GEORGE ROMNEY, being duly sworn, deposes and says:

1. I served as the Governor of the State of Michigan from 1963 to 1969, and ran for the 1968 Republican Presidential nomination. In 1965 and 1967, I made fact-finding trips to South Vietnam. In 1965 I was briefed by General William C. Westmoreland and U.S. Ambassador to Vietnam Henry Cabot Lodge. At that time those officials convinced me to support the Vietnam War by giving me misleading and inaccurate information about the war effort. I later concluded that civilian and military officials were continuously disseminating inaccurate information about the situation in Vietnam in order to maintain public support for the war.
2. My background is as follows: I served as a missionary for the Mormon Church in Scotland and England in 1927 and 1928. I attended the University of Utah in 1929 and George Washington University in 1929 and 1930. I worked in various business and management positions between 1930 and 1954, spending seven years as general manager of the Automobile Manufacturers Association and five years as vice-president and the executive vice-president and director of the Nash-Kelvinator Corporation. From 1954 to 1962, I was President, Chairman of the Board and General Manager of the American Motors Corporation. From 1963 to 1969, I served as the Governor of the State of Michigan. From 1969 to 1972, I served as the Secretary for Housing and Urban Development in the Nixon Administration. From 1973 to 1979, I was the chairman and chief executive officer of the National Center for Volunteer Action. I am currently Chairman and Chief Executive Officer of Volunteer: The National Center for Citizen Involvement. I have also worked with various civic and community organizations. During World War II, I was managing director of the Automotive Council for War Production and the management member on the Michigan War Manpower Commission. I am a past president of the Detroit
Stake of the Church of Jesus Christ of Latter-Day Saints. I am a four-time recipient of the Associated Press's Industry Man of the Year. I currently reside at 1850 East Valley Road, Bloomfield Hills, Michigan 48013.

3. In October 1965, I went on a fact-finding mission to South Vietnam. I was briefed by military and diplomatic officials, including General Westmoreland and Ambassador Lodge. I was consistently told during these briefings that American personnel in South Vietnam were acting in an advisory capacity only and that the South Vietnamese were making the decisions and taking full responsibility for the conduct of the war. The constant theme of these briefings was that we were not going to "americanize" the war. I was also told during these briefings that it was essential to have an American presence in South Vietnam to avoid a Third World War.

4. At that time I had no basic reason to doubt the military and diplomatic briefers. By the end of my trip, I was convinced that we needed to be in Vietnam but warned against its "Americanization." As a result, upon my return to the United States in November 1965, I described our limited involvement in the Vietnam War as "morally right and necessary". It was only later that I learned that at the very time when I was being told by military and diplomatic officials in Saigon that we were not going to "americanize" the war, those same
officials were requesting that we drastically escalate the war and send an additional 115,000 American troops to Vietnam.

5. I remained keenly interested in the Vietnam conflict and continued to follow the war closely thereafter. I kept apprised of the situation by reading as much as possible about the war and by speaking to military and government officials, journalists and scholars who were familiar with developments in Vietnam.

6. As our involvement in the Vietnam War escalated over the next two years, it became clear to me that I had been grossly misled during my visit to Vietnam. The briefings which I had received in Vietnam were filled with exaggerations and outright inaccuracies. I simply had not been told the truth about our limited involvement in the war. In effect, those who briefed me during my 1965 trip to Vietnam, including General Westmoreland and Ambassador Lodge, had brainwashed me American-style into supporting the war by deceiving me about the nature and effect of our involvement in the Vietnam conflict. We did the very thing that these officials told me we would not do—we "Americanized" the Vietnam War.
7. The Johnson Administration regarded the Vietnam conflict as a "war of attrition". The public was told that the war would be "won" when the enemy suffered sufficient losses so that it lost either the will or the ability to continue. Administration and military officials relied increasingly on statistical indicators of progress to demonstrate that we were winning the "war of attrition".

8. By the latter half of 1967, I had came to believe that the course we were pursuing in Vietnam had been a costly mistake and was futile. I was running for the 1968 Republican Presidential nomination at the time and considered our policy in Vietnam to be an overriding issue in the campaign. I proposed a policy of "guaranteed neutrality" by which a negotiated settlement would be reached and the three superpowers (the U.S., the U.S.S.R. and China) would agree to the neutrality of the area.

9. During the latter months of 1967, the military's reports on our progress in the Vietnam War were becoming increasingly sanguine. In November 1967 General Westmoreland and U.S. Ambassador to Vietnam Ellsworth Bunker came to Washington, D.C., for a series of official briefings and press conferences on the war. The news they brought with them was extremely optimistic. They reported that we were winning the war of attrition and that the end of the war was in sight.
10. In late December 1967 I made a second fact-finding trip to South Vietnam. I was again briefed by military and diplomatic officials, including Ambassador Bunker. These briefings gave a rosy picture of how the war was progressing. I was told that the strength of the Vietcong was declining, that the pacification program was working well, that more villages in South Vietnam were secure, and that it was just a matter of time before the enemy collapsed. I was given no indication in any of those briefings that the enemy was planning a full-scale, countrywide offensive in the immediate future. In fact, if anything, I was given the impression that the enemy no longer possessed the resources or manpower to mount a full-scale, countrywide offensive. Within a month the enemy had launched the Tet Offensive.

11. The Tet Offensive came as a complete surprise to me, as I believe it did to the American government and public. I considered the Tet Offensive to be a great victory for the enemy and a turning point in the war.

12. In retrospect, it is clear to me that the military was issuing misleading and inaccurate information about enemy capabilities and strength in 1967 and 1968. The Tet Offensive belied the military's claims that we were winning the war of attrition. Through its sustained and
sweeping offensive at Tet, the enemy demonstrated that it was not running out of men and that it had the will to continue the fight indefinitely.

Sworn to and subscribed before me this 27th day of March 1984.

[Signature]

Notary Public

GERALD E. ZUBALIK
Notary Public, Oakland County, Michigan
My Commission Expires August 20, 1984
STATE OF CALIFORNIA,
) ss.
COUNTY OF SAN DIEGO,

LOUIS SANDINE, being duly sworn, deposes and says:

1. I worked as an intelligence analyst at the Central Intelligence Agency ("CIA") for 16 years. From June 1966 to January 1968, I served as the representative of the Deputy Directorate of Intelligence 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").

2. While I am currently traveling, my home address is P.O. Box 318, Accokeek, Maryland 20607.

3. I received a Bachelor of Arts degree from the University of the Pacific in 1938. I received a Master of Arts degree in Political Science from the University of California, Berkeley, in 1947.
4. During my tour at the CIA Saigon Station, I witnessed dramatic changes in the operation of MACV J-2 (Intelligence). When I first arrived in Saigon, Major General Joseph A. McChristian was the MACV J-2 in charge of intelligence operations in Vietnam. He made his staff and the information assembled by his staff fully available to those of us at CIA. Under his direction, there was complete cooperation and teamwork in the intelligence production process.

5. The atmosphere at MACV J-2 headquarters changed markedly after Brigadier General Phillip B. Davidson replaced General McChristian as the J-2 in mid-1967. One of General Davidson's first acts was to restrict the access of CIA analysts to information and documentation used by MACV analysts. I was not allowed to talk to MACV analysts without prior command approval. Moreover, without specific command approval, I was no longer allowed to enter the so-called "tank"—that area of MACV headquarters where special intelligence information about the enemy was stored—even though I possessed the requisite security clearances to see such information.

6. In early 1967 there was considerable evidence in captured enemy documents that we in the intelligence community had been grossly understating the true size of the enemy's irregular forces, which consisted of guerrillas, self-defense and secret self-defense militia. These documents, which were
provided to me by General McChristian and his staff, gave
evidence that in 1966 the enemy had more than 300,000
irregular forces--far more than the figure of approximately
100,000 listed in official MACV reports on enemy strength for
that period. Attached as Exhibit A to this affidavit is a
true copy of a memorandum from General McChristian to me
describing these findings of greater enemy strength in the
irregular category.

7. I attended the conference held in Saigon in
September 1967 to discuss National Intelligence Estimate
("NIE") 14.3-67. Representatives from the various branches
of the U.S. intelligence community attended that conference.
The primary disagreement on enemy strength figures was between
the CIA and MACV.

8. Sam Adams and George Carver were among those
representing CIA at that conference. Samuel Adams was one
of the CIA's experts on the Vietcong. Adams was regarded
within the Central Intelligence Agency as a good, thorough
and competent analyst. Carver was regarded at the Agency as
a bright and ambitious person who knew how to please his
superiors.

9. At the outset of the conference, CIA and MACV
seemed to have irreconcilable differences of opinion on enemy
strength. The CIA delegation was arguing for a total enemy
strength figure far greater than MACV was willing to accept. As the conference progressed, however, CIA's position changed abruptly, and the final agreement was essentially everything that MACV wanted.

10. As part of that NIE agreement, the enemy's self-defense and secret self-defense militia were excluded from total enemy strength figures. I believe that the enemy's self-defense and secret self-defense militia should have been included in calculations of total enemy strength. They posed a military threat to our forces and were an integral part of the enemy's overall operation.

11. In approximately November of 1967, then Lt. Col. Daniel O. Graham, head of the Current Intelligence, Indications and Estimates Division of MACV J-2, was making public statements proclaiming 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 wrote Graham a handwritten personal memo outside official channels telling him that I believed he was harming our cause by overstating the case.
In my estimation, we never reached a cross-over point in the war effort at any point in 1967.

Sworn to and subscribed before me this 17th day of December, 1984

Notary Public

OFFICIAL SEAL
JAMES F TUTTLE
NOTARY PUBLIC - CALIFORNIA
IMPERIAL COUNTY
My comm. expires APR 1, 1995
P.O. BOX 444 S. 4th Street, El Centro, CA 92244
EXHIBIT A is JX 230.
PETER B. SANDMANN, being duly sworn, deposes and says:

1. I was an intelligence officer and analyst with the U.S. Military Assistance Command Vietnam (MACV) from August 1966 to July 1967. I currently work as an attorney in private practice at 477 Pacific Avenue, San Francisco, California 94133.

2. I received a Bachelor of Arts degree from Dickinson College in 1962. I received a Bachelor of Laws degree from the University of Pennsylvania Law School in 1965.

3. In August 1965 I entered the U.S. Army as a Lieutenant and, in August, 1966, I was assigned to the 519th Battalion in Saigon. On or about February 1967 I was transferred to the Combined Intelligence Center Vietnam (CICV), which analyzed raw data for MACV J-2 (Intelligence). At CICV I headed the Political Order of Battle ("Pol OB") section, which was responsible for analyzing data relating to...
the enemy's political infrastructure. In July 1967, I left Saigon and was honorably discharged from the Army, having attained the rank of Captain.

4. By the time I arrived at CICV, Pol OB analysts had already begun a comprehensive reevaluation of MACV's estimates of strength for the enemy's political cadres. I found the analysts at CICV to have been very capable and hard working. These analysts had 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 pattern existed from the hamlet level right up to the provinces. After establishing the existence of this pattern, we were able to arrive at a far more accurate strength figure for the enemy's political cadres than had previously been reported in the MACV enemy Order of Battle.

5. When I became head of the Pol OB section at CICV in February 1967, the official MACV enemy Order of Battle was reporting a figure of 39,175 for total enemy strength in the political category. It was apparent to all of us who did Political Order of Battle analysis that this figure was essentially meaningless and was patently much too low. Yet that figure of 39,175 remained the official MACV estimate for enemy strength in the political category and, was
reported in each official monthly Order of Battle for as long as I served in Vietnam.

6. During my entire tour at the Pol OB section, our best estimates of total enemy strength in the political category were always well in excess of 39,175 and, I believe, exceeded 100,000. The evidence supporting our estimates was far more extensive and reliable than any available evidence to support the figure of 39,175.

7. I often discussed the work and findings of the Pol OB section with Major General Joseph A. McChristian, who was the MACV J-2 in charge of intelligence operations in Vietnam during most of my tour at CICV. General McChristian seemed genuinely interested in learning more about the enemy's political infrastructure and improving the quality of intelligence information about the enemy. He strongly supported our efforts in the Pol OB section and I am certain that he also supported our conclusion of far greater enemy strength in the political category than the 39,175 figure which was officially reported in the MACV enemy Order of Battle.

8. As part of my duties as head of the Pol OB section, I often briefed high ranking military officials about the organization and apparent size of the enemy's political infrastructure. On at least three occasions
General William C. Westmoreland was present at such briefings. What struck me most about these briefings was that, with the exception of General McChristian, the high ranking military officials whom I briefed seemed to lack any interest in reporting more accurate information about the make-up and size of the enemy's political infrastructure. I routinely made clear at these briefings that our estimate of the size of the enemy's political cadres was far greater than was being officially reported in the MACV enemy Order of Battle. Despite our conclusions, no changes were made in the official MACV reports of enemy strength in the political category during my tour at CICV.

9. Shortly before I left Vietnam in July 1967, General Earle Wheeler, the Chairman of the Joint Chiefs of Staff, came to Saigon. At this same time, I had a confrontation with then Lt. Colonel Gains B. Hawkins, the head of the Order of Battle Branch, over the presentation of information about the enemy's political infrastructure. Lt. Colonel Hawkins had asked me to prepare responses to a series of questions about the enemy's political infrastructure. I do not know who formulated the questions, but I believe that this information was being compiled for and probably at the behest of General Wheeler. From the way the questions were framed, it was clear to me that they...
were not intended to elicit an accurate picture of enemy strength or make-up in the political category. If my superiors truly wanted an accurate picture of enemy strength in the political category, these were not the questions to ask. I recall that the queries were inappropriate and in some cases made little sense whatsoever.

10. I immediately typed a response to Lt. Colonel Hawkins in which I made it clear that I thought the questions were insufficient. Almost as soon as I had given him my typed response, he came into my area to return my memorandum. He accused me of being disrespectful and insubordinate. I remained adamant in my refusal to respond to the questions as formulated. He then left the room, leaving me to believe that he would answer the questions himself. I found that to be strange since the questions required information on which Lt. Colonel Hawkins would have needed our input. The entire incident bothered me a great deal. It seemed to me that there was a clear attempt by my superior officers to provide less than complete and accurate information to General Wheeler.

11. I believe that it was proper to include the enemy's political infrastructure in the MACV enemy Order of Battle. The political infrastructure was an essential part of the enemy's overall organizational structure, and the cadres contributed significantly to the war effort.
12. In the fall of 1979, I spoke at length with Samuel A. Adams about my experiences in Vietnam. I told Mr. Adams in words or in substance that which is set forth in paragraphs 1-12 of this affidavit.

13. Earlier this year, I spoke with David Dorsen, an attorney for General William C. Westmoreland. I told him in words or in substance the same information contained in this affidavit.

Sworn to before me this 13th day of January, 1984.

[Signature]

Peter B. Sandmann

Notary Public
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

VAN GORDON SAUTER, being duly sworn, deposes and says:

1. I am the President of CBS News, a position which I have held since March 1, 1982. I reside at 941 Park Avenue, New York, N. Y. I am submitting this Affidavit in support of defendants' objection to production of the so-called "Benjamin Report".


3. In the May 29 - June 4, 1982 issue of TV Guide, an article appeared which was critical of various
aspects of the preparation of this broadcast. In the article, authors Sally Bedell and Don Kowet, while not questioning the substance of the broadcast, alleged that, in the preparation of the broadcast, certain internal CBS News Guidelines had been violated.

4. As President of CBS News, I felt it imperative to determine if CBS News standards had been violated. CBS News places great emphasis on adherence to its procedural standards. Those standards were developed over the years by CBS journalists in order to maintain the highest internal standards of journalistic procedure and broadcast production.

5. Shortly after reading the TV Guide article, I asked Burton Benjamin, Senior Executive Producer of CBS News, to conduct an internal inquiry to determine what support existed for the TV Guide charges. Mr. Benjamin conducted his inquiry as a reporter, using the techniques of that craft. I believe that the people who spoke to him did so with the understanding that he would treat them as confidential sources. Such a relationship is vital to many reporting situations. This is a situation where journalists, who in their work pledge to protect confidential sources, expected that same respect from Mr. Benjamin as he conducted his internal inquiry. This understanding was vital to obtaining free and open information from those interviewed by Mr. Benjamin. I believe that some of the key individuals approached by Mr. Benjamin would have been far less forthcoming if they believed there was the possibility
of what they said being made public.

6. It is imperative that news organizations have the desire and the ability to thoroughly investigate charges that their work failed to meet the compelling standards of accuracy, fairness and objectivity. We at CBS News have that desire, but our ability will be severely diminished if internal, post broadcast inquiry is susceptible to public disclosure.

7. I told Mr. Benjamin that this inquiry was to be conducted in the strictest confidence. His findings would be for internal use, and read by only a few key individuals within CBS. Because of his years of experience and the esteem in which he is held, Mr. Benjamin is the kind of individual to whom people will speak, knowing that he will honor their confidences. It is my understanding that the people Benjamin interviewed were assured that the substance of their statements would remain confidential within CBS. If the confidentiality of such retrospective examinations cannot be promised and sustained, then they will not be undertaken, or, if they are, they will lack the vigor and thoroughness of the Benjamin effort. The integrity of these internal inquiries is not just important to news organizations, but to the public, which is dependent upon the integrity of their news sources.

8. At the end of this study, Mr. Benjamin delivered to me his report in written form. It included
details of the method of his inquiry, the resources he used, his conclusions regarding the TV Guide allegations, his opinions and various recommendations.

9. In keeping with the highly confidential nature of Benjamin's interviews and sources, his report was not made public, nor was it widely distributed within our organization. It was read by a few key executives, and some individuals directly involved in the broadcast. On July 15, 1982, I issued a memorandum to CBS News employees reporting my conclusions about the broadcast. I also outlined some internal and external steps we would take in the wake of my findings. Given the publicity about this matter, my memo was released to the public.

10. My July 15, 1982, memorandum stated that CBS News stood by the broadcast. That judgment was predicated upon my conversations with persons directly involved with the broadcast, and readings relevant to the broadcast and the issues it addressed. My judgment as to the substance of the broadcast was not based upon Mr. Benjamin's retrospective report.

[Signature]

Van Gordon Sauter

Subscribed and sworn to before me this 18th day of November, 1982

[Signature]

Clara A. Schwartz
Notary Public
STATE OF WISCONSIN, )
COUNTY OF MILWAUKEE, )

DAVID S. SENNETT, being duly sworn, deposes and
says:

1. From July 1974 to May 1979, I was employed by
the Central Intelligence Agency ("CIA") in Langley, Virginia,
as a reference analyst in the Central Reference Service ("CRS"),
a component of the Deputy Directorate of Intelligence ("DDI")
CRS, which later became known as the Office of Central Reference,
served as the repository for most CIA documents and many docu-
ments from other intelligence agencies and government sources.
As a reference analyst, I indexed, filed and retrieved documents
pertaining to foreign operations, personalities, companies and
installations.

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2. My background is as follows: I received a Bachelor of Arts degree in 1973 and a Master of Arts degree in 1975, both from Indiana University. In July 1974 I joined the CIA. In 1977 I enrolled in law school at American University, which I attended on a part-time basis in the evenings. I left CIA in May 1979. I received a Juris Doctor degree from American University in 1980. I then returned to the Midwest to practice law. I have been a member of the State Bar of Wisconsin since September 1981 and a member of the Bar of the Eastern District of the U.S. District Court for Wisconsin since March 1982. My practice consists entirely of litigation, both civil and criminal. I maintain an office at 2401 N. Mayfair Road, Suite 404, Milwaukee, Wisconsin 53226.

3. When I began working at CIA, I attended a number of courses for new employees, including one three-day DDI Orientation Course in October 1974. During that course, we were addressed by Edward Proctor, head of the DDI, who outlined the functions of the various DDI offices. After an overview he gave us what can best be described as a "pep talk". Proctor reminded us that CIA intelligence analysts had a reputation for independence and that honesty and objectivity were the hallmarks of CIA intelligence operations. He gave several examples. One of them was the CIA analytical effort on Vietnam. Proctor told us that in 1967 and 1968 the military had underestimated
the total enemy strength in Vietnam, but that CIA, having estimated a higher figure, eventually dissented from the military's estimate. Proctor never used the phrase, "Order of Battle", nor did he refer to Sam Adams or the dispute that resulted in the present litigation.

4. When Adams' article on the enemy strength dispute was published in Harper's in May 1975, CIA officials ordered extra copies of the article xeroxed and placed in the library. I eagerly read the article for several reasons. First, I had seen Adams' name mentioned several times in the CRS Executive Committee Staff Notes. Those notes were a distillation of comments made at daily staff meetings, first Agency-wide with Director William Colby and then at the DDI level with Proctor. Second, I had remembered Proctor's orientation speech and was interested in learning more about that incident. Third, I became interested in reading the Adams piece because of its timing. In the spring of 1975, it was my impression that CIA was reeling from the fall of South Vietnam and the collapse of the South Vietnamese Army. To the best of my recollection, CIA had correctly predicted that North Vietnam would invade the South, but the Agency failed to forecast the total collapse of the South Vietnamese. I
had been following the finished intelligence on this issue since January 1975. CIA was confident that the South Vietnamese Army could withstand any attack. The fall of Saigon, combined with Adams' article, appeared to damage CIA's reputation for predicting crises.

5. CIA's internal response to Adams' Harper's article seemed strange to me. The Agency published an orange-colored flyer detailing CIA's position on the Adams piece. This format (the orange-colored flyer) was generally used only for official announcements. To the best of my recollection, the flyer did not refute or attack the substance of Adams' allegations. Rather, the thrust of the message was an attack on Adams' motives for writing it.

6. A few days after the Adams article was published, I spoke to my supervisor, Don Praisner, who mentioned that he had been a reference analyst on South Vietnam during the late 1960's. He stated that he maintained Vietnam Order of Battle files, which contained documents from the various intelligence agencies. He told me that while maintaining these files, he became aware that the military had been underestimating enemy strength in 1967 and 1968.
During the latter half of 1975, we learned that the U.S. House of Representatives' Select Committee on Intelligence, also known as the Pike Committee in reference to its chairman, Congressman Otis Pike, was going to investigate several alleged intelligence failures, including the 1968 Tet Offensive in Vietnam. The Pike Committee's mandate went straight to the heart of CIA's mission and was taken very seriously by CIA. It was my impression that CIA officials feared the Pike Committee would embarrass CIA by using these so-called intelligence failures to highlight Agency ineptitude. It was my impression that CIA officials painstakingly prepared for their testimony before the Pike Committee. My office assembled finished intelligence reports for the six months prior to each crisis, including the Tet Offensive.

After the Pike Committee hearings concluded, I remember seeing a CIA librarian pulling from her desk a copy of the Village Voice, which contained the Pike Committee's final report. I was surprised to see that someone had placed a "Confidential" tag across the top of the title page. CIA had classified a heretofore unclassified source. I knew at the time that while the U.S. House of Representatives had
voted not to release the report to the public, the report had subsequently been acquired by and published in the Village Voice. It struck me as strange that the Agency would classify a document for its own people who were cleared for access to much more sensitive information when the document was already in the public domain.

9. I next heard of the enemy strength dispute in January 1982 when CBS broadcast "The Uncounted Enemy: A Vietnam Deception". That night I saw most of the broadcast. The show basically reaffirmed what the Pike Committee had already established. The subsequent hailstorm of controversy and litigation shocked me. It was clear from what I learned at the CIA that the substance of the CBS broadcast was fair and accurate. Based on my experiences at the CIA, I had reached the same conclusion as the CBS broadcast that in 1967 and 1968 the military had engaged in a conscious effort or conspiracy to distort and alter critical intelligence on enemy strength in Vietnam. CBS deserves high praise for having aired this important story about how not to approach the intelligence process.

10. I left the CIA in 1979 in order to pursue practical training in law. The Agency could not offer the type of legal experience I was seeking. However, I am proud, very proud, to have served in the CIA and been a part of the
U.S. intelligence community. It is my firm hope and conviction that the U.S. intelligence community has learned from the mistakes made during the Vietnam War.

Sworn to before me this ______ day of March 1984.

[Signature]

Notary Public

[Signature]
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM C. WESTMORELAND,

Plaintiff,

against-

CBS INC., et al.,

Defendants.

COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX,

DAVID SHIELDS, being duly sworn, deposes and says:

1. I have been an intelligence analyst for the
   Central Intelligence Agency ("CIA") for the past 20 years.
   From the winter of 1966 to the fall of 1967, I was assigned
   to the Collation Branch at the CIA Saigon Station. From the
   fall of 1967 to the fall of 1970, I worked as an analyst
   in the South Vietnam Branch of the Office of Economic Research
   at CIA headquarters in Langley, Virginia. I am currently a
   branch chief in the Office of Near Eastern and South Asian
   Analysis at CIA headquarters in Virginia. I reside at
   9411 Wareham Ct., Vienna, Virginia.

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2. I received a Bachelor of Arts degree from the American University in 1963. I received a Masters of Arts degree from the American University in 1973.

3. The South Vietnam Branch formed in the early fall of 1967, and I joined the branch shortly after its formation. I was primarily responsible for analyzing the strength of enemy main and local force units, administrative services, and guerrillas. I also reviewed information on enemy infiltration and recruitment.

4. Samuel Adams joined the South Vietnam Branch soon after its formation. Adams had considerable experience in the area of enemy Order of Battle and had already developed methodologies for assessing total enemy strength. It was Adams' conclusion at the time that official reports from the U.S. Military Assistance Command Vietnam ("MACV") generally underestimated actual enemy strength. I found that Adams' methodology and estimates were sound. My research confirmed what Adams had been saying all along—that the MACV enemy Order of Battle generally underestimated actual enemy strength and did not give an accurate picture of the total enemy threat we faced in Vietnam.

5. I and I believe others in the branch perceived 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 lower than our own. Moreover, certain enemy categories which had long been included in calculations of enemy strength were dropped from the MACV enemy Order of Battle in what I believed to be an attempt by MACV to keep its estimate of total enemy strength below some ceiling level.

6. In reviewing captured enemy documents in late 1967, I found that the MACV enemy Order of Battle Summaries 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.

7. My research further revealed that MACV enemy Order of Battle Summaries in the latter half of 1967 and 1968 underestimated the total strength of both the enemy's guerrillas and administrative services.
8. When the enemy launched the Tet Offensive in late January 1968, it came as a surprise to me and I believe others at CIA headquarters in Langley, Virginia. I did not fully appreciate, nor do I believe others at CIA fully appreciated that the enemy had the ability to mount such a sweeping, coordinated, countrywide attack. Although the enemy's forces took heavy casualties during the offensive, the enemy obviously had the manpower to withstand those casualties and to rebuild their force structure. The enemy was able to replace its losses and continue its offensive activities after Tet.

9. After Tet, research by my colleagues at CIA showed that the rate of enemy infiltration into South Vietnam rose dramatically in the several months leading up to the Tet Offensive. This massive infiltration helped supply the manpower necessary for the enemy to mount the Tet Offensive.

10. After Tet, CIA intensified its efforts to reevaluate MACV's enemy strength estimates. The South Vietnam branch argued for quantification and inclusion of all categories—including self-defense and secret self-defense militia and political cadres—in estimates of total enemy strength. Moreover, we argued for higher estimates than MACV was then officially reporting in essentially every category of enemy strength.
11. I believed that it was important to quantify all categories of enemy strength in order 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 downplay the extent of the enemy's carefully integrated military and political organization.

12. In April 1968 I attended the Order of Battle conference that was held at CIA headquarters in Langley, Virginia. The MACV delegation at the conference was intransigent and took issue with CIA's position on every aspect of enemy strength. The MACV delegation argued for lower Order of Battle figures in the face of overwhelming their evidence that MACV's numbers were too low. I remember that Colonel Daniel O. Graham took a particularly hard line in trying to defend the MACV position. The CIA delegation made an effective presentation and convinced many others at the conference that enemy strength figures had to be raised to reflect more accurately true enemy strength.

13. In late 1968, I did a study with others in the South Vietnam Branch on the accuracy of estimates of enemy battalion strength reported in MACV enemy Order of Battle Summaries in 1967 and 1968. The study, a copy of which is attached to this affidavit as Exhibit I, 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 Order of Battle Summaries were consistent with the figures found in captured enemy documents. For the latter half of 1967 and the first half of 1968, the enemy battalion strength estimates reported in the MACV enemy Order of Battle Summaries were significantly lower than the figures found in captured enemy documents. I came to the conclusion that during the latter half of 1967 and the first half of 1968, the MACV enemy Order of Battle Summaries failed to allow for the rebuilding of enemy battalion strengths, despite the evidence of rising average battalion strengths. While working in the South Vietnam Branch, I came to believe that MACV officials had intentionally understated enemy strength in order to convey the impression that we were winning the war.

14. I worked closely with Samuel Adams in the South Vietnam Branch. I considered Adams to be a thorough, meticulous, hard-working and competent analyst. I was among the many analysts at CIA who believed that Adams was right about the numbers dispute with MACV.

15. I saw the CBS documentary, "The Uncounted Enemy: A Vietnam Deception". Based on my experience as a Vietnam analyst at CIA, I found the broadcast to be accurate in its assessment of the military's conduct in
16. 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 ¶¶ 1-15 of this affidavit.

[Signature]
David Shields

Sworn to before me this 23rd day of April 1984.

A. C. Hosoe
Notary Public

[Commission expires July 14, 1984]
EXHIBIT I is JX 462.

14. I worked closely with Samuel Adams in the South Vietnam Branch. I considered Adams to be meticulous, hard-working and competent analyst among the many analysts at CIA who believed that the MACV reports were overstated.

15. I saw the CBS documentary, "The War: A Vietnam Deception". Based on my experience as an analyst at CIA, I found the broadcast to be excessive in its assessment of the military's commitment to the war.