

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                      |   |                                 |
|----------------------|---|---------------------------------|
| ROGER HALL, et al.,  | : |                                 |
|                      | : |                                 |
| Plaintiffs           | : |                                 |
|                      | : |                                 |
| v.                   | : | Civil Action No. 04-08 14 (HHK) |
|                      | : |                                 |
| CENTRAL INTELLIGENCE | : |                                 |
| AGENCY,              | : |                                 |
|                      | : |                                 |
| Defendant            | : |                                 |

REVISED DECLARATION OF ROGER HALL

I, Roger Hall, declare and say as follows:

1. I am a plaintiff in the above-captioned case. In 1958-1962, I served in the United States Marine Corps. In 1993, while a student at the University of Maryland, University College, I began researching the Missing in Action ("MIA")/Prisoners of War ("POW") issue, particularly as it relates to the Vietnam War. I have been involved in it ever since. As a result, I have developed an expertise in certain areas of this subject.

2. The Declaration of Scott A. Koch ("Koch Decl.") makes no assertion that the files of the Directorate of Intelligence, Directorate of Plans or Office of Support have been searched. In addition, claiming that they are exempt, the Central Intelligence Agency ("CIA") has not searched its operational and other files for responsive records. However, the provisions of the CIA Information Act are overridden by Executive Order 12812 and PDD ("Presidential Decision Directive") 8. E.O. 12812 calls for the declassification of all POW/MIA documentation and PDD 8 gave a deadline of Veterans day 1993 for this to happen. These Presidential orders apply to all documents, including those in CIA operational files. That the CIA's operational files are subject to

search under E.O. 12812 is acknowledged in a November 9, 1993 letter from CIA Director R. James Woolsey to the President of the United States. Woolsey states that the CIA had conducted a thorough search of its operational files pursuant to E.O. 12812. See Exh. 37 [Bates stamp # 000250].

3. The government's improper handling of issues relating to MIA/POW issues was the subject of investigations by the Senate Select Committee on MIA/POW Affairs ("Senate ommittee" or "Senate Select Committee"), the Senate Foreign Relations Committee, the Senate Armed Services Committee, the House POW/MIA Task Force, and the House Montgomery Committee.

4. The CIA claims to have produced all nonexempt records responsive to items 1 and 2 of my request, and for the years 1971-1975 of item 3 of the request. This claim is false, as is demonstrated by examples set forth below. The inadequacy of the CIA's search for operational and all other records is evident, as these examples show. These examples are, however, only a partial list. Other examples could also be provided. But the available evidence indicates quite clearly that the CIA was deeply involved with other government agencies in matters concerning missing POWs, and MIAs. For example, in a March 18, 1973 memorandum for the Chairman of the Joint Chiefs of Staff ("JCS"), Admiral E. R. Zumwalt, then Chief of Naval Operations, wrote that "[i]n view of the direct and personal interest the Services have [in the POW] matter," he recommended that "the JCS receive a briefing from the CIA on their effort in this area so that we may be confident this important humanitarian issue is receiving appropriate attention." See, Exh. 39-C, ¶ 3 [Bates 000272].

5. During the Vietnam War, the CIA Political Adviser ("POLARD") at the

Commander in Chief Pacific ("CINCPAC") was the originator and/or party to MIA/POW operations. That the CIA'S POLARD received information concerning POW matters is indicated by a May 1972 telegram from the American Ambassador to Laos directed to CINCPAC POLARD which reports on information received from a source on the status of POWs in Laos. See Exh. 28 [Bates 000200]. I have not been provided this or other related records by the CIA.

6. At the Library of Congress I obtained from the Microfilm Reading Room, POW/MIA Reel 462, documents which are "Briefing Board" reports. In my opinion, these reports are CIA documents concerning information received from all source reports (the text of these reports, reproduced here as Exhibit 4 [Bates 00091-00099], indicates that the information contained therein comes from human sources, photographic surveillance, etc.). These Briefing Board reports relate only to Vietnam, and not to POW camps in Laos, Burma, Cambodia or elsewhere. The CIA did not provide copies of these Briefing Boards to me in this case, nor any other "all sources" supporting documentation which would have been used in compiling the briefing board reports, such as photography, source reports, etc. Nor did it provide copies of such materials related to Laos, Burma, Cambodia or other countries. Related to Briefing Boards are documents concerning POW prisons in Laos. See Exhibit 12 [Bates 000128-000145]. These are CIA documents which I obtained from various POW family members. The CIA has not released copies of these records to me in this litigation. In addition, the same kind of records should exist for POW prisons in Cambodia, Burma, China, South Vietnam, and Russia. I have received no such records. I note that one of these documents, Exhibit 12-E [Bates 000145] states "Document Removed," and that it was "BEING REVIEWED BY THE CIA." have not been provided with a copy of this document.

7(A). William Sullivan was Ambassador to Laos from 1964 to 1969. I obtained a copy of his deposition before the Senate Select Committee on POW/MIA Affairs, 103d Congress, from the files on that committee at the National Archives and Records Administration ("National Archives" or "NARA"). Sullivan testified that he had direct oversight over the Central Intelligence Agency, that they "worked for me." See Sullivan Deposition. Exh. 3, at 28 [Bates 000085]. Sullivan testified that there were occasions when they were able to get information of POW/MIAs, and that where they obtained information regarding those who had been captured, they "were fed into the POW system and that person was obviously carried on the list as being a POW rather than MIA or dead." Id. I have not been provided with records containing such information. In particular, I have not been provided with the "list" referred to by Ambassador Sullivan. Sullivan also testified that the Pathet Lao and North Vietnamese would broadcast information identifying POWs that had been captured. Id., at 54-55 [Bates 000086-000087]. I have not been provided with records pertaining to such broadcasts. When questioning Ambassador Sullivan, the Senate Committee referred to information it had about a plan to conduct an operation regarding POWs at San Nuea in 1967 or 1968. Id. at 75-77 [Bates 000088-000090]. I have received no records regarding any such plan.

7(B). Major General Richard Secord, was Laos Chief of Air, Central Intelligence Agency, 1966-1968. Testimony of Major General Richard Secord before the Senate Select Committee on September 24, 1992, see Exh. 23-B at 149 [Bates 000176]. Secord testified that he had personal knowledge of a raid involving David Hrdlicka and two others because he had been involved in an abortive attempt to rescue them in 1966 or 1967, stating, "[you would have to go to CIA to get all those cables, but there's a raft of cables on that." Id. at 151 [Bates 000178]. He also stated, regarding these POWs, "[w]e knew that they existed alive because we had an agent inside. We

knew their names. We knew where they were." Id. I have not been provided any records related to this raid, much less records from an inside agent. I have not been provided with the "raft of cables" referred to by Secord, or any cables at all. Asked who was the dominant collector of information in Laos, the CIA or the Department of Defense (DOD), Secord replied, "CIA, clearly, because of the resources they had on the ground. Asked who had the best information, the Defense Intelligence Agency (DIA) or CIA, Secord replied, "The CIA was in charge of the war [in Laos], not the military. The military helped out a little bit on the side, particularly through the provisions of their assets, but the military had very few people on the ground except for forward air controllers, which were very good, and some air attaches. Whereas the Central Intelligence Agency had several hundred people on the ground in Laos." Id. at 192-193 [Bates 000179-000180]. This description is inconsistent with the dearth of CIA records provided to me in this case.

7(C). Prior to testifying before the Senate Committee, Secord was deposed by it. In response to a question about whether any of the intelligence reports he had reviewed while as a detailee to the CIA or in any other position "referred to prisoners of war or men who were missing in action, Secord replied, "Oh, many, constantly." See. Exh. 23-A at 14 [Bates 000172]. In his deposition, Secord refers to photography taken in connection with this raid. Id. at 54 [Bates 000173]. I have not been provided with any photographs made regarding this raid. Secord also stated in his deposition that the CIA did conduct a raid--he though it was in late 1967--in connection with Americans who were reportedly being held at Mahaxay, Laos. Id. at 58-59 [Bates 000174-000175]. I have not been supplied with any records pertaining to this raid. In 1965 there was a planned rescue attempt under the auspices of Air America, codenamed "DUCK SOUP," which utilized the CIA asset referred to by Secord in his testimony. See Paragraph 7 above and Exh. 23-B at 151 [Bates 000178]. This was an attempt to rescue then Captain David Hrdlicka and

Captain Charles B. Shelton in the Sam Nuea area of Laos. These two POWS held by the Pathet Lao were rescued using CIA assets, including Air America, a CIA proprietary, and American military assets, and indigenous Controlled American Source ("CAS") personnel from the H'mong tribe of northern Laos, Thai forces, and others. One American participant was Air Force pilot Clifford Reese. These POWs were then recaptured. This information is corroborated to a considerable extent by a FLASH telegram from Laotian Ambassador William Sullivan dated June 20, 1965. See Exhibit 5, [Bates 000100]. I obtained this telegram and other State Department documents regarding this raid from the Lyndon Baines Johnson Library in Austin, Texas. The CIA has not provided me with any records regarding this raid. In his deposition, Secord refers to photography taken in connection with this raid. See Exh. 23-A at 54 [Bates 000173]. I have not been provided with any photographs made regarding this raid. Secord also stated in his deposition that the CIA did conduct a raid, he thought it was in late 1967, in connection with Americans who were reportedly being held at Mahaxay, Laos. Id., at 58-59 [Bates 000174-000175].       ].

9. A later rescue attempt was planned for and occurred in Laos in 1971 or 1972. Special Forces Sgt. John Cavaiani was involved in the rescue or planned rescue. Such an attempt would not even have reached the planning stage unless the identities and locations of the POWs had been confirmed. I have not been given any records related to this.

10. Admiral Elmo Zumwalt revealed to me in a conversation I had with him in 1965 regarding documents on the CIA's ongoing POW/MIA tracking after March, 1973, that the CIA wanted to present information on their ongoing MIA/POW operations in Laos to him in 1973 when he was Chief of Naval Operations. I have not been provided with any records pertinent to this.

11. Operation Tailwind was a CIA project. Deposition of Admiral Thomas Moorer,

Robert Van Buskirk v. CNN, No. C99-20899 (N.D.Calif. January 17,2000). See Exh. 6 at 0258 [Bates 000158]. The military did not participate in the planning. "It was the CIA's doing. Id. at 0297 [Bates 000102-000103]. Tracking defectors was one of the CIA's jobs. Id., at 0312 [Bates 000104]. According to Moorer, the CIA "gives the president a report every day on what they [the defectors] do." Id. at 0313 [Bates 000104]. Journalist April Oliver revealed this on CNN.

According to a Wikipedia article on Tailwind, two foot lockers of documents were removed from this POW interrogation site. No records pertaining to this have been supplied. See Exh. 34 at 3 [Bates 000240].

12. In 1994-1995, I interviewed Admiral Thomas Moorer, former Chairman of the Joint Chiefs of Staff. He told me that in 1972 he had authorized a rescue of 60 POWs in Laos. Admiral Moorer told me that, as planned, this raid was second in complexity only to the Son Tay raid. The rescue attempt was cancelled because of the pending Peace Agreement of January 1973. Admiral Moorer stated that the CIA and the Department of Defense had information on this planned operation, and that I should check with the indigenous personnel files known as Controlled American Source or at the CIA. He said this was a joint CIA/military operation. I have not received records regarding this planned rescue operation.

13. Jan Sejna is a Czechoslovakian communist who served as Chief of Staff to the Minister of Defense, as First Secretary to the Communist Party, and as Chief of Staff of the Minister of Defense. November 19, 1992 Deposition of Jan Sejna, Senate Select Committee. See Exh. 24 at 19. [[Bates 000182], Sejna's testimony before the Subcommittee on Personnel of the Committee on National Security. Sejna testified, among other things, that on three or four occasions he saw American POWs in Prague, and that after staying there for about a week they were transferred to the Soviet Union. October 1, 1996 Deposition of Jan Sejna. See Exh. 9 at 24-26 [Bates 000118-

000120]. According to Sejna, these groups of POWs numbered about 20 to 25 each of U. S. POWs taken from Vietnam to Czechoslovakia and then to the Soviet Union. The first group he recalled seeing was in 1967. See Exh. 24 at 65 [Bates 000189]. At the time he saw these POWs, Sejna was First Secretary of the Communist Party to the Minister of Defense. Id at 66 [Bates 000190]. After he was hired by the Defense Intelligence Agency in 1981, Sejna was interrogated by DIA about his knowledge of U.S. POWs being moved through Czechoslovakia to the Soviet Union. Id. at 91 [Bates 000191]. The CIA was tasked by the Air Force to search archived intelligence reports as well as current sources and defectors. See Exhibit 40 [Bates 000273]. I have not been provided records relating to the transfer of U.S. POWs from Vietnam through Czechoslovakia to the Soviet Union.

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

15(A). A DIA document dated December 30, 1980 refers to a meeting held that same day at which representatives of the DIA, the CIA, and the NSA are reported as being present. Rear Admiral J. O. Tuttle, Assistant Deputy Director for DIA reviewed a chronological report regarding POW facilities and sighting in Laos. See Exh. 7-A [Bates 000106]. Although the CIA was present at this meeting concerning POWs, I have received no CIA records regarding this meeting. A January 28, 1981 DIA memorandum on POWs states that since April 1979 the DIA had been investigating information provided by a refugee regarding POWs in Laos. It stated that in November 1980 the CIA had provided information which corroborated the refugee's account and



that overhead imagery had confirmed the location of the detention site. See Exh. 7-B, ¶ 2 [Bates 000107]. I have not been provided with any CIA records which corroborate the refugee's report, nor have I received any overhead imagery. The same document also states that on January 17, 1981, the DIA requested that the CIA "attempt to confirm the presence of U.S. POWs in Laos." It further stated that the "details of the CIA's intentions are contained in the enclosure." Id., ¶ 3 [Bates 000107]. I have not been provided with a copy of the DIA's January 17, 1981 request to the CIA. A December 5, DIA 1991 memorandum states that JSOC (Joint Special Operations Command) was involved in planning the 1981 operation to rescue POWs at Nhom Marrot. See Exh 7-C, ¶ 1 [Bates 000110]. "JSOC was . . . the joint (inter-service) command authority for special operations units such as Delta (Army) and Seal Tem Six (Navy)." Id. In early 1981, JSOC had been "alerted to a possible rescue attempt in Laos for American POWs and had formed a small team to begin planning. Later on, an inter-agency meeting was held to discuss what actions to take. "JSOC, JCS, CIA, and NSA attended." When JSOC argued that Delta should perform the reconnaissance for this mission, the CIA insisted that it had jurisdiction over the reconnaissance. Id., ¶ 5 [Bates 000111]. I have not been provided with any CIA surveillance or other records related to the planning of the Nhom Marrot operation. The existence of this operation and the fact that photographs were taken is corroborated by an "MFR" (Memorandum for the Record) by Bob Taylor, See Exh. 7-D [Bates 000112]. I know Bob Taylor. He was an investigator for the Senate Select Committee on POW/MIA Affairs.

15(B). A March 20, 1981 document which I obtained from the Library of Congress I believe is a CIA document, indicates there was a second operation at Nhom Marrot. The CIA has not provided me with a copy of this document, nor has it provided me with any other records related to this second Nhom Marrot operation. See Exh. 8-A [Bates 000113]. Another document

which I obtained from the Library of Congress POWIMIA records reports that on December 30, 1980, CIA, NSA, and DIA representatives met with someone who showed them photos of "Lao and Viet sites reportedly containing U.S. POWs." See Exh. 8-B at 2 [Bates 000115]. The CIA has not provided me with this document or any other documents related to the referenced meeting or the referenced photographs. This document also refers to a "[s]eries of exchanges between CIA, DIA, NSA [REDACTED] seeking to assure that all possible measures to collect any [REDACTED] of POWs in Nhom Marrath facility." *Id.*

16. MIA/POW satellite imagery was given to the Senate Committee, but was not included in the Committee's 1993 Report, perhaps because it was received too late. The imagery was given to Barry Toll. Barry Toll, ("Toll"), Carol Hrdlicka, wife of a POW, and George Carver (a CIA official who had served three CIA directors from 1966 to 1973 as Special Assistant for Vietnamese Affairs) then gave it to Mr. Kent Wiederman, who accepted it for Mr. Lake of the National Security Council. This and all other satellite imagery has not been provided to me. These facts are corroborated by the Affidavit of Carol Hrdlicka ("Hrdlicka Aff."). Mrs. Hrdlicka, the wife of a well-known POW, Capt. David Hrdlicka, states that the meeting dealt with satellite imagery "picked up at several different times over the years." See Hrdlicka Aff., unnumbered ¶ 2. She states that Toll told Lake that there are other of these photos, which pertained to a POW Wrye, which displayed his authentication code. She also states that Toll told Lake that there were "other men's authentication codes picked up by satellite imagery which were in the stack of documents [he] brought to the White House meeting." *Id.* Mrs. Hrdlicka states that before the meeting she saw satellite imagery of the authentication code of POW Allison, and that it was in the documents turned over to Kent Wiederman. A November 22, 1993 U.S. World Reports article describes the files given to Lake

"were identified not just by agency but by room number, file-cabinet serial numbers and drawer numbers." See Exhibit 33 [Bates 000233].

17. In 1993-1995, I spoke with Mr. Harry Pugh, a CIA employee about American POWs in China. He told me over the telephone that all that documentation was in the basement of the CIA, and he did not have time to go through it all, and that nobody had gone through it.. The record in this case does not reflect a search of this location.

19. I received from a member of an American POW family a CIA document, an Intelligence Information Report from the Directorate for Plans whose subject is the "Preliminary Debriefing Site for Captured U.S. Pilots in Vinh Phu Province. . . ." It reports on the location of a debriefing facility for U.S. pilots shot down over Vinh Phu Province. The site was located at the Lam Thao Superphosphate Plant. See Exh. 10 at 1-2 [Bates [Bates 000121-000122]]. The CIA did not provide me with this record nor any other documents pertaining to this debriefing facility.

20(A). Exhibit 11 consists of two documents I obtained from the National Archives Collection on POW/MIAs. Exhibit 11-A [Bates 000123] is a typed memorandum which reports that President Reagan, William Casey, and Vice President George Herbert Walker Bush came into the Roosevelt Room of the White House from the Oval Office and joined other Reagan administration officials there. The document indicates that a meeting and a conversation which occurred just prior to it concerning an offer the North Vietnamese made concerning U.S. POWs which involved payment of \$4.5 billion. President Reagan is reported as having told CIA Director William Casey "to do something about it [this offer]." This typed report is supported by Exhibit 11-B [Bates 000124], the handwritten notes of someone who appears to have been present at the meeting. This meeting is mentioned in the Senate Select Committee Report at 32. See Exh 32 [Bates 000214].

The CIA has not provided me with any records related to this 1981 meeting or the North Vietnamese offer or what the CIA (Casey) did in response to it as directed by President Reagan.

20(B). I interviewed a Secret Service employee, John Syphrit, who overheard CIA Director William Casey inform President Ronald Reagan that the Vietnamese had made an offer to hand over live American POWs in exchange for \$4.5 billion. According to Cong. Bill Hendon, Syphrit also told this to him, and Syphrit's account was later corroborated by "at least one senior Reagan Administration intelligence official. See April 19, 2008 Affidavit of Hon. Bill Hendon ("Second Hendon Aff."), [Hendon Bates 125-26]. According to what Syphrit told me, at President Reagan's request at the above-referenced 1981 meeting, Casey instructed a CIA employee to go back to the CIA and bring the confirming documentation to the White House for the President. Exhibit 11-C [Bates 000125], a letter from the Senate Select Committee on POW/MIA Affairs to Syphrit indicates that the Committee wanted to question him about the North Vietnamese offer. I have been provided no records pertaining to the documents which Syphrit says Casey instructed a CIA employee to take to the White House.

21. The CIA has not stated that it searched any overseas field stations for responsive records. Witnesses before the Senate Committee testified repeatedly to the involvement of CIA field stations in Vietnam, Laos, Cambodia, and Thailand in the gathering of information about POW/MIAs. At the National Archives I reviewed the testimony of the Chief, East Asian Division (1976-1981), which supports this statement.. See Attachment 1-A [Bates 000026]. I did not however, copy the text of his testimony at that time, and it has since been re-classified. However, I also reviewed the testimony of the Chief of Station, Vientiane, Laos (1970-1973), and I did make copies of it, so I attach pertinent pages from that testimony, even though it, too, has been re-

classified. See Attachment I-B [Bates 00027-00036]. Thus, there should be CIA records on POW/MIAs in those field stations or in archives created for such records.

22. The Koch Declaration lists the search terms used by the Directorate of Operations. The use of the terms listed was too limited to ensure an adequate search. Many other terms have been commonly used to describe POW/MIAs. For example, my research shows that prisoners of war were routinely referred to by native populations and in published news/propaganda reports as "war criminals," (see Senate Report, Exh. 32 at 246)[Bates 000228], "pirates," (id. at 228, 244 [Bates 000222, 000224], "air pirates" (id. at 244, 770)[Bates 000224, [000230], "criminals" (id. 80, 244, 255)[Bates 000220, 000224, 000226], "common criminals" (id. 68)[Bates 000185], "political criminals" (id.), "breathers" (id. at 255)[Bates 000226], and "defectors," (id. 231, 851, 960)[Bates 000223, 000231, 232]. For example, a CIA memorandum produced as an attachment to Cong. Hendon's Second Affidavit has as its subject heading "The Transfer of Caucasian Prisoners by Truck from Thanh Hoa to Quang Ninh Province, Socialist Republic of Viet Nam, 1982." See Second Hendon Affidavit at [Hendon Bastes # 000042]. Another reference to Americans who might be POW/MIAs was "long shadows" See Affidavit of Larry J. O'Daniel, ¶ 17.

23(A). In my review of publicly released reports and documents from the CIA and other agencies, the following code names have surfaced as the designations for operations related to or connected with POW/MIAs: Bright Light (a DOD collection and reporting system on POWs and prison camps), Trail Watch (a CIA project using, among others, Controlled American Sources and "indigenous personnel" to observe POW and military movements on routes in Laos and elsewhere), **Project Alpha** (an Air force mission to track the location of POW/MIAs to protect them against inadvertent US bombings, Operation Pocket Change (a 1981 plan to reconnoiter--including using

photography and listening devices--and rescue those believed held in Laos), **Project Corona** (an operation to photograph--including imagery taken by satellite--and interpret troop movements in South East Asia, including along the Ho Chi limb Trail), and **Duck Soup** (the CINPAC Air America name for a supply operation also used to rescue POWs, possibly including Col. Hrdlicke, from Laos). In each of these operations, there is publicly available evidence of the CIA's involvement. The CIA should have searched under these names, and under the CIA's own codename for these operations, if it had one. I have not received any records related to these operations.

23(B). Terry Reed was in Air Force intelligence for eight years. He did research on POW/MIA issues. In a deposition, Reed testified that POW sites were being constructed at pumping stations and other locations "in order to force us [the Air Force] to comply with the Geneva Convention. See Reed Deposition, Exh. 19 at 9-10 [Bates 000162-000163]}. Reed states that under Project/Task Force ALPHA, a decision was made "to allow the strikes to actually penetrate those target complexes where the POW'S were held." *Id.* Reed's unit supported this targeting program as "the "target coordinator . . .for the CIA to conduct their activities." *Id.* at 11 [Bates 000164]. The CIA has not provided any records pertaining to these CIA activities.

23(C). Army intelligence/counter intelligence officer Larry J. O'Daniel details the following code names which had to do with POW/MIAs. He states there were seven such programs code-named after trees. See Affidavit of Larry J. O'Daniel, ¶ 21(B). He names three of them-- Program/Project Cherry, *id.* at ¶ 13, Program/Project Oak, Program/Project Cherry and Program Pine, *id.*, ¶ 15. The other names are classified. He also names other code-names of projects or programs: Blackbeard, *id.*, Combined Area Studies (CAS) (not to be confused with "Controlled

American Source," which shares the same acronym); Nantucket, Vesuvius I, Sunshine Park and Gunboat. Id.

24. It is also clear that the CIA kept a list of suspected prison sites by name and grid coordinates. See CIA document # 94-0036, reproduced as Attachment 2 hereto [Bates 000035A], which shows one such list (date unknown). These prisons should also have been used as search terms.

25. [Deleted]

26(A). Former congressman Billy Hendon from North Carolina, who served on the House POW/MIA Task Force in the 1980s, states in his April 19, 2008 affidavit ("Second Hendon Affidavit") that he and Cong. John LeBoutillier met with CIA Director William Casey at his office in Langley, Virginia, to discuss the POW/MIA issue. He says that on "at least one occasion Casey shared with us either satellite imagery or aerial photography which showed laundry in the form of the escape and evasion codes on the roof of the Tran Phu prison in Haiphong, Vietnam." See Second Hendon Aff., ¶ 8. Cong. Hendon states that he believes the CIA still possesses this imagery. The CIA has not provided me with any such imagery. Hendon remembered being shown satellite imagery aerial photographs of escape and evasion codes on the roof of a prison in North Vietnam. Casey told him that only an imprisoned U.S flier could have made the codes on the roof. Id. He also remembered in some detail being shown photographs of the construction through completion of a prison in Nhom Marrott, Laos. Id., ¶ 10. . Cong. Hendon also states that he believes the CIA is in possession of both the satellite imagery and hand-held photography regarding this site. The photographs to which Cong. Hendon refers have never been acknowledged or released, nor has any other information about these meetings been released by the CIA..

26(B). Cong. Hendon states that in 1981 he was briefed as a member of the House MIA/POW Task Force by US. Government officials regarding a prison camp near Nhom Marrot, Laos. He and Cong. LeBoutillier were shown the month-by-month progress in the construction of this camp, from the clearing of the jungle to the completion and building of guard towers. Second Hendon Aff., ¶ 10. He states that he viewed a number of these photographs in 1981, and again while an intelligence investigator assigned to the Senate Select Committee in 1992. *Id.* ¶ 10. Later, CIA Director Vice Admiral Bobby Inrman briefed Hendon and other members of the POW Task Force on this mission and showed them a number of black and white hand-held pictures said to have been taken of the camp by a reconnaissance team. *Id.*, ¶ 11. I have not been provided with any such records.

27. Former Congressman John LeBoutillier confirms Cong. Hendon's statements with respect to certain briefings that occurred at the CIA. In his declaration, Cong. LeBoutillier states that Hendon was involved in briefings he attended, and that he understood that "the photographs and intercepts we were shown were CIA documents," and that to his knowledge, "these documents have never been released by the agency. *See* Exh. 15, LeBoutillier Declaration, ¶ 9 [Bates 000147]. LeBoutillier states that in 1981 and 1982 he visited Laos four times, and that Laotian officials told him that in exchange for certain aid they would make sure that their people looked for and found missing American POWs. *Id.*, ¶ 10 [Bates 000148]. He further states that he knows that U.S. AID officials met with Ed Meese and CIA Director Casey and a shipment of \$200,000 in medical supplies was approved, but that after the first shipment, Robert McFarland ordered a halt to the shipments. He also says that he knew that "the CIA was involved in both the decision to approve and stop these shipments." *Id.*, ¶ 11 [Bates 0001448]. The CIA has not supplied any records relating to these decisions. LeBoutillier asserts that in both Bangkok, Thailand



and Vientiane, Laos, "all live sightings that came into the Embassy went directly to the Station Chief." Id., ¶ 12 [Bates 000148]. The CIA has not provided me with any records related to any such live sightings. Finally, LeBoutillier states that while he was in Congress, and for several years later, he had various meetings with CIA Director Casey on the POW/MIA issue. To his knowledge no reports of these meetings have ever been publicly released. Id., ¶ 14 [Bates 000148-000149]. Nor has the CIA ever provided me with any such reports.

28. The CIA has not shown that it searched the files of the National Photographic and Interpretation Center ("NPIC"), which Cong. Hendon describes as a joint CIA/DIA command. See Second Hendon Aff., ¶ 19. Hendon makes clear that NPIC had relevant materials, stating that Mr. Robert George Dussault, who was Deputy Director of the U.S. Air Force Joint Services SERE Agency (JSSA)--the agency responsible for survival, evasion, resistance and escape (SERE) training for U.S. pilots--met with CIA photo interpreters "to review all the postwar imagery relating to POWs and to further discuss the Serex imagery in depth." Id. Serex was the name of a POW (Henry M. Serex) whose name was captured on satellite imagery along with his secret pilot identification code. The CIA advised Dussault that this imagery had all disappeared. Id. Under the Freedom of Information Act, the CIA must account for its efforts to locate such records.

29. In the records of the National Archives, I found a copy of handwritten notes concerning a February 1981 meeting with the President, Vice-president, CIA Director Casey, and others in which a North Vietnamese proposal to trade information about POW/MIAs for money (specifically 4 billion dollars) was discussed. Attachment 4 [Bates 000042] The CIA has not released or acknowledge any information about this meeting or about any such proposal from a foreign country. From research I have done in the files of the Senate Committee, I believe that a Secret

Service Agent, John F. Syphrit, was in attendance at that meeting. See Attachment 5. This meeting is mentioned in the Senate Report, at page 32. See Exh. 32 at 32 [Bates 000214].

30. Richard V. Allen, deputy national security adviser under President Nixon (1968-69) and senior foreign policy and national security adviser to President Reagan. Allen testified to the Senate Committee about seeing in 1981 a photograph of escape and evasion codes stamped in the grass at what was understood to be a Vietnamese prison. See Attachment 6, Deposition of Richard V. Allen at 41-45 [Bates 000053-000057]. He testified that President Reagan launched an operation to investigate the site. Id., at 43 [Bates 000055]. However, when the mission arrived at the site, the camp was found to be abandoned. Id. at 44 [Bates 000056]. Despite Mr. Allen's testimony about CIA involvement in the preparation for and conduct of this mission, the CIA has failed to release any records pertaining to it.

31. Admiral Bobby Ray Inman, who served as Deputy Director of Central Intelligence from early 1981 through 1982, indicated in his testimony that maps of activities going on in northeast Laos appeared to flow from the CIA to the NSA. Deposition of Bobby Ray Inman, U.S. Senate Select Committee on POWNIA Affairs, September 9, 1992. See Attachment 7 at 45 [Bates 000060].

32. Attachment 8 [Bates 000113-000116] hereto consists of Briefing Board notes and a map that I obtained from the Library of Congress collection on POWIMIA records, including one Briefing Board note about the Son Tay camp, where an unsuccessful raid to rescue POWs was conducted. While the identity of the agency which created these documents is not apparent, I believe they were either created by the CIA or based in substantial part on information provided by the CIA. This is supported by a Defense Intelligence Agency memorandum of January 23, 1981, which specifically requests the CIA to prepare a model of a camp. It is apparent from these

documents that they were maintained on each known or suspected facility and were updated regularly. While the Library of Congress has a collection of some of these reports for Vietnam prior to the end of the war, nothing has been acknowledged or released about camps in Laos or Cambodia or other countries. Attachment 9 [Bates 000067-000083] consists of several CIA Intelligence Cables documenting that it collected this kind of detailed information on POW/MIA movements and suspected camps. However, all of the records acknowledged and released by the CIA predate 1972 and the end of the war. It has not provided me with any such post-war cables. A May 5, 1972 CIA Memorandum proposes the transfer of information to the DIA member of the Interagency Prisoner of War Committee (IPWIC). See Exh. 18-A Bates 000150]. The CIA has not provided me with a copy of this document in this lawsuit, nor has it provided me with copies of CIA records involving its input and receipt of information from IPWIC. A document obtained from NARA states that IPWIC "is the only intelligence committee responsible for matters relating to missing and unaccounted for American personnel in Southeast Asia. See Exh. 18-C, ¶ 5 [Bates 000153]. It also notes that "CIA is the only non-DoD member to IPWIC. Id., ¶ 4. This document also states that A draft dispatch, apparently from 1971, to the CIA Chief of Station in Vientiane, Laos, refers to a "data bank of intelligence on PW camps in in Laos and adjacent areas." See Exh. 18-B, ¶ 1 [Bates 000151]. The CIA has not provided me with any materials related to this data bank. This document further states that a recent "working level interagency review" supported the view that "if any American PWs are in Laos, they are in the Sam Neua Ban Tong complex in northeastern Laos. . . ." Id., ¶ 2. I have not been provided with any records pertaining to this review. This document also refers to a model made of a certain camp site in Laos and to photographs of it which are said to be enclosed. Id. I have not been provided with any records relating to this camp or the photos taken of it. Id., ¶ 4. Finally, this document refers to an indices

search which revealed "several reports on American PWs in Laos. . . ." Id., ¶ 6 [Bates 000152]. I have not received these reports.

34. Mr. Terry Reed, an Air Force intelligence officer during the Vietnam War, testified in a deposition in a Freedom of Information Act case that in 1970, when he was stationed at a unit called Task Force Alpha I, Nekhon Phenom, Thailand, he was involved in an extremely classified project which was called "The Project." August 3, 1992 Deposition of Terry Reed in Reed v. Department of Defense, Civil Action No. 91-1736 . at 9. See Exh. 19 at 9 [Bates [000162]. "'The Project' . . . was a codename for Task Force Alpha." Id. Mr. Reed was a targeter and he supervised and directed targeting strikes. His unit became aware that POWs were being placed in "a very hostile, threatening environment . . . in an effort to prevent American targeting efforts in Laos and North Vietnam." Id. Thus, small POW sites were being placed near targets such as gasoline pumping stations. Id., at 10 [Bates 000163]. When Reed arrived at his unit, he was briefed as to the habit pattern that was developing of the Kamir Rouge or North Vietnamese tending to co-locate prisoners certain target elements, and that we had gone so far as to establish safeguards within the computer to prevent inadvertent bombing there." Id. at 13 [Bates 000165]. According to Reed, the targeting safeguard system was very simple: "If you listed a target as a POWIMIA possible complex or if you listed it as a hospital, for example, it would be automatically rejected by our computer." Id. However, later, Reed was informed, "at a unit level . . . that the safeguards would be removed from the computer system. In other words, the computer would accept the target request from the other unit without alerting that unit that it was, in fact, . . . a potential POW location." Id. at 14 [Bates 000166]. I have not been provided with any records related to the activities described by Reed.

35. Exhibit 38 contains eight documents prepared for the White House Situation Room and circulated to CIA units such as the Office of Current Operations or the DCI. See Exhibit 38-A through 38-L [Bates 000251-000265]. I understand these documents are commonly referred to as "Exclusive For" documents. Each of these documents are from the 1980s and concern live POWs.. I have not been provided such records for other periods of time when the CIA should have been briefing the White House on the POWIMIA issue.

36. Exhibit 21 [Bates 000167-000170] is an undated table of contents for a Draft MACVSOG ("Military Assistance Command Studies and Observation Group") Documentation Study which describes the cooperation between the DOD and the CIA with respect to covert operations in Vietnam and Laos prior to 1964. It explains the history and origins of MACSOG ("Military Assistance Command/Studies and Observation Group"). In addition to confirming a connection between SOG and the CIA, this document makes several references to "SASCA," "SACSA," and "CAS," which appear to be acronyms for joint CIA/DOD efforts. Other records reflect direct SACSA involvement in the rescue of POWs in the CIA's domain of Laos. I have only one CIA document, dating to 1971, that refers in any way to SACSA. From that document, it is clear that the briefing involved the collection of intelligence on POW/MIAs, and it references the CIA'S involvement in such activities, the location of all POW/MIAs, and likely prison camps. I have not been given any of these documents.

37. At NARA I located a document reporting on the Nhom Marrot Detention Facility. It reports on a suspected prison camp in Laos where 30 POWs were said to be held. It refers to a CIA report. In addition, the document ends with DIA request for the CIA to conduct an operation to verify information about the suspected prison camp,

which the CIA agreed to undertake. See Exhibit 7(B) [Bates 000107]. This document supports the testimony of Cong. Hendon, see Paragraph 26 above, about the Nhom Marrot incident. Despite these two sources of information about CIA involvement with intelligence gathering on Nhom Marrot, the CIA has never acknowledged or released any information on this facility.

38. With respect to Item 3 of my request, which requests documents on POW/MIAs in Laos from 1971-1975, it is clear from the information I have set forth above that the CIA was involved in collecting and monitoring such information. In addition, CIA station chiefs testified before the Senate Committee that the CIA had primary responsibility for interviewing all human sources of such intelligence, including refugees during this period. See Attachments 1 and 3 [Bates 000026 and 000036]..

39. Under Exemption 2, the CIA appears to be withholding information such as administrative markings, routing information, file locations or numbers, etc. This kind---of information is of interest to the public because it provides knowledge of where records are located, who was aware of what, who did what, etc. The CIA's removal of the administrative information on documents and routing sheets prevents me from knowing where I should seek additional information under the Freedom of Information Act and thus defeats the public's right to know.

40. A March 9, 1988 CIA memorandum which pertains to alleged sightings of American POWs in North Korea 1975-1982. It specifically references 10 military pilots captured in North Vietnam who were taken to North Korea. I have been provided with no documents pertaining to these POWs. See Exh. 35 [Bates 000242-000243]. Additionally, there must have been similar subsequent records which I also have not been provided

42. Exhibit 36-A is a April 22, 2008 letter from Kristin Welhelm of the National Archives to me which attaches a list of depositions taken before the Senate Select Committee on POW/MIA

Affairs that have been "withdrawn in full" from public access. See Exhibit 36-A [Bares 000244-000245]. Exhibit 36-C is an April 28, 2008 letter from Archives Specialist Thomas Haughton to me which acknowledges my request for mandatory declassification review of the depositions of John Mason and William Graver and advises me that it may be necessary to send them to the CIA for review. See Exhibit 36-C [Bates 000249]. I have heard nothing further from the National Archives or the CIA. The CIA has not provided me with copies of any of the depositions referenced in these letters or accounted for their withholding. Exhibit 36-B [Bates 000246] is a typed note by Ms. Wilhelm, May 25, 2006, which attaches a list of depositions Senate Select Committee documents on POW/MIAs which the CIA withheld in full in response to my request for mandatory declassification review. The CIA has neither provided me with copies or nor accounted for their withholding in this lawsuit.

43. In his November 9, 1993 letter to the President, CIA Director R. James Woolsey stated that the CIA was withholding 574 documents pertaining to POWs. These records have not been provided to me nor their withholding justified.

44. Exhibit 41 is a March 12, 1982, Foreign Intelligence Information Report from the CIA's Domestic Collection Division. It reveals alleged Soviet incarceration of U.S. Vietnam era POWs. I have not received any records regarding this from the CIA.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3<sup>rd</sup> day of June, 2008.

  
ROGER HALL

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