BY MR. MURRY:

Q. When did you first meet, if you can recall, James Meacham?

A. Would have been about the middle of 1967.

Q. And how did you come to meet Officer Meacham?

A. Commander Meacham was assigned to the section I was in and reported to me to work for me.

Q. Did you have an understanding as to why Officer Meacham had been assigned to your section?

A. I was told that he would be my replacement when I left Vietnam.

Q. When were you told that, sir?

A. I am not sure.

Q. Could you give me your best recollection of when you were told that?

A. Probably about the time he came there.

Q. In 1967, when you were in Vietnam, were you familiar with the term order of battle?

A. Yes, I was.

Q. How did you become familiar with the term order of battle?

A. I had been working prior to Vietnam in DIA and I worked in intelligence and the word was frequently used. It's a normal word in military vocabulary. I don't know how long I have known the word or the use of the words.
Several years.

Q. Just so we are clear, what do the initials DIA stand for?
A. Defense Intelligence Agency.

Q. And that agency is located where, sir?
A. In Washington, D.C., primarily.

Q. Can you tell us what the term order of battle means?
A. In my recollection, order of battle means the summation of all of the enemy forces, including units, assignments of units, movements of units, subordination of units, number of people in the units, types of units. It includes the whole formation of their armed forces and any other thing that pertains to their armed forces.

Q. Does the term order of battle when used with respect to an enemy's military force encompass the numerical strength of that enemy force?
A. Yes.

Q. Does it encompass other things in addition to the strength of the military force?
A. Yes, it does.

Q. Are you familiar with the term the Combined Intelligence Center Vietnam?
A. Yes, I am.

Q. Did you ever work at the Combined Intelligence
Center Vietnam?

A. Yes, I did.

Q. Can you recall about when you started working at the Combined Intelligence Center?

A. September or October of 1967.

Q. And that Combined Intelligence Center was known as CICV, is that right, sir?

A. That is right.

Q. Could you describe for us what your duties were at CICV?

A. I worked in the order of battle section in CICV. The order of battle was responsible for maintaining up to date numbers on enemy strengths, enemy units, location of the units, and any changes in their disposition. The section I had had a wide variety of duties within there. We did not per se deal with units and their location in the corps areas.

Q. Did your section produce any reports dealing with intelligence on the enemy in Vietnam?

A. We produced special studies, which were nonrecurring reports. We did produce an infiltration report monthly.

Q. Can you recall what the special studies looked like?

A. I cannot answer that, because I -- they had a
wide variety of topics, as requested, to support the
command.

Q. What kind of reports on enemy infiltration did
your section prepare in 1967?

A. We kept a current ongoing list of all enemy
infiltration. Each month we upgraded the report from the
prior month, and this report was upgraded and sent to
higher headquarters each month of the year, with all the
new units that we had discovered during the month.

Q. When you say this report contained all the new
units you had discovered during the month, could you
describe for me what kinds of units you're referring to?

A. These were normally North Vietnamese units.
They ran into various different types of units, combat
units, sapper units, companies of various different support
elements. These were portions of the North Vietnamese Army
that were in Vietnam.

As we identified those units from various
reports they were included in that monthly report. The
record of that unit was maintained in a file forever,
however.

Q. These North Vietnamese soldiers you have been
describing as having infiltrated, did they infiltrate as
organized units at all times?

A. They did not.
Q. How else might these North Vietnamese elements, if I may use that word, infiltrate into South Vietnam?

A. I believe we called them packets, and they came down and after they arrived at a certain point in Vietnam they were sent to individual -- they were sent as individuals to units as reinforcements.

Q. These packets that you described, were they composed of individual soldiers?

A. I do not know what they were composed of. There were so many men sent to a unit. I would presume that they were trained replacements, because they were assigned to units once they got into country.

Q. And they were replacements for what, sir?

A. They were replacements for North Vietnamese units, sometimes they were sent as cadres to the Vietcong units.

Q. I would like to show you a document, Mr. Parkins, which has been marked as Exhibit 197 E. You can take as long as you like, of course, to peruse the document.

Is this document familiar to you, sir?

A. Yes.

Q. Did your section in 1967 provide any input to the document that you have in front of you?

A. My section provided essentially all the information in this document.
MR. MURRY: Your Honor, I would move the admission into evidence of Exhibit 197 E. It is received not on the state of mind issue, because I understand that the defendants did not have it in their possession at the time of the broadcast.

THE COURT: Any objection?

MR. BOIES: No objection to the offer, your Honor.

(Exhibit 197 E for identification was received in evidence)

MR. MURRY: We would like to distribute this to the jury.

THE COURT: Yes, go ahead and distribute it.

BY MR. MURRY:

Q. Mr. Parkins, for what period of time does this document report infiltration of North Vietnamese soldiers into South Vietnam?

A. This reports total infiltration from 1 October 1965 to 30 September 1967. This is the holdings as of the end of September 1967.

Q. How do you know that, sir?

A. Reading that in the first paragraph.

Q. Is that the paragraph numbered 1 on the first page?

A. Yes.
Q. Is it the case or is it not that in the month in which this document was prepared you would have in your section intelligence identifying the total level of infiltration into South Vietnam in that particular month?

A. No.

Q. I would like you to look at page 3 of the document. I think you testified a moment ago that this document reported infiltration as of the end of September 1967.

A. That is right.

Q. Would you look at --


Is it the end of October or the end of September 1967?

THE WITNESS: It's the end of September 1967.

THE COURT: Proceed.

Q. Would you look at the columns of numbers on page 3, and at the next to the last column of numbers, which have months beside them, do you see a line for September of 1967?

A. Yes, I do.

Q. Could you tell me what is the reported infiltration in this document for the month of September 1967?
A. Zero.

Q. In 1967 would you have understood this to mean that there had in fact been no infiltration in 1967?

A. Repeat that question.

Q. Do you understand my question?

A. No, I did not.

Q. Would you have understood the fact that the column labeled September 1967 shows no numbers for infiltration in September of 1967 to mean that in fact there had been no infiltration?

A. No, I would not have understood it to mean that.

Q. What would you have understood that entry in this document to mean?

A. Infiltration was normally never discovered during the month that it infiltrated. It took from one to six months, sometimes a couple of years, to discover that a unit had infiltrated into South Vietnam.

Q. Why was it that infiltration was normally not discovered in the month in which it occurred?

A. I think it was because the enemy did not want us to know.

Q. I think we can all agree on that. But Americans in the field in Vietnam did try to find out?

A. Yes, we did.

Q. And why is it that they were not successful in
finding out the total level of infiltration in the month in which it occurred?

A. We had to have a sighting, some sort of contact with the unit, either in combat, capturing documents, having a verified report of some sort, that a unit or a packet had arrived in the country.

Some of these units may not have surfaced for a definite period of time as having been there. As soon as we received intelligence of the unit there was a plot started on the unit and that plot was maintained till it was either ascertained that there was a duplicate name on the unit, so that we could combine two units, as sometimes they were called two different names by two different people, it also became a totally verified unit, we knew what it was, what it had been used for.

Q. You said a moment ago you had to have contact with the unit. What did you mean, had to have contact?

A. A contact by way of a piece of paper identifying it captured from the enemy, a sighting from some sort of unit, a military action that involved the unit, a prisoner captured out of the unit, a dead body from the unit that positively identified the unit, some sort of contact with the unit.

Q. In addition to reports such as this, which required an identification of North Vietnamese units, were
there other reports produced by your section which estimated enemy infiltration?

A. Yes, there were.

Q. How often did you make these reports in 1967?

A. I do not remember if these were on a periodic basis. The reports were made frequently and provided to people as required. I cannot say that it was a monthly or a weekly report, but it was a fairly frequent report.

Q. What method did you use to make these estimates of infiltration?

A. We used two different methods. One method was based upon a history of infiltration for a period of time in the past that looked good. This was based upon plotting the number of enemy that came in by month, assuming that this plot would remain in a fairly uniform measure. And we used the least squares regression analysis to say that we thought this trend would continue. We developed a formula and it showed a fairly decent average. It did not show an exact average.

In addition, we developed over a period of time some factors that said if we discovered a certain number of people the month after, i.e., during September, if we discovered so many people in August, we said you can multiply that by a factor and probably be close, and we used those factors to upgrade the numbers there and see if
they agreed with the least squares regression analysis. We used both of them to arrive at what we thought would be a fairly accurate figure for the three or four months that the data was mostly incomplete and to predict it into the future.

Q. Now, these estimates of infiltration that you have just testified to, is it the case, sir, or is it not that these estimates did not have what we have referred to in this case as collateral or hard sources of intelligence to support them totally?

A. That is correct.

Q. In the fall of 1967 can you recall your best estimate of enemy infiltration into South Vietnam?

A. I could not give you an accurate figure of what I thought it was. The numbers 5 to 7000, 6 to 8000, seemed to me to be the most appropriate in that period of time.

Q. Was there a margin of error in the estimates of enemy infiltration that you have just been describing?

A. Yes.

Q. What was that margin of error, if you can recall?

A. On any given month it could be sizable. On the average it was smaller. I could not give you a precise number as to the margin of error on the average.

Q. Could you give me your best recollection of the margin of error on the average?
THE COURT: You're asking about the margin of error insofar as he was aware of the margin of error.

MR. MURRY: Yes, your Honor.

A. I do not believe I could even give you a best guess as to what we were saying the margin of error could be.

Q. I want to turn to a somewhat different topic for a moment.

In the course of your work in 1967 at MACV did you have occasion to learn of an enemy organization called the self-defense militia?

A. I knew of the self-defense militia, yes.

Q. And did you ever discuss with other intelligence officers at MACV the nature of the self-defense militia?

A. I cannot say yes or no to that.

Q. Do you recall whether you formed an evaluation of the military capability of the self-defense militia in 1967?

A. I would believe that we had. I could remember about them. I cannot say 100 percent for sure that we had done that.

Q. What can you recall about the military capability of the self-defense militia?

MR. BOIES: Objection.

THE COURT: Sustained. Come to the side bar.
(At the side bar)

THE COURT: You have not qualified him properly to answer questions of that order. The qualification has been rather sketchy, showing that he worked in a certain section that contributed certain numbers to this or that. But you certainly haven't shown that he personally is in a position to give overall evaluations of anything.

I would have sustained the objection earlier if it had been made, when you asked him whether he had a personal estimate of the size of infiltration.

But I think if you have further questions along this line you have to qualify him in a much more thorough fashion as being in a position possessed of sufficient background to have an expert opinion.

(In open court)

BY MR. MURRY:

Q. Mr. Parkins, in 1967, when you were at MACV J-2, did you have intelligence officers subordinate to you?

A. Yes, I did.

Q. Did those intelligence officers provide you with intelligence on the enemy?

A. Yes.

Q. Did they do so on a regular basis?

A. We worked in an office together and we -- when you say a regular basis, we worked together with each other
all the time. I was kept aware of what they were doing.

Q. Did these officers in the course of your duties at MACV provide you with intelligence on the infiltration of enemy forces from North Vietnam to South Vietnam?

A. Yes.

Q. Did you analyze the information that these officers provided to you?

A. These officers normally provided the analysis of the information. I reviewed their analysis, discussed it with them, asked the appropriate questions that made them think about what they were saying, and at that time I let them go back to work.

I did not analyze the information in the military intelligence term of sitting down, taking raw data, trying to come up with figures comparable to theirs, under normal circumstances. On occasion I would do that.

Q. Did any of the officers who were subordinate to you in 1967 provide you with copies of captured enemy documents?

A. Yes, they did.
Q. Did any of the officers subordinate to you in 1967 provide you with copies of translations of prisoner of war reports?

A. Yes, they did.

Q. Did any of the intelligence information that was provided to you in 1967 concern itself with the elements of the enemy forces in South Vietnam?

A. Yes.

Q. Did you supervise the production of reports based on the intelligence that these subordinate officers provided to you?

A. Yes, I did.

Q. Can you recall whether any of the information provided to you by these subordinate officers in 1967 referred to or mentioned or discussed the self-defense militia?

A. I cannot say that it did or did not.

Q. Do you recall whether there were any conferences held in 1967 while you were in MACV that concerned themselves with a matter called the special national intelligence estimate?

A. Yes, there were.

Q. Did you participate in any of these conferences?

A. I sat in the back row. I didn't fully participate.
Q. Did you observe any of the discussions that went on at these conferences?
A. Yes, I did.
Q. Can you recall whether the discussions held at these conferences were unusual in any respect?
A. I can remember nothing unusual about them.
MR. MURRY: Your Honor, if I may, this may be a good time for our morning break.
THE COURT: All right. Take a ten-minute break.
(Recess)
THE COURT: All right. You may proceed.

BY MR. MURRY:
Q. Mr. Parkins, there are a couple of matters I wanted to make sure we covered adequately.
You said you served in the Army from 1943 until 1973, is that right?
A. That's right.
Q. What rank did you retire at?
A. I retired as a lieutenant colonel.
Q. I think you also mentioned that you worked at DIA prior to coming to MACV. Is that right, sir?
A. That is right.
Q. What type of work did you do at DIA?
A. I worked in what was called the Soviet area branch of estimates.
Q. What did you do at the Soviet area branch of estimates?

A. I was an action officer in the branch. As such, we worked in the preparation of Joint Chiefs of Staff papers, national intelligence estimates, and other types of paperwork that was required to support the Defense Intelligence Agency.

Q. You say that part of the work was in estimates. Could you explain what you mean by the term estimate in this context?

A. An estimate was prepared and it was normally a joint paper composed of several agencies that put it together. There was a wide variety of intelligence that would be collected by certain people, furnished to the action officers in the estimates branch.

It would be our job to sit down with representatives of the other military services, the State Department, the Central Intelligence Agency, any other agency of the government that had reason for it, and prepare a position paper based upon this information. This position paper was frequently argued over long and sometimes quite violently by the people concerned.

When this was done it was taken to the principals, who could be the chief of intelligence in one of the services, the chief of production intelligence in
DIA or the head of DIA, or other people. It was discussed with him in detail, if he had any objections. Then we went back to a final conference at which we prepared a paper that was the draft of the estimate.

At the conclusion of this work there was a meeting, and on a national intelligence estimate it would be at CIA, which all the principals involved would go out there, sit on the board and go through the final negotiations to come up with an agreed figure.

At times it was possible that there would be no agreed figure. At this time whatever principal agency it was could take an exception, put a footnote, make a statement to the effect "Even though everybody else agrees, I feel strongly that this is not true. Therefore, I put a footnote in here that this is our belief."

There is a variance of opinion among people in the intelligence agencies, as I am sure there is a variance of opinion elsewhere.

(Continued on next page)
BY MR. MURRY:

Q. When you used the word "estimate" in your last answer, were you referring to merely a numerical approximation of elements of the enemy?

A. Estimates are written on an extremely wide variety of subjects as to what people who are friendly or who are unfriendly to us or potentially unfriendly could or could not do. Sometimes estimates are written in courses of actions as much as they are in numbers.

   Estimates are almost anything that is needed to have an idea of what unfriendlies or potentially unfriendlies could or could not do.

Q. Did you observe anything during the Special National Intelligence Estimate conferences of 1967 that was inconsistent with what you had observed during other estimates that you worked on at DIA?

MR. BOIES: Objection.

THE COURT: Sustained as to form. I think it's too broad. Narrow it down. Make it more precise what you are asking about.

Q. Did you observe during the National Intelligence Estimate conferences in 1967 in Vietnam any procedures that were unusual in comparison with other estimates that you have worked on?

MR. BOIES: Objection, your Honor. In addition
to the prior ground I think there was a references to
"conferences" plural. I think he was only at the Saigon
conference, not the Langley conference

MR. MURRY: Yes. I meant to refer to the
sessions of the Saigon conference. I'll restate that.

THE COURT: You may answer.

A. I did not observe anything that was unusual at
the sessions I attended.

Q. And about what percentage, if you recall, of the
sessions of the September 1967 SNIE conference did you
attend?

A. I do not remember what percentage I attended.

Q. Let me turn to a different topic, sir.

Do you know what was the normal length of a tour
of duty in Vietnam for someone of your rank in 1967?

A. The normal length of duty was approximately one
year.

Q. I believe you testified earlier that you arrived
in Vietnam approximately January of 1967?

A. That is right.

Q. And did you also testify that you left Vietnam
approximately January of 1968?

A. That is right.

Q. Do you remember an officer named Charles Morris?

A. I do.
Q. Do you remember what Officer Morris' rank was?
A. Yes.
Q. What was his rank?
A. He was a colonel.
Q. Did you ever report directly, in your chain of command, to Colonel Morris?
A. I was subordinate to Colonel Morris. I did not report directly to him. There were several layers of people above me before I reported directly to Colonel Morris.
Q. Do you remember how many layers?
A. Three or four.
Q. When you say "layers" what do you mean by layers?
A. Okay. Colonel Morris had a title as one of director of the deputies to Colonel Davidson. Under him was another group of staff officers and I do not know how many were in that group. Down under that level there was CICV. It was commanded by a colonel with the deputy, there was a colonel, an order of battle section commanded by Colonel Weiler, Colonel Morgan is his deputy and I worked in that branch.
Q. Mr. Parkins, did you see the CBS broadcast The Uncounted Enemy: A Vietnam Deception, when it was aired?
A. Yes, I did.
Q. I would like to play a portion of that broadcast.
(Tape played)

Q. Mr. Parkins, did you ever take a report of enemy infiltration of the magnitude of 20,000 a month to a superior?

A. No, I did not.

Q. Mr. Wallace says in the broadcast and I quote:

"A senior intelligence officer, Lieutenant Colonel Everette Parkins, a West Point graduate who planned to make a career of the Army, had become so incensed by MACV's refusal to send on reports of an enemy infiltration of 25,000 a month that he lost his temper and snorted at his superior."

Is Mr. Wallace's statement true or untrue, sir?

MR. BOIES: Objection, your Honor.

THE COURT: What ground?

MR. BOIES: First, that it is leading; second, it calls for a conclusion of the witness.

THE COURT: Overruled.

A. I do not believe the statement was true.

Q. Did you ever in 1967 personally estimate enemy infiltration to be as high as 25,000 a month?

A. I did not.

THE COURT: Just a second. Where is the statement that you just read, what page is it on the?

MR. MURRY: Page 18 of Joint Exhibit 1, second
THE COURT: All right. Proceed.

Q. Now, you mentioned a moment ago that you knew an officer named Colonel Morris. Did you ever have any discussions with Colonel Morris while you were in Vietnam?

A. Yes.

Q. Can you recall any of those discussions with Colonel Morris that concerned not your intelligence estimates but you personally?

A. Yes, I can.

Q. Did you ever have dinner with Colonel Morris?

A. I did.

Q. What was your personal feeling about Colonel Morris?

A. Well, I disliked Colonel Morris intensely. I feel that the feeling was more than reciprocated on his part.

Q. Did there ever come a time when you delivered a report to Colonel Morris concerning the enemy in Vietnam?

A. I did not deliver a report to Colonel Morris.

Q. Did you ever have any discussions with Colonel Morris regarding enemy strength?

A. I delivered a message to the headquarters at one time which was not for Colonel Morris. It was delivered to the headquarters. While I was leaving that message Colonel
Morris came in, picked it up. That is when we had the violent argument at which I was told I was fired.

Q. How did you come to deliver that message to Colonel Morris?

A. I was wanting to go to the PX. There was one jeep in the area. I told him I would take the jeep and go to the PX and deliver the message or the document to the headquarters. I took it over to drop it off and continue on to the PX.

Q. What happened when you dropped off the message?

A. I was instructed to take it to a Colonel Liewer and took it into Colonel Liewer, gave it to him and I was ready to leave when Colonel Morris came in.

Q. What happened then, sir?

A. Colonel Morris picked it up, started reading it and I am not sure what he was talking about, but he made the statement "that is not what we're reporting" and started being fairly abusive.

I am sure, since I have a very pleasant temper I retaliated a little bit with words and it ended up with him telling me that I was fired.

Q. Can you remember anything else that Colonel Morris said on that occasion?

A. Not during that time.

Q. After you heard these words from Colonel Morris,
what occurred?

A. Shortly thereafter, my boss, Colonel Weiler, showed up, got me out of the office before we got into more violent words and I just left the area and allowed him to deal with the situation.

Q. What did you do after you left Colonel Morris' office?

A. Well, I ended up back at CICV. I don't remember if I went to the PX. I ended up back there and went around my duties as normal.

Q. Did you continue to perform your duties after this discussion with Morris?

A. Yes, I did.

Q. Let me ask you just a couple of more questions about another topic. Do you recall an officer named Daniel Granam?

A. Yes, I do.

Q. Was Daniel Granam part of MACV J-2 during the time that you served in Vietnam?

A. He was.

Q. Did you have an opinion about General Graham's professional abilities?

A. Yes, I did.

Q. What was that opinion?

MR. BOLES: Objection, your honor.
Did you ever discuss with General, then Colonel Graham, any matters relating to the enemy in Vietnam?

A: Yes, I have. He was in a position enough higher than mine that under normal circumstances I would not discuss things with him, since he and I were friends and had known each other for sometime. I am sure that I did discuss a few things with him. Officially, I would not have discussed things with him.

Q: A moment ago you testified that you formed a basis as to Daniel Graham's professional abilities. What was the basis of that opinion?

A: I do not recall the last conversation you had with Mr. Adams, when it occurred.

Q: Have you ever had any conversations with Mr. Adams?

A: Yes, I have. It would have been in the fall of 1969, I believe. I believe that was the basis of that opinion.

Mr. Adams: Objection, your honor.

The court: Sustained.
A. I had agreed to talk to him. He flew into Chicago. My present wife and I picked him up, drove to the large area known as Oakbrooke, where he obtained a room and then we went over to one of the restaurants, had dinner, and talked at that time.

Q. What did you discuss with Mr. Adams during this conversation?

A. Mr. Adams was writing a book and he wanted to discuss information which was going into the book with me. We covered a wide variety of topics concerning much of the enemy strengths in Vietnam.

Q. Did you discuss with Mr. Adams the argument with Colonel Morris that you have testified to today?

A. Yes.

Q. What did you tell Mr. Adams about the incident with Colonel Morris that you have testified to today?

A. Essentially, the same thing.

Q. Do you have any personal friends, still living, who served with you in the Army?

A. Yes, I do.

Q. Did any of those persons in any way influence your decision to testify here today?

A. Testify here?

Q. Yes.

A. No.
Q. Did any of those persons in any way influence your testimony here today?

A. No.

Q. Did any of those persons in any way influence your testimony here today?

A. No.

Q. During the time that you were at MACV J-2 were you ever told that there was any kind of limit on what enemy strength figures you could report?

A. I was not.

Q. Were you ever ordered or asked to falsify any intelligence while you were at MACV J-2?

A. I was not.

MR. MURRY: I have no further questions, your Honor.

CROSS-EXAMINATION.

BY MR. BULLS:

Q. Mr. Parkins, I would like to begin by following up what Mr. Murry was just talking to you about as it relates to the friends that you have in military and whether they influenced you in any way.

Q. Were you at all concerned that your testimony that you gave today would in any way embarrass the Army or embarrass your friends in the military?

A. About the testimony today, no, sir.

Q. You indicated I think earlier that you did not want to participate in the CBS documentary that is at issue in this case because you were concerned that your
 participation might embarrass the Army or your friends, correct, sir?

A. That is right.

Q. What was it that you were concerned about in terms of embarrassing the Army or your friends in the military that led you to conclude that you wouldn't be interviewed on camera for the CBS program but you were prepared to come here in person and testify?

MR. MURRY: Objection to the form, your Honor.

THE COURT: Sustained. If you simply drop the last part about coming here to testify the question will be appropriate.

MR. BOIES: Thank you.

Q. Mr. Parkins, you said I believe that you did not wish to be interviewed on camera for the CBS documentary because you were concerned about embarrassing your friends in the military, in the U.S. Army, correct, sir?

MR. MURRY: Objection, your Honor, to form. He testified I believe that it might.

THE COURT: Overruled. The witness may answer whether that was what he said or not.

A. That was part of what I said.

Q. I think you also testified that you were not concerned today that your coming here to testify would embarrass your friends in the Army of the United States
Army itself, correct, sir?

A. That's correct.

Q. Is what you are testifying today different than what you have said on camera if you had been interviewed?

A. No, sir.

Q. If that's the case, sir, why were you concerned that saying what you say would have been the same thing on camera would have embarrassed the Army or embarrassed your friends in the military but coming here and testifying to what you at least say is the same thing you would have said on camera would not be embarrassing to your friends and the Army?

A. I believed when I was asked to testify on camera that I would be bringing up a subject that I myself did not want to participate in, that I myself did not want to get involved in.

I did not want to appear on camera. I wanted very much to live a very private life in the small town in Midwestern Illinois. I did not want to get involved in that whatsoever. Once it became a lawsuit, once it became something that was public knowledge, and I was already involved in it, I felt that it was a portion of my responsibility to come testify here today.

Q. What I am trying to find out, Mr. Parkins, is...
what it was that you thought that you would say on camera
that you believed would be embarrassing?

MR. MURRY: Objection, your Honor.

Q. Was there something that you would have said
that would have been embarrassing?

THE COURT: What's the grounds of the objection?

MR. MURRY: Your Honor, he's testified as to why
he declined to be interviewed.

THE COURT: Overruled.

A. I did not believe what I said would be
embarrassing. I believed the whole topic could be
embarrassing and I did not want to participate in the topic.

Q. Because it might embarrass your friends or the
Army, sir?

A. Yes.

Q. Are you still concerned about embarrassing your
friends or the Army?

A. If I was asked to do something that would
embarrass them, I would not do it.

Q. Let me pursue that a little more, sir.

You mentioned a Colonel Cooley. Colonel Cooley
was somebody with whom you worked closely in Vietnam,
correct, sir?

A. That is right.

Q. He was a friend of yours in Vietnam?
A. In Vietnam he was a friend of mine.

Q. Now, Mr. Murry showed you some portion of the broadcast and read to you from some portion of the broadcast. I would like to read the portion that immediately follows what Mr. Murry read to you.

THE COURT: Page and line?

MR. JULES: This is page 18 and it is a portion of what was displayed on the screen.

Q. It shows a question by Mr. Crile to Colonel Cooley: "Question: Lieutenant Colonel Parkins was fired for trying to get this report through?"

"Colonel Cooley: He was relieved from his position. The word fired, yes, he was.

"Crile: And the estimates didn't go through?"

"Colonel Cooley: No."

Is that true or untrue, sir?

A. I cannot answer any of that because I do not know any of that topic.

Q. Well, do you know whether or not you were fired for trying to get a report through?

A. I was fired, but not for trying to get a report through.

Q. Do you know why Colonel Cooley would say this?

A. I do not.

Q. Do you have any explanation at all for that, why
your friend and close colleague would say this if it were not true?

A. I do not know.

Q. Now, there's no doubt in your mind that you met with Colonel Morris in November of 1967 and that he told you you were fired, correct, sir?

A. That is right.

Q. Colonel Morris testified here on behalf of the plaintiff and he testified that the reason that he fired you was that you refused to obey an order to do some kind of statistical study; is that true, sir, or untrue?

A. I do not believe that's a true statement.

Q. You believe that what Colonel Morris testified here was not a true statement; is that your testimony?

A. That is right.

Q. Why were you fired, in your testimony? Why did Colonel Morris say to you "you're fired" as far as you're concerned?

MR. MURRY: Objection.

THE COURT: Sustained.

Q. Colonel Morris told you you were fired, correct, sir?

A. That is right.

Q. And he told you that in a meeting, correct, sir?

A. There were three people there. It was not a
It was just a get together.

Q.  A loud get together?

A. A loud one.

Q. Did you have an understanding while you were there being told that you were fired why he was telling you you were fired?

MR. MURRY: Objection, your Honor.

THE COURT: You may ask him what his belief is or was as to why he was fired.

Q. Did you have a belief in 1967, as you stood there in the office and your superior officer told you that you were fired, why he was telling you that?

MR. AJARY: I object to the form of the question, your Honor.

THE COURT: Overruled.

A. He was extremely angry and I am sure I was yelling back at him and I figured the reason he was firing me was because of the fact that I was quite active in defending myself. I did not know what the substance of the material that he was talking about was because I could not read it at the time he was reading it and then when we got into a shouting match it was after a few minutes that he said "you are fired." About that time I left.

Q. I think you described it as a message that you took to the headquarters, is that how you described it, you
called it a message?

A. I don't know. I cannot describe it. I can tell you what the document what is.

Q. You called it a message?

A. I could have said message as a general term.

Q. Was it a report or a study?

A. I do not remember what the contents of that document were.

Q. Do you remember anything at all about the contents, sir?

A. No.

THE COURT: Did you know at the time what it was?

THE WITNESS: I probably did.

Q. Did the report or might the report have related to enemy strength or infiltration?

A. I'm sure, since it came from our section, that there were some elements of that in there.

Q. Some elements of enemy strength and infiltration, sir?

A. Yes, one or the other or both.

Q. But it's your testimony that you don't remember anything at all about what was in that study?

A. I do not remember what was in that study.

Q. Do you remember that Colonel Morris was unhappy with whatever was in that study?
A. He was extremely unhappy.
Q. With what was in that study?
A. Yes.
Q. And he said to you about the study: "This is not what we're reporting"?
A. That is right.
Q. Was this study that you took in and Colonel Morris reviewed and was unhappy with a study that you had supervised the preparation of?
A. I cannot answer that question. I do not know.
Q. Can you think of any reason why you would have taken the study in if you had not supervised it, sir?
A. There was one jeep in the group and I wanted to use the jeep to go to the PX and the only way I could get the jeep was to deliver the study which was due there.
Q. You are not suggesting, sir, that you were just acting as a messenger here?
A. I was acting as a messenger.
Q. Just acting a messenger, taking over a study or a message?
A. That's right.
Q. That's your testimony?
A. Yes, sir.
Q. That's your testimony under oath now?
A. Yes, sir.
Q. You are very certain of that?

A. I am not 100 percent certain. I am reasonably certain I was a messenger for that document.

MR. BOIES: May I show the witness Exhibit 1414 which is an affidavit that this witness has previously executed?

THE COURT: 1414?

MR. BOIES: Yes.

Here is a copy for the court.

THE COURT: What's the date of the affidavit?

MR. BOIES: August 3, 1983, your Honor.

(Continued on next page)
BY MR. BOIES:

Q. Mr. Parkins, the affidavit that you have in front of you, which has been marked as Exhibit 1414, is an affidavit that you executed and swore to on August 3, 1983, correct, sir?

A. Yes.

Q. And at the time that you executed this affidavit you did so of your own free will and volition, did you not, sir?

A. Yes, I did.

Q. You were not under any duress of any kind, were you, sir?

A. No.

Q. You believed that the statements in this affidavit were true and accurate, did you not, sir?

A. Yes, I did.

Q. And you understood that you were taking an oath that the statements in this affidavit were true and accurate, correct, sir?

A. Yes.

Q. Let me ask you to turn to the second page of that affidavit, and in particular paragraph 4, which begins "Towards the end of 1967 I supervised the preparation of an enemy strength study."

Do you see that, sir?
A. Yes, I do.

Q. That's the study that you served as a messenger for, correct, sir?

A. That is right.

Q. This is the study --

A. I will take that back. If this was presented to me at the time of the affidavit, and if something was presented to me and it was questioned, did you do something to this effect, I would have testified this was true. As I read this, I believe this was the study I elected to deliver myself to the headquarters.

Q. Let me be sure I understand. We have been talking about a study that you delivered to MACV headquarters?

A. Yes.

Q. You talked about that with Mr. Murry and you talked about that with me, correct?

A. That's right.

Q. Now, I had asked you before whether that was a study that you supervised the preparation of and you indicated that you couldn't recall that?

A. That is right.

Q. Does this at least refresh your recollection that you supervised the preparation of the study that you delivered?
A. I cannot remember all of the details of when this deposition was taken and what was presented to me. If something was presented to me in the proper fashion I would have said I prepared the preparation of an enemy strength study. I did that every day of the week there.

Q. We can go on in paragraph 4.

A. Okay.

Q. This is not just any enemy strength study, is it, sir, this is the enemy strength study that you took to Colonel Morris?

A. That's what this says, yes.

Q. When you say that's what this says, that's what you swore to?

A. That is right.

Q. Correct, sir?

A. Yes.

Q. And it says that you supervised the preparation of the enemy strength study that you had this argument about with Colonel Morris, correct, sir?

A. I read that, yes.

Q. And is that true?

A. Now I would have to say yes, it is true.

Q. Why don't you read the entire paragraph for context, sir.

Have you read that paragraph?
A. Yes, I have.

Q. Do you see the sentence that's the next to the last sentence on page 2, that says "To the best of my recollection and belief, Colonel Morris believed that the study should report enemy strength figures lower than the figures I was reporting"?

A. Yes, I do.

Q. You see that?

A. Yes.

Q. Is that a true statement, sir?

A. According to the words that were being used, I would say that could be a true statement, yes.

Q. According to the words that you swore to in August of 1983, correct, sir?

A. According to the words that Colonel Morris was using, yes, I would say that could be a true statement, yes.

Q. And is it clear to you now, sir, that what you were arguing about with Colonel Morris was an enemy strength study?

A. It is not 100 percent clear that we were arguing about numbers. It was that we were arguing about a study that had been prepared in the order of battle section, at which time it looks like I could have prepared the study. I do not know exactly what inflamed Colonel Morris.

Q. Well, you said you supervised the preparation of
this enemy strength study, correct, sir?

A. That is right. We supervised all the studies that were prepared in the section.

Q. When you say "we supervised" --

A. The section I was in was the one that wrote the studies.

Q. And you in your capacity as supervising officer supervised this particular study, did you not, sir?

A. I supervised almost every study that went out of that section. So I would have to say I supervised this one.

Q. Well, if you supervised almost everything that went out of the section why was it that you told me earlier in this examination that you didn't know whether you had supervised this study?

A. At that time I was stating a true statement, that I was not sure that I prepared this study.

Q. But you are sure now?

A. Back in August of 1983 I was sure. Today I would not say I was sure or not sure.

Q. Back in 1983, last year, you believed that Colonel Morris had told you that the study reported enemy strength figures that were higher than the figures that were being reported?

MR. MURRY: Objection, your Honor.

MR. BOIES: I will read the exact words, your
THE COURT: All right.

Q. In August of 1983 you stated, did you not, that "Colonel Morris believed that the study" -- that is, the study that you had supervised the preparation of and brought to him -- "should report enemy strength figures lower than the figures" that you were reporting, correct, sir?

MR. MURRY: Objection, your Honor. Would counsel read the entire sentence? I think it sheds light on the competency of the witness to testify on this particular point.

MR. BOIES: Is Mr. Murry challenging the competency of this witness to testify on this particular point, your Honor?

MR. MURRY: I am challenging the competency of this witness --

THE COURT: That's enough. You may ask the question reading the entire sentence from the affidavit.

Q. Colonel Morris, was it your best recollection and belief in August of 1983 that Colonel Morris believed that the study that you supervised the preparation of and took to him should report enemy strength figures lower than the figures that you were reporting?

A. That was what I signed at that time and that was
to my best belief.

Q. And you swore to that at the time?
A. Yes.

Q. Do you have any reason today to believe that
that's inaccurate?
A. I have no reason to believe it's inaccurate.

Q. Okay. Now, in addition, in this argument that
you had with Colonel Morris you defended that study that
you had brought to him, correct, sir?
A. Yes.

Q. And an argument about the contents of that study
resulted, correct, sir?
A. Yes.

Q. This was not an argument about a personality
conflict or about the way you dressed or what you ate for
dinner, this was an argument about the contents of a study
that you brought him, correct, sir?

MR. MURRY: Objection, your Honor, argumentative.

MR. BOIES: It is argumentative. I think it's
proper cross.

THE COURT: Overruled. You may answer.

A. Even though the argument was about the study,
the argument was still a personality clash.

Q. Well, when you wrote this affidavit and swore to
it you said, "I defended the study and an
argument about its contents ensued, during which Colonel Morris was loud," correct, sir?

MR. MURRY: Objection to the form, your Honor.

THE COURT: Overruled.

A. That is what is stated here, yes.

Q. That's what you swore to, correct, sir?

A. That is right.

Q. Did you believe that was accurate in August of 1983?

A. It did not convey the full story.

Q. Did you think it was true in 1983 when you swore to it?

A. This statement as such is true. It does not convey the full story.

Q. And the full story is that in addition to arguing about the contents, you thought Colonel Morris disliked you personally?

A. I know he did.

Q. Did he tell you that?

A. Not in exact words, but in many, many actions.

Q. What was the action that best, in your view, conveyed the fact that Colonel Morris disliked you personally?

A. I could not describe one action.

Q. Describe any action that occurs to you.
A. It was a long-term standing feud from the day he walked in and I first met him. It's something that I cannot describe an action for.

Q. Describe words that he used then.

A. Very insulting in general.

Q. Give me an example --

A. After 16 years, I cannot give you an example of the words that he used.

Q. Can you give me any single example of anything that Colonel Morris either said or did that showed that he personally disliked you prior to this incident?

A. I cannot, prior to or after this incident, give you any example.

Q. Any example at all?

A. None.

MR. BOIES: Is this a convenient time to take a luncheon recess, your Honor?

THE COURT: Yes, it is.

MR. BOIES: Thank you.

THE COURT: We will resume at 2 o'clock.

(Luncheon recess)