

2 February 1973

MEMORANDUM FOR THE RECORD

SUBJECT: Possible Exculpatory Evidence

1. My name is Samuel Alexander Adams. My address is Route 4, Box 240, Leesburg, Virginia, Zip Code 22075. I am presently employed as an analyst at the Central Intelligence Agency (CIA), where I have worked for the last ten years. Between September 1965 and April 1972, I conducted research on our adversaries in Indo-China. From August 1966 on, I was involved in studying the enemy's ground Order of Battle (OB) -- that is, the numerical strength of his ground forces, as variously defined. Between August 1966 and December 1967, I was the only CIA analyst so involved on a more or less full-time basis. In the two months following the Tet offensive of late January 1968, I wrote or edited most CIA studies on the Communist OB in South Vietnam.

2. On 23 January 1973, a copy of New York Times City Edition of 20 January came to my attention. I skimmed the front page, and noticed an article in Columns 1 and 2 entitled "Pentagon Paper 'Secrets' Cited in Public Document," by Martin Arnold, dated Los Angeles, 19 January. Seeing mention of the Communist Tet offensive on the front page, I read the article in its entirety, including its continuation.

on page 15. Two passages in the article struck me as particularly interesting. They were:

- a) "Thus, the 1968 Joint Chiefs of Staff memo, which General Depuy (identified by The Times as a government witness) said was dangerous to make public, said this:

'He (the enemy) committed over 67,000 combat maneuver forces plus perhaps 25 percent were impressed men and boys for a total of about 84,000.'

The general said that this information in the Joint Chiefs report, which was written in the latter part of February 1968, could help Hanoi evaluate American and South Vietnamese intelligence, and was 'sensitive' even now, in his opinion."

(column 3, page 15)

- b) "The 1968 Joint Chiefs of Staff memo said, 'Probably the only major unit to escape heavy losses was the 7th NVA (North Vietnamese) Division. However, present dispositions give the enemy the continuing capability of attacking in the Saigon area with 10 to 11

combat effective battalion equivalents.' Again, the General found making this information public harmful to American forces in Vietnam."
(column 4, page 15)

3. The Times article did not state the ultimate source of the statistics in the JCS memorandum. However, I remember that in February 1968, the customary source for such statistics was the intelligence component (J-2) of the US Military Assistance Command Vietnam (MACV).

4. I have recently uncovered what I consider excellent evidence which tends to confirm what I suspected at the time -- that MACV J-2 had deliberately fabricated Order of Battle statistics to make the enemy appear weaker than he actually was. This evidence is presented in three memoranda I wrote, which the CIA General Counsel sent to the Assistant Attorney General for the Internal Security Division of the Department of Justice on 31 January 1973. One of the memoranda alleged that a deliberate fabrication of the OB had occurred in September 1967. Another advanced evidence that the fabrication continued into the following months. The possibility was raised that General Westmoreland may have originated the orders which led to the fabrications.

5. I believe the fabrications alleged in the memoranda bear directly on the reported testimony of General DePuy. The number "67,000," for example (See Para 2a) was probably based on MACV Order of

Battle holdings which had been lowered by the use of deliberately "conservative" methodologies. (This method of fabrication was alleged in one of my memoranda). Furthermore, the statement that there were only "10-11 combat effective battalion equivalents" left to attack Saigon (See Para 2b) probably arose from the manipulation of an OB data base which -- as alleged in my memoranda -- had been deliberately fabricated for some months.

6. This led me to question whether the release of these statistics -- which I believe were based on fabricated OB holdings -- helped enemy intelligence or harmed American forces in Vietnam, as reportedly alleged by General DePuy. The question may be unanswerable. I would merely point out that the only document I have read bearing on the point suggests they were at a loss to understand how we arrived at our estimates. I do not know whether their intelligence suspected our OB holdings were fabricated, as I have alleged.

7. Information in the Times article brought to my mind another possibility -- that General DePuy, the government witness, may have had some knowledge of the OB fabrications, which came to be alleged in my recent memoranda. The Times article notes (page 15, Column 3) that General DePuy helped edit a report written by General Westmoreland "early in 1968." This would suggest they were then close associates. The report, edited by General DePuy contained the number 84,000, apparently identical to the one in the JCS memo 67,000. Para 5, above, suggests the figure 67,000 was based on deliberately lowered OB holdings.

8. Unfortunately, I am unable to state with any assurance who in the MACV high command was responsible for, or aware of, the alleged fabrications. My repeated attempts to get the matter looked into have been so far unavailing, as far as I can make out. The US Army Inspector General is aware of the charges, and informed of the fact that violations may have occurred of the Uniform Code of Military Justice. But in a letter to me dated 23 January 1973, he disclaimed responsibility for starting an investigation. Likewise, the Army Chief of Staff of Intelligence knows of my allegations. I have yet to hear from him.

As noted in Para 2a above, the victim component of the 84,000 number was

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9. I swear that to the best of my knowledge
the above statements are true.

STAT

IN WITNESS:

Samuel A. Adams
Central Intelligence Agency

Assistant General Counsel

Home Phone:

Mr. Colby:

The attached is ~~is~~ from General DePuy.

Barbara
6 Feb 73