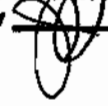


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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,	)	Case No. CR 07-266 FCD
)	
14 Plaintiff,	)	VIOLATIONS: 18 U.S.C. § 371 -
	)	Conspiracy to: Violate the
15 v.	)	Neutrality Act, 18 U.S.C. § 960,
	)	to Receive, Possess and Transfer
16 HARRISON ULRICH JACK;	)	Machine Guns and Destructive
LO CHA THAO,	)	Devices, 18 U.S.C. § 922(o), 26
17 aka Locha Thao;	)	U.S.C. § 5861, and to Export
LO THAO,	)	Listed Munitions Without a State
18 aka President Lo Thao,	)	Department License, 22 U.S.C.
aka Xai Lo Thao;	)	§ 2778; 18 U.S.C. § 956 -
19 YOUA TRUE VANG,	)	Conspiracy to Kill, Maim and
aka Joseph Youa Vang,	)	Injure People, and to Damage
20 aka Colonel Youa True Vang;	)	Property in a Foreign Country;
HUE VANG,	)	18 U.S.C. § 2332g - Conspiracy
21 aka Chue Hue Vang;	)	to Receive and Possess Missile
CHONG YANG THAO;	)	Systems Designed to Destroy
22 SENG VUE;	)	Aircraft; 18 U.S.C. §§ 844 (d),
CHUE LO,	)	(n) - Conspiracy to Receive and
23 aka Nao Chue Lo;	)	Transport Explosives in
NHIA KAO VANG;	)	Interstate and Foreign Commerce;
24 DAVID VANG,	)	18 U.S.C. § 960 - Violation of
aka Dang Vang;	)	the Neutrality Act
25 JERRY YANG,)	
aka Thao Nou Yang; and)	
26 THOMAS YANG,)	
aka Pao Yang.)	
27)	
Defendants.)	
28)	

1 F I R S T S U P E R S E D I N G I N D I C T M E N T

2 COUNT ONE: [18 U.S.C. § 371 - Conspiracy to: Violate the
3 Neutrality Act, 18 U.S.C. § 960, Receive, Possess
4 and Transfer Machine Guns and Destructive Devices,
5 18 U.S.C. § 922(o), 26 U.S.C. § 5861, and Export
6 Listed Defense Items Without a State Department
7 License, 22 U.S.C. § 2778]

8 The Grand Jury charges:

9 HARRISON ULRICH JACK;
10 LO CHA THAO,
11 aka Locha Thao;
12 LO THAO,
13 aka President Lo Thao,
14 aka Xai Lo Thao;
15 YOUA TRUE VANG,
16 aka Joseph Youa Vang,
17 aka Colonel Youa True Vang;
18 HUE VANG,
19 aka Chue Hue Vang;
20 CHONG YANG THAO;
21 SENG VUE;
22 CHUE LO,
23 aka Nao Chue Lo;
24 NHIA KAO VANG;
25 DAVID VANG,
26 aka Dang Vang;
27 JERRY YANG,
28 aka Thao Nou Yang; and
THOMAS YANG,
aka Pao Yang,

defendants herein, as follows:

19 I. PARTIES, PERSONS AND ENTITIES

20 At all times relevant to this Superseding Indictment:

21 1. Defendant HARRISON ULRICH JACK was a resident of
22 Woodland, California, and was a national of the United States.
23 Defendant JACK is a graduate of the United States Military
24 Academy at West Point and was commissioned upon graduation into
25 the Infantry branch of the Army. He is a graduate of the
26 Infantry Officer's Basic Course, Airborne School and Ranger
27 School, as well as other Army professional training courses. He
28

1 served at least one tour as an Army officer in Southeast Asia
2 before being released from active duty in the Army in 1977. He
3 is a retired military officer of the United States, having
4 retired from the California National Guard with the rank of
5 lieutenant colonel.

6 2. Defendant LO CHA THAO, aka Locha Thao, was a resident
7 of Clovis, California.

8 3. Defendant Lo THAO, aka President Lo Thao, aka Xai Lo
9 Thao, was a resident of Sacramento, California, and was a
10 national of the United States. Defendant Lo THAO was the
11 president of United Hmong International, also known as the
12 Supreme Council of the Hmong 18 Clans. Defendant Lo THAO was the
13 Thao Clan representative in United Hmong International.

14 4. Defendant YOUA TRUE VANG, aka Joseph Youa Vang, aka
15 Colonel Youa True Vang, was a resident of Sanger, California, and
16 was a national of the United States.

17 5. Defendant HUE VANG, aka Chue Hue Vang, was a resident of
18 Fresno, California, and was a national of the United States.
19 Defendant HUE VANG was the Director of United Lao Council for
20 Peace, Freedom and Reconstruction.

21 6. Defendant CHONG YANG THAO was a resident of Fresno,
22 California, and was a national of the United States.

23 7. Defendant SENG VUE was a resident of Fresno, California,
24 and was a national of the United States. Defendant VUE was a
25 clan representative in United Hmong International.

26 8. Defendant CHUE LO, aka Nao Chue Lo, was a resident of
27 Stockton, California. Defendant Chue LO was a clan
28 representative in United Hmong International.

1 9. Defendant NHIA KAO VANG was a resident of Rancho
2 Cordova, California, and was a national of the United States.

3 10. Defendant DAVID VANG, aka Dang Vang, was a resident of
4 Fresno, California, and was a national of the United States.

5 11. Defendant JERRY YANG, aka Thao Nou Yang, was a resident
6 of Stockton, California.

7 12. Defendant THOMAS YANG, aka Pao Yang, was a resident of
8 Stockton, California.

9 II. PRELIMINARY ALLEGATIONS

10 At all times relevant to this Superseding Indictment:

11 13. Laos, also known as the Lao People's Democratic
12 Republic ("Laos"), is a sovereign nation with which the United
13 States has been at peace. The capital city of Laos is Vientiane.

14 14. Under federal law, the term "machine gun" means any
15 weapon that shoots or is designed to shoot, automatically more
16 than one shot, without manual reloading, by a single function of
17 the trigger.

18 15. An AK-47 is a machine gun that is manufactured in
19 former Soviet Bloc countries, including Russia, other former
20 Soviet Republics, and Poland. A M-16 is a machine gun that is
21 manufactured in the United States for use by the United States
22 military.

23 16. AK-47s and M-16s are "machine guns" within the meaning
24 of Title 26, United States Code, Section 5845(b); and Title 18,
25 United States Code, Sections 921(a)(23) and 922. They also are
26 "firearms" within the meaning of Title 26, United States Code,
27 Sections 5845(a) and 5861.

28 17. Under federal law, the term "destructive device" means

1 an explosive bomb, grenade, rocket (having a propellant charge of
2 more than four ounces), missile (having an explosive or
3 incendiary charge of more than one-quarter ounce), mine, or
4 similar device.

5 18. Grenades, rocket-propelled grenades, Claymore anti-
6 personnel mines, LAW anti-tank rockets, and AT-4 anti-tank
7 projectiles are "destructive devices" within the meaning of Title
8 26, United States Code, Section 5845(f), and are also "firearms"
9 within the meaning of Title 26, United States Code, Sections
10 5845(a) and 5861.

11 19. Under federal law, the term "explosive device" means
12 any explosive bomb, grenade, missile, or similar device.

13 20. Grenades, rocket-propelled grenades, Claymore anti-
14 personnel mines, LAW anti-tank rockets, and AT-4 anti-tank
15 projectiles are "explosive devices" within the meaning of Title
16 18, United States Code, Sections 844(j) and 232(5), and
17 "explosives" within the meaning of Title 18, United States Code,
18 Section 844. Composition-4 explosives (also known as C-4 or
19 plastic-explosives) are "explosives" within the meaning of Title
20 18, United States Code, Section 844.

21 III. THE CONSPIRACY

22 21. Beginning on a date unknown, but no later than on or
23 about September 29, 2006, and continuing until on or about June
24 4, 2007, in the Eastern District of California and elsewhere,
25 defendants did conspire, combine, confederate, and agree with
26 each other and with others both known and unknown to the Grand
27 Jury, to commit offenses against the United States as follows:

28 a. to knowingly begin, provide a means for, prepare a

1 means for, furnish the money for, and take part in, a military
2 expedition and enterprise to be carried on from the United States
3 against the territory and dominion of the foreign nation of Laos,
4 with which the United States was at peace, in violation of Title
5 18, United States Code, Section 960;

6 b. to knowingly transfer and possess one or more
7 machine guns, including AK-47, M-16A1, and M-16A2 machine guns,
8 in violation of Title 18, United States Code, Section 922(o);

9 c. to knowingly receive and possess one or more
10 firearms, namely, machine guns and destructive devices, including
11 AK-47 machine guns, M-16A1 and M-16A2 machine guns, LAW anti-tank
12 rockets, AT-4 anti-tank projectiles, and Claymore anti-personnel
13 mines, that were not registered to the firearm transferee in the
14 National Firearms Registration and Transfer Record, in violation
15 of Title 26, United States Code, Section 5861;

16 d. to knowingly receive and possess one or more
17 firearms, namely, the aforementioned machine guns and destructive
18 devices, that were transferred to the firearm transferee without
19 first filing a written application for transfer and registration
20 of the applicable firearm and obtaining approval of the same by
21 the Attorney General as required by Title 26, United States Code,
22 Sections 5812, 7801(a)(2)(A)(i), in violation of Title 26, United
23 States Code, Section 5861;

24 e. to knowingly transfer one or more firearms,
25 namely, the aforementioned machine guns and destructive devices,
26 without first filing a written application for transfer and
27 registration of the applicable firearm and obtaining approval of
28 the same by the Attorney General as required by Title 26, United

1 States Code, Sections 5812, 7801(a)(2)(A)(i), in violation of
2 Title 26, United States Code, Section 5861;

3 f. to export from the United States to Laos, via
4 Thailand, a quantity of defense articles, that is, AK-47 machine
5 guns, M-16A1 and M-16A2 machine guns, LAW anti-tank rockets, AT-4
6 anti-tank projectiles, Claymore anti-personnel mines, C-4
7 explosives, and ammunition for AK-47 machine guns, which were
8 designated as defense articles on the United States Munitions
9 List, without first having obtained from the Department of State
10 a license for such exports or written authorization for such
11 exports, in violation of Title 22, United States Code, Sections
12 2778(b)(2) and 2778(c), and Title 22, Code of Federal
13 Regulations, Sections 121.1, 123.1, 127.1 and 127.3.

14 22. The objects of the conspiracy, among others, were:

15 a. to acquire military arms, munitions, materiel,
16 personnel, and money in the United States;

17 b. to transfer and furnish said military arms
18 munitions, materiel, personnel, and money to insurgents in Laos
19 to conduct military operations against the government of Laos;
20 and

21 c. to transfer and furnish said military arms,
22 munitions, materiel, personnel, and money to insurgents in Laos
23 to overthrow the government of Laos.

24 MANNER AND MEANS BY WHICH THE
25 CONSPIRACY WAS CARRIED OUT

26 23. The manner and means by which the conspiracy was sought
27 to be accomplished included, among others, the following:

28 a. Defendants and others both known and unknown to

1 the Grand Jury, during formal and informal meetings and
2 conversations, discussed the acquisition and transfer of military
3 arms, munitions, materiel, personnel, and money to insurgents in
4 Laos to conduct armed operations against the government of Laos
5 and to attempt to overthrow the government of Laos (sometimes
6 referred to hereafter as "insurgent military operations"). The
7 military arms, munitions and materiel included, for example,
8 AK-47 and M-16 machine guns, Stinger anti-aircraft missiles, LAW
9 anti-tank rockets, AT-4 anti-tank projectiles, Claymore anti-
10 personnel mines, C-4 explosives, night vision goggles, magazines,
11 ammunition for all the arms, medical kits, and rain gear. The
12 military personnel included mercenary operatives with training
13 and experience as special operations troops.

14 b. The defendants sometimes conducted their
15 activities in furtherance of the conspiracy within the general
16 scope of the established Hmong tribal clan structure and/or
17 various Lao liberation movements (including the United Lao
18 National Liberation Front).

19 c. Defendants Lo Cha THAO, Lo THAO, Nhia Kao VANG,
20 Seng VUE, Chue LO, Jerry YANG, Thomas YANG, and others both known
21 and unknown to the Grand Jury engaged in fund-raising activities,
22 and contributed funds and/or pledged funds for the purpose of
23 acquiring substantial financial assets that could be used to
24 procure military arms, munitions, materiel, and personnel.

25 d. According to defendants Lo Cha THAO and Harrison
26 JACK, defendants used individuals to conduct surveillance and
27 reconnaissance operations within Laos, including the Lao capital,
28 Vientiane, and along the Laos/Thailand border.

1 e. According to defendants Lo Cha THAO, Hue VANG, and
2 others both known and unknown to the Grand Jury, defendants
3 communicated and coordinated with a military force of insurgent
4 troops within Laos that were organized into military districts
5 based upon provincial boundaries.

6 f. Defendants Lo Cha THAO, Lo THAO, Youa True VANG,
7 Hue VANG, Seng VUE, Chue LO, Youa True VANG, Chong Yang THAO,
8 Jerry YANG, and others both known and unknown to the Grand Jury
9 engaged in procurement operations to acquire military arms,
10 munitions, materiel, and personnel for use in insurgent military
11 operations in Laos. As part of the procurement process, the
12 defendants recruited and worked with defendant Harrison JACK, a
13 former career United States Army officer.

14 g. Defendant Harrison JACK contacted a third-party
15 from whom defendant JACK believed the defendants could purchase
16 military arms.

17 h. Defendants Harrison JACK, Lo Cha THAO, Lo THAO,
18 Youa True VANG, Chue LO, Seng VUE, Chong Yang THAO, Nhia Kao
19 VANG, Hue VANG, and Jerry YANG engaged in discussions and
20 negotiations with a Bureau of Alcohol, Tobacco, Firearms, and
21 Explosives undercover agent posing as an arms trafficker
22 ("undercover agent") regarding the purchase of military arms,
23 munitions, and materiel for delivery to Lao insurgents including:
24 AK-47 machine guns; M-16A1 and M-16A2 machine guns; LAW anti-tank
25 rockets; AT-4 anti-tank projectiles; Claymore anti-personnel
26 mines; C-4 explosives; Stinger missiles; smoke grenades;
27 magazines; and ammunition for the machine guns. Defendants also
28 engaged in discussions and negotiations with the undercover agent

1 regarding acquisition of the services of mercenary operatives.

2 i. Defendants Harrison JACK, Lo Cha THAO, Lo THAO,
3 Youa True VANG, Chue LO, Seng VUE, Chong Yang THAO, Nhia Kao
4 VANG, Hue VANG, Jerry YANG, and others both known and unknown to
5 the Grand Jury inspected samples of arms, munitions, and materiel
6 provided by the undercover agent, including: AK-47 machine guns;
7 M-16A1 and M-16A2 machine guns; a M-14 machine gun; an RPG-7
8 rocket-propelled grenade launcher; a LAW anti-tank rocket; AT-4
9 anti-tank projectiles; a Claymore anti-personnel mine; C-4
10 explosives; a M-67 fragmentation grenade; a M-79 grenade
11 launcher; and a Stinger anti-aircraft missile.

12 j. Defendants Lo Cha THAO and Harrison JACK placed an
13 initial order for 125 AK-47 machine guns, 20,000 rounds of
14 ammunition, and crates of smoke grenades. Defendants Lo Cha THAO
15 and Harrison JACK indicated that they intended to hire twenty-
16 four mercenary operatives to conduct a military strike against
17 specifically identified military and civilian government
18 personnel and buildings in Vientiane, Laos. Defendants Lo Cha
19 THAO, Harrison JACK, and Hue VANG indicated that they intended to
20 procure other arms, munitions, and materiel, with the objective
21 of obtaining sufficient quantities of these items for 10,000
22 insurgents.

23 k. Defendant Lo Cha THAO and other defendants made
24 arrangements to personally deliver \$50,000 to the undercover
25 agent in Bangkok, Thailand, on June 11, 2007. Defendants
26 Harrison JACK, Lo Cha THAO, Lo THAO, and Chong Yang THAO made
27 arrangements for the first order of arms, munitions, and materiel
28 to be delivered to a remote location in Thailand on June 12,

1 2007, and for the second and subsequent orders to be delivered at
2 one week intervals thereafter.

3 1. Defendant David VANG, working in conjunction with
4 various defendants, created an operations plan for insurgent
5 military operations in Laos to "bring down the Lao-PDR Communist
6 regime and institute a democratic government of Laos." "Action
7 One" specifically described a plan to remove capital and
8 provincial leaders and to take over government facilities and
9 assets in those areas with the use of hired "rangers" and
10 "special forces." Defendants Lo Cha THAO, Harrison JACK, Lo
11 THAO, and Chong Yang THAO also issued operational directives to
12 the undercover agent for hired mercenary operatives to conduct a
13 military strike in downtown Vientiane, Laos, against specifically
14 identified military and civilian government personnel and
15 buildings.

16 m. Defendants Harrison JACK, Lo Cha THAO, Lo THAO, Hue
17 VANG, and Chong Yang THAO provided the undercover agent with maps
18 of Laos showing the emplacements of both insurgent and Lao
19 government troops, as well as staging areas and landing zones
20 into which personnel and equipment could be inserted for combat
21 operations. Defendants Harrison JACK, Lo Cha THAO, Lo THAO, and
22 and Chong Yang THAO identified on maps and photographs certain
23 government buildings and facilities that they wanted destroyed in
24 the opening hours of insurgent military operations against the
25 government of Laos.

26 n. Defendants Harrison JACK, Lo Cha THAO, Lo THAO,
27 Chong Yang THAO, Seng VUE, Nhia Kao VANG indicated that they
28 would travel overseas to effectuate the first contemplated

1 exchange of arms and money.

2 OVERT ACTS

3 24. In furtherance of that agreement and to effect the
4 objects thereof, one or more of the defendants or their
5 co-conspirators both known and unknown to the Grand Jury
6 performed the following overt acts in the Eastern District of
7 California and elsewhere:

8 a. On or about September 29, 2006, in the Eastern
9 District of California, defendant Harrison JACK spoke with a
10 third-party regarding the purchase of 500 AK-47 machine guns.

11 b. On or about January 22, 2007, in the Eastern
12 District of California, defendant Harrison JACK spoke with the
13 undercover agent regarding the purchase of AK-47 machine guns.

14 The January 25 Meeting

15 c. On or about January 25, 2007, in the Eastern
16 District of California, defendant Harrison JACK met with the
17 undercover agent in a Sacramento-area restaurant and discussed
18 the purchase of 500 machine guns (either AK-47 or M-16), 3,000
19 magazines, ammunition, and the services of an unspecified number
20 of mercenary special operations troops.

21 The February 7 Meeting

22 d. On or about February 7, 2007, in the Eastern
23 District of California, defendants Harrison JACK, Lo Cha THAO, Lo
24 THAO, Youa True VANG, Seng VUE, Chue LO, Hue VANG, and others
25 known to the Grand Jury met with the undercover agent at a
26 Sacramento restaurant during which: these defendants inspected
27 military arms, munitions, and materiel (including machine guns,
28 grenades, grenade launchers, rocket propelled anti-tank weapons,

1 and explosives); various defendants discussed capabilities and
2 acquisition of various military arms, munitions, and materiel;
3 and defendants Harrison JACK and Hue VANG provided several maps
4 of Laos, showing locations purported to be Lao government
5 military positions and insurgent forces positions.

6 e. On or about February 15, 2007, in the Eastern
7 District of California, defendant Harrison JACK told the
8 undercover agent that defendant JACK had just finished a major
9 strategy meeting with senior leadership and that they were "in
10 motion."

11 The Operations Plan

12 f. Between in or about February 2007 and in or about
13 May 2007, defendant David VANG prepared a document titled
14 "OPERATION POPCORN, A Comprehensive Plan of Action, Coup
15 Operation" (the "Operation Plan"). "POPCORN" was an acronym for
16 "Political Opposition Party's Coup Operation to Rescue the
17 Nation." Among other things, this operations plan detailed means
18 and methods to cause the overthrow of the government of Laos.

19 The March 5 Meeting

20 g. On or about March 5, 2007, in the Eastern District
21 of California, defendant Harrison JACK met with the undercover
22 agent at a Sacramento restaurant, discussed potential insurgent
23 military operations in Laos, and indicated that he had been shown
24 the operations plan titled POPCORN.

25 h. On or about March 7, 2007, in the Eastern District
26 of California, defendant Harrison JACK advised the undercover
27 agent that Lao government helicopters were spraying "yellow rain"
28 (an injurious chemical agent) on individuals in Laos.

1 Thereafter, defendant Harrison JACK and the undercover agent
2 discussed the potential acquisition of Stinger anti-aircraft
3 missiles by the defendants.

4 i. On or about March 10, 2007, in the Eastern
5 District of California, defendants Lo THAO, Lo Cha THAO, Chue LO,
6 Seng VUE, and others both known and unknown to the Grand Jury
7 entered into a written agreement regarding the overthrow of the
8 Lao government under which the signatories agreed to: contribute
9 investments for expected repayment in the future; liberate the
10 people of Laos from the present government; and serve, as
11 necessary, as members of a temporary government.

12 j. On or about April 5, 2007, in the Eastern District
13 of California, defendant Harrison JACK left a message for the
14 undercover agent indicating that the Hmong leadership had
15 collected sufficient funds to place an "initial order" and wanted
16 to know when defendant JACK and the undercover agent could meet.

17 k. On or about April 10, 2007, defendants Jerry YANG,
18 Nhia Kao VANG, and others both known and unknown to the Grand
19 Jury discussed the formation of a "Hmong Homeland Supreme
20 Council," to acquire funding for and support insurgent military
21 operations.

22 The April 12 Meeting

23 l. On or about April 12, 2007, in the Eastern District
24 of California, defendant Harrison JACK met with the undercover
25 agent at a Sacramento restaurant and discussed the acquisition of
26 various arms, munitions and materiel, and defendant JACK
27 indicated that on the following day he would attend a meeting
28 with the leadership.

1 The April 13 Meeting

2 m. On or about April 13, 2007, in the Eastern
3 District of California, defendants Harrison JACK, Jerry YANG,
4 Thomas YANG, Nhia Kao VANG, Lo Cha THAO and others both known and
5 unknown to the Grand Jury met and established and/or became
6 members of the Hmong Homeland Supreme Council and each
7 contributed between \$2,000 and \$3,750 as part thereof.

8 n. On or about April 14, 2007, in the Eastern District
9 of California, defendant Harrison JACK told the undercover agent
10 that: his Hmong contacts had a master plan that involved
11 operations inside Vientiane, Laos, and other military regions;
12 they were doing an intelligence assessment; the undercover agent
13 would need to deliver the military equipment to a staging area in
14 Thailand near the Laos border; and they still wanted to hire
15 mercenaries.

16 The April 18 Trip to Thailand

17 o. On or about April 18, 2007, defendant Thomas YANG
18 and a known co-conspirator traveled from the Eastern District of
19 California to Thailand to gather intelligence regarding the
20 situation in Laos, liaison with insurgent groups, and scout
21 potential drop locations for weapons.

22 The April 18 Meeting

23 p. On or about April 18, 2007, in the Eastern District
24 of California, defendants Harrison JACK, Lo Cha THAO, Lo THAO,
25 Chong Yang THAO, Chue LO, Hue VANG, and Youa True VANG met with
26 the undercover agent in a Sacramento hotel during which: these
27 defendants inspected five AK-47 machine guns; various defendants
28 indicated that they wanted to acquire various military arms,

1 munitions, and materiel (including AK-47s, Claymores anti-
2 personnel mines, and M-16 machine guns mounted with M-203 grenade
3 launchers); various defendants discussed potential acquisition of
4 other military arms, munitions, and materiel (including LAW
5 anti-tank rockets, M79 grenade launchers, M-203 grenade
6 launchers, Stinger anti-aircraft missiles, and C-4 explosives);
7 defendant Lo Cha THAO indicated that intelligence gathering was
8 ongoing in Laos that day; and defendant Hue VANG indicated that
9 they wanted to acquire sufficient equipment for approximately
10 10,000 insurgents.

11 The April 24 Meeting

12 q. On or about April 24, 2007, in the Eastern District
13 of California, defendants Lo Cha THAO, Nhia Kao VANG, Jerry YANG
14 and others known to the Grand Jury met with the undercover agent
15 in a Sacramento hotel room during which: these defendants
16 inspected five AK-47s, three AT-4 anti-tank projectiles, one M-14
17 rifle, and one Stinger missile with a pistol grip and firing
18 mechanism; various defendants discussed the same; and defendant
19 Lo Cha THAO stated that they would purchase two Stinger missiles
20 for use in two Laos provinces.

21 The May 3 Meeting

22 r. On or about May 3, 2007, in the Eastern District
23 of California, defendant Harrison JACK met with the undercover
24 agent at a Sacramento restaurant, during which defendant Harrison
25 JACK indicated that: weapons were needed for between six to eight
26 existing Hmong military regions in Laos; he had reviewed the
27 group's operations plans; and he had suggested a strategy to
28 capture a major military compound in Vientiane, Laos, to "cut off

1 the head of the snake."

2 s. On or about May 4, 2007, in the Eastern District of
3 California, defendant Lo Cha THAO told defendant Harrison JACK
4 that he had \$100,000 and was prepared to make an initial deposit
5 of half for a shipment of arms, with payment of the remaining
6 half upon satisfactory completion.

7 t. On or about May 4, 2007, in the Eastern District
8 of California, defendant Harrison JACK told the undercover agent
9 that defendant Lo Cha THAO was prepared to make an initial down
10 payment.

11 u. On or about May 7, 2007, in the Eastern District
12 of California, defendant Lo Cha THAO told defendant Harrison JACK
13 that he wanted to place an order for AK-47 machine guns and
14 ammunition as the first shipment.

15 v. On or about May 7, 2007, in the Eastern District
16 of California, defendant Harrison JACK left a message for the
17 undercover agent indicating that defendant Lo Cha THAO wanted the
18 order to be comprised of all AK-47 machine guns and that
19 defendant Harrison JACK had encouraged defendant Lo Cha THAO to
20 consider the acquisition of smoke grenades.

21 w. On or about May 9, 2007, in the Eastern District
22 of California, the undercover agent told defendant Harrison JACK
23 that the agent had 125 AK-47 machine guns, 20,000 rounds of
24 ammunition, four cases of smoke grenades, six 30-round magazines
25 per firearm, and cleaning kits, all available for delivery on May
26 28, 2007. Defendant Harrison JACK stated that he believed that
27 the second order would be a continuation of the first order "up
28 to 10,000."

1 x. On or about May 9, 2007, in the Eastern District
2 of California, defendant Harrison JACK told the undercover agent
3 that defendant Lo Cha THAO had accepted the terms of the proposed
4 sale.

5 y. On or about May 10, 2007, in the Eastern District
6 of California, defendant Lo Cha THAO told defendant Harrison JACK
7 that defendant Lo Cha THAO would agree to make payment on June 9,
8 2007, to the undercover agent for the first shipment of arms, and
9 that the shipment could be delivered on June 12, 2007.

10 z. On or about May 10, 2007, in the Eastern District
11 of California, defendant Lo Cha THAO requested that defendant
12 Harrison JACK set up a meeting with the undercover agent
13 regarding provision of "men," a reference to mercenary
14 operatives, in connection with the insurgent military operations.

15 The May 11 Meetings

16 aa. On or about May 11, 2007, in the Eastern District
17 of California, defendants Lo THAO, Lo Cha THAO, Harrison JACK,
18 Nhia Kao VANG, Chong Yang THAO, and others unknown to the Grand
19 Jury met and discussed plans related to the insurgent military
20 operations.

21 bb. On or about May 11, 2007, in the Eastern District
22 of California, defendants Harrison JACK and Lo Cha THAO met with
23 the undercover agent at a Sacramento restaurant. Defendant Lo
24 Cha THAO indicated that they were "ready to roll" and they would
25 be abroad on the appointed date with the necessary funds for
26 acquisition of the weapons. Defendant Lo Cha THAO explained, in
27 detail, a "mission" to hire mercenaries from the undercover agent
28 to perform a "September 11"-type bombing and destruction of

1 numerous government buildings in Laos with the objective of
2 killing Lao government leaders or inducing them to flee the
3 country, and the objective of overthrowing the Lao Communist
4 government. Defendants Harrison JACK and Lo Cha THAO suggested
5 that, with a blitz, the coup could be over in two days to a week.

6 cc. On or about May 12, 2007, defendant Jerry YANG
7 caused the wire transfer of \$1,000 from the Eastern District of
8 California to defendant Thomas YANG and a known co-conspirator in
9 Thailand.

10 dd. On or about May 14, 2007, in the Eastern District
11 of California, defendant Chue LO advised defendant Lo Cha THAO
12 that they should prepare a writing documenting their
13 contributions to the insurgent military operations. Defendant
14 Chue LO also confirmed that he had previously written a similar
15 agreement between various defendants and others both known and
16 unknown to the Grand Jury.

17 ee. On or about May 16, 2007, defendant Thomas YANG
18 caused the wire transfer of \$1,000 from the Eastern District of
19 California, to a known co-conspirator in Thailand.

20 The May 18 Meeting

21 ff. On or about May 18, 2007, in the Eastern District
22 of California, defendants Thomas YANG, Jerry YANG, Nhia Kao VANG,
23 and Lo Cha THAO participated in a planning meeting related to the
24 insurgent military operations.

25 The May 19 Meeting

26 gg. On or about May 19, 2007, in the Eastern District
27 of California, defendants Lo THAO, Nhia Kao VANG, Lo Cha THAO,
28 Seng VUE, Chue LO, Jerry YANG and others both known and unknown

1 to the Grand Jury participated in a planning and fund-raising
2 meeting related to the insurgent military operations.

3 hh. On or about May 21, 2007, in the Eastern District
4 of California, defendant Lo Cha THAO spoke with defendant
5 Harrison JACK regarding intelligence collected by one of the
6 conspirators' operatives in Vientiane, Laos, including
7 intelligence related to government buildings.

8 ii. On or about May 21, 2007, defendant Nhia Kao VANG
9 caused the wire transfer of \$9,000, and defendant Thomas YANG
10 caused the wire transfer of \$3,000, both from the Eastern
11 District of California, to a known conspirator in Thailand.

12 The May 23 Meeting

13 jj. On or about May 23, 2007, in the Eastern District
14 of California, defendants Harrison JACK, Lo Cha THAO, Lo THAO,
15 and Chong Yang THAO met with the undercover agent at a Sacramento
16 restaurant. Defendant Lo Cha THAO identified the Lao Royal
17 Palace in Vientiane, Laos, as a principal target. Defendants Lo
18 Cha THAO and Harrison JACK discussed a planned mercenary attack
19 in Vientiane and the delivery of weaponry related thereto.
20 Defendant Lo Cha THAO stated that he wanted all the arms by the
21 end of June, and affirmed that he anticipated roughly three or
22 four orders to acquire sufficient equipment to supply 10,000
23 insurgents. Defendant Lo Cha THAO identified on a map several
24 locations near the Thailand-Laos border where the undercover
25 agent could deliver weapons both as part of the first and second
26 shipment. Defendant Harrison JACK pointed out to defendant Lo
27 Cha THAO that, when the government buildings came down, defendant
28 Lo Cha THAO had to have troops in place outside the buildings

1 ready to take over and "do what they have to do. That is how you
2 cut the head off the snake."

3 The June 1 Meeting

4 kk. On or about June 1, 2007, in the Eastern District
5 of California, defendant Lo Cha THAO, defendant David VANG, and
6 another person met and discussed the operations plan.

7 The June 2 Meeting

8 ll. On or about June 2, 2007, in the Eastern District
9 of California, defendants Lo THAO, Lo Cha THAO, Youa True VANG,
10 Chong Yang THAO, Seng VUE, Chue LO, and others both known and
11 unknown to the Grand Jury met, discussed the viability of the
12 insurgent military operations, and concluded that execution of
13 the planned operations would continue.

14 The June 3 Meeting

15 mm. On or about June 3, 2007, in the Eastern District
16 of California, defendants Nhia Kao VANG, Lo Cha THAO, Jerry YANG,
17 Chue LO, Thomas YANG, and others both known and unknown to the
18 Grand Jury met and discussed the budget, fund-raising, and
19 overseas travel for the weapons delivery and money exchange, all
20 in connection with the insurgent military operations.

21 nn. On or about June 4, 2007, in the Eastern
22 District of California, defendant Lo Cha THAO told defendant
23 Lo THAO that travel related to the operation was scheduled
24 for Wednesday, June 6, 2007.

25 All in violation of Title 18, United States Code,
26 Section 371.

27 //

28 //

1 COUNT TWO: [18 U.S.C. § 956 - Conspiracy to Kill,
2 Maim and Injure People, and to Damage Property
3 in a Foreign Country]

4 The Grand Jury further charges: T H A T

5 HARRISON ULRICH JACK;
6 LO CHA THAO,
7 aka Locha Thao;
8 LO THAO,
9 aka President Lo Thao,
10 aka Xai Lo Thao;
11 YOUA TRUE VANG,
12 aka Joseph Youa Vang,
13 aka Colonel Youa True Vang;
14 HUE VANG,
15 aka Chue Hue Vang;
16 CHONG YANG THAO;
17 SENG VUE;
18 CHUE LO,
19 aka Nao Chue Lo;
20 NHIA KAO VANG;
21 DAVID VANG,
22 aka Dang Vang;
23 JERRY YANG,
24 aka Thao Nou Yang; and
25 THOMAS YANG,
26 aka Pao Yang,

27 defendants herein, as follows:

28 1. Paragraphs 1 through 20 and 23 through 24 of Count
One of this Superseding Indictment are hereby referenced and
incorporated as if realleged herein.

2. Beginning on a date unknown, but no later than on
or about September 29, 2006, and continuing until on or
about June 4, 2007, in the Eastern District of California
and elsewhere, defendants herein did conspire, combine,
confederate, and agree with each other and others both known
and unknown to the Grand Jury, regardless of where such
person or persons were located:

a. to commit at any place outside the United
States an act that would constitute the offense of murder or

1 maiming if committed in the special maritime and territorial
2 jurisdiction of the United States, and in furtherance
3 thereof did commit an act within the United States to effect
4 an object of the conspiracy,

5 b. to damage and destroy specific property and
6 structures situated within the foreign nation of Laos and
7 belonging to the government of Laos, and to any political
8 subdivision thereof, a nation with which the United States
9 was at peace, and in furtherance thereof did commit an act
10 within the United States to effect an object of the
11 conspiracy.

12 All in violation of Title 18, United States Code,
13 Section 956.

14 COUNT THREE: [18 U.S.C. § 2332g - Conspiracy to Receive
15 and Possess Missile Systems Designed to
Destroy Aircraft]

16 The Grand Jury further charges: T H A T

17 HARRISON ULRICH JACK;
18 LO CHA THAO,
aka Locha Thao;
19 LO THAO,
aka President Lo Thao,
aka Xai Lo Thao;
20 YOUA TRUE VANG,
aka Joseph Youa Vang,
21 aka Colonel Youa True Vang;
HUE VANG,
22 aka Chue Hue Vang;
CHONG YANG THAO;
23 CHUE LO,
aka Nao Chue Lo;
24 NHIA KAO VANG;
JERRY YANG,
25 aka Thao Nou Yang,

26 defendants herein, as follows:

27 1. Paragraphs 1 through 20 and 23 through 24 of Count
28 One of this Superseding Indictment are hereby referenced and

1 incorporated as if realleged herein.

2 2. Beginning on a date unknown, but no later than on
3 or about September 29, 2006, and continuing until on or
4 about June 4, 2007, in the Eastern District of California
5 and elsewhere, defendants herein did conspire, combine,
6 confederate, and agree with each other and others both known
7 and unknown to the Grand Jury, to knowingly acquire,
8 transfer directly and indirectly, receive, possess, and
9 export an explosive and incendiary rocket and missile that
10 was guided by any system designed to enable the rocket and
11 missile to seek and proceed toward energy radiated and
12 reflected from an aircraft and toward an image locating an
13 aircraft, and otherwise direct and guide the rocket and
14 device toward an aircraft, and a device designed and
15 intended to launch and guide such a rocket and missile,
16 where the defendants conspired to commit the offense with
17 each other and persons over whom jurisdiction exists under
18 Title 18, United States Code, Sections 2332g(b)(1) and (2),
19 to wit: the offense would occur in and affecting interstate
20 and foreign commerce, and the offense would occur outside of
21 the United States and be committed by a national of the
22 United States.

23 All in violation of Title 18, United States Code,
24 Section 2332g.

25 //
26 //
27 //
28 //

1 COUNT FOUR: [18 U.S.C. §§ 844(d), (n) - Conspiracy to
2 Receive and Transport Explosives in
Interstate and Foreign Commerce]

3 The Grand Jury further charges: T H A T

4 HARRISON ULRICH JACK;
LO CHA THAO,
5 aka Locha Thao;
LO THAO,
6 aka President Lo Thao,
aka Xai Lo Thao;
7 YOUA TRUE VANG,
aka Joseph Youa Vang,
8 aka Colonel Youa True Vang;
HUE VANG,
9 aka Chue Hue Vang;
CHONG YANG THAO;
10 SENG VUE;
CHUE LO,
11 aka Nao Chue Lo;
NHIA KAO VANG;
12 DAVID VANG,
aka Dang Vang;
13 JERRY YANG,
aka Thao Nou Yang; and
14 THOMAS YANG,
aka Pao Yang,

15 defendants herein, as follows:

16 1. Paragraphs 1 though 20 and 23 through 24 of Count
17 One of this Superseding Indictment are hereby referenced and
18 incorporated as if realleged herein.

19 2. Beginning on a date unknown, but no later than on
20 or about September 29, 2006, and continuing until on or
21 about June 4, 2007, in the Eastern District of California
22 and elsewhere, defendants herein did conspire, combine,
23 confederate, and agree with each other and others both known
24 and unknown to the Grand Jury, to receive and transport, in
25 interstate and foreign commerce, one or more explosives,
26 including LAW anti-tank rockets, AT-4 anti-tank projectiles,
27 Claymore anti-personnel mines, and C-4 explosives, with the
28

1 knowledge and intent that said explosives would be used to
2 kill, injure, and intimidate one or more individuals and
3 unlawfully to damage or destroy one or more buildings, and
4 other real or personal property.

5 All in violation of Title 18, United States Code,
6 Sections 844(d), (n).

7 COUNT FIVE: [18 U.S.C. § 960 - Violation of the Neutrality
8 Act]

9 The Grand Jury further charges: T H A T

10 HARRISON ULRICH JACK;
11 LO CHA THAO,
12 aka Locha Thao;
13 LO THAO,
14 aka President Lo Thao,
15 aka Xai Lo Thao;
16 YOUA TRUE VANG,
17 aka Joseph Youa Vang,
18 aka Colonel Youa True Vang;
19 HUE VANG,
20 aka Chue Hue Vang;
21 CHONG YANG THAO;
22 SENG VUE;
23 CHUE LO,
24 aka Nao Chue Lo;
25 NHIA KAO VANG;
26 DAVID VANG,
27 aka Dang Vang;
28 JERRY YANG,
aka Thao Nou Yang; and
THOMAS YANG,
aka Pao Yang,

defendants herein, as follows:

1. Paragraphs 1 through 20 and 23 through 24 of Count
One of this Superseding Indictment are hereby referenced and
incorporated as if realleged herein.

2. Beginning on a date unknown, but no later than on
or about September 29, 2006, and continuing until on or
about June 4, 2007, in the Eastern District of California
and elsewhere, defendants herein did knowingly begin,

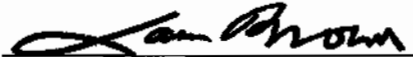
1 provide a means for, prepare a means for, furnish the money
2 for, and take part in, a military expedition and enterprise
3 to be carried on from the United States against the
4 territory and dominion of the foreign nation of Laos, with
5 which the United States was at peace.

6 All in violation of Title 18, United States Code,
7 Section 960.

8 A TRUE BILL.

9 /s/ Signature on file w/AUSA

10 FOREPERSON

11 

12 LAWRENCE G. BROWN
13 United States Attorney

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UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

HARRISON ULRICH JACK;
LO CHA THAO, aka Locha Thao;
LO THAO, aka President Lo Thao, aka Xai Lo Thao;
YOUA TRUE VANG, aka Joseph Youa Vang, aka Colonel Youa True Vang;
HUE VANG, aka Chue Hue Vang;
CHONG YANG THAO;
SENG VUE;
CHUE LO, aka Nao Chue Lo;
NHIA KAO VANG;
DAVID VANG, aka Dang Vang;
JERRY YANG, aka Thao Nou Yang; and
THOMAS YANG, aka Pao Yang.
Defendants.

SUPERSEDING INDICTMENT

VIOLATION(S): 18 U.S.C. § 371 - Conspiracy to: Violate the Neutrality Act, 18 U.S.C. § 960, to Receive, Possess and Transfer Machine Guns and Destructive Devices, 18 U.S.C. § 922(o), 26 U.S.C. § 5861, and to Export Listed Munitions Without a State Department License, 22 U.S.C. § 2778; 18 U.S.C. § 956 - Conspiracy to Kill, Maim and Injure People, and to Damage Property in a Foreign Country; 18 U.S.C. § 2332g - Conspiracy to Receive and Possess Missile Systems Designed to Destroy Aircraft; 18 U.S.C. §§ 844 (d), (n) - Conspiracy to Receive and Transport Explosives in Interstate and Foreign Commerce; 18 U.S.C. § 960 - Violation of the Neutrality Act

A true bill,

15/

Foreman.

Filed in open court this 17 day

of September, A.D. 20 07

[Signature]
Clerk.

Bail, \$

NO PROCESS NECESSARY *for all as specified;*

GREGORY G. HOLLOWES

*Jerry Smith Yang
Thomas Yang
↑*

SUPERSEDING PENALTY SLIP - CR. S 07-266 FCD

HARRISON ULRICH JACK, Counts One through Five

LO CHA THAO, Counts One through Five

LO THAO, Counts One through Five
aka President Lo Thao, aka Xai Lo Thao;

YOUA TRUE VANG, Counts One through Five
aka Joseph Youa Vang, aka Colonel Youa True Vang;

HUE VANG, Counts One through Five

CHONG YANG THAO, Counts One through Five

SENG VUE, Counts One, Two, Four, and Five

CHUE LO, Counts One through Five

NHIA KAO VANG, Counts One through Five

DANG VANG, Counts One, Two, Four, and Five
aka David Vang

JERRY SMITH YANG, Counts One through Five

THOMAS YANG, Counts One, Two, Four, and Five

COUNT ONE

VIOLATION: 18 U.S.C. § 371 - Conspiracy to Violate the Neutrality Act, 18 U.S.C. § 960, Receive, Possess and Transfer Machine Guns and Destructive Devices, 18 U.S.C. § 922(o), 26 U.S.C. § 5861, and to Export Listed Defense Items Without a State Department License, 22 U.S.C. § 2778

PENALTY: Not more than \$250,000 fine, or
Not more than 5 years imprisonment, or both
Not more than 3 years of supervised release

COUNT TWO

VIOLATION: 18 U.S.C. § 956 - Conspiracy to Kill, Kidnap, Maim and Injure People, and to Damage Property in a Foreign Country

PENALTY: Not more than \$250,000 fine, or
Imprisonment for Life, or both
Not more than 5 years of supervised release

COUNT THREE

VIOLATION: 18 U.S.C. § 2332g - Conspiracy to Receive and Possess Missile Systems Designed to Destroy Aircraft

PENALTY: Not more than \$2,000,000 fine, or
Not less than 25 years to Life imprisonment, or both
Not more than 5 year of supervised release

COUNT FOUR

VIOLATION: 18 U.S.C. § 844(d), (n) - Conspiracy to Receive and Transport Explosives
in Interstate and Foreign Commerce

PENALTY: Not more than \$250,000 fine, or
Not more than 10 years imprisonment, or both
Not more than 3 year of supervised release

COUNT FIVE

VIOLATION: 18 U.S.C. § 960 - Violation of the Neutrality Act

PENALTY: Not more than \$250,000 fine, or
Not more than 3 years imprisonment, or both
Not more than 1 year of supervised release

PENALTY

ASSESSMENT: \$100.00 special assessment (each count)