"Q. Let's take the month of December 1967 as an example. Did you have more than one confirmed figure on the books at CICV for the number of enemies who had infiltrated during the month of September 1967?

"A. Well, we had computations for the generally accepted official infiltration monthly into the country, six to eight thousand. I think that went into the order of battle summary, and then we had computations with the infiltration figure of confirmed, probable, and possible, yes.

"Q. When you say the accepted figure, what figure is that that you are referring to?

"A. I guess it was generally between six to eight thousand, or seven to nine thousand. You see, the order of battle studies of CICV, the lieutenants who kept those numbers of infiltration, and guerrillas and Vietcong, were not the policy-setting element of J-2 MACV. We were not the official figure people. That was left for wisdom higher on up.

"These figures, like I said, many times were flat rejected. They didn't like them.

"Q. What do you mean by that?

"A. They didn't like them. Infiltration figures that were high. They rejected out of hand. They would say " and I wasn't the one even doing the briefing.
from CICV to MACV. It was Meacham, my boss, or Parkins, initially.

"Q. You said earlier that there came a time when Colonel Parkins was no longer your commanding officer?

"A. Right.

"Q. When was that approximately?

"A. I guess sometime in November, middle of November, something like that.

"Q. You can look at as much of exhibit 197 L as you would like, but I would like to direct your attention to the table of figures which begins on the second page of the document and continues onto the third page.

"I would state for the record, the document purports to be a cable dated August 1, 1968, from COMUSMACV to a lengthy list of military officials and organizations.

"Now, the figures referred to in paragraph 1 of exhibit 197 L, the data reported in this message, would these be the official MACV infiltration figures based on your reading of this document?

"A. Yes.

"Q. Were the infiltration figures published in the J-2 MACV and J-2 JGS monthly order of battle summary the official MACV infiltration figures?

"A. Yes.
"Q. Can I direct your attention to the third page of the document. Could you read what the figures listed there for the months of September, 1967; October, November, 1967; December, 1967; and January, 1968 are in the respective categories.

"A. Starting with?

"Q. September 1967.

"A. In the respective categories infiltration figures for September, '67 in the confirmed category was 2800. The probable category, 700 for a total of 3500. The possible category of 2800 for a grand total of 6300.

"For October 1967, confirmed 1400, probable 700, for a total of 2100, possible of 2200 for a grand total of 4300.

"November, '67, 2300 confirmed; 800 probable; for a total of 3100. Possible, 2800 for a total of 5900.

"December of '67, confirmed, 3300; probable, 300, for a total of 3600. Possible, 1700; grand total, 5300.

"January of '68, confirmed, 9200; probable 1000, total 10,200. Possible, 10,900. Grand total, 21,100 for the month of January 1968.

"Q. By August 1, 1968 would most of the intelligence information on infiltration from September 1967 to January 1968 have been collected and analyzed?

"A. Virtually all of it.
"Q. Do you have an opinion as to whether the figures which you have read for infiltration during September 1967 and January, 1968 accurately reflect the rate of enemy infiltration into South Vietnam during that period?

"A. You are asking my opinion?

"Q. I am asking you for your opinion?

"A. These figures I read here in no way coincide with what I remember to be infiltration figures for that period of September '67 to January '68. In fact, I am personally shocked at these figures, especially by August of '68. Totally shocked.

"Q. Can you tell us whether these figures are lower or higher than your recollection of the infiltration rate for the period from September 1967 to January 1968?

"A. I would say these figures here on this message are substantially lower, by a great margin. This is a joke. That is my opinion.

"Q. Sir, let me ask you to total, if you can, in your head or on a piece of paper, the total confirmed infiltration reported in this message by COMUSMACV for the months from September, 1967 through January 1968, inclusive.

"A. I get 19,000 confirmed from September '67 to January of '68.

"Q. Can you give me your best recollection of...
what the total number of confirmed infiltrators into South Vietnam during the period from September 1967 to January 1968 was?

"A. 75,000. I think that is kind of like on the low end. That is confirmed, yes.

"Q. Would you say at least 75,000 were confirmed during that period?

"A. Yes. I remember confirmed figures of 15 to 20,000 through the period, a monthly figure, so I am taking the low end, 75. Say how many months we got, we got one, two, three, four, five months; between 75 and 100,000 confirmed.

"Q. So you would say the confirmed figure was between 75 and 100,000 during those five months?

"A. Yes.

"Q. Looking at the grand total figures which include confirmed, probable and possible, could you add the figures for the months of September, October, November, and December of 1967, and January of 1968, as indicated on this message?

"A. Okay. If I added right, I get 42,900 total.

"Q. Do you have a recollection of what the infiltration figures compiled by Lieutenant Hankins during that period for the corresponding grand total of confirmed,
probable and possible were?

"A. Total high end, 175,000.

"Q. Do you have a recollection as to whether the estimates of enemy infiltration prepared by CIIED during the period from September 1967 to January 1968 were higher than, lower than, or approximately the same as the estimates prepared by Lieutenant Hankins?

"A. Let me answer this way. When Hankins came back from his trips to MACV to compare his figures with what they were holding in the tank in CIIED, and from my visits to the tank, I have the general recollection that we were all in the same ballpark. Those estimates generally agreed with what we were picking up. They may have even been a little higher because of the all source.

"We were never at any great now I'm talking about the collectors now, I'm talking about the intelligence people who do the analyzing, we were never really --

Q. Let me repeat or restate my question slightly.

"Do you have a recollection as to whether the officers who collected and analyzed data on enemy infiltration at CIIED were arriving at estimates which were approximately the same as, higher than, or lower than the estimates which were being prepared by Lieutenant Hankins?

"A. Approximately the same."
There is then a statement by Mr. Baron, who was doing the examination for the defendants. "Let me ask Mr. Dorsen whether he will stipulate on the record that those figures in exhibit 197 L are the official figures.

"MR. DORSEN: This is a copy of a genuine document, at least the printed portion is. There are some handwritten things that we will not stipulate on.

"MR. BARON: I am referring to the printed portion of the document.

"MR. DORSEN: Yes, absolutely.

"MR. BARON: We can operate under the understanding then that these are the official figures contained in Defendant's Exhibit in exhibit 197 L, are the official MACV published infiltration figures for the period that is described therein.

"Q. Now, comparing then these figures with the figures that you kept in your inventory, and referring to totals, not individual units, are these figures lower, higher or about the same as the figures Lieutenant Hankins had prepared on enemy infiltration?

"A. Much lower.

"Q. Are these figures lower, higher or about the same as the figures that you discussed with the officer at CIIEED who were in charge of preparing estimates of enemy infiltration?
"A. Much lower. Hank will back me up on that.

"Q. As of November 1967 did you understand that the enemy infiltration rate for the months of September and October of 1967 was lower than, about equal to, or higher than the figures for enemy infiltration which are published in exhibit 197 L?

"A. This is exhibit 3?

"Q. Exhibit 197 L.

"A. Higher.

"Q. Do you have a recollection of your best recollection would be about 10.

"A. Yes, I do.

"Q. I haven't asked you what you have a recollection of. Have you a recollection as to the magnitude of the difference between the figures you would have had by November 1967 and the figures which are published in exhibit 197 L?"

There is then a question by Mr. Dorsen "Which months?


"MR. DORSEN: Who is the 'you' in that question?

"MR. BARON: I am asking the witness.

"A. By November of '67 the figures for September and October for infiltration, my best guess would be, I think -- September here is carried to 6300, grand total, we probably picked up at that point 12,000. And for
October, 4300, we probably picked up about 8, as of November.

"Q. Did you have continuing access to the infiltration figures arrived at by Lieutenant Hankins during the period from October 1967 to June 1968?

"A. Yes.

"Q. By December 15, 1967 do you have a recollection of what lieutenant Hankin's infiltration figures would have been for September 1967, confirmed?

"A. My best recollection would be about 15.

"Q. For October 1967?

"A. Let's see, it would be the second cut. Probably about 12.

"Q. You spoke earlier of an officer named McArthur. Can you identify him, sir?

"A. Richard McArthur was an intelligence analyst in OB studies that kept track of the guerrilla figures by province by corps.

"Q. Did you know Lieutenant MacArthur?

"A. He and I and Hank were all very good friends during that time. We all worked in the same room.

"Q. In the course of working with Lieutenant MacArthur, did you form an opinion as to the manner in which he did his job?

"A. He was probably the most conscientious
lieutenant that I have ever run across, one of the most conscientious.

"Q. Was Lieutenant MacArthur working with you at OB studies until the end of your tour?

"A. No.

"Q. When did Lieutenant MacArthur stop working with you at OB studies?

"A. I can't pinpoint the date, although it was yes, I can. I would say he probably worked with us up until about April or May of '68, something like that. Can I explain how I arrived at that?

"Q. Yes.

"A. When the Tet offensive hit, he was the day the Tet offensive hit, he was to go on R&R in Bangkok. Obviously, he couldn't go. I was with him that day because the Tet offensive had broken out. At a later point when things cooled down, he went on R&R and came back.

"That would be sometime in maybe February or March, and then when he came back, he wasn't with us very much longer, maybe a couple of weeks. So maybe April, May time frame, March, April time frame.

"Q. When Lieutenant MacArthur stopped working with you at order of battle studies, had his tour in Vietnam run out?

"A. No.
"Q. Do you know why Lieutenant MacArthur stopped working with you at order of battle studies?

A. Yes.

"Q. Could you tell us why Lieutenant MacArthur stopped working with you at order of battle studies?

"A. Essentially, he was fired.

"Q. Do you have any recollection of anyone in the CIIED, at MACV J-2, saying anything inaccurate about figures between your arrival in Vietnam in September 1967 and your departure from Vietnam?

"A. Yes. I was in a meeting once with Commander Meacham and Colonel Roberts, who was the deputy J-2 at the time; Colonel Graham, Russ Cooley, major Russ Cooley, Hank, and a big, big flap over the figures, the strength figures. We were going over what happened during Tet, what happened to the enemy strength figures, the official strength figures. We sort of ran out of enemy because we killed so many, wounded so many. This was oh, golly, late May, June, something like that. I made the comment to Hank on the way out of that meeting I was shocked. I couldn't believe my ears, but anyway, in the explanation that Colonel Graham gave regarding the situation of the total enemy strengths at that point in time, in recounting how they got to be that way, I turned to Hank on the way out, walking down the corridor of MACV
saying, essentially, that it was not correct.

"Q. Could you explain what you mean by that?

"A. That Colonel Graham, as best as I can recollect, Colonel Graham's explanation of what had happened regarding the enemy strength figures and what I remember as transpiring was at odds. I don't remember the specifics and I don't want to get Colonel Graham in trouble over anything, but I remember turning to Hank and Hank was nodding his head like he knew now.

"So you asked me if I ever knew about anybody telling something not correct about how enemy strength figures were derived, yes, I remember. I was in a meeting.

"Q. What was the difference between your best estimate of the grand total infiltration for September 1967 through January 1968 and the official MACV grand total figure for the same period?

"A. The difference between the two figures is 132,100. Now, that basically falls in line with what we felt before Tet, that there was between 150, 100, 150,000 NVA in in the country that we were not really counting.

"Q. You spoke of an officer named Cooley earlier?

"A. Right.

"Q. Who was 

"A. Russ was the executive officer for the
order of battle studies, I believe, or the deputy. He was the second man in command.

"Q. So he was a superior officer to you; is that right?

"A. Yes.

"Q. What was officer Cooley's rank?

"A. Major, Major Russell Cooley.

"Q. Did Major Cooley accept the enemy strength figures during the period that we are talking about?

"A. Which set?

"Q. Lieutenant Hankins' infiltration figures?

"A. Yes. We all knew that they were based on a pretty good system. Meacham accepted them.

"Q. Did Parkins accept them?

"A. Yes.

"Q. Who was Meacham's superior?

"A. Colonel Wyler.

"Q. Did you ever have any indication from Colonel Wyler as to whether he accepted them?

"A. Let me put it this way. Hankins was the authority on the field of infiltration. If you wanted to know anything that was really going on in infiltration, chances are you would ask Hank. He was very well respected. So, in answer to your question, Wyler, if he wanted to know anything about infiltration, he would go to Hankins.
Everybody went to Hankins. Hankins was good.

"Q. You said earlier, I believe, that at some point these figures that we are talking about, Lieutenant Hankin's figures, were changed between OB studies and the published official MACV order of battle summary; is that correct?

"A. Somewhere along the line, yes.

"Q. Do you know who the commanding officer of CIIEED was during the period we are talking about, September '67 to January '68?

"A. The only fellow I know that was in charge of CIIEED, the tank, the estimates division, was Lieutenant Colonel Graham. He was the estimates guru, the expert.

"Q. Did the special intelligence indicate that Lieutenant Hankin's infiltration figures were unsound?

"A. No, not at all. We were in general agreement. We had to be. We had to go up there and check it out every day. We couldn't do one of these with CIIEED. That would reflect that we didn't know what we were doing. The left hand had to know what the right hand was getting, and if there was all of a sudden a great disparity, then someone's collecting is wrong, and we would have to correct it. But it never happened that way. We were generally in agreement. Hank was very well respected for his infiltration figures. As a fact, about the only thing we
could hang our hat on was those infiltration figures. They were good; they were solid. We would know when a unit crossed that imagine inline and came in country that was over in a base area of another country. Hank would not count it until it crossed, and he would not count it until he had the appropriate number of sources.

Q. Did you ever, prior to the Tet offensive, brief any officer senior to Colonel Morris in the MACV intelligence hierarchy on the

A. I don't know. Senior to Colonel Morris, me, no. I don't think AA no.

Q. You earlier described confrontations between Colonel Parkins and CICV analysts and MACV JA2 officials; is that correct?

A. Yes. There was always this tension. Basically, I remember we couldn't sell the higher figures to MACV, they wouldn't buy them.

Q. Was there any tension of that nature after the Tet offensive?

A. Well, the Tet offensive, using the official MACV figures, we had a dilemma. Using the official MACV figures and applying the tremendous killed in action and wounded ratio that we inflicted on the enemy, we basically ran out of people to fight.

Q. When you say 'applying the number of
killed in action and wounded' what do you mean?

"A. Well, the numbers of North Vietnamese army
and Vietcong that were killed or wounded during the Tet
offensive of '68, those figures that started coming in from
the field, we started subtracting from the enemy force as
we held it in J-2 MACV.

"The problem was that we killed too many of them
and flat ran out of people, or almost ran out of people.
Whatever was out there wasn't much of a fighting force, but
we knew that wasn't true.

"Q. Did you believe at that time that there
were in fact more enemy in country in January 1968 than the
MACV order of battle summary said?

"A. Yes.

"Q. Did the other CICV order of battle
analysts believe that, to the best of your knowledge?

"A. Yes it was a big point of discussion.
That whole half year, and then past Tet, and into the next
offensive, it was the number one point of discussion at
times.

"Q. Could you just restate what exactly was
the number one point of discussion at that time.

"A. That the OB summary didn't reflect high
enough figures, that we were very concerned over that.

"Q. And the time frame?
"A. Last half of '67, beginning of '68. And then somebody had to do something with the figures to make a fighting force again.

"Q. Do you have an opinion as to the integrity of the process in the post-Tet period by which enemy strength figures were generated?

"A. I am real weak on the post-Tet period. I have managed to block most of that out of my head. I know that there was a lot of flurry of activity in the strengths area.

"Q. Why have you blocked it out of your head?

"A. I don't know. I'm really clear on the first half of the tour. I am not so clear on the last half of the tour. I have talked with Major Cooley about this, who is out in the West Coast.

"Q. You do not have a precise recollection one way or the other as to the specifics?

"A. Believe me, I wish I did. I would like to know what happened.

"Q. Do you have a general recollection of these goings on after Tet beyond what you have already told us?

"A. No.

"Q. At what time was this particular Wheelergram going to General Wheeler?
"A. At the time that Parkins got fired, mid-November of '67.

"Q. Is this Wheelergram the cable which Parkins presented to Colonel Morris?

"A. Yes.

"Q. Is this Wheelergram the cable over which Lieutenant Colonel Parkins and Colonel Morris had what I believe you earlier described as 'an explosion'?

"A. Well, there were two explosions. Yes, this was the last explosion.

"Q. Now, as your memory is refreshed by your notes of your conversation with Lieutenant Hankins, what did Colonel Morris say about the draft Wheelergram that Lieutenant Colonel Parkins presented him with?

"A. The figures were too high.

"Q. Which figures?

"A. Order of battle figures.

"Q. Can you be more specific?

"A. The infiltration figures, for one. I think that was the crux of the whole thing.

"Q. Now, you left Vietnam, I believe, in September of '68. Yes.

"Q. Was McArthur the only one you talked to about what occurred in Vietnam during that year during the course of the next few years?
Yes, he is the only one I saw until about 1980. Hold everything, I take that back. I went back to Vietnam on TDY for six months about a year later and I remember seeing John O'Donnell who was my specialist in methodology, and I remember meeting him briefly but we didn't talk about the nitty-gritty. It sounds kind of corny, but it's just too painful, it really is. We would just rather put it out of our heads.

"Q. During that period, going back to, say, 1969, 1970, did you remember pre-Tet period at that time better than the post-Tet period?

"A. Good question. I don't know. Probably not. I probably remembered pre-Tet. I think I have always remembered pre-Tet better than post-Tet. I have done something with the post-Tet period. I don't know what I did with it. It is somewhere.

"Q. Is in a difference that you can see in terms of its impact on you between the pre-Tet and the post-Tet?

"A. Yes.

"Q. In what respect?

"A. I think there was a lot going on post-Tet. There was this mad scramble to readjust figures that I think I have just put out of my head totally. What happened in Tet was we lost a lot of men and some of those
were my friends, not to get melodramatic and whatnot, and
we definitely had a feeling that something was going to
happen and we didn't know what. After it happened, I don't
know. You're asking necessity why I can't remember
post-Tet, and I have no idea.

"Q. Have you always remembered pre-Tet as well
as you do today?

"A. Yes. You know why, I think. Because it
was my first fulltime job and I couldn't believe what was
going on around me. It made me just it made just such
an indelible impression. That first meeting with Parkins
and Morris that I was in, I don't think that I will ever
forget that. It was just such a stark contrast to the way
I thought things ought to done.

"Q. When you first spoke to Mr. Adams how did
that come about? When did you first meet him, first of all?

"A. I met him, I guess, back in 1969. He was
working on a book and he got my name from somewhere, called
me up and asked me if he could come over and talk. He
started asking me about guerrilla figures and the Tet
offensive, and the guerrilla situation in the Tet offensive.

"Basically I said 'I don't know anything about
the guerrilla figures, hardly at all. Mac handled them and
you have to go ask Mac about guerrilla figures. They
messed with his figures.'.
We discussed guerrillas in a very short order.

I didn't know too much about guerrillas other than what Mac had gone through, but I told him 'As far as I'm concerned, you are missing the whole point.' He said 'What do you mean?'

I said 'I don't know what was going on in the guerrilla category, but I sure know what was going on in the North Vietnamese Army infiltration business.' He said 'Well, what going on? So I told him. 'There were a lot more coming down the trail than we were owning up to.' That started it.

"Q. I believe that you told Mr. Crile at one point that the Americans and South Vietnamese got clobbered at Tet, is that something you said?

"A. Yes. Yes, I might have said that.

"Q. You believe that?

"A. Yes.

"Q. How long did it take before the tied of the battle turned against the North?

"A. I would say the first week. At least the first three or four days of fighting was pretty tenuous.

"Q. Do you feel that the Americans and South Vietnamese lost the battle of Tet offensive militarily?

"A. No. But we got a lot more casualties inflicted than we would have liked, I guess. With those KIA figures coming in, it looked like we really did a number on the enemy.
"Q. What were the total KIA figures?

"A. I don't know. They were massive.

"Q. 30,000, 40,000, 50,000?

"A. Say, 30, 40,000, yes.

"Q. Over what period of time?

"A. However long Tet lasted. I think it lasted two weeks, something like that.

"Q. And that you believe today that there were over 100,000, and maybe even as many, 150,000 North Vietnamese that participated in the Tet offensive that were not listed in the MACV J-2 OB?

"A. Yes. I think there were more. I don't know exactly how many or unit to unit what was committed to the battle on the enemy's side, but I imagine it was pretty near all of it.

"Q. In other words, you believed that there would be no reason why the enemy would not commit virtually all of its resources at Tet?

"A. All that was down there.

"Q. Do you have any understanding or knowledge of the number of enemy that were committed at Tet?

"A. No, I really don't. See, that was the corps area responsibility to keep unit by unit track on who was committed.

"Q. I believe you said earlier that Lieutenant MacArthur was scheduled to go on Feb. 7th of the day of Tet and then left a few days later for Hanoi?
MacArthur was scheduled to go on R&R the day of Tet and then left a few days later for R&R?

"A. He left a couple of weeks later.

"Q. And until he left, do you know whether there had been any changes in the guerrilla OB?

"A. I don't know.

"Q. You didn't hear, or did you hear, the conversation between Lieutenant MacArthur and Lieutenant Colonel Wyler?

"A. I did not.

"Q. Well, you said yourself, I believe, that the enemy, as far as you knew, used virtually their entire strength to attack at Tet; is that correct?

"A. Yes. It seemed to be an all-out offensive, right.

"Q. If I suggested to you that the uniformed forces, main and local forces, was in the vicinity of 110 to 120,000, am I correct that that would be enough to generate an attacking force of 85,000; is that correct?

"A. It sounds reasonable. You are in an area that my expertise isn't. I don't know what was committed.

"Q. I believe you said yesterday that you felt that Americans were basically unprepared for the size of the assault at Tet, and that the failure to accept the higher infiltration figures was the cause, at least in

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substantial part. Is that accurate?

"A. To the size of the offensive.

"Q. Yes.

"A. That is fair to say.

"Q. If in fact there were only 84,000 attacking at Tet and the Americans were prepared for Tet, and the Vietcong were decimated at Tet, would that not indicate to you that perhaps the people who were not accepting your figures were correct?

"A. I don't believe the 85,000 attacking force could be correct given the amounts of losses that had been estimated here of 30 to 40,000 killed in action.

"Q. Why do you say that?

"A. Because once you count in the wounded, using whatever formula we used, I was doing a little figuring last night, you know, if you use a factor of three to 3.5 permanently wounded or disabled against a 30 to 40,000 killed in action, you're indeed coming out with a massive killed in action and permanently wounded and disabled. That would be even more than the whole committed force. I don't understand that.

"Q. I believe you testified a minute or two ago that this was one of the things you discussed with Mr. Adams; is that correct?

"A. What did I discuss with Mr. Adams?
"Q. The relationship between the killed in action and the wounded in action figures. Is that something you discussed with Mr. Adams?

"A. I've discussed that with a lot of people. I don't know if it was just with Sam. Hank and I have discussed it and Mac and I have discussed it.

"Q. What is your understanding as to what the accepted ratio of wounded in action is to killed in action?

"A. I think I said yesterday near the beginning of the testimony, somewhere between 2.35 and 3.5.

"Q. Did you have two sets of books or something?

"A. We kept maybe three or four sets of books.

"Q. Showing different numbers?

"A. Of course. You had the official one and then you had the one based on best intelligence. That's what I've trying to tell you guys.

"Q. In other words, the additional 100,000 or additional 125,000 North Vietnamese were carried by you but not carried by MACV J2?

"A. Officially. I never saw any official J2 MACV publication or estimates supporting our higher infiltration figures.

"Q. Did Lieutenant Hankins prepare documents such..."
We have a reference to a trial exhibit and we do not have the trial exhibit number for it. We have a deposition exhibit number. With the court's permission, we will designate it and fill that in later.

"Q. Did Lieutenant Hankins prepare documents such as..." the exhibit whose number we will find?

"A. I don't know.

"Q. Do you have any idea who prepared the infiltration figures for the monthly order of battle summary?

"A. Possibly the corps analyst.

"Q. But, in any event, Mr. Hankins did not purport to give you a unit by unit breakdown but rather an overall aggregate of the number of infiltrators that he perceived infiltrating into Vietnam?

"A. That's correct.

"Q. Am I correct that at no time did you personally estimate the size of enemy infiltration?

"A. That's right.

"Q. And is it accurate to say that your understanding of the size of enemy infiltration came from Lieutenant Hankins?

"A. Correct, out of order of battle studies.

"Q. Did you have any responsibility for day-to-day current intelligence that would advise
commanders in the field of the size and deployment of enemy units?

"A. No. I don't think we were even, except on rare occasions, talked to the commanders.

"Q. Mr. Gattozzi, we're going to turn now to the post-Tet period, and you heard and maybe referred during the last two days to computer activity following the Tet offensive.

"Do you have any recollection, Mr. Gattozzi, about being asked to work with then Colonel Graham on a computer post-Tet?

"A. I do not.

"Q. Did you tell George Crile that you had no recollection of working one on one with Colonel Graham?

"A. I think I did.

"Q. What was the exercise, as you understand it, an exercise in dealing with estimates of enemy strength?

"A. Everything is an estimate of enemy strength. The computer programs that we set up and the printouts that we produced was an exact duplicate of the items of information that were on those long ledger sheets of the total methodology. Let me put it that way.

"Q. And you kept those ledger sheets; is that correct?

"A. Yeah, we kept those ledger sheets. I'd
like to know what happened to those, I'll tell you. John O'Donnell, they were there when he left.

"Q. You didn't destroy them, did you?"

"A. No.

"Q. Were you ever asked to destroy them?"

"A. No. The only thing we would destroy is stuff we didn't need any longer that was reflected somewhere else.

"Q. At any time did Mr. Crile ask you about what Mr. Meacham was like or how he behaved or anything of that sort?"

"A. He may have."

"Q. Do you remember what you told him?"

"A. Probably something like he has a tendency to overreact and just to be careful."

"Q. I am now going to talk about Colonel Graham. Do you have any personal knowledge of Colonel Graham's attitude toward any particular set of figures?"

"A. General recollections of meetings that I was in.

"Q. With Colonel Graham?"

"A. Yeah, Colonel Graham was there and other people.

"You see, he felt one way, CICV felt another. CICV would state its reasons it felt that way, Colonel
Graham would say, ah, that's nothing. We've got it up here. We know this and that to be true. Frankly, I saw it in the WOB on Saturday morning, I think it was in the WOB, the weekly oversight briefing of some sort. I saw it in some meetings.

"Generally speaking, Danny didn't agree with what we were coming up with. And Danny Graham was a man that set the policy regarding the numbers in Vietnam. Let's be honest about that.

"Q. Did he listen to CICV in the sense that he heard you out?

A. Yes.

"Q. Did he ever tell you not to report the higher numbers to him?

A. No. He just said he didn't think they were right.

"Q. Were there times when Mr. Adams would say to you, Russ Cooley has told me such and such. What is your recollection?

A. Oh, yeah, probably.

"Q. Is this a common way for Mr. Adams to conduct his interview or conversation with you?

A. He'd bounce stuff off of me and I'd bounce stuff off of him. And he would say what do you know about this? And I'd tell him as best I could and then I'd say,
but have heard anything about this yet? And he'd say no, and he'd make a note and maybe purchase stew that.

"Q. Were there times when he said yes?
"A. Oh, yeah, I guess, sure.
"Q. Did he then tell you what he knew about it on those instances?
"A. I would imagine he did, sure. We had a lot of exchange as these notes I'm sure will bear out.
"Q. And in the process of discussing this with Mr. Adams did your recollection get refreshed and you remember things that you had not remembered before?
"A. Yes, sometimes.
"Q. Do you recall whether Lieutenant MacArthur went out and got drunk after he came in and saw his tote board changed?
"A. A huh.
"Q. Did he miss any work because of it?
"A. It was an extended lunch period. You really couldn't talk to Mac at that point. Mac just went off like a Roman candle. We knew where he went, we knew where he was.
"Q. Now, the questions I'm going to ask you now refer to the time frame between your first meeting with Samuel Adams the end of 1981. During that period, did you tell Sam Adams that the rate of enemy infiltration during
the five months prior to Tet was much higher than the rate officially reported by MACV?

"A. Yes.

"Q. During that period, did you tell George Crile that the rate of enemy infiltration during the five months prior to Tet was much higher than the rate officially reported by MACV?

"A. Yes.

"Q. During that period, did you tell Sam Adams that your commanding officer, Lieutenant Colonel Everette Parkins, was fired for trying to send reports of higher infiltration figures than the MACV J-2 Director of Intelligence Production, Colonel Morris, was willing to accept?

"A. Yes.

"Q. Did you tell George Crile that your commanding officer, Lieutenant Colonel Everette Parkins, was fired for trying to send reports of higher infiltration figures than the MACV J-2 Director of Intelligence Production, Colonel Morris, was willing to accept?

"A. Yes.

"Q. During that period, did you tell Sam Adams that there were 100 to 150,000 or possible even more infiltrators during the five months prior to Tet who were not reported in the official MACV reports on enemy strength?
"A. Yes.

"Q. Did you tell George Crile during that period that there were 100 to 150,000 or possibly even more infiltrators during the five months prior to Tet who were not reported in the official MACV reports on enemy strength?

"A. Yes.

"Q. During that period, did you tell Sam Adams that the average enemy infiltration rate during the five months prior to Tet was in a range of about 15 to 35,000 per month?

"A. Yes.

"Q. During that period did you tell George Crile that the average enemy infiltration rate during the five months prior to Tet was in a range of about 15 to 35,000 per month?

"A. Yes.

"Q. Is it your recollection that you regarded Lieutenant Colonel Graham as honest or other than honest at that time?

"A. Other than honest.

"Q. What was the basis for your regarding Lieutenant Colonel Graham as other than honest?

"A. He portrayed a history of strength methodologies that did not coincide with my recollection of the way those strength methodologies were arrived at and
changed. I basically remember a history being given by Colonel Graham to Colonel Roberts, because we were trying to determine how we got to where we were at that point and time, and that point and time being May, April time frame of '68, and Colonel Graham taking the floor and elaborating on the long history of those figures and how we got to where we are, I did not, nor did Lieutenant Hankins, remember things happening exactly that way. As a matter of fact, we remember them happening quite differently.

"Q. I believe you stated in your testimony yesterday that you regarded Lieutenant MacArthur as a conscientious as as conscientious an analyst as you knew in Vietnam. In words or substance, is that an accurate reflection of your testimony?

"A. That's correct.

"Q. Prior to the time Lieutenant MacArthur left for R&R in February 1968, is that the way you regarded Lieutenant McArthur?

"A. Yes.

"Q. Did you continue to regard Lieutenant McArthur that way until his return from R&R in February 1968?

"A. Yes.

"Q. Do you have an opinion as to the cause of any change in Lieutenant McArthur's conduct of his duties
as an officer subsequent to his return from R&R in February 1968?

"A. Yes. Mac, for the lack of better terminology, went off the deep end.

"Q. I would like to show you certain documents which were written by Commander Meacham up, and with respect to each of them, I would like to ask you to read a passage and tell us whether the description of events comports with your recollection of those events, to the extent that you have such a recollection.

"First," and there is a reference to deposition exhibit 19, and we will identify that later with the trial exhibit, "The second full paragraph.

"A. 'About an ordinary day today. A few needless ordinary things to occupy the time so it doesn't drag. Tomorrow will be a sort of a day of truth. We shall then see if I can make the computers sort out the losses since the Tet offensive began in such a manner as to prove that we are winning the war. If I can't, we shall, of course, jack the figures around until we do show progress. Every month we make progress here.'"

That exhibit is trial exhibit 214 D.

"Q. Based on your recollection of events following the Tet offensive, is the selection you've just read a fair description of events during that period at the
order of battle studies section at CICV?

"A. Yes. We did quite a bit of readjusting of figures after the Tet offensive, we being the whole office.

"Q. When you say 'readjusting figures' would you amplify that?

"A. To the best of my memory, we had a real problem in that the loss figures were so significant after the Tet offensive that when applied to official J&2 MACV holdings, there wasn't much of an enemy left to conduct a war with. So we somehow managed to jerk around those numbers until they came out the right way, how they were supposed to.

"Q. When you say 'supposed to' what do you mean by that?

"A. I don't know really other than we were not acting without guidance from policy level J&2 MACV."

Your Honor, that concludes the offer of Bernard Gattozzi's deposition. I would note for the record that the first exhibit that we did not have a trial exhibit number for was exhibit 198 R.

"That concludes the offer of evidence for today.

THE COURT: Members of the jury, we will not have trial on Friday of this week. We will meet tomorrow but not Friday.

"I expect that we will have trial the following
Friday, February 8. I anticipate at present that we will meet five days next week, and I think on Tuesday, February 5, we will be starting a little bit later than usual, something like 10:30, but other than that we should have trial every day of next week.

"This is not definite at this time, but it looks as if there will be a couple of days off around the end of the following week. Please do not put this in the bank, but just as a little bit of prior advise to help you with making tentative schedules.

"I believe that we will not have trial on Thursday, February 14, when counsel have other engagements that they must attend to.

"I any that Monday, February 18, is a court holiday and in view of all the days, the 14, the 16, the 17 and the 18 being off, I think perhaps we will not meet on the 15 so that people who have the opportunity to be away for some extended period of time can do that.

"All right. That concludes today's session.

See you tomorrow morning at 10:00 o'clock.

"Remember that you are not to discuss the case with anyone and that you are not to be influenced in any fashion by anything that you may read in the press about this case or any other, or about the issues of law that are being litigated here.
"You are excused.

(Trial continued to January 31, 1985 at 10:00 a.m.)