make this official. And he contacted  
3 Mr. Lesar. It's my understanding, Mr. Lesar made some phone  
4 calls. I don't know who he called, but Mr. Cummings and Mr.  
5 Lesar I believe were aware of Mr. Munson from the very onset  
6 of May of 1991.

7 Q Between the 20th of May of '91 and the 21st of June  
8 of '91, did you have any further contact with anyone in the  
9 government concerning the request that culminated in  
10 Exhibit 1?

11 A No. No, I did not.

12 Q Did you ever talk to anyone in the -- in any armed  
13 service branch in connection with any FOIA request after the  
14 20th of May 1991, to and including the 21st of June 1991?

15 A Repeat that, please?

16 Q Let me put it this way, was --

17 A Go ahead.

18 Q Was Munson the last guy you talked to in this  
19 quest?

20 A Yes, he was.

21 Q You didn't talk to anybody after that?

22 A No.

23 Q Okay. Let me see if I can go through the order.

24 A Okay.

25 Q You talked to Karen Powell. Pardon me, Karen

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1 Rowell.

2 A Yes.

3 Q Phil Rowell, Colonel Stevens --

4 A Right.

5 Q -- Ed Mimms.

6 A From two different phone numbers, yeah. Mimms is  
7 not reflected on this sheet, but we can put his name right  
8 there on 5-20 of '91. Ron Munson/Ed Mimms. They were in the  
9 -- it was my understanding they were in the same shop. It  
10 was like they worked closely together. I mean, that's  
11 conjecture on my part, but it was like they knew each other.  
12 It wasn't like they needed introduction to who they were.

13 Q And after Mimms, then there was Munson.

14 A That's right. My search stopped with Munson. I  
15 felt like I had established a relationship, a telephone  
16 relationship with a person that was in my career field,  
17 enlisted man like myself, and we had -- we had struck a  
18 common cord. And no violation of any kind of a security  
19 agreement. We were not -- I was not trying to pirate  
20 classified material. I made that very clear up front what I  
21 wanted.

22 And, in fact, I told him, if this is not -- at some  
23 point in our conversation, I made it clear that if I was  
24 needing to talk to someone else or needing to structure this  
25 officially, I'd be happy to do that. But that's -- he kept

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1 referring back to the Happy Snaps of the Arc Lights and the  
2 B-52 pilots. I felt like this was an on-going -- I don't  
3 want to use the term "back-door" service, but I'll use that  
4 term. An on-going back-door service of buddies.

5 Just like going out to Kirtland Air Force Base and  
6 going to the shooting range and shoot with the guys. A way  
7 veterans treat each other. Do you know what I mean?

8 Q I know what you mean.

9 A Okay. And I would like to say one other thing that  
10 I'm strongly torn about. And that's even being here today to  
11 cast any kind of a dispersion on Mr. Munson's character. I'm  
12 sure I know how he feels. I was in his kind of a position  
13 before, and I did not mean to open up a bucket of worms and  
14 cause him any grief whatsoever, and I wish I could undo it.  
15 I wish I could make it official, but here it is.

16 This is what happened. And I'm testifying to the  
17 truth. And I know he -- I'm not sure what he said this  
18 morning. It's my understanding that he said he had no  
19 recollection of a lot of these events. And if that's what he  
20 wants to say, so be it. And maybe he doesn't have -- and  
21 maybe he does have memory difficulties that some people do or  
22 selective memory. But I'm not making any allegations about  
23 Mr. Munson perjuring himself for lying in any way whatsoever.

24 Q Isn't it possible Munson was talking about what DIA  
25 could do for you?

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1 A No.

2 Q Why not?

3 A Because he said he could do it.

4 Q When did you write these notes? The notes that are  
5 Exhibit 2?

6 A Between the period of 5- -- well, Exhibit 2.

7 Q I mean, did you write them during these various  
8 conversations were going on?

9 A Yes.

10 Q So as you sat there talking to Munson, you were  
11 writing page 2 of this Exhibit?

12 A Right. As we conducted our conversation, I was  
13 writing pertinent notes in order to be sure that I covered  
14 the material. And also as he said, you know, like be sure to  
15 say "willing to pay" as highlighted. Yes, I developed these  
16 notes from our conversation as it was taking place or shortly  
17 thereafter. I mean, as we hung the phone up, I may have  
18 continued to write for a few minutes to ensure that I have my  
19 facts correct.

20 Q But as I read this Exhibit 2, the third page, it  
21 says, "Mark to attention MSG Ron Munson, Combat Support  
22 Branch, Imagery Systems," do I correctly understand that your  
23 understanding was that you were suppose to send it to him?

24 A Yes.

25 Q But this letter didn't go to him, did it, this

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1 Exhibit 1 to this deposition?

2 A No.

3 Q The FOIA request.

4 A No.

5 Q Okay. You mentioned a report about this matter.

6 Do you have that report with you?

7 A No. It was a one-page, hand-written report from  
8 this notebook. I was doing this at my home. I had no copy  
9 machine available there, and I hate to type. And I wrote a  
10 synopsis to give to Mr. Cummings for him to go back to New  
11 York with to continue his request.

12 Q And that's the document to which you have referred  
13 previously in this deposition that --

14 A I don't have.

15 Q Okay.

16 A I gave it to Mr. Cummings.

17 Q Okay. And your recommendation was that it be a  
18 low-level request?

19 A I told him to do exactly what Mr. Munson told me to  
20 do. In fact, Mr. Munson's instructions were -- let me make  
21 something clear. I really just wanted to serve as a liaison  
22 in this matter, because I speak photography. I speak intel  
23 and I speak targeting.

24 So once I established the contact with Munson, all  
25 I wanted Mr. Cummings to do was establish direct contact with

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1 him and get the photography in the same manner as which this  
2 was. I really didn't want my name appearing on a lot of  
3 requests. I'm a private person. I just wanted to go about  
4 my life and help him conduct his own research.

5 If he could independently corroborate what I had  
6 told him, I felt that was best without me being the --  
7 leading the charge of my allegations. And so Munson, in  
8 fact, wanted Mr. Cummings to get directly in contact with him  
9 to write this letter. And that's the way we left it. Was  
10 for Mr. Cummings to contact Mr. Munson, and Munson was going  
11 to be expecting Mr. Cummings' call.

12 After that, I had no direct control over the  
13 actions of Mr. Cummings.

14 Q What was your next contact with anyone with respect  
15 to this FOIA matter?

16 A Well, Mr. Cummings and I continued to have on-going  
17 -- we have an interesting relationship. We very seldom  
18 agree. And we had an on-going debate about his strategy of  
19 doing this all official. And during the month of May or  
20 prior to June 21st, obviously I did get a map of Laos. And  
21 developed some coordinates from that map, and conveyed those  
22 to Mr. Cummings.

23 Q And are those coordinates --

24 A So there was technical aspects of the request that  
25 needed to be accomplished.

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1 Q And the coordinates you've just mentioned are those  
2 that appear on the second page of Exhibit 1?

3 A That's correct.

4 Q What was your next contact with anyone with respect  
5 to this FOIA matter?

6 A Well, this has been an on-going legal dilemma ever  
7 since. I've been in -- shortly after this, I was introduced  
8 to Mr. Lesar, shortly after this letter was written on June  
9 21st. And it's developed in a full exchange of court  
10 documents that have bounced back and forth between your  
11 office, I presume, and I don't know who you represent for  
12 sure, other than U.S. government. Right? Which is sort of a  
13 faceless entity, but you're here. So you got a face, so I  
14 guess you're with the government. Right?

15 And so somebody -- it's us and them, I guess, is  
16 what I'm trying to say. And it's we're the "us" side. And  
17 so I've been looking at some of the legal documents that have  
18 been generated to see why people are denying the existence of  
19 this photography and looking for all the trick words hidden  
20 in the language, and we've found quite a few, quite frankly.  
21 You know, the discussion of "imagery versus photography" and  
22 all that.

23 So I've been coaching from a technical point of  
24 view of hey, you know, why isn't this available? Why would  
25 it all be burnt? Why wouldn't you reserve it -- why wouldn't

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1 you save it for crew training? Why wouldn't you save it to  
2 put it in the National Archives? Why wouldn't you, you know,  
3 -- the Vietnam war does have significant historical value  
4 regardless of the fact that we lost it. And I'm sure it's  
5 being studied over and over and over again in the Pentagon.

6 So I strongly doubt that this photography doesn't  
7 exist somewhere within the bows of the system. So I've been  
8 coaching on numerous occasions, to answer your question.  
9 Many phone calls. Many -- I believe you have an affidavit  
10 that I submitted. A sworn affidavit outlining the  
11 circumstances of my involvement resulting from the Munson  
12 conversation.

13 Q What are the "trick" words?

14 A Imagery and photography. Not in this document. I  
15 believe this one was submitted --

16 Q Are you referring to Exhibit 1?

17 A ~~Yeah~~ I believe in this one it was correct. Well,  
18 ~~there was~~ -- any time you -- I mean, I was trained in this.  
19 I was trained in trick words. I was -- I went to Intel  
20 school. And if somebody doesn't specifically know what  
21 they're asking for, we were told we can't confirm nor deny  
22 and all the fancy footwork. That's what we were trained to  
23 do.

24 So having been trained to do it, I look at some of  
25 the responses from the government about the location of the

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1 photography. I think if I had been writing this FOIA  
2 request, I wouldn't have been as specific. I would have been  
3 more general to see what showed up. To see if anything could  
4 have been found. But Mr. -- when you relay this through  
5 individuals, each person tends to put it in terminology  
6 they're familiar with.

7           And at some point, Mr. Cummings' request of imagery  
8 got turned into photography. And then there was -- I saw a  
9 report from somebody that said, "Photography is not  
10 available." And I'm sure that's correct. Photography is not  
11 stored, because photographs age.

12           And in my unit in Louisiana, we had the original  
13 negative of the bomb damage assessment from the Nagasaki and  
14 Hiroshima bombings of War World II. And we could go get that  
15 out. It was very fragile. And work with it if we wanted to  
16 train other students, other people on targeting techniques  
17 for nuclear contingencies.

18           And I just can't accept that this has all been  
19 burnt. I just can't think that -- we are talking tons of  
20 photography, tons of it. Very expensive to take. And for  
21 someone to say, "All photography between 19 -- May of 1970  
22 and September, it just -- it has no value. We just threw it  
23 all away, because of the silver reclamation program." I  
24 don't believe that.

25           I might make a point, a technical point. The -- I

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1 don't need to renew everyone's memory of the Vietnam war, but  
2 the build up of TAC caught everyone by surprise or at least  
3 the capacity of the -- you know, the North Vietnamese to  
4 wager major offensive. We were told -- we were briefed -- we  
5 had a brigadier general was our wing commander. And wing  
6 commanders are normally not brigadier generals to show you  
7 the significance that was put on Task Force Alpha.

8 And we felt someone hand-picked and very proud to  
9 be there serving in that unit. And we were told from the  
10 very onset, we can't have another TAC. You guys have got to  
11 bust your butt to keep a TAC from happening. That's what our  
12 job was, was to stop the flow of material. You cannot wage a  
13 war if you stop material flow.

14 It was our mission. If you ask us what we do, we  
15 blow up trucks. We blow up convoys. We do everything in our  
16 power to prevent that from happening. We were employing the  
17 most sophisticated radar intelligence in the war at the time  
18 using AWACS, Elint at Task Force Alpha. We were the sensor  
19 program.

20 If you research it, there was a few documents that  
21 appeared in the news, in Newsweek and Time Magazine about the  
22 secret sensor program in Laos in which you bury sensors in  
23 the ground and seismically monitor rout traffic. That was a  
24 major test of technology. It had to be monitored closely.  
25 Why would it all be destroyed?

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1           You know, from a technology point of view, we were  
2           developing a lot of the technology that's employed now in  
3           Desert Storm, for example. We had pave ways. We had laser  
4           guided and wire guided weapons. They were all experimental.  
5           I can't believe it was all destroyed.

6           Q       Can you tell me the details of your Air Force  
7           service, where you served and what dates and that kind of  
8           thing?

9           A       Would you like to see my Air Force records?

10          Q       Sure.

11          A       I have a partial Form 7 in here. I don't think it  
12          reflects -- I brought with me pertinent data to show that I  
13          was in Thailand when I said I was. This is a Form 7 dated  
14          2 November 1970, which showed my return from Thailand and my  
15          TDY Okinaw that I was referring to earlier. But I'll be  
16          happy to capsulize my base of assignment -- bases of  
17          assignment.

18                   I brought with me my DD-Form 214, and I also  
19          brought with me various medals and awards I was given, as  
20          well as my airman proficiency reports as they pertain to both  
21          of my tours in Thailand.

22          Q       Could you just kind of walk through your basic duty  
23          stations and --

24          A       Sure. Upon -- I went into the Air Force in  
25          November of 1967. And I was assigned to -- I went to basic

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1 training at Amarillo, Texas due to the outbreak of spinal  
2 meningitis at San Antonio at that time.

3 And I then went to TAC school, Air Force Intel TAC  
4 School in Denver, Colorado. Upon graduation there in the  
5 summer of '68, I was sent to Second Air Force, Barksdale Air  
6 Force Base, 2 Recon Tech TAC, 2 RTS. From there I went TDY  
7 to Okinaw.

8 Q TDY is temporary duty?

9 A Temporary duty at Okinaw in support of the B-52 Arc  
10 Light bombings. From there I went PCS, permanent change of  
11 station, to Task Force Alpha in Nakhon Phanom, Thailand.

12 Q Can you give me a date?

13 A I was there from 10 October of 1970 to -- I'm  
14 sorry, '69 to 1 October of 1970. And I went from there to  
15 the -- I went from there to Seymour Johnson Air Force Base,  
16 North Carolina. My major command was TAC, assigned to an RF4  
17 unit, 43 -- 336 TAC Fighter Squadron.

18 I went from there to 97th Bomb Wing, Blydesville  
19 Air Force Base, South Carolina. I went from there back to Seymour  
20 Johnson where I was put in South Carolina at the 68th Bomb Wing, I  
21 believe it was. I went from there to -- back to Thailand.  
22 Udorn, Thailand, 432 RTS.

23 Went from there to Rome Air Force Base, New York.  
24 And then I was discharged honorably on January the 5th, 1976.

25 Q And the duty station at which you learned the

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1 information which has led to this FOIA request, was your duty  
2 at Task Force Alpha. Is that correct?

3 A Correct.

4 Q And -- just a moment.

5 A I have another Form 7, but it was not -- it's in  
6 storage. I went through my records hastily. I did bring  
7 with me airman proficiency reports, they're called, during my  
8 entire year at Naigon Phon. And in a very unclassified  
9 manner, my duties are outlined under facts and specific  
10 achievements.

11 So you are welcome to copy anything I have here.  
12 In fact, I'm quite proud of all of them, since I'm a right-  
13 sider, they call it, which means all the marks are on the  
14 right side.

15 BY MR. REES:

16 Q And what does that mean?

17 A That means you scored the highest you could score.

18 Q Fair enough. May I see the first one?

19 A Yes.

20 MR. LESAR: This is like a performance appraisal.

21 MR. REES: Off the record.

22 (A discussion was held off the record.)

23 MR. REES: And mark that one, please. I'm sorry.

24 What numbers are we getting here?

25 COURT REPORTER: We're on 4 and 5.

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1 MR. REES: Four and 5.

2 (Reed Deposition Exhibit Nos. 4, 5  
3 and 6 were marked for  
4 identification.)

5 MR. REES: Did you get the second one, Mr. Lesar?

6 MR. LESAR: No.

7 MR. REES: You did not. And is that 6?

8 COURT REPORTER: Correct.

9 MR. REES: Thank you.

10 BY MR. REES:

11 Q Are these yours?

12 A Those are the official ones.

13 Q Those are the official ones, okay. Hold onto those  
14 and testify from them --

15 A Okay.

16 Q -- if you like.

17 A Sure.

18 Q Let me direct you to what has been marked as  
19 Exhibit 4?

20 A Can I add something from our prior discussion --

21 Q Yes.

22 A -- because I saw someone pointing to a date, and  
23 I'd like to explain that. On item -- well, go ahead and  
24 enter your exhibit, I'm sorry.

25 Q Sure. Let me -- I've handed you what has been

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1 marked as Exhibit 4. Can you tell me if you recognize that?

2 A Yes, I do. That's my DD Form 214.

3 Q And what is a DD Form 214?

4 A That is the piece of paper you get that allows you  
5 to leave the service, and shows your history of service, and  
6 allows you to receive benefits from the service or from the  
7 government for your time in service.

8 It's the Form. It's the one they tell you never  
9 lose. See, it says, "This is an important record. Safeguard  
10 it." They say you will not get into old soldier's homes if  
11 you lose that piece of paper.

12 Q And what does it reflect with respect to service in  
13 Southeast Asia?

14 A I don't know. Let's look at it. Well, it shows me  
15 having -- I never looked at it with respect to that. Let's  
16 read it together. It shows Air Force Good Conduct. Here we  
17 go, Arm -- Republic of Vietnam Campaign Medal under  
18 "Decorations, Medals, Badges, Commendations, Citations..."  
19 and all that under item 26.

20 Q Are you referring to RVCM?

21 A Right. Republic -- yeah. These were medals that  
22 in this section that you received, some of which you got just  
23 by being inducted or on active duty during the Vietnam war  
24 and -- the Vietnam period. Others you had to physically be  
25 in the country in support of the campaign to receive -- are

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1 you concerned because it doesn't say I was in Southeast Asia  
2 on here?

3 Q I have no concerns at all. I just wanted to --

4 A Okay. Well, I've got another DD Form 214. That's  
5 what I wanted to explain. Under item 18 [sic], it says,  
6 "Entered Active Duty This Period, January of '72." I took a  
7 six week break in service in order to change bases.

8 And this may sound strange, but at that time there  
9 was a program in the Air Force to allow you to re-enter the  
10 service after a 90 day break. And I didn't want to get out  
11 of the service, I wanted to change bases.

12 I had been rejected for an official application for  
13 change of my duty assignment where I was stationed. And they  
14 said you couldn't -- you can't do it. Yet I had called the  
15 base I wanted to go to and found out there was an opening for  
16 my career field. And at the suggestion of a career  
17 counselor, he told me to get out of the service, drive over  
18 there myself and reenlist at that base, and I could be  
19 assigned there.

20 So I had approximately I think it was a three week  
21 break in service between November of 1971 and January of  
22 1972.

23 My other DD Form 214 -- you do not have a copy of  
24 it? I thought it was in here. I thought I had two DD Form  
25 214's. But it reflects the -- it says, number of days in

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1 Southeast Asia. In fact, doesn't it say it on here?  
2 Indochina, here we go. Look at 19. But that's just my last  
3 tour.

4 Q That's fine. Why don't we look at 5 and 6 --

5 A Okay.

6 Q -- and see if maybe it will suffice. Can you tell  
7 me if you recognize Exhibit 5?

8 A Exhibit 5. I don't see an Exhibit 5. Oh, Exhibit  
9 5. Yes, those are my orders that I received from my duty  
10 station in Louisiana. Item 10, the 2 Recon Tech, Barksdale  
11 Air Force Base sending me to Task Force Alpha in unit 9 --  
12 item 9.

13 Q Okay. And number 6, what does that reflect? First  
14 of all, do you recognize number 6?

15 A I don't know what number 6 is. Oh, number 6 is my  
16 -- is a partial form 7 that I was able to find. It's my  
17 Form 7 it's called, which is -- goes in your military records  
18 to show your duty assignments, your career field, things like  
19 that.

20 Q Where were you employed on the 20th of May 1991?

21 A The 20th of May of 19 -- I was self-employed.

22 Q And can you recall people who were engaging you as  
23 of that date to work on their behalf?

24 A Yeah, there was a company in El Paso called  
25 "Assemble in Mexico." AIM they were called. They were doing

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1 consulting with a company -- they were doing a manufacturing  
2 start-up for a company called Robert Shaw Industries. And I  
3 was involved with -- through them. I was providing  
4 manufacturing assistance, recommendations in techniques in  
5 machine tools for Robert Shaw in that month.

6 Q Anyone else you can -- any other firm you can  
7 recall working for in that month?

8 A Yeah, there was a division of Hays Axle that was  
9 out of Seminole, Oklahoma I was doing work for in that month.  
10 And there was another company called Diva, D-I-V-A, which was  
11 a mexican company that was in Juarez that I was doing some  
12 consulting with.

13 Q I believe you testified that Sergeant Munson called  
14 you on the 20th of May 1991; is that correct?

15 A That's correct.

16 Q Where were you when you got the call?

17 A At my house.

18 Q Did someone take the call first and tell you that  
19 Mr. Munson was on the line?

20 A No, I picked the phone up or I answered the phone.

21 Q And where were you when you called Colonel Stevens  
22 on that date?

23 A All the calls took place from my house in Santa  
24 Terese, New Mexico.

25 (A discussion was held off the record.)

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1 BY MR. REES:

2 Q If I wanted to direct a record subpoena to you, to  
3 whom would I send it?

4 A To my attorney in Arkansas.

5 Q At the address you've specified?

6 A Yes.

7 Q Okay. Let me refer your attention to a document --  
8 I don't think we need to mark this. Let me direct your  
9 attention to the last page of the item I have just handed to  
10 you. And what I've handed you is Opposition to Defendant's  
11 Motion to Dismiss or in the Alternative for Summary Judgment  
12 filed herein by the Plaintiff.

13 Let me refer your attention to the last page,  
14 please.

15 A Okay.

16 Q Can you tell me if you recognize the last page?

17 A Yes, it's a Declaration that I made on the 5th of  
18 May 1992.

19 Q Did you prepare this?

20 A I believe -- yes, I wrote -- I was contacted by Mr.  
21 Lesar, and he told me to stipulate to the fact of that  
22 conversation I had with Mr. Munson to the best of my ability.  
23 And I wrote something very similar to this. So this may not  
24 have been my actual -- my exact work product. It seems like  
25 I faxed Mr. Lesar a copy of what I wrote. And it was refined

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1 and it reflects what happened, and I signed it.

2 Q Let me refer your attention to paragraph 1. What  
3 are the specific areas referenced in that paragraph? And let  
4 me shorten this, are they the areas reflected in Exhibit 1 to  
5 this deposition?

6 A Right.

7 Q And the specific time frame, are those -- is the  
8 specific time frame referenced in the first paragraph of your  
9 Declaration, the time frame referred to in Exhibit 1 to this  
10 deposition?

11 A Yes, generally speaking.

12 Q Okay.

13 A I mean, the actual time element that we were --  
14 that I was trying to structure -- or help him structure the  
15 request was a before and after scenario. With the monsoon  
16 season that they have in Southeast Asia, the cutoff is  
17 critical. The after -- because you physically can't see  
18 through the clouds for a long period of time there. And  
19 typically in September and October is when the dry season  
20 sets in. So we tried to put in some time elements, but I  
21 presume that that's what we meant in the other request. In  
22 the FOIA request itself, the dates.

23 Q Let me refer your attention to paragraph 4 of this  
24 document. And you quote Mr. Munson or say that he indicated  
25 that he had supplied photographs from a certain area on

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1 numerous occasions. Did he say how many occasions?

2 A No, he just -- he alluded to it being an on-going,  
3 almost like a problem request. Meaning, taking a lot of time  
4 to fill the request.

5 Q What estimates of charges with respect to  
6 paragraph 5 did he give you for manual searching?

7 A Well, I believe I have that in the other notes.  
8 Less than \$250. Under \$250. He felt like he could  
9 accomplish it in under two hours. Two hours maximum, which  
10 would result in a cost to me or us of under \$250.

11 We left there with an understanding that we were  
12 talking somewhere in the neighborhood of \$500 for both  
13 computer and manual.

14 Q Well, did he give you a different number for each  
15 method?

16 A Mm-hmm.

17 Q And what was that different number for each method?

18 A The computer -- the computer number by the hour was  
19 very expensive, and I didn't write it down, because after I  
20 expressed concern about it, he said, "Oh, we're talking less  
21 than 20 minutes." Meaning, you load it in and you get a  
22 response back. So you're on-line a very short period of  
23 time.

24 Q So it --

25 A I just put down in my notes, the cost -- the

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1 charges I could expect to incur, which was 20 minutes, less  
2 than -- 20 minutes equals less than \$300. I don't know what  
3 the formula he was working from was for on-line time or  
4 however that works. I don't know.

5 Q Paragraph 6 refers to a clear understanding. That  
6 there was going to be a follow-up request.

7 A Mm-hmm.

8 Q Whose clear -- who had that clear understanding in  
9 your view?

10 A Mr. Munson.

11 Q And what is the basis for your belief that he had  
12 that understanding?

13 A Because he encouraged me to just turn this over to  
14 John Cummings, and have John Cummings contact him directly.  
15 It was a clear understanding of how to proceed to write the  
16 letter where he could be contacted. Keep it low-key and  
17 things that we've already outlined. There were no road  
18 blocks in my mind from that point forward to do what we  
19 wanted to do.

20 Q I'm a little hazy on your conversations with  
21 Stevens. We've talked about Rowell. We've talked about  
22 Mimms. Stevens -- could you tell me how many times you  
23 talked to him and what transpired on each conversation,  
24 please?

25 A It seems to me there were three. Two of which I

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1 initiated, and one of which he responded back to me. The  
2 first contact that I made to him was strictly a, "Hi, I'm a  
3 friend of Phil Rowell. Phil told me to call you. Oh, yeah.  
4 Hi, who are you? Where were you stationed? Oh, you were in  
5 Rome Air Force Base with Phil? Oh, yeah, he talks about that  
6 all the time." That kind of a story.

7 Q Mm-hmm.

8 A I told him what I wanted. He said he didn't have  
9 it. It was outside of the scope of -- in fact, he told me  
10 that he worked with it though. It was used in conducting  
11 whatever his job was. I was in Intel. I don't ask questions  
12 unless I need to know, and I was wanting a favor.

13 He told me that he would call me back. He did call  
14 me back. And after talking to Mimms or somewhere around that  
15 time, I called him back. I'm sure there were three phone  
16 calls. One should be on his phone records from somewhere  
17 within the Pentagon area or the east coast. We should say  
18 east coast area. I don't know where he was calling from. I  
19 didn't inquire.

20 But to my recollection, there were three contacts  
21 with him. Two of which are highlighted in the phone records.

22 Q When you say the phone records --

23 A The Exhibit Number whatever it is. Exhibit 3.

24 MR. LESAR: I think you're talking about the other.

25 THE WITNESS: Yeah.

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1 MR. LESAR: I think you're talking about your legal  
2 pad.

3 THE WITNESS: Yeah, my yellow legal pad page.

4 BY MR. REES:

5 Q Okay. You're referring to Exhibit 3 to this  
6 deposition?

7 A Right.

8 Q And it's your belief that you actually spoke with  
9 Stevens on three occasions. Not just with his office, but  
10 with Stevens on three occasions?

11 A Stevens, yes.

12 Q And you described the first call. What were the  
13 other two calls? What was the nature of those two calls?

14 A The one was to tell me that he thought -- when he  
15 called me it was to further define what I was wanting. There  
16 was some misunderstanding or, you know, -- after he had been  
17 -- I'm paraphrasing here. After he had gone out and started  
18 asking questions, he had to call me back to get more  
19 information.

20 Q Mm-hmm.

21 A And then that resulted in his final call back to me  
22 in which he gave me the number in which I contacted Mimms.

23 Q And do I understand correctly that you didn't have  
24 a clear understanding of who his employer was or what his  
25 duty station was?

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1           A     Who?

2           Q     Colonel Stevens.

3           A     Well, I just -- I used again what Phil Rowell told  
4 me. And Phil told me he was attached to the Library of  
5 Congress. That he worked in target materials branch. His  
6 name was Lieutenant Colonel Stevens. Nickname Cat. And was  
7 at Bolling Air Force Base in Maryland. And as my notes  
8 reflected, DIA-DIAC.

9                     But, again, I knew how to shut this door  
10 immediately by trying to -- I'm asking a guy for a favor and  
11 all I'm looking for is direction. And when he said, "I don't  
12 have it, but I'll help you find it," I said, "Okay. I  
13 appreciate it."

14          Q     It was then your --if I understand your testimony,  
15 it was then your understanding when you spoke with Colonel  
16 Stevens that he was employed with the Library of Congress.  
17 Is that correct?

18          A     That is what Phil Rowell -- let's go back to Phil.  
19 Phil's conversation said he knew a lot of that material had  
20 been sent to the Library of Congress. A lot of the  
21 photography from that time frame. He said he had a friend of  
22 target materials named Lieutenant Colonel Stevens, who he had  
23 -- he, meaning Phil, felt like Stevens knew a lot about that  
24 material, because he either put it there or coordinated it or  
25 something to that effect.

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1           And, in fact, Phil suggested that would be a good  
2 place to go look for it if we can up on a dead-end street.  
3 Then when I got a hold of Colonel Stevens, it was my  
4 understanding he worked for DIA-DIAC, Bolling Air Force Base.

5           Q       And what was your understanding as to where Munson  
6 worked?

7           A       For the Combat Support Branch, Air Breather  
8 Division or Section. And, again, I thought I was calling  
9 DIA, Bolling Air Force Base the time that I talked to Munson.

10          Q       Okay.

11          A       I didn't really see any reason to pursue it further  
12 since I had a phone number in which he responded to or  
13 responded through.

14          Q       Let me show you what has been marked as  
15 Plaintiff's 3 to the Deposition of Mr. Munson. Have you ever  
16 seen this document before?

17          A       Yesterday, it was shown to me briefly during your  
18 deposition period with Mr. Munson.

19          Q       Let me direct your attention to the date 5-23 in  
20 the left-hand corner and under the place called, it appears  
21 to list San Terese, New Mexico.

22          A       Mm-hmm.

23          Q       Do you have an understanding as to what, if  
24 anything, that line reflects?

25          A       It is my home phone number or was my home phone

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1 number at that time. 505-589-0313.

2 Q And do you have an understanding as -- let me back  
3 up. Your Exhibit 3 to this deposition doesn't show a date  
4 for 5-23. It shows 5-15, 5-16 and four entries for 5-20.

5 A Mm-hmm.

6 Q Can you tell me if you know where a call on the  
7 23rd of May fits in?

8 A It doesn't in the scope of my knowledge. I had an  
9 answering machine, a home answering machine on my home phone,  
10 and I presume that's a hang up. I presume it's a -- I'm just  
11 hypothetically speaking here that someone attempted to  
12 contact my home phone at 13:10 whatever time that is connect  
13 time. I don't know what time of day 13:10 is. Whether  
14 that's east coast or what. But it shows a one minute call.

15 Q No, I think it shows a nine minute call; does it  
16 not?

17 A It --

18 Q It shows a \$1 call.

19 A Oh, is that a dollar?

20 Q Well, it says -- you're looking at 1.09. If you  
21 look at the top, that shows cost.

22 A What's TP?

23 MR. LESAR: Time period, I suggest.

24 BY MR. REES:

25 Q Well, I'm looking at "Call LEN," which would --

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1           A     "LEN?"

2           Q     -- appear to my untutored knowledge as call  
3 lengths.

4           A     Oh, okay. No, I had no -- I had no knowledge. My  
5 notes reflect no conversation on that date. And I didn't  
6 have a conversation with anyone pertaining to this subject  
7 matter on that date, but I would like to point out I did have  
8 a Mexican maid who spoke only Spanish. I don't know if it  
9 would take somebody nine minutes to figure out if they had  
10 the right place or not, but I don't -- I have no recollection  
11 of a conversation on that date.

12                     But it does reflect that someone was calling me on  
13 that date from I presume -- is this Munson's phone number?  
14 The number that belongs to Mr. Munson. 7-3204. Is that not  
15 one of the numbers in my notes? I don't know. 204. That's  
16 the Mimms/Ron Munson number that I have.

17           Q     As we sit here today, you have no recollection of  
18 such a telephone call?

19           A     I have no log entries in my notebooks, and I have  
20 no recollection of it.

21           Q     Okay. And no way reasonably to explain why this  
22 entry would appear?

23           A     No. I have three small children. I have a nine  
24 year old, a seven year old, and a five year old, and a maid.  
25 And at that time, I had a Mexican maid, and I don't know.

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1 Q Okay.

2 (A discussion was held off the record.)

3 BY MR. REES:

4 Q Mr. Reed, in taking your telephonic tour that  
5 you've described here today, in talking with Colonel Stevens,  
6 Mr. Mimms, Mr. Munson, did -- Mr. Rowell, did anyone ever  
7 tell you that DIA was the film archive for the Department of  
8 Defense?

9 A Specifically --

10 Q Yes.

11 A -- that DIA was a film archives?

12 Q That DIA maintained the film archive for the  
13 Department of Defense?

14 A I don't believe that was ever outlined, no.

15 Q Okay. You referred earlier to "trick" words in  
16 connection with the word "imagery." Can you tell me what you  
17 meant?

18 A Well, I meant I saw a lot of paperwork generated  
19 over a discussion that somebody did not maintain prints. And  
20 at some point in time, there was a transition, and I don't  
21 have that here in front of me, but within this inch thick  
22 file on paperwork generated for this FOIA request, I picked  
23 up on a change in wording from our request. I believe the  
24 original request that does request imagery or prints from  
25 imagery.

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1           And it was my suggestion to Mr. Lesar to watch the  
2 wording, because I saw -- I believe it was some woman had  
3 written a lengthy dissertation in this case talking about  
4 prints were not maintained. I read that and saw that there  
5 had been a wording change from the original request to what  
6 people were denying having.

7           And I agreed with Mr. Lesar that she's probably  
8 right. There are no prints being maintained. They're too  
9 bulky. They're too heavy and they decay. They turn yellow  
10 with time.

11           ~~And so~~ I felt like there had been a change in words  
12 in an attempt to convince the judge that something didn't  
13 exist. And so that's what I meant by that.

14           Q     Let me show you -- let me ask you to refer to  
15 Exhibit 1.

16           A     I'm getting awfully disorganized over here. I  
17 apologize. Let me try to get -- what is it we're looking  
18 for?

19           Q     The original FOIA request.

20           A     The original FOIA request. Okay. The FOIA  
21 request. Okay.

22           Q     Do you see any use of the word "imagery" in there?

23           A     No. On paragraph 3, what Mr. Lesar was asking for  
24 in this one was -- I desire -- paragraph 3, "I desire one set  
25 of prints for the nine coordinates taken in mid-May." And

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1 that is correct. That is what we should have been asking  
2 for.

3 Q But let me see if I follow you. If someone writes  
4 back and says, "We don't have any prints," how is that a  
5 trick if, indeed, the very request itself uses the words  
6 "prints?"

7 A Because that person can have a roll of film in  
8 their pocket and say, "I have no prints." I can give you a  
9 roll of film, 35 mm, and I could ask you do you have any  
10 prints, and you could honestly say no, I have no prints.

11 Q So what should a response to a FOIA request in your  
12 view say given a request like this that asks for prints?

13 A Well, if I had been crafting this, the only thing I  
14 would have changed would have probably said, "I'm requesting  
15 prints generated from any imagery from any platform taken  
16 during the said time frame."

17 Q I think you misunderstood my question. My question  
18 is what does a response -- what does a responsive response to  
19 such a request --

20 A Oh, from the government?

21 Q Yes. Given a request for prints, what would you  
22 expect the government to say without being tricky?

23 A They would say, "We have imagery available that we  
24 will be happy to make you a set of prints from."

25 MR. REES: Do we have your brief?

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1           And it was my suggestion to Mr. Lesar to watch the  
2 wording, because I saw -- I believe it was some woman had  
3 written a lengthy dissertation in this case talking about  
4 prints were not maintained. I read that and saw that there  
5 had been a wording change from the original request to what  
6 people were denying having.

7           And I agreed with Mr. Lesar that she's probably  
8 right. There are no prints being maintained. They're too  
9 bulky. They're too heavy and they decay. They turn yellow  
10 with time.

11           And so I felt like there had been a change in words  
12 in an attempt to convince the judge that something didn't  
13 exist. And so that's what I meant by that.

14           Q     Let me show you -- let me ask you to refer to  
15 Exhibit 1.

16           A     I'm getting awfully disorganized over here. I  
17 apologize. Let me try to get -- what is it we're looking  
18 for?

19           Q     The original FOIA request.

20           A     The original FOIA request. Okay. The FOIA  
21 request. Okay.

22           Q     Do you see any use of the word "imagery" in there?

23           A     No. On paragraph 3, what Mr. Lesar was asking for  
24 in this one was -- I desire -- paragraph 3, "I desire one set  
25 of prints for the nine coordinates taken in mid-May." And

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1 MR. LESAR: Mm-hmm.

2 MR. REES: The one that I --

3 BY MR. REES:

4 Q Let me refer your attention, if I may, to page 5  
5 and 6 --

6 A From?

7 Q Of the document that bears at the top, "Opposition  
8 to Defendant's Motion to Dismiss or in the Alternative for  
9 Summary Judgment."

10 A You want page 5 and 6?

11 Q Yes.

12 A Okay.

13 Q I'm going to ask you about the bottom of page 5 and  
14 the top of page 6. Feel free to read whatever you'd like of  
15 this document.

16 A Okay.

17 Q Beginning with the paragraph --

18 A Are we on page 5?

19 Q Yes. The bottom -- the two line. -- these  
20 separations --

21 A Mm-hmm.

22 Q -- appear to flatly contradict. That paragraph  
23 continuing to the next paragraph. There is, of course, --  
24 those two paragraphs. Is this the point you're making?

25 A It's one of the points. But there seems to be a

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1 legal contest being generated about the distinction between  
2 Headquarters U.S. Air Force, DIA Bolling Air Force Base. The  
3 pyramid of command or structural organization of the military  
4 seems to be what we're discussing here now, not whether the  
5 photography is available.

6 And I've noticed Mr. Munson's statements are  
7 somewhat -- I mean, I will say this to Mr. Munson's face, I  
8 don't think he wrote them. I think an attorney wrote them.  
9 They appear to be hedged in their language. There seems to  
10 be a lot of distinction. Underlined right here,  
11 "Headquarters Air Force."

12 We made -- I didn't structure this request. I  
13 talked to an individual who said he had access to  
14 photography. I don't care where he lived, who he worked for.  
15 I have his phone number. The phone number -- the phone calls  
16 reflect I talked to the guy. I'm swearing under oath I  
17 talked to him. He said he had it.

18 So I felt like a lot of the paperwork generated  
19 from this seems to be a legal argument on who has it, if  
20 somebody has it, don't call me here. And I know from my  
21 training in the military that is a tactic used to prevent the  
22 outside media from contacting people within the service  
23 branches and trying to glean information, as well as spies.

24 Q Any other tricks to which you -- any other tricks  
25 or tricky language that you can identify?

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1           A     Well, I don't have time to re-read the whole file  
2 here, but I just -- those two areas I've outlined. The  
3 different -- the differentiation between prints, imagery and  
4 then distinctions between who's who and where they're  
5 located. And I have no idea. That's why I got out of the  
6 military, quite frankly. I have no idea within the pyramid  
7 of hierarchy who Munson works for.

8                     To me, he's a citizen first. Secondly, he's a  
9 Master Sergeant, United States Air Force. Thirdly, I talked  
10 to him on the telephone. He said he had something. That's  
11 it.

12                    MR. REES: Thank you.

13                    THE WITNESS: You're welcome.

14                    EXAMINATION BY COUNSEL FOR THE PLAINTIFF

15                    BY MR. LESAR:

16           Q     All right. I will have just a few questions. Mr.  
17 Reed, do you recall having a conversation or conversations  
18 with me regarding what you've testified to here today about  
19 the bombing at Mugia Pass?

20           A     I believe we have discussed it on several occasions  
21 or a couple of occasions.

22           Q     And specifically with regard to the decision to  
23 remove the codes from the computer that protected the bombing  
24 of locations where POW's might have been placed, do you  
25 recall telling me that that nearly precipitated a mutiny?

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1 MR. REES: Objection. Leading.

2 BY MR. LESAR:

3 Q Let me rephrase the question. Were specific orders  
4 given to you to remove the **safety codes**?

5 A At that time, I was a shift supervisor. And I had  
6 approximately eight to ten people working under me that daily  
7 looked to me for guidance in their activities. And for me to  
8 **make a statement** that the Red Map TAC's are no longer in the  
9 **map**, which is what it boiled down to --

10 Q ~~Now~~ when you say "Red Map TAC's," what are you  
11 **referring to**?

12 A I'm ~~referring~~ to a large map that was an **ONC scale**,  
13 one to one million that was attached to a wall in our shop  
14 **that clearly denoted** POW camps by Red Map TAC's. And there  
15 purpose was to alert anybody in our shop that if you were  
16 researching those areas for targeting access, you should be  
17 aware of the fact that there's a **potential** POW camp here,  
18 whether confirmed or suspicioned, whatever the case may be,  
19 and that you were to look closer, much closer in your  
20 targeting activities.

21 And by saying the Red Map TAC's were gone, I mean  
22 one magic day the Map TAC's are removed, which resulted in me  
23 being briefed by my superior as to the procedure, the  
24 operational procedure that was going to be implemented from  
25 that day forward.

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1 Q And what happened as a result of that?

2 A I was very concerned. I had knew full and well  
3 what that meant would happen. We received requests daily,  
4 every day of the week by other units wishing to target those  
5 complexes through their own ignorance. They didn't have the  
6 intelligence data necessary to make those determinations.

7 They were -- a lot of them, as I had testified  
8 earlier, were generated from pilot reports in which a pilot  
9 in a combat mode is pulling 9-G's and looking out a window  
10 and sees a triple AP shooting holes in his wing, and he comes  
11 home and wants to blow that up.

12 And our job was to monitor all those target  
13 requests against the other associated elements of the target  
14 complexes to be insured that the safeguard stayed in place.

15 Q Okay. Now what was your reaction to this  
16 situation?

17 MR. REES: Objection. Relevance.

18 MR. LESAR: Well, I'll ask him to answer the  
19 question. It seems to me that you have raised it at great  
20 length earlier in the deposition the questions about what was  
21 going on in Mugia Pass. And this is an additional detail,  
22 which I think should fill in the full picture.

23 MR. REES: I'm not directing him not to answer.  
24 I'm putting my objection on the record.

25 MR. LESAR: Yes. All right. Fine. You may

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1 answer.

2 THE WITNESS: Why don't you ask me the question. I  
3 forgot what the question was now.

4 BY MR. LESAR:

5 Q What was your -- when you were confronted with the  
6 Red TAC's being removed, what was your response?

7 A **Misbelief.** That an operational decision had been  
8 made that was going to result in what we knew would be the  
9 destruction of those sites. If not by tactical air, at least  
10 by B-52 high altitude bombing, because the B-52 wing out of  
11 Udapa, Thailand we coordinated with daily for in that area.

12 And, again, it was a continuance denial -- I mean,  
13 continuance rejection mode on our behalf to allow the bombing  
14 to occur there. Which was a very complex issue, I might add.  
15 It was no one single authority -- no single one person had  
16 the authority to do that.

17 Q Did you have any discussion with any superior  
18 officer about that?

19 A Yes, I did. I had a very heated debate with a  
20 captain, whose name was Lawrence Zimmerman. And he was the  
21 chief or the officer in charge of our targeting shop. And we  
22 reported -- we were the workers. We were the worker bees.  
23 We took all of our work product and shipped it to the officer  
24 group of DOI -- DOIT, I believe it was, which was -- should  
25 have been **Director** of Intelligence Targeting within Task

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1 Force Alpha for all strike approval.

2 So there was an oversight committee that all our  
3 work had to get through to be sure that we were doing our job  
4 correctly. And I couldn't understand the rationale behind the  
5 decision. And Mr. -- Captain Zimmerman told me that that was  
6 not my job.

7 My job was to obey orders and instruct my people  
8 that there would no longer be rejections of those targets.  
9 And as quickly as possible, if we didn't submit our own  
10 target recommendations to have everyone else's target  
11 recommendations approved against those targets, so it could  
12 be proper bombing activity.

13 Q What was the position of the United States with  
14 respect to bombing in Laos at that time?

15 A Every day --

16 MR. REES: Objection. No first-hand knowledge.

17 MR. LESAR: He was --

18 BY MR. LESAR:

19 Q Were you present in -

20 MR. REES: He just told us -- he just described  
21 himself as a worker bee, has he not?

22 BY MR. LESAR:

23 Q Well, let me --

24 A I'm a worker bee.

25 MR. REES: Well, let the record show that he said

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1 worker bee.

2 BY MR. LESAR:

3 Q Let me ask him, did you have any personal  
4 knowledge --

5 A I had bees under me.

6 Q Workers instead of queen bees, I trust.

7 A Yes.

8 Q To what extent did you have personal knowledge of  
9 the bombing policy regarding Laos?

10 A Upon arriving at Task Force Alpha, we were briefed.  
11 Very high level briefing, I felt, took place. I might point  
12 out, we were toured personally by Secretary Defense McNamara  
13 and the guy behind him, Melvin G. Laird. This was an on-  
14 going project that people were putting a lot of faith in.

15 And, again, I felt at the time very honored to be  
16 selected to serve there. It only happened upon  
17 recommendation from headquarters, whichever headquarters you  
18 were serving in. We were the second group of people to go to  
19 that unit. It had been a ground-up, start-up thing the year  
20 before I had arrived. So we were the first crew to rotate  
21 and replace the first year people who had been there.

22 So it had not been operational that long. But we  
23 were -- since we were bombing illegally, we were -- the word  
24 "illegal" was not used. But since we were bombing a country  
25 in which the American public had very little knowledge of our

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1 activities there and since we were closely liaisoned with Air  
2 America out of Laos, out of VNTN, we were to not discuss our  
3 activities or our relationship with Air America, who we  
4 supported directly with intelligence input.

5 The bombing policies in Laos were clearly defined.  
6 There were areas called SLOA. That's an acronym. S-L-O-A.  
7 Which was a code, which stood for **safe** landing and operations  
8 area, which was not what they were. Those were areas we  
9 rented the bombing capability of from the country of Laos.

10 We at our shop had communication devices that would  
11 let us every night go on-line with Phon Phen -- I don't mean  
12 Phon Phen -- VNTN in order to set forth our sortie  
13 requirement for the next 24 hours in that country.

14 We called in all the coordinates. I spent many  
15 hours myself personally on the phone, the night shift. I  
16 think my APR's reflect shift supervisor when I first arrived  
17 there. At night is when you called in all of your  
18 coordinates tasks for the next 24 hours, **which we were told**  
19 **and briefed that we paid the Laos government a fee per sortie**  
20 **to allow their country to be bombed. It was strictly a**  
21 **monetary relationship with them.**

22 And what else can I tell you?

23 Q Well, during this period that you described that  
24 you were engaged -- or your unit was engaged in bombing Laos  
25 --

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1           A     I'd like to point out. My unit bombed no one. My  
2 unit owned no airplanes. Our unit had no weapons. Our unit  
3 was coordinator of everyone else that had weapons. We  
4 actually tasked the units that we wanted to bomb specific  
5 targets with the type of ordinance that we wanted put on  
6 that target.

7           Q     Okay. Which units were doing the bombing of Laos?

8           A     Well, the Navy, their fleet of carriers to the  
9 east. Within Thailand, we had Hoa Binh, Hudorn, Karate,  
10 Taikkyi and Udapa I believe were the bases that had five  
11 active bomb wings or fighter -- TAC fighter wings.

12                     And we had in our base - we had the 56 special  
13 operation's wing, which was flying A1E Skyraiders and OB10  
14 Bronco's primarily for foreign air controlling. And we had a  
15 large SAR contingency for rescue of crew members shot down.

16           Q     And your unit was coordinating these bombing  
17 strikes?

18           A     We did it all. Not a bomb got dropped in Laos that  
19 we didn't sign off on.

20           Q     All right. Now at the time that the bombing of  
21 Laos was going on, what was the public position of the United  
22 State's government?

23                     MR. REES: Excuse me. This discovery is to be  
24 limited to the adequacy of the search. I object to that  
25 question. It seems to be we've gotten awful far --

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1 MR. LESAR: Well, it seems to be you've opened the  
2 door.

3 MR. REES: May I finish the objection? Have we  
4 gotten awfully far away from the adequacy of the search?

5 MR. LESAR: I would agree that it's far from the  
6 adequacy of the search, but it seems to me that for about two  
7 hours today that you opened the door to that and made it  
8 relevant on my examination. I intend to be very brief about  
9 it, but I intend to just follow it up.

10 MR. REES: I'm glad you will be brief.

11 MR. LESAR: Thank you.

12 BY MR. LESAR:

13 Q You may answer the question.

14 A What was the question again?

15 Q The question is what was the position of the United  
16 State's government while this bombing was going on with  
17 respect to that?

18 MR. REES: Objection. No first-hand knowledge. No  
19 authority.

20 BY MR. LESAR:

21 Q Do you have any personal knowledge of the policy of  
22 the United State's government with respect to whether or not  
23 it was engaged in bombing of the bombing of Laos during the  
24 period that you were in Laos or that you were in Thailand?

25 A All I can say is we were told our mail was being

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1 monitored, and if we wrote home the word "Laos," we went to  
2 jail. There was a cell waiting in Fort Leavenworth, Kansas.

3 So I would presume by that that the public had very  
4 little knowledge of our activities in Laos.

5 Q Now you stated earlier that you had had discussions  
6 with a -- I believe it was a Lieutenant Zimmerman?

7 A Captain Zimmerman.

8 Q Captain Zimmerman regarding the removal of the  
9 safety codes. Were any threats made by any superior officers  
10 with regard to a protest of the removal of such safety code?

11 A Yes, there were.

12 MR. REES: Objection. Leading and irrelevant.

13 BY MR. LESAR:

14 Q You may answer the question.

15 A Yes, there were. Upon my more or less acceptance  
16 of the policy, after my being ordered to do what I was told  
17 to do, I got my guys together -- the eight or ten people  
18 under me -- to instruct them what our new policy was going to  
19 be. And these were fairly intelligent, articulate guys from  
20 all over the country, and they didn't believe that we should  
21 be doing that, which resulted in a major -- I don't want to  
22 use the word "rebellion," but we were challenging a policy of  
23 -- we knew the effect that it would have and what the results  
24 would be.

25 And it resulted in a lot of disgruntled comment and

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1 little work that morning until Captain Zimmerman felt it  
2 necessary to go summons for Captain James Terinetti and a  
3 full Colonel by the name of Bells in order to come down and  
4 read us the riot act at attention, and tell us that war's  
5 hell and everybody knows the price. The price is you can die  
6 for your country.

7 And that we could continue our little sit down  
8 strike and by noon, they would have new targeters shipped in  
9 from Hawaii. And by noon the next day, we'd all be in  
10 Kansas. So we should continue -- we should not continue our  
11 disobedience of what we were told to do.

12 Q What did you construe the reference to Kansas  
13 being?

14 A Fort Leavenworth.

15 Q Mr. Rees asked you some questions about "trick"  
16 words. Do you consider the phrase "imagery archive" to be a  
17 trick word? A trick phrase?

18 A I think --

19 MR. REES: Objection to over broad and vague. No  
20 context.

21 THE WITNESS: Well, I've outlined my views here, I  
22 think. For a layman to come into the intelligence world and  
23 specifically target the proper words to hit the right buttons  
24 to get something of this nature, I think is very difficult to  
25 do. I just felt like there's been a concerted -- there's

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1 been a lot of concerted side arguments generated in order to  
2 either delay or deny the existence -- delay the FOIA request  
3 or deny the existence of it.

4 BY MR. LESAR:

5 Q Do you have any commercial relationship with Mr.  
6 Cummings? Do -- are you in -- would you be the recipient of  
7 any commercial benefit if he writes a book or a magazine  
8 article?

9 A No. We have no commercial relationship. This is a  
10 subject that both of us would like to see thoroughly  
11 investigated. Other than Mr. Cummings paying for my airfare  
12 here, that's it.

13 Q All right. How would you describe your motive in  
14 cooperating with Mr. Cummings' investigation?

15 A Well, again, it's a subject that's been pushed  
16 aside. Right now, as we speak, there are new revelations  
17 coming out of the government of Mr. Nixon and Kissinger that  
18 I think will bear a lot of light on this issue.

19 When I married my wife and discussed Laos with her,  
20 she didn't know where it was. I mean, geographically, she  
21 knew, but she had no understanding that there was anything  
22 ever done there. And as a veteran, I feel somewhat slighted  
23 to have spent two years of my life in pursuit of a war  
24 campaign that a major element of it was fought in a country  
25 that's not been written about or talked about much.

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1           And if we left people behind there and if we blew  
2 them up, I think it's horrendous. I think the public should  
3 know.

4           Q       During the course of this deposition, the term  
5 "platforms" has been used. Would you explain what a platform  
6 is?

7           A       The way the system is put into the air. When we  
8 discussed platform in the military, we mean is it mounted in  
9 aircraft or mounted in the satellite or hand-held, whatever.  
10 You refer to the type of containment that the machine was in,  
11 the physical camera system was in.

12           MR. LESAR: All right. Okay. I have no further  
13 questions.

14           (A discussion was held off the record.)

15           MR. REES: Mr. Witness, -- Mr. Reed, --

16           MR. LESAR: It sounds like a government-issue  
17 explanation.

18           MR. REES: You have the right to read the  
19 transcript of this deposition for accuracy, what have you, or  
20 you have the right to waive that right. If you waive the  
21 right, you don't necessarily see your transcript, and you  
22 don't have a chance to correct any transcription errors. The  
23 question is, what would you like to do?

24           THE WITNESS: I do not wish to waive that right.

25           MR. REES: Very good. Thank you.

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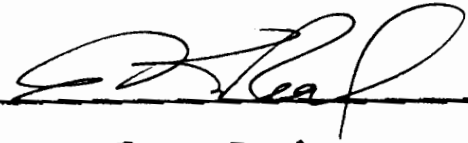
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(Whereupon, at 5:10 p.m., the deposition of TERRY REED was concluded.)

I have read the foregoing pages, which reflect a correct transcript of the answers given by me to the questions therein recorded.

Deponent:   
Terry Reed

Date: 9-10-92

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ERRATA SHEET

JOHN CUMMINGS.....PLAINTIFF

CASE NO. 91-1736 GAG

DEPARTMENT OF DEFENSE.....DEFENDANT

Reference Deposition of Terry Reed dated August 3, 1992

I hereby certify I have read my deposition and that it is accurate with the corrections listed below.

<u>PAGE</u>	<u>LINE #</u>	<u>AS TRANSCRIBED</u>	<u>CHANGE TO</u>
2		Appearances:	Also Present: [add] John Cummings
5	10	If want	If we want
9	6	Nekhom Phnom	Nakon Phanom
10	3	interval	integral
11	10	inclimate	inclement
11	14	Phon Phen	Vientiane
12	3	Mihn	Minh
12	13	Kamir Rouge	Pathet Lao
12	20	Pak F	PACAF
18	16	my home in near	my home near
24	5	made	may
27	13	Brabo Brabo	Bravo Bravo
38	20	TAC	Tech

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<u>PAGE</u>	<u>LINE #</u>	<u>AS TRANSCRIBED</u>	<u>CHANGE TO</u>
39	5	VX	BX
40	10	rout	route
40	23	recognizance	reconnaissance
41	20	dup (twice)	dupe
41	22	dup	dupe
42	10	dup (twice)	dupe
42	14	recognizance(twice)	reconnaissance
43	2	Mugia, Pass	Mugia Pass
43	9	dup	dupe
43	15	recognizance	reconnaissance
48	14	when	went
56	7	bows	bowels
58	2	TAC	TET
58	4	wager	wage
58	8	someone	somewhat
58	10	TAC	TET
58	11	TAC	TET
58	18	Elint	ELINT

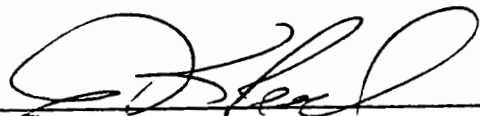
<u>PAGE</u>	<u>LINE #</u>	<u>AS TRANSCRIBED</u>	<u>CHANGE TO</u>
58	23	rout	route
59	3	pave ways	PAVE WAYS
59	15	Okinau	Okinawa
60	3	TAC	Tech
60	6	2 Recon Tech TAC, 2 RTS	2nd Reconnaissance Technical Squadron, 2nd RT
60	7	Okinau	Okinawa
60	9	Okinau	Okinawa
60	11	Nagone Phon	Nakon Phanom
60	15	Semore	Seymour
60	18	Blydesville	Blytheville
60	19	Sach	SAC
60	19	Semore	Seymour
60	20	Sach	SAC
61	8	Naigon Phon	Nakon Phanom
65	10	2	Second
66	24	Terese	Teresa
83	10	TAC's	TACKS
83	12	ONC	TPC

<u>PAGE</u>	<u>LINE #</u>	<u>AS TRANSCRIBED</u>	<u>CHANGE TO</u>
83	13	one to one million	1:500,000
83	14	TAC's	TACKS
83	21	TAC's	TACKS
83	22	TAC's	TACKS
84	10	triple AP	AAA piece
85	11	Udapa	U-Tapao
85	12	continuance	continual
85	13	continuance	continual
88	2	VNTN	Vientiane
88	12	VNTN	Vientiane
89	9	Hoa Bhin, Hudorn, Karate	Ubon, Udorn, Korat
89	10	Taikkyi and Udapa	Takli and U-Tapao
89	13	OB10	OV-10
89	14	foreign	forward
92	2	for	forth

**NOTE:** Numerous documents of mine that were photocopied by U.S. Attorney Thomas Rees were not included as Exhibits. I am officially lodging my protest and requesting all documentation taken from me be included as Exhibit material and entered into official record.

9-10-92

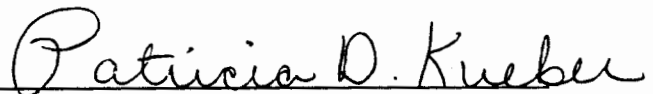
DATE



SIGNATURE OF DEPONENT

## CERTIFICATE OF NOTARY PUBLIC

I, Patricia D. Kueber, the officer before whom the foregoing deposition was taken, do hereby certify that the testimony of said witness was taken by me, and that it was thereafter reduced to typewriting under my direction; that the foregoing is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

  
PATRICIA D. KUEBER  
Notary Public in and for the  
District of Columbia

My Commission Expires:  
8-14-96