DAVID ELLIOTT, being duly sworn, deposes and says:

(1) I am currently Associate Professor of Government and International Relations at Pomona College in Los Angeles County. I spent a total of six years in Vietnam during the period 1963-73 studying the Vietnamese communist organization. In August 1982, I again visited Vietnam for a period of three weeks.

(2) I received a B.A. degree from Yale University in 1960, and was studying in the Ph.D program of the Woodrow Wilson School of Foreign Affairs at the University of Virginia when I enlisted in the Army. After a year of Vietnamese language training at the Defense Language Institute, I was assigned to Vietnam in October 1963. Shortly
after my arrival in Saigon, I was detached to the Translation Section of the Collection Branch, J-2 (Military Intelligence) at the Military Assistance Command Vietnam ("MACV"). There, I supervised the translation of captured communist documents, assisted in the compilation and publication of a Vietnamese-English glossary of Vietnamese communist terminology, and was engaged in activities relevant to the collection of communist documents until my tour of duty ended in April 1965 and I was discharged from the Army. I immediately started work with the Rand Corporation as a research analyst in the Viet Cong Motivation and Morale project. For over two years I supervised a special project for Rand focusing on the communist movement in a single province of South Vietnam. I left Vietnam in the fall of 1967 for Taiwan, where I studied Chinese language and produced a detailed study of a Viet Cong local force military unit. Just prior to the 1968 Tet Offensive, I returned to Vietnam and was there during the first week of the offensive. I returned once more in May 1968 for a period of several weeks prior to returning to the United States to resume my graduate studies at Cornell University. After completing my graduate course work at Cornell, I returned to Vietnam in February 1971 to do a study updating my earlier work for Rand. On the completion of this study at the end of 1971, I carried out research on my Ph.D dissertation as a
private scholar. During this period of time I had the opportunity to travel widely to different areas of Vietnam, and accompanied members of the press to several of the key battlefields of the 1972 Spring Offensive. After a year of dissertation research in Hong Kong from the Summer of 1972 to the Summer of 1973, I returned to Vietnam for several weeks, then returned to the United States. I received the Ph.D degree in January 1976, taught for a year as Visiting Assistant Professor of Government and Asian Studies at Cornell University, and moved to Pomona College in 1977, where I have continued to pursue my academic interests in the communist movement in Vietnam.

(3) My understanding of the Vietnamese communist movement progressed through several stages. When I first arrived in Vietnam in late 1963, I found that there were only a handful of Americans who had made a serious study of the "Viet Cong" (as the southern branch of the communist movement was then called). Almost no reference materials existed for someone coming fresh to the study of the Viet Cong to rely on. The only widely available works were the writings of Bernard Fall, which were based on outdated information from second-hand sources, and written at a level of generality which was of little help to an intelligence analyst concerned with specific operational problems and details. Translating captured documents posed special
problems, since no glossary of the unusual terminology used by the Viet Cong existed at the time I started my work, and the linguistic problems became intermixed with the substance of the documents, which could not be accurately analyzed unless they were properly translated. Grappling with problems of terminology proved an excellent introduction to Viet Cong organization, since it was necessary to understand in detail the organizational context in which documents were written and the audience to whom they were addressed in order to make sense of them. Our office processed quite literally tons of captured documents from every conceivable source and region. It was a unique opportunity to look at the inner workings of the Viet Cong organization as its own people saw it.

(4) When I went to work for the Rand Corporation, I saw another, and even more interesting dimension of the communist movement—the actual people who were the source and subject of the documents I had worked on in the Army. In 1964, the Secretary of Defense, Robert S. McNamara, was concerned that policy makers did not know enough about their antagonist and commissioned a Rand study on "Viet Cong Motivation and Morale". This study went through a number of phases, and was effectively terminated in 1968. During the study, nearly 2,400 interviews were conducted and transcribed in approximately 62,000 pages. The project that
I supervised, a study based on interviews with prisoners and defectors from Dinh Tuong province, completed 285 interviews in the 1965-68 period, and over 80 interviews during 1971.

(5) Because the Dinh Tuong study took a single province in the Mekong Delta as its focus, it necessarily concentrated on what came to be known as the "infrastructure" or lower level of the Viet Cong organization. This term, it might be noted, is a translation of the Viet Cong term "ha tang co so", and reflects the great stress and importance that the communists attached to this level where their organizational system came into contact with the civilian population. Indeed, the history of the guerrilla movement indicates that this linkage between the formal organization and the social context in which it operated was the most crucial element of what I came to call the "Viet Cong System". Our study produced testimony on this critical interface between guerrillas and civilians from a variety of perspectives, ranging from the upper levels of provincial leadership, to the village cadres (full time political operatives) and guerrillas, to the part time participants in the movement whose role was so crucial to its success.

(6) One of the major findings of the 1971 study, in fact, was that the earlier Dinh Tuong study, while accurately depicting the organizational dynamics of the guerrilla movement, had not paid adequate attention to the
vital support structures that facilitated their activities. The 1971 study was, in a sense, a supplement to the earlier study, and provided an examination of the Viet Cong movement during a period of great stress, thus enabling us to look at how the movement operated during periods of relative weakness as well as relative strength. This study was also able to provide some insight into what happened during the Tet Offensive in the countryside—a hitherto overlooked dimension of this important watershed in the Vietnam conflict.

(7) On the basis of the Rand studies, my own personal observation, and careful analysis of the writings of the Vietnamese communist leadership on their strategy of revolutionary war, I did an analysis of the 1972 Spring Offensive, which contains a summary of my general observations about the reasons for the effectiveness of communist operations. Perhaps the most important general observation about the Vietnamese communist strategy is that its overall objective was not to defeat the United States directly and militarily, but rather to prevent the United States from achieving its diplomatic and political aims, to neutralize the United States as the decisive factor controlling the outcome of the war, and to bring about a situation in which the relative strengths of the contending Vietnamese parties would determine the contest. This
required a strategy which would undercut the major strategic options of the United States and leave no choice but to disengage.

(8) The communist recognized that they could not defeat the United States in a conventional military sense. However, they did believe that they could defeat the United States by responding directly to the American war of attrition and pursuing a variety of political and military approaches that would exhaust the strategic options of the United States, leaving it with the choice of a prolonged, costly, and inconclusive stalemate or withdrawal from direct participation in the conflict.

(9) It was this that Party Secretary General Le Duan had in mind when he stated that victory meant "mobilizing and organizing the masses with a view to frustrating the enemy's successive policies and foiling every one of his schemes and maneuvers," and gaining "at all costs all objectives that could be attained in a given period..." During the Tet Offensive, captured communist directives constantly referred to the enemy aim of "breaking the aggressive will" of the United States, which not only meant demoralizing the United States, but also eliminating its strategic options.

(10) How to implement this aim was a complicated problem. It involved the careful coordination of all
available forces in both political and military tasks. In order to be successful, the revolutionary organization had to be greater than the sum of its parts. The first Rand study on the "Viet Cong System" defined that system as:

"a complex of organization and personnel, operating within a clearly defined geographical environment, together with the strategy and tactics of their deployment within that territory. System implies regularly interacting or interdependent elements forming a unified whole. Thus the Viet Cong in Dinh Tuong is viewed as a balanced, well-coordinated, closely interrelated, political-military organization in which each element supports every other element and multiplies its effectiveness."

(11) As part of this communist strategy, the Tet Offensive was not aimed at driving the United States into the sea, but at convincing the United States that the war could not be won at an acceptable cost. And, of course, it had the effect of forcing American decisionmakers to acknowledge what the Johnson Administration had vigorously denied for over a year: that the war was stalemated and could not be terminated by military means within the framework of existing policy of attrition. Tet was a calculated risk; but one which paid off for the Viet Cong.

(12) To accomplish their victory, the Communist strategies divided their forces into three different types, and the theater of operations into three distinct zones. Main Force units were the regular forces organized in battalion, regimental, and division structures. Local (or
regional) forces were usually organized into company or battalion sized units and were under the control of the province or district leaders. Guerrilla forces usually operated at the village and hamlet level, and fell into the general categories of full-time guerrillas, part-time guerrillas, and self defense militia. The most suitable zone of operations for the main force regulars was in the lesser populated regions of mountains and forests, while the local forces operated in more populous areas of the rural deltas but only in relatively secure areas of revolutionary control. The guerrillas operated in a variety of settings. If the village were under strong revolutionary control they might operate openly. If not, they would operate clandestinely. The self defense militia operated in both settings, depending on the extent of revolutionary control in their hamlets.

(13) This division of labor was known in the United States at the time as "flexible response". It would have been fatal for a militarily overmatched guerrilla force to have been able to operate only in one type of setting and under favorable conditions. The communist military forces were organized so that they have the ability to operate at any level, in any setting, and under any kind of conditions. Clearly, regimental-sized main force units would have been extremely vulnerable in contested territory in the open.
ricefields of the deltas. Similarly, smaller units might have found it difficult to operate in more secure areas away from the civilian population because the logistic support would be difficult and, more importantly, in order to make their presence felt they would have had to be able to cope with opposition regular army units. In terms of size, mission, and logistical support, each type of unit had its own "ecological" niche in the various theaters of revolutionary operations.

(14) Each type of unit supported the others. Without the manpower and supplies from the populated deltas, the main force units would have withered on the vine. And without the ever present threat of the large units, the opponents of the revolutionary side could have concentrated their superior forces to destroy the more vulnerable smaller units. The local force units in turn were supplied with recruits and logistical services (as well as intelligence) from the guerrilla and militia forces at the village level. To some extent the full-time village guerrillas had the same dependence on the self defense militia. During the pre-1968 period, this system worked very well. If a small Allied pacification operation was desired to target a specific area or group, there would usually be a sufficient deterrent threat of the presence of a larger Communist unit to discourage it. By the same token, the larger Communist
military units could not operate in populous areas without an extensive network of support to provide food, carry ammunition, provide medical care, bury the dead, and supply intelligence. The self defense militia performed many of these functions, in addition to its more directly aggressive functions, and therefore played a key role in the overall operations of the revolutionary movement.

(15) The lowliest militia member played just as critical a role as did the main force soldier. It was the mutually supporting nature of the entire revolutionary movement, including their civilian supporters, that gave them the flexibility and the resilience to overcome opponents that were, in conventional military terms, incomparably stronger.

(16) The United States military refused to recognize the full military force which it confronted. The "Viet Cong System" was a seamless web which linked the most formidable main force units with the local militia, which provided an indispensable political, economic, and manpower base in the villages. The United States Army had an enormous "tail" that supplied logistics services to its combat units—and they all figure in our order of battle because they were in uniform and drew full time pay. Yet many of the Viet Cong forces whose contributions were similarly crucial to the success of the larger North Vietnamese and
Viet Cong main force units were arbitrarily excluded from consideration in the enemy order of battle. The local operations of the political cadre, self defense and secret self defense forces not only provided a base of logistical and manpower support similar to their uniformed American and South Vietnamese counterparts, but also relieved military pressure from the larger North Vietnamese and Viet Cong units by tying down local Saigon government security forces in manpower intensive pacification operations.

(17) The political cadre, self defense and secret self defense militia were eliminated by MACV from full consideration as military factors before Tet even though at the time they played a vital role in the communists' military operations, and were to play an even more important role during the Tet Offensive itself. Although the Tet Offensive damaged the Viet Cong main force units, it did not erode the Viet Cong position in the rural villages. One of the most interesting findings of the 1971 Dinh Tuong study was that the Tet Offensive had been accompanied by a temporary, but almost total communist control of the countryside. During this period, the revolutionary side was able to recruit almost at will. The key factor that made the communists' total control only temporary in the rural areas and that led to a reciprocal temporary (though partial) success in the American pacification program was the extensive depopulation
of the countryside as a result of intensified bombing and military operations in settled areas after Tet. When the population was largely displaced from the land and resettled as refugees in Saigon controlled areas, the synergistic balance of the "Viet Cong System" was upset. This proved to be temporary only, and did not provide a viable basis for long term "pacification" since the cadre infrastructure was never eliminated, and resumed activities as before when the population returned to their former homes.

(18) Omission of the political infrastructure from the enemy order of battle meant that the order of battle failed to reflect the most important dimension of revolutionary war—the all important political component. The final outcome of the war, with main force units from North Vietnam crashing through the gates of the Presidential Palace in Saigon, have left vivid images in our minds that have obscured the fact that without the self-defense and secret self defense guerrilla base so carefully built up over the years, that outcome would probably not have been possible. Certainly, the United States Army was capable of coping with the military challenge of the regular combat units; but it was the political dimension of the revolutionary movement that proved so frustratingly impervious to the military strength we deployed. Indeed, a major reason for the success of the communist side was that it made no
compartmentalized distinction between the political and military aspects of the war.

(19) Given the great stress placed by the United States Mission in Vietnam on pacification operations aimed at "rooting out the infrastructure" (from late 1966 on), and the simultaneous attempt to coordinate civilian and military operations on the American side under one command (CORDS), it is puzzling that MACV subsequently disjoined the analogous components on the other side by eliminating the political cadres from full consideration as a military entity.

(20) The political cadres, self-defense and secret self-defense militia were an integral part of the Viet Cong military force and should not have been excluded from the enemy military order of battle. As subsequent experience in Vietnam made clear it would have been the wiser and more prudent course to give a full accounting to all elements of our opponent's military strength.

David Elliott

Sworn to and subscribed before me the 27th day of December, 1983.

Notary Public
JOSEPH A. FACKOVEC, being duly sworn, deposes and says:

1. I have worked as a film editor for 32 years. I began working as a film editor in 1952 with Edward R. Murrow and Fred Friendly on the "See It Now" series. I have edited at least 75 one-hour documentaries and those shows have won at least 25 Emmy's, Peabody's and other prestigious journalistic awards.

2. I was one of two film editors on the CBS documentary "The Uncounted Enemy: A Vietnam Deception". I edited reels four and five of the documentary.

3. I was never once aware of George Crile being devious, secretive or unfair. Quite the opposite was true.
4. If at any time I had detected anything improper (which I did not), I would have brought this to George Crile's attention and if for any reason I felt he was not doing the right thing, I would have immediately brought this to the attention of Andy Lack or Howard Stringer, the documentary's senior producer and executive producer respectively. I have known and worked with these men for many years and would not have hesitated to alert them to any problems or difficulties that I saw, but, as I said, there were none.

5. I have known and worked with Joe Zigman for some 15 years. He is a capable, hardworking and, above all, honest television producer.

6. Over the years I have worked on four one-hour documentaries with George Crile. George is a digger, and at times difficult to work for, but I have always known him to be honest and fair both with me and with the subjects and content of the programs we have worked on together—including "The Uncounted Enemy: A Vietnam Deception".

Sworn to and subscribed to before me this 23rd day of April 1984

Joseph A. Packovec

Notary Public
MICHAEL FRABONI, being duly sworn, deposes and says:


2. I received a Bachelor of Arts degree from Ithaca College in 1971 and a Master of Arts degree from the State University of New York at Buffalo in 1972.

3. I entered the Army in November 1966 and was assigned to Fort Holabird for military intelligence training.
I was then sent to Saigon in June 1967 to work as a Viet Cong recruitment analyst in the Order of Battle Studies ("OB Studies") section of the Order of Battle Branch of the Combined Intelligence Center Vietnam (CICV), which analyzed raw data for MACV J-2 (Intelligence). When the officer in charge of Viet Cong recruitment left Saigon within a month of my arrival, I became the chief enemy recruitment analyst at CICV. From that point on until August 1968, when I returned to the United States and left the service, I was the only person at CICV working full time on enemy recruitment analysis. I was not aware of anyone else at MACV intelligence who was working primarily on enemy recruitment.

While in Vietnam, I received a commendation for meritorious service. By the time I left the Army, I had attained the rank of Specialist Five.

4. I found that estimates of enemy recruitment rates could not be formulated with any degree of precision because we had no hard data base available to us. At one point we sent out a questionnaire to the field officers asking them to estimate the levels of enemy recruitment in their districts. Most of those questioned either ignored our inquiry or responded that there was no way to tell.

5. The officers at MACV headquarters rarely asked me for specific information on enemy recruitment, but when
they did, it was usually clear from the question what answer they expected. For example, I would occasionally get a request for information on the extent to which the enemy was resorting more to recruitment among women and children.

6. I have seen documents, such as a cable dated October 7, 1967, from the American Embassy in Saigon to the Secretary of State (a copy of which is attached as Exhibit A to this affidavit), which reported a sharp decline in enemy recruitment from an estimated rate of 7,000 a month in 1966 to 3-4,000 by late 1967. In the data I reviewed, there was no indication of any sharp decline in recruitment during 1967. In fact, there was no indication of any decline whatsoever in enemy recruitment during 1967. Moreover, the precise quarterly numbers in the cable attached as an exhibit to this affidavit were far more exact than could reasonably be derived from the information we then had available to us. I have no idea how such precise numbers could have been arrived at other than on an arbitrary basis.

7. At OB Studies I came to know well such officers as Richard McArthur, our chief guerrilla analyst, and Bernard Gattozzi, our chief gains/loss analyst. They would often express to me their frustration that their estimates were not being accepted by the MACV J-2 command, which they said seemed to be arbitrarily cutting their estimates of enemy
strength and infiltration. Gattozzi, in particular, complained about the failure of the MACV J-2 hierarchy to accept what he described to me as a drastic increase in enemy infiltration in late 1967 prior to the Tet Offensive.

8. For part of my tour in Saigon, Lt. Col. Everette Parkins was the Chief of OB Studies. Parkins was at odds with the MACV intelligence hierarchy over the figures being produced and released publicly on enemy troop strength. Parkins objected to the way in which these estimates were being formulated. The MACV command seemed determined to issue enemy strength figures which would show we were winning the war of attrition, regardless of what the data indicated. Parkins refused to begin with this conclusion and then work backwards. He vigorously defended the higher estimates of enemy strength our analysts were producing at the expense of his own career advancement. Sometime late in 1967, Parkins returned from a meeting at MACV headquarters and told us that he was on his way out because of an argument over the numbers. He had protested the rejection by the MACV hierarchy of the higher estimates of enemy strength formulated by the analysts in OB Studies. I admired Parkins for that. He was a career Army man, but he had the guts to put his career on the line to defend the integrity of his work and that of his staff.

9. By the time I left Saigon in August 1968, I had become disenchanted with my work. Just before leaving
Vietnam, I told my commanding officer that I felt our efforts in OB Studies were basically a waste of time. We were doing our best to produce estimates of some value, but it was apparent to me that the MACV command had their own numbers, and they were not willing to accept estimates from the analysts in OB Studies that conflicted with those numbers. Therefore, I felt the whole exercise was ridiculous. Our work had become meaningless.

Sworn to and subscribed before me this 27th day of July 1983.

Michael Fraboni

Notary Public

GEORGE H. PORTER
Notary Public
STATE OF NEW YORK RICHA COURT
Commission Expires March 31, 1988
EXHIBIT A is JX 264.

2. I received a Bachelor of Arts degree in International Relations from the University of California, Berkeley, in 1967. I also received a Masters degree in International Relations from the University of California, Berkeley, in 1969. I have done further graduate work at American University and the University of Virginia since coming to work for the Agency.

3. While I was not directly participating in the formulation of Special National Intelligence Estimates on Vietnam prior to 1967, I was aware of the events surrounding its preparation. The CIA had responsibility for preparing the initial SNE, 14.1-67. To the best of my knowledge, Samuel B. Smith was the only analyst at CIA working full-time on an SNE. I was in charge of the SNE 14.1-67 when the SNE debate arose in mid-1967. I prepared a SNE draft that contained an estimate of enemy strength, which I believe was based primarily on research that was significantly higher than figures officially reported by the U.S. Military Assistance Command, Vietnam (MACV). An Agency delegation went to MACV in October 1967 to review its South Vietnamese intelligence estimates.
WILLIAM C. WESTMORELAND,  

Plaintiff,  

82 Civ. 7913 (PNL)

against-

CBS INC., et al.,  

Defendants.

COMMONWEALTH OF VIRGINIA,  
COUNTY OF FAIRFAX,  

DWAIN GATTERDAM, being duly sworn, deposes and says:

1. I have been an intelligence analyst for the Central Intelligence Agency ("CIA") for the past 24 years. From October 1964 through June 1966, I was assigned to the Collation Branch at the CIA Saigon Station, where I worked closely with analysts for the U.S. Military Assistance Command Vietnam ("MACV"). From the summer of 1966 to the fall of 1967, I worked on Vietnam economic intelligence matters in the Office of Economic Research ("OER") at CIA headquarters in Langley, Virginia. From the fall of 1967 to the summer of 1975, I worked as an analyst in OER's South

B-200
Vietnam Branch. I am currently a senior military analyst in the Office of Near East/South Asia. I reside at 867 Golden Arrow Street, Great Falls, Virginia 22066.

2. I received a Bachelor of Arts degree in International Relations from the University of California, Berkeley, in 1958. I received a Masters degree in Economics from the University of California, Berkeley, in 1960. I also have done further graduate work at American University and the University of Virginia since coming to work for the Agency.

3. While I was not a direct participant in the formulation of Special National Intelligence Estimate ("SNIE") 14.3-67, I was aware of the events surrounding its formulation. The CIA had responsibility for preparing the initial draft of SNIE 14.3-67. To the best of my knowledge, Samuel Adams was the only analyst at CIA working full-time on enemy Order of Battle when the SNIE debate arose in mid-1967. CIA prepared a SNIE draft that contained an estimate for total enemy strength, which I believe was based primarily on Adams' research, that was significantly higher than figures being officially reported by the U.S. Military Assistance Command ("MACV"). An Agency delegation went to a conference in Saigon
in September 1967 to discuss the figures with MACV officials.

4. From my viewpoint, the September 1967 Saigon Conference proved to be a fiasco. Based on reports which I received, the CIA delegation essentially "caved in" to the military's estimates for the SNIE because of MACV's intransigence on the enemy strength total.

5. I do not believe that SNIE 14.3-67 presented the best estimate of the strength and effectiveness of the unconventional enemy the U.S. faced in South Vietnam. The estimate of enemy strength contained in SNIE 14.3-67 provided a narrow and conventional picture of enemy forces.

6. After the Saigon Conference, the Agency focused more resources on analyzing the Vietnam problem, including enemy strength issues, by forming the South Vietnam Branch in the early fall of 1967. I joined that branch at its inception. I was primarily responsible for analyzing the strength of enemy main and local force units and the logistical structure.

7. Samuel Adams joined our branch soon after its formation. As our research in the South Vietnam Branch progressed, I found that Adams' methodology and estimates were sound. My research confirmed what Adams had been saying all along—that MACV enemy Orders of Battle ("OBs") underestimated actual enemy strength and did not give an accurate picture of the total enemy threat we faced in Vietnam. In
fact, certain MACV analysts admitted to me that they felt the MACV enemy Orders of Battle underestimated total enemy strength.

8. It was generally perceived by me and others in the branch that MACV was attempting to maintain an arbitrary ceiling on the enemy Order of Battle in the fall and winter of 1967. Throughout that period the official MACV enemy Orders of Battle consistently reported a total enemy strength figure of below 300,000. Moreover, certain categories of enemy strength which had long been included in calculations of enemy strength were dropped from the MACV enemy Order of Battle in what I believe was an attempt by MACV to keep its estimate of total enemy strength below a ceiling level of 300,000.

9. In reviewing captured enemy documents in late 1967, I found that the MACV enemy Orders of Battle failed to report the presence in-country of many enemy units. Intelligence reports after the onset of the Tet Offensive in late January 1968 confirmed my finding. Those reports showed conclusively that many enemy units which participated in the Tet Offensive were not listed in the MACV enemy Order of Battle.
10. I recall that in late 1967 MACV officials were making statements that we had reached a "cross-over point" in the war effort. A "cross-over point" is that point at which the enemy is losing forces at a rate faster than it can replace them. I did not believe that we ever reached a "cross-over point" at any time during the war.

11. Based on facts of which I am aware and reports which I received, I believe that General Westmoreland must have known that total enemy troop strength was considerably higher than his command was reporting in official MACV enemy Orders of Battle.

12. When the enemy launched the Tet Offensive in late January 1968, it came as a surprise to me and I believe most of us at CIA headquarters in Langley, Virginia, particularly in terms of its scope and magnitude. While a few CIA analysts, including Joseph Hovey, had been perceptive enough to realize that the enemy was planning a major offensive, I did not fully appreciate and do not believe others at CIA fully appreciated that the enemy was capable of mounting such a sweeping and coordinated countrywide attack.

13. The Tet Offensive was a turning point in the war for the U.S. and, in my view, for CIA's analysis of enemy strength and capabilities. While the enemy's forces took heavy
casualties during the offensive, the enemy obviously had
the manpower to withstand those casualties. The enemy was
able to replace its losses and continue its offensive
activities.

14. After Tet, CIA research showed that the rate
of enemy infiltration into South Vietnam rose considerably
in the several months leading up to the Tet Offensive
and that this infiltration had helped supply the manpower
necessary for the enemy to mount an attack as sweeping
as Tet.

15. After Tet, CIA also stepped up efforts to
systematically reevaluate MACV's enemy strength estimates.
My branch argued for quantification and inclusion of
all categories--including self-defense militia forces and
political cadres--in estimates of total enemy strength.
Moreover, we argued for higher estimates than MACV was
then officially reporting in every category of enemy
strength.

16. Those of us in the South Vietnam Branch felt
it was important to quantify all categories of enemy strength
if one was to appreciate the total base of enemy support.
All of these categories worked together and contributed
to the enemy's war effort. To exclude one category was to
ignore the enemy's carefully integrated military and political organization.

17. In April 1968 an Order of Battle conference was held at CIA headquarters in Langley, Virginia. I attended that conference. Lieutenant General (then Colonel) Daniel O. Graham represented MACV at the conference. He attacked the CIA's position on every aspect of enemy strength and argued vehemently for MACV's Order of Battle figures, despite the growing evidence that its numbers were too low.

18. Colonel (then Major) John Barrie Williams was one of the Defense Intelligence Agency ("DIA") representatives at that conference. I had a great deal of respect for Williams as an analyst. Prior to that conference, Williams confided to me that MACV's numbers were low. However, at the conference, Williams indicated that he was under orders from his superiors at DIA to support the MACV position.

19. In late 1968, a study was done by the South Vietnam Branch on the accuracy of estimates of enemy battalion strength reported in MACV enemy Orders of Battle in 1967 and 1968. It compared the MACV enemy Order of Battle estimates with strength figures cited in captured enemy documents and POW reports, which were the most reliable sources of information we had about the enemy. For the first half of 1967, the
estimates of enemy battalion strength reported in MACV enemy Orders of Battle were consistent with the figures found in captured enemy documents. For the latter half of 1967 and the first half of 1968, the estimates of enemy battalion strength reported in the MACV enemy Orders of Battle were significantly lower than the figures found in captured enemy documents. In my judgment, the MACV enemy Orders of Battle during the latter half of 1967 and the first half of 1968 underestimated enemy battalion strengths despite evidence to the contrary. A copy of this study on enemy battalion strength estimates is attached to this affidavit as Exhibit I.

20. I worked closely with Samuel Adams in the South Vietnam Branch. I considered Adams to be an expert on the enemy's force structure in Vietnam. I found him to be an excellent analyst—thorough, meticulous, industrious, perceptive and highly competent. I was among many analysts at CIA who respected Adams' abilities as an analyst and believed that he was right about the numbers dispute with MACV.

21. I saw the CBS documentary, "The Uncounted Enemy: A Vietnam Deception". Based on my experiences as a Vietnam analyst at CIA, I found the broadcast to be fair
and accurate in its assessment of the military's conduct in 1967 and 1968. During that period, I came to believe that MACV officials intentionally ignored intelligence information about enemy strength to give the erroneous impression that we were winning the war. The broadcast, particularly in the testimony of military officials, including General Westmoreland, confirmed my belief.

22. Having worked with me in the South Vietnam Branch, Samuel Adams had knowledge of my experiences as a Vietnam analyst and my views regarding Vietnam intelligence in 1967 and 1968, as described in ¶¶ 1-21 of this affidavit.

Sworn to before me this 26th day of March 1984.

[Signature]
Dwain Gatterdam
Notary Public
My Commission Expires July 13, 1987
EXHIBIT A is JX 468.
GAINS B. HAWKINS, being duly sworn, deposes and says:

1. From February 1966 through September 1967, I was the chief U.S. Army Order of Battle officer responsible for estimating the strength of the enemy in South Vietnam. For the first 16 months of my tour, I reported directly to General Joseph McChristian, then chief of U.S. military intelligence in South Vietnam under General Westmoreland. While working under General McChristian, I enjoyed complete freedom of action in using all of the available information to arrive at the best possible estimate of enemy strength. After General McChristian's departure in May 1967, however, I was no longer permitted to use all of the available
evidence to formulate the U.S. military's official reports of enemy strength. In the spring of 1967, I presented General Westmoreland with newly completed Military Assistance Command Vietnam (MACV) analysis indicating far higher enemy strength than was being reported in the official reports on enemy strength. General Westmoreland refused to accept the updated figures. He voiced concern about the political impact these higher enemy strength figures would have in the United States, and told me to take "another look" at the figures. In an effort to conform to the unmistakable command position, I then arbitrarily reduced these figures to levels below those indicated by the best available evidence. I presented these reduced figures to General Westmoreland, but he rejected them as well.

Subsequently, during the summer of 1967, I defended the MACV command position at National Intelligence Estimate conferences to resolve the dispute between the CIA and MACV over enemy strength figures. At these conferences, I was responsible for defending the MACV command position and for keeping the total enemy strength figure below a ceiling figure established by the MACV command. In my efforts to do this, I deliberately misused the available intelligence information. I argued for enemy strength figures far lower than I believed to be accurate. Throughout the last three
2. I joined the U.S. Army in 1942 and was commissioned as a second lieutenant. I served as an intelligence officer in Europe with the Tenth Armored Division during World War II. After the war, I earned a bachelor's degree from Delta State Teachers College and a master's degree from the University of Mississippi. I returned to the Army to serve in Korea. In February 1951 I was assigned to the Army Intelligence School in Monterey, California, to study Japanese for one year. After completing my language study, I was assigned to the Military Intelligence Service Group, Far East Command, in Tokyo, where I served for four years. I was then sent to Stanford University in Palo Alto, California, for one year of specialized Far Eastern studies. I then returned to Tokyo for two years to study at the Army Language School there. In 1958 I returned to the U.S. and was assigned to the U.S. Army's Office of the Assistant Chief of Staff, Intelligence ("ACSI"), at the Pentagon. I served for several months as assistant desk officer for military intelligence on Korea and then became the Army's chief intelligence officer on Indonesia. I was then assigned to Fort Holabird, where I attended the Army Career Intelligence course. In 1962 I was assigned to the G-2 (Intelligence) office of the U.S. Army Pacific ("USARPAC")
headquarters in Honolulu, where I served as an order of battle officer under General Joseph McChristian. I returned to the United States in the spring of 1965 and served briefly as an Army intelligence assignments officer at Fort Holabird. In late 1965 I volunteered for service in Vietnam. In February 1966, I arrived in Saigon and was assigned to MACV J-2 (Intelligence) as Order of Battle chief, serving under Brigadier General Joseph A. McChristian, then MACV J-2 or chief of intelligence. I held this post under General McChristian and, after his departure on June 1, 1967, under his successor, Brigadier General Phillip Davidson. I left MACV in September 1967 when I was assigned to the Army Intelligence School at Fort Holabird, Maryland. I retired from the Army in November 1970. I received the Legion of Merit and the Bronze Star for my service in Saigon with MACV J-2. I hold the Legion of Merit with cluster and the Bronze Star with two clusters. I am presently the administrator of the Dugan Memorial Nursing Home, located at 804 East Main Street, in West Point, Mississippi, and chairman of the Clay County, Mississippi, Republican Party. I presently reside in West Point.

3. As chief of the MACV J-2 Order of Battle Branch in South Vietnam, I had primary responsibility for estimating enemy strength and preparing the enemy Order of Battle. The Order of Battle was a comprehensive description
of the composition of the enemy's forces at a particular point in time. It included listings of all known enemy units and the numerical strength of those units, as well as enemy strength in the irregular categories of the Order of Battle—the guerrillas, the self-defense militia—and the enemy's political cadres.

4. During my tour at MACV J-2 in Saigon, I was cleared for access to all intelligence information relevant to enemy Order of Battle from all sources, including so-called "special intelligence" or "communications intelligence". To the best of my knowledge, there was no intelligence information bearing on the existence and strength of enemy forces in Vietnam to which I did not have access.

5. Beginning in the fall of 1966, analysts under my command undertook comprehensive reevaluation of the estimates of the strength of the enemy's irregular forces and political cadres. These studies were known as the RITZ (for Guerrilla/Self Defense) and CORRAL (for Political Cadres) programs. In conducting the Guerrilla/Self Defense study, we for the first time called upon U.S. intelligence advisors working at the district level to collect documents and interrogation reports and to prepare their own estimates of enemy irregular strength. These estimates, along with the documents supporting them, were then painstakingly
reviewed by the analysts under my command. By conducting such an extensive study, we were able to get a far more accurate picture of enemy Guerrilla/Self Defense strength than had previously been possible. In conducting the Political Cadres study, MACV analysts conducted a detailed background study that revealed a consistent pattern in the enemy's job structure and manning levels for the various politically-oriented jobs. This same pattern existed from the hamlet level right up through the provinces. The manning level for each job or office varied according to the degree of control the Viet Cong exercised over that particular political entity. After establishing the existence of this pattern, it was simply a matter of arithmetic to arrive at a far more accurate strength figure for the enemy's Political Cadres.

6. The RITZ and CORRAL studies were completed by the spring of 1967. They revealed that the existing official MACV Order of Battle figures for the Guerrilla/Self Defense category (which had long been constant at about 113,000) and for the Political Cadres category (which had remained constant at 39,175 since the introduction of this category into the Order of Battle in 1965) were far too low. The revised estimate of enemy strength that the MACV Order of Battle Branch under my command had developed in the spring of 1967 showed a total enemy strength in South
Vietnam of approximately 500,000. The official MACV Order of Battle Summary at that time showed total enemy strength in South Vietnam of slightly below 300,000.

7. This revised estimate of enemy strength developed by the MACV Order of Battle Branch was only slightly less than the enemy strength estimate that Samuel Adams, an analyst for the Central Intelligence Agency (CIA), had developed. Adams's estimate similarly revealed that official MACV estimates in the Guerrilla/Self Defense and Political Cadre categories were far too low. I had met Sam Adams in February 1966, a few days after my arrival in South Vietnam, and knew him throughout my tour there. I then considered and still consider Sam Adams to be a brilliant and dedicated intelligence analyst.

8. After the MACV Order of Battle Branch under my command had developed the revised estimate of enemy strength, I briefed General Westmoreland on our new figures. General Westmoreland would not accept the revised estimate. He expressed concern about the increase in Guerrilla/Self Defense and Political Cadre forces that we had found. He also voiced concern that the new figures would lead Congress and the American public to think that we had made no progress in the Vietnam War. General Westmoreland instructed me to take another look at the figures. In the context of his concern about the political impact of the
higher figures, there was no mistaking the message in his instruction: I was to reduce the estimate which I had just presented. I then arbitrarily reduced the enemy strength figures, and returned to General Westmoreland to brief him on my second, lower estimate. General Westmoreland also rejected this lower estimate.

9. Shortly after my briefings of General Westmoreland, General Joseph McChristian completed his tour as the MACV "J-2", or Chief of Intelligence, in Saigon and departed on or about June 1, 1967. He was replaced as the MACV "J-2" by General Phillip Davidson. By the summer of 1967, the MACV command position on enemy strength estimates had hardened into a ceiling on the total figure for enemy strength that was significantly lower than the total figure indicated by the best available evidence. During the weeks that followed General McChristian's departure, my superiors in General Westmoreland's MACV intelligence command increasingly emphasized the need to reduce our estimates of enemy strength.

10. At this time I came to realize that the revised strength estimates that the MACV Order of Battle Branch had produced under my command would never be accepted. As far as I was aware, my superiors did not reject these figures because of any perceived weakness of methodology or analytical effort. No one ever questioned my
expertise, competence or judgment. Indeed, I was generally viewed, I believe, as the leading U.S. military expert on the enemy Order of Battle. Rather, my superiors rejected the figures because of the adverse reaction they would generate in the American public.

11. During my service under General McChristian from February 1966 to May 1967, I had enjoyed complete freedom of action in using all information available to develop the best possible estimate of enemy strength. In the months following General McChristian's departure, my role was reversed. In order to meet what I had no doubt was the MACV command requirement, I misused the available information to establish a figure for the Guerrilla/Self Defense and Political Cadre categories of the enemy force structure that I knew to be inaccurate. Indeed, I arbitrarily reduced strength figures for the Guerrilla/Self Defense and Political Cadre categories of the enemy Order of Battle.

12. In August 1967, at a conference convened to discuss National Intelligence Estimate ("NIE") 14.3-67 at CIA headquarters in Langley, Virginia, representatives of MACV, CIA, the Department of Defense and the Defense Intelligence Agency ("DIA") met to discuss enemy strength estimates. A significant divergence then existed between CIA estimates, which adopted the analysis developed by Sam Adams and others, and the official MACV estimates. Sam
Adams was one of the CIA representatives at that conference. He advocated the validity of CIA's higher enemy strength estimates. I represented MACV at the conference and publicly defended the validity of MACV's lower estimates, even though I knew that the official MACV command figures which I was defending significantly understated the enemy's strength.

13. There was no doubt in my mind before I attended the NIE conference in Langley in August 1967 that a MACV command-imposed ceiling existed for enemy strength, that this ceiling was significantly lower than estimates indicated by the best available evidence, and that the bottom line figure that was to emerge from the NIE conference was not to exceed the MACV ceiling. This requirement was not stated to me bluntly or baldly through command channels, but its existence had become clear to me after my two briefings of General Westmoreland and in light of continuing pressure from my superiors after May 1967 to reduce estimates of enemy strength.

14. A follow-up Order of Battle conference was convened in Saigon in September 1967, which was also attended by representatives of MACV, CIA, DIA and the Department of Defense. I again represented MACV. During the course of the Saigon meeting, the existence of a MACV command ceiling on the enemy strength estimate was confirmed
to me. One morning, a colonel on the new intelligence staff at MACV, Charles Morris, handed me a slip of paper, the contents of which he described to me as representing absolutely the top figure acceptable to the MACV command. I defended this command position during the Saigon conference, and ultimately it was accepted as the official U.S. position on enemy strength which would be reflected in the final version of NIE 14.3-67.

15. During the meetings at CIA Headquarters in Langley and in Saigon, I confided privately several times to Sam Adams that I did not believe the MACV strength estimates that I had been defending regarding Guerrilla/Self Defense and Political Cadre forces. I supported the MACV command position at these conferences because I believed that my failure to do so would give aid and comfort to an enemy that I despised.

16. The process of deciding upon a figure for enemy troop strength at the CIA Headquarters and Saigon conferences resembled a labor negotiation much more than an intelligence operation. Regrettably, this process typified Order of Battle intelligence from May through September 1967. Conclusions were arrived at first and then support was marshalled to justify them. Properly, conclusions in the intelligence field should evolve after analysis of all
available evidence. That is how the process had worked when I served under General McChristian.

17. It is my understanding that General Westmoreland has stated that he did not accept the higher enemy strength estimates of MACV Order of Battle Branch in the spring of 1967 because these estimates included political cadres that were "noncombatants". I believe that the higher estimates that the Order of Battle Branch produced under my command reflected the extent of control that the enemy's conventional military forces exerted over both geography and population. In other words, the best estimates developed by MACV, which I presented to General Westmoreland and which he rejected, accurately reflected the enormity of the military problem that existed in South Vietnam. If the Guerrilla/Self Defense and Political Cadre forces were as numerous as our estimates indicated, then victory over the communist forces was much further from our grasp then we were admitting. I believe that by refusing to acknowledge the higher figures, MACV was refusing to come to grips with the true nature of the problem that the United States faced in Vietnam in the summer of 1967.

18. It is also my understanding that General Westmoreland has stated that he decided to drop the Self Defense from the Order of Battle because he felt these enemy forces posed no real military threat to our troops. I
believe that these Self Defense forces, while not as dangerous as the enemy's Main and Local Force soldiers, nevertheless were an important part of the enemy threat in South Vietnam and caused a great deal of harm. As I recall, during 1966 and 1967, about one-third of all allied casualties were caused by mines and booby traps--the principal weapons of the Self Defense forces. In comparison, during World War II, only about 3% of U.S. casualties were caused by these devices. Indeed, several months ago in West Point, Mississippi where I live, a young veteran of the Vietnam War died. He had been one of 16 U.S. Army soldiers riding through a hamlet in South Vietnam in a 2½-ton truck. A Vietnamese boy of about age 12 tossed a grenade into the back of the truck. All but two of the American soldiers were killed instantly. This young man came back to West Point a total cripple. The Vietnamese boy of 12 would have been part of the Self Defense militia category of the Order of Battle. To the best of my recollection, about one-third of the Self Defense militia in the South Vietnamese countryside were composed of women. Most of the rest were draft-age males.

19. Beginning in February 1981 and continuing through the spring, summer and fall of 1981, I spoke with Sam Adams and George Crile numerous times, both in person and over the telephone in connection with the preparation of
the CBS Special Report, "The Uncounted Enemy: A Vietnam Deception" (the "Report"). During these conversations I told Adams and Crile in words or substance the matters set forth above in paragraphs 1 through 16. I was interviewed on camera for the Report in March 1981 in New York City.

20. I saw the Report when it was broadcast on January 23, 1982. The Report fairly and accurately presented my views on and recollections about the subjects it covered. I was not quoted out of context at any point. Indeed, the editing of the Report was remarkably effective in preserving the text and flavor of my remarks during the filmed interview. I believe the Report was a service to the American public and to the intelligence process.

GAINS B. HAWKINS

Subscribed and sworn to before me this 7th day of September 1983.

A. Nathan Robinson
Notary Public

CHANCERY CLERK AND EX-OFFICIO
NOTARY PUBLIC