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EASTERN DISTRICT OF CALIFORNIA
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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,)	
15	v.)	
16	HARRISON ULRICH JACK;	)	VIOLATIONS: 18 U.S.C. § 371 -
17	LO CHA THAO,	)	Conspiracy to: Violate the
18	aka Locha Thao;	)	Neutrality Act, 18 U.S.C. § 960,
19	LO THAO,	)	to Receive, Possess and Transfer
20	aka President Lo Thao,	)	Machine Guns and Destructive
21	aka Xai Lo Thao;	)	Devices, 18 U.S.C. § 922(o), 26
22	YOUA TRUE VANG,	)	U.S.C. § 5861, and to Export
23	aka Joseph Youa Vang,	)	Listed Munitions Without a State
24	aka Colonel Youa True Vang;	)	Department License, 22 U.S.C.
25	HUE VANG,	)	§ 2778; 18 U.S.C. § 956 -
26	aka Chue Hue Vang;	)	Conspiracy to Kill, Maim and
27	CHONG YANG THAO;	)	Injure People, and to Damage
28	SENG VUE;	)	Property in a Foreign Country;
	CHUE LO,	)	18 U.S.C. § 2332g - Conspiracy
	aka Nao Chue Lo;	)	to Receive and Possess Missile
	NHIA KAO VANG;	)	Systems Designed to Destroy
	DAVID VANG,	)	Aircraft; 18 U.S.C. §§ 844 (d),
	aka Dang Vang;	)	(n) - Conspiracy to Receive and
	JERRY YANG,	)	Transport Explosives in
	aka Thao Nou Yang; and	)	Interstate and Foreign Commerce;
	THOMAS YANG,	)	18 U.S.C. § 960 - Violation of
	aka Pao Yang.	)	the Neutrality Act
	Defendants.)	

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

COUNT ONE: [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 Export
Listed Defense Items Without a State Department
License, 22 U.S.C. § 2778]

The Grand Jury charges:

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 herein, as follows:

I. PARTIES, PERSONS AND ENTITIES

At all times relevant to this Second Superseding Indictment:

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

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 Second 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 willfully export from the United States to
4 Laos, via Thailand, a quantity of defense articles, that is,
5 AK-47 machine guns, M-16A1 and M-16A2 machine guns, LAW anti-tank
6 rockets, AT-4 anti-tank projectiles, Claymore anti-personnel
7 mines, C-4 explosives, and ammunition for AK-47 machine guns,
8 which were designated as defense articles on the United States
9 Munitions List, without first having obtained from the Department
10 of State a license for such exports or written authorization for
11 such exports, in violation of Title 22, United States Code,
12 Sections 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 from the United
4 States to insurgents in Laos to conduct armed operations against
5 the government of Laos and to attempt to overthrow the government
6 of Laos (sometimes referred to hereafter as "insurgent military
7 operations"). The military arms, munitions and materiel
8 included, for example, AK-47 and M-16 machine guns, Stinger anti-
9 aircraft missiles, LAW anti-tank rockets, AT-4 anti-tank
10 projectiles, Claymore anti-personnel mines, C-4 explosives, night
11 vision goggles, magazines, ammunition for all the arms, medical
12 kits, and rain gear. The military personnel included mercenary
13 operatives with training and experience as special operations
14 troops.

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

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

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

1 Vientiane, and along the Laos/Thailand border.

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

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

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

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

1 the machine guns. Defendants also engaged in discussions and
2 negotiations with the undercover agent regarding acquisition of
3 the services of mercenary operatives.

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

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

25 k. Defendant Lo Cha THAO and other defendants made
26 arrangements to personally deliver \$50,000 to the undercover
27 agent in Bangkok, Thailand, on June 11, 2007. Defendants
28 Harrison JACK, Lo Cha THAO, Lo THAO, and Chong Yang THAO made

1 arrangements for the first order of arms, munitions, and materiel
2 to be delivered from the United States to a remote location in
3 Thailand on June 12, 2007, and for the second and subsequent
4 orders to be delivered at one week intervals thereafter.

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

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

28 n. Defendants Harrison JACK, Lo Cha THAO, Lo THAO,

1 Chong Yang THAO, Seng VUE, Nhia Kao VANG indicated that they
2 would travel overseas to effectuate the first contemplated
3 exchange of arms and money.

4 OVERT ACTS

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

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

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

16 The January 25 Meeting

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

23 The February 7 Meeting

24 d. On or about February 7, 2007, in the Eastern
25 District of California, defendants Harrison JACK, Lo Cha THAO, Lo
26 THAO, Youa True VANG, Seng VUE, Chue LO, Hue VANG, and others
27 known to the Grand Jury met with the undercover agent at a
28 Sacramento restaurant during which: these defendants inspected

1 military arms, munitions, and materiel (including machine guns,
2 grenades, grenade launchers, rocket propelled anti-tank weapons,
3 and explosives); various defendants discussed capabilities and
4 acquisition of various military arms, munitions, and materiel;
5 and defendants Harrison JACK and Hue VANG provided several maps
6 of Laos, showing locations purported to be Lao government
7 military positions and insurgent forces positions.

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

13 The Operations Plan

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

21 The March 5 Meeting

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

27 h. On or about March 7, 2007, in the Eastern District
28 of California, defendant Harrison JACK advised the undercover

1 agent that Lao government helicopters were spraying "yellow rain"
2 (an injurious chemical agent) on individuals in Laos.

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

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

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

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

24 The April 12 Meeting

25 l. On or about April 12, 2007, in the Eastern District
26 of California, defendant Harrison JACK met with the undercover
27 agent at a Sacramento restaurant and discussed the acquisition of
28 various arms, munitions and materiel, and defendant JACK

1 indicated that on the following day he would attend a meeting
2 with the leadership.

3 The April 13 Meeting

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

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

18 The April 18 Trip to Thailand

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

24 The April 18 Meeting

25 p. On or about April 18, 2007, in the Eastern District
26 of California, defendants Harrison JACK, Lo Cha THAO, Lo THAO,
27 Chong Yang THAO, Chue LO, Hue VANG, and Youa True VANG met with
28 the undercover agent in a Sacramento hotel during which: these

1 defendants inspected five AK-47 machine guns; various defendants
2 indicated that they wanted to acquire various military arms,
3 munitions, and materiel (including AK-47s, Claymores anti-
4 personnel mines, and M-16 machine guns mounted with M-203 grenade
5 launchers); various defendants discussed potential acquisition of
6 other military arms, munitions, and materiel (including LAW
7 anti-tank rockets, M79 grenade launchers, M-203 grenade
8 launchers, Stinger anti-aircraft missiles, and C-4 explosives);
9 defendant Lo Cha THAO indicated that intelligence gathering was
10 ongoing in Laos that day; and defendant Hue VANG indicated that
11 they wanted to acquire sufficient equipment for approximately
12 10,000 insurgents.

13 The April 24 Meeting

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

23 The May 3 Meeting

24 r. On or about May 3, 2007, in the Eastern District
25 of California, defendant Harrison JACK met with the undercover
26 agent at a Sacramento restaurant, during which defendant Harrison
27 JACK indicated that: weapons were needed for between six to eight
28 existing Hmong military regions in Laos; he had reviewed the

1 group's operations plans; and he had suggested a strategy to
2 capture a major military compound in Vientiane, Laos, to "cut off
3 the head of the snake."

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

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

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

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

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

1 the second order would be a continuation of the first order "up
2 to 10,000."

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

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

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

17 The May 11 Meetings

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

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

1 detail, a "mission" to hire mercenaries from the undercover agent
2 to perform a "September 11"-type bombing and destruction of
3 numerous government buildings in Laos with the objective of
4 killing Lao government leaders or inducing them to flee the
5 country, and the objective of overthrowing the Lao Communist
6 government. Defendants Harrison JACK and Lo Cha THAO suggested
7 that, with a blitz, the coup could be over in two days to a week.

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

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

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

22 The May 18 Meeting

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

27 The May 19 Meeting

28 gg. On or about May 19, 2007, in the Eastern District

1 of California, defendants Lo THAO, Nhia Kao VANG, Lo Cha THAO,
2 Seng VUE, Chue LO, Jerry YANG and others both known and unknown
3 to the Grand Jury participated in a planning and fund-raising
4 meeting related to the insurgent military operations.

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

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

14 The May 23 Meeting

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

1 Cha THAO that, when the government buildings came down, defendant
2 Lo Cha THAO had to have troops in place outside the buildings
3 ready to take over and "do what they have to do. That is how you
4 cut the head off the snake."

5 The June 1 Meeting

6 kk. On or about June 1, 2007, in the Eastern District
7 of California, defendants Lo Cha THAO, David VANG, and an
8 individual known to the Grand Jury, met and discussed the
9 operations plan.

10 The June 2 Meeting

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

17 The June 3 Meeting

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

24 nn. On or about June 4, 2007, in the Eastern District
25 of California, defendant Lo Cha THAO told defendant Lo THAO that
26 travel related to the operation was scheduled for Wednesday, June
27 6, 2007.

28 All in violation of Title 18, United States Code, Section

1 371.

2 COUNT TWO: [18 U.S.C. § 956 - Conspiracy to Kill,
3 Maim and Injure People, and to Damage Property
4 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,

16 defendants herein, as follows:

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

20 2. Beginning on a date unknown, but no later than on or
21 about September 29, 2006, and continuing until on or about June
22 4, 2007, in the Eastern District of California and elsewhere,
23 defendants herein did conspire, combine, confederate, and agree
24 with each other and others both known and unknown to the Grand
25 Jury, regardless of where such person or persons were located:

26 a. to commit at any place outside the United States
27 an act that would constitute the offense of murder or maiming if
28

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

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

10 All in violation of Title 18, United States Code, Section
11 956.

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

14 The Grand Jury further charges: T H A T

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

24 defendants herein, as follows:

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

28 2. Beginning on a date unknown, but no later than on or

1 about September 29, 2006, and continuing until on or about June
2 4, 2007, in the Eastern District of California and elsewhere,
3 defendants herein did conspire, combine, confederate, and agree
4 with each other and others both known and unknown to the Grand
5 Jury, to knowingly acquire, transfer directly and indirectly,
6 receive, possess, and export an explosive and incendiary rocket
7 and missile that was guided by any system designed to enable the
8 rocket and missile to seek and proceed toward energy radiated and
9 reflected from an aircraft and toward an image locating an
10 aircraft, and otherwise direct and guide the rocket and device
11 toward an aircraft, and a device designed and intended to launch
12 and guide such a rocket and missile, where the defendants
13 conspired to commit the offense with each other and persons over
14 whom jurisdiction exists under Title 18, United States Code,
15 Sections 2332g(b)(1) and (2), to wit: the offense would occur in
16 and affecting interstate and foreign commerce, and the offense
17 would occur outside of the United States and be committed by a
18 national of the United States.

19 All in violation of Title 18, United States Code, Section
20 2332g.

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

19 2. Beginning on a date unknown, but no later than on or
20 about September 29, 2006, and continuing until on or about June
21 4, 2007, in the Eastern District of California and elsewhere,
22 defendants herein did conspire, combine, confederate, and agree
23 with each other and others both known and unknown to the Grand
24 Jury, to receive and transport, in interstate and foreign
25 commerce, one or more explosives, including LAW anti-tank
26 rockets, AT-4 anti-tank projectiles, Claymore anti-personnel
27 mines, and C-4 explosives, with the knowledge and intent that
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1 said explosives would be used to kill, injure, and intimidate one
2 or more individuals and unlawfully to damage or destroy one or
3 more buildings, and other real or personal property.

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

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

8 The Grand Jury further charges: T H A T

9 HARRISON ULRICH JACK;
10 LO CHA THAO,
11 aka Locha Thao;
12 LO THAO,
13 aka President Lo Thao,
14 aka Kai 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:

1. Paragraphs 1 through 20 and 24 of Count One of this
Second Superseding Indictment are hereby referenced and
incorporated as if realleged herein. The manner and means by
which the offense in this count was sought to be accomplished
included all of the manner and means set forth in Paragraph 23 of
Count One, which are hereby referenced and incorporated as if
realleged herein.


2. Beginning on a date unknown, but no later than on or

1 about September 29, 2006, and continuing until on or about June
2 4, 2007, in the Eastern District of California and elsewhere,
3 defendants herein did knowingly begin, provide a means for,
4 prepare a means for, furnish the money for, and take part in, a
5 military expedition and enterprise to be carried on from the
6 United States against the territory and dominion of the foreign
7 nation of Laos, with which the United States was at peace.

8 All in violation of Title 18, United States Code, Section
9 960.

10 A TRUE BILL.

11 
12 FOREPERSON

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14 BENJAMIN B. WAGNER
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.

SECOND SUPERSEDING INDICTMENT

VIOLATIONS: 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,

151

Foreman.

Filed in open court this 24 day

of June, A.D. 20 10

Clerk.

Bail, \$

NO PROCESS NECESSARY

GREGORY G. HOLLOWS

SECOND 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

DAVID VANG, Counts One, Two, Four, and Five
aka Dang Vang

JERRY 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)