1. This affidavit is made as a supplement to my affidavit dated December 1, 1983, in the case of Westmoreland v. CBS Inc., et al. During the months of March and April 1984 I received from Mr. David M. Dorsen, an attorney for General Westmoreland, a copy of an affidavit in the same case by Edward H. Caton, dated March 16, 1984, and copies of various other documents. Mr. Dorsen asked me for any comments that I might have, and, in a sequence of telephone conversations, I told him in words or in substance that which follows. The purpose of my present affidavit is to comment on statements made by Edward H. Caton and to reaffirm the statements in my affidavit of December 1, 1983. I should say at the outset that I found Colonel Caton's
affidavit to be pompous and self-serving. It betrays a limited view of the enemy which we faced in Vietnam and of the carefully integrated intelligence operation which General McChristian established as MACV J-2.

2. My service in MACV-J2 overlapped with Colonel Caton from mid-August 1966 to mid-March 1967, when I left Vietnam and returned to the United States for reassignment to Headquarters Department of the Army in the office of the Assistant Chief of Staff for Intelligence (OACSI). I knew Colonel Caton, and worked with him from time to time. In my opinion, and as indicated in his affidavit, he was a hard working, forthright, and dedicated officer. On several counts, however, I disagree in whole or in part with his statement in this case.

3. The processes of intelligence (and counter intelligence) include two classic functions: Collection and Production. Collection, based upon stated priorities and specific requirements, provides information and data to the Production side. There, that information is collated, analyzed, evaluated, put into the form of finished intelligence, and disseminated. Production occurs typically under three functional subheads: Current Intelligence, Basic Production, and Estimates. At lower echelons these functions may be merged administratively, but they remain qualitatively identifiable even if in rudimentary form. At
large headquarters like MACV they are clearly defined, both qualitatively and administratively, and are so staffed.

4. Current Intelligence, as its name implies, deals with the situation and events of the current time frame. It is the "daily newspaper" of the intelligence field. Basic Production--represented in MACV-J2 by the Combined Intelligence Center Vietnam (CICV)--involves the accumulation, ordering, and maintenance of the data reference base, including the preparation of recurring and special basic reference documents. The Estimates function, as General McChristian has often said, is the "apex of the intelligence process". It is here that the war (or even, at top level, the world) must be seen as a whole. Estimates synthesizes the product of the other two production elements along with its own research and analysis to (1) develop overall assessments of enemy status, objectives, capabilities, intentions and probable courses of action; (2) formulate analyses of major issues; and (3) make projections and special studies on a directed or initiative basis. On top of the whole array is the senior intelligence officer at any particular headquarters. All intelligence functions converge in him, and he must direct them all. At MACV this officer was the J-2. Throughout my time in MACV the J-2 was Major General Joseph A. McChristian.
5. The Estimates division of an intelligence structure stays in touch with Current Intelligence to maintain coordination and to keep abreast of current developments. In the nature of things, however, Estimates tends to be more closely associated with Basic Production and the general data base. Thus, as Chief of Estimates in MACV-J2, I found myself working more often and more closely with Colonel Gains B. Hawkins, who worked with CICV as Chief of the MACV Order of Battle Branch, than with Colonel Caton, who was Chief of Current Intelligence.

6. As Colonel Caton has stated in his affidavit (§ 7), his concern in the Order of Battle Summary was with the enemy's combat forces, that is, with those forces that would normally be regarded as "conventional". This, again, was in the nature of things. It was logical that this should have been so, for the enemy's combat forces were the most identifiable in the conventional military sense as regards the operations and security of our own combat forces. Intensive and continuous concentration on one aspect and its variations, however, is conducive to a view that this aspect is the "whole ball game"—that is, to a limited view of the nature of the war as a whole. In the case of Colonel Caton, the fact that his limited view of the war corresponded neatly with traditional/conventional military concepts does not negate the proposition that it
was a limited view in Vietnam. We were not fighting Hitler's Afrika Korps in the Tunisian desert or his divisions on the North German Plain.

7. Colonel Caton, to the best of my recollection, was not a party to General McChristian's analytical discussions with the Estimates officers on the nature of the enemy and the war, and on the enemy's strategic political-military philosophy in theory and practice. Colonel Caton also did not participate in the formulation of the statements of enemy strategic objectives, demographic studies, special projections, or the preparation of the J-2's own major briefings. In fact, he was not expected to do so. If the J-2 had wanted Colonel Caton to be engaged in these activities, he would have been. It was General McChristian's job to see the war as a whole and, in that light, to utilize his various staff elements according to their respective functions as he saw them.

8. Colonel Caton has stated (¶ 4) that CICV "was by and large a colossal waste of manpower, time, and, money". I disagree with this. CICV was MACV J-2's Basic Production element. In terms of the major, long-haul effort and the size of the MACV headquarters and command, it was badly needed. General McChristian saw this and, therefore, brought CICV into existence. Any Basic Production element is going to be large, hard to organize, slower to come into
effectiveness, and composed of a higher proportion of junior personnel as compared to Current or (especially) Estimates division. This does not mean, however, that the function is not needed. All these characteristics were true of CICV. By the time I left Vietnam, CICV's initial growing pains were nearly over, and it was becoming effective as the holder and maintainer of the data base on the enemy.

9. Colonel Caton repeatedly stresses his access to communications intelligence (for which I also was cleared, as were the other estimators). This emphasis on his part is not surprising, since this type of intelligence collection and reporting is particularly applicable to the Current Intelligence function. Frequently, this source is the first or only means of gaining information on new identifications, dispositions, movements, etc. Or, it may verify other sources. Usually, in field operations (as differentiated from the U.S. national level) this information is piecemeal or transitory in nature and, if it endures, generally becomes identified in collateral intelligence.

10. Special intelligence is extremely valuable, of course, especially relating to timing. However, I believe a balanced view would hold that its status is magnified by the mystique that surrounds it—the aura of mystery, the special clearances, the accessibility only to an elite chosen few,
etc. Properly handled, it can often be made at least partly usable by others having a need for it through sanitizing to mask methodology and origins. Colonel Caton, in fact, shows that he did this to some degree (¶ 8). The lack of direct access by CICV was, in my opinion, not a major limitation on CICV's job of building and maintaining the general data base.

11. Lastly on the subject of CICV, it is worth noting that CICV was one of General McChristian's attempts to blend our American effort in a coordinated way and to the extent possible with our South Vietnamese ally. Many American officers, intent on fighting a classic conventional war, would vastly have preferred to have no one present, military or civilian, except our and the enemy's conventional forces. If this had been the case, we should have won the war handily after the U.S. buildup of late 1966. But it was not the case. Vietnam was not the North African desert in World War II, or Korea in 1951-53.

12. Colonel Caton states his view (¶ 11) that the lower level irregulars and political cadre were not a significant component of the enemy's armed forces, and that Order of Battle "traditionally was a compendium of the enemy's uniformed forces". Further, he adds that "By 1967, the war was basically a conventional war without a fixed front . . . ." Here again Colonel Caton's limited view of
the nature of the war as a whole is apparent. General McChristian's conviction, which I came to share, was that we were confronting a total effort by an enemy operating under full application of the "people's revolutionary war" ideology and doctrine of Mao Tse Tung, Ho Chi Minh, Vo Nguyen Giap, and others. In these circumstances, Order of Battle transcended the traditional/conventional definition and had to include all the enemy's forms of contention. The important thing, as I saw it, was that each of these forms should be recognized and clearly defined as a part of the whole, and then be quantified as accurately as possible.

13. Neither I nor anyone I knew ever said that an enemy irregular platoon was equal to a North Vietnamese regular platoon in conventional military terms, but they were both parts of the whole. The same observation applies to the enemy's political infrastructure in its role of population organization and control. By 1967 the war had not lost and never did lose its irregular and political attributes. It had acquired, it is true, strong conventional characteristics (as postulated in enemy doctrine), but these were added on to the essential core characteristic of a national liberation insurgency war with irregular and political components.

14. I was startled by Colonel Caton's statement (¶ 16) that, at an important briefing for General Wheeler,
Colonel Hawkins was "likely" to have been present "behind the drawn curtain". As speculation goes, this is surely spectacular.

15. In closing, I wish particularly to reaffirm the statements I made in my affidavit of December 1, 1983, concerning my impressions of the "rosy glow coming across the Pacific" in late 1967, and my sense of uneasiness about the optimistic reports coming from MACV J-2 at that time and my surprise when the enemy launched the Tet Offensive.

16. Finally, I wish to correct the errors in paragraph numbering in my affidavit of December 1, 1983. The paragraph numbered "27" on p. 14 should read "22", and each succeeding paragraph should be correspondingly renumbered in sequence.

Sworn to before me this 13th day of April 1984.

William W. Cover

Notary Public

Commonwealth of Virginia
County of Fairfax

My commission expires May 26, 1986
HOWARD A. DANIEL, III, being duly sworn, deposes and says:

1. I am a former U.S. Army Master Sergeant. I served as a computer analyst and data processing supervisor with the U.S. Military Assistance Command Vietnam (MACV) in Saigon for four and one-half years from January 1966 to August 1970.

2. I am currently employed as a computer sales representative by Radio Shack, 11027 Lee Highway, Fairfax, Virginia 22030, and reside at 9103 Hunting Pines Place, Fairfax, Virginia 22031.
3. I entered the United States Army in July 1959. I served in France, Germany and Okinawa as well as in the United States prior to being assigned to MACV Intelligence ("J-2") in South Vietnam in January 1966. I received numerous decorations for my service in South Vietnam, including the Joint Service Commendation, Bronze Star and Army Commendation. At the conclusion of my tour in August 1970, I received a letter of commendation from the U.S. Director, CICV for my work with the Order of Battle Branch. A copy of this letter is annexed to this affidavit as Exhibit A.

4. In January 1966, upon my arrival in South Vietnam, I was assigned to create the Automatic Data Processing Branch of the Combined Intelligence Center Vietnam (CICV). After creating the branch, I supervised data processing operations for CICV for over two and one half years and was responsible for programming intelligence data for storage in the CICV computer.

5. My responsibilities included supervision of the programming of data for the MACV J-2, CICV, ADP Branch, including Order of Battle information, infiltration figures, and mine and booby trap locations. In order to perform all of these functions, I needed and was given an all-source security clearance. As a result, I had access to the highest-level classified information about the enemy from all available sources, including so-called communications
intelligence (COMINT) and signal intelligence (SIGINT). To the best of my knowledge, there was no category of intelligence data related to Order of Battle or infiltration figures for which I was not cleared.

6. One of my responsibilities in the second half of 1967 and in 1968 was to supervise the programming of the strength figures for enemy combat units, referred to as the enemy's "Main and Local" or as "Maneuver and Combat" forces in the MACV Enemy Order of Battle reports. The preparation of these strength figures was officially the responsibility of the Ground Order of Battle Section of the CICV Order of Battle Branch ("Ground Order of Battle"). The official enemy strength figures which were actually programmed for computer storage during late 1967 and 1968 were derived by starting with a figure for the total enemy combat strength in the Order of Battle. This total figure, according to the Ground Order of Battle analysts with whom I dealt directly, was passed down to these analysts from the MACV J-2 headquarters level. This total was then allocated among the four Corps Tactical Zones ("CTZs" or "Corps areas"). The Corps area analysts, who prepared reports of the strength of each enemy combat unit in their Corps area, would then have to adjust whatever figures they had arrived at from analyzing actual documentary evidence and other raw intelligence source materials in order that the totals for
all of their enemy units correspond to the total enemy combat strength figures which had been established for their Corps area.

7. In the last four or five days of each month, the Corps area analysts often frantically reduced their enemy strength figures for particular units on what seemed to be a random or arbitrary basis to ensure that their total figures fell at or below the ceiling figure for their respective Corps areas. The Corps area analysts argued frequently with their superior officers in efforts to introduce higher enemy strength figures into the Order of Battle, yet they rarely succeeded.

8. The existence of large numbers of enemy units not listed in the Order of Battle in 1967 and 1968 was attested to by extensive evidence more than sufficient to meet the established criteria for their inclusion. The Corps area analysts maintained maps and files on Viet Cong and North Vietnamese units in South Vietnam. In 1967 and early 1968, the numbers and strengths of these units bore little resemblance to the numbers and strengths of units carried in the official MACV Enemy Order of Battle reports. First, many units shown on the maps maintained by Corps area analysts were not included in any manner in the official MACV Enemy Order of Battle reports. In addition, the official Order of Battle did not include active enemy units not actually located in South Vietnam. As a result,
North Vietnamese units known to be in sanctuaries just across the border in Cambodia and Laos which often made quick strikes into South Vietnam were nevertheless not counted in the MACV Order of Battle. Moreover, the MACV Order of Battle, in listing enemy divisions, often carried only the subordinate infantry regiments but not the support battalions for those divisions.

9. In 1967 and early 1968, the South Vietnamese Order of Battle analysts who worked alongside the U.S. analysts at CICV invariably carried much higher enemy troop strength figures than the U.S. analysts did. The South Vietnamese analysts treated the official MACV Enemy Order of Battle with contempt and derision.

10. Another of my responsibilities in 1967 and 1968 was to supervise the processing of data on the location of enemy mines and booby traps. I was frequently told by operational field intelligence officers that our data on enemy mines and booby traps was quite helpful. However, the same officers told me that the official MACV Enemy Order of Battle Summaries were worthless because they did not reflect the actual strength of or number of enemy units that the field officers knew were out there confronting them.

11. Still another of my responsibilities in 1967 and 1968 was to program information on enemy infiltration into South Vietnam. During the several months prior to the
Tet Offensive, the data I was programming showed massive enemy infiltration into South Vietnam and rapid movement by enemy units. However, little of this infiltration was reflected in the official MACV Enemy Order of Battle. After Tet, I remember the Corps area analysts, who had all been carrying in their files and on their maps higher enemy troop strength estimates than those in the official MACV Order of Battle, saying, "I told you so".


Sworn to and subscribed before me this 10th day of May, 1983.

[Signature]

Notary Public
EXHIBIT A is JX 466 A-B.

1. I was an intelligence officer with the Central Intelligence Agency ("CIA") for five years. From January 1965 through December 1967 I was assigned to the Command and Control Branch, later known as the Research and Development Branch, of the CIA Saigon Station, where I worked with analysts from both the CIA and the U.S. Army Command Vietnam ("MACV"). I am currently employed by the Philippine Capital Management Corporation, Suite 700, Denver, Colorado 80222. I recently moved to 1700 Market Street, Denver, Colorado 80221.

2. I received a Bachelor of Science degree in Economics at Georgetown University in 1963. I also did graduate work in Economics at Georgetown University with a concentration in International Economics.
EXHIBIT B is JX-4668C. 1982, having

been received by Informal Means, Hawking, which

B-110 to L X at A 2

was introduced by Colonel Paul Hawking, which

B-156

was received by the undersigned at the time of

examination of the exhibits and was signed in the

letter.

[Signature]

[Signature]

B-156

[Signature]
JOHN I. DICKERSON, being duly sworn, deposes and says:

1. I was an intelligence analyst with the Central Intelligence Agency ("CIA") for five years. From December 1965 through December 1967 I was assigned to the Collation Branch, later known as the Research and Analysis Branch, at the CIA Saigon Station, where I worked closely with Vietnam analysts from both the CIA and the U.S. Military Assistance Command Vietnam ("MACV"). I am currently the President of Alpine Capital Management Corporation, 650 South Cherry Street, Suite 700, Denver, Colorado 80222. I reside at 2226 So. Beeler Way, Denver, Colorado 80231.

2. I received a Bachelor of Arts degree from Colorado State University in 1963. I also did graduate work in Economics at Georgetown University from 1963 to 1965.
3. In the latter half of 1967, the repetitive topic of discussion among analysts at the CIA Saigon Station concerned the gross underestimation of total enemy strength which the MACV command was relating in its official reports. Political considerations seemed to dominate the estimative process. The MACV command approved only those conclusions which were politically acceptable, whether or not those conclusions comported with the evidence. The MACV command was blatantly disregarding the overwhelming evidence of far greater enemy strength that we analysts were finding in intelligence sources such as captured enemy documents and interrogation reports. Working-level MACV analysts admitted that MACV's official estimates were inaccurate and reflected a command-imposed position not supported by the best available evidence. Based on our discussions and review of documents, analysts at the CIA's Saigon Station, including myself, concluded that the MACV command was under political pressure to show that we were winning the war and responded to that political pressure by producing erroneous intelligence reports showing that the enemy's ranks were declining when, in fact, we working-level analysts knew that that was not the case.

4. Those of my CIA colleagues who attended MACV briefings on enemy strength in the latter half of 1967 regularly reported their shock and amazement at the way in which estimates
of total enemy strength were arrived at by the MACV command. General Westmoreland often attended these sessions. It was reported to me at the time that General Westmoreland frankly admitted at these sessions that he was under political pressure to produce optimistic reports on the war's progress. He would indicate what figure was politically acceptable. It was then the job of his intelligence officers and analysts to work backwards to support this bottom line figure. Those who attended these meetings reported that General Westmoreland was not concerned with the evidence. His concern was with disseminating politically acceptable estimates of total enemy strength, regardless of what the evidence showed. This intentional distortion of the intelligence process repulsed many of the working-level analysts at MACV and CIA, including myself.

5. While in South Vietnam, I came to know George Allen, Louis Sandine, Joseph Hovey and John T. Moore, all of whom worked at the CIA Saigon Station. I had a great deal of respect for the abilities of these men as analysts. I also came to know Sam Adams during my tour in Saigon. Adams had an excellent reputation as a careful, thorough and competent analyst. Adams was widely regarded as an expert on the Vietcong.

6. One of my colleagues at the Collation Branch was James Ogle. I remember well Ogle's fears about the enemy.
He would often lock himself in his room for days and eat nothing but canned dog food, apparently convinced that the enemy was trying to poison the local food supply.

7. While in Saigon, I did considerable research on enemy activities in Cambodia. Based on that research, I concluded by 1967 that the enemy was operating out of Sihanoukville, Cambodia. This conclusion was contrary to the then prevailing view, which was that the enemy was not operating in Cambodia. This view again represented the politically expedient position. The Johnson Administration did not want to expand the war into Cambodia and Laos; therefore, there was reluctance to accept intelligence estimates indicating that the enemy was operating in those bordering countries. I detailed my findings in reports which I sent to my superiors at CIA Headquarters in Langley, Virginia. Because this was not politically acceptable, my superiors at CIA, particularly George Carver and Paul Walsh, rejected my findings. By 1970, the intelligence community finally acknowledged the enemy presence in Sihanoukville, Cambodia.

8. Based on my experiences in Vietnam, I came to believe that there was a conscious effort or conspiracy on the part of MACV officials, including General Westmoreland, to intentionally distort critical intelligence information relating to enemy strength.
9. I saw the CBS broadcast, "The Uncounted Enemy: A Vietnam Deception," when it aired in January 1982. On those aspects of the program about which I have personal knowledge, I found the broadcast to be both fair and accurate. If anything, I thought the broadcast should have been harsher in its criticism of MACV's conduct, rather than present such a balanced presentation. There is no doubt in my mind that the events depicted in the broadcast are true.

10. In 1976 I spoke with Samuel Adams about my experiences as a CIA analyst in Saigon. I told him in words or in substance that which is contained in ¶¶ 1-9 above.

Sworn to before me this 7th day of January 1984.

[Signature]

John I. Dickerson

Notary Public

[Office]

5-16-87
MICHAEL F. DILLEY, being duly sworn, deposes and says:

1. I am a Captain in the U.S. Army who served as an intelligence officer and analyst with the U.S. Military Assistant Command Vietnam (MACV) in Saigon from September 1966 to September 1967. I currently reside at 13 Sibert Lane, P.O. Box 72, Ft. Leonard Wood, Missouri 65473.

2. I enlisted in the Army in September 1964. After completing the counterintelligence agent course at Ft. Holabird, Maryland, I was assigned to the Field Office of the 113th Intelligence Corps Group in St. Louis, Missouri. In November 1965 I was transferred to OCS Infantry at Ft. Benning, Georgia.
where in May 1966 I received by commission in the Army Intelligence and Security Branch. In June 1966 I was assigned to Ft. Holabird and took the military intelligence officers' basic course. In September 1966 I was transferred to Saigon where I served as a Political Order of Battle analyst at the Combined Intelligence Center Vietnam (CICV), which analyzed raw data for MACV J-2 (Intelligence). While in Saigon, I attained the rank of First Lieutenant. In September 1967 I returned to the United States and was assigned to the 115th Intelligence Corps Group in Sacramento, California. In May 1968 I was promoted to the rank of Captain. In December 1968 I was transferred back to Vietnam as S-1/Adjutant with the 4th Batallion (Provisional) 525th MI Group, which later became the 574th MI Detachment. In December 1969 I was assigned to the Airborne School at Ft. Benning. In January 1970 I was transferred to Ft. Holabird to serve as an instructor in counterintelligence. I attended the military intelligence officers' advanced course in April 1970 and the basic industrial security course in January 1971, both at Ft. Holabird. In February 1971 I was assigned to the Defense Contract Administration Services in New York, N.Y. In February 1974 I returned to Ft. Benning and finished jump school. In March 1974 I was transferred to Ft. Bragg, North Carolina, and became Chief of the Counterintelligence Section of the 218th
From December 1976 to February 1977, I was on special duty at Ft. Bragg with the Criminal Investigation Division. In February 1977 I was released from active duty as a Captain. I then reenlisted, at which time I was transferred to the 82nd MI Company, 82nd Airborne Division. In June 1980 I was retroactively reinstated to active duty and the rank of Captain. Since June 1980 I have been assigned to Ft. Leonard Wood, Missouri, with the 902nd Military Intelligence Group.

3. During my tour as a Political Order of Battle ("Political OB") analyst at CICV, I came to know a great deal about the enemy's political infrastructure. We developed a sophisticated methodology for estimating enemy strength in the political category. Through captured enemy documents and interrogation reports, we were able to discern a consistent pattern in the job structure and manning levels of the enemy's political infrastructure. This same pattern existed from the hamlet level right up through the provinces. Having established this pattern, we were able to get an accurate fix on the size and strength of the enemy's political cadres.

4. In the spring and summer of 1967, we were consistently reporting that the total size of the enemy's political infrastructure was approximately 139,000. This estimate was based on solid and reliable information. In fact, the more
information we received, the more confident we felt about the accuracy of this estimate. During this same period, the official MACV enemy Order of Battle was reporting a far lower figure of 39,175 for total enemy political strength.

5. During my initial months in Saigon, Major General Joseph A. McChristian was the MACV J-2, in charge of intelligence operations in Vietnam. Under General McChristian's leadership, we were encouraged to produce the most accurate intelligence estimates possible through meticulous research and analysis. This changed, however, after General McChristian's departure in mid-1967. The new MACV command, led by Brigadier General Phillip Davidson as MACV J-2, did not seem to share General McChristian's concern for accuracy in intelligence estimates.

6. I was among the many analysts who were confounded by the numbers games which the MACV command seemed to be playing in the summer of 1967. Official figures were juggled for seemingly no other purpose than to keep the overall enemy strength figure below a ceiling level of 300,000.

7. On two occasions in July 1967, I was ordered by Col. Gains Hawkins, then chief of the MACV J-2 Order of Battle Branch, to arbitrarily reduce estimates of enemy strength in the political category. On the first occasion, Col. Hawkins came to our area to discuss our estimates of
enemy political strength. He said that our figure of 139,000 was too high and that we had to come up with a lower number.

In addition to myself, another Political OB analyst, Lt. Kelly Robinson, was also present when Hawkins gave this order. Reluctantly, we changed some of our figures and arrived at an estimate of 114,000. Both Lt. Robinson and I were upset about this incident.

8. In late July 1967, on the eve of an Order of Battle Conference to be held in Washington, D.C., Col. Hawkins returned to our area one evening and ordered that we further reduce our figures on total enemy strength in the political category. Both Lt. Robinson and I were again present. Col. Hawkins told us at the outset, "I want to be able to support a figure of between 90,000 and 94,000." Lt. Robinson and I were shocked. The three of us sat down and worked through the figures. Col. Hawkins was slashing strengths arbitrarily until he finally reached the range he wanted. At no time did Col. Hawkins present any evidence whatsoever that conflicted with our estimates. He simply ordered that we arbitrarily reduce our estimates, irrespective of the considerable evidence supporting them.

9. Both Lt. Robinson and I were even more upset after this second episode. Neither of us could understand why the MACV command refused to accept our estimates of higher enemy strengths. We felt that our estimates were based on
solid and reliable evidence. In fact, I viewed our 139,000 figure as a conservative estimate.

10. In May 1981, I spoke at length with Samuel Adams about my experiences as a Political Order of Battle analyst in South Vietnam in 1966 and 1967. During the course of these conversations, I told Mr. Adams in words or in substance the matters set forth in paragraphs 1 through 9 above.

Michael F. Dilley

Sworn to and subscribed before me this 2nd day of October 1983.

Notary Public
AFFIDAVIT OF
AARON DONNER

STATE OF NEW YORK,

COUNTY OF SUFFOLK,

AARON DONNER, being duly sworn, deposes and says:

1. I am an attorney and a member of the firm of Donner, Hariton & Berka, 2115 Union Boulevard, Bay Shore, New York 11706. In 1975 I served as chief counsel to the U.S. House of Representatives' Select Committee on Intelligence, which as part of its investigation examined the quality of U.S. intelligence regarding the 1968 Tet Offensive. On the basis of my work with the Pike Committee, I came to believe that the military played arbitrary numbers games with estimates of enemy strength and distorted intelligence information about enemy strength in the year leading up to the Tet Offensive. Moreover, I concluded that the military's intentional distortion of the intelligence
process had prevented American policy makers from appreciating the true capabilities of the enemy we faced in Vietnam.

2. In 1975 the House Select Committee on Intelligence (also known as the "Pike Committee" in reference to its chairman, former U.S. Representative Otis Pike) conducted an extensive investigation of the U.S. intelligence community. The Committee selected a series of important foreign events—including the 1968 Tet Offensive in South Vietnam—as focal points for its examination of the quality of American intelligence analysis.

3. On the Tet issue, staff members reviewed thousands of classified documents and interviewed many officials who were privy to the workings of the intelligence process during this period. The intelligence community resisted the Committee’s efforts to obtain documents, and it was only through subpoenas and good investigative work that we were able to acquire so much information about the intelligence process. I felt that the Pike Committee conducted a thorough and extensive examination of the quality of U.S. intelligence analysis regarding the Tet Offensive.

4. Gregory Rushford was the staff investigator primarily responsible for investigating the Tet issue for the Pike Committee. I thought Rushford was an excellent
investigator. He was fair but determined in his efforts to learn more about the Tet period.

5. The Committee held two public hearings on the conduct of the U.S. intelligence community in the year leading up to the Tet Offensive. In the first public hearing on September 18, 1975, the Committee heard testimony from Samuel A. Adams, a former CIA intelligence analyst and expert on the Vietcong. Adams gave compelling testimony about what he described as "corruption in the intelligence process" and that "U.S. intelligence had deliberately downgraded the strength of the enemy army in order to portray the Vietcong as weaker than they actually were", with the aim being "to fool the American press, the public and the Congress". (Tr. of Committee Hearing on September 18, 1975, at p. 684) Adams charged that certain civilian and military officials, including General Westmoreland, engaged in a conspiracy to distort and suppress information about true enemy strength in the year leading up to the Tet Offensive. Adams testified that "the Tet surprise stemmed in large measure from corruption in the intelligence process" and that "American intelligence had so denigrated the Vietcongs' capabilities that we simply could not have predicted the size of the Tet attack". (Tr. of Committee Hearing on September 18, 1975, at p. 684) Adams'
testimony was corroborated by classified documents which became available to the Committee during its investigation.

6. I found Adams to be a credible witness. I believe the Committee felt the same way about Adams since the Committee's final report endorsed the substance of Adams' testimony. A copy of the relevant section of the Committee's final report, as published in the Village Voice, is attached to this affidavit as Exhibit I.

7. At the second public hearing on December 3, 1975, there was further testimony regarding the military's intentional distortion of the intelligence process during the Tet period. Richard McArthur, MACV's principal guerrilla analyst, testified that in early 1968 his estimates of total enemy strength were arbitrarily reduced and, when he protested the arbitrary reduction, he was told by his commanding officer, "Lie a little, Mac, lie a little". (Tr. of Committee Hearing on December 3, 1975, at p. 1656) When he refused to do that, McArthur testified, he was transferred to a new post away from Saigon. I found McArthur to be a very credible and honest witness.

8. During the second public hearing, the Committee also heard testimony from Lt. Gen. Daniel O. Graham, who served as a MACV intelligence officer in 1967 and 1968, and representatives of the CIA, including then Director William Colby, George Carver, Paul Walsh and George Allen. These
witnesses denied Adams' charges that MACV and CIA partici-
pated in a conspiracy to distort intelligence information
about the size of the enemy in the year leading up to the
Tet Offensive.

9. Although General Westmoreland did not testify
before the Pike Committee, he was invited to give testimony.
He sent the Committee a three-page letter in which he denied
Adams' charges that he had participated in a conspiracy to
distort intelligence. (Appendices to Committee Hearings,
Appendix VI at pp. 2005-10) That letter was included in the
official record of Committee proceedings.

10. Committee Chairman Otis Pike made several
pertinent observations during our public hearings. At one
point he remarked:

"We count on our intelligence in America to
provide us with objective information whereby rational
decisions can be made. In this instance it seems to me
political decisions were made after which the intelli-
gence was shaped to fit the decisions which had already
been made." (Tr. of Committee Hearing on September 18,
1975, at p. 707)

Representative Pike and Samuel Adams had the following
exchange:

Chairman Pike. "And this is really what you mean
when you refer to a corruption of the system—that the
intelligence was intentionally made inaccurate to
comply with or to conform to political decisions which
had already been made?"

Mr. Adams. "That is correct, sir." (Tr. at
Committee Hearing on September 18, 1975, at p. 705)
Representative Pike told CIA Director Colby:

"I assert to you, sir, that Congress was being fed the phony figures--the low figures."

"You may have been telling the executive branch what the true figures were, but you were not telling Congress and, in my judgment, the American people did not have the slightest idea." (Tr. of Committee Hearing on December 3, 1975, at p. 1696)

11. On the basis of our investigation, I came to believe, as the Committee concluded, that MACV and CIA had played "numbers games" with enemy strength figures which "not only diverted a direct confrontation with the realities of war in Vietnam, but also prevented the intelligence community, perhaps the President, and certainly Members of Congress, from judging the real changes in Vietnam over time". The military's sanguine reports on enemy strength had created false perceptions of the enemy U.S. forces faced and prevented measurement of changes in enemy strength over time. We found that the validity of most of the military's numbers was significantly dubious during this period, yet those numbers were relied on for optimistic presentations. For example, we learned that General Westmoreland had used such figures to support his contentions in the fall of 1967, that the enemy's "guerrilla force is declining at a steady rate".

12. In the context of the period it appeared that considerable pressure was placed on the U.S. intelligence
community to generate optimistic intelligence reports for political purposes. For example, enemy categories which had been included in calculations of total enemy strength since 1962 were suddenly excluded from estimates of total enemy strength in September 1967 in what appeared to have been an arbitrary attempt to maintain some ceiling on the level of total enemy strength.

13. After describing the deceptions perpetrated by MACV and CIA during this period, the Committee further stated in its final report that whether this distortion of the intelligence process "was by conspiracy or not is somewhat irrelevant". The Committee had already stated in its final report that intelligence information about the size of the enemy we faced in Vietnam had been distorted for political reasons and that because of these distortions and arbitrary numbers games, the American public, press, Congress and perhaps even the President had been misled about our progress in the war. On the basis of what we learned during the Pike Committee investigation, it was certainly reasonable to conclude that this distortion of intelligence on enemy strength was the result of a concerted effort or conspiracy in which the military participated and about which General Westmoreland, in his capacity as Commander of MACV, knew or should have known. I know that there was support among Committee members and Committee
staff personnel for that position, and that conclusion, while not specifically stated, was certainly suggested in the Committee's final report.

14. In my opinion the Tet Offensive took our civilian and military leaders by surprise, and because of that surprise, the enemy achieved a victory at Tet. As the Committee observed in its final report:

"Even though quick corrective action was taken to salvage American equipment and protect U.S. personnel, the ultimate ramifications on political and military fronts were considerable. General Westmoreland requested a dramatic increase of 206,000 in U.S. troop strength, and additional equipment supplies. Secretary of Defense Clark Clifford began rethinking the substance of intelligence. A collection of intelligence officers finally briefed the President of the United States on the realities of the Vietnam War in mid-March, and a few days later he announced he would not seek re-election."

15. I saw the CBS broadcast, "The Uncounted Enemy: a Vietnam Deception". Based on what I learned as chief counsel to the Pike Committee, I considered the broadcast to be fair and accurate. Since the Pike Committee had already explored this distortion of the intelligence process, I found nothing surprising about the substance of the CBS broadcast. Just as the Pike Committee had found, the CBS broadcast provided compelling evidence that the military had engaged in numbers games on intelligence information about enemy strength, had placed an arbitrary ceiling on the total enemy strength figure which it would accept and had
generated intelligence information about enemy strength for political purposes rather than out of tactical necessity. What was surprising about the CBS broadcast was the volume of on-air testimony supporting the broadcast. We learned during our investigation how difficult it was for people to "go public" about such sensitive matters. I found the candid admissions of the several intelligence officers who appeared on the broadcast truly remarkable. Their statements confirmed what those of us associated with the Pike Committee had come to believe and what the Committee had stated in its final report. CBS is to be commended for having brought this important matter to the public's attention.

Sworn to before me this day of March 1984.

Notary Public

NOTARY PUBLIC, State of New York
No. 4780264
Qualified in New York County
Commission Expires March 30, 1985
EXHIBIT I is JX 467.

Army. I immediately started work as a research analyst in the Vietnam project. For over two years I supervised a detailed study of a Viet Cong public relations unit. Just prior to the 1968 Tet offensive, I was in South Vietnam and was there during the first week of the offensive. I returned once more in May and spent several weeks prior to returning to the United States to resume my graduate studies at Cornell University. In February 1971 I completed my graduate course work at Cornell University and spent the rest of 1971 in the Army in Vietnam. In February 1971 to do a study of the defense intelligence work for Rand. On the completion of this work in October 1971, I carried out research on my Ph.D. dissertation.