

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JEFFERSON MORELY, :  
 :  
 Plaintiff :  
 :  
 v. : C. A. No. 03-2545 (RJL)  
 :  
 CENTRAL INTELLIGENCE :  
 AGENCY, :  
 :  
 Defendants :

DECLARATION OF DAVID KAISER

I, David Kaiser, declare and say as follows:

I, David Kaiser, am a historian, the author of six books, and a professor at the Naval War College. My books, several of which deal with relatively recent American history, have been written with the help of several Freedom of Information Act ("FOIA") requests, including some to the Central Intelligence Agency ("CIA"). New information has just come to my attention establishing quite clearly that the CIA, during the 1990s, handled one of my requests in a very incomplete and highly deceptive manner.

2. My files show that on August 15, 1990, I submitted a request to the CIA which it assigned the number F90-1351. At the time I submitted this request, I was beginning work on a book on the origins of the Vietnam War. (That book: *American Tragedy: Kennedy, Johnson, and the Origins of the Vietnam War* was published in 2000 by Harvard University Press.) The first part of this request listed 320 specific documents, taken from withdrawal sheets at the President John F. Kennedy Library, whose release I was requesting. Secondly, I asked for "documents relating to conversations between [Ngo Dinh] Nhu and [William] Colby and between Nhu and [John Richardson] during the period June 1960 and October 1962." Ngo Dinh Nhu was the

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brother of South Vietnamese President Ngo Dinh Diem. Colby and Richardson had been the CIA Station Chiefs in Saigon during that period, and I knew such documents must exist because in his memoirs William Colby had referred to meeting Nhu once or twice weekly..

3. It took six [6] years for the request to be acted on. In the end I received 13 of the 320 specific documents that I had requested, with some redactions. With respect to the second part of the request, regarding Nhu's talks with Colby and Richardson, the Information and Privacy coordinator informed me that "the Agency components involved in the processing of your request have determined that their record systems are not constituted in such a manner to search for the records you have requested based on the information provided in line 2 of your request." See Exhibit 1. I received no accounts of those records.

4. The CIA has just published six internal histories of its involvement in Vietnam on its website. One of the recently released studies--which was published internally in 2000, coincidentally at the same time as *American Tragedy*--is "CIA and the House of Ngo: Covert Action in South Vietnam, 1954-63." (That study is available at <http://www.foia.cia.gov/vietnam.asp> ) It draws extensively on exactly the documents which I requested and which I was denied—Colby and Richardson's accounts of their talks with Ngo Dinh Nhu. Apparently the Agency had no trouble providing them to their own contract historian.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9<sup>th</sup> day of July, 2009.

  
Prof. David Kaiser