Mr. Adams said, "I don't recall." Is that correct?

I don't think I said anything.

Sorry.

I don't remember precisely how I put it.

I don't think I used the word "order of battle summaries." I did make—and it was clear from my question that I meant a hundred thousand soldiers, North Vietnamese infiltrators, coming down the trail in the five months prior to Tet over and above those reported in MACV's official infiltration statistics.

So, as far as your question was concerned, those hundred thousand could have been 100,000 North Vietnamese regular soldiers who were not reported on MACV's order of battle summaries but who were reported through some other source?

No, I didn't say that.

What did you say?

I was about to object to the form.

I think I can ask if he can give the--
A You were asking in such a way--quoting me in something I didn't say.

C I was asking a question.

A Well, you were framing the question in--

Q Let's get back to the question.

A Could you reframe it?

MR. DORSEN: Could you read back the question and answer that Mr. Adams gave a minute ago?

(Record read.)

C When you used the term "MACV's infiltration statistics," are you including as MACV's infiltration statistics information that MACV received from other agencies located in Washington that have been called special intelligence or the like?

A I'm not sure exactly how I should--I don't know exactly how to answer your question. I guess I don't understand it. Can you come again?

C Yes.

Did you know in the fall of 1967, Mr. Adams, whether there was special intelligence or communications intelligence data being disseminated from Washington D.C. by an agency other than the military and...
the CIA that indicated infiltration by the North Vietnamese?

A Did I know in the fall of '67 this?
Q Yes.
A Me, back in '67?
Q Yes.
A I knew that NSA, National Security Agency, did transmit information about enemy infiltration.
Q Assuming they were, in that period, transmitting information, was the information that they transmitted part of the MACV enemy infiltration statistics?

MR. BOISE: Object to the form of the question.
A Okay. I have to answer your question at some length because it brings--it makes me face up to the number of ways I've gotten information about MACV infiltration statistics.

I have talked now to several people involved in determining or following MACV infiltration statistics, determining the number of people coming down
the trail. Repeatedly I have asked them whether the
higher numbers which they--which included Lieutenant
Gattozzi and Hankins, among others--whether the--whether
their higher numbers were partially derived from special
intelligence. The answer was yes. Partially derived,
yes. They used it.

Q Is that your answer? I just want to know
if you're finished.

A Yes.

Q The question I have is this: You asked
Lieutenant Michael Hankins, or former Lieutenant Michael
Hankins, the question as to whether there were a hundred
thousand North Vietnamese infiltrators who were not
included in MACV's infiltration statistics.

A Yes, sir.

C Now, assuming that MACV had infiltration
for a particular month of 10,000 and MSA was
communicating to MACV and other agencies that based on
its own sources there were another 20,000 infiltrators,
to its knowledge, would those 20,000, in your
understanding of your question and Mr. Hankins' answer,
have been included in the 100,000 figure he gave to Mr.
Hankins?

MR. EGISE: Can I have the question read, please.

(Record read.)

MR. BOISE: We're going to take a break.

(Short recess taken.)

MR. BOISE: I will permit him to answer that obviously hypothetical question if we have an understanding that I am not going to receive instructions not to answer from Plaintiff's counsel in connection with hypothetical questions.

What I want to have is one rule. I'm prepared to have these witnesses answer hypothetical questions if you will permit your witnesses to answer hypothetical questions.

I am not prepared to have what has happened before, which is I permit my witnesses to answer hypothetical questions and you instruct them not to answer on the grounds they're hypothetical.

MR. DORSEY: You'll have to make your own decision.

MR. BOISE: I instruct the witness not to
Mr. Adams, did you know in the fall of 1967 that there was infiltration taking place that was not included in MACV's official statistics?

No, I did not, but I suspected it.

Did you know in the fall of 1967 that the NSA was reporting or communicating the fact that there was infiltration to MACV, to the CIA and to others?

MR. BOISE: Are you representing that that was, in fact, happening?

MR. DORSEN: Yes, to my knowledge. I'm representing that I believe that to be the case.

THE WITNESS: I believe that they had--that NSA reported information on infiltration.

Did you know in the fall of 1967 that the NSA was reporting infiltration in excess of 20,000 that were not simultaneously or contemporaneously included in MACV's enemy infiltration statistics?

MR. BOISE: Are you again representing it's your understanding that that's what was happening?

MR. DORSEN: That's right.

THE WITNESS: It's a terribly complex
question, sir.

Maybe you can break it down a little bit.

Well, did you know whether the enemy in the fall of 1967 had moved—I'm running into a problem.

Let me withdraw the last two questions, if I may, because I want to phrase it somewhat differently.

Was the CIA, in the fall of 1967, receiving information concerning enemy movement from NSA?

A I believe it was.

C Did that enemy movement relate to infiltration?

A I would have to say that I presumed it did. However, I think at this time I should make clear that I was not following in detail the problem of North Vietnamese infiltration down the Ho Chi Minh Trail either through evidence such as captured documents or through other kinds of evidence.

C Did you ever make any effort to go back and familiarize yourself with what information the CIA was receiving from various government agencies on the subject of infiltration in the fall of 1967?

A By and large, I knew what kind of
information they were receiving back then. I've
continued to know. Most of my inquiries since then
concerning infiltration has been about what MACV knew
and what kind—what kind of information it had and what
kind of numbers it believed were coming down the trail.

Let me make a statement for the record.

I made a representation earlier that may
have involved a use of terminology that was not the same
way that Mr. Boise or Mr. Adams understood it, and I
just want to make that statement for the record.

Did you know in the fall of '67—

MR. BOISE: Wait. Are you going to
explain what you're talking about? It's just a little
blind when you say it that way.

MR. DORSEN: What I was getting at is
this: I had forgotten the—

MR. BOISE: If you just state whatever
the representation is—

MR. DORSEN: The representation had to do
with whether there was infiltration reported by NSA.

MR. BOISE: What did you mean?

MR. DORSEN: I was using the phrase with
respect to infiltration activity and enemy movement and
the like and did not focus on the technical definition.

MR. BOISE: Movement down the trail as
opposed to--

MR. DORSEN: I think that's right. But
I'd need the record read back. I want to make sure I'm
not misstating the record or representing something to
the witness not fully accurate.

MR. BOISE: Why don't you make the
representation now or--

MR. DORSEN: I'd rather do it some other
way.

MR. BOISE: I'm a little confused now. I
thought we knew where we were and now you're saying
maybe it was different. I don't know what the
difference is.

MR. DORSEN: What I'm saying, rather than
prolong the question, I made certain representations and
I don't believe the witness answered the questions based
on those representations.

In any event, I do not feel confident,
without having all this read back, that my
representations were accurate. I do not want the record to stand. I think it would be a disservice if I permitted something to stand which on reflection may not be accurate.

MR. BOISE: Why don't you make a representation that would be accurate?

MR. DORSEN: I think I'll pursue a different line of questioning.

MR. BOISE: You can say whatever you want, but I don't think you can have any effective way of taking back a representation without saying what you think the right representation is.

I don’t think you can just say, "I’ve changed my mind, I don’t think I like that, but I’m not going to tell you what I do like." You can say whatever you want, but I don’t think it has any effect unless you tell us what you think the fact is.

MR. DORSEN: I don’t think I’m obliged to. You asked if I could make a representation for the purpose of clarifying questions. I made a representation and realized I may not have made the accurate representation.
1 What I think in terms of a question is
2 not crucial.
3 MR. BOISE: No. But your representation
4 on the record has whatever effect it does. All I'm
5 saying is that—I don't have any objection to your now
6 telling me what you think the thing is or what you think
7 the fact is. All I'm saying is that I don't think
8 whatever form of words you're using, I don't think that
9 has any effect on what you said before unless you tell
10 us what you now think the fact is.
11 I don't need to prolong this. You made
12 your point. I made my point.
13 MR. DORSEN: I think at some point
14 perhaps the record will have to be clarified, but I
15 don't believe that requires further elucidation now.
16 BY MR. DORSEN:
17 Q Mr. Adams, do you know whether the
18 hundred thousand North Vietnamese regulars that you and
19 Mr. Hankins talked about were known to the CIA or to
20 other government agencies?
21 A When, sir?
22 Q In late 1967 and early 1968. Early 1968
being January 1968.

A I would have to say I don't know whether
the CIA knew, but I seriously doubt the CIA did know
because I never heard about them, and I should have,
since I was sitting in the director's office.

C Let me ask you this, Mr. Adams. Do you
know whether the numbers that you and Mr. Hankins were
discussing, or at least part of them, was essentially a
bookkeeping matter in the sense that the issue was not
whether these people were suspected of infiltrating but
where their existence would be recorded?

A Sir, in my discussions with Mr.
Hankins—and I might add, Mr. Gattozzi and other people
such as Russell Cooley—this was not, in their view, a
matter of bookkeeping. They felt, sir, that the
infiltration reports that they were developing were
being deliberately downgraded, falsified, held back from
Washington—and held back from Washington.

Q And you're saying that this is what
Lieutenant—

MR. BOISE: I don't think he finished the
answer. He may have.
Did you finish?

No, I hadn't finished.

And that the discrepancy between their numbers and those issued by MACV headquarters was not a matter of bookkeeping. It was a matter of arbitrarily--of arbitrary withholding of evidence from Washington, at least as far as they could see. That was my feeling of their conversations with me.

That's what Michael Hankins told you?

MR. BOISE: Object to the form of the question.

It is not what Michael Hankins told me directly, no. Gattozzi told me words to that effect. Cooley used words to that effect. I asked, among other things, of Michael Hankins whether he thought highly of Lieutenant Gattozzi and Major Cooley and whether I could believe the kinds of things that they were saying, and he told me "Yes."

I got the strong impression from the way they talked about one another that they were firm friends, that they were fellow analysts believing the same things. And so, when I used--when I said
that--included Hankins as among those who imparted me this information, I had built in the assumption that what Gattozzi and Cooley had told me was true--Gattozzi and Cooley and others had told me was true.

Q Do you know whether Gattozzi had anything to do with the development of the infiltration figures, the formulation of the infiltration figures?

A I only know what Gattozzi told me. Gattozzi, by and large, did not formulate the infiltration figures. Gattozzi, however, sat in the same room with Hankins probably not too much further than I'm sitting from you, four or five feet, that they sat together in that way for eight to ten months, that they frequently conversed about infiltration statistics.

When I say frequently, several times a day.

That Lieutenant Gattozzi used Hankins' infiltration figures in his own calculations repeatedly, daily, and that he was therefore very familiar with what Hankins was coming up with and the ways Hankins had come up with it.

Q Mr. Adams, are you saying that according
to your understanding there were 100,000 more North Vietnamese regulars in South Vietnam on February 1, 1968, than was believed by the White House, Defense Department, State Department, and the CIA?

A No, sir, I am not saying that. What I am saying was that according to the people I talked to who had worked in MACV during that period, including Gattozzi, Hankins, Ccodey, among others, that they felt that something on the order of a hundred thousand, perhaps more, had come down the trail in the five months prior to Tet, which is not to say that these hundred thousand were all living on the 1st of February, 1968, which I believe is the question you asked.

Q A total of 100,000 came down the trail or a hundred thousand over and above--

A I'm sorry. Over and above what was reported officially in MACV's statistics.

Q So that MACV's statistics were on the average of 20,000 per month too low for September, October, November, December of '67 and January '68; is that correct?

A On the average, that is the ballpark I'm
talking about. Yes, sir.

Q Did the CIA, State Department, Defense
Department, and the White House know that there were a
hundred thousand or some portion of a hundred thousand
that had infiltrated and were not included in MACV's
statistics?

A As far as I knew at the time, at least I
had received no word that there was this mass of
unreported infiltrators in South Vietnam.

Q What about in 1981, what did you
understand?

A What did I understand about what, sir?

C What the Defense Department and other
government agencies in Washington were told about
infiltration ever and above what were in MACV's order of
battle statistics.

A As far as I can see, sir, these agencies
which you mentioned were unaware that there were these
extra infiltrators who had come down the trail.

C And that's what you believed in '81?

A That's what I believed in 1981, that
these--
Q Do you believe the same thing now?
A I don't know precisely what to believe anymore, the reason being a letter, a memo of--a memorandum, for the record, which Mr. Walt Postow wrote right after the broadcast of "The Uncounted Enemy," in which he said that the--and I'm paraphrasing. I'm not sure it's the right verbiage. Something to the effect that the president was aware, everyone was aware, who mattered, said Rostow, that there was this bunch of people that had come down the trail--that large numbers of people had come down the trail, rather than this smaller bunch that had been reported.
Q Was that, what you've just alluded to in Mr. Rostow's letter, something that was new to you?
A That was what?
Q News or new to you.
A It was, yes, sir.
Q Do you know whether Mr. Rostow was asked about that by Mr. Kryle or Mr. Wallace when he was being interviewed by CBS?
A I really couldn't tell you. I only skimmed Mr. Rostow's transcript. That's all.
I have some more questions but I want to ask a few short questions about certain documents and then we can terminate, if that's agreeable.

MR. BOISE: Off the record.

(Discussion off the record.)

BY MR. TORSEN:

Q  Mr. Adams, here is Plaintiff's Exhibit 36, which is a document which I believe you produced and we have pages 1 and 3 of it. The question I have--

A  Are we off the record?

Q  No. We are on the record.

The question is, have you ever seen page 2?

A  My answer would have to be I don't know.

Q  I'd like to show you, Mr. Adams, a document which is Defendant's Exhibit 65, which is a memorandum from Joseph McChristian to Mr. Sandeen, with an attachment of three pages, and ask you whether you saw that document, if you recall, in 1967.

A  Yes, sir, I did.

I saw a copy of this document, yes. I believe the original.
MR. DOREN: Off the record.

(Discussion off the record.)

(Time noted: 4:00 p.m.)

Subscribed and sworn to
before me this ___ day
of ____________, 1984.
CERTIFICATE

I, DEBRA STEVENS, a stenotype reporter and notary public, within and for the State of New York, do hereby certify:

That SAMUEL ALEXANDER ADAMS, the witness whose examination is hereinbefore set forth, was first duly sworn by me, and that transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of January, 1984.

DEBRA STEVENS