(Whereupon, at 4:17 p.m., the proceeding resumed.)

MR. ROIES: It is 4:17.

BY MR. DORSEN: (Resuming)

Q The question is, are you prepared to request from the CIA any agreements or documents relating to any statement you made concerning the retention or -- (Discussion off the record.)

BY MR. DORSEN: (Resuming)

Q Are you prepared to request of the CIA any agreements or other documents, including the secrecy agreements relating to your taking or returning of documents relating to Vietnam?

A I am prepared to consider such a request and would request you to make a written list of any documents you would require or you would request, so that I may take it under advisement.

Q Okay. We will do that promptly.

MR. LAPRADE: You understand, Mr. Dorson, that even if he agrees to the production of documents, there may be some part of the document we may consider classified and not producible.
MR. DORSEY: I now know it.

MR. LAPRADE: Just so long as you understand it.

BY MR. DORSEY: (Resuming)

Q Mr. Adams, I would like to ask you whether in the course of your work with the CIA you came across any retroactive adjustments to any estimates?

A Ever? Yes.

Q What is a retroactive adjustment?

A You'd have to explain to me what you wanted.

Q A retroactive adjustment concerning estimates of enemy strength, specifically.

A I believe I have come across figures that purported to be retroactive adjustments of enemy strength, retroactive re-adjustments of enemy strength, I should say.

Q And what is a retroactive re-adjustment of enemy strength?

A Well, it depends, it seems to me, on -- let me take that back. A retroactive re-adjustment of enemy strength could be taken to mean trying to determine, on the basis of current estimates of enemy strength, what
previous estimates of enemy strengths have been. There is, however, the problem here of theory and practice, specifically in 1967.

Q What was the theory, if you would explain?

A The theory is if you have, say, X number of soldiers or cadres or what-not, say 500,000 at a given time period, a retroactive readjustment might be an attempt to figure out how many of such soldiers or cadres there had been six months earlier or at some time earlier.

Q In theory, was this type of retroactive adjustment, readjustment, an accepted analytical tool in the intelligence community?

A In theory, one can make the case that, if you have come up with the number of X, say 500,000, you can attempt -- it's certainly legitimate to try and figure out what number there had been before that at some specific period of time.

Q Under what circumstances would it be legitimate to use a retroactive readjustment

MR. BOIES: Objection.

THE WITNESS: That question is so full of
hypotheses, I find it very difficult to answer. If you
have some kind of specific idea in mind, let me try that
out.

BY MR. DORSEN: (Resuming)

Q In the event, Mr. Adams, that your figures,
the figures that you believed were accurate in September
of 1967, had been accepted by the intelligence
community, would you have expected there to have been a
retroactive readjustment made of your enemy order of
battle?

A Well, let me put it this way, that it might
have been expectable for me to wonder, for other people
to wonder, whether, having decided that there were say
500,000, 600,000 men in September '67, whether there was
a higher number or a lower number six months earlier.

Q How would you have gone about doing that if
you were the task?

A The method that I would have employed to go
about doing that might have gone something like this. I
would take the criteria -- I would take the present
strength estimate, including the categories within it,
say in September '67, and say I wanted to compare it to
numbers extant in September '66. I would attempt to
look at what evidence there was available in September
1966 to see what the number was back then.

I would have obviously used evidence for
whatever number was to be -- whatever estimate I made
for September '66.

Q And if there had been say -- let me ask the
question: In the summer of 1967, were assault youth
included in the order of battle?

A In the official MACV order of battle?

Q Yes.

A In the summer of '67, no, they were not.

Q Did you have an estimate in the summer of '67
as to how many assault youth there were?

A I had a general estimate for the summer of '67
for the number of full-time assault youth at district
level and above, yes.

Q What was that estimate?

A As I recall, it was something like 20,000, but
I'm not absolutely sure about that.

Q Were there other assault youth, other than
full-time and district level?
Yes, there were. There were village level assault youths who were part-time and who from time to time could be called to the colors and drafted for periods of time and included in assault youth battalions or assault youth companies or assault youth platoons attached to the district, province, region and national level formations.

Q Did you have an estimate in the summer of 1967 as to the number of part-time assault youths?

A No, I did not at that time. No, I didn't.

Q Did you ever have one?

A No, I never attempted to make an estimate of part-time assault youths to my recollection.

Q How many assault youth did you want to have added to the enemy order of battle in the summer of 1967?

A Well, I wasn't really lobbying at that time to get the assault youth put in the order of battle in any active way. I had tried to get the ball rolling on assault youth, so to speak, in February and March 1967, and I got the ball rolling, as I recall, in April of 1968.
Q What happened in early 1967?

A Well, as I remember, I first ran across these people in either late '66 or early '67, and I did an initial study of them some, I believe, five or six pages long, one night while I was attending the Honolulu conference.

My object at the time was to call attention to MACV J-2 of their existence, and I wrote such a memo, although I don't think I assigned any numbers or estimate of their numbers, but merely was showing -- attempting to show to the MACV J-2 intelligence apparatus, particularly including its order of battle section, that these so-called assault youths were not an unimposing group of people.

The memorandum which I wrote in February 1967 indicated that in fact I thought a good case could be made that they belonged in the OB. They were uniformed, full-time at district level and above, well organized, fairly heavily armed, and engaged in front-line logistics activities.

Q This is what your conclusion was in early '67?
This was my conclusion, early '67, based on a fairly large number of captured documents.

Q If 20,000 assault youth had been added to the MACV order of battle in September of 1967, how would retroactive readjustments have been made for, say, September 1966 and September 1965?

A One would have attempted, I presume, to see what evidence was available concerning assault youth numbers in September 1966 and September 1965, and try to make some estimate as to how many there were.

Q If there had been a retroactive readjustment made, what would the form of it have looked like?

A I haven't a clue.

Q Was there any accepted format for presenting retroactive readjustments?

A No, there was no standard retroactive readjustment rule that had been laid down someplace, no.

Q At any time during the period -- it seems to me --

A It seems to me, though, this way of doing it, you look at evidence pertaining to one period and you
look at evidence pertaining to another and evidence pertaining to as many periods as you care to inspect, and then work from there.

Q During the period early 1967 to April or May 1968, did your views change at all concerning the capabilities of the assault youth?

A Between September '67 and when?

Q I'm sorry, January '67 and April '68. Did your views change on the capabilities of the assault youth?

A I think they changed a little bit, in the sense that I believe we captured some photographs of some, what purported to be assault youth formations. You could tell an assault youth from somebody else because he had a floppy hat, a bandanna which he wore around his neck, and a little insignia which said "TMXP."

And the photographs which I saw some time after the period of January '67 but before April 1968 showed some formations, platoon and company-sized formation of assault youths, and they looked like a pretty threatening group of individuals, in the sense
that they were carrying AK-47 submachine guns and seemed to be standing in pretty straight ranks, seemed to be a pretty tight-looking outfit, seemed to be a fairly tight-looking outfit.

Basically, what I came to think of was, I thought a little higher of them in April '68 than I did in January '67.

Q Do you remember when you saw the photographs?
A Some time during the year.
Q That year? Could you place it any more specifically? First half of that period as opposed to the second half of that period?
A No, I couldn't. I just remember seeing a couple of photographs of assault youths, half a dozen of them, and they were -- they looked like a pretty squared-away outfit just from the photographs. But you can't necessarily tell.
Q Did you ever see photographs of guerrillas like that?
A I have seen photographs of the guerrillas. What struck me about the assault youth as against guerrillas, guerrillas, you didn't normally see them in
formation. What struck me about the assault youths is
they were in a formation. They were lined up.

This photograph is coming back to me. They
were lined up. My recollection of the photograph is it
was of three what looked like platoon formations, which
presumably made up a company. I had never seen a
photograph of a guerrilla company, much less a guerrilla
platoon, drawn up in straight ranks.

Did you ever see any photographs of
self-defense or secret self-defense militia?

I saw photographs of what purported to be
self-defense and secret self-defense militia, yes.

What did they look like? The photographs, I
mean.

They looked like people in black pajamas. The
ones I saw I believe were setting up booby-traps or
something like that. I can't really remember.

Anything else you remember about the
photographs?

Tony is looking dubious. I saw these things
in the -- got them from the CIA library.

MR. MURPHY: You know, I'm never going to get
to ask you a question. This is a shame.

MR. YASTRO: No, it's not.

THE WITNESS: I saw these -- I saw these photographs of what purported to be militia in the CIA archives.

BY MR. DOREN: (Resuming)

Q Do you know how -- how did you know they purported to be self-defense militia?

A They had a label on them.

Q Was that a label of the CIA or a label put on by the Viet Cong?

A Apparently they were gotten from a Viet Cong propaganda magazine and -- apparently. I'm not sure. Apparently the CIA had merely translated the photographs, and the CIA archives contained a notation that these were militia, and I think it had the name of the magazine from which the photographs had been contained.

Q Was the terminology the same for the various Viet Cong types throughout South Vietnam?

A That is a very broad question.

Q For example, let's take somebody -- let's take
the irregulars. Was the same terminology used with respect to the irregulars throughout South Vietnam?

A Generally speaking it was, as far as I can determine. The translation -- correction. The Vietnamese term for a guerrilla was "dukich." That's d-u-k-i-c-h. It varied by the type of guerrilla.

Dukich x-a -- it's a separate word. A hamlet was a dukich ap, a-p. A secret guerrilla was a dukich bi mat, that's b-i m-a-t, or sometimes dukich mat, m-a-t. Self-defense were normally called by the Vietnamese, by the Viet Cong, Tu Ve, T-u V-e. Secret self-defense were normally called Tu Ve bi mat.

There were different terms referring to the collection of these two people together. Sometimes -- it was pretty clear that a guerrilla was called a dukich. It was pretty clear that a self-defense militiaman was called Tu Ve. However, when you lumped them together there were a number of different terms that were used.

Among them, Dan Quan, D-a-n Q-u-a-n, and then Dukich.

Q Is there more?
You asked me the question.

Q Did these terms mean the same thing throughout South Vietnam? Did they describe the same type of individual?

A Dukich xa, dukich ap, and dukich bi mat by and large describe the same thing from top to bottom. Tu Ve and Tu Ve bi mat by and large describe the same thing from top to bottom. There may have been other terms that people used in other locations, but by and large that was the same.

Q Was a term like Tu Ve, in the North and South Vietnam did that describe the same type of individual, with similar training and capabilities, as the same term would apply to someone in the Delta?

A There were different -- from area to area, the worth, the efficacy of the self-defense militiamen might vary. In some locales it was a pretty hot-shot outfit. In others they were not as good. And it would vary in some degree.

Generally, in all areas they had the same tasks and they had similar jobs, they had similar jobs and similar organizations. Some of them were better.
than others, is a way of putting it.

Q Did you see during 1981 any letter that General Westmoreland wrote to Mr. Crile and/or Mr. Wallace?

A I believe I did. I can't recall exactly when, but I think I did, yes.

Q Did you see the letter with the attachments in 1981?

A I may well have. I seem to have a recollection of seeing a letter with a bunch of papers attached to it. I seem to recall also going through it.

Q Do you recall anything about the circumstances under which you saw it?

A I think George forwarded most correspondence concerning that kind of communication to me regularly. Not everything, but most stuff.

Q Do you have any more specific recollection of the letter General Westmoreland sent with attachments?

A I remember reading it and saying something to the effect of, what's all this about.

Q Saying it to whom?
A: Myself.
Q: Did you say it to anybody else?
A: I can't recall whether I did or not. It was not a big moment in my life. My recollection is that it was not something that was -- that materially affected what we had, anything we thought about General Westmoreland or what he had said.
Q: During 1967 were you receiving or seeing copies of Southeast Asia analysis reports?
A: I saw some of them, but not all of them. I recall one specifically dated July 1967, in which it was said that 28 percent of all U.S. casualties were caused by mines and boobytraps. I remember that specifically because I used that document in arguments that I made concerning self-defense militia during August of 1967, at discussions concerning the national intelligence estimate 14.3-67.
Q: Did that give any indication of who set the mines and the boobytraps?
A: To my recollection it did not. However, I have done -- I didn't need the article to tell me that, because I had done some independent research, which at
least gave me a general idea on who was setting the
mines and the boobytraps, and more specifically who was
not setting them.

Q. When did you do this research?
A. I did it over a long period of time, starting
in August 1966 and ending probably well into 1968,
because I was at that time well aware that some circles
in MACV headquarters were attempting to denigrate the
efficacy of the self-defense militia in order to justify
their removal from the strength estimate.

Among the pieces of research I did on that was
to try to discern whether there were any patterns to the
setting of mines and boobytraps by geographic area.
What I was to discover was that in the -- in areas where
conventional warfare was being fought, such as the area
close to the Demilitarized Zone -- that is, the border
between what was called North Vietnam and South Vietnam
-- the percentage of Americans to be killed or maimed by
mines and boobytraps was roughly the same percentage as
had been killed or maimed during World War Two, namely
about three percent.

But that when you got to populated areas where
there were strong irregular forces, including guerrillas and self-defense militiamen, the incidence of casualties caused by mines and boobytraps was frequently above 50 percent; this obviously leading me to the belief, the conviction, that irregulars, particularly including self-defense militiamen, were responsible for the laying of mines and boobytraps.

Q Did you prepare any written report or analysis at any time on the subject?

A I believe I did, but I would have to consult my notes. I remember writing a report to this effect, that the -- that the boobytraps were much more common, far more common, in areas where people lived and there were these irregular formations than in areas where the irregular formations did not operate, such as up on the DMZ, where the war was primarily conventional.

Q Do you recall if you put this in a CIA memorandum form?

A I can't recall offhand. I may have mentioned it in an overall memorandum some 50 pages long which I wrote about irregulars in late 1966. I don't recall whether I had that specific statement in there. I do
recall that I addressed that question and certainly
mentioned it orally at the NIE 14.3 discussions in
August and September 1967.

Q Let me show you, Mr. Adams, a rather poor copy
of Exhibit 382, which is a memorandum dated as of 20
February '68 with a handwritten note. Have you seen
that memorandum?

A What are you pointing at?

Q I'm pointing at the whole left-hand page,
which is a copy of 382. I do not have a better copy
with me, but I'll be happy to have you look at one if
your lawyer can provide one.

A This looks familiar. I'm not sure whether I
have read the whole thing recently.

Q I'm more interested --

MR. POIES: You're looking at 382?

THE WITNESS: I've read --

MR. POIES: This is the thing from your
brief?

MR. DCPSEN: That's correct.

As I said, I'm not suggesting it's a good
copy, but I'm just using it for identification
THE WITNESS: I may have read this at the time. I'm sure it looks familiar.

BY MR. DORSEN: (Resuming)

Q. Do you recall whether you produced a copy in this litigation?

A. I believe this may have been the copy I produced. I'm not sure whether that's the case or not.

Q. Do you recall where you got the copy from or when you got the copy?

A. No, I don't.

Q. Do you recall who gave you the copy?

A. No, I do not.

Q. Does the name "Barrie" on the first page in handwriting refresh your recollection?

A. No, it does not refresh my recollection as to where I got it.

Q. How many Barrie's do you know, B-a-r-r-i-e?

A. I only know one Barrie. That's Barrie Williams. But the question you were asking was did this remind me where I got it, and no, it doesn't. The fact that I may have had a memorandum with his name on it
1 doesn't mean I necessarily got it from him.
2
3 Do you recall whether Barrie Williams ever
gave you any documents?
4
5 A I'm sure Barrie Williams must have given me
documents from time to time. I gave him documents. We
had a constant exchange of documents back and forth from
DIA to CIA. However, that is not the same thing as
saying that Barrie Williams physically walked over and
handed me this document or any other document, or that
physically I went over and handed him any particular
document.
6
7 There was a flow back and forth of documents
between CIA and DIA.
8
9 Do you have any present understanding or
belief as to whether the "Barrie" referred to in Exhibit
382 is Barrie Williams?
10 A Whether this -- as I say, it sure looks like
it might be Barrie Williams, because you see it has
Major General Brown's name on it. It has the notation
"DIA" in here. So it may well be Barrie Williams. I
can't guarantee it, but that's what is said on the cover
sheet here, the memo routing slip.
Q Have you seen memo routing slips that look like that before?
A Have I seen DD-4-95 before? I can't tell you. I don't remember. There were a lot of routing slips that came past my nose.
Q 1967, early 1966, did you know who Edward Halpin was?
A At that time, no, I did not, although it says here he was the U.S. Director of CICV. That is not a name that had any meaning to me back then. I believe I learned of Colonel Halpin's position as Director of CICV well after I started my research on the OB question in 1976.

I did not know who Ed Halpin was. I don't think I ever met the man or even knew who he was. One of the things about -- I might add, one of the things about my understanding of what went on back then was that I was not really familiar entirely with the MACV bureaucracy. I didn't know the pecking order, which I have since learned.

I had never heard, for example, as I can recall, the term CIID, although I was familiar with th...
term called "the tank." So many names that I now know
were not familiar to me back then, and many
organizations I'm now aware of were organizations I
didn't know about back then except through documents.

(Recess, at 4:57 p.m.)

MR. BOIES: It is 5:13.

BY MR. DCRSEN: (Resuming)

Q Mr. Adams, are you familiar with the October
1967 MACV order of battle summary, which is Exhibit
198-R?

A It depends on what you mean by the word
"familiar." P, the October '67 order of battle summary
was not produced in October of 1967. It was produced in
early December '67.

Q What do you base the latter statement on?

A My knowledge of -- my belief that that's when
it came out, because of correspondence which indicated
that MACV was holding back the October, 31 October 1967
OB. There are indications in my notes somewhere -- I
forget exactly what they are -- to the effect that the
31 October '67 OB did not show up until roughly the 3rd
of December, 1967.
Q When do you recall that you saw the MACV October OB summary, October '67 OB summary for the first time? Would that have been December 1967?

A As I recall, I so distrusted the MACV order of battle summary by this time, I didn't even bother to look at it in any detail. I do recall, however, looking at some weekly updates of the -- of orders of battle of that period, mostly to see what they were up to. Most recently, I discovered, for example, that certain units of the main and local forces were being cut from the order of battle. Other units were being cut down in strength, and virtually no units were being admitted to the OB at that time.

Now, I do not recall seeing specifically the MACV order of battle which you have, a copy of which you apparently have in front of you.

Q You refer to some weekly updates. When did you first start seeing weekly updates of the type you have just described?

A I'm not sure when I first started seeing them. I saw -- I can recall one, for example, that I saw in mid-May 1967, because I referred to it in the 23
May 1967 McNamara to CIA report.

Q. When did you first see weekly updates that you first felt reflected inaccurate cutting of whole units or reductions of existing units?

MR. BOIES: Objection.

THE WITNESS: I can recall specifically reading a MACV update -- I'm not sure whether it was a weekly update or what it was -- a MACV update dated early January 1968, in which I saw that several provincial estimates of guerrillas had been cut, and that a number of main or local force units had been cut in strength.

I remember that because George Allen scribbled some uncomplimentary remarks in the margin of that OB update.

BY MR. DORSEN: (Resuming)

Q. Mr. Adams, in the October 1967 MACV OB summary there are some charts or tables entitled "Recapitulation of Accepted Enemy Order of Battle in SVN." One is the total NVA personnel strength, retroactive. Another is a total VC strength, retroactive. Another is total enemy strength retroactive.
A: Yes.

Q: Do you have any knowledge as to how those computations were made, who made those?

A: The ones in the --

Q: The ones in the MACV October --

A: -- in the MACV order of battle, I do not know who made them.

Q: Did you ever discuss these computations with anybody, to your recollection?

A: Since I didn't --

MR. BOIES: I object to the question. Go ahead.

THE WITNESS: Since, as I testified earlier, I do not think I saw that MACV order of battle, or at least didn't read it, I don't think I discussed any of the retroactive readjustments there.

At this stage I might say, repeat, that I was so put off by the MACV product concerning OB's, I wouldn't even bother to look.

BY MR. DORSEY: (Resuming)

Q: The question was intended to cover, my question, the entire period from late 1967 to the
present. Have you ever discussed the computations with anybody?

A In the October MACV order of battle, the answer is no, I never discussed it with anybody.

MR. BOIES: You don't have to use the whole time. You understand that?

BY MR. DORSEY: (Resuming)

Q Let me ask you this question.

MR. BOIES: It's not essential. We won't hold it against you.

BY MR. DORSEY: (Resuming)

Q Mr. Adams, have you since this case began been able to identify any documents that were destroyed or otherwise rendered illegible as a result of your having buried them?

A Have I found -- come again?

Q I believe you testified that there were documents that were totally obliterated or otherwise you were unable to reconstruct, that you had at one time in your possession and now no longer have, is that accurate?

A That I believe is accurate, yes.
Are there any documents that you now can describe with any degree whatsoever of specificity, whether they are documents that have been produced by the Government or anybody else in this case, or have not been, that you can remember or reconstruct, that you had at one time and became obliterated or destroyed in the manner indicated?

MR. BOIES: I object to the form of the question, but answer it if you can.

THE WITNESS: The answer is no, not that I'm aware of, not that I can recall.

BY MR. DORSEN: (Resuming)

Q I would like to show you Exhibit 893 and ask you when for the first time you saw that document?

A The first time I saw this document was when it was produced in the course of this litigation.

(Discussion off the record.)

BY MR. DORSEN: (Resuming)

Q When I was referring to Exhibit 893, do you have any recollection of having seen what has been marked as 893-A?

A No, I have not. I saw that for the first
time, as far as I know, in connection with this
litigation.

Do you have any personal information as to how
this was prepared or who prepared this?

None whatsoever.

Have you ever seen a document like this that
was prepared in 1967?

What do you mean, "like this"?

This format.

MR. BOIES: You mean we've got a date, author,
addressee, and title?

MR. MURRAY: He means promulgating the
higher --

MR. DORSEY: A document headed MACV J-2
"Estimate of VC Irregular Strength" - Comments.

THE WITNESS: No, I've seen nothing like

that.

BY MR. DORSEY: (Resuming)

At any time did you have personal possession
of the cable, REFTEL cable cited in the June 2nd,

1967 --

A I've obviously seen it. I'm sure I had
possession of it, because I specifically remember, I'm
almost certain that I wrote that last paragraph,
paragraph 7, which obviously meant that I had read the
REFTEL, which was the 1 June cable.
Q  Do you recall whether you had possession of
that cable outside of, off the premises of the CIA at
any time?
A  No, I do not recall.
Q  Is there any reason why, if that is the case,
you did not make a copy for our personal use or private
use of the REFTEL cable?
A  That's a loaded question. I don't really
recall what happened to the REFTEL cable. I am sure I
must have seen it during the CIA -- while I was at the
CIA because, as I say, in apparently writing paragraph 7
of the 2 June cable I refer to the 1 June cable.
I specifically remember the 1 June cable
because it was the one which -- it was the one in which
MACV recommended for the first time in an official way
-- or at least I got, I first obtained information that
MACV was recommending in some kind of an official way
that the self-defense militia be dropped from the order
Q: Do you know the date of the communication from MACV to CIA on which the June 1 CIA cable was based?

A: Did you --

Q: There was a June 2 CIA cable that has a REFTEL to June 1 '67 cable. Did the June 1 '67 cable refer to a communication from MACV and describe what you described as relating to dropping the self-defense militia?

A: I don't want to get this balled up. My recollection of the June 1 cable is that it was from, I think it was from Lou Sandine, to the best of my recollection, and he was relaying information that he had gotten that day, 1 June.

Q: Is it your recollection that the Lou Sandine June 1 cable said, I have received today this information?

A: I can't really recall whether the June 1 cable said that, I received it this day. I am almost certain that it did make reference to the fact that that request had been made on that day. Where this certainty came about, I don't know.
But I have -- I remember, I have been struck
by the fact that the recommendation, news of the
recommendation -- I have since been struck by the fact
that news of the recommendation arrived on the same day
that McChristian left.

Q. When did you first become struck by that?
A. I don't know. I would have to look at my
chronologies and the order of battle chronology and what
we have been referring to as the Bull Moose chronology,
which may have reference to it. I don't know.

Q. When for the first time did you become aware
of the precise date on which General McChristian was
replaced by General Davidson?

MR. BOIES: Objection.

THE WITNESS: I don't know. I just don't
know.

BY MR. DORSEY: (Resuming)

Q. Was it before or after you testified before
the Pike Committee?

MR. BOIES: Objection.

THE WITNESS: I don't know. But I might be
able to piece that together by looking at my statement
to the Pike Committee, which is contained in the record of proceedings of 18 September 1975. I might be able to piece that together.

BY MR. DORSEN: (Resuming)

Q I believe there is some testimony or indication in the record that George Hampshire prepared a retroactive readjustment in or about September 1967. Are you familiar with what I'm referring to, Mr. Adams?

A How do you mean, testimony?

Q I recall -- and my recollection obviously is not controlling -- he so testified.

Do you believe -- did you believe on January 20, 1982, that George Hampshire prepared a retroactive readjustment of the MACV order of battle summary figures?

MR. POIES: Your last question -- and I don't object to it, but I want to be sure your last question doesn't have a time on it, because I think the September date may not be the right one.

MR. DORSEN: Let me start all over. I have only a few minutes. I don't want to ask something no one understands.
BY MR. DORSEY: (Resuming)

Q On January 20, on or before January 20, 1982, did you believe that George Hampshire prepared a retroactive estimate of enemy strength at some time after the conclusion of the Saigon September 1967 conference session?

A I certainly had information to that effect, yes.

Q From whom did you have that information?

A I believe that both George Hampshire and Barrie Williams gave me versions of what may have been a retroactive readjustment, which seemed to coincide in substance.

Q Did both of them tell you in words or substance that the retroactive adjustment was done at the request of General Davidson?

A I can't recall, without looking at my notes, who I was told -- who told me that retroactive readjustment was done. Certainly with Davidson's cognizance. I don't know whether he ordered them to do it or not. I'm not sure. Again, I would have to look at my notes as to what information I have on this, what
I believe may have been a retroactive readjustment.

Q. Do you have any knowledge of any other retroactive readjustments made in September, October, November 1967 for enemy order of battle figures?

A. I believe I saw a reference. The first documentary reference I saw to retroactive -- to the possible existence of a retroactive readjustment, was in a State cable dated on or about the 7th of October 1967.

Q. Have you seen that cable during the course of this litigation?

A. Yes. The trouble with the cable is, I'm not dead sure this refers to the same retroactive readjustment. I was struck in looking at that cable that it had some of the same figures which were contained in a DIA memo -- correction, in an internal CIA memo, referring to some retroactive readjustments which had, so-called retroactive readjustments which apparently may have appeared in a press conference which General Westmoreland made or attended, gave, on the 22nd of November 1967.

Q. When did you first become aware of the
existence of the CIIED as an entity?

A I was aware of the existence of an organization called "the tank" early on. I think I heard references to the tank as early as early 1967. I believe there was an early version of the tank in the old MACV headquarters on Pasteur Street, and certainly I heard references to the tank in September of 1967.

Q What about CIIED as an entity? Do you recall when you first became aware of that name?

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

BY MR. DORSEN: (Resuming)

Q Or acronym?

A I'm not sure exactly when I -- I may have been aware of CIIED back in '67, but it didn't really come to the fore in my thinking until I started working on the order of battle chronology.

I would like, if I could, to return to explain one of my previous -- to elaborate on a previous answer. On a previous response I had to a question of yours which had to do with what may or may not have been a retroactive readjustment done by, perhaps done by
George Hampshire in the '67 period, the information I got at the time both from Colonel Williams and from Colonel Hampshire was that whatever retroactive readjustment had been made at that period was done with an eye to making it seem as if the most recent figures correlated with figures which had been released previously, which is to say that Colonel Hampshire apparently tried to make it look as if the number which he came up with for a year previous to the time he made the order of battle -- let me start over again.

In constructing this retroactive readjustment, my understanding from what Colonel Hampshire and Colonel Williams told me was that in constructing the retroactive readjustment Colonel Hampshire had tried to make the number which he came up with for late 1966, the autumn of '66, coincide almost exactly with the order of battle which -- the order of battle figure which had been extant for that period of time, even though the latest figures, the most recent figures, were using different categories than ones which had been extant back then.

In other words, he arbitrarily made it seem as
if old figures, figures having to do with September-
August 1966, were the same as those which had been
released officially by MACV in '66. He purposely, in
other words, and arbitrarily chose the number -- 285,000
I believe was the number -- because it coincided with
the order of battle figure that had been released back
then.

Q Did either of them tell you whose idea this
was, to have those numbers coincide?

A My understanding was that Colonel Hamphre
had on one or more occasions consulted with General
Davidson in the construction of the retroactive
readjustment figures, and that General Davidson was
aware that the reason the 285,000 figure was picked was
because it coincided with the number that had been
officially released in August or September 1966.

Q Do you know how the number was selected for
August or September 1965 for the retroactive
readjustment?

A I cannot be sure with any certainty,
obviously, although it is my belief and I think it is the case that the officially released CP for '65 may
Q Where would such a figure be available?
A I cannot recall that without consulting my notes. But I recall that I made a discovery that in fact the figure of 204,000 had been released in September 1965, and it seemed to me that the probable reason that they picked 204,000 was that that was the number that had been released officially by MACV in August or September 1965.

The purpose of the selection of these figures was to deceive whoever was looking at the retroactive readjustment into thinking the old CR's were still valid as figures, as an estimate of enemy strength.

Q Are you saying this is what Colonel Hampshir told you?
A I would have to consult my notes as to exactly how he conveyed that information to me or how I came to believe it.

Q Would you expect your notes to reflect what he said to you on that subject?
A Not necessarily. As I have said on repeated occasions, on a number of occasions concerning my notes,
it's that there were many things that were told to me
that weren't contained in the notes. That may or may
not have been among them.

Q So if the notes did not make any reference to
this, you would say that would not be significant to
me?

MR. BOIES: Objection.

THE WITNESS: Well, I -- I believe my notes do
refer to that, as to the reason why they selected -- why
Colonel Hampshire selected the particular figures he did
select.

MR. DORSEY: Mr. Boies has just indicated we
are into overtime. Based on the prior understanding,
with which I think all agree, we're going to complete
the deposition without prejudice to, under appropriate
circumstances, if any, to make any appropriate request
to the Court.
I am not contesting the fact that the agreement was that we would have six more hours with Mr. Adams and we have had six more hours with Adams. (Whereupon, at 5:45 p.m., the taking of the instant deposition ceased.)

***

Signature of the Witness

SUBSCRIBED AND SWORN to before me this _________ day of ________________________, 19___

____________________

NOTARY PUBLIC

My Commission expires ________________________________.
CERTIFICATE OF REPORTER

I, Jane W. Beach, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Jane W. Beach
NOTARY PUBLIC

My Commission expires November 14, 1983