AFTERNOON SESSION

Whereupon,

GAINS B. HAWKINS

the witness, was recalled and was examined further and testified
further as follows:

EXAMINATION BY PLAINTIFF'S COUNSEL RESUMED

BY MR. DORSEN:

Q. Colonel Hawkins, one thing we were talking about I
guess in the middle of the morning were the collections. Could
you explain the relationship between collections to production?

A. Well, in general terms, the Collection Division had
the responsibility for all the different collection programs,
particularly any of the clandestine efforts.

But I would say that that was primarily their effort.
Because the captured documents, I believe that came within the
purview of the Production Division itself. You know, just
transporting from the battlefield back to Production and to
the translation unit.

I believe Collection Division was primarily clandestine
effort.

Q. Nothing to do with prisoner of war reports?

A. Oh, yes; they had the responsibility, too, for
interrogation of defectors and prisoners of war. That one slipped my mind.

Q. What was the role of agents' reports and prisoner of war reports in the Order of Battle Division?

A. They were all used, but there weren't many prisoner of war reports by people of great knowledgeable. The number of prisoners that were captured, we had a wide range, and the knowledgeable was very few and far between.

I know we got one Lieutenant Colonel at one time, and they kind of wore him out. He was such a strange bird, to get an officer of that rank. I think he was more defector, I believe classified as a defector.

Most of the defectors, as I recall, were low-level people, and their knowledgeable was very much limited.

Q. What about in ascertaining units that you did not know about? Would prisoners sometimes provide information about that?

A. Yes. That was another function. Thank you for bringing that up. That was another function of the Collection Division to focus, target, on units that you lacked information.

Q. And would Collections take the information and develop it and pass it on to Production?

A. Yes, they would pass it on to Production in the form of
Q. And would Collections get this information basically from combat units?

A. Collections would get their information from the captured prisoners and from the defectors and from the agents that they themselves put out on the field.

I don’t quite understand the relationship of Collections with combat units. Combat units would, of course, collect the defectors and the prisoners and turn them over. It was then the Collection Division's mission and responsibility to exploit the interrogation. They would exploit these through interrogation.

Q. Was Collections under you?

A. No, I had nothing to do with Collections, except so far as we had to work together. We had to provide them gaps in our information that we needed special collection efforts focused in this particular area.

Q. If a prisoner of war was captured, would the capturing unit undertake interrogation before passing them on to you?

A. I believe they did have teams out in the field. They had teams out in the field that could do immediate interrogation to determine if that prisoner had anything of immediate tactical value. They needed anything of immediate tactical value.
Q. Such as if he belonged to a unit that had not been previously identified?

A. Right. Or what the strength of that unit was and what its various dispositions were and so forth.

Q. And that information, or the prisoners themselves, would be passed on to CICV, is that correct?

A. Yes, all of those reports would come right on back to CICV.

Q. And would that information eventually find its way to you in the battle stations?

A. Oh, yes, absolutely.

Q. And you would then put it in proper form and incorporate it to the appropriate extent in an order of battle?

A. Right. We would determine what use to put it to. We would incorporate it in our files.

Q. And also your order of battle summaries?

A. Yes.

Q. And would the order of battle summaries be sent back to the commanders in the field?

A. Oh, yes, the order of battle summary would be sent back to the commanders. And the interrogation reports that the Collection Division took would be sent back to the commanders in
the field.

Q. Were you aware of any instance while you were there of a whole unit that had been identified by prisoner of war reports, captured documents, agent's reports, being omitted from the order of battle?

A. No, not a main force unit.

Q. A local force?

A. Nor a local force, no. I don't recall such a happening.

Q. Could somebody accomplish that? Could somebody keep cut a unit that had been reported from a combat unit?

A. Not while I was there they couldn't have, because I kept -- there were a lot of checks and balances, a lot of people looking at these various reports.

Q. Do you know whether any of those checks and balances were removed after you left?

A. I don't know. I don't know anything about the situation when I left. When I left I said goodbye, so I don't know what happened after I left.

Q. At the time you left, there were checks and balances to prevent the omission of a unit that had been found in the field?

A. It would have been very, very difficult for a unit identification to fall through a crack without being used, as long
as I was there.

Q And you left when?
A About mid-September, 1967.

Q Did you keep an eye on -- well, were you responsible for the order of battle through mid-September, 1967?
A Yes, I was responsible until the day I left.

Q Did anyone ever tell you that the system of checks and balances had been changed in any way after you left?
A I don't believe I've talked to anybody who worked in the order of battle since I left there. I don't recall ever having a conversation with anybody.

Q When you left there who took over?
A I don't recall the man's name. It has slipped me. I don't recall his name.

Q Now, let me ask you this, Col. Hawkins. The designations used by the Americans in the time period we are talking about, which is late '66 and early '67, for irregulars, were what?
A Oh, we had the guerrillas, the self-defense, the secret self-defense.

Q Did those correspond to designations used by the Viet-cong?
A As close as we could get them, yes.
Q Were there problems of translation?

A I don't know that there were problems in translation.

I think there were instances of inconsistency within the Vietnamese Communists' vocabulary some. But these designations were derived from a thorough study of the documentary evidence.

And the function of the unit was really what was important. Even though there might be an inconsistency among the Vietnamese Communists -- I'm sure there were some -- but the function was what was important.

Q So am I understanding you correctly that even though a unit in one province might have the same name as a unit in another province, or the same designation, their functions might be different?

A No, the name might be a little different in the original Vietnamese, but the functions would be the same. I mean a guerrilla was a guerrilla was a guerrilla, you know, and a self-defense was a self-defense. I don't think there were many variations on the names in the Vietnamese vocabulary.

But I was thinking vaguely that I do remember some inconsistency in some very few instances.

MR. DORSEN: May we have marked as Exhibit 63 a document on the stationery of the Headquarters United States Military
Assistance Command, Vietnam, bearing the number 576 in the left-hand corner, from J. A. McChristian to Louis M. Sandine, S-a-n-d-i-n-e.

(The document referred to was marked Plaintiff's Exhibit Number 63 for identification.)

BY MR. DORSEN: (Resuming)

Q. First of all, do you know who Mr. Louis M. Sandine was?
A. The name is familiar. I don't remember exactly what his job was. I remember the name. Sandine was not a common name, of course. I don't remember exactly what his job was.

Q. Do you remember which agency he worked for?
A. No, I don't.

Q. Do you remember whether he was in Washington or Saigon?
A. Sandine sounds like one of those Saigon people. Sandine sounds like one of the CICV people.

Q. Well, let me show you Plaintiff's Exhibit No. 63 and ask you if that refreshes your recollection at all as to who Mr. Sandine is?
A. Oh, I remember this name now. He had nothing to do with CICV. I recall the name now.

Q. Who was Mr. Sandine?
Seems like he was connected with the CIA at the American Embassy.

Q. Did you have much dealings with them during that time?
A. No. I think I must have met him at one time, but I don't remember.

Q. Would it have been General McChristian that would have been dealing with Mr. Sandine?
A. General McChristian or somebody in Production Division or Collection Division would have dealt with him. Above my level.

Q. Pardon?
A. Above my level. He was on a -- Mr. Sandine was on a level higher than I was in the scheme of things over there.

Q. Do you speak any Vietnamese?
A. No.

Q. Did you know any Vietnamese then?
A. No.

Q. Would you look at this document, the three pages, and I would like to know if you recall ever having seen that before today.
A. I'm sure I must have seen it. I don't remember it, per se. It's got my name up here on the top of it.
Q  Where does it have your name?
A  Right up here. It's got "Hawkins," and I was the only Hawkins around, so I must have seen it at some time or other.
Q  Do you know whether you played any part in drafting this?
A  No, I believe this would have come out of -- let me see; I can tell you where it was drafted, probably. J233. I don't know who drafted this thing, this memorandum here.
Q  Weren't you J233?
A  I don't remember what my code number was. It could have come out of the order of battle shop, but I don't know whether that was the order of battle branch code or not.
Q  So this could have come out of your outfit?
A  It's possible it could have come out of it. It's vaguely familiar to me.
Q  Could it have come out of Production?
A  It could have come out of Production. I would imagine, in all probability, that this came from somewhere out of Production, the Production Division. And whether it was drafted by me I don't know. I just don't know who drafted this. I remember it vaguely. This was in March of 1967. I believe I was still working on our irregular studies.
Q: Are you familiar with the phrase "dan quan du kich?"

A: It has something -- this is the one right here?

Q: Yes.

A: Yes, I remember seeing this particular phrase, yes.

Let me see where it is here.

Q: It is at the bottom, the last part of Paragraph 2.

A: Yes, "dan quan du kich."

Q: Do you, in looking at Exhibit 63, see any basis that you can point to for accepting the numbers in Notebook A or accepting the numbers in Notebook B or accepting the numbers referred to in Paragraph 3?

A: Not by themselves, not by themselves. This would have to be used in conjunction with others.

Q: Does Paragraph 3 indicate that there may have been problems in translating?

A: I don't think there was ever any real problem here. This was one of the subjects that we addressed at the CINCPAC conference back in February, of the designations, the translation of the various designations used in the Vietnamese language.

Q: But this doesn't suggest to you that there were problems in translating?

A: Not large problems, not large ones. I think that in the
final analysis you could work out the problem by what the function of that particular group was. I never became an expert myself on the Vietnamese language. I had to rely on translators.

Q Does Exhibit 63 indicate what might be J2's position was with respect to the number of irregulars in March of 1967?
A I don't think it does. I think when you get to the last paragraph down here, that we were still working on our problem. When you get to the statement: "When coordination with DIA has been completed and our strength estimate is finalized --" there is your key word, key phrase, right there -- "it will be included in the order of battle summary."

Q What is the study referred to in Paragraph 6?
A Paragraph 6? It refers to our MACV study on the estimate of guerrilla strength, of irregular strength.

Q And what does that indicate the study showed?
A That this paragraph showed?
Q Yes.
A That our revised estimate at that particular time is approximately 190 something thousand. I don't know whether that is an 8 or what.

Q I think the record will show that it is an 8.
A A hundred and ninety-eight thousand.
Q. Does the number of 198,000 mean anything to you, Col. Hawkins?

A. The figures have just been too long ago to go back and dredge up the figures. I have a little notebook out there I don't mind letting you have, the only thing that I brought back from Vietnam. It shows some figures that I had been carrying on me apparently in the summer of 1967. And it appears to me that they were figures that were revised after the initial briefings to General Westmoreland. I think I had reduced them somewhat.

Q. Are you saying that, sitting here, you do not remember what your best estimate of irregular strength was in the time frame of March, April, May of 1967?

A. I cannot remember precisely what that estimate was.

Q. Sitting here, do you remember what the CIA's best estimate was in March, April, May of 1967 of irregulars?

A. The only thing I can remember as a generality is I think at that time it was slightly higher than our new estimate.

Q. What do you mean by slightly higher?

A. Well, in the nature of a few tens of thousands, something like that.

Q. Well, do you remember what their number was?

A. No, I don't remember.
Q. And you don't remember what your number was?
A. There is no way I can remember back that far.
Q. You seem to remember that it was tens of thousands higher?
A. Yes, it seems to me that it was. I'm not sure.
Q. You're not sure of that?
A. I'm not sure of that. I do know that ours, the ones that we had -- I can only say it this way -- was less. And the best words I've been able to put to it so far was slightly less than what they would recommend. I guess tens of thousands would probably be as good a recollection as any.
Q. How many tens of thousands?
A. Oh, I'd say no more than two -- twenty.
Q. Could it have been thirty?
A. I guess it could have, but I don't know. I'd say about twenty.
Q. Could it have been thirty or forty?
A. Well, I don't know. I don't know.
Q. Could it have been?
A. I don't know.
Q. Could it have been fifty?
A. I don't believe it would have been that much.
Q. You don't know whether it could have been?

A. I don't know. The best recollection I have, it was probably in the nature of around twenty thousand.

Q. But you don't know whether it was thirty or forty?

A. No, I don't know. It was a little less. And we were talking in terms of hundreds of thousands.

Q. What do you recall when you say that it was in the tens of thousands? What makes you come up with that number?

A. It's the best recollection I can give to it. I do know that I was surprised when we got our final figure there that it was closer to the CIA figure than I had thought it would be when we started out.

Q. When did you start out?

A. We started out back in the fall of 1966. But at the CINCPAC conference, at that time I began to realize how grossly underestimated the old Army study was.

But I still didn't -- I think maybe we threw out some figures there. But I think I told them that these figures, we have not really decided upon these figures at the present time. This is what it looks like it might be. I would imagine that's in the record somewhere. I don't have it. I didn't bring it home with me.
Q. Do you recall whether the CIA reduced its numbers any time into the fall of 1966 and the late spring of '67?

A. I don't recall whether they did or not. I just don't recall that, no, whether they reduced them or not.

Q. Did MACV do a province-by-province analysis of the roads?

A. Down through the district. I believe that's reflected in this particular document right here.

Q. Well, let me mark as Exhibit -- excuse me, Col. Hawkins, let me correct something.

A. Yes.

Q. The word "Hawkins" was just written here today.

A. Well, okay.

Q. That's on Exhibit 63.

A. It could well have been written back at that time.

Q. It wasn't.

A. I don't know about that. This is something certainly that I would have been aware of. This thing says: "The resultant studies contains a province-by-province estimation." It was province-by-province, but the studies went all the way down to the district level, so many districts, of course, comprising a province.

Q. Do you know whether any other intelligence agency did a
province-by-province or a district-by-district analysis of the roads?

A. Ours was the only one that I'm aware of that was made. I would think we had the only manpower that was available to do it.

MR. DORSEN: Could we have marked as Exhibit 64 the copy of the document, it's Two Corps, and its releaser is indicated as J. A. McChristian, in type. I think that will suffice. The document itself is five pages.

MR. BARON: Is there a date, time? Could we identify it a little more precisely for identification?

MR. DORSEN: It says March '67, and before that, in numbers, 021327, I believe, Z. (The document referred to was marked Plaintiff's Exhibit Number 64 for identification.)

BY MR. DORSEN: (Resuming)

Q Col. Hawkins, do you --

MR. BARON: Do you mind if I see it?

MR. DORSEN: Oh, I'm sorry.

(Document examined.)

BY MR. DORSEN: (Resuming)

Q Would you identify what Exhibit 64 is?
A. This is a cable from COMUS MACV to Two Corps Advisory Group, subject, "Irregular Strength," and it is from MAC J233. I don't see a date. March -- it's in March, 1967. It looks like the second of March, 1967.

Q. Is that the kind of study that MACV was doing during that period?

A. Let me read just a minute. It is, and it has my name on it as the composer of this message, I believe. Of course, it would have been composed, actually, out at the CICV for my approval, signature.

This is a report to the Second Corps Advisory Group on the total figures that we had estimated at this time on a province-by-province, and what were the various sources, who had contributed to this, who had made input into these estimates.

And this also asks the ARVIN G2 at Second Corps to comment on its validity.

Q. Did you ordinarily get responses to cables such as this?

A. Ordinarily you would.

Q. And would they contain comments?

A. Yes.

Q. Would you take those comments into account in coming up with a final figure?
A. Yes, you would take those into account, or we would.

Q. Would the process be the same in each of the corps?

A. I think it was pretty much a standard procedure. The Command would not just simply throw these figures back out to the Corps and advise them and say, "This is it." They would run them by them first and give them an opportunity to comment. This increased, I think, the validity of the figures, insuring that inputs had been made by all -- from all available sources. And it is a courtesy to the commander, too.

Q. Col. Hawkins, do you remember any discussion in the time frame of March or April of 1967 about separating out guerrillas, on the one hand, from self-defense and secret self-defense, on the other, in the order of battle?

A. Separating guerrillas from the self-defense and secret self-defense? I don't recall any conversation. It could have happened. We talked about the problem.

Q. What did you say and to whom?

A. What did I say?

Q. What was said?

A. I don't know what was said. To finish my sentence here, it was a subject that was constantly being discussed, you know, as to what was the best way to handle it. We discussed it at the CINCPAC conference. As I recall, that is where we decided on the
different categories.

Q. Were there any people who advocated separating the guerrillas from the other irregulars in the presentation of the order of battle?

A. Well, as I recall, this was the way we presented it: as guerrillas, self-defense and secret self-defense. I thought we did have it broken down.

Q. Was there any discussion of dropping the secret self-defense and the self-defense from the military order of battle?

A. I don't remember the discussion. If there was a discussion I don't think it was ever given serious consideration at that time, to drop that.

Q. That was in February of 1967?

A. There might have been discussion, but I don't believe there was any -- I don't believe it happened. As I recall, we had the secret self-defense and self-defense in the final instant that we had.

Q. Prior to the time that General Westmoreland left was there ever any serious discussion of dropping the self-defense or secret self-defense from the military order of battle?

MR. BARON: Do you want that question? Will you read that question back?
(Question read.)

Q. Prior to the time that General McChristian left on or about June 1, 1967?

A. I don't believe there was. I believe the question came up after General McChristian left. I don't believe he ever gave it serious consideration.

The question was always there. You know, people would say, "Well, they are hard to count," and this, that and the other.

Q. Were they hard to count?

A. Oh, yes. But I believe we got, to put the phrase, we got the handle on them. We got a very good estimate.

Q. You are saying that as far as you -- you are saying that there was no serious discussion of dropping that?

A. I don't recall any serious consideration or discussion. As I recall, that was all settled at the CINCPAC conference.

Now, that's my best recollection, up to the time that General McChristian left that we decided this, and we went forward with it.

Q. Do you recall whether the DIA, the Defense Intelligence Agency, while General McChristian was there recommended that?

A. I don't recall.

Q. Recommended that self-defense and secret self-defense be dropped from the military order of battle?
A. I don't recall the DIA. They might have, but I just don't recall it.

Q. Well, wouldn't you have known about it if they had?

A. I would have known about it at the time, but I can't pinpoint chronology back that far. I just don't recall it being a big issue with us at that time.

Q. Would that have been a serious discussion, in your view?

A. Yes, I suppose it would have been a serious thing, but I don't think that -- I don't recall it being a big problem.

Q. Why is it you say that?

A. Because I just don't remember. I think, you know, if it had been a very big problem that I probably would have remembered it, as difficult as it is to pinpoint things that happened, chronology dating back that far.

Q. Well, isn't it fairly important as to events in 1967 when a participant in the order of battle negotiations or discussions recommended dropping the self-defense and secret self-defense from the order of battle?

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

Q. You can answer that, please.

A. I don't recall who made the recommendation at that time.

No, I just don't recall. I'm sure it would have been serious, but
I don't -- and it might have come up. When I left Vietnam it was my understanding that, when I left, the self-defense and the secret self-defense were still being carried, were still being counted in the estimates, the MACV estimates.

Q. The question, though, Col. Hawkins, is whether there had been any serious discussion of dropping the self-defense or secret self-defense from the military order of battle in the March, April, 1967 time frame.

A. I can't recall that there was any serious discussion on it. It could have been, but I don't recall that, because no action was taken. To the best of my recollection, no action was taken.

Q. And you don't remember any serious discussion of it?

A. No, I don't remember any.

Q. And you don't remember the DIA raising the subject?

A. I don't remember the DIA raising the subject. They might well have, but I don't remember it.

Q. Col. Hawkins, let me show you a copy, a partial copy, of a cable which has been previously marked, but I do not have the number handy. It is dated April 1, 1967, from the CIA -- to the CIA -- entitled "Priority Director" apparently from Saigon. And ask you to read the third paragraph.
For the record, that's Plaintiff's Exhibit 36. And so you know, Col. Hawkins, we have not yet been able to locate the second page of that cable.

A. You want me to read the first paragraph?

Q. The third paragraph.

A. "Concerning irregulars, DIA team plans recommend both Gen. Christian and Gen. Carol that irregular figure be scrapped and only guerrillas carried as part of the military force figure. Their reasons, which we find persuasive, are a cutoff point for the lower level irregulars --"

Q. Just so that I stop you now, Col. Hawkins, that goes on to the second page, which is missing.

A. Oh, the second page is missing.

Q. Does that in any way refresh your recollection as to any proposals by the DIA?

A. It does not. I just don't remember that proposal by the DIA.

Q. That would have been a major event, would it not have?

A. It would have been a major event. It would have been a major event, but I just don't recall the DIA making the recommendation that they be scrapped.

Q. Now, you remember I asked you this morning whether the
DIA ever indicated, to your knowledge, that it believed that MACV J2 overstated the size of the irregulars; do you recall that question?

A. I recall the question, yes.

Q. Do you recall what your answer was?

A. No, I don't. Do you want to read my answer back to me or what?

Q. I don't have it handy, but what is your answer? Do you recall whether the DIA ever indicated that it thought that the MACV J2's numbers were too high?

A. I can't remember the DIA making a statement like that.

Q. Would you read out loud Paragraph 2 from this same exhibit?

A. "DIA team remains at odds with MACV J2 on several points including battalion contact statistics, irregular and political OB, and in-country recruitment conscription. DIA team wants lower figures in each case."

Now, the two major points here would be -- let's see, the battalion contact statistics, that had nothing to do with the estimate of strength. The irregular and political OB strength did have something to do with it.

The in-country recruitment conscription was simply
peripheral thing with the military. But I don't remember this cable, no.

Q. Do you remember the DIA indicating that it felt the MACV numbers should be lower?

A. No. It seemed to me that the people I talked to in DIA, the analysts, were pretty much in agreement with MACV. That is the analysts that I talked to in DIA.

Q. What about at the higher levels?

A. I don't recall that. I focused primarily with these people, the analysts themselves. I don't even recall the DIA position like this.

Q. Wouldn't that be significant, however?

A. Yes, it would be significant.

Q. Do you recall whether there was a conference in Arlington Hall between the -- involving the DIA in April, 1967?

A. Yes. I went to a conference back there in about that time frame.

Q. What happened at that conference?

A. Oh, we discussed figures, strength figures. This was for the upcoming national intelligence estimate. Various people. We went on around to all sorts of different offices discussing figures.
Q. Do you remember what figures were discussed?
A. Every figure concerned with the order of battle. That is, all categories, as far as I can recollect. All categories were discussed.

Q. Do you remember anything else about that conference?
A. Only in broad general terms. That's about it. I don't remember any specifics of it or whatever figures were tossed around or any of these figures. No specifics come back to my mind, unless I had something to refresh my memory with; I might remember something. But only the generalities.

Q. Had there been a decision as of early April, 1967 to have a national intelligence estimate conference?
A. I believe there had been.

Q. Do you know how that came about?
A. No, sir, I don't.

Q. Do you know who recommended there be one?
A. No. I don't remember who recommended it. It would have been either CIA or DIA, one or the other, I imagine. I'm not sure about that.

Q. Do you remember anybody else who was at the April, 1967 conference at Arlington Hall?
A. It seemed to me that CIA, DIA and NSA were all involved
in this. I'm not sure if Army Intelligence were involved in it or not.

We talked to a lot of people.

Q. Was Mr. Adams there?

A. Mr. Adams, I believe, was there.

Q. As far as you were concerned, was there a full and candid discussion of all positions at that conference?

A. Not really. This was in April?

Q. Yes.

A. Oh, this is in April. Yes. I believe there were pretty much candid discussions at that time at the April conference.

Q. Did you represent MACV at that conference?

A. I was the Order of Battle representative at that conference, yes.

Q. Did you present the information in the possession of MACV to that conference?

A. I'm sure I must have. I don't remember making the presentation, but there was so many different things that happened. April through September was a very jammed-packed period. Since then the days and weeks have sort of run together and I just don't remember any specifics of it at all.
Q. Let me ask you this, Colonel Hawkins, in your interview with CBS you described a couple of briefings of General Westmoreland. Do you recall that?

A. Yes, sir.

Q. When did they occur?

A. It was either late May or early June. I'm not sure.

Late May or early June, 1967. The date escapes me. I don't recall the date.

I can tie it in with that only because of the fact General McChristian -- I believe he left at the end of May, and he was either in the process of leaving or he had gone. I don't remember exactly.

I thought that he was present for one of the briefings. At least one of the briefings.

Q. That's your recollection?

A. That's my recollection.

Q. Do you have any reason to doubt your recollection?

A. Yes. Because I was not focusing so much on General McChristian as I was focusing on General Westmoreland and his reaction toward the briefing, this first briefing.

There was a second briefing, and I don't recall just how long after that. It was a matter of weeks. I remember that
General Westmoreland's reaction toward the total figures -- and this is why I remember this -- was of great concern as to what impact these figures would have if they got into the press or Congress or this, that and the other.

Q. Well, let me hold off on the content of those briefings. You're saying you don't recall now whether the briefings were in late May or early June 1967.

A. It was in that time period; late May or early June. The reason I can remember that is, as I said, General McChristian had either left or he was getting ready to leave. His departure time, I believe, was around the first of June.

Q. And you have no recollection sitting here today whether General McChristian was present at the briefings?

A. It seems to me he was present at the first, but I wouldn't swear on it that he was there.

My focus was on General Westmoreland and the figures that I had to brief -- the estimates that I had to brief.

Even at the second briefing, I don't remember who all was there, except I remember General Westmoreland and a Robert Comber being there.

Q. Was Robert Comber at the first briefing?

A. I don't recall him being there. The only reason I
recall him being at the second briefing is because of the remark he made that it was in the nature of "Byzantine."

I had dropped the figures. I had reduced the figures some; not a whole lot, and I had written in as a preface the explanation that these were not necessarily new enemy that we were estimating but had been there all along and the new procedures had allowed us to update these figures which were long overdue. And that was primarily the reason for the increase. And Mr. Comber, at the conclusion of the briefing, made the statement, he characterized the briefing as Byzantine, and that's why I remember him being there.

Q. Do you remember sitting here today what numbers, estimates that you presented at the first briefing?

A. No, I can't remember the exact numbers. The only thing I do remember is that in subsequent ones I reduced them.

Q. Well, do you recall whether the briefing covered both the political cadre and irregulars?

A. I believe it covered both the political cadre and the guerrilla strength. That is my recollection; that it covered both.

Q. Are you sure of that?

A. Well, I'm pretty sure.
Q. Do you remember either set of numbers?

A. No. I don't remember what the total figures were. The only thing I remember is the figures were not accepted, and then in subsequent months I began to reduce and reduce and reduce figures.

I believe I told you about the incident with Kelly Powell. I went to him. This is after that. Considerably reduced the figures on the political.

These figures were kicked around for weeks and weeks and weeks before the September order of battle conference.

Q. Do you recall whether the irregular figure that you briefed was 198,000?

A. I just don't recall just exactly what that figure was. I do know it was considerably above what we had had before

Q. It could have been 198,000?

A. It could have been.

Q. Could it have been more?

A. It could have been more. I don't think it would have been less than that. It could have been more than that.

Q. Do you know who else besides the CIA had received from MACV the 198,000 figure that is cited in Plaintiff's Exhibit 63?
A. I don't know who else would have received that.

Q. Do you recall -- I'm sorry, do you want to take a break now?

A. Yes. I think I would like to break now. We've been going about an hour.

(A brief recess was taken.)

MR. DORSEN: On the record.

BY MR. DORSEN: (Resuming)

Q. Before going back to where we were, Colonel Hawkins, am I correct that you brought certain records that we requested with you?

A. Yes.

Q. Could you just itemize the records, and perhaps put them in piles as to what they are, and then we can discuss what will happen to them after that?

A. Okay. This is a box of personal letters to my wife that my wife saved. I would prefer not to release these in total, but if there is some reason you have to believe that you can pinpoint a certain letter by date or something like that that would be of value to you -- there's very little in there that pertains to the intelligence system in Vietnam.

Q. Let me ask you this, Colonel Hawkins. Did you at
any time show any of those letters to Mr. Adams?

A. Mr. Adams has seen the letters.

Q. All of them?

A. He's seen all the letters, yes, sir.

Q. Well, in those circumstances, and in view of the fact that we are in litigatior., Colonel Hawkins, I would request that we be given access to all the letters. And I will assure you that we're not interested in personal matters, but we are interested in references to matters in Vietnam.

I should add that we have received in the course of this case copies of documents prepared by Mr. Adams which made numerous references to your letters to your wife. As I said, we have no desire to get into your personal matters, but we reluctantly have to ask you for access to those.

A. Well, I really then see no reason. I'll release them to you.

Q. We thank you for that, Colonel.

A. This is a copy of a Washington Post article which I wrote, with, I think, my final draft that was sent to the Post and anything related. This is the galley proof of the article.

This is a small black notebook which I found in a
dresser drawer, I'd say a year or two ago -- no, more than that. Three years ago. I inadvertently brought it out of Vietnam.

It does have some strength designations in it. It was a breach of security, but I don't think a large breach. I doubt it would mean much to anybody except somebody involved in the order of battle situation.

This is a folder containing correspondence with George Crile. There is a transcript of the CBS Reports documentary, "The Uncounted Enemy." There are two of these in here, by the way.

And this also contains the statement by General Westmoreland in this particular folder.

These are some Rotary Club bulletins with a sort of a satiric description of order of battle problems in Vietnam, which I doubt anybody outside the Rotary Club has seen.

This is just some historical notes on Vietnam.

This is a letter to me from Mr. Van Gordon Sauter, CBS. There is a letter in here from a retired Colonel Sam Dowling, the man I served with at one time.

Now, let's see -- there is a letter from me to Mr. Sauter, and then there are some comments I made for the benefit of a local newspaper reporter regarding a representative of
accuracy in the media.

This is a draft -- about 1980 I was between jobs here in West Point, and I had an inclination once to occupy my time with sitting down and trying to write my recollections of the order of battle situation in Vietnam. I got to the point where I had no figures; I could not remember figures, and I just gave it up.

The only thing this is is impressions. I decided finally that I did not have enough statistical information to make it of any value to anyone.

That was begun several months and discarded several months before I got the call from Sam Adams to participate in the CBS documentary.

This is simply correspondence between myself and General Westmoreland. Correspondence with Josh Stevens and Mr. Anthony Murry.

That's it.

Well, let's see. These are various letters sent by people to me in response to the CBS documentary. Most of them people I don't even know.

These are various clippings, copies of newspaper clippings. A transcript of my interview with Hodding Carter
and various other things.

There is a copy of the May, 1967 edition of the MACV Order of Battle.

That's about all.

Q. And these are all the documents --

A. This is all I've been able to locate.

Q. May I suggest, Colonel Hawkins, that we put them back in the box. We will take the box; guard it carefully, and then we will discuss with you the logistics of it.

A. All right.

Q. Colonel Hawkins, going back to where we were just before the break, is there any way you could fix an inside or outside date for the first briefing involving General Westmoreland? By that I mean, is there a way of fixing the earliest it possibly could have been or the latest it possibly could have been?

A. I just can't fix the date. The best I can do is what I've done. It was late May or early June. And then the second briefing would have been a matter of a couple of weeks or three weeks after the first briefing.

I just cannot fix the date at this time. And I repeat this, the only way I can fix it that much is it was
right at the conclusion of General McChristian's tour of duty
and I just happen to know that date.

Q. Let me go back to one other thing. In Plaintiff's
Exhibit 62, on Page 10, there is a reference to -- this is
your interview -- Mr. Crile says -- and I'll quote for you:
"Question: 'All right, but now, in April General Westmoreland
goes off to Washington and briefs the President and he tells
him that the enemy has leveled off at 285,000 men.'"

And then it has you as saying: "This is April of
what year?"

"Question: '1967.'"

Do you know anything about any briefing by General
Westmoreland with the President?

A. I do not.

Q. Would you know of what basis General Westmoreland would
have had for making such a statement in April of 1967 to the
President?

A. I have no idea.

Q. Did MACV-J2 in the spring of 1967, under General
McChristian's leadership, make any studies to see whether the
effemy had leveled off in strength?

A. I do not recall such a study.