Q. Okay. Let me rephrase that. Did Lieutenant Colonel McNurry support you in your efforts to get new enemy units recognized in the MACV monthly enemy order of battle summaries between October, 1967 and January, 1968?

A. I received overwhelming support from Colonel McNurry. I could tell that he was totally frustrated with this exercise, because not only was he reflecting this problem with and situation with the MACV command as it pertained to I Corps, but all the other three corps, as well. So I could tell that he was totally frustrated in the task, in the job that he was assigned to do; was trying to do it by the rules, exactly the way he was supposed to do it, but he was hitting a stone wall. So it was -- the problems that I had were compounded by the same situation in the -- with the order of battle analysis that was going on in the other commands -- in the other corps areas.

I talked to the other order of battle corps chiefs quite often and found that we were all finding the same opposition with the MACV command. And it was rather disturbing at the time and the evidence proves that, again, that our analysis was correct and that we were -- we were doing the job that we were trained to do, did do, and were being ignored.
Q. By whom were you being ignored?
A. The MACV command. Certainly not by Colonel McMurry or his -- or anyone in the CICV chain of command.

Q. Colonel House, I would like you to read into the record paragraph seven of your affidavit signed on August 25, 1983.

MR. RIESE: Objection to form.

A. "Lt. Col. McMurry would often question me at length when I attempted to report new units. It was clear that he was under pressure from MACV command to keep the figures on enemy strength down to support the party line that we were winning the war of attrition. He seemed depressed about this situation."

Q. Did you believe that paragraph to be true and accurate at the time you signed this affidavit on August 25, 1983?
A. Yes.

Q. Do you believe that paragraph to be true and accurate today?
A. Yes.

MR. RIESE: Objection to form.

Q. Colonel House, while you were serving in Vietnam, what types of security clearances did you have?
A. I had a top secret security clearance and I...
I had a clearance which allowed me access to Special Intelligence information, generally called SI material.

Q. Where was this SI material kept?
A. The SI material was kept at the Tank.

Q. Just to clarify for the record, what do you mean by the Tank?
A. The Tank would be the CIIED controlled access area. Special -- SI material was not available to all the analysts in CICV and, therefore, nor was the area cleared to maintain that information in CICV. So, therefore, it was not stored or maintained or discussed at CICV. We had our ARVIN counterparts working right along with us in CICV and obviously they were not cleared for this Special Intelligence information.

Q. After your transfer to CICV, did you continue to have access to Special Intelligence at the Tank?
A. That's correct.

Q. Did you ever attend intelligence briefings at MACV headquarters?
A. Yes. I attended the daily briefings on a regular basis. I might -- I might miss one a week, but I made it a practice and it was the accepted practice of the corps Order of Battle chiefs to attend these daily briefings.

Q. Did you need special clearances to attend the
daily briefings?
A. Yes. It was -- you had to have an SI clearance to be allowed access into the CIIEP physical area and so, therefore, within that physical area SI related material was discussed openly and freely.

Q. Do you recall an intelligence officer named Daniel Graham?
A. Yes, I do. Very vividly.

Q. What was his position at the time you were serving in Vietnam?
A. He was -- he was the Chief of the Current Intelligence, Indications and Estimates Division. But, also, he had the -- the perhaps unofficial, but very well-recognized, position as deputy J-2 to Colonel -- I mean; I am sorry -- to General Davidson.

Q. What was General Davidson's position while you were serving in Vietnam?
A. He was the -- in charge of J-2, which is the intelligence, of MACV.

Q. Did you ever work with Colonel Graham while you were an intelligence officer in Vietnam?
A. Yes, I worked with him, had an opportunity during these briefings and during the -- my presence in the Tank to observe him very closely.

Q. Based -- please continue.
A. He was a very dynamic, forceful individual. When I first arrived in country, he was a Lieutenant Colonel promotable, which means that he was on the actual promotion list to full Colonel and he was just waiting until his number came up so that he could actually be promoted to full Colonel.

Colonel Graham, as I recall, had just come from a very sensitive and responsible position with CIA, in which his analysts and those that were responsible to him had determined that the enemy, the Soviet, military strength was less than what was being carried on the official Soviet order of battle strength reports. It seemed to me at the time that Colonel Graham was predetermined to do the same thing for enemy forces in South Vietnam as he had done for Soviet forces when assigned his work with CIA. This is what was told to me by others, certainly not by Colonel Graham.

Colonel Graham was -- in trying to describe him, it's very difficult without being derogatory.

Q. How would you describe him?

A. Some might say that he had a Napoleonic complex, but that would, in my observing him and his more unprofessional way of approaching analytical decisions, would probably be an understatement. I personally feel that any other person being in Colonel
Graham's position prior to Tet would have significantly made a decision that would have saved lives that were lost during Tet.

MR. RIESE: Move to strike.

Q. Have you completed your answer?
A. Yes.

Q. Based on your experiences as an intelligence officer at MACV J-2, did you form an opinion about Colonel Graham's abilities as an intelligence officer and analyst?
A. I personally had no respect for Colonel Graham and I was -- I was ashamed that someone with his background as a professional military intelligence officer would continually disregard principals that were established and followed by professional military intelligence officers.

Q. Why did you have, as you put it, "no respect" for Colonel Graham?
A. Because of his arbitrary and blatant disregard for intelligence that was continually brought to his attention; the way he would laugh off things that he didn't want to hear, the way he berated in public intelligence officers that were reporting information they had received. And I am sure during this period of time he had -- he must have had some positive
attributes, but I certainly didn't witness any.

Q. During what period are you referring to?
A. During the time prior to Tet, when I was with
the MACV.

Q. Do you recall any specific instances where
Colonel Graham, as you put it, "berated" an analyst's
presentation?
A. Several times during the morning briefings
this occurred. I can recall one time a Naval officer
reflected on a captured document, which, in effect, told
exactly what the enemy was going to do or his intentions
to do during Tet. And Colonel Graham openly laughed and
said, "Well, they certainly might think they can do
these things, but they certainly have another thought
coming, because they don't have the capability of doing
them", and then he would just laugh it off, which was
very embarrassing to the briefing officer.

And the message was received by all the
analysts, "Don't tell me these things, because
obviously, if you were a good analyst, you would see
through the propaganda and understand that the report
should be ignored." And the result was that even though
the evidence was there available, the briefing officers
were very reluctant to make these type of briefings
again, because they did not want to be put in the
position of being ridiculed.

Q. Being ridiculed by whom?

A. By the command staff.

Q. The MACV command staff?

A. The MACV command staff. Even though Colonel Graham was junior to the majority of the officers on the command staff, it was generally felt that he would be a general officer and it would be detrimental to their career to oppose Colonel Graham in any way. So, therefore, even though he was junior to them in rank or date of rank, they collectively went along with precisely what they knew that Colonel Graham wanted to hear.

Q. What was it that Colonel Graham wanted to hear?

A. He wanted to hear that we were winning the war. He wanted to hear that we were winning the war through attrition; that the enemy was being killed faster than he was ever capable of making replacements; that these replacements were young and untrained and did not meet the standards that a military force would need to engage our forces; that the enemy was having difficulty in getting supplies down the trail. These are the things that he would only accept, but the evidence we had was absolutely contrary to what he
wanted to hear.

Q. Do you believe Colonel Graham wanted to hear the truth?

MR. RIESE: Objection to form.

Q. I will withdraw the question. Colonel House, would you please turn to page five of your affidavit of August 25, 1983, paragraph 11? Could you please read paragraph 11 into the record?

MR. RIESE: Objection to form.

A. "My most vivid memories of the daily briefings involved a Colonel named Daniel Graham. He was an arrogant man who was not willing to accept intelligence information that conflicted with his preconceived notions of how the war was progressing. He seemed obsessed in his determination to prove that we were winning the war of attrition and was unwilling to accept any intelligence information or analysis to the contrary. He would blatantly disregard reliable evidence and berate and humiliate those analysts who tried to present intelligence information which showed an increased enemy presence in South Vietnam. I was one of the many analysts who had no respect whatsoever for Graham as an analyst."

Q. Did you believe this paragraph to be true and accurate at the time you signed this affidavit on August
25, 1983?

A. Yes.

Q. Do you believe that paragraph to be true and accurate today?

MR. RIESE: Objection to form.

A. I do.

Q. Colonel House, could you please read paragraph 12 of your affidavit of August 25, 1983 into the record?

MR. RIESE: Objection to form.

A. "Daily briefings on increased enemy infiltration into South Vietnam were common in the months prior to Tet. I would regularly receive reports about abnormally large sightings of enemy forces moving down the Ho Chi Minh Trail into South Vietnam. Graham always went out of his way to disparage such reports. For example, if we received four separate field reports about the presence of new enemy units in I Corps, Graham would contend that it was the same unit being reported four different times, never considering that it may have actually been four different units. There was a general feeling of disgust among analysts that Graham so blatantly disregarded the evidence of increased enemy infiltration."

Q. Did you believe that paragraph to be true and
accurate at the time you signed this affidavit on August 25, 1983?

A. Yes.

Q. Do you believe it to be true and accurate today?

MR. RIESE: Objection to form.

A. Yes.

Q. Colonel House, I would like you to read paragraph 13 of your affidavit of August 25, 1983 into the record.

MR. RIESE: Objection to form.

A. "I recall one particular briefing several weeks before the Tet Offensive in which an analyst was presenting extracts from captured enemy documents which showed that a big offensive was coming and that the enemy was planning to march on Saigon and that the South Vietnamese were going to rise up and throw out the American forces. Graham just sat there and laughed. He dismissed the information as Communist propaganda without attempting to verify its authenticity."

Q. Did you believe that paragraph to be true and accurate at the time you signed this affidavit on August 25, 1983?

A. Yes.

Q. Do you believe that paragraph to be true and
accurate today?

MR. RIESE: Objection to form.

A. Yes.

Q. Colonel House, I would like you to read paragraph 14 of your affidavit of August 25, 1983, into the record.

MR. RIESE: Objection for form.

A. "Even while the Tet Offensive was in its earliest phases, Graham was still trying to downplay its significance. Just after the offensive began, I was called to MACV headquarters to work with Graham on a briefing for General Westmoreland to explain the countrywide situation. I recall that while we were preparing this report, Graham was laughing. He told me, 'When the smoke clears in a day or so, we'll learn that there were really only a few enemy units out there, and then we'll all have a good laugh.' I remember wondering at the time what kind of whitewash would occur to explain away how this offensive had been possible."

Q. Did you believe that paragraph to be true and accurate at the time --

A. Yes.

Q. -- you signed this affidavit?

A. Yes.

Q. Do you believe it to be true and accurate
today?

    Mr. Riese: Objection to form.

    A. Yes.

    Q. Colonel House, were there analysts at CIC who were working on estimates of the rate of enemy infiltration in the period from October to January, 1968?

    Mr. Riese: I am going to object to form only because I didn't really hear that.

    Mr. Mastro: Want to read it back?

    (The pending question was read by the court reporter.)

    Mr. Mastro: Do you still have an objection to that question?

    Mr. Riese: No.

    Q. I will rephrase it just slightly. Colonel House, were there analysts at CIC who were working on estimates of the rate of enemy infiltration into South Vietnam during the period from October, 1967 to January, 1968?

    A. Yes.

    Q. Did you ever discuss their analysis with them during the period October, 1967 to January, 1968?
MR. RIESE: Objection to form.

A. Yes, I did. A Major Cooley, who I had gone through the advanced course with at Fort Halobird prior to our both arriving in Vietnam at the same time or approximately the same time, was working on the infiltration studies and he would often confer with me and my analyst.

Q. What did he tell you about the infiltration studies that he, Major Cooley, was working on during the period from October, 1967 to January, 1968?

A. He stated that they had a preponderance of information on increased enemy infiltration during this period and were -- and they were unable to do two things: determine what percent of this infiltration was replacements, what was new units; and also, and secondly and most important, when they were able, through our efforts and their efforts, to determine where the units or replacements were going, to obtain the command, the MACV command approval to reflect this increase in enemy strength. And he was -- he was rather disturbed about this situation.

Q. How much of an increase did Major Cooley tell you was taking place in the rate of enemy infiltration during the period October, 1967 to January, 1968?

MR. RIESE: Objection to form.
A. I do not recall the specific numbers. I do know and recall that he felt it was significant and I felt that it was significant.

Q. Were reports relating to enemy infiltration into South Vietnam ever presented at the daily briefings which you attended during the period from October, 1967 to January, 1968?

A. Yes. These briefings were made by the CIIEO analyst on a regular basis, at which time they were being discounted. Also, Major Cooley and those that he was working with would regularly make, give briefings in the Tank as to the results of their studies. And, again, this information was discounted by many of the ways that I have reflected on in the past.

Q. Where were you when the Tet Offensive began in late January, 1967?

A. I was in my hotel room in Saigon.

Q. Do you recall how you became aware that the offensive had started?

A. It was in the evening, and people came through the hall and banged on the door and said there was an offensive that had been started in downtown Saigon. And we were alerted to get dressed for whatever eventuality that might come up. I might say that we were totally unaware. We had not been alerted that
there might be an offensive or an outbreak of enemy action in Saigon. We were not armed, nor was the hotel protected as it should have been had an alert been made prior to Tet.

Q. How extensive was the combat activity in Saigon after the offensive started? I am referring to the Tet Offensive.

A. Exactly where we were, we were not involved in the enemy offensive action. We could see evidence of it as we looked out our windows and we could hear some small arms fire. But the majority of the attack seemed to be centered around the Chinese area, and I believe it was the Ko Lanh -- I am not sure of the pronunciation -- area, which was near Tan Son Nhut. And then we found out later that there was some action in the embassy. I recall very vividly that the streets were clear and there was very little movement of any kind of traffic, certainly no civilian traffic, within the streets or around the hotel in which I was quartered.

Q. When did you leave the hotel?

A. I don't recall exactly when I left the hotel. It was sometime the next day that I and others who had SI clearances and were familiar with the Tank operations were alerted to be ready to relieve those that were in the Tank when the offensive started, and an armed convoy
arrived at the hotel and escorted us to the Tan Son Nhut.

Q. What happened after you got to the Tank?
A. We were issued arms. I was issued a carbine. And then we were assigned to specific I Corps analysts' desks within the Tank to keep track of the current situation as it was happening and be in a position to brief any of the MACV command officers as to the situation within our corps area at any time.

Q. Did you have any contact with Colonel Daniel Graham once you arrived at the Tank after the offensive had begun?
A. Yes. I saw him on a regular basis and, most specifically, when I assisted him in preparing for the command briefing that I described previously during this deposition.

Q. Who was that briefing for?
A. This briefing was for the entire MACV staff, to include General Westmoreland.

Q. What was the purpose of this briefing?
A. The purpose was to give the command and General Westmoreland a summary of enemy action, our counteractions, friendly counteractions, throughout the whole country, and to provide an estimate as to the capabilities of the enemy to continue this offensive.
Q. Did you discuss this briefing with Colonel Graham as you were helping him prepare it?

MR. RIESE: Objection to form.

A. No. My role primarily was to prepare the briefing charts to support the report that he had already written. So the only discussions that we had were the discussions as to the proper way to prepare the briefing charts so that they would flow and support his report. I did not help him write the report, nor did he ask my advice.

It was at this time that he made the comment that I cannot forget about.

Q. What comment did he make?

A. About the — that we would all find that when all this was over in a very short time, that the enemy was not capable of sustaining the offensive and that we would all have a good laugh when we found out how few enemy troops were actually involved in the offensive.

Q. Who made that comment?

A. Colonel Graham.

Q. Did you have any reaction to that comment?

A. I kept my reaction to myself, because I knew from past experience that Colonel Graham did not want to hear anything that he had not determined was fact, even though the evidence did not support his perception of
fact. And it was certainly not what I believed or what
Colonel Graham believed. In the final analysis it was
what was, in fact, the truth, and the truth supported
our analysis and certainly not his.

Q. What had your analysis been?
A. Our analysis had been that the enemy was
building toward an offensive, a Tet, that there were
people and material into positions to support that
offensive and certainly had the capability to withstand
a lengthy offensive should he so desire.

Q. Colonel House, based on your experiences as
an intelligence officer and analyst at MACV J-2, did you
form any opinion as to whether we were winning the war
of attrition in Vietnam during the period from August,
1967 to January, 1968?

MR. RIESE: Objection to form.

Q. Do you understand the question?
A. Yes, I do.

My opinion was at that time and is at this
time, which has been verified by the facts, that we were
not winning the war through attrition. The enemy had
the capability and we had evidence that they had the
capability to not only replace losses, but to bring in
new units into the conflict, which was entirely opposed
to the winning through attrition posture that the
command staff had postulated during this entire period.

Q. By command staff, to whom are you referring?

A. I am referring to those officers from Colonel Graham, General Davidson on up the line and, in fact, the MACV command.

Q. Colonel House, I would like you to read into the record paragraph 15 of your affidavit of August 25, 1983.

MR. RIESE: Objection to form.

A. "After General Creighton Abrams replaced General Westmoreland as the Commander of MACV in the spring of 1968, I noticed a marked improvement in intelligence analysis. General Westmoreland attempted to delegate responsibility in the intelligence area to his immediate subordinates at MACV J-2. It was my impression that General Westmoreland did not take a strong personal interest in intelligence. General Abrams, on the other hand, was intensely interested in how intelligence estimates were formulated. I recall that when General Abrams was in command of MACV Forward in Phu Bai, he would often personally contact lower level analysts to get their impressions on certain intelligence information. To the best of my knowledge, General Westmoreland rarely did that."

Q. Did you believe that paragraph to be true and
accurate at the time you signed this affidavit on August 25, 1983?

A. Yes.

Q. Do you believe it to be true and accurate today?

A. Yes.

Q. Colonel House, just to clarify something from your earlier testimony --

MR. RIESE: I object to form on the last question.

Q. -- earlier in your testimony today, I believe, you testified that in 1971 you were transferred to Fort Halobird and then you later on used Fort Huachuca as the location. Can you clarify where you were transferred in 1971?

A. Yes. I was not transferred to Fort Holabird, but to Fort Huachuca. I was transferred directly from Germany to Fort Huachuca, where I remained assigned to the intelligence center and school until I retired.

MR. MASTRO: Why don't we break for lunch?

MR. RIESE: Okay.

(A lunch recess was taken.)
Q. (By Mr. Mastro) Colonel House, based on your experiences as an intelligence officer at MACV J-2, have you formed an opinion as to whether the Tet Offensive -- let me rephrase that. Based as your experiences as an intelligence officer at MACV J-2, have you formed an opinion as to whether the intelligence before the Tet Offensive began was an example of an intelligence success or an intelligence failure?

MR. RIESE: Objection to form.

Q. Do you understand the question?

A. Yes.

Q. Please proceed.

A. I believe the intelligence that was available to us prior to Tet was a success as to substance and form, amount of information that was available to us, the timeliness of that information. But, in my estimation, it was a failure because the MACV command ignored the quality and quantity of intelligence that was prevalent prior to Tet.

Q. Perhaps I didn't phrase my question as specifically as I should have. Let me ask you another question. In the months before the Tet Offensive, was there intelligence data that you saw that described the enemy's future plans?

MR. RIESE: Objection to form.
Q. Let me rephrase the question. Let me rephrase the question. Was the Tet Offensive an intelligence success or an intelligence failure?

MR. RIESE: Objection to form.

A. The Tet Offensive was a failure for intelligence, in that we did not use the intelligence that was available to us. We ignored it or, when I am saying we ignored it, the MACV command ignored it. The analysts did not ignore it. We had ample evidence to prove that something was happening or going to happen. We didn't -- didn't precisely say when. But there was ample evidence to say that something was being -- was getting ready to happen; that they were increasing in strength and supplies for some reason.

And the failure of MACV command to adequately warn the troops in the field to prepare for such an eventuality and the ignoring of this information probably has to go down in the annals of history as one of the worst failures in ignoring the information that was available to them, "them" being the MACV command, that I can recall in history.

MR. RIESE: Move to strike.

Q. Colonel House, do you know a man named Sam Adams?
A. Yes.

Q. Did you ever speak to Mr. Adams before 1982?

A. I talked to Sam Adams, I believe, in the latter part of 1981 for the first time.

Q. Why did he call you in the latter part of 1981?

A. He explained that my name had -- first of all, he explained that he was doing some research for a book and that my name had come up in connection with the book as someone who was involved in the intelligence analysis process at MACV headquarters prior to the Tet Offensive.

Q. Did Sam Adams mention to you at that time anything about a planned broadcast?

A. Yes. He mentioned that not only was he doing this perhaps for a book publication, but it may result in a television broadcast at some future date.

Q. When you spoke with Sam Adams in the latter part of 1981, did you discuss with him any of your experiences in the Estimates Branch at CIIEED?

A. Yes. I related to him that I had been assigned to the Estimates Branch, that I had been provided the opportunity to work there and I was -- the first true assignment that I had been given was to determine whether the enemy's strength and will to fight
and supplies had been depleted to that point where the enemy and the IV Corps order of battle was about to retreat into a guerrilla warfare posture.

And that when I had completed that report using all the information that was available to me, that my boss, Colonel Goche, had reviewed the document when I had completed it, reviewed it with Colonel Graham, his boss, who was the chief of CIIEE, and that I was generally -- I was told that if that was the best I could do, that perhaps they could find another job for me. That I was also told by others that seemed to be in a position of knowing, but that what I had produced was something that was -- did not support the preconceived position; that they had no room for anyone in the elite CIIEE structure who would not follow the party line.

And so, therefore, I was being transferred.

And it happened that way. And it seemed that it was unfortunate, but I was, in fact, transferred out of the Estimates Branch soon after completing that report.

Q. When you spoke with Sam Adams in the latter part of 1981, did you discuss with him what you have referred to here as the "party line" at MACV J-2?

A. Yes. We discussed the party line, the party line being that MACV command felt that we had won the
war of attrition with the enemy, that they did not have
the ability to reenforce and replace their losses, both
in men and material, and also that the quality of the
few replacements that they were getting were sub-
standard and that the enemy was going to retreat back
into a general guerrilla warfare posture. And that was
the party line.

Q. When you spoke with Sam Adams in the latter
part of 1981, did you discuss with him your views about
the "party line" at MACV J-2?

MR. RIESE: Objection to form.

A. Yes. I discussed with Mr. Adams that I felt
that the party line in its entirety had been totally
wrong, and the predisposed determination that the war of
attrition had been won and the arbitrary ignoring of
substantial and confirmed documentary evidence to the
contrary was criminal, should never have happened, and
American lives were lost as a result of this
predetermined decision on the part of the MACV command.

Q. When you spoke with Sam Adams in the latter
part of 1981, did you have any discussions with him
about MACV order of battle?

A. After being transferred from the Estimates
Branch to the -- I was placed in charge of the CICV, I
Corps Ground Order of Battle branch, at which time I was
responsible for providing changes to the ground order of battle report as it pertained to the enemy's strength in location, in the I Corps order of battle. I discussed with Sam that we had reports, confirmed reports, substantiated reports of increased enemy strength, new units and types of units, but were unable to place them in the order of battle, the official order of battle document, because of the arbitrary dismissal of the information by the MACV command.

Q. When you spoke with Sam Adams in the latter half of 1961, did you have any discussions with him about enemy infiltration into South Vietnam during the period from October, 1967 to January, 1968?

A. I discussed with Sam the -- not only the evidence that was -- that came across our desk as it pertained to the I Corps order of battle, but also information that was briefed to the MACV command by the infiltration OB studies personnel, and the CIIEP questioning analysts during the MACV daily briefings as to infiltration; how this information was discounted, arbitrarily ignored, even to the point where the briefers were berated for bringing to their attention such a preposterous story that the enemy was building up to the point that they were.

Q. When you spoke with Sam Adams in the latter
part of 1981, did you have any discussions with him about Colonel Daniel Graham?

A. I certainly did. Perhaps my recollections of Colonel Graham are the ones that I remember most vividly from my tour in Vietnam.

Q. What did you tell Sam Adams about Colonel Daniel Graham when you had these discussions with Sam Adams in the latter half of 1981?

A. I reflected with Mr. Adams that Colonel Graham was supposed to be a professional military intelligence officer, but he -- his blatant means of ignoring sound intelligence principals, his ability to stifle communications between himself and his key staff officers, with trained professional analysts, was something I could not ignore, could not forget and cannot forgive, because American lives were lost because of this predisposed position that Colonel Graham emitted throughout the staff.

MR. RIESE: Move to strike.

Q. When you spoke with Sam Adams in the latter half of 1981 --

MR. RIESE: I am sorry. Mr. Mastro, you are going to have to get a little closer. I think you are leaning away from the mike.

Q. When you spoke with Sam Adams in the latter
half of 1981, did you have any discussions with him about the Tet Offensive?

A. We discussed at length what had happened at the Tet Offensive, that my role in the Tank changed because of the -- the need for more analysts who had SI clearances and had access to the Tank. I reflected to him the immediate jobs that I was provided and also related to him the incident with Colonel Graham in helping Colonel Graham prepare for a briefing to the MAC -- to the command staff, to the MACV command staff, the -- his still arrogant position that when the smoke cleared, we will all have a good laugh because we will find there is only just a few troops out there harassing ours and it really won't amount to anything, even though it obviously had happened simultaneously throughout the country; that the enemy was certainly not in a position to carry on any type of offensive for any length of time, and probably within a day it would just blow over and we would all sit back and realize that nothing had really changed.

The aftermath of the Tet Offensive, of course, was that our -- "our" being the analysts -- work and results had been correct and the predetermined posture and party line proposed by the MACV staff had been wrong and they had ignored the intelligence
information that was available to them.

MR. MASTRO: That concludes my examination.

EXAMINATION

BY MR. RIESE:

Q. Mr. House, I will have several questions. First of all, I would like to know when you had your first contact with anyone from the law firm of Cravath, Swaine and Moore, who represent the defendants in this litigation.

A. I don't recall the first -- the date of the first conversation. It was sometime after the CBS report and it was with Mr. Mastro. But I do not recall what day or month that happened.

Q. Do you recall the year?

A. I believe it was in 1982.

Q. Do you recall the season?

A. The season?

Q. Yes.

A. No. No, I really don't.

Q. Do you know whether or not it was in the last half of 1982 or the first half of 1982?

A. It was either in the last part of '82 or the first part of '83, and I don't really recall exactly when it was.
Q. What was your nature of your contact with Mr. Mastro at that first time?

A. Primarily it was to state that it appeared that there was going to be a lawsuit against CBS brought by General Westmoreland and that he wanted to review with me, if I felt comfortable in doing so, those things that I had gone over with Mr. Adams and to see what I recalled, and just to review those items.

Q. Is it your recollection, then, that this call came before there was a lawsuit?

MR. MASTRO: Objection.

A. I do not recall.

Q. Who initiated this contact?

A. Mr. Mastro.

Q. Was it in person or by telephone? I am sorry.

A. By telephone.

Q. What was your next contact with any Cravath, Swaine and Moore attorney?

A. I recall that there were several phone calls. During the last phone calls they asked if I would be available for a -- for an affidavit; if Mr. Adams and Mr. Mastro would fly to Tucson, Arizona, if I would be available to meet with them and provide a -- not a deposition, but an affidavit. And this was sometime
probably in July or the first part of August, when we
met.

Q. Where did you meet?
A. We met in Tucson, Arizona.

Q. Who was present at that meeting?
A. Mr. Mastro and Mr. Adams.

Q. What happened at the meeting?
A. At the meeting, yes.

Q. What happened at that meeting?
A. At that meeting we discussed once more what I
had reflected to Mr. Adams prior to the CBS report and
what I had discussed with Mr. Mastro, and in substance
that was all.

Q. After that discussion what next occurred with
respect to any contact that you had with any attorney
from Cravath, Swaine and Moore?
A. Well, after the meeting I was sent a copy of
the draft affidavit, which I made extensive corrections
to and returned to them for the final -- final typing of
the affidavit.

Q. Who prepared the initial draft of the
affidavit?
A. The law firm prepared from the handwritten
notes at that meeting the affidavit.

Q. Did you keep a copy of that first draft
affidavit?
A. I do not have a copy of that first affidavit. I saw no reason to after the final one was sent to me and matched precisely what I had corrected at the -- at the draft stage.

Q. Have you seen a copy of that draft affidavit since signing the final affidavit?

MR. MASTRO: Excuse me. Are you asking if he saw the draft before he signed the final?

MR. RIESE: No. I am asking if he has seen the draft affidavit after signing the final.

A. Certainly I kept the draft until I saw the final, and then I destroyed the draft.

Q. After destroying the draft, have you had any occasion to see a copy of that draft?

A. No.

Q. After signing the final affidavit, what was your next contact with anyone from Cravath, Swaine and Moore?

A. I received a couple of contacts with Mr. Mastro where he apprised me just very briefly that it appeared that a trial might ensue. Also apprised me of the fact that others who I had come in contact with in -- during my tour of duty had mentioned my name. And I requested that he send me copies, if at all possible, of
those statements by other individuals where they had mentioned my name, which he did.

Q. What were the statements that he sent you?
A. They were ones prepared by Lieutenant Bruce Jones, who was part of my operation when I was in MACV, and actually CICV order of battle, and Major Cooley, who I had known prior to going to Vietnam and also who was in the same physical building that I was located in in CICV, in which he worked on the infiltration order of battle studies.

Q. Anyone else?
A. I don't recall any others that I received.
Q. What form did these statements take that you were given?
A. These were affidavits, copies of affidavits.
Q. Have you ever seen any deposition testimony of any of these individuals?
A. I think I am a little mixed up, perhaps, in the terms. The ones that I saw were the ones that honestly, could you explain the difference between an affidavit and a deposition so that I could then tell you precisely which ones I did receive?
Q. An affidavit would be something that is similar to the document that you signed on August 25th, 1983, being more or less a narrative.
MR. MASTRO: It's a written statement.

MR. RIESE: Excuse me.

MR. MASTRO: It's a written statement, whereas a deposition is oral testimony at which the lawyers ask you questions, just as we are doing here today.

Is that accurate, Mr. Riese?

MR. RIESE: Certainly, I certainly accept that definition of a deposition.

Q. So now, having heard those descriptions of an affidavit and a deposition, can you better answer whether or not you have seen deposition testimony of either Mr. Jones or Colonel Cooley?

A. I have seen depositions.

Q. Do you know whether or not you have seen the entire depositions of those individuals?

A. No, I do not.

Q. Have you seen any deposition testimony of any other individual with respect to this case?

A. No, I have not.

Q. Have you been told by Mr. Mastro when he identified people who have mentioned your name, did he mention anybody besides Mr. Jones and Mr. Cooley?

A. In our conversations he asked if I had -- what recollections I had of Colonel Wyler and Lieutenant
Colonel McMurry and some other people that -- whose names that I could not recall that I had either -- either have or had not met in Vietnam.

Q. I guess what I am asking, in addition to that, is whether or not Mr. Mastro has described to you anyone else who had mentioned your name during the course of the examination?

A. No.

Q. Prior to the commencement of today's deposition, did you have any discussion with an attorney from Cravath, Swaine and Moore concerning your testimony at this deposition?

A. I discussed with Mr. Mastro yesterday late afternoon as to what would -- how the deposition would be handled as to format. At that particular time we felt that someone from your firm would be here and then found out later that, in fact, it would be handled in this way, "this way" being over the phone. Mr. Mastro instructed me to just tell the truth, to tell the story in my own words, and to be truthful in my answers. That's the substance of our discussions yesterday afternoon prior to our commencement this morning.

Q. What time did that meeting with Mr. Mastro take place?

A. I think it started about 4:00 o'clock and we
had some discussion here in the office in between business phone calls. We went to my home with my family and had dinner, and then Mr. Mastro, who was staying in Tucson, departed in early evening for Tucson. And then my next contact was probably about 20 -- 15 or 20 minutes this morning prior to our starting the deposition.

Q. Did you have any discussion with Mr. Mastro earlier than your meeting with him yesterday in late afternoon concerning your deposition?

A. Yes. About a week and a half ago he called and asked if I would be willing to provide a deposition and also arranged for a time that would fit into my schedule, so that it could be done. I have numerous commitments in my profession and there are some things that I could rearrange and some things that I just could not. And today was -- seemed to be the best time to do this.

Q. During your conversation with Mr. Mastro yesterday, did he at any time ask you any substantive questions of your experience in Vietnam?

A. Only as it pertains to the affidavit that I had previously given.

Q. What did he ask you?

A. I am not sure I can answer as to what he
asked me. We jointly reviewed the affidavit and all of the discussion centered around my affidavit.

Q. Did he at any time either yesterday afternoon or prior to the start of the deposition this morning tell you what he would ask you in the deposition?

A. He told me that we would review for the record the affidavit and he would ask me some specific questions as to substance of the affidavit, but not specifically what questions he would ask.

Q. Did he give you any suggestions, other than you have already testified, as to what you should do in preparation for this deposition?

MR. MASTRO: Objection. I don't think he testified I gave him any suggestions.

A. Would you repeat the question, please?

Q. Did Mr. Mastro give you any instructions concerning how you might prepare for today's deposition?

A. The only suggestion that he had is that I review the affidavit, so that I would be thoroughly familiar with the affidavit during the deposition phase, yes. And that is all.

Q. Were you served with a subpoena for attendance at today's deposition?

A. No.

Q. Were you asked by Mr. Mastro to bring any
documents with you to the deposition?

A. No.

Q. During today's deposition you had one short break in the morning, "the morning" being your time, and lunch break. Can you describe what you did during lunch break?

A. We went out to eat.

Q. Who was there with you?

A. Just Mr. Mastro and myself.

Q. What did you discuss at lunch?

A. We discussed if I was getting tired, that giving a deposition is not the easiest thing to do and sometimes it's possible that I would get tired. And if I did, please let him know and we would continue tomorrow. He again told me that it's very easy to get flustered during a deposition. The main thing is to always tell the truth and to make sure that I had my thoughts well in line before I reflected them.

Q. Anything else?

A. Nothing comes to mind, no.

Q. Did you discuss any of your testimony that you had given in the morning session of the deposition at lunch?

A. He cautioned me that sometimes it is easy to confuse in a deposition when you use terms like we and
they. He suggested that I possibly should insure that in giving a deposition that I make -- that I make certain that I do not use we and they, but always be specific as to who I am giving reference to.

Q. Did he have any particular example in mind when he just talked to you about this?

A. What was the last part of the question?

Q. I am sorry. Did he mention any particular example from this morning's testimony when he gave you this advice?

A. No.

Q. Did you have any discussion with Mr. Mastro during the short break in the morning session prior to lunch?

A. No. I was doing real estate business during that short break.

Q. Did you have any success?

A. Yes, I did.

Q. In addition to the materials that you have concerning Mr. Jones and Mr. Cooley, have you received any other materials or documents from Cravath, Swaine and Moore?

A. No. I don't recall any other materials that I have received. I haven't received any materials from your, you know, "side," the Westmoreland side. I
haven't seen any of those. In fact, for the record, let me state that I have not seen the CBS report that was aired on television, nor have I received or read a transcript of the program.

Q. You are anticipating my questions.

MR. NASTRO: Maybe that will speed things up.

Q. Have you seen any of the legal papers filed by Cravath, Swaine and Moore?

A. Other than that that I have stated that I have seen, whether in your context that's considered a legal paper or not, I don't know. But I have not received anything else.

Q. Have you at any point in time had a conversation with anyone at Cravath, Swaine and Moore concerning your availability to be a witness at the trial in this case, should it go to trial?

A. Yes, I have, and I stated that as long as my records -- as long as my preappointments would not conflict, I would be available if so called.

Q. With whom did you have that conversation?

A. Mr. Mastro.

Q. At what time, do you recall?

A. Perhaps a month ago.

Q. Is that still your position today?

A. I have not changed my position.
Q. Would you be available, given the restrictions you have just stated, at the request of either party to appear at trial?
A. Yes.
Q. Do you know where trial is going to take place, Mr. House?
A. It's my impression it will be in New York. Precisely where, I don't know. I could be wrong on that, but I believe it will be -- I was told it would be in New York. And exactly when, if I was called, I would not know. I mean, I understand that the trial is scheduled to start in early October, but if I was called to testify, it was too early to determine when that would be or if it would be.
Q. I understand. But when you stated concerning your availability, you understood at that time that trial would be held in New York City. Is that correct?
A. Yes, sir.
Q. Prior to -- now, as you are going to be able to tell, I am going to switch my area of questioning. And let me only preface that by saying that I am interested specifically in what you know as opposed to what you think, unless, of course, I do ask for your opinion about something. I will try to be explicit when I ask for an opinion as opposed to your firsthand
personal knowledge. Do you understand?

A. Yes.

Q. It does occur to me, however, before we do get to that phase there are a few other questions about contacts you may have had with people associated with this case.

Since your meeting with Mr. Mastro and Mr. Adams, where you discussed with them your experiences in Vietnam and an affidavit was subsequently developed, have you had any conversation with Mr. Adams?

A. No, I have not.

Q. Have you had any conversation at any time with Mr. George Kryle?

A. No, I have not.

Q. Have you had any conversation within the last two years with Russell Cooley?

A. No, I have not.

Q. Have you had any conversation within the last two years with Mr. Bruce Jones?

A. I have not had a conversation with Mr. Bruce Jones. Mr. Bruce Jones has written me a letter asking me to contact him, so that we could compare some notes, because he was contemplating writing a book. I have not answered that request.

Q. Have you had any correspondence from Russell
Cooley in the last two years?

A. No, I have not.

Q. Were you asked at any time, Colonel House, to appear on the CBS broadcast?

A. No, I have not.

Q. At any time since you have first met Mr. Mastro, have you been shown any notes taken by Mr. Adams of conversations with you?

A. No, I have not.

Q. Have you ever been told by anyone that there exist notes made by Mr. Adams of his conversation in 1981 with you?

A. Mr. Mastro in passing mentioned yesterday that Mr. Adams' notes, based on the telephone conversation that we had as well as with others, had been subpoenaed by your firm and that they had been provided. That is the only -- I did not know that until yesterday and we did not go into any substance on it at all. But that's the first time that that particular point had ever been brought up.

Q. Has anyone ever described to you the content of such notes?

A. No. And, in fact, when Mr. Tony Martin from your firm --

MR. MASTRO: I believe that's Tony Murray.
A. Tony Murray. Okay. We were sort of on a first name basis and I was calling him Tony. But when Tony Murray called me this last Saturday and we talked -- from your firm and we talked for about an hour and 15 minutes to an hour and a half on this very subject, he did not bring this to my attention.

Q. When you had your discussion with Mr. Murray, did you express any reluctance to talk to him when he called?

A. I asked him several times to explain to me why it was necessary to go into discussions that were in my affidavit when it was so close to the date of the deposition. He seemed very reluctant to specifically answer that, but I guess after we established a little bit more rapport, I felt free to answer any questions that he had.

Q. Had you had any prior conversations with Mr. Murray prior to this past weekend?

A. The answer is no. That was my first contact with anyone from your firm.

Q. Now I have some questions concerning your experience in Vietnam. If at any time during my examination you would like to take a break or adjourn the examination, just speak up and let me know, since I won't be able to observe your demeanor during my
questioning or tell in any other way that you might be
getting tired. So please feel free to verbally let me
know if you would like to take a break at any time.

A. Thank you.

MR. MASTRO: Mr. Riese, are we going to
deviate from our usual pattern of taking a break at
about every hour?

Q. Well, looking at the little clock that's
ticking away measuring the length of this phone call, I
notice it's an hour and seven minutes since Mr. Mastro
first called me, which is not exactly when he started
the resumption of the deposition, after the lunch break.
But I have no objection to taking a break now, if that's
what you are suggesting. I mean, it's at least a
logical place to stop in this examination.

MR. MASTRO: Fine. If you think it's a
logical place, we will break and make it just a couple
of minutes. I just have one quick phone call to make
and then let's get back to it.

MR. RIESE: Fine. One or the other of us
will just have to speak up loud enough to hear when the
phone is sitting on my desk.

MR. MASTRO: Fine.

(A short recess was taken.)