Q. WOULD YOU HAVE ANY OBJECTION TO MAKING THAT NAME AVAILABLE TO US?
A. NO, I DON'T. AND I INFORMED MR. HUGHES OF BDM, WHO'S OUR LEGAL COUNSEL, THAT THIS SUIT WAS RUNNING, AND HE TOLD ME TO JUST REMEMBER SECURITY IMPLICATIONS, AND FINE.
Q. DID THE DEPARTMENT OF ARMY LAWYER WHO CALLED YOU GIVE YOU ANY INDICATION WHY THEY CALLED YOU?
A. I DON'T KNOW WHAT PROMPTED IT; BUT, AS I SAID, THE THING THAT HE SAID WAS THAT I WOULD BE TREATED JUST LIKE ANYBODY ELSE, THAT I COULD SUBPOENA THINGS, BUT THAT BASICALLY YOU TWO WERE THE PARTIES TO IT, AND THAT I DID NOT HAVE ACCESS JUST BASED ON MY BEING EX-MILITARY, RETIRED MILITARY AND SO FORTH. AND THAT WAS BASICALLY WHAT HE WAS DOING.
Q. WELL, HAD YOU ASKED FOR ACCESS TO ANY OF THOSE DOCUMENTS?
A. NO, I HADN'T ASKED FOR ANYTHING. I DON'T KNOW WHAT PROMPTED THE CALL, HOW IT CAME ABOUT.
Q. MR. DORSEN ASKED YOU ABOUT THIS ASSISTANCE THAT YOU OFFERED GENERAL DAVIDSON IN DECEMBER OF 1967?
A. YES.
Q. AND YOU CALLED GENERAL DAVIDSON IN DECEMBER AND SAID, "WOULD YOU LIKE SOME ASSISTANCE", OR "I THINK YOU OUGHT TO HAVE SOME ASSISTANCE"; IS THAT CORRECT?
A. UH-HUH (AFFIRMATIVE).

Q. WHAT WAS IT THAT OCCASIONED YOUR FEELING IN DECEMBER OF 1967 THAT GENERAL DAVIDSON MIGHT NEED SOME ASSISTANCE?

A. WELL, AS I SAID, JUST HAVING LEFT VIETNAM AND KNOWING THE PAUCITY OF ANALYSIS IN CERTAIN AREAS, WHY, THIS WAS THE REASON FOR IT.

Q. YOU'VE BEEN GONE FROM VIETNAM FOR A COUPLE OF MONTHS, NOW; CORRECT?

A. YEAH. I WOULD SAY THAT THE CALL WAS MADE NOT TOO LONG AFTER I HAD DEPARTED VIETNAM, AND THERE WAS SOME PERIOD OF TIME THERE BEFORE ANY ACTION WAS TAKEN AND SO FORTH.

Q. ARE YOU NOW SAYING THAT YOUR TELEPHONE CALL TO HIM WAS MADE BEFORE DECEMBER OF 1967?

A. YES. I SAID DECEMBER IS WHEN THE ANALYSTS WENT INTO VIETNAM.

Q. BUT YOU ALSO SAID JUST A MOMENT AGO DECEMBER WAS WHEN YOU CALLED TO OFFER THE ASSISTANCE?

A. WELL, IF I SAID THAT THAT'S WHEN I CALLED TO OFFER, THAT SHOULD BE CORRECTED AS SOMETIME PRIOR TO DECEMBER. BECAUSE DECEMBER, LATE DECEMBER IS WHEN THE ANALYSTS WERE INDUCED INTO VIETNAM.

Q. WHEN DID YOU BECOME AWARE OF THIS PAUCITY OF ANALYSIS THAT YOU REFERRED TO?
A. WELL, I'D SAY THAT TOWARD THE LATTER PART OF MY TOUR IN VIETNAM WHEN I WENT OUT INTO THE FIELD AND STARTED MOVING AROUND AND LOOKING AT VARIOUS UNITS, TALKING TO COMMANDERS AND SO FORTH OF THEIR REQUIREMENTS FOR MORE DETAILED AND TIMELY INFORMATION. SO I SAID MAYBE SOMETHING CAN BE DONE, AND THAT'S WHEN I CALLED HIM AND ASKED IF HE THOUGHT THIS WOULD BE OF ASSISTANCE.

Q. WHEN YOU SAY YOU FOUND THAT THE COMMANDERS NEEDED MORE DETAILED AND TIMELY INFORMATION, IS THAT MORE DETAILED AND TIMELY INFORMATION ABOUT ENEMY STRENGTH?

A. ABOUT ENEMY MOVEMENTS, ENEMY STRENGTH; THE WHOLE GAMUT, THE ENEMY THREAT AND THE CAPABILITIES AND SO FORTH, YES.

Q. AND THIS WAS SOMETHING THAT YOU ONLY BECAME AWARE OF NEAR THE END OF YOUR TOUR OF DUTY IN VIETNAM; IS THAT CORRECT?

A. I'D SAY THAT IT SANK HOME AT THE END, AT THE END OF MY TOUR, AND IN THAT I HAD ANALYSTS THAT I COULD BREAK LOOSE WAS WHY THAT I MADE THE SUGGESTION; PEOPLE WHO, BASICALLY, HAD BEEN IN VIETNAM BEFORE AND KNEW A LITTLE BIT ABOUT VIETNAM, YES.

Q. I GUESS WHAT I'M TRYING TO GET AT IS WHY DID YOU ONLY RECOGNIZE THAT THERE WAS THIS PAUCITY OF ANALYSIS AFTER YOU LEFT? WHY DIDN'T YOU RECOGNIZE IT WHEN YOU WERE THERE AND DO SOMETHING ABOUT IT THEN?
A. I STATED THAT THIS WAS A RESULT OF THE END OF MY TOUR THERE OF TOURING AROUND TALKING TO COMMANDERS ON THE GROUND AS TO THE DETAILS AND THE TIMELINESS OF INFORMATION WHICH THEY NEEDED. AND, SUBSEQUENTLY, THINKING ABOUT THIS IS WHEN I CAME UP WITH MY COMMENT.

Q. BUT YOU TOURED AROUND AND TALKED TO OFFICERS ON THE GROUND AT THE BEGINNING AND AT THE END OF YOUR TOUR OF DUTY?

A. THAT'S TRUE.

Q. YOU TOLD ME YOU DID THAT IN MARCH WHEN YOU ARRIVED?

A. AND I DID IT DURING THE PERIOD, TOO; BUT I WAS -- AT THIS TIME, I WAS DIVORCED FROM THE -- I MEAN, MY ATTentions WERE DIVORCED FROM MACV, PER SE, AND LOOKING FORWARD TO MY NEXT ASSIGNMENT, AND I WAS MORE FREE IN THIS LAST COUPLE OF WEEKS THAT I WAS THERE TO LOOK AT THIS IN THE EYES OF A COMBAT COMMANDER RATHER THAN FROM THE INTELLIGENCE STANDPOINT.

Q. AND DID YOU SUGGEST TO GENERAL DAVIDSON HOW THESE ANALYSTS THAT YOU WERE LENDING HIM COULD BE USED, WHAT PARTICULAR THINGS THEY COULD DO?

A. NO. I JUST -- I JUST SUGGESTED TO HIM THAT ADDITIONAL ANALYSIS MIGHT ASSIST WITH PEOPLE WHO HAD HAD EXPERIENCE IN VIETNAM AND THAT WERE PROFESSIONAL ANALYSTS.

Q. DID YOU EVER GET ANY FEEDBACK FROM GENERAL DAVIDSON
ABOUT HOW THAT PROJECT WORKED OUT?

A. YES. THEY ASSISTED IN GIVING ADDITIONAL WARNING, AS FAR AS TET 68 WAS CONCERNED.

Q. WHAT DID THESE PEOPLE ANALYZE?

A. THEY ANALYZED -- AS FAR AS I KNOW, THEY ANALYZED VARIOUS COLLECTED DATA THAT WAS AVAILABLE TO MACV. I DID NOT DIRECT THEM OTHER THAN PROVIDE THEM.

Q. THAT IS, THEY JUST REVIEWED CAPTURED ENEMY DOCUMENTS, INTERROGATION REPORTS, LIKE ANYBODY ELSE WAS DOING?

A. THEY SUPPLEMENTED HIS ANALYSIS THERE, AND YOU WOULD HAVE TO ASK GENERAL DAVIDSON BECAUSE HE DIRECTED THEM. I DIDN'T DIRECT THEM.

Q. YOU JUST DON'T HAVE ANY IDEA WHAT THEY DID WHEN THEY WERE THERE?

A. I KNOW THAT THEY ANALYZED COLLECTED DATA, IS ALL I CAN SAY.

Q. BUT WHAT DATA IT WAS OR HOW THEY ANALYZED IT, YOU DON'T HAVE ANY IDEA; IS THAT CORRECT?

A. THAT'S CORRECT.

Q. MR. DORSEN ASKED YOU SOME QUESTIONS ABOUT WHAT INFORMATION, IF ANY, YOU HAD INDICATING THAT THERE HAD BEEN CERTAIN INFILTRATION INTO SOUTH VIETNAM IN SEPTEMBER, OCTOBER, NOVEMBER AND DECEMBER OF 1967; DO YOU RECALL THAT?

A. UH-HUH (AFFIRMATIVE).
Q. WERE YOU RESPONSIBLE FOR INTELLIGENCE DURING THOSE MONTHS OF SEPTEMBER, OCTOBER AND NOVEMBER AND DECEMBER OF 1967?

A. NOT AT MACV, NO.

Q. WHO WAS RESPONSIBLE FOR INTELLIGENCE AT MACV?

A. GENERAL DAVIDSON.

Q. AND COLONEL, LATER GENERAL GRAHAM?

A. YES. HE WAS HIS CHIEF OF ESTIMATES. YES.

Q. YOU SAID, IN RESPONSE TO ONE QUESTION FROM MR. DORSEY, I THINK, THAT IF A UNIT CAME DOWN FROM NORTH VIETNAM INTO ONE OF THE SANCTUARIES, THAT IT WOULD BE INCLUDED IN THE OB OR ORDER OF BATTLE SUMMARY BUT NOT IN INFILTRATION FIGURES; DO YOU RECALL THAT?

A. THAT'S RIGHT.

Q. LET ME SEE IF I UNDERSTAND HOW THAT WOULD WORK. IF A NORTH VIETNAMESE UNIT INFILTRATED DOWN INTO CAMBODIA, FOR EXAMPLE, ALONG THE CAMBODIAN-SOUTH VIETNAMESE BORDER, THAT UNIT WOULD BE INCLUDED IN THE ORDER OF BATTLE SUMMARY BUT THE NUMBERS REPRESENTED BY THAT UNIT WOULD NOT BE INCLUDED IN THE INFILTRATION FIGURES AT THE TIME IT MOVED INTO THE SANCTUARY; IS THAT CORRECT?

A. THAT'S RIGHT. I THINK THAT YOU COULD GET A FULL EXPLANATION OF THAT IF YOU WOULD READ THE ANNEX A HERE. YOU'D BE ABLE TO TRACK THE NORTH VIETNAMESE
THREAT TO INCLUDE THOSE OUT-OF-COUNTRY AND THOSE INCOUNTRY AND HOW THE FIGURES WERE CHANGED AS FAR AS MANEUVER AND COMBAT SUPPORT WERE CONCERNED.

Q. AND BY "HOW THOSE FIGURES WERE CHANGED," YOU MEAN HOW THOSE FIGURES WERE --

A. WERE UPDATED.

Q. -- UPDATED?

A. YES. BASED ON MOVEMENT OF UNITS VERSUS INFILTRATION OF PACKAGES, OF REPLACEMENTS AND SO FORTH.

Q. NOW, ASSUME THAT A UNIT, A NORTH VIETNAMESE UNIT GOES FROM NORTH VIETNAM INTO CAMBODIA ALONG THE CAMBODIAN-SOUTH VIETNAMESE BORDER IN, SAY, SEPTEMBER OF 1967, AND IT IS DETECTED. YOU WOULD, IN SEPTEMBER, INCLUDE THAT UNIT IN YOUR ORDER OF BATTLE SUMMARY?

A. THAT'S RIGHT. AND IT WOULD BE REFLECTED IN THE MANEUVER SUPPORT -- I MEAN, MANEUVER ELEMENT.

Q. BUT YOU WOULD NOT INCLUDE IT IN THE INFILTRATION FOR THE MONTH OF SEPTEMBER; CORRECT? THAT'S WHAT YOU SAID?

A. YES.

Q. NOW, IF IN THE FOLLOWING MONTH, THE MONTH OF, SAY, OCTOBER, THAT UNIT CROSSES THE BORDER FROM CAMBODIA INTO SOUTH VIETNAM, MOVES FROM A SANCTUARY INTO SOUTH VIETNAM ITSELF, WOULD THAT BE COUNTED AS INFILTRATION IN THAT MONTH?
A. NO. NO, IT WOULD BE COUNTED AS AN INCREASE IN THE PERSONNEL STRENGTH IN COUNTRY.

Q. BUT IT WOULD NOT BE COUNTED AS INFILTRATION?

A. NO. IT WOULD ONLY BE COUNTED ONCE, AND IT WOULD BE COUNTED ONLY AS THE UNIT WHICH WAS IDENTIFIED, WAS A UNIT.

Q. BUT IT WOULD NEVER BE COUNTED AS INFILTRATION? THAT IS, THE MEN THAT CAME DOWN FROM NORTH VIETNAM INTO CAMBODIA IN SEPTEMBER AND THEN FROM CAMBODIA INTO SOUTH VIETNAM IN OCTOBER, SAY, THOSE INDIVIDUALS -- SAY THERE ARE 1,000 -- WOULD NEVER BE COUNTED AS PEOPLE WHO HAD INFILTRATED INTO SOUTH VIETNAM; CORRECT?

A. WELL, IT'S VERY DIFFICULT TO USE THE ABSOLUTE TERMS YOU HAVE HERE. IF THEY WERE DETECTED ON THE TRAIL COMING DOWN AND THEY WERE NOT IDENTIFIABLE, SAY, AS THE 95 BRAVO -- 1ST BATTALION, 95 BRAVO REGIMENT COMING DOWN, 1,000 MEN, BUT AS SOMETHING INFILTRATING, THEN THEY WOULD BE PICKED UP POSSIBLY AS INFILTRATORS, ONCE IDENTIFIED AS BEING THE 1ST BATTALION OF THE 95 BRAVO, THEN THEY WOULD BE PICKED UP IN THE OB AS A UNIT THAT WAS NOW EITHER IN SANCTUARY OR IN COUNTRY, AND THEY WOULD NOT BE DOUBLED UP AND COUNTED AGAIN, AND THE INFILTRATION FIGURES WOULD BE ADJUSTED. AND, AS I THINK I POINTED OUT TO YOU YESTERDAY, THAT THE
INfiltration figures lagged basically three months and up to six months we were updating those because of changes in various categories and getting more solid information as people were picked up and interrogated or documents were found.

Q. But, as I understand it, it's not a question of counting them once or more than once, it's a question of counting them as infiltrating at all, because, as I understand it, if you pick up this unit through interrogation reports or captured documents when it's in Cambodia, for the first time you pick it up, you count it in the order of battle --

A. That's right.

Q. -- but you do not count it as having infiltrated, because they haven't infiltrated into South Vietnam, they have only gone into Cambodia; correct?

A. Well --

Q. That's what you've said.

A. That's basically what I said. If it's identifiable as a unit, then it's picked up in the OB rather than picked up as coming down the trail as infiltrating.

Q. Right. And if something is picked up as a unit and it comes down the trail as a unit and is recognized as coming down the trail as a unit of, say, 1,000 men, it never gets included in the infiltration figures;
CORRECT?
A. NORMALLY SPEAKING, NO.

Q. OKAY. AND IN THE FALL OF 1967, THERE WERE UNITS OF NORTH VIETNAMESE MOVING DOWN INTO POSITION, INTO SANCTUARIES, THAT WERE RECOGNIZED AS SUCH; CORRECT?
A. I DON’T KNOW. I DIDN’T FOLLOW THAT.

Q. YOU JUST DON’T KNOW ONE WAY OR THE OTHER, IS YOUR TESTIMONY?
A. THAT’S CORRECT. I DO NOT HAVE THE OB AVAILABLE TO ME TO KNOW WHAT MOVED IN THE OCTOBER, NOVEMBER, DECEMBER TIME FRAME, AS FAR AS UNITS ARE CONCERNED.

Q. OKAY. NOW, IN RESPONSE TO ONE OF MR. DORSEN’S FIRST QUESTIONS, YOU TALKED ABOUT INFILTRATION WHICH WAS COLLECTED AND ANALYZED BY THE J-2 THAT WAS NOT AVAILABLE AT CICV; DO YOU RECALL THAT, GENERALLY?
A. YES.

Q. NOW, LET ME GO BACK TO PLAINTIFF’S EXHIBIT 4, WHICH IS ENTITLED, "MONTHLY ORDER OF BATTLE SUMMARY", WHICH YOU INDICATED WAS PREPARED BY CICV, AND PERINTREPS THAT WE’VE BEEN TALKING ABOUT, WHICH YOU’VE INDICATED WERE PREPARED BY J-2 AND ALSO CONTAINED ORDER OF BATTLE SUMMARIES?
A. THAT’S CORRECT.

Q. NOW, WOULD YOU LOOK AT THE ORDER OF BATTLE SUMMARY THAT HAS BEEN MARKED AS PLAINTIFF’S EXHIBIT 4, WHICH
YOU HAVE INDICATED WAS PREPARED BY CICV, AND TELL ME WHAT THE TOTAL ENEMY STRENGTH FIGURE IS IN THAT REPORT?

A. THE MANEUVER STRENGTH IN SOUTH VIETNAM WAS 107,522. THE COMBAT SUPPORT IS 10,835. THE TOTAL --

Q. YOU'LL HAVE TO GO A LITTLE BIT SLOWER, GENERAL.

A. THE COMBAT SUPPORT IS 10,835.

Q. COMBAT SUPPORT IS TEN THOUSAND WHAT?

A. 835. THE TOTAL IS 118,357.

Q. WHAT DOES THAT TOTAL APPLY TO? WHAT IS THAT TOTAL CALLED?

A. COMBAT STRENGTH.

Q. COMBAT STRENGTH. OKAY.

A. ADMINISTRATIVE SERVICES, 24,813. IRREGULARS, 112,760. POLITICAL CADRE, 39,175, FOR A TOTAL FIGURE OF 295,105.

Q. NOW, YOU ALSO HAVE THERE, I BELIEVE, THE MAY, 1967, ORDER OF BATTLE PREPARED BY THE J-2 INCLUDING IN WHAT WE'VE BEEN REFERRING TO AS THE PERINTREPS; RIGHT?

A. THAT'S CORRECT.

Q. AM I CORRECT THAT THE PLAINTIFF'S EXHIBIT 4 ORDER OF BATTLE WAS ALSO FOR MAY OF 1967?

A. THAT'S RIGHT.

Q. THE NUMBERS YOU JUST GAVE ME WERE THE CICV NUMBERS AS YOU WOULD DESCRIBE THEM FOR MAY OF 1967; RIGHT?
Q. NOW, WOULD YOU TURN TO THE PERINTREP ORDER OF BATTLE
FOR MAY OF 1967, WHICH YOU SAY INCLUDES THIS
ADDITIONAL INFORMATION?
A. THEY'RE THE SAME FIGURES HERE.
Q. EXACTLY THE SAME FIGURES?
A. YES, EXACTLY THE SAME FIGURES.
Q. WELL, WHAT IS THE J-2 FIGURE FOR COMBAT STRENGTH?
A. 118,357.
Q. EXACTLY THE SAME AS --
A. I SAID THEY'RE EXACTLY THE SAME FIGURES.
Q. SIR, WOULD BOTH ORDER OF BATTLE SUMMARIES HAVE EXACTLY
THE SAME FIGURES FOR --
A. FOR MAY, YES.
Q. FOR MAY?
A. YES.
Q. WHAT WAS THE RESULT OF ALL THIS ADDITIONAL INFORMATION
THAT YOU SAY WAS COLLECTED AND ANALYZED BY THE J-2?
THAT DIDN'T AFFECT THE NUMBERS AT ALL?
A. AT THIS PERIOD OF TIME, THERE WAS NOT THAT MUCH
SIGNIFICANT INFORMATION COMING FROM OTHER SOURCES.
THIS IS AN AREA THAT WAS EXPLOITED AND SO FORTH THAT
DID GET STARTED, AND THAT WAS WHERE SOME OF THE
ADDITIONAL ANALYSIS WENT INTO AND SO FORTH.
Q. WELL, WHEN DID THERE START TO BE A DIFFERENCE BETWEEN
WHAT YOU HAVE REFERRED TO AS THE CICV ORDER OF THE
BATTLE AND WHAT YOU HAVE REFERRED TO AS THE J-2 ORDER
OF BATTLE?

A. YOU'LL HAVE TO GET BOTH DOCUMENTS AND COMPARE THEM.

Q. WELL, IN TERMS OF YOUR RECOLLECTION, WHEN IS THE FIRST
TIME?

A. I WOULD SAY IN THE FALL OF -- LATE FALL OF '67.

Q. IN DECEMBER OF '67, WHEN THOSE ANALYSTS CAME BACK?

A. I THINK THEY PROBABLY ASSISTED IN THAT, YES.

Q. SO THAT DURING THE PERIOD OF TIME THAT YOU WERE IN
VIETNAM, THE SO-CALLED CICV ORDER OF BATTLE AND THE
SO-CALLED J-2 ORDER OF BATTLE SHOWED EXACTLY THE SAME
STRENGTH?

A. THEY WERE DURING THE MCCHRISTIAN ERA. NOW, I DO NOT
HAVE THE COMPARISON TO MAKE FOR THE JUNE, JULY,
AUGUST, AND SO FORTH, AFTER GENERAL DAVIDSON GOT IN
THERE, BECAUSE THIS IS WHEN MORE EMPHASIS WAS PLACED
ON COLLECTION AND OTHER SOURCES OF INFORMATION.

Q. BUT INSOFAR AS YOU KNOW, THERE WAS NEVER ANY
DIFFERENCE BETWEEN THESE TWO ORDER OF BATTLE REPORTS
DURING THE TIME THAT YOU WERE IN VIETNAM; IS THAT
CORRECT?

A. I SAID I CANNOT TELL YOU AFTER GENERAL DAVIDSON
ARRIVED THERE. I WOULD HAVE TO HAVE THE TWO DOCUMENTS
TO COMPARE THEM TO SEE WHETHER OR NOT THERE WAS ANY
DIFFERENCE.

Q. BUT, WITHOUT LOOKING AT THE DOCUMENTS, YOU SIMPLY DON'T KNOW ONE WAY OR THE OTHER WHETHER THERE WAS ANY DIFFERENCE?

A. I'D HAVE TO LOOK AT THE DOCUMENTS TO TELL YOU WHETHER THERE WAS A DIFFERENCE, YES.

Q. AS YOU --

A. GENERAL MCCHRISTIAN EMPHASIZED TWO THINGS DURING HIS TIME IN VIETNAM: INTERROGATIONS AND DOCUMENTS WHICH WERE AVAILABLE TO CICV. AND THE OTHER ASPECTS WERE NOT BROUGHT INTO ALL OF THIS.

Q. WHAT OTHER ASPECTS?

A. OTHER COLLECTION SOURCES AND SO FORTH.

Q. WELL, LIKE WHAT?

A. I AM NOT AT LIBERTY TO DISCUSS THAT.

Q. WHAT DO YOU MEAN, YOU'RE NOT AT LIBERTY TO DISCUSS THAT?

A. FROM A SECURITY STANDPOINT, I CAN'T.

Q. YOU MEAN, FOR SECURITY REASONS YOU CAN'T TELL ME WHAT OTHER ASPECTS OF INTELLIGENCE DATA WERE AVAILABLE?

A. THAT'S CORRECT.

Q. OR UTILIZED BY GENERAL DAVIDSON? YOU CAN'T TELL ME THAT FOR SECURITY REASONS?

A. THAT'S RIGHT.

Q. CAN YOU TELL ME, CONSISTENT WITH YOUR INTERPRETATION
OF SECURITY REASONS, WHETHER THOSE OTHER ASPECTS PROVIDED THE SAME INFORMATION THAT THE DOCUMENTS AND INTERROGATIONS EMPHASIZED BY GENERAL MCCRISTIAN PROVIDED, OR CAN YOU NOT TELL ME ANYTHING AT ALL ABOUT IT BECAUSE OF SECURITY REASONS?

A. THEY PROVIDE THE SAME TYPE OF INFORMATION, BUT AMPLIFIED IT.

Q. BY "AMPLIFIED IT", YOU MEAN IT WAS DIFFERENT INFORMATION?

A. IT WAS ADDITIONAL INFORMATION, IN SOME CASES, AND MORE SOLID INFORMATION.

Q. WELL, DID THESE OTHER ASPECTS, THAT YOU SAY ARE CLASSIFIED, PROVIDE STRENGTH FIGURES THAT WERE DIFFERENT FROM THE STRENGTH FIGURES PROVIDED BY THE DOCUMENT ANALYSIS AND INTERROGATION REPORT ANALYSIS?

A. I'M AWARE THAT LATER ON THEY DID, YES.

Q. BEGINNING WHEN, IF YOU CAN TELL ME CONSISTENT WITH SECURITY?

A. I CAN'T TELL YOU EXACTLY WHEN. I WOULD SAY THIS, THAT DURING THE TIME THAT I WENT BACK AS J-2 THE FIGURES THAT I GOT FROM CICV VERSUS THE FIGURES THAT WE HAD IN J-2 WERE QUITE A BIT DIFFERENT.

Q. DID YOU SAY "WHEN I WENT BACK AS J-2"? IS THAT WHAT YOU JUST SAID?

A. THAT'S WHAT I SAID.
Q. WHAT DO YOU MEAN, "WHEN I WENT BACK AS J-2"?
A. I RETURNED TO VIETNAM IN '72.
Q. AND WHAT YOU'RE SAYING WAS THAT IN 1972, THE CICV ORDER OF BATTLE FIGURES WERE QUITE DIFFERENT FROM THE ORDER OF BATTLE FIGURES CONTAINED IN THE PERINTREP FORMS?
A. WELL --
Q. IS THAT CORRECT?
A. BASICALLY, YES.
Q. AND, OTHER THAN SAYING THAT YOU KNOW THAT HAD OCCURRED BY 1972, DO YOU KNOW WHEN THAT SIGNIFICANT DIVERGENCE BEGAN?
A. DURING GENERAL DAVIDSON'S TOUR.
Q. WHEN WAS GENERAL DAVIDSON'S TOUR?
A. IT STARTED IN JUNE OF '67.
Q. AND CONTINUED UNTIL WHEN?
A. I DON'T KNOW WHAT HIS TERMINATION DATE WAS.
Q. DO YOU KNOW WHEN IN GENERAL DAVIDSON'S TOUR THE SIGNIFICANT DIFFERENCE BETWEEN CICV AND J-2 ORDER OF BATTLE BEGAN TO DEVELOP?
A. NO.
Q. WHEN YOU WERE IN SOUTH VIETNAM DURING 1967 -- LET ME TAKE THAT, FIRST -- CERTAIN INFORMATION, WITH RESPECT TO ENEMY STRENGTH FIGURES WAS MADE AVAILABLE TO THE PRESS; CORRECT?
A. GENERAL WESTMORELAND MADE BRIEFINGS PERIODICALLY TO THE PRESS, YES.

Q. GENERAL WESTMORELAND DID, PERSONALLY?

A. YES.

Q. ON ENEMY STRENGTH FIGURES?

A. HE HANDLED MOST OF THOSE HIMSELF.

Q. DID ANYONE ELSE BRIEF THE PRESS ON ENEMY STRENGTH FIGURES OTHER THAN GENERAL WESTMORELAND?

A. I THINK THAT THERE WERE SOME PRESENTATIONS THAT WERE MADE BY GENERAL MCCHRISTIAN, AND I DON'T KNOW WHETHER GENERAL DAVIDSON MADE ANY OR NOT. I THINK THAT -- I KNOW THAT GENERAL WESTMORELAND DID MAKE PRESENTATIONS TO THE PRESS, AND THAT'S THE ONLY POSITIVE THING I CAN SAY.

Q. ALL RIGHT. WHEN HE WOULD MAKE A PRESENTATION TO THE PRESS, PEOPLE WOULD BRIEF HIM AHEAD OF TIME, CORRECT, TO PREPARE HIM?

A. OH, YES.

Q. AND YOU WOULD PARTICIPATE IN THAT?

A. I HAVE BEEN PRESENT AT THOSE, YES.

Q. AND WAS THE CONTENTS OF THE ORDER OF BATTLE SUMMARIES MADE AVAILABLE TO THE PRESS WHILE YOU WERE IN VIETNAM IN 1967?

A. I DO NOT REMEMBER WHETHER HE WOULD GIVE THEM A SUMMARY PIECE OF PAPER. I DON'T REMEMBER.
Q. WHETHER HE GAVE THEM A SUMMARY PIECE OF PAPER OR NOT, 
WOULD HE, NEVERTHELESS, AT LEAST TELL THEM WHAT 
ESTIMATED TOTAL ENEMY STRENGTH WAS AS OF A PARTICULAR 
TIME?

A. I THINK THAT THE TOTAL STRENGTH WAS THE FIGURE THAT 
WAS USED, AND I DON'T REMEMBER BREAKING IT DOWN INTO 
CATEGORIES.

Q. SO YOUR RECOLLECTION IS GENERAL WESTMORELAND WOULD 
GIVE THE PRESS THE TOTAL ENEMY STRENGTH FIGURE BUT 
PROBABLY NOT THE CATEGORIES; CORRECT?

A. THAT, AS BEST I REMEMBER IT, YES, SIR.

Q. NOW, WHEN GENERAL WESTMORELAND WOULD GIVE THE PRESS 
THIS TOTAL ENEMY STRENGTH FIGURE, WOULD THAT BE THE 
STRENGTH FIGURE THAT CAME OUT OF THE CICV REPORT OR 
THE STRENGTH FIGURE THAT CAME OUT OF THE J-2 REPORT?

A. I DON'T REMEMBER.

Q. YOU JUST DON'T REMEMBER?

A. NO.

Q. WHEN YOU WENT BACK TO VIETNAM AS J-2, WHO WAS THE 
COMMANDING OFFICER THEN?

A. GENERAL WEYAND.

Q. AND DID HE MAKE PRESS BRIEFINGS ON ENEMY STRENGTH AS 
WELL?

A. NOT THAT I REMEMBER.

Q. DID ANYBODY MAKE PRESS BRIEFINGS ON ENEMY STRENGTH AT
THAT TIME?

A. I AM QUITE SURE THAT THE INFORMATION OFFICER WOULD GIVE SOME RELEASES.

Q. WITH RESPECT TO ESTIMATED TOTAL ENEMY STRENGTH?

A. I'M QUITE SURE THAT HE HAD ENEMY STRENGTHS, YES.

Q. NOW, WHEN HE WOULD DO THAT, WOULD HE PROVIDE -- THIS IS DURING THE PERIOD OF TIME WHEN YOU WERE J-2. WOULD THIS PRESS OFFICER GIVE TO THE PRESS THE ENEMY STRENGTH ESTIMATES CONTAINED IN THE CICV REPORT OR THE J-2 REPORT?

A. I DON'T REMEMBER WHAT THE BASIS OF THE FIGURE WAS, AND I DO NOT REMEMBER WHETHER OR NOT GENERAL WEYAND EVEN ALLOWED A TOTAL FIGURE TO BE GIVEN OUT. NOW, I KNOW JUST PRIOR TO GENERAL WEYAND'S TAKING OVER, THAT THERE HAD BEEN A LOT LESS DISCUSSION WITH THE PRESS THAN THERE HAD UNDER GENERAL WESTMORELAND. GENERAL ABRAMS DID VERY LITTLE PRESS CONFERENCES.

Q. BUT IS IT YOUR TESTIMONY THAT YOU DON'T RECALL NOW WHETHER -- TO THE EXTENT THE PRESS WAS GIVEN ENEMY STRENGTH ESTIMATES WHEN YOU WERE J-2 -- WHETHER THOSE ESTIMATES WERE FROM THE CICV NUMBERS OR THE J-2 NUMBERS?

A. I CAN'T EVEN RECALL THAT WE GAVE THEM TOTAL STRENGTH OR ESTIMATED STRENGTH NUMBERS.

Q. YOU JUST CAN'T RECALL THAT ONE WAY OR THE OTHER?
A. I DON'T KNOW.

Q. I HAVE NO FURTHER QUESTIONS.

BY MR. DORSENY:

I HAVE NO FURTHER QUESTIONS.

(THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS CONCLUDED)
CERTIFICATE

This is to certify that the foregoing Deposition of Gen. George Godding was taken by the within Court Reporter, a Notary Public for the State of South Carolina, duly commissioned and qualified as such, on April 19, 20; 1983, at the office of 1575 I St., NW, Suite 1125, Washington, DC.

That said Court Reporter is not a relative or employee of any of the parties or the attorneys, and further, is not of counsel or attorney for any of the parties to said action, and is not in any manner interested in the cause, financial or otherwise.

That the Deponent was duly placed under oath and admonished to speak the whole truth. That the oral Deposition was duly taken and transcribed as to the questions propounded and the answers given, that the foregoing __ pages is a true, accurate, and correct record of the testimony given by the Deponent; together with such changes as said Deponent may have made, if any, during the reading over and signing procedure.

That the Court Reporter has retained the original Deposition in its possession for the purpose of sealing and filing same with the proper official.

That all offered exhibits, stipulations and objections, if any, involved in this cause are duly attached or included herein.

IN WITNESS WHEREOF, I have set my hand and official seal.

Date: April 21, 1983

Notary Public for South Carolina
My Commission expires: 12-20-90
Deposition of General George A. Godding, April 19-20, 1983
Reference WESTMORELAND VS. CBS ETAL

I, General George A. Godding, have read the transcription of the testimony given in the foregoing case and would like to make the changes as listed below.

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Throughout the script it has been recorded that I answered numerous questions with "YEAH". This is completely out of line with my responses. "YES" is to be substituted as my answer.

[Signature]

DATE: May 23, 1983

* May be a duly authorized Notary Public for any State in the United States
AFFIDAVIT

Re: Deposition Commenced April 19, 1983 - WESTMORELAND VS. CBS ETAL

The following areas of General George A. Godding's testimony require clarification:

Pages 43-44 Concerning the MACV/DIA disagreement

When I answered Mr. Boies' question Page 43 line 16 - I placed emphasis on his word dispute. I was not aware of a dispute or major difference. Therefore, to cover this area of questioning my answers to all of his questions are qualified by my answer on Page 44 line 5 "--Entering into a meeting, I was aware that any time you go to a meeting that there are points (differences) to be discussed".

Pages 156-158, 169 & 172-173 - Code Name FUNARO

I did not recollect at the time of questioning by Mr Boies that FUNARO was a code name. Likewise, no one told me during the deposition that FUNARO was code name for George Carver, CIA. I have subsequently learned of the use of the code name.

Pages 236-239, 267-268 and 310-311 - Enemy Strength and Enemy Categories

The questions and answers included on these pages pertained to enemy strengths and enemy categories. My answer which qualifies these two areas is found on page 267 line 20, "As I remember. As I say, I do not have the actual paper I took back (to the NIE August 1967 Conference in Washington)".

I do not and I did not at the time of the deposition have a recollection of the enemy strengths and categories which I carried to the August 1967 NIE Conference in Washington.
The basis for the figures were the PERINTREP, CICV Estimates and other OB information; however, the actual MACV strength figures and categories were contained in our briefing papers.

Mr. Boies led me into making statements pertaining to these areas by showing me PERINTREP exhibits. These enemy strength figures and categories which I provided as answers were by deduction and not by recollection.

I have subsequently seen a copy of a VuGraph which is annotated as a MACV briefing slide for the August 1967 NIE. This paper contains the enemy strengths by category. I cannot identify this VuGraph as one of the MACV briefing packages; however, it is in the form which we carried to the NIE and presented either by VuGraph and/or a hard copy hand-out.

Pages 335-336 - Infiltration of Units

Page 335 line 10, Mr. Boies' question pertaining to North Vietnamese units moving into a border area and subsequently into South Vietnam should have been answered line 15: The unit would initially be picked-up as infiltration and later picked up as a maneuver element.

The majority of the infiltration was by infiltration groups, elements of which went to various units as replacements. The OB reflected these changes in strength when identified.

Request that the above comment be made a part of the deposition of General George A. Godding taken 19 and 20 April 1983, reference WESTMORELAND VS. CBS ETAL.
Subscribed to and sworn to
before me this 23rd day
of May, 1983.

Signature of Deponent

Date

Lila E. Foote
Notary Public

My Commission Expires: 1 July 1986
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