

March 25, 2009

Armed Services Committee  
Military Personnel Subcommittee  
2340 Rayburn House Office Building  
Washington, DC 20515

Subject: Written Testimony for the April 2, 2009 POW/MIA Hearings (curriculum vitae appended).

## POW/MIA ACCOUNTING REQUIRES FULL - NOT SELECTIVE ACCOUNTING

I am Roger Hall, Executive Director of Studies Solutions Results, Inc. an independent research organization seeking truth and declassification of all Prisoner of War/Missing in Action (POW/MIA) documents so that the problem imbedded in and surrounding unreturned POW/MIAs can be brought to light. A full accounting is necessary to bring back all unreturned POWs and MIAs, this has not occurred. We seek to have all POW/MIA evidence identified, examined/investigated, declassified, and live sightings competently acted upon. Unrevealed POW/MIA documentation exists in many different US government departments and agencies (i. e., the Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), and the National Security Agency (NSA) among others. A good amount of the information I will refer to has been withheld from previous congressional committee inquiries into the attempts at a full POW/MIA accounting and their return to America.

The Armed Services Military Personnel Subcommittee does not have oversight over or control all aspects of the POW/MIA issue. Congressman Skelton, Chairman of the House Committee on Armed Services stated in his June 23, 2008 Dear Colleague letter that the "House Armed Services Committee's has full jurisdiction over matters relating to POW/MIA affairs, including oversight of the major government offices handling this important issue: the Defense POW/Missing Personnel Office (DPMO) and the joint POW/MIA Accounting Command..." and that "establishing a Select Committee only creates false expectations and perceptions" (see Exhibit # 1). Of course the DOD would not want a select committee, what government department would volunteer to be audited.

The intelligence agencies and others involved with POW/MIA information have not been called to testify at these hearings, not even in closed session. To properly investigate the POW/MIA matter - information, including classified POW/MIA documents of the CIA, DIA, and other intelligence agencies must be considered in full. It is the DIA that is concerned with live POW/MIAs. Until this year there was not a Military Attaché in Laos and intelligence activities, apart from DIAs overt Stony Beach detachment, it was the intelligence domain of the CIA. A select committee would best bridge these domains.

The Military Personnel Sub-committee has not released or required the release of POW/MIA documentation since 1996. The close sensitive relationship between the Department of Defense and the Military Personnel Subcommittee also prevents it from the necessary concerted effort in oversight on behalf of most of the POW/MIA families and the American public on matters within its domain. Investigative resources for a necessary

investigation of the many documents still classified could best be handled with additional resources within the House of Representatives with broader coverage and powers than presently available.

A POW/MIA Select Committee as proposed by House Resolution 111 (H. Res. 111) would apply those necessary resources, not otherwise available, to fully examine new and previously undisclosed information beyond the DPMO and JPAC.

There is documentation on those now known to have been alive at these wars end. Some important documentary evidence revealed since 1993 by civilians and those in government on live POWs has been left to time without necessary resolve. Some documentation withheld from the Senate Select Committee on POW/MIA Affairs (1993), and possible from other Congressional Committees is also given on the following pages.

The POW/MIA Community consists of many different groups concerned with unreturned Americans from our different wars. No one group represents the interests of the others. It has been said that those who seek a select committee are conspiracy theorists. Those that objected to the 1992-93 Senate Select Committee now also oppose a select committee in the House of Representatives they fear will upset their relationship with the Vietnamese; they also now use the accomplishments of the 1992-93 Senate Select POW/MIA Committee as the status quo they wish to maintain.

However, a review of remains from Vietnam shows that remains return continued during the 1992-93 Senate POW/MIA Committee and since, and that remains returned from Laos also improved. Some objectionists are understandably intimidated by those governments and psychology desperate. This comes from the burden of not wanting to be seen as rocking the boat by foreign governments with whom they depend on for the return of those killed in action. Most POW/MIA family members want the POW/MIA matter to be dealt with openly and those killed in action returned along with any possible survivors.

We seek the evidence, including classified documents, to be investigated and action taken to reveal the truth on unreturned POW/MIAs. No existing committee has the intent or resources to do this, a select committee would serve the Armed Services Military Personnel Subcommittee and the American people well.

### **Some Consideration for a House Select POW/MIA Committee**

There are over 574 POW/MIA documents, that we know of, that are still classified by the CIA (See Exhibit # 2 ).

In 2006 Mr. Newbury the former temporary head of DPMO stated at the National Alliance of [POW/MIA] Families meeting that the DPMO still had not been able to get many POW/MIA documents from the CIA but they were making some headway. This is tragic.

The DPMO received [other] POW/MIA documents from the CIA, of which the CIA transfers ownership. The DPMO states they cannot track this documentation because they

are put in individual case files. This cannot be so because there are letters of transfer of documents, particularly classified documents. This mishandling of CIA files hides them from release and declassification under the Freedom of Information Act (FOIA) and is wrong.

The son of Pathet Lao Red Prince Souphanuvong of Laos, Kaham Say Souphanuvong, defected to New Zealand. He was exposed to live POWs during the Vietnam War and information on other POWs.

### **Secretary of Defense Laird**

The POW/MIA records of the US Army 525<sup>th</sup> Military Intelligence Group are missing. These missing documents and many others drove the Senate Select POW/MIA Committee to question former Secretary of Defense Melvin Laird on missing POW/MIA records. He told them that all they had to do was look in the records of his daily "Breakfast Meeting." He started each day off with such a Breakfast Meeting and the first topic each day was POW/MIAs, and that a copy of every document generated on POW/MIAs could be found in those records. The DOD could not find four years of those records for the Select POW/MIA Committee; The DOD hid these documents from the 1993 POW/MIA Committee. I requested them under the FOIA and was told they couldn't be found. However I located them and had them sent back the DOD under a new FOIA in 1998; to date they have not declassified any of those POW/MIA records.

### **Military Attaché's**

During the Vietnam War the US military attaché's to Laos had a separate attaché's for each branch of service. POW/MIA information from those and the records of the military attaché's for Vietnam, Cambodia, Russia and China were not revealed to previous POW/MIA committees should be reviewed and are exempt under the FOIA.

### **1205 Document**

In 1993 a Professor Morris of Harvard University located three POW documents in the Russian Archives. One document was a statement by Lt. General Tran Van Quang to the September 1972 North Vietnamese Politburo. He stated that they [North Vietnamese] had 1205 American POWs. That they were only going to return half of them to assure they got out of the Americans what they wanted (i.e., complete withdrawal, reconstruction aid, and to cease helping the South Vietnamese). There is also a two page GRU letter with this document. The North Vietnamese only released 591 American POWs in 1973, we did not pay the North Vietnamese \$5.25 billion dollars in reconstruction aid, we continued to support the South Vietnamese under our Vietnamization Program; and we never got the remaining POWs back. Witnesses have been located that can give information confirming the validity of the document. (1205 document available on request)

### **100 POWs transported to Russia**

Former communist Czechoslovakian General Jan Sejna, the highest ranking communist to ever defect, administered an operation/program where three groups of American's totaling over 100 American POWs were taken from Vietnam, transferred and received in Czechoslovakia by a unit administrated by him, were met by the KGB and GRU - and then transferred on to Russia. Two additional witnesses who were present during these

POW transfers have been located who can corroborated that those American POWs had been in Czechoslovakia and their movement to Russia.

### **Planned 1972 Rescue of 60 POWs from Laos**

In 1994-1995 I was informed by former Joint Chiefs of Staff Admiral Tom Moorer in his McLean Virginia home that the JCS had a planned rescue of 60 POWs held in Laos in late 1972. Admiral Moorer revealed that the planned raid, second in complexity only to the Son Tay raid, was for the rescue of 60 Americans held in Laos by the Laotians. The DOD knew the names, location, and other information of the POWs. The rescue was cancelled because of the 1972 Christmas bombing and the pending Paris Peace Agreement. The rescue never occurred. He stated that the CIA and DOD had that information.

### **DPMO Intentional Limitations on Live Sighting Investigations**

There are also problems faced by POW/MIA family members from DPMO including failure to Authorize Live Sighting Investigations and the attempt to limit Stony Beach (DIA) activity. Reports of live POWs in Southeast Asia are not investigated. Sources reporting live American's are reported to Lao Peoples Democratic Republic (LPDR) and arrested leaving American Embassy in Laos (See Exhibit # 3). See additional information from Carol Hrdlicka (See Exhibit # 4) and Ann Holland (See Exhibit # 5).

The 2001 Senate Intelligence Authorization Act requires investigation of live sighting reports received as of 1990. However, Live Sighting information is turned over to the country where the sighting occurred, before US investigators can inquire in country, resulting in the indigenous source being locked up, disappeared, or feigning ignorance.

## **Additional Seed for Investigation**

### **CIA 1965 & 1971 Duck Soup Hidden Rescue(s)**

Duck Soup was an Air America supply operation for Lima Sites in Laos that was also used as a cover for other CIA activities including the rescue of POWs. An attempted rescue of two Air Force POWs David Hrdlicka and Charles Shelton, captured in Laos in 1965 were the objective of a Duck Soup rescue in 1965. The head of CIA Air Operations, then Major now retired Lt. Gen. Richard Secord, oversaw this attempted rescue. The DPMO, DIA and CIA pretend that they do not know of this rescue and refuse to acknowledge any attempted rescues of POWs from Laos. General Secord reported to the 1993 Senate committee that there was a raft of documents on the POW rescues at the CIA; the documents have never been released, and indicate additional rescues (See Exhibit # 6).

I located White House [declassified] copies of the above Duck Soup rescue documents at the Johnson Presidential Library; The document from. US Ambassador in Laos stated that Our might Meo [H'moung] report ... that they have succeeded in recapturing a US pilot from the Pathet Lao and had walked him out to friendly territory. Reported to have been either Hrdlicka and Shelton and that an Air America helicopter was on its way (See Exhibit # 7 ). The CIA has refused to release this information under the FOIA, Executive Order 12812, Presidential Decision Directive NSC 8, requests from POW/MIA family members, and the Senate Select Committee on POW/MIA Affairs of 1992.

Others that had knowledge of the rescue were a Lt. Gen. Clifford Reese, then an F-105 pilot who was tasked to fly cover for the 1965 Duck Soup rescue. Bronze Star recipient,

Moua Chung, a member of the 500<sup>th</sup> Military Intelligence Group (MI GR) who was involved in the 1965 rescue of Hrdlicka and Shelton, and CIA employee William McLean who was in Laos at that time. There was at least one other Duck Soup rescue in the 1970s this information is available upon request.

I am very disappointed in the Department of Defense and CIA's lack of cooperation with the POW/MIA Committees of the US Congress in informing them, POW/MIA families, and the American public on POW rescues. They operate without being held accountable for their actions, or deceit on unreturned surviving Americans.

Rosemary Conway was a civilian prisoner of the Pathet Lao in the summer of 1975. She had the Royal Laotian Air Force pilots fly their planes to Thailand just before the communists took over. While locked up next to the main interrogation room she heard them talking about their POWs, including Civilian POW Debruin, and that they were being transferred to the northern part of Laos. She has never been deposed by any Congressional committee.

### **Special Forces/Delta Files**

There was more than one reconnaissance's of POWs camps holding Americas in Laos in 1981-1988. A 1981 recon was originally to be run by the DOD but it was taken over by the CIA. CIA disinformation followed the operation and this intelligence was never revealed to the 1993 committee. The CIA did not reveal the pictures taken on the recon or reported voice recordings to the Select POW/MIA Committee.

### **NSA**

The Report of the Senate Select Committee on POW/MIA Affairs states that POW/MIA information provided by Jerry Money, a former NSA analyst, on POWs taken to Russia and China could not be verified. This was in part because some of it was secondary information compiled from other NSA analysts, three other NSA analysts were available to testify, only one Mooney was allowed. He was threatened with prison if he went public with the classified information. However, he went back out to the NSA and his security clearance was renewed and he located some of the documents the NSA could not locate for the 1993 committee. These documents were published in September of 1992 in NSA Technical Report 002-92. The information in the NSA report was not published in the 1993 POW/MIA Select Committee Report that stated Mooney's testimony could not be verified.

### **Senate Select Committee On POW/MIA Affairs (1992-1993)**

Satellite imagery not received in time for consideration in the Senate Select Committee on POW/MIA Affairs was given to the National Security Council (NSC) staff in 1994. These documents are not listed with others of the Senate Select Committee records at NARA and are not part of the Senate Security inventory for the committee because they were received after the committee ended and therefore not included. This satellite imagery was sent to the DPMO by the NSC staff.

The case of Missing/Captured U. S. Army Spc. Kousay Altaie, kidnapped Oct. 23, 2006 outside Baghdad's Int. Zone has not been resolved.

At least five American were captured in Afghanistan since October 2001. there are two Special Forces and three civilians of Afghan decent reported captured by Al-Jazeera from al-Queda. No names have been released or correlated with the captured POWs. This is what happened in Laos when it goes unchecked.

### Conclusion

The withholding of information on Live POWs from the congress and POW/MIA committees is a conflict of interest by the military in their stated position of leaving no man behind. With the past withholdings of documentation on live POWs - government departments and agencies now also withhold that documentation to protect the reputation of the agencies and those responsible or in command in the past.

The institutionalized withholding of POW documentation must be based on the actual potential damage to national security over the life and liberty of POWs, not some trade agreement or other treaty. Some reasons for withholding documents for national security reasons include foreign relations with another country, or pending treaties. To withhold information on live POWs is worse than a conflict of interest. Un-sworn testimony from witnesses will not enlighten all the POW/MIA families, the American public, or the Congress.

All POW/MIA documents should be declassified and available to the public through the Library of Congress with the original documents kept in a secure environment, and at least the identification of documents by subject and document number that are still kept classified.

A select committee would address the matter of classified documentation at the various DOD agencies and the CIA, while bridging the domain of the various committees of the House of Representatives, and make recommendation for declassification of POW/MIA documents to the American people. Without a Select Committee on POW/MIAs an accurate resolution remains fragmented and confounded.

The DPMO and JPAC while addressing those countries where unreturned POW/MIAs exist are so focused on the remains segment of the POW/MIA issue that they shy away from the hard questions of live POWs. Although the Military Personnel Subcommittee does receive classified information it is content to let the DOD keep the information from the public and the full congress. Some families are concerned with hteir cases and fear upsetting a less than thorough accounting process, negotiations cannot proceed under duress. Without a Select Committee on POW/MIAs an accurate resolution remains fragmented and confounded.

Additional documentation available upon request.



Roger Hall, Executive Director

### Curriculum Vitae – Roger Hall

Military Service	1958-1962	US Marine Corps	MOS 0311
Education	1986	Montgomery College, MD	Assoc. CS
	1988	Univ. of MD, Univ. College	BS IFSM
	1998	Univ. of MD, Univ. College	MS Management
	2001	Univ. of MD, Univ. College	MBA

#### POW/MIA Experience:

I was introduced to the POW/MIA issue by former POW Admiral William P. Lawrence in 1993; he networked me through 15 additional returned POWs to assure I had a solid foundation before I began serious research into this important matter. I began my archival research into matters pertaining to unreturned POW/MIA at the National Archives and Record Administration in March 1993 and was one of the first 5 people to go through the investigative records of the former Senate Select Committee on POW/MIA Affairs.

During my 1993 studies I performed the first non governmental survey of 490 returned POWs and received a 240 response to my inquiries.

1993 – Began Freedom of Information Act requests for unreleased and some still classified POW documentation.

1995 - Filed written testimony before the Military Personnel Subcommittee.

1998 - Filed Freedom of Information Act litigation in US District Court, Washington, DC against the CIA for POW/MIA Documentation under my own name and on behalf, 48 POW/MIA families, and the public good.

1998 - Incorporated Studies Solutions Results, Inc. in the state of Maryland, and was approved as a 501(C)(3) corporation by the internal Revenue Service.

2004 - Filed a second FOIA litigation case against the CIA for Studies Solutions Results, Inc., 48 specific POW/MIA families, all other unreturned POW/MIAs, myself, and the public good. That case is still outstanding.

I have not receive any federal grant (including subgrants) and contracts (including subcontracts) from the federal government for the past three fiscal years.



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