MR. MURRY: Q Mr. Cooley, before the break, I had asked you a question about all-source order of battle versus non-all-source order of battle.

Let me ask you, was Mr. Hankins able to put in his monthly infiltration report units of enemy infiltrators, or packets of enemy infiltrators, that he had identified solely through all-source intelligence as opposed to purely collateral or a mix of all-source and collateral?

A You know, there were not two figures of infiltration, meaning there was not one that was all-source and there was not one that was collateral. It was one infiltration figure, and it was based upon both collateral and all-source information.

You know, I have said before and I say again that the numbers were in there. The manner in which the numbers were achieved, the sources and methodologies, were not denoted in it.

And that's what would allow it to be put into a collateral document.

Q Let me show you again the transcript of the deposition of Michael Hankins, and let me ask you to turn to Page 37 (proferring document to witness).

There is a -- the first question on the page refers to Defendant's Exhibit 39. Now, let me represent to you that this Defendant's Exhibit 39, which, in fact, I think we
discussed at the last deposition, is a photocopy of a monthly — MACV monthly infiltration report that is dated, I believe, August of 1968. That's correct. Dated August 1968.

And Mr. Hankins, I'll further represent to you, testified that he prepared a monthly infiltration report like Defendant's Exhibit 39 every month.

Now, I'd like you to read, keeping that in mind, the question that begins on Line 18 on Page 37 and the answer which follows it, and that runs to Line 8 on Page 38.

And if you would, just read that into the record.

Q. Let me show you again Defendant's Exhibit 39 and ask you whether you were allowed, in the fall of 1967, to include in reports like this material on infiltration which you developed through special intelligence.

A. "I was not allowed to include units or packets in this report which relied exclusively on SI for their documentation. However, once I had one of the hard sources or all releasable source contacts with the units, then it was pretty much up to my judgment to use any sources I had available to me to project the size of the particular unit and when it precisely came in-country. So I guess it's a long way around of saying directly no but indirectly yes."

Q. Do you believe that Mr. Hankins' answer in response
to my question on Pages 37 and 38 is consistent with what you 

have testified to about the inclusion of infiltration packets 

and units?

A What I think is consistent is what I have been 
saying, and that is, I -- (a) I don't intend to speculate on 

Mr. Hankins' or Lieutenant Hankins' deposition today some 15 

years later -- his frame of mind.

I believe he's still on active duty, and I think 

that would have some bearing on the sensitivity as to what he 

may say regarding special intelligence.

What I can say is that the infiltration figures 

included special intelligence information. I think he's 

alluding to this in here. Yes, I do feel that he's saying 

that in there.

Q Do you think you're --

A The fact -- I think you're getting into a word play 

here and that's what he's doing is whether he includes the 

unit by nomenclature or how it's caveated in the document. 

I mention there's ways of covering how this 

information went in. We had no Vietnamese to question this. 

We did not work with any other bilateral units. It was pure 

Americans in this group that we had doing it.

Q Well, the word "unit" is Mr. Hankins' word. The 

question was, to him, was whether he was allowed to, quote, 

"to include in reports like this material on infiltration
which you developed through special intelligence," end quote; and he says, "I was not allowed to include units or packets in this report which relied exclusively on SI for their documentation."

And my question is: As to the best of your understanding, is his testimony here consistent with what you have testified to with respect to the inclusion of infiltrators?

A What I testify to and I stand by is that the infiltration reports included special intelligence information at that time.

Q Okay. Let me take you back to Plaintiff's Exhibit 19. And I want to direct your attention to Page 6 of the document; that is, Page 33243 in the lower right-hand corner.

A (Witness peruses document.) 33243?

Q Yeah.

A Okay.

Q Now, let me just read for the sake of context the paragraph that starts on the previous page, that starts: "The second operation, the monthly update." And I'd like to read that and -- into the record and go on to Page 33243. I have a couple of questions about the latter page. The paragraph begins, quote:

"The second operation, the monthly update, is the
method by which we arrive at the new total enemy
strength figure at the end of any month. This is simply
an application of net enemy losses and gains for the
month to the retroactively corrected total strength of
the previous month. To illustrate this I'll use the
actual calculations conducted to arrive at the
29 February 1968 enemy order of battle strength."

A Then in the document is a notation that, quote,
"slide NBR-3 on," and thereafter follows a series of figures
which continue over to Page 33243.

About halfway down the page of 33243 is a line
which reads: "29 February OB strength," and numbers are
given for NVA, VC, a subtotal, what I take to be
administrative services, guerrillas, and a total. Do you see
that, Mr. Cooley?

A I do.

Q Do you see that the total strength as of
29 February is 204,126?

A I do.

Q Is that a number that as of 2 April 1968, when this
cable is being transmitted, you would find, as you put it,
too low to be credible for enemy strength?

A I have no way of evaluating that along with any of
these figures. I was probably exposed to just incalculable
amounts of figures at the time. To pull this one document
out which is, in fact, a CIA document quoting something happening in MACV is just very, very difficult for me to make any objective comments on, especially on figures. I don't remember specific figures down to these days other than what I've told you and my points have been all along here.

Q The thing I was really trying to get to was that you had mentioned that after Tet when your people did their initial strength computations, a figure was produced that you said was too low to be credible; and what I'm asking you is, looking at this figure here whether you remember the specific figure. Does 204,000, roughly, strike you as a figure that is too low for enemy strength to be credible or would it have to be lower still to be too low to be credible.

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

THE WITNESS: What I remember was not necessarily a Russ Cooley assessment of it. Place this in context of what I have said and that is, back in this time frame, the entire group of us were trying to reconstruct the entire order of battle picture. We had tremendous quantities of information and lots of lack of information. When we used our standard technology -- or methodologies and put this information in, we came out with figures that when they were viewed by the CICV order of battle people as well as the CIIED, the assessment was they were not in keeping with rational figures. That's what I remember. That was the emotion that
prevailed at that time.

I can't be pinned down to say whether it was one, two, three, four, or five or any specific figures. I'm telling you that was a very, very difficult period of time laced with tremendous amounts of interface, anxiety, and back and forth interplay between us and the CIIED.

Q Did the computations produce negative figures for enemy strength in-country or did they not?

A I don't think that they produced negative strength figures. Again, the figures that did come out of it were such that something was wrong. That was very clear. That sticks in my mind very, very clearly.

Q Could you tell by rough percentage how much they were wrong?

A What I can tell you is, and I've stated before, that it was beyond reasonable belief that there were that few enemy left in-country.

Q Could you turn back to your interview with Mr. Crile and let me ask you, and also counsel for defendant, do either of you have a copy of your affidavit in this case?

A I do.

Q Good. Would you turn to Page 53 of your interview and also turn to Paragraph 24 of your affidavit.

A (Witness complies.)

MR. MURRY: Off the record.
MR. MURRY: Q Mr. Cooley, I directed your attention to Page 54 of your interview transcript which bears the number 17399 in the lower right-hand column. Now, if you would look, first, at Paragraph 24 of your affidavit and, if you would, read Paragraph 24 into the record, please.

A "From the start of my term at OB Studies in October 1967 until mid-March 1968 Lieutenant Richard McArthur was responsible for keeping track of the number of Viet Cong guerrillas in South Vietnam. His country-wide guerrilla figure was the sum of figures he prepared for each of the South Vietman's 44 provinces."

Q Now, would you read the first full question and answer on Page 54 of your interview into the record?

The question that begins: "All right."

A "Q. All right. What happened is that Bernie Gattozzi, who was the man in charge of the computer, described the process of making these guerrilla estimates come out right as being absolutely torturous. Having to go through 44 provinces and arbitrarily reduce the levels of guerrillas in each province without any documentation at all that he felt that he was put into a totally compromised position.

"Man: The figures, the guerrilla figures basically weren't documented in any case. Guerrillas were a
product of the system and the manner of calculations."

Q The "man" that's referred to in the transcript is you; is that correct?

A That is me.

Q Now, could you explain -- strike that.

Let me ask you this: Do you see an inconsistency between the two statements that I've directed your attention to, (1) in your affidavit that McArthur prepared a country-wide guerrilla figure which was the sum of figures he prepared for each Vietnamese province, and (2) the statement on Page 54 by you that the guerrilla figures basically weren't documented, they were a product of the system in the manner of calculation.

A I don't see any conflict with this at all. Again, let's put this in context with this matter of frustration and McArthur is part of that along with the Hankins and the Gattozzis. Richard McArthur had the functional responsibility of keeping track of guerrillas, and he, like Mike Hankins, felt that that wasn't being portrayed correctly. And, unfortunately, in many cases, his area of responsibilities, guerrillas -- and I think Jim Meacham is quoted as saying on the former page, guerrillas were the slop factor. That's to make the answer come out correct that we were given, it generally came out of guerrillas -- many times on it.
I think McArthur has gone on record by saying that at one particular incident he came back from his leave, or R and R, and found his guerrillas had been cut drastically on it. This is all part of this central theme of great frustration.

Q So McArthur wasn't involved in this business of --
A Of course he was.
Q -- guerrillas being a product of the system and not being documented?

MR. BARON: Object to the form of the question.
MR. MURRY: I'll rephrase it.
Q Is it correct that, as you say in Paragraph 24 of your affidavit, McArthur prepared a figure for guerrillas that was the sum of the figures that he prepared for each of the provinces?
A Yes.
Q Is it also correct that guerrilla figures were produced that, as you say in your interview, were a, quote, "product of the system and the manner of calculation," end quote, and that these figures differed from McArthur's figures?
A Let's make it clear what I'm talking about. The product of the system is the same system we have with infiltration where we put a set of figures together, they were sent forward to the Colonel Graham environment, and they
came back and the answers came back that we were supposed to have into it. And in many times, to accomplish that end result answer, things had to be cut. In this case, typically guerrillas. That was one area that was cut several times, and this is what I'm referring to here. Guerrillas were a product of the system. What Mack was doing was, in fact, correct. But when they came back, those weren't Mack's figures, those were the product of what we were told to put into the system. There were incidents of them being cut right across, arbitrarily across, the provinces. I believe that's what I am being told in the question of that from Bernie Gattozzi's statement.

Q Do you have personal knowledge of these figures being, as you put it, cut arbitrarily right across the provinces?

A I have personal knowledge of Mr. McArthur being visibly upset time and time again as I sat with the Gattozzis and his figures of what he is carrying and what the official order of battle, what we're told to put into that, not jelling, not being the same. You have another case of a McArthur here being very angry and very disturbed, because what he's doing is not what's coming out in the official record.

Q Do you know who it was who used the guerrillas and the, quote, "slop" factor?
A That's Meacham's comment that I referred to.
Q Do you know who it was who used the guerrillas in that way?
A By specific name, no.
Q Did you ever talk to McArthur in the fall of 1967 or in 1968 about the fact that guerrillas were used by some persons as a slop factor in the enemy strength calculations?
A I can recall talking to Richard McArthur, again, in the same manner that I talked with everybody in that shop. We operated in a very small environment -- again, on a round-the-clock basis. I was in constant dialogue with him. Whether the word "slop" was used at that time in context is somewhat immaterial. I think Mack was very, very disturbed about his figures being cut many times and, to him, arbitrarily, with not giving the reasons. It was a nice way, if you will, to drop enemy strength levels because guerrillas -- you had Mack sitting on one side saying: This is what I'm producing.

A figure comes back and says: Huh-uh. It's not that high.

And when you drop the guerrilla strength, you drop the overall strength. That's the exact same thing with infiltration. When you drop the infiltration rate, you drop the overall strength. And that was what was happening.

That's the product of the system that I'm referring
to.

Q Who devised the system that you're referring to?

A Let me make sure we're talking about the same system here. The system was the bureaucratic process in which we had a functional responsibility to produce intelligence, send it forward to the MACV level -- in this case the CIIED Danny Graham shop that we keep referring to -- and have it sent back to us with different figures to be documented, put into our methodology and produced as the order of battle summary.

This was what was -- I refer to as the system and what was so distasteful to us.

Q Okay. Who devised the system under which the guerrillas were used as the so-called slop factor, if you know?

A I'll answer that in the same way that I discussed infiltration. The figures went forward and the answers came back. Our intelligence went forward and we were given the answers back. We were given those answers back from Danny Graham's shop.

Q Was Graham's shop in the chain of command from OB Studies?

A We've gone over this chain of command before. I think --

Q I think we have, too.
A Yeah.
Q I just want it to be clear whether --
A It was in the bureaucratic setup, absolutely.
Q What do you mean the --
A But it was not in the military structure.
Q Could you tell me what you mean --
A The military structure, at the time we, meaning
the Army officers under my section, were part of the United
States Army Vietnam. We were part of the 525th Military
Intelligence Group, 519th Military Intelligence Battalion,
and I believe it was OB Company that we belonged to. MACV
was a separate command in itself. So you had a United States
Army Vietnam operating in support of the MACV command,
specifically in this case, the MACV/J-2.

We, meaning the CICV, along with the CDEC, the
combined documents exploitation, the combined material
exploitation center and several other Army military
intelligence outfits all supported the MACV intelligence or
J-2 system.

My commander was the commanding officer, Order of
Battle Company, 519th MI Battalion. That's the military
structure. Jim Meacham was my day-to-day boss.
Q Could you tell me how that relates -- how does that
work with respect to the relationship between order of battle
studies and Graham's current intelligence indications --
estimates division?

A Colonel Graham's current intelligence estimates was part of the Director of Intelligence production organization who, in turn, reported to the MACV/J-2, obviously through the Deputy J-2. In this case, that was Colonel Graham reporting to Colonel Morris. Obviously, the J-2 had total authority over anything that we did. Nothing went out of there unless it was blessed by the MACV/J-2. That's not to say that there may have been some other messages that went out through the United States Army Vietnam channels -- the USARV (phonetic) channels. There may have been. I don't know that. That wasn't on a regular basis. But that was another command line through the military intelligence battalion.

Q Okay. I just want to try to get a clear answer to this one question. Do you know or do you not who was responsible for devising the system under which guerrillas were used as the slop factor?

MR. BARON: Except as he's testified.

MR. MURRY: I just didn't think he had said.

THE WITNESS: I think you're mixing apples and oranges here. Let me make it clear, because I think we're talking about two different things.

There was a system of -- known as, and I've referred to this as our methodology, of enemy strength calculations that derived through Lieutenant Colonel Everett
Parkins' era. What I have referred to in several cases here as a system of guerrillas coming, you know, as a slop factor, I've related in most of my conversation here in the past few minutes to this chain of authority between the CICV order of battle and the MACV/J-2/CIIED where what we were producing out of the methodology would go up through the system and come back reduced. In the parlance of the word "slop," this means that that was another one of these areas that typically got hit because it made it very, very easy to come back and say: Well, the guerrillas just aren't as high because we want the figures to be lower.

Another classic example of: We produce the intelligence and it went up and we got the answers back and the two weren't often the same.

Q Let me ask you this: If the process was, the guerrillas aren't as high because we want the figures to be lower, why didn't these people just lower main force figures?

A Well, I think a good answer to that is because the main force figures had four ground order of battle sections backing them up. That's a pretty powerful force. The guerrilla section had Lieutenant Richard McArthur backing it up. The smart professional as he was, he was one man against the system versus four entire large groups of ground order of battle analysts. These are the Frank Harradas, the Norm House, each with deputies and, I don't know, five, six people
in each of those groups.

By the way, they probably would -- and I've alluded
to this -- they were undergoing very similar problems.

Again, this is on a contemporary-to-contemporary
basis, not in my area. But they had the exact same
frustrations.

Q They thought the figures were higher?
A They thought the figures were higher.
Q And MACV/J-2 thought the figures were lower?
A Absolutely.
Q Didn't you testify earlier that good intelligence
thrives on debate?

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

THE WITNESS: Let's not confuse good debate with
what I consider to be unacceptable manner of operation, and I
consider that was unacceptable.

I have gone through this process, and I've had lots
and lots of years in it. I've encountered tremendous amounts
of debate and goodwill controversy. I don't feel that this
fell in that in any manner, shape, or form. If I felt that
way, I don't -- I would not have gone on that CBS broadcast
in the first place. I feel that there's an issue of
integrity involved here, and I feel that's my position. I
feel that strong about it that I want this story -- this is
the way I feel. This is what happened.
Q Well, you say you don't feel there was good faith involved but I think you testified earlier in this deposition that you were not in -- and I think it's self-evident -- you were not in Charlie Morris' head, correct?
A Fortunately, yes.
Q You were not in Danny Graham's head.
A That's correct.
Q And you don't know, at a minimum, whether they were acting in good faith or not; isn't that correct?
A Let me tell you, I think history provides the answer to what you're leading to here.
Q To whether they were acting in good faith?
A The history provides the answer here; that is, that the end results were not what they were coming up with.
Q But does that really address the question of whether they came up with those results in good faith or not? Does it really?
A I did not feel at that time, nor I feel to this day, that they were acting in good faith. It was pure autonomy without discussion, without controversy or -- excuse me, certainly with great controversy, but without the, quote, "good debate" that you're referring to. That was not in there. The good debate was the Ev Parkins who goes up for a little, quote, "good debate" with Charlie Morris and comes back fired. Now, if that's not an eye-opener for a brand-new
guy coming in-country -- me -- when that happened, I don't know what is.

The message was very clear. There was no room for good intelligence debate.

Q Would you agree that there's a difference between how someone manages an intelligence operation and whether they are acting in good faith?

MR. BARON: Object to the form of the question. Are you asking the question hypothetically, or are you asking in this particular case?

MR. MURRY: Oh, let's put it in this particular case.

MR. BARON: You're saying "was there a difference" not "is there a difference"?

MR. MURRY: Let me rephrase it.

Q Looking back now to the period when you were at MACV, wouldn't you agree that there's a difference between a manager of an intelligence organization not debating the issues as much as you'd like on the one hand and the manager of an intelligence organization, in bad faith, refusing to accept valid intelligence?

A (Pause) Let us not be lulled into kind of a false sense of simplicity as to what went on there, and that's what I want to make very clear in this statement.

This was not simply a matter of a few disgruntled
malcontents saying: Gee, we don't agree with you, Danny Graham.

This was far from that. This was an intense situation of people feeling very, very strong about what they were doing, feeling very well backed up in what they were doing, with professional intelligence analysis and being told what the answers would be. What was being produced was not accepted. We were not given the opportunity to understand why. We were not -- I don't know of any other group that was producing anything differently. I'm not aware of any of these. And again, I've got to say, I think history bears this out.

Q But my question was a little different and maybe I can approach it this way: You say you felt very strongly about the intelligence analysis that your team was producing; is that correct?

A That's correct.

Q And because you felt strongly about it, you wanted to see what your team was producing as the official MACV position; is that correct?

A That's correct.

Q Now, if, for example, Charles Morris had a different analysis that he felt very strong about, would you not expect him to want that to be the official MACV position?

A I would expect a professional intelligence officer
who wanted to come forth with a position and a strong opinion or position to be able to back that up, to be in that role, to have some reason or rationale to say: Here is my position and here is why. That's what I would expect.

Q Did Morris ever tell you in words or substance that he had no rationale for his position?

A I use Colonel Morris as an example in this statement, but to answer your question, Colonel Morris certainly didn't provide any rationale.

Q My question is different. Did he ever express to you that -- in any way -- that he had no rationale?

A He certainly did.

Q Could you explain?

A He fired Colonel Parkins. Now, if that's not -- if that's not pro forma support to what you just asked me and my answer, I don't know what is.

Q Well, if he thought --

A How do you fire an individual? For what reason? Because you don't agree with him? And what are the grounds on it?

The man went up and presented a position. He stood firm with it. He was removed. That's a very -- that's totalitarian. That's not managing anything. That's being so total that it's totalitarian. And it's also a pretty good message to people below you, you know, if you're not going to
conform with this system, gentlemen, we'll remove you and find somebody who will.

Q If Morris, in his heart, believed that Parkins was wrong and further believed that Parkins was hurting CICV effort by pursuing a wrong line of analysis, is it not true Morris had a duty to do something about what he perceived to be a wrong situation?

I understand that you don't agree with the assumptions that I'm putting into that question, but I'm asking you: If Morris felt that, did he not have a duty to do something about that?

A You make this sound like a TV serial --

Q Well, sir, sir, no matter --

A -- the way you evolved it --

Q -- how you think I'm trying --

A -- it wasn't.

Q -- to make it sound -- no matter how you think I'm trying to make it sound, I'm simply trying to ask you a question. I'm not trying to make it sound any kind of way.

A I am trying to make my answer in my testimony what I feel and what I want to say in the context of how I'm saying it. And that is, I don't think the professional intelligence environment should be totalitarian in nature. It does not allow room for analysts to be innovative or to express feeling or to conduct the entire analytical process.
Why bother with it if you're going to be given the answers? That's what -- this was a difficult time as it was over there, let alone to go through all this process, come back and say: Nice try but here's the answers that we want in the first place.

Q Let me ask you this: With respect to the data base incident that's discussed in the broadcast -- do you know what I'm referring to?
A I believe so.
Q Okay. Do you know today of personal knowledge what, if anything, was done by Daniel Graham to the MACV data base?

A I'd like to answer that in the full context in which I have gone on record. And that relates to the follow-on to what I said of this period of turmoil, of how to reconstruct, and it ended in a meeting in which I participated in with Colonel Graham, Colonel Meacham, the Deputy J-2 at the time -- and I believe his name might have been Colonel Roberts. I believe he's an Air Force officer -- myself, Bernie Gattozzi. Mike Hankins may have been there.

I have a very, very clear picture in my mind of that room and where people sat. Why, I don't know. It's there. And maybe it's there because there was a very emotional follow-on to that meeting. The dialogue that took place was principally between Jim Meacham and Danny Graham.
And the dialogue went along the lines that Meacham felt Graham was asking him to alter the data base. Meacham became very, very upset about this. The meeting ended rather abruptly and when we got back to CICV, Jim Meacham absolutely was livid.

I know -- I can still see and hear him let -- short of the exact words that he said, going down the hall to the director, up to Colonel Weiler's office. I don't think Weiler was with him at the time. Meacham was absolutely livid that he had been asked to alter the data base.

My recollection on that is that Meacham felt -- and this is how I'm answering the question -- that Graham wanted him to go back historically beyond the set points, and these were the six months' set points, to go back where we had all -- we, meaning the whole intelligence community -- had agreed those were, in fact, true figures and alter them, to come forward to make the transition into this post-Tet period look a little more smoother and rational.

That was Meacham's perception of it.

My perception is that, yes, we altered that data base but not as far back as Meacham felt Graham was asking him to do. I don't know what actually happened beyond I do feel we altered that back several months prior.

Some of the reasons I don't know that -- let me just follow on, because following that meeting and this --
this tremendous anger that permeated from Jim Meacham and put
the entire CICV, by the way, right on edge -- this was a
major, major confrontation with Danny Graham, his
organization.

The next thing that happened is: Bernie Gattozzi
was sent up to Colonel Graham's shop and worked, either with
him or with his people, for some period of time up there and
the figures were produced. They were not -- I don't know
what went on up there. Ask Bernie Gattozzi on that, if he
can remember that. Ask Colonel Graham that.

Q What figures -- what was the result of the work
between Gattozzi and Graham?

A I don't remember.

Q Okay. Let me ask you: What exactly do you mean by
the phrase that you used several times in that answer, "alter
the data base"?

A I'm quoting it -- parroting back your words, as
well as what we've seen in some testimony here.

Q Do you have a definition of your own or --

A "Alter it," obviously, means to change it.

Q Okay. But all changes of the data base are not,
per se, nefarious, are they?

A Well, I think if we're going to split words here
there are several ways you can alter it, okay? One is with
merit and the other is without merit, if you want to put it
in a very broad sense, okay?

One says: We're just going to alter it just
because we think, and the other says: We're going to alter
it because we have hard intelligence to back it up.

Q You said that you perceived that Meacham believed
Graham wanted him to go back more than six months into
numbers that the whole intelligence community thought were
solid or right --

A Yes.

Q -- and change those numbers.

Let me ask you this: Those numbers that were more
than six months old, were they known to anyone outside of
MACV?

A Those numbers that were more than six months old
were known to everybody on the distribution list of the order
of battle summary.

Q You said, we -- I believe I have your words -- we
altered the data base in a shorter time frame than -- in
other words, I think you said, in substance, that you altered
the data base, but you didn't go back more than six months,
as you recall.

A Yes. I'm being very honest and straightforward. I
don't know how far we went back. I don't think we went back
as far as Jim Meacham perceived Graham wanted him to go.

Now, that was my feeling of what was being asked.
Q Do you know what was done -- what the form the alteration, as you put it, took?

A I don't know what form it took. I think you could go back, and to understand the order of battle summary which I'm sure you do, but let's state it for the record that every month, when the order of battle summary came back, it was, in effect, a brand-new document. It contained within that month's order of battle summary the order of battle all the way back to wherever we began the order of battle a year and a half or something like that. And so every month that appeared all the way back. So every month, you had the opportunity to produce a brand-new document that could start way back and change all of the figures.

Q Right. But do you --

A But to answer your question, one would have to lay out all of those from the month in which it was produced, not just the last one, but at the month in which it was produced and compare it against the month in question to see what had happened back in history.

Q Do you remember what the month in question is?

A I just used that. You would have to --

Q I understand. I was just asking, because you used it, whether you happened to know what the month in question was.

A The month in question would have been following
this meeting with Colonel Graham and Meacham --

Q Do you remember what --

A -- that I just referred to. When that occurred?

Q Yeah. What month.

A It was post Tet. I do not know. I'd have to sit
down and collaborate with somebody and come up with that.

Ask Jim Meacham or Bernie on that. Find Colonel Roberts. I
think he was very, very passive in it and a little
embarrassed that it had gotten into that state of being.

Q Isn't it true -- and I'll direct your attention to
Page 60 of your interview transcript -- that you told
Mr. Crile, and I quote:

"As best I can recall, the way this evolved through
all the political pressures and the best estimate these
people could come up with and they based it on every
agency that would put input."

MR. BARON: Object to the form of the question. I
think you pulled the phrase --

MR. MURRY: I'll rephrase it.

MR. BARON: -- way out of context, and I think if
you're going to address this transcript --

MR. MURRY: I don't really think it's --

MR. BARON: -- then you should read the statements
that he's made.

MR. MURRY: I don't really think it's out of
context, but I'll read the question and answer if you want.

"Q. Were the old figures carried on the books an embarrassment at that point?

"A. (by Cooley) There was an element of people that felt that, yes. We felt that obviously from where we sat. And as I had mentioned before the -- the decision to go back a few months. You obviously couldn't go back a whole year and reset it. That -- that would never be so. You would be, you know, admitting too much or else you would lose credibility is the word I'm looking for here. So as best I can recall, the way this evolved through all the political pressure and the best estimates these people could come up with and they based it upon every agency that would put input."

Q And you said those things to Mr. Crile, did you not?

A Let me answer that a little more in context. I also said that during this reconstruction era that the magnitude of what we were dealing with was such that you had to have large -- larger number of people in play in this. I feel -- and this is just my feel on this and my best recollection -- that this issue went all the way up to the national level. There had to have been some national involvement in this, and that's what I'm referring to. So
the whole national community comes up with some answer to
this question and said: Okay, this is how we're going to
reset it, and this is what we're going do.

I'm not saying that was right or what they did was
right, but I'm saying that in answer to your question.
That's what I'm referring to in here. They based it upon
every agency that would put input.

Q You're not saying it was right. Are you prepared
to say it was wrong?

A What I am prepared to say is that without being
specific as to what we came up with, I know that the enemy
was able to conduct a prolonged rocket and mortar attack on
the City of Saigon itself. The same MACV Headquarters that's
putting out a theme that says: Gee, this was great because
we won the war, is not under continual rocket and mortar
attack.

This thing went on -- I think I've got -- my
scrapbook lost track at about 30 days. This is just
unbelievable of how this can go on right in the city, right
there, with MACV on it, followed by the May offensive. And I
happened to be right in the May offensive. And let me tell
you, if that wasn't as big, if not more, than the Tet
offensive -- I was there. Two o'clock in the morning on the
second story of my quarters when this occurred. The Y Bridge
was one and a half blocks away from where I was, where all of
this took place.

How does an enemy that's whipped conduct a second offensive in May followed by this prolonged rocket and mortar attack? Winning the war? No, sir. I do not believe that. I don't consider that was a victory.

And the reason I'm saying this is because the figures that came out of that followed that theme. I don't know specifically what they were. But the feeling was: Gee, we've -- this was, in fact, a victory for us.

Q Move to strike as nonresponsive.

Do you consider it significant in military terms if one military force eliminates a substantial number of the enemy troops?

A Please, state that again?

Q Sure. Is it significant from a military standpoint in a war if one side is able, in the course of a battle, to kill or otherwise put out of action a substantial number of the other side's troops whether or not it concludes that particular war?

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

MR. MURRY: Q Do you understand my question or do you want me to rephrase it?

A No, I don't, really.

Q Okay. Is it not militarily significant in a war if one side is able, in a battle, to eliminate a large number of
the other side's forces even if the other side is able to maintain an effort of some kind after the battle?

A The answer to that reminds me of the -- we won the battle and lost the war. The bottom line in military strategy is winning. The Chinese in Korea are a classic example, I think, of what you're inferring here and that is the massive waves of people that they were willing to sacrifice with some end results of -- pure mass or sacrificing people for a goal.

This doesn't necessarily fall along the American philosophy. I don't think we're -- we don't operate that way. But I think in the Asian environment, they do operate that way and have operated that way. And I think that has to be considered in answering your question.

MR. MURRY: No further questions at this time.
(Whereupon, at 1:59 p.m., the deposition was continued to Saturday, April 14, 1984, at 9:00 a.m.)

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RUSSELL E. COOLEY

SUBSCRIBED AND SWORN TO before me this ______________ day of __________________, 19 __________.

______________________________________________________
NOTARY PUBLIC

My Commission expires ________________________________.
STATE OF CALIFORNIA  )  ss.
COUNTY OF SAN MATEO  )

I, ANN L. MOON, a Notary Public in the State of California, hereby certify that the witness in the foregoing deposition was previously duly sworn to testify the truth, the whole truth and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me and was thereafter transcribed by me into typewriting; that the foregoing is a full, complete and true record of said testimony.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, or in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 23rd day of April, 1984.

Notary Public in and for the County of San Mateo, State of California