BY MR. MURRY:

Q. BUT YOU DON'T REMEMBER THE STATISTICAL DIFFERENCE SITTING HERE TODAY, DO YOU, SIR?

A. NO, I DON'T RECALL WHAT I GOT IF I HAD RUN A STATISTICAL SIGNIFICANCE CHECK ON THE THING. IF I HAD THE DATA HERE, I COULD PROBABLY RUN ONE.

Q. YOU SAY IN PARAGRAPH 3 OF THIS PAPER THAT YOU'VE BEEN ABLE TO ESTABLISH A RATIO OF ABOUT ONE TO ONE FOR THESE TWO PERSONNEL CATEGORIES, ADMINISTRATIVE SERVICE AND MANEUVER TROOPS.

ISN'T IT A FACT, SIR, THAT YOUR BEST GUESS WAS THAT THERE WAS A RATIO OF ONE TO ONE BETWEEN THESE TWO TYPES OF TROOPS, BUT YOU COULD NOT ESTABLISH IT AS A FACT?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. STRICTLY SPEAKING, TO ESTABLISH IT AS FACT WE WOULD HAVE TO HAVE AN ACCURATE COUNT OF ALL ADMIN. SERVICE TROOPS IN VIETNAM AND AN ACCURATE COUNT OF ALL THE MANEUVER TROOPS IN VIETNAM, AND WE WOULD THEN DETERMINE WHETHER THERE WAS AN EXACT IDENTICAL NUMBER IN EACH PILE.

I WOULD SUBMIT THAT THAT, YOU KNOW, WOULD BE SORT OF A LUDICROUS REQUIREMENT. BASED ON A REASONABLE STATISTICAL SAMPLE, WE WERE ABLE TO DETERMINE THAT THERE WAS THIS ROUGH ONE TO ONE RATIO, A' THAT'S USEFUL FOR ESTIMATING PURPOSES.

IT'S FAIR TO SAY THAT THE TRUTH COULD HAVE BEEN .9 AND IT COULD HAVE BEEN 1.1. BUT THE 1.0 WAS A REASONABLE
ESTIMATING BASIS FOR INTELLIGENCE PURPOSES.

BY MR. MURRY:

Q. IF A READER OF THIS DOCUMENT UNDERSTOOD THE STATEMENT WE HAVE BEEN ABLE TO ESTABLISH A RATIO OF ONE TO ONE TO MEAN THAT YOU HAD ESTABLISHED AS A FACT A RATIO OF ONE TO ONE, THAT READER WOULD BE IN ERROR, WOULDN'T HE?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. I WOULD SAY THAT A READER LOOKING AT AN INTELLIGENCE DOCUMENT CONCERNING OB IN AN INSURGENT SITUATION WHO TOOK THAT PARTICULAR INTERPRETATION WOULD BE MAKING AN INTERPRETATION THAT THERE WAS NO REASONABLE BASIS TO MAKE.

BY MR. MURRY:

Q. YOU SAY IN PARAGRAPH 3 THAT THE RATIO BASED ON A REVIEW OF DOCUMENTS FROM 29 OF THE 225 VC DISTRICTS AND 5 OF THE 33 VC PROVINCES WAS APPLIED TO THE TOTAL NUMBER OF INFANTRY-TYPE LOCAL FORCES:

DO YOU SEE THAT, SIR?

A. YES.

Q. AND IT'S A FACT, IS IT NOT, SIR, THAT YOU HAD NO DOCUMENTATION TO DEMONSTRATE THAT THIS RATIO APPLIED COUNTRYWIDE?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. I BELIEVE THAT WE DID HAVE BASIS TO BELIEVE THAT THE RATIO APPLIED COUNTRYWIDE.

AS I RECALL, THE SAMPLE FROM THE PROVINCE AND
District levels included all four U.S. military corps regions and, you know, a higher percentage of the VC controlled areas than the 29 out of 225 actually implies here. So for estimating purposes, yes, I do believe that we had a reasonable basis to do that.

By Mr. Murry:

Q. Well, I'm asking you something that's a little bit different. You may have thought that you had a reasonable basis, but I'm trying to find out whether you had hard evidence that the ratio was the same countrywide.

Mr. Mastro: Objection. Asked and answered.

A. Indeed, the documents themselves indicate that the ratio was not the same countrywide. The documents indicate a variance by district and by province.

But for estimating purposes for a countrywide number, to come up with a range, the 1.0 is an average to use. We certainly never meant to imply here that it was the same all over. We don't believe that. I don't believe that and never did.

By Mr. Murry:

Q. What were the range of dates during which the documents that you reviewed for this paper were authored?

A. Again, I'm running into a, you know, a time and detail problem.
I believe they were mostly '66 and '67.

Q. Were most of them '66 or most of them 1967 documents?

A. I'm sorry. I don't know.

Q. Let me ask you this: The evidence that you set forth in this paper, was this the best evidence you had with respect to the size of the administrative service forces in Vietnam?

A. Yes, it was.

Q. If you had had better evidence, you would have used it; is that correct?

A. Certainly. If we had had more documents for the sample or better evidence, they would be there.

Q. Now, you say in Paragraph 5 of the document that "large numbers of staff and support troops providing services similar to those provided by administrative services are subordinate to divisions and regiments. These troops are carried in the main force OB and not under the administrative service category."

Were you referring to the MACV Main Force OB?

A. Yes.

Q. You say in the next sentence, "in order to compare the ratio of staff and support troops with combat troops, we have subtracted these units from their normal place in the main force OB."
When you say "in order to compare the ratio," what were you comparing this ratio with?

Mr. Mastro: Objection to form.

A. Maybe I can explain. At the province and district level where we had come up with a statistical sample that established a one to one ratio between support troops, administrative support troops and maneuver troops, they are not typically support troops which are a part of a division and regiment.

But what we're saying by that sample is that each combat soldier requires one other support soldier. However, at the higher levels—the front, the Cosyn, the subregion, so on and so forth—we have service troops that are part of the main force OB. So therefore they're doing the job that admin. services might have done if these troops had been at the district level.

So to make a proper estimate, we had to subtract these 28,000 people, the support troops that were part of the main force OB, from the total OB to get the number of maneuver people.

We were establishing a one to one parity between maneuver and support. And you could think of the two scales of justice with, you know, on one side the maneuver troops and the other the administrative.

So on the support side you would then have 28,000
PEOPLE THAT WERE NORMALLY A PART OF THE MAIN FORCE OB AS WELL AS
ON TOP OF THAT, ADMIN. SERVICE PEOPLE.

BY MR. MURRY:

Q. NOW, CONTINUING WITH PARAGRAPH 5, YOU POINT OUT IN
HERE THAT MACV HAS IDENTIFIED 18,000 ADMINISTRATIVE SERVICE
TROOPS SUBORDINATE TO REGIONS. AND I TAKE IT THAT MEANS
MILITARY REGIONS?

THE WITNESS: WOULD YOU REPEAT THAT QUESTION BACK,
PLEASE.

(LAST QUESTION READ)

A. YES, AND I THINK IT ALSO MEANS SUBORDINATE TO
COSVN AND THE OTHER AREAS AS WELL.

BY MR. MURRY:

Q. YOU SAY, "WHICH MACV HAS ALREADY IDENTIFIED AS
SUBORDINATE TO REGIONS AND COSVN."

A. OKAY.

Q. IS IT CORRECT WHEN YOU SAY "REGIONS," YOU ARE
TALKING ABOUT THE ENEMY ADMINISTRATIVE SUBREGIONS CALLED
ADMINISTRATIVE REGION?

A. YEAH, THE MR'S AND SUBREGIONS.

Q. YOU SAY THAT THERE ARE 28,000 ADMINISTRATIVE
SUPPORT TROOPS, ADMINISTRATIVE SERVICE TROOPS, THAT ARE CARRIED
IN THE MAIN FORCE MACV ORDER OF BATTLE AND WHEN YOU ADD THESE
28,000 TO THE 18,000 IDENTIFIED BY MACV AS SUBORDINATE TO
REGIONS AND COSVN, YOU COME UP WITH 46,000 SUPPORT AND STAFF
TROOPS OR ADMINISTRATIVE SERVICE TROOPS, AND 85,000 COMBAT TROOPS. DO YOU SEE THAT?
A. YES, SIR.
MR. MASTRO: I HAVE TO OBJECT TO MR. MURRY'S CHARACTERIZATION OF WHAT THE DOCUMENT SAYS. IT DOESN'T SAY THERE WERE 28,000 ADMINISTRATIVE SERVICE TROOPS. BUT PLEASE CONTINUE WITH YOUR QUESTIONING. I'VE STATED MY OBJECTION.
MR. MURRY: WELL, IT SAYS THERE ARE "ADDITIONAL LARGE NUMBERS OF STAFF AND SUPPORT TROOPS PROVIDING SERVICES SIMILAR TO THOSE PROVIDED BY ADMINISTRATIVE SERVICES," WHICH ARE CARRIED IN THE MAIN FORCE OB AND NOT UNDER ADMINISTRATIVE SERVICE.
MR. MASTRO: THAT IS EXACTLY RIGHT. THERE ARE 28,000 CARRIED IN THE OB, NOT ADMINISTRATIVE SERVICE TROOPS.
MR. MURRY: I'M NOT SURE WHAT THE DISTINCTION IS YOU'RE DRAWING.
Q. BUT THESE 28,000 TROOPS WHO AT LEAST PERFORMED THE SAME FUNCTIONS AS THE PEOPLE WE CALL ADMINISTRATIVE SERVICE TROOPS --
A. LET ME GIVE A CLARIFYING EXAMPLE. THOSE 28,000 PEOPLE MIGHT BE THE 33RD MEDICAL GROUP THAT'S ATTACHED TO THE 5TH VC DIVISION WHICH IS SUBORDINATE TO SOME MILITARY, FOR EXAMPLE.
Q. THEY PERFORM THE SAME FUNCTIONS AS A MEDICAL GROUP --
Q. -- THAT WOULD BE CARRIED AS ADMINISTRATIVE SERVICE. AND THE ONLY DIFFERENCE IS THAT THIS PARTICULAR MEDICAL GROUP IS ATTACHED TO A DIVISION?
A. EXACTLY.
Q. NOW, YOU SAY IF YOU ADD THESE 28,000 STAFF AND SUPPORT TROOPS TO THE 18,000 IDENTIFIED BY MACV AS SUBORDINATED TO REGIONS AND COSVN, YOU COME UP WITH 46,000 SUPPORT AND STAFF TROOPS AND 85,000 COMBAT TROOPS?
A. YES.
Q. IN THE NEXT SENTENCE YOU SAY, "TO ACHIEVE THE ONE TO ONE RATIO, WHICH WE BELIEVE MORE ACCURATELY DESCRIBES THE TRUE PICTURE, IT IS NECESSARY TO ADD AN ADDITIONAL 39,000 TO THE STAFF AND SUPPORT SIDE OF THE RATIO."

NOW, ISN'T IT CORRECT, SIR, THAT YOU DID NOT HAVE ANY SPECIFIC EVIDENCE IN THE FORM OF CAPTURED DOCUMENTS OR P.O.W. INTERROGATIONS THAT ESTABLISHED THAT ANY ONE OF THOSE 39,000 PEOPLE EXISTED?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.
A. WE MAY WELL HAVE HAD CAPTURED DOCUMENTS AND P.O.W. REPORTS THAT INDICATED THAT SOME OR EVEN POSSIBLY ALL THE 39,000 EXISTED. IT'S JUST THAT IT WAS NOT IN A FORM THAT COULD FIT INTO THIS PARTICULAR METHODOLOGY.

BY MR. MURRY:
Q. WHY WAS IT NOT IN A FORM THAT COULD FIT INTO THIS
PARTICULAR METHODOLOGY?

A. THIS METHODOLOGY DEALT WITH REPORTS OF PROVINCE AND DISTRICT LEVEL ADMINISTRATIVE SERVICE STRENGTH. WE DIDN'T LOOK AND SEARCH FOR ALL CAPTURED DOCUMENTS THAT DEALT WITH, SAY, COSVN OR MILITARY REGION 5 ADMIN. SERVICES WHICH MIGHT HAVE GIVEN US NAMES OF UNITS, FOR EXAMPLE, THAT WERE NOT POSSIBLY IN THE MACV OB.

SO WHAT I'M SAYING IS THAT THERE ISN'T AN ABSENCE OF INFORMATION THAT THESE ADDITIONAL TROOPS EXISTED. THIS METHODOLOGY IS NOT ONE WHICH GIVES YOU THAT.

FURTHERMORE, I THINK THE BASIS OF THE ESTIMATE IS THAT THERE ARE CERTAIN REALITIES TO COMBAT, WHETHER IT'S THE U.S. SIDE OR THEIR SIDE. AND WE KNEW THAT FROM OUR OWN EXPERIENCE THAT OUR MANEUVER UNITS REQUIRED, I FORGET THE NUMBER WE USED TO TALK ABOUT, WAS SEVEN SOLDIERS FOR EACH COMBAT PERSON.

THE VIETNAMESE HAD THE SAME SORT OF PROBLEM. YOU JUST CAN'T SUPPOSE THAT AT A PROVINCE AND DISTRICT LEVEL THERE WAS A CERTAIN AMOUNT OF LOGISTICAL SUPPORT REQUIRED BUT THOSE OTHER MANEUVER UNITS THAT WOULD BE OPERATING AT COSVN LEVEL OR WHATEVER, THAT HAD FANCIER UNIFORMS, BETTER MEDICAL CARE, BETTER TRAINING AND EVERYTHING ELSE WOULD HAVE NEEDED HALF THE LEVEL OF ADMIN. SERVICE SUPPORT. IT'S JUST NOT A REASONABLE PROPOSITION ANYMORE THAN IT WOULD BE TO ASSUME THAT, FOR EXAMPLE, THE MARINES NEEDED HALF THE ADMIN. SERVICES OR SUPPORT THAT THE ARMY
DID.

Q. BUT IF YOU HAD SUCH DOCUMENTS THAT EVIDENCED THE EXISTENCE OF ANY OF THESE 39,000 PEOPLE THAT YOU REFERRED TO, YOU DIDN'T CITE IT IN THIS PAPER?

A. THAT'S RIGHT.

Q. AND YOU WERE TRYING TO PUT FORTH --

A. NOR DID WE EXTENSIVELY SEARCH FOR SUCH DOCUMENTS THROUGH THE ENTIRE DOCUMENT DATA BASE. YOU SEE, THE TROUBLE WITH ADMIN. SERVICES IS YOU DON'T RUN ACROSS THEM OUT ON THE TRAILS WITH RIFLES.

THOSE ARE PEOPLE WHO OPERATE IN REAR AREAS. FOR THAT REASON, TYPICALLY OUR UNITS DON'T RUN ACROSS OR DIDN'T RUN ACROSS THEM, AND WE DIDN'T CAPTURE DOCUMENTS FROM THEM. AND FOR THAT REASON WE DIDN'T KNOW THAT THE 5TH ADMIN. SERVICE GROUP TO COSVN EXISTED AND HAD 48 MEN OR WHATEVER. THAT'S REALLY THE REASON.

GUYS YOU HIT, YOU FIND OUT ABOUT; GUYS YOU DON'T HIT, YOU DON'T FIND OUT ABOUT.

Q. WHAT EFFECT DID THE FACT THAT AT LEAST 28,000 STAFF AND SUPPORT TROOPS SUBORDINATE TO DIVISIONS AND REGIMENTS WERE CARRIED IN THE MAIN FORCE OB HAVE ON THE VALIDITY OF YOUR ESTIMATED RATIO OF ONE SUPPORT TROOP FOR ONE MANEUVER SOLDIER THROUGHOUT ALL LEVELS OF THE VIET CONG MILITARY ORGANIZATION?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. NO REAL EFFECT, I BELIEVE. IT'S JUST PEOPLE
PERFORMING A SIMILAR FUNCTION ADMINISTRATIVELY PLACED IN A
DIFFERENT REPORTING STRUCTURE.

BY MR. MURRY:

Q. WELL, YOU SAID A MOMENT AGO THAT IF YOU ASSUME THAT
THERE'S ONE SUPPORT TROOP FOR ONE COMBAT SOLDIER AT THE PROVINCE
LEVEL, LET US SAY, THAT DOESN'T MAKE SENSE THAT THERE WOULD BE
LESS AT THE COSVN LEVEL.

A. YES.

Q. NOW, FIRST OF ALL, THAT PROPOSITION REQUIRES AN
ACCEPTANCE OF THE ONE TO ONE RATIO AT THE PROVINCE LEVEL, DOES
IT NOT?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. YES.

BY MR. MURRY:

Q. AND ALSO YOUR OWN PAPER POINTS OUT THAT THERE WERE
STAFF AND SUPPORT TROOPS INTEGRAL TO DIVISIONS AND REGIMENTS
SUBORDINATE TO MILITARY REGIONS AT THE COSVN, CORRECT?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. YES.

BY MR. MURRY:

Q. DO YOU RECALL WHETHER THE FIGURE FOR MANEUVER
TROOPS IN THE MACV ORDER OF BATTLE INCLUDED MANEUVER TROOPS FROM
THE COSVN LEVEL DOWN TO THE PROVINCE AND DISTRICT LEVEL?

A. IT WAS NOT INCLUDED THE PROVINCE AND DISTRICT
LEVEL. THOSE WERE INCLUDED IN THE OTHER SAMPLE. IT WAS JUST
PEOPLE THAT WERE AT LEVELS HIGHER THAN PROVINCE AND DISTRICT.

Q. NO, I WAS ASKING THE MACV ORDER OF BATTLE, WHETHER THE MACV ORDER OF BATTLE FIGURE FOR MANEUVER TROOPS INCLUDED ALL MANEUVER TROOPS REGARDLESS OF WHICH LEVEL OF THE VC HIERARCHY THEY WERE SUBORDINATE TO.

MR. MASTRO: IF HE KNOWS.

MR. MURRY: YES, I ASKED HIM DID HE KNOW.

A. IT'S JUST HARD TO REMEMBER SPECIFIC NUMBERS RIGHT HERE. I COULD ONLY GUESS THAT IT INCLUDED PEOPLE ABOVE THE PROVINCE AND DISTRICT LEVEL.

BY MR. MURRY:

Q. YOU DON'T RECALL THE MACV ORDER OF BATTLE IN ITS RECAPITULATION OF ENEMY STRENGTH HAVING A CATEGORY FOR MANEUVER TROOPS ABOVE, SAY, THE PROVINCE LEVEL AND ANOTHER CATEGORY CALLED MANEUVER TROOPS BELOW THE PROVINCE LEVEL, DO YOU?

A. NO, SIR, I DON'T RECALL THAT IN THE PROVINCE.

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. BUT IT WAS POSSIBLE, MR. MURRY, TO GO TO MACV AND TO GET A LISTING OF THE UNITS THAT WERE INCLUDED AND FROM THERE, DETERMINATION COULD BE MADE AT WHICH LEVEL THEY WERE ATTACHED.

BY MR. MURRY:

Q. WOULD YOU CONSIDER A RATIO OF APPROXIMATELY 70,000 ADMINISTRATIVE SERVICE TROOPS TO APPROXIMATELY 90,000 MANEUVER TROOPS A RATIO THAT WAS CLOSE ENOUGH TO BE ABLE TO PROVIDE A REALISTIC LEVEL OF SUPPORT FOR THE MANEUVER TROOPS?
MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. WELL, I'VE STATED HERE IN 1968 AND AGAIN IN MY DECLARATION THAT I BELIEVE THE BEST GUESS WAS ONE TO ONE. AND, YOU KNOW, WHETHER IT COULD POSSIBLY HAVE BEEN 70,000, 7 TO 9, I WOULDN'T BE PREPARED TO SAY THAT IT WOULD OR IT WOULDN'T BECAUSE I SIMPLY DON'T HAVE THE EVIDENCE TO MAKE THAT JUDGMENT.

BY MR. MURRY:

Q. I ASKED YOU A COMPLICATED QUESTION, AND I'M GOING TO TRY TO BREAK THIS DOWN FOR YOU.

YOU SEE BACK ON PAGE 1, PARAGRAPH 1 OF THE DRAFT WORKING PAPER, IN THE FIRST SENTENCE YOU SAY, "IT HAS SEEMED UNREASONABLE TO US THAT THE ENEMY COULD HAVE SO FEW STAFF AND SUPPORT TROOPS IN RELATION TO THEIR MANEUVER STRENGTH."

NOW, I THINK YOU TESTIFIED THAT MACV WAS CARRYING ABOUT 40,000 ADMINISTRATIVE SERVICE TROOPS?

A. I THINK I TESTIFIED 35- TO 40-.

Q. 35- TO 40-, OKAY.

AND MACV WAS CARRYING AT THAT TIME ABOUT 118,000 MANEUVER TROOPS; IS THAT CORRECT?

A. I'M NOT SURE WHAT MACV WAS CARRYING IN THE WAY OF MANEUVER TROOPS AT THAT TIME.

MR. MURRY: LET ME SHOW YOU A DOCUMENT THAT HAS PREVIOUSLY BEEN MARKED AND I BELIEVE IS ALSO A JOINT EXHIBIT. IT MAY NOT BE A JOINT EXHIBIT, BUT IT IS A DOCUMENT THAT'S BEEN PREVIOUSLY MARKED IN THE LITIGATION, AND IT IS DATED 2 MAY 1968.
IT'S A MEMORANDUM FOR THE DIRECTOR OF CENTRAL INTELLIGENCE THROUGH THE DEPUTY DIRECTOR FOR INTELLIGENCE. THE SUBJECT IS THE RESULTS OF COMMUNITY NEGOTIATIONS ON ENEMY STRENGTHS IN SOUTH VIETNAM.

IT WAS PRODUCED BY THE CENTRAL INTELLIGENCE AGENCY AND HAS A CIA DOCUMENT NO. 349. LET ME SHOW THIS TO COUNSEL FOR CBS, LET HIM PERUSE IT, AND THEN I'D LIKE TO HAVE HIM HAND IT TO YOU.

MR. MASTRO: OFF THE RECORD.

(DISCUSSION OFF THE RECORD)

(RECESS)

MR. MASTRO: I HAVE REVIEWED THIS DOCUMENT, AND I AM NOT SURE WHETHER IT IS A JOINT EXHIBIT OR NOT. WHY DON'T YOU CONTINUE WITH YOUR EXAMINATION, MR. MURRY.

BY MR. MURRY:

Q. MR. STUMPF, DO YOU RECOGNIZE THE DOCUMENT DATED 2 MAY 1968 TITLED "RESULTS OF COMMUNITY NEGOTIATIONS ON ENEMY STRENGTH IN SOUTH VIETNAM" THAT I HAVE PLACED IN FRONT OF YOU?

A. I DON'T SPECIFICALLY RECALL HAVING SEEN IT BEFORE.

Q. CAN YOU ASCERTAIN FROM YOUR REVIEW OF THE DOCUMENTS WHETHER IT IS IN FACT THE REPORT ON THE APRIL, 1968 ORDER OF BATTLE CONFERENCE FOR WHICH YOU PROVIDED THE PAPER ON ADMINISTRATIVE SERVICES?

MR. MASTRO: OBJECTION. THE DOCUMENT SPEAKS FOR ITSELF.
A. I reviewed the covering -- the three-page covering memorandum which is a memorandum from Paul Walsh, the deputy director of economic research, to the director of central intelligence.

This memorandum discusses the differences between CIA and military order of battle positions.

By Mr. Murry:

Q. It says in paragraph 2 of the covering memo that the CIA draft assessment of enemy strengths was presented to a conference with representatives from DIA, MACV, CINCPAC, NSA and the observers from the military services and OSD conference meetings which were held from 10 to 16 April 1968 and several additional meetings were held with DIA.

Does that refresh your recollection as to whether this document pertains to the 1968 order of battle conference?

A. Yes, sir. I was just indicating by my answer that I wasn't -- had not reviewed the appended conference report and couldn't speak to whether that was what it seemed to be.

Q. Now, if you notice on page 26 of the document, do you see there, there is a listing of the MACV CINCPAC DIA estimate of enemy combat forces and the CIA estimate of combat forces as of 31 March 1968?

A. Yes, sir.

Q. Do you see the MACV CINCPAC DIA figure for main and
LOCAL FORCES IS 120,000 PERSONS TO 140,000 PERSONS?

A. YES.

Q. AND THE ADMINISTRATIVE SERVICES FIGURE GIVEN BY MACV CINCPAC DIA IS 35,000 PERSONS TO 40,000 PERSONS?

A. YES.

MR. MASTRO: LET THE RECORD REFLECT THAT MR. MURRY IS READING FIGURES FROM THIS DOCUMENT.

MR. MURRY: INDEED.

Q. NOW, I BELIEVE YOU TESTIFIED EARLIER AND YOU STATED IN YOUR PAPER, DRAFT WORKING PAPER, AND ACCORDING TO YOUR AFFIDAVIT IT WAS THE CIA POSITION THAT AT LEAST 28,000 STAFF AND SUPPORT TROOPS WERE NOT CARRIED IN ADMINISTRATIVE SERVICE BY MACV BUT WERE CARRIED IN THE MAIN FORCE OB.

A. YES.

Q. IF YOU SUBTRACT THOSE 28,000 FROM THE MACV ESTIMATE GIVEN IN THE 2 MAY 1968 REPORT FOR MAIN AND LOCAL FORCES, I BELIEVE YOU COME UP WITH A FIGURE OF 92,000 TO 112,000 FOR MAIN AND LOCAL FORCES.

AND CONVERSELY, IF YOU ADD — WOULD YOU INDICATE OR STATE FOR THE RECORD "YES" OR "NO."

A. YES, AS TO THE 92- TO 112,000.

Q. AND ALSO IF YOU ADD THAT 28,000 FIGURE TO THE MACV FIGURES FOR ADMINISTRATIVE SERVICE, YOU COME UP WITH, I BELIEVE, FIGURES OF INSTEAD OF 35- TO 40,000, 63- TO 68,000; IS THAT CORRECT?
A. YES.

Q. NOW, AS WE MENTIONED BEFORE, YOU STARTED OFF YOUR DRAFT WORKING PAPER WITH THE STATEMENT THAT "IT HAS SEEMED UNREASONABLE TO US THAT THE ENEMY COULD HAVE SO FEW STAFF AND SUPPORT TROOPS IN RELATION TO THEIR MANEUVER STRENGTH." AND I TAKE IT THAT YOU WOULD FIND THE FIGURE OF 35,000 TO 40,000 STAFF AND SUPPORT TROOPS IN RELATION TO 120- TO 140,000 MAIN AND LOCAL FORCE TROOPS TO BE UNREASONABLE; IS THAT CORRECT?

A. YES.

Q. WHAT I'D LIKE TO KNOW IS: WHAT ABOUT A FIGURE OF 63,000 STAFF AND SUPPORT TROOPS TO 92,000 MAIN AND LOCAL FORCES? IS THAT UNREASONABLE?

MR. MASTRO: OBJECTION TO FORM.

A. AGAIN, BASED ON THE EVIDENCE THAT WE HAD IN THE DOCUMENTS, THAT WOULD SEEM TO BE UNREASONABLY LOW.

BY MR. MURRY:

Q. I WANT TO MAKE SURE THAT YOU UNDERSTAND I'M NOT ASKING YOU WHAT YOUR BEST ESTIMATE WAS. I'M ASKING YOU WHETHER A RATIO OF 63,000 SUPPORT TROOPS TO 92,000 MANEUVER TROOPS IS UNREASONABLE.

A. YOU MEAN IN A CONTEXT OF VIETNAM OR --

Q. YES.

MR. MASTRO: OBJECTION. ASKED AND ANSWERED.

OBJECTION TO FORM.
MR. MURRY: I WANT TO --

A. I WOULD THINK SO, YES. I WOULD THINK THAT THAT WOULD BE UNREASONABLY LOW, THAT RATIO.

BY MR. MURRY:

Q. YOU DON'T THINK THAT 63,000 SUPPORT TROOPS COULD SERVICE AND SUPPORT 92,000 MANEUVER TROOPS?

A. NOT IN THE MANNER IN WHICH THE MAIN FORCE NVA WERE SUPPORTED AND EQUIPPED AND ARMORED; NO, I DON'T.

Q. AND YOUR KNOWLEDGE OF HOW THE MAIN FORCE NVA TROOPS WERE SUPPORTED AND EQUIPPED AND SO FORTH CAME FROM READING CAPTURED DOCUMENTS IN WHICH --

A. YES, SIR, AND ALSO IN ADDITION TO THE MILITARY PEOPLE I SPOKE TO IN VIETNAM HAD TOLD ME ABOUT WHAT THESE PEOPLE HAD AND HOW MUCH AMMO THEY APPEARED TO HAVE AND SO ON AND SO FORTH. IT'S A JUDGMENT, TO BE SURE, BUT THAT IS MY OPINION.

Q. AND IT WASN'T ONLY A QUESTION OF HOW THE NVA MAIN FORCE WAS SUPPLIED AND SERVICED, BUT ALSO HOW UNITS DOWN TO THE VC LOCAL FORCE PLATOON WAS SERVICED AND EQUIPPED?

A. YES.

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. THAT WAS A POINT OF REFERENCE FOR ME, YES, SIR.

BY MR. MURRY:

Q. AND WHEN YOU SAY SAID THAT THE RATIO OF 63,000 SERVICE TROOPS TO 92,000 MANEUVER TROOPS WAS NOT REASONABLE IN YOUR OPINION FOR NVA SERVICE REQUIREMENTS --
A. YES.

Q. -- IN ORDER TO BE ACCURATE, YOU'D HAVE TO ALSO TAKE INTO ACCOUNT THE SERVICE REQUIREMENTS OF UNITS ALL THE WAY DOWN TO THE VC LOCAL FORCE COMPANY, WOULD YOU NOT?

A. TO BE SURE.

Q. COULD THE NVA AND VC MANEUVER TROOPS HAVE BEEN SERVICED AT A LEVEL OF 63,000 SUPPORT TROOPS TO 92,000 MANEUVER TROOPS?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. NOT WITH THE LEVEL OF COMBAT EFFECTIVENESS THEY DEMONSTRATED IN VIETNAM, NO, I DON'T THINK SO.

WE HAVE TO RECALL THAT THE NORTH VIETNAMESE AND TO SOME DEGREE VIET CONG HAD VERY LONG SUPPLY LINES AND DIFFICULT CONDITIONS AND INSURGENT CONDITIONS UNDER WHICH TO MAINTAIN AN ARMY WHICH WAS FIGHTING A VERY MODERN ARMY. AND JUST THE REALITIES OF THAT MAKE IT SEEM -- MAKE THAT SORT OF RATIO SEEM IMPOSSIBLE TO ME.

BY MR. MURRY:

Q. LET ME ASK YOU THIS: ISN'T IT A FACT THAT THE VC TROOPS OPERATING IN SOUTH VIETNAM WERE ABLE TO OBTAIN LARGE QUANTITIES OF THEIR FOOD SUPPLIES FROM THE POPULACE OF SOUTH VIETNAM?

A. IT WOULD TAKE ME A MINUTE TO GIVE YOU A CLEAR ANSWER TO THIS QUESTION. THE ANSWER VARIES WITH TIME.

IN THE EARLY YEARS OF THE WAR, YES, IT'S TRUE. IN
'64 AND '65 THEY DID OBTAIN MOST OF THEIR FOOD FROM THE POPULACE; HOWEVER, AS THE WAR PROGRESS IN '66, '67, '68, A RELATIVELY SMALLER AMOUNT WAS OBTAINED FROM THE POPULACE AND CAME IN FROM OUT OF COUNTRY.

Q. WHY WAS THAT, SIR? WHY WERE THEY UNABLE TO OBTAIN AS MUCH OF THEIR FOOD FROM THE POPULACE IN '67 AND '68 AS THEY WERE IN '64 AND '65?

A. THERE ARE SEVERAL REASONS: FIRST, AGRICULTURE BECAME INCREASINGLY DISRUPTED AS THE WAR CONTINUED; SECOND, THESE UNITS WERE MAINLY QUARTERED IN BASE AREAS THAT WERE MOUNTAINOUS AND NOT AMENABLE TO RICE GROWING AND, THEREFORE, IT WAS NECESSARY TO MOVE THE RICE OVER TRAILS.

Q. WAS ALSO ANOTHER REASON THE INCREASING EXTENSION OF THE GOVERNMENT OF VIETNAM CONTROL OVER THE POPULACE OF SOUTH VIETNAM?

A. MR. MASTRO: OBJECTION. OBJECTION TO FORM.

I DON'T THINK THAT WAS MUCH OF A FACTOR IN TERMS OF DENYING RICE TO VC/NVA MILITARY UNITS.

IN THE EARLY YEARS OF THE WAR, MY ANALYSES SHOWED THAT THESE RICE TAXES WERE ABOUT EQUALLY EFFECTIVE IN VIETNAM GOVERNMENT CONTROLLED AREAS AS THEY WERE IN VIET CONG CONTROLLED AREAS.

BY MR. MURRY:

Q. THESE UNITS THAT YOU SAID WERE LOCATED IN BASE CAMPS, WERE SOME OF THEM LOCATED NEAR THE BORDERS OF LAOS,
CAMBODIA AND THE DEMILITARIZED ZONE?

A. YES, THEY WERE.

Q. DO YOU KNOW WHETHER MORE OR LESS THAN HALF OF THESE UNITS WERE LOCATED IN LATE 1967 NEAR THE BORDERS OF LAOS, CAMBODIA OR THE DMZ?

MR. MASTRO: OBJECTION TO FORM. OBJECTION.

A. YOU'RE ASKING ABOUT A VERY PARTICULAR TIME THAT WOULD HAVE A DIFFERENT ANSWER THAN OTHER TIMES.

AT THAT PARTICULAR TIME PRIOR TO TET, APPARENTLY UNBEKNOWNST TO MANY PEOPLE IN MACV, VERY LARGE NUMBERS OF NORTH VIETNAMESE ARMY TROOPS WERE MOVED ACROSS THE BORDER INTO SOUTH VIETNAM, AND THE MAIN FORCE OB WAS A HIGHER NUMBER THAN THE NUMBER INDICATED IN THE DOCUMENT WE'RE EXAMINING.

SO THERE WOULD BE MORE IN THE DMZ AREA AT THAT PARTICULAR TIME. BUT THROUGHOUT MOST OF THE COURSE OF THE WAR, THERE WOULD HAVE BEEN MORE MAIN FORCE UNITS IN THE TAY NINH BASE AREAS.

BY MR. MURRY:

Q. YOU SAY THE TAY NINH AREA. COULD YOU TELL US WHERE TAY NINH IS IN RELATION TO THE BORDERS OF LAOS OR CAMBODIA?

A. TAY NINH IS IN THE LAOS-CAMBODIA-THAI BORDER AREA. IT'S A PROVINCE OF SOUTH VIETNAM WITH A VC AND A GOVERNMENT OF VIETNAM PROVINCE.

Q. THESE ENEMY UNITS WERE FREE TO CROSS THE BORDER FROM SOUTH VIETNAM INTO LAOS AND CAMBODIA, WERE THEY NOT?
A. WITH SOME LIMITATIONS, YES.

Q. THE LIMITATIONS WERE IMPOSED BY AND LARGE BY THE TERRAIN AND INTERDICTIOM BY AMERICAN FORCES; IS THAT CORRECT?

MR. MASTRO: OBJECTION.

A. TERRAIN, B-52 BOMBINGS, THINGS OF THIS SORT. BUT GENERALLY THEY COULD MOVE BACK AND FORTH.

BY MR. MURRY:

Q. ISN'T IT A FACT THAT THE VIET CONG AND NVA HAD SUPPLY FACILITIES IN LAOS AND CAMBODIA BUT ADJACENT TO SOUTH VIETNAM?

A. YES, THERE WERE SOME SUPPLY FACILITIES IN LAOS AND CAMBODIA.

Q. ISN'T IT ALSO TRUE THAT FROM TIME TO TIME IN 1967 AND 1968 ENEMY UNITS MOVED INTO LAOS AND CAMBODIA FROM SOUTH VIETNAM IN ORDER TO UTILIZE THESE SUPPLY FACILITIES?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. YES, PARTICULARLY AFTER COMBAT TOOK PLACE. TO REST THESE TROOPS, THEY WOULD BE MOVED INTO DEEP BASED AREAS WHERE THEYCouldn'T BE HIT; HOWEVER, THESE BASE AREAS IN LAOS AND CAMBODIA, IF THEY WERE SUBORDINATE TO COSVN OR FRONT, WOULD BE VERY CLOSE TO THE BORDER. AND IT WOULD BE A MATTER OF GEOGRAPHY WHETHER ONE CONSIDERED THESE IN SOUTH VIETNAM OR SOMEWHERE ELSE. IT WOULD BE HARD TO FIND THE BORDER IN SUCH AREAS.

THE SUPPORT TROOPS THAT WERE MORE REMOTE FROM THE ACTUAL BORDER AREAS WERE OFTEN REFERRED TO AS STATIONS. AND
THESE STATIONS WERE NOT INCLUDED IN OUR ADMINISTRATIVE SERVICES COUNTS.

BY MR. MURRY:

Q. THE UNITS THAT HAD ACCESS TO SUPPLY STATIONS JUST ACROSS THE BORDER FROM SOUTH VIETNAM IN LAOS AND CAMBODIA, THEY DIDN'T HAVE LONG LINES OF COMMUNICATION, AS YOU PUT IT, DID THEY, SIR?

A. NOT WHEN THEY WERE IN BASE AREAS. BUT WHEN THEY MOVED INTO MANEUVER POSITIONS, WHEN THEY MOVED OUT TO ENCOUNTER ALLIED FORCES, THEY DID. AND THOSE PEOPLE HAD TO BE AVAILABLE FOR THEM.

Q. BUT I THOUGHT YOU TESTIFIED EARLIER THAT AMERICAN FORCES DID NOT ENCOUNTER ADMINISTRATIVE SERVICE ELEMENTS WITH ANY FREQUENCY.

A. THAT'S CORRECT. I'M JUST MAKING A POINT THAT WHEN THE MANEUVER FORCES MOVED OUT TO ENCOUNTER ALLIED FORCES, THEY WOULD NEED TO HAVE LINES OF SUPPLY AND SO ON AND SO FORTH AND BASE AREA SUPPORT BACK IN THEIR BASE AREAS EXTENDING OUT TO WHERE THEY WERE OPERATING. AND THIS WOULD REQUIRE ADMINISTRATIVE SERVICE TROOPS.

Q. ISN'T IT TRUE THAT ON AVERAGE VIET CONG AND NORTH VIETNAMESE MAIN FORCE AND LOCAL FORCE TROOPS IN 1967 Fought ON AN AVERAGE OF ABOUT ONE DAY A MONTH?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. I'M NOT SURE ABOUT THAT RATIO. I'D HAVE TO LOOK AT
WHETHER WE'RE TALKING ABOUT JUST MANEUVER OR COMBAT. IF IT WAS
ONE DAY A MONTH, IT CERTAINLY WOULD HAVE BEEN MORE THAN THE
AVERAGE AMERICAN SOLDIER.

BY MR. MURRY:

Q. IF YOU ARE CORRECT THAT MORE SERVICE TROOPS ARE
NEEDED TO SERVICE A FIGHTING FORCE WITH A LONG LINE OF
COMMUNICATION ENGAGED IN COMBAT, WOULD IT NOT ALSO BE CORRECT
THAT SOMETHING LIKE A SERVICE FORCE SOMewhat SMALLer WOULD BE
ALL THAT WAS NEEDED TO SERVICE A UNIT THAT WAS NOT ENGAGED IN
HEAVY COMBAT AND THAT HAD A SHORT LINE OF COMMUNICATION?

A. THAT'S A REASONABLE PRESUMPTION.

Q. NOW, YOU SAY IN YOUR AFFIDAVIT THAT THE ESTIMATE
CONTAINED IN YOUR DRAFT WORKING PAPER WAS A SOLID ESTIMATE, I
BELIEVE; IS THAT CORRECT?

A. I'LL HAVE TO CHECK MY EXACT WORDS.

Q. LET ME REFER YOU TO PARAGRAPH 13. THE WORDS YOU
USED WERE "A SOUND AND CONSERVATIVE ESTIMATE."

A. YES. THAT'S CORRECT.

Q. DO YOU SEE AT THE END OF PARAGRAPH 5 OF YOUR
AFFIDAVIT THE LAST SENTENCE WHERE YOU REFER TO "THE TENUOUS
NATURE OF MUCH OF THE EVIDENCE"?

A. WE'RE TALKING ABOUT PARAGRAPH 5 IN MY WORKING
PAPER?

Q. IN YOUR WORKING PAPER. I'M SORRY.

AND IN TALKING ABOUT THE EVIDENCE GOING INTO THIS
ESTIMATE OF ADMINISTRATIVE SERVICES YOU SAY, "BECAUSE OF THE
TENUOUS NATURE OF MUCH OF THE EVIDENCE."

AND YOU DIDN'T MENTION ANYTHING IN THE AFFIDAVIT
ABOUT THE EVIDENCE OF THIS ESTIMATE BEING TENUOUS, DID YOU SIR?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. IN MY AFFIDAVIT I DIDN'T CHARACTERIZE THE
UNDERLYING INFORMATION AS BEING TENUOUS, BUT I THINK I
CHARACTERIZED THE OVERALL ESTIMATE AS BEING SOUND AND
CONSERVATIVE GIVEN THE SORTS OF INFORMATION THERE WAS TO WORK
WITH.

BY MR. MURRY:

Q. AND THE INFORMATION THERE WAS TO WORK WITH WAS NOT
VERY GOOD, WAS IT, SIR?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. THROUGHOUT THE ENTIRE OB ESTIMATING PROCESS,
ANALYSTS HAD TO WORK WITH FRAGMENTARY EVIDENCE THAT WAS OFTEN
TENTATIVE. BUT IT IS POSSIBLE TO WORK WITH FRAGMENTARY AND
TENTATIVE EVIDENCE AND PRODUCE SOUND AND CONSERVATIVE ESTIMATES.

YOU NOTICE I USED THE WORD "ESTIMATE" HERE, NOT AN
ASSERTION OF FACT THAT THERE WERE A GIVEN NUMBER OF PEOPLE.

THE ESTIMATE WAS EXPRESSED IN A RANGE THAT WAS
25,000 PEOPLE WIDE, WHICH IS ROUGHLY A FULL THIRD OF THE LOWER
END OF THE ESTIMATE.

I FIGURE THAT TO MY WAY OF THINKING THIS
COMMUNICATES ADEQUATELY TO A REASONABLE READER THAT WE WERE
DEALING WITH SOMEWHAT TENUOUS EVIDENCE.

BY MR. MURRY:

Q. BUT YOUR AFFIDAVIT DOESN'T SAY ANYTHING ABOUT YOU DEALING WITH SOMEWHAT TENUOUS EVIDENCE, DOES IT, SIR?

A. NO, IT DOESN'T, BUT THERE ARE MANY OTHER THINGS THAT MY AFFIDAVIT DOESN'T MENTION EITHER THAT ARE IN THIS DRAFT WORKING PAPER. THE PURPOSE OF THE AFFIDAVIT WASN'T TO REPRODUCE EVERYTHING, BUT TO MAKE THE MOST SALIENT POINTS.

Q. BUT YOU WANTED TO GIVE A FAIR AND ACCURATE REPRESENTATION OF YOUR WORK IN YOUR AFFIDAVIT, DID YOU NOT?

A. CERTAINLY.

Q. AND DESPITE THAT, THE ONLY THING YOU SAID ABOUT THE QUALITY OF THE ESTIMATE WAS THAT IT WAS SOUND AND CONSERVATIVE?

A. YES, I BELIEVE THAT'S AN ACCURATE CHARACTERIZATION OF THE ESTIMATE.

BY MR. MURRY:

Q. YOU DIDN'T MENTION IN THE AFFIDAVIT WHEN TALKING ABOUT THIS ESTIMATE FROM THE NEXT CLAUSE OF THE SENTENCE, "BECAUSE OF THE GROSS ESTIMATES EMPLOYED IN ARRIVING AT SOME OF THE COMPONENTS" OF YOUR ADMINISTRATIVE SERVICE FIGURE, YOU DIDN'T SAY ANYTHING IN THE AFFIDAVIT ABOUT USING GROSS ESTIMATES IN ARRIVING AT SOME OF THE COMPONENTS, DID YOU, SIR?

A. NO. BUT AS I'VE EXPLAINED, I BELIEVE THAT IT'S POSSIBLE TO USE GROSS ESTIMATES, TENUOUS EVIDENCE, FRAGMENTARY
INFORMATION AS SOURCE MATERIAL AND PRODUCE A SOUND AND
CONSERVATIVE ESTIMATE—WHICH IS A WAY OF CHARACTERIZING THE
OVERALL FINISHED PRODUCT—PROVIDED THAT'S EXPRESSED IN A RANGE
WHICH REFLECTS THE NATURE OF THE EVIDENCE INCLUDED.

Q. COULD YOU EXPLAIN HOW —

A. I DID ATTACH TO MY DEPOSITION THIS WORKING PAPER
WHICH DOES INCLUDE THIS INFORMATION ABOUT ALL THE THINGS YOU'VE
MENTIONED, TENUOUS-EVIDENCE AND GROSS ESTIMATES. AND THEY
CERTAINLY WOULD BE AVAILABLE TO THE READER WHO BOtherED TO READ
THE ATTACHMENT.

Q. DO YOU THINK THAT'S MAKING THE MATTER SUFFICIENTLY
CLEAR IF YOU ATTACH THE INFORMATION AND SOMEBODY WANTS TO READ
IT, THEY CAN READ IT?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. I DO, GIVEN THE WAY THAT THE ESTIMATE WAS EXPRESSED
AS A RANGE, A BROAD RANGE. IF MY RANGE HAD BEEN FROM 75,000 TO
75,500, I MIGHT BE PREPARED TO CONCEDE YOU THAT POINT,

MR. MURRY.

BY MR. MURRY:

Q. YOU SAY IN THIS PARAGRAPH THAT BECAUSE OF THIS
TENUOUS NATURE OF MUCH OF THE EVIDENCE AND THE GROSS ESTIMATES
EMPLOYED IN ARRIVING AT SOME COMPONENTS OF YOUR FIGURE OF 84,500
ADMINISTRATIVE SERVICE, YOU EXPRESS THE FIGURE AS A RANGE OF
75,000 TO 100,000.

A. YES.
Q. I wanted to ask you why you thought what you describe as tenuous evidence and gross estimates justified putting in a figure that was not only lower than the 84,000, but also higher than the 84,000.

MR. MASTRO: Objection. Objection to form.

A. The main reason for going with the possibility of a higher figure was that I was of the opinion that many of the NVA units, main force units, had very large admin. service groups attached to them.

Many of these units had fairly complex weaponry. They had various types of heavy explosives: large, very large and heavy mortars, rocket launchers, and so on and so forth. Often fairly sophisticated communications equipment and facilities were found to be involved here. These kind of things tend to suggest, you know, heavier than a one to one relationship. That would be the reason.

By Mr. Murry:

Q. You knew in 1968, did you not, that MACV did not count in its South Vietnam order of battle administrative service units that were located outside of the borders of South Vietnam; isn't that true?

A. If they were far outside the borders, they wouldn't have been included. But if they were very close to the borders, they would be included. It was a matter of reporting relationship, Mr. Murry.
Q. TURNING TO PARAGRAPH 8 OF YOUR DRAFT WORKING PAPER, YOU SAY, AND I QUOTE, "THE QUALITY OF ADMINISTRATIVE SERVICE PERSONNEL VARIES CONSIDERABLY WITHIN GIVEN UNITS, AND SOME PERSONNEL OCCASIONALLY LISTED IN DOCUMENTS—COOKS AND WASHERWOMEN FOR EXAMPLE—MAY BE UNWORTHY OF BEING CARRIED IN THE MILITARY OB."

LET ME ASK YOU, SIR: DO YOU HAVE ANY DOUBT THAT COOKS AND WASHERWOMEN DON'T BELONG IN A MILITARY ORDER OF BATTLE?

A. I GUESS WE HAVE SORT OF A DOUBLE NEGATIVE THERE. I BASICALLY THINK THAT, YOU KNOW, COOKS BELONG IN A MILITARY ORDER OF BATTLE IN MOST INSTANCES WHEN THEY'RE FULL-TIME COOKS FOR MILITARY GROUPS. I MEAN, WE SURE PUT THEM IN THE U.S. ARMY. AND WHEN THEY'RE FULL-TIME LAUNDRY SERVICE PERSONNEL, THEY BELONG IN, TOO.

I THINK THE BEST GUIDE IS WHAT THE ENEMY DOES. BUT THIS IS AN AREA WHERE I SHOULD TELL YOU THAT WE WERE SOMewhat SENSITIVE BECAUSE WE'D BEEN CRITICIZED BY MACV FOR INCLUDING COOKS AND WASHERWOMEN. THEY HAD SAID THAT OUR METHODOLOGY INCLUDED THESE PEOPLE AND THEREFORE IT WASN'T GOOD. AND I GUESS MACV WANTED TO EXCLUDE THE COOKS AND WASHERWOMEN FOR SOME REASON THAT'S DIFFICULT TO FATHOM. I COULD SEE A BASIS FOR IT IF THEY WERE PART-TIME OR SOMETHING, BUT --

Q. YOU FIND IT HARD TO UNDERSTAND WHY MACV DIDN'T WANT TO INCLUDE COOKS AND WASHERWOMEN IN ITS MILITARY ORDER OF
BATTLE?

A. YES, IF THESE ARE FULL-TIME SERVICE PEOPLE, JUST AS THEY'RE INCLUDED IN OUR UNITS.

Q. YOU MENTIONED IN YOUR DRAFT WORKING PAPER THAT MACV HAD, AS YOU PUT IT, SCHELED DOWN SOME NUMBERS OF ADMINISTRATIVE SERVICE PERSONNEL. DO YOU RECALL THAT?

A. YES.

Q. WHEN DID YOU FIRST DISCUSS WITH ANYONE THIS QUESTION OF, AS YOU PUT IT, SCALING DOWN OF ADMINISTRATIVE SERVICE NUMBERS?

A. I FIRST DISCUSSED IT WITH MR. ADAMS.

Q. DO YOU RECALL WHEN?

A. IT WAS AT THE TIME WE WERE CONDUCTING THE ANALYSIS TO PREPARE THIS PAPER.

Q. WHAT DID MR. ADAMS TELL YOU ABOUT THIS MATTER?

A. MR. ADAMS RELATED A CONVERSATION AND EXCHANGE HE HAD HAD WITH A MACV OB ANALYST WHO HAD TOLD HIM OF THESE MARKDOWNS AND SAT DOWN WITH MR. ADAMS AND DEMONSTRATED IN A TYPICAL DOCUMENT HOW THE DISCOUNTS HAD BEEN APPLIED.

Q. DID YOU EVER TALK TO ANY PERSONS FROM MACV ABOUT THIS MATTER?

A. I CAN'T SPECIFICALLY RECALL.

Q. WAS MR. ADAMS THE SOURCE OF YOUR ASSERTION THAT THERE IS NO BASIS FOR WHAT YOU'VE CALLED THE SCALING DOWN?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.
A. DIRECTLY AND INDIRECTLY. I RECALL A DOCUMENT OR SEVERAL DOCUMENTS THAT HAD HANDWRITING ON THEM THAT INDICATED WHAT THIS SCALING DOWN HAD BEEN.

I EXAMINED THESE DOCUMENTS AND COULD FIND NO REASONABLE BASIS TO SCALE THEM DOWN.

BY MR. MURRY:

Q. WHERE DID YOU EXAMINE THESE DOCUMENTS?

A. IT WOULD HAVE BEEN AT CIA HEADQUARTERS.

Q. WHEN DID YOU EXAMINE THESE DOCUMENTS?

A. I CAN RECALL -- I CAN JUST REALL Y VAGUELY RECALL HAVING SEEN THEM AND DISCUSSED THEM WITH SAM THEN. AND MY MEMORY WAS REFRESHED BY ONE OF THE DOCUMENTS THAT WAS DISCOVERED AS A PART OF THIS LITIGATION.

Q. SO YOU WOULD HAVE SEEN THIS DOCUMENT IN 1968; IS THAT CORRECT?

A. YES, OR THEREABOUTS.

Q. DO YOU KNOW HOW IT CAME TO BE THAT YOU WERE IN POSSESSION OF THIS DOCUMENT?

A. IN 1968?

Q. THAT'S CORRECT.

A. I CAN'T SPECIFICALLY RECALL, OTHER THAN IT WAS AS A PART OF AN EXCHANGE WITH MR. ADAMS.

Q. WHEN MR. ADAMS TOLD YOU ABOUT THIS INCIDENT IN WHICH HE HAD HANDED A DOCUMENT TO SOMEONE AFFILIATED WITH MAC, AND THEY HAD SHOWN HIM HOW WHAT YOU CALLED THE SCALING DOWN TOOK
PLACE, DID MR. ADAMS INDICATE TO YOU WHO THIS INDIVIDUAL WAS
THAT HE HAD HANDED THE DOCUMENT TO?

A. I'D BE WILLING TO BET THAT HE DID, BUT I DON'T
REMEMBER WHO IT WAS.

Q. ISN'T IT TRUE THAT MR. ADAMS TOLD YOU, IN
SUBSTANCE, THE INDIVIDUAL TO WHOM HE HAD HANDED THE DOCUMENT HAD
FRANKLY AND OPENLY MADE THESE ADJUSTMENTS THAT YOU'VE REFERRED
TO?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. I SIMPLY CAN'T RECALL WHETHER HE TOLD ME THAT THESE
WERE FRANK AND OPEN REDUCTIONS OR NOT. BUT, YOU KNOW, THE
BOTTOM LINE ON THE REDUCTIONS IS THAT THEY WERE ARBITRARY, THAT
THERE WAS NO BASIS IN READING THROUGH THE DOCUMENT OR ANALYZING
IT TO CONCLUDE THAT VARIOUS GROUPS SHOULD BE CUT BY HALF OR
TWO-THIRDS OR THREE-QUARTERS.

BY MR. MURRY:

Q. MR. ADAMS TOLD YOU IT WAS ARBITRARY; IS THAT
CORRECT?

A. IT WAS MR. ADAMS' OPINION AND MY OWN OPINION UPON
READING THE DOCUMENT.

Q. BUT MR. ADAMS DIDN'T TELL YOU THAT THE
REPRESENTATIVE FROM MACV THOUGHT IT WAS ARBITRARY, DID HE?

A. I CAN'T RECALL THAT.

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

A. I DON'T RECALL WHETHER MR. ADAMS SAID THAT THE MACV
PERSON SAID IT WAS ARBITRARY OR WHETHER HE CONCLUDED THAT IT WAS
ARBITRARY INDEPENDENTLY. YOU KNOW, THIS WAS 17 YEARS AGO.

Q. ISN'T IT ALSO CORRECT THAT YOU DID NOT PERSONALLY
MAKE AN EFFORT TO CONTACT A MACV REPRESENTATIVE AND FIND OUT
WHAT THE BASIS FOR THE CHANGES IN THE NUMBERS WAS?

MR. MASTRO: OBJECTION. OBJECTION TO FORM.

A. IT'S TRUE. GIVEN THE DIFFICULTY I JUST EXPERIENCED
GETTING AROUND WITH MACV, I DIDN'T EXPECT THAT SUCH AN INQUIRY
WOULD HAVE PRODUCED MUCH PRODUCT.

BY MR. MURRY:

Q. WELL, IT HAD PRODUCED SOME PRODUCT WITH MR. ADAMS,
HAD IT NOT?

A. I BELIEVE THIS EXCHANGE TOOK PLACE AT A -- SOME ONE
OF THE ORDER OF BATTLE CONFERENCES AS I JUST VAGUELY RECALL.
YOU KNOW, I HAD OR HAD SEEN THIS DOCUMENT HAD BEEN MARKED DOWN
AND HAD INDICATED THAT THERE HAD BEEN REDUCTIONS.

I DIDN'T SEE THE PURPOSE OF INQUIRING FURTHER WITH
MACV WHERE IN EVERY CASE THEY HAD MADE REDUCTIONS; AND FRANKLY,
I WOULDN'T ANTICIPATE THAT THEY WOULD HAVE TOLD ME THE ANSWER.
AS I'VE EXPLAINED BEFORE, WHAT YOU SEE HERE AS THE
ATTACHMENT TO MY AFFIDAVIT IS A MULTIPAGE DESCRIPTION OF A
METHODOLOGY. HERE IT GOES ON FOR SEVEN PAGES.

THERE WERE OTHER BACKUP DOCUMENTS FOR THIS THAT
DOCUMENTED EACH DOCUMENT IN THE DATA BASE AND SO ON. IT WAS
THERE FOR ANYBODY TO EXAMINE AND UNDERSTAND AND CRITICIZE AS YOU
AND I HAVE BEEN DOING THIS AFTERNOON.

BUT LET'S CONTRAST THAT TO WHAT WAS GOING ON WITH MACV: SIMPLY A LIST OF ORGANIZATIONS THAT THEY'D IDENTIFIED AT SOME POINT AND WRITTEN DOWN SOME STRENGTH NUMBERS FOR AND THEN GONE THROUGH AND WHACKED OFF SOME OF THOSE NUMBERS FOR ONE REASON OR ANOTHER THAT WAS NEVER CLEAR.

YOU'RE LOOKING AT A REASONABLE METHODOLOGY THAT'S DOCUMENTABLE COMPARED TO A PARTIAL LAUNDRY LIST OF MILITARY UNITS.

Q. YOU DON'T KNOW, DO YOU, SIR, WHAT BACKUP MACV HAD FOR THE PIECE OF PAPER THAT MR. ADAMS SHOWED YOU WITH THESE NUMBERS ON IT, DO YOU?

A. AS I RECALL FROM DISCUSSIONS WITH MR. ADAMS, THERE WASN'T ANY BACKUP.

Q. BUT THAT'S WHAT MR. ADAMS TOLD YOU, CORRECT?

A. CORRECT.

Q. YOU DON'T KNOW YOURSELF WHETHER THERE WAS ANY BACKUP OR NOT, DO YOU?

A. I DON'T KNOW WHETHER THERE WAS ANY BACKUP OR WHETHER THAT BACKUP WAS REASONABLE. BUT GIVEN THE NATURE OF THE DOCUMENT, ONE WOULD NOT EXPECT THAT THERE WOULD BE ANY BACKUP --- AT LEAST THE DOCUMENT I REMEMBER SEEING.

Q. DIDN'T YOU TESTIFY THAT MR. ADAMS HAD WRITTEN DOWN ON A PIECE OF PAPER CERTAIN UNITS, GIVEN IT TO A MACV REPRESENTATIVE, AND THE MACV REPRESENTATIVE SHOWED HOW HE WOULD
Scale these figures down?

Mr. Mastro: No, that's not what he testified to.

Objection.

Mr. Murry: He can tell me if that's not what he testified to. You can object.

Mr. Mastro: I am objecting, Mr. Murry. There is no need to raise your voice.

Mr. Murry: There is no need to tell him what he testified to. If that's not what he testified to, he can say that.

Q. If I misstated what you said, sir, please, I apologize; and put on the record your best recollection.

A. What I recall seeing on paper was a captured document. I'm guessing it was a district level administrative service group. I'm again reaching back in memory and thinking it might even have been long dat district, but again, I'm not sure of that. I'm giving you everything I remember.

And it had a list of different service people that were part of the administrative service group. It broke them out by function. For example, medics 15--these are just examples--armorers, 6, and so on and so forth by category;

training cadres, 18.

And in pencil next to these numbers in the captured document were other numbers, lower numbers that had been picked up by MACV in its order of battle. They were just annotations.
THAT HAD BEEN MADE DOWN THIS DOCUMENT. THIS WAS AN EXAMPLE OF
THE DISCOUNTING OF ADMINISTRATIVE SERVICES PERSONNEL.

BY MR. MURRY:

Q. TO THE BEST OF YOUR KNOWLEDGE WERE THE ENEMY
ENTITIES REFLECTED IN THIS PIECE OF PAPER, THIS CAPTURED
DOCUMENT OR WHATEVER, ADMINISTRATIVE SERVICE ENTITIES THAT WERE
KNOWN TO MACV?

A. IT WAS ONE ADMINISTRATIVE SERVICE ENTITY WITH
SUBGROUPS THAT PERFORMED FUNCTIONS. WHETHER OR NOT THAT ENTITY
WAS KNOWN TO MACV BEFORE THE CAPTURE OF THIS DOCUMENT, I CAN'T
SAY.

THEY MIGHT HAVE HAD ANOTHER DOCUMENT. BUT AT THIS
ONE POINT IN TIME WE HAD A STRENGTH REPORT THAT SAID, YOU KNOW,
such and such admin. service battalion has so many people total,
and breaks them out. And then somebody has gone through with a
red pencil and cut them back and stuck the cut-back number in
the ob.

Q. DID YOU EVER ATTEMPT TO ASCERTAIN YOURSELF WHETHER
THE FIGURES IN THE REPORT -- THE CAPTURED ENEMY DOCUMENT AS
WRITTEN OR THE REVISED MACV FIGURES WERE MORE ACCURATE FOR THAT
PARTICULAR ADMINISTRATIVE SERVICE ELEMENT?

A. I DID NOT, BUT, YOU KNOW, THE DOCUMENT ITSELF WAS
EVIDENCE THAT THIS GROUP IN THIS STRENGTH REPORT HAD THAT MANY
PEOPLE. AND IT WAS CUSTOMARY DURING THE WAR WHEN YOU HAD A
STRENGTH REPORT TO ACCEPT THAT NUMBER AND NOT WRITE IT DOWN, NOT
Q. EVEN IF YOU HAD CONFLICTING EVIDENCE ON THE STRENGTH OF THE UNIT?

A. AGAIN, I CAN'T SPEAK TO EVERY CASE BECAUSE I DIDN'T SIT DOWN AT THE MACV ANALYSTS' SIDE WHILE THEY DID THESE THINGS. BUT NORMALLY A STRENGTH REPORT, AN OFFICIAL REPORT FOR A UNIT, WAS ACCEPTED AS BEING THE BEST SOURCE OF INFORMATION ON WHAT THE STRENGTH OF THAT UNIT WAS.

THERE WAS NOT NORMALLY ANOTHER SOURCE OF INFORMATION THAT WAS A MORE VALUABLE SOURCE.

BY WAY OF EXPLANATION, LET'S SAY, PERHAPS YOU MIGHT HAVE A PRISONER FROM THAT UNIT, AND IT WAS AT THE SAME TIME THE STRENGTH REPORT EXISTED. YOU COULD POTENTIALLY ASK THAT PRISONER HOW MANY PEOPLE WERE IN HIS UNIT.

THAT SOUNDS GREAT IN OUR CONTEXT. BUT WITH THE VIETNAMESE, WE FOUND THAT VERY OFTEN THEY HAD NO IDEA HOW MANY PEOPLE WERE IN THEIR UNIT. THEY WOULD HAVE A COMPANY AND THEY WOULD TELL US THAT THERE WERE 1500 PEOPLE IN THE COMPANY, YOU KNOW, THINGS WHICH MADE ABSOLUTELY NO SENSE.

IT WAS JUST THAT NUMBERS SUCH AS THAT WEREN'T THEIR THING. SO DOCUMENTS WERE NORMALLY CONSIDERED THE BEST SOURCE ON THIS.

Q. WEREN'T THESE DOCUMENTS ALSO PREPARED BY THESE SAME VIET CONG FOR WHOM, AS YOU PUT IT, NUMBERS WEREN'T THEIR THING?

A. WELL, THEY WERE PREPARED BY MORE EDUCATED, MORE
SENIOR, OFTEN ADMINISTRATIVE SERVICES-TYPE CADRE WHOSE THING WAS TO DO THAT, WHEREAS THE FOOT SOLDIERS, IT WASN'T THEIR THING.

I WANTED TO MENTION ONE OTHER POINT TO COMPLETE AN ANSWER FOR YOU, MR. MURRY.

YOU ASKED ME WHETHER OR NOT I HAD GONE AND CHECKED THE DISCOUNTING WITH MACV. AND I GOT TO PARTIALLY RESPOND THAT NO, I HADN'T INDEPENDENTLY CHECKED WITH MACV. BUT AS YOU CAN SEE HERE IN THIS WORKING PAPER THAT WAS GIVEN TO MACV, WE HAD MENTIONED THIS, THESE MARKDOWNS. AND I CAN'T RECALL ANY OBJECTION FROM MACV AT THE TIME TO IT OR DENIALS THAT THEY HAD DONE THIS.

Q. WHAT DID THE REPRESENTATIVES OF THE CENTRAL INTELLIGENCE AGENCY SAY ABOUT THESE MARKDOWNS, AS YOU PUT IT, AT THE 1968 CONFERENCE?

A. WE CITED IT AS ONE OF THE REASONS WHY THE MACV ADMINISTRATIVE SERVICES ORDER OF BATTLE WAS TOO LOW.

Q. YOU SAID EARLIER TODAY THAT— I BELIEVE I HAVE YOUR LANGUAGE HERE—MACV'S ADMINISTRATIVE SERVICE NUMBER INCLUDED TOO FEW PEOPLE FOR THE RATIO THAT WAS KNOWN TO EXIST BETWEEN ADMINISTRATIVE SERVICE TROOPS AND MANEUVER TROOPS.

ISN'T IT A FACT, SIR, THAT THERE WASN'T A RATIO THAT WAS "KNOWN" TO EXIST, BUT THERE WAS ONLY AN ESTIMATE?

MR. MASTRO: OBJECTION.

A. IF I SAID "KNOW," I SHOULD CORRECT MYSELF. I CERTAINLY DON'T WANT TO PORTEND THAT. IT'S AN ESTIMATE,
CLEARLY.

BY MR. MURRY:

Q. LET ME ASK YOU TO TURN TO PARAGRAPH 15 OF YOUR AFFIDAVIT. DO YOU SEE THE LAST SENTENCE THERE WHERE YOU SAY THAT "GRAHAM," MEANING COLONEL DANIEL O. GRAHAM, "COULD NOT HAVE BEEN ARGUING IN GOOD FAITH, GIVEN THE EVIDENCE CONTRADICTING HIS POSITION," YOU SAY. DO YOU SEE THAT, SIR?

A. YES, I DO.

Q. LET ME SHOW YOU A DOCUMENT THAT HAS BEEN MARKED AS JOINT EXHIBIT 312. WE HAVE REFERRED TO THIS THROUGH THE COURSE OF THIS LITIGATION AS THE CINCPAC MACV DISSENT TO THE CIA ORDER OF BATTLE ANALYSIS, SOUTH VIETNAM.

MR. MASTRO: SPEAKING FROM MEMORY NOW, AS MR. MURRY KNOWS, WE HAVE HAD SOME PROBLEMS IN THE PAST WITH DESIGNATIONS OF JOINT EXHIBITS. MR. MURRY ALSO KNOWS THERE WERE A NUMBER OF DOCUMENTS DESIGNATED BY PLAINTIFF AS JOINT EXHIBITS IN CONNECTION WITH THE OPPOSITION PAPERS WHICH PLAINTIFF FILED WITH THE COURT IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT WHICH WERE NOT AT THAT POINT IN TIME—AND I DO NOT BELIEVE AT THIS POINT IN TIME—AND HAVE YET TO BE ACCEPTED AS JOINT EXHIBITS.

I DO NOT KNOW WHETHER THIS IS SUCH A DOCUMENT. AND FROM MEMORY I CANNOT SAY NOW WHETHER IT IS AN ACCEPTED JOINT EXHIBIT OR NOT.

IS THERE A PARTICULAR PAGE OF THE DOCUMENT THAT YOU
I WANT THE WITNESS TO READ, MR. MURRY?

MR. MURRY: YES.

I WOULD LIKE HIM TO READ WHAT IS MARKED IN THIS BOOK WHICH IS THE APPENDIX B TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS PAGE B 296. THERE IS A PARAGRAPH WITH A LOWER CASE B DISCUSSING ADMINISTRATIVE SERVICE FORCES.

I WILL REPRESENT TO THE WITNESS THAT THIS DOCUMENT IS A TRUE PHOTOCOPY OF A REPORT FILED BY MACV AND CINCPAC AFTER THE 1968 ORDER OF BATTLE CONFERENCE AT WHICH THE WITNESS PRESENTED HIS ESTIMATE OF ADMINISTRATIVE SERVICES.

I'D LIKE THE WITNESS FIRST OF ALL TO READ THE PARAGRAPH TO HIMSELF, AND THEN I WANT TO ASK HIM JUST A COUPLE OF QUESTIONS ABOUT IT.

MR. MASTRO: THE WITNESS IS FREE TO READ AS MUCH OR AS LITTLE OF THAT DOCUMENT AS HE FEELS.

MR. MURRY: ABSOLUTELY.

READ AS MUCH OF THE DOCUMENT AS YOU WANT. I'D APPRECIATE IT IF YOU AT LEAST READ THE PARAGRAPH.

MR. MASTRO: I CANNOT AS WE SIT HERE TODAY VERIFY WHETHER OR NOT THAT IS A TRUE COPY OF THE COMPLETE DOCUMENT. AS MR. MURRY KNOWS, MANY OF THE DOCUMENTS INCLUDED IN THIS APPENDIX WERE EXCERPTS.

MR. MURRY: I WILL REPRESENT TO YOU THAT THAT IS THE COMPLETE REPORT BY MACV CINCPAC.