

UNITED STATES DISTRICT COURT

ORIGINAL FILED

EASTERN DISTRICT OF CALIFORNIA

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JUN 04 2007

CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

UNITED STATES OF AMERICA

v.

HARRISON ULRICH JACK; GENERAL VANG PAO, aka Pao Vang, aka Vang Pao; LO CHA THAO; LO THAO; aka President Lo Thao aka Xia Lo Thao; YOUA TRUE VANG, aka Joseph Youa Vang, aka Colonel Youa True Vang; HUE VANG; CHONG YANG THAO; SENG VUE; and CHUE LO,

CRIMINAL COMPLAINT

CASE NUMBER:

207 - MJ - 0178

GGH

REDACTED ONLY VERSION TO BE FILED AND DISTRIBUTED PUBLICLY PER COURT ORDER

Defendants.

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about the dates set forth in the attached charge sheet in Sacramento, Yolo, Fresno, Counties, in the Eastern District of California and elsewhere, defendants did, (Track Statutory Language of Offense)

See attached charge sheet

in violation of Title 18, United States Code, Section(s) 371, 956(a), 956(b), 960, 2332g, and other code section provided in the attached charge sheet. I further state that I am a Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

See attached affidavit

X Continued on the attached sheet and made a part hereof.

REDACTED

Signature of Complainant

S/A, ATF

Sworn to before me, and subscribed in my presence

June 3, 2007

at Placerville, CA

Date

City and State

HONORABLE GREGORY G. HOLLOWS

United States Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**Complaint Charge Sheet**  
**United States v. Harrison Jack, et al.**

Count One: [18 U.S.C. § 371 - Conspiracy to Violate the  
Neutrality Act, 18 U.S.C. § 960]

I. PARTIES, PERSONS AND ENTITIES

1. At all relevant times:

Defendant HARRISON ULRICH JACK has been a resident of Woodland, Yolo County, in the Eastern District of California. Defendant JACK operates a consulting business located at 101 Monte Vista Drive, Woodland, California.

Defendant JACK is a graduate of the United States Military Academy at West Point, Class of 1968, 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. JACK served at least one tour as an Army officer in Southeast Asia before being released from active duty in the Army in 1977. He is a retired military officer of the United States, having retired from the California National Guard with the rank of Lieutenant Colonel.

2. Defendant VANG PAO is a former General in the Royal Army of Laos, and came to the United States in or about 1975. Defendant VANG Pao is the head of an organization known as the Neo Hom, and has lobbied on behalf of Hmong causes in the United States and in Laos. At all relevant time, defendant VANG Pao has

been a resident of Westminster, in Orange County, California.

3. Defendant LO CHA THAO has been a resident of Clovis, in Fresno County, California. Lo Cha THAO formerly worked as an aide to a former Wisconsin state senator.

4. Defendant LO THAO, aka President Lo Thao, aka Xai Lo Thao has been a resident of Sacramento County, California. Defendant Lo THAO is the president of United Hmong International (UHI), which is also known as the Supreme Council of the Hmong 18 Clans. He is the Thao clan representative on UHI.

5. Defendant YOUA TRUE VANG, aka Joseph Youa Vang, aka Colonel Youa True Vang is a resident of Fresno, California, and is a founder of Hmong International New Year in Fresno.

6. Defendant HUE VANG is a former Clovis, California police officer. He is the Director of United Lao Council for Peace, Freedom and Reconstruction.

7. Defendant CHONG YANG THAO is a resident of Fresno, California and is associated with a chiropractic clinic.

8. Defendants SENG VUE, who is a resident of Fresno, and CHUE LO, who is a resident of Stockton, are clan representatives in United Hmong International.

## II. PRELIMINARY ALLEGATIONS

9. Laos, also known as the Lao People's Democratic Republic ("Laos") is a sovereign nation with which the United States has been at peace at all times relevant to this Complaint. The

capital city of Laos is Vientiane.

10. A machine gun is one which will fire more than one round, or bullet, without manual reloading, with a single function of the trigger. It is a violation of federal law in the United States to possess, transfer or receive automatic weapons unless authorized by law, such as members of the military who are assigned these weapons as part of their military mission, or unless registered with the National Firearms Registry maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

11. An AK-47 is a machine gun, which are manufactured in former Soviet Bloc countries, including Russia, other former Soviet Republics and Poland. It is an automatic weapon within the meaning of 18 U.S.C. §922(o) and 26 U.S.C. §§ 5845(b) & 5861.

12. An M-16 is a machine gun which is manufactured in the United States for use by United States military departments. It is an automatic weapon within the meaning of 18 U.S.C. § 922(o) and 26 U.S.C. §§ 5845(b) & 5861.

13. Grenades, rocket-propelled grenades, Claymore mines, C-4 explosives, LAW rockets, and AT-4 anti-tank rockets all are explosive devices within the meaning of Title 18 and Title 26 of the United States Code. It is a violation of federal law in the United States to possess, transfer or receive these destructive devices unless authorized by law, such as members of the military who are assigned these weapons as part of their military mission, or unless registered with the National Firearms Registry main-

tained by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

14. Stinger missiles are surface-to-air missiles that are designed to destroy aircraft.

THE CONSPIRACY

15. Beginning on a date unknown, but no later than in or about November 2006, and continuing until on or about June 3, 2007, in the Eastern District of California and elsewhere, defendants:

HARRISON ULRICH JACK;  
GENERAL VANG PAO,  
    aka Pao Vang,  
    aka Vang Pao;  
LO CHA 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;  
CHONG YANG THAO;  
SENG VUE; and  
CHUE LO,

did conspire, combine, confederate and agree with each other and others both known and unknown to the grand jury, to commit offenses against the United States as follows:

(a) to violate the Neutrality Act, in violation of Title 18, United States Code, Section 960, by providing and preparing a means for and furnishing the money for and taking part in a military expedition or enterprise to be carried on against the

territory and dominion of the foreign and sovereign nation of Laos, with which the United States is at peace.

THE OBJECT OF THE CONSPIRACY

16. The object of the conspiracy was to engage in the violent overthrow of the sovereign government of the nation of Laos, by engaging in an armed insurgency operation in Laos as prohibited by 18 U.S.C. § 960.

MANNER AND MEANS BY WHICH THE  
CONSPIRACY WAS CARRIED OUT

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

17. Defendants General VANG Pao, Lo Cha THAO, Lo THAO, Youa True VANG, Hue VANG, Seng VUE, Chue LO and others formed a committee to evaluate the feasibility of conducting a military expedition or enterprise to engage in the overthrow of the existing government of Laos by violent means, including murder, assaults on both military and civilian officials of Laos and destruction of buildings and property of Laos.

18. The committee utilized the well established Hmong tribal clan structure as part of the conspiracy. The committee operated within the general scope of a Lao liberation movement known as Neo Hom, also known as the United Lao National Liberation Front. The acknowledged leader of the Neo Hom movement in the United States is General VANG Pao.

19. The members of the committee, operating through or in

conjunction with the Neo Hom movement, assigned rank and responsibilities to members of the committee and the Neo Hom movement.

20. The members of the committee engaged in extensive fund-raising activities for the purpose of acquiring substantial financial assets which could be used to purchase military arms, materiel, and munitions, such as AK-47 and M-16 automatic rifles, Stinger missiles, LAW rockets, AT-4 anti-tank rockets, Claymore mines, C-4 explosives, night vision goggles, magazines and ammunition for all the weapons, medical kits and rain gear, and related military equipment.

21. According to the defendants, the committee recruited intelligence assets to conduct surveillance and reconnaissance operations throughout Laos, including the national capital area in Vientiane, Laos.

22. According to the defendants, the committee recruited and organized a military force of insurgent troops within Laos, organized into military departments based upon provincial boundaries.

23. The committee engaged in procurement operations to acquire military arms, equipment, materiel, and munitions for use in military operations in Laos. As part of the procurement process, the committee recruited and utilized defendant Harrison JACK, a former career United States Army infantry officer who has

contacts in the American defense, homeland security and defense contractor community.

24. As part of the attempt to acquire military arms and munitions, defendant JACK and other members of the committee have contacted members of the defense contractor community from whom the committee believed it could purchase firearms, destructive devices and other military arms and munitions.

25. As part of the attempt to engage in the violent overthrow of the government of Laos, the committee and its members created an operational plan for armed insurgency operations in Laos and located insurgent troops at various locations in Laos in preparation of initiating hostile actions against the government of Laos.

26. During the period since January 2007, the defendants collectively and individually personally inspected samples of military arms and munitions for purchase and delivery to Thailand and Laos. The weapons which the named defendants personally inspected include: AK-47 machine guns; M-16A1 and M-16A2 machine guns, including some with grenade launchers; RPG-7 rocket-propelled grenade launchers; LAW rockets; AT-4 anti-tank rockets; Claymore mines; C-4 explosives; Stinger missiles; and the ammunition for the AK-47s.

27. As part of the insurgency operation, the defendants attempted to secure the temporary services of a number of

mercenary operatives with training and experience as special operations troops, such as former U.S. Army Special Forces soldiers or U.S. Navy SEALs, who have left military service and now are private citizens.

28. As recently as mid-May 2007, the committee had intelligence operatives in place in Vientiane, Laos conducting surveillance of military and government facilities in downtown Vientiane, and forwarding that intelligence information to members of the committee, including defendant Lo Cha THAO.

29. As part of the insurgency operation, the defendants issued an operations plan to a contractor to conduct a military strike in downtown Vientiane, Laos against specifically identified military and civilian government personnel and buildings. The defendants have issued instructions that the mercenary force is to destroy these government facilities, to reduce them to rubble, and make them look like the results of the attack upon the World Trade Center in New York on September 11, 2001.

30. As part of the insurgency operation, the defendants provided a contractor with maps of Laos showing the emplacements of both insurgent and Lao government troops, as well as staging areas and landing zones into which personnel and equipment could be inserted for combat operations. The defendants have identified on maps and photographs certain government buildings and facilities which they wish to have destroyed in the opening

hours of insurgent military operations against the government of Laos.

31. As part of the insurgency operation, the defendants discussed the purchase of thousands of items of military arms, ammunition, and munitions. The defendants have purchased an initial installment of 125 AK-47 machine guns, 20,000 rounds of ammunition, and crates of smoke grenades for a purchase price of \$100,000, to be delivered in Bangkok, Thailand on June 12, 2007. The defendants have identified a safe house in Thailand near the Lao border for the seller of the arms to make the delivery.

32. As part of the insurgency operation, the defendants have made arrangements for a second installment of military arms to be delivered to a remote location in Thailand on June 19, 2007. The second delivery of military arms includes a number of Stinger missiles, whose purpose is to destroy aircraft while in flight.

33. As part of the insurgency operation, defendant Lo Cha THAO and other defendants have made arrangements to deliver personally \$50,000 to the seller in United States currency in Bangkok, Thailand on June 11, 2007. The \$50,000 payment is one half of the purchase price for the first installment of arms. The defendants have arranged to pay the remaining \$50,000 of the purchase price the following day, June 12, upon receipt of the weapons at a GPS marked location in Thailand, near the border

with Laos. The defendants also have arranged to pay a third installment of \$50,000 on June 12 as the first half of the payment for the June 19 delivery, which includes a number of Stinger missiles.

34. As part of the insurgency operation, the defendants have dispatched a number of money couriers from the United States to Thailand, each with approximately \$10,000 in United States currency, in order to transfer to Bangkok the \$150,000 that they intend to pay on June 11th and 12 for the first two installments of the arms and munitions which they have purchased.

#### OVERT ACTS

35. In furtherance of that agreement and to effect the objects thereof, one or more of the defendants or their co-conspirators performed the following overt acts in the Eastern District of California and elsewhere:

A. In or about November 2006, in the Eastern District of California, defendant Harrison U. JACK engaged in a telephone conversation with a third party regarding the purchase of 500 AK-47 machine guns.

B. On or about January 23, 2007, in the Eastern District of California, defendant Harrison U. JACK engaged in a telephone conversation with an undercover agent from the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the purchase of 500 AK-47 automatic rifles to be

delivered in Bangkok, Thailand.

C. On or about January 25, 2007, in the Eastern District of California, defendant Harrison U. JACK met with an ATF undercover agent and engaged in a conversation regarding the purchase of 500 automatic rifles (either AK-47 or M-16), 3,000 magazines and over 90,000 rounds of ammunition, along with the services of an unspecified number of mercenary special operations troops.

D. On or about February 1, 2007, in the Eastern District of California, defendant Harrison U. JACK engaged in a telephone call with the ATF undercover agent, at which time JACK advised the agent that he had a meeting the following day at which he would pass on to the group that the agent was able to air-drop arms into Laos to specific landing zones, and also was able to provide 24 mercenary special operations troops for operations in Laos.

E. On or about February 5, 2007, in the Eastern District of California, defendant Harrison U. JACK left a telephone message with the undercover agent in which JACK advised the agent that Wednesday would be an ideal time to meet. JACK advised the agent that the highest leadership, including General VANG Pao would be present.

F. On or about February 5, 2007, in the Eastern District of California, defendant Harrison U. JACK engaged in a telephone conversation with the undercover ATF agent, at which time JACK

advised the agent that he was on the other line with General VANG Pao as they spoke, and that JACK was going to bring four or five people to the meeting on Wednesday. JACK advised the agent that General VANG Pao was "your number one person. Okay?"

The February 7, 2007 meeting

G. On or about February 7, 2007, in the Eastern District of California, defendants Harrison U. JACK, General VANG Pao, Lo Cha THAO, Lo THAO, Seng VUE, Chue LO, Youa Vang THAO, Hue VANG, and four other uncharged associates of General VANG Pao engaged in a face-to-face meeting with the undercover agent at a restaurant in Sacramento, California.

H. On or about February 7, 2007, in the Eastern District of California, defendants Harrison U. JACK, General VANG Pao, Lo Cha THAO, Lo THAO, Seng VUE, Chue LO, Youa Vang THAO, Hue VANG, and other uncharged associates of General VANG Pao engaged in a conversation with an ATF undercover agent regarding the purchase of automatic weapons, magazines, ammunition, explosives, LAW rockets, RPGs, Claymore mines, and other arms and munitions.

I. On or about February 7, 2007, in the Eastern District of California, defendants Harrison U. JACK, General VANG Pao, and others provided an ATF undercover agent with several maps of Laos, showing locations purported to be Lao government military positions and insurgent forces positions.

J. On or about February 7, 2007, in the Eastern District of

California, defendants Harrison U. JACK, General VANG Pao, Lo Cha THAO, Lo THAO, Seng VUE, Chue LO, Youa Vang THAO, Hue VANG, and several other uncharged associates of General VANG Pao personally inspected a sample of AK-47 and M-16 machine guns, C-4 explosives, LAW rockets, RPG launchers, Claymore mines, and other arms and munitions. The agent gave them a list of the arms and munitions which he had available for their purchase. The list identified items by letter, and it was agreed that in future communications the members of the committee would refer to the items only by letter identifier, and not by name. The list was loaded onto a computer memory chip and given to the defendants.

Communications Following the February Meeting

K. On or about February 15, 2007, in the Eastern District of California, defendant Harrison U. JACK contacted the ATF undercover agent to advise that he had just finished a major strategy meeting with approximately 22 senior leadership members. JACK said that they were "in motion" and had budgeted for virtually everything on the weapons inventory/price list which the undercover agent had provided on February 7. The cost of the entire list which had been provided was approximately \$9.8 million.

L. On or about March 2, 2007, in the Eastern District of California, defendant Harrison U. JACK contacted the ATF undercover agent and left a message that JACK and Lo Cha THAO and

several members of the leadership recently had gone to Wisconsin and Minnesota to generate political support.

M. On or about March 5, 2007, defendant Harrison U. JACK met with the undercover agent for one hour and 45 minutes at a bar and grill in Sacramento. JACK advised the undercover agent that approximately three weeks earlier, he had organized and attended a conference call for all the Hmong leadership in the United States. JACK stated that he had been involved in several conversations with General VANG Pao and his group in which General VANG Pao stated that they wanted to achieve their objective, i.e., overthrow of the government of Laos, immediately.

N. On or about March 5, 2007, in the Eastern District of California, defendant Harrison U. JACK told the undercover agent that the Neo Hom organization had people running operations on a regular basis, and that JACK had been shown an operations plan that had impressed him.

O. On or about March 7, 2007, in the Eastern District of California, defendant JACK advised the undercover agent that all the communist leadership worked and lived in the same location in Vientiane, Laos, and were guarded by disloyal military security.

P. On or about March 7, 2007, in the Eastern District of California, defendant JACK had a discussion with the undercover agent about Stinger missiles and their ability to take down

helicopters which were spraying "yellow rain" in Laos. "Yellow rain" is a chemical agent which can kill or injure people who come into contact with it. JACK asked how soon the missiles could be in Laos.

Q. On or about March 30, 2007, in the Eastern District of California, defendant JACK advised the undercover agent that his associates had begun the money collection process. They had less than \$100,000, but expected to have more soon.

R. On or about March 30, 2007, in the Eastern District of California, defendant Lo Cha THAO spoke to defendant JACK. They discussed meeting so that they could review intelligence obtained from Laos.

S. On or about April 4, 2007, in the Eastern District of California, defendant Lo Cha THAO called defendant JACK, and explained that he had just returned from a four-day planning meeting. Defendant Lo Cha THAO said that he wanted to meet with defendant JACK and "the guy with the equipment" (referring to the undercover agent). Lo Cha THAO told Jack that General VANG Pao had ordered funding to be in place for a purchase.

T. On or about April 5, 2007, in the Eastern District of California, defendant JACK called Lo Cha THAO and asked how soon General VANG Pao would want to "round up any of that equipment like we were talking last time." THAO told JACK that a meeting scheduled for the following day would address that issue. THAO

said that the budget, which he described as "standing by," consisted of contributions from community leaders through the clan leadership.

U. On or about April 9, 2007, in the Eastern District of California, defendant Lo Cha THAO spoke to defendant JACK. During the conversation, JACK asked THAO about the size of the weapons order. THAO said that he had an idea about the order and wanted to discuss the matter on April 13. THAO said that payment would be in U.S. dollars rather than Thai baht.

The April 12 & 13<sup>th</sup> Meetings

V. On or about April 12, 2007, in the Eastern District of California, defendant JACK met with the undercover agent at a bar and grill in Sacramento. JACK asked how many M67 fragmentation grenades, M18 Claymore mines and M72A2 LAW rockets were in a case, and whether the price list reflected the price of an individual item or of a case of the items. JACK also asked the undercover agent if he had detonation cord and blasting caps for the explosives on the list. JACK told the undercover agent that he would be going to Stockton the following day to meet with the leadership.

W. On or about April 12, 2007, in the Eastern District of California, defendant LO Cha THAO spoke to JACK, and explained that General VANG Pao would give the order pending the outcome of an intelligence mission inside Laos to determine if an unnamed

person, with the proper equipment, could handle "the coup." Lo Cha THAO asked JACK to meet him the following day in the parking lot of the K-mart store near Highway 99 and Farmington Road in Stockton.

X. On or about April 13, 2007, in the Eastern District of California, defendants JACK and Lo Cha THAO met for approximately 25 minutes in the K-mart parking lot in Stockton.

Y. On or about April 13, 2007, in the Eastern District of California, defendant JACK advised the undercover agent that he had learned from Lo Cha THAO how the Hmong guerilla army in Laos is divided.

Z. On or about April 13, 2007, in the Eastern District of California, defendant JACK said the undercover agent should deliver the equipment to a staging area in Thailand, and that the staging area is a residence near the Laos border. He provided the address. JACK explained it is occupied on a continual basis and has satellite communications capabilities. JACK said that his Hmong contacts still wanted to hire mercenaries from the undercover agent. JACK estimated that they had millions of dollars to spend and that an initial order for one province could include 1,500 M-16s.

The April 18 Meeting at the Doubletree Hotel

AA. On or about April 18, 2007, in the Eastern District of California, defendants Harrison JACK, Lo Cha THAO, Lo THAO, Chong

Yang THAO, Chue LO, Hue VANG, and Youa True VANG met with the undercover agent in a room at the Doubletree Hotel, 2001 Point West Way, Sacramento, California. During the meeting, the undercover agent showed them a crate containing 5 AK-47 machine guns. The defendants at the meeting spoke among themselves in a language other than English. Hue VANG, Lo Cha THAO, and Harrison JACK conversed with the undercover agent in English. They expressed the desire to purchase a large quantity of machine guns, primarily AK-47s and M-16s with M-203 grenade launcher. They asked the undercover agent if he could deliver them to various staging areas in Thailand along the Laos border. The defendants explained that the time line depended on the outcome of an ongoing intelligence mission in Laos.

The April 24<sup>th</sup> Meeting at the Hilton

BB. On or about April 24, 2007, in the Eastern District of California, defendants Lo Cha THAO and approximately 7 other uncharged associates of Lo Cha THAO met with the undercover agent in a hotel room at the Hilton Hotel in the Natomas section of Sacramento. When in the room, all of the men personally inspected 5 AK-47s in a crate, 3 AT-4 anti-tank rockets, 1 M-14 rifle, and 1 Stinger missile with pistol grip and firing mechanism. The undercover agent had a discussion about the Stinger missiles with THAO. The undercover agent asked him how many he needed, and how far apart they would be. THAO indicated

that they would need them in the Northern Province of Laos and also down in the South near Vientiane. The undercover agent advised THAO that he would need one firing mechanism at each location. THAO said then that they would purchase two missiles and pistol grip firing mechanisms and two missiles for each.

Communications After the Hilton Meeting

CC. On or about May 3, 2007, in the Eastern District of California, defendant Harrison JACK met with the undercover agent at a bar and grill in Sacramento. JACK told the undercover agent that he had Lo Cha THAO standing by to speak with him, at which point JACK utilized his cell phone to call Lo Cha THAO. JACK told THAO that the undercover agent had the proper infrastructure in place to deliver the weapons to their locations in Thailand. The undercover agent then spoke with Lo Cha THAO, who told him that JACK had answered his questions concerning the delivery of the weapons. Lo Cha THAO told the undercover agent that he (THAO) was waiting for intelligence from Thailand regarding the drop locations and that they were also in the process of interviewing and selecting prospective leaders who could mobilize people in Laos to carry out their plans.

DD. On or about May 7, 2007, in the Eastern District of California, defendant Harrison JACK called Lisa (LNU) (at the time) and left a message for Lisa asking her to call him. JACK said that he had a gentleman by the name of (undercover agent's