Q. So, then it's your testimony that up until middle or late December of 1967, you had to rely essentially on interrogation and captured documents for intelligence with respect to infiltration. But, commencing in late December or January, there was another classified source of information on infiltration, correct?

A. The source was there for quite some time, however, there was an increased analytic effort, as I said, in the last of December and in January.

Q. Well, was the source there in the summer and fall of 1967?

A. It was there in the summer and fall, but it was not capitalized on.

Q. It was not used? Is that what you are saying?

A. It was used, but there was not sufficient analytic effort on it to produce real time intelligence.

Q. But, there was some use of that classified source to provide intelligence data prior to the end of December of 1967, but it wasn't on what you refer to as a real time basis?

A. That's correct.

Q. You are familiar, are you not, General Godding, with the term "crossover point"?

A. Yes.

Q. And that was a term that was understood in 1967.
WITHIN THE MACV COMMAND, CORRECT?

A. THAT'S CORRECT.

Q. WOULD YOU JUST DEFINE BRIEFLY FOR ME WHAT "CROSSOVER POINT" MEANS.


Q. ESSENTIALLY, IS A CROSSOVER POINT THE POINT AT WHICH THE AMERICAN FORCES ARE KILLING OR PUTTING OUT OF ACTION MORE ENEMY THAN THE ENEMY IS ABLE TO REPLACE THROUGH INFILTRATION? OR RECRUITMENT?

A. THAT'S CORRECT.

Q. WAS THERE A TIME IN WHICH OR AT WHICH MACV CONCLUDED THAT THE CROSSOVER POINT HAD BEEN REACHED?

A. YES. THIS WAS IN THE SPRING OF '67, GENERAL MCCHRISTIAN HAD THE STUDY PERFORMED, OR SOMEONE CAME UP WITH THE IDEA, AND THEN HE SENT THIS OUT.

Q. SO, THAT IN THE SPRING OF 1967, MACV CONCLUDED THAT
THE CROSSOVER POINT HAD BEEN REACHED?

A. THAT’S CORRECT.

Q. AND THAT INFORMATION WAS COMMUNICATED BY MACV TO WASHINGTON, CORRECT?

A. THAT’S CORRECT.

Q. AND DID THERE COME A TIME IN WHICH OR AT WHICH MACV CONCLUDED THAT THE CROSSOVER POINT WAS NO LONGER REACHED, THAT IS, WHERE THE ENEMY WAS ADDING TO ITS FORCES, THROUGH RECRUITMENT OR INFILTRATION, MORE MEN THAN THE AMERICAN FORCES WERE, PUTTING OUT OF ACTION?

A. I THINK THAT THERE WAS A TIME WHEN THIS WAS ARRIVED AT IN ASSESSING THE TET '68, OF WHERE DID ALL THESE PEOPLE COME FROM AND SO FORTH. AND I THINK THE REEVALUATION WAS BASED ON LOOKING AT THE CASUALTY FIGURES. THAT THE CASUALTY FIGURES INCLUDED MANY OF THE LOCAL FORCES, EVEN DOWN TO AMMUNITION CARRIERS AND SO FORTH, SO, THAT THERE HAD BEEN SUBTRACTED FROM THE ENEMY STRENGTH FIGURES, WHICH WERE ABOVE AND BEYOND WHAT HAD BEEN REALLY VC/NVA, UH, FIGHTING FORCES. SO, I THINK THAT THIS WAS SOMETIME IN THE SUMMER OR FALL, OR AROUND TO A FULL DETERMINATION, AROUND TET, THAT WE GOT A REAL LOOK AT THE CASUALTY FIGURES.

Q. ARE YOU SAYING THAT IN THE SUMMER OR FALL OF 1967, THAT THE CROSSOVER POINT WAS NO LONGER REACHED BASED ON YOUR ANALYSIS?
A. I think people started questioning it at that time. When Col. Graham took over as Chief of Estimates, some questions were being asked that had not been asked before. So, I think that this probably was the spark of the question of this crossover at that time.

Now, I can't say for positive. This is my supposition because Col. Graham started with a clean slate and went into the Estimates here and so forth. So, I would say that that was the approximate time. It may have been on down the line, November or December.

But, I think it came to a head subsequent to Tet '68.

Q. I take it one of the reasons it came to head, that is, one of the reasons the crossover point issue came to a head after Tet was what you referred to before as where did all these people come from?

A. Right.

Q. And post-Tet, after Tet, in an attempt to figure out where all these people came from, did people conclude that the crossover point was not being reached in 1967?

A. After General McChristian left, the crossover point as a term and as a philosophy, I didn't hear it discussed anymore. I'm just giving my analysis here. When General Davidson came in he started questioning some things, and when he put Col. Graham in as the Chief
ESTIMATOR, HE STARTED TO QUESTION SOME MORE THINGS.

SO, I THINK WE HAD A REAL LOOK AT THINGS.

Q. NOW, WHEN YOU TALK ABOUT WHAT COL. GRAHAM WAS DOING,
   COL. GRAHAM REPORTED TO YOU, CORRECT?

A. NO. WHEN I GOT BACK, AS I SAID, I WAS MADE SPECIAL
   ASSISTANT TO GENERAL DAVIDSON, AND I WAS NO LONGER
   HEAD OF THE PRODUCTION. THE REORGANIZATION THAT
   GENERAL DAVIDSON MADE, THE CHIEF OF ESTIMATES REPORTED
   DIRECTLY TO HIM.

Q. SO, THAT GENERAL DAVIDSON REORGANIZED THINGS?

A. HE REORGANIZED, YES.

Q. SO, THAT COL. GRAHAM WOULD REPORT DIRECTLY TO HIM?

A. THAT'S CORRECT.

Q. WHEREAS BEFORE THE PERSON WHO HELD THAT JOB HAD NOT
   REPORTED DIRECTLY TO ---

A. HE REPORTED THROUGH ME, AND THE JOB THAT I HAD WAS THE
   DEPUTY FOR PRODUCTION.

Q. NOW, AGAIN, GOING BACK TO COL. MORRIS. COL. MORRIS
   SAYS THAT THIS CLASSIFIED SOURCE BEGAN PROVIDING
   SIGNIFICANT INFORMATION ON ENEMY INFILTRATION
   MOVEMENTS IN THE FALL OF 1967. THAT'S CONTRARY TO
   YOUR TESTIMONY, CORRECT?

A. I DON'T KNOW EXACTLY WHAT HE SAID, BUT I WAS NOT
   THERE, AS I SAY, SUBSEQUENT TO OCTOBER. SO, I ---

Q. NO. LET'S GO OVER TO THE PERIOD BEFORE OCTOBER.
THERE WAS SOME, BUT I WOULD SAY THAT IT WAS NOT
SIGNIFICANT. AND THIS WAS ONE OF THE REASONS WHY
THERE WAS AN INCREASED ANALYTICAL EFFORT IN THE
DECEMBER/JANUARY TIME FRAME, LOOKING AT ALL ASPECTS OF
ANALYSIS. BECAUSE AT THAT TIME PEOPLE HAD A GUT
FEELING THAT SOMETHING WAS GOING TO HAPPEN. THERE HAD
BEEN VIOLATIONS IN DECEMBER OF THE TRUCE WHERE WE HAD
TO STAND DOWN. THE NORTH VIETNAMESE, NVA VIOLATED THAT
TRUCE THERE. TET WAS AN EMOTIONAL PERIOD OF THEIRS,
AND SO THE GUT FEELING WAS COMING OUT THAT WE SEE
SOMETHING, BUT THE MAGNITUDE AND WHAT WAS NOT KNOWN.

Q. SO, THAT YOU -- AND BY "YOU" I MEAN MILITARY
INTELLIGENCE -- ANTICIPATED THAT THERE MIGHT BE AN
OFFENSIVE COMING AT OR AROUND THE TIME OF TET, BUT
DIDN'T ANTICIPATE ANYTHING LIKE THE MAGNITUDE OF THE
OFFENSIVE; IS THAT CORRECT?

A. WE DIDN'T ANTICIPATE AN OFFENSIVE. WE DIDN'T KNOW
WHAT WAS GOING TO HAPPEN. WE HAD A GUT FEELING THAT
SOMETHING WAS GOING TO HAPPEN.

Q. BUT, YOU DIDN'T HAVE ANY ANTICIPATION THAT ANYTHING
WOULD HAPPEN OF THE MAGNITUDE OF TET, CORRECT?

A. WE DIDN'T KNOW THE MAGNITUDE, NO. WE DIDN'T KNOW THE
TARGETS OR THE SUCCESS THEY WOULD HAVE OR ANYTHING.

Q. WHY DO YOU THINK THAT YOU DID NOT HAVE A BETTER
ESTIMATE OR PREDICTION AS TO THE MAGNITUDE OF WHAT THE
ENEMY WAS CAPABLE OF OR THE SUCCESS THE ENEMY WAS
CAPABLE OF.
A. WELL, I WILL GIVE YOU THE GENERAL COMMENT. IT WAS A
LACK OF ANALYSIS.
Q. CAN YOU BE A LITTLE MORE SPECIFIC?
A. NO, I CAN'T. BECAUSE OF CLASSIFICATION, I CAN'T BE
ANY MORE SPECIFIC.
Q. YOU MEAN LACK OF AN ANALYSIS OF DATA THAT WAS
AVAILABLE, BUT NOT ANALYZED?
A. RIGHT.
Q. IS THIS CLASSIFIED SOURCE STILL CLASSIFIED TODAY?
A. IT IS.
Q. DO YOU KNOW WHAT LEVEL OF CLASSIFICATION?
A. ALL I CAN SAY IS CLASSIFIED. I HAVE NOT CHECKED IT
OUT.
Q. DID THE ANALYSIS THAT YOU SAY WAS LACKING PRE-TET
OCUR SUBSEQUENT TO TET? THAT IS, SUBSEQUENT TO TET
DID PEOPLE GO BACK AND ANALYZE WHAT THAT DATA SHOWED?
A. WELL, SUBSEQUENT TO TET WITH THE ANALYSIS, WE WERE
ABLE TO TIE THINGS TOGETHER AND APPROACHED A MORE REAL
TIME BASIS AS FAR AS INFILTRATION WAS CONCERNED.
Q. DID THE ANALYSIS THAT OCCURRED AFTER TET INDICATE THAT
BECAUSE OF LACK OF ANALYSIS PRIOR TO TET, THE ENEMY
WAS MUCH STRONGER IN SOUTH VIETNAM THAN YOU REALIZED?
A. IT VERIFIED THAT -- VERY LATE IN THE DECEMBER/JANUARY
TIME FRAME THAT THERE HAD BEEN QUITE AN INCREASE IN
INFILTRATION, BUT PRIOR TO THAT TIME THERE HAD NOT
BEEN.

Q. SO, THAT IT'S YOUR TESTIMONY THAT INFILTRATION OF A
MUCH HIGHER LEVEL BEGAN IN DECEMBER OF 1967?

A. LATE DECEMBER/JANUARY, YES.

Q. WHEN YOU SAY "LATE DECEMBER/JANUARY --"

A. LATE DECEMBER AND IN THROUGH JANUARY PRIOR TO THE TET,
WHICH WAS THE LAST OF JANUARY.

Q. THAT IS THE INFILTRATION BEGAN IN LATE DECEMBER AND
CONTINUED IN JANUARY?

A. THE INFILTRATION ARRIVED WOULD BE A BETTER WAY TO PUT
IT; ARRIVED IN COUNTRY LATE IN DECEMBER AND DURING
JANUARY.

Q. AND IT IS YOUR PRESENT UNDERSTANDING THAT THE LEVEL OF
INFILTRATION COMMENCING IN LATE DECEMBER AND
CONTINUING IN JANUARY WAS AT APPROXIMATELY WHAT LEVEL?

A. IT GOT UP INTO THE TEENS, UP APPROACHING 20,000.

Q. 20,000 MEN, MEN A MONTH?

A. (AFFIRMATIVE NOD).

Q. BUT IT IS YOUR TESTIMONY THAT THIS ONLY WENT ON FOR
ABOUT A MONTH?

A. THAT'S RIGHT.

Q. AND YOU HAD INFILTRATION OF AT LEAST FIVE OR SIX
THOUSAND A MONTH VIRTUALLY EVERY MONTH?
A. THAT'S CORRECT. IT AVERAGED OUT, AS I SAID, FROM THREE TO EIGHT OR NINE DEPENDING ON WHAT IT. I THINK IT AVERAGE -- FIVE OR SIX WAS A VERY GOOD AVERAGE.

Q. SO, THAT WHEN YOU'RE TALKING ABOUT THE INCREASE IN ENEMY STRENGTH AS THE RESULT OF THIS INFILTRATION IN LATE DECEMBER AND JANUARY, THAT'S ONLY ABOUT 14,000 OR 15,000 MEN?

A. I SAY IT COULD APPROACH 20,000.

Q. NO, BUT WHAT I'M SAYING IS IT'S ONLY 14,000 OR 15,000 IN ADDITION TO THE NORMAL INFILTRATION?

A. IN ADDITION TO THE NORMAL, I WOULD SAY, YES; 10,000 TO 15,000.

Q. BUT, THE UNDERESTIMATION OF ENEMY STRENGTH PRIOR TO TET CERTAINLY INVOLVED MORE THAN SIMPLY MISSING 10,000 TO 15,000 ENEMY, DIDN'T IT?

A. NO.

Q. IT'S YOUR TESTIMONY THAT YOU BELIEVE THAT THE UNANTICIPATED MAGNITUDE AND SUCCESS OF TET WAS THE RESULT OF THESE 10,000 TO 15,000 EXTRA MEN?

BY MR. DORSEY:

OBJECT TO THE FORM OF THE QUESTION.

DIRECT EXAMINATION RESUMED BY MR. BOYES:

Q. IS THAT YOUR TESTIMONY?

A. THERE IS A LOT MORE TO TET THAN JUST THE INFILTRATION.

Q. I UNDERSTAND THAT. LET ME TRY TO BREAK THE QUESTION
A. DOWN, OKAY?

A. YES, BREAK IT DOWN. IT'S AN UNANSWERABLE QUESTION. TRY TO BREAK IT DOWN.

Q. (CHANGE VIDEO TAPE).

Q. GENERAL GODDING, I BELIEVE YOU SAID BEFORE THAT MILITARY INTELLIGENCE HAD NOT ANTICIPATED, PRIOR TO TET, THE ENEMY WOULD BE ABLE TO MOUNT AN OFFENSIVE WITH THE MAGNITUDE AND SUCCESS OF THE TET OFFENSIVE, CORRECT?

A. THAT'S RIGHT.

Q. AND I BELIEVE YOU SAID, IN RESPONSE OF MY QUESTION AS TO WHY MILITARY INTELLIGENCE HAD NOT BEEN ABLE TO ANTICIPATE THE ENEMY CAPABILITY IN THIS RESPECT, YOU HAD SAID THAT IT WAS A LACK OF ANALYSIS; CORRECT?

A. THAT'S CORRECT.

Q. AND YOU HAVE IDENTIFIED A LACK OF ANALYSIS THAT RESULTED IN NOT IMMEDIATELY RECOGNIZING THE EXTRA TEN TO FIFTEEN THOUSAND MEN THAT WERE INFILTRATED IN LATE DECEMBER AND JANUARY; CORRECT?

A. THAT'S PARTIALLY CORRECT. THE, THE OTHER ASPECT OF IT IS THAT THE NVA, VC MOVED FORCES OF WHICH WE DID NOT DETECT -- WHICH, AGAIN, BOILS DOWN TO ANALYSIS -- SO THE WHOLE SUCCESS OF THE TET '68 WAS NOT DUE TO INFILTRATION; BUT IT WAS DUE TO MASSING OF FORCES AND THE SECURITY OF MOVING THOSE FORCES AND HAVING THEM SUPPLIED AND STRIKING AT VERY KEY POINTS.

Q. NOW, WHEN YOU SAY NYA AND ---
Q. "VC" STANDS FOR VIET CONG.
A. VIET CONG, RIGHT.
Q. AND THESE WERE FORCES THAT WERE ALREADY IN SOUTH VIETNAM, IS THAT CORRECT?
A. SOME WERE IN SOUTH VIETNAM, SOME WERE IN SANCTUARIES IN CAMBODIA, LAOS, NORTH VIETNAM AND, UH, INFILTRATED ACROSS THE BORDER AS UNITS -- MOVED ACROSS AS UNITS, I WON'T SAY INFILTRATED, BECAUSE INFILTRATION HAS THE CONNOTATION OF THOSE REPLACEMENTS THAT CAME DOWN. SO IT WAS A MOVEMENT OF FORCES, ASSISTED BY THE GUERRILLAS AND OTHER FORCES THAT MADE THEIR PLAN OF HITTING KEY POINTS SUCCESSFUL.
Q. LET ME TRY TO DEFINE THE TERM "INFILTRATION".
WHEN YOU USE THE TERM "INFILTRATION", AND INFILTRATION IS USED IN MACV DOCUMENTS, DOES THAT RELATE TO THE INFILTRATION OF MEN OR GROUPS OF MEN THAT ARE GOING INTO SOUTH VIETNAM, NOT IN THE FORM OF UNITS, IN TERMS OF INDIVIDUALS?
A. THEY WERE GOING AS GROUPS OF INDIVIDUALS DESTINED FOR REPLACEMENTS IN VARIOUS, UH, UNITS.
Q. BUT INFILTRATION WOULD NOT INCLUDE THE SITUATION WHERE AN NVA OR VIET CONG UNIT WOULD MOVE FROM WHAT YOU DESCRIBE AS A SANCTUARY INTO SOUTH VIETNAM?
A. THAT'S CORRECT.
Q. So, that you might have many more, for example, than twenty thousand men, of the enemy, coming into South Vietnam in late December and early January?

A. That's correct.

Q. You would have had, perhaps, twenty thousand men infiltrating but the NVA and Viet Cong units that were coming in separately would be counted separately from the infiltration?

A. That's correct.

Q. Was any record kept of the movement of NVA and Viet Cong units into South Vietnam from sanctuaries?

A. Oh, yeah. They were tracked all the time.

Q. And, do you have an estimate of how many people in such units came into South Vietnam in the period preceding Tet?

A. I have no estimate, but if you get the periodic intelligence report out you'll find a category there that talks about units, movement and so forth. And you add up the strength of those, the infiltration, and you get what the enemy strength in-country increased, and the MACV order of battle and estimates were based on in-country and out of country -- Cambodia, Laos and North Vietnam, adjacent to the border areas where they had exfiltrated and licked their wounds, gotten more replacements, picked up supplies and then would hit.
| Q. | WHEN THE MACV ORDER OF BATTLE WAS PREPARED, AND JUST TAKE THE MAY ORDER OF BATTLE FOR AN EXAMPLE. |
| A. | (AFFIRMATIVE NOD). |
| Q. | WOULD THE BOTTOM LINE FIGURE FOR THE ENEMY INCLUDE NVA AND VIET CONG UNITS THAT HAD, AS I THINK YOU PUT IT, "EXFILTRATED", OR HAD GONE OUT OF THE COUNTRY? |
| A. | WERE IN SANTUARIES. |
| Q. | IT WOULD INCLUDE THOSE PEOPLE? |
| A. | IT WOULD, YES. THE ONLY ONES WHO WERE NOT INCLUDED WERE THOSE WHO WERE KNOWN TO BE IN NORTH VIETNAM, WHO WERE IN A TRAINING STATUS OR IN A DEFENCE, UH, POSITION IN NORTH VIETNAM, THAT WAS SEPARATE, THAT WAS NOT INCLUDED AS PART OF THE MACV ORDER OF BATTLE. |
| Q. | WERE YOU INVOLVED IN ANY OF THE ANALYSIS OR INTELLIGENCE WORK THAT WAS DONE AFTER THE TET OFFENSIVE WITH RESPECT TO VIETNAM? |
| A. | YES. |
| Q. | WERE YOU INVOLVED AT ALL IN SUCH WORK RELATED TO ENEMY STRENGTH ESTIMATES? |
| A. | NO. |
| Q. | WHAT WAS YOUR AREA OF INVOLVEMENT? |
| A. | I WAS, WAS INVOLVED FROM THE STANDPOINT OF ASSISTING IN ANALYSIS, PROVIDING SOME ANALYST FOR THE, UH, MACV. |
| Q. | ASSISTING IN THE ANALYSIS OF WHAT, THOUGH? |
| A. | OF THE DATA WHICH WAS AVAILABLE. |
Q. DATA RELATING TO ENEMY STRENGTH ESTIMATES?
A. ALL DATA PERTAINING TO THE ENEMY ACTIONS, STRENGTH, SO FORTH.

Q. SO, THAT IN THE PERIOD POST-TET YOU PROVIDED SOME ANALYSTS TO DO THAT WORK, BUT DID NOT PARTICIPATE PERSONALLY. IS THAT YOUR TESTIMONY?
A. PRE-TET, YES, AND POST-TET.

Q. SO THE ANALYSTS ---
A. I WAS -- OKAY, THAT'S RIGHT.

Q. SO THAT AFTER YOU LEFT VIETNAM, BOTH PRE AND POST-TET, YOU CONTINUED IN YOUR NEW JOB TO PROVIDE ANALYSTS TO WORK ON ENEMY STRENGTH ESTIMATES IN VIETNAM?
A. THE ENTIRE INTELLIGENCE PICTURE, YES.

Q. WHEN YOU SAY THE "ENTIRE INTELLIGENCE PICTURE" YOU MEAN THE ENTIRE INTELLIGENCE PICTURE, INCLUDING ENEMY STRENGTH ESTIMATES?
A. YES, TO INCLUDE THEM.

Q. BUT YOU DID NOT PERSONALLY INVOLVE YOURSELF IN THIS WORK? IS THAT CORRECT?
A. NO, I WAS NOT AN ANALYST DOING IT. NO.

Q. WELL, DID YOU HAVE A SUPERVISORY ROLE OVER THOSE ANALYSTS?
A. YES, I PROVIDED THEM TO GENERAL DAVIDSON, YES.

Q. OTHER THAN PROVIDING THESE ANALYSTS TO GENERAL DAVIDSON DID YOU, ONCE YOU LEFT VIETNAM, PLAY ANY ROLE
IN OVERSEEING OR REVIEWING OR DISCUSSING THEIR WORK WITH THEM?

A. NO.

Q. THESE ANALYSTS THAT YOU PROVIDED WERE ON YOUR STAFF IN YOUR NEW JOB IN HAWAII, WAS IT?

A. SOME OF THEM WERE THERE AND SOME CAME FROM THE CONTINENTAL UNITED STATES.

Q. BUT THOSE PEOPLE WERE ALL PEOPLE THAT YOU HAD ON YOUR STAFF IN YOUR NEW JOB?

A. OR WERE AVAILABLE TO ME, YES.

Q. AND IN YOUR NEW JOB YOU WERE STATIONED IN HAWAII?

A. THAT’S RIGHT.

Q. NOW, DID THESE PEOPLE THAT YOU HAD IN HAWAII AND THE UNITED STATES ACTUALLY GO TO VIETNAM?

A. YES, UH, THE -- THE GROUP THAT GOT INTO THE ANALYSIS I PROVIDED TO GENERAL DAVIDSON AND THEY WENT TO SAIGON TO BE UNDER HIS GUIDANCE.

Q. HOW MANY PEOPLE WERE THERE?

A. I DON’T REMEMBER EXACTLY. I THINK TWELVE TO FIFTEEN PEOPLE.

Q. DO YOU KNOW WHAT THEY WORKED ON?

A. I DON’T KNOW SPECIFICALLY WHAT THEY WORKED ON. NO.

Q. DO YOU KNOW GENERALLY WHAT THEY WORKED ON?

A. THAT THEY WORKED ON, UH, INTELLIGENCE INFORMATION TO -- FROM THE VARIOUS SOURCES THERE TO CONVERT IT TO
Q. WHEN DID THIS WORK START?
A. THE LAST OF DECEMBER.
Q. WHAT OCCASIONED GENERAL DAVIDSON’S REQUEST FOR THESE PEOPLE?
A. WELL, I THINK IT GOES BACK TO THE OVERALL FEELING AT THIS TIME OF THE YEAR, THAT, UH, THAT THERE WAS A GUT FEELING THAT SOMETHING WAS, UH, GOING ON BUT NO ONE COULD PUT THEIR FINGER ON IT. AND HAVING BEEN IN VIETNAM, WHY, UH, HE AND I HAD SOME DISCUSSION AND I SAID, “I THINK I CAN HELP YOU OUT WITH ADDITIONAL ANALYTIC EFFORT” AND, UH, SO THAT WAS DONE.
Q. EXCEPT FOR LOANING THESE TWELVE TO FIFTEEN ANALYSTS TO GENERAL DAVIDSON, AS YOU HAVE JUST DESCRIBED IT, DID YOU OR YOUR PERSONNEL BECOME INVOLVED IN ANY OTHER WORK POST-TET RELATED TO ENEMY STRENGTH FIGURES OR ESTIMATES IN VIETNAM?
A. NO.
Q. HOW LONG AFTER TET DID YOUR ANALYSTS CONTINUE TO WORK FOR GENERAL DAVIDSON ON THIS PROJECT?
A. AS I REMEMBER, THEY CAME OUT BEFORE TET. I DON’T THINK THAT THEY WERE THERE DURING TET. I JUST DO NOT REMEMBER FOR SURE WHETHER THEY WERE OR WEREN’T.
Q. WELL, DO YOU RECALL A LITTLE WHILE AGO I ASKED YOU WHETHER YOU HAD BEEN INVOLVED IN ANY OF THE ANALYSIS
OF VIETNAM INTELLIGENCE POST-TET?

A. UM HUM (AFFIRMATIVE NOD).

Q. THAT YOU HAD BEEN?

A. (AFFIRMATIVE NOD).

Q. WHAT WERE YOU REFERRING TO?

A. WELL, I CONTINUED TO WATCH THE SITUATION AND -- IN THE ASSIGNMENTS THAT I HAD IN HAWAII, WHERE I STAYED FOR FIVE YEARS AS THE G-2 OF US ARMY PACIFIC -- I WAS SUPPLYING TROOPS TO VIETNAM DURING THIS PERIOD OF TIME. AND, SO, UH, -- I PERSONALLY WAS NOT ANALYZING ANYTHING BUT I WAS LOOKING AT VIETNAM WITH INTEREST.

Q. AND THAT’S ALL YOU WERE REFERRING TO?

A. YES.

Q. ARE YOU AWARE OF ANY ESTIMATES OR ANALYSES PREPARED AFTER TET THAT ATTEMPTED TO GO BACK AND DETERMINE THE LEVEL, THE ACTUAL LEVEL OF INFILTRATION DURING THE SUMMER AND FALL PRIOR TO LATE DECEMBER OF 1967?

A. SPECIFICALLY NO, BUT THE PROCESS OF THE PERIODIC INTELLIGENCE REPORT REFLECTED BACK TO UPDATE FIGURES AND SOME OF THEM WOULD GO BACK AS FAR AS SIX MONTHS OR SO TO UP FIGURES. SO THIS WAS A CONSTANT PROCESS. NOW, WHETHER THERE WAS SOMETHING THAT WAS A DETERMINED EFFORT AT ANY ONE TIME, I’M NOT AWARE OF IT.

Q. WERE YOU AWARE OF THE POSITION TAKEN WITH RESPECT TO ENEMY STRENGTH ESTIMATES BY THE CIA FOLLOWING THE TET
OFFENSIVE?

A. NO. I WAS OUT OF THAT ARENA AND I WAS NOT INVOLVED IN THAT.

Q. WHILE YOU WERE IN VIETNAM, WERE YOU AWARE OF ANY POLITICAL PRESSURES TO SHOW SUCCESS IN TERMS OF PROGRESS IN WINNING THE WAR?

A. NO. I WAS NOT.

Q. WHAT RELATIONSHIP DID COL. MORRIS HAVE TO YOU?

A. COL. MORRIS WAS THE EXECUTIVE OFFICER FOR GENERAL DAVIDSON AND, AS SUCH, HE WAS HIS RIGHT HAND MAN. HE HAD WORKED FOR GENERAL DAVIDSON BEFORE AND HE HAD CONFIDENCE IN HIM, SO HE WORKED DIRECTLY THERE. I WAS, AS I SAID, MADE SPECIAL ASSISTANT TO GENERAL DAVIDSON AND BASICALLY I WAS DOING FIELD CONTACTS WITH COMMANDERS AND LOOKING AT SATISFACTION OF REQUIREMENTS AND PROVIDING WHAT OTHER ASSISTANCE AND SO FORTH WAS NECESSARY.

Q. YOU HAD COL. MORRIS' JOB UNTIL COL. MORRIS CAME TO VIETNAM. IS THAT CORRECT?

A. NO. COL. MORRIS' JOB WAS A CREATED JOB. GENERAL DAVIDSON ALSO HAD A -- I MEAN GENERAL MCCRISTIAN -- HAD A SPECIAL ASSISTANT AS AN EXECUTIVE, REALLY AN EXECUTIVE OFFICER IS WHAT HE WAS. AND, AS SUCH, HE WAS HIS, BASICALLY, HIS CHIEF OF STAFF WHO SCREENED THINGS AND SO FORTH AND MADE, UH., PROVIDED ASSISTANCE
TO GEN---, SOMEBODY WHO WAS NOT TIED DOWN WITH ANY
SPECIFIC JOB OF RUNNING ESTIMATES, DOING COLLECTION,
SO FORTH.

Q. BUT IT IS YOUR TESTIMONY THAT AS FAR AS YOU WERE
CONCERNED, YOU WEREN'T AWARE OF ANY PRESSURE FROM
WASHINGTON TO TRY TO SHOW PROGRESS IN TERMS OF WINNING
THE WAR?

A. NO.

Q. YOU DON'T HAVE ANY UNDERSTANDING AS TO WHY COL.
MORRIS, FOR EXAMPLE, MIGHT HAVE BEEN MORE ATTUNED TO
THOSE KINDS OF POLITICAL PRESSURES THAN YOU WERE?

A. NO, I WASN'T AWARE THAT HE WAS ATTUNED TO THEM.

Q. THAT JUST COMES AS A SURPRISE TO YOU?

A. (NO VERBAL RESPONSE).

Q. THAT HE RECOGNIZED THAT THERE WERE SUCH POLITICAL
PRESSURES, IF HE DID?

A. I DID NOT DISCUSS THAT WITH HIM, SO I DO NOT KNOW WHAT
HIS FEELINGS WERE ON THAT.

Q. YOU DON'T KNOW ONE WAY OR THE OTHER?

A. I DON'T KNOW WHAT HIS FEELINGS WERE, NO.

Q. YOU NEVER DISCUSSED THIS ISSUE WITH ANYONE WHILE YOU
WERE IN VIETNAM, IS YOUR TESTIMONY?

A. NOT THE POLITICAL ASPECTS, NO.

Q. DID YOU EVER DISCUSS WITH ANYONE WHILE YOU WERE IN
VIETNAM THE FACT THAT POLITICAL PRESSURE WAS BROUGHT
UPON THE CIA TO REACH AGREEMENT ON NUMBERS WITH RESPECT TO ENEMY STRENGTH FIGURES?

A. NO.

Q. YOU WERE WHOLLY UNAWARE OF THAT?

A. I WAS COMPLETELY UNAWARE THAT ANY PRESSURE, POLITICALLY, WAS PUT ON CIA TO HOLD THE FIGURES DOWN, RAISE THEM OR DO ANYTHING WITH THEM.

Q. WAS IT UNUSUAL TO HAVE AN NIE ARRIVED AT BY THE PERSONAL INTERVENTION OF THE KIND OF PERSON OF GENERAL WESTMORELAND -- TO HAVE HIM GET INVOLVED WITH SOMETHING LIKE THAT?

A. CONSIDERING THE SITUATION, THAT WE HAD HAD A WAR GOING ON -- NO, MOST OF THE NIE'S ARE PREPARED DURING A PEACETIME ENVIRONMENT, DIRECTED AGAINST ENEMY CAPABILITIES. THIS WAS DIRECTED AGAINST AN ACTIVE ENEMY AND THE COMMANDER ON THE GROUND SHOULD HAVE AN INPUT TO IT.

Q. WELL, THE COMMANDER ON THE GROUND IN THIS CASE HAD MORE THAN INPUT TO IT. HE WAS THE GUY THAT ACTUALLY SAT DOWN IN A PRIVATE MEETING WITH MR. CARVER AND SETTLED THE ISSUE, RIGHT?

A. IN THE FINAL ANALYSIS, YES. BUT HE WAS BACKED UP BY THE ANALYSIS THAT HAD BEEN GOING ON BY SOME TIME BY THE INTELLIGENCE PEOPLE.

Q. BUT ---
A. THIS WAS NOT, UH, A DECISION THAT HE REACHED ON HIS
OWN, ARBITRARILY. THIS WAS BASED ON PRETTY SOUND
ANALYSES AND THE ANALYSIS OF COLLECTION AND SO FORTH
HAD BEEN GOING ON.

Q. BUT THE ANALYSTS HAD BEEN UNABLE TO REACH AGREEMENT,
CORRECT?

A. (NO VERBAL RESPONSE).

Q. THE CIA ANALYSTS AND MACV ANALYSTS HAD BEEN UNABLE TO
REACH AGREEMENT?

A. THAT’S RIGHT.

Q. AND, SO, IT WAS NECESSARY FOR THE COMMANDER IN CHIEF
IN MACV, GENERAL WESTMORELAND, TO SIT DOWN WITH THE
CIA PERSON AND TRY TO RESOLVE IT PRIVATELY; CORRECT?

A. THAT’S TRUE. YES.

Q. NOW, WHAT I’M SAYING IS, ISN’T THAT A LITTLE UNUSUAL?
HAVE YOU EVER HEARD OF THAT HAPPENING BEFORE?

A. I HAVEN’T HEARD OF IT HAPPENING BEFORE. HOWEVER,
AGAIN, I GO BACK -- THIS IS A WARTIME SITUATION HERE.

Q. THE WAR HAD BEEN GOING ON FOR QUITE A WHILE?

A. THAT’S RIGHT.

Q. HAD THAT EVERY HAPPENED BEFORE IN THE HISTORY OF
VIETNAM?

A. I WAS NOT INVOLVED IN PRIOR NIE’S. ---

Q. BUT YOU WERE IN INTELLIGENCE AFTER, THOUGH, WERE YOU
IN INTELLIGENCE BEFORE?
A. YES.
Q. AND YOU KNEW WHAT AN NIE WAS?
A. OH, YES.
Q. I MEAN THIS IS A PRETTY BIG THING IN INTELLIGENCE?
A. (AFFIRMATIVE NOD).
Q. AND YOU WERE GENERALLY AWARE OF HOW THOSE OPERATED
EVEN IF YOU DIDN'T PERSONALLY PARTICIPATE; CORRECT?
A. THAT'S RIGHT. THAT'S RIGHT.
Q. AND, INDEED, I THINK YOU TESTIFIED THAT EVEN THOUGH
YOU MAY NOT HAVE BEEN IN ON THE FINAL DECISION MAKING
PROCESS THAT YOU HAD CONTRIBUTED TO NIE'S BEFORE?
A. THAT'S CORRECT.
Q. AND BASED UPON YOUR POSITION AND EXPERIENCE, HAD YOU
EVER HEARD OF A SITUATION -- IN WARTIME, DURING THE
VIETNAM WAR -- IN WHICH THE COMMANDER IN CHIEF HAD
INTERVENED IN PRIVATE MEETINGS TO SETTLE AN NIE
DISPUTE?
A. I WAS NOT AWARE THAT THERE HAD BEEN A MEETING PRIOR TO
THIS BETWEEN CIA AND THE COMMANDER IN VIETNAM AT ANY
TIME OVER THE NIE.
Q. AND IF THAT HAD HAPPENED THAT IS SOMETHING THAT YOU
MIGHT VERY WELL HAVE BEEN AWARE OF?
A. (NO VERBAL RESPONSE).
Q. GIVEN YOUR POSITION AND EXPERIENCE. CORRECT, SIR?
A. NOT NECESSARILY.
Q. NOT NECESSARILY?
A. NO.
Q. WELL, YOU CERTAINLY WOULD HAVE BEEN AWARE OF IT IF THAT HAD BEEN AN ORDINARY OCCURRENCE WITH RESPECT TO NIE'S, WOULD YOU HAVE NOT, SIR?
A. NOT NECESSARILY. MANY OF THESE MEETINGS WERE HELD BETWEEN THE TWO PARTIES AND THERE WAS NOT A WORLDWIDE DISSEMINATION OF THIS INFORMATION. SO, UH, WHETHER IT WAS SOMETHING THAT HAPPENED BEFORE -- I DON'T KNOW, YOU'D HAVE TO TALK TO THE CIA PEOPLE IN COUNTRY, WHETHER THERE WAS ANY AGREEMENTS THERE; AND THE COMMANDERS THAT RAN THIS PLOT. I DO NOT KNOW. BUT I DO NOT THINK THAT THIS WAS ANYTHING UNCOMMON.
Q. YOU THINK THAT THIS WAS NOT ANYTHING UNCOMMON. IS THAT WHAT YOU SAID?
A. NO, I DON'T, BECAUSE OF THE, THE SITUATION AT THE TIME.
Q. IS IT YOUR TESTIMONY, SIR, THAT HAVING WESTMORELAND AND CARVER SIT DOWN PRIVATELY TO SETTLE AN NIE DISPUTE IS SOMETHING THAT IT IS YOUR TESTIMONY HERE UNDER OATH WAS NOT UNCOMMON AS A MEANS OF ARRIVING AT A NATIONAL INTELLIGENCE ESTIMATE?
A. NO, I DON'T THINK THAT IT WAS UNCOMMON CONSIDERING THAT UP TO NOW ALL THE ISSUES HAD BEEN COMPLETELY AIREO AND THERE WAS AN IMPASSE AND, SO, THE BEST THING
TO DO WAS TO HAVE TWO HEAD MEN TALK ABOUT THIS.

Q. WELL, THAT REALLY WASN’T MY QUESTION. MY QUESTION WENT TO WHETHER THIS WAS A COMMON THING OR NOT, OR AN UNUSUAL THING. I THINK THAT YOU, AT LEAST, WEREN’T EVER AWARE OF IT HAPPENING?

A. I WASN’T AWARE OF IT. BUT, AS I SAID, WITH THE CIRCUMSTANCES AS THEY WERE AT THIS TIME, THAT I DO NOT THINK THAT THIS WAS AN UNCOMMON THING TO HAPPEN.

Q. WHEN YOU SAY “UNCOMMON”, -- I WANT TO BE SURE THAT WE ARE USING THE WORDS IN SAME WAY.

A. ALL RIGHT.

Q. BY “UNCOMMON”, DO YOU MEAN THAT IT MIGHT COMMONLY HAPPEN? THAT IS, THAT IT WOULD HAVE BEEN SOMETHING THAT WOULD HAVE HAPPENED BEFORE OR MIGHT HAPPEN AGAIN?

A. I WOULD SAY THAT IT COULD HAVE HAPPENED BEFORE AND THAT IT MIGHT HAPPEN AGAIN, UNDER A WARTIME SITUATION WHERE YOU’VE GOT GROUPS OF ANALYSTS THAT ARE MILES APART, THAT THERE COULD BE A MEETING OF THE HEADS AND TO, UH, TRY TO COME UP WITH A COMMON GROUND.

Q. WERE THE ANALYSTS HERE “MILES APART”, AS YOU PUT IT?

A. YES. THE BASIC ANALYSIS THAT THE CIA WAS DOING WAS HERE IN THE WASHINGTON AREA AND THE MACV ANALYSIS WAS DONE IN VIETNAM.

Q. WELL, SIR, THE CIA HAD PEOPLE ON THE GROUND IN VIETNAM, TOO; DIDN’T THEY?
THEY HAD PEOPLE ON THE GROUND THERE, BASICALLY DOING COLLECTION AND SENDING IN REPORTS AND SO FORTH, BUT THERE WAS NOT THE EFFORT THAT MACV HAD.

AND THEY HAD ACCESS TO ALL OF THESE INTERROGATION REPORTS AND CAPTURED DOCUMENTS THAT THE MACV PEOPLE DID, DIDN'T THEY, SIR?

YES, THEY DID.

AND IT'S THOSE INTERROGATION REPORTS AND THE CAPTURED DOCUMENTS THAT YOU'VE TESTIFIED WERE THE PRIMARY SOURCES OF ENEMY STRENGTH INFORMATION; CORRECT, SIR?

THAT'S CORRECT.

NOW, DESPITE THE FACT THAT THEY HAD ACCESS TO ALL OF THIS STUFF, WERE THE CIA AND THE MACV ANALYSTS SUBSTANTIALLY APART IN TERMS OF THEIR CONCLUSIONS AS TO ENEMY STRENGTH?

AS TO TOTAL ENEMY STRENGTH, YES. BUT AS FAR AS THE REGULAR FORCES WERE CONCERNED, NO.

AND IT WAS THIS DISPUTE THAT REQUIRED CARVER AND WESTMORELAND TO SIT DOWN, PRIVATELY?

THAT'S WHAT THE RESULT WAS, YES.

AND YOU'RE NOT AWARE OF ANY TIME THAT THAT'S HAPPENED BEFORE OR SINCE?

(No verbal response).

IN CONNECTION WITH A NATIONAL INTELLIGENCE ESTIMATE?

IS THAT CORRECT?
A. THAT'S CORRECT.

Q. OKAY.

BY VIDEO OPERATOR

WE NEED TO CHANGE THE TAPE.

(RECESS FOR THE DAY AT 2:30 P.M.)
WEDNESDAY, APRIL 20, 1983 COMMENCING AT THE HOUR OF 9:30 A.M.:

BY COURT REPORTER:

GENERAL, I REMIND YOU THAT YOU'RE UNDER OATH FROM YESTERDAY.

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. GENERAL GODDING, EARLIER YOU SAID THAT YOU WERE NOT AWARE OF ANY POLITICAL PRESSURE TO SHOW PROGRESS IN WINNING THE WAR IN VIETNAM; IS THAT CORRECT?

A. THAT'S CORRECT.

Q. IS IT ALSO CLEAR TO YOU, AS YOU SIT HERE NOW, THAT YOU WERE UNAWARE OF ANY POLITICAL PRESSURE THAT AFFECTED THE ESTIMATES OF ENEMY STRENGTH OR THE WAY ENEMY STRENGTH FIGURES WERE PRESENTED?

A. THAT'S CORRECT.

Q. LET ME ASK YOU TO LOOK AT A DOCUMENT THAT I WILL ASK TO HAVE MARKED AS DEFENDANT'S EXHIBIT 34.

(COURT REPORTER MARKS DOCUMENT AS DEFENDANT'S EXHIBIT 34)

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. GENERAL GODDING, THIS IS A CABLE, AND I BELIEVE IT IS A CIA CABLE. YOU ARE NOT SHOWN AS HAVING RECEIVED THIS CABLE, SO I DON'T KNOW WHETHER YOU RECEIVED IT OR NOT AT OR ABOUT THE TIME IT WAS SENT. BUT I WOULD ASK YOU FIRST TO LOOK AT IT AND TELL ME WHETHER YOU CAN RECALL EVER HAVING SEEN IT BEFORE, EITHER AT THE TIME
IT WAS SENT OR SUBSEQUENTLY TO IT.

A. (WITNESS REVIEWING DOCUMENT).

BY MR. DORSEY:

WHICH CABLE IS THAT?

BY MR. BOIES:

THAT IS AN AUGUST 29, 1967 CABLE.

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. CAN YOU TELL ME WHETHER YOU'VE EVER SEEN THAT BEFORE?

A. I HAVEN'T SEEN IT, NO.

Q. HAVE YOU SEEN CABLES OF THAT KIND BEFORE? THAT IS, CIA CABLES CLASSIFIED AS SECRET?

A. YES, I HAVE SEEN CABLES FROM CIA TO MACV.

Q. AND HAVE THEY BEEN IN THIS FORM?

A. WELL, THE FORM IS STANDARD. THE SUBSTANCE IS PROBABLY WHAT YOU'RE AFTER, AND ---

Q. I'M ASKING FIRST ABOUT WHETHER THIS IS A CABLE THAT APPEARS TO BE WHAT IT PURPORTS TO BE.

A. THIS LOOKS LIKE A NORMAL CABLE SENT OUT FROM ONE OF THE AGENCIES IN WASHINGTON, YES.

Q. IN THIS CASE, THE CIA AGENCY?

A. YES.

Q. I'D LIKE TO DIRECT YOUR ATTENTION IN PARTICULAR TO THE FIRST PAGE OF THAT CABLE. DO YOU SEE WHERE A REFERENCE IS MADE TO POLITICAL CONSIDERATIONS?

A. (REVIEWING DOCUMENT). YES. IN THE FIRST PARAGRAPH,
YES.

Q. COULD YOU JUST READ THAT PARAGRAPH OUT LOUD FOR THE RECORD, PLEASE?

A. I'M READING FROM -- I CAN'T TELL FOR SURE THAT IT'S FROM CIA, BUT I THINK POSSIBLY IT IS -- A CABLE, SECRET CLASSIFICATION, DATED 29 AUGUST 67, TO SAIGON, INFO HONOLULU. AND THE LAST SENTENCE OF THE FIRST PARAGRAPH, "ISSUES ARE COMPLICATED BY FACT THAT CURRENT ESTIMATE ON SIZE AND STRENGTH OF COMMUNIST FORCES IN SOUTH VIETNAM IS INEVITABLY" -- I GUESS -- "CHARGED WITH POLITICAL AND PUBLIC RELATIONS OVERTONES."

Q. DID ANYONE EVER TELL YOU IN WORDS OR IN SUBSTANCE, DURING THE TIME THAT YOU WERE IN VIETNAM, THAT ISSUES RELATED TO ESTIMATES OF ENEMY SIZE AND STRENGTH WERE COMPLICATED BY THE FACT THAT SUCH ESTIMATES WERE INEVITABLY CHARGED WITH POLITICAL AND PUBLIC RELATIONS OVERTONES?

A. NO.

Q. DID ANYONE EVER IMPLY THAT TO YOU?

A. NO.

Q. IT IS YOUR TESTIMONY YOU WERE TOTALLY UNAWARE OF THAT?

A. THAT'S CORRECT.

Q. LET ME ASK YOU TO TURN -- I THINK IT IS PAGE 3 OF THAT DOCUMENT, SIR -- AND IN PARTICULAR TO PARAGRAPH 4,
NUMBERED PARAGRAPH 4 OF THE DOCUMENT. AND I WOULD ASK YOU TO READ THAT, IF YOU WOULD, PLEASE, OUT LOUD.

A. "FUNARO HAS DISCUSSED THE WHOLE SUBJECT WITH GENERAL"
-- I GUESS THAT'S "GODDING" -- "MACV DEPUTY J-2 WHO RETURNING SAIGON ON 30 AUGUST, AND CAN GIVE GENERAL WESTMORELAND PRELIMINARY BRIEFING ON WASHINGTON THINKING. GODDING WILL HAND CARRY SINGLE COPY OF 28 AUGUST ESTIMATE DRAFT TO BE SEEN ONLY BY GENERAL WESTMORELAND, ABRAMS, DAVIDSON, AMBASSADOR KOMER, AND IF HE SO DESIRES, AMBASSADOR BUNKER."

Q. DO YOU KNOW WHO THIS FUNARO IS THAT'S REFERRED TO HERE?

A. NO, I DO NOT REMEMBER THAT NAME.

Q. IT'S YOUR TESTIMONY YOU JUST DON'T HAVE ANY IDEA WHO THAT PERSON IS?

A. THAT'S CORRECT; I DO NOT REMEMBER.

Q. SO, IT'S YOUR TESTIMONY, UNDER OATH, AS YOU SIT HERE NOW, THAT YOU SIMPLY DON'T REMEMBER WHETHER SOMEBODY BY THE NAME OF FUNARO HAD DISCUSSED THIS WHOLE SUBJECT WITH YOU? YOU WERE THE MACV DEPUTY J-2.---

A. THAT'S CORRECT.

Q. --- AT THIS TIME?

A. THAT'S CORRECT.

Q. THERE ISN'T ANY DOUBT THAT WHEN THEY REFER TO THE GENERAL GODDING HERE, YOU'RE THE PERSON THEY'RE
1 TALKING TO, RIGHT?
2 A. THAT'S CORRECT.
3 Q. BUT IT'S YOUR TESTIMONY THAT YOU SIMPLY DON'T RECALL
4 ANYTHING ABOUT THAT ONE WAY OR THE OTHER?
5 A. I DO NOT RECALL ANYBODY BY THE NAME OF FUNARO, YES.
6 Q. AND I TAKE IT IT'S ALSO THE CASE THAT IT'S STILL YOUR
7 TESTIMONY THAT YOU DON'T RECALL ANYBODY DISCUSSING
8 WITH YOU ANYTHING ABOUT THE FACT THAT ESTIMATES ON
9 SIZE AND STRENGTH OF COMMUNIST FORCES IN SOUTH VIETNAM
10 IS INEVITABLY CHARGED WITH POLITICAL AND PUBLIC
11 RELATIONS OVERTONES?
12 A. THEY DID NOT, NO.
13 Q. THEY DIDN'T DISCUSS THAT WITH YOU?
14 A. NO.
15 Q. NO ONE DID? NOT MR. FUNARO OR ANYBODY?
16 A. NO ONE DID, NO.
17 Q. DID YOU IN FACT RETURN TO SAIGON ON OR ABOUT AUGUST
18 30, AS THIS CABLE INDICATES?
19 A. THAT'S CORRECT.
20 Q. DO YOU HAVE ANY EXPLANATION WHY THE CIA WOULD SEND A
21 CABLE SUGGESTING THAT SOMEBODY NAMED FUNARO HAD
22 DISCUSSED THIS SUBJECT WITH YOU IF IN FACT THEY HAD
23 NOT?
24 A. I DIDN'T SAY THAT NO ONE HAD DISCUSSED THE SUBJECT
25 WITH ME, BUT I SAID I DO NOT REMEMBER THE NAME FUNARO.
Q. WELL, DO YOU REMEMBER ANYBODY DISCUSSING WITH YOU THE POLITICAL AND PUBLIC RELATIONS OVERTONES OF THE SIZE AND STRENGTH OF COMMUNIST FORCES?
A. I DO NOT REMEMBER ANY DISCUSSION OF POLITICAL OVERTONES, NO.
Q. HOW ABOUT THE PUBLIC RELATIONS OVERTONES?
A. OR PUBLIC RELATIONS; POLITICAL OR PUBLIC RELATIONS, NO.
Q. IS IT YOUR TESTIMONY THAT YOU MIGHT HAVE BEEN AWARE OF IT IN 1967 BUT YOU SIMPLY DON'T RECALL IT NOW, OR SIMPLY THAT YOU REMEMBER THAT YOU NEVER KNEW ANYTHING ABOUT THESE PUBLIC RELATIONS AND POLITICAL OVERTONES?
A. I WAS AWARE OF THE VOLATILITY OF VIETNAM AS FAR AS THE TOTAL AMERICAN PUBLIC WAS CONCERNED. BUT THE DISCUSSION, AS REFERRED TO IN PARAGRAPH 1 HERE, OF POLITICAL AND PUBLIC RELATIONS OVERTONES AS BEING A PART OF ANY DISCUSSION THAT WAS DIRECTED AT ME, THE ANSWER IS NO.
Q. WHEN YOU SAY YOU DON'T RECALL POLITICAL AND PUBLIC RELATIONS OVERTONES BEING A PART OF ANY DISCUSSION THAT WAS DIRECTED AT YOU, DO YOU RECALL THAT OTHER PEOPLE WERE INFLUENCED BY POLITICAL AND PUBLIC RELATIONS OVERTONES?
A. I HAVE NO WAY TO TELL WHETHER ANYBODY ELSE WAS INFLUENCED BY THEM OR NOT.
Q. YOUR TESTIMONY IS THAT BACK IN 1967 YOU WERE WHOLLY UNAWARE AS TO WHETHER ANYONE WAS BEING INFLUENCED BY
POLITICAL OR PUBLIC RELATIONS OVERTONES IN CONNECTION WITH ESTIMATES ON THE SIZE AND STRENGTH OF COMMUNIST
FORCES IN SOUTH VIETNAM?

A. I HAVE NO WAY TO TELL WHAT THE PRESSURES WERE ON ANYONE ELSE.

Q. THEY NEVER TALKED TO YOU ABOUT IT? IS THAT WHAT YOU'RE SAYING?

A. THERE WAS NO DISCUSSION WITH ME BRINGING UP THE POLITICAL AND PUBLIC RELATIONS ASPECTS AS FAR AS VIETNAM WAS CONCERNED.

Q. AND YOU NEVER OVERHEARD ANYONE ELSE DISCUSSING THAT, IS YOUR TESTIMONY?

A. THAT'S CORRECT.

Q. AND YOU NEVER HAD, IT IS YOUR TESTIMONY, ANY REASON TO BELIEVE BACK IN 1967 THAT THERE WAS ANY INFLUENCE OF POLITICAL AND PUBLIC RELATIONS OVERTONES IN CONNECTION WITH ESTIMATES OF ENEMY STRENGTH?

A. NOT IN CONNECTION WITH ENEMY STRENGTH, NO, OR THE ESTIMATE PROCESS.

Q. YOU WERE HEAD OF THE MACV DELEGATION TO THIS NIE CONFERENCE, CORRECT?

A. THAT IS CORRECT.

Q. AND THIS CABLE IS ABOUT THAT NIE CONFERENCE, CORRECT?
A. THAT’S CORRECT.
Q. DO YOU HAVE ANY EXPLANATION AS TO WHY THE CIA FELT THAT -- OR SAYS IT FELT -- THAT ESTIMATES ON SIZE AND STRENGTH OF COMMUNIST FORCES IN SOUTH VIETNAM IS INEVITABLY CHARGED WITH POLITICAL AND PUBLIC RELATIONS OVERTONES, AND YOU WERE WHOLLY UNAWARE THAT THEY FELT THAT WAY?
A. MY POSITION WAS ONE OF LOOKING AT THE MILITARY ASPECTS. AND, AS I SAY, NO ONE PUT ANY POLITICAL OR PUBLIC RELATIONS PRESSURES ON ME, AND I CONFINED MYSELF TO THIS ARENA. THE CIA IS IN THE POLITICAL ARENA, AND I CAN SEE POSSIBLY THAT THEY WOULD EXTEND THEMSELVES TO THAT.
Q. WELL, WHEN YOU SAY THE CIA IS IN THE POLITICAL ARENA, IT WAS THE CIA THAT WAS ARGUING FOR THE LARGER ESTIMATES OF ENEMY STRENGTH, CORRECT, SIR?
A. THAT IS CORRECT.
Q. AND IT WAS MACV THAT WAS ARGUING FOR THE SMALLER ESTIMATES OF ENEMY STRENGTH, CORRECT?
A. THAT’S CORRECT.
Q. AND WHATEVER POLITICAL PRESSURES EXISTED WOULD BE POLITICAL PRESSURES TO KEEP THE ENEMY STRENGTH FIGURES DOWN; CORRECT, SIR?
A. POLITICAL PRESSURES COULD COME FROM ANY WAY. AND AS I WAS NOT INVOLVED IN THOSE, I CAN’T ANSWER THAT
QUESTION THAT THEY WERE PUSHING DOWN OR PUSHING UP.
YOUR TESTIMONY IS YOU SIMPLY CAN'T ANSWER THAT
QUESTION, SIR?

A. THAT'S CORRECT. I DID NOT GET MYSELF INVOLVED IN THE
POLITICAL OR THE PUBLIC RELATIONS ASPECTS, AND I HAD
NO DISCUSSIONS ALONG THIS LINE, NO ONE PUT ANY
PRESSURE ON ME ALONG THIS LINE; SO I HAVE NO ANSWER TO
IT.

Q. GENERAL GODDING, LET ME JUST BE SURE I UNDERSTAND WHAT
YOU'RE SAYING. YOU'RE TELLING ME THAT, AS YOU SIT
HERE NOW, YOU CAN'T TELL ONE WAY OR ANOTHER WHETHER
WHATEVER POLITICAL PRESSURES EXISTED WITH RESPECT TO
ENEMY STRENGTH FIGURES WOULD HAVE BEEN TO PUSH THEM UP
OR DOWN? THAT'S YOUR TESTIMONY?

A. I SAID BEING AS HOW I WAS NOT INVOLVED IN IT, I DO NOT
KNOW WHAT TOOK PLACE; THEREFORE, I WILL NOT ANSWER
WHETHER IT WENT -- THE PRESSURES WERE FOR UP OR DOWN
FIGURES.

Q. WELL, GENERAL GODDING, JUST SO WE'RE CLEAR, WE'RE
ENTITLED TO GET YOUR BEST JUDGEMENT ON THE SUBJECT.
AND WHETHER YOU WANT TO SAY IT OR NOT, I WOULD ADVISE
YOU THAT IF YOU HAVE ANY INFORMATION, YOU ARE REQUIRED
to give it to us.

BY MR. DORSE:

MR. BOIES, IN WHAT CAPACITY THAT YOU'RE ADVISING
GENERAL GODDING AS TO WHAT HIS OBLIGATION IS?

BY MR. BOIES:

I'M TELLING HIM -- AND IF YOU WANT, WE'LL STOP THE
DEPOSITION RIGHT NOW AND GET A SUBPOENA. IF THERE'S
ANY DOUBT ABOUT HIS OBLIGATION TO RESPOND TO
QUESTIONS, I'LL STOP THE DEPOSITION RIGHT NOW AND GET
A SUBPOENA, MR. DORSEN.

BY MR. DORSEN:

NO. I'M JUST SAYING THAT I DON'T THINK IT'S FAIR TO
THIS WITNESS FOR YOU TO MAKE RULES OF LAW AS TO WHAT
HIS OBLIGATION IS.

BY MR. BOIES:

OKAY. EITHER YOU GIVE HIM AN INSTRUCTION THAT HE IS
OBLIGATED TO GIVE ME HIS BEST PRESENT INFORMATION, OR
WE'RE GOING TO STOP THE DEPOSITION AND WE'RE GOING TO
GET A SUBPOENA.

BY MR. DORSEN:

I'M NOT GOING TO INSTRUCT HIM ANYTHING. I DON'T
CONTROL HIM ---

BY MR. BOIES:

FINE.

BY MR. DORSEN:

--- AND YOU DON'T CONTROL HIM EITHER. YOU CAN ASK HIM
QUESTIONS. IF HE DOESN'T WANT TO ANSWER YOU, YOU KNOW
YOUR REMEDY.
BY MR. BOIES:

OKAY.

BY MR. DORSEN:

HE'S HERE AS THOUGH HE WAS UNDER SUBPOENA. HE'S MADE THAT CLEAR.

BY MR. BOIES:

NO, HE HASN'T SAID THAT YET.

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. DO YOU ACCEPT THAT, SIR, THAT YOU ARE HERE JUST AS IF, WITH THE SAME LEGAL OBLIGATIONS, AS IF YOU HAD BEEN SERVED WITH A SUBPOENA? DO YOU ACCEPT THAT?

A. YES. I SAID I WOULD COME HERE WITHOUT A FORMAL SUBPOENA.

Q. BUT YOU ACCEPT ALSO THAT YOU ARE UNDER THE SAME OBLIGATIONS TO GIVE TESTIMONY AS IF YOU HAD BEEN SERVED WITH A LAWFUL SUBPOENA BY THE UNITED STATES DISTRICT COURT?

A. YES. I'LL ANSWER ANY QUESTION WHICH I AM COMPETENT TO ANSWER WITHOUT ANY PROBLEMS, YES.

Q. OKAY. NOW, MY QUESTION TO YOU, SIR, IS YOU HAVE ALREADY SAID THAT THE CIA WAS ARGUING FOR HIGHER FIGURES AND MACV WAS ARGUING FOR LOWER FIGURES, AND YOU WERE AWARE OF THAT, CORRECT?

A. THAT'S CORRECT.

Q. NOW, IT IS ALSO THE CASE, IS IT NOT, SIR, THAT YOU
KNOW, AND THAT YOU KNEW BACK IN 1967, THAT IF THERE WAS ANY POLITICAL PRESSURE ON THE DIRECTION OF ENEMY STRENGTH FIGURES, OR THE SIZE OF ENEMY STRENGTH FIGURES, THAT THAT POLITICAL PRESSURE WOULD HAVE BEEN TO KEEP THOSE FIGURES DOWN. YOU KNEW THAT, DID YOU NOT, SIR?

A. I DO NOT THINK THAT THAT IS A COMPLETE STATEMENT. IF THE DECISION OF THE PRESIDENT AND CONGRESS WERE TO -- AT THAT TIME, WERE TO PUT MORE PEOPLE INTO VIETNAM, THEN THEY WOULD BE MORE INCLINED TO HAVE A HIGH FIGURE THAN A LOW FIGURE. THEREFORE, I GO BACK TO MY ORIGINAL ANSWER, THAT DEPENDING ON WHAT THE POLITICAL CLIMATE WAS AT THE TIME, THE FIGURE COULD BE HIGHER OR LOWER.

Q. GENERAL GODDING ---

A. AS I AGAIN STATE, I WAS NOT IN THE POLITICAL ARENA; I WAS PURELY IN THE MILITARY ASPECT, AND NO ONE CAME TO ME AND SAID, "YOU'VE GOT TO PUT THIS FIGURE HIGHER OR LOWER BECAUSE PUBLIC OPINION IS THUS AND SO."

Q. THAT IS REALLY NOT MY QUESTION, WHETHER ANYBODY CAME TO YOU AND SAID THOSE SPECIFIC WORDS, SIR.

A. WELL, YOU HAVE TIME AND TIME AGAIN ASKED ME WHETHER OR NOT I WAS AWARE OF, OR ANYBODY HAD GIVEN ME ANY INDICATION OF POLITICAL OR PUBLIC RELATIONS OVERTONES, AS STATED HERE, TO ME THAT AFFECTED THE MACV ESTIMATE.
AND THE ANSWER IS NO. THAT WAS DONE 100 PERCENT, AS
FAR AS I WAS CONCERNED, FROM A MILITARY STANDPOINT,
AND NONE OF THESE PRESSURES WERE PUT ON ME.

Q. WELL, LET ME JUST BE SURE, BECAUSE YOU'VE USED A
NUMBER OF DIFFERENT QUALIFIERS IN THAT ANSWER. LET ME
TRY TO BREAK IT OUT. ARE YOU TELLING ME THAT YOU WERE
AWARE OF POLITICAL AND PUBLIC RELATIONS OVERTONES BUT
IT DIDN'T AFFECT YOUR JUDGEMENT? IS THAT WHAT YOU'RE
SAYING? OR ARE YOU SAYING THAT YOU WERE JUST SIMPLY
WHOLLY UNAWARE OF THE POLITICAL AND PUBLIC RELATIONS
OVERTONES?

A. AS I STATED AWHILE AGO, I WAS AWARE OF THE FEELING
WITHIN THE UNITED STATES AS FAR AS THE VIETNAM WAR WAS
CONCERNED, AND THE CERTAIN ELEMENTS IN THE UNITED
STATES THAT WERE AGAINST. BUT THAT IS AS FAR AS I WAS
CONCERNED WITH IT. DOING MY JOB, I DID MY JOB PURELY
FROM A MILITARY STANDPOINT, AND NO ONE UP THE LINE, TO
INCLUDE OUTSIDE PEOPLE SUCH AS CIA OR SO FORTH, EVER
CAME TO ME AND PUT ANY PRESSURE ON ME, SAYING THAT
"YOUR ESTIMATE HAS GOT TO GO UP OR DOWN BASED ON WHAT
IS HAPPENING IN THE UNITED STATES OR WHAT IS HAPPENING
AT THE HIGHER LEVELS OF GOVERNMENT."

Q. JUST SO MY QUESTION IS CLEAR, GENERAL GODDING, WHAT
I'M ASKING YOU IS WHETHER YOU WERE AWARE -- WHETHER OR
NOT IT IS YOUR TESTIMONY YOU WERE INFLUENCED BY THIS
AWARENESS -- WERE YOU AWARE, SIR, THAT THERE WERE
POLITICAL AND PUBLIC RELATIONS OVERTONES RELATED TO
THE ESTIMATES ON THE SIZE AND STRENGTH OF COMMUNIST
FORCES IN SOUTH VIETNAM?
A. THERE WERE NONE, AS FAR AS I WAS CONCERNED.
Q. AND YOU WERE AWARE OF NONE, IN 1967? THAT'S YOUR
TESTIMONY? YOU WERE AWARE ---
A. I WAS AWARE OF NO PRESSURES. I WAS AWARE OF THE
SITUATION IN THE UNITED STATES.
Q. WELL, YOU'VE TALKED ABOUT THE SITUATION IN THE UNITED
STATES. IS THE SITUATION IN THE UNITED STATES, AS YOU
UNDERSTOOD IT IN 1967, SOMETHING THAT WAS RELATED TO
ESTIMATES ON THE SIZE AND STRENGTH OF ENEMY FORCES?
A. NO.
Q. SO THAT THE ONE DOESN'T HAVE ANYTHING TO DO WITH THE
OTHER IS YOUR TESTIMONY?
A. YES.
Q. THEN WHY DID YOU BRING IT UP?
A. BECAUSE YOU KEPT PUSHING FOR AN ANSWER AS TO THE
POLITICAL SITUATION AND DID I KNOW ANYTHING ABOUT IT,
AND YES, I WAS READING PAPERS, ARTICLES, AND SO FORTH;
BUT AS FAR AS PRESSURES THAT PERTAINED TO THE
ESTIMATE, THERE WERE NO PRESSURES PUT ON ME FROM A
POLITICAL OR FROM A PUBLIC RELATIONS STANDPOINT.
Q. AND YOU WERE AWARE OF NO SUCH PRESSURES PUT ON ANYONE
ELSE, IS YOUR TESTIMONY?
A. I SAID I WAS NOT AWARE OF THAT.
Q. AND AS YOU SIT HERE NOW, YOU HAVE NO EXPLANATION AS TO WHY THE CIA WOULD WRITE IN A CABLE, WITH RESPECT TO THE NIE CONFERENCE, THAT ANY CURRENT ESTIMATE ON SIZE AND STRENGTH OF COMMUNIST FORCES IN SOUTH VIETNAM IS INEVITABLY CHARGED WITH POLITICAL OR PUBLIC RELATIONS OVERTONES, AND SAY IN THAT SAME CABLE THAT THE WHOLE SUBJECT HAD BEEN DISCUSSED WITH YOU? YOU JUST CAN'T GIVE US AN ANSWER TO THAT?
BY MR. DORSEN:
OBJECT TO THE FORM OF THE QUESTION.
DIRECT EXAMINATION RESUMED BY MR. BOIES:
Q. IS THAT CORRECT, SIR?
A. I'VE ALREADY STATED THAT, THAT THE CIA ENCOMPASSES A MUCH GREATER SPHERE THAN THE MACV DID. MACV WAS CONFINED TO THE MILITARY ASPECTS; CIA HAD THE POLITICAL IMPLICATIONS, AND AS THIS MESSAGE WAS PREPARED BY CIA, THEY COULD WANDER A LOT FURTHER AFIELD THAN IF I HAD PREPARED A MESSAGE.
Q. SO, IT'S YOUR UNDERSTANDING THAT IT WAS THE CIA, NOT MACV, THAT WAS CONCERNED WITH THE POLITICAL IMPLICATIONS OF ENEMY STRENGTH ESTIMATES? IS THAT YOUR TESTIMONY?
A. THAT'S CORRECT.
Q. GENERAL DAVIDSON DIDN'T HAVE ANYTHING TO DO WITH THE CIA; HE WAS PART OF MACV, RIGHT, SIR?

A. THAT IS CORRECT.

BY MR. BOIES:

LET ME ASK THAT THIS BE MARKED AS THE NEXT EXHIBIT.

BY THE COURT REPORTER:

THIS IS EXHIBIT NO. 35.

(COURT REPORTER MARKS DOCUMENT AS DEFENDANT'S EXHIBIT 35)

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. GENERAL GODDING, THIS IS DEFENDANT'S EXHIBIT 35. I WOULD ASK YOU WHETHER YOU'VE EVER SEEN THIS CABLE BEFORE.

A. (WITNESS REVIEWING DOCUMENT).

BY MR. DORSEN:

YOU REALIZE THAT GENERAL GODDING IS STILL READING 34, WHICH HE HAD NOT HAD A CHANCE TO DO PREVIOUSLY.

BY MR. BOIES:

IF HE WISHES TO READ EXHIBIT 34, HE CAN TAKE AS LONG AS HE WISHES TO DO THAT.

DIRECT EXAMINATION RESUMED BY MR. BOIES:

Q. YOU'RE READING EXHIBIT 34, GENERAL GODDING?

A. THAT IS CORRECT.

Q. YOU'VE NOW READ THE SECOND PARAGRAPH OF THAT, PARAGRAPH NO. 2?

A. YES.