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United States Attorney Lawrence G. Brown
Eastern District of California

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SUPERSEDING INDICTMENT HANDED DOWN IN PLOT TO OVERTHROW THE GOVERNMENT OF LAOS

Conspirators Planned to Arm Hmong Insurgency and Procure Mercenaries

Vang Pao Charges to Be Dismissed; Two Additional Defendants Charged

SACRAMENTO, Calif. — United States Attorney Lawrence G. Brown, Special Agent in Charge of the San Francisco Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Stephen K. Martin, and FBI Special Agent in Charge Drew Parenti announced today that a federal grand jury in Sacramento issued a five-count superseding indictment in *United States v. Harrison Jack, et al.*, the pending prosecution related to the alleged 2006–2007 plot by various individuals to overthrow the government of Laos. The sealed indictment was issued on Thursday, September 17, 2009 and unsealed today.

This case has been the result of an extensive investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Federal Bureau of Investigation (FBI), including the FBI's Joint Terrorism Task Force.

Twelve defendants were named in the superseding indictment: Harrison JACK, 62, of Woodland; Lo Cha THAO, 36, of Clovis; Lo THAO, 65, of Sacramento; Youa True VANG, 72, of Sanger; Hue VANG, 41, Fresno; Chong Vang THAO, 56, of Fresno; Seng VUE, 71, of Fresno; Chue LO, 61, of Stockton; Nhia Kao VANG, 50, of Rancho Cordova; David VANG, 50, of Fresno; Jerry YANG, 58, of Stockton; and Thomas YANG, 47, of Stockton, all in California.

The superseding indictment alleges that the defendants conspired to acquire and furnish military arms, munitions, materiel, personnel, and money to insurgents in Laos to conduct military operations against the government of Laos and to overthrow the government. The indictment outlines a series of meetings with an undercover ATF agent and conversations among the defendants during which they allegedly outlined plans to acquire and ship arms to insurgents in Laos for use against the current government and to procure mercenaries to initiate targeted bombings of government buildings in the Lao capital, all as part of an effort to effectuate a coup.

All defendants are charged with:

- Conspiring to violate the Neutrality Act; to receive, possess, and transfer machine guns and destructive devices; and to export listed defense items without a license from the U.S. Department of State, in violation of Title 18, United States Code, Section 371 (count one);
- Conspiring to kill, maim and injure persons and to damage property in a foreign country, in violation of Title 18, United States Code, Section 956 (count two);

- Conspiring to receive and transport explosives in interstate and foreign commerce, in violation of 18 U.S.C. § 844 (count four);
- Violating the Neutrality Act, Title 18, United States Code, Section 960 (count five).

Additionally, defendants Harrison JACK, Lo Cha THAO, Lo THAO, Hue VANG, Chong Yang THAO, Che LO, Youa True VANG, Nhia Kao VANG, and Jerry YANG are charged with conspiring to receive and possess missile systems designed to destroy aircraft (Stinger missiles), in violation of Title 18, United States Code, Section 2332g (count three).

The superseding indictment includes new charges against previously charged defendants (namely, counts four and five), expanded charges against previously charged defendants (counts one and two), and names two new defendants, Jerry YANG and Thomas YANG, both believed to be key participants in planning the plot. As a matter of discretion, the government concurrently has moved to dismiss the charges in the original indictment against Vang PAO, who was not named as a defendant in the superseding charges.

“Today’s charging decisions are the culmination of a comprehensive investigation of the charged plot and review of all evidence that has been gathered,” stated United States Attorney Brown. “The original arrests and charges in Summer 2007 were based principally on the then-known English-language evidence, including wiretap conversations and recorded conversations between defendants and an undercover agent. When it had become apparent that many of the defendants had immediate plans to travel to Thailand to execute the plot, arrests were made. Agents continued their investigation after the initial charges, including the receipt of additional evidence, the translation and review of voluminous foreign language conversations from the wiretap and undercover investigation, and the review of some 30,000 documents both in English and foreign languages seized pursuant to search warrants at the time of arrests. This superseding indictment is the result of this continuing investigation.”

U.S. Attorney Brown noted that, with respect to the decision to dismiss Vang PAO, federal prosecutors are permitted to consider a wide variety of factors, including, but not limited to, the person’s culpability in connection with the offense, the person’s history with respect to criminal activity, and the probable sentence or other consequences if the person is convicted. Brown said, “In our measured judgment, and based on the totality of the evidence in the case and the circumstances regarding defendant Vang PAO, we believe that continued prosecution of this defendant is no longer warranted.”

All of the named defendants, with the exception of Jerry and Thomas YANG, have been released from custody on bail and other conditions of supervision. Jerry and Thomas YANG were arrested Friday morning and are set to make their initial appearance this afternoon in the United States District Court in Sacramento.

Assistant United States Attorneys S. Robert Tice-Raskin, Ellen Endrizzi and Jill Thomas, as well as Trial Attorneys Robert Wallace and Heather Schmidt, of the National Security Division at the United States Department of Justice, are prosecuting the case.

Each of the defendants face a potential of life imprisonment on the charged offenses. Any ultimate sentence, however, will be imposed pursuant to the U.S. Sentencing Guidelines, which take into account a number of factors, and will be set at the discretion of the court.

The charges are only allegations and the defendants are presumed innocent until and unless proven guilty beyond a reasonable doubt.

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